By Mr. LAFEAN: Memorial of General J. H. Smith Post, No. 83, Veterans of Foreign Wars of the United States, San Francisco, Cal., favoring House bill 13671 and Senate bill 5115; to the Committee on Military Affairs.

By Mr. McARTHUR: Invitation from Rose Festival Association, of Portland, Oreg., to Columbia River highway opening; to the Committee on Rivers and Harbors.

By Mr. MORIN: Petition of Dr. Chevalier Jackson, of Pittsburgh, Pa., in favor of adequate provisions for Medical Corps and Medical Reserve Corps; to the Committee on Military Affairs.

Also, petition of Dr. John D. Mulligan, E. S. Morgan, and J. K. H. Tucker, all of Pittsburgh, Pa., in favor of investigation of Standard Oil Co. and export tax on gasoline; to the Committee on Ways and Means.

By Mr. O'SHAUNESSY: Petitions of sundry citizens of Rhode Island, in re military preparedness; to the Committee on Military Affairs.

Also, memorial of sundry firms, in re postal legislation; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of Rhode Island, protesting against proposed bill for Federal censorship of moving pictures; to the Committee on Education.

Also, memorial of Boston Chamber of Commerce, in re tariff commission; to the Committee on Ways and Means.

Also, memorial on postalizing the wires; to the Committee on the Post Office and Post Roads.

By Mr. PRATT: Petition of South Pulteney Grange, No. 1388, Mr. George H. Schoeffler, master, and Mrs. Charles C. Potter, secretary, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of W. H. Baker, master, and sundry other members of Schuyler County Grange, No. 42, Beaver Dams, N. Y., favoring national prohibition; to the Committee on the Judiciary.

By Mr. RAKER: Memorial of Seattle Chamber of Commerce on the subject of American control in the Philippines; to the Committee on Insular Affairs.

By Mr. RANDALL: Memorial of Methodist Episcopal Church of Baldwin Park, Cal., favoring prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Mrs. J. B. Davis and 12 others of Huntington Park, Cal., protesting against House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

Also, petition of First Congregational Church of Los Angeles, Cal., favoring national prohibition; to the Committee on the Judiciary.

By Mr. ROWE: Memorial of Board of Aldermen of New York, indorsing the Griffin bill; to the Committee on the Post Office and Post Roads.

Also, memorial of New York Young Republican Club, in re preparedness; to the Committee on Military Affairs.

Also, petition of Richey, Browne & Donald, of Maspeth, N. Y., in re the Tavenner bill; to the Committee on Labor.

Also, memorial of Congressional Union of the sixth congressional district of Brooklyn, favoring the Susan B. Anthony amendment; to the Committee on the Judiciary.

By Mr. SCOTT of Michigan: Petition of citizens of Kalkaska County, Mich., favoring national prohibition; to the Committee on the Judiciary.

By Mr. SCULLY: Memorial of General J. H. Smith Post, No. 83, Veterans of Foreign Wars of the United States, of San Francisco, Cal., favoring House bill 13671 and Senate bill 5115; to the Committee on Military Affairs.

By Mr. STINESS: Petitions of Rhode Island Citizens' Historical Association, favoring prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of John E. Burke and Frederick W. Tillinghast, of Providence, R. I., favoring the Chamberlain bill, especially section 56; to the Committee on Military Affairs.

Also, petition of Baird-North Co., of Providence, R. I., favoring the Tague bill for 8-cents-a-pound rate of postage on catalogues, circulars, etc.; to the Committee on the Post Office and Post Roads.

Also, petition of Screw Machine Products Co., of Providence, R. I., favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. TEMPLE: Petition of the Presbyterian Church of Claysville, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of F. J. Parker and 22 citizens of New Castle, Pa., opposing House bill 13048; to the Committee on the District of Columbia.

Also, petition of the United Presbyterian Church of Claysville, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of the Methodist Episcopal Church of Claysville, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of the Westminister Church of Burgettstown, Pa., in favor of national prohibition; to the Committee on the Judiciary.

Also, petition of the First Presbyterian Church of Burgettstown, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of the First Methodist Episcopal Church of Ellwood City, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of the Christian Church of Wampum, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of J. R. Bell, recording secretary, Patriotic Order Sons of America, Florence, Pa., opposing the juvenile court bill for the District of Columbia; to the Committee on the District of Columbia.

By Mr. TILSON: Petition of Woman's Foreign Missionary Society of the First Methodist Episcopal Church of New Haven, Conn., for an amendment of the pure food and drugs act; to the Committee on Agriculture.

Also, petition of Woman's Foreign Missionary Society of the First Methodist Church of New Haven, Conn., favoring legislation to prohibit the sale of liquor in the Philippine Islands; to the Committee on Alcoholic Liquor Traffic.

Also, petition of Woman's Foreign Missionary Society of the First Methodist Church of New Haven, Conn., favoring legislation to prohibit the exportation of rum to Africa; to the Committee on Alcoholic Liquor Traffic.

Also, petition of Woman's Foreign Missionary Society of the First Methodist Church of New Haven, Conn., favoring a national antigambling law; to the Committee on the Judiciary.

Also, petition of Woman's Foreign Missionary Society of the First Methodist Episcopal Church of New Haven, Conn., for a Federal motion-picture commission; to the Committee on Education.

Also, petition of Woman's Foreign Missionary Society of the First Methodist Church of New Haven, Conn., urging legislation at once to prohibit the mailing of lottery advertisements from foreign nations; to the Committee on Interstate and Foreign Commerce.

Also, petition of Woman's Foreign Missionary Society of the First Methodist Episcopal Church of New Haven, Conn., urging legislation to exclude gambling devices from the mails; to the Committee on the Post Office and Post Roads.

Also, petition of Woman's Foreign Missionary Society of the First Methodist Episcopal Church of New Haven, Conn., for a Sunday rest law in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Woman's Foreign Missionary Society of the First Methodist Episcopal Church, to prohibit sectarian appropriations by constitutional amendment; to the Committee on the Judiciary.

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## SENATE.

### FRIDAY, *April 21, 1916.*

*(Legislative day of Thursday, April 20, 1916.)*

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

#### GOOD ROADS.

The Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 7617) to provide that in order to promote agriculture, afford better facilities for rural transportation and marketing farm products, and encourage the development of a general system of improved highways, the Secretary of Agriculture, on behalf of the United States, shall in certain cases aid the States in the construction, improvement, and maintenance of roads which may be used in the transportation of interstate commerce, military supplies, or postal matter.

Mr. WORKS. Mr. President——

Mr. STERLING. Will the Senator from California yield to me for a moment?

Mr. WORKS. I yield to the Senator from South Dakota.

Mr. BANKHEAD. I understand that the Senator from South Dakota has risen to suggest the absence of a quorum. I wish to give notice that when the roll has been called I shall ask unanimous consent, when we get a quorum, to fix an hour sometime this afternoon when we can vote on this bill.

Mr. STERLING. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

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

| | | | |
|---|---|---|---|
| Ashurst | Harding | Myers | Smoot |
| Bankhead | Hardwick | Nelson | Sterling |
| Beckham | Hollis | Norris | Stone |
| Brandegee | James | Oliver | Sutherland |
| Burleigh | Johnson, Me. | Page | Taggart |
| Chamberlain | Johnson, S. Dak. | Pomerene | Tillman |
| Chilton | Jones | Ransdell | Vardaman |
| Clapp | Kenyon | Saulsbury | Wadsworth |
| Clark, Wyo. | Kern | Shafroth | Warren |
| Curtis | La Follette | Sheppard | Weeks |
| Dillingham | Lane | Simmons | Works |
| Gallinger | Martin, Va. | Smith, Ariz. | |
| Gore | Martine, N. J. | Smith, Md. | |

Mr. CHILTON. I wish to announce that the Senator from Texas [Mr. CULBERSON], the Senator from North Carolina [Mr. OVERMAN], the Senator from Montana [Mr. WALSH], the Senator from New York [Mr. O'GORMAN], and the Senator from Georgia [Mr. SMITH] are engaged in an important hearing before the Judiciary Committee.

I wish to announce for the day that my colleague [Mr. GOFF] is absent on account of illness.

Mr. KERN. I desire to announce the unavoidable absence of the senior Senator from Florida [Mr. FLETCHER]. He is absent on official business. This announcement may stand for the day.

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present. The Senator from Alabama presents a proposed unanimous-consent agreement, which will be read.

The Secretary read as follows:

It is agreed by unanimous consent that at not later than 5 o'clock on the calendar day April 21, 1916, the Senate will proceed to vote upon any amendment that may be pending, any amendment that may be offered, and upon the bill H. R. 7617, the good-roads bill, through the regular parliamentary stages to its final disposition.

The VICE PRESIDENT. Is there objection?

Mr. OLIVER. Mr. President, I will have to object to that.

Mr. BANKHEAD. Does the Senator from Pennsylvania object?

Mr. OLIVER. I do.

Mr. POMERENE. I did not understand the statement made by the Senator from Pennsylvania.

Mr. OLIVER. It was simply an objection, Mr. President.

Mr. WORKS resumed and concluded the speech begun by him yesterday. The speech entire is as follows:

Mr. WORKS. Mr. President, I rise to oppose the pending bill. I appreciate the fact that it is an unpopular thing to do, as it is avowedly legislation in the interest of the States and particularly of the farmers of the several States. But the bill is so clearly vicious as a matter of policy and to my mind it is so clearly against the spirit if not the letter of the Constitution, that I feel it incumbent upon me to discuss the bill at some length.

I have had occasion to say heretofore that the present tendency of legislation in Congress is to wipe out almost completely the dividing line between the sovereignty and jurisdiction of the States and the Federal Government, and that this has been brought about largely by the desire of the States to secure appropriations of money from the National Government. To my mind it has become a serious situation. Some other Senators do not seem to regard it so.

But, sir, in order to show what the present tendency is in that direction, I am going to call the attention of the Senate to a list of the bills that have been introduced in this body and the House of Representatives with a view to securing appropriations by the Congress of the United States for the benefit of the individual States.

This bill appeals more strongly perhaps to Congress than any of the others, because every State represented by every Member of this body and of the other House of Congress is to have a part of the loot. But that, to my mind, only makes the situation worse.

The list to which I am about to call the attention of the Senate should not only attract the attention of this body but of the whole country as showing what is proposed to be done in the way of securing money out of the National Treasury.

I first call attention to bills introduced in the Senate, with a statement of what their purposes are.

SENATE BILLS.

CITRUS CANKER.

S. 1220 (Mr. FLETCHER). Arrest and eradicate citrus canker, appropriating ..... $4,000,000

PUBLIC HEALTH.

S. 2214 (Mr. RANSDELL). Encourage rural sanitation, with special reference to prevention and suppression of malaria and typhoid fever ..... 500,000

S. 3202 (Mr. NORRIS). Federal aid in caring for indigent tuberculous persons ..... 2,000,000

(To be expended under direction of Secretary of the Treasury and supervision of the Surgeon General of the Public Health Service.)

S. 4086 (Mr. RANSDELL). Care of persons afflicted with leprosy and to prevent spread of leprosy ..... $250,000

(Administered by United States Public Health Service.)

PUBLIC ROADS.

S. 46 (Mr. SMOOT). Granting State of Utah 1,000,000 acres of land to aid in construction and maintenance of public roads, to be sold at $1.25 per acre. Loss to United States ..... 1,250,000

S. 731 (Mr. WARREN). Granting State of Wyoming 1,000,000 acres, for same purpose as above, to be sold at public auction.

S. 732 (Mr. WARREN). Granting to each of the States of Arizona, Colorado, Idaho, Montana, New Mexico, Nevada, Utah, and Wyoming 1,000,000 acres as above.

S. 815 (Mr. MCCUMBER). Granting State of North Dakota 300,000 acres of land to aid in maintenance of system of public roads, to be disposed of at public sale.

S. 1215 (Mr. SHAFROTH). Granting State of Colorado 1,000,000 acres of land to aid in maintenance and construction of public roads. Patent to be issued to State.

S. 1216 (Mr. SHAFROTH). Building and improvement of public roads by cooperation, equal amounts to be contributed by individuals, county, State, and Government, beginning with $10,000.

S. 1218 (Mr. BANKHEAD). United States to aid States in the construction of rural post roads, Secretary of Agriculture to cooperate with State highway department of each State, appropriating for year ending June 30—

| | |
|---|---|
| 1917 | 2,000,000 |
| 1918 | 5,000,000 |
| 1919 | 10,000,000 |
| 1920 | 15,000,000 |

Certain apportionment to be made to each State.

S. 2203 (Mr. SWANSON). United States to aid States in construction and maintenance of rural post roads, in amount not exceeding in any calendar year ..... 25,000,000

S. 2381 (Mr. MYERS). Granting public lands to Arizona, Colorado, Idaho, Montana, New Mexico, Nevada, Utah, and Wyoming, each, 250,000 acres, to be sold at public auction.

S. 3398 (Mr. BRYAN). Create United States highway fund for good roads, now or hereafter needed for post roads, military, or interstate commerce. Bonds to be issued in denominations of $20 or multiples, payable in 50 years at 3 per cent, total issue not to exceed ..... 500,000,000

S. 3517 (Mr. GORE). Cooperative highways act in aid of States accepting the act, for construction rural post and military roads, etc., for year ending June 30—

| | |
|---|---|
| 1917 | 7,500,000 |
| 1918, not more than | 12,500,000 |
| 1919, not more than | 17,500,000 |
| And for next succeeding 6 fiscal years, not more than | 25,000,000 |

S. 3591 (Mr. SHEPPARD). Aid States in the construction and maintenance of rural roads, to be appropriated in any fiscal year, not more than ..... 25,000,000

S. J. Res. 31 (Mr. SHEPPARD). Survey Rio Grande border of United States to determine advisability of highway, either along entire border or certain sections, and to make estimate of cost; to defray cost of such survey authorized to spend ..... 25,000

EDUCATIONAL.

S. 813 (Mr. MCCUMBER). Granting to the several States where there are unappropriated public lands, to each 500,000 acres for penal, charitable, and educational institutions; land to be sold for not less than $10 an acre.

S. 50 (Mr. SMOOT). Aid to establish school or department of instruction in mines and mining, to each State and Territory, from sales of public lands, year beginning July 1—

| | |
|---|---|
| 1912 | 5,000 |
| 1913 | 10,000 |
| 1914 | 15,000 |
| 1915 | 20,000 |
| 1916 | 25,000 |

And $25,000 for each succeeding year.

S. 703 (Mr. SMITH of Georgia). Vocational educational bill, appropriated to the States year ending June 30—

| | |
|---|---|
| 1916 | 500,000 |
| 1917 | 750,000 |
| 1918 | 1,000,000 |
| 1919 | 1,250,000 |
| 1920 | 1,500,000 |
| 1921 | 1,750,000 |
| 1922 | 2,000,000 |
| 1923 | 2,500,000 |
| 1924 | 3,000,000 |

And annually thereafter $3,000,000.

AGRICULTURAL.

S. 926 (Mr. BORAH). Agricultural capital act, to establish division of scientific distribution and marketing of agricultural and other products; separate branch of the Government, under board of directors of 15 members, to remain in power and control of agricultural producers of United States, each member to receive salary of $12,000 a year, except president and secretary, who shall receive $15,000 a year. Appropriation ..... 5,000,000

And sum equal to $15,000 for each additional organization made part of this asociation after original 300 counties have been organized. This sum or sums to be repaid to the Treasury with interest at 2 per cent per annum, payable annually after the second year of completion of organization of association, provided repayments may be made in sums of $15,000, or duplicate thereof, at any time

The Senator from Idaho [Mr. BORAH] says to me that that bill did not pass. Very few of these bills have passed.

Mr. BORAH. Mr. President——

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

Mr. WORKS. I do.

Mr. BORAH. I will say also that the bill shows that it was introduced by request.

Mr. WORKS. Very few of these bills have passed, Mr. President. I am not submitting this list for the purpose of showing that they have passed. I am simply showing the tendency of the present legislation in the direction I have stated.

S. 459 (Mr. WILLIAMS). Drainage fund and reclamation of swamp lands, a certain proportion of sales of public lands in Alabama, Arkansas, Florida, Illinois, Indiana, Iowa, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, and Wisconsin, beginning with June 30, 1902, and in addition appropriates ..... $2,000,000

S. 724 (Mr. WARREN). Aid to States establishing irrigation projects, approved by Secretary of Interior, United States to guarantee interest on bonds to be issued by district for that purpose.

S. 1383 (Mr. ROBINSON). To investigate and survey swamp lands of Mississippi Valley, appropriation ..... 500,000

S. 1922 (Mr. JONES). To aid States in forming irrigation districts, United States to guarantee bonds (duplicate of S. 724).

S. 1738 (Mr. MYERS). To promote instruction in forestry in States and Territories which contain national forests, 5 per cent of gross receipts from national forests during any fiscal year, not to exceed in any fiscal year to any State or Territory ..... 7,500

S. 3348 (Mr. WALSH). Granting to State of Montana 100,000 acres of land for support of school of forestry at State university, to be sold for not less than $10 an acre.

S. 3329 (Mr. POINDEXTER). To purchase water rights in West Okanogan Valley irrigation district in State of Washington for Indian lands ..... 105,000

Mr. President, those are the Senate bills. They are not all of them. They have not been brought down to the present date.

Mr. KENYON. Mr. President——

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

Mr. WORKS. I yield.

Mr. KENYON. Has the Senator a list of bills for public buildings that have been introduced? Are there not a vast number of those?

Mr. WORKS. Yes. Those are not included in the list I have. They come in every session of Congress. My purpose now is to show the way we are tending in legislation respecting the rights of the Federal Government and the States.

I have here a similar list of bills introduced in the House that I will ask to include in my remarks without reading. Some of them are duplicates; that is, they are the same bills that have been introduced in the Senate, but a good many of them are not.

The list referred to is as follows:

HOUSE BILLS.

CITRUS CANKER.

H. J. Res. 19 (Mr. RAKER). To prevent further spread and stamp out disease known as citrus canker ..... $300,000

H. R. 256 (Mr. SPARKMAN). To arrest and eradicate citrus canker ..... 4,000,000

FROST PREVENTION.

H. R. 366 (Mr. RAKER). For examinations and experiments for purpose of devising and perfecting system of frost prevention in citrus and deciduous fruit regions, appropriating ..... 100,000

H. R. 9679 (Mr. TAYLOR of Colorado). Same for fruit-growing sections of Rocky Mountain region ..... 50,000

EXTERMINATE PESTS.

H. R. 9687 (Mr. TAYLOR of Colorado). To prevent blight and exterminate pests destructive of potato and alfalfa ..... 35,000

H. R. 370 (Mr. RAKER). To destroy coyotes, squirrels, and other animals injurious to agriculture and animal industry, and ground squirrels in national forests and California ..... 380,000

H. R. 12483 (Mr. BURNETT). To exterminate boll weevils ..... 15,000

H. R. 8048 (Mr. SMITH of Idaho). To destroy predatory animals, the additional sum of ..... 250,000

H. R. 8232 (Mr. ROBERTS of Nevada). To exterminate coyotes in Nevada ..... 100,000

H. R. 8674 (Mr. HOWELL). To destroy predatory animals ..... 250,000

DISEASE IN ANIMALS.

H. R. 6045 (Mr. KING). To prevent and eradicate foot-and-mouth disease ..... 2,000,000

H. R. 9128 (Mr. PARK). To treat and eradicate lung-worm disease in hogs, additional sum of ..... 100,000

INDUSTRIAL ALCOHOL.

H. R. 11256 (Mr. CASEY). To provide commission to aid in developing denatured-alcohol production in farm distilleries and use for light, heat, and power, etc. Commissioner to receive $6,000 a year ..... 40,000

PUBLIC HEALTH.

H. R. 193 (Mr. ADAMSON). To provide for care and treatment of persons afflicted with leprosy and prevent spread of leprosy ..... 250,000

H. R. 352 (Mr. RAKER). To prepare and distribute free of cost antirabic virus to be used in the treatment of rabies ..... 25,000

H. R. 5777 (Mr. MORGAN of Louisiana). To establish a national leprosarium ..... 500,000

H. R. 6026 (Mr. EDWARDS). For use of Public Health Service in encouraging rural sanitation, with special reference to prevention and suppression of malaria and typhoid fever ..... $1,000,000

H. R 6892 (Mr. GALLIVAN). To provide care and treatment for citizens of the United States afflicted with tuberculosis, Government to pay $1 a day for each patient admitted to hospital.

H. R. 6896 (Mr. RAKER). To provide Federal aid for persons afflicted with tuberculosis in State institutions when such persons are not citizens of such State ..... 2,025,000

H. R. 8027 (Mr. KENT). To standardize treatment of tuberculosis in United States and provide Federal aid for persons afflicted ..... 2,000,000

(To be expended under direction of Secretary of Treasury and Surgeon General of Public Health Service.)

H. R. 8352 (Mr. KENT). Same, except there is no appropriation named, but provides "That within the appropriations made from time to time for such purposes," etc.

H. R. 9668 (Mr. STEAGALL). To create a department of the Public Health Service for the prevention, etc., of tuberculosis in prisons of United States, both Federal and State. Salary of head, $5,000 per annum and for expenses $5,000 per annum ..... 10,000

H. R. 10928 (Mr. WATKINS). For use of United States Public Health Service in encouraging rural sanitation, with special reference to the prevention and suppression of pellagra and typhoid ..... 100,000

H. R. 11864 (Mr. KENT). To provide Federal aid in caring for indigent tuberculous persons. (No specific appropriation. Same as H. R. 8352.)

PROMOTE FARM INDUSTRIES IN ARKANSAS.

H. R. 3062 (Mr. CARAWAY). To authorize 50 per cent of proceeds from sale of timber from national forest in Arkansas to be paid to State of Arkansas for promotion of agriculture, etc.

DEFENSE HIGHWAYS.

H. R. 3667 (Mr. STEPHENS of California). For national defense highway from Los Angeles through to New York City; then north to Portland, Me., and from New York west through Chicago, Minneapolis, Seattle, San Francisco to San Diego; 50-year bonds to be issued; total not to exceed ..... 100,000,000

WATER DEVELOPMENT.

H. R. 3677 (Mr. ROBERTS of Nevada). For drilling and testing wells in Nevada to determine underflow of water available for irrigation by pumping ..... 100,000

DRAINAGE OF SWAMP LANDS.

H. R. 6804 (Mr. WHALEY). To establish drainage fund to reclaim swamp lands, to prevent dissemination of malaria, etc ..... 10,000,000

H. R. 10125. (Mr. KETTNER). To reclaim swamp lands through district organization and authorizing Government aid therefor. Bonds of district or contracts entered into with Government to become lien on legal subdivisions of lands in such district.

PUBLIC ROADS.

H. R. 237 (Mr. MCKELLAR). To aid States in construction and maintenance of rural post roads; not to exceed ..... 25,000,000

H. R. 261 (Mr. SMITH of Idaho). Granting 50,000 acres timbered land in national forest reserves to State of Idaho for construction of public roads and bridges.

H. R. 264 (Mr. SMITH of Idaho). To use credit of United States to aid States in maintenance of roads and to create national highway commission; 50-year bonds at 3 per cent; total amount not to exceed ..... 500,000,000

H. R. 269 (Mr. ROBERTS of Nevada). Granting State of Nevada 1,000,000 acres land to aid in construction of public roads in Nevada. To be sold at not less than $1.25 ..... 1,250,000

H. R. 299 (Mr. MCCRACKEN). Granting to each of the public-land States and Territories for public roads and highways fund, 1,000,000 acres of land to be sold for not less than $10 an acre.

H. R. 307 (Mr. ADAMSON). Rent for use of public roads traveled by mail carrier, $25 per mile, and $15 per mile each year hereafter.

H. R. 405 (Mr. FERRIS). To aid the States in construction and maintenance of rural post roads, not to exceed in any fiscal year ..... 25,000,000

H. R. 479 (Mr. TILLMAN). To aid States in maintaining roads and to create a national highway commission, authorizing issuance of 50-year 3 per cent bonds; total not to exceed ..... 1,000,000,000

(Commission to have 7 members; 4 to receive $10,000 annually each, 3, $5,000, and necessary expenses.)

H. R. 541 (Mr. ASWELL). To aid States in construction of rural post roads ..... 25,000,000

H. R. 614 (Mr. KINCHELOE). To aid States in construction of rural post road (and same amount for each fiscal year thereafter) ..... 48,000,000

H. R. 695 (Mr. AUSTIN). To construct, maintain, and improve post roads through joint action with States (of which $10,000,000 shall be available annually) ..... 50,000,000

H. R. 714 (Mr. CANDLER of Mississippi). Joint action of Government and States for construction, etc., of public roads ($20,000,000 of which shall be available annually) ..... 100,000,000

H. R. 3040 (Mr. LEE). To establish a bureau in the Department of Agriculture known as bureau of public highways, and to provide aid in improvement of public roads ($20,000,000 of which shall be available during the years 1916, 1917, and 1918) ..... 60,000,000

H. R. 3047 (Mr. MOON). To aid States in construction of rural post roads ..... 25,000,000

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|---|---|
| H. R. 3063 (Mr. BYRNES of South Carolina). To aid States in construction of rural post roads | $25,000,000 |
| H. R. 4700 (Mr. LANGLEY). Federal aid to States in construction of rural post roads for fiscal years 1917, 1918, 1919, 1920, each | 25,000,000 |
| H. R. 4706 (Mr. BYRNS of Tennessee). To aid in construction, etc., of rural post roads | 25,000,000 |
| H. R. 4755 (Mr. BORLAND). To provide a national ocean-to-ocean highway over pioneer trails of Nation. Warrants for one-half cost of construction to be issued to State on certification of completion of construction through such State. | |
| H. R. 5775 (Mr. STEPHENS of Mississippi). To aid States in construction of rural post roads | 25,000,000 |
| H. R. 6065 (Mr. SELLS). To use credit of Government to aid States in making good roads and to create a national highway commission; 50-year 3 per cent bonds to be issued | 500,000,000 |
| H. R. 6425 (Mr. ANTHONY). Federal aid for improvement of public highways traveled by rural free delivery mail carriers | 5,000,000 |
| H. R. 7541 (Mr. TRIBBLE). To aid States in construction of rural post roads | 20,000,000 |
| H. R. 7551 (Mr. RUBEY). Providing United States to make compensation for use of highways for rural delivery, $30 per annum per mile for class A, $25 for class B, and $20 for class C. | |
| H. R. 7614 (Mr. HAYDEN). National aid to States in construction of rural post roads | 25,000,000 |
| H. R. 7617 (Mr. SHACKLEFORD). To promote agriculture, etc., and to aid States in construction of roads used in interstate commerce, military, etc | 25,000,000 |
| (This bill has passed the House and is now in the Senate.) | |
| H. R. 7641 (Mr. BELL). To construct national highway in Georgia | 250,000 |
| H. R. 8819 (Mr. HASTINGS). To aid States in construction of rural post roads | 25,000,000 |
| H. R. 9429 (Mr. TAYLOR of Colorado). Provides Secretary of Agriculture, on behalf of United States, shall aid States in construction of rural post roads | 25,000,000 |
| H. R. 9688 (Mr. TAYLOR of Colorado). Providing for expenditure of 25 per cent of receipts from national forests on road and trail construction. | |
| H. R. 9804 (Mr. HENRY). Authorizing Secretary of Agriculture to cooperate with States in construction of highways. Appropriating for year ending June 30— | |
| 1917 | 7,500,000 |
| 1918 | 12,500,000 |
| 1919 | 17,500,000 |
| and for next succeeding 6 fiscal years not more than | 25,000,000 |
| H. R. 9806 (Mr. MCKELLAR). To promote agriculture and better secure national defense and to aid States in construction of rural post roads | 25,000,000 |
| H. R. 9812 (Mr. ABERCROMBIE). To aid States in construction of rural post roads. Year ending June 30— | |
| 1917 | 25,000,000 |
| 1918 | 25,000,000 |
| 1919 | 25,000,000 |
| H. R. 10111 (Mr. SMITH of New York). To construct two national multiroad highways from Atlantic to Pacific and from Canada to Mexico. Provides for two commissioners from each of named States, each of whom shall receive $100 a week salary (16 States represented, making 32 commissioners). Provides for second commission to consist of 1 commissioner from each of 32 States not named, to be called together only in case of war. Heavy bond issue authorized. | |
| H. R. 11881 (Mr. HUMPHREY of Washington). Granting State of Washington public lands "all unreserved, nonmineral public lands within said State," to aid in construction of public roads, to promote forestry, horticulture, and vocational education. | |
| H. R. 11258 (Mr. TAYLOR of Colorado). To provide for sale of 250,000 acres of public lands in certain States, one-half of all moneys received for same to be paid into a special fund in the Treasury known as "public-roads fund," to be used in construction of interstate public roads within limits of States named. | |
| EDUCATIONAL. | |
| H. R. 457 (Mr. HUGHES). Vocational education. Appropriating for year— | |
| 1916, in all | 1,500,000 |
| 1917, in all | 2,200,000 |
| 1918, in all | 2,900,000 |
| 1919, in all | 3,500,000 |
| 1920, in all | 4,000,000 |
| 1921, in all | 4,500,000 |
| 1922, in all | 5,000,000 |
| 1923, in all | 6,000,000 |
| 1924 and annually thereafter | 7,000,000 |
| H. R. 10571 (Mr. TILLMAN). To create national board of rural industrial schools for mountain children, to be composed of 3 members, at $4,000 per annum | 300,000 |
| H. R. 10589 (Mr. ABERCROMBIE). To investigate and promote rural education, industrial traning, and eliminate adult illiteracy | 1,000,000 |
| H. R. 11250 (Mr. HUGHES). Vocational education. Same appropriations as H. R. 457 and same bill with some additions and change of wording. | |
| FRANKING PRIVILEGE. | |
| H. R. 742 (Mr. CLARK of Florida). To extend the franking privilege to literature published by boards of health of States and Territories in United States. | |

Mr. McLEAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Connecticut?

Mr. WORKS. I yield to the Senator.

Mr. McLEAN. Has the Senator the total amount of the appropriations called for by the bills that have been introduced?

Mr. WORKS. I have not footed up the total. For that reason I do not know what they amount to.

Mr. President, it is an age of extravagance in legislation. Both the political parties in their platforms declare against extravagance in the management of the affairs of the Government. The Democratic Party did so very properly in its platform of the last campaign. But I want to say, Mr. President, that I have never in my experience seen or heard of a more extravagant management of public affairs and a greater tendency toward extravagance in legislation than we have had under the present administration.

Mr. BANKHEAD. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Alabama?

Mr. WORKS. I do.

Mr. BANKHEAD. Will it interrupt the Senator if I ask him a question?

Mr. WORKS. Not at all.

Mr. BANKHEAD. I will ask the Senator if both political parties have not emphatically indorsed in the two conventions the legislation contained in this bill?

Mr. WORKS. That may be, Mr. President. I think the political parties have exhibited exactly the same tendency that is being exhibited in legislation, but that does not help the matter; in fact, it only makes it worse.

I wish to call the attention of the Senate to an article that appeared in the San Francisco Chronicle of April 13 last showing the conditions and the tendencies in my own State. It is headed "Public indebtedness."

[From the San Francisco Chronicle, Apr. 13, 1916.]

PUBLIC INDEBTEDNESS—IT IS INCREASING AT AN ALARMING RATE IN THE MUNICIPALITIES OF CALIFORNIA.

In an address before a meeting of bankers recently held, State Controller John S. Chambers, after giving some figures of the increase of taxation in this State at a rate of 33⅓ per cent faster than our increase of taxable property, and of the resulting abnormal increase of State, and especially municipal, debt in this State, made the following statements, which we assemble from a number of separated paragraphs, with an occasional change or omission of words to fit them to their new connection:

"The totals of our receipts and expenditures are huge and the percentages of increase alarming. As our population grows and our governmental problems multiply the legitimate cost of government will go up. But we should put the brakes on. Even legitimate expenditures can be held down or postponed. How long can we stand the present state of affairs? Should the present rate of increase continue, the burden will soon become unbearable. We vote away millions of dollars with scarcely a thought to the future. The bonds will run anywhere from fifteen to forty years or longer, with the bulk of the principal and interest to be paid by our children and children's children. But I protest not only in the name of posterity but in the name of the taxpayers of the present day. The burden is already too heavy. It is time to stop and think."

That is the end of the quotation from the controller, and the editorial proceeds:

Scattered through the address and in connection with figures presented there is much more of the same kind. In separating the expressions from their contexts, too long to quote, we have not in any case done violence to Controller Chambers's presentation or argument. It is a solemn warning from the State's highest fiscal official.

Controller Chambers gives many figures upon which to base his warning. They may be summed up by saying that during the last five years the bonded debt of the State has increased by 457 per cent, of the counties by 308 per cent, and of the cities 96.8 per cent, with large amounts of bonds authorized but not yet sold. Computed at 4 per cent, which is below the rate paid by the political subdivisions of the State, the interest on the total debt of the State and its subdivisions was last year $10,113,500, which was about the total cost of running the State government five years ago when we started on our orgy of debt and taxation.

As only the people can authorize public debt, they are, as Controller Chambers says, directly responsible. But the people do not initiate. They follow leadership and suggestion, and the misfortune of the people has been in too readily yielding to leadership which was unduly emotional and was possessed with the idea of doing everything at once.

It may be thought, Mr. President, that the State of California is an exception. To a certain extent it is. It has been growing with great rapidity; public improvements have been made largely on that account; it has expended a large amount of money upon the improvement of its roads; but what I am saying about the State of California extends to other States as well and to legislation in Congress.

Let me read this editorial from the Washington Post of only a few days ago, entitled "Where will it end?"

[From the Washington Post, Apr. 19, 1916.]

WHERE WILL IT END?

The State governments of Massachusetts and New York are devoting all their energy to the solution of the problem of raising sufficient revenue to take care of the steadily increasing expense of administration. In Massachusetts the legislature has been trying to work out a more equitable form of income tax, while New York has been trying to evolve other methods of making the inadequate revenues square with the excessive appropriations. Meanwhile the Ways and Means Committee of Congress is casting about for new means of raising revenue. It is

proposed to double the income tax, so that $100,000,000, in addition to the present revenue, may be raised each year from this source. It is proposed likewise to levy a tax on inheritances and munitions of war and to increase the taxes on beer and whisky.

Yet even $100,000,000 additional revenue will not solve the financial problem of the Government. Even since the estimates were made as to what sum would be needed, the Senate has passed the Government armor-plate bill, calling for an appropriation of $11,000,000, and has approved of a Government nitrate factory, calling for an expenditure of $15,000,000. These two items alone would add $26,000,000 to the appropriations of the present Congress.

The Government is steadily encroaching upon the functions of the States, and if the present tendency continues the people are not likely to be willing to support expensive State governments. Both the States and the Federal Government are going into the same field of taxation, and the burden of the people soon will be too heavy for toleration.

Where will it end? How long will it be before the people protest against paying taxes to the State and the Nation for precisely the same service? There is no doubt the States and the Nation are overlapping and duplicating public service. Isn't it time for some effort to be made toward ending the waste? Instead of the annual conference of governors, wouldn't it be better to call the chief executives of the various States to Washington and give them an opportunity to discuss the problem of taxation and expenditures with the national leaders?

Mr. President, the bill that is under consideration is one of the worst of its kind. It does not profess to legislate in the interests of the National Government or to carry out any governmental policy or function. Its title shows that quite clearly. The title is—

To provide that in order to promote agriculture, afford better facilities for rural transportation and marketing farm products, and encourage the development of a general system of improved highways, the Secretary of Agriculture, on behalf of the United States, shall in certain cases aid the States in the construction, improvement, and maintenance of roads which may be used in the transportation of interstate commerce, military supplies, or postal matter.

The title to the act is significant.

Mr. BANKHEAD. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield further to the Senator from Alabama?

Mr. WORKS. In just one moment. The actual purposes of the bill are stated in the first instance, and then follows the statement that these roads may be used in the transportation of interstate commerce, and so forth. I yield to the Senator from Alabama.

Mr. BANKHEAD. I wish to call the attention of the Senator from California to the fact that he has read what was the title of the bill as it came from the House. If he will look at the last page of the bill, he will find that the committee changed the title of the bill. I should like to have him read the present title of the bill.

Mr. WORKS. I have no objection to doing that. I have examined the Senate committee bill with a good deal of care, and the title of the House bill is quite accurate as showing the purposes of the bill, as I shall attempt to point out. But if the Senator desires me to read the title that is at the end——

Mr. BANKHEAD. On the last page of the bill.

Mr. WORKS (reading)—

Amend the title so as to read: "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes."

That is a better title in that it does not disclose the real purposes of the bill.

Mr. President, I am going to take up the time of the Senate to analyze this bill and see just what it does provide for. I have numbered the different provisions of the bill, I think, in such a way as to disclose just what it provides for and the real object of the proposed legislation. It provides:

The Secretary of Agriculture is authorized to cooperate with the States in the construction of rural post roads.

Right in the beginning I contend that the Government of the United States has no right to enter into any contract with a State to improve the rural roads as a governmental act. If the road is one over which the Government has jurisdiction and has the right to construct, that obligation rests upon the Government and not upon the States. The laws of the United States respecting it are supreme. The State has no right to control it by legislation or otherwise if it is a governmental procedure. Yet the very first step in this bill is to provide for practically a partnership between the States and the Government for the construction of rural post roads. The bill is confined undoubtedly to rural post roads upon the theory that the Government has jurisdiction only to deal with that kind of road, and, if it has, then, in my judgment, it must deal with it alone.

The next provision is:

2. No money apportioned under the act can be expended until the legislature of the State gives its consent.

Another very peculiar provision. The Government of the United States feels it incumbent upon it to expend money for the purpose of improving its rural roads, but it is prohibited from using that money unless the State in which the improvement is proposed to be made consents to it through its legislature.

3. Rural post road is defined as—

any public road over which the United States mails are or might be transported, except in cities having a population of 2,500 or more.

Mr. BORAH. Mr. President——

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

Mr. WORKS. I yield.

Mr. BORAH. I wish to ask the Senator from California a question. I had intended to ask it of the chairman of the committee, but I should like to have the view of the Senator from California regarding it. The bill provides:

That for the purpose of this act the term "rural post roads" shall be construed to mean any public road over which the United States mails are or might be transported.

I do not understand the meaning of the phrase there "or might be transported," for I suppose the mails "might be transported" over almost any conceivable road.

Mr. WORKS. Mr. President, the evident intention of the bill was to cover everything in sight and yet keep within the Constitution, if that were possible. That is perfectly evident from the terms of the bill.

Mr. GALLINGER. Will the Senator permit me to make a suggestion?

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

Mr. WORKS. I yield to the Senator.

Mr. GALLINGER. It will be remembered that when this bill was under consideration yesterday I called attention to that phraseology in the bill, faulty as I think it is, and suggested that I should offer an amendment to it, which I propose to do at the proper time.

Mr. BORAH. Excuse me; but does the Senator from New Hampshire state that he is going to offer an amendment to this particular phrase to which I have referred?

Mr. GALLINGER. That is my purpose.

Mr. BORAH. Very well.

Mr. WORKS. Would the Senator from New Hampshire mind suggesting what his amendment is to be and the object of it?

Mr. GALLINGER. Mr. President, I do not know that I have the amendment properly formulated at this moment, but it occurred to me that the language, "any public road over which the United States mails are or might be transported," was as broad as the Senator from California has suggested; that it "covered everything in sight." The bill can be improved by changing the phraseology, I think, in several ways. It could be improved there if it should say "over which the United States mails now are or are likely to be transported," so that the Secretary of Agriculture or some other authority could ascertain whether the rural roads were likely to be extended in certain directions. Still, that is not satisfactory to me, and I am going to try to frame better phraseology.

Mr. McCUMBER. Mr. President——

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

Mr. WORKS. I yield to the Senator.

Mr. McCUMBER. The Senator from California has just called attention to the fact that the States must consent to the provisions of this act. Suppose a State does not consent to its provisions, can the State relieve itself from taxation to pay for the projects for building roads in other States?

Mr. WORKS. Not at all, Mr. President. That is one of the things upon which I am going to comment a little later; but while this bill is intended to benefit all of the States alike, under the rule established in the bill itself, if some State is unable or unwilling to pay for the other half that is provided in order to do the work, then it must still pay the taxes necessary to improve the roads in the other States.

Mr. BANKHEAD. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Alabama?

Mr. WORKS. I yield to the Senator.

Mr. BANKHEAD. I desire to suggest to the Senator from California that the Senator from Kansas has prepared an amendment, which I think is a very proper one, covering that very point. I wish he was here to read it.

Mr. WORKS. It needs to be covered, Mr. President; there is no doubt about that.

Mr. BANKHEAD. There are a great many things that need to be covered.

Mr. WORKS. Mr. President, I want to call attention to the peculiar provision in No. 3, to which I was referring at the time I was interrupted. It will be seen that this legislation enters into the cities of the different States provided they have not

above a certain population. It is not only proposed to include rural routes outside of a city, but it is proposed to enter the cities themselves, and to improve their streets.

Mr. BANKHEAD. The Senator is mistaken about that.

Mr. WORKS. No. 4. The State highway departments are described as any organization having control of the highways of the State.

5. The term "construction" is defined to include reconstruction and improvement.

They are not willing to stop at the original construction of roads and streets, but it is extended to reconstruction and improvements.

6. "Properly maintained" is defined to mean in practically as good condition as when it was first built.

That provision relates to the duty and obligation of the States to keep the roads in proper condition or to properly maintain them, and it obligates the States to keep the roads in as good condition as when they were first built.

7. There is appropriated for the purposes of the act, $75,000,000; $5,000,000 June 30, 1917; $10,000,000 for the next year; $15,000,000 for the next year; $20,000,000 for the next year; and $25,000,000 for the last year, 1921, making a total of $75,000,000.

8. Five per cent of the appropriation for any fiscal year may be applied to administering the provisions of the act and deducted for that purpose.

9. The Secretary of Agriculture is authorized to apportion the remainder of the appropriation for each fiscal year among the several States according to area, population, and ratio of rural-delivery routes.

There has been objection made heretofore to this basis of apportionment. That is a matter to which I have given no attention.

10. The Secretary of Agriculture is required to certify to the Secretary of the Treasury and each State highway department and to the governor of each State having no highway department the amount deducted for administration and the sum apportioned to each State for the fiscal year.

11. The Secretary of Agriculture and the State highway department of each State may jointly determine at what time and in what amounts payments may be made as the work progresses.

To that I want to call the attention of the Senate. The State can not act freely under this bill in determining what roads shall be constructed. It can only do it upon agreement with the Secretary of Agriculture. Neither can the Secretary of Agriculture determine for the United States what roads shall be improved under the bill, but it can only be done by agreement between the State and the Federal authorities, which is a limitation upon the powers of both of them. It is a limitation upon the power of the State to improve its own roads, and at the same time it is a limitation upon the power of the Government—if it has that power, which I think it has not—to construct a rural-route road. There can be no partnership as between the Government and the State, it seems to me, in determining the question as to what roads shall be improved and how they shall be improved.

12. Any State desiring to avail itself of the benefits of the act must submit to the Secretary of Agriculture project statements setting forth proposed construction of any rural post road or roads therein.

13. The Secretary of Agriculture must approve the project recommended.

Now, just think about it, Mr. President! The temptation on the part of the States will be to make only such improvements as are provided for in this act, because by acting under it they get one-half of the amount of the expenses paid by the Federal Government; but when they come to determine what roads shall be improved, they must submit their project to the Secretary of Agriculture, and they can not move until he approves it and the plans and specifications that are required to be presented to him for approval. So the temptation of the State is not to act at all unless it can act under this bill, and when it attempts to act under it its discretion as to what roads it shall improve may be controlled by the Secretary of Agriculture.

14. When the project is approved the State highway department must furnish the Secretary of Agriculture with such surveys, plans, specifications, and estimates therefor as he may require.

Showing that before any step can be taken at all in the matter the approval of the Secretary of Agriculture must be had at each step.

15. If the Secretary of Agriculture approve the plans, specifications, and estimates, he must certify the fact to the Secretary of the Treasury.

16. The Secretary of the Treasury shall thereupon set aside the share of the United States payable under the act on account of such project, which shall not exceed 50 per cent of the total estimated cost thereof.

17. No payment on any money apportioned shall be made on any project until the statement of the project and the plans, specifications, and estimates are approved by the Secretary of Agriculture.

18. Nor until the State shall make available for expenditure by or on behalf of the State money, labor, and material in such amounts, at such prices, and such terms as may be agreed on between the Secretary of Agriculture and the State highway department, not less in the aggregate than the amount to be received from the United States.

That provision allows the State to contribute in money, labor, or materials; but those contributions must be passed upon by the Secretary of Agriculture. He determines what the value of the labor is, and what is the value of the materials that go into the roads. That is proper enough for the protection of the United States; but it is still tying the hands of the State in carrying on public works and internal improvements within the State, and it is objectionable to me for that reason.

19. Nor until an agreement shall have been made with the Secretary of Agriculture to his satisfaction that the rural post road or roads to be constructed will be properly maintained by the State or any subdivision thereof.

This is a portion of the bill to which I call especial attention. Provision is made that the States shall keep these roads in repair or shall maintain them, and the bill provides what shall constitute "maintenance"; that is, to keep the roads in as good condition as when they were first constructed.

Mr. BORAH. Mr. President——

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

Mr. WORKS. I yield to the Senator.

Mr. BORAH. Would it interrupt the Senator if I should submit a question to him at this point?

Mr. WORKS. Not at all.

Mr. BORAH. I desire to ask the Senator from California a question as to the effect of this bill relative to that portion of the country which the Senator from California and I in part represent. This bill provides that the National Government shall appropriate and supply a certain fund, and that each State shall provide an equal fund, as I understand; and that constitutes the entire fund out of which the building of these roads in the particular State is to go forward and to be made?

Mr. WORKS. Yes.

Mr. BORAH. It is not so much so in the State of California, for the State of California has a vast amount of her State under cultivation, which is tax-paying property; but take a State like mine, for instance, where 80 per cent of it is not subject to taxation at all, but is withdrawn from taxation and withdrawn practically from entry. In the first instance, it is most difficult for that State to raise the amount which it is expected to raise. It must raise the entire amount on about 20 per cent of the property of the State. Twenty per cent of the property of the State must pay the entire amount of $900,000, or whatever it is, we will say, that the State of Idaho would be entitled to. Not only would it be difficult to raise the amount, but the burden would be put upon the State of maintaining those roads after they were built, and that burden also would rest upon 20 per cent of the property of the State. So far as the States are concerned, whose lands are withdrawn from public entry, are in reservations, and under the control of the National Government, this proposed law would be a tremendous hardship; it would be practically inapplicable.

Mr. WORKS. And, Mr. President, the Senator from Idaho has not stated all of the hardships that might result from it. It should be borne in mind, in that very connection, that the Secretary of Agriculture has the right to dictate where these roads shall be built.

Mr. BORAH. Exactly.

Mr. WORKS. And they may be built in the portion of the State where the National Government is particularly interested and where the State is less interested, and thus help to improve the public lands; and the State would be helpless against it.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from South Dakota?

Mr. WORKS. I yield.

Mr. STERLING. I should like to ask the Senator from California if he understands that, without the consent of the highway commission of a State, the Secretary of Agriculture may designate and determine absolutely where a road shall be constructed?

Mr. WORKS. Not at all. The Secretary of Agriculture, though, has the power to determine where it shall not be con-

structed; unless the State authorities are content to build the road where the Secretary of Agriculture wants it built, it can not be built at all. Of course, the Secretary of Agriculture can not compel the construction of the road at any one place.

Mr. BORAH. The practical effect is the same——

Mr. WORKS. The practical effect is the same.

Mr. BORAH. Because if the Secretary of Agriculture says, "I do not want it in this place," the State must come to his terms.

Mr. WORKS. Certainly.

Mr. NORRIS. Mr. President——

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

Mr. WORKS. I yield.

Mr. NORRIS. I myself concede that the effect is just what the Senator from Idaho has said; yet does the Senator think that that part of the bill is objectionable which requires an agreement between the State authorities and the Secretary of Agriculture as to where a road shall be built?

Mr. WORKS. I regard it as exceedingly objectionable.

Mr. NORRIS. Would the Senator permit the State authorities to designate the road and then require the Secretary of Agriculture to pay the Government's share, without regard to where he thought the road ought to be located?

Mr. WORKS. Not at all.

Mr. NORRIS. Well, what would the Senator propose?

Mr. WORKS. I have stated as clearly as I could that I thought the whole system of going into partnership between the States and the Government was vicious in itself, and that it tied the hands of both parties, the States as well as the Government.

Mr. NORRIS. I understand the Senator objects to that; and I can see there is some ground for the objection, because I can easily appreciate, I think, that it might have the effect which the Senator has stated; but, assuming—of course the Senator is opposed to the bill—that we are going to devise some plan by which Federal aid shall be given, if the proposed plan is not a proper one, what would the Senator suggest in its place?

Mr. WORKS. I have no suggestion to make about it, Mr. President, because I think it is utterly impossible to draft a bill undertaking to carry out a system of this kind that would be legitimate or fair as between the States and the Government. I think it is impossible, because the whole thing is wrong in principle and can not be carried out by any kind of legislation, in my judgment. The remedy, as suggested in an aside by the Senator from North Dakota [Mr. McCUMBER], is that the States build their own roads; and that is precisely what the States ought to do. My own State of California ought to be ashamed to take any of this money if it is offered by the National Government. The people of my State ought to have the independence to build their own roads and not ask a donation from the Federal Government.

Mr. BORAH. Mr. President——

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

Mr. WORKS. I yield.

Mr. BORAH. Would the Senator make an exception with reference to those roads which are in every sense great interstate highways?

Mr. WORKS. I was expecting to mention that matter a little later on, but I may just as well do so now. I have always believed that the National Government might properly contribute to the construction of what might be called "a national highway" connecting the different States, because that would be interstate in its character, just the same as it may contribute to the construction of a railroad which passes through different States. I think that exception can fairly be made, but I myself have never been willing to go further than that.

Mr. NORRIS. Mr. President, I should like to ask the Senator another question.

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

Mr. WORKS. Certainly; I yield to the Senator.

Mr. NORRIS. I am not asking these questions in any critical sense.

Mr. WORKS. I am glad to be interrupted.

Mr. NORRIS. If we can get a bill, I should like to get one that is practical; but the suggestion the Senator has just made to the Senator from Idaho rather appeals to me as being a reasonable one. I want to ask the Senator if he does not believe that those who are behind the bill—I may be mistaken as to this; I am not one of those who drafted the measure—have not in view the very thing which the Senator has suggested—that this should be rather an interstate proposition, and that the agreement required between the Secretary of Agriculture and the State authorities would have the effect, so far as the Federal Government is concerned, of confining its assistance or making its donations to interstate highways? Of course the highways built under this bill, if it is passed, will only be a very small item compared with the highways that will be needed by all the States; and, as I understand, those who are behind this bill do not contemplate assisting any road except those which might become portions of an interstate network.

Mr. GALLINGER. Mr. President——

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

Mr. WORKS. If the Senator will pardon me just a moment until I answer the Senator from Nebraska, I will then yield to him.

I wish I might be able to believe from the terms of this bill that the intention of its framers and its friends is such as the Senator from Nebraska [Mr. NORRIS] suggests, but any such idea as that, it seems to me, is excluded by the very terms of the bill itself. It can not by any possibility be construed in that way or as intending anything of the sort.

I now yield to the Senator from New Hampshire.

Mr. NORRIS. If the Senator will permit me, before we leave this point, to make a further suggestion, I wish to say that the very fact that the consent of an official of the Government, namely, the Secretary of Agriculture, is required, and by virtue of such requirement he can compel the State to build roads in particular localities, would seem to me an indication that what I have stated was the intention of the framers of the bill.

Mr. WORKS. I ask the Senator if that is the real intention of the bill, would it not have been a fair and honest thing to have said so in terms?

Mr. NORRIS. I think so myself; I agree with the Senator as to that.

Mr. WORKS. I now yield to the Senator from New Hampshire.

Mr. GALLINGER. Mr. President, whatever difficulties there are in the way of passing this piece of legislation will not, it seems to me, be made less by the suggestion that the appropriation should be made to aid in the construction of interstate highways. The little State of New Hampshire is sandwiched in between Vermont and Massachusetts. The highways extending from New Hampshire into Massachusetts doubtless run into the hundreds, and there are nearly as many into Vermont. If we are simply going to make appropriations to improve those particular roads which run from one State into another, I apprehend that we will have more difficulty than the author of this bill contemplates under its present terms.

Mr. WORKS. I do not mean to be understood as favoring that kind of legislation. I was speaking with reference to the power of the Government to deal with the matter.

Mr. JONES. Mr. President——

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

Mr. WORKS. I yield.

Mr. JONES. I want to ask the Senator if the language in the first paragraph of the bill does not really itself refute the suggestion of the Senator from Nebraska, where it authorizes the Secretary of Agriculture to cooperate with the States "in the construction of rural post roads"?

Mr. WORKS. Every provision of the bill refutes it from beginning to end.

20. Nor shall any such payment be in excess of $10,000 per mile, exclusive of bridges, or more than 20 feet clear span.

I wonder if there are not a good many roads in the State of Idaho, for example, that can not be constructed for $10,000 a mile, which would be excluded by the provisions of this bill? There will be a good many in the State of California, I know.

21. The construction work and labor in each State shall be done in accordance with its laws and under the direct supervision of the State highway department—now, mark the language—subject to the inspection and approval of the Secretary of Agriculture and in accordance with the rules and regulations made pursuant to the act.

How can the State regulate and control the construction of the roads if they are to be constructed in accordance with the rules and regulations of the Agricultural Department and in accordance with the direction of the Secretary of Agriculture? It takes away the right of the States to control the matter of the construction of their own roads.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from South Dakota?

Mr. WORKS. I yield.

Mr. STERLING. I should like to ask, if the State consents to the arrangement and accepts half of the cost of the improve-

ment of the road from the Federal Government, is there any objection, and can there be any objection, to an inspection by the Federal Government of that road into which the Federal money goes?

Mr. WORKS. There is no objection from the point of view of the Federal Government. Of course, there is no reason why the Government should consent to put its money into any proposition unless it has some control over the investment; but that is not the vicious feature of it at all. It takes away from the States the right to control the construction of their own roads and forms a partnership between the National Government and the State that is entirely inconsistent with the functions of the two.

Mr. STERLING. I will just say, with reference to that, that it all comes back to the question of the consent of the States; if the State consents to it, it is not taking away the right of the State.

Mr. WORKS. The States are very likely to consent when they can get money out of the National Treasury, and that is the temptation that is presented here—for the State to do what it would not otherwise do in order to get money out of the Federal Treasury.

Mr. MARTINE of New Jersey. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from New Jersey?

Mr. WORKS. I yield.

Mr. MARTINE of New Jersey. It seems to me the States would get results and the United States would get results from cooperation in this matter between the States and the Government. Let me ask, Is the Senator in favor of Federal aid at all?

Mr. WORKS. Not of Federal aid to the States; no.

Mr. MARTINE of New Jersey. For the construction of roads or highways?

Mr. WORKS. Not at all.

Mr. MARTINE of New Jersey. Well, therein we widely differ.

Mr. WORKS. Then I presume the Senator will hardly regard it as worth while to argue the question with me.

Mr. MARTINE of New Jersey. I realize the Senator's position, but I believe it is infinitely wise for the well-being of the country at large that the States and the United States Government should cooperate in the construction of highways and roads in our country.

Mr. WORKS. I understand the Senator feels that way about it, as do a great many other good people.

Mr. MARTINE of New Jersey. I can not see where any wrong would be done by the United States contributing a sum of money for the improvement of the highways in California any more than in appropriating money for a post office in Los Angeles.

Mr. WORKS. The post office, Mr. President, is a Government building, while the work that is proposed to be done under this bill is to be done upon roads which are not Government roads in any sense.

Mr. MARTINE of New Jersey. But the fact is that the erection of the Government building accrues to the benefit of private property around the city of Los Angeles.

Mr. WORKS. Suppose the Government should propose to construct a post office in Los Angeles under an agreement with the State authorities that the State authorities and the Government must agree on the building, as to when and how it should be constructed and the cost of it, would the Senator think that would be right?

Mr. MARTINE of New Jersey. I do not think that condition would ever prevail, or that there is any similarity between the two cases. One is a fixed building at a definite place, while highways serve entirely different purposes, having in view the general transit and travel of the people to and fro, facilitating trade and commerce and promoting the general welfare of the whole people. I look upon them as being widely different.

Mr. WORKS. Yes; they are different for an entirely different reason than the one stated by the Senator. One of them is a strictly Government function. A post-office building is constructed for the purpose of carrying on the business of the Government, and therefore is exclusively within the jurisdiction and power of the Government. There is certainly no comparison between that and aiding the States to build their roads.

Mr. MARTINE of New Jersey. I think there is a degree of similarity in some respects.

Mr. WORKS. Mr. President, No. 22 provides:

22. The Secretary of Agriculture is authorized to withhold apportionments of funds to any State which has failed to maintain roads previously constructed.

If the Secretary of Agriculture should determine that the roads already constructed had not been kept up to the condition that they were when they were completed, then the State is denied any participation in this fund. No. 23 provides that the Secretary of Agriculture is authorized——

Mr. NORRIS. Mr. President, before the Senator leaves No. 22, may I ask him a question?

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

Mr. WORKS. Yes.

Mr. NORRIS. If a State fails to keep a road in repair, does not the Senator think that any further Federal aid ought to cease?

Mr. WORKS. Yes; I think it ought to cease in the beginning.

Mr. NORRIS. I understand the Senator holds that view.

Mr. WORKS. If the Senator is looking at it from the point of view of the Government, he and I do not disagree about that. I do not think the Government ought to put money in these roads without protecting itself; but that is not the trouble that I have suggested. The trouble is the combination between the two; that is the difficulty.

Mr. NORRIS. I know the Senator takes that view of it, and I am not criticizing him; he has the right to that view, of course; but assume now that we pass a bill extending Federal aid, ought there not to be a provision in it compelling the care of these roads after they are built? How else could the Government bring about that condition unless it was authorized to cease giving any more funds if the State did not keep the roads in repair?

Mr. BORAH. Mr. President, may I ask the Senator from Nebraska a question?

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

Mr. WORKS. I yield.

Mr. BORAH. How would it be possible, for instance, situated as we are in the State of Idaho and as some of the other States are situated, to keep up the roads when only 20 per cent of the property can be taxed?

Mr. NORRIS. The Senator from Idaho presents what to me is a very serious objection, and one which I think will have to be met in some way by some proper amendment as affecting his State and States similarly situated. I presume, if there were no change made, it would present a difficulty that would probably prevent Idaho from getting any part of the money under this bill.

Mr. McCUMBER. Although it would be compelled to pay for roads in other States.

Mr. BORAH. I think the Senator from Nebraska is correct when he draws the conclusion that it would probably inhibit us from participating in this matter at all.

Mr. NORRIS. It might do that; yes.

Mr. BORAH. Because, in the first place, we could not afford, upon 20 per cent of the property in our State, to raise the fund, perhaps; but we certainly could not afford to keep up the road.

Mr. NORRIS. I was asking my question now on the assumption——

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

Mr. WORKS. I yield.

Mr. NORRIS. I was asking my question on the assumption that we passed the bill now, doing away with the objection that has been made both by the Senator from Idaho and by the Senator from California. If we do decide that Federal aid shall be given, then ought there not to be a provision in the bill that these roads must be maintained by somebody or, as a penalty, the further payment of money will cease?

If the Senator will permit just this sentence, it seems to me that in any good-roads proposition, whether of State or National scope, the care of the road after it is constructed is just as important as the construction of the road. So far as I am concerned, that would be a sufficient objection to cause me to oppose any bill if proper provision were not made for the maintenance of the road after it was constructed.

Mr. BORAH. Mr. President, may I ask the Senator a question?

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

Mr. WORKS. I do.

Mr. BORAH. What is the provision of the bill with reference to keeping up and maintaining roads in case a State does not do so?

Mr. NORRIS. They get no further funds, as I understand this bill.

Mr. BORAH. Exactly; but what becomes of the road? Has the National Government no interest in the road, to keep it up if the State does not?

Mr. NORRIS. As I understand, the bill makes no provision on that subject excepting that the State is penalized, if it does not keep up the road, by not getting any further contribution.

Mr. WORKS. There is no provision in the bill to protect the Government against allowing the road to become out of repair except the one that has just been mentioned.

Mr. BORAH. Certainly if the National Government is going to put $75,0000,000 into building roads—and, of course, that is just the beginning—if it is going to put this vast amount of money into it, the Government would have sufficient interest in the proposition, as an interstate matter, to keep up the road if the State did not. I am astonished to hear that there is no provision that in case the State does not act the National Government will act.

Mr. WORKS. The Senator from Nebraska has asked me a question that I think deserves an answer. I think the Senator is perfectly right in maintaining that the Government, in order to protect itself, should have some such control as this over the roads; but I suggest to the Senator that that is the vicious feature of the whole thing. The Government must step in and interfere with the affairs of the State in order to protect itself, and therefore the State authorities and Federal authorities necessarily come in conflict.

Mr. GALLINGER. Mr. President——

Mr. WORKS. I yield to the Senator from New Hampshire.

Mr. GALLINGER. I do not know how it may be in other parts of the country, and I presume this is a mere regulation of the Post Office Department; but in my State, unless the existing roads over which the star-route mail and the rural-delivery mail is carried are kept in good condition, they are under a threat from the department that the service will be discontinued. As a result, our roads are kept in pretty good repair, even though they are not macadamized as a good many hundred of miles of roads in New Hampshire are.

Mr. WORKS. 23. The Secretary of Agriculture is authorized to temporarily decline to issue warrants upon failure of the State to comply with the provisions of the act, or upon breach of agreements made with him pursuant to the act, and shall finally decline if within three months the failure is not corrected or the breach remedied to his satisfaction.

24. The Secretary of Agriculture must certify the reasons for withholding the apportionment to the Secretary of the Treasury and to the State highway department.

25. The Secretary of Agriculture is authorized to employ assistants, clerks, and other persons in the city of Washington and elsewhere, to rent buildings in the city of Washington and elsewhere, to purchase supplies, material, equipment, office fixtures and apparatus, and to incur such travel and other expenses as he may deem necessary for carrying out the purposes of the act.

That brings the matter of the conduct of this business into Washington, to be controlled by the Secretary of Agriculture, and permits him to rent buildings, and gather together employees, and do all of the things necessary to conduct the business in Washington.

Mr. BANKHEAD. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Alabama?

Mr. WORKS. I yield.

Mr. BANKHEAD. I am sure the Senator wants to be perfectly accurate. The provision of the bill which authorizes the rental of buildings was stricken out yesterday.

Mr. WORKS. I was not aware of that. I am glad it has been improved to that extent.

Mr. President, I have tried to analyze the provisions of the bill so that they ought to be fairly well understood, and I have endeavored to do so in an impartial and fair way. Now I want to call attention to the provisions of the report of the committee, and analyze that just a little.

I do not know who prepared this report; but, whoever he was, he is a genius. He has tried in every way possible to convince Congress and the country that it is an awfully good thing to do, and to dispel the idea that it can by any possibility be in opposition to the Constitution of the United States. This I shall attempt to refute before I get through.

Referring to the question as to whether it is intended for the benefit of the Government or for the benefit of the States or for the benefit of the individual residents of the States, let me call attention to the first statement of the committee report as giving the reasons why this legislaion is alleged to be necessary. The Senate will notice that it is not because of the inability of the Government to transmit the mails or to perform any governmental function. There is no intention to legislate for any such reason as that.

Under the heading "Why Federal aid is needed—Present deplorable condition of public roads," it is said that the reason Federal aid is needed is that for three-quarters of a century the Federal Government has discontinued making appropriations for road construction, and that the States have failed to construct and maintain proper roads, although it is stated:

> This failure to accomplish results has not been due to lack of outlay in money and energy. for it is estimated that in 1904, $80,000,000 in money and labor was expended on the public roads, and that in 1914 the expenditure had grown to about $260,000,000.

The reason for making the appropriation is fairly well stated in that first clause of the report; and the reason why the Government is called upon to expend its money in that way is simply because the States have failed to do so. In other words, because the States have failed to perform their functions the Federal Government is called in to help them to carry out those functions by expending the money that belongs, not to any individual State, but to the whole country.

Under the head "Phenomenal traffic growth," which is equally significant, it is said the enormous increase in traffic on the public highways is set forth, indicating that it is not governmental purposes or the use of rural roads for carrying the mails that is the incentive for making this enormous appropriation.

Under the head "States and counties unable alone to meet new conditions," it is said that half of our population is living in cities, but they must be fed by the products from the country, and thus the cities are directly concerned with the conditions of the rural roads. The products of the cities are being sent out many miles into the country by huge delivery trucks, and this again gives to the city a direct pecuniary interest in the condition of the public roads.

Again it is said, under this head:

> It has become apparent, however, that the task of providing adequate public roads throughout the United States is a great enough task to demand participation by the Federal Government to the end that every unit, from the township to the Federal Government, shall carry out a well-ordered part in the great undertaking.

Now, what are we proposing to do? What are we proposing to initiate by this kind of legislation? It is clearly shown by that statement in the report that we are going to provide for a complete system of road construction throughout the whole United States; and the appropriation of this comparatively small sum of $75,000,000 must be only a beginning, because to carry out this vast scheme would cost billions of dollars instead of millions. The reason for it all is not that it is necessary in the interest of the Government as a government, but because the States are not able to carry on these improvements within their own borders; and therefore the Government of the United States is expected to go into the States and do for them what they are not able to do for themselves. I say it is utterly unjustifiable from any point of view as a matter of policy or as a matter of law, as I shall attempt to point out later on.

Under the heading "Direct bearing of roads upon national welfare," it is said:

> The building of an adequate system of public roads should not be regarded as merely a provision for the handling of a vast traffic, but it should also be considered as an essential to the balanced development of our great domain and of the furtherance of our welfare, physically and morally, as a people.

Then, under the head of "Propriety of Federal participation," it is said:

> Few critics of Federal aid now advance the objection that such aid is unconstitutional.

Mr. President, I am afraid I am one of the exceptions, for I shall attempt to show before I have done that the present effort to appropriate the moneys of the Government is in violation at least of the spirit of the Constitution, if not of its letter. The report proceeds:

> The provision in Article I, section 8, of the Constitution authorizing Congress to establish post offices and post roads, is most specific, even if sufficient authority could not be gleaned from the "general-welfare" clause in the preamble, and again in Article I, section 8, and from the clause authorizing the regulation of commerce among the several States.

I call the attention of the Senate to that clause, for there it is attempted to specify the provisions in the Constitution, some of which or all of which, it is claimed or assumed, will justify this expenditure of money within the States, and that I shall come to later.

The only authority noted upon this sort of internal improvement to the extent provided by the bill is the short extracts from distinguished statesmen of earlier days as follows:

> Thomas Jefferson, in a letter written in 1786, had a vision of a great internal development of the country, for he said:
>
> "I experience great satisfaction at seeing my country proceed to facilitate the intercommunication of its several parts by opening rivers, canals, and roads."

Evidently Mr. Jefferson had reference to the opening of canals to be used in interstate commerce, not the construction of local roads within a State.

Alexander Hamilton said in 1801:

"The improvement of the communications between the different parts of our country is an object well worthy of the national purse. * * * To provide roads and bridges is within the direct purview of the Constitution."

Mark the language there, Mr. President—"the improvement of the communications between the different parts of our country." It does not include local roads.

President Madison, in a message to Congress, said:

"I particularly invite again the attention of Congress to the expediency of exercising their existing powers and, where necessary, of resorting to the prescribed mode of enlarging them in order to effectuate a comprehensive system of roads and canals, such as will have the effect of drawing more closely together every part of our country by promoting intercourse and improvements, and by increasing the share of every part in the common stock of national prosperity."

Which is precisely like the other, and does not relate to local improvements.

Henry Clay, speaking in Congress in 1818, said:

"Of all the modes in which a Government can employ its surplus revenue none is more permanently beneficial than that of internal improvement. Fixed to the soil, it becomes a durable part of the land itself, diffusing comfort and activity and animation on all sides. The first direct effect is on the agricultural community, into whose pockets comes the difference in the expense of transportation between good and bad ways."

That also related to the question of transportation, and evidently to interstate commerce.

Daniel Webster, in an address in the United States Senate in 1830, said:

"They [meaning the United States Government] enjoy the revenues derived from commerce, and the States have no abundant and easy sources of public income. The customhouses fill the General Treasury, while the States have scanty resources except by resorting to heavy direct taxes.

"Under this view of things I thought it necessary to settle, at least for myself, some definite notions with respect to the powers of the Government in regard to internal affairs, and I arrived at the conclusion that Government had power to accomplish sundry objects, or aid in their accomplishment, which are now commonly spoken of as internal improvements."

Which is precisely to the same effect.

Eight years later President Jackson, commenting on President Monroe's message, said:

"No less than 23 different laws have been passed through all the forms of the Constitution appropriating to upward of $2,500,000 out of the National Treasury in support of that improvement, with the approbation of every President of the United States, including my predecessor, since its commencement. The views of Mr. Monroe upon this subject were not left to inference. During his administration a bill was passed through both Houses of Congress conferring the jurisdiction and prescribing the mode by which the Federal Government should exercise it in the case of the Cumberland Road. He returned it with objections to its passage, and in assigning them took occasion to say that in the early stages of the Government he had inclined to the construction that it had no right to expend money except in the performance of acts authorized by other specific grants of power according to a strict construction of them, but that on further reflection and observation his mind had undergone a change; that his opinion then was that Congress had an unlimited power to raise money, and that in its appropriation it had a discretionary power, restricted only by the duty to appropriate it to purposes of common defense and of general, not local, national, not State, benefit, and this was avowed to be the governing principle through the residue of his administration."

This statement evidently relates to the construction of just one road. I will consider President Monroe's veto message, to which reference is made, further along. These quotations furnish a very slender foundation for this proposed legislation.

In this connection this remarkable and unfounded statement is made respecting the veto message of President Monroe, to which I shall call attention a little later:

When President Monroe vetoed the Federal road act in 1822 he did not base his veto upon the ground that Congress had no right to make appropriations to aid in road improvement, but upon the establishment of the road as a turnpike upon which tollgates were erected and tolls collected and in which the enforcement of the tolls by penalties was involved.

That is a misstatement of what was actually said by President Monroe, as I shall show when I come to his veto message.

Then, under the head of "Federal aid to other public improvements," it is said:

Attention has been directed again and again in connection with proposed Federal legislation in aid of road improvement, to the appropriations made by Congress for rivers and harbors, for the Panama Canal, and to aid in the establishment of transcontinental railroads. These citations would appear to be entirely justified, as the primary purpose of all those appropriations was to facilitate the development of the country and the transportation of people and products.

All of these are distinguishable from the present proposition, in that they were connected with interstate commerce or were the carrying out of Government functions.

It is further said under this head:

The Federal Government has a direct pecuniary interest in the improvement of public roads, as it now has an annual appropriation of $53,000,000 for the maintenance of a rural mail delivery service, involving the employment of nearly 44,000 rural mail carriers.

But it should be borne in mind that the money expended by the Government, mentioned here, is under a provision for the carrying of the mails. It does not include the improvement of roads. The Government has never undertaken to construct rural roads for the benefit of the Government.

Again, it is said:

The importance of an adequate system of public roads from a military standpoint will become increasingly evident with the development and more general use of the motor truck.

Then, under the head "Beneficial results to be expected from Federal aid—equalizing cost burdens," it is said:

The farmer has been—

Now we come to the farmer.

The farmer has been from time immemorial paying the bill for the building and upkeep of public roads. Appropriations of State funds in recent years have transferred a slight portion of this burden to the owners of city property, but it is probably conservative to say that at least 75 per cent of the money raised for road purposes at the present time is paid by the owners of country property.

Mr. President, I do not know how true that statement may be, but it does not in the least alter the situation. We are legislating here continually for the farmers, and probably as a class they need legislation for their benefit less than any other class in this country. There is no class of people in the United States to-day who are more prosperous as a whole than the farmers, and I happen to know that a good many of the intelligent farmers of this country are indignant at the use that is made of their name in the effort to procure legislation of this kind. Whatever may be the outcome, the farmer will have to bear his share of this burden, whether the money comes out of the National Treasury or the State treasury.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from South Dakota?

Mr. WORKS. I yield.

Mr. STERLING. The Senator from California has referred to objections on the part of farmers to legislation of this character. I should like to ask him if he has heard of any objection on the part of farmers to this particular piece of legislation?

Mr. WORKS. No; I have not. I was not referring to this particular legislation; but I have heard such objection to other legislation of a similar kind, and I think the Senator has also. I have no doubt he has.

Then, under the heading "Encouragement of systematic road management," it is said:

Legislation by Congress requiring on the part of the States, as a condition to receiving Federal aid, that they provide for systematic and responsible supervision of the joint funds thus created, would be a long step in the direction of effective road management now so urgently needed. It is a self-evident proposition that in small communities the selfish influence of powerful individuals has greater opportunity to act counter to the public welfare than in the larger political communities.

This shows that the intention here is to carry out a general system and bring the Government into the construction of the roads to furnish the technical knowledge and skill that are necessary in order to construct them, and to relieve the States of that burden.

Then, under the heading "Higher standards of construction and maintenance," it is said:

Federal legislation properly enframed should insure the formation of a Federal corps of highway engineers, representative of the best technical and practical ability obtainable in this country.

I remember that the Senator from Alabama yesterday called attention to the fact either that it was a body of engineers that first suggested legislation of this kind or that they have as a body encouraged it. That is quite natural. Probably there is no other set of men that will benefit or profit more by it than the engineers.

Under the heading of "Permanent improvements in lieu of temporary repairs" it is said:

By confining the expenditures of the joint fund supplied by the Federal Government and the respective State governments to construction rather than to maintenance tangible and durable roads will be provided to take the place of those upon which untold millions have been expended for temporary patchwork in the past.

Under the heading "Government should require maintenance" it is said:

While the primary purpose of the Government in entering upon the policy of Federal aid is to secure the construction of systems of highways which are urgently needed, it should not forego the opportunity and the duty to require on the part of the States that they adequately maintain every mile of road constructed with the aid of Federal money.

So, with reference to "Correlation of road improvement." Under that heading it is said:

It is essential to the normal development of transportation facilities that the public roads of each State shall be coordinated and correlated with the public roads of the adjoining States. In the absence of the

correlating influence which Government participation may provide it is probable that the development of the road system of the Nation as a whole would be haphazard and uneconomical.

Under the heading "Roads would be improved in the order of their importance" it is said:

It has been repeatedly estimated that 20 per cent of the roads may be so designated and improved as to carry some 80 to 85 per cent of the traffic. It may be assumed that the highway department of each State, representing both county and State interests, acting in cooperation with the Federal Government representatives, will select for improvement those roads which will best serve the traffic needs of the State and its local subdivisions.

Under the heading "Fundamental considerations in framing Federal-aid legislation—The Federal Government should cooperate with the State governments" it is said:

It is manifestly important that the Federal Government shall deal with a definite and responsible agency in carrying out the policy of Federal aid to road improvement. There are, besides the Federal Government, four distinct governmental units, namely, the State, the county, the township, and the municipality. As the primary purpose of Federal aid is to improve country roads, the municipality need not be considered in this connection.

Under the heading "No disturbance of State control" this very remarkable statement is made:

No policy of Federal aid should be adopted which does not permit the retention by the States of the fullest measure of control consistent with the necessary inspection and safeguarding which is customary with all Federal appropriations.

Under the heading "Self-help should be encouraged and 'pork barrel' discouraged" it is said:

While the contribution on the part of the Federal Government should be substantial, so that results of some magnitude might be accomplished, such contribution should impose upon the States the duty of contributing in at least as large a measure, so that there may be no insidious paternalism established, which would stifle local initiative and self-help.

Under the heading "Factors of apportionment" it is said:

Some plan must be adopted at the outset for determining what proportion of Federal appropriation shall go to each State. In arriving at the most feasible and equitable plan, consideration must be given to those factors which are intimately related to the public roads. First, it must be considered that primarily the road is designed for the use of the people, and it would, therefore, seem more equitable that population should form a basic factor in determining the distribution of appropriations.

Now, under the estimate of apportionment provided, California would receive the following amounts:

| | |
|---|---|
| First year | $155,750 |
| Second year | 311,500 |
| Third year | 467,250 |
| Fourth year | 623,000 |
| Fifth year | 778,750 |
| Or a total of | 2,336,250 |

*Friday, April 21, 1916.*

Mr. WORKS. Mr. President, I have analyzed as best I could the provisions of the bill, with such comments as I desired to make upon it, and also the report of the committee. I pass now to a consideration of the constitutional question involved. I think it must be admitted that there is no direct or enumerated power in the Constitution that would authorize the United States to aid the States in the construction of local roads. The real question is whether there is any implied or incidental power that would justify legislation of this kind; and in dealing with it, Mr. President, we must bear in mind that this is not a proposition to aid in the construction of any particular highway that does or might connect States and therefore be interstate in character. It is proposed to enter upon a general system throughout the whole country of investing the money of the National Government in the improvement of local roads. I undertake to say that there is no provision in the Constitution, and no incidental or implied power resulting from any provision of the Constitution, which would justify legislation of this kind.

Mr. SHAFROTH. May I ask the Senator a question?

Mr. WORKS. Certainly.

Mr. SHAFROTH. Does not the policy which has been pursued in the last 20 years with respect to the withdrawal of lands from entry, the withdrawal of reservoir sites, the withdrawal of water-power sites, thereby preventing any taxation to be raised by the State for local purposes, almost of necessity require that there should be substantial aid by the Federal Government in matters concerning local affairs, especially when it must be considered as being constitutional in view of the fact that the object and purpose is primarily to have roads for the Postal Service, for military service, and for interstate-commerce service?

Mr. WORKS. Mr. President, nothing that Congress or the executive department has done in the past, however unjust or just it may be, could justify Congress in violating the Constitution of the United States. There is nothing, it seems to me, in anything the Government has done that is parallel to what is proposed to be done now or that could uphold any legislation of this kind.

I recognize fully the injustice to the Western States that is referred to by the Senator from Colorado, but this is a separate and distinct proposition which must be dealt with alone. It can not be affected by anything that has taken place in the past.

Mr. SHAFROTH. Does not the Senator think that the bill as framed, under the language which is used, would be upheld by the Supreme Court of the United States as being constitutional?

Mr. WORKS. No; I do not by any means. There is absolutely nothing in any decision of the Supreme Court or any other court down to the present time that I have been able to discover which can justify such legislation as this, and I am going to attempt to show it is in violation of the Constitution and can not be justified.

When a lawyer is called upon to deal with the question of incidental or implied powers of the National Government he turns almost instinctively to the opinion of Chief Justice Marshall in the case of McCulloch against The State of Maryland. It is a great opinion, delivered by a great judge, upon a great question. It has practically fixed the law of construction of the Constitution of the United States that has been followed by all of the decisions of the Federal and State courts from that time down to this.

Mr. KENYON. I wish to understand the Senator. Does he contend that the Federal Government could not under the Constitution appropriate money to assist in the development of interstate roads, or does he take the position that the pending bill is not for that kind of development?

Mr. WORKS. Mr. President, it is not necessary for me to take any position respecting the right of the Government to participate with the States in the construction of interstate highways. That question is not before the Senate by this bill. I contend that the bill is not for the purpose of constructing interstate highways at all. It does not purport to be any such thing. It is an effort to aid the States in the construction of local roads within the borders of the several States, and it does not deal with all the States together. It deals individually with each State, because any action that may take place under the bill is limited to cases where the legislature of the State assents to it. Therefore there may be some of them that would take advantage of the legislation and some that would not. As was suggested here yesterday, if one of the States should not assent to the provisions of the bill and take advantage of it, then that State is compelled to pay its share of the taxes to improve the roads in the other States, which is eminently unjust.

Mr. President, I think I need not apologize to the Senate of the United States for taking up some of its time in considering with some particularity and quoting at some length from the case to which I have referred.

The case of McCulloch *v.* State of Maryland (4 Wheaton, 316, 400) involved the power of Congress to pass "An act to incorporate the subscribers to the Bank of the United States." It was admitted that no express power to establish such a corporation was contained in the Constitution, and that the Federal Government was one of limited and enumerated powers. The effect of the decision was to give to Congress such incidental powers of legislation as is necessary to carry out the powers expressly given. The case is a leading one, the opinion being delivered by Chief Justice Marshall.

Now, in the beginning let me call attention to the situation and the question really involved here. It is perfectly evident that under this decision and others that have followed it there must be some direct power given to the Government of the United States to which some incidental power may be attached in order to entitle the Government to enter upon a scheme of this kind. Therefore we must necessarily stop to inquire what is the direct or enumerated power under the Constitution to which we can attach some incidental power that will justify this kind of legislation.

Let me quote from this opinion:

In discussing these questions the conflicting powers of the General and State Governments must be brought into view, and the supremacy of their respective laws, when they are in opposition, must be settled.

If any one proposition could command the universal assent of mankind, we might expect it would be this—that the Government of the Union, though limited in its powers, is supreme within its sphere of action. This would seem to result necessarily from its nature.

In that connection I want to again call attention to what I said yesterday—that it is absolutely necessary that we should divide the power as between the States and the National Government. If the construction of these roads as post roads is a Government function or is within the power of the National

Government, then the laws of the United States must be supreme respecting the work to be done or the power to be executed. There can be no division of power in a matter with which the National Government has a right to deal, as between the State and the Federal Government. I proceed with the quotation:

It is the Government of all, its powers are delegated by all, it represents all, and acts for all. Though any one State may be willing to control its operations, no State is willing to allow others to control them. The Nation, on those subjects on which it can act, must necessarily bind its component parts. But this question is not left to mere reason; the people have, in express terms, decided it by saying, "This Constitution and the laws of the United States which shall be made in pursuance thereof" "shall be the supreme law of the land," and by requiring that the members of the State legislatures and the officers of the executive and judicial departments of the States shall take the oath of fidelity to it.

The Government of the United States, then, though limited in its powers, is supreme; and its laws, when made in pursuance of the Constitution, form the supreme law of the land, "anything in the constitution or laws of any State to the contrary notwithstanding."

Among the enumerated powers we do not find that of establishing a bank or creating a corporation.

And I insist, Mr. President, that under the enumerated powers we find none authorizing the United States to aid in the construction of roads within a State.

But there is no phrase in the instrument which, like the Articles of Confederation, excludes incidental or implied powers and which requires that everything granted shall be expressly and minutely described. Even the tenth amendment, which was framed for the purpose of quieting the excessive jealousies which had been excited, omits the word "expressly," and declares only that the powers "not delegated to the United States nor prohibited to the States are reserved to the States or to the people," thus leaving the question, whether the particular power which may become the subject of contest has been delegated to the one Government or prohibited to the other, to depend on a fair construction of the whole instrument.

I insist in that connection again, Mr. President, that there can be no joint power respecting a matter of this kind. Of course, in certain instances the States and the Federal Government have coordinate jurisdiction; but that can not possibly be so here. Either the one Government or the other must have the right and jurisdiction to deal with this question; and if it has, that necessarily excludes the power and jurisdiction of the other.

The men who drew and adopted this amendment had experienced the embarrassments resulting from the insertion of this word in the articles of confederation and probably omitted it to avoid those embarrassments. A constitution to contain an accurate detail of all the subdivisions of which its great powers will admit and of all the means by which they may be carried into execution would partake of the prolixity of a legal code and could scarcely be embraced by the human mind. It would probably never be understood by the public. Its nature, therefore, requires that only its great outlines should be marked, its important objects designated, and the minor ingredients which compose those objects be deducted from the nature of the objects themselves. That this idea was entertained by the framers of the American Constitution is not only to be inferred from the nature of the instrument but from the language. Why else were some of the limitations, found in the ninth section of the first article, introduced? It is also in some degree warranted by their having omitted to use any restrictive term which might prevent its receiving a fair and just interpretation? In considering this question, then, we must never forget that it is a constitution we are expounding.

Although among the enumerated powers of government we do not find the word "bank" or "incorporation," we find the great powers to lay and collect taxes, to borrow money, to regulate commerce, to declare and conduct a war, and to raise and support armies and navies. The sword and the purse, all the external relations, and no inconsiderable portion of the industry of the Nation are intrusted to its Government. It can never be pretended that these vast powers draw after them others of inferior importance merely because they are inferior. Such an idea can never be advanced. But it may with great reason be contended that a Government, intrusted with such ample powers, on the due execution of which the happiness and prosperity of the Nation so vitaly depends, must also be intrusted with ample means for their execution. The power being given, it is the interest of the Nation to facilitate its execution. It can never be their interest, and can not be presumed to have been their intention, to clog and embarrass its execution by withholding the most appropriate means. Throughout this vast Republic, from the St. Croix to the Gulf of Mexico, from the Atlantic to the Pacific, revenue is to be collected and expended, armies are to be marched and supported. The exigencies of the Nation may require that the treasure raised in the North should be transported to the South; that raised in the East converted to the West; or that this order should be reversed. Is that construction of the Constituion to be preferred which would render these operations difficult, hazardous, and expensive? Can we adopt that construction (unless the words imperiously require it) which would impute to the framers of that instrument, when granting these powers for the public good, the intention of impeding their exercise by withholding a choice of means? If, indeed, such be the mandate of the Constitution, we have only to obey; but that instrument does not profess to enumerate the means by which the powers it confers may be executed; nor does it prohibit the creation of a corporation, if the existence of such a being be essential to the beneficial exercise of those powers. It is, then, the subject of fair inquiry how far such means may be employed.

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The power of creating a corporation is one appertaining to sovereignty, and is not expressly conferred on Congress. This is true. But all legislative powers appertain to sovereignty. The original power of giving the law on any subject whatever, is a sovereign power; and if the Government of the Union is restrained from creating a corporation, as a means for performing its functions, on the single reason that the creation of a corporation is an act of sovereignty, if the sufficiency of this reason be acknowledged, there would be some difficulty in sustaining the authority of Congress to pass other laws for the accomplishment of the same objects.

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The power of creating a corporation, though appertaining to sovereignty, is not, like the power of making war or levying taxes or of regulating commerce, a great substantive and independent power which can not be implied as incidental to other powers or used as a means of executing them. It is never the end for which other powers are exercised, but a means by which other objects are accomplished. No contributions are made to charity for the sake of an incorporation, but a corporation is created to administer the charity; no seminary of learning is instituted in order to be incorporated, but the corporate character is conferred to subserve the purposes of education. No city was ever built with the sole object of being incorporated, but is incorporated as affording the best means of being well governed. The power of creating a corporation is never used for its own sake, but for the purpose of effecting something else. No sufficient reason is therefore perceived why it may not pass as incidental to those powers which are expressly given, if it be a direct mode of executing them.

That suggests an idea, Mr. President. There must not only be an enumerated or express power from which you may infer or draw an indirect or incidental power, but that incidental power must be one that is reasonably necessary to carry out the enumerated or expressed power.

But the Constitution of the United States has not left the right of Congress to employ the necessary means for the execution of the powers conferred on the Government to general reasoning. To its enumeration of powers is added that of making "all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution, in the Government of the United States, or in any department thereof."

It was contended in argument that only such incidental or implied powers can be exercised as are absolutely necessary to carry out the expressed powers.

In discussing this contention the Chief Justice said:

But the argument on which most reliance is placed is drawn from the peculiar language of this clause. Congress is not empowered by it to make all laws which may have relation to the powers conferred on the Government, but such only as may be "necessary and proper" for carrying them into execution. The word "necessary" is considered as controlling the whole sentence and as limiting the right to pass laws for the execution of the granted powers to such as are indispensable, and without which the power would be nugatory. That it excludes the choice of means and leaves to Congress in each case that only which is most direct and simple.

Is it true that this is the sense in which the word "necessary" is always used? Does it always import an absolute physical necessity so strong that one thing to which another may be termed necessary can not exist without that other? We think it does not. If reference be had to its use in the common affairs of the world, or in approved authors, we find that it frequently imports no more than that one thing is convenient or useful or essential to another. To employ the means necessary to an end is generally understood as employing any means calculated to produce the end and not as being confined to those single means without which the end would be entirely unattainable.

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The word "necessary" is of this description. It has not a fixed character peculiar to itself. It admits of all degrees of comparison and is often connected with other words which increase or diminish the impression the mind receives of the urgency it imports. A thing may be necessary, very necessary, absolutely, or indispensably necessary. To no mind would the same idea be conveyed by these several phrases. This comment on the word is well illustrated by the passage cited at the bar from the tenth section of the first article of the Constitution. It is, we think, impossible to compare the sentence which prohibits a State from laying "imposts or duties on imports or exports except what may be absolutely necessary for executing its inspection laws," with that which authorizes Congress "to make all laws which shall be necessary and proper for carrying into execution" the powers of the General Government without feeling a conviction that the convention understood itself to change materially the meaning of the word "necessary" by prefixing the word "absolutely." This word, then, like others, is used in various senses, and in its construction the subject, the context, the intention of the person using them are all to be taken into view.

Mr. President, there are some other things in this opinion, or in the extracts which I have taken from it, which I think are important to this question, but I shall ask to include them in my remarks without reading.

The VICE PRESIDENT. Without objection, it is so ordered.

The extracts referred to are as follows:

Let this be done in the case under consideration. The subject is the execution of those great powers on which the welfare of a nation essentially depends. It must have been the intention of those who gave these powers to insure, as far as human prudence could insure, their beneficial execution. This could not be done by confiding the choice of means to such narrow limits as not to leave it in the power of Congress to adopt any which might be appropriate, and which were conducive to the end. This provision is made in a constitution intended to endure for ages to come, and consequently to be adapted to the various crises of human affairs. To have prescribed the means by which government should, in all future time, execute its powers would have been to change, entirely, the character of the instrument, and give it the properties of a legal code. It would have been an unwise attempt to provide, by immutable rules, for exigencies which, if foreseen at all, must have been seen dimly, and which can be best provided for as they occur. To have declared that the best means shall not be used, but those alone without which the power given would be nugatory, would have been to deprive the legislature of the capacity to avail itself of experience, to exercise its reason, and to accommodate its legislation to circumstances. If we apply this principle of construction to any of the powers of the Government, we shall find it so pernicious in its operation that we shall be compelled to discard it.

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Take, for example, the power "to establish post offices and post roads." This power is executed by the single act of making the establishment. But from this has been inferred the power and duty of carrying the mail along the post roads, from one post office to another; and from this implied power has again been inferred the right to punish those who steal letters from the post office or rob the mail. It may be said, with some plausibility, that the right to carry the mail and to punish those who rob it is not indispensably necessary to the establishment of a post office and post road. This right is indeed essential to the beneficial exercise of the power but not indispensably necessary to its existence.

Mr. WORKS. After fully considering the various questions raised, the court concluded:

We admit, as all must admit, that the powers of the Government are limited, and that its limits are not to be transcended. But we think the sound construction of the Constitution must allow to the National Legislature that discretion, with respect to the means by which the powers it confers are to be carried into execution, which will enable that body to perform the high duties assigned to it in the manner most beneficial to the people. Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consistent with the letter and spirit of the Constitution, are constitutional.

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After the most deliberate consideration, it is the unanimous and decided opinion of this court that the act to incorporate the bank of the United States is a law made in pursuance of the Constitution and is a part of the supreme law of the land.

Mr. President, the report on this bill has mentioned and attempted to construe the veto message delivered by President Monroe involving the very question that is involved here, except that that was legislation attempting to aid in the construction of a single road. It is said in the report, in substance, that the President did not veto the bill on the ground that Congress had no power to enact laws of that kind or to render aid such as was proposed or to construct roads in a general sense, but that it was only held by him that toll roads could not be established by the Government and tolls collected by it.

Mr. President, that is a mistake. The veto message goes much further than that. The fact of establishing a toll road and the collection of tolls were mentioned in the message, but the conclusion of the President was not founded on any such consideration as that, as a reading of the message will show. I look upon this message as one of the most important that has been delivered in the way of a message or of a decision of the courts of the country involving this question. It covers every conceivable ground upon which it is claimed that legislation of this kind may rest. It takes up the very things which are mentioned in the report of the committee as foundations for this legislation, refutes every one of them from beginning to end, and reaches the conclusion that no such legislation is competent on the part of the Government. It should be remembered in this connection that this veto message was delivered two years after the celebrated decision of the court in McCulloch against The State of Maryland, and it was in the light of the decision of Chief Justice Marshall that this veto message was delivered, although it is not mentioned in the veto message itself.

Now, in view of what has been said about it and of the importance of this message, I want to call particular attention to some of its provisions and its reasoning.

The veto message of President Monroe was upon a bill entitled "An act for the preservation and repair of the Cumberland Road," May 4, 1822, and will be found in Messages and Papers of the Presidents, volume 2, pages 142 to 144:

Having duly considered the bill entitled "An act for the preservation and repair of the Cumberland Road," it is with deep regret, approving, as I do, the policy, that I am compelled to object to its passage and to *return the bill to the* House of Representatives, in which it originated, under a conviction that Congress do not possess the power under the Constitution to pass such a law.

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It has never been contended that the power was specifically granted. It is claimed only as being incidental to some one or more of the powers which was specifically granted. The following are the powers from which it is said to be derived:

First, from the right to establish post offices and post roads; second, from the right to declare war; third, to regulate commerce; fourth, to pay the debts and provide for the common defense and general welfare; fifth, from the power to make all laws necessary and proper for carrying into execution all the powers vested by the Constitution in the Government of the United States or in any department or officer thereof; sixth, and lastly, from the power to dispose of and make all needful rules and regulations respecting the territory and other property of the United States.

According to my judgment it can not be derived from either of those powers nor from all of them united, and in consequence it does not exist.

Following that broad statement, the message discusses generally the powers and jurisdiction of the States and of the National Government, and, after having done that, takes up specifically the different claims of power and discusses them all minutely. I am not going to take up time in reading these discussions, although I think they are most important and should receive the attention of the Senate. I am admonished by the desire of the Senator from Alabama [Mr. BANKHEAD] to push this bill along that I ought not to take up more of the time than is proper and necessary under the circumstances. I have no disposition, although I am very much opposed to the bill, to prevent action upon it. I will ask to be allowed to insert in the RECORD the extracts from the message which I have here in my hand.

The VICE PRESIDENT. Without objection, it is so ordered.

The extracts referred to are as follows:

It may be presumed that the proposition relating to internal improvements by roads and canals, which has been several times before Congress, will be taken into consideration again either for the purpose of recommending to the States the adoption of an amendment to the Constitution to vest the necessary power in the General Government or to carry the system into effect on the principle that the power has already been granted. It seems to be the prevailing opinion that great advantage would be derived from the exercise of such a power by Congress. Respecting the right there is much diversity of sentiment. It is of the highest importance that this question should be settled. If the right exist it ought forthwith to be exercised. If it does not exist, surely those who are friends to the powers ought to unite in recommending an amendment to the Constitution to obtain it.

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The Constitution of the United States, being ratified by the people of the several States, became of necessity to the extent of its powers the paramount authority of the Union. On sound principles it can be viewed in no other light. The people, the highest authority known to our system, from whom all our institutions spring and on whom they depend, formed it. Had the people of the several States thought proper to incorporate themselves into one community, under one government, they might have done it. They had the power, and there was nothing then nor is there anything now, should they be so disposed, to prevent it. They wisely stopped however at a certain point, extending the incorporation to that point, making the National Government thus far a consolidated Government and preserving the State governments without that limit perfectly sovereign and independent of the National Government. Had the people of the several States incorporated themselves into one community, they must have remained such, their constitution becoming then, like the constitution of the several States, incapable of change until altered by the will of the majority. In the institution of a State government by the citizens of a State a compact is formed to which all and every citizen are equal parties. They are also the sole parties and may amend it at pleasure. In the institution of the Government of the United States by the citizens of every State a compact was formed between the whole American people which has the same force and partakes of all the qualities to the extent of its powers as a compact between the citizens of a State in the formation of their own constitution. It can not be altered except by those who formed it or in the mode prescribed by the parties to the compact itself.

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There were two separate and independent governments established over our Union, one for local purposes over each State by the people of the State, the other for national purposes over all the States by the people of the United States. The whole power of the people, on the representative principle, is divided between them. The State governments are independent of each other, and to the extent of their powers are complete sovereignties. The National Government begins where the State governments terminate, except in some instances where there is a concurrent jurisdiction between them. This Government is also, according to the extent of its powers, a complete sovereignty. I speak here, as repeatedly mentioned before, altogether of representative sovereignties, for the real sovereignty is in the people alone.

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I will now proceed to examine the powers of the General Government, which, like the governments of the several States, is divided into three branches—a legislative, executive, and judiciary—each having its appropriate share. Of these the legislative, from the nature of its powers, all laws proceeding from it, and the manner of its appointment, its members being elected immediately by the people, is by far the most important. The whole system of the National Government may be said to rest essentially on the powers granted to this branch. They mark the limit within which, with few exceptions, all the branches must move in the discharge of their respective functions.

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The next circumstance to be attended to is that the people composing this Union are the people of the several States, and not of the United States in the full sense of a consolidated government. The militia are the militia of the several States; lands are held under the laws of the States, descents, contracts, and all the concerns of private property, the administration of justice, and the whole criminal code, except in the cases of breaches of the laws of the United States made under and in conformity with the powers vested in Congress and of the laws of nations, are regulated by State laws. This enumeration shows the great extent of the powers of the State governments. The territory and the people form the basis on which all governments are founded. The militia constitutes their effective force. The regulation and protection of property and of personal liberty are also among the highest attributes of sovereignty. This, without other evidence, is sufficient to show that the great office of the Constitution of the United States is to unite the States together under a Government endowed with powers adequate to the purposes of its institution, relating, directly or indirectly, to foreign concerns, to the discharge of which a National Government thus formed alone could be competent.

This view of the exclusive jurisdiction of the several States over the territory within their respective limits, except in cases otherwise specially provided for, is supported by the obvious intent of the several powers granted to Congress, to which a more particular attention is now due. Of these the right to declare war is perhaps the most important, as well by the consequences attending war as by the other powers granted in aid of it. The right to lay taxes, duties, imposts, and excises, though necessary for the support of the civil government, is equally necessary to sustain the charges of war; the right to raise and support armies and a navy and to call forth and govern the militia when in the service of the United States are altogether of the latter kind. They are granted in aid of the power to make war and intended to give effect to it. These several powers are of great force and extent, and operate more directly within the limits

and upon the resources of the States than any of the other powers. But still they are means only for given ends. War is declared and must be maintained, an army and a navy must be raised, fortifications must be erected for the common defense, debts must be paid. For these purposes duties, imposts, and excises are levied, taxes are laid, the lands, merchandise, and other property of the citizens are liable for them; if the money is not paid, seizures are made and the lands are sold. The transaction is terminated; the lands pass into other hands, who hold them, as the former proprietors did, under the laws of the individual States. They were means only to certain ends; the United States have nothing further to do with them. The same view is applicable to the power of the General Government over persons. The militia is called into the service of the United States; the service is performed; the corps returns to the State to which it belongs; it is the militia of such State and not of the United States. Soldiers are required for the Army, who may be obtained by voluntary enlistment or by some other process founded in the principles of equality. In either case the citizen after the tour of duty is performed is restored to his former station in society, with his equal share in the common sovereignty of the Nation. In all these cases, which are the strongest which can be given, we see that the right of the General Government is nothing more than what it is called in the Constitution, a power to perform certain acts, and that the subject on which it operates is a means only to that end; that it was both before and after that act under the protection and subject to the laws of the individual State within which it was.

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I shall conclude my remarks on this part of the subject by observing that the view which has been presented of the powers and character of the two Governments is supported by the marked difference which is observable in the manner of their endowment. The State governments are divided into three branches—a legislative, executive, and judiciary—and the appropriate duties of each assigned to it without any limitation of power except such as is necessary to guard against abuse in the form of bills of right. But in instituting the National Government an entirely different principle was adopted and pursued. The Government itself is organized, like the State governments, into three branches, but its powers are enumerated and defined in the most precise form. The subject has already been too fully explained to require illustration by a general view of the whole Constitution, every part of which affords proof of what is here advanced. It will be sufficient to advert to the eighth section of the first article, being that more particularly which defines the powers and fixes the character of the Government of the United States.

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Having shown the origin of the State governments and their endowments when first formed; having also shown the origin of the National Government and the powers vested in it; and having shown, lastly, the powers which are admitted to have remained to the State governments after those which were taken from them by the National Government, I will now proceed to examine whether the power to adopt and execute a system of internal improvement by roads and canals has been vested in the United States.

Before we can determine whether this power has been granted to the General Government it will be necessary to ascertain distinctly the nature and extent of the power requisite to make such improvements. When that is done we shall be able to decide whether such power is vested in the National Government.

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It may be urged that the opposition suggested by the owner of the land or by the States individually may be avoided by a satisfactory arrangement with the parties. But a suppression of opposition in that way is no proof of a right in Congress, nor could it, if confined to that limit, remove all the impediments to the exercise of the power. It is not sufficient that Congress may, by the command and application of the public revenue, purchase the soil, and thus silence that class of individuals, or by the accommodation afforded to individual States put down opposition on their part. Congress must be able rightfully to control all opposition or they can not carry the system into effect. Cases would inevitably occur to put the right to the test. The work must be preserved from injury, tolls must be collected, offenders must be punished. With these culprits no bargain can be made. When brought to trial they must deny the validity of the law, and that plea being sustained all claim to the right ceases.

If the United States possess this power, it must be either because it has been specifically granted or that it is incidental and necessary to carry into effect some specific grant. The advocates for the power derive it from the following sources: First, the right to establish post offices and post roads; second, to declare war; third, to regulate commerce among the several States; fourth, from the power to pay the debts and provide for the common defense and general welfare of the United States; fifth, from the power to make all laws necessary and proper for carrying into execution all the powers vested by the Constitution in the Government of the United States or in any department or officer thereof; sixth, and lastly, from the power to dispose of and make all needful rules and regulations respecting the territory and other property of the United States. It is to be observed that there is but little accord among the advocates for this power as to the particular source from whence it is derived. They all agree, however, in ascribing it to some one or more of those above mentioned. I will examine the ground of the claim in each instance.

The first of these grants is in the following words: "Congress shall have power to establish post offices and post roads." What is the just import of these words and the extent of the grant? The word "establish" is the ruling term; "post offices and post roads" are the subjects on which it acts. The question, therefore, is, What power is granted by that word? The sense in which words are commonly used is that in which they are to be understood in all transactions between public bodies and individuals. The intention of the parties is to prevail, and there is no better way of ascertaining it than by giving to the terms used their ordinary import. If we were to ask any number of our most enlightened citizens who had no connection with public affairs and whose minds were unprejudiced what was the import of the word "establish" and the extent of the grant which it controls, we do not think there would be any difference of opinion among them. We are satisfied that all of them would answer that a power was thereby given to Congress to fix on the towns, courthouses, and other places throughout our Union at which there should be post offices the routes by which the mails should be carried from one post office to another, so as to diffuse intelligence as extensively and to make the institution as useful as possible, to fix the postage to be paid on every letter and packet thus carried, to support the establishment, and to protect the post offices and mails from robbery by punishing those who should commit the offense. The idea of a right to lay off the roads of the United States on a general scale of improvement, to take the soil from the proprietor by force to establish turnpikes and tolls, and to punish offenders in the manner stated above would never occur to any such person. The use of the existing road by the stage, mail carrier, or post boy in passing over it as others do is all that would be thought of, the jurisdiction and soil remaining to the State, with a right in the State or those authorized by its legislature to change the road at pleasure.

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If the United States possessed the power contended for under this grant, might they not in adopting the roads of the individual States for the carriage of the mail, as has been done, assume jurisdiction over them and preclude a right to interfere with or alter them? Might they not establish turnpikes and exercise all the other acts of sovereignty above stated over such roads necessary to protect them from injury and defray the expense of repairing them? Surely, if the right exists, these consequences necessarily followed as soon as the road was established. The absurdity of such a pretension must be apparent to all who examine it. In this way a large portion of the territory of every State might be taken from it, for there is scarcely a road in any State which will not be used for the transportation of the mail. A new field for legislation and internal government would thus be opened.

From this view of the subject I think we may fairly conclude that the right to adopt and execute a system of internal improvement, or any part of it, has not been granted to Congress under the power to establish post offices and post roads; that the common roads of the country only were contemplated by that grant and are fully competent to all its purposes.

The next object of inquiry is whether the right to declare war includes the right to adopt and execute this system of improvement. The objections to it are, I presume, not less conclusive than those which are applicable to the grant which we have just examined.

Under the last-mentioned grant a claim has been set up to as much of that system as relates to roads. Under this it extends alike to roads and canals.

We must examine this grant by the same rules of construction that were applied to the preceding one. The object was to take this power from the individual States and to vest it in the General Government. This has been done in clear and explicit terms, first, by granting the power to Congress, and, secondly, by prohibiting the exercise of it by the States. "Congress shall have a right to declare war." This is the language of the grant. If the right to adopt and execute this system of improvement is included in it, it must be by way of incident only, since there is nothing in the grant itself which bears any relation to roads and canals. The following considerations, it is presumed, prove incontestably that this power has not been granted in that or any other manner:

The United States are exposed to invasion through the whole extent of their Atlantic coast by any European power with whom we might be engaged in war—on the northern and northwestern frontier on the side of Canada by Great Britain and on the southern by Spain or any power in alliance with her. If internal improvements are to be carried to the full extent to which they may be useful for military purposes, the power as it exists must apply to all the roads of the Union, there being no limitation to it. Wherever such improvements may facilitate the march of troops, the transportation of cannon, or otherwise aid the operations or mitigate the calamities of war along the coast or in any part of the interior they would be useful for military purposes, and might therefore be made. The power following as an incident to another power can be measured as to its extent by reference only to the obvious extent of the power to which it is incidental. So great a scope was, it is believed, never given to incidental power.

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The second number of the clause, which is applicable to military and naval purposes alone, claims particular attention here. It fully confirms the view taken of the other enumerated powers, for had it been intended to include in the right to declare war, by way of incident, any right of jurisdiction or legislation over territory within a State, it would have been done as to fortifications, magazines, arsenals, dockyards, and other needful buildings. By specifically granting the right as to such small portions as might be necessary for these purposes and on certain conditions, minutely and well defined, it is manifest that it was not intended to grant it as to any other portion on any condition for any purpose or in any manner whatsoever.

It may be said that, although the authority to exercise exclusive legislation in certain cases within the States with their consent may be considered as a prohibition to Congress to exercise like exclusive legislation in any other case, although their consent should be granted, it does not prohibit the exercise of such jurisdiction or power within a State as would be competent to all the purposes of internal improvement. I can conceive no ground on which the idea of such a power over any part of the territory of a State can be inferred from the power to declare war. There never can be an occasion for jurisdiction for military purposes, except in fortifications, dockyards, and the like places. If the soldiers are in the field or are quartered in garrisons without the fortifications, the civil authority must prevail where they are. The government of the troops by martial law is not affected by it. In war, when the forces are increased and the movement is on a greater scale, consequences follow which are inseparable from the exigencies of the State. More freedom of action and a wider range of power in the military commanders, to be exercised on their own responsibility, may be necessary to the public safety; but even here the civil authority of the State never ceases to operate. It is also exclusive for all civil purposes.

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I come next to the right to regulate commerce, the third source from whence the right to make internal improvements is claimed. It is expressed in the following words: "Congress shall have power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes." The reasoning applicable to the preceding claims is equally so to this. The mischief complained of was that this power could not be exercised with advantage by the individual States, and the object was to transfer it to the United States. The sense in which the power was understood and exercised by the States was doubtless that in which it was transferred to the United States. The policy was the same as to three branches of this grant, and it is scarcely possible to separate the two first from each other in any view which may be taken of the subject. The last, relating to the Indian

tribes, is of a nature distinct from the others, for reasons too well known to require explanation. Commerce between independent powers for communities is universally regulated by duties and imposts. It was so regulated by the States before the adoption of this Constitution equally in respect to each other and to foreign powers. The goods and vessels employed in the trade are the only subjects of regulation. It can act on none other. A power, then, to impose such duties and imposts in regard to foreign nations and to prevent any on the trade between the States was the only power granted.

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The fourth claim is founded on the right of Congress to "pay the debts and provide for the common defense and general welfare" of the United States. This claim has less reason on its side than either of those which we have already examined.

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An unqualified power to pay the debts and provide for the common defense and general welfare, as the second part of this clause would be if considered as a distinct and separate grant, would extend to every object in which the public could be interested. A power to provide for the common defense would give to Congress the command of the whole force and of all the resources of the Union; but a right to provide for the general welfare would go much further. It would, in effect, break down all the barriers between the States and the General Government and consolidate the whole under the latter.

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I have dwelt thus long on this part of the subject from an earnest desire to fix in a clear and satisfactory manner the import of the second part of this grant, well knowing from the generality of the terms used their tendency to lead into error. I indulge a strong hope that the view herein presented will not be without effect, but will tend to satisfy the unprejudiced and impartial that nothing more was granted by that part than a power to appropriate the public money raised under the other part. To what extent that power may be carried will be the next object of inquiry.

It is contended on the one side that as the National Government is a Government of limited powers it has no right to expend money except in the performance of acts authorized by the other specific grants according to a strict construction of their powers; that this grant in neither of its branches gives to Congress discretionary power of any kind, but is a mere instrument in its hands to carry into effect the powers contained in the other grants. To this construction I was inclined in the more early stage of our Government, but on further reflection and observation my mind has undergone a change for reasons which I will frankly unfold.

The grant consists, as heretofore observed, of a twofold power—the first to raise, the second to appropriate, the public money—and the terms used in both instances are general and unqualified. Each branch was obviously drawn with a view to the other, and the import of each tends to illustrate that of the other. The grant to raise money gives a power over every subject from which revenue may be drawn, and is made in the same manner with the grants to declare war, to raise and support armies and a navy, to regulate commerce, to establish post offices and post roads, and with all the other specific grants to the General Government. In the discharge of the powers contained in any of these grants there is no other check than that which is to be found in the great principles of our system, the responsibility of the Representative to his constituents.

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If then the right to raise and appropriate the public money is not restricted to the expenditures under the other specific grants according to a strict construction of their powers, respectively, is there no limitation to it? Have Congress a right to raise and appropriate the money to any and every purpose according to their will and pleasure? They certainly have not. The Government of the United States is a limited Government, instituted for great national purposes, and for those only. Other interests are committed to the States whose duty it is to provide for them. Each government should look to the great and essential purposes for which it was instituted and confine itself to those purposes. A State government will rarely, if ever, apply money to national purposes without making it a charge to the Nation. The people of the State would not permit it. Nor will Congress be apt to apply money in aid of the State administrations for purposes strictly local in which the Nation at large has no interest, although the State should desire it. The people of the other States would condemn it. They would declare that Congress had no right to tax them for such a purpose, and dismiss at the next election such of their representatives as had voted for the measure, especially if it should be severely felt. I do not think that in offices of this kind there is much danger of the two governments mistaking their interests or their duties. I rather expect that they would soon have a clear and distinct understanding of them and move on in great harmony.

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The right of appropriation is nothing more than a right to apply the public money to this or that purpose. It has no incidental power, nor does it draw after it any consequences of that kind. All that Congress could do under it in the case of internal improvements would be to appropriate the money necessary to make them. For every act requiring legislative sanction or support the State authority must be relied on. The condemnation of the land, if the proprietors should refuse to sell it, the establishment of turnpikes and tolls, and the protection of the work when finished must be done by the State. To these purposes the powers of the General Government are believed to be utterly incompetent.

To the objection that the United States have no power in any instance which is not complete to all the purposes to which it may be made instrumental, and in consequence that they have no right to appropriate any portion of the public money to internal improvements because they have not the right of sovereignty and jurisdiction over them when made, a full answer has, it is presumed, been already given. It may, however, be proper to add that if this objection was well founded it would not be confined to the simple case of internal improvements but would apply to others of high importance. Congress have a right to regulate commerce. To give effect to this power it becomes necessary to establish customhouses in every State along the coast and in many parts of the interior. The vast amount of goods imported and the duties to be performed to accommodate the merchants and secure the revenue make it necessary the spacious buildings should be erected, especially in the great towns, for their reception. This, it is manifest, could best be performed under the direction of the General Government. Have Congress the right to seize the property of individuals if they should refuse to sell it, importers best adapted to the purpose to have it valued, and to take it at the valuation? Have they a right to exercise jurisdiction within those buildings? Neither of these claims has ever been set up, nor could it, as is presumed, be sustained. They have invariably either rented houses where such as were suitable could be obtained, or where they could not, purchased the grounds of individuals, erected the buildings, and held them under the laws of the State. Under the power to establish post offices and post roads houses are also requisite for the reception of the mails and the transaction of the business of the several offices. These have always been rented or purchased and held under the laws of the State in the same manner as if they had been taken by a citizen. The United States have a right to establish tribunals inferior to the Supreme Court, and such have been established in every State of the Union. It is believed that the houses for these inferior courts have invariably been rented. No right of jurisdiction in them has ever been claimed, nor other right than that of privilege, and that only while the court is in session. A still stronger case may be urged. Should Congress be compelled by invasion or other cause to remove the Government to some town within one of the States, would they have a right of jurisdiction over such town, or hold even the house in which they held their session under other authority than the laws of such State? It is believed that they would not. If they have a right to appropriate money for any of these purposes, to be laid out under the protection of the laws of the State, surely they have an equal right to do it for the purposes of internal improvements.

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The Cumberland Road is the only regular work which has been undertaken by the General Government or which could give rise to any question between the two Governments respecting its powers. It is a great work, over the highest mountains in our Union, connecting from the seat of the General Government the eastern with the western waters, and more intimately the Atlantic with the Western States, in the formation of which $1,800,000 have been expended. The measures pursued in this case require to be particularly noticed as fixing the opinion of the parties, and particularly of Congress, on the important question of the right.

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By an act of April 30, 1802, entitled "An act to enable the people of the eastern division of the territory northwest of the River Ohio to form a constitution and State government and for the admission of such State into the Union on an equal footing with the original States, and for other purposes," after describing the limits of the proposed new State and authorizing the people thereof to elect a convention to form a constitution, the three following propositions were made to the convention, to be obligatory on the United States if accepted by it: First, that section No. 16 of every township, or, where such section had been sold, other lands equivalent thereto, should be granted to the inhabitants of such township for the use of free schools. Second, that the 6 miles' reservation, including the salt springs commonly called the Sciota Salt Springs, the salt springs near the Muskingum River and in the military tract with the sections which include the same, should be granted to the said State for the use of the people thereof, under such regulations as the legislature of the State should prescribe; provided, that it should never sell or lease the same for more than 10 years. Third, that one-twentieth part of the proceeds of the public lands lying within the said State which might be sold by Congress from and after the 30th of June ensuing should be applied to the laying out and making public roads from the navigable waters emptying into the Atlantic, to the Ohio, and through the State of Ohio, such roads to be laid out under the authority of Congress, with the consent of the several States through which they should pass.

These three propositions were made on the condition that the convention of the State should provide by an ordinance irrevocable without the consent of the United States, that every tract of land sold by Congress after the 30th of June ensuing should remain for the term of five years after sale exempt from every species of tax whatsoever.

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I will now proceed to the fifth source from which the power is said to be derived, viz, the power to make all laws which shall be necessary and proper for carrying into execution all the powers vested by the Constitution in the Government of the United States or in any department or officer thereof. This is the seventeenth and last of the enumerated powers granted to Congress.

I have always considered this power as having been granted on a principle of greater caution to secure the complete execution of all the powers which had been vested in the General Government. It contains no distinct and specific power, as every other grant does, such as to lay and collect taxes, to declare war, to regulate commerce, and the like. Looking to the whole scheme of the General Government, it gives to Congress authority to make all laws which should be deemed necessary and proper for carrying all its powers into effect.

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I come now to the last source from which this power is said to be derived, viz, the power to dispose of and make all needful rules and regulations respecting the territory or other property of the United States, which is contained in the second clause of the third section of the fourth article of the Constitution.

To form a just opinion of the nature and extent of this power it will be necessary to bring into view the provisions contained in the first clause of the section of the article referred to, which makes an essential part of the policy in question. By this it is declared that new States shall be admitted into the Union, but that no new States shall be formed or erected within the jurisdiction of any other State nor any States be formed by the junction of two or more States or parts of States, without the consent of the legislatures of the States concerned as well as of the United States.

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Since, then, it is manifest that the power granted to Congress to dispose of and make all needful regulations respecting the territory and other property of the United States relates solely to the territory and property which had been ceded by individual States, and which after such cession lay without their respective limits, and for which special provision was deemed necessary, the main power of the Constitution operating internally, not being applicable or adequate thereto, it follows that this power gives no authority, and has even no bearing on the question of internal improvements. The authority to admit new States and to dispose of the property and regulate the territory is not among the enumerated powers granted to Congress, because the duties to be performed under it are not among the ordinary duties of that body, like the imposition of taxes, the regulation of commerce, and the

like. They are objects in their nature special, and for which special provision was more suitable and proper.

Having now examined all the powers of Congress under which the right to adopt and execute a system of internal improvement is claimed and the reasons in support of it in each instance, I think that it may fairly be concluded that such a right has not been granted. It appears and is admitted that much may be done in aid of such a system by the right which is derived from several of the existing grants, and more especially from that to appropriate the public money. But still it is manifest that as a system for the United States it can never be carried into effect under that branch or under all of them united, the great and essential power being deficient, consisting of a right to take up the subject on principle; to cause our Union to be examined by men of science with a view to such improvements; to authorize commissioners to lay off the roads and canals in all proper directions, to take the land at a valuation if necessary, and to construct the works; to pass laws with suitable penalties for their protection; and to raise a revenue from them, to keep them in repair, and make further improvement by the establishment of turnpikes and tolls, with gates to be placed at the proper distances.

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The advantages which would be derived from such improvements are incalculable. The facility which would thereby be afforded to the transportation of the whole of the rich productions of our country to market would alone more than amply compensate for all the labor and expense attending them. Great, however, as is that advantage, it is one only of many and by no means the most important. Every power of the General Government and of the State governments connected with the strength and resources of the country would be made more efficient for the purposes intended by them. In war they would facilitate the transportation of men, ordnance, and provisions, and munitions of war of every kind to every part of our extensive coast and interior on which an attack might be made or threatened. Those who have any knowledge of the occurrences of the late war must know the good effect which would result in the event of another war from the command of an interior navigation alone along the coast for all the purposes of war as well as of commerce between the different parts of our Union. The impediments to all military operations which proceeded from the want of such a navigation and the reliance which was placed, notwithstanding those impediments on such a commerce, can not be forgotten. In every other line their good effect would be most sensibly felt. Intelligence by means of the Post Office Department would be more easily, extensively, and rapidly diffused. Parts the most remote from each other would be brought more closely together. Distant lands would be made more valuable, and the industry of our fellow citizens on every portion of our soil be better rewarded.

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If it is thought proper to vest this power in the United States, the only mode in which it can be done is by an amendment of the Constitution. The States individually can not transfer the power to the United States, nor can the United States receive it. The Constitution forms an equal and the sole relation between the General Government and the several States, and it recognizes no change in it which shall not in like manner apply to all. If it is once admitted that the General Government may form compacts with individual States not common to the others, and which the others might even disapprove, into what pernicious consequences might it not lead? Such compacts are utterly repugnant to the principles of the Constitution and of the most dangerous tendency. The States through which this road passes have given their sanction only to the route and to the acquisition of the soil by the United States, a right very different from that of jurisdiction, which can not be granted without an amendment to the Constitution and which need not be granted for the purposes of this system except in the limited manner heretofore stated. On full consideration, therefore, of the whole subject I am of opinion that such an amendment ought to be recommended to the several States for their adoption.

Mr. WORKS. I desire to call particular attention to one of the subjects that he discusses, which I think is the only one that by any possibility can be used as a foundation for legislation of the kind that is now before the Senate. He says:

It is to be observed that there is but little accord among the advocates for this power as to the particular source from whence it is derived. They all agree, however, in ascribing it to some one or more of those above mentioned. I will examine the ground of the claim in each instance.

The first of these grants is in the following words: "Congress shall have power to establish post offices and post roads." What is the just import of these words and the extent of the grant? The word "establish" is the ruling term; "post offices and post roads" are the subjects on which it acts. The question therefore is, What power is granted by that word? The sense in which words are commonly used is that in which they are to be understood in all transactions between public bodies and individuals. The intention of the parties is to prevail, and there is no better way of ascertaining it than by giving to the terms used their ordinary import. If we were to ask any number of our most enlightened citizens, who had no connection with public affairs and whose minds were unprejudiced, what was the import of the word "establish" and the extent of the grant which it controls, we do not think there would be any difference of opinion among them. We are satisfied that all of them would answer that a power was thereby given to Congress to fix on the towns, courthouses, and other places throughout our Union at which there should be post offices, the routes by which the mails should be carried from one post office to another, so as to diffuse intelligence as extensively and to make the institution as useful as possible, to fix the postage to be paid on every letter and packet thus carried, to support the establishment, and to protect the post offices and mails from robbery by punishing those who should commit the offense. The idea of a right to lay off the roads of the United States on a general scale of improvement, to take the soil from the proprietor by force, to establish turnpikes and tolls, and to punish offenders in the manner stated above would never occur to any such person. The use of the existing road by the stage, mail carrier, or postboy in passing over it as others do is all that would be thought of, the jurisdiction and soil remaining to the State, with a right in the State or those authorized by its legislature to change the road at pleasure.

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If the United States possessed the power contended for under this grant, might they not in adopting the roads of the individual States for the carriage of the mail, as has been done, assume jurisdiction over them and preclude a right to interfere with or alter them? Might they not establish turnpikes and exercise all the other acts of sovereignty above stated over such roads necessary to protect them from injury and defray the expense of repairing them? Surely if the right exists these consequences necessarily followed as soon as the road was established. The absurdity of such a pretension must be apparent to all who examine it. In this way a large portion of the territory of every State might be taken from it, for there is scarcely a road in any State which will not be used for the transportation of the mail. A new field for legislation and internal government would thus be opened.

It may be remarked in this connection, Mr. President, that it is recited in the report of the committee that for three-quarters of a century the United States Government has not enacted any such legislation as this; it has not aided States in the construction of roads within their borders. It has taken no action of that kind, presumably for the reason that the decision in the McCulloch case, to which I have called attention, and the veto message of President Monroe established beyond a doubt in the mind of anyone who had examined them the fact that the Government had no such power under the Constitution.

Mr. President, I have a few other decided cases here bearing upon this question, not so directly as the ones to which I have referred, but which, I think, embody the principles which should control and the limitation that should be placed upon the National Government in dealing with questions of this kind.

The case of Pensacola Telegraph Co. against Western Union Telegraph Co. (96 U. S., 1) is an interesting one, in which the respective rights of a State and the Federal Government in dealing with interstate commerce is considered. Congress by statute, approved July 24, 1866, granted—

to any telegraph company the right to construct, maintain, and operate lines of telegraph through and over any portion of the public domain of the United States, over and along any of the military or post roads which have been or may hereafter be declared such by act of Congress, and over, under, or across the navigable streams or waters of the United States.

On the 11th of December, 1866, the Legislature of the State of Florida by statute granted to the Pensacola Telegraph Co.—

the exclusive privilege and right of establishing and maintaining lines of electric telegraph in the counties of Escambia and Santa Rosa, either from different points within said counties or either of them from any point in this or any other State.

On the 5th of June, 1867, the directors of the Western Union Telegraph Co. by resolution accepted the provisions of the act of Congress above referred to.

On the 14th of February, 1873, the Legislature of Florida granted to the Alabama & Florida Railroad Co. certain rights to construct, maintain, and operate a telegraph line over the same territory embraced in the exclusive grant to the Pensacola Telegraph Co.

On the 24th of June, 1874, the Pensacola & Louisville Railroad Co. granted to the Western Union Co. the right to erect a telegraph line upon its right of way and also the rights and privileges conferred by the acts of 1873 and 1874.

The Western Union Co. immediately commenced the erection of the line, but before its completion this suit was brought by the Pensacola Telegraph Co. to enjoin the work and the use of the line on account of the alleged exclusive right of the company under its charter from the State of Florida, which raised directly the question of the powers of the State and Federal Government to control such use.

I quote extracts from the opinion of Chief Justice Waite:

Congress has power "to regulate commerce with foreign nations and among the several States" (Const., Art. I, sec. 8, par. 3), and "to establish post offices and post roads" (id., par. 7). The Constitution of the United States and the laws made in pursuance thereof are the supreme law of the land. (Art. VI, par. 2.) A law of Congress made in pursuance of the Constitution suspends or overrides all State statutes with which it is in conflict.

Since the case of Gibbons *v.* Ogden (9 Wheat., 1) it has never been doubted that commercial intercourse is an element of commerce which comes within the regulating power of Congress. Post offices and post roads are established to facilitate the transmission of intelligence. Both commerce and the Postal Service are placed within the power of Congress, because, being national in their operation, they should be under the protecting care of the National Government.

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The Government of the United States, within the scope of its powers, operates upon every foot of territory under its jurisdiction. It legislates for the whole Nation, and is not embarrassed by State lines. Its peculiar duty is to protect one part of the country from encroachments by another upon the national rights which belong to all.

The State of Florida has attempted to confer upon a single corporation the exclusive right of transmitting intelligence by telegraph over a certain portion of its territory. This embraces the two westernmost counties of the State and extends from Alabama to the Gulf. No telegraph line can cross the State from east to west or from north to south within these counties except it passes over this territory. Within it is situated an important seaport, at which business centers and with which those engaged in commercial pursuits have occasion more or less to communicate. The United States have there also the necessary machinery of the National Government. They have a navy yard, forts, custom-

houses, courts, post offices, and the appropriate officers for the enforcement of the laws. The legislation of Florida, if sustained, excludes all commercial intercourse by telegraph between the citizens of the other States and those residing upon this territory except by the employment of this corporation. The United States can not communicate with their own officers by telegraph except in the same way. The State, therefore, clearly has attempted to regulate commercial intercourse between its citizens and those of other States and to control the transmission of all telegraphic correspondence within its own jurisdiction.

It is unnecessary to decide how far this might have been done if Congress had not acted upon the same subject, for it has acted. The statute of July 24, 1866, in effect, amounts to a prohibition of all State monopolies in this particular. It substantially declares, in the interest of commerce and the convenient transmission of intelligence from place to place by the Government of the United States and its citizens, that the erection of telegraph lines shall, so far as State interference is concerned, be free to all who will submit to the conditions imposed by Congress, and that corporations organized under the laws of one State for constructing and operating telegraph lines shall not be excluded by another from prosecuting their business within its jurisdiction if they accept the terms proposed by the National Government for this national privilege. To this extent, certainly the statute is a legitimate regulation of commercial intercourse among the States, and is appropriate legislation to carry into execution the powers of Congress over the Postal Service. It gives no foreign corporation the right to enter upon private property without the consent of the owner and erect the necessary structures for its business, but it does provide that whenever the consent of the owner is obtained no State legislation shall prevent the occupation of post roads for telegraph purposes by such corporations as are willing to avail themselves of its privileges.

It is insisted, however, that the statute extends only to such military and post roads as are upon the public domain, but this, we think, is not so. The language is, "through and over any portion of the public domain of the United States, over and along any of the military or post roads of the United States which have been or may hereafter be declared such by act of Congress, and over, under, or across the navigable streams or waters of the United States." There is nothing to indicate any intention of limiting the effect of the words employed, and they are, therefore, to be given their natural and ordinary significance. Read in this way, the grant evidently extends to the public domain, the military and post roads, and the navigable waters of the United States. These are all within the dominion of the National Government to the extent of the national powers, and are, therefore, subject to legitimate congressional regulation. No question arises as to the authority of Congress to provide for the appropriation of private property to the uses of the telegraph, for no such attempt has been made. The use of public property alone is granted. If private property is required, it must, so far as the present legislation is concerned, be obtained by private arrangement with its owner. No compulsory proceedings are authorized. State sovereignty under the Constitution is not interfered with. Only national privileges are granted.

The State law in question, so far as it confers exclusive rights upon the Pensacola Co., is certainly in conflict with this legislation of Congress. To that extent it is, therefore, inoperative as against a corporation of another State entitled to the privileges of the act of Congress. Such being the case, the charter of the Pensacola Co. does not exclude the Western Union Co. from the occupancy of the right of way of the Pensacola & Louisville Railroad Co. under the arrangement made for that purpose.

This sentence in the opinion is significant as limiting the power of the Federal Government:

These are all within the dominion of the National Government to the extent of the national powers.

And the extent of the national powers is confined to commerce between the States and not within a State. And it is expressly held and confined in Western Union Telegraph Co. *v.* Pennsylvania Railroad Co. (195 U. S., 540) that the act only applies "to commercial intercourse by telegraph among the States," and does not confer upon telegraph companies the right to enter upon private property without the consent of the owner.

As it applies to post roads, the right of the Government to control or maintain them is necessarily confined to the use for interstate commerce and not mere local traffic or transportation. In the later case emphasis is given to this paragraph of the opinion in the earlier decision:

It (the act of 1866) gives no foreign corporation the right to enter upon private property without the consent of the owner and erect the necessary structures for its business, but it does provide that whenever the consent of the owner is obtained no State legislation shall prevent the occupation of post roads for telegraph purposes by such corporations as are willing to avail themselves of its privileges.

The fact that the legal title to post roads established as such, as set out in the veto message of President Monroe, may be in the adjoining private owner and must be acquired under State laws by any company seeking to use it would prevent entry upon it under authority of the United States. And this was clearly established by the case of Western Union Telegraph Co. *v.* Ann Arbor Railroad Co. (178 U. S., 239).

The strongest support for the claim of unlimited power in the National Government to maintain and control post roads may be found in this statement of Mr. Justice Field in Ex parte Jackson (96 U. S., 727):

The power vested in Congress to establish post offices and post roads has been practically construed, since the foundation of the Government, to authorize not merely the designation of the routes over which the mails shall be carried, and the offices where letters and other documents shall be received to be distributed or forwarded, but the carriage of the mail, and all measures necessary to secure its safe and speedy transit, and the prompt delivery of its contents.

But the question involved related solely to the right of the Government to prescribe what should or should not be transmitted through the mail and had no reference to the right to build or maintain a road within a State.

To the same effect is Public Clearing House *v.* Coyne (194 U. S., 497).

That the power of Congress to control the operation of railroads over which mails are carried is confined to roads doing an interstate business is definitely determined in Gladson *v.* Minnesota (166 U. S., 427, 430), in which it was claimed that the State regulations were—

an attempt on the part of the State to regulate interstate commerce; and secondly, being an unlawful interference with and an attempt to regulate the United States mail.

Of this the court said:

The principles of law which govern this case are familiar and have been often affirmed by this court. A railroad corporation created by a State is for all purposes of local government a domestic corporation, and its railroad within the State is a matter of domestic concern. Even when its road connects, as most railroads do, with railroads in other States, a State which created the corporation may make all needful regulations of a police character for the government of the company while operating its road in that jurisdiction. It may prescribe the location and the plan of construction of the road, the rate of speed at which the trains shall run, and the places at which they shall stop, and may make any other reasonable regulations for their management in order to secure the objects of the incorporation and the safety, good order, convenience, and comfort of the passengers and of the public. All such regulations are strictly within the police power of the State. They are not in themselves regulations of interstate commerce; and it is only when they operate as such in the circumstances of their application, and conflict with the express or presumed will of Congress exerted upon the same subject, that they can be required to give way to the paramount authority of the Constitution of the United States. (Stone *v.* Farmers' Loan & Trust Co., 116 U. S., 307, 333, 334; Smith *v.* Alabama, 124 U. S., 465, 481, 482; Hennington *v.* Georgia, 163 U. S., 299, 308, 317; New York, New Haven & Hartford Railroad *v.* New York, 165 U. S., 628, 632.)

An entirely different rule is applied where such regulations affect interstate commerce, as held in Illinois Central Railroad Co. *v.* Illinois (163 U. S., 142), in which it was said:

Upon the state of facts presented by this record, the duties of the Illinois Central Railroad Co. were not confined to those which it owed to the State of Illinois under the charter of the company and other laws of the State, but included distinct duties imposed upon the corporation by the Constitution and laws of the United States.

The State may doubtless compel the railroad company to perform the duty imposed by its charter of carrying passengers and goods between its termini within the State. But so long, at least, as that duty is adequately performed by the company, the State can not, under the guise of compelling its performance interfere with the performance of paramount duties to which the company has been subjected by the Constitution and laws of the United States.

The State may make reasonable regulations to secure the safety of passengers, even on interstate trains, while within its borders. But the State can do nothing which will directly burden or impede the interstate traffic of the company, or impair the usefulness of its facilities for such traffic. (Railroad Co. *v.* Richmond, 19 Wall., 584, 589; Stone *v.* Farmers' Loan & Trust Co., 116 U. S., 307, 334; Smith *v.* Alabama 124, U. S. 465.)

The opinion in re Debs (158 U. S., 564) is a most interesting and instructive one, as bearing on this question. The case was one of an attempted obstruction of transportation by railroad companies, thereby interfering with interstate commerce and the carrying of the mails. After quoting extensively from the opinion of Chief Justice Marshall in McCulloch against Maryland, to which I have already referred, Mr. Justice Brewer said:

Under the power vested in Congress to establish post offices and post roads, Congress has, by a mass of legislation, established the great Post Office System of the country, with all its detail of organization, its machinery for the transaction of business, defining what shall be carried and what not, and the prices of carriage, and also prescribing penalties for all offenses against it.

Obviously these powers given to the National Government over interstate commerce and in respect to the transportation of the mails were not dormant and unused. Congress had taken hold of these two matters, and by various and specific acts had assumed and exercised the powers given to it, and was in the full discharge of its duty to regulate interstate commerce and carry the mails. The validity of such exercise and the exclusiveness of its control had been again and again presented to this court for consideration. It is curious to note the fact that in a large proportion of the cases in respect to interstate commerce brought to this court the question presented was of the validity of State legislation in its bearings upon interstate commerce, and the uniform course of decision has been to declare that it is not within the competency of a State to legislate in such a manner as to obstruct interstate commerce. If a State, with its recognized powers of sovereignty, is impotent to obstruct interstate commerce, can it be that any mere voluntary association of individuals within the limits of that State has a power which the State itself does not possess?

As, under the Constitution, power over interstate commerce and the transportation of the mails is vested in the National Government and Congress by virtue of such grant has assumed actual and direct control, it follows that the National Government may prevent any unlawful and forcible interference therewith. But how shall this be accomplished? Doubtless, it is within the competency of Congress to prescribe by legislation that any interference with these matters shall be offences against the United States, and prosecuted and punished by indictment in the proper courts. But is that the only remedy? Have the vast interests of the Nation in interstate commerce, and in the transportation of the mails, no other protection than lies in the possible punishment of those who interfere with it?

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But there is no such impotency in the National Government. The entire strength of the Nation may be used to enforce in any part of

the land the full and free exercise of all national powers and the security of all rights entrusted by the Constitution to its care. The strong arm of the National Government may be put forth to brush away all obstructions to the freedom of interstate commerce or the transportation of the mails. If the emergency arises, the Army of the Nation, and all its militia, are at the service of the Nation to compel obedience to its laws.

See also State of Pennsylvania against Wheeling, and so forth, Bridge Co. (18 U. S., 421).

These cases, like all the others, rest upon the powers of the United States to deal with interstate transportation. I have no doubt, however, that the National Government has the power to protect the transportation of its mails within a State, subject to reasonable regulations by the State authorities and to private rights.

In Hepburn *v.* Griswold (8 Wall., 603, 615) the court said:

But the extension of power by implication was regarded with some apprehension by the wise men who framed and by the intelligent citizens who adopted the Constitution. This apprehension is manifest in the terms by which the grant of incidental and auxiliary powers is made. All powers of this nature are included under the description of "power to make all laws necessary and proper for carrying into execution the powers expressly granted to Congress or vested by the Constitution in the Government or in any of its departments or officers."

The same apprehension is equally apparent in the tenth article of the amendments, which declares that "the powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States or the people."

We do not mean to say that either of these constitutional provisions is to be taken as restricting any exercise of power fairly warranted by legitimate derivation from one of the enumerated or express powers. The first was undoubtedly introduced to exclude all doubt in respect to the existence of implied powers, while the words "necessary and proper" were intended to have a "sense," to use the words of Mr. Justice Story, "at once admonitory and directory," and to require that the means used in the execution of an express power "should be bona fide, appropriate to the end." The second provision was intended to have a like admonitory and directory sense and to restrain the limited Government established under the Constitution from the exercise of powers not clearly delegated or derived by just inference from powers so delegated.

* * * * * * * *

It must be taken then as finally settled, so far as judicial decisions can settle anything, that the words "all laws necessary and proper for carrying into execution" powers expressly granted or vested have in the Constitution a sense equivalent to that of the words, laws, not absolutely necessary, indeed, but appropriate, plainly adapted to constitutional and legitimate ends, laws not prohibited, but consistent with the letter and spirit of the Constitution, laws really calculated to effect objects intrusted to the Government.

Mr. President, I have tried in the first instance to show that as a matter of policy the Government ought not to go into legislation of this kind. I believe it would be a great mistake. Everybody who stops to think about it knows that if we should enter into this field, as is proposed by this bill, and which carries an appropriation of only $75,000,000, it would be only a beginning. It would amount to practically nothing. In the State of California we would get, of the total amount that is provided for in the bill, only something over $2,000,000, which would amount to practically nothing to the State of California in dealing with the roads in that State. The temptation would present itself, after this money is expended, to go on and expend more and more for the purpose of improving the roads of the States; and if this legislation is justified and is necessary, it must be carried further in order to carry out the intent of Congress, as indicated by this bill and the report that is made by the committee.

Are we ready to undertake an enterprise of that kind on the part of the National Government that will mean the expenditure of millions of dollars, independently of any question of power in the Government so to legislate? I think it would be bad policy. I think it would be dangerous. I regard this bill as one of the worst and most vicious "pork-barrel" pieces of proposed legislation that has ever come before this body.

I do not say that, Mr. President, because I am opposed to the improvement of the roads. By no means. I am a great believer in the expenditure of money by the States and by the National Government, where it has a right to act in the matter, in the construction and improvement of highways. There is probably no State in the Union that has exhibited more enterprise and expended more money in the construction and improvement of its roads than the State which I represent in part on the floor of the Senate. I have myself approved of that course by the State. You can go to California to-day and ride from the city of San Francisco to the city of Los Angeles, nearly 500 miles, upon a road that is almost as smooth as a floor. They have established automobile bus lines that are traveling now, eight from each end, between those two cities, carrying passengers, and they are being well patronized, because it is a trip that anyone would like to take. But that is a question for the States to determine. It is a State function. The Government of the United States has no business to go into my State in any guise or for any purpose to expend the money of the National Government to build the roads of California.

Mr. SHAFROTH. Mr. President——

Mr. WORKS. I yield to the Senator from Colorado.

Mr. SHAFROTH. I should like to call the attention of the Senator from California to the fact that in the year 1914 the total expenditure of State funds, joint funds, and local funds amounted to $14,670,614, and yet there are 48,000 miles of roads in the State, of which only 9,388 are improved.

Mr. WORKS. Mr. President, I desire to be as accurate as I can in dealing with the question of the expenditures in my own State for the purpose of constructing and improving the roads. With that object in view I wired the State highway commission, asking them to give me a statement of the amount of money expended by the State and by the counties for this purpose, and I have extracted from a telegram received in answer the following information:

Counties of State have spent per year in recent years from $7,000,000 to $9,000,000.

State appropriated under act of 1909 during past six years $18,000,000.

Counties have spent in highway bonds probably an equal amount, $18,000,000.

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|---|---|
| Averaging expenditure of counties at $8,000,000 per year for 6 years | $48,000,000 |
| State | 18,000,000 |
| County bonds | 18,000,000 |
| Total | $84,000,000 |

Which would give an average expenditure per year for the last six years for roads in California of $14,000,000.

I ought to say, Mr. President, in justice to the State highway engineer, Mr. Fletcher, from whom I received this telegram, that he urges me to support the bill as being a good thing for the State of California. I am not at all surprised that a State engineer should support a bill of this kind. The State engineers in the different States throughout the country have been for the bill from the first. In fact, I think they were probably the first body that really agitated the idea of making these appropriations from the National Treasury to help the States in the construction of their roads. I have no doubt in the world that Mr. Fletcher believes that this would be a good thing for the State of California. I apprehend that he has not considered it from all sides, but is taking a naturally selfish view of the question as to what good may come from it to his own State.

But I hope I am not susceptible of being influenced by any such considerations in dealing with a great question of this kind. I know that the great part of the people of my State would like to have me support this bill. I have no doubt but that I shall be criticized by a good many people for opposing it; but I am thoroughly convinced that the bill is bad, and therefore I am trying to do what seems to be my duty as the representative not only of my State but of the United States.

Mr. President, I think I have said now all that I desire to say about this bill. As I said in the beginning, it is not a very popular stand to take. Most of the States—unthinkingly, I believe—are anxious to profit by the use of the money of the National Government; but I think it ought not to be done in this way, as a matter of policy. I believe that it can not be done constitutionally.

Mr. WORKS subsequently said: Mr. President, the veto message from which I quoted is so important a document that I ask that it may be printed in full in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The veto message referred to is as follows:

VETO MESSAGE.

WASHINGTON, *May 4, 1822.*

*To the House of Representatives:*

Having duly considered the bill entitled "An act for the preservation and repair of the Cumberland Road," it is with deep regret, approving as I do the policy, that I am compelled to object to its passage and to return the bill to the House of Representatives, in which it originated, under a conviction that Congress do not possess the power under the Constitution to pass such a law.

A power to establish turnpikes with gates and tolls, and to enforce the collection of tolls by penalties, implies a power to adopt and execute a complete system of internal improvement. A right to impose duties to be paid by all persons passing a certain road, and on horses and carriages, as is done by this bill, involves the right to take the land from the proprietor on a valuation and to pass laws for the protection of the road from injuries, and if it exists as to one road it exists as to any other, and to as many roads as Congress may think proper to establish. A right to legislate for one of these purposes is a right to legislate for the others. It is a complete right of jurisdiction and sovereignty for all the purposes of internal improvement, and not merely the right of applying money under the power vested in Congress to make appropriations, under which power, with the consent of the States through which this road passes, the work was originally commenced, and has been so far executed. I am of opinion that Congress do not possess this power; that the States individually can not grant it, for, although they may assent to the appropriation of money within their limits for such purposes, they can grant no power of jurisdiction or sovereignty by special compacts with the United States. This power can be granted only by an amendment to the Constitution and in the mode prescribed by it.

If the power exist it must be either because it has been specifically granted to the United States or that it is incidental to some power which has been specifically granted. If we examine the specific grants of power we do not find it among them, nor is it incidental to any power which has been specifically granted.

It has never been contended that the power was specifically granted. It is claimed only as being incidental to some one or more of the powers which are specifically granted. The following are the powers from which it is said to be derived:

First, from the right to establish post offices and post roads; second, from the right to declare war; third, to regulate commerce; fourth, to pay the debts and provide for the common defense and general welfare; fifth, from the power to make all laws necessary and proper for carrying into execution all the powers vested by the Constitution in the Government of the United States or in any department or officer thereof; sixth and lastly, from the power to dispose of and make all needful rules and regulations respecting the territory and other property of the United States.

According to my judgment it can not be derived from either of those powers, nor from all of them united, and, in consequence, it does not exist.

Having stated my objections to the bill, I should now cheerfully communicate at large the reasons on which they are founded if I had time to reduce them to such form as to include them in this paper. The advanced stage of the session renders that impossible. Having at the commencement of my service in this high trust considered it a duty to express the opinion that the United States do not possess the power in question, and to suggest for the consideration of Congress the propriety of recommending to the States an amendment to the Constitution to vest the power in the United States, my attention has been often drawn to the subject since, in consequence whereof I have occasionally committed my sentiments to paper respecting it. The form which this exposition has assumed is not such as I should have given it had it been intended for Congress, nor is it concluded. Nevertheless, as it contains my views on this subject, being one which I deem of very high importance and which in many of its bearings has now become peculiarly urgent, I will communicate it to Congress, if in my power, in the course of the day, or certainly on Monday next.

JAMES MONROE.

WASHINGTON, *May 4, 1822.*

*To the House of Representatives:*

I transmit the paper alluded to in the message of this day on the subject of internal improvements.

JAMES MONROE.

VIEWS OF THE PRESIDENT OF THE UNITED STATES ON THE SUBJECT OF INTERNAL IMPROVEMENTS.

"It may be presumed that the proposition relating to internal improvements by roads and canals, which has been several times before Congress, will be taken into consideration again either for the purpose of recommending to the States the adoption of an amendment to the Constitution to vest the necessary power in the General Government or to carry the system into effect on the principle that the power has already been granted. It seems to be the prevailing opinion that great advantage would be derived from the exercise of such a power by Congress. Respecting the right there is much diversity of sentiment. It is of the highest importance that this question should be settled. If the right exist, it ought forthwith to be exercised. If it does not exist, surely those who are friends to the power ought to unite in recommending an amendment to the Constitution to obtain it. I propose to examine this question.

"The inquiry confined to its proper objects and within the most limited scale is extensive. Our Government is unlike other governments both in its origin and form. In analyzing it the differences in certain respects between it and those of other nations, ancient and modern, necessarily come into view. I propose to notice these differences so far as they are connected with the object of inquiry and the consequences likely to result from them, varying in equal degree from those which have attended other governments. The digression, if it may be so called, will, in every instance, be short and the transition to the main object immediate and direct.

"To do justice to the subject it will be necessary to mount to the source of power in these States and to pursue this power in its gradations and distribution among the several departments in which it is now vested. The great division is between the State governments and the General Government. If there was a perfect accord in every instance as to the precise extent of the powers granted to the General Government, we should then know with equal certainty what were the powers which remained to the State governments, since it would follow that those which were not granted to the one would remain to the other. But it is on this point, and particularly respecting the construction of these powers and their incidents, that a difference of opinion exists, and hence it is necessary to trace distinctly the origin of each government, the purposes intended by it, and the means adopted to accomplish them. By having the interior of both governments fully before us we shall have all the means which can be afforded to enable us to form a correct opinion of the endowments of each.

"Before the Revolution the present States, then Colonies, were separate communities, unconnected with each other except in their common relation to the Crown. Their governments were instituted by grants from the Crown, which operated, according to the conditions of each grant, in the nature of a compact between the settlers in each colony and the Crown. All power not retained in the Crown was vested exclusively in the Colonies, each having a government consisting of an executive, a judiciary, and a legislative assembly, one branch of which was in every instance elected by the people. No office was hereditary, nor did any title under the Crown give rank or office in any of the Colonies. In resisting the encroachments of the parent country and abrogating the power of the Crown, the authority which had been held by it vested exclusively in the people of the Colonies. By them was a Congress appointed, composed of delegates from each colony, who managed the war, declared independence, treated with foreign powers, and acted in all things according to the sense of their constituents. The Declaration of Independence confirmed in form what had before existed in substance. It announced to the world new States, possessing and exercising complete sovereignty, which they were resolved to maintain. They were soon after recognized by France and other powers, and finally by Great Britain herself in 1783.

"Soon after the power of the Crown was annulled the people of each colony established a constitution or frame of government for themselves, in which these separate branches—legislative, executive, and judiciary—were instituted, each independent of the others. To these branches, each having its appropriate portion, the whole power of the people not delegated to Congress was communicated, to be exercised for their advantage on the representative principle by persons of their appointment, or otherwise deriving their authority immediately from them, and holding their offices for stated terms. All the powers necessary for useful purposes held by any of the strongest Government of the Old World not vested in Congress were imparted to these State governments without other checks than such as are necessary to prevent abuse, in the form of fundamental declarations or bills of right. The great difference between our governments and those of the Old World consists in this, that the former, being representative, the persons who exercise their powers do it not for themselves or in their own right, but for the people, and therefore while they are in the highest degree efficient they can never become oppressive. It is this transfer of the power of the people to representative and responsible bodies in every branch which constitutes the great improvement in the science of government and forms the boast of our system. It combines all the advantages of every known government without any of their disadvantages. It retains the sovereignty in the people, while it avoids the tumult and disorder incident to the exercise of that power by the people themselves. It possesses all the energy and efficiency of the most despotic governments, while it avoids all the oppressions and abuses inseparable from those governments.

"In every stage of the conflict from its commencement until March, 1781, the powers of Congress were undefined, but of vast extent. The assemblies or conventions of the several colonies being formed by representatives from every county in each colony and the Congress by delegates from each colonial assembly, the powers of the latter for general purposes resembled those of the former for local. They rested on the same basis, the people, and were complete for all the purposes contemplated. Never was a movement so spontaneous, so patriotic, so efficient. The Nation exerted its whole faculties in support of its rights, and of its independence after the contest took that direction, and it succeeded. It was, however, foreseen at a very early stage that, although the patriotism of the country might be relied on in the struggle for its independence, a well-digested compact would be necessary to preserve it after obtained. A plan of confederation was in consequence proposed and taken into consideration by Congress even at the moment when the other great act which severed them from Great Britain and declared their independence was proclaimed to the world. This compact was ratified on the 21st of March, 1781, by the last State, and thereupon carried into immediate effect.

"The following powers were vested in the United States by the Articles of Confederation. As this, the first bond of union, was in operation nearly eight years, during which time a practical construction was given to many of its powers, all of which were adopted in the Constitution with important additions, it is thought that a correct view of those powers and of the manner in which they are executed may shed light on the subject under consideration. It may fairly be presumed that where certain powers were transferred from one instrument to the other and in the same terms, or terms descriptive only of the same powers, that it was intended that they should be construed in the same sense in the latter that they were in the former.

"Article I declares that the style of the Confederacy shall be 'The United States of America.'

"Article II. Each State retains its sovereignty, freedom, and independence, and every power and right which is not expressly delegated to the United States.

"Article III. The States severally enter into a firm league of friendship with each other for their common defense, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other against all force offered to or attacks made upon them on account of religion, sovereignty, trade, etc.

"Article IV. The free inhabitants of each State, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all the privileges and immunities of free citizens in the several States, etc. Fugitives from justice into any of the States shall be delivered up on the demand of the executive of the State from which they fled. Full faith and credit shall be given in each State to the records and acts of every other State.

"Article V. Delegates shall be annually appointed by the legislature of each State to meet in Congress on the first Monday in November, with a power to recall, etc. No State shall appoint less than two nor more than seven, nor shall any delegate hold his office for more than three in six years. Each State shall maintain its own delegates. Each State shall have one vote. Freedom of speech shall not be impeached, and the members shall be protected from arrests, except for treason, etc.

"Article VI. No State shall send or receive an embassy or enter into a treaty with a foreign power. Nor shall any person holding any office of profit or trust under the United States or any State accept any present, emolument, office, or title from a foreign power. Nor shall the United States or any State grant any title of nobility. No two States shall enter into any treaty without the consent of Congress. No State shall lay any imposts or duties which may interfere with any treaties entered into by the United States. No State shall engage in war unless it be invaded or menaced with invasion by some Indian tribe, nor grant letters of marque or reprisal unless it be against pirates, nor keep up vessels of war, nor any body of troops in time of peace, without the consent of Congress; but every State shall keep up a well-regulated militia, etc.

"Article VII. When land forces are raised by any State for the common defense all officers of and under the rank of colonel shall be appointed by the legislature of each State.

"Article VIII. All charges of war and all other expenses which shall be incurred for the common defense or general welfare shall be defrayed out of a common treasury, which shall be supplied by the several States in proportion to the value of all the land in each State granted to individuals. The taxes for paying each proportion shall be levied by the several States.

"Article IX. Congress shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article; of sending and receiving ambassadors; entering into alliances, except, etc.; of establishing rules for deciding what captures on land and water shall be legal; of granting letters of marque and reprisal in time of peace; appointing courts for the trial of piracies and felonies on the high seas; for deciding controversies between the States and between individuals claiming lands under two or more States whose jurisdiction has been adjusted; of regulating the alloy and value of coin struck by their authority and of foreign coin; fixing the standard of weights and measures; regulating the trade with the Indians; establishing and regulating post offices from one State to another and throughout all the States, and exacting such postage as may be requisite to defray the expenses of the office; of appointing all officers of the

land forces except the regimental; appointing all the officers of the naval forces; to ascertain the necessary sums of money to be raised for the service of the United States and appropriate the same; to borrow money and emit bills of credit; to build and equip a Navy; to agree on the number of land forces and to make requisitions on each State for its quota; that the assent of nine States shall be requisite to these great acts.

"Article X regulates the powers of the committee of the States to sit in the recess of Congress.

"Article XI provides for the admission of Canada into the Confederation.

"Article XII pledges the faith of the United States for the payment of all bills of credit issued and money borrowed on their account.

"Article XIII. Every State shall abide by the determination of the United States on all questions submitted to them by the Confederation, the Articles of the Confederation to be perpetual and not to be altered without the consent of every State.

"This bond of union was soon found to be utterly incompetent to the purposes intended by it. It was defective in its powers; it was defective also in the means of executing the powers actually granted by it. Being a league of sovereign and independent States, its acts, like those of all other leagues, required the interposition of the States composing it to give them effect within their respective jurisdictions. The acts of Congress without the aid of State laws to enforce them were altogether nugatory. The refusal or omission of one State to pass such laws was urged as a reason to justify like conduct in others, and thus the Government was soon at a stand.

"The experience of a few years demonstrated that the Confederation could not be relied on for the security of the blessings which had been derived from the Revolution. The interests of the Nation required a more efficient Government, which the good sense and virtue of the people provided by the adoption of the present Constitution.

"The Constitution of the United States was formed by a convention of delegates from the several States, who met in Philadelphia, duly authorized for the purpose, and it was ratified by a convention in each State which was especially called to consider and decide on the same. In this progress the State governments were never suspended in their functions. On the contrary, they took the lead in it. Conscious of their incompetency to secure to the Union the blessings of the Revolution, they promoted the diminution of their own powers and the enlargement of those of the General Government in the way in which they might be most adequate and efficient. It is believed that no other example can be found of a Government exerting its influence to lessen its own powers, of a policy so enlightened, of a patriotism so pure and disinterested. The credit, however, is more especially due to the people of each State, in obedience to whose will and under whose control the State governments acted.

"The Constitution of the United States, being ratified by the people of the several States, became of necessity to the extent of its powers the paramount authority of the Union. On sound principles it can be viewed in no other light. The people, the highest authority known to our system, from whom all our institutions spring and on whom they depend, form it. Had the people of the several States thought proper to incorporate themselves into one community, under one government, they might have done it. They had the power, and there was nothing then, nor is there anything now, should they be so disposed, to prevent it. They wisely stopped, however, at a certain point, extending the incorporation to that point, making the National Government thus far a consolidated Government, and preserving the State governments without that limit perfectly sovereign and independent of the National Government. Had the people of the several States incorporated themselves into one community, they must have remained such, their Constitution becoming then, like the constitution of the several States, incapable of change until altered by the will of the majority. In the institution of a State government by the citizens of a State a compact is formed to which all and every citizen are equal parties. They are also the sole parties and may amend it at pleasure. In the institution of the Government of the United States by the citizens of every State a compact was formed between the whole American people which had the same force and partakes of all the qualities to the extent of its powers as a compact between the citizens of a State in the formation of their own constitution. It can not be altered except by those who formed it or in the mode prescribed by the parties to the compact itself.

"This Constitution was adopted for the purpose of remedying all defects of the Confederation, and in this it has succeeded beyond any calculation that could have been formed of any human institution. By binding the States together the Constitution performs the great office of the Confederation; but it is in that sense only that it has any of the properties of that compact, and in that it is more effectual to the purpose, as it holds them together by a much stronger bond; and in all other respects in which the Confederation failed the Constitution has been blessed with complete success. The Confederation was a compact between separate and independent States, the execution of whose articles in the powers which operated internally depended on the State governments. But the great office of the Constitution, by incorporating the people of the several States to the extent of its powers into one community and enabling it to act directly on the people, was to annul the powers of the State governments to that extent, except in cases where they were concurrent, and to preclude their agency in giving effect to those of the General Government. The Government of the United States relies on its own means for the execution of its powers, as the State governments do for the execution of theirs, both governments having a common origin or sovereign, the people—the State governments the people of each State, the National Government the people of every State—and being amenable to the power which created it. It is by executing its functions as a Government thus originating and thus acting that the Constitution of the United States holds the States together and performs the office of a league. It is owing to the nature of its powers and the high source from whence they are derived—the people—that it performs that office better than the Confederation or any league which ever existed, being a compact which the State governments did not form, to which they are not parties, and which executes its own powers independently of them.

"There were two separate and independent governments established over our Union, one for local purposes over each State by the people of the State, the other for national purposes over all the States by the people of the United States. The whole power of the people, on the representative principle, is divided between them. The State governments are independent of each other, and to the extent of their powers are complete sovereignties. The National Government begins where the State governments terminate, except in some instances where there is a concurrent jurisdiction between them. This Government is also, according to the extent of its powers, a complete sovereignty. I speak here, as repeatedly mentioned before, altogether of representative sovereignties, for the real sovereignty is in the people alone.

"The history of the world affords no such example of two separate and independent governments established over the same people, nor can it exist except in governments founded on the sovereignty of the people. In monarchies and other governments not representative there can be no such division of power. The government is inherent in the possessor; it is his, and can not be taken from him without a revolution. In such governments alliances and leagues alone are practicable. But with us individuals count for nothing in the offices which they hold; that is, they have no right to them. They hold them as representatives, by appointment from the people, in whom the sovereignty is exclusively vested. It is impossible to speak too highly of this system, taken in its twofold character and in all its great principles of two governments, completely distinct from and independent of each other, each constitutional, founded by and acting directly on the people, each competent to all its purposes, administering all the blessings for which it was instituted, without even the most remote danger of exercising any of its powers in a way to oppress the people. A system capable of expansion over a vast territory not only without weakening either government, but enjoying the peculiar advantage of adding thereby new strength and vigor to the faculties of both; possessing also this additional advantage, that while the several States enjoy all the rights reserved to them of separate and independent governments, and each is secured by the nature of the Federal Government, which acts directly on the people, against the failure of the others to bear their equal share of the public burdens, and thereby enjoys in a more perfect degree all the advantages of a league, it holds them together by a bond altogether different and much stronger than the late Confederation or any league that was ever known before—a bond beyond their control, and which can not even be amended except in the mode prescribed by it. So great an effort in favor of human happiness was never made before; but it became those who made it. Established in the new hemisphere, descended from the same ancestors, speaking the same language, having the same religion and universal toleration, born equal and educated in the same principles of free government, made independent by a common struggle and menaced by the same dangers, ties existed between them which never applied before to separate communities. They had every motive to bind them together which could operate on the interests and affections of a generous, enlightened, and virtuous people, and it affords inexpressible consolation to find that these motives had their merited influence.

"In thus tracing our institutions to their origin and pursuing them in their progress and modifications down to the adoption of this Constitution two important facts have been disclosed, on which it may not be improper in this stage to make a few observations. The first is that in wresting the power, or what is called the sovereignty, from the Crown it passed directly to the people. The second that it passed directly to the people of each Colony and not to the people of all the Colonies in the aggregate; to 13 distinct communities and not to 1. To these two facts, each contributing its equal proportion, I am inclined to think that we are in an eminent degree indebted for the success of our Revolution. By passing to the people it vested in a community every individual of which had equal rights and a common interest. There was no family dethroned among us, no banished pretender in a foreign country looking back to his connections and adherents here in the hope of a recall; no order of nobility whose hereditary rights in the Government had been violated; no hierarchy which had been degraded and oppressed. There was but one order, that of the people, by whom everything was gained by the change. I mention it also as a circumstance of peculiar felicity that the great body of the people had been born and educated under these equal and original institutions. Their habits, their principles, and their prejudices were therefore all on the side of the Revolution and of free republican government.

"Had distinct orders existed our fortune might and probably would have been different. It would scarcely have been possible to have united so completely the whole force of the country against a common enemy. A contest would probably have arisen in the outset between the orders for the control. Had the aristocracy prevailed, the people would have been heartless. Had the people prevailed, the nobility would probably have left the country, or, remaining behind, internal divisions would have taken place in every State and a civil war broken out more destructive even than the foreign, which might have defeated the whole movement. Ancient and modern history is replete with examples proceeding from conflicts between distinct orders, of revolutions attempted which proved abortive, of republics which have terminated in despotism. It is owing to the simplicity of the elements of which our system is composed that the attraction of all the parts has been to a common center, that every change has tended to cement the union, and, in short, that we have been blessed with such glorious and happy success.

"And that the power wrested from the British Crown passed to the people of each Colony the whole history of our political movement from the emigration of our ancestors to the present day clearly demonstrates. What produced the Revolution? The violation of our rights. What rights? Our chartered rights. To whom were the charters granted, to the people of each Colony or to the people of all the Colonies as a single community? We know that no such community as the aggregate existed, and, of course, that no such rights could be violated. It may be added that the nature of the powers which were given to the delegates by each Colony and the manner in which they were executed show that the sovereignty was in the people of each and not in the aggregate. They respectively presented credentials such as are usual between ministers of separate powers, which were examined and approved before they entered on the discharge of the important duties committed to them. They voted also by Colonies and not individually, all the members from one Colony being entitled to one vote only. This fact alone, the first of our political association and at the period of our greatest peril, fixes beyond all controversy the source from whence the power which has directed and secured success to all our measures has proceeded.

"Had the sovereignty passed to the aggregate, consequences might have ensued, admitting the success of our Revolution, which might even yet seriously affect our system. By passing to the people of each Colony the opposition to Great Britain, the prosecution of the war, the Declaration of Independence, the adoption of the Confederation, and of this Constitution are all imputable to them. Had it passed to the aggregate, every measure would be traced to that source; even the State governments might be said to have emanated from it, and amendments of their constitutions on that principle be proposed by the same authority. In short, it is not easy to perceive all the consequences into which such a doctrine might lead. It is obvious that the people in

mass would have had much less agency in all the great measures of the Revolution and in those which followed than they actually had, and proportionably less credit for their patriotism and services than they are now entitled to and enjoy. By passing to the people of each Colony the whole body in each were kept in constant and active deliberation on subjects of the highest national importance and in the supervision of the conduct of all the public servants in the discharge of their respective duties. Thus the most effectual guards were provided against abuses and dangers of every kind which human ingenuity could devise, and the whole people rendered more competent to the self-government which by an heroic exertion they had acquired.

"I will now proceed to examine the powers of the General Government, which, like the governments of the several States, is divided into three branches—a legislative, executive, and judiciary—each having its appropriate share. Of these the legislative, from the nature of its powers, all laws proceeding from it, and the manner of its appointment, its members being elected immediately by the people, is by far the most important. The whole system of the National Government may be said to rest essentially on the powers granted to this branch. They mark the limit within which, with few exceptions, all the branches must move in the discharge of their respective functions. It will be proper, therefore, to take a full and correct view of the powers granted to it.

"By the eighth section of the first article of the Constitution it is declared that Congress shall have power—

"First. To lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defense and general welfare of the United States;

"Second. To borrow money;

"Third. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

"Fourth. To establish an uniform rule of naturalization and uniform laws respecting bankruptcies;

"Fifth. To coin money, regulate the value thereof and of foreign coin, and fix the standard of weights and measures;

"Sixth. To provide for the punishment of counterfeiting the securities and current coin of the United States;

"Seventh. To establish post offices and post roads;

"Eighth. To promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

"Ninth. To constitute tribunals inferior to the Supreme Court, to define and punish piracies and felonies committed on the high seas, and offenses against the laws of nations;

"Tenth. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

"Eleventh. To raise and support armies;

"Twelfth. To provide and maintain a navy;

"Thirteenth. To make rules for the government of the land and naval forces;

"Fourteenth. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;

"Fifteenth. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be in the service of the United States, reserving to the States the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress;

"Sixteenth. To exercise exclusive legislation in all cases whatever over such district (not exceeding 10 miles square) as may, by the cession of particular States and the acceptance by Congress, become the seat of government of the United States; and to exercise like authority over all places purchased, by the consent of the legislature of the State in which the same may be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings;

"Seventeenth. And to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States or in any department or officer thereof.

"To the other branches of the Government the powers properly belonging to each are granted. The President, in whom the executive power is vested, is made Commander in Chief of the Army and Navy and militia, when called into the service of the United States. He is authorized, with the advice and consent of the Senate, two-thirds of the Members present concurring, to form treaties, to nominate and, with the advice and consent of the Senate, to appoint ambassadors, other public ministers, and consuls, judges of the Supreme Court, and all other officers whose appointments are not otherwise provided for by law. He has power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment. It is made his duty to give to Congress from time to time information of the state of the Union, to recommend to their consideration such measures as he may judge necessary and expedient, to convene both Houses on extraordinary occasions, to receive ambassadors, and to take care that the laws be faithfully executed.

"The judicial power is vested in one Supreme Court and in such inferior courts as Congress may establish; and it is made to extend to all cases in law and equity arising under the Constitution, the laws of the United States, and treaties made under their authority. Cases affecting ambassadors and other public characters, cases of admiralty and maritime jurisdiction, causes in which the United States are a party, between two or more States, between citizens of different States, between citizens of the same State claiming grants of land under different States, between a State or the citizens thereof and foreign States, are specially assigned to these tribunals.

"Other powers have been granted in other parts of the Constitution which, although they relate to specific objects unconnected with the ordinary administration, yet, as they form important features in the Government and may shed useful light on the construction which ought to be given to the powers above enumerated, it is proper to bring into view.

"By Article I, secion 9, clause 1, it is provided that the migration or importation of such persons as any of the States now existing shall think proper to admit shall not be prohibited by Congress prior to the year 1808, but a tax or duty may be imposed on such importation not exceeding $10 for each person.

"By Article III, section 3, clause 1, new States may be admitted by Congress into the Union, but that no new State shall be formed within the jurisdiction of another State, nor any State be formed by the junction of two or more States or parts of States without the consent of the legislatures of the States concerned as well as of the United States. And by the next clause of the same article and section power is vested in Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States, with a proviso that nothing in the Constitution shall be so construed as to prejudice any claims of the United States or of any particular State.

"By Article IV, section 4, the United States guarantee to every State a republican form of government and engage to protect each of them against invasion; and on application of the legislature, or of the executive when the legisltaure can not be convened, against domestic violence.

"Of the other parts of the Constitution relating to power, some form restraints on the exercise of the powers granted to Congress and others on the exercise of the powers remaining to the States. The object in both instances is to draw more completely the line between the two governments and also to prevent abuses by either. Other parts operate like conventional stipulations between the States, abolishing between them all distinctions applicable to foreign powers and securing to the inhabitants of each State all the rights and immunities of citizens in the several States.

"By the fifth article it is provided that Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which in either case shall be valid as a part of the Constitution when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode may be proposed by Congress: *Provided*, That no State, without its consent, shall be deprived of its equal vote in the Senate, and that no amendment which may be made prior to the year 1808 shall affect the first and fourth clauses in the ninth section of the first article.

"By the second section of the sixth article it is declared that the Constitution, and laws of the United States which shall be made in pursuance thereof, and all treaties made under the authority of the United States, shall be the supreme law of the land, and that the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding. This right in the National Government to execute its powers was indispensable to its existence. If the State governments had not been restrained from encroaching on the powers vested in the National Government, the Constitution, like the Confederation, would soon have been set at naught; and it was not within the limit of the human mind to devise any plan for the accomplishment of the object other than by making a national constitution which should be to the extent of its powers the supreme law of the land. This right in the National Government would have existed under the Constitution to the full extent provided for by this declaration had it not been made. To prevent the possibility of a doubt, however, on so important a subject it was proper to make the declaration.

"Having presented above a full view of all the powers granted to the United States, it will be proper to look to those remaining to the States. It is by fixing the great powers which are admitted to belong to each government that we may hope to come to a right conclusion respecting those in controversy between them. In regard to the National Government this task was easy, because its powers were to be found in specific grants in the Constitution; but it is more difficult to give a detail of the powers of the State governments, as their constitutions, containing all powers granted by the people not specifically taken from them by grants to the United States, can not well be enumerated. Fortunately a precise detail of all the powers remaining to the State governments is not necessary in the present instance. A knowledge of their great powers only will answer every purpose contemplated, and respecting these there can be no diversity in opinion. They are sufficiently recognized and established by the Constitution of the United States itself.

"In designating the important powers of the State governments it is proper to observe, first, that the territory contemplated by the Constitution belongs to each State in its separate character and not to the United States in their aggregate character. Each State holds territory according to its original charter, except in cases where cessions have been made to the United States by individual States. The United States had none when the Constitution was adopted which had not been thus ceded to them and which they held on the conditions on which such cession had been made. Within the individual States it is believed that they held not a single acre; but if they did it was as citizens held it, merely as private property. The territory acquired by cession lying without the individual States rests on a different principle and is provided for by a separate and distinct part of the Constitution. It is the territory within the individual States to which the Constitution in its great principles applies, and it applies to such territory as the territory of a State and not as that of the United States. The next circumstance to be attended to is that the people composing this Union are the people of the several States, and not of the United States in the full sense of a consolidated government. The militia are the militia of the several States; lands are held under the laws of the States; descents, contracts, and all the concerns of private property, the administration of justice, and the whole criminal code, except in the cases of breaches of the laws of the United States made under and in conformity with the powers vested in Congress and of the laws of nations, are regulated by State laws. This enumeration shows the great extent of the powers of the State governments. The territory and the people form the basis on which all governments are founded. The militia constitutes their effective force. The regulation and protection of property and of personal liberty are also among the highest attributes of sovereignty. This, without other evidence, is sufficient to show that the great office of the Constitution of the United States is to unite the States together under a Government endowed with powers adequate to the purposes of its institution, relating, directly or indirectly, to foreign concerns, to the discharge of which a National Government thus formed alone could be competent.

"This view of the exclusive jurisdiction of the several States over the territory within their respective limits, except in cases otherwise specially provided for, is supported by the obvious intent of the several powers granted to Congress, to which a more particular attention is now due. Of these the right to declare war is perhaps the most important, as well by the consequences attending war as by the other powers granted in aid of it. The right to lay taxes, duties, imposts, and excises, though necessary for the support of the civil government, is equally necessary to sustain the charges of war; the right to raise and support armies and a navy and to call forth and govern the militia when in the service of the United States are altogether of the latter kind. They are granted in aid of the power to make war and intended to give effect to it. These several powers are of great force and extent and operate more directly within the limits and upon the resources of the States than any of the other powers. But still they are means only for given ends. War is declared and must be maintained, an

army and a navy must be raised, fortifications must be erected for the common defense, debts must be paid. For these purposes duties, imposts, and excises are levied, taxes are laid, the lands, merchandise, and other property of the citizens are liable for them; if the money is not paid seizures are made and the lands are sold. The transaction is terminated; the lands pass into other hands, who hold them, as the former proprietors did, under the laws of the individual States. They were means only to certain ends; the United States have nothing further to do with them. The same view is applicable to the power of the General Government over persons. The militia is called into the service of the United States; the service is performed; the corps returns to the State to which it belongs; it is the militia of such State, and not of the United States. Soldiers are required for the Army, who may be obtained by voluntary enlistment or by some other process founded in the principles of equality. In either case the citizen, after the tour of duty is performed, is restored to his former station in society, with his equal share in the common sovereignty of the Nation. In all these cases, which are the strongest which can be given, we see that the right of the General Government is nothing more than what it is called in the Constitution, a power to perform certain acts, and that the subject on which it operates is a means only to that end; that it was both before and after that act under the protection and subject to the laws of the individual State within which it was.

"To the other powers of the General Government the same remarks are applicable and with greater force. The right to regulate commerce with foreign powers was necessary as well to enable Congress to lay and collect duties and imposts as to support the rights of the Nation in the intercourse with foreign powers. It is executed at the ports of the several States and operates almost altogether externally. The right to borrow and coin money and to fix its value and that of foreign coin are important to the establishment of a National Government, and particularly necessary in support of the right to declare war, as, indeed, may be considered the right to punish piracy and felonies on the high seas and offenses against the laws of nations. The right to establish an uniform rule of naturalization and uniform laws respecting bankruptcies seems to be essentially connected with the right to regulate commerce. The first branch of it relates to foreigners entering the country; the second, to merchants who have failed. The right to promote the progress of useful arts and sciences may be executed without touching any of the individual States. It is accomplished by granting patents to inventors and preserving models, which may be done exclusively within the Federal district. The right to constitute courts inferior to the Supreme Court was a necessary consequence of the judiciary existing as a separate branch of the General Government. Without such inferior court in every State it would be difficult and might even be impossible to carry into effect the laws of the General Government. The right to establish post offices and post roads is essentially of the same character. For political, commercial, and social purposes it was important that it should be vested in the General Government. As a mere matter of regulation, and nothing more, I presume, was intended by it, it is a power easily executed and involving little authority within the States individually. The right to exercise exclusive legislation in all cases whatsoever over the Federal district and over forts, magazines, arsenals, dockyards, and other needful buildings with the consent of the State within which the same may be is a power of a peculiar character, and is sufficient in itself to confirm what has been said of all the other powers of the General Government. Of this particular grant further notice will hereafter be taken.

"I shall conclude my remarks on this part of the subject by observing that the view which has been presented of the powers and character of the two Governments is supported by the marked difference which is observable in the manner of their endowment. The State governments are divided into three branches—a legislative, executive, and judiciary—and the appropriate duties of each assigned to it without any limitation of power except such as is necessary to guard against abuse, in the form of bills of right. But in instituting the National Government an entirely different principle was adopted and pursued. The Government itself is organized, like the State governments, into three branches, but its powers are enumerated and defined in the most precise form. The subject has already been too fully explained to require illustration by a general view of the whole Constitution, every part of which affords proof of what is here advanced. It will be sufficient to advert to the eighth section of the first article, being that more particularly which defines the powers and fixes the character of the Government of the United States. By this section it is declared that Congress shall have power, first, to lay and collect taxes, duties, imposts, and excises, etc.

"Having shown the origin of the State governments and their endowments when first formed; having also shown the origin of the National Government and the powers vested in it, and having shown, lastly, the powers which are admitted to have remained to the State governments after those which were taken from them by the National Government, I will now proceed to examine whether the power to adopt and execute a system of internal improvement by roads and canals has been vested in the United States.

"Before we can determine whether this power has been granted to the General Government it will be necessary to ascertain distinctly the nature and extent of the power requisite to make such improvements. When that is done we shall be able to decide whether such power is vested in the National Government.

"If the power existed it would, it is presumed, be executed by a board of skillful engineers, on a view of the whole Union, on a plan which would secure complete effect to all the great purposes of our Constitution. It is not my intention, however, to take up the subject here on this scale. I shall state a case for the purpose of illustration only. Let it be supposed that Congress intended to run a road from the city of Washington to Baltimore and to connect the Chesapeake Bay with the Delaware and the Delaware with the Raritan by a canal, what must be done to carry the project into effect? I make here no question of the existing power. I speak only of the power necessary for the purpose. Commissioners would be appointed to trace a route in the most direct line, paying due regard to heights, water courses, and other obstacles, and to acquire the right to the ground over which the road and canal would pass, with sufficient breadth for each. This must be done by voluntary grants, or by purchases from individuals, or, in case they would not sell or should ask an exorbitant price, by condemning the property and fixing its value by a jury of the vicinage. The next object to be attended to after the road and canal are laid out and made is to keep them in repair. We know that there are people in every community capable of committing voluntary injuries, of pulling down walls that are made to sustain the road, of breaking the bridges over water courses and breaking the road itself. Some living near it might be disappointed that it did not pass through their lands and commit these acts of violence and waste from revenge or in the hope of giving it that direction, though for a short time. Injuries of this kind have been committed and are still complained of on the road from Cumberland to the Ohio. To accomplish this object Congress should have a right to pass laws to punish offenders wherever they may be found. Jurisdiction over the road would not be sufficient, though it were exclusive. It would seldom happen that the parties would be detected in the act. They would generally commit it in the night and fly far off before the sun appeared. The power to punish these culprits must therefore reach them wherever they go. The must also be amenable to competent tribunals, Federal or State. The power must likewise extend to another object not less essential or important than those already mentioned. Experience has shown that the establishment of turnpikes, with gates and tolls and persons to collect the tolls, is the best expedient that can be adopted to defray the expense of these improvements and the repairs which they necessarily require. Congress must therefore have power to make such an establishment and to support it by such regulations, with fines and penalties in the case of injuries, as may be competent to the purpose. The right must extend to all those objects, or it will be utterly incompetent. It is possessed and exercised by the States individually, and it must be possessed by the United States or the pretension must be abandoned.

"Let it be further supposed that Congress, believing that they do possess the power, have passed an act for those purposes, under which commissioners have been appointed, who have begun the work. They are met at the first farm on which they enter by the owner, who forbids them to trespass on his land. They offer to buy it at a fair price or at twice or thrice its value. He persists in his refusal. Can they, on the principle recognized and acted on by all the State governments that in cases of this kind the obstinacy and perverseness of an individual must yield to the public welfare, summon a jury of upright and discreet men to condemn the land, value it, and compel the owner to receive the amount and to deliver it up to them? I believe that very few would concur in the opinion that such a power exists.

"The next object is to preserve these improvements from injury. The locks of the canal are broken, the walls which sustained the road are pulled down, the bridges are broken, the road itself is plowed up, toll is refused to be paid, the gates of the canal or turnpike are forced. The offenders are pursued, caught, and brought to trial. Can they be punished? The question of right must be decided on principle. The culprits will avail themselves of every barrier that may serve to screen them from punishment. They will plead that the law under which they stand arraigned is unconstitutional, and that question must be decided by the court, whether Federal or State, on a fair investigation of the powers vested in the General Government by the Constitution. If the judges find that these powers have not been granted to Congress, the prisoners must be acquitted, and by their acquittal all claim to the right to establish such a system is at an end.

"I have supposed an opposition to be made to the right in Congress by the owner of the land and other individuals charged with breaches of laws made to protect the works from injury, because it is the mildest form in which it can present itself. It is not, however, the only one. A State, also, may contest the right, and then the controversy assumes another character. Government might contend against government, for to a certain extent both the Governments are sovereign and independent of each other, and in that form it is possible, though not probable, that opposition might be made. To each limitations are prescribed, and should a contest rise between them respecting their rights and the people sustain it with anything like an equal division of numbers the worst consequences might ensue.

"It may be urged that the opposition suggested by the owner of the land or by the States individually may be avoided by a satisfactory arrangement with the parties. But a suppression of opposition in that way is no proof of a right in Congress, nor could it, if confined to that limit, remove all the impediments to the exercise of the power. It is not sufficient that Congress may by the command and application of the public revenue purchase the soil, and thus silence that class of individuals, or by the accommodation afforded to individual States put down opposition on their part. Congress must be able rightfully to control all opposition or they can not carry the system into effect. Cases would inevitably occur to put the right to the test. The work must be preserved from injury, tolls must be collected, offenders must be punished. With these culprits no bargain can be made. When brought to trial they must deny the validity of the law, and that plea being sustained all claim to the right ceases.

"If the United States possess this power, it must be either because it has been specifically granted or that it is incidental and necessary to carry into effect some specific grant. The advocates for the power derive it from the following sources: First, the right to establish post offices and post roads; second, to declare war; third, to regulate commerce among the several States; fourth, from the power to pay the debts and provide for the common defense and general welfare of the United States; fifth, from the power to make all laws necessary and proper for carrying into execution all the powers vested by the Constitution in the Government of the United States or in any department or officer thereof; sixth and lastly, from the power to dispose of and make all needful rules and regulations respecting the territory and other property of the United States. It is to be observed that there is but little accord among the advocates for this power as to the particular source from whence it is derived. They all agree, however, in ascribing it to some one or more of those above mentioned. I will examine the ground of the claim in each instance.

"The first of these grants is in the following words: 'Congress shall have power to establish post offices and post roads.' What is the just import of these words and the extent of the grant? The word 'establish' is the ruling term; 'post offices and post roads' are the subjects on which it acts. The question therefore is, What power is granted by that word? The sense in which words are commonly used is that in which they are to be understood in all transactions between public bodies and individuals. The intention of the parties is to prevail, and there is no better way of ascertaining it than by giving to the terms used their ordinary import. If we were to ask any number of our most enlightened citizens, who had no connection with public affairs and whose minds were unprejudiced, what was the import of the word 'establish' and the extent of the grant which it controls, we do not think there would be any difference of opinion among them. We are satisfied that all of them would answer that a power was thereby given to Congress to fix on the towns, courthouses, and other places throughout our Union at which there should be post offices, the routes by which the mails should be carried from one post office to another, so as to diffuse intelligence as extensively and to make the institution as useful as possible, to fix the postage to be paid on every letter and packet thus carried, to support the establishment, and to protect the post

office and mails from robbery by punishing those who should commit the offense. The idea of a right to lay off the roads of the United States on a general scale of improvement, to take the soil from the proprietor by force, to establish turnpikes and tolls, and to punish offenders in the manner stated above would never occur to any such person. The use of the existing road by the stage, mail carrier, or post boy in passing over it as others do is all that would be thought of, the jurisdiction and soil remaining to the State, with a right in the State or those authorized by its legislature to change the road at pleasure.

"The intention of the parties is supported by other proof, which ought to place it beyond all doubt. In the former act of Government, the Confederation, we find a grant for the same purpose expressed in the following words: 'The United States in Congress assembled shall have the sole and exclusive right and power of establishing and regulating post offices from one State to another throughout all the United States, and exacting such postage on the papers passing through the same as may be requisite to defray the expenses of the said office.' The term 'establish' was likewise the ruling one in that instrument, and was evidently intended and understood to give a power simply and solely to fix where there should be post offices. By transferring this term from the Confederation into the Constitution it was doubtless intended that it should be understood in the same sense in the latter that it was in the former instrument, and to be applied alike to post offices and post roads. In whatever sense it is applied to post offices it must be applied in the same sense to post roads. But it may be asked, If such was the intention, why were not all the other terms of the grant transferred with it? The reason is obvious. The Confederation being a bond of union between independent States, it was necessary in granting the powers which were to be exercised over them to be very explicit and minute in defining the powers granted. But the Constitution to the extent of its powers having incorporated the States into one Government like the government of the States individually, fewer words in defining the powers granted by it were not only adequate, but perhaps better adapted to the purpose. We find that brevity is a characteristic of the instrument. Had it been intended to convey a more enlarged power in the Constitution than had been granted in the Confederation, surely the same controlling term would not have been used, or other words would have been added, to show such intention and to mark the extent to which the power should be carried. It is a liberal construction of the powers granted in the Constitution by this term to include in it all the powers that were granted in the Confederation by terms which specifically defined and, as was supposed, extended their limits. It would be absurd to say that by omitting from the Constitution any portion of the phraseology which was deemed important n the Confederation the import of that term was enlarged, and with it the powers of the Constitution, in a proportional degree, beyond what they were in the Confederation. The right to exact postage and to protect the post offices and mails from robbery by punishing the offenders may fairly be considered as incidents to the grant, since without it the object of the grant might be defeated. Whatever is absolutely necessary to the accomplishment of the object of the grant, though not specified, may fairly be considered as included in it. Beyond this the doctrine of incidental power can not be carried.

"If we go back to the origin of our settlements and institutions and trace their progress down to the Revolution, we shall see that it was in this sense, and in none other, that the power was exercised by all our colonial governments. Post offices were made for the country, and not the country for them. They are the offspring of improvement; they never go before it. Settlements are first made, after which the progress is uniform and simple, extending to objects in regular order most necessary to the comfort of man—schools, places of public worship, courthouses, and markets; post offices follow. Roads may, indeed, be said to be coeval with settlements; they lead to all the places mentioned, and to every other which the various and complicated interests of society require.

"It is believed that not one example can be given, from the first settlement of our country to the adoption of this Constitution, of a post office being established without a view to existing roads or of a single road having been made by pavement, turnpike, etc., for the sole purpose of accommodating a post office. Such, too, is the uniform progress of all societies. In granting, then, this power to the United States it was undoubtedly intended by the framers and ratifiers of the Constitution to convey it in the sense and extent only in which it had been understood and exercised by the previous authorities of the country.

"This conclusion is confirmed by the object of the grant and the manner of its execution. The object is the transportaton of the mail throughout the United States, which may be done on horseback, and was so done until lately, since the establishment of stages. Between the great towns and in other places where the population is dense stages are preferred because they afford an additional opportunity to make a profit from passengers; but where the population is sparse and on crossroads it is generally carried on horseback. Unconnected with passengers and other objects, it can not be doubted that the mail itself may be carried in every part of our Union with nearly as much economy and greater dispatch on horseback than in a stage, and in many parts with much greater. In every part of the Union in which stages can be preferred the roads are sufficiently good provided those which serve for every other purpose will accommodate them. In every other part where horses alone are used if other people pass them on horseback surely the mail carrier can. For an object so simple and so easy in its execution it would doubtless excite surprise if it should be thought proper to appoint commissioners to lay off the country on a great scheme of improvement, with the power to shorten distances, reduce heights, level mountains, and pave surfaces.

"If the United States possessed the power contended for under this grant, might they not in adopting the roads of the individual States for the carriage of the mail, as has been done, assume jurisdiction over them and preclude a right to interfere with or alter them? Might they not establish turnpikes and exercise all the other acts of sovereignty above stated over such roads necessary to protect them from injury and defray the expense of repairing them? Surely if the right exists these consequences necessarily followed as soon as the road was established. The absurdity of such a pretension must be apparent to all who examine it. In this way a large portion of the territory of every State might be taken from it, for there is scarcely a road in any State which will not be used for the transportation of the mail. A new field for legislation and internal government would thus be opened.

"From this view of the subject I think we may fairly conclude that the right to adopt and execute a system of internal improvement, or any part of it, has not been granted to Congress under the power to establish post offices and post roads; that the common roads of the country only were contemplated by that grant, and are fully competent to all its purposes.

"The next object of inquiry is whether the right to declare war includes the right to adopt and execute this system of improvement. The objections to it are, I presume, not less conclusive than those which are applicable to the grant which we have just examined.

"Under the last-mentioned grant a claim has been set up to as much of that system as relates to roads. Under this it extends alike to roads and canals.

"We must examine this grant by the same rules of construction that were applied to the preceding one. The object was to take this power from the individual States and to vest it in the General Government. This has been done in clear and explicit terms, first by granting the power to Congress, and secondly by prohibiting the exercise of it by the States. 'Congress shall have a right to declare war.' This is the language of the grant. If the right to adopt and execute this system of improvement is included in it, it must be by way of incident only, since there is nothing in the grant itself which bears any relation to roads and canals. The following considerations, it is presumed, prove incontestably that this power has not been granted in that or any other manner.

"The United States are exposed to invasion through the whole extent of their Atlantic coast by any European power with whom we might be engaged in war—on the northern and northwestern frontier, on the side of Canada, by Great Britain, and on the southern by Spain or any power in alliance with her. If internal improvements are to be carried to the full extent to which they may be useful for military purposes, the power as it exists must apply to all the roads of the Union, there being no limitation to it. Wherever such improvements may facilitate the march of troops, the transportation of cannon, or otherwise aid the operations or mitigate the calamities of war along the coast or in any part of the interior they would be useful for military purposes, and might therefore be made. The power following as an incident to another power can be measured as to its extent by reference only to the obvious extent of the power to which it is incidental. So great a scope was, it is believed, never given to incidental power.

"If it had been intended that the right to declare war should include all the powers necessary to maintain war, it would follow that nothing would have been done to impair the right or to restrain Congress from the exercise of any power which the exigencies of war might require. The nature and extent of this exigency would mark the extent of the power granted, which should always be construed liberally, so as to be adequate to the end. A right to raise money by taxes, duties, excises, and by loan: to raise and support armies and a navy; to provide for calling forth, arming, disciplining, and governing the militia when in the service of the United States, establishing fortifications and governing the troops stationed in them independently of the State authorities; and to perform many other acts, is indispensable to the maintenance of war. No war with any great power can be prosecuted with success without the command of the resources of the Union in all these respects. These powers, then, would of necessity and by common consent have fallen within the right to declare war had it been intended to convey by way of incident to that right the necessary powers to maintain war. But these powers have all been granted specifically with many others, in great detail, which experience had shown were necessary for the purposes of war. By specifically granting, then, these powers it is manifest that every power was thus granted which it was intended to grant for military purposes, and that it was also intended that no important power should be included in this grant by way of incident, however useful it might be for some of the purposes of the grant.

"By the sixteenth of the enumerated powers, Article I, section 8, Congress are authorized to exercise exclusive legislation in all cases whatever over such district as may by cession of particular States and the acceptance of Congress, not exceeding 10 miles square, become the seat of Government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other useful buildings. If any doubt existed on a view of other parts of the Constitution respecting the decision which ought to be formed on the question under consideration, I should suppose that this clause would completely remove it. It has been shown after the most liberal construction of all the enumerated powers of the General Government that the territory within the limits of the respective States belonged to them; that the United States had no right under the powers granted to them, with the exception specified in this grant, to even the smallest portion of territory within a State, all those powers operating on a different principle and having their full effect without impairing in the slightest degree this right in the States; that those powers were in every instance means to ends, which being accomplished left the subject—that is, the property, in which light only land could be regarded—where it was before, under the jurisdiction and subject to the laws of the State governments.

"The second number of the clause, which is applicable to military and naval purposes alone, claims particular attention here. It fully confirms the view taken of the other enumerated powers, for had it been intended to include in the right to declare war, by way of incident, any right of jurisdiction or legislation over territory within a State, it would have been done as to fortifications, magazines, arsenals, dockyards, and other needful buildings. By specifically granting the right as to such small portions of territory as might be necessary for these purposes and on certain conditions, minutely and well defined, it is manifest that it was not intended to grant it as to any other portion on any condition for any purpose or in any manner whatsoever.

"It may be said that, although the authority to exercise exclusive legislation in certain cases within the States with their consent may be considered as a prohibition to Congress to exercise like exclusive legislation in any other case, although their consent should be granted, it does not prohibit the exercise of such jurisdiction or power within a State as would be competent to all the purposes of internal improvement. I can conceive no ground on which the idea of such a power over any part of the territory of a State can be inferred from the power to declare war. There never can be an occasion for jurisdiction for military purposes except in fortifications, dockyards, and the like places. If the soldiers are in the field or are quartered in garrisons without the fortifications, the civil authority must prevail where they are. The government of the troops by martial law is not affected by it. In war, when the forces are increased and the movement is on a greater scale, consequences follow which are inseparable from the exigencies of the State. More freedom of action and a wider range of power in the military commanders, to be exercised on their own

responsibility, may be necessary to the public safety; but even here the civil authority of the State never ceases to operate. It is also exclusive for all civil purposes.

"Whether any power short of that stated would be adequate to the purposes of internal improvement is denied. In the case of territory, one Government must prevail for all the purposes intended by the grant. The jurisdiction of the United States might be modified in such manner as to admit that of the State in all cases and for all purposes not necessary to the execution of the proposed power; but the right of the General Government must be complete for all the purposes above stated. It must extend to the seizure and condemnation of the property, if necessary; to the punishment of offenders for injuries to the roads and canals; to the establishment and enforcement of tolls, etc. It must be a complete right to the extent above stated or it will be of no avail. That right does not exist.

"The reasons which operate in favor of the right of exclusive legislation in forts, dockyards, etc., do not apply to any other places. The safety of such works and of the cities which they are intended to defend, and even of whole communities, may sometimes depend on it. If spies are admitted within them in time of war, they might communicate intelligence to the enemy which might be fatal. All nations surround such works with high walls and keep their gates shut. Even here, however, three important conditions are indispensable to such exclusive legislation: First, the ground must be requisite for and be applied to those purposes; second, it must be purchased; third, it must be purchased by the consent of the State in which it may be. When we find that so much care has been taken to protect the sovereignty of the States over the territory within their respective limits, admitting that of the United States over such small portions and for such special and important purposes only, the conclusion is irresistible not only that the power necessary for internal improvements has not been granted, but that it has been clearly prohibited.

"I come next to the right to regulate commerce, the third source from whence the right to make internal improvements is claimed. It is expressed in the following words: 'Congress shall have power to regulate commerce with foreign nations and among the several States and with the Indian tribes.' The reasoning applicable to the preceding claims is equally so to this. The mischief complained of was that this power could not be exercised with advantage by the individual States, and the object was to transfer it to the United States. The sense in which the power was understood and exercised by the States was doubtless that in which it was transferred to the United States. The policy was the same as to three branches of this grant, and it is scarcely possible to separate the two first from each other in any view which may be taken of the subject. The last, relating to the Indian tribes, is of a nature distinct from the others for reasons too well known to require explanation. Commerce between independent powers or communities is universally regulated by duties and imposts. It was so regulated by the States before the adoption of this Constitution equally in respect to each other and to foreign powers. The goods and vessels employed in the trade are the only subjects of regulation. It can act on none other. A power, then, to impose such duties and imposts in regard to foreign nations and to prevent any on the trade between the States was the only power granted.

"If we recur to the causes which produced the adoption of this Constitution, we shall find that injuries resulting from the regulation of trade by the States, respectively, and the advantages anticipated from the transfer of the power to Congress were among those which had the most weight. Instead of acting as a nation in regard to foreign powers, the States individually had commenced a system of restraint on each other whereby the interests of foreign powers were promoted at their expense. If one State imposed high duties on the goods or vessels of a foreign power to countervail the regulations of such power, the next adjoining States imposed lighter duties to invite those articles into their ports, that they might be transferred thence into the other States, securing the duties to themselves. This contracted policy in some of the States was soon counteracted by others. Restraints were immediately laid on such commerce by the suffering States, and thus had grown up a state of affairs disorderly and unnatural, the tendency of which was to destroy the Union itself and with it all hope of realizing those blessings which we had anticipated from the glorious Revolution which had been so recently achieved. From this deplorable dilemma, or, rather, certain ruin, we were happily rescued by the adoption of the Constitution.

"Among the first and most important effects of this great Revolution was the complete abolition of this pernicious policy. The States were brought together by the Constitution as to commerce into one community equally in regard to foreign nations and each other. The regulations that were adopted regarded us in both respects as one people. The duties and imposts that were laid on the vessels and merchandise of foreign nations were all uniform throughout the United States, and in the intercourse between the States themselves no duties of any kind were imposed other than between different ports and counties within the same State.

"This view is supported by a series of measures, all of a marked character, preceding the adoption of the Constitution. As early as the year 1781 Congress recommended it to the States to vest in the United States a power to levy a duty of 5 per cent on all goods imported from foreign countries into the United States for the term of 15 years. In 1783 this recommendation, with alterations as to the kind of duties and an extension of this term to 25 years, was repeated and more earnestly urged. In 1784 it was recommended to the States to authorize Congress to prohibit, under certain modifications, the importation of goods from foreign powers into the United States for 15 years. In 1785 the consideration of the subject was resumed, and a proposition presented in a new form, with an address to the States, explaining fully the principles on which a grant of the power to regulate trade was deemed indispensable. In 1786 a meeting took place at Annapolis of delegates from several of the States on this subject, and on their report a convention was formed at Philadelphia the ensuing year from all the States, to whose deliberations we are indebted for the present Constitution.

"In none of these measures was the subject of internal improvement mentioned or even glanced at. Those of 1784, 1785, 1786, and 1787, leading step by step to the adoption of the Constitution, had in view only the obtaining of a power to enable Congress to regulate trade with foreign powers. It is manifest that the regulation of trade with the several States was altogether a secondary object, suggested by and adopted in connection with the other. If the power necessary to this system of improvement is included under either branch of this grant, I should suppose that it was the first rather than the second. The pretension to it, however, under that branch has never been set up. In support of the claim under the second no reason has been assigned which appears to have the least weight.

"The fourth claim is founded on the right of Congress to 'pay the debts and provide for the common defense and general welfare' of the United States. This claim has less reason on its side than either of those which we have already examined. The power of which this forms a part is expressed in the following words: 'Congress shall have power to lay and collect taxes, duties, imposts, and excises; to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.'

"That the second part of this grant gives a right to appropriate the public money, and nothing more, is evident from the following considerations: First. If the right of appropriation is not given by this clause, it is not given at all, there being no other grant in the Constitution which gives it directly or which has any bearing on the subject, even by implication, except the two following:

"First, the prohibition, which is contained in the eleventh of the enumerated powers, not to appropriate money for the support of armies for a longer term than two years; and, second, the declaration of the sixth member or clause of the ninth section of the first article that no money shall be drawn from the Treasury but in consequence of appropriations made by law.

"Second. This part of the grant has none of the characteristics of a distinct and original power. It is manifestly incidental to the great objects of the first part of the grant, which authorizes Congress to lay and collect taxes, duties, imposts, and excises, a power of vast extent, not granted by the Confederation, the grant of which formed one of the principal inducements to the adoption of this Constitution. If both parts of the grant are taken together (as they must be, for the one follows immediately after the other in the same sentence), it seems to be impossible to give to the latter any other construction than that contended for. Congress shall have power to lay and collect taxes, duties, imposts, and excises. For what purpose? To pay the debts and provide for the common defense and general welfare of the United States, an arrangement and phraseology which clearly show that the latter part of the clause was intended to enumerate the purposes to which the money thus raised might be appropriated.

"Third. If this is not the real object and fair construction of the second part of this grant, it follows either that it has no import or operation whatever or one of much greater extent than the first part. This presumption is evidently groundless in both instances. In the first, because no part of the Constitution can be considered useless; no sentence or clause in it without a meaning. In the second, because such a construction as made the second part of the clause an original grant, embracing the same object with the first, but with much greater power than it, would be in the highest degree absurd. The order generally observed in grants, an order founded in common sense, since it promotes a clear understanding of their import, is to grant the power intended to be conveyed in the most full and explicit manner, and then to explain or qualify it, if explanation or qualification should be necessary. This order has, it is believed, been invariably observed in all the grants contained in the Constitution. In the second, because if the clause in question is not construed merely as an authority to appropriate the public money, it must be obvious that it conveys a power of indefinite and unlimited extent; that there would have been no use for the special powers to raise and support armies and a navy, to regulate commerce, to call forth the militia, or even to lay and collect taxes, duties, imposts, and excises. An unqualified power to pay the debts and provide for the common defense and general welfare, as the second part of this clause would be if considered as a distinct and separate grant, would extend to every object in which the public could be interested. A power to provide for the common defense would give to Congress the command of the whole force and of all the resources of the Union; but a right to provide for the general welfare would go much further. It would in effect break down all the barriers between the States and the General Government and consolidate the whole under the latter.

"The powers specifically granted to Congress are what are called the enumerated powers, and are numbered in the order in which they stand, among which that contained in the first clause holds the first place in point of importance. If the power created by the latter part of the clause is considered an original grant, unconnected with and independent of the first, as in that case it must be, then the first part is entirely done away, as are all the other grants in the Constitution, being completely absorbed in the transcendent power granted in the latter part; but if the clause be construed in the sense contended for, then every part has an important meaning and effect; not a line, a word, in it is superfluous. A power to lay and collect taxes, duties, imposts, and excises subjects to the call of Congress every branch of the public revenue, internal and external, and the addition to pay the debts and provide for the common defense and general welfare gives the right of applying the money raised—that is, of appropriating it to the purposes specified according to a proper construction of the terms. Hence it follows that it is the first part of the clause only which gives a power which affects in any manner the power remaining to the States, as the power to raise money from the people, whether it be by taxes, duties, imposts, or excises, though concurrent in the States as to taxes and excises, must necessarily do. But the use or application of the money after it is raised is a power altogether of a different character. It imposes no burden on the people, nor can it act on them in a sense to take power from the States or in any sense in which power can be controverted, or become a question between the two Governments. The application of money raised under a lawful power is a right or grant which may be abused. It may be applied partially among the States, or to improper purposes in our foreign and domestic concerns; but still it is a power not felt in the sense of other power, since the only complaint which any State can make of such partiality and abuse is that some other State or States have obtained greater benefit from the application than by a just rule of apportionment they were entitled to. The right of appropriation is therefore from its nature secondary and incidental to the right of raising money, and it was proper to place it in the same grant and the same clause with that right. By finding them, then, in that order we see a new proof of the sense in which the grant was made, corresponding with the view herein taken of it.

"The last part of this grant, which provides that all duties, imposts, and excises shall be uniform throughout the United States, furnishes another strong proof that it was not intended that the second part should constitute a distinct grant in the sense above stated, or convey any other right than that of appropriation. This provision operates exclusively on the power granted in the first part of the clause. It recites three branches of that power—duties, imposts, and excises—those only on which it could operate, the rule by which the fourth—

that is, taxes—should be laid being already provided for in another part of the Constitution. The object of this provision is to secure a just equality among the States in the exercise of that power by Congress. By placing it after both the grants—that is, after that to raise and that to appropriate the public money—and making it apply to the first only it shows that it was not intended that the power granted in the second should be paramount to and destroy that granted in the first. It shows also that no such formidable power as that suggested had been granted in the second, or any power against the abuse of which it was thought necessary specially to provide. Surely if it was deemed proper to guard a specific power of limited extent and well-known import against injustice and abuse, it would have been much more so to have guarded against the abuse of a power of such vast extent and so indefinite as would have been granted by the second part of the clause if considered as a distinct and original grant.

"With this construction all the other enumerated grants, and, indeed, all the grants of power contained in the Constitution, have their full operation and effect. They all stand well together, fulfilling the great purposes intended by them. Under it we behold a great scheme, consistent in all its parts, a government instituted for national purposes, vested with adequate powers for those purposes, commencing with the most important of all, that of the revenue, and proceeding in regular order to the others with which it was deemed proper to endow it, all, too, drawn with the utmost circumspection and care. How much more consistent is this construction with the great objects of the institution and with the high character of the enlightened and patriotic citizens who framed it, as well as of those who ratified it, than one which subverts every sound principle and rule of construction and throws everything into confusion.

"I have dwelt thus long on this part of the subject from an earnest desire to fix in a clear and satisfactory manner the import of the second part of this grant, well knowing from the generality of the terms used their tendency to lead into error. I indulge a strong hope that the view herein presented will not be without effect, but will tend to satisfy the unprejudiced and impartial that nothing more was granted by that part than a power to appropriate the public money raised under the other part. To what extent that power may be carried will be the next object of inquiry.

"It is contended on the one side that as the National Government is a government of limited powers it has no right to expend money except in the performance of acts authorized by the other specific grants according to a strict construction of their powers; that this grant in neither of its branches gives to Congress discretionary power of any kind, but is a mere instrument in its hands to carry into effect the powers contained in the other grants. To this construction I was inclined in the more early stage of our Government; but on further reflection and observation my mind has undergone a change, for reasons which I will frankly unfold.

"The grant consists, as heretofore observed, of a twofold power—the first to raise, the second to appropriate, the public money—and the terms used in both instances are general and unqualified. Each branch was obviously drawn with a view to the other, and the import of each tends to illustrate that of the other. The grant to raise money gives a power over every subject from which revenue may be drawn, and is made in the same manner with the grants to declare war, to raise and support armies and a navy, to regulate commerce, to establish post offices and post roads, and with all the other specific grants to the General Government. In the discharge of the powers contained in any of these grants there is no other check than that which is to be found in the great principles of our system, the responsibility of the representative to his constituents. If war, for example, is necessary, and Congress declare it for good cause, their constituents will support them in it. A like support will be given them for the faithful discharge of their duties under any and every other power vested in the United States. It affords to the friends of our free governments the most heartfelt consolation to know—and from the best evidence, our own experience—that in great emergencies the boldest measures, such as form the strongest appeals to the virtue and patriotism of the people, are sure to obtain the most decided approbation. But should the representative act corruptly and betray his trust, or otherwise prove that he was unworthy of the confidence of his constituents, he would be equally sure to lose it and to be removed and otherwise censured, according to his deserts. The power to raise money by taxes, duties, imposts, and excises is alike unqualified, nor do I see any check on the exercise of it other than that which applies to the other powers above recited, the responsibility of the representative to his constituents. Congress know the extent of the public engagements and the sums necessary to meet them; they know how much may be derived from each branch of revenue without pressing it too far; and, paying due regard to the interests of the people, they likewise know which branch ought to be resorted to in the first instance. From the commencement of the Government two branches of this power, duties and imposts, have been in constant operation, the revenue from which has supported the Government in its various branches and met its other ordinary engagements. In great emergencies the other two, taxes and excises, have likewise been resorted to, and neither was the right or the policy ever called in question.

"If we look to the second branch of this power, that which authorizes the appropriation of the money thus raised, we find that it is not less general and unqualified than the power to raise it. More comprehensive terms than to 'pay the debts and provide for the common defense and general welfare' could not have been used. So intimately connected with and dependent on each other are these two branches of power that had either been limited the limitation would have had the like effect on the other. Had the power to raise money been conditional or restricted to special purposes, the appropriation must have corresponded with it, for none but the money raised could be appropriated, nor could it be appropriated to other purposes than those which were permitted. On the other hand, if the right of appropriation had been restricted to certain purposes, it would be useless and improper to raise more than would be adequate to those purposes. It may fairly be inferred these restraints or checks have been carefully and intentionally avoided. The power in each branch is alike broad and unqualified, and each is drawn with peculiar fitness to the other, the latter requiring terms of great extent and force to accommodate the former, which have been adopted, and both placed in the same clause and sentence. Can it be presumed that all these circumstances were so nicely adjusted by mere accident? Is it not more just to conclude that they were the result of due deliberation and design? Had it been intended that Congress should be restricted in the appropriation of the public money to such expenditures as were authorized by a rigid construction of the other specific grants, how easy would it have been to have provided for it by a declaration to that effect. The omission of such declaration is therefore an additional proof that it was not intended that the grant should be so construed.

"It was evidently impossible to have subjected this grant in either branch to such restriction without exposing the Government to very serious embarrassment. How carry it into effect? If the grant had been made in any degree dependent upon the States, the Government would have experienced the fate of the Confederation. Like it, it would have withered and soon perished. Had the Supreme Court been authorized, or should any other tribunal distinct from the Government be authorized, to impose its veto, and to say that more money had been raised under either branch of this power—that is, by taxes, duties, imposts, or excises—than was necessary, that such a tax or duty was useless, that the appropriation to this or that purpose was unconstitutional, the movement might have been suspended and the whole system disorganized. It was impossible to have created a power within the Government or any other power distinct from Congress and the Executive which should control the movement of the Government in this respect and not destroy it. Had it been declared by a clause in the Constitution that the expenditures under this grant should be restricted to the construction which might be given of the other grants, such restraint, though the most innocent, could not have failed to have had an injurious effect on the vital principles of the Government and often on its most important measures. Those who might wish to defeat a measure proposed might construe the power relied on in support of it in a narrow and contracted manner, and in that way fix a precedent inconsistent with the true import of the grant. At other times those who favored a measure might give to the power relied on a forced or strained construction, and, succeeding in the object, fix a precedent in the opposite extreme. Thus it is manifest that if the right of appropriation be confined to that limit, measures may oftentimes be carried or defeated by considerations and motives altogether independent of and unconnected with their merits, and the several powers of Congress receive constructions equally inconsistent with their true import. No such declaration, however, has been made, and from the fair import of the grant, and, indeed, its positive terms, the inference that such was intended seems to be precluded.

"Many considerations of great weight operate in favor of this construction, while I do not perceive any serious objection to it. If it be established, it follows that the words 'to provide for the common defense and general welfare' have a definite, safe, and useful meaning. The idea of their forming an original grant, with unlimited power, superseding every other grant, is abandoned. They will be considered simply as conveying a right of appropriation, a right indispensable to that of raising a revenue and necessary to expenditures under every grant. By it, as already observed, no new power will be taken from the States, the money to be appropriated being raised under a power already granted to Congress. By it, too, the motive for giving a forced or strained construction to any of the other specific grants will in most instances be diminished and in many utterly destroyed. The importance of this consideration can not be too highly estimated, since, in addition to the examples already given, it ought particularly to be recollected that to whatever extent any specified power many be carried the right of jurisdiction goes with it, pursuing it through all its incidents. The very important agency which this grant has in carrying into effect every other grant is a wrong argument in favor of the construction contended for. All the other grants are limited by the nature of the offices which they have severally to perform, each conveying a power to do a certain thing, and that only, whereas this is coextensive with the great scheme of the Government itself. It is the lever which raises and puts the whole machinery in motion and continues the movement. Should either of the other grants fail in consequence of any condition or limitation attached to it or misconstruction of its powers, much injury might follow, but still it would be the failure of one branch of power, of one item in the system only. All the others might move on. But should the right to raise and appropriate the public money be improperly restricted, the whole system might be sensibly affected, if not disorganized. Each of the other grants is limited by the nature of the grant itself; this, by the nature of the Government only. Hence it became necessary that, like the power to declare war, this power should be commensurate with the great scheme of the Government and with all its purposes.

"If, then, the right to raise and appropriate the public money is not restricted to the expenditures under the other specific grants according to a strict construction of their powers, respectively, is there no limitation to it? Have Congress a right to raise and appropriate the money to any and to every purpose according to their will and pleasure? They certainly have not. The Government of the United States is a limited Government, instituted for great national purposes, and for those only. Other interests are committed to the States, whose duty it is to provide for them. Each government should look to the great and essential purposes for which it was instituted and confine itself to those purposes. A State government will rarely, if ever, apply money to national purposes without making it a charge to the Nation. The people of the State would not permit it. Nor will Congress be apt to apply money in aid of the State administrations for purposes strictly local in which the Nation at large has no interest, although the State should desire it. The people of the other States would condemn it. They would declare that Congress had no right to tax them for such a purpose and dismiss at the next election such of their representatives as had voted for the measure, especially if it should be severely felt. I do not think that in offices of this kind there is much danger of the two Governments mistaking their interests or their duties. I rather expect that they would soon have a clear and distinct understanding of them and move on in great harmony.

"Good roads and canals will promote many very important national purposes. They will facilitate the operations of war, the movements of troops, the transportation of cannon, of provisions, and every warlike store, much to our advantage and to the disadvantage of the enemy in time of war. Good roads will facilitate the transportation of the mail, and thereby promote the purposes of commerce and political intelligence among the people. They will, by being properly directed to these objects, enhance the value of our vacant lands, a treasure of vast resource to the Nation. To the appropriation of the public money to improvements having these objects in view and carried to a certain extent I do not see any well-founded constitutional objection.

"In regard to our foreign concerns, provided they are managed with integrity and ability, great liberality is allowable in the application of the public money. In the management of these concerns no State interests can be affected, no State rights violated. The complete and exclusive control over them is vested in Congress. The power to form treaties of alliance and commerce with foreign powers, to regulate by law our commerce with them, to determine on peace or war, to raise armies and a navy, to call forth the militia and direct their operations belongs to the General Government. These great powers, embracing the whole scope of our foreign relations, being granted, on what prin-

ciple can it be said that the minor are withheld? Are not the latter clearly and evidently comprised in the former? Nations are sometimes called upon to perform to each other acts of humanity and kindness, of which we see so many illustrious examples between individuals in private life. Great calamities make appeals to the benevolence of mankind which ought not to be resisted. Good offices in such emergencies exalt the character of the party rendering them. By exciting grateful feelings they soften the intercourse between nations and tend to prevent war. Surely if the United States have a right to make war they have a right to prevent it. How was it possible to grant to Congress a power for such minor purposes other than in general terms, comprising it within the scope and policy of that which conveyed it for the greater?

"The right of appropriation is nothing more than a right to apply the public money to this or that purpose. It has no incidental power nor does it draw after it any consequences of that kind. All that Congress could do under it in the case of internal improvements would be to appropriate the money necessary to make them. For every act requiring legislative sanction or support the State authority must be relied on. The condemnation of the land, if the proprietors should refuse to sell it, the establishment of turnpikes and tolls, and the protection of the work when finished must be done by the State. To these purposes the powers of the General Government are believed to be utterly incompetent.

"To the objection that the United States have no power in any instance which is not complete to all the purposes to which it may be made instrumental, and in consequence that they have no right to appropriate any portion of the public money to internal improvements because they have not the right of sovereignty and jurisdiction over them when made, a full answer has, it is presumed, been already given. It may, however, be proper to add that if this objection was well founded it would not be confined to the simple case of internal improvements, but would apply to others of high importance. Congress have a right to regulate commerce. To give effect to this power it becomes necessary to establish customhouses in every State along the coast and in many parts of the interior. The vast amount of goods imported and the duties to be performed to accommodate the merchants and secure the revenue make it necessary that spacious buildings should be erected, especially in the great towns, for their reception. This, it is manifest, could best be performed under the direction of the General Government. Have Congress the right to seize the property of individuals if they should refuse to sell it in quarters best adapted to the purpose to have it valued, and to take it at the valuation? Have they a right to exercise jurisdiction within those buildings? Neither of these claims has ever been set up, nor could it, as is presumed, be sustained. They have invariably either rented houses where such as were suitable could be obtained or, where they could not, purchased the ground of individuals, erected the buildings, and held them under the laws of the State. Under the power to establish post offices and post roads houses are also requisite for the reception of the mails and the transaction of the business of the several offices. These have always been rented or purchased and held under the laws of the State in the same manner as if they had been taken by a citizen. The United States have a right to establish tribunals inferior to the Supreme Court, and such have been established in every State of the Union. It is believed that the houses for these inferior courts have invariably been rented. No right of jurisdiction in them has ever been claimed, nor other right than that of privilege, and that only while the court is in session. A still stronger case may be urged. Should Congress be compelled by invasion or other cause to remove the Government to some town within one of the States, would they have a right of jurisdiction over such town or hold even the house in which they held their session under other authority than the laws of such State? It is believed that they would not. If they have a right to appropriate money for any of these purposes, to be laid out under the protection of the laws of the State, surely they have an equal right to do it for the purposes of internal improvements.

"It is believed that there is not a corporation in the Union which does not exercise great discretion in the application of the money raised by it to the purposes of its institution. It would be strange if the Government of the United States, which was instituted for such important purposes and endowed with such extensive powers, should not be allowed at least equal discretion and authority. The evil to be particularly avoided is the violation of State rights. Shunning that, it seems to be reasonable and proper that the powers of Congress should be so construed as that the General Government in its intercourse with other nations and in our internal concerns should be able to adopt all such measures lying within the fair scope and intended to facilitate the direct objects of its powers as the public welfare may require and a sound and provident policy dictate.

"The measures of Congress have been in strict accord with the view taken of the right of appropriation both as to its extent and limitation, as will be shown by a reference to the laws, commencing at a very early period. Many roads have been opened, of which the following are the principal: The first from Cumberland, at the headwaters of the Potomac, in the State of Maryland, through Pennsylvania and Virginia, to the State of Ohio (Mar. 29, 1806; see vol. 4, p. 13, of the late edition of the laws). The second from the frontiers of Georgia, on the route from Athens to New Orleans, to its intersection with the thirty-first degree of north latitude (Apr. 31, 1806, p. 58). The third from the Mississippi at a point and by a route described to the Ohio (same act). The fourth from Nashville, in Tennessee, to Natchez (same act). The fifth from the thirty-first degree of north latitude, on the route from Athens to New Orleans, under such regulations as might be agreed on between the Executive and the Spanish Government (Mar. 3, 1807, p. 117). The sixth from the foot of the rapids of the river Miami, of Lake Erie, to the western line of the Connecticut Reserve (Dec. 12, 1811, p. 364). The seventh from the lower Sandusky to the boundary line established by the treaty of Greenville (same act). The eighth from a point where the United States road leading from Vincennes to the Indian boundary line, established by the treaty of Greenville, strikes the said line, to the North Bend, in the State of Ohio (Jan. 8, 1812, p. 367). The ninth for repairing and keeping in repair the road between Columbia, on Duck River, in Tennessee, and Madisonville, in Louisiana, and also the road between Fort Hawkins, in Georgia, and Fort Stoddard (Apr. 27, 1816, p. 104, of the acts of that year). The tenth from the Shawneetown, on the Ohio River, to the Sabine, and to Kaskaskias, in Illinois (Apr. 27, 1816, p. 112). The eleventh from Reynoldsburg, on Tennessee River, in the State of Tennessee, through the Chickasaw Nation, to intersect the Natchez road near the Chickasaw old town (Mar. 3, 1817, p. 252). The twelfth: By this act authority was given to the President to appoint three commissioners for the purpose of examining the country and laying out a road from the termination of the Cumberland road, at Wheeling, on the Ohio, through the States of Ohio, Indiana, and Illinois, to a point to be chosen by them, on the left bank of the Mississippi, between St. Louis and the mouth of the Illinois River, and to report an accurate plan of the said road, with an estimate of the expense of making it. It is, however, declared by the act that nothing was thereby intended to imply an obligation on the part of the United States to make or defray the expense of making the said road or any part thereof.

"In the late war two other roads were made by the troops for military purposes—one from the upper Sandusky, in the State of Ohio, through the Black Swamp, toward Detroit, and another from Plattsburg, on Lake Champlain, through the Chatauga woods toward Sacketts Harbor, which have since been repaired and improved by the troops. Of these latter there is no notice in the laws. The extra pay to the soldiers for repairing and improving those roads was advanced in the first instance from the appropriation to the Quartermaster's Department and afterwards provided for by a specific appropriation by Congress. The necessity of keeping those roads open and in good repair, being on the frontier, to facilitate a communication between our posts, is apparent.

"All of these roads except the first were formed merely by cutting down the trees and throwing logs across, so as to make causeways over such parts as were otherwise impassable. The execution was of the coarsest kind. The Cumberland road is the only regular work which has been undertaken by the General Government or which could give rise to any question between the two Governments respecting its powers. It is a great work, over the highest mountains in our Union, connecting from the seat of the General Government the eastern with the western waters, and more intimately the Atlantic with the Western States, in the formation of which $1,800,000 have been expended. The measures pursued in this case require to be particularly noticed as fixing the opinion of the parties, and particularly of Congress, on the important question of the right. Passing through Maryland, Pennsylvania, and Virginia, it was thought necessary and proper to bring the subject before their respective legislatures to obtain their sanction, which was granted by each State by a legislative act, approving the route and providing for the purchase and condemnation of the land. This road was founded on an article of compact between the United States and the State of Ohio, under which that State came into the Union, and by which the expense attending it was to be defrayed by the application of a certain portion of the money arising from the sale of the public lands within that State. In this instance, which is by far the strongest in respect to the expense, extent, and nature of the work done, the United States have exercised no act of jurisdiction or sovereignty within either of the States by taking the land from the proprietors by force, by passing acts for the protection of the road, or to raise a revenue from it by the establishment of turnpikes and tolls, or any other act founded on the principle of jurisdiction or right. Whatever they have done has, on the contrary, been founded on the opposite principle, on the voluntary and unqualified admission that the sovereignty belonged to the State and not to the United States, and that they could perform no act which should tend to weaken the power of the State or to assume any to themselves. All that they have done has been to appropriate the public money to the construction of this road and to cause it to be constructed, for I presume that no distinction can be taken between the appropriation of money raised by the sale of the public lands and of that which arises from taxes, duties, imposts, and excises; nor can I believe that the power to appropriate derives any sanction from a provision to that effect having been made by an article of compact between the United States and the people of the then Territory of Ohio. This point may, however, be placed in a clearer light by a more particular notice of the article itself.

"By an act of April 30, 1802, entitled 'An act to enable the people of the eastern division of the territory northwest of the river Ohio to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, and for other purposes,' after describing the limits of the proposed new State and authorizing the people thereof to elect a convention to form a constitution, the three following propositions were made to the convention, to be obligatory on the United States if accepted by it: First, that section No. 16 of every township, or, where such section had been sold, other lands equivalent thereto, should be granted to the inhabitants of such township for the use of free schools. Second, that the 6 miles' reservation, including the salt springs commonly called the Scioto Salt Springs, the salt springs near the Muskingum River and in the military tract, with the sections which include the same, should be granted to the said State for the use of the people thereof, under such regulations as the legislature of the State should prescribe: *Provided*, That it should never sell or lease the same for more than 10 years. Third, that one-twentieth part of the proceeds of the public lands lying within the said State which might be sold by Congress from and after the 30th June ensuing should be applied to the laying out and making public roads from the navigable waters emptying into the Atlantic, to the Ohio, and through the State of Ohio, such roads to be laid out under the authority of Congress, with the consent of the several States through which they should pass.

"These three propositions were made on the condition that the convention of the State should provide by an ordinance, irrevocable without the consent of the United States, that every tract of land sold by Congress after the 30th of June ensuing should remain for the term of five years after sale exempt from every species of tax whatsoever.

"It is impossible to read the ordinance of the 23d of April, 1784, or the provisions of the act of April 30, 1802, which are founded on it, without being profoundly impressed with the enlightened and magnanimous policy which dictated them. Anticipating that the new States would be settled by the inhabitants of the original States and their offspring, no narrow or contracted jealousy was entertained of their admission into the Union in equal participation in the national sovereignty with the original States. It was foreseen at the early period at which that ordinance passed that the expansion of our Union to the Lakes and to the Mississippi and all its waters would not only make us a greater power but cement the Union itself. These three propositions were well calculated to promote these great results. A grant of land to each township for free schools, and of the salt springs to the State, which were within its limits, for the use of its citizens, with 5 per cent of the money to be raised from the sale of lands within the State for the construction of roads between the original States and the new State, and of other roads within the State, indicated a spirit not to be mistaken, nor could it fail to produce a corresponding effect in the bosoms of those to whom it was addressed. For these considerations the sole return required of the convention was that the new State should not tax the public lands which might be sold by the United States within it for the term of five years after they should be

sold. As the value of these lands would be enhanced by this exemption from taxes for that term, and from which the new State would derive its proportionable benefit, and as it would also promote the rapid sale of those lands, and with it the augmentation of its own population, it can not be doubted, had this exemption been suggested unaccompanied by any propositions of particular advantage, that the convention would, in consideration of the relation which had before existed between the parties, and was about to be so much improved, most willingly have acceded to it and without regarding it as an onerous condition.

"Since, then, it appears that the whole of the money to be employed in making this road was to be raised from the sale of the public lands, and which would still belong to the United States, although no mention had been made of them in the compact, it follows that the application of the money to that purpose stands upon the same ground as if such compact had not been made, and in consequence that the example in favor of the right of appropriation is in no manner affected by it.

"The same rule of construction of the right of appropriation has been observed and the same liberal policy pursued toward the other new States, with certain modifications adapted to the situation of each, which were adopted with the State of Ohio. As, however, the reasoning which is applicable to the compact with Ohio in relation to the right of appropriation, in which light only I have adverted to it, is equally applicable to the several compacts with the other new States, I deem it unnecessary to take a particular notice of them.

"It is proper to observe that the money which was employed in the construction of all the other roads was taken directly from the Treasury. This fact affords an additional proof that in the contemplation of Congress no difference existed in the application of money to those roads between that which was raised by the sale of lands and that which was derived from taxes, duties, imposts, and excises.

"So far I have confined my remarks to the acts of Congress respecting the right of appropriation to such measures only as operate internally and affect the territory of the individual States. In adverting to those which operate externally and relate to foreign powers I find only two which appear to merit particular attention. These were gratuitous grants of money for the relief of foreigners in distress—the first in 1794 to the inhabitants of St. Domingo, who sought an asylum on our coast from the convulsions and calamities of the island; the second in 1812 to the people of Caracas, reduced to misery by an earthquake. The considerations which were applicable to these grants have already been noticed and need not be repeated.

"In this examination of the right of appropriation I thought it proper to present to view also the practice of the Government under it, and to explore the ground on which each example rested, that the precise nature and extent of the construction thereby given of the right might be clearly understood. The right to raise money would have given, as is presumed, the right to use it, although nothing had been said to that effect in the Constitution; and where the right to raise it is granted without special limitation, we must look for such limitation to other causes. Our attention is first drawn to the right to appropriate, and not finding it there we must then look to the general powers of the Government as designated by the specific grants and to the purposes contemplated by them, allowing to this (the right to raise money), the first and most important of the enumerated powers, a scope which will be competent to those purposes. The practice of the Government, as illustrated by numerous and strong examples directly applicable, ought surely to have great weight in fixing the construction of each grant. It ought, I presume, to settle it, especially where it is acquiesced in by the nation and produces a manifest and positive good. A practical construction, thus supported, shows that it has reason on its side and is called for by the interests of the Union. Hence, too, the presumption that it will be persevered in. It will surely be better to admit that the construction given by these examples has been just and proper than to deny that construction and still to practice on it—to say one thing and to do another.

"Wherein consists the danger of giving a liberal construction to the right of Congress to raise and appropriate the public money? It has been shown that its obvious effect is to secure the rights of the States from encroachment and greater harmony in the political movement between the two governments, while it enlarges to a certain extent in the most harmless way the useful agency of the General Government for all the purposes of its institution. Is not the responsibility of the representative to his constituent in every branch of the General Government equally strong and as sensibly felt as in the State governments, and is not the security against abuse as effectual in the one as in the other government? The history of the General Government in all its measures fully demonstrates that Congress will never venture to impose unnecessary burdens on the people or any that can be avoided. Duties and imposts have always been light, not greater, perhaps, than would have been imposed for the encouragement of our manufactures had there been no occasion for the revenue arising from them; and taxes and excises have never been laid except in cases of necessity, and repealed as soon as the necessity ceased. Under this mild process and the sale of some hundreds of millions of acres of good land the Government will be possessed of money, which may be applied with great advantage to national purposes. Within the States only will it be applied, and, of course, for their benefit, it not being presumable that such appeals as were made to the benevolence of the country in the instances of the inhabitants of St. Domingo and Caracas will often occur. How, then, shall this revenue be applied? Should it be idle in the Treasury? That our resources will be equal to such useful purposes I have no doubt, especially if by completing our fortifications and raising and maintaining our Navy at the point provided for immediately after the war we sustain our present altitude and preserve by means thereof for any length of time the peace of the Union.

"When we hear charges raised against other Governments of breaches of their constitutions, or, rather, of their charters, we always anticipate the most serious consequences—communities deprived of privileges which they have long enjoyed, or individuals oppressed and punished in violation of the ordinary forms and guards of trial to which they were accustomed and entitled. How different is the situation of the United States! Nor can anything mark more strongly the great characteristics of that difference than the grounds on which like charges are raised against this Government. It is not alleged that any portion of the community or any individual has been oppressed or that money has been raised under a doubtful title. The principal charges are that a work of great utility to the Union and affecting immediately and with like advantage many of the States has been constructed; that pensions to the surviving patriots of our Revolution, to patriots who fought the battles and promoted the independence of their country, have been granted, by money, too, raised not only without oppression but almost without being felt, and under an acknowledged constitutional power.

"From this view of the right to appropriate and of the practice under it I think that I am authorized to conclude that the right to make internal improvements has not been granted by the power 'to pay the debts and provide for the common defense and general welfare,' included in the first of the enumerated powers; that that grant conveys nothing more than a right to appropriate the public money, and stands on the same ground with the right to lay and collect taxes, duties, imposts, and excises, conveyed by the first branch of that power; that the Government itself being limited, both branches of the power to raise and appropriate the public money are also limited, the extent of the Government as designated by the specific grants marking the extent of the power in both branches, extending, however, to every object embraced by the fair scope of those grants and not confined to a strict construction of their respective powers, it being safer to aid the purposes of those grants by the appropriation of money than to extend by a forced construction the grant itself; that although the right to appropriate the public money to such improvements affords a resource indispensably necessary to such a scheme, it is nevertheless deficient as a power in the great characteristics on which its execution depends.

"The substance of what has been urged on this subject may be expressed in a few words. My idea is that Congress have an unlimited power to raise money, and that in its appropriation they have a discretionary power, restricted only by the duty to appropriate it to purposes of common defense and of general, not local, national, not State, benefit.

"I will now proceed to the fifth source from which the power is said to be derived, viz, the power to make all laws which shall be necessary and proper for carrying into execution all the powers vested by the Constitution in the Government of the United States or in any department or officer thereof. This is the seventeenth and last of the enumerated powers granted to Congress.

"I have always considered this power as having been granted on a principle of greater caution to secure the complete execution of all the powers which had been vested in the General Government. It contains no distinct and specific power, as every other grant does, such as to lay and collect taxes, to declare war, to regulate commerce, and the like. Looking to the whole scheme of the General Government, it gives to Congress authority to make all laws which should be deemed necessary and proper for carrying all its powers into effect. My impression has been invariably that this power would have existed substantially if this grant had not been made; for why is any power granted unless it be to be executed when required, and how can it be executed under our Government unless it be by laws necessary and proper for the purpose—that is, well adapted to the end. It is a principle universally admitted that a grant of a power conveys as a necessary consequence or incident to it the means of carrying it into effect by a fair construction of its import. In the formation, however, of the Constitution, which was to act directly upon the people and be paramount to the extent of its powers to the constitutions of the States, it was wise in its framers to leave nothing to implication which might be reduced to certainty. It is known that all power which rests solely on that ground has been systematically and zealously opposed under all Governments with which we have any acquaintance; and it was reasonable to presume that under our system, where there was a division of the sovereignty between the two independent Governments, the measures of the General Government would excite equal jealousy and produce an opposition not less systematic, though, perhaps, less violent. Hence the policy by the framers of our Government of securing by a fundamental declaration in the Constitution a principle which in all other Governments had been left to implication only. The terms 'necessary' and 'proper' secure to the powers of all the grants to which the authority given in this is applicable a fair and sound construction, which is equally binding as a rule on both Governments and on all their departments.

"In examining the right of the General Government to adopt and execute under this grant a system of internal improvement the sole question to be decided is whether the power has been granted under any of the other grants. If it has, this power is applicable to it to the extent stated. If it has not, it does not exist at all, for it has not been hereby granted. I have already examined all the other grants—one only excepted, which will next claim attention—and shown, as I presume, on the most liberal construction of their powers that the right has not been granted by any of them; hence it follows that in regard to them it has not been granted by this.

"I come now to the last source from which this power is said to be derived, viz, the power to dispose of and make all needful rules and regulations respecting the territory or other property of the United States, which is contained in the second clause of the third section of the fourth article of the Constitution.

"To form a just opinion of the nature and extent of this power it will be necessary to bring into view the provisions contained in the first clause of the section of the article referred to, which makes an essential part of the policy in question. By this it is declared that new States shall be admitted into the Union, but that no new States shall be formed or erected within the jurisdiction of any other State, nor any States be formed by the junction of two or more States or parts of States, without the consent of the legislatures of the States concerned as well as of the United States.

"If we recur to the condition of our country at the commencement of the Revolution, we shall see the origin and cause of these provisions. By the charters of the several colonies limits by latitude and other descriptions were assigned to each. In commencing the Revolution the colonies, as has already been observed, claimed by those limits, although their population extended in many instances to a small portion of the territory lying within them. It was contended by some of the States after the declaration of independence that the vacant lands lying within any of the States should become the property of the Union, as by a common exertion they would be acquired. This claim was resisted by the others on the principle that all the States entered into the contest in the full extent of their chartered rights, and that they ought to have the full benefit of those rights in the event of success. Happily this controversy was settled, as all interfering claims and pretensions between the members of our Union and between the General Government and any of these members have been, in the most amicable manner and to the satisfaction of all parties. On the recommendation of Congress the individual States having such territory within their chartered limits ceded large portions thereof to the United States on condition that it should be laid off into districts of proper dimensions, the lands to be sold for the benefit of the United States, and that the districts be admitted into the Union when they should obtain such a population as it might be thought proper and reasonable to prescribe. This is the territory and this the property referred to in the second clause of the fourth article of the Constitution.

"All the States which had made cessions of vacant territory except Georgia had made them before the adoption of the Constitution, and that State had made a proposition to Congress to that effect which was

under consideration at the time the Constitution was adopted. The cession was completed after the adoption of the Constitution. It was made on the same principle and on similar conditions with those which had been already made by the other States. As differences might arise respecting the right or the policy in Congress to admit new States into the Union under the new Government, or to make regulations for the government of the territory ceded in the intermediate state, or for the improvement and sale of the public lands, or to accept other cessions, it was thought proper to make special provisions for these objects, which was accordingly done by the above-recited clause in the Constitution.

"Thus the power of Congress over the ceded territory was not only limited to these special objects, but was also temporary. As soon as the Territory became a State the jurisdiction over it as it had before existed ceased. It extended afterwards only to the unsold lands, and as soon as the whole were sold it ceased in that sense also altogether. From that moment the United States have no jurisdiction or power in the new States other than in the old, nor can it be obtained except by an amendment of the Constitution.

"Since, then, it is manifest that the power granted to Congress to dispose of and make all needful regulations respecting the territory and other property of the United States relates solely to the territory and property which had been ceded by individual States, and which after such cession lay without their respective limits, and for which special provision was deemed necessary, the main power of the Constitution operating internally, not being applicable or adequate thereto, it follows that this power gives no authority, and has even no bearing on the question of internal improvement. The authority to admit new States and to dispose of the property and regulate the territory is not among the enumerated powers granted to Congress, because the duties to be performed under it are not among the ordinary duties of that body, like the imposition of taxes, the regulation of commerce, and the like. They are objects in their nature special, and for which special provision was more suitable and proper.

"Having now examined all the powers of Congress under which the right to adopt and execute a system of internal improvement is claimed and the reasons in support of it in each instance, I think that it may fairly be concluded that such a right has not been granted. It appears and is admitted that much may be done in aid of such a system by the right which is derived from several of the existing grants, and more especially from that to appropriate the public money. But still it is manifest that as a system for the United States it can never be carried into effect under that grant nor under all of them united, the great and essential power being deficient, consisting of a right to take up the subject on principle; to cause our Union to be examined by men of science, with a view to such improvements; to authorize commissioners to lay off the roads and canals in all proper directions; to take the land at a valuation if necessary, and to construct the works; to pass laws with suitable penalties for their protection; and to raise a revenue from them, to keep them in repair, and make further improvement by the establishment of turnpikes and tolls, with gates to be placed at the proper distances.

"It need scarcely be remarked that this power will operate, like many others now existing, without affecting the sovereignty of the States except in the particular offices to be performed. The jurisdiction of the several States may still exist over the roads and canals within their respective limits, extending alike to persons and property, as if the right to make and protect such improvements had not been vested in Congress. The right, being made commensurate simply with the purposes indispensable to the system, may be strictly confined to them. The right of Congress to protect the works by laws imposing penalties would operate on the same principles as the right to protect the mail. The act being punishable only, a jurisdiction over the place would be altogether unnecessary and even absurd.

"In the preceding inquiry little has been said of the advantages which would attend the exercise of such a power by the General Government. I have made the inquiry under a deep conviction that they are almost incalculable, and that there was a general concurrence of opinion among our fellow citizens to that effect. Still, it may not be improper for me to state the grounds upon which my own impression is founded. If it sheds no additional light on this interesting part of the subject, it will at least show that I have had more than one powerful motive for making the inquiry. A general idea is all that I shall attempt.

"The advantages of such a system must depend upon the interests to be affected by it and the extent to which they may be affected, and those must depend on the capacity of our country for improvement and the means at its command applicable to that object.

"I think that I may venture to affirm that there is no part of our globe comprehending so many degrees of latitude on the main ocean and so many degrees of longitude into the interior that admits of such great improvement and at so little expense. The Atlantic on the one side, and the Lakes, forming almost inland seas, on the other, separated by high mountains, which rise in the valley of the St. Lawrence and determine in that of the Mississippi, traversing from north to south almost the whole interior, with innumerable rivers on every side of those mountains, some of vast extent, many of which take their sources near to each other, give the great outline. The details are to be seen on the valuable maps of our country.

"It appears by the light already before the public that it is practicable and easy to connect by canals the whole coast from its southern to its northern extremity in one continued inland navigation, and to connect in like manner in many parts the western lakes and rivers with each other. It is equally practicable and easy to facilitate the intercourse between the Atlantic and the western country by improving the navigation of many of the rivers which have their sources near to each other in the mountains on each side, and by good roads across the mountains between the highest navigable points of those rivers. In addition to the example of the Cumberland Road, already noticed, another of this kind is now in train from the headwaters of the River James to those of the Kanawha; and in like manner may the Savannah be connected with the Tennessee. In some instances it is understood that the eastern and western waters may be connected together directly by canals. One great work of this kind is now in its progress and far advanced in the State of New York, and there is good reason to believe that two others may be formed, one at each extremity of the high mountains above mentioned, connecting in the one instance the waters of the St. Lawrence with Lake Champlain, and in the other some of the most important of the western rivers with those emptying into the Gulf of Mexico, the advantage of which will be seen at the first glance by an enlightened observer.

"Great improvements may also be made by good roads in proper directions through the interior of the country. As these roads would be laid out on principle on a full view of the country, its mountains, rivers, etc., it would be useless, if I had the knowledge, to go into detail respecting them. Much has been done by some of the States, but yet much remains to be done with a view to the Union.

"Under the colonial governments improvements of this kind were not thought of. There was, it is believed, not one canal and little communication from colony to colony. It was their policy to encourage the intercourse between each colony and the parent country only. The roads which were attended to were those which led from the interior of each colony to its principal towns on the navigable waters. By those routes the produce of the country was carried to the coast, and shipped thence to the mercantile houses in London, Liverpool, Glasgow, or other towns to which the trade was carried on. It is believed that there was but one connected route from North to South at the commencement of the Revolution, and that a very imperfect one. The existence and principle of our Union point out the necessity of a very different policy.

"The advantages which would be derived from such improvements are incalculable. The facility which would thereby be afforded to the transportation of the whole of the rich productions of our country to market would alone more than amply compensate for all the labor and expense attending them. Great, however, as is that advantage, it is one only of many and by no means the most important. Every power of the General Government and of the State governments connected with the strength and resources of the country would be made more efficient for the purposes intended by them. In war they would facilitate the transportation of men, ordnance, and provisions, and munitions of war of every kind to every part of our extensive coast and interior on which an attack might be made or threatened. Those who have any knowledge of the occurrences of the late war must know the good effect which would result in the event of another war from the command of an interior navigation alone along the coast for all the purposes of war as well as of commerce between the different parts of our Union. The impediments to all military operations which proceeded from the want of such a navigation and the reliance which was placed, notwithstanding those impediments, on such a commerce can not be forgotten. In every other line their good effect would be most sensibly felt. Intelligence by means of the Post Office Department would be more easily, extensively, and rapidly diffused. Parts the most remote from each other would be brought more closely together. Distant lands would be made more valuable, and the industry of our fellow citizens on every portion of our soil be better rewarded.

"It is natural in so great a variety of climate that there should be a corresponding difference in the produce of the soil; that one part should raise what the other might want. It is equally natural that the pursuits of industry should vary in like manner; that labor should be cheaper and manufactures succeed better in one part than in another; that were the climate the most severe and the soil less productive, navigation, the fisheries, and commerce should be most relied on. Hence the motive for an exchange for mutual accommodation and active intercourse between them. Each part would thus find for the surplus of its labor, in whatever article it consisted, an extensive market at home, which would be the most profitable because free from duty.

"There is another view in which these improvements are of still more vital importance. The effect which they would have on the bond of union itself affords an inducement for them more powerful than any which have been urged or than all of them united. The only danger to which our system is exposed arises from its expansion over a vast territory. Our Union is not held together by standing armies or by any ties other than the positive interests and powerful attractions of its parts toward each other. Ambitious men may hereafter grow up among us who may promise to themselves advancement from a change, and by practicing upon the sectional interests, feelings, and prejudices endeavor under various pretexts to promote it. The history of the world is replete with examples of this kind—of military commanders and demagogues becoming usurpers and tyrants, and of their fellow citizens becoming their instruments and slaves. I have little fear of this danger, knowing well how strong the bond which holds us together is and who the people are who are thus held together; but still, it is proper to look at and to provide against it, and it is not within the compass of human wisdom to make a more effectual provision than would be made by the proposed improvements. With their aid and the intercourse which would grow out of them the parts would soon become so compacted and bound together that nothing could break it.

"The expansion of our Union over a vast territory can not operate unfavorably to the States individually. On the contrary, it is believed that the greater the expansion within practicable limits—and it is not easy to say what are not so—the greater the advantage which the States individually will derive from it. With governments separate, vigorous, and efficient for all local purposes, their distance from each other can have no injurious effect upon their respective interests. It has already been shown that in some important circumstances, especially with the aid of these improvements, they must derive great advantage from that cause alone—that is, from their distance from each other. In every other way the expansion of our system must operate favorably for every State in proportion as it operates favorably for the Union. It is in that sense only that it can become a question with the States, or rather, with the people who compose them. As States they can be affected by it only by their relation to each other through the General Government and by its effect on the operations of that Government. Manifest it is that to any extent to which the General Government can sustain and execute its functions with complete effect will the States—that is, the people who compose them—be benefited. It is only when the expansion shall be carried beyond the faculties of the General Government so as to enfeeble its operations to the injury of the whole that any of the parts can be injured. The tendency in that stage will be to dismemberment and not to consolidation. This danger should, therefore, be looked at with profound attention as one of a very serious character. I will remark here that as the operations of the National Government are of a general nature, the States having complete power for internal and local purposes, the expansion may be carried to very great extent and with perfect safety. It must be obvious to all that the further the expansion is carried, provided it be not beyond the just limit, the greater will be the freedom of action to both Governments and the more perfect their security, and in all other respects the better the effect will be to the whole American people. Extent of territory, whether it be great or small, gives to a nation many of its characteristics. It marks the extent of its resources, of its population, of its physical force. It marks, in short, the difference between a great and a small power.

"To what extent it may be proper to expand our system of government is a question which does not press for a decision at this time. At the end of the Revolutionary War, in 1783, we had, as we contended and believed, a right to the free navigation of the Mississippi, but it was not until after the expiration of 12 years, in 1795, that that right was acknowledged and enjoyed. Further difficulties occurred in the bustling of a contentious world when, at the expiration of eight years more, the United States, sustaining the strength and energy of their character, acquired the Province of Louisiana, with the free navigation of the river from its source to the ocean and a liberal boundary on the western side. To this Florida has since been added, so that we now possess all the territory in which the original States had any interest, or in which the existing States can be said, either in a national or local point of view, to be in any way interested. A range of States on the western side of the Mississippi, which already is provided for, puts us essentially at ease. Whether it will be wise to go further will turn on other considerations than those which have dictated the course heretofore pursued. At whatever point we may stop, whether it be at a single range of States beyond the Mississippi or by taking a greater scope, the advantage of such improvements is deemed of the highest importance. It is so on the present scale. The further we go the greater will be the necessity for them.

"It can not be doubted that improvements for great national purposes would be better made by the National Government than by the governments of the several States. Our experience prior to the adoption of the Constitution demonstrated that in the exercise by the individual States of most of the powers granted to the United States a contracted rivalry of interest and misapplied jealousy of each other had an important influence on all their measures to the great injury of the whole. This was particularly exemplified by the regulations which they severally made of their commerce with foreign nations and with each other. It was this utter incapacity in the State governments, proceeding from these and other causes, to act as a Nation and to perform all the duties which the Nation owed to itself under any system which left the General Government dependent on the States, which produced the transfer of these powers to the United States by the establishment of the present Constitution. The reasoning which was applicable to the grant of any of the powers now vested in Congress is likewise so, at least to a certain extent, to that in question. It is natural that the States individually in making improvements should look to their particular and local interests. The members composing their respective legislatures represent the people of each State only, and might not feel themselves at liberty to look to objects in these respects beyond that limit. If the resources of the Union were to be brought into operation under the direction of the State assemblies, or in concert with them, it may be apprehended that every measure would become the object of negotiation, of bargain and barter, much to the disadvantage of the system, as well as discredit to both governments. But Congress would look to the whole and make improvements to promote the welfare of the whole. It is the peculiar felicity of the proposed amendment that while it will enable the United States to accomplish every national object, the improvements made with that view will eminently promote the welfare of the individual States, who may also add such others as their own particular interests may require.

"The situation of the Cumberland Road requires the particular and early attention of Congress. Being formed over very lofty mountains, and in many instances over deep and wide streams, across which valuable bridges have been erected, which are sustained by stone walls, as are many other parts of the road, all these works are subject to decay, have decayed, and will decay rapidly unless timely and effectual measures are adopted to prevent it.

"The declivities from the mountains and all the heights must suffer from the frequent and heavy falls of water and its descent to the valleys, as also from the deep congelations during our severe winters. Other injuries have also been experienced on this road, such as the displacing the capping of the walls and other works, committed by worthless people either from a desire to render the road impassable or to have the transportation in another direction, or from a spirit of wantonness to create employment for idlers. These considerations show that an active and strict police ought to be established over the whole road, with power to make repairs when necessary, to establish turnpikes and tolls as the means of raising money to make them, and to prosecute and punish those who commit waste and other injuries.

"Should the United States be willing to abandon this road to the States through which it passes, would they take charge of it, each of that portion within its limits, and keep it in repair? It is not to be presumed that they would, since the advantages attending it are exclusively national, by connecting, as it does, the Atlantic with the Western States, and in a line with the seat of the National Government. The most expensive parts of this road lie within Pennsylvania and Virginia, very near the confines of each State, and in a route not essentially connected with the commerce of either.

"If it is thought proper to vest this power in the United States, the only mode in which it can be done is by an amendment of the Constitution. The States individually can not transfer the power to the United States, nor can the United States receive it. The Constitution forms an equal and the sole relation between the General Government and the several States, and it recognizes no change in it which shall not in like manner apply to all. If it is once admitted that the General Government may form compacts with individual States not common to the others, and which the others might even disapprove, into what pernicious consequences might it not lead? Such compacts are utterly repugnant to the principles of the Constitution and of the most dangerous tendency. The States through which this road passes have given their sanction only to the route and to the acquisition of the soil by the United States, a right very different from that of jurisdiction, which can not be granted without an amendment to the Constitution, and which need not be granted for the purposes of this system except in the limited manner heretofore stated. On full consideration, therefore, of the whole subject, I am of opinion that such an amendment ought to be recommended to the several States for their adoption.

"I have now essentially executed that part of the task which I imposed on myself of examining the right of Congress to adopt and execute a system of internal improvement, and, I presume, have shown that it does not exist. It is, I think, equally manifest that such a power vested in Congress and wisely executed would have the happiest effect on all the great interests of our Union. It is, however, my opinion that the power should be confined to great national works only, since if it were unlimited it would be liable to abuse and might be productive of evil. For all minor improvements the resources of the States individually would be fully adequate, and by the States such improvements might be made with greater advantage than by the Union, as they would understand better such as their more immediate and local interests required.

"In the view above presented I have through it proper to trace the origin of our institutions, and particularly of the State and National Governments, for although they have a common origin in the people, yet, as the point at issue turned on what were the powers granted to the one Government and what were those which remained to the other, I was persuaded that an analysis which should mark distinctly the source of power in both Governments, with its progress in each, would afford the best means for obtaining a sound result. In our political career they are, obviously, three great epochs. The colonial state forms the first; the Revolutionary movement from its commencement to the adoption of the Articles of Confederation the second, and the intervening space from that event to the present day the third. The first may be considered the infant state. It was the school of morality, of political science and just principles. The equality of rights enjoyed by the people of every Colony under their original charters forms the basis of every existing institution, and it was owing to the creation by those charters of distinct communities that the power, when wrested from the Crown, passed directly and exclusively to the people of each Colony. The Revolutionary struggle gave activity to those principles, and its success secured to them a permanent existence in the governments of our Union, State and National. The third epoch comprises the administration under the Articles of Confederation, with the adoption of the Constitution and administration under it. On the first and last of these epochs it is not necessary to enlarge for any purpose connected with the object of this inquiry. To the second, in which we were transferred by a heroic exertion from the first to the third stage, and whose events give the true character to every institution, some further attention is due. In tracing in greater detail the prominent acts of a movement to which we owe so much I shall perform an office which, if not useful, will be gratifying to my own feelings, and I hope not unacceptable to my readers.

"Of the Revolutionary movement itself sentiments too respectful, too exalted, can not be entertained. It is impossible for any citizen having a just idea of the dangers which we had to encounter to read the record of our early proceedings and to see the firmness with which they were met and the wisdom and patriotism which were displayed in every stage without being deeply affected by it. An attack on Massachusetts was considered an attack on every Colony, and the people of each moved in her defense as in their own cause. The meeting of the General Congress in Philadelphia on the 6th of September, 1774, appears to have been the result of a spontaneous impulse in every quarter at the same time. The first public act proposing it, according to the Journals of the First Congress, was passed by the House of Representatives of Connecticut on the 3d of June of that year; but it is presumed that the first suggestion came from Massachusetts, the Colony most oppressed, and in whose favor the general sympathy was much excited. The exposition which that Congress made of grievances, in the petition to the King, in the address to the people of Great Britain, and in that to the people of the several Colonies, evinced a knowledge so profound of the English constitution and of the general principles of free government and of liberty, of our rights founded on that constitution and on the charters of the several Colonies, and of the numerous and egregious violations which had been committed of them, as must have convinced all impartial minds that the talent on this side of the Atlantic was at least equal to that on the other. The spirit in which those papers were drawn, which was known to be in strict accord with the public sentiment, proved that, although the whole people cherished a connection with the parent country and were desirous of preserving it on just principles, they nevertheless stood embodied at the parting line, ready to separate forever if a redress of grievances, the alternative offered, was not promptly rendered. That alternative was rejected, and in consequence war and dismemberment followed.

"The powers granted to the delegates of each colony who composed the First Congress looked primarily to the support of rights and to a redress of grievances, and in consequence, to the restoration of harmony, which was ardently desired. They justified, however, any extremity in case of necessity. They were ample for such purposes and were executed in every circumstance with the utmost fidelity. It was not until after the meeting of the Second Congress, which took place on the 10th May, 1775, when full proof was laid before it of the commencement of hostilities in the preceding month by a deliberate attack of the British troops on the militia and inhabitants of Lexington and Concord, in Massachusetts, that war might be said to be decided on, and measures were taken to support it. The progress even then was slow and reluctant, as will be seen by their second petition to the King and their second address to the people of Great Britain, which were prepared and forwarded after that event. The arrival, however, of large bodies of troops and the pressure of war in every direction soon dispelled all hope of accommodation.

"On the 15th of June, 1775, a commander in chief of the forces raised and to be raised for the defense of American liberty was appointed by the unanimous vote of Congress, and his conduct in the discharge of the duties of that high trust, which he held through the whole of the war, has given an example to the world for talents as a military commander; for integrity, fortitude, and firmness under the severest trials; for respect to the civil authority and devotion to the rights and liberties of his country of which neither Rome nor Greece have exhibited the equal. I saw him in my earliest youth, in the retreat through Jersey, at the head of a small band, or rather in its rear, for he was always next the enemy, and his countenance and manner made an impression on me which time can never efface. A lieutenant then in the Third Virginia Regiment, I happened to be on the rear guard at Newark, and I counted the force under his immediate command by platoons as it passed me, which amounted to less than 3,000 men. A deportment so firm, so dignified, so exalted, but yet so modest and composed, I have never seen in any other person.

"On the 6th July, 1775, Congress published a declaration of the causes which compelled them to take up arms, and immediately afterwards took measures for augmenting the Army and raising a Navy; for organizing the militia and providing cannon and small arms and military stores of every kind; for raising a revenue and pushing the war offensively with all the means in their power. Nothing escaped the attention of that enlightened body. The people of Canada were invited to joint the Union, and a force sent into the province to favor the Revolutionary party, which, however, was not capable of affording any essential aid. The people of Ireland were addressed in terms manifesting due respect for the sufferings, the talents, and patriotism of that portion of the British Empire, and a suitable acknowledgment was made to the assembly of Jamaica for the approbation it has expressed

of our cause and the part it had taken in support of it with the British Government.

"On the 2d of June, 1775, the convention of Massachusetts, by a letter signed by their president, of May the 10th, stated to Congress that they labored under difficulties for the want of a regular form of government, and requested to be favored with explicit advice respecting the taking up and exercising the powers of civil government, and declaring their readiness to submit to such a general plan as the Congress might direct for the Colonies, or that they would make it their great study to establish such a form of government there as should not only promote their own advantage but the union and interest of all America. To this application an answer was given on the 9th, by which it was recommended to the convention 'to write letters to the inhabitants of the several places entitled to representation in assembly, requesting them to choose such representatives, and that the assembly, when chosen, should elect councilors, and that said assembly or council should exercise the powers of government until a governor of His Majesty's appointment will consent to govern the Colony according to its charter.'

"On the 18th October of the same year the delegates from New Hampshire laid before Congress an instruction from their convention 'to use their utmost endeavors to obtain the advice and direction of Congress with respect to a method for administering justice and regulating their civil police.' To this a reply was given on the 3d November, by which it was recommended to the convention 'to call a full and free representation of the people, and that the representatives, if they thought it necessary, should establish such a form of government as in their judgment would best promote the happiness of the people and most effectually secure peace and good order in the Province during the continuance of the present dispute between Great Britain and the Colonies.'

"On the 4th November it was resolved by Congress 'that if the Convention of South Carolina shall find it necessary to establish a form of government in that Colony it be recommended to that convention to call a full and free representation of the people; and the said representatives, if they think it necessary, shall establish such a form of government as in their judgment will best promote the happiness of the people and most effectually secure peace and good order in the Colony during the continuance of the present dispute between Great Britain and the Colonies.'

"On the 4th December, following a resolution passed recommending the same measure, and precisely in the same words, to the Convention of Virginia.

"On the 10th May, 1776, it was recommended to the respective assemblies and conventions of the United Colonies, where no government sufficient to the exigencies of their affairs had been established, 'to adopt such government as should, in the opinion of the representatives of the people, best conduce to the happiness and safety of their constituents in particular and America in general.'

"On the 7th June resolutions respecting independence were moved and seconded, which were referred to a committee of the whole on the 8th and 10th, on which latter day it was resolved to postpone a decision on the first resolution or main question until the 1st July, but that no time might be lost in case the Congress agree thereto that a committee be appointed to prepare a declaration to the effect of that resolution.

"On the 11th June, 1776, Congress appointed a committee to prepare and digest a plan of confederation for the Colonies. On the 12th July the committee reported a draft of articles, which were severally afterwards debated and amended until the 15th November, 1777, when they were adopted. These articles were then proposed to the legislatures of the several States, with a request that if approved by them they would authorize their delegates to ratify the same in Congress, and, which being done, to become conclusive. It was not until the 21st of March, 1781, as already observed, that they were ratified by the last State and carried into effect.

"On the 4th July, 1776, independence was declared by an act which arrested the attention of the civilized world and will bear the test of time. For force and condensation of matter, strength of reason, sublimity of sentiment and expression, it is believed that no document of equal merit exists. It looked to everything, and with a reach, perspicuity, and energy of mind which seemed to be master of everything.

"Thus it appears, in addition to the very important charge of managing the war, that Congress had under consideration at the same time the Declaration of Independence, the adoption of a confederation for the States, and the propriety of instituting State governments, with the nature of those governments, respecting which it had been consulted by the conventions of several of the Colonies. So great a trust was never reposed before in a body thus constituted, and I am authorized to add, looking to the great result, that never were duties more ably or faithfully performed.

"The distinguished characteristic of this movement is that although the connection which had existed between the people of the several Colonies before their dismemberment from the parent county was not only not dissolved but increased by that event, even before the adoption of the Articles of Confederation, yet the preservation and augmentation of that tie were the result of a new creation, and proceeded altogether from the people of each Colony, into whose hands the whole power passed exclusively when wrested from the Crown. To the same cause the greater change which has since occurred by the adoption of the Constitution is to be traced.

"The establishment of our institutions forms the most important epoch that history hath recorded. They extend unexampled felicity to the whole body of our fellow citizens, and are the admiration of other nations. To preserve and hand them down in their utmost purity to the remotest ages will require the existence and practice of virtues and talents equal to those which were displayed in acquiring them. It is ardently hoped and confidently believed that these will not be wanting."

Mr. SHEPPARD obtained the floor.

Mr. RANSDELL. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

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

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|---|---|---|---|
| Ashurst | Chamberlain | Gallinger | Jones |
| Bankhead | Chilton | Gronna | Kenyon |
| Beckham | Clapp | Hollis | Kern |
| Borah | Clarke, Ark. | Husting | La Follette |
| Brandegee | Colt | James | Lane |
| Broussard | Curtis | Johnson, Me. | Lippitt |
| Burleigh | Dillingham | Johnson, S. Dak. | Lodge |
| McCumber | Page | Smith, Ariz. | Tillman |
| McLean | Poindexter | Smith, Md | Townsend |
| Martin, Va. | Pomerene | Smith, S. C. | Underwood |
| Martine, N. J. | Ransdell | Smoot | Vardaman |
| Myers | Reed | Sterling | Wadsworth |
| Nelson | Robinson | Swanson | Weeks |
| Norris | Shafroth | Taggart | Works |
| O'Gorman | Sheppard | Thomas | |
| Oliver | Simmons | Thompson | |

Mr. CHILTON. I wish to announce the absence of the following Senators, who are in attendance upon an important hearing before the Judiciary Committee: The Senator from Texas [Mr. CULBERSON], the Senator from North Carolina [Mr. OVERMAN], the Senator from Montana [Mr. WALSH], the Senator from Georgia [Mr. SMITH], the Senator from Utah [Mr. SUTHERLAND], and the Senator from Iowa [Mr. CUMMINS].

The VICE PRESIDENT. Sixty-two Senators have answered to the roll call. There is a quorum present. The Senator from Texas will proceed.

TEXAS BICENTENNIAL AND PAN AMERICAN EXPOSITION.

Mr. SHEPPARD. Mr. President, on this the eightieth anniversary of the battle of San Jacinto, where the independence of Texas was achieved, I think it appropriate to address the Senate on the subject of the Texas Bicentennial and Pan American Exposition which is to be held at San Antonio in 1918. It will be an exposition dedicated to the history of Texas and the Southwest, to the relation of that notable history to the history of the Nation and of the world, and to the establishment of closer trade relations between the United States and the other countries of Pan America.

Mr. President, this exposition merits especial consideration from the Federal Government. It will be of national and international significance. It will reflect phases of American history and of world history that have never been fittingly commemorated. It will encourage a trade movement of untold value to this Republic. It will unite the peoples of the Western Hemisphere in a closer and more genuine fraternity. It will celebrate the two hundredth anniversary of the birth of San Antonio and epitomize the progress of that imperial area now known as Texas. It will have an educational, a patriotic, and a material meaning of such importance as to justify the active cooperation and indorsement of the Nation.

What other part of the American Union, sir, possesses a more historic, a more absorbing, a rarer interest than Texas? The land it embraces was known to Europeans nearly a century before Jamestown and Plymouth Rock came into being. It was part of a Province of the first European government on the Western Hemisphere. Only three decades after the first voyage of Columbus the Spanish conquerors of Mexico heard such tales of wealth and splendor in the country to the north of the Rio Grande, the country now called Texas, that the palaces of the Montezumas seemed rude and poor in comparison. Nay, sir, a few years later Cabeza de Vaca, who with three comrades had survived one of the most daring journeys ever made by mortals, gave the world a written account of that perilous trip from Florida along the Gulf coast to Mexico, thus introducing to authentic annals the region now designated as Texas more than a half a hundred years before Virginia and Massachusetts began.

To understand the political origin of Texas we must turn to what was perhaps the most remarkable treaty ever executed—a treaty which justly may be termed the most gigantic real-estate transaction ever known—the treaty of Tordesillas, made between Portugal and Spain on June 7, 1494. By that treaty Portugal was to have all the lands that might be discovered thereafter east of a certain meridian connecting the Arctic Circle with the Antarctic, the meridian running 370° west of the Azores. Thus Portugal acquired a claim to Greenland, St. Helena, Brazil, Africa, Malabar, Ceylon, Arabia, Persia, India, the Malay Archipelago, while to Spain was awarded all lands discovered at that time or thereafter west of such line, including North and most of South America. It was in order to reduce to permanent possession the hemisphere thus assigned her that Spain divided the two American Continents into four great vice royalties—New Spain, New Granada, Buenos Aires, and Peru. New Spain extended from Guatemala to what is now Vancouver Island, containing four divisions—Mexico, New Galicia, Nuevo Regno de Leon, and Provincias Internas, the latter including the territory that later became Texas and the Californias. In the New Spain, of which the present Texas was a part, the University of Mexico was established in 1553, nearly a century before Harvard, the oldest college in the United States, had its humble beginning.

The exposition of 1918 will not fail to typify the Texas and the New Spain of the sixteenth century, and will thus awaken a sense of ancient and historic unity in the two Americas. It will

picture the daring expeditions of De Soto, Oñate, Coronado, Mendoza, Cabeza, and others into various portions of the trans-Rio Grande. It will portray the planting of the picturesque settlements, composed of mission, presidio, and village, from the Rio Grande Valley, through what are now New Mexico, Arizona, and California, to the Pacific coast. It will present these and other phases of American history that have been but little emphasized in the ordinary narratives of the schools.

It will recall the workings of a mysterious power that blinded Charles V and Philip II to the possibilities of Spanish expansion above the Rio Grande. Had these monarchs devoted half the energy they expended in attempting to build a European empire to the development of their New World holdings, holdings which other countries could at that time have disputed but with the greatest difficulty, it is beyond any human mind to measure the changes that would have occurred in subsequent history.

This exposition will then recall to its visitors the seventeenth century, a century that marked the advent of the English and the French in North America, to contest with each other and with Spain the title to the new continent, initiating a struggle leading in one of its fundamental phases to the founding of San Antonio and the shaping of Texas. It will recall Joliet, Marquette, and La Salle on the St. Lawrence, the Great Lakes, the Fox, the Wisconsin, the Chicago, the Illinois, the Mississippi. It will recall La Salle christening the country Louisiana and claiming it for France. It will recall his hasty return to Paris to obtain from the ambitious Louis XIV a donation of ships and men with which to confirm this claim and drive the Spaniard from New Spain forever. It will recall that tragic voyage, beset by pirate and by storm, the end of which saw but a remnant of a once proud expedition pass the original destination, the mouth of the Mississippi, and reach at last a part of the Texas coast early in 1685 near Matagorda Bay. Then will be reviewed the planting of the lonely and ill-fated colony of Fort St. Louis near the head of that bay on a river they called La Vache, now known as the Lavaca. Then will be observed that little company of the doomed fighting all forms of danger, from privation and disease to massacre by savages, until the arrival of the Spaniards in 1689 to resist this intrusion found only empty, plundered houses and three dead bodies, one a woman's, on the adjoining plain. Could these lifeless lips have spoken, what tales of agony and hardship and distress they might have told? Two years before, the spirit of La Salle, who had set out to find again the Mississippi, released by the bullet of an assassin in the tangled forests of the Trinity, had flown from its earthly temple to join the brave of all the ages.

The documents and relics which the exposition of 1918 will assemble, on a scale never before attempted, supplemented by a pageantry, with a setting that only San Antonio can provide, will enable us to follow the march of events from the arrival of the Spaniard at Fort St. Louis with increasing interest. That arrival marked a distinct epoch in the history of Texas and the Southwest. The Spaniards found the colony of Fort St. Louis extinct, but they heard of Frenchmen among the Tejas Indians, a confederacy of native tribes inhabiting the section between the upper Neches and the Trinity, in what is now known as east Texas. They also saw all hope of restoring their ancient title to the country beyond the Sabine and the Red rapidly vanishing on account of the rapid spread of the English on the Atlantic coast and the advent of the French in the Mississippi Valley. They saw that even the territory between the Sabine and the Rio Grande was threatened unless prompt steps should be taken. This led to an active effort to combat further French settlement by the erection of the mission of San Francisco de los Tejas, about 45 miles southwest of the present city of Nacogdoches, Tex., among the Tejas Indians, and the change of the name of the country above the Rio Grande from New Philippines, which had been given it after the acquisition of the Philippines proper, to Tejas, or, to use the English pronunciation, Texas. Thus the name Texas came into existence, as a designation for the territory it still denotes, having developed out of the struggle between European nations for the control of American soil.

The mission of San Francisco de los Tejas, with its unsubstantial wooden buildings, lasted but three years, when it faded into the solitudes among which it had been erected. The danger of French invasion seemed to have disappeared, and the Spaniard lapsed into the old inactivity and neglect, so far as the colonization of Texas was concerned. In 1699 the French, under Iberville, began a permanent settlement at Old Biloxi, and in 1718 anchored Louisiana to France through the founding of New Orleans. For more than 20 years after the departure from east Texas the only effort of the Spanish to occupy territory in the direction of Texas was the building of the mission of San Juan Bautista and the presidio of the Rio Grande, on the Mexican side of that stream, about 55 miles below the present city of Eagle Pass. A sudden awakening was now in store.

One day in 1714 there appeared on the opposite side of the river from San Juan Bautista a band of soldier-traders led by the fearless Huchereau St. Denis. His coming sent a thrill of surprise and apprehension through all Mexico. The viceroy and his councilors shuddered as they thought how easily the expedition of this adventurous young Frenchman, who had marched in six weeks from the Sabine to the Rio Grande, could be repeated, not for trade, the guise in which he now pretended to come, but for French possession. While the Mexican authorities were making plans for the permanent occupation of Texas, an occupation which would bar the extension of the French boundary to the Rio Grande, while they were debating as to what to do with St. Denis, having placed him under virtual arrest, this chevalier of the prairies turned from his dream of territorial conquest to kneel at the feet of the lovely granddaughter of Capt. Diego Ramon, the commandant of San Juan Bautista, and deliver up his heart. This singular romance of that rugged time found a happy termination at the marriage altar.

The fear of French invasion inspired by the startling feat of St. Denis led to two expeditions, one of which reestablished in 1716 the settlements in east Texas that had been abandoned in 1693, and the other of which resulted in the founding of San Antonio in 1718. The first expedition revived the old mission of San Francisco de los Tejas, the name being changed to San Francisco de los Neches, and located five other missions in that vicinity, named as follows: Nuestra Señora de la Guadalupe, La Purísima Concepción de los Asinais, San Joseph de los Nazones, San Miguel de Linares, and Nuestra Señora de los Dolores. The second expedition was headed by Martin de Alarcón, governor of the adjoining Province of Coahuila. On an enchanting spot where two rivers, the San Antonio and the San Pedro, joined their crystal waters but a short distance from the sources of each in fountains that sprang full born from the foot of the escarpment of a vast table-land, he founded the presidio, or fort, of San Antonio de Béjar in the year 1718. Near the presidio he established the mission of San Antonio de Valero, headed by Padre Olivares. It was the chapel of this mission which more than 100 years later, under the name of the Alamo, became the scene of a martyrdom that will illuminate the annals and glorify the cause of human liberty forevermore. With the erection of this fort and mission San Antonio began an existence that has continued to the present hour, an existence which in 1918 will have spanned its second century. Let it not be forgotten that in the same year New Orleans was born, confirming the spacious reaches of Louisiana to France, just as the founding of San Antonio made certain the dominance of Spain and Mexico in Texas. In view of this noteworthy coincidence it would seem fitting that a day be set aside during the exposition in especial honor of New Orleans.

For more than 125 years San Antonio remained the military, religious, and commercial capital of Texas. Against the Indians on the west and the French to the east it presented a permanent barrier. To the original mission were soon added five others in the vicinity of San Antonio and under the protection of its presidio. Of these the mission of San José de Aguayo was established in 1720, that of San Xavier de Náxera in 1722. The other three were transplanted from east Texas in 1731. The mission of San Francisco de los Tejas of 1690, the first mission established in Texas, had its name again changed, on removal, to San Francisco de la Espada. La Purísima Concepción de los Asinais became known in its new home as La Purísima Concepción de Acuña, while San Joseph de los Nazones became San Juan Capistrano. The main buildings of some of these missions are standing to-day, the sole material remnants, with the exception of the Stone Fort at Nacogdoches, of Spanish rule in Texas, and monuments to the energy, the patience, and the genius of their erectors. They are stone structures of massive type. The church of mission Concepción de Acuña, with its Moorish dome and classic towers rising in graceful proportion above its serrated walls, presents a picture of symmetry and solidity amazing to the beholder. For 20 years the Franciscans of Querétaro, with primitive tools and untutored labor, at one of the remote outposts of civilization, in constant danger of extermination by savage foes, with the mallet in one hand and the sword in the other, slowly developed that artistic pile, which has defied the corrosions and the storms of 200 years. Of the mission San José de Aguayo, begun in 1720, named in honor of the Spanish governor of Texas, Marquis San Miguel de Aguayo, perhaps the ablest of all the Spanish governors

assigned north of the Rio Grande, let Sidney Lanier, the gifted Georgian who carefully studied the mission, speak. He says:

San José Mission is the most beautiful of all, and its carving is surely "a joy forever." The hand that chiseled the wonderful façade at the main entrance of the church, the doorway, window, and pillar capitals of the smaller chapel, that now goes by the name of the Baptistry, was one of marvelous cunning. The façade is rich to repletion with the most exquisite carving. Figures of virgins and saints with drapery that looks like drapery, cherubs' heads, sacred hearts, ornate pedestals and recesses with their conchlike canopies, and cornices wonderful. The doorway, pillar and arch, is daring in its unique ornamentation—showing in its combination of form the impression of Moorish outlines. Otherwise the whole façade is rich Renaissance—figures and hearts alone with anything realistic about them. All other ornamentation is conventional, but with nothing stiff, every curve showing a free hand. The window above the archway is a simple wreath of such acanthuslike curves and concholds of surpassing workmanship. The south window of the Baptistry is considered by good judges the finest gem of architectural ornamentation existing in America to-day. Its curves and proportions are a perpetual delight to the eye, and often as the writer has seen and examined it, it is of that kind of art which does not satiate, but ever reveals some fresh beauty in line or curve.

The chapels of San Juan Capistrano and San Francisco de la Espada, Mr. President, are not so well preserved, but are of compelling interest, and like the others by some mystic charm translate the visitor from the New World to the old. The erection of the mission buildings, and the maintenance not only of these but of presidio and village for more than a century in the face of the perpetual hostility of Apaches and Comanches, the fiercest of the Indian tribes of America—a hostility so inveterate that only a few settlements outside the immediate neighborhood of San Antonio were able to preserve an existence at best perilous and uncertain—compose one of the most impressive chapters in the records of human courage, endurance, sacrifice. It is appropriate, therefore, that in 1918 San Antonio should invite the Spanish-speaking peoples to visit the scene where representatives of their own race gave such superb illustration to these attributes and to join in an exposition commemorating such achievements.

The cession of Louisiana to Spain in 1762 removed France as a contestant for territory and pushed the Spanish boundary from the Sabine to the Mississippi, where Spain found a new neighbor in England—a neighbor to be replaced only two decades later by the new Nation which the English colonists had set up as the fruit of revolution—the United States of North America. Spain saw the first evidence of a new peril when, in 1800, 11 citizens of the United States were marched through the streets of San Antonio in chains, the survivors of an armed expedition into Texas led by Philip Nolan, who had been killed and his followers destroyed or captured. In the same year Louisiana was redelivered to France to be sold by Napoleon to the United States in 1803. So Spain again faced the United States, and this time at the Sabine instead of the Mississippi. From the first, friction arose as to the boundary, the United States later reviving the French claim that the rightful western border of Louisiana was the Rio Grande. From that time forward San Antonio, responding to the trend of events, took on a new and busier and more important life. The missions had been secularized and practically discontinued. New settlers were thronging in—Spaniards, Creoles, Mexicans, Frenchmen, Americans, Indians of both pure and mixed extraction. The city was beginning to develop that cosmopolitan character which to-day so emphatically distinguishes it—practically every race being now represented within its limits. Hundreds of troops were permanently quartered there—a recognition of the military and strategic value of the place, a value recognized to-day by the United States in maintaining at San Antonio one of the largest army posts in the Republic. Already its wonderful climate, health laden beyond description, its mild and sunny winters, its uniform and delightful temperature, had begun to attract people from all parts of the world. It is little wonder, therefore, that it has become to-day, nearly 120 years later, one of the notable tourist centers of the Nation, its hotels having an equipment and a hospitality that make them one of its most attractive features.

Shortly after the Louisiana Purchase uneasiness over the boundary quarrel caused the number of Spanish troops in Texas to be rapidly increased. The rumor of an invasion by Aaron Burr added to the excitement. A Spanish force crossed the Sabine and invaded American soil, but returned after a brief period to its own side of the river. There on the Sabine the Spanish and American armies confronted one another, the former under Gov. Cordero, of Texas, the latter under Gov. Wilkinson, commander in chief of the armed forces of the United States. An agreement was reached regarding the boundary, a neutral ground defined, and both armies retired. Then began the Mexican revolution against Spain, originated by Hidalgo in 1811. The example of the United States was spreading over the American hemisphere. San Antonio experienced a bloody introduction to the revolution when there appeared on a pole near the river between the Alamo and the main plaza the severed head of Col. Delgado, who had been one of her most prominent citizens and an adherent of Hidalgo. Bloody was to be the retribution and bloodier still the counter retribution. Bernardo Gutierrez, another follower of Hidalgo, escaping from Mexico after the execution of his chief, organized at Natchitoches, La., near the frontier, in confederation with Magee, an officer in the United States Army, who had resigned to take up this work, a band of Americans, rebel Mexicans, and Indians for the invasion of Texas. Driving the Spaniards from Nacogdoches and other Texas points, the invaders, numbering probably 1,200 men, defeated the Spanish army of probably 2,500 at the Battle of Rosillo, near San Antonio, with terrific slaughter, and two days later took the city itself. The city was given over to plunder and the spoils apportioned among the invaders. Then Capt. Delgado demanded vengeance on Gov. Salcedo and others for the murder of his father. He was put in charge of Gov. Salcedo and his staff, together with Gov. Herrara, of Nuevo Leon, and ex-Gov. Cordero, ostensibly to take them as prisoners to New Orleans. A mile and a half below the city Delgado and his company halted and deliberately cut the throats of his prisoners with ordinary camp knives. At this the best elements among the American officers and men, who had been moved by a sincere desire to aid in the revolution, withdrew to the United States, disclaiming further connection with the enterprise. For four months this crowd of adventurers held the city in a state of lawlessness and disorder. With wonderful coolness and skill they rallied from the surprise occasioned by the unexpected approach of Don Elisondo's army of 3,000 royalists from Mexico, which they defeated, administering a loss of over a thousand, while their own casualties were but 94. A few weeks later they were themselves defeated by another royalist force under Gen. Arredondo and practically cut to pieces, only 93 Americans finally getting back to the United States. A severe retaliation for the murder of Salcedo and his companions was then exacted. Seventy or eighty prisoners were set in turns by tens on a log laid across a huge grave, into which the victims fell as they were shot. In San Antonio 300 citizens were confined for a night in a single house, 18 dying from suffocation. Another Black Hole horror was thus registered. Four hundred women of republican families were imprisoned and compelled to cook for the royalist army. The work of plunder and destruction was carried from San Antonio to Nacogdoches and was so complete that these two communities, with the rest of Texas, were temporarily depopulated.

Then came the invasion of east Texas in 1819 by an expedition under James Long, of Natchez, a former officer in the United States Army. He set up a provisional government at Nacogdoches; but, while absent at Galveston Island to seek the aid of the celebrated pirate, Jean Lafitte, his settlement was broken up and his men scattered by the Spanish troops.

The success of the Mexican revolution in 1821 put an end to these filibustering expeditions. The new and independent Republic of Mexico looked with favor at first on immigration from the United States, and an influx of American settlers into Texas began. The pioneers in the work of American colonization were Moses Austin and his son Stephen. It was due principally to them that a plan was conceived and executed which accomplished in a comparatively few years what Spain had failed to bring about for 300 years, namely, the planting of a permanent and extensive agricultural population in Texas. As a result of their labors and the permanent American occupation came the revolution of 1836, the annexation of Texas, and the acquisition of California, Utah—where on Ensign Peak the pioneers of that great State lifted for the first time in that section the American flag—Arizona, Nevada, New Mexico, and part of Wyoming, Kansas, Oklahoma, and Colorado. It has been given to few men, working, as did the Austins, in the quietude of private life, far from halls of state and fields of battle, to set in motion events of such momentous consequence.

It was at San Antonio that the project of American colonization was initiated. Moses Austin arrived there in 1820 to interview Gov. Martinez, having ridden horseback 800 miles from Missouri through an almost trackless wilderness. Angrily ordered away at first, he finally succeeded, with the invaluable aid of Baron de Bastrop, in obtaining the sanction of the governor and his council, or ayuntamiento. It was from San Antonio that Stephen Austin, in 1822, undertook that perilous ride on horseback of 1,200 miles to the City of Mexico, with only one companion, to obtain, after difficulties and delays which only his own invincible patience could have survived, the approval of the central authorities.

It was in San Antonio that the Bowie brothers, Rezin P. and James, organized in 1831 an expedition to search for the silver

mines reputed to be near the site of the San Saba mission, during which expedition occurred the Indian fight that made the prowess of the Bowies forever memorable.

It was in San Antonio that Sam Houston appeared in 1833, accompanied by James Bowie, to arrange with the Comanche chiefs for a consultation looking to a treaty of peace with the American colonists.

It was in San Antonio, in October, 1834, that the first revolutionary meeting was held in Texas to protest against the dictatorship of Santa Anna and the overthrow of the Mexican Federal constitution of 1824.

It was in San Antonio in December, 1835, that the Texan army of 300, after five days' fighting of the most desperate character, hand to hand and from house to house, using crowbars and picks to dig loopholes in the thick stone walls, compelled the capitulation of Gen. Cos with his force of 1,300. The Texans, under Burleson and Bowie and Fannin, had been fired with resistless enthusiasm for the assault by the ringing appeal of Col. Benjamin R. Milam, who set their spirits ablaze with the cry, "Who will go with old Ben Milam into San Antonio?"

It was in San Antonio that about three months later occurred the world-famous tragedy of the Alamo. The victory of December had apparently driven the usurper from the province, and only a small garrison was left to guard San Antonio. Late in February Santa Anna himself with an army of about 2,000 fell suddenly upon the city. The little body of 183 Texans, led by Travis and Bowie and David Crockett, retired within the walls of the Alamo, a stone rectangle 190 feet long and 122 feet wide, with the old church of the original mission of Valero in the southeast corner for quarters and magazine. The next day Travis sent out a call for help that has been pronounced "the most heroic document among American historical records." It was as follows:

COMMANDANCY OF THE ALAMO,
*Bejar, February 24, 1836.*

*To the people of Texas and all Americans in the world:*

Fellow citizens and compatriots, I am besieged by a thousand or more of the Mexicans under Santa Anna. I have sustained a continual bombardment and cannonade for 24 hours, and have not lost a man. The enemy has demanded a surrender at discretion, otherwise the garrison are to be put to the sword if the fort is taken. I have answered the demand with a cannon shot, and our flag still waves proudly from the walls. I shall never surrender or retreat. Then I call on you in the name of liberty, of patriotism, and everything dear to the American character to come to our aid with all dispatch. The enemy is receiving reinforcements daily, and will no doubt increase to three or four thousand in four or five days. If this call is neglected, I am determined to sustain myself as long as possible and die like a soldier who never forgets what is due to his own honor and that of his country. Victory or death.

WILLIAM BARRET TRAVIS,
*Lieutenant Colonel Commandant.*

Another pathetic document relating to this siege is the diary kept by David Crockett until the day before the Alamo was taken. I make the following partial quotations:

March 1: The enemy's forces have been increasing in number daily, notwithstanding they have already lost about 300 men in the several assaults they have made upon us. * * *

March 2: This day the delegates meet in general convention at the town of Washington to frame our Declaration of Independence. That the sacred instrument may never be trampled on by the children of those who have freely shed their blood to establish it is the sincere wish of David Crockett. * * * Some imagine independence to be a natural charter, to exercise without restraint, and to their fullest extent, all the energies, both physical and mental, with which they have been endowed, and for their individual aggrandisement alone without regard to the rights of others, provided they extend to all the same privilege and freedom of action. Such independence is the worst of tyranny.

March 3: We have given over all hopes of receiving assistance from Goliad or Refugio. Col. Travis harangued the garrison and concluded by exhorting them in case the enemy should carry the fort to fight to the last gasp, and render their victory even more serious to them than to us. This was followed by three cheers.

March 4: Shells have been falling into the fort like hail during the day, but without effect. About dusk, in the evening we observed a man running toward the fort pursued by * * * Mexican cavalry. The bee-hunter immediately knew him to be the old pirate who had gone to Goliad and calling to the two hunters he sallied out of the fort to the relief of the old man who was hard pressed. I followed close after. * * * We dashed among them and a bloody conflict ensued. They were about 20 in number and they stood their ground. After the fight had continued about five minutes a detachment was seen issuing from the fort to our relief, and the Mexicans scampered off leaving eight of their comrades dead upon the field. But we did not escape unscathed, for both the pirate and the bee hunter were mortally wounded and I received a saber cut across the forehead. The old man died, without speaking, as soon as we entered the fort. We bore my young friend to his bed, dressed his wounds, and I watched beside him. He lay without complaint or manifestation of pain until about midnight when he spoke and I asked him if he wanted anything. "Nothing," he replied, but drew a sigh that seemed to rend his heart, as he added: "Poor Kate of Nacogdoches!" His eyes were filled with tears as he continued: "Her words were prophetic, Colonel." And then he sang in a low voice that resembled the sweet notes of his own devoted Kate:

But toom cam' the saddle, all bluidy to see,
And hame cam' the steed, but hame never cam' he.

He spoke no more and a few minutes after died. Poor Kate, who will tell this to thee?

March 5: * * * No time for memorandums now. Go ahead! Liberty and independence forever.

Mr. President, it is doubtful whether in the range of human literature a parallel may be found for this rarest and most tragic of memoirs. The fact that Crockett could pause amid such turbulence and despair, surrounded by the last agonies of expiring valor, the breath of the tomb on his brow, and with such calmness, such self-mastery, such precision and charm, such tenderness and sympathy, such insight into the philosophy of liberty, reduce such observations to manuscript, is a tribute of itself that can never be equaled or approached.

The siege of the Alamo lasted from February 23 to March 6, 1836. About three days before the end Col. Travis drew a line on the ground with the point of his sword. He invited every man who had resolved to stay and die to step across the line, giving all who might so desire the privilege of endeavoring to escape. Immediately Tapley Holland stepped across, followed by every man in the fort but one, who fled. Col. Bowie was ill, but asked his comrades to lift his cot across the line, and others who were ill did the same. On the morning of March 6, 1836, came the crowning catastrophe. Overwhelming the little band at last, the besiegers, thousands strong, swarmed over the parapets and into the fort. One by one the remaining Texans died, fighting to the last.

Thus was consecrated in the blood of patriots the new Texas, whose independence had been proclaimed a few days before at Washington, on the Brazos. The news of this slaughter and of a similar massacre at Goliad some three weeks later filled the Texans with such determination and fury that on April 21, at San Jacinto, 80 years ago to-day, their revolutionary army of 800, untrained, half-equipped, and poorly supplied, defeated the flower of Santa Anna's troops, a force of 1,400, in a single charge. The nature of the victory will be better understood when it is known that of the enemy 630 were killed, 208 wounded, 730 captured. Less than 60 escaped, Santa Anna himself being among the prisoners. The Texans had 2 killed and 23 wounded. It was one of the most signal triumphs in the records of battle. The power of the dictator was broken and Texas assumed its place among the nations of the world.

Twice during the decade in which Texas maintained an existence as a separate Republic San Antonio was occupied by Mexican armies, which, however, soon found their positions untenable and retired.

With annexation to the United States in 1845 began a development for San Antonio and for all Texas that has each year assumed a more rapid and comprehensive sweep.

To-day San Antonio has a population nearly six times as large as that of the entire Texas Province in 1836, a population rated by the census of last year at 115,000, now much beyond that number. It combines all the features of a modern and progressive city with an Old World flavor, rendering it doubly impressive and unique. It is a distributing center for a large part of Spanish America. One-fifth of its people is still Mexican and Spanish. Many of these trace their forbears to the San Antonio of departed centuries, and are united by ties of blood and business to nearly every part of Central and South America, or mother Spain herself. Texas, with an area more than a fourth larger than the German Empire, is fifth in population among American Commonwealths, coming next after New York, Pennsylvania, Illinois, and Ohio. It is the first State in cotton, cotton seed, cattle, mules, pecans, mohair, butter on farms, cotton-gin machinery, and winter vegetables. It is first in railway mileage, in the number of farms, cottonseed-oil mills, cotton compresses, and cotton gins. It is first in the size of ranches and farms. It is second in number of newspapers, in the growth and manufacture of rice, in quicksilver and asphalt, in length of coast line. It is capable of the widest and most diverse agricultural and industrial expansion.

With characteristic energy and happy foresight, San Antonio has determined to celebrate in 1918 the two hundredth anniversary of her birth by holding in conjunction with the State of Texas an exposition dedicated to her own history, to the history of Texas and the Southwest, and to closer economic and social relations between the United States and the other nations of Pan America. It is the first time that the people of San Antonio and of Texas have attempted a movement of this kind.

Expositions are the mirrors of progress. They possess an educational, patriotic, and material value, defying measure. Practically every other section of the Union has epitomized its own development and its relation to the Republic in expositions that have proved of lasting benefit.

Certainly no other section and no other city have a history more fundamentally related to that of the Nation and of the world, more replete with dramatic interest, more illustrative of the possibilities of human genius and achievement, of the versatility of human fortune, than the Southwest and San Antonio. American settlement in Texas and San Antonio meant the extension of the boundaries of liberty, of the jurisdiction of American institutions, of the field of American ideals to the Rio Grande and the Pacific. And the great States that were carved from the territory acquired by the treaty of Guadalupe Hidalgo, following the Mexican War, the direct result of the annexation of Texas to the Union, will be particularly requested to take part in this exposition. Finally, the part played by Spain and Spanish institutions in the history of San Antonio and of Texas and the fact that San Antonio is already one of the great commercial gateways to Spanish America will make this enterprise a peculiarly advantageous occasion for the extension of the Nation's commerce with the Spanish-American countries. These countries will feel more at home at San Antonio than anywhere else north of the Rio Grande.

The European war offers the United States an unrivaled opportunity for the cultivation of a more intimate association with the nations to the south. It is expected that at this exposition will be displayed not only the products of Texas and the rest of the United States but those of every country in Spanish America. Thus will be shown what we have to sell to them and what they have to sell to us. Thus a constructive Pan Americanism will be inaugurated, the result of which will be enormously beneficial to all concerned. The United States has, therefore, both a patriotic and material interest in this exposition, and should accord it active cooperation and indorsement.

We shall not ask the General Government for an appropriation with which to carry on this exposition. We do ask, however, that the Congress authorize the President to invite the other nations of Pan America to participate, and that the United States itself take part and make exhibits showing its own resources and products. We shall also ask that the Government aid in entertaining the delegates which the Latin American countries send to San Antonio as their special representatives at this exposition.

San Antonio and Texas have adopted this method of portraying their history, their progress, and possibilities not only to Latin America but to this Nation and to the world. We can not but believe that this project will meet the heartiest sympathy of the American Congress—that Congress will emulate the example of the President in according the warmest approval to this aspiration of the people of Texas, the State that Spain failed to settle during a possession of 300 years, the State which a power more than mortal must have preserved for the American citizen, the American Union, and the American flag.

Mr. ROBINSON. Mr. President, it may be of interest to the Senator from Texas and to other Senators to know that a lineal descendant of that remarkable man to whose memory and achievements the Senator from Texas has paid such a beautiful tribute, David Crockett, is an employee of the Senate. Mr. John W. Crockett, an honored citizen of Arkansas, is the great grandson of Davy Crockett, and is the clerk of the Senate Committee on Commerce. He has had the pleasure of hearing the very able address of the Senator from Texas.

Mr. SHEPPARD. I am glad to have this information from my able friend, the junior Senator from Arkansas [Mr. ROBINSON]. It may also be of interest to refer here to the fact that Stephen Austin was a circuit judge in the Territory of Arkansas during the greater part of 1819 and 1820, and that he located the land on which his brother-in-law, James Bryan, marked out the city of Little Rock, now the capital of the State of Arkansas and the home of its distinguished senior Senator [Mr. CLARKE]. It was at Little Rock that Stephen Austin and his father, Moses, met in 1820 to make plans for the colonization of Texas. The histories of Texas and Arkansas are intimately interlinked.

RESTORATION OF PEACE IN EUROPE.

Mr. NEWLANDS. Mr. President, I introduced yesterday Senate resolution 172, regarding the restoration of peace in Europe and gave notice that I would address the Senate upon the resolution to-day. I ask leave to postpone the intended remarks and give notice that I shall address the Senate upon this subject next Monday.

WOMAN SUFFRAGE.

Mr. SHAFROTH. Mr. President, I desire to give notice that following the address of the Senator from Nevada [Mr. NEWLANDS] on Monday, April 24, 1916, I shall submit some remarks on Senate joint resolution No. 1, proposing an amendment to the Constitution of the United States conferring upon women the right of suffrage.

GOOD ROADS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7617) to provide that in order to promote agriculture, afford better facilities for rural transportation and marketing farm products, and encourage the development of a general system of improved highways, the Secretary of Agriculture, on behalf of the United States, shall in certain cases aid the States in the construction, improvement, and maintenance of roads which may be used in the transportation of interstate commerce, military supplies, or postal matter.

Mr. THOMAS. Mr. President, I shall cast my vote against this bill, whose passage may not be at all jeopardized thereby. I shall also recognize the public character of the object it is designed to subserve, and will not pause to challenge its constitutionality. The power of Congress to establish post roads may be sufficient to sustain the bill, and precedents can doubtless be found to support it if support be needed. Nevertheless, I am impressed with the criticisms of the bill by the senior Senator from California regarding its validity, some of which I think are not easily refuted.

The resulting benefit to the country at large which the advocates of the bill predict may also be conceded, even though the necessity for Federal appropriations for road construction be questioned. My opposition to the bill is grounded upon the sole proposition that we can not afford at this time to inaugurate, equip, and finance a national bureau for the construction of public highways, nor to devote the public revenue to any other than absolutely necessary demands.

Mr. President, the Democratic denunciation at Baltimore of Republican profligacy in expenditures has been recalled and repeated so often since the inauguration of Mr. Wilson that it has become stale and wearisome. I have so frequently referred to it upon this floor that I shrink from doing so again. Yet I am compelled to reassert that if it was justified when declared it is doubly justified now.

Mr. President, I have learned many things since my State honored me with a seat in the Senate. I have learned that partisanship disappears here when we look beyond our shore lines and confront problems of international concern. I have learned, too, that it disappears when we look toward the National Treasury. The compelling reason I have also learned. It is that the people are in each situation behind us, and are also without the domain of partisanship. All for each and each for all is the motto and unity the watchword.

Mr. President, there is no doubt of the reckless extravagance of previous Republican administrations. There is no doubt whatever that this one has followed the example and bettered the instruction. And there is no doubt that the next administration will be more extravagant than this one, through the constantly accelerating force of the pressure behind it. This has been so, and it will so continue until the people shall discontinue their demands for Federal appropriations and measure the merits of their representatives by their success or failure in securing them. And I confess with some reluctance that I perceive no present symptoms of any such reform.

Republican administrations were recklessly extravagant, and Democrats helped to make them so. This Democratic administration is recklessly extravagant and Republicans have helped to make it so. Behind both parties stands the hungry American public—men, women, and children—with arms outstretched and hands extended toward Washington, vociferating demands for appropriations, and Republicans and Democrats are fain to do its bidding. Let the parties refrain from mutual and farcical recriminations regarding public expenditures if they can not join in a well-directed effort to save the people from themselves. Let us discourage instead of encourage the ever-expanding range of demands upon the national revenues and endeavor to convince our constituents that we are in very truth trustees of a great public trust of which they are the beneficiaries, and should administer the trust as all others should be administered.

Mr. President, the tendency to look to the National Government for financial relief for all financial ills had its origin partly in the vicious policy of protection, whereby one class of the people were directed by law to enrich themselves by taking the property of their neighbors and partly to the desire to escape direct taxation for local purposes by shifting the burden to the national revenues. If the manufacturer by national authority may put his hand in the pocket of the consumer of his product and transfer its contents to himself, why should not the Government also pay the consumer according to his needs and afterwards according to his desires? And if the

suggestions fall on willing ears, timed to catch the views and impulses of those who can mar as they have made, what wonder that suggestion is transformed into action? And action, once begun, bequeathed from bleeding sire to son, ripening into precedent, is making Uncle Sam the paymaster for everything which by any processes of refined reasoning can be tortured into a public purpose.

Every appropriation that has been made has encouraged applications for a dozen others, until the introduction of bills for relief has become a steady occupation, and each district and nearly every city have engaged in a scramble for aid from the National Treasury. I think it is safe to assert that 90 per cent of the bills introduced in the Senate and House are money bills, and fully 10 per cent of these refer to subjects which, once receiving favorable action, become permanent charges, requiring annual appropriations. I think, too, that the number of these bills enacted into law is constantly increasing, due to the tendency to which I have referred and to the inevitable system of logrolling, the inclusion of a number of bills for local relief into omnibus bills covering them all and commanding support as a whole, and always receiving it, so that each gets his own. Pork bills, as the public has determined to call them, are thus multiplying as well, and the term is quite as applicable to some of the general supply bills, as to those which it is designed to describe. He who tries to stem the tide of this pernicious system of money administration incurs the dislike of his associates, the animosity of the army of money grabbers, and the reprobation of his constituency, which is apt to feel that its own demands are obviously reasonable, just, and lawful, however outrageous all others may be. It is not surprising therefore that Senators and Members are reluctant to oppose that which overcomes all resistance, and sooner or later sweeps them aside forever. If they can not get what their constituents demand—above all, if they oppose or only give them a lukewarm support—they must step aside for successors with fewer scruples and greater driving power. And so, Republicans content themselves with advertising Democratic profligacy, while Democrats, with like complacency, denounce Republican extravagance. Both profligacy and extravagance continue, nevertheless, and the high priests of the parties, like the old Roman Augurs, wink at each other as they thunder their platform denunciations to the listening multitudes.

Our general pension bills, the most liberal in the world, providing compensation to every man and woman who could possibly deserve it, are easily overtopped by special legislation as demanded. If one may judge from the number of private bills for pensions and for increases, nearly everyone on the rolls and everyone wanting to get on them are before the appropriate committees. Pensions are no longer stipends; they must yield adequate support. The rolls long ceased to be rolls of honor. We are placing everybody upon them. Deserters petition for the removal of their disabilities, and we remove them. They then ask for pensions, and we give them. What man in either house dares vote against these committee bills or question the expediency much less the merits of the committee reports? Which party opposes a motion to take up these bills and consider them out of their order? I am painfully conscious of the result to myself of so much as propounding these queries, since it will be assumed that none but an enemy of the old soldier would have the temerity to ask them. They add hundreds of thousands to our annual disbursements, but the legislation is good politics. None of us would stoop to buying votes with our own money, but to use the public moneys to that end is not unusual, and therefore permissible.

Let me here say that the pension bills are, in my opinion, quite as commendable, if not more so, as those of which communities in the mass are the beneficiaries. Our river and harbor bills, our public building bills, which devote millions annually to the so-called improvement of petty streams and to the construction of stately public buildnigs in the little villages and crossroads hamlets of the land, are perhaps the most conspicuous although not the sole examples of the way in which the public revenues are squandered at the behest of communities and to obtain or perpetuate their political allegiance. And so of Army posts, which once established very naturally and properly clamor for maintenance and expansion.

I was much impressed with one of the dialogues which served to enliven one of the soliloquies of this discussion, wherein the junior Senator from Virginia directed attention to the lack of needed public buildings in Washington and the consequent housing of so many departments and bureaus in leased structures and apartments, for which the Government pays an annual rental of nearly $700,000, the Government rentals being also higher than those to private persons for similar accommodations. The Senator deplored this condition and recounted his unsuccessful efforts to rectify it. But he did not refer to the real cause of this situation. It lies in the fact that we are so busy in providing public structures for Sundance and Milldew, for Persepolis and Rising Sun, that we have no time to consider and no money to squander upon needed public buildings here. Moreover, some of Uncle Sam's Washington landlords have influence in the political world and would lose a good thing if we provided the Government with appropriate housings. But we can easily build bridges—aqueduct, memorial, and suspension—over the Potomac and into Virginia, and national highways in the other direction, and just as easily comfort ourselves with the delusion that the public needs imperatively demand them.

How much money do we intend to appropriate for the approaching fiscal year, exclusive of the usual supply bills? Does any Senator know? Has he sought to ascertain? Does he know anything about it?

We have recently passed two bills for what, I think, are very essential purposes and which must carry ultimate appropriations of $41,000,000. On April 18 the Senate Calendar contained measures favorably reported on and which will probably pass. These carry ultimate appropriations of $121,500,000, all outside of the ordinary expenditures. The House Calendar will probably disclose a much larger aggregate sum. Does any Representative know how much that body proposes to add to the annual budget of expenditure? Has he cared to investigate the subject?

Mr. President, the cry of preparedness is wrapped in a golden atmosphere of monetary possibilities. It has just enough of patriotism about it to make it pleasing to the eye and delightful to the ear. Its seductive syllables have arrested the attention and quickened the hopes of everyone who would save his country by drawing something from its Treasury. From the ponderous Steel Trust down to the most obscure promoter in the land, and embracing everything within the two extremes, the call for preparedness has found a ready response. Everything that has heretofore been used in war or in peace, everything else that the imagination can conjure into material form, from cannon to cradles, from battleships to nursing bottles, has volunteered for the occasion. They are in the training camps, and will soon be in the trenches, preparing to besiege Congress and march through its portals into the National Treasury. Men who view with terror the awful spectacle of The Battle Cry of Peace rush frantically to their typewriter and prepare bills for construction, destruction, erection, and demolition, all in the interest of defense and through the medium of appropriations. We are beset with schemes and devices which will keep us out of war, which will make our success certain in the event of war, which will preserve peace with honor and prevent peace with dishonor. Let us prepare while money is in the Treasury and prepare also to make the supply perennial.

Mr. President, if one-half of these assaults actual and contemplated upon the Treasury were successful, our people could make money by buying its security from other nations. We would save vastly by the process. I am not apprehensive of extreme results from this new avenue of approach to the public crib, yet I have no doubt that, pursuing our present methods of financial legislation, much additional money will be devoted to the demands of localities which can not very effectually subserve a military end. This, too, will become for the most part a permanent burden, tending to enlarge as the years accumulate.

And, Mr. President, the most conservative among us know that our inevitable Army and Navy increases will add from $200,000,000 to $250,000,000 per annum to our fixed expenditures, a sum to provide which added taxation is inevitable. How that money shall be raised is the problem of the majority. Taxation is always unpopular. None of our military and naval advisers have suggested any plan of revenue, but are not at all anxious that any plan should include them. Is this the time to commit the Nation to a system of public road building of which the sum of $75,000,000 provided by this bill is but the faint beginning?

We can not delude ourselves with the notion that this bill is or will be the last word upon the subject. It is the entering wedge. We propose to act conjointly with the States, which must contract for and assume their proportion of expenditure. But the States, or some of them, will surely assert before very long that the enterprise is national in scope and character; that the States are unjustly burdened with a financial responsibility for the development and maintenance of a continental project, and that all their resources are demanded for the payment of purely State obligations. The challenge will be heard all over the land. All the Commonwealths will join in the movement, and the road system of the country will become a part of the Federal administration upkeep and extension. This will mean,

not a paltry $75,000,000 but many times that amount, an obligation which can not be avoided, but ever increasing in its exactions. This may be the better method for the States and the people. If so let us frankly recognize it and then inquire whether on the threshold of the most lavish appropriations ever made by any nation in times of peace, we should now take up this work. What man of affairs, what nation but ours would even seriously consider such a fatuous proposition?

Moreover, Mr. President, we must remember that the administration of this bill will call into being a small and always growing army of Government engineers, inspectors, overseers, gang bosses, workmen, accountants, and office holders scattered like locusts over the face of the land drawing salaries and doing little else. Once called into existence they become immortal. We may create but we can not recall a public official. There he is a thing of beauty and a joy forever. And this bill is so framed as to require the creation of two sets of officers to perform the same duties, the one State the other National. They may clash but they will not resign. The law will not execute itself. The Federal Government can not execute that of the State, the State can not perform that of the Nation. They must cooperate. This is wasteful, extravagant, and inefficient, but it is the way we propose to do business if this bill shall become a law.

The House has passed two other measures, one for rivers and harbors, the other for flood prevention, carrying approximately a hundred millions in appropriations. Others will be launched in due season. Senators, do we not realize that revenue must be provided for these appropriations; that there is a limit to the burdens of taxation, and that the very interests clamoring for these expenditures will be the first to rend us when the day of reckoning comes?

Vast as our general supply bills are, we are compelled with every new session to supplement them with deficiency bills—some urgent, others when convenient. We have committees on expenditures in the various departments, which never meet. We neither know nor care how the public moneys are expended. I make no charges, even by indirection, although it is somewhat remarkable that we deem our duties at an end when we have voted the public moneys, and take it for granted that they are properly disbursed.

Economy in public affairs is the trite expression of a very salutary maxim. Both parties repeat it like parrots, or rather like children who are taken with catchy phrases, without comprehending their import. Economy in public affairs is dead everywhere. Nation, State, and city have turned it down. Our aggregate public debt may not be as large as that of England or Germany, but it is appalling. Our children must arrange for its liquidation. We have mortgaged them beyond redemption. They are helpless unless their sense of injustice shall become stronger than their sense of obligation and they shall refuse to perfom what others have imposed upon them. We declare that we will economize some time somewhere. Why not now? Why not here? There must be a commencement, and I am very sure that the people, informed of our purpose and the occasion for it, will commend and support us. They never fail to approve good public service when they perceive it to be courageous and genuine. They will follow when leaders exhibit the qualities of leadership and when they lead in the right direction. And leadership—genuine, disinterested, capable leadership—was never needed at the Nation's Capital more than it is now.

Mr. President, the most deplorable aspect of our political condition is the tendency, aye, the willingness, of the States to sell their birthright for a mess of pottage. Their sovereignty they barter away for appropriations to be expended within their boundaries upon objects of purely State concern. Their duties, so necessary to the independence and welfare of their citizens, they delegate to the Nation for money rather than assume the burden of their exercise. Their rights they willingly surrender in exchange for the Nation's gold. Time was when every reserved right was zealously cherished and respected; when every local duty was performed with ardent alacrity; when the Federal Government was confined to the sphere of its delegated authority. But our material development and the accumulation of enormous wealth has weakened the moral fiber of our sisterhood of sovereignties as it has changed the hearts and the spiritual natures of man. The Government has become a thing from which we may derive support and material advantage. We were created for it and it must care for us. We belong to it and it must therefore support us. It is paternal, protective, nourishing; no longer a means to an end, but an end in itself. This may be due to a law of political evolution from whose operation we can not escape, but if so the conceptions of the fathers were profoundly wrong.

Our late colleague, the distinguished Senator from Georgia, often spoke of himself as an ambassador from his State. I am prone to believe that this conception of a Senator's position is more accurate than it should be. We are, generally speaking, United States Senators when, and only when, we act upon or consider external problems. We are, generally speaking, Senators from our respective States when we act upon or consider affairs of domestic concern. We are more interested in what we can secure for our immediate constituencies from the Federal Government than we are in protecting and safeguarding the latter from the exactions of those who send us here. This means that we are becoming less and less the guardians and representatives of national authority and more and more the agents and attorneys of our respective constituencies. No man can serve two masters. Many have tried to do this and all have failed. What the country needs is Senators and Representatives whose first duty is to the Nation; whose vision reaches beyond their own localities and is bounded by the horizon of the Republic; whose fealty to the Federal Government is their strongest impulse; who place the general welfare, the national interests, the national affairs above and beyond all others; who serve their States by serving the whole people; who are neither ambassadors nor delegates, but everywhere and at all times the trustees and depositaries of a legislative function created and designed to subserve the East, the West, the North, and the South alike, each and all the equal and inseparable constituents of the same Republic. When this conception of duty shall have become the standard by which our actions and our policies are measured the Treasury will cease to be a grab bag for greedy schemes of greedy communities for public extravagance and private relief, and the money of the people, cheerfully paid through taxation for public purposes, will be wisely appropriated and honestly expended.

Mr. BANKHEAD. Are there any amendments pending to the amendment of the committee?

The PRESIDING OFFICER (Mr. POMERENE in the chair). The question is on the amendment of the committee reported as a substitute.

Mr. LODGE. Mr. President, I call for a quorum. I know the Senator from North Dakota [Mr. MCCUMBER] desires to speak, and also the Senator from Pennsylvania [Mr. OLIVER], and I am going to speak myself.

Mr. BANKHEAD. Mr. President, I desire to give notice that when a quorum appears I shall renew my request, perhaps in another form, for consent to vote upon the bill at a stated time.

The PRESIDING OFFICER. The Secretary will call the roll.

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

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|---|---|---|---|
| Ashurst | Hitchcock | Owen | Sutherland |
| Bankhead | Hollis | Page | Swanson |
| Borah | Husting | Phelan | Taggart |
| Broussard | Johnson, Me. | Pittman | Thomas |
| Burleigh | Johnson, S. Dak. | Pomerene | Thompson |
| Chamberlain | Jones | Reed | Tillman |
| Chilton | Kenyon | Robinson | Townsend |
| Clapp | Lane | Saulsbury | Underwood |
| Culberson | Lee, Md. | Shafroth | Vardaman |
| Cummins | Lippitt | Sheppard | Wadsworth |
| Curtis | Lodge | Simmons | Warren |
| Dillingham | Martine, N. J. | Smith, Ariz. | Works |
| Gallinger | Myers | Smith, Ga. | |
| Harding | O'Gorman | Smith, Md. | |
| Hardwick | Overman | Smoot | |

The PRESIDING OFFICER. Fifty-seven Senators have answered to their names. There is a quorum present.

Mr. BANKHEAD. Mr. President, I desire to renew my request to fix a time that the Senate shall vote on the bill and amendments. Inasmuch as my suggestion of 5 o'clock this evening was objected to, I am going to ask the unanimous consent of the Senate to agree to vote on the bill and amendments not later than 8 o'clock this evening.

Mr. LODGE. Mr. President, this bill is of very great importance; it carries an enormous appropriation; is has been discussed one day. There are a number of Senators on this side who desire to discuss it. I know the Senator from Nebraska [Mr. NORRIS] has amendments which he wishes to offer and the Senator from Iowa [Mr. CUMMINS] has an amendment. The Senator from Pennsylvania [Mr. OLIVER] desires to speak and the Senator from North Dakota [Mr. MCCUMBER] desires to speak. The Senator from New York [Mr. WADSWORTH] told me that he wishes to speak, and I should like to say a little myself. I do not think it is possible to agree to-day.

Mr. BANKHEAD. Then I suggest that not later than 12 o'clock this evening——

Mr. LODGE. Mr. President, I object. I can not agree to any agreement for a vote to-day.

Mr. SIMMONS. Before the Senator from Massachusetts objects I wish to suggest to the Senator from Alabama if he will make a request to vote on Monday, say, at 5 o'clock on Monday, I think very likely it will be agreed to.

Mr. BANKHEAD. I will make that request. I will ask that not later than 5 o'clock on Monday next the Senate shall vote on the bill.

The PRESIDING OFFICER. The Chair did not hear the hour indicated by the Senator from Alabama.

Mr. BANKHEAD. At 5 o'clock on Monday.

Mr. LODGE. Mr. President, I think this is too soon to undertake to fix a time for taking a vote on the bill. It is a bill of enormous importance. It is committing this country to a policy which is going to cost hundreds of millions, in my opinion, and I think we ought to have at least two or three days to consider it. I do not feel ready to agree to a time now.

Mr. GALLINGER. Mr. President, it is my present purpose to vote for this bill if it assumes a form that will commend itself to me, and I apprehend it will, but I think the Senator from Alabama is not wise in undertaking to get an agreement at the present time. I have a few inconsequential amendments myself that I want to offer to the bill and I may have a few words to say in support of them.

In fact, Mr. President, as I suggested the other day, I think we ought to know something about what the program is to be for this session before we continue to legislate by unanimous consent. If we are to be kept here, as I said, until July, we might as well remain here until December. I have noticed that in another place where our program of legislation seems to be made out for the Senate there are enough bills to keep us here certainly until harvest time. I think we had better look that over pretty carefully before we conclude to rush bills through at an inordinate speed.

Mr. BANKHEAD. Mr. President, I should like to have the attention of the Senator from Massachusetts. Can the Senator suggest a time when he would be willing to have the vote taken?

Mr. LODGE. No; Mr. President. I said that I think this is too soon. The bill has been up only one day. I am not willing to make any agreement at this time.

Mr. BANKHEAD. The Senator is mistaken. The bill has been before the Senate for three days.

Mr. LODGE. I was not aware that it had been under discussion for three days.

Mr. BANKHEAD. With to-day it is.

Mr. LODGE. There have been several other things done in the last three days.

Mr. BANKHEAD. Mr. President, of course we are in a situation where we can not help ourselves. I am going to ask the friends of the bill to stay in session to-night until we, perhaps, may be able to reach some sort of an agreement as to when a vote shall be taken.

Mr. GALLINGER. As one friend of the bill I will not stay in session to-night if I can prevent it; and I suggest to my good friend from Alabama that he is forcing this measure at too great a speed. I do not think he would gain anything by undertaking to hold us in session to-night.

Mr. BANKHEAD. I appreciate what the Senator says. He has suggested on one or two occasions that he would like to know what the program is. I will state and state very frankly to the Senate the difficulty that we are in. When the bill was taken up for consideration it was agreed by the steering committee and the Senator who has charge of the rural-credits bill that I should have three days in the Senate for the purpose of considering the bill, and if during the three days we were unable to get a vote on it then I agreed to lay it aside and give the right of way to the rural-credits bill.

Now, that is the situation we are in. If the bill is displaced owing to the continuous objection that is made, while I have no disposition to hurry it as far as I am concerned, I do not know when we will be able to get the consideration of the bill again in the Senate. That is the reason why I insist, as far as I can, that we shall have some disposition made of the bill during the three days.

Mr. VARDAMAN. Mr. President——

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

Mr. BANKHEAD. I do.

Mr. VARDAMAN. I wish to ask the Senator at what time did he consent to lay the bill aside?

Mr. BANKHEAD. At the end of this calendar day.

Mr. VARDAMAN. Of course, the Senator knows it is impossible to pass it to-night in that short length of time; but I wish to say that this bill is one of very great importance to the American people.

Mr. BANKHEAD. Mr. President, it is also known by the Senate that to-morrow is to be devoted to the consideration of the conference report on the sugar bill, and of course we would have no time to-morrow, even if I should get the consent of the Senator from New Hampshire [Mr. HOLLIS].

Mr. VARDAMAN. I was about to remark, Mr. President, that so far as my very limited influence goes I am going to insist that some legislation on this subject shall be enacted by this Congress, whether it be to-day or to-morrow or next week. It is a matter in which the people of the United States are very greatly interested. I do not know of any measure that would contribute more to the material well-being of that class of the American people, whose labor feeds and clothes the world, than legislation which tends to encourage and promote public-road building.

I shall have something to say on the bill a little bit later, but I do not care this afternoon to discuss at length the bill. I hope it may not lose its place to-day, but I do not think any special advantage will be gained by remaining in session to-night. The bill can not be passed until the Senate has an opportunity to discuss it, and loaf around it, and think on it, and consume time about it, as is the rule of procedure in the Senate. I see no necessity for trying to press it to final passage at this time, unless we had two or three days ahead of us. I want it understood that I am very much interested in the measure, and I think Congress ought to enact this measure, or a measure similar to this, before this session adjourns. Failure to do so will be falling far short of meeting what I regard an important duty.

Mr. LODGE. Mr. President, of course I have the greatest respect for the arrangements made by the steering committee of the Democratic Party, and I realize their power; but it is not to be pretended, of course, that their arrangements bind the Senate of the United States. Though I dislike extremely to interfere in any way with any agreements that have been made, I think the rest of us in the Senate have some rights still left—not many, but some.

I will say to the Senator from Mississippi [Mr. VARDAMAN] that there is not the slightest danger of this bill failing to pass. Any bill that takes as much money out of the Treasury as this bill proposes to do and distributes it to local interests and to different States, and for local purposes, never fails. It is certain to pass; there is no trouble about that.

Mr. VARDAMAN. I am in hopes that the Senator from Massachusetts is a prophet now.

Mr. LODGE. I did not catch the Senator's remark.

Mr. VARDAMAN. I say I am in hopes the Senator is speaking the words of prophecy. I hope the bill will pass.

Mr. LODGE. If I may quote something that happened to me when I was a new Member in the other House—more years ago than I care to define—I asked Mr. Hitt, of Illinois, when the river and harbor bill was brought in, if the bill would pass. He said, "Pass! Why, this is the one bill that is certain to pass; it is made to pass." The bills that are "made to pass," with great local appropriations in them to be taken out of the United States Treasury, always pass. There is no danger whatever to this bill; but there are some of us who would like to offer our feeble objections to it, and to point out what seem to us defects in the measure. There are several Senators also who desire to offer amendments to the bill, and I do not think we ought to be cut off from that privilege because some agreement has been made about another bill under a program of which we know nothing. All we know is that there are certain measures that must be passed to carry on the Government—the great appropriation bills and bills for additional taxation. Those bills must pass; but those bills seem to be pushed to one side, in order to get through a number of bills that are "made to pass."

Mr. UNDERWOOD. Mr. President, I did not intend to say anything in reference to this bill, for I wished to conserve time and give the bill an opportunity to get through to-day; but as it appears that it will not have the opportunity to pass the Senate to-day I wish to make a statement, in order that the RECORD may show that I favor the passage of the bill.

I think this is a good bill. It is well drawn, and it properly distributes the appropriations and the burdens between the local communities, the States, and the Federal Government. I do not think, however, that is the main problem that confronts the country. I believe in the State governments exercising those rights and powers which belong to them and that have not been delegated to the Federal Government, and I do not believe in the Central Government interfering with those powers.

On the other hand, the States, when this Government was organized, delegated certain powers to the Central Government at Washington. I believe that, so far as the exercise of those powers is concerned, this Government should be a virile, forceful Government; that it is just as much in violation of the rights of the individual States for the Federal Government to refuse to exercise in the interest of the American people a power that has been delegated to it by the States as it is an infringement of the rights of the States for the Federal Government to go within the jurisdiction of the several States and attempt to exercise powers that belong to the States.

There was a clear delegation of power when the Federal Constitution was adopted in the clause which authorized the Federal Government to establish post offices and post roads. If anyone should assume to say that the States of this Union should exercise the authority to carry on a postal system, or that the States of this Union should bear the burden of carrying on a postal system, the proposition would be repudiated at once; and yet the same clause that authorizes the Federal Government to establish post offices also gives it the authority to establish post roads.

That authority was recognized in the very beginning of the Government. In the early days of the Government one of the great questions that confronted the Congress of the United States was the establishment of Federal post roads. In fact, large appropriations for that time were made to build roads extending across the country, one running from the State of Maryland out to the Mississippi River through the Central Western States. So there can be no question that the Federal Government has the right to establish post roads, and that it has exercised that right in the past.

It is true that the invention of the steam engine and the building of railroads diverted the attention of the American people and of the Government from the necessity of having good post roads; the power was not exercised for many years by the Federal Government, and the interest in Congress languished in reference to this question.

I believe, Mr. President, that transportation is the key that unlocks the door of commerce, and that outside of the liberty of the American people there is no matter that is of such vital interest to them as a successful commerce. We have spent a great deal of money in this country in the regulation of railroads, a great deal of money in endeavoring to secure equitable and just rates of transportation on railroads. Why? Because it was in the interest of commerce and the development of commerce for the American people between the several States. If you destroy the facilities of commerce you destroy local development and local industry. If you facilitate the distribution of commerce you build up local industry and local development.

It has been shown that there is more commerce moved on local roads than there is nation-wide commerce. A great deal of the commerce that is moved on the local roads is moved over dirt roads. It has been stated in publications by the Agricultural Department some years ago that the average cost of hauling a ton of freight a mile on the average dirt road in the United States was 25 cents a ton. On good, hard macadam roads the cost can be reduced below 8 cents a ton. Therefore to encourage the building of hard roads for the transportation of the freight of the country is of vital importance to the people of the United States.

It has been said here in debate that the States themselves are building good roads; that there is no necessity for the Federal Government to intervene; that there is no requirement for Federal aid. Well, that may be true in some of the great, rich States in America; but even in those States it has been found that the State must grant aid, because there are poor communities in those States that can not bear the burden of carrying the roads through those communities, and they must have the aid of the State in order that the roads may reach the marts to which commerce is going.

The same is true as to the Nation. There are many States and many communities in which, without aid from the National Government or the State governments, it would be impossible for them to construct roads. If your roads are not going to be continuous and go through poor communities as well as rich ones, they will be of little value.

Mr. SHAFROTH. Mr. President——

Mr. UNDERWOOD. I ask the Senator not to interrupt me until I finish this thought.

Mr. SHAFROTH. Very well.

Mr. UNDERWOOD. If what I have stated is true, there is a very good reason for the passage of this bill or some other bill that will grant national aid for road building.

The whole history of the building of roads in the civilized world has demonstrated the fact that there has never been a great system of roads built in any country until the government of that country stood behind it in some way. In England for more than a century they attempted to develop their roads through local effort, but it was not until Parliament itself made supplemental appropriations—which, I am informed, now in most cases reach half of the cost of the road—that a great system of turnpikes was built. The same is true in France. The greatest system of good roads in the world is now in the Republic of France. It is true that in France the National Government does not appropriate for local roads, but the National Government carries the greater part of the burden for the national highways extending through that Republic.

The need for Government aid is equally apparent here today. If the Government of the United States makes an appropriation and holds it out to the States and the local communities that by giving State aid and local aid they can secure a part of the money to build these great highways, local communities will bid for the opportunity to get them. It will arouse a public sentiment. It is not the mere number of dollars expended that will be valuable, but you will awaken a public sentiment in each community that it may be served and aided with this Government appropriation instead of some other community. You will build up a sentiment, and it is the only way in which you can build up a sentiment that ultimately will build throughout all of the States in the Union a system of highways that can serve the interests of the people.

I do not intend to make any extended remarks to-day, Mr. President. I wish merely to register my approval of this bill and to state in a few sentences why I believe it should be passed now.

So far as the statement that was made a few moments ago by the Senator from Massachusetts [Mr. LODGE] is concerned, in reference to the great public bills that must be passed, the revenue bills and appropriation bills to carry on the Government, he is eminently correct; but to-day we have none of those bills on the calendar; there are none now waiting here for consideration. They will come from the other end of the Capitol; and when they do come they will have to be given consideration and bills of this kind will have to be pushed aside; but now, when they are not here, when they are not knocking at our door for consideration, I think the Government of the United States, acting through this Congress, will be neglecting its duty to the American people if it does not insist on the exercise of its constitutional power, which it has neglected in the past, by pushing this bill—one of the few bills now before the Congress of the United States which is intended not for the help of the great and the wealthy or strong corporations of great power, but for the upbuilding of local communities and for the aid of the men who, in the end, bear the great burdens of our Government and make our country, both in times of war and in times of peace, a possibility as a Republic.

This bill, if it becomes a law, will afford the men who live on the farm in many of the States of this Union an opportunity to live happy lives instead of hard lives; it will enable them readily to find profitable markets for the products of their labor and their soil; whereas to-day, by reason of their isolated condition on impassable roads, they are required to struggle in poverty and distress. I hope, if this bill can not be considered to-day, if the Senate of the United States is unprepared to continue the consideration of this bill, that an opportunity at some time when it will not be sidetracked for the great Government supply bills, will be given for its full and careful consideration, and its enactment into law before this session of Congress adjourns.

Mr. WILLIAMS. Mr. President, a good many years ago, when I was a Member of the House of Representatives, I introduced a bill appropriating $25,000,000 per annum out of the Federal Treasury to aid the States in the construction of good roads. The time was not then ripe for the legislation. Even at that time a great many things were said about the constitutionality of legislation such as this.

There are two bases upon which Federal jurisdiction for building good roads may constitutionally rest. One is the interstate-commerce clause of the Constitution. Very early in our history the Congress of the United States, at that time containing very many members of the then recent Constitutional Convention, passed an appropriation to construct the Cumberland Road, as it was called, which was intended to go from tidewater on the Atlantic to the Ohio River; and as strict a constructionist as John C. Calhoun took the position that the Federal Government had a right to build that road. James Madison, Jefferson, and a great many of the early fathers of Democracy also took the position that there was a Federal jurisdiction. Subsequently the Democratic Party, becoming somewhat more strict in its construction of the Constitution, took the position—under

Andrew Jackson's presidency, I believe—that the constitutional right did not exist, although Mr. Monroe prior to that vetoed one good-roads bill, but upon grounds which were not at variance with the position taken by the earlier fathers. That is one of the two bases to rest Federal constitutional authority upon. The other is upon the post office and post roads clause of the Constitution.

It is a curiosity of political literature that under the clause of the Constitution which gives to Congress the right to "establish post offices and post roads" it was very early contended that the right to construct a post office flowed necessarily from the right to establish it; that it not merely meant that the Government could rent a house for the purpose of keeping a post office in it and putting a postmaster there, but that the Federal Government could build the post office; and yet, although the language of the Constitution was "to establish post offices and post roads," both being in the same clause and running pari passu, a great many people who thus contended for the right to build or construct a post office denied the right to construct a post road.

This bill, Mr. President, so far as I have been able to examine it, contains nothing except provisions to improve the post roads and post routes; so that the constitutional power is undoubted, undeniable, obvious, plain, and palpable.

Now, having gotten the authority, I want to say just a few words about the connection between good roads and civilization. From the dawn of time every nation that ever reached anything like world power or ever approximated it or ever developed a civilization of its own was a country that was signalized in its time, in comparison with others, by the existence of good roads within its area. In the very early days the Assyrian Empire and the Persian Empire were celebrated amongst other peoples for their comparatively good roads. Babylonians and Assyrians went so far as to raise their roads in the Mesopotamian Valley, and to build them upon what we now call "levees." Everybody knows the history of good roads in the Roman Empire, and everybody knows that a great part of the weakness of Greece and of the Grecian or Macedonian Empire in Asia arose from the fact that they did not have good roads. Rome built good roads everywhere; and it was an old saying that "every road led to Rome."

There was a road that went all the way from Rome to Colonia, the Roman colony, the modern Cologne. I have myself walked afoot, not having money enough to ride at the time while traveling in Europe, over what is called the Koblenzer Strasse, which practically begins at Cologne, I think, but runs, at any rate, from Bonn along up to Coblenz, on the Rhine. That road has been kept in repair from time to time, but it is substantially the old Roman road.

I might refer to the old Appian Way, in Italy, and to a great many other roads in what was called the Provincia, in France, or ancient Gaul, now modern Provence, in southern France. The Romans built splendid roads everywhere very early in the history of their possession of southern Gaul, even before they had taken possession of middle and northern Gaul. So that wherever there has ever been any people who ever proximated a civilization, a self-developed civilization, a characteristic civilization of any sort, good roads have accompanied that civilization.

Good roads are all the more connected with civilization in modern times, because over them the children go to good schools; whereas in the old time that was one use for a modern good road that did then not exist. In the main, in the old times the roads were constructed for the purpose of enabling the armed forces in the empire to have ready access to the provinces and to be able to meet enemies upon the border. All the roads of Rome were strategic roads, and commerce grew up upon the road, so that the road was the cause of the commerce rather than the existence of the commerce the cause of the construction of the road. But with us we have not only the strategic military reason, which is national, the interstate-commerce reason, which is national, the post-road reason, which is Federal, but the other reason which I have mentioned, which is educational. In addition to that, we have the economic reason, which was so fully dwelt upon by the Senator from Alabama that I shall not dwell upon it any more. It is true that there can be no interstate commerce of any great power unless there be good roads for a local commerce forming connecting links upon which the interstate commerce is founded, nor can there be any great international commerce except for the intrastate commerce of the various countries which form the family of nations.

I wanted to say these few words in general commendation of the purposes of the bill.

Mr. JONES. Mr. President, I just want to ask the Senator from Alabama a question or two upon a point raised in a letter which I have received.

I have a letter calling attention to the language on page 11 of the bill from lines 19 to 22, and also the language on page 12 commencing in line 13 and ending after the word "span," in line 15. The letter says this, and I will just ask the Senator about it:

The proposed bill, as amended by the Committee on Post Offices and Post Roads, in section 6, page 11, commencing at line 19, contains the following:

"The Secretary of the Treasury shall thereupon set aside the share of the United States payable under this act on account of such project, which shall not exceed 50 per cent of the total estimated cost thereof."

In the same section, on page 12, commencing at line 13, it is stated:

"Nor shall any such payment be in excess of $10,000 per mile, exclusive of the cost of bridges of more than 20 feet clear span."

While it is true that there might not be possible a misinterpretation applied to the language, still, in order that there may be no possible meaning read into the bill other than what is intended, we are constrained to suggest that in order to make secure the meaning beyond the possibility of doubt, that the last above quoted lines be eliminated entirely, and that in lieu of the first above quoted language there be inserted in its place, commencing at line 19, page 11, section 6, the following, namely:

"The Secretary of the Treasury shall thereupon set aside as the share of the United States payable under this act on account of such project a sum not exceeding $10,000 per mile, and which shall not exceed 50 per centum of the total estimated cost thereof, exclusive of the cost of bridges of more than 20 feet clear span."

That is the amendment they suggest; and then they say this:

We wish to avoid a possible limitation of $10,000 per mile for the construction of roads under this bill, by the terms of which the Government will share in its cost.

I wanted to ask the Senator from Alabama whether he fears that there could be any construction of that sort of the language of the bill? As I understand the bill, it simply provides that no matter what the cost of the road may be, whether $25,000, $30,000, or $40,000 a mile, the National Government can contribute up to $10,000 a mile, but not beyond that; that anything beyond that the State would have to provide for.

Mr. BANKHEAD. That is the way I construe it.

Mr. JONES. I do not believe, myself, that there is any doubt in regard to the construction of the bill.

Mr. BANKHEAD. I do not think so.

Mr. JONES. But this letter came from some very responsible people, and I wanted to get the Senator's view about it.

Mr. BANKHEAD. I do not think there is a particle of doubt but that the Senator's construction is correct.

Mr. JONES. And that there is nothing in the bill that would prevent the State authorities, acting with the Secretary of Agriculture, from adopting the plan or project where the cost per mile would be more than even $20,000?

Mr. BANKHEAD. Oh, I think not.

Mr. JONES. There is just simply a limitation upon the amount which the Federal Government contributes toward it?

Mr. BANKHEAD. That is it.

Mr. JONES. All right.

Mr. POMERENE. Mr. President, the question as to the constitutionality of this bill has been raised, but I have never had any doubt about the power of the Federal Government to aid in the construction of public highways. I think it is fair to say that this authority will be conceded by most of those who have investigated the subject.

As a matter of policy I am also in favor of Federal aid. There is much force in the statement that if we are to rely wholly upon the local authorities the day when we can have improved highways to the centers of population is going to be long deferred. At the same time I believe that this country is so large, the road mileage so enormous, the interests of the various localities so great, that the larger part of this work must be done by the State and other local authorities.

My belief is that while we can not or ought not to set any particular limit as to the amount in dollars and cents which the Federal Government will spend, whatever of aid we do give should be upon such terms and conditions that it will encourage to the maximum the local authorities to make these improvements. As the Congress, we are interested not only in having good roads but in increasing the mileage of good roads, and I fear that if we should seek to make the entire improvement, or even to pay one-half the cost of an improvement, we would not be encouraging the local authorities to the same extent that we would if we should reduce the proportion of the cost which the Federal Government would invest in these several improvements.

I very much regretted that the amendment offered by the Senator from Nebraska [Mr. NORRIS] did not carry, because I believe that if this Government should pay only 25 per cent of the cost of permanently improved roads at the end of 10

years we would have more mileage of permanently improved highways than we will have if the Federal funds are so distributed as to pay 50 per cent of that cost; and at the proper time I propose to offer an amendment, in view of the fact that the amendment offered by the Senator from Nebraska failed, to change the 50 per cent limit to a 33⅓ per cent limit.

Mr. BANKHEAD. Mr. President——

The PRESIDING OFFICER (Mr. ROBINSON in the chair). Does the Senator from Ohio yield to the Senator from Alabama?

Mr. POMERENE. I do.

Mr. BANKHEAD. I should like to ask the Senator a question, so that he may consider it, if it is entitled to consideration. Is the argument of the Senator from Ohio from the standpoint that the counties and the States will not expend 3 or 5 or 10 times as much money, perhaps, upon their own account without any contribution on the part of the United States; or does he think that they are going to rely entirely upon the contribution made by the United States, and only put up their proportionate part of that?

Mr. POMERENE. Mr. President, I am very glad to say that many of the States, including my own, during the last four or five years have gone ahead regardless of any Federal aid.

Mr. BANKHEAD. That is true.

Mr. POMERENE. But there are localities that will not go on with these improvements unless they get a certain amount of encouragement; and my belief is that if we are going to go to the extent of furnishing one-half of the cost of an improvement, to that extent we are going to discourage permanent improvements.

Mr. BANKHEAD. If the Senator will pardon another suggestion——

Mr. POMERENE. Certainly.

Mr. BANKHEAD. The Senator, then, is proceeding on the theory that there are States that will content themselves with making an appropriation equal to that made by the Federal Government for the improvement of the roads, and there will stop, and they will not go any further than that, and that they will not make any appropriation outside of that. Is that the theory?

Mr. POMERENE. Mr. President, my thought, in brief is this: That, if I may use the word, we will tempt States to build more miles of road if we limit the proportion of the funds furnished by the Federal Government to 25 per cent of the cost than we will if we increase the limit to 50 per cent. That is my judgment. It is purely a problematical question. No one can say definitely that this is going to be the result or that is going to be the result. I am simply giving my individual judgment in this matter.

Mr. VARDAMAN. Mr. President, if the Senator will yield to me just one moment——

Mr. POMERENE. Certainly.

Mr. VARDAMAN. I should like to make a suggestion. I have the honor of representing in this Chamber, in part, a State that is not classed among the rich States of America. Our population is largely rural.

Mr. POMERENE. It is rich in its Senator.

Mr. VARDAMAN. That is very kind of the Senator from Ohio. I am glad he said that, whether he meant it or not.

Mr. POMERENE. I certainly meant it, otherwise I should not have said it.

Mr. VARDAMAN. It makes my soul blossom out like a cauliflower. But I want to say to the Senator that whereas under the terms of this bill the State of Mississippi will receive $91,000 the first year, one small county in that State, with a little city of 5,000 people, has recently issued bonds, I am advised, to the amount of a half million dollars to build roads. I relate that fact in order that the Senator may know that the States are not going to limit their appropriations or their disbursements proportionate to the amount of money that the Federal Government gives; but there are remote counties where the people are not able to pay the expense and far away from the railroads, most sparsely settled, where the States will use the money contributed by the General Government for the construction of a road. Whatever this Congress may do, it is not going to put a damper upon their enthusiasm in road building at all.

Mr. POMERENE. Mr. President, my thought is that if this Government were to give $100,000 to the State of Mississippi or to the State of Ohio, with a condition attached that they should build 25 miles of permanently improved highways, there would be 25 miles built. If it was to be expended upon 10 miles, the chances are that there would be 10 miles, and 10 miles only, built. Now, that is all I care to say upon that subject; but there is another thought I had in mind which I wish to call to the attention of the committee, and I think the Senator from Washington has referred somewhat to it, though I was not able to hear him distinctly.

A limitation of $10,000 per mile in cost is placed in the bill. In my own State we are building many highways and paving them with a vitrified shale street paving brick. The cost, as I was informed a few years ago, of these roads for a width of about 14 feet amounts to about $15,000 per mile. I am not quite sure that I understand the prhaseology; but if this bill is to go through with the 50 per cent limitation it may be that these appropriations would not be available for the State of Ohio on these roads which cost in excess of $10,000 a mile. If that is true, I feel that there ought to be some modification of the bill in that behalf, so that every State may get the benefit of the funds intended for it.

Mr. JONES. Mr. President——

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

Mr. POMERENE. I do.

Mr. JONES. The point that was made in the letter I read from a moment ago and submitted to the Senator from Alabama was that there was some ambiguity in the language of the bill. The correspondent was afraid that under the language of the bill the United States would contribute $10,000 per mile, and that if the road cost more than, say, $20,000 a mile, it could not be built.

Mr. POMERENE. With Federal aid.

Mr. JONES. With Federal aid. My understanding of the language of the bill is that the United States contributes up to $10,000 a mile toward the construction of the road—that is the maximum contribution per mile—and that if the road should cost $25,000 per mile, then the State would have to put up the additional amount; but that the mere fact that it costs $25,000 a mile would not prevent its being taken up by the Government and the State under the terms of the bill, and in that the chairman of the committee concurs. Of course, if there is any doubt with reference to that, I think it ought to be made perfectly clear; and that is what my correspondent desired.

Mr. POMERENE. I hope the construction which the Senator from Washington has placed upon this language is correct.

Mr. BANKHEAD. Mr. President, I think that construction was not right. I have received many letters, as no doubt many other Senators have, from brick manufacturers who are very much interested in this question; and when I first began to receive these letters I replied and stated my view of it—that the provision in this bill, of course, limited the national appropriation to $10,000 a mile, but if the community, the State or the county, wanted to build a road that cost $30,000 a mile, there is nothing at all in this bill to prevent them from putting up $20,000 as against the $10,000 that the Government puts up. Recently I have received a number of letters from these gentlemen saying that they quite concur in my view of it. They thought that was the proper construction of the law.

Mr. POMERENE. The question has been raised and discussed very seriously by some of my correspondents.

Mr. BANKHEAD. Yes; no doubt.

Mr. POMERENE. And I am quite sure that the sentiment in my own State is such now that road building is going to go on whether they get Federal aid or not.

Mr. BANKHEAD. It is going on everywhere.

Mr. POMERENE. But I am heartily in sympathy with the purpose of this bill, and I am very glad to say that I think this is one of the best framed bills on this subject that I have seen.

Mr. BANKHEAD. I thank the Senator.

Mr. POMERENE. There is another feature, however, in which, it seems to me, the bill ought to be modified, and when I say this I recognize the fact that the language of the bill pretty well conserves the public funds. But we are interested in permanent road building. I am personally opposed to taking Federal funds to fill mudholes, as has been the object of some bills that have been before the Senate for consideration in the past. My thought is that this language should be further limited—it may be in general terms—so as to define the character and extent of the permanent improvement which is to be made before Federal funds will be available therefor. For instance, it may be a macadamized road. In the State of Massachusetts they have some peculiar rock, which they oil, and that forms practically a macadam. In different sections of the country there are different classes of material, and many of them high-class materials, but it seems to me that under the phraseology of this bill we are conferring absolutely upon the Secretary of Agriculture the authority to say the kind and character of improvement to which these funds may be applied. It might be, as I construe this language, that even if it were a mere scraping of the earth to the center of the highway and making a gutter on either side, that would be a roadway to which the

Secretary of Agriculture could apply Federal aid. If that is true, I think it is going further than we ought to go.

Mr. BANKHEAD. Mr. President, if the Senator will permit me——

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

Mr. POMERENE. Certainly.

Mr. BANKHEAD. We discussed that very question very thoroughly, and we conferred more than once with the Secretary of Agriculture and the representatives of the Good Roads Division of the Agricultural Department, and we were unable to devise any plan or to use any language that we thought would be more easily understood than the language embodied in the bill.

In the first place, the State highway commission, or the road authorities of the State, must select the route for the road to be constructed under the provisions of this bill. They must make the plans for the road. They must declare what the material is to be, and how it shall be constructed. That is the first requirement. Then, after that is done, it is submitted to the Secretary of Agriculture for his approval. I do not think the Federal Government ought to appropriate money and turn it over to a State simply to be used as the State might care to use it for the construction of inferior roads or the repair of roads or anything of that sort. But when these plans and specifications and estimated costs are submitted to the Secretary of Agriculture by the road authorities of the State highway commission, where they have one, and where they have no State highway commission by the recognized road authorities of the State, and the Secretary of Agriculture passes upon them, I hardly think he would approve a plan that was not proper and that would not result in the construction of a reasonably good road, at least. And certainly, Mr. President, under the provisions of the bill none of this money can be appropriated or used for repairs of any sort. That is absolutely excluded from the provisions of the bill.

Mr. POMERENE. I appreciate that fact, and I think it is one of the very favorable points in the bill; but let me ask the Senator whether he does not agree with me that these appropriations should be limited to what might be classed as permanent improvements?

Mr. BANKHEAD. That would depend upon what the Senator thought were permanent improvements.

Mr. POMERENE. Very true.

Mr. BANKHEAD. If he thinks a macadam road is the only permanent improvement that can be made, I can not agree with him.

Mr. POMERENE. No; I simply gave that by way of illustration. There are many other kinds of road improvements which may be of a permanent and lasting character. But let me ask the Senator whether he does not feel that under the language of this bill, if the improvement intended to be made was simply scraping the earth up toward the middle of the highway and perhaps rolling it afterwards and leaving a gutter on either side, the Secretary of Agriculture would be justified in applying these Federal funds to an improvement of that kind?

Mr. BANKHEAD. I do not think so, Mr. President. In the first place, I do not think any State highway commission or the road authorities in any State will agree to appropriate their money for one-half of the cost of the improvement of such a road as the Senator suggests. In my State, and in nearly every other State, there are gravel roads, what we call sand and clay roads, and in a number of places, of course, there are surfaced roads or macadam roads; but that all depends upon the conditions and the requirements of commerce and the necessity for it. Of course the Senator understands that we can not build surfaced roads all over the country; and he does not expect that, and he says so.

Mr. POMERENE. I think the Senator and I perhaps are not very far apart in this matter, if I understand him correctly; but the difference between us is this: The Senator from Alabama is willing to leave to the Secretary of Agriculture the entire authority upon this subject.

Mr. BANKHEAD. Oh, no, Mr. President.

Mr. POMERENE. Let us see what the language of the bill is.

Mr. BANKHEAD. This thing must originate with the State authorities.

Mr. POMERENE. Oh, I understand that.

Mr. BANKHEAD. I am willing to leave it to them to initiate—that is my point—believing that they would not come to the Secretary of Agriculture with the suggestion that he appropriate half the money to build a road unless it is a properly built road, because they are going to spend their money upon the same project.

Mr. POMERENE. In view of the fact that the Senator entertains that high degree of faith in the State authorities, what objection is there to placing in the bill a limitation which will more carefully define their authority?

Mr. BANKHEAD. Mr. President, will the Senator be good enough to suggest the language that he could employ in this bill to meet his views? Will he suggest it?

Mr. POMERENE. Mr. President, it is apparent that this bill is not going to pass to-day.

Mr. BANKHEAD. I understand that.

Mr. POMERENE. And I wanted to get the views of the Senator, because I think I shall prepare an amendment along this line. It is true that under the plan of this bill the specifications and surveys and plans and estimates are to be furnished by the State authorities; but there is nothing placing any limitation upon the kind of plans, the kind of specifications, the kind of materials, or the character of the improvement which may be the subject of Federal aid; and the Secretary of Agriculture has these plans and specifications submitted to him under this language:

> That any State desiring to avail itself of the benefits of this act shall, by its State highway department, submit to the Secretary of Agriculture project statements setting forth proposed construction of any rural post road or roads therein.

And he can approve them, and under the language of this bill every project for even a clay road might be approved by him, and this money could be expended for that purpose and for no other, if he wanted to be arbitrary about it. I do not believe he would be, but it seems to me there should be some further limitation defining the general character of the highways which might receive these appropriations from the Federal Government. Under the language of the bill he would be well within his authority if he decided to apply all the money to improvements of an inferior grade.

Mr. VARDAMAN. Mr. President, does the Senator from Ohio think it possible that the State highway commission and the Secretary of Agriculture would possibly agree upon the expenditure of money in the way that he has expressed fear that they might, for some temporary makeshift or unsubstantial kind of a road? If the Senator will permit me a moment further, you will have to trust somebody. There must be some latitude. Some discretion must be vested in somebody in order to make the law workable at all. I think that, in discussing this question all the way through, Senators make a mistake in indulging the presumption that the State authorities are not going to do their duty just as every other officer ordinarily does his duty. The Congress has not a corner on all the honesty, patriotism, and good judgment in America. Some of those good qualities are possessed outside of the sacred precincts of the National Halls of State.

Mr. POMERENE. Mr. President, I have enough faith in human nature to believe that if we would turn a portion of this money over to the State authorities without any limitation, without any security, they would be true to their trust. I would trust 90 per cent of the State, county, city, and township treasurers without any bond or security whatever, but I would regard it as most unwise legislation to say that because those men are honest we should not have any security from anyone.

Mr. BANKHEAD. I quite agree with the Senator, and if it would not disturb him I should like to make this suggestion: There is no provision in the bill, to my mind, which compels the State authorities to do what is proper for a good surface road, but after it has been built by the State and the Government, then the maintenance of the road devolves exclusively upon the State. Therefore when they make their plans and specifications and contract to build their road it is to their interest, of course, to see that the road is properly constructed, so that the maintenance will be as light as possible in the future.

Mr. POMERENE. That is an exceptionally good provision in the bill, but I still think it should go further and define in general terms the kind of road on which Federal funds may be expended so as to encourage to the utmost permanent road building.

Mr. VARDAMAN. Will the Senator permit me to interrupt him just there?

Mr. BANKHEAD. Mr. President——

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

Mr. POMERENE. I will yield to the Senator from Alabama if he has not finished his statement.

Mr. BANKHEAD. I wish to state that the committee having charge of the bill are perfectly willing to accept any amendment that will improve it and make it a better bill than it is. We are not particular as to the language of the bill; we want the best bill we can get, and if the Senator is not satisfied with

the provision of the bill as it is, let him prepare his amendment and we will consider it, and if it is an improvement we will be glad to accept it.

Mr. POMERENE. I thought it opportune to bring this subject up, so that all of us could consider it. I have no particular plan in mind, but I do think there should be some limitation upon this language.

Mr. VARDAMAN. If the Senator will pardon me——

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

Mr. POMERENE. I do.

Mr. VARDAMAN. Mr. President, I suggest to the Senator that it would not be wise to make the rule as to the material to be used in the construction of the roads inflexible, because there are certain materials that can be had with very much less cost, making practically as good a road as other materials that are remote. You have to take all those questions into consideration, and that is one reason why I said that great latitude ought to be given the road commission in cooperation with the Secretary of Agriculture, so that the question of topography, the formation of the soil, and all those things of vital concern may be taken into consideration. If you tie the hands of the commission and make the rule inflexible, you will find the law will be very difficult of operation.

Mr. POMERENE. Mr. President, I am not insisting on an inflexible rule. It would be wholly wrong to attempt to say that the roadways shall have a certain kind of material upon them. But I do want to make it perfectly clear to the State authorities and to the Secretary of Agriculture, who is clothed with this vast power, that it is the purpose of Congress only to encourage permanent road building; and if among us we can agree upon some language which will embrace that thought I shall be perfectly happy, and feel we have done a real public service.

Mr. MARTINE of New Jersey. Mr. President, I feel that the objection of the Senator from Ohio is hardly justified. I think it would be almost impossible to define just what character of roads you shall have in various sections. New Jersey has done a very great deal of road building, and there are various varities. We have in some sections that which is known as the Telford paving. Telford paving is a sort of macadam. They first lay over the roadbed, after grading it, a great big angular stone, and then smaller stones are joined in and driven down with hammers, and it is rolled and finally surfaced down. Macadam is simply rolling the road over into good form and then sprinkling it with various grades of metal, as they call it, various grades of stone, the pieces becoming smaller and smaller until a fine dressing is had.

In some other sections we have built what is known as the Amesite, which is a marvelous road. Then we have what is known as the Tarvia Road, which is very good. In the southern part of the State those roads are very necessary, and they, too, withstand the rigid wear in the populous northern end of our State. When you go down to the southern end of our State, they resort to seashore pebbles and shells, which make a splendid road. The climate is not as rigid in the southern part as in the northern part, and the traffic is infinitely less. They make a splendid road of that. Then in some other parts they make roads of clay and gravel, and when it is oiled it makes a perfect road.

So it would seem impossible, to my mind, to define just how this money shall be expended, but we should trust it to a good engineer—a State or county engineer—and as I think of our own engineer, Col. Stevens, in the State of New Jersey, and of our State department, and think of the various county engineers, it seems to me it would be impossible to get men better fitted and more adapted to their splendid calling than the men we have. We have no monopoly of that, for that same condition exists in Georgia, or in South Carolina, or in North Carolina, and in every other State.

I feel that we have got to be reasonably liberal and that we must trust to the judgment of these men. It seems to me that we can trust the State engineer and the Secretary of Agriculture, whoever he may be, to bring about the best results.

That we have to give State aid, it seems to me, no one will question. I know the argument that you can not appropriate money constitutionally is all very well, but we do appropriate for the Panama Canal, we appropriate for railroads, and for a million other things, and I believe we are justified in doing it. I believe the great fathers of our Republic—Thomas Jefferson and the rest, all the way along—would have stood by Congress in making appropriations for the betterment of the highways and the betterment of the privileges of the people in commingling with each other and coming in contact by means of good roadways.

I believe we shall enhance the happiness of our fellow men, that we will bring sections far apart closer together and make homes in the country more popular than they are to-day. We will break up the crowding and congregating in the great cities of our country and encourage the love of country life more perhaps by good roads and better means of communication than in any other way.

Mr. President, I have felt a good deal about this bill. Men from my own State have said to me, "I pray you will not stand for a measure that will take public money and send it to South Carolina, or Alabama, or North Carolina, for New Jersey has been very lavish in her expenditures for roads." I have said to them, "My friends, we have spent lavishly in New Jersey on roads and we have splendid roads; I think we have something like 4,000 or more miles of road; but we have 10,000 miles more of road yet to complete. We have done liberally and we paid for it, but that is no reason why the people of New Jersey should not be willing to pay their share of the great public funds that may go to aid road building throughout the country." I do not feel that I was elected as a Senator only to stand for New Jersey, but that I was elected for a broader, a greater, and a grander purpose, and that was to advance the welfare of my fellow men, whether men in South Carolina, Arkansas, or Texas, I care not, and I have answered all my critics and friends in that way.

I am on the committee from which this road bill emanated, and, as I said, I have given it a great deal of attention. I am very practical in my habits; very practical in my tastes. My life has been one of a practical nature. I have built and paid for many miles of road through my own place. I have built a Telford road, the most expensive, of the class I have just described. I have spent many thousands of dollars in fixing macadam roads. I have built some short sections of brick roads. I know what good roads mean. I know the splendid result they will bring to the country. It will come back a hundredfold to the Treasury of the United States by making happier and better the people of the United States. It will facilitate social intercourse, trade, and commerce. Every dollar that the United States will spend will be a blessing to our country and a monument to our splendid progress. I feel that this bill is about as near perfect as the measure can be made.

Mr. WADSWORTH. Mr. President, I desire to discuss briefly the bill and to discuss some things in connection with it which I think have not been dwelt upon as yet, which may not appeal to all Members of the body as being important, yet which appeal, I know, to a good many people of the country as being about the most important consideration in connection with the project. I refer in particular to the cost of the project as it is laid out by the bill and the sources from which the funds must come.

I should dislike very much to assume a narrow or provincial attitude in a discussion of this subject and to confine my consideration of it merely to its effect upon the taxpayers of the State of New York. Yet that State occupies such a peculiar position in the Union, particularly with respect to Federal appropriations and the method by which the money is to be spent and the purposes for which it is to be spent, that I think I am justified in calling the attention of the Senate to this particular feature of the case.

I need not remind my colleagues of the position of the State of New York with respect to its wealth and its population. It is well known that the State is the most populous and the most wealthy, and it is the best able to carry heavy burdens of taxation probably of any of the States.

I think I am correct in saying that the people of New York are not lacking in public spirit; that they are not lacking in enterprise; that they have as intense a desire as the people of any State to see the country developed from ocean to ocean; and that they are more than willing to bear their full share of the burdens of Federal taxation. In fact, I have heard little complaint from any of them when they have been called upon, as they are being called upon to-day, to bear more than their full share of Federal taxation.

In order that their situation may be understood a little more clearly, I want to call the attention of the Senate to the burdens which of necessity must be borne by the State of New York, due principally to its geographical position and also to the burdens which the people of the State have voluntarily undertaken and are pushing through with vigor and with success, as it turns out, not so much for their own benefit as for the benefit of the entire United States.

It so happens that nearly the entire immigration that comes into this country comes into the port of New York, and all the enormous influx of immigrants who are bound for America and

not for the State of New York in particular have a most profound effect upon the activities of the State government. Many of them have led unfortunate and terribly hard lives in the places from which they have come, and when they land on our shores find it exceedingly difficult to survive in the competition of business and to carry the burdens which this modern industrial system of ours imposes upon those who are heavily laden. They are peculiarly susceptible to an inability to maintain themselves. It has devolved upon the government of the State of New York to advance much further in its efforts and in its expenditure of money in order to obviate the conditions which arise from this peculiar condition than it has upon any other State in the Union.

It is partly due to this situation, with the enormous foreign-born population which is constantly crowding into the State of New York, that the institutions of the State now house 40,000 inmates, a considerable percentage of whom are foreign born. Those institutions are costing the people of New York millions and millions of dollars, a burden which they are bearing with the utmost cheerfulness, and which, I want to remind my colleagues, is being borne only by the taxpayers of New York for the people of the United States as a part of the national burden.

The people of the State have a great ambition to see the commerce of the country expanded and internal improvements extended far and wide, and of their own volition by a popular vote on a series of referendums since the year 1904 the people of New York have pledged themselves to spend something over $150,000,000 for the building of the so-called system of barge canals. They do not contend, nor will any other American citizen contend, that that expenditure is solely for the benefit of the people of New York. As a matter of fact much the greater proportion of that benefit will be for people outside of the State of New York, but the taxpayers of New York have undertaken this obligation freely and willingly by their own vote expressed in a referendum. The capital expenditures in this respect will exceed $150,000,000, and when the interest is paid up to the time of the maturity of the bonds the sum will approach $200,000,000, a burden assumed by the people of that State.

The State has assumed other burdens. I call the attention of the Senate to these things because I do think that there are some differences in the degrees of enterprise among the different States of the country, just as there is a difference in degrees of enterprise among the different communities inside of a given State.

In addition to the canal situation, in addition to the enormous sums that are carried by the people of the State in support of its institutions, we have gone ahead and invested outside of the sums invested by the cities of the State $25,000,000 in purely military facilities, and no Senator and no one outside of this body will ever contend that that sum has been invested and spent for the purpose solely of protecting the State of New York. In fact, I happen to know the spirit which has been back of that expenditure. The appropriations which have gone through the legislature were actuated by the idea that it is done as a part of the defense of the country, and to-day the State is spending $2,000,000 a year of its own volition, with the approval of the taxpayers, for the maintenance of these military efforts.

One could go on for some time describing the extraordinary expenditures of that great State, expenditures made in the interest of the United States; and when we come to this question of roads I think the matter may be emphasized even more sharply. Back in 1903 or 1904, I think it was, the people of the State of New York decided that they would systematically embark upon the building of a great system of State highways, and by a popular referendum the people agreed to bond themselves for $50,000,000. Since that time another referendum has been held and $50,000,000 more have been pledged by the people and the taxpayers of that State.

Now, we have adopted a dual system of building highways, one known as the State trunk-line system, under which a given mileage of road especially selected as being of trunk-line importance is segregated on a plan or map arranged by the State engineer and the State authorities; and those roads are built solely and entirely from moneys appropriated from the treasury of the State.

We have another system of State highways known as the county highways. Those roads are built according to suggestions made by the supervisors of the county in conference with the State highway commission. The roads are agreed upon by the State authority and the county authority. The State, as I remember it now, puts in 50 cents on the dollar, the county 35 cents on the dollar, and the township 15 cents on the dollar.

The result is that in addition to the $100,000,000 that the State itself is pledged to spend from its own treasury, about $50,000,000 more is coming out of the counties and the towns. All this is done by bond issues, and when the interest is paid upon the bonds it is safe to say the total assessment on the taxpayers of the State of New York, if the plan is not extended another mile beyond the present indications, will be $200,000,000.

The total mileage of permanently improved highways of the State of New York at present approximates 7,000 miles. It is more expensive for us to build a permanent highway than it is for the people living farther south on account of the severity of the winters which drive the frost far deep into the ground and make it necessary that the permanent highways shall have deep foundations in order to withstand the reaction and the upheaval which takes place every spring when the frost is coming out of the ground. The result is that our macadam roads have to be built 12 inches of crushed stone rolled down to 8 inches. When we do not build macadam, we build them out of solid concrete 8 inches thick, and we are even building brick paved roads, as described by the Senator from Ohio [Mr. POMERENE.]

The money that we are spending runs all the way from $8,000 a mile to $20,000 a mile. The history of the last 12 years shows that to maintain those roads it is necessary to expend an average of $1,000 per mile per year. The people of New York have undertaken that burden. The taxation as a result of the issue of those bonds, followed as it must be by the collection of a sinking fund and the payment of interest every year, is spread all over the State of New York and within a comparatively short period. As the result of this burden the people of that State will have a complete system of roads built, owing to their own enterprise, with money out of their own pockets, without ever asking a penny of assistance from any other community in the country.

Now, this bill confronts the taxpayers of that State as constituting a burden additional to the ones I have described with respect to the canal system, with respect to the State institutions, with respect to the military resources; and it would seem at first glance, and I think I can not be successfully contradicted, that as a result of their own enterprise in pledging millions of millions of dollars out of the pockets of the people of the State of New York they are to be penalized. Their own enterprise has gotten them apparently into a situation where now having provided for their own necessities without the slightest insinuation that they needed or ought to have help from anywhere else, they are called upon under this bill to contribute an amount which according to the closest calculation I can make will approximate 25 per cent of the total cost of the roads that are to be built by the Federal Government under the bill.

Mr. President, the people of New York are public spirited. They do not mind carrying their share of this burden. They are not, as I take it, instinctively or theoretically or on principle opposed to Federal aid being extended to highways in other parts of the country, and in extending assistance to other communities that find it difficult to establish permanent improvements within their borders on account of their comparative poverty or their lack of resources as yet undeveloped; but when they think of the money that they are to contribute under this bill they can not help thinking of the system of taxation imposed upon them by the Federal Government and under which they are led to suspect that they pay more than their share.

I have found it very difficult and in fact almost impossible in the very short time at my disposal to gather figures which would show what proportion of the Federal taxes are paid by the citizens of New York. I think no one will deny that the taxes paid by the citizens of that State to the Federal Government are above and beyond the proportionate wealth of the State. New York, I may say, is not alone in this situation. There are six or eight other States in the same position, comparatively speaking. But I have one figure in mind, and I think this point should be taken into consideration by the Senate and by the country, for it has to do with the peculiar methods of taxation which have been adopted in recent years, and in particular by the present administration. It is the assessment of taxes upon special and selected lines of business, apparently in such a way that the people of one portion of the country shall carry the overwhelmingly greater portion of the burden. Neither am I, nor so far as I know are any of my constituents, opposed to the imposition of an income tax. For myself I believe very thoroughly in the principle contained in the proposal and the imposition of an income tax. But surely, my colleagues, there is something strange in a law such as that

which requires the taxpayers of the State of New York to contribute approximately 40 per cent of all the money paid into the Federal Treasury under the individual income-tax law and which relieves 8 or 10 States south of the Potomac and east of the Mississippi to the extent of requiring them to pay, so far as my information goes, something less than 7 per cent of the entire amount.

We have been hearing proposals at various times during this session looking toward the imposition of new and special taxes, and it is a matter of genuine concern to the people of this great State to know how far this policy is going—the imposition of taxes upon especially selected lines of business, such as was proposed in the annual message of the President at the convening of Congress—how far this policy of apparently siphoning money from one portion of the country a thousand or two thousand miles away and spending it in some other portion.

In my humble judgment, in view of what might be termed the provincial outlook upon this matter—and I may be accused of being narrowminded in this respect, but I think these things should be called to the attention of the Senate—in addition to this consideration, there is growing up in the United States, if I am not very much mistaken, a spirit which leads men to think that the Government owes them a living and that they owe the Government next to nothing. There is growing up a spirit in the smaller communities of the country which leads those communities to think that if they can only reach Washington they can get all the money they want for purposes which they desire, to be spent within their own boundaries without taxing themselves. That is true in the Nation at large, and it is true, in my judgment, within the separate States. It is becoming a habit of mind. It is an indication of an old but well-known human weakness—a desire to get something for nothing.

We see bill after bill introduced into Congress for the spending of vast sums of money out of the Federal Treasury for purposes which could, at least in part and I think in great measure, be met by the communities themselves. As one bill passes there is an excuse for another. The procession gets longer and longer. The political influence, the demands of the people to get something from the Federal Government, a thousand miles away from their own scene of activities, grows day by day. The momentum is getting now so that I think Senators will agree with me that it has become exceedingly difficult to resist it. This bill, as I look upon it, is a part and parcel of this new public thought. In my judgment, it is an unhealthy tendency. It atrophies community enterprise; it leads people in communities to shift the burden of responsibility, which should rest upon them as citizens of the community, to some other and far-distant piece of machinery, impersonal in its nature, invisible to them, but apparently endowed with untold wealth, and, therefore, a source of supply which should always be taken into consideration and used to the limit.

Mr. President, I have stated something of the burdens of a great State, and I have endeavored in a very halting and inadequate way to express my thoughts of this tendency toward undue centralization of responsibility and the tendency of to-day, apparently the effort of to-day, evidenced in so many quarters, for people to regard the Government as something that owes them everything and to regard themselves as persons who do not owe the Government anything.

Mr. McCUMBER. Mr. President, I have received quite a number of communications from my State requesting me to support the Bankhead roads bill, and I wish that I could see my way clear to vote for it in its present form. I hope to be able to vote for it in some form.

I am wondering, however, if those who have written me and those who would like to have this bill enacted into law have fully considered its effects. If the people of my State were able to ascertain from a careful reading of the bill and a computation of the expenses involved that for every dollar received from the Federal Government in the State of North Dakota as a gift, the people of North Dakota would pay back to the Government for the building of roads in other States from $3 to $5, I wonder if they would then insist that I should vote to support the bill.

Mr. President, a wise Trojan once said: "Beware of the Greeks when they come bearing gifts." I wish that the people of my State and of the other Northern States, at least, would stop and consider this wise advice given many years ago.

One of the most dangerous, because the most enticing, baits that is ever thrown out to the people is the bait of Government appropriations, an assumed gift to the people. If we could always get the people to understand fully that the Government can give them nothing unless it first takes it from them, we would have less difficulty in securing their approval of our course in opposing "pork-barrel" legislation. I shall attempt very briefly to apply these suggestion to the present road bill, and I shall try to ascertain whether the State of North Dakota, which I in part represent, will in fact be benefited by this gift from the Federal Government.

By the terms of the bill the Federal Government is to furnish one half and the State the other half of the money required to construct any road in the State. Now, I make this declaration, which can easily be demonstrated, that for every thousand dollars which the State of North Dakota would receive under this bill to assist it in building roads, the people of the State of North Dakota would pay more than $2,000 to build roads in other States.

Let us look at the conditions as they are. We will take the Great Red River Valley as a basis for the discussion, because the conditions there are to a great extent applicable throughout the State.

Suppose we wish to build a good highway from Pembina or Cavalier at the northern end of the valley down through Grafton, Grand Forks, Hillsboro, Fargo to Wahpeton, at the southern end of the valley. Here is a deep alluvial soil without any rock foundation, without even a hard clay foundation, and no road material outside of the black earth itself for hundreds of miles. On account of the enormous expense of building a macadamized road, such a road would be entirely out of the question. Not even the State itself could put up a half or a quarter of the fund necessary to build such a road, and such a road must be built on a solid foundation. At my end of the valley you would have to go down a little over 1,100 feet in order to get that foundation. The road therefore would have to be purely a dirt road. The original cost of building such a road is not great. As a matter of fact those roads are nearly all now practically constructed. The only thing to do is to keep the dirt thrown up to the center and keep it smoothed down and ditched on both sides so that the rainfall will immediately run off and not soak in. The only way we can maintain this road is by going over it with a harrow and king drag after every important rain, because the soil is of such nature that no matter what the care, any considerable rainfall will saturate the road, and the first auto that goes over it will cut deep furrows. We have not been able yet to build a road in the valley that would stand up under these heavy machines after a hard rain. The ruts plowed by the autos will fill with water during the next rain unless they are immediately attended to. What is true of the valley is true to a great extent of the other sections of the State.

Now, just let us recall that there is a public road on every section line throughout the State. That means that we have about 100,000 miles of public roads in the State of North Dakota, a line sufficient to go around the earth four times; and every one of these roads is used to a more or less extent, although all are not open and kept in shape. So far, in the history of the State, the townships and the counties have taken care of the public roads. Except for a short time after these rains the roads of our State are in tolerably good shape, and nothing short of an enormous expense, so great that the State could not afford to indulge in the luxury, would make a road in the State that would withstand the rain. The principal expense of these roads is in keeping them in shape and not in the original construction. The money appropriated under the provisions of this bill by the Federal Government, in the first instance, is for the construction of the road.

Now, let us compare this with the process of road construction, we will say, in Virginia or any of the Southern States. The cost per mile of building roads through these States is great, but the rock foundation is there, the stone is there, the sand and the material for making a macadamized road is there. When the road is completed you will have a highway which will not be materially affected by any character of rain. So while the construction of a road in my State might cost from $200 to $250 per mile, the construction of a road in Virginia will cost $10,000 per mile, or about forty times as much. Now, remembering we still pay our proportionate share, not only in Virginia but over a vast section of the United States where roads have never been constructed, we can easily see that for a very little benefit in assisting to build a road in my State, which will not be a substantial one and which will not meet every condition of weather, our people will be called upon to pay ten times as much as they receive to build the more expensive roads and the better roads in other States; in other words, for a little assistance in building a dirt road in my State the people of my State will be called upon to build macadamized roads all over the South.

Nor is that all, Mr. President. Every State in the Union has its own peculiar wealth, its own peculiar assets which can be taxed for the purpose of the support of the State and the Nation. In North Dakota we have nothing but agriculture. In Minne-

sota you have agriculture, iron ore, and timber wealth. Colorado has its wealth of mines. California has mines, fruits, and tourist crops. Virginia has its oil and its vast coal mines. Other sections have their great cities, with their fabulous wealth. A road built through my State might be built through a section where the land would average $40 per acre or from $40 down to $10 per acre. A road put through Virginia might pass through the coal land and oil district, which might be worth $10,000 per acre. It might be built into cities whose wealth could well afford to be taxed to support that road. So that the section of country worth $10,000 per acre would call upon another section of the country worth $10 per acre to pay half the expense of building its roads.

Nor is this all. In the Northern States the principal roads, the great highways, have all been constructed without any Government aid whatever. The people have gone down into their pockets for hundreds upon hundreds of millions of dollars to construct their highways without Government aid. They are now by the terms of this bill invited to build the original highways in the other States that have never taxed themselves for such purpose.

An illustration of this will be found in the fact that until within the past few months there has never been a passable road from Washington to Mount Vernon, where lie the remains of the Father of our Country, a distance of only about 21 miles, I believe.

Again, every road built in the North has been free to anybody upon the face of the earth who has occasion to use it. If I should drive from here to Winchester over one of your roads I would find that it would cost me in tolls at the several toll-gates I must pass through about 5 cents per mile, so that the roads running through this section of the country have not been built by a tax laid upon the State itself. They have been built by private corporations, and the whole country is paying in tolls for the investment.

In the State of North Dakota the license fee for running an auto over the roads of the State is, I think, $2 per year. In Maryland it is from $20 to $40 per year, and as there are hundreds of thousands of these machines running over the Maryland roads, even though they may not pass into the State three times a year, they are building, or assisting in the building, of the roads of that State.

Can not anyone see at a glance how unequal, how unjust will be the operation of this bill? Can any one of the States which have already built their roads, or those States which may build theirs in the future, such as our prairie States, fail to see that for every dollar they obtain from the Federal Government for their locality they will be paying out hundreds of dollars to build the roads of other sections of the country? I can not see how it is possible to formulate a public-roads bill that will be fair to all of the States, and yet I wish that it might be done, for I believe that it would be well to have national aid for public highways; but I want any plan that is devised to be fair and just to all the people.

Mr. STERLING. Mr. President, will the Senator permit a question right there?

The PRESIDING OFFICER (Mr. NORRIS in the chair). Does the Senator from North Dakota yield to the Senator from South Dakota?

Mr. McCUMBER. Yes.

Mr. STERLING. Referring to the amount that the State of North Dakota would get in the first year under the operations of this bill if it becomes a law—namely, $78,400—I should like to ask the Senator if he has figured out how much of the $5,000,000 to be contributed by the Federal Government during the first year will be paid by the State of North Dakota during that first year?

Mr. McCUMBER. Mr. President, it would be a waste of time to figure out the exact amount that would be paid in the first year——

Mr. STERLING. Well——

Mr. McCUMBER. Let me finish the sentence—because before we get through with this matter we will be voting $500,000,000 for the construction of national highways; and remember that, while under this bill my State might receive $78,400, while it would receive, we will say, for a mile of road construction $200 or $250, the Government would be paying $10,000 a mile for a road in another State, and North Dakota would be paying her proportion of the amount for those roads.

Mr. STERLING. Mr. President——

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

Mr. McCUMBER. I do.

Mr. STERLING. It hardly seems quite fair for the Senator to conclude, because we have here provided for a five-year period in which Federal appropriations shall be made aggregating $75,000,000, that we are going on indefinitely increasing the amount that is to be appropriated by the Federal Government for this purpose.

Mr. McCUMBER. Then, Mr. President, we ought to stop now, because the amount the Senator has named will not be a drop in the bucket to measure the necessities for public roads.

Mr. STERLING. I thought it a very practical suggestion, Mr. President to consider the amount each State will receive during the five-year period of the bill, and then ascertain how much each State will have to contribute to the amount which is to be appropriated by the Federal Government. Hence my question. I did not know—I asked the question for information—but that the Senator had made an estimate as to what his State would contribute to the fund.

Mr. McCUMBER. No one can know that, Mr. President, without first making an estimate of the entire cost, and then it would be necessary to make an estimate of all Federal taxes paid by the people of the State. As we could only ascertain those paid through internal-revenue exactions, it being impossible to make an estimate as to what we might be paying in the way of customs duties, and so forth, it would be impossible to tell just what the exact proportion of the State would be.

Mr. STERLING. Will the Senator allow me to make a further inquiry and suggestion?

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

Mr. McCUMBER. Yes.

Mr. STERLING. The Senator perhaps knows, at least in a general way, something of the Federal taxes collected in his own State.

Mr. McCUMBER. Yes.

Mr. STERLING. And the Senator would hardly suppose, from his knowledge of the resources of the State and the Federal taxes collected therein, that the State would contribute anything like $78,000 the first year. Receiving $78,000 the first year, the State would contribute nothing like $78,000 to make up the $5,000,000 appropriated the first year by the General Government, would it?

Mr. McCUMBER. Does the State have to take that $78,000?

Mr. STERLING. No; I do not think it does under this bill; but I am assuming that it does take it.

Mr. McCUMBER. Assume now for a moment that it does not take it, let us see where we will be. Suppose that the State takes $5,000, instead of $78,000, or suppose it takes nothing: it will still have to pay its proportion of the expense of building a $10,000 per mile road in Virginia.

Mr. STERLING. I am not contending otherwise than that. Whether the State avails itself of the benefits of this bill or not, it would still have to contribute to the Federal appropriation.

Mr. McCUMBER. Certainly; and, therefore, it is unjust; and the only way that the State could possibly get even would be by taxing its people to the limit in order to make up the other half. It is like an insurance proposition where one has to wait until he dies before collection can be made.

Mr. NELSON. Mr. President——

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

Mr. McCUMBER. I yield.

Mr. NELSON. Mr. President, it seems to me that the Senator from North Dakota is overlooking the fact that the basis of this distribution of Federal money is not upon the quality or the cost of the roads. The distribution is based, first, on the area of the State; second, on population; and, third, on road mileage. Now, I take it that as to two of those matters, in area and in number of roads, the State of North Dakota has an advantage over the State of Virginia, and that Virginia would only excel North Dakota in one matter, and that is in the matter of population. According to the Senator's statement—and I have no doubt it is correct—as to the number of roads in North Dakota, that State undoubtedly has many more miles of road than has Virginia, and North Dakota certainly has a much larger territory, so that it would get its proportion, not upon the basis of the cost of the road, but on those three other foundations; and, if the State of North Dakota sees fit to build a cheaper character of road than Virginia builds, the result would be that North Dakota would get much more mileage and Virginia would get much less.

Mr. McCUMBER. That is assuming, Mr. President, of course, that the matter stops right here, and that we will not go any further than we are going now, and it is assuming several other important matters, one of the most important of which is that we will not stop there, and we can not stop there, but we will, when we have started a project to build a road across the Allegheny Mountains, for instance, complete it, and we will

complete it whatever the cost may be, the same as we completed the Panama Canal, without reference to its cost. If it is a Government road and has the object of reaching from one section of the country to another, it is going to be completed, and completed with Government funds. This bill is simply an entering wedge into an enormous project, and, as I have said before, the only way that we can possibly keep even and make the people of other States pay for a portion of our roads is to see that we vote enough taxation upon our own people to insure our getting a certain proportion of the money.

Again, suppose that our State, after looking the matter over carefully, and after ascertaining that the only roads the Government could build in our State would be dirt roads, while in other States it would build macadamized roads, should come to the same conclusion that I have arrived at, and should not desire to take advantage of the Government offer, or should desire to take advantage of only a small portion of the money it might be entitled to. It can not disengage itself from the responsibility of helping to build the other roads of the country by failing to take advantage of the offer of the Federal Government. As I have stated, the condition is something analogous to life insurance. You have got to die before you can get your capital invested, or even a portion of it. The State that expends the greatest amount of money will secure from the Government the greatest amount, and the other States can not even pay unless they are able and willing to call for the same amount.

A bill which appealed to me was introduced some years ago, I think it was the Bourne bill, for the construction of public highways. It provided for a loan to the State at 2 or 3 per cent interest. Then the State could accept just such portion of the loan as it should see fit, and if it did not take any it would not be compelled to pay interest on bonds issued for other States. Under this system provided for in this bill it is paying its equivalent of interest in taxes. The present conditions of the several States in reference to wealth, population, size, and character of soil, number of miles of roads, and so forth, are so different that it is an impossibility to enact a bill of this kind without most gross injustice to some of the States. And further than this, Mr. President, this bill in its operation and final result will be but another pork-barrel proposition, more disgraceful and less beneficial than the rivers and harbors proposition has ever been.

There has been some discussion as to the proper title of this bill. We all know the purpose of the bill; and as the title should always clearly indicate the purpose of the bill, we are all a little delicate about giving it its proper title. The committee has attempted to mislead itself in the matter of its title, which is, of course, perfectly innocent so long as it does not mislead the Senate or the country. But the title should be amended, and it should be amended so as to express definitely and clearly the real purpose and intentment of the bill. To meet that I suggest the following:

A bill to compel the people, who have taxed themselves to excess to build roads in their own States, to proceed to tax themselves to the limit to build roads for the people of other States who have failed to build their own roads.

Mr. President, we know that is the purpose of the bill. Why not be straight and honest in the matter and give it a title that corresponds to its only purpose? If every one of the States of the Union had paid as much attention to the question of public roads within its borders and had put in as much money as New York and Pennsylvania and Ohio and Indiana and all of these Northern States have done, there would then be no call for this legislation. We would have a sufficient number of miles of good roads, the best roads we could construct throughout the United States, for all practical purposes. So the real purpose is to reach those sections of the country that never have taxed themselves to build their roads and compel the other sections of the country, which have built their own roads, to build the other ones.

Senators may think this is fair. It does not seem to me to be just, however, and I believe the great majority of the people of my State, notwithstanding the bait that is thrown out to them that something is going to be given to them by the Federal Government, will realize that there is such an injustice in the bill that I ought not to vote for it in its present form.

I intend to offer some amendments to the bill that will make it more just, at least, before I can vote for it. I do wish to see good highways all over the country. I travel by automobile considerably in my own State, and in the spring of the year and after the rains I have appreciated the difficulty of traveling over those roads; but I say frankly that up to the present time we have not discovered any method except the macadam method—which is too expensive in my State—of constructing a road that will be lasting and will be safe to travel over with machines during the entire year.

We are perfectly willing to be taxed to pay for our proportion of the roads according to the benefits that we receive from the bill, but we do not wish to tax our people to build good roads for other States, at enormous expense, while we will have dirt roads which we can not use except during a small portion of the year.

Mr. STERLING. Mr. President, will the Senator from North Dakota permit me to ask him another question before he takes his seat?

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from South Dakota?

Mr. McCUMBER. Certainly.

Mr. STERLING. One thing that prompts the question is that my State is similarly situated to that of the Senator.

Mr. McCUMBER. In some respects it is quite similarly situated; in others, the road situation is not the same.

Mr. STERLING. As to the conditions under which roads shall be built, I think they are very much the same.

Mr. McCUMBER. Let me correct the Senator. I do not think they have anything in South Dakota—at least, very little—that corresponds to the soil and the difficulty of building roads in the Red River Valley.

Mr. STERLING. Well, it may be; but outside of the Red River Valley, and perhaps outside of what is known as the Black Hills country in our own State, the conditions are very much the same.

Mr. McCUMBER. Very similar.

Mr. STERLING. Now, I note that for the five years for which these appropriations are to be made, the State of North Dakota will have $1,176,000. Suppose it is thought desirable by the highway commission of North Dakota that roads be constructed costing $2,000,000, or something a little in excess of $2,000,000, just double the sum that you would get under all these five-year appropriations, would it not be most acceptable to the State if the General Government contributed the one-half of the $2,000,000 worth of roads that were constructed there, the State of North Dakota not having to pay nearly so much for each of the five years as it would receive from the Federal Government?

Mr. McCUMBER. Oh, yes; Mr. President, it might help out a State if it can get something for nothing, but this brings us right back to the first proposition. The Government has first got to get its money from the people before it can give it back to the people, and that is a little simple philosophy that no character of argument can escape.

Mr. STERLING. Yes; but the Government will not get back from the State of North Dakota nor from the State of South Dakota nearly as much as it gives to these two States.

Mr. McCUMBER. If it did not, then it is an unjust expense to the people of some other State.

Mr. STERLING. Oh, no, Mr. President.

Mr. McCUMBER. Why, Mr. President, there can be no such thing as getting money without somebody paying it. I can not understand the philosophy that will say that every one of the States will get more than it pays. Where are they going to get it from? They must get it from the States. Therefore the people of some State will have to pay more than their share if the people of my State get more money than they put up.

Mr. BANKHEAD. Mr. President, I should like to ask the Senator from North Dakota a question before he takes his seat. How many miles of macadam road have been built in North Dakota?

Mr. McCUMBER. Not one mile; and there will not be one mile of macadam road built in the State, so far as I know.

Mr. GALLINGER obtained the floor.

Mr. OLIVER. I suggest the absence of a quorum.

The VICE PRESIDENT. The absence of a quorum being suggested, the Secretary will call the roll.

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

| | | | |
|---|---|---|---|
| Ashurst | Gronna | Norris | Smith, S. C. |
| Bankhead | Harding | Oliver | Smoot |
| Borah | Hollis | Overman | Sterling |
| Brandegee | Johnson, S. Dak. | Page | Swanson |
| Broussard | Jones | Poindexter | Thomas |
| Burleigh | Kenyon | Pomerene | Thompson |
| Chamberlain | Kern | Ransdell | Tillman |
| Chilton | Lane | Robinson | Vardaman |
| Clark, Wyo. | Lodge | Shafroth | Wadsworth |
| Colt | McCumber | Sheppard | Warren |
| Dillingham | Martin, Va. | Simmons | Williams |
| Gallinger | Martine, N. J. | Smith, Ariz. | Works |
| Gore | Nelson | Smith, Mich. | |

Mr. MARTINE of New Jersey. I have been requested to announce the absence of the senior Senator from Montana [Mr. MYERS] on official business. He is paired with the junior Senator from Connecticut [Mr. McLEAN].

The VICE PRESIDENT. Fifty-one Senators have answered to the roll call. There is a quorum present.

Mr. GALLINGER. Mr. President, I have several amendments to offer not of great consequence. I hope the Senator from Alabama [Mr. BANKHEAD] will listen to the amendments that I am going to offer; and if he thinks they ought not to be considered to-day, I will have them go over and be printed.

I send to the desk an amendment which I ask to have read.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 7, line 9, it is proposed to strike out the words "or might be" and to substitute therefor the words "now or may hereafter be," so that, if amended, it will read:

That for the purpose of this act the term "rural post road" shall be construed to mean any public road over which the United States mails are now or may hereafter be transported.

Mr. BANKHEAD. I have no objection to that.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. GALLINGER. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. After the word "construction," in line 6, page 7, it is proposed to strike out the period and insert a colon and add the following proviso:

*Provided*, That all roads constructed under the provisions of this act shall be free from tolls of all kinds.

Mr. BANKHEAD. I have no objection to that.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. GALLINGER. I send to the desk another amendment, Mr. President.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. In line 20, page 7, after the word "improvement," it is proposed to add the words "of roads constructed under the provisions of this act."

Mr. GALLINGER. The bill says:

The term "construction" shall be construed to include reconstruction and improvement.

I propose to add the words "of roads constructed under the provisions of this act."

Mr. BANKHEAD. I have no objection to that.

Mr. POINDEXTER. Mr. President, may I make an inquiry of the Senator?

Mr. GALLINGER. Certainly.

Mr. POINDEXTER. I understand that the effect of the amendment just offered by the Senator would be to confine the operation of this act to new roads. Is that the intention of the Senator from Alabama? I think that will be the effect of the amendment.

Mr. GALLINGER. No; the improvement of the roads is to be "of roads constructed under the provisions of this act," so that they shall not take old, worn-out roads and receive this stipend from the Government and throw some dirt on those roads and say they have improved them.

Mr. POINDEXTER. I ask to have the Secretary state the amendment, so as to see how the bill will read as amended.

The VICE PRESIDENT. The Secretary will state the amendment to the amendment.

The SECRETARY. On page 7, line 19, it is proposed to amend the amendment of the committee so as to read as follows:

The term "construction" shall be construed to include reconstruction and improvement of roads constructed under the provisions of this act.

Mr. POINDEXTER. I understand that the effect of that would be to limit the work of improvement of roads or reconstruction of roads to roads which are constructed in the first place under this act?

Mr. BANKHEAD. I do not think so.

Mr. GALLINGER. No; I had more particular reference to the improvement of roads rather than the reconstruction of roads. However, let that amendment go over and be printed, Mr. President.

Mr. WORKS. Mr. President, I desire to suggest to the Senator from New Hampshire that there is not very much danger, I think, of the kind of improvement he has mentioned, in the case of old roads, because, I think, the bill provides in all cases for projects to be submitted to and approved by the Secretary of Agriculture.

Mr. GALLINGER. Yes; that is true.

Mr. WORKS. And it provides that plans and specifications must be supplied, and they must be approved by the Secretary of Agriculture.

Mr. GALLINGER. That is true.

Mr. WORKS. I think there is very little danger of the situation arising that the Senator is trying to meet.

Mr. GALLINGER. Just let the amendment be printed, Mr. President.

Then I suggest that the article "a" be stricken out, in line 22, after the word "good," so that it will read "as good condition" instead of "as good a condition."

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 7, line 22, it is proposed to strike out the article "a," so that, if amended, it will read:

In practically as good condition as when it was first built.

Mr. BANKHEAD. I have no objection to that.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. GALLINGER. On page 10, line 11, the bill reads:

That within 60 days after the final passage of this act.

I move to strike out the words "final passage" and substitute the word "approval," so that it will read "after the approval of this act."

Mr. BANKHEAD. I have no objection to that.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. GALLINGER. I should like to have the Secretary read the first few lines of section 8 as that section has been amended. I think an amendment has been made to that section.

The VICE PRESIDENT. It has not been amended.

Mr. GALLINGER. It has not been amended? I thought the provision about renting buildings in the city of Washington had been stricken out.

Mr. BANKHEAD. That was agreed to, Mr. President, but the Senate did not vote on it. I accepted it.

The VICE PRESIDENT. The RECORD discloses that the Senator from Mississippi [Mr. WILLIAMS] said that at the proper time he would offer an amendment to strike out, on page 13, line 21, the word "in" and insert the words "outside of," and in line 22, page 13, to strike out the words "and elsewhere," so that the clause as amended shall read:

To rent such buildings outside of the city of Washington.

But it has not been offered.

Mr. GALLINGER. I made that inquiry for the reason that the other day there was rather a heated discussion as to the rentals that were being paid in the city of Washington. I have taken the trouble to make a compilation, which will be found in the Journal of the American Institute of Architects for February, 1916, a recent publication, from which it appears that we are paying rentals in the city of Washington in one instance only one-half of 1 per cent on a small building, while in other instances the rentals run up to 15 per cent, 14 per cent, 11 per cent, and 10 per cent——

Mr. CLARK of Wyoming. On the valuation?

Mr. GALLINGER. On the valuation—and 12 per cent, the average being 8.73 per cent, which is not so very high. I thought that if we are going to provide here for renting more buildings we might limit it, but I will forego that for the present.

In line 21, page 13, where it reads "to rent such buildings in the city of Washington," I think the word "such" should be stricken out, because there is no provision for renting.

Mr. BANKHEAD. There is no objection to that.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. GALLINGER. Mr. President, I am not a great stickler for the civil service. I always believed in the original civil-service act of 1883, but the manner in which it was enlarged, by Executive order and otherwise, and the manner in which it has been administered—perhaps not more by one administration than by another—has led me to have rather a contempt for the act. Young men and women are being called from their homes to the capitals of the different States for examinations. They pass. Their names are sent to Washington. They are placed on an eligible list, so called, but they never are reached for appointment. In my own State I will not venture to say how many such young men and women have been flattered with

the idea that they were going to get a Government position, but it never has materialized.

Now, it seems to me that whenever we can properly do so we ought to provide that the clerical help particularly shall be taken from these eligible lists. It is not fair to ask our young people to spend five or ten dollars apiece, more or less, in going from their homes to the place of examination, passing the examination and being certified, but never appointed, while we allow those who are in charge of certain work for the Government to go outside and appoint young men and women who have never taken an examination.

It occurred to me that here is an instance—it will not amount to very much—where we might at least give our approval to the principles of the civil-service law. While I am not going to make a speech about it, and I am not going to wrangle over it, I suggest to the chairman of the committee that after the word "elsewhere," in line 22, page 13, there should be inserted the words "to be taken from the eligible lists of the Civil Service Commission."

The provision is that they shall "employ such assistants, clerks, and other persons." It is mere clerical work, and here are these long lists in the hands of the Civil Service Commission. Boys and girls are waiting to be appointed. Some of them become worthless because they are waiting to be appointed. They think they will not take any other employment because they imagine they are going to get a Government position, but they never get it; and we have passed at this session half a dozen bills which I might enumerate, whereby probably more than 100 employees of that kind have been taken from outside, and the civil-service lists have been entirely neglected.

I think the Senator from Alabama ought to be willing to have that amendment go in the bill. It will go to conference, anyway.

Mr. BANKHEAD. Mr. President, I quite agree with the Senator as a general proposition if he intends to have this provision apply only to the clerks. The Senator will understand that some of these appointees have got to be experts along certain lines. We might not be able to get them from the general list.

Mr. GALLINGER. The language is, "to employ such assistants, clerks, and other persons in the city of Washington." I feel sure that on those civil-service registers there must be men and women competent to perform all the duties that are required here. In the Agricultural Department they have an Office of Public Roads and Rural Engineering, and they have experts there to pass upon all these matters.

Mr. BANKHEAD. The Senator does not think his amendment would apply to engineers?

Mr. GALLINGER. I do not.

Mr. BANKHEAD. With that understanding, I have no objection to it.

The VICE PRESIDENT. The Secretary will state the amendment to the amendment. Where does the Senator propose to insert it?

Mr. GALLINGER. After the word "elsewhere," in line 21, page 13, I move to insert "to be taken from the eligible lists of the Civil Service Commission."

Mr. WORKS. Mr. President, I attempted yesterday, I think, to comment upon that particular provision of the bill, and I was told by the chairman that it had been stricken out.

Mr. GALLINGER. No; it has not.

Mr. WORKS. Am I mistaken about that?

Mr. BANKHEAD. I think the Senator must have misunderstood me. I did not know that he was talking about this particular provision of the bill. I thought it was some other provision.

Mr. WORKS. It was that provision of the bill which authorized the Secretary of Agriculture to employ such assistants as he might need.

Mr. BANKHEAD. If the Senator will recall, it was the provision of the bill which authorized him to rent buildings in the city of Washington which I said had been stricken out.

Mr. WORKS. It was all included in that portion of it. I was not commenting alone upon the renting of buildings, but upon the employment of persons also.

Mr. BANKHEAD. I certainly did not intend to say that the whole provision had been stricken out. It was only that in reference to renting buildings.

Mr. WORKS. Then I misunderstood the Senator.

Mr. BANKHEAD. I misunderstood the Senator from California.

Mr. GALLINGER. Will the Secretary state the amendment?

The VICE PRESIDENT. The Secretary will state the amendment to the amendment.

The SECRETARY. On page 13, line 21, after the word "elsewhere," it is proposed to insert "to be taken from the eligible lists of the Civil Service Commission."

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. GALLINGER. In line 1, page 13, the word "that" should be inserted after the word "department," to make better language of it.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 13, line 1, after the word "department," insert "that," so as to read:

State highway department, that such roads be not properly maintained by the State or any subdivision thereof.

Mr. BANKHEAD. I have no objection to that amendment.

Mr. LODGE. It ought to be "are" instead of "be."

Mr. GALLINGER. That is better. I think the suggestion of the Senator from Massachusetts, who always helps us out when we get in difficulties about proper language, is a wise one. He said that the word "be," in the second line, should be "are," so as to read "that such roads are not properly maintained."

Mr. BANKHEAD. I have no objection to that.

The amendment to the amendment was agreed to.

Mr. GALLINGER. Now, Mr. President, this bill has one very grave defect. I do not know who prepared it, but the punctuation is very bad. However, I am not going through with it for the purpose of correcting the numerous instances of bad punctuation. Manifestly the comma after the word "that," in line 18, should be taken out, so as to read "that out of the appropriations."

Mr. BANKHEAD. There is no objection to that.

The VICE PRESIDENT. Without objection, the amendments suggested will be made to the amendment.

Mr. GALLINGER. That is all that I propose to suggest today. These are inconsequential amendments, but I think they improve the bill somewhat. I do not know that I shall say another word on the bill. The people of my State spend a great deal of money on public roads. Only two or three years ago the legislature appropriated a sufficient amount of money to build three highways from the Massachusetts line to the White Mountains. I think the appropriation was $1,000,000 at one time. We have tried to keep our roads in good repair, and next to Massachusetts, and perhaps New York and possibly one or two other States, I think our roads will favorably compare with those of any other State. But while the bill will not do much, and perhaps not anything, for New Hampshire, our people are so anxious to have good roads that whatever has come to me from the State has been to suggest that I ought to vote for the bill. My present intention is to vote for it, and I have no idea that I shall change my mind in that respect.

I shall not defer the consideration of it beyond insisting, as I did this morning, that we ought not to be too precipitate in considering it, because there are some pretty valid objections against it which have been urged by Senators, and doubtless other Senators will present their adverse views on the measure. But that will not do any harm. If the bill is a good one, it will not be halted or harmed by adverse criticism. So I will cooperate with the Senator from Alabama in all proper ways in getting the measure to a vote after it has had fair and full consideration.

Mr. LODGE. Before the Senator sits down I want to call his attention to section 7, where he put in the word "that." I had not read the rest of section 7. I thought that certainly it ought to read "roads are," but I see it relates to the future.

Mr. GALLINGER. Yes; it does.

Mr. LODGE (reading)—

SEC. 7. That the Secretary of Agriculture is authorized to withhold apportionment of funds to any State in which roads constructed under the provisions of this act have not, in his judgment, been properly maintained by the State, or any subdivision thereof, if within six months after he has given notice in writing to the State highway department that such roads be not properly maintained by the State or any subdivision thereof.

Mr. GALLINGER. "Be" is a better word.

Mr. LODGE. I suggest to leave out the word "that" and make it read "shall not be."

Mr. GALLINGER. Very well; let that amendment be adopted.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. HARDING. Mr. President, I desire to have an amendment read at the desk on which I wish to make some remarks.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 12, line 13, strike out the semicolon after the word "thereof" and insert a comma and add

the words "for a period of not less than 10 years from approved completion of construction."

Mr. GALLINGER. So that it will read——

The SECRETARY. So that it will read—

nor until an agreement shall have been made with the Secretary of Agriculture, to his satisfaction, that the rural post road or roads so to be constructed under such project will be properly maintained by the State, or any subdivision thereof, for a period of not less than 10 years from approved completion of construction.

Mr. BANKHEAD. I do not think there is any objection to that amendment. I am willing to accept it.

Mr. HARDING. Mr. President, I thank the chairman of the committee. I am not anxious to address the Senate on this subject in particular, but I desired to make this offer of an amendment and to call the attention of the Senate to what I believe to be the most important phase of the Federal aid to the good-roads movement in this country. I have been not a little impressed by the opposition suggested by the Senator from California [Mr. WORKS], and I recognize the force of some of the arguments offered by the junior Senator from New York [Mr. WADSWORTH]. I am sure I can understand the feelings expressed by the Senator from North Dakota [Mr. McCUMBER].

In a small way we have been through all this in Ohio. The good-roads movement struck the Buckeye State a great many years ago. The county in which I live has expended on its own account approximately $5,000,000 for the construction of roads at our own direct expense. We joined in voting a State levy giving State aid to the construction of improved roads in the counties in Ohio, notably those which had no improved roads. So we have had this principle applied in a smaller way in our State.

I do not object to the bill on that account, Mr. President; but I think Senators, so far as I have been permitted to hear the debate, have overlooked the big question. It is not that of securing funds with which to construct these improved roads. It is not the relative contribution of the State and the relative acquisition of Federal aid by the State.

The biggest problem in improved roads to-day, Senators, is the maintenance thereof. I do not hesitate to say that the greatest crime in public expenditures to-day is the wanton waste of money in the construction of roads without ample provision for their maintenance.

So I have suggested this trifling amendment to call the attention of the committee and of other Senators to the importance of Federal encouragement for the proper maintenance of roads once they are built. This $75,000,000 in Federal aid does not mean very much in the actual construction of roads. I suspect the State of Ohio will spend that much money itself in less time than the bill provides for this appropriation. I am sure that it will.

If the Federal Government really wants to make a contribution to the good-roads fund, it can do nothing better than fix a policy of Federal aid that is based on a guarantee of maintenance. Much of this good-roads talk is of rather a far-fetched character, so far as the name is concerned. I do not hesitate to say to the distinguished chairman of the committee that we are not appropriating this money to encourage the building of post roads. Out in Ohio we call them market roads, and we do not mean anything seriously by that. The truth about it is the good-roads movement is the reflection of the automobile age. We are building them because humanity is on wheels nowadays, and roads must be built to meet the new requirements.

I have seen roads constructed costing from ten to sixteen thousand dollars per mile which were unfit to drive over the third year after their construction. I tell you, Senators, that was a wanton waste of money. I do not suppose it would be appropriate here to offer some personal experience, but we have been building macadam roads so long out in our State, where we were obliged to have them to get out of the black mud, that we have learned that you can construct a very excellent road for $3,500 to $5,000 per mile and maintain it as an ideal highway if it is given only a little attention every year. It has been demonstrated in Ohio that you can take a crushed limestone road—and I am not boosting any particular sort of highway construction—and with modern road machinery dig it up and reroll it every season and maintain that road in excellent order at a cost not to exceed $100 per mile. Yet we have no fixed policy in the State providing for such a thing. So I should like, if I could, to say something in this connection in support of this measure that shall lead the Federal highway department to make use of this Federal aid in inaugurating in this country a provision for the maintenance of our improved highways, so that the people shall get something for the enormous expenditure of money which we are proposing to make.

I shall be very glad to support the bill.

Mr. NORRIS. Mr. President, I desire to offer an amendment. On page 12, lines 21 and 22, I move to strike out the words "is authorized to" and to insert in lieu thereof the word "shall."

Mr. BANKHEAD. I see no objection to that amendment, and I accept it.

The amendment to the amendment was agreed to.

Mr. NORRIS. I wish to offer another amendment. On page 12, line 25, after the word "thereof," I move to strike out down to and including the word "thereof" on line 3, page 13. That is only carrying out the same idea as the other amendments I have offered.

Mr. BANKHEAD. Does the Senator propose to strike out without inserting anything?

Mr. NORRIS. I do.

Mr. BANKHEAD. I do not know about that.

Mr. SWANSON. How would it read?

Mr. NORRIS. Taking the amendment that the chairman has accepted, which strikes out "authorized to" and insert "shall," providing this amendment is agreed to, it would read:

That the Secretary of Agriculture shall withhold apportionment of funds to any State in which roads constructed under the provisions of this act have not, in his judgment, been properly maintained by the State, or any subdivision thereof.

Under the bill as it is drawn, with the language in that I propose to strike out, the Secretary of Agriculture is compelled before he can withhold that money to give them six months' notice, and then, if at the end of six months they are still not maintaining the road, he is authorized to withhold any appropriation that may come later. It might occur, and probably would very often occur, with that language left in that at the time of the distribution of the funds by the Secretary of Agriculture, although the roads were not maintained in the State, six months' notice must be given before he could withhold the contribution, and another contribution would become due and would be made, when as a matter of fact the State was doing nothing to maintain the roads that had already been built. At the same time, if this language is stricken out, I can not for the life of me see that any hardship could come to the State. If the State does not maintain the road, then there ought to be in any proper bill that is passed some method by which it can be penalized, and the only method provided in the bill is to withhold any future apportionment of funds.

Mr. McCUMBER. May I ask the Senator a question right here?

Mr. NORRIS. Yes.

Mr. McCUMBER. Suppose the funds have already been apportioned. Suppose the road has been built and completed, and there is no more money to come from the Government, and the State fails to make good the improvement that is required?

Mr. NORRIS. That would be at the end of the last appropriation made in the bill, which I believe is five years. There would not be any way to compel the State; it would be all over. If the State wanted to neglect it, then there would not be any way in which the Federal Government, under the bill, could penalize the State.

Mr. McCUMBER. And if the State did neglect it, what would the Government do?

Mr. NORRIS. It would not do anything.

Mr. McCUMBER. There is no way of compelling the Government to go ahead and keep up the road. There is no way of compelling the State to keep up the road.

Mr. NORRIS. After the time has expired, that is true. The proposition here is that if the State does not maintain the road, that has been constructed partly out of Federal funds, then no further funds will be given to that State, but as the bill is drawn they have still six months after they have neglected it, and they must have that notice before you can withhold the money. The Secretary of Agriculture must give that notice. If he fails to give the notice, although the State never did a thing toward the maintenance of the road, they would be entitled to the next apportionment of funds.

Mr. SWANSON. If the Senator will permit me, this amendment was discussed by the subcommittee and the committee which prepared the bill. We think a State ought to have notice as to whether it has carried out its contract for maintenance, and if the Federal authorities are satisfied that that has not been properly done they ought to be given an opportunity to improve and maintain those roads to measure up to the conditions, so that they could get the money for the next distribution.

The six months' notice might be too long, but there ought to be some notice. We should not leave it absolutely to the discretion of the Federal Government to deprive the State of the fund entirely. We thought the best way was to deal fairly

with the States and give them an opportunity to improve their roads, so that they could get the next apportionment. I hope a notice of some time will be given. You can make it three months or shorter, but whenever they have not complied with their contract, and the only way you have to force them to do it is to withhold the money in order to get the road improved, notice ought to be given. Then they will improve the road. The subcommittee thought that this was the best way to handle that phase of the question.

Mr. NORRIS. I think I can see the reason that impelled the committee to take that view of it, but yet we will always come to a time somewhere when the principal authority must pass on the question as to whether the State has maintained the road.

Mr. SWANSON. If the Senator will permit me, it passes on it when gives the notice.

Mr. NORRIS. Of course it does, but suppose the notice is given, and then the State says, "Now, we have improved the road; we will maintain it"; and at the end of six months the Secretary says, "No; you have not," still the Secretary decides the proposition. We can not get away from that. The Secretary of Agriculture will decide it some time. So if that is a hardship, it is not removed by putting in a notice that must be given to the State. In the first place, there would be cooperation between the engineers on the part of the Government and the State authorities. The State authorities would know all the time whether they were keeping this road in repair, the Federal authorities would also know it, and the Secretary of Agriculture would pass on the matter.

It may be said that that is a hardship; he might be wrong; but to leave the bill as it is does not remove this hardship; it is still there; still he decides the matter. I think it is conceded that somebody must decide it, and so far as I am concerned I think the committee has it right, that the Secretary of Agriculture ought to do that; but it takes away almost everything that is left in the bill in regard to maintenance.

As I said the other day—and several other Senators reiterated it, notably the Senator from Ohio [Mr. POMERENE] has done so to-day—a bill which does not provide for the proper maintenance of roads when built is a criminal expenditure of public funds. The maintenance of a road once built, is just as important as is the original building of the road. Everybody concedes that; I believe that is agreed to. When we say to a State, "if you are going to get a portion of the public funds to construct a road within your boundaries, you must maintain the road," and that is defined in the bill as meaning to keep it practically in as good condition as it was when it was first made; but there is no way to penalize that State if it does not comply with its agreement, except to withhold funds from it from future apportionments. We say that even after a State has violated the law and has absolutely ignored the matter, has paid no attention to maintenance, has done nothing toward keeping the road in repair, yet before we can prevent more funds from being put into that rat hole we must say to the State, "We will give you six months' notice now," then they would start in and do something to get another apportionment, and then stop again, and so on continually. That would be possible; I do not say that that would happen; that is the extreme limit perhaps; but it would enable a State to violate the most important provision that is in this bill, and that is the provision for proper maintenance of the roads.

Mr. SWANSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Virginia?

Mr. NORRIS. I yield.

Mr. SWANSON. The Senator from Nebraska seems to be mistaken, to my mind, as to what would be the effect of leaving out this notice. There has not been any bill which has been drawn and presented to Congress that required maintenance more vigorously, rigorously, and insistently than does this bill.

Mr. NORRIS. But, if the Senator will just permit me there, it is like defining a crime. If you define a crime in a statute and provide no penalty, no matter how clear the definition may be, you have not accomplished any good by it.

Mr. SWANSON. But before the project is approved the Federal Government must be satisfied that the road will be maintained, and sureties must be given.

Mr. NORRIS. What sureties?

Mr. SWANSON. An agreement must be made.

Mr. NORRIS. That is all it is—an agreement.

Mr. SWANSON. Well, it is a serious agreement of the State, which is something; but if it is not a bona fide agreement and one which the department is satisfied will be complied with, the project will not be approved. Now, to make it sure, an amendment has been inserted requiring the department to be satisfied that the maintenance will be continued for 10 years. To enforce that the money is withheld from the State if the condition is not complied with and if, according to the judgment of the Agricultural Department, the roads have not been properly maintained.

There might be a difference between the judgment of the State highway authorities and the Federal department as to whether or not a road had been maintained; and if this notice were not required, the department might, without giving notice to anybody, withhold all the money. The State may have made arrangements to improve its roads next year and may come to Washington to ascertain what can be done, whereupon the department would say, "You have forfeited your half of the funds, for you have not maintained your roads according to your agreement." To obviate that difficulty, which, it seems to me, might occur, and in order to promote improvements, we require notice to be given, so that a State can first be satisfied as to whether it is entitled to this money and make arrangements accordingly; and, second, to see that the roads are maintained or improved.

Mr. NORRIS. Now, let me ask the Senator a question. Suppose the Secretary of Agriculture neglects to give the notice?

Mr. SWANSON. Then, this whole bill would be violated, if you presume the Federal Government is not going to discharge the duties appertaining to it.

Mr. NORRIS. Why should a Government official be required to give notice to a State official that the State official is not performing his duty?

Mr. SWANSON. He is required to give notice, because the State has agreed to maintain the roads when the Federal Government furnishes it the money.

Mr. NORRIS. Exactly; and when the State fails to maintain a road that has been built partially through Federal aid, it has lost all right to future contributions from the Federal Government under this bill.

Mr. SWANSON. But I think the State should be given notice and have an opportunity to correct its failure.

Mr. NORRIS. The opportunity has existed ever since the road was built. Of course, I agree with the Senator from Virginia that changing the time would vastly improve the bill. At the same time it seems to me that the language ought to be stricken out entirely.

Mr. SWANSON. I think we should change the notice to three months.

Mr. NORRIS. I agree that that would be better.

Mr. LIPPITT. Will the Senator from Nebraska yield to me?

Mr. SWANSON. I agree to the amendment fixing the time at three months.

Mr. LIPPITT. Mr. President, I do not know who has the floor.

Mr. NORRIS. Did the Senator from Rhode Island propound a question to me?

Mr. LIPPITT. I do not want to interrupt any of the private conversation between Senators.

Mr. NORRIS. I beg pardon. My attention was diverted, and I did not hear the question, if the Senator asked me one.

Mr. LIPPITT. I did not get the attention of the Senator. The Senator was discussing just now the question of substituting three months for six months in line 25, at the bottom of page 12, as the time in which a State is to be able to put its roads in a condition of being properly maintained. I should like to say to the Senate that it seems to me that if the roads of any State are in such shape that they have to be reconstructed or put into a condition of proper maintenance, three months would be an utterly insufficient time, probably, to accomplish such a result. When a macadam road, for instance, has gone to pieces, it is not easy nor is it a rapid matter to reconstruct that road.

Mr. SMITH of Michigan. That is true, especially if it be a very inclement season.

Mr. LIPPITT. I was about to add the suggestion which the Senator from Michigan has made, that in my section of the country and in many other parts of the United States there is a very limited time in the year when roads can be reconstructed, and there is only a limited amount of road machinery, stone crushers, and the other paraphernalia, and they might be employed in various other ways.

Mr. NORRIS. Mr. President, will the Senator from Rhode Island yield to me?

Mr. LIPPITT. I thought the Senator from Nebraska was yielding to me. If I have the floor, I yield to the Senator.

Mr. NORRIS. I think the Senator from Rhode Island has the floor. I am making no claim to it; I was through. I want to ask the Senator if he thinks six months' notice would be long enough?

Mr. LIPPITT. I do not think it would be any too long.

Mr. NORRIS. Does the Senator think we ought to require the State to maintain the roads after they have been built?

Mr. LIPPITT. I absolutely do.

Mr. NORRIS. Then the Senator ought to favor striking all this out, ought he not? If we give them notice, how much notice should we give them?

Mr. LIPPITT. I think if we are to give them notice, they ought to have six months; but I am not at all sure that I do not agree with the Senator's idea that the provision should be entirely stricken out. Of course if it is going to be stricken out and if the Senator is going to substitute the word "shall" for the words "is authorized" in line 21——

Mr. NORRIS. That has been done.

Mr. LIPPITT. He should also make the same amendment in lines 3 and 4, on page 13. It is not consistent to say to the Secretary of Agriculture in one place that "he shall" and in another that "he is authorized."

Mr. NORRIS. In the second place, to which the Senator refers, merely temporary authority is granted, and although I would have no objection to the same amendment being made there, I will not offer the amendment, for I can see a difference between that provision and the provision which I have moved to amend.

Mr. LIPPITT. Mr. President, I did not take the floor to discuss the general features of the bill, but simply to call attention particularly to the suggestion of the Senator from Nebraska in regard to three months' notice instead of six months' notice. However, so far as the bill itself goes, it is of very great importance to the State which I in part represent here. It is of such great importance that I do not feel that I have yet had sufficient opportunity to give the bill proper consideration. It has only been brought to my attention within the last two or three days. I have not been able to devote all my time during that period to its consideration, and I find so many things in it that are of very great importance to Rhode Island that I certainly hope it will not be rushed to final passage to-day or within a day or two.

Mr. BANKHEAD. We do not count upon that.

Mr. LIPPITT. Very well. Then, in a very brief way I should like to say that the matter which has been brought up by the junior Senator from New York [Mr. WADSWORTH] in regard to the method of payment for this work as affecting his State is also of very great importance to the State of Rhode Island. We are not as large a State as is New York, but the effect of the present method of raising funds for the National Government becomes proportionately, as compared with other States, a very great burden upon the State of Rhode Island.

We have also spent very large sums of money in proportion to our size upon our highway system. We have already constructed in Rhode Island a large mileage of very expensive highways, and we are finding great difficulty with the problem of maintenance. We find that is becoming a very expensive thing to keep the roads in the condition in which they should be maintained.

I also find in the bill provisions in regard to population. I refer particularly to section 2, in which exceptions are made, excluding streets and roads in a place having a population of 2,500 or more. I should like to ask the Senator in charge of this bill what is meant by "a place."

Mr. BANKHEAD. Mr. President, I do not know what the situation is in Rhode Island, although I presume it is the same there as it is elsewhere in the country; but there are a great many little villages and small towns which have been incorporated for school and other purposes. Under the provisions of this bill none of the money appropriated can be expended in an incorporated city where they have a system of streets, but in a place, such as indicated by the bill, where the houses are more than 200 feet apart, it was thought that that rule really ought not to apply. A small village, containing only a few hundred people, incorporated for school or other purposes, may have no funds with which to build roads, and may never have, and if you stop the construction of the road at the line of that incorporated village, the result will be that you will have a hiatus through the town of a half mile or a mile which will absolutely destroy the value of the road for almost every purpose. That provision was inserted to enable the funds to be applied to a situation like that in order that a road might be constructed through or along the streets of an incorporated village where the houses were 200 feet apart. The supposition was, of course, that where there was a dense population and the houses were close together they would be able, perhaps, to construct their own roads.

Mr. LIPPITT. Perhaps I have failed to grasp the real significance of the language. I have read it over two or three times without being satisfied in my own mind exactly what it does mean. In the first place, it says "in a place having a population"——

Mr. SWANSON. To what portion of the bill does the Senator refer?

Mr. LIPPITT. Section 2, on page 7.

Mr. BANKHEAD. Perhaps we might say "town" or "village," instead of "place," but the purpose of the provision is as I have indicated.

Mr. LIPPITT. I will ask Senators to remember that Rhode Island is the most thickly settled State in the Union, and I was just wondering whether the provision would not exclude the whole of Rhode Island from the provisions of this bill.

Mr. BANKHEAD. I think it would admit the whole of Rhode Island under the construction which I give to it.

Mr. LODGE. Mr. President, if the Senator from Rhode Island will allow me, I have a letter from the chairman of the Highway Commission of Massachusetts, in which he says that the provisions of the House bill would practically cut out all of New England from the benefits of the bill.

Mr. LIPPITT. The Senator does not refer to the pending bill?

Mr. LODGE. No; the writer of the letter refers to the House bill. He says:

> This cutting out would be done if the bill were worded to say that the money was to be spent outside of any incorporated town or city. I think the same result would be accomplished if they use the word "borough, village," etc., because, as you know, and they do not, the geographical limits of our cities and towns are all within the incorporated town or city, and all the roads are under their jurisdiction unless they are State highways.
>
> In the bill that the highway officials recommended I got them to put in the clause that the money might be spent inside of an incorporated village or town of more than 2,000 inhabitants, provided the houses averaged more than 200 feet apart, that being our definition of "thickly settled" in the automobile law. I think that will enable us to spend some of the money in the New England States.

Mr. BANKHEAD. That was the purpose of it when we put in the provision.

Mr. LODGE. The bill uses the word "place" instead of "incorporated village or town," and reads "having a population of 2,500 or more."

Mr. LIPPITT. It seems to me that the idea sought to be conveyed might be made more definite.

Mr. SWANSON. Mr. President, I will say to the Senator that this provision was inserted to meet the conditions in New England; and I understand it meets the approval of the highway commissions of the different States of New England. If it does not meet the conditions which it is sought to cover, the Senator can offer an amendment to take care of any situation which he has in mind.

Mr. OLIVER. Mr. President, if the Senator from Rhode Island will allow me, I will state that that is purely an academic question, because the amount of money that the New England States will get under this bill would be so small that there is not much use talking about it.

Mr. LIPPITT. I beg to differ from the Senator from Pennsylvania; it is not an academic question at all. The amount of money that New England and Pennsylvania will be taxed for this bill will be the same in either case.

Mr. OLIVER. I am speaking of the amount they will receive, and not the amount they will contribute.

Mr. LIPPITT. They might as well get a little something out of it, and not have the bill so drawn that they will have to do all the paying and absolutely be unable to receive a dollar in return, under the language of the bill. I did not really understand from the language what was meant.

Mr. BANKHEAD. The purpose was the one I have indicated.

Mr. LIPPITT. After the explanation I will examine the language a little more carefully, because I think it can be improved somewhat by being made clearer.

Mr. GALLINGER. Mr. President, I think the Senator had better be careful about using the word "town." The word "town" in New England is synonymous with township in the Western States; indeed in New Hampshire in the town, which is an area covering six or seven miles square, there are half a dozen villages in many cases, each village having perhaps as large a population as is named in the bill. So that if you use the word "town" it might exclude the entire area from any benefit.

Mr. BANKHEAD. The Senators who are interested in it, if they prefer some other language, may offer an amendment, and we will have no objection to it.

Mr. GALLINGER. Mr. President, the Senator from Rhode Island can look into it, but if a change is made I fear the result I have stated.

Mr. LIPPITT. Mr. President, as I understand the intent of this language is that in figuring the proportion of this fund any

particular State may have, all roads may be included where the houses are not closer than 200 feet to each other.

Mr. BANKHEAD. I think that is correct.

Mr. LIPPITT. If that is so, I do not see why it is necessary to put in anything about this place having a certain population. It seems to me that all you have to do is to say that the money can be expended anywhere where the houses are not closer than 200 feet to each other.

Mr. BANKHEAD. Mr. President, to fully express my opinion about this matter, I will say that this provision in the bill was insisted upon by the State highway commissions of the New England States for their protection, as the Senator from Massachusetts has indicated in the letters he has just read.

Mr. LIPPITT. I am in sympathy with that desire. I only wanted to be sure that the language accomplishes the intention.

Mr. BANKHEAD. The Senator can examine it, and if he does not think that fully covers the ground the way it is——

Mr. LODGE. Mr. President, the change that has been made in the bill from what is recommended by the highway officials raised it from two thousand to twenty-five hundred or more. That enlarges the scope.

Mr. SWANSON. It enlarges it by five hundred.

Mr. BANKHEAD. We thought that was better.

Mr. LODGE. Yes; that raises the limitation.

Mr. BANKHEAD. Yes.

Mr. LODGE. We have used the word "place," which is, of course, very general, but, I dare say, it will cover what is needed. Of course, it means an incorporated town, village, city, or anything of that sort, and I suppose it would be interpreted——

Mr. BANKHEAD. Down in Alabama we would say "town or village."

Mr. LODGE. In Massachusetts a village is part of a town.

Mr. SWANSON. We thought the word "place" could be so construed as to meet the conditions except in New England, so as to mean boroughs, cities, or incorporations.

Mr. LODGE. That is it; any place that is occupied by 2,500 people, whether under a borough government or otherwise.

Mr. BANKHEAD. It does not make any difference about the government.

Mr. LODGE. No.

Mr. BANKHEAD. Just so it is a place.

Mr. LODGE. I think that covers it.

Mr. McCUMBER. Mr. President, I call the attention of the Senator from Alabama to this fact: The Senator has just signified that he would be satisfied with the amendment suggested by the Senator from Ohio that would provide for the care of the roads by the State, after they had been completed, for a period of 10 years. Does the Senator recognize that that is imposing a limitation and not granting an extension of the duty to care for these roads, and would the Senator wish so to limit the operation of the bill?

If the amendment suggested should be agreed to, then all the duty of the State is to maintain the road and keep it in shape for a period of 10 years. Under the bill as it is drawn, it is the duty of the State to maintain it at all times and under all conditions.

What I was going especially to call the Senator's attention to was this: On page 12, which relates to the duty of the State to maintain the road, it reads:

> Nor until an agreement shall have been made with the Secretary of Agriculture, to his satisfaction, that the rural post road or roads so to be constructed under such project will be properly maintained by the State.

The Senator will see that that is without any limitation whatever.

Mr. BANKHEAD. I understand that. I do not think the amendment——

Mr. McCUMBER. And that is what it ought to be, in my opinion, if we are going to put the money into it; but I am going to ask the Senator if he would have any objection to changing the word "agreement" to "guarantee"?

Mr. BANKHEAD. None in the world.

Mr. McCUMBER. "Agreement" is rather broad, and possibly an agreement might be made which would depend entirely upon the good faith of the State to maintain its agreement. If we should say "nor until a guarantee shall have been made with the Secretary to maintain these roads," I think we would at least have gotten it in better shape than we had it before.

Mr. SWANSON. What does the Senator mean to imply by "guarantee"? Some Secretary might construe it to mean that you would have to put up bonds and security and sureties.

Mr. LODGE. That would be a very good thing.

Mr. McCUMBER. I would leave that with the Secretary of Agriculture. I think he would have a written guarantee passed by the legislature of the State, or an agreement whereby they guarantee to maintain the road for an indefinite time.

Mr. BANKHEAD. I do not think there is very much difference in the two terms.

Mr. LIPPITT. "Agreement" is the best.

Mr. LODGE. This agreement may be purely verbal.

Mr. McCUMBER. If there is a verbal agreement made with the governor——

Mr. SWANSON. Say "satisfactory agreement."

Mr. LIPPITT. That is implied.

Mr. LODGE. You have got that.

Mr. McCUMBER. The main reason why I would change the word "agreement" to "guarantee" is that we ought not to put in the limitation suggested by the Senator from Ohio, a 10-year limitation.

Mr. LIPPITT. I should like to suggest to the Senator from North Dakota that if the amendment of the Senator from Ohio, which, I understand, now reads "for a period of 10 years," were made "for a period of not less than 10 years," it would accomplish the object of the Senator from Ohio and remove the objection of the Senator from North Dakota.

Mr. McCUMBER. No; because then you would have it so much weaker. If it is not less than 10 years, that places it within the authority of the State to make an agreement that will last not less than 10 years, while we wish the agreement to be for all time.

Mr. HARDING. Mr. President, while the Senator from North Dakota is on his feet, may I ask him a question?

Mr. McCUMBER. Certainly.

Mr. HARDING. I should like to ask the Senator if he does not believe that after maintenance is established for a period of 10 years it is essentially made permanent?

Mr. McCUMBER. No; Mr. President, I do not think that would necessarily follow; and certainly if it would follow, there is no objection to making it specific.

Mr. NORRIS. Mr. President, it seems that the amendment I have offered, to strike out the language indicated in the amendment, does not meet with the views of the Senator in charge of the bill. I desire, therefore, to withdraw that amendment and to offer an amendment to strike out "six" and insert "three," in line 25, page 12, so that it will read "three months" instead of "six months."

Mr. SMITH of Michigan. Three months for what—repairs?

Mr. NORRIS. To give notice for repairs. I understand that is satisfactory to the committee.

Mr. WILLIAMS. Mr. President, may I ask the Senator where that amendment would come in?

Mr. NORRIS. On line 25, page 12, I move to strike out "six" and insert "three."

Mr. BANKHEAD. Mr. President, I would not like to accept that amendment. I do not think it is a proper one. I do not think the States ought to be just hopped down upon without sufficient notice to improve their roads. I feel that six months is as little time as should be given.

Mr. NORRIS. I understood from that the Senator from Virginia said that it would be satisfactory to the committee. If that is not satisfactory, I want my original amendment to stand and to have a vote on it.

Mr. McCUMBER. Mr. President, I just want to suggest to the Senator, if the chairman please, that possibly it might necessitate the action of the State legislature in many instances to raise the money or otherwise to complete the work, and therefore I do not believe six months is any too long.

Mr. NORRIS. The facts are that there ought to be no notice, in my judgment, because this comes long after the first road has been constructed. Let us see how it would operate.

When the first apportionment of funds was to be brought about there would be no road constructed, of course, that had been partially paid for by Federal funds, and then we would build a road in some State partially paid for out of the Federal Treasury. Now, the State has agreed to maintain that road in practically as good condition as it is in when it is completed, but the State violates its agreement. It does not do it.

Mr. BANKHEAD. Mr. President, perhaps the State has not recognized that it has not kept its agreement. It may feel that it has kept it, that it has properly maintained the road. It is a question of difference of opinion between the Secretary of Agriculture and his supervising engineer, on the one hand, and the engineer of the State highway department on the other hand.

Mr. NORRIS. I wish the Senate would get that idea right in its mind. It seems to me the Senator is opposing this motion now on the ground that there might be a disagreement between the Federal authorities and the State authorities as to whether the State had maintained the highway. That is true; there

might be that kind of a disagreement; there might be an honest one. But if we permit it to remain in the bill just as it is that disagreement is just as likely to occur then as though it went out of it, because at the end of six months, when notice has been given, the State authorities may say, "Why, we have complied with our agreement and we have kept this road properly in repair."

Mr. BANKHEAD. Then the Secretary of War is authorized to withhold all future appropriations if they do.

Mr. NORRIS. And the Secretary of Agriculture could say then: "You have not, and I withhold the appropriation." So, as far as that part is concerned, this amendment does not change it one way or the other. That condition may still be brought about just as well with the language that I want to strike out in the bill as though it were out.

Mr. BANKHEAD. Mr. President, I just want to ask the Senator one further question. Does he believe that three months' notice is sufficient time to permit the State authorities to put their roads in such condition as would meet the approval of the Secretary of Agriculture after notice has been given?

Mr. NORRIS. It depends upon the condition of the road at the time he went there. It may be that six months' notice would not be enough. Perhaps it would take two years' time; but if you do that you may just as well strike out of the bill everything that is in it about maintenance and say: "We will build these roads and require no agreement about maintenance." If you require an agreement for maintenance and then say that when that agreement is violated you have got to give so much time and they can get the money anyway, you might just as well leave it out at the beginning.

It strikes me that we ought to get away from this idea that there may be a disagreement between the State authorities and the Federal authorities. Let me emphasize that point. The language of this amendment has nothing to do with that. It will be just the same whether this amendment is voted up or voted down. If we want to assume that the Secretary of Agriculture will say to the States before any notice is given, "You have not maintained the road properly"—if you are going to assume that he is going to be unfair or that there is an honest disagreement, then it is just as reasonable to assume that after he has given the notice and the six months have expired that same disagreement is just as likely to exist then as though no notice were given; and if it exists then, the Secretary will withhold future contributions.

The danger is that during the six months that must elapse after the notice is given another contribution of Federal funds will be made to a State that does not maintain the roads that have already been built; and thus the money is gone, and there is no help for it. There is not any way then in which to get the money back. You have permitted the State to violate the agreement; you have permitted the State to get the money without maintaining the highway. If the law is emphatic, as it seems to me it ought to be, it is no hardship on anybody to say: "If you do not maintain this road, you can not have the next contribution." That is what the law means, and, in fact, that is what it says; but you evade the law by compelling the Secretary of Agriculture to give six months' notice before he can withhold the money.

If that were left just in that way, without any notice, and it came time to parcel out the funds for another year, it would be the duty of the Secretary of Agriculture to withhold the funds from any State that had not maintained the road during the preceding year. If you leave it in, he will give them the money and the six months' notice besides, and they could go on that year and not maintain it and get the money, and when the next apportionment came around he would give another six months' notice, and before that expired another apportionment would be made, and thus on to the end of the five years with absolutely no maintenance on the part of the State, and all the money gone out of the Federal Treasury.

Mr. OLIVER obtained the floor.

Mr. LIPPITT. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Rhode Island?

Mr. OLIVER. I do not yield.

I think the Senator from Nebraska [Mr. NORRIS] is entirely right in his contention. If the States are to receive money under this legislation, they ought to receive it under the agreement and with the distinct understanding that they are from the very beginning to maintain the roads that are constructed under the provisions of this proposed legislation. Therefore I think that the Secretary of Agriculture, immediately he discovers that a State is not maintaining any of the roads that are constructed by virtue of this legislation, should notify the State authorities that they will not get any further apportionment for additional road building until they arrange properly to maintain the roads already built, and let the burden be upon the State to arrange from the very beginning for properly maintaining its roads.

As I understand the amendment of the Senator from Nebraska, it is to omit, on line 25, page 12, everything after the word "thereof." Am I correct?

Mr. NORRIS. Yes.

Mr. OLIVER. Then I would suggest, as an amendment to that amendment, that in place of the words so omitted something like the following be added:

> But upon satisfactory evidence that such failure of maintenance no longer exists, he may resume the contributions to which the State would be entitled under the provisions of this act.

Mr. NORRIS. Mr. President, I am very glad to accept that and modify my amendment accordingly. I think myself that improves it.

The VICE PRESIDENT. Now, let us see how it reads.

Mr. OLIVER. I suggest that that part of the bill be read with the addition that has been suggested, Mr. President.

The SECRETARY. On page 12, line 25, after the word "thereof," it is proposed to insert:

> But upon satisfactory evidence that such failure of maintenance no longer exists, he may resume the contributions to which the State would be entitled under the provisions of this act.

So that, as amended, it will read:

> The Secretary of Agriculture shall withhold apportionment of funds to any State in which roads constructed under the provisions of this act have not, in his judgment, been properly maintained by the State, or any subdivision thereof, but upon satisfactory evidence that such failure of maintenance no longer exists he may resume the contributions to which the State would be entitled under the provisions of this act.

Mr. NORRIS. And then strike out the language that is——

Mr. BANKHEAD. Mr. President, I want to understand this proposition. Do I understand that the motion of the Senator from Nebraska to strike out notice has gone out of the bill?

Mr. NORRIS. Oh, no. I have made a motion to strike out, commencing after the word "thereof," in line 25, page 12, down to and including the word "thereof," in line 3, page 13.

Mr. BANKHEAD. Yes.

Mr. NORRIS. I have accepted and modified my amendment by including, upon the suggestion of the Senator from Pennsylvania [Mr. OLIVER], the insertion of the words that have been read instead of that language.

Mr. BANKHEAD. Then the Senator's proposition is to accept the amendment of the Senator from Pennsylvania in lieu of his own?

Mr. NORRIS. No; I add it to mine.

Mr. LIPPITT. It is a motion to strike out and insert.

Mr. NORRIS. I move to strike out and insert.

Mr. BANKHEAD. Then, in doing that the Senator strikes out the six months' notice.

Mr. NORRIS. Yes; I strike out the same language. I have only modified my motion by including the language suggested by the Senator from Pennsylvania [Mr. OLIVER] in lieu of that which I seek to strike out.

Mr. BANKHEAD. Mr. President, we could not accept an amendment like that, because in that case you would strike out the notice entirely. We do not give them any notice.

Mr. OLIVER. They ought not to get any notice. They ought to maintain the road.

Mr. STERLING. Mr. President, just one word. I hope this amendment will not prevail. I think there is a reason, and a very sound reason, for the six months' notice. The highway authorities in the States, I think we may presume, will follow out the requirements and the spirit of this law. But it may be that now and then we will have a highway commission or highway authorities within a State who are delinquent in the performance of their duty toward the maintenance of a road. The real parties interested in the road are not the officials or a commission, but they are the people, and in order that the people themselves may be protected this notice should be given, so that in case of a delinquency on the part of the highway commission in a State the people on receipt of the notice could stir the commission to action, and thus the people themselves will be protected by reason of this notice.

Mr. President, I think this is safely guarded. On page 13, beginning in line 3, there is this provision:

> The Secretary of Agriculture is also authorized temporarily to decline to issue warrants under this act upon failure on the part of any State, or its State highway department, to comply with the provisions of this act or upon breach of agreement made with him pursuant to this act.

That will protect the Federal Government. It will prevent the payment of any money by the Secretary of Agriculture to

the State until the road is properly maintained. The effect of the notice will be to inform the public that the State authorities have not been doing their duty, and they in turn will urge the necessary action on the part of the authorities.

Mr. GALLINGER. Mr. President——

Mr. NORRIS. Before the Senator from South Dakota takes his seat——

The VICE PRESIDENT. The Senator from New Hampshire.

Mr. GALLINGER. Mr. President, we have been in session six hours. The heat is very severe. I do not think the few of us who have attended diligently and tried to forward the legislation ought to be kept here any longer to-day. I will ask the Senator from Alabama if he is ready to adjourn?

Mr. SMOOT. Will the Senator from Alabama yield to me just a moment?

Mr. BANKHEAD. I yield to the Senator.

Mr. SMOOT. I offer the following as a substitute for the amendment offered by the committee, and I ask that it be printed, and printed in the RECORD.

The amendment was ordered to lie on the table and be printed and to be printed in the RECORD, as follows:

That in order to establish, construct, improve, and maintain public roads that are now or may hereafter be needed for use as post roads, military roads, or for interstate commerce, there be, and hereby is, created a fund to be known as the United States highway fund. Said fund shall be raised in the manner herein provided; but the Treasurer of the United States is hereby authorized to receive and place to the credit of said fund any money that may be contributed from other sources, and to expend the same upon the order of the United States highway commission or in accordance with the conditions of the contribution.

SEC. 2. That for the purpose of providing money for the United States highway fund the Secretary of the Treasury is hereby authorized and directed to issue and sell, on and after July 1, 1918, at par with accrued interest, coupon or registered bonds of the United States, in such form as he may prescribe and in denominations of $20 or multiples of that sum, said bonds to be payable in coin 50 years from date of issue, and to bear interest, payable in coin semiannually, at the rate of 3 per cent per annum, the total amount of said bonds not to exceed $500,000,000, and the issue and sale of same not to exceed such amounts as may be necessary from time to time to enable the Treasurer of the United States to make payments from the United States highway fund to the several States in accordance with the provisions of this act. Bonds issued under authority of this act, or the income therefrom, shall not be subject to taxation of any kind for any purpose. Bonds authorized by this section shall be first offered at par as a popular loan, under such regulations, prescribed by the Secretary of the Treasury, as will give opportunity to the citizens of the United States to participate in the subscriptions to such loan; and in allotting said bonds the several subscriptions of individuals shall be first accepted, and the subscriptions for the lowest amounts shall be first allotted. Any portion of any issue of said bonds not subscribed for as above provided may be disposed of by the Secretary of the Treasury, at not less than par, under such regulations as he may prescribe, but no commissions shall be allowed or paid thereon; and a sum not exceeding one twenty-fifth of 1 per cent of the amount of the bonds herein authorized is hereby appropriated out of any money in the Treasury not otherwise appropriated to pay the expense of preparing, advertising, and issuing the same.

SEC. 3. That before any State shall be entitled to take advantage of the provisions of this act it shall establish by law a State highway commission, which said commission shall have general supervision of road construction and improvement in that State and of the expenditure of money received from the United States highway fund, subject only to the provisions of this act and of State laws not inconsistent herewith. It shall be the duty of each State highway commission annually, on or before the 1st day of January, to make to the governor of the State in which it is located a full and detailed report of its operations, including a statement of receipts and expenditures, copies of which said report shall be sent to the Treasurer of the United States and to the United States Highway Commission.

SEC. 4. That the United States highway fund shall be apportioned and credited to the several States in the following manner: The United States Highway Commission, hereinafter created, shall ascertain in the most practicable manner from the best information available the total land area, the population according to the last Federal census, the total assessed valuation of all taxable property, and the total mileage of public roads in each of the several States, and shall compute the percentage of the total of each of these four items possessed by each State. They shall then compute the average of the four percentages for each State, and this average shall be the per cent of the $500,000,000 United States highway fund that shall be apportioned and credited to each State. Said commission shall notify the Treasurer of the United States of the result of their ascertainment and computation, which shall be made as of a date to be fixed by the commission. Such fund so apportioned shall be paid to the States only in accordance with the provisions of this act.

SEC. 5. That whenever any State, through its duly authorized agents, shall apply for any part of its share of the United States highway fund, but not exceeding 20 per cent thereof in any year, and shall deposit with the Treasurer of the United States its bonds for such amount payable in 50 years and bearing interest, payable semiannually, at the rate of 4 per cent per annum, the Secretary of the Treasury shall issue and sell, at par and accrued interest, in the manner prescribed in section 2, United States highway bonds to the amount that may be necessary to pay to said State the amount of money applied for, and upon the sale of said bonds shall pay over the proceeds to the custodian of the public funds of the State: *Provided*, That the bonds of any State shall not be accepted if the total amount of bonds of such State, including the bonds issued to take advantage of the provisions of this act, shall exceed 10 per cent of the amount of the assessed valuation of all taxable property in such State: *Provided further*, That any State desiring to do so may deposit with the Treasury of the United States its 4 per cent bonds maturing in not less than 20 years, or may redeem its 50-year bonds at any time after 20 years from date of issue, but upon redemption of such bonds, whatever the period for which issued such State shall pay to the Treasurer of the United States, in addition to the balance due on the principal after deducting the accumulated sinking fund, a premium of 2 per cent on such balance due on bonds redeemed, together with accrued interest. When the Treasurer of the United States shall receive any payment of interest on State bonds deposited in the manner above provided he shall devote three-fourths thereof to the payment of the interest due on the corresponding United States highway bonds, and one-fourth, herein designated as a sinking fund, he shall deposit in the Treasury of the United States to be used from time to time for the redemption of United States highway bonds as provided herein. The Treasurer of the United States shall keep an account with each State that shall deposit bonds and receive funds under the provisions of this act, and shall credit said State with interest compounded annually at the rate of 3 per cent per annum on the sinking funds paid in. Money received upon the principal of State bonds shall also be credited to the sinking fund, but no interest credit shall be allowed the State thereon. At the time of the maturity of the bonds deposited by any State, if all payments have been made when due, the Treasurer of the United States shall cancel said bonds and return them to the State issuing the same. Whenever and each time the sinking-fund accumulation shall amount to $1,000,000, then the Secretary of the Treasury shall, and he is hereby, directed to go into the open market and purchase, at par if possible, $1,000,000 par value of the United States highway bonds. If unable to purchase all or any at par then he is authorized and directed to pay such premium as necessary determined by competition after public notice of not less than 30 days, but not exceeding a premium of 2 per cent and accrued interest. If he be unable thus to secure the full amount of bonds necessary to comply with this provision, then he is authorized and directed to call at par, plus premium of 2 per cent and accrued interest, such bonds, determined by drawing of bond numbers from among the largest denominations outstanding, as will make up the $1,000,000 purchase. These bonds thus purchased out of the sinking-fund accumulation shall be retained in the United States Treasury, being stamped by the United States Treasurer "Nonnegotiable," but "kept alive," in order that the United States Government may receive for the sinking fund the benefit of the interest payments on the bonds thus purchased.

SEC. 6. That on the 1st day of February of each year, after the year 1918, the Treasurer of the United States shall pay to the custodian of the public funds of each State, from any funds in the Treasury not otherwise appropriated, an amount of money equal to one-half the amount such State has expended out of its own funds for the maintenance of public roads during the preceding calendar year, but in no case to exceed 2½ per cent of the amount of State bonds said State has deposited with the Treasurer of the United States under the provisions of this act. The money so paid shall be expended by said State only in the maintenance of public roads. The Treasurer of the United States shall withhold the payment of moneys to any State under the provisions of this section in the event that such State shall default in payment of any interest or principal due.

Whenever the United States Highway Commission shall certify to the Treasurer of the United States that any portion of the amount expended by any State for the maintenance of public roads, during the preceding calendar year, has not been expended with reasonable effectiveness, one-half of such amount shall be deducted from the next succeeding annual appropriation to such State: *Provided*, That if any State shall fail to issue bonds as provided in section 5 hereof, it shall nevertheless be entitled, during the period such failure to issue bonds shall continue, subject to all the conditions and limitations set forth in this section, to receive the maintenance fund provided for in this section; but in no case shall such maintenance fund exceed the amount which such State would have been entitled to receive if it had issued the bonds authorized by section 5 hereof.

SEC. 7. That there is hereby created a United States Highway Commission, to be composed of the chairman and ranking minority member of the Senate Committee on Post Offices and Post Roads, the chairman and ranking minority member of the House Committee on Roads, the Director of the Office of Public Roads, and a United States Army engineer to be detailed from time to time by the Secretary of War. Such commission shall have only an advisory voice in the expenditure of the United States highway fund in the several States. It shall have its head office in the District of Columbia, but may create highway divisions, never exceeding in number one for each State, and may maintain a division office in charge of a United States highway engineer in each division. Said commission shall have power to employ such clerical and expert assistance as may be provided for by appropriations made by Congress from time to time, and may require the assistance and cooperation of the officers and employees of any department in its work.

Amend the title so as to read: "An act to provide for Federal aid to good roads, to permit the several States to utilize the superior credit of the United States in raising road-construction funds, to aid the States in maintenance of roads, and to create a national highway commission."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House insists upon its amendments to the bill (S. 4876) to provide for the increase in the number of cadets at the United States Military Academy, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HAY, Mr. DENT, and Mr. KAHN managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 683. An act prohibiting the use of the name of any Member of either House of Congress or of any officer of the Government by any person, firm, or corporation practicing before any department of the Government;

S. 1294. An act to amend section 81 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

S. 3560. An act to validate a certain title whereon the purchase money has been paid on a private sale by order of the United States District Court for the Middle District of Pennsylvania, at No. 83, June term, 1910, sitting in bankruptcy; and

S. 4480. An act providing for the establishment of two additional terms of the District Court for the Eastern District of North Carolina, at Raleigh, N. C.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented a petition of 17 citizens of Unity, N. H., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented petitions of Mrs. Samuel Augustus Stevens and of Muriel A. Weed, of Portland, Me., praying for an investigation into the practice of vivisection, which were referred to the Committee on Agriculture and Forestry.

Mr. BURLEIGH presented petitions of sundry citizens of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Penobscot Valley Dental Club, of Bangor, Me., praying for an increase of the Dental Corps of the Army, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Richmond, Me., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

Mr. TAGGART presented a petition of the congregation of the Presbyterian Church of La Porte, Ind., praying for the enactment of legislation to prohibit the exportation of intoxicating liquor to Africa, which was referred to the Committee on the Judiciary.

He also presented a petition of the Protestant Women's Association of Indianapolis, Ind., praying for the enactment of legislation to prohibit appropriations for sectarian purposes, which was ordered to lie on the table.

Mr. PHELAN presented a petition of the Chamber of Commerce of Niles, Cal., praying for an appropriation of $300,000 for the Yosemite National Park and for the creation of a national-park service, which was referred to the Committee on Appropriations.

He also presented a petition of the city council of Los Angeles, Cal., praying for the establishment of a naval base and a free port of entry at Los Angeles Harbor, in that place, which was referred to the Committee on Naval Affairs.

Mr. HUGHES presented petitions of sundry citizens of New Jersey, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of New Jersey, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Westwood, N. J., praying for prohibition in the island of Porto Rico, which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented petitions of sundry citizens of New Jersey, praying for an increase in armaments, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Atlantic City, N. J., remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Columbus, N. J., praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War, which was ordered to lie on the table.

Mr. STONE presented a petition of sundry citizens of Kansas City, Mo., 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. SHEPPARD:

A bill (S. 5687) to establish the National Chamber of Agriculture of the United States; to the Committee on Agriculture and Forestry.

By Mr. GALLINGER:

A bill (S. 5688) authorizing the purchase or acquisition of the aviation field at College Park, Md., and property adjacent thereto for aviation, maneuvers, and other military purposes (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 5689) granting an increase of pension to Nellie A. Sanborn (with accompanying papers); to the Committee on Pensions.

By Mr. KERN:

A bill (S. 5690) granting a pension to Anna L. Warren;

A bill (S. 5691) granting an increase of pension to Henry Schlobohm;

A bill (S. 5692) granting an increase of pension to Irvin Dickison;

A bill (S. 5693) granting an increase of pension to William Hauger (with accompanying papers);

A bill (S. 5694) granting an increase of pension to George W. Hupp (with accompanying papers);

A bill (S. 5695) granting a pension to Mabel McCauley (with accompanying papers);

A bill (S. 5696) granting a pension to Henry C. Smither (with accompanying papers); and

A bill (S. 5697) granting an increase of pension to Dyer B. McConnell (with accompanying papers); to the Committee on Pensions.

By Mr. TAGGART:

A bill (S. 5698) granting an increase of pension to Pleasant Williams (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of Maryland:

A bill (S. 5699) granting a pension to Edward Keegin (with accompanying papers); to the Committee on Pensions.

By Mr. PHELAN:

A bill (S. 5700) granting an increase of pension to Thomas E. Cruess;

A bill (S. 5701) granting a pension to Raymon M. Smith; and

A bill (S. 5702) granting a pension to John Heikkila; to the Committee on Pensions.

By Mr. BURLEIGH:

A bill (S. 5703) granting an increase of pension to James Withers; to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. O'GORMAN submitted an amendment intended to be proposed by him to the river and harbor appropriation bill (H. R. 12193); which was referred to the Committee on Commerce and ordered to be printed.

Mr. PHELAN submitted an amendment proposing to appropriate $10,000 to enable the Secretary of Agriculture to make a survey and location of a public highway within the Sequoia National Forest, State of California, intended to be proposed by him to the Agricultural appropriation bill (H. R. 12717), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

CIVIL GOVERNMENT FOR PORTO RICO.

Mr. GRONNA submitted an amendment intended to be proposed by him to the bill (S. 1217) to provide a civil government for Porto Rico, and for other purposes, which was referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed.

HARBOR IMPROVEMENTS.

Mr. O'GORMAN submitted the following resolution (S. Res. 173) which was referred to the Committee on Commerce:

*Resolved*, That the Secretary of War be, and he hereby is, authorized and directed to report to Congress at the earliest practicable date, not later than December 4, 1916:

First. Specific plans for improvement of the harbors and connecting channels which, in his judgment, after consultation had with the Secretary of the Navy, will best provide adequate facilities for operations of the fleet for defense of the harbors of Portland, Me.; Boston, Mass.; Providence, R. I.; New London, New Haven, and Bridgeport, Conn.; New York, N. Y.; Norfolk, Va.; Savannah and Brunswick, Ga.; Charleston, S. C.; New Orleans, La.; Galveston, Tex.; San Diego and San Francisco, Cal.; and Seattle, Wash.

Second. The feasible extensions requisite to make existing approved projects for improvement of the aforementioned harbors available for the purposes stated in the foregoing paragraph.

Third. The cost of each such several improvement, calculated upon the basis of completion thereof, under contract, within five years.

Fourth. The percentage, not exceeding 30 per cent, of the cost of each such improvement which, in the judgment of the Secretary of War, should be contributed by the several cities or State governments, in consideration of the completion within five years of the improvement recommended by the Secretary of War.

Fifth. The replies of the local authorities and State governments to the propositions to them submitted by the Secretary of War to contribute to the carrying out and the cost of such several improvements.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had, on April 20, 1916, approved and signed the following acts:

S. 4889. An act to renew patent No. 21053;

S. 3984. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

S. 4399. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Mr. BANKHEAD. In view of the fact that this is Good Friday and we have been at work since 11 o'clock, I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 3 minutes p. m. Friday, April 21, 1916) the Senate adjourned until tomorrow, Saturday, April 22, 1916, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES.

FRIDAY, *April 21, 1916.*

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

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

Infinite and Eternal Spirit, all love excelling, pour out upon us of Thine inexhaustible treasures the things which shall quicken us to larger, nobler life, that we may go forward to greater victories intellectually, morally, spiritually, as individuals and as a Nation, under the spiritual leadership of Thy Son Jesus Christ. Amen.

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

EXTENSION OF REMARKS.

Mr. McARTHUR. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a copy of a letter which I have this day written to the Antisaloon League of Oregon in answer to certain charges preferred against me by that organization.

The SPEAKER. The gentleman from Oregon [Mr. McARTHUR] asks unanimous consent to extend his remarks in the RECORD by printing a letter which he has written to the Antisaloon League of Oregon in answer to certain strictures which they have made upon him. Is there objection? [After a pause.] The Chair hears none.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 1162. An act authorizing the President to appoint Col. James Jackson, United States Army, retired, to the rank of brigadier general on the retired list;

S. 3536. An act to provide for the storing and cleansing of imported Mexican peas, commonly called "garbanzos";

S. J. Res. 63. Joint resolution authorizing the erection on the public grounds in the city of Washington, D. C., of a memorial fountain to Alfred Noble;

S. 509. An act for the relief of the heirs of Joshua Nicholls;

S. 4371. An act authorizing the Sioux Tribe of Indians to submit claims to the Court of Claims;

S. 3769. An act to amend section 3 of an act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907;

S. 3539. An act for the relief of John L. Moon;

S. 4401. An act to conduct investigations and experiments for ameliorating the damage wrought to the fisheries by predacious fishes and aquatic animals;

S. 606. An act for the relief of James C. Hilton;

S. 3405. An act for the relief of the Maine Central Railroad Co.;

S. 1550. An act to authorize the establishment of fish-cultural stations on the Columbia River or its tributaries in the State of Oregon or the State of Washington;

S. 4655. An act authorizing and directing the Secretary of the Interior to determine the most suitable method of preventing further erosion and overflow on Gila River, Ariz.;

S. 1059. An act to provide for the payment for certain lands within the former Flathead Indian Reservation, in the State of Montana;

S. 1741. An act for the relief of certain homestead entrymen for land within the limits of the Glacier National Park;

S. 1746. An act for the relief of Delilah Siebenaler;

S. 1860. An act in reference to the issuance of patents and copies of surveys of private land claims;

S. 3257. An act for the relief of Johnston-McCubbins Investment Co.;

S. 5221. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent relatives of such soldiers and sailors; and

S. 4526. An act authorizing the Arikara, Gros Ventre, and Mandan Tribes of Indians of the Fort Berthold Reservation, N. Dak., to submit claims to the Court of Claims.

The message also announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 3575. An act to amend section 5234 of the Revised Statutes of the United States so as to permit the Comptroller of the Currency to deposit upon interest the assets of insolvent national banks in other national banks of the same or of an adjacent city or town; and

H. R. 12027. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

CHANGE OF REFERENCE.

Mr. LITTLEPAGE. Mr. Speaker, I ask unanimous consent for a change of reference of the bill H. R. 12455, from the Committee on Military Affairs to the Committee on Rivers and Harbors.

The SPEAKER. What is the bill about?

Mr. LITTLEPAGE. The bill provides for the lease by the Secretary of War to the Charleston-Dunbar Traction Co. of its right of way across the Government property on the Great Kanawha River improvement at Lock and Dam No. 6. The company constructed its line over the Government property and have been using it for five years, but they were notified by the Secretary of War that they would have from September next on to get the right by a bill through Congress.

The SPEAKER. Now, does it go on Government land?

Mr. LITTLEPAGE. Yes, sir. On the United States Government property along the banks of the Kanawha River.

The SPEAKER. How did the Government come to have any land along the banks of the Kanawha River?

Mr. LITTLEPAGE. At Lock and Dam No. 6 they own about four or five acres along the banks of that river. This proposed arrangement does not interfere with the operation of the lock. In fact, it is of benefit to the Government property.

Mr. GARRETT. Mr. Speaker, it seems to me, as I caught the reading of the title, that the bill was properly referred in the first instance.

Mr. LITTLEPAGE. Let me make this statement. I thought it was, and the Committee on Military Affairs took it up and acted on it.

The SPEAKER. The easiest way to dispose of it is to withdraw temporarily the request and let the gentleman from Tennessee [Mr. GARRETT] read it. It will save the time of the House.

Mr. SPARKMAN. Mr. Speaker, may I say just a word? My attention was called to that bill by the War Department, and the Chief of Engineers is decidedly of the opinion that it should have gone to the Committee on Rivers and Harbors.

The SPEAKER. But the trouble about it is he does not know anything about the rules of the House.

Mr. SPARKMAN. I was going to say that his opinion does not control here. But this deals with some land that was purchased by money furnished by the Committee on Rivers and Harbors.

The SPEAKER. What has the Committee on Rivers and Harbors to do with this thing now?

Mr. SPARKMAN. It had everything to do with it in the first place. It furnished the funds with which the land was purchased for the use of the Government in building locks and dams. They are not using this land now for that purpose, it is true, but it was bought with funds furnished through the Rivers and Harbors Committee of the House of Representatives, and part of this land—although I do not know—may be used in the future for that purpose.

Mr. LITTLEPAGE. Mr. Speaker, let me say that the bill is entirely satisfactory to the Secretary of War, and he suggests in his report that the Committee on Rivers and Harbors act on it. It is satisfactory to both committees. It is satisfactory to the Secretary of War.

The SPEAKER. I know, but the Secretary of War has absolutely nothing whatever to do with where a bill shall be referred. Now, he is a very great and good man, no doubt——

Mr. GARRETT. It is perfectly evident to me that this bill was properly referred in the first instance. I object, Mr. Speaker.

Mr. LITTLEPAGE. I regret very much that the gentleman objects.

REPORT OF THE COMMISSION ON INDUSTRIAL RELATIONS.

Mr. BARNHART. Mr. Speaker, I desire to submit a privileged resolution and ask for its present consideration, and pending the reading of it, Mr. Speaker, I would like to ask that the title of the resolution be read, and a brief report accompanying it also be read.

The SPEAKER. Is it a privileged resolution?

Mr. BARNHART. Yes.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the title of the resolution be read and that the report be read in lieu of reading the rest of the resolution.

Mr. BARNHART. I have not any objection to reading the resolution.

Mr. MANN. We can not have a vote upon the resolution without having it read.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Senate joint resolution (No. 98) to print as a public document the final report and testimony submitted to Congress by the United States Commission on Industrial Relations.

*Resolved, etc.*, That the final report of the United States Commission on Industrial Relations, including the report of Basil M. Manly, director of research and investigation, and the individual reports and statements of the several commissioners, together with all the testimony taken at its hearings, except exhibits submitted in printed form, which shall be appropriately referred to in said testimony, be printed as a Senate document under the direction of the Joint Committee on Printing; and that 10,000 additional copies be printed and bound in cloth, of which 2,500 copies shall be for the use of the Senate and 7,500 copies for the use of the House of Representatives; and that of the final report of said commission 100,000 additional copies be printed, of which 30,000 copies shall be for the use of the Senate and 70,000 copies for the use of the House of Representatives: *Provided*, That the superintendent of documents is hereby authorized to reprint copies of the same for sale or distribution as provided by law.

The SPEAKER. Without objection, the report will be read.

There was no objection.

The report (H. Rept. 583) was read, as follows:

Mr. BARNHART, from the Committee on Printing, makes the following report (to accompany S. J. Res. 98):

The Committee on Printing, having had under consideration the Senate joint resolution (S. J. Res. 98) providing for the printing of the final report, complete testimony, and exhibits of the Commission on Industrial Relations, reports the same back to the House with a recommendation that the resolution do pass. The resolution provides for the printing of 100,000 copies of the final report of the Commission on Industrial Relations in one volume, as originally passed by the House of Representatives, except that the binding shall be in paper instead of cloth. In addition thereto the resolution provides for the printing of 10,000 copies of the complete testimony taken by the commission at its various hearings, together with all the exhibits submitted with such testimony, except its exhibits which are in printed form. It is intended that the printed exhibits shall be referred to in the testimony by title, author, and publisher, so that they may be properly identified, and thus made available to any person who desires to obtain such printed exhibits from libraries or publishers that have copies of the same on hand.

The estimated cost of the printing proposed by this resolution is as follows:

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|---|---|
| 100,000 copies final report | $9,729.88 |
| 10,000 copies complete testimony (7 volumes of 1,008 pages each) | 54,978.84 |
| 10,000 copies of exhibits, except those heretofore printed (3 volumes of 1,008 pages each) | 27,979.53 |
| Total cost | 92,688.25 |

While this committee unanimously agrees that it is a mistake to bind the report in paper, as the publication is intended as a reference book, and will doubtless be used as such for many years to come, and ought, therefore, to be bound in cloth, representatives of the Industrial Commission and representatives of organized labor, especially interested in the prompt publication of these reports, signified their willingness before the Senate committee to have the publication bound in paper, and in order to expedite the matter it is the decision of this committee that the provisions of the resolution as it comes to the House shall stand unchanged.

The unencumbered balance of the allotment for printing and binding for Congress for the fiscal year ending June 30, 1916, is $177,268.26. The said Senate joint resolution is as follows:

*Resolved, etc.*, That the final report of the United States Commission on Industrial Relations, including the report of Basil M. Manly, director of research and investigation, and the individual reports and statements of the several commissioners, together with all the testimony taken at its hearings, except exhibits submitted in printed form, which shall be appropriately referred to in said testimony, be printed as a Senate document under the direction of the Joint Committee on Printing; and that 10,000 additional copies be printed and bound in cloth, of which 2,500 copies shall be for the use of the Senate and 7,500 copies for the use of the House of Representatives; and that of the final report of said commission 100,000 additional copies be printed, of which 30,000 copies shall be for the use of the Senate and 70,000 copies for the use of the House of Representatives: *Provided*, That the superintendent of documents is hereby authorized to reprint copies of the same for sale or distribution as provided by law.

The SPEAKER. The question is on the third reading of the Senate joint resolution.

The resolution was read a third time.

The SPEAKER. The question is, Shall the joint resolution pass?

Mr. MOORE of Pennsylvania. Mr. Speaker, I desire to ask the gentleman from Indiana how much was appropriated for the purposes of the Commission on Industrial Relations altogether?

Mr. BARNHART. Four hundred and fifty thousand dollars.

Mr. MOORE of Pennsylvania. For the work done in conducting investigations throughout the country?

Mr. BARNHART. Yes. There was originally appropriated, as I understand, $350,000, and afterwards an additional $100,000, this latter with the proviso that it should be used for finishing the investigation and the publication of the report, and the commission did publish 10,000 copies of its report.

Mr. MOORE of Pennsylvania. But they did not receive a sufficient amount of money to complete the publication?

Mr. BARNHART. No. They did not have enough money to publish the evidence or the exhibits.

Mr. MOORE of Pennsylvania. Four hundred and fifty thousand dollars has already been expended in conducting the investigations and in such printing as has been done?

Mr. BARNHART. Yes, sir.

Mr. MOORE of Pennsylvania. Now this resolution provides for the expenditure of $90,000 additional?

Mr. BARNHART. Yes, sir.

Mr. MOORE of Pennsylvania. That is correct, is it?

Mr. BARNHART. Yes, sir.

Mr. MOORE of Pennsylvania. That would make a total of $540,000 for the purposes of the commission and to complete publication of its reports?

Mr. BARNHART. Yes; $540,000.

Mr. MOORE of Pennsylvania. Is there any reason to believe that this will be the end of the appropriations for this purpose?

Mr. BARNHART. Well, the Committee on Printing can give no assurance of what some other committee might do. The fact of the matter is, the Committee on Printing has had nothing whatever to do with the Commission on Industrial Relations, that had authority for making the expenditures, except to report this resolution for the publication of their findings.

Mr. MOORE of Pennsylvania. This $90,000 comes out of the common printing fund?

Mr. BARNHART. Out of the congressional printing fund.

Mr. MOORE of Pennsylvania. And reduces its availability to that extent?

Mr. BARNHART. Yes, sir.

Mr. MOORE of Pennsylvania. May I ask the gentleman whether these 100,000 copies of the report are to be separate volumes?

Mr. BARNHART. The report itself is in one volume.

Mr. MOORE of Pennsylvania. We have had a number of requests; most of the Members of Congress, I assume, have had requests, coming largely in a stereotyped form, for this publication. As originally presented to Congress, if I recollect aright, the report was so extensive that it would have required numerous volumes to comprehend everything in print?

Mr. BARNHART. Not the report. The gentleman is mistaken as to that. The report has been all the time in one volume, but the evidence as it came in here, together with the exhibits, was not classified, had not been edited, and it contained a great many references, such as whole volumes of printed books, and sometimes two or three volumes in a reference, that were made a part of the exhibits. But these have all been edited out and the publication as it appears will merely carry citations to the references that are omitted—those that have already been published and which are available in libraries and book stores.

Mr. MOORE of Pennsylvania. How many volumes are there of the evidence?

Mr. BARNHART. Seven; and three of the exhibits.

Mr. MOORE of Pennsylvania. Is it the idea that they will go to the Members of Congress or to libraries, and that the single volume report shall contain index references?

Mr. BARNHART. Well, first of all, the usual number of all of these publications—1,316—will be printed, enough to supply public libraries, and so forth, as provided by law.

Mr. MOORE of Pennsylvania. I want to know what Members of Congress will now have to distribute. Will they have the seven volumes in sets, or will they have to distribute them in single volumes?

Mr. BARNHART. They will have to distribute but one volume, if they want to send out only the report of the commission; but if they want to send out the evidence, they will have to send seven volumes of 1,008 pages each; and if the exhibits, three volumes of 1,008 pages each.

Mr. MOORE of Pennsylvania. How many volumes will there be available for distribution by Members of Congress?

Mr. BARNHART. There will be 10,000 copies of the testimony printed—7,500 for the House and 2,500 for the Senate—and if the gentleman will divide 7,500 by 443 he will get the

number that will go to each Member of the House, the fraction over going to the superintendent of documents for sale.

Mr. MOORE of Pennsylvania. We shall have so many copies of the industrial hearings. Does that mean that I shall send seven volumes of testimony and one volume of the report?

Mr. BARNHART. If they ask for the report of the commission, you would send only one volume; but if they asked for the evidence and the exhibits with the report, you would have to send the report in one volume, the evidence in seven volumes, and the exhibits in three volumes.

Mr. MOORE of Pennsylvania. The gentleman from Wisconsin [Mr. STAFFORD] suggests to me that each Member will have about 170 copies of the hearings.

Mr. BARNHART. No; about 160 copies of the report and about 16 sets each of the testimony and the exhibits in addition. There will be distributed for the House 70,000 copies of the report. It will be about 160 copies to each Member, as I compute it mentally.

Mr. MOORE of Pennsylvania. It will be a matter of convenience for Members to know what they will have to send out. Now, if there are only 17 complete copies of the hearings it will be well to send those to the libraries, for instance.

Mr. BARNHART. The gentleman from Wisconsin [Mr. STAFFORD], you say, figures that there would be 170 copies of the hearings?

Mr. MOORE of Pennsylvania. But there will be a greater number of those single volume reports?

Mr. BARNHART. Well, we will have about 160 each of those, and about 16 sets each of the exhibits and evidence, as nearly as I can estimate it here.

Mr. STAFFORD. There will be about 165 copies of the individual reports.

The SPEAKER. The question is on the passage of the joint resolution.

The question was taken, and the joint resolution was passed.

On motion of Mr. BARNHART, a motion to reconsider the vote whereby the joint resolution was passed was laid on the table.

AGRICULTURAL APPROPRIATION BILL.

Mr. LEVER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Agricultural appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the Agricultural appropriation bill, with Mr. HAMLIN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12717, the Agricultural appropriation bill, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 12717) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1917.

The CHAIRMAN. The Clerk will proceed with the reading of the bill for amendment.

The Clerk read as follows:

For silvicultural, dendrological, and other experiments and investigations independently or in cooperation with other branches of the Federal Government, with States and with individuals, to determine the best methods for the conservative management of forests and forest lands, $78,728.

Mr. HUMPHREY of Washington. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee what is the total amount of the expense and also the receipts for the past year of the Forest Service? The gentleman read it once, but I did not succeed in getting it.

Mr. LEVER. I have read that into the RECORD several times.

Mr. HUMPHREY of Washington. I know the gentleman did, but there was so much confusion at the time that I did not get it.

Mr. LEVER. In round numbers, the receipts were $2,900,000 and the total expenditure in this bill, in round numbers, is $5,500,000.

Mr. HUMPHREY of Washington. I remember it that way. The other day, Mr. Chairman, when we were considering this bill the distinguished Speaker of the House propounded a very interesting query when he wanted to know why it was that these forests cost so much more to administer than they produced in the way of revenue. I recall that in 1907 Mr. Gifford Pinchot, then at the head of the Forest Service, appeared before a committee of the Senate and made the statement that in five years the forests would be self-sustaining. I find that during the five years following that statement, including 1907, the total cost was $23,382,000 and the total revenue $11,495,000, or, to state it in round numbers, ever since we have had these forest reserves it has cost the Nation $2 for every dollar's worth of timber that it has taken off them. I would like to know how it is going to profit this country to continue to expend twice as much in reference to these forest reserves as we receive from them, and in making that statement I include what is received in the way of rents for pasturage. The difference would be still greater if it was confined only to the forests. The distinguished Speaker said at the time that he was in favor of having a special committee to investigate this subject go to Europe and study conditions over there in relation to their forests. I think perhaps it might be well to have a special committee, but I hope if such a committee is appointed that it will go out West and study our own forests. If they will do that, they will find that practically one-half of the so-called forests have no timber on them; that they are sheep and cattle pastures. I notice in reading through the hearings that a portion of the appropriation is to be used by the Forest Service in experimenting how to economically raise cattle. We also expend quite a sum in regard to raising and pasturing sheep. I would like to know what the raising of cattle and the pasturing of sheep have to do with the national forests. Ever since I have been a Member of this House I have tried unsuccessfully to get a statement from the Forest Service as to how much of the land included in the Forest Service actually was timbered land, but I have never yet been able to receive such information, and I wonder whether the gentleman in charge of the bill has that information now so that he could give it to the House?

Mr. LEVER. Mr. Chairman, my understanding is that about one-third of the total area is really grazing land, not forestry land at all.

Mr. HUMPHREY of Washington. That is in round figures. One reason why it costs so much to run the Forest Service in proportion to the revenue received——

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. HUMPHREY of Washington. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HUMPHREY of Washington. Mr. Chairman, I would not have asked for this additional five minutes if there had not been so much confusion. One reason why it costs so much to administer the Forst Service is because of the tremendous tracts they have that ought not to be in the forest reserves. They have some 20,000,000 acres in Alaska. There is no excuse whatever for having that vast tract in the forest reserve. It is expensive to administer, and it has no trees upon it that are of any marketable value, or at least very few. Three-fourths of that forest reserve in Alaska have no merchantable timber on it whatever. It consists of glaciers and icebergs, and yet we are put to the expense annually of care for it. Take it out all through the West, and they have vast regions in these forest reserves that they administer where there is no necessity of having them at all. They are not cutting the timber.

Just let me give the House an illustration as to how these forest reserves are administered. Take it in the State of Washington, where they have 12,000,000 acres, and at the rate they have been cutting over that forest reserve it would take 35,000 years to cut over it once, and yet Washington is one of the States of which they boast of the great progress they have made in forestry. One-fifth of all of the money that is appropriated for the Agricultural Department goes to forestry. It constantly increases in expense and does not increase proportionately in revenue. To show the difference in the way we conduct the forest reserves in this country and how they do it in other countries, not going to Europe, just cross the line into British Columbia, and it will be found that they can so conduct their forest reserves that they are a source of revenue. Neither can it be argued that it can not be done in this country. Take it in my own State. The State, as I recall, has some 2,000,000 acres of timbered land, 660,000 acres of which are within the limits of the national forests and can not be used or handled, while the Government has 12,000,000 acres. Yet the State has so administered its portion of our forests that they have now, as I recall, realized on it some $60,000,000. They are a source of great wealth to the State, yet the Government can not conduct its portion of the same forest in that State so as to get more than one-half of the expense of administering it. The other day one of the departments, I think the Department of

the Interior, submitted a letter in reporting on a bill that had been introduced in the Senate, similar to the one that I introduced into the House, and the Secretary gave as one of the reasons why certain portions of the public lands should not be turned back to the State that the State of Washington had so administered its forests and its other public lands that it had accumulated a great fund and made much money out of it, and for that reason the Government ought not to permit them to handle any more of the public lands, but that the Government should keep them because the State was becoming wealthy on what it had received!

So it is not necessary for us to go to Europe to find out that there is something wrong in regard to the administration of the Forest Service; and if we could have a committee appointed that would make a report, we could probably eliminate a great portion of these forest reserves that are a constant expense and of no value to the Government, we might put this Forest Service upon a paying basis, and it would be to the advantage of the Forest Service and to the whole country.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I do not join in the criticism of the Forest Service or of the method of management of the national forests. It seems to me be an unjust criticism to say that the national forests are not a source of profit at present but are a source of expenditure over the receipts. The men who own virgin timber in the United States can not cut it all off at once. If we should cut all the mature timber in one year, the product would be valueless and we would be left exhausted, so far as timber is concerned, in the following years. Everybody who owns virgin timber that is mature does not cut it off now. While he holds it, it is a source of expense and not a source of revenue, because he has the taxes to pay, and the interest runs against the investment. One of the very reasons for the national forests is that the Government can afford to carry these forests without cutting the timber all off now, while private owners can not so well afford to carry the private forests.

We shall want timber in the future years. Our children will want timber, and it is idle to say that it is the duty of the General Government to throw upon the market all of the material timber in the national forests at the present time and leave nothing for the future. I think the national forest management are to be commended rather than to be criticized. They do cut some of the mature timber, prodded as they are by gentlemen in whose States these national forests are located. If anything, I think there has been undue haste in cutting the timber rather than in keeping it back, and if the Government should cut all the timber in the national forests it could sell, the gentlemen who now criticize their management would then be insisting that the Government was destroying the value of all the private timber lands in the United States and putting upon the market such a flood of lumber as could not be absorbed and ruining not only the prospects of the future but the ownership of the present time.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For estimating and appraising timber and other resources on the national forests preliminary to disposal by sale or to the issue of occupancy permits, and for emergency expenses incident to their sale or use, $60,000.

Mr. HUMPHREY of Washington. Mr. Chairman, I move to strike out the last word.

Mr. LEVER. I ask unanimous consent that debate on this paragraph and all amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that debate on this paragraph and all amendments thereto close in 10 minutes. Is there objection?

There was no objection.

Mr. HUMPHREY of Washington. Mr. Chairman, I have listened to the argument of the gentleman from Illinois [Mr. MANN] in defense of the Forest Service and of the rate of cutting. I would not undertake to say that my distinguished friend from Illinois is not correct, but I will put against his statement some of the statements that have been made by the Forest Service itself. Now, no one, so far as I know, argues that we ought to cut all of the mature timber; but I do not know anyone who objects to cutting all the timber that is ripe and that will soon decay. The Forest Service themselves estimate that they could cut $65,000,000 worth of timber from the forest reserves in the Pacific Coast States without in any degree reducing the supply. Or, in other words, they estimate to-day that they are cutting only 7 per cent of the ripe timber, and that 93 per cent of it is rotting in the forests. Let me read some specific statements that show how rapidly they are cutting the timber in that country. I will take for my text a statement made by Mr. Gifford Pinchot in Pearson's Magazine on May 19, 1913. He says:

For the last three years the cut has averaged a little over 30,000,000 feet, and for last year it reached 37,000,000 feet—

Referring to my State of Washington——

Mr. KAHN. Will the gentleman yield for a suggestion?

Mr. HUMPHREY of Washington. Yes.

Mr. KAHN. I am informed that the men who get the contracts for cutting the timber in the national forests are generally the men who have large timber holdings themselves, because they are the only ones who can carry on these large operations. Is that the gentleman's information?

Mr. HUMPHREY of Washington. That is largely true, according to my information.

Mr. KAHN. And that naturally enhances the value of the privately owned timberland, does it not?

Mr. HUMPHREY of Washington. The distinguished gentleman from Illinois [Mr. MANN] sought to convey the impression that they were cutting all the timber, and sought to convey the impression that he did not want them to cut the timber in such a way as to deplete the forests. We all agree upon that theory. What we are criticizing is the fact that they let this vast quantity of timber rot in the forests. Now, what do these figures mean which I have quoted? They mean that in the most densely forested region of the world, where 150,000 feet are frequently cut from a single acre, the Forest Service annually is cutting from each acre less than 1½ feet. They mean that in the year 1912, when the Forest Service was forced to sell some fire-killed timber, they actually sold from the forests of Washington at the rate of one plank 12 inches wide, 3 feet long, and 1 inch thick from each acre. That means that in a great empire containing 23,000 square miles, a region greater than Rhode Island, greater than Delaware, greater than Connecticut, greater than New Jersey, and greater than Massachusetts, greater than all of those States combined, the Forest Service in the name of conservation is annually cutting 350 acres of timber. Or to make the calculation in another way, as I said a while ago, at the rate they are cutting the timber in my State it would take them 35,000 years to cut over it once. I wonder if my distinguished friend from Illinois [Mr. MANN] thinks that the forests would reproduce themselves in 35,000 years. We are not contending that they should cut all of the timber that is ready for the market. We are contending that they should cut a portion of what otherwise will rot in the forests. Upon the one hand we have complaint made of the high price of lumber. We hear from the Middle West the complaint that lumber is so high that it becomes a burden upon the people to use it. And yet out on the Pacific coast there is annually rotting in the forests $65,000,000 worth of timber, according to the estimate made by the Forest Service itself.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANDERSON. Mr. Chairman, I have listened with all the patience I could summon to the attacks of the gentleman from Washington [Mr. HUMPHREY] upon a former officer of the United States Government, Mr. Gifford Pinchot. I do not know anything about the quarrel of the gentleman from Washington with Mr. Pinchot. I have no interest in it. I do not know how true the charges which he makes may be, but I suspect that they are probably as true as one would expect them to be when delivered against a man who has no place on this floor and no opportunity to answer them and present the facts upon which they are based. I have no doubt that there has been and are errors of administration in the Forest Service. It is in a large measure a new service; it is very largely in the experimental stage, and we are just attempting to work out a policy which shall be pursued. The gentleman from Washington is exceedingly impatient with respect to the working out of this policy. He would like to have us go into these forests and cut down all the ripe timber and flood the market, I presume, in order that he may take the other horn of the dilemma and charge that the Forest Service was attempting to break down the lumber business of the country. I say I do not know how true the charges which he is making may be, but I do know this—that Mr. Pinchot has done as much to establish upon a sound basis the principles upon which these forests should be handled and the water power of the country administered as any man in this country. I know he has done as much as any man can do to place this policy upon sound principles, and I think he is at least entitled to the thanks of the American people. [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

For other miscellaneous forest investigations, and for collating, digesting, recording, illustrating, and distributing the results of the experiments and investigations herein provided for, $33,140.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Mr. Chairman, the gentleman from Washington [Mr. HUMPHREY] is undoubtedly very familiar with forests, and I have no doubt at all very familiar with the forests in Washington, with which I am not personally familiar at all, and yet everyone knows that when people are lumbering they do not go into a mature forest for the purpose of cutting down the rotting trees to make lumber out of, as suggested by my friend from Washington. You go into the forest to cut down the mature trees, and if you go into the forest with the idea of cutting down the mature trees generally throughout the country you would cut down all the forests in the land. It is not sufficient to say that all he wants is to have cut down the rotting timber and trees which may blow down or rot down. If you are going to cut the forests for lumber, you cut the mature timber in the forests and many a private owner of forests has trees which have reached the point of maturity, gone past it, which are now on the decay, and you would think that he were foolish if he started in to lumber simply the decaying trees, the ones which have gone past maturity, and leaves the mature trees. You can not lumber in that way, either in Washington or anywhere else. The policy of the Government must be either to cut off its mature trees throughout the country in its national forests or else to conserve for future generations some of the forests which it has which have already reached maturity. Many of these forests probably reached their maturity a thousand or more years ago. They have had trees decaying ever since the first tree reached the point and passed maturity. You can not cut them all off at once. We have gotten past the point generally in the country where we cut off trees for the purpose of getting rid of them so that we may cultivate the soil beneath them. That was the case in the early days in Ohio and Indiana and many of the other States, but we can not afford now to destroy all the mature timber on the land for the purpose of realizing upon that in order to destroy the forests which the Government owns and will hold for the benefit of those who come after us.

Mr. RAKER rose.

Mr. LEVER. Mr. Chairman, I would submit a request for unanimous consent that all debate on this paragraph and all amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this paragraph and all amendments thereto close in 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. RAKER. Mr. Chairman, much has been said here about going into the forests and cutting out or selecting to cut out all the matured timber. It seems to me that anyone who understands anything about timber would not state to the committee that you can go and select what they talk about as mature timber and leave the forest in any condition at all. Trees that range from a thousand to 6,000 years old and over, according to the best estimates of their age, are the best-looking, the most healthy, and the best-growing trees in the forests to-day. The pines range from 2 to 20 feet in diameter and 250 feet in height. The redwoods range from 2 to 34 feet in diameter and 380 feet in height and they are growing right along, and when you go into one of these forests you destroy everything in sight. In regard to the spruce trees, which are from 2 to 15 feet in diameter, scattered over these large territories, when they go in everything has to be swept off when the lumbering operations begin. Anyone who has been over that country realizes and knows that there are only a few places that you can select the larger trees, cut them off, and leave the smaller one growing. In the redwood country you make arrangements and then commence to cut, and you cut down everything in sight, and then after it has been cut down you set fire through it and burn up the brush before you even commence your logging.

That is what some gentlemen would have done with the forests, which simply means an absolute destruction. That privately owned timberland is being used in that way, and it will continue, although there should be some means devised to check it if possible. The Forest Service in their policy of cutting or doing all they can to have the cutting done where they have control so as to leave as many of the younger trees stand, disposing of the brush by piling it up and burning it, so that the younger trees may have a chance to grow. Those of us who can look back in California for 40 years and see what was once destroyed, can see now that by a little care and attention, by keeping out the underbrush, new trees are started. Proper logging and proper handling will help advance this good work and assist in reforesting the land.

It has been stated that the holding of the forests and holding of the timber by the Government raises the price. Now, the contrary is the result. Otherwise those who are directly interested in cutting the timber would not propose any reservations and control over this timber by the Government. The result is, from actual experience and demonstration, that the Forest Service advertises and fixes its price to-day according to the market value of timber or stumpage at that time fixed upon what is being sold by the lumbermen in that community. So it is an advantage to the Government. It does not ruthlessly slaughter the timber, and there can be no question on earth but that this Government should not destroy this remaining timber, that it should not flood the market, that it should not permit its timber to be ruthlessly destroyed simply because some individuals are holding large tracts and want large profits out of it. They are entitled to proper return for their investments. The Government should receive a like consideration and not permit a great natural resource to be destroyed or needlessly cut. There is no disposition to prevent its use by the citizens of this country to the fullest extent. Use, proper use, is what we want.

The CHAIRMAN. The time of the gentleman from California has expired. The gentleman from Washington [Mr. HUMPHREY] is recognized.

Mr. HUMPHREY of Washington. Mr. Chairman, my friend from Minnesota [Mr. ANDERSON] says that he does not know whether the statements I made in regard to Mr. Gifford Pinchot were true or not. That is the trouble with gentlemen like him. They never take the pains to inform themselves and find out whether the statements are true or not. If he would investigate a little, he would not have been in doubt as to whether or not the statements were true. He belongs to that class that follows along blindly because somebody makes an assertion and never investigates to find out. What I said about Mr. Gifford Pinchot has been in the RECORD since the 2d day of June, 1913, and has been repeated several times on the floor of this House. If it is of any interest to the gentleman, I will put it in writing and give it to him, so that he can see whether or not it is true; and if he does not believe it he can ask Mr. Pinchot himself and see if it is not true. If it is not true, I hope some gentleman will find it out and have the courage to stand here on the floor and say so. And then I will bring the RECORD, and if all I have said is not true I will apologize to Mr. Pinchot and to the House and country.

My friend from Illinois [Mr. MANN] wants to place me in the position of cutting all the ripe timber. I go back again to the report of the Forest Service. I know my friend from Illinois knows about the forestry. I wish I could say that for the Forest Service. In the report for 1914 I believe it is estimated that 5,700,000,000 feet of timber can annually be cut from the national forest reserves without decreasing their value. In other words, that is what is estimated to be the crop that ripens each year for the harvesting, and if not cut, like any other crop, is forever lost. The amount of this crop harvested for the benefit of the people, for those who are to-day protesting against the high price of timber products, is only 7 per cent of the whole.

Now, that is what I have been trying to call attention to, and I am taking the report of the Forester for my statement. He said that 5,700,000,000 feet of timber could be annually cut from the national forests without in any way depleting them; that the natural increase was that much, and if the timber was cut off there would be nothing lost; and yet they cut only 7 per cent of the annual crop. And it might be interesting for the House to know that for many years the gross value of the timber cut from our national forests, and add to it what they get for sheep pasture and cow pasture, has never amounted to a cent and a half an acre.

Now, they may think that is rapid cutting, but we have in our State two or three sawmills, any one of which will cut the entire product of the national forests on 23,000 square miles running three months of the year. And I called attention a while ago to the fact that we have a great empire out there, great as several of the New England States, and they have been cutting off that great domain at the rate of 350 acres a year.

As I said a while ago, I wonder how long my good friend from Illinois thinks it would take to reproduce the forests of my State? At the present rate of cutting it would be 35,000 years. Certainly a couple of centuries ought to be sufficient, or a thousand years, and if they cut it that fast they would be cutting thirty-five times as fast at they are now.

Mr. BORLAND. Will the gentleman yield?

Mr. HUMPHREY of Washington. I will.

Mr. BORLAND. Is not the method of cutting exercised by your private owners there destructive of the forests? Is it not exactly contrary to the methods attempted to be pursued by the national forest regulations?

Mr. HUMPHREY of Washington. When a tree is cut it is cut, but the men out there in the lumber business know infinitely more about it than this Forestry Service ever did.

Mr. MADDEN. Early in the history of the Forestry Service it was understood by the House that that service would begin to yield an annual profit. The first year it showed an enormous loss, and then it was said that next year it would show a profit; and the next year it showed a greater loss. The next year it was said it would show a profit, and then it showed a still greater loss.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent that the gentleman from Washington be given five minutes to answer my question.

The CHAIRMAN. The committee, by unanimous consent, limited the debate on this paragraph and all amendments thereto, and the time has expired. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For the construction and maintenance of roads, trails, bridges, fire lanes, telephone lines, cabins, fences, and other improvements necessary for the proper and economical administration, protection, and development of the national forest, $400,000: *Provided*, That no part of the money herein appropriated shall be used to pay the transportation or traveling expenses of any forest officer or agent except he be traveling on business directly connected with the Forest Service and in furtherance of the works, aims, and objects specified and authorized in and by this appropriation: *And provided also*, That no part of this appropriation shall be paid or used for the purpose of paying for, in whole or in part, the preparation or publication of any newspaper or magazine article, but this shall not prevent the giving out to all persons without discrimination, including newspaper and magazine writers and publishers, of any facts or official information of value to the public. In all, for general expenses, $3,188,616.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendments thereto close in five minutes.

Mr. MANN. This is the road paragraph.

Mr. MADDEN. I want to know something about this Forest Service.

Mr. RAKER. I would like to have some time.

Mr. LEVER. Then, Mr. Chairman, I will make it 20 minutes.

Mr. MANN. I want to get some information on the road proposition.

The CHAIRMAN. The gentleman from South Carolina [Mr. LEVER] asks unanimous consent that all debate on this paragraph and amendments thereto close in 20 minutes. Is there objection?

There was no objection.

The CHAIRMAN. Does the gentleman from South Carolina desire to have any special ones designated to occupy that time?

Mr. LEVER. The gentleman from Illinois, Mr. MADDEN, desires time, and the gentleman from Illinois, Mr. MANN, and the gentleman from California, Mr. RAKER.

Mr. MADDEN. Mr. Chairman, I will say that for a number of years promises were made that the Forest Service would show a better condition, and yet every year we have had a larger deficit to pay. We were looking toward the time when the Forest Service would show a profit, considering the promises that were made. What does the gentleman from Washington [Mr. HUMPHREY] know about the situation now?

Mr. HUMPHREY of Washington. From 1907 to 1912 the total cost was $22,280,000, and the revenue during that time was $11,495,000. Then, the chairman of the committee gave the figures for last year, showing probably a little better condition. I took those years because they were the years immediately following the statement made by Gifford Pinchot in 1907, that in five years they would be at least paying expenses.

Now, the gentleman from Missouri [Mr. BORLAND] asked me about the cutting of timber in my section of the country. I want to call attention to the letter that I referred to the other day, where the Secretary of Agriculture now calls attention to the fact that it has become unprofitable for private owners to own timber in my country, and is urging that as a reason why some of these forests should be taken into the forest reserves, because private owners can not afford to carry them.

When I first came to Congress the statement made by the Forest Bureau in regard to the amount of standing timber in the United States was probably less than the amount of standing timber in the district that I then represented—the amount that they estimated in the entire United States. It has been a source of great pleasure to me to know that within the last two or three years, according to the report of the Forestry Service, the standing timber in the United States has increased something over one-third, probably doubled. Of course, that is only the doubling of the figures in the department, not an increase in the amount of timber.

If the gentleman from Illinois [Mr. MANN] wants to use the rest of my time, he can have it.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] is recognized.

Mr. MANN. Mr. Chairman, I wish later to make some inquiry about these roads.

Mr. MADDEN. Mr. Chairman, I have always been anxious to see the Forest Service made a success from a business standpoint, and I have been looking forward to a realization of the promises made by those in charge. But it seems that every year we run behind more than we did the year before, giving evidence either of bad management or lack of knowledge of the situation when the promises were originally made.

It seems to me that the time has come when a thorough investigation of this Forest Service, of its management, of the methods pursued in cutting and selling timber, in the leasing of lands for grazing purposes, and in advertising what it does in the magazines, ought to be made; and if I recall, during the consideration of this bill in the last Congress the chairman of the Committee on Agriculture promised that such an investigation would be made. I suggested that a special committee be appointed. My recollection is that the chairman of the committee thought that would be unnecessary.

I now want to inquire of the chairman of the committee, if he is on the floor, what has been done in connection with the proposed investigation? Is there any person here on the Committee on Agriculture who can inform the House or give information with respect to the condition of the Forest Service? I am waiting to hear some man on that committee tell the House whether the promises made last year have been fulfilled and whether there is any outlook for anything like an evening up of the expenses with the receipts of the department with respect to this bureau.

Mr. LEE. Mr. Chairman, in answer to the gentleman's inquiry, I will say that no special investigation has been made, except the extensive hearings that were had on the bill.

Mr. MADDEN. Does the gentleman from Georgia recall the fact that during the consideration of the bill last year the chairman of the committee, of which he is a distinguished member, promised that such an investigation would be made and that a report would be made to the House?

Mr. LEE. I do not recall it, but I have no doubt it is true if the gentleman says so.

Mr. MADDEN. I am sorry the chairman of the committee is not on the floor.

Mr. RUBEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Missouri?

Mr. MADDEN. Yes.

Mr. RUBEY. I will say that the very question which the gentleman has asked has been repeatedly asked from the Forest Service, and we have been endeavoring in every possible way to find out when this service would get to be on a paying basis. We are unable absolutely to know, but we hope that within the next few years by economical administration it will be placed on a paying basis and will become self-supporting.

Mr. MADDEN. I had hoped that the Committee on Agriculture would have taken enough interest in this matter to have gone in the past summer over this Forest Service personally.

Mr. LEE. I think it will take about 10 years to put it on a paying basis. We think we can decrease the expenditures by about $200,000 a year.

Mr. MADDEN. I would like to have the chairman of the Committee on Agriculture state to the House what he did during the last summer to get information so that the House might become informed with respect to the Bureau of Forestry. He promised to look into it last year.

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

Mr. RAKER. Mr. Chairman, this is one of the items that ought to convince the House, and even the Members from the West, that we are getting some service, some return, from these great resources that belong to this country.

There is an appropriation here of $400,000 for roads and trails through the forest lands. The only objection I can make to the item is that it is not large enough.

I want to include as a part of my statement at this time the splendid bill presented by the gentleman from Colorado [Mr. TAYLOR], House bill 10400, which will give the Government and the States the present use of some of the value in these reserves for the purpose of building roads so that the land within the reserves may be more accessible, and at the same time connect up other parts of the States and counties with proper roads through the forest reserve.

The CHAIRMAN. The gentleman asks to incorporate in his remarks House bill 10400. Is there objection?

There was no objection.

The bill is as follows:

A bill (H. R. 10400) to provide for the advancement of funds to survey, construct, and maintain roads and trails within any State or the Territory of Alaska within which national forests are located.

*Be it enacted, etc.*, That there is hereby appropriated and made available until expended, out of any moneys in the National Treasury not otherwise appropriated, the sum of $1,000,000, for the fiscal year ending June 30, 1917, and each fiscal year thereafter up to and including the fiscal year ending June 30, 1926, in all $10,000,000, to be available until expended under the supervision of the Secretary of Agriculture, upon request from the proper officers of the State, Territory, or county, for the survey, construction, and maintenance of roads and trails within, or only partly within, the national forests, when necessary for the use and development of resources upon which communities within and adjacent to the national forests are dependent: *Provided*, That the State, Territory, or county shall enter into a cooperative agreement with the Secretary of Agriculture for the survey, construction, and maintenance of such roads or trails upon a basis equitable to both the State, Territory, or county, and the United States: *And provided further*, That the aggregate expenditures in any State, Territory, or county shall not exceed 10 per cent of the value, as determined by the Secretary of Agriculture, of the timber and forage resources which are or will be available for income upon the national forest lands within the respective county or counties wherein the roads or trails will be constructed, and the Secretary of Agriculture shall make annual report to Congress of the amounts expended hereunder.

SEC. 2. That immediately upon the execution of any cooperative agreement hereunder the Secretary of Agriculture shall notify the Secretary of the Treasury of the amount to be expended within any State, Territory, or county thereunder, and beginning with the next fiscal year and each fiscal year thereafter the Secretary of the Treasury shall pay to the State or Territory within which the road or trail is to be constructed only 10 per cent of the gross receipts from the national forests in the respective county or counties in which the said roads or trails are constructed until advised by the Secretary of Agriculture that the remaining 15 per cent of the receipts to which such State or Territory would otherwise be entitled under the act of May 23, 1908 (35 Stat. L., 251, 260), is sufficient to reimburse the United States for expenditures made under all contracts in pursuance hereof for the construction and maintenance of roads and trails within such State, Territory, county or counties, and thereafter the reduction in the per cent paid to the State or Territory for the benefit of such county or counties shall no longer apply.

Mr. RAKER. This bill will permit the use of an appropriation, and then as the money is provided for use roads are to be built. Then as the timber is sold the money will be repaid from the localities from which it comes.

There is no more important enterprise that could be entered into by this Government with its property, because this is its property, and a wonderful property. It is a great resource of this country that but few of us, I believe, properly appreciate at the present time. It ought to be made accessible. While the Government retains these reserves and handles them, it ought to make them accessible to the rest of the country in which they are situated. The privately owned land is assessed and pays its taxes, and those taxes in proper proportion go to make up a fund to build proper roads, in which we are all so much interested, to the end that we may get to our cities to trade, and so that the products of the country may be brought to market and that the citizens of the United States may have the opportunity of getting the benefit of these reserves in every way. In addition to building up the roads, in addition to the fact that we are improving these forests, they are valuable in holding back the water for the purpose of making the watershed better. They prevent floods. They give us a supply of water, and if this water is properly stored it will enable us to irrigate our arid lands.

Mr. MANN. Mr. Chairman, I should like to ask the gentleman from South Carolina [Mr. LEVER], with reference to this item which appropriates $400,000 for roads, trails, and so forth, in the national forests, does the gentleman happen to know how many miles of trails and also how many miles of roads were constructed in the last fiscal year?

Mr. LEVER. Mr. Chairman, the purpose of this item is fully set out in the item itself.

Mr. MANN. I know what its purpose is.

Mr. LEVER. That is to improve the national forests and make them more accessible.

Mr. MANN. How many miles of roads and trails did we build last year?

Mr. LEVER. I want to make this statement by way of preliminary: So far the Forest Service have constructed 2,000 miles of roads at a cost of about $2,000 a mile. They have constructed 22,000 miles of trails at an average cost of $53 per mile of trail. They have constructed in addition to that about 1,000 miles of fire breaks, also 330 lookout structures, little places from which forest rangers may scan the forests in search of fires.

Mr. MANN. What is the character of these roads?

Mr. LEVER. Of course, the roads that cost $2,000 a mile are fairly good country roads.

Mr. MANN. That is the average?

Mr. LEVER. Yes.

Mr. MANN. Are they all about alike or are there some good roads and some ordinary dirt roads or roads where they just cut out the timber?

Mr. LEVER. The character of the roads depends on the character of the country through which they run.

Mr. MANN. I understand that, and I am trying to get information as to what is the character of these roads.

Mr. LEVER. That is what I am trying to tell. A road costing $2,000 a mile, in the average situation in my country, would be a very good road, but in a mountainous country it would not be what you would call an automobile road.

Mr. MANN. I have only five minutes and I want to get information.

Mr. LEVER. What does the gentleman want to know?

Mr. MANN. How many miles of good road—macadam road—have been constructed?

Mr. LEVER. Oh, these are just dirt roads.

Mr. MANN. They have not constructed any automobile roads?

Mr. LEVER. Absolutely none.

Mr. MANN. I think they have made a mistake, and I think the gentleman is mistaken, too.

Mr. LEVER. There might be an automobile road in some show place, in some national park, or something like that, but certainly for $2,000 a mile you could not build——

Mr. MANN. No; but the $2,000 is the average per mile for all the 20,000 miles. I imagine they construct a good many roads where they just cut down the timber and leave a place through which a wagon can go. That kind of a road does not cost $2,000 a mile.

Mr. LEVER. Oh, no; the large majority of the roads are roads that simply open up the forest to its uses.

Mr. MANN. How many miles of roads were built?

Mr. LEVER. Twenty thousand.

Mr. MANN. In the last fiscal year?

Mr. LEVER. No; in all.

Mr. MANN. That was the gentleman's statement. I do not know whether it is correct or not.

Mr. LEVER. There have been built in the national forests about 20,500 miles of roads. Twenty-two thousand miles of trail, 20,000 miles of telephone lines, more than 1,000 miles of fire breaks——

Mr. MANN. How many miles did they build in the last fiscal year out of the $400,000 appropriation?

Mr. LEVER. I do not know how many they built the last fiscal year.

Mr. MANN. Has the gentleman no idea?

Mr. LEVER. I have no idea.

Mr. MANN. I would like to know how this $400,000 has been spent.

Mr. LEVER. I think the general statement that I have made would show the manner in which it has been spent.

Mr. MANN. Yes; but it does not give any indication of how much for roads or how much for trails or how many miles of road were built in a year, or how many miles of trail were built in a year.

Mr. LEVER. The last report shows that 22,000 miles of trail have been constructed at a cost of $1,173,000.

Mr. MANN. That is not during the last fiscal year.

Mr. LEVER. No; that is the total.

Mr. MANN. I understood the gentleman to say that he could give us how much had been spent in the last fiscal year.

Mr. LEVER. I did not mean to state that, for I do not have those figures.

The pro forma amendment was withdrawn.

The Clerk read as follows:

To enable the Secretary of Agriculture more effectively to carry out the provisions of the act of March 1, 1911 (36 Stats., 961), entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," $15,000 of the moneys appropriated therein shall be available for the employment of agents, clerks, assistants, and other labor and for the purchase of supplies and equipment required for the purpose of said act in the city of Washington.

Mr. MOORE of Pennsylvania. Mr. Chairman, it is proposed to appropriate $15,000 in this paragraph, and I would like to know whether the amount is in excess of appropriations made heretofore.

Mr. HAWLEY. Will the gentleman yield to me?

Mr. MOORE of Pennsylvania. Certainly.

Mr. HAWLEY. When the appropriation was made for the purchase of land in the Appalachian and White Mountains no

provision was made in the bill for clerical services in Washington in connection with purchases made. The last bill and this bill have made available out of the money formerly appropriated enough money to pay for the necessary clerical services in Washington. The $15,000 is not additional, but it takes $15,000 out of the $8,000,000 appropriated for the purchase of the land, and they use it for this clerical work in the city of Washington. The reason for this is that all expenses connected with the purchase of these lands may be paid out of the appropriation and charged thereto.

Mr. MOORE of Pennsylvania. Does the gentleman know how much was used last year?

Mr. HAWLEY. I think about this amount.

Mr. MOORE of Pennsylvania. I have here a statement of expenditures in the Department of Agriculture for the year ending June 30, 1915, in which it appears that the amount spent in Washington was $150, which is quite a different amount from $15,000.

Mr. HAWLEY. I do not know what the gentleman is reading from, but apparently it refers to a different matter. There are in the Forestry Service here in the Atlantic Building a number of employees who do work in connection with the purchase of the land—preparing maps and reports.

Mr. MOORE of Pennsylvania. On page 60 in the document, under appropriations for the Weeks forestry law, I find, under the head of "Salaries," $150 only was expended on account of the Appalachian National Forest Reserve Commission.

Mr. HAWLEY. That is another item. There was a sum of $25,000 set apart for the expenses of the commission, who were authorized to visit the land and make their investigation on their own account to determine the value of the land and the propriety of their purchase. Last year there was expended for such purposes a small amount.

Mr. MOORE of Pennsylvania. Going further into the appropriations, as stated in this report of the department, I find that the travel, station, and field expenses were $54.23, and $118.80 was expended for furniture. There is nothing here about an expenditure of $15,000, or anything like that sum.

Mr. HAWLEY. I do not know where the gentleman is reading from in that document, but I think these sums are not part of the item under discussion.

Mr. MOORE of Pennsylvania. Was $15,000 actually expended?

Mr. HAWLEY. In the Atlantic Building there is a gentleman who has charge and general supervision of this work, and a number of men are employed with him, and, in my judgment, the $15,000 was expended. I had some talk with him a little while ago about the expenditures, and, while he did not give me any definite figures, I am satisfied that that amount, or nearly that much, was expended.

Mr. MANN. The items that the gentleman from Pennsylvania has read relate to the expenses of the commission, and they have practically ceased, while the item in the bill relates to the expenses of administration here in Washington.

Mr. MOORE of Pennsylvania. For that work.

Mr. MANN. Connected with the administration, but not with the commission.

Mr. MOORE of Pennsylvania. It seemed that attention should be called to the matter.

Mr. MANN. When the land is acquired it goes under the control of the Agricultural Department.

Mr. HAWLEY. When the surveys are made in the field the field notes are written up by the men who make the estimates of the timber and the valuation of the land, these papers are sent to Washington and maps, charts, and reports are prepared from them by employees here.

Mr. MANN. These expenses are in connection with the acquirement of the land.

Mr. HAWLEY. Yes; and the $15,000 is used for that purpose.

Mr. MANN. Mr. Chairman, I move to strike out the last two words. Last year at this place we carried a legislative provision authorizing the Navy Department to obtain timber and stone from the national forests and requiring a report each year of the amount in the annual estimates. Does the gentleman from South Carolina have the figures in reference to any report?

Mr. LEVER. When the Forester was before the committee he had a telegram from the forester in Alaska saying that 170,000 ties had been sold to the Navy Department, worth about $5,000. That is the only report we have had, and there was but one sale.

Mr. MANN. I do not understand that under the item of last year there was any sale about it.

Mr. LEVER. It was to make a report of how much the Navy Department took.

Mr. MANN. They were to report the quantity taken, but there was no sale about it.

Mr. LEVER. They made a report of the quantity and the value of it.

Mr. MANN. But the Navy Department was not charged with it.

Mr. LEVER. Oh, no.

Mr. MANN. Did they make a report in the estimates?

Mr. LEVER. They did not, because they had no sales up to that time.

Mr. MANN. That made no difference. It was their duty to make a report.

Mr. LEVER. And the fiscal year, I may say to the gentleman, had not closed at that time. They made a report of the only sale they had made—175,000 ties.

Mr. MANN. Why does the Navy Department buy ties?

Mr. LEVER. I do not remember. I think it was ties.

Mr. MANN. They are not engaged in the construction of railroads.

Mr. LEVER. I am speaking from recollection. I think it was ties or timber of some description—probably timber. It is in the hearings.

Mr. MANN. Where we require a report of this sort to be made they ought to make it.

Mr. LEVER. I take it that they will make it during the fiscal year.

Mr. MANN. I think they will after this conversation.

Mr. LEVER. I think they will do it, anyway.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

That hereafter deposits may be received from timber purchasers in such sums as the Secretary of Agriculture may require to cover the cost to the United States of disposing of brush and other débris resulting from cutting operations in sales of national forest timber. Such deposits shall be covered into the Treasury and shall constitute a special fund, which is hereby appropriated and made available until expended, as the Secretary of Agriculture may direct, to pay the cost of such work and to make refunds to the depositors of amounts deposited by them in excess of such cost.

Mr. MOORE of Pennsylvania. I reserve the point of order on the paragraph.

Mr. MANN. Mr. Chairman, may I ask the gentleman from South Carolina whether in the hearings before the committee there was any statement made as to how far people had availed themselves of the privilege of building summer hotels and summer homes in the national forests under the law of last year?

Mr. LEVER. I think not. I do not recall any such statement as that before the committee. It is a new act, as the gentleman knows, and probably has not been availed of very much so far.

Mr. MOORE of Pennsylvania. Mr. Chairman, I have reserved the point of order on the paragraph.

Mr. LEVER. Mr. Chairman, the paragraph is subject to the point of order, but I hope the gentleman will not make it.

Mr. MOORE of Pennsylvania. It involves rather an important question. This paragraph proposes to turn over to the disposition of the Secretary of Agriculture such funds as may be received from timber purchasers and to do it without a time limit, so far as the disposition of it is concerned. It reads:

Such deposits shall be covered into the Treasury and shall constitute a special fund, which is hereby appropriated and made available until expended.

Mr. LEVER. I think the gentleman is misunderstanding the object of this paragraph. Let me read the language:

That hereafter deposits may be received from timber purchasers—

And here is the important part of it—

in such sums as the Secretary of Agriculture may require to cover the cost to the United States of disposing of brush and other débris resulting from cutting operations in sales of national forest timber.

The object of that provision is to permit the Federal Government to accept from lumber operators in the national forests a sum sufficient to cover the cleaning up of the brush and débris after the cutting has taken place, and it is done for two reasons. First, the lumber companies themselves prefer it done in this way, and, second, and more important, the department itself would rather do the work of cleaning up the débris and the brush, because they can do it under their own methods and make more certain the assurance that the brush and the like will not be a fire trap for the forests. That is the reason for it.

Mr. MOORE of Pennsylvania. Why not have a time limit as to when the refund shall be made? Why should the money be left in the Treasury at the discretion of the Secretary indefinitely?

Mr. LEVER. The committee did not take that matter into consideration, believing, of course, the Forest Service would make use of these funds at such times as were best suited to the cleaning up.

Mr. MOORE of Pennsylvania. I will say to the gentleman that it is so difficult to get any money back out of the Treasury after it is once taken from the people and put there that it may be well to put limitations upon the discretion of the officers of the Government who have control over these funds.

Mr. LEVER. There might be this difficulty about the gentleman's suggestion: That if you put a time limit it might be about to expire just at the time when it would not be best suited to make the cleaning up, and thereby handicap the very purpose of the paragraph.

Mr. HAWLEY. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. HAWLEY. I know of a number of instances where lumber operations have been carried on under contracts with the Forest Service and the timber operators made this kind of an agreement with the Forest Service, to pay over to them the estimated cost of cleaning up the land, as is required by the service in every contract they make. They do not want to take their employees skilled in logging operations and other men away from such logging operations. It is too expensive to them. The Forest Service employs men who are homesteaders or who may be found near by, available for short-term employment. I never have heard any complaint on the part of the operators who have advanced the money that they had any trouble in having any balance returned to them when the cleaning up was done.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, this discussion is on a point of order. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Without objection, the gentleman will proceed for five minutes more.

There was no objection.

Mr. MOORE of Pennsylvania. I do not want to make the point of order if it is satisfactorily explained. What objection would there be to an amendment, on line 5, page 43, which would provide that the money is hereby appropriated and made available for two or three years, rather than "until expended"?

Mr. HAWLEY. That would do no service to the people who put up the money, because the cleaning up of the land will, I think, undoubtedly be made during the season, and the balance of the money, whatever there may be, is never out of the hands of the men advancing it for any such period as that.

Mr. MOORE of Pennsylvania. When this deposit is covered into the Treasury in accordance with this paragraph is it wholly within the discretion of the Secretary of Agriculture as to when it shall be paid out, or is the order of the Secretary of Agriculture always sufficient to pay it out?

Mr. LEVER. It will be under this paragraph, undoubtedly, and it would be discretionary, and the committee took the position that the Secretary would use these funds when it was most convenient or opportune in the interest of the service to use them, and to put a limitation on it either way I think would probably defeat the very purpose of the paragraph.

Mr. HAWLEY. Undoubtedly the men who take the cutting contracts would not advance the money if it is to be held indefinitely.

Mr. MOORE of Pennsylvania. Suppose there is a difference between the Forestry Bureau and the contractor as to the amount?

Mr. HAWLEY. It is still in the hands of the contractor. He can do one of two things. He can either clean up the land himself, as the Forest Service requires in its contract, or he can say to them, "How much will you do it for?" and if he thinks the price asked is reasonable he can say, "Here is the amount of money."

Mr. MOORE of Pennsylvania. Is there such a condition here as might require the contractor to come to Congress for relief?

Mr. HAWLEY. Not at all.

Mr. MANN. If the gentleman from Pennsylvania will yield, I can explain the reason.

Mr. MOORE of Pennsylvania. I yield to the gentleman from Illinois.

Mr. MANN. Under the existing law, of course, when you put money into the Treasury it can only be paid out by appropriation. The result of that is the Department of Agriculture, if it makes a sale of timber, makes some kind of an agreement, under which either the operator is to burn the brush or pays the money over to men who do it under the direction of the Department of Agriculture in the Forest Service,

Mr. LEVER. That is absolutely correct.

Mr. MANN. Of course it is. If it were not true, I would not say so. Under that there is no accounting in the Treasury Department; there is no accounting at all. They can not pay it into the Treasury because there is no way of getting it out of the Treasury and the purpose of putting this into the law is to permit the department to have this money paid and receipt given, turning it into the Treasury and paying it out on the expenses as they accrue, and then if there is any money left over, as in many cases there will be, pay it back to the man who paid it in—the excess—without coming to Congress for an appropriation; and it is to add to the efficiency of the accounting to the Government in the main.

Mr. MOORE of Pennsylvania. If I understand the gentleman, the term "shall constitute a special fund" is sufficient to enable a settlement in the department?

Mr. MANN. "Which is hereby appropriated and made available until expended, as the Secretary of Agriculture may direct, to pay the costs of such work and to make refunds to the depositors of amounts deposited by them in excess of such costs." They are doing the thing now, but in an irregular way.

Mr. MOORE of Pennsylvania. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

BUREAU OF CHEMISTRY.

Salaries, Bureau of Chemistry: One Chemist, who shall be chief of bureau, $5,000; 1 chief clerk, $2,500; 3 executive clerks, at $2,000 each; 8 clerks, class 4; 11 clerks, class 3; 1 clerk, $1,440; 12 clerks, class 2; 1 clerk, $1,300; 23 clerks, class 1; 12 clerks, at $1,020 each; 13 clerks, at $1,000 each; 1 clerk, $960; 34 clerks, at $900 each; 1 clerk, $840; 1 clerk, $720; 1 food and drug inspector, $2,500; 2 food and drug inspectors, at $2,250 each; 12 food and drug inspectors, at $2,000 each; 13 food and drug inspectors, at $1,800 each; 1 food and drug inspector, $1,620; 11 food and drug inspectors, at $1,600 each; 6 food and drug inspectors, at $1,400 each; 1 assistant, $1,600; 4 laboratory helpers, at $1,200 each; 1 laboratory helper, $1,020; 4 laboratory helpers, at $1,000 each; 4 laboratory helpers, at $960 each; 3 laboratory helpers, at $900 each; 6 laboratory helpers, at $840 each; 2 laboratory helpers, at $780 each; 21 laboratory helpers, messenger boys, or laborers, at $720 each; 2 laboratory helpers, messenger boys, or laborers, at $660 each; 28 laboratory helpers, messenger boys, or laborers, at $600 each; 1 laboratory assistant, $1,200; 1 toolmaker, $1,200; 1 sampler, $1,200; 1 janitor, $1,020; 1 mechanic, $1,400; 1 mechanic, $1,200; 1 mechanic, $1,020; 1 mechanic, $960; 1 mechanic, $900; 2 student assistants, at $300 each; 2 messengers, at $840 each; 1 skilled laborer, $1,050; 1 skilled laborer, $840; 2 messenger boys or laborers, at $540 each; 11 messenger boys or laborers, at $480 each; 3 messenger boys or laborers, at $420 each; 2 messenger boys or laborers, at $360 each; 9 charwomen, at $240 each; in all, $315,590.

Mr. MOORE of Pennsylvania. Mr. Chairman, I reserve a point of order on the paragraph. My information is there are some new stenographers and clerks provided for in this paragraph.

Mr. LEVER. Mr. Chairman, I would say to the gentleman from Pennsylvania that there are no new clerks or stenographers provided here. I see the point the gentleman is making, and that is explained by the fact that there are transfers from the lump-sum roll to the statutory roll.

Mr. MOORE of Pennsylvania. There are some new food and drug inspectors.

Mr. LEVER. There is an increase in the salary of one drug inspector of $250.

Mr. MOORE of Pennsylvania. That is in line 19, page 43?

Mr. LEVER. Line 19, page 43; yes.

Mr. MOORE of Pennsylvania. Mr. Chairman, I reserve the point of order against that item.

Mr. LEVER. Mr. Chairman, I would ask that all debate on this close in seven minutes, and all amendments thereto.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this paragraph and all amendments thereto close in seven minutes. Is there objection. [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. Mr. Chairman, I have reserved the point of order for the purpose of making a statement for the information of my colleagues of the House. I have never, so far as I recall, opposed an appropriation for an increase in the clerical force of any one of the departments or bureaus in Washington if the service warranted it, and ordinarily I have not opposed increases in salary where they were worthily bestowed. I have had an experience with one of the bureaus, however, which has led me to believe that sometimes we may make appropriations unnecessarily, or that we could dispense with some clerks or assistants; possibly with some of the heads of bureaus, for whom special duties of an inquisitorial nature have to be found.

Recently, in order to oblige a constituent, I had occasion to visit the Bureau of Chemistry. I called at the office of the chief and was referred, because of his absence, to the next in command. I was asked if I had an appointment to see the gentleman. When the preliminaries were over and I was finally intro-

duced into the presence of the assistant chief I started to state the object of my visit as a Representative, my constituent being with me. I noticed that certain clerks were being assembled around about me as I spoke. Then I also observed that one of these clerks was taking stenographic notes of my statement. I asked the assistant chief the reason for all this activity. "Is this man taking notes of what I say?" I asked. The reply was, "Yes." "Is it the custom of this bureau to have stenographers take down statements of Members of Congress introducing their constituents?" I inquired. He said it was; that they took down the statements of Senators also. I then informed the gentleman that this was a new experience for me and that so far as I was concerned the interview was over.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The committee limited this debate on this paragraph to seven minutes.

Mr. MOORE of Pennsylvania. I am in the midst of a statement——

Mr. LEVER. I have no objection to the gentleman continuing for five minutes. I would like two minutes myself, however.

The CHAIRMAN. The gentleman from South Carolina [Mr. LEVER] asks unanimous consent that the debate on this paragraph may be prolonged for seven minutes. Is there objection? [After a pause.] The Chair hears none. The gentleman from Pennsylvania is recognized for five minutes more.

Mr. MOORE of Pennsylvania. The reply of the gentleman for whom we are now providing money, was that they took the statements of Senators as well as of Members of the House.

Now, I bring this statement to the House. I have no special fault to find with the Secretary of Agriculture nor, in general, with the bureaus in the Department of Agriculture, because usually, so far as my business with them is concerned, they are extremely courteous and prompt. I do not recall that I have ever been treated more courteously nor with greater dispatch than in certain bureaus of this department. But this experience in the Bureau of Chemistry, I confess, was a brand new experience to me as a Member of the House.

Mr. MANN. Would the gentleman complain of this assistant, who knew he lacked the intelligence himself to pass upon the question, but desired a stenographic report so that his principal, who is intelligent, might pass upon it?

Mr. MOORE of Pennsylvania. If you put it solely on the ground of intelligence, I will say that the gentleman was quite "cocky" in his attitude. He acted like a prize college student throughout the transaction. He held to his ground after the discourtesy was explained to him. He said it was the practice with respect to Members of both Houses.

Mr. LONGWORTH. Did he state what was the object?

Mr. MOORE of Pennsylvania. He said the stenographer was there because it was customary.

Mr. LONGWORTH. For what purpose was the statement used?

Mr. MOORE of Pennsylvania. I will put the correspondence in the RECORD. Since the time is running, I will read only an extract from a letter of the Secretary in response to one from me. Mr. Secretary Houston says:

It is by no means the universal practice to take down stenographically the statements of Members of Congress, or of other interested parties, concerning matters pending before the department. It is an invariable rule in the Bureau of Chemistry, however, to make a record of all statements made in connection with cases under the food-and-drugs act. The statements made by Members of Congress, of course, constitute an important part of the record and should receive careful consideration before final action is taken. You will appreciate that it is impossible for the officials to keep in mind all the representations that are made.

Now, what I called for was to say that my constituent, who was about to be penalized to the extent of $200 or $300 for alleged delay in completing a small contract in fitting up a chemical laboratory in New York, ought to have a fair hearing. That was the statement I had to make merely by way of introduction. I do not know whether the statement of my constituent was taken down or not, for I did not wait to hear what he said. What I objected to was that I should be treated as a witness.

Mr. HAMILTON of Michigan. Is it not probable that the department wanted to preserve some record of the statements of the gentleman from Pennsylvania to enlighten them as to their future action?

Mr. MOORE of Pennsylvania. That may be. The bureau may have wanted light. I was there to accompany and introduce a constituent, and then to go about my business.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. I ask leave, Mr. Chairman, to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. MOORE of Pennsylvania. The following is a letter to Secretary Houston and reply thereto:

LETTER TO SECRETARY HOUSTON.

MARCH 17, 1916.

Hon. DAVID F. HOUSTON,
*Secretary of Agriculture, Washington, D. C.*

DEAR MR. SECRETARY: This is an unusual letter, called forth by an occurrence rather unusual. I accompanied one of my constituents, Mr. W. S. P. Shields, a well-known Philadelphian, to the Chemistry Bureau this morning to introduce him to Dr. Alsberg so that he might be heard with respect to the assessment against him of so-called liquidated damages on a furniture contract for a chemical laboratory, which, I believe, you are constructing in New York. Dr. Alsberg was not in, so I undertook to put the matter up to Dr. Emerson, next in charge. Several of the office force were called in while I was explaining to Dr. Emerson what I had called for. I told him and them I had looked over Mr. Shields's papers and was of the opinion that the Government was as much at fault for any delay that had occurred as was Mr. Shields, and that it seemed to me the matter should be carefully considered before he was fined. I asked for him a fair hearing.

This introduction of the matter occupied but a moment or two, but I observed that what I was saying was being taken down by a stenographer, who had been called to Dr. Emerson's desk. I asked if he had been stationed there to take my statement and Dr. Emerson said that he had, adding that it was customary in matters of this kind to take stenographically what Senators and Representatives said. The proceeding was so unusual as to a Representative, it being the only experience of the kind I recall during my service of 10 years in Washington, that I told Dr. Emerson I would withdraw at once and leave Mr. Shields to do the best he could, advising him to ask for equity and justice.

Having spoken to several of my colleagues about the incident and finding them surprised to learn of this practice in the Bureau of Chemistry, I write to inquire whether it has the sanction of the department, which, I am frank to say to you, is generally most courteous in its correspondence with me.

Dr. Emerson told me I might have a copy of the stenographer's notes so far as my introduction of Mr. Shields was concerned. I will be glad if you will look them over and direct that they be forwarded to me.

Very truly, yours, J. HAMPTON MOORE.

THE SECRETARY'S REPLY.

DEPARTMENT OF AGRICULTURE,
*Washington, March 22, 1916.*

Hon. J. HAMPTON MOORE,
*House of Pepresentatives.*

DEAR MR. MOORE: I have your letter of March 17 with reference to your call at the Bureau of Chemistry in company with Mr. W. S. P. Shields regarding the assessment of liquidated damages on a contract for furniture for the New York laboratory.

It is by no mean the universal practice to take down steongraphically the statements of Members of Congress, or of other interested parties, concerning matters pending before the department. It is an invariable rule in the Bureau of Chemistry, however, to make a record of all statements made in connection with cases under the food-and-drugs act. The statements made by Members of Congress, of course, constitute an important part of the record and should receive careful consideration before final action is taken. You will appreciate that it is impossible for the officials to keep in mind all the representations that are made. A complete record serves to refresh their memory and insures consideration of all the facts presented. So far as I can ascertain, there has been no objection to this procedure in the past when it was fully explained. The same course is followed to a certain extent in other important matters in the Bureau of Chemistry and other branches of the department so that a record of all the facts may be available to the officials in arriving at a decision. The only object in reporting your statements and those of Mr. Shields was to make the record complete and to insure consideration of them in the final disposition of the matter.

In accordance with your request, I take pleasure in sending you herewith a copy of the stenographer's notes containing your statement so far as it was reported.

Very truly, yours, D. F. HOUSTON, *Secretary.*

Mr. Chairman, I can understand the desire of the Secretary to protect his subordinates and therefore shall not criticize the stand he has taken in this regard. Neither do I desire to reduce or take away the salary of anyone employed in the Bureau of Chemistry. For that reason I withdrew the point of order, which doubtless would have been sustained. Secretary Houston, in answer to my request, sent me the stenographic notes, consisting of 23 lines, part of which appear to have been spoken by me and part of which appear to have been uttered by the assistant chief after my departure. As they throw no new light upon the correspondence, I shall not embarrass the stenographer by inserting them, for I am quite sure, and the notes show it, that the stenographer did not enjoy his task. I am satisfied to leave the matter as it is for the benefit of whom it may concern.

Mr. LEVER. Mr. Chairman, the gentleman from Pennsylvania some weeks ago called my attention to this matter about which he has been speaking.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes.

Mr. MOORE of Pennsylvania. I ought to have said that it seemed to me that if any one of these bureaus have so many clerks or stenographers as to enable them to play detective on the Members of Congress, the practice ought to cease.

Mr. LEVER. Mr. Chairman, I took occasion to make some little investigation of the case, because I agree with the gentleman from Pennsylvania that if the stenographers and clerks of these various departments are being used in such a way as secretly to take statements of Members of Congress, it is a bad practice. In this case the explanation of the department to me is just about what the gentleman from Pennsylvania has stated, and I presume he will publish the letter of the Secretary of Agriculture which he has on the subject.

Mr. MOORE of Pennsylvania. Yes; I will publish both his letter and my letter.

Mr. LEVER. The situation is this: It seems that the gentleman from Pennsylvania and one of his constituents called at the department, as he states. The Chief of the Bureau of Chemistry was absent at the time, and the acting chief, Mr. Emerson, received these gentlemen. The gentlemen called in reference to a contract for the purchase of some supplies by the department. That whole matter was to be passed upon finally by the Solicitor of the department. Mr. Emerson's statement is that on account of the fact that the statements of these gentlemen were in reference to a matter which had to go to the Solicitor, he called in the stenographer for the purpose of making a record of the statements of the gentlemen, and making these statements a part of the testimony, with no attempt and no thought on his part at all of being rude or discourteous to the gentlemen. He did it in the natural course of his business—that is, it was a matter of evidence, as he thought—and he wanted it for the purpose of transmitting it finally along with the other papers in the case to the Solicitor of the department, and he made absolutely no effort to conceal the fact that a stenographer was taking the testimony or the statement of the gentleman from Pennsylvania and his constituent. That is the case, as I understand it.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes.

Mr. MOORE of Pennsylvania. The gentleman does not think that an altogether dignified practice for a bureau chief or a department chief, to set a stenographer at the elbow of a Member of Congress?

Mr. LEVER. I agree with the gentleman on that point as to such a general practice.

The CHAIRMAN. The time of the gentleman has expired. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

For investigating the character of the chemical and physical tests which are applied to American food products in foreign countries, and for inspecting the same before shipment when desired by the shippers or owners of these products intended for countries where chemical and physical tests are required before the said products are allowed to be sold therein; and for all necessary expenses in connection with such inspection and studies of methods of analysis in foreign countries, $4,280

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last word.

Mr. MOORE of Pennsylvania. Is this new work?

Mr. LEVER. No. This has been carried in the bill for quite a while.

Mr. MOORE of Pennsylvania. It is for inspecting the methods employed in foreign countries for testing the purity of food products, as I understand?

Mr. LEVER. No; the gentleman is mistaken. This is for the purpose of furnishing to the exporters of food products certain certificates as to the purity of the food before exportation is had; that is, when the exporter requests a certificate as to the purity of the food or product he is exporting. Under this item the certificate is given.

Mr. MOORE of Pennsylvania. Is there any provision in this bill covering the inspection of imported meat products?

Mr. LEVER. The gentleman is referring to beef and the like of that?

Mr. MOORE of Pennsylvania. I am referring to such meat supplies as come from the Argentine Republic and other foreign countries.

Mr. LEVER. There is no inspection at the port of entry of imported meat or food products, but the method of the department is to accept the inspection of foreign countries of those products if the department regards the methods of the foreign country from which they come as being sufficient to guarantee the purity of the food. Otherwise it is not allowed to be imported at all.

Mr. MOORE of Pennsylvania. This $4,280 is in the interest of the American exporter of meat?

Mr. LEVER. Entirely so.

Mr. MOORE of Pennsylvania. It is to give a sort of certificate, so far as his foreign trade is concerned?

Mr. LEVER. Yes; the same kind of a certificate that we require of importers of the same kind of products.

Mr. MOORE of Pennsylvania. Provision is made for that?

Mr. LEVER. It may not be a certificate, but it is in the line of the remark I made a little while ago, that inspection of food products in foreign countries shall be of such a character as to justify the department here in trusting to the purity of the food imported.

Mr. MOORE of Pennsylvania. The other day the gentleman made a statement in regard to the importation of foreign meats, such as the carcasses of animals afflicted with the foot-and-mouth disease, and he promised to tell us about the inspection of it.

Mr. LEVER. There is no provision for the inspection of such imported meats. We take the inspection of the foreign country from which the product comes, if we accept it at all.

Mr. MOORE of Pennsylvania. If we take care of the foreign consumer of beef that we export, why not take care of the American consumer of beef that we import?

Mr. LEVER. We take care of the foreign exporter only at his own request, and then make the examination at his expense.

Mr. MOORE of Pennsylvania. Would the gentleman object to having consideration given to an amendment here that would provide for some such inspection as I have indicated, that would protect the American meat consumer from the possible ravages of disease in foreign countries?

Mr. LEVER. I am inclined to think, without having given it very much thought, that there is probably no necessity for it, because the department now requires that the inspection service in foreign countries from which we are getting these products shall be of such a character as to guarantee reasonable safety against infectious importations.

Mr. MOORE of Pennsylvania. It was stated here the other day that Dr. Melvin, Chief of the Bureau of Animal Industry, had said that beef would be infected if the animal had died of the foot-and-mouth disease. That was the question I was trying to get an answer to. Some one on the floor said that Dr. Melvin was authority for that statement, and the gentleman from South Carolina indicated that he would have something to say on it later on.

Mr. LEVER. I have looked into it as thoroughly as I could in the limited time I have had.

Mr. MOORE of Pennsylvania. I wish the gentleman would look into it so far as he can before we reach the paragraph relating to the foot-and-mouth disease.

Mr. LEVER. I will say to the gentleman that, as far as the spread of the foot-and-mouth disease or any other infectious disease is concerned, through the disease being in the body of the imported product, I think there is comparatively little danger; and as far as affecting the health of human beings is concerned, the foot-and-mouth-disease germ is killed by cooking, as I understand.

Mr. MOORE of Pennsylvania. Do they make this appropriation to protect the foreign consumer at the instance of foreign Governments?

Mr. LEVER. I am informed that foreign Governments desire this kind of a certificate.

Mr. MOORE of Pennsylvania. That is what I thought; and it seems to me that, if such regulations are imposed upon our exporters, there ought to be similar regulations applying to importations of meat.

Mr. LEVER. We do have regulations, but probably not such strict ones.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

For investigating the handling, grading, packing, canning, freezing, storing, and transportation of fish, and for experimental shipments of fish, for the utilization of waste products, and the development of new sources of food, $14,000.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. I desire to ask the chairman of the committee just how this appropriation is expended. During the hearings before the subcommittee of the Committee on Appropriations on the sundry civil bill we heard the Secretary of Commerce with regard to the expenditures and operations of the Bureau of Fisheries, intended to develop new food supplies in fish. They gave us a very interesting account of the development——

Mr. LEVER. Of the dogfish.

Mr. MONDELL. The gentleman says of the dogfish. The fish that they had reference to is known as the tilefish, said to be a very valuable and useful article of food. Quite common years ago, it disappeared from the waters of the sea for some years, reappeared, and has been reintroduced by the activities of the Department of Commerce, through the Fisheries Bureau, as a staple article of food, and is, I am told, now being quite widely used. A sample of the fish was very kindly sent me by the Secretary of Commerce, and we found it very good. Now, it occurs to me that the work that the Department of Commerce is doing, through the Bureau of Fisheries, is along the line of the work that is being done under this item; and my query is, Is there not a duplication of effort along these lines, and is there not likely to be a conflict?

Mr. LEVER. The gentleman's inquiry is a very natural one. The members of the committee made inquiry of Dr. Alsberg, who had this matter in charge, and we questioned him along the very line of the gentleman's inquiry. His answer to the committee was that there was no duplication whatever, although the character of the work was very similar. His statement was that the Bureau of Chemistry takes up the work where the Bureau of Commerce puts it down. In other words, the Bureau of Chemistry investigations have to do with the proper method of handling, packing, freezing, and transporting of the fish. As I understand it, the Bureau of Fisheries of the Department of Commerce has more to do with the production side of the fishing business in this country, while the work that the Bureau of Chemistry does under this item is to try to devise some method by which fish may be preserved without hurting the flavor of the fish. They have made some very interesting experiments along that line, which, if they prove successful, will be a very great advance in the way of preserving the fish supply of this country, and preserving its food value and its fish flavor.

Mr. MONDELL. I realize that there are two distinct fields. The statement made to the Committee on Agriculture, to which the chairman of that committee has just referred, was the same statement made before our committee, that the two services did not conflict, that one took up the work where the other concluded it. As long as they adhere to that policy there need be no conflict, no duplication; but I think it is very important that both bureaus understand that Congress is not appropriating with a view of having both of them occupy the same field or overlap in their efforts.

Mr. LEVER. The gentleman can not make that statement too strong or emphatic for use. I agree with it very fully.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

For investigating the packing, handling, storing, and shipping of oysters and other shellfish in the United States and the waters bordering on the United States, $5,000.

Mr. TILSON. Mr. Chairman, I move to strike out the last word. I should like to ask the chairman of the committee what, if anything, is being done toward investigating the oyster industry, especially in its relation to polluted waters? I have heard much from men engaged in the oyster industry in my State in regard to the pollution of waters, and the objection on the part of the Government to shipping the oysters grown in these alleged polluted waters.

Mr. LEVER. I will say to the gentleman from Connecticut that the matter to which he refers is under the jurisdiction of the Public Health Service. Under this item we are doing with shellfish exactly the same character of work that I have described as being done with reference to other fish under the item just preceding. In other words, it is a study of the best methods of handling, transporting, and so forth, of shellfish, so as to preserve them, and so that they may be put on the market in the best condition.

Mr. TILSON. It was in connection with the shipping of oysters that this matter was brought to my attention, and this reference to the shipping of oysters attracted my attention.

Mr. LEVER. I myself asked Dr. Alsberg in the hearings:

I want you to make that very clear, because the question is likely to arise. How does this line of work differ from the work done by the Public Health Service? You say you do the chemical work and the shipping end of it?

Dr. ALSBERG. You see the Public Health Service is concerned merely with the question of what areas are likely to transmit typhoid, and while we are concerned with that question we also take action under the food and drugs act against shipments of oysters we find to be polluted. In addition to that, there are certain other chemical problems. In the first place, there is the problem of how oysters should be iced and shipped and handled; how long they should be washed in order to get the best effect, and the like.

Now, it seems that the line of demarcation is about this: If the Bureau of Chemistry find waters polluted with typhoid germs, then under the pure-food act they take jurisdiction; but as to the locating of the polluted waters and their area, that is a matter for the Public Health Service.

Mr. TILSON. What I am most interested in is the increase in the production of oysters; because, as the gentleman knows, oysters are a very important article of food very largely used. As the population of cities increases and there is more pollution of the waters, the area in which these oysters may be grown will be reduced.

It seems to me there ought to be study and investigation of this subject going on to prevent, if possible, the diminution of the supply of oysters.

Mr. LEVER. Let me make two statements. When this item was first suggested to the Committee on Agriculture the question of the jurisdiction of the Public Health Service arose, and we had the department define very clearly just what line of work they expected to do, and we have been trying in the examination of witnesses before the committee to confine that work to the area mapped out, namely, the handling, packing, and transportation of shellfish and the like of that.

A further statement is made that probably there is no food product in the world in which there is so much waste in the matter of transportation and handling and packing, and necessarily so, as there is in reference to fish and oysters. We believe that under the investigations and better method of handling we can save to the consuming public an immense waste now going on, and to that extent the production along these lines will be increased.

Mr. TILSON. So far so good; but I would like to ask if any department of the Government is interesting itself in this great question which enters so materially into the cost of living—the increased production of oysters.

Mr. LEVER. While I have not looked into the matter—the gentleman from Wyoming may give perhaps more information—the Bureau of Fisheries is engaged all the while in investigating the methods of increasing the production of fish and shellfish.

Mr. HARRISON. Will the gentleman yield?

Mr. TILSON. I yield to the gentleman from Mississippi.

Mr. HARRISON. I notice that the paragraph above the one now being discussed refers to fish, and the one now being discussed refers to oysters and other shellfish. May I ask if shrimp are included in the term "fish"? The reason I ask is that on the coast of my district the shrimp as well as the oyster industry is great, and I was wondering if they are studying shrimp as well as oysters and fish.

Mr. LEVER. The department classes shrimp as fish.

Mr. MONDELL. Mr. Chairman——

Mr. LEVER. Mr. Chairman, I ask unanimous consent to close debate on this paragraph and all amendments thereto in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. MONDELL. Mr. Chairman, along the line of inquiry made by the gentleman from Connecticut [Mr. TILSON], I will say that the Public Health Service has for a number of years been conducting investigations relative to the pollution of waters producing shellfish with a view of determining conditions and studying methods of avoiding such pollution and its spread. Last year a very thorough investigation was made of the Potomac waters and the adjacent waters of Chesapeake Bay.

An interesting bulletin—interesting from the standpoint of those who are interested in that sort of thing—was recently issued by the Public Health Service touching these matters.

Mr. TILSON. Necessarily their work is largely restrictive—that is, to prevent the shipping of oysters grown in polluted waters. I am particularly interested in something to remedy the situation and give more relief from the standpoint of diminishing the field of pollution in which oysters are grown.

Mr. MONDELL. That is one of the objects of the work of the Public Health Service. Its primary object might be said to be to inform people as to conditions existing, but an important object is to have the facts ascertained and stated in order that there may be the necessary legislation, either Federal or State, or both, which may be required to remedy the conditions which these investigations develop. The gentleman realizes that we can not cure these conditions under appropriations on the agricultural bill, but the conditions have been and are being developed by the Public Health Service. It may be that legislation will be necessary to cure the unsatisfactory conditions.

Mr. DALLINGER. Will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. DALLINGER. I would like to ask the gentleman from Wyoming if this bill is not the proper bill for an appropriation to be made to investigate the diseases of the oyster? We have

provisions in this bill for investigating the diseases of other animal life.

Mr. MONDELL. In answer to the gentleman from Massachusetts I will say that that line of work is done by the Bureau of Fisheries. The Appropriations Committee has had some very interesting hearings on the subject of the diseases of the oyster and other shellfish quite recently. The committee has not reached the point of passing upon the requests for additional appropriations, but they have been very urgently made, and my hope is that we will so increase the appropriation of the Bureau of Fisheries that they may extend their work along that line and thoroughly extend the study of the diseases which have so disastrously and unfortunately affected the oysters, particularly in the transplanted regions. They have discovered that in waters where oysters did very well for a few years after being planted they have not of late years reproduced, and where they formerly had a crop annually there is now reproduction only once in three or four years. I believe that with such increased appropriation as Congress may give this year the work would be carried on thoroughly and systematically.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 46, line 8, after the word "the," insert the word "planting," and in line 10, same page, after the word "States," strike out the figures "$5,000" and insert "$10,000."

The CHAIRMAN. The Chair will state that under the order of the committee there still remain five minutes of debate.

Mr. LEVER. If the gentleman from Pennsylvania will yield me one minute of the time, I will be satisfied.

Mr. MOORE of Pennsylvania. I can get through in four minutes, I think. Following up the suggestions already made by the gentleman from Connecticut [Mr. TILSON], the gentleman from Wyoming [Mr. MONDELL] and the gentleman from Massachusetts [Mr. DALLINGER], I have offered this amendment. It is undoubtedly true that something has been the matter with oysters during the last year. Some people who are experts say they have been sick all along the coast. It is a matter of great importance commercially, and an investigation of the planting of oysters to this limited extent would do no harm. I think planting would come within the jurisdiction of this department and probably answer the questions raised by the gentleman from Wyoming [Mr. MONDELL]. You propose here to investigate the packing, handling, storing, and shipping of oysters. Why not go one step further and provide for the planting of oysters? If that be inquired into by those who are competent to make the inquiry, it would be very helpful all along the coast. I care not whether a separate inquiry is being made by the Bureau of Fisheries.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes; but I suggest to the gentleman that only one minute remains.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for five minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the order heretofore made be revoked and the time extended for five minutes. Is there objection?

There was no objection.

Mr. MONDELL I desire to suggest that the Committee on Appropriations has had quite extensive hearings upon this subject of oyster diseases and oyster sicknesses, as my friend styled it, and my belief is that such sum as may be necessary to enable the Bureau of Fisheries to investigate and examine and go into the question of planting and the conditions of planting will be made in the sundry civil appropriation bill. It occurs to me, therefore, that we should not cross the line in this bill and go into the domain of the Bureau of Fisheries.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. MOORE of Pennsylvania. If the gentleman's suggestion is to be carried in the sundry civil appropriation bill I will not insist upon this here, but it is time something was done. This is an important industry and it ought to be cared for.

Mr. MONDELL. Mr. Chairman, of course I am only one member of the committee, and a humble minority member at that, and, of course, I can not bind the committee.

Mr. MOORE of Pennsylvania. But so long as we have specialists engaged in the work of investigating the packing, handling, storing, and shipping of oysters, why not go a step further and expend $5,000 to try out planting?

Mr. MONDELL. The matter of planting is one that comes under the jurisdiction of the Bureau of Fisheries. It is a work they have done to a certain extent, and it is a work they can do, and it seems to me we ought to confine that class of work to the Bureau of Fisheries.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. TILSON. There is a very important work in planting, transplanting, and also an experiment is being carried on of washing oysters; that is, taking them up from the ground where they have grown, where the water may be more or less polluted, and carrying them out to cleaner water beyond the harbor line and there subjecting them to a washing. Whether that is sufficient we do not know, but it seems to me that the Bureau of Chemistry, better than anyone else, should determine whether that is the proper thing.

Mr. MOORE of Pennsylvania. Would not these experiments necessarily enter into the packing and handling and storing of oysters?

Mr. TILSON. It seems to me that this is the proper paragraph of the bill and the proper bill.

Mr. MONDELL. It is never wise to duplicate the work of bureaus. If the Agricultural Department undertook this work it is possible that the Bureau of Fisheries would feel that they had no obligation in the matter, and instead of helping the matter it might retard it.

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

Mr. LEVER. Mr. Chairman, I recognize that this is an important matter, but from the statements made by the gentleman from Wyoming [Mr. MONDELL] a member of the Committee on Appropriations, and from my own personal knowledge of what the Bureau of Fisheries is doing with reference to fish, I take it that the amendment offered by the gentleman from Pennsylvania only sets up duplicate machinery to do this work. In other words, if I understand the gentleman from Wyoming correctly, the Bureau of Fisheries is now doing the very kind of work that the gentleman from Pennsylvania would propose to do with his amendment.

Mr. MONDELL. Mr. Chairman, if the gentleman will yield, I admit that they have not been doing as much in that line, perhaps, as they should have done, but I have no doubt that under their appropriations for the coming fiscal year they will be able to largely extend that work. Our attention has been called to the importance of it.

Mr. LEVER. The gentleman's statement is even stronger than I had understood it myself. In other words, the Committee on Appropriations has recognized the importance of this work and is going to increase the appropriation for the Bureau of Fisheries to do more extensive work along these lines. Therefore it seems to me that, out of good business and practice, we ought not to set up here in the Agricultural appropriation bill a separate piece of machinery to do duplicate work.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. LEVER. In just one second. More than that, I take it that the Department of Agriculture, Bureau of Chemistry, is not nearly so well equipped to do this kind of work. It has not the experts that the Bureau of Fisheries has, and if we are going to do it at all, we ought to select the most efficient machinery that we have existent to do the work, and I trust that the gentleman from Pennsylvania, who is always alert, will be on the job when the sundry civil bill comes up to see that this work is cared for.

Mr. MOORE of Pennsylvania. I expect to be, but I would like to ask the gentleman if we can not include "planting" in this item—why he has the item in at all? Something ought to be done in regard to this matter; a bird in hand is worth two in the bush. That is the situation.

Mr. LEVER. The province of the Department of Agriculture, as these gentlemen have segregated its province, is to deal with the proposition after and not before production. We are engaged with the transportation and such problems.

Mr. WALSH. Will the gentleman yield?

Mr. LEVER. I do.

Mr. WALSH. Is it not true this item has more to do with the marketing of oysters as a product, whereas the other item has more to do with the propagation and culture of the oysters?

Mr. LEVER. The work of the Department of Agriculture is purely a marketing or distributing proposition. The work of the Bureau of Fisheries is absolutely, as I take it, a proposition of propagation and production.

Mr. HARRISON. Will the gentleman yield?

Mr. LEVER. I will.

Mr. HARRISON. I want to say to the gentleman from Pennsylvania that one place in my district is a great oyster center, Biloxi, and I know that one of the departments of the Government, I can not say which one, has made an investigation relative to the pollution of the oyster, as it was claimed that the

oysters were not healthy and suitable to be shipped in interstate commerce. The city health officer of that city came up here and remained for a month studying the proposition so that he could go back and tell those packers and the people who owned the oyster reefs how to preserve them in such condition that the oysters would be healthy. There can be no question that one of the departments of the Government has carefully investigated this matter. I do not know which one it was.

Mr. LEVER. The Department of Commerce.

Mr. HARRISON. So the situation is not as bad as some people pretend it to be.

Mr. LEVER. Mr. Chairman, I ask for a vote, and I hope the amendment may be voted down.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For investigation and experiment in the utilization, for coloring purposes, of raw materials grown or produced in the United States, $50,000.

Mr. MONDELL and Mr. FOSTER. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. LEVER. Mr. Chairman, this is a very important item, the discussion of which might possibly last for 15, 20, 30, or 40 minutes. If gentlemen are going to make the point of order, I would like them to do it notwithstanding what I may be able to say, so as to save time, but if the gentlemen are not going to insist on it, I think we had better discuss it.

Mr. FOSTER. Mr. Chairman, I did not know whether I would or not, but it seems this is intended for an investigation in reference to dyestuffs.

Mr. LEVER. Yes.

Mr. FOSTER. On the theory it might have to do with the coloring of food products. Is that the idea?

Mr. LEVER. I will say to the gentleman the information is that the Bureau of Chemistry in enforcing the pure food and drug act has developed a great many very expert chemists in the matter of dyes. In other words, the chemists of the department must be really expert in the dye business in order to detect coloring matter in certain foods put upon the market, and therefore we have to some extent the machinery for doing this work in the department, and it is in this bureau.

Mr. FOSTER. I see the committee provides in the next paragraph for the purchase and equipment of a traveling laboratory, $7,500.

Mr. LEVER. That has to do with something entirely different.

Mr. FOSTER. It has nothing to do with this?

Mr. LEVER. No.

Mr. BOOHER. Mr. Chairman, before the next paragraph is discussed I want to reserve a point of order on it.

Mr. LEVER. It is already reserved.

Mr. BOOHER. No; not on that.

Mr. FOSTER. Can the gentleman give any idea—I suppose the Agricultural Department officials had something in view where they could experiment in reference to these coloring materials or dyestuffs. Now, we know this, that the dyestuffs are made largely from coal-tar products. Is it the intention of the Agricultural Department, through its chemists there, to take up the study of the coal products of the country?

Mr. LEVER. If the gentleman will permit me to make just a connected statement on this for the benefit of the whole committee, the Secretary in his written estimate asked for $20,000 for this item and later he submitted a supplemental estimate for $30,000, making a total of $50,000. The Committee on Agriculture had the experts of the department before the committee and examined them rather carefully. Since that time I have had the department furnish me with a more comprehensive statement of what is proposed to be undertaken through this item. First of all, they wish to investigate the dyes which we have in agricultural products in this country, and we know we have some out of which we may get some dyes. I take it that is going to be rather unimportant as compared with the other line of work. Their next line of work is to study methods of producing dyes from coal-tar products. Now, there are some concerns in this country that produce dyes, but they are not producing nearly so large a number from coal-tar products as are the German people.

It is the belief of the Department of Agriculture, through its Bureau of Chemistry, that by a proper study, by a concentrated effort along these lines, there is enough brain in this country, enough experts, enough initiative, enough power to do things to bring about a situation which will put this country on a self-sustaining basis in time with reference to dyestuffs.

Now, understand, the Department of Agriculture has a building at Arlington Farm which is suitable for a laboratory in which to make these studies. It is proposed by the department to utilize this building, establish a laboratory there, and go into a complete and comprehensive study of the entire proposition of producing dyes in this country, either from natural products or from coal-tar products through the synthetic method of producing dyes. I have a statement here which gives in detail just how this money is to be expended. I shall read it to the committee, if they desire. If not, I will insert it in the RECORD at the proper place.

Mr. FOSTER. The sole purpose, as I understand from the gentleman's remark, of this provision is to investigate coal-tar products, largely for the investigation of coal-tar products for the production of dyes?

Mr. LEVER. I think that would be their first line of work; yes.

Mr. FOSTER. Can the gentleman inform us what connection there may be between the food products of the country and the products of coal tar to be made into dyes?

Mr. ANDERSON. The Department of Agriculture is constantly making investigations relative to coal-tar products, and it is the only department of the Government that is making any investigation in regard to dyes.

Mr. FOSTER. As I understand, this is to determine the use of coal-tar dies in manufacture and not for food products. I want to know if that is the intention?

Mr. LEVER. Let me say this to the gentleman, that the Department of Agriculture in enforcing the pure-food law must necessarily be acquainted with the various coloring matters that go into the food, and it is necessary for them frequently to make in their laboratory the colors themselves, and they have been doing that, so that they themselves may have a standard by which they can work. Now, that is the laboratory matter. They tell us that they know the laboratory methods of producing dyes now. It is a question, however, of getting a little bit beyond the test-tube work they have been doing.

Mr. FOSTER. I do not know whether I have made myself plain or not, but what I am getting at is this: Is the investigation to develop the dyestuffs to be confined to food products or is it for the purpose of developing dyes for the industry to be used in the manufacture of cotton and woolen and other goods?

Mr. LEVER. Now, I will answer the gentleman's question. I am glad he brought that out, because I thought it was understood. The purpose of this item is to enable the department to investigate the dyestuff industry, if possible, and find some method of developing it to such an extent that will take care of the entire dye situation in this country and take care of the great industrial concerns which must necessarily use a great deal of it, like the cotton and woolen manufacturing.

Mr. FOSTER. Does the gentleman really think that is the duty of the Department of Agriculture? The other day in a bill we gave $10,000 for the purpose of developing these dyes in another branch of the Government. Now, here comes along the Agricultural bill with an appropriation of $50,000.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. FOSTER. Does the gentleman really think that the Department of Agriculture ought to have this appropriation to start into the development of dyes for use commercially?

Mr. LEVER. Now, let me answer that question, because it is important. We do not want to build up duplicating machinery here. I do not think myself that the item in the other appropriation bill to which the gentleman refers is going to give the authority, or duplicate the authority, that we are conferring here. Now, this is a fact, that the work of the Bureau of Standards with reference to color is a physical work entirely. Their work looks to the measurement of color, not to the production of color; not to the production of dyes, but to the work of fixing and finding out the amount of color, the standard of color, and the like of that, in various dyes. For instance, they are working out a method by which they can ascertain the amount of color in oleomargarine and cottonseed oil and a number of other products. Now, that is their line of work—to study measurements and standards and do the physical end of the work. The Bureau of Chemistry, on the other hand, is equipped to do it, and it is the only bureau in the Government which is confessedly, on all sides, equipped to do the chemical side of this work.

Mr. FOSTER. The gentleman is mistaken about that. We have in one department of the Government a bureau equipped for making these tests, and where they have to do with coal from the time it comes out of the ground until it is finally disposed of. I refer to the Bureau of Mines. Now, that labora-

tory is equipped for doing all this work. All they need is money with which to do it. They have a chemist there who is the equal of any in the United States.

Mr. LONGWORTH. One of the very best.

Mr. FOSTER. One of the very best, as the gentleman from Ohio says.

Mr. LEVER. I agree to that.

Mr. FOSTER. And now we start out here with $50,000, to enable the Department of Agriculture to commence with this work. It seems to me this matter probably belongs in that bureau of the Government which is doing that kind of work, and not in the Department of Agriculture.

Mr. BOOHER. Will the gentleman yield?

Mr. LEVER. I will.

Mr. BOOHER. I would like to ask the gentleman if this matter of dyes is not being considered now by the Ways and Means Committee, with a view to bringing in some kind of legislation to encourage the manufacture of dyes?

Mr. LEVER. I understand that is true, but their proposition is a tariff proposition, and this is a production proposition.

Mr. BOOHER. In other words, this is an attempt to put in the Agricultural Department a purely manufacturing proposition connected in no way with agriculture, is it not?

Mr. LEVER. We do not think so, and I will tell you why.

Mr. HAUGEN and Mr. LONGWORTH rose.

The CHAIRMAN. To whom does the gentleman yield?

Mr. LEVER. I will yield to my friend from Iowa [Mr. HAUGEN].

Mr. BOOHER. I would like to have an answer to my question.

Mr. LEVER. The committee does not think so. The committee thinks this item would be justified if for no other reason than that there are a number of products, both of the field and of the forest, that could be manufacured in this country, if the necessary information regarding the methods and processes were worked out and made known, but we do not believe, as business men, that we shall be successful enough with that line of operations to plant this country on a self-sustaining basis with respect to its dyestuffs. Therefore we believe, after all, that our biggest field will be in the study of the methods by which dyes are made from coal-tar products, just as they are made in Germany.

Mr. BOOHER. Why not wait until we see what legislation the Ways and Means Committee suggests before appropriating $50,000 along the same line? It may save duplication. I am not opposed to this legislation, but do not approve putting it on this bill. It should be taken up on its merits and thoroughly discussed.

Mr. LEVER. I will say to my friend from Missouri frankly that I feel this way about it, and probably I am a little old-fashioned in that respect: If we can build up an industry here through productive methods, I would prefer to do it rather than to build it up through protective methods. It may be that we shall have to consider some legislation which may come from the Committee on Ways and Means, and probably there will be some legislation passed from that Committee on the subject; but I would very much prefer if we could put this country on a self-sustaining basis through its own efforts in the production of anything, rather than to do it through protective duties and on protective lines, and the like of that, which will keep competition out.

Mr. MOORE of Pennsylvania. What will protective duties have to do with this, anyhow?

Mr. LEVER. The gentleman knows that I do not discuss the tariff.

Mr. MOORE of Pennsylvania. The gentleman is arguing against the creation of new enterprises here.

Mr. LEVER. I do not think that is a valid reason.

Mr. HAUGEN. When this item was up in the committee for consideration my recollection is that some member of the committee suggested that some other committee might make appropriations, or report favorably upon appropriations, for this purpose, and that it is possible that this work might be assigned to the Bureau of Standards or the Bureau of Mines. Has the gentleman conferred with members of other committees to ascertain if this work will be provided for and taken care of?

Mr. LEVER. The only committee that would have jurisdiction of an item of this kind would be the committee that carries the appropriations for the Bureau of Standards.

Mr. HAUGEN. And the committee that carries the appropriations for the Bureau of Mines, and also the Ways and Means Committee.

Mr. LEVER. I understand the bill is about ready for report from the Committee on Ways and Means.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes.

Mr. LONGWORTH. I think there is a good deal in what the gentleman from Missouri [Mr. BOOHER] says. It is a matter that is now before a committee of the House. It is receiving consideration—the question of the establishment of the coal-tar dye industry in this country. Personally I am very much in hopes that some legislation will be originated in that committee which will provide for the establishment and maintenance of the coal-tar dye industry. In the meantime it occurs to me that it might not be wise to appropriate as much as $50,000 for mere experimentation purposes, for, after all, we can not learn anything more by experimentation in this country than has already been learned by Germany, which has been manufacturing these dyes for many years, and which now produces 1,800 different colors, whereas the largest number we have ever produced in this country practically is about 15 dyes.

Mr. LEVER. I thought it was more than that.

Mr. LONGWORTH. Less than 20 colors are being made in this country.

Mr. LEVER. No matter how high the protective duties may be on dyestuffs, the situation, to my mind, is so critical that the Congress of the United States is justified in taking advantage of every line of inquiry possible to see if we can not better the condition.

More than that, I will say to my friend, you may make the tariff duties as high as you may, and still that does not eliminate the sound reason for putting on foot an investigation for the study of the best methods of doing these things. I am inclined to think myself, if my friend will permit me, that there is not in this country at this time that thoroughness of understanding of the methods of producing dyestuffs that the German people have.

Mr. LONGWORTH. The gentleman is perfectly right about that, but——

Mr. LEVER. And therefore we feel that we ought to have a sufficient sum to put our experts at work and train them to bring about relief from this situation.

Mr. LONGWORTH. The gentleman realizes that the American Chemical Society has gone into this matter very thoroughly. It is upon their report that the Committee on Ways and Means is now considering the question, and in their report it is unanimously decided that there is no possible way to create that industry in this country, to make a substantial industry, except by means of legislation which, particularly after the war, will prevent the sort of competition that we have had from the German dye manufacturers.

Mr. LEVER. I will not admit it, although I have not studied it; yet I have read the hearings of the committee on that subject. But in any event it may be necessary, whatever else may be done here, to raise the duties on dyestuffs. But I do know this, that we can not afford to let pass the opportunity here to put on foot an investigation of this entire situation, and if it costs $50,000, good and well; if it costs more than that, good and well. It is not money badly spent; it is not money wasted, in my judgment.

There is no duplication of work between the gentleman's line of thought and mine at all. The work of each is supplemental to the other, and we can not do too much, in my judgment, along this line of promoting the dyestuff industry, and likewise promoting the fertilizer industry of this country. I do not believe, gentlemen of the committee, that any great people, much less a Nation of 100,000,000 people, ought to feel itself dependent at any time upon foreign nations for things that enter into its commercial life. [Applause.] I am willing to spend money along this line.

Mr. LONGWORTH. I agree absolutely with the gentleman. It is for that reason that I support the proposition to create a dye industry. It is for that reason that I shall support the amendment which the gentleman will introduce, to have a Government experimental plant, to investigate the extracting of potash from seaweed, or something else. But I am afraid that this might be considered in some way or other as a substitute for legislation which the Ways and Means Committee are now considering.

Mr. LEVER. Of course, I do not know what kind of a bill the Ways and Means Committee will report.

Mr. LONGWORTH. The gentleman would not say that this is in any sense a substitute?

Mr. LEVER. I would not be willing to say by any means that this appropriation here is the last word or the best thought of Congress on the subject of developing the dyestuff industry in this country.

Mr. LONGWORTH. Nor would the gentleman say that it would obviate the necessity for legislation such as the Ways and Means Committee are now considering?

Mr. LEVER. Until I see the gentleman's bill, I would not like to commit myself to that proposition, although if a good proposition is brought in here, I shall support it.

Mr. LONGWORTH. If I felt that the gentleman believed that this would obviate the necessity for the legislation which the Ways and Means Committee will bring in, I would at once raise a point of order against this.

Mr. LEVER. I think the gentleman will admit that I do not pay much attention to politics, and that I do not know much about that end of it.

Mr. LONGWORTH. I shall not make the point of order, but I want it understood that this provision does not in any way take the place of the legislation which the Ways and Means Committee are considering.

Mr. BORLAND. Has the point of order been reserved on the paragraph?

The CHAIRMAN (Mr. HAMLIN). The Chair understands that it was reserved. The present occupant of the chair was temporarily absent.

Mr. LEVER. The point of order has been reserved, and I think the debate has gone far enough to develop whether the point of order will be made.

Mr. STAFFORD. Mr. Chairman, I should like five minutes.

Mr. ANDERSON. If the point of order is withdrawn, I should like to make a suggestion with reference to the form of the paragraph.

Mr. LEVER. I will say to the gentleman from Missouri [Mr. BORLAND] that there will probably be 30 minutes of debate on this; and if the point of order is going to be made in the end, I think it ought to be made now. The paragraph is subject to a point of order; and if it is going to be made, it will save the time of the committee to make it now. I have made about the best statement that I can on this section.

Mr. BORLAND. If the gentleman will yield to me for about two minutes, I will tell him what my point of order is.

Mr. LEVER. I ask unanimous consent to proceed for two minutes so that this question of the point of order may be settled one way or the other.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. BORLAND. My point of order is not to the investigation of vegetable dyestuffs by the Agricultural Department, but to an investigation that would overlap the investigation now provided for by the Bureau of Standards of mineral dyes. I do not think there ought to be any duplication of this work, and I am quite sure that the words "of raw materials grown or produced in the United States" are broader than contemplated by the organic law of the Department of Agriculture. If it was "grown in the United States" it would be a different proposition, but "grown or produced" gives them a roving commission to investigate all kinds of dyestuffs. That is the point in a nutshell.

Mr. LEVER. I will say to the gentleman from Missouri that I thought I had here a letter from the Secretary of Agriculture in which it was stated that the Secretary of Commerce and the Secretary of Agriculture through their bureaus had had a conference on this matter, and that they had agreed upon the line of work that each should do, but I do not find that letter here.

Mr. STAFFORD. Will the gentleman yield?

Mr. LEVER. I yield to the gentleman from Wisconsin.

Mr. STAFFORD. Mr. Chairman, when the item providing for investigation of dyestuffs was under consideration in the legislative, executive, and judicial appropriation bill I offered an amendment to extend the work of that bureau so as to investigate the manufacture of dyestuffs.

Mr. LEVER. I recall that.

Mr. STAFFORD. Shortly after I offered that amendment, with the idea that the Bureau of Standards should alone have jurisdiction of the scope of this work, but not wishing to interfere in any way with the work of the Agricultural Department if it was separate and distinct, I addressed a letter to the Chief of the Bureau of Standards, Dr. Stratton, inquiring as to what was the real scope of the work under his bureau. I received a reply from the Secretary of Commerce, as well as a letter from the Secretary of Agriculture, stating that the two works were entirely distinct.

Mr. LEVER. That is my recollection of the letter which I received.

Mr. STAFFORD. That the Bureau of Standards was merely to investigate as to color standards. The letter from Secretary Redfield, as well as the letter from Secretary Houston, convinced me that there was a distinct need of this investigation by the Agricultural Department.

Mr. LEVER. And a distinct line of work.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. I ask unanimous consent to proceed for three minutes to complete this statement, so that the committee may have full acquaintance with the facts as I know them.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. LEVER. As I understood the gentleman, he concedes that there is not only a distinct need for it, but also that there is a distinct line of demarcation in their work.

Mr. STAFFORD. That there was a distinct need for the investigation; that the Bureau of Standards was to investigate standards of color, whereas it was proposed by the Agricultural Department to investigate the character of materials, and largely agricultural materials, from which dyestuffs could be produced. It is well known that we are suffering from a shortage of dyestuffs in this country. It is well known that Germany possesses a knowledge of processes of manufacture of dyestuffs with which our American manufacturers have no acquaintance whatsoever. The purpose of this provision is to establish some Government agency which will be an aid to our manufacturers, so that they will know how to extract colors from raw materials and products developed in the United States and give that knowledge to the manufacturers when the industry is established here, as it should be, and I hope will be, under the protecting influence of the bill that will shortly, I hope, be reported by the Committee on Ways and Means. Now I yield to the gentleman from Missouri [Mr. BORLAND].

Mr. BORLAND. Has the gentleman the letter he referred to in which it is claimed the director said that he was not going to investigate the methods of production?

Mr. STAFFORD. I received a reply from Secretary Redfield, in which he said that the work was entirely distinct and that he had had a conversation with the Secretary of Agriculture, Mr. Houston, in which they agreed that they were entirely distinct, and no overlapping whatever—that the Bureau of Standards was doing one line of work as to standards and the Agricultural Department was investigating as to what materials could be utilized.

Mr. BORLAND. That might be all true, and still the Bureau of Standards might be investigating methods of manufacture; it might be that the two departments can work in harmony.

Mr. STAFFORD. There was no question between Secretary Redfield and Secretary Houston, as was stated in the letter, that the work was entirely distinct and that they were going to work in harmony.

Mr. LEVER. I have the letter here, or a part of it, which I will read.

This is a letter from Dr. Stratton, of the Bureau of Standards, to Dr. C. L. Alsberg, Chief of the Bureau of Chemistry:

> As to the development of the processes involved in the manufacture of coal tar and mineral dyes I would state that there may be a difference of opinion as to where that work belongs. However, I can assure you that, as far as I am personally concerned, I am entirely agreeable as to its being done in your bureau in case the Government decides to undertake it, and should you do so, I will be pleased to render every possible assistance.

That carries a strong inference that the Government is not now undertaking it.

Mr. BORLAND. The difficulty is that you are carrying the Bureau of Chemistry outside of its organic work when he gets into the investigations of coal-tar products.

Mr. LEVER. We are doing it every day.

Mr. MONDELL. Mr. Chairman, I reserve a point of order.

Mr. BORLAND. I make the point of order.

Mr. MONDELL. Will the gentleman reserve it? I want five minutes.

Mr. BORLAND. If I reserve it, I want to talk five minutes myself.

Mr. MONDELL. In view of what has been said I would like to make a few observations.

Mr. LEVER. If the gentleman from Wyoming has any hope of convincing the gentleman from Missouri on this important matter, I should be willing that he took the time; but if the gentleman from Missouri is adamant, it will be wasted.

Mr. BORLAND. I will reserve the point of order.

Mr. GARRETT. Will the gentleman from Missouri permit me to offer a suggestion?

Mr. BORLAND. Yes.

Mr. GARRETT. Whatever may result in the way of revenue legislation growing out of the dyestuff question, I want to sug-

gest to the gentleman from Missouri that, in my opinion, there is a necessity for investigation into the processes of the manufacture of dyestuffs by some Government agency. If there be revenue legislation initiated by the Committee on Ways and Means under which there will be a development of dyestuff products in this country, that development will come under processes, unless there is some such investigation, that will be developed by private individuals upon which there will be patent or trade-mark rights. My opinion is that, in view of this fact, the instrumentalities of this Government should be utilized to obtain the action which will give to the public and every man and every individual alike, and I very much hope the gentleman will not press his point of order.

Mr. MONDELL. Mr. Chairman, I believe I was recognized by the Chair.

Mr. GARRETT. But the gentleman from Missouri made the point of order.

Mr. MONDELL. Yes; after I had been recognized.

The CHAIRMAN. The gentleman from Wyoming is mistaken. The Chair did not recognize the gentleman.

Mr. MONDELL. He mentioned my name.

Mr. BORLAND. Mr. Chairman, I ask unanimous consent that the gentleman from Wyoming have five minutes and that I have five minutes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that he have five minutes and that the gentleman from Wyoming have five minutes. Is there objection?

Mr. EDWARDS. Mr. Chairman, reserving the right to object, I shall not object provided the debate shall end at the expiration of 10 minutes.

Mr. ANDERSON. Mr. Chairman, if the gentleman from Missouri intends to make the point of order, I think an opportunity should be given to make an argument on the point of order itself.

Mr. MOORE of Pennsylvania. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. Is it not a fact that the point of order was made?

The CHAIRMAN. The point of order was made, but the Chair understood the gentleman from Missouri to afterwards reserve it.

Mr. MOORE of Pennsylvania. What is the present parliamentary status?

The CHAIRMAN. The point of order is reserved against the paragraph. Is there objection to the request of the gentleman from Missouri? [After a pause.] The Chair hears none.

Mr. MONDELL. Mr. Chairman, there is no question as to the advisability under present conditions of an investigation such as is contemplated by the item under discussion. Some investigation and some experiments along these lines should, in my opinion, be carried on by some Government agency, and the question is, What Government agency should carry on that work? It is true, as the gentleman from Wisconsin [Mr. STAFFORD] stated a moment ago, that there has been no duplication between the Bureau of Standards and the Bureau of Chemistry in the Agricultural Department touching their work on coloring matter. Up to this time the Bureau of Standards has examined the question from the standpoint of standardization, and the Bureau of Agriculture up to this time has been examining the subject from the standpoint of the effect of coloring matter on food.

It is proposed in this item to undertake an entirely new work, and it is suggested that the Agricultural Department has a corps of chemists and a building over at Arlington that can be fitted up for the purpose, and I presume that a large part of the $50,000 will be spent in fitting up the building necessary for the work. Query, Is there not somewhere in the Government a bureau or department that is already prepared to do the work? Can not the Bureau of Standards without additional buildings or new equipment widen the scope of its work, and is not that the bureau to undertake it? If not, is not this work a work that could properly be taken up by the chemists of the Bureau of Mines? Our dyes are no longer largely made from agricultural products. My understanding is that the bulk of the dyes are made from coal tar and coal.

Mr. LONGWORTH. Mr. Chairman, if the gentleman could have half an hour's conversation with Dr. Parsons, the chemist of the Bureau of Mines, he would learn more about dyes and the coal-tar industry than he can in reading volumes.

Mr. MONDELL. Mr. Chairman, I think that is true. That is in the line of their work. They have been engaged for a considerable length of time in working out processes for the production of dyes, and an official of the Bureau of Mines recently patented some inventions which are now held by the Secretary of the Interior, as trustee, for the production of dyes and various by-products from oil or coal. It seems to me that this is a work that could be more properly undertaken by the Bureau of Mines or by the Bureau of Standards. However, if there was danger that it would not be undertaken unless it was undertaken by the Agricultural Department, I should not want to see this item go out. I think the work should be undertaken.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. FESS. How much activity have we had in the past in discovering different varieties of colors which we can produce?

Mr. MONDELL. The Federal Government, I think, has been doing practically nothing along the line of experimenting in the development of coloring matter or with a view of developing processes; but my suggestion is that it is not a proper agricultural activity, because coloring matter of this day and generation is obtained almost wholly from mineral products. We are no longer using butternut and juniper berries and things of that kind for coloring to any considerable extent, except in some of the country districts.

Mr. FESS. It has been stated on the floor that we produce probably 20 varieties, and that there are about 1,800 known.

Mr. MONDELL. I think there would be no objection to the Agricultural Department developing coloring matter from agricultural products.

Mr. FESS. There certainly is a great work for some one.

Mr. MONDELL. I want to say to the chairman of the committee that if the point of order should not be made the word "raw" should by all means be taken out of this item, because coal-tar dyes are not raw material.

It is highly important that every encouragement and aid should be given the dye industry of the country, or for the development of the dye industry of the country, as is proposed under the item we are discussing. But after all this is done, our final success will depend upon the protection of the new and growing industry by tariffs. Dr. H. D. Gibbs, chemist in charge of the color laboratory of the Bureau of Chemistry of the Agricultural Department, made the following statement in answer to an inquiry made by the chairman of the Agricultural Committee, as recorded on page 852 of the committee hearings:

The CHAIRMAN. Has there ever been any attempt in this country to put the dye industry on its feet?

Dr. GIBBS. There was a serious attempt by a number of manufacturers who were almost driven out of the business by foreign competition; that is, the same dyes which they made were shipped in here and sold at such a rate that they had to stop the manufacture of the particular dyes in question. There is one firm in this country that at various times in its existence in the last 25 years or so has manufactured about 130 different dyes, and they were driven from one dye to the other by this kind of competition.

This statement of Dr. Gibbs clearly illustrates the handicap under which our people would operate even after they got started; and whatever else we may do, we must also protect the dye industry after it is started or it will be throttled by foreign competition.

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

Mr. BORLAND. Mr. Chairman, there is no one who more heartily agrees than I do with all that has been said about the necessity of finding additional supplies of dyestuffs for this country in developing our home production. We have seen in almost all of the appropriations we have had to make recently, even for the departments of the Government, the excessive cost that is now being paid for these dyestuffs, as, for instance, printer's ink and things of that sort in the Bureau of Engraving and Printing. We formerly imported all of that, and we are purchasing it now at greatly increased prices. And, of course, we know the condition of the textile industry in this country. We know the urgent need at this time of a domestic supply of dyestuffs. There is no use of basing an argument on that proposition. There is no use, either, of basing an argument on the proposition that we ought to have some scientific bureau of this Government equipped to develop processes of manufacturing. We ought to have one; and if we ever become a great manufacturing nation in competition with Germany and other scientifically developed nations, we shall have to have some department of this Government equipped to continually develop scientific methods. My understanding is that the Bureau of Standards comes nearer filling that field as a universal bureau than any other department of the Government.

Mr. LEVER. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes; for a question.

Mr. LEVER. I think I am entitled to make this statement. The gentleman was not here when I made my statement. He happened to be attending to business on another committee. But the statement is made that the Bureau of Standards is not doing any of this kind of work, and it does not want even to

undertake the work of producing dyestuffs. The Bureau of Standards is engaged in the work of measuring color, standardizing color.

Mr. BORLAND. I was about to refer to that matter. It is not so that the Bureau of Standards simply makes standards or decides on standards of color as well as standards of other things. That may have been its original object, but anybody who has seen the growth of that bureau knows that they have progressed beyond that and that they now test material as to its adaptability to certain lines of manufacture.

Mr. LEVER. The gentleman knows that the item under which the Bureau of Standards is making these color studies has not been in the legislative bill except this year?

Mr. BORLAND. Of course; because this whole agitation is new.

Mr. LEVER. So that they have not been doing any of that kind of work.

Mr. BORLAND. And here we want the Department of Agriculture, which happens to have a chemical laboratory, to engage in work entirely foreign to the Department of Agriculture simply because they have that laboratory; no other reason advanced. It is not contended—in fact, it is admitted that the material they are going to work on is not agricultural.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. I am sorry that I can not yield.

Mr. STAFFORD. Just to correct a misapprehension under which the gentleman is laboring.

Mr. BORLAND. Oh, I desire to make my own statement. It is urged here that they have a chemical laboratory and, therefore, it is convenient at this time to turn this work over to them. If you continue to put into the Department of Agriculture all kinds of work, manufacturing, nonagricultural, mining, and everything else, you will soon have it overtopped. This Bureau of Chemistry is confined to the investigation of food products, and it ought to be confined to that, and we ought not to put any manufacturing processes in there, mineral or otherwise. If they have any way of examining vegetable dye for coloring food or otherwise that is going to be useful, they may need to have an increased appropriation for that purpose, but as to going into the analysis of mineral dyes and equipping practically a new section of their laboratory for that purpose, it ought not to be done in this bill.

It is not in the organic act creating the Agricultural Department and ought not to be attempted under a passing notion or excitement that we want more dyestuffs.

Mr. HELVERING. Will the genleman yield?

Mr. BORLAND. I do.

Mr. HELVERING. The gentleman understands that there is a bill, and looked upon favorably, for the protection of the manufacturers of dyestuffs in this country?

Mr. BORLAND. Yes.

Mr. HELVERING. Does not the gentleman think that should be engaged in by the Government rather than left to private individuals?

Mr. BORLAND. I do not think it is needed. I have talked with men in the paint business in this country, the largest paint manufacturers in the country, and they tell me when the shortage of coloring matter occurred they sent to Switzerland and Austria and imported scientists into this country, and to-day they are making reds and other colors, aniline dyes, equal to if not superior to the Austrian and German dyes. They are supplying their own needs and are beginning to supply printing manufacturers and they are on the point of soliciting orders from textile manufacturers. I asked them whether they needed any protection, and they said they did not. Mr. Chairman, I make the point of order on this paragraph.

Mr. LEVER. Mr. Chairman, I would like to be heard briefly on the point of order. A casual examination of this item, I think, would lead anyone to conclude that it was subject to the point of order as it led me to conclude that it was subject to the point of order. But a more careful investigation has convinced me that the paragraph is not subject to the point of order. Now, I want to call the attention of the Chair, as I have done at other times, to the language of the organic act creating the Department of Agriculture:

> There shall be at the seat of government a Department of Agriculture, the general design and duties of which shall be to acquire and to diffuse among the people of the United States useful information on subjects connected with agriculture.

Now, on that proposition I want to call the attention of the Chair to this fact, that the testimony which has already been read in the hearing of the Chair during this discussion from the scientists of the Department of Agriculture is to the effect that there are a great many agricultural products, that there are a great many forest products, out of which dyes of all description have been made and are being made at this time, and out of which a great many other dyes may be made with proper investigation and the development of proper processes. That is the first proposition, and it is that the full utilization of the agricultural products of the country may make it necessary that we inquire into the processes of dyeing and coloring these articles of the farm. If so, then the language of the organic act is broad enough in my judgment to meet this situation. The second proposition I call the attention of the Chair to is this: The Department of Agriculture under the law is intrusted with the enforcement of the pure food and drugs act. The experts from the chemistry division of the Department of Agriculture tell us that it is absolutely necessary in the proper enforcement of the pure food and drugs act that they be in position to know the amount of coloring in given food products. Not only that, but they must be in position to know the composition of the coloring matter in those food products, so that it has been found necessary in the chemical department to manufacture a number of aniline dyes, to which the gentleman from Missouri refers, which are there made by certain processes from coal-tar products in order that the Bureau of Chemistry may fully, completely, and wisely enforce the act which Congress has put upon them to enforce, the pure food and drugs act.

Now, then, it seems to me, under the organic act, we should have the right to appropriate in this bill for the purpose of investigating the processes and methods by which we may make farm products more valuable and useful to the public and by which we may gather information touching those agricultural products that may be diffused to the people of the country under the wording of the organic act. It seems to me that we not only have that right, but we go one step further and say we must have the right in the enforcement of the pure food and drugs act, if we are going to enforce it properly, to ascertain the methods of developing and producing aniline dyestuffs in this country which go into coloring matter. I want to call the attention of the Chair to a rule of construction laid down by the great Chief Justice of the United States, Chief Justice Marshall, in the interpretation of a statute, and I take it that the Chair, in interpreting the meaning of statutes and their application to points of order on appropriation bills and in the interpretation of the rules of the House, would be guided largely by the principles that are laid down by the courts in interpreting the statutes that come before them. In the case of McCulloch versus Maryland, Chief Justice Marshall said:

> Let the end be legitimate, let it be within the scope of the Constitution and all means which are appropriate, which are plainly adapted to that end, which are not prohibited but consist with the letter and spirit of the Constitution, are constitutional.

Now, of course, this is not a constitutional question; it is a question of order, but if the Chair can make up his mind that the work we are undertaking to do here is incidental to the carrying out of the powers that have been conferred by law, then these incidental rights certainly accrue and the point of order will not lie.

Mr. BORLAND. Mr. Chairman, the rule is that if any portion of a paragraph is out of order the entire paragraph is out of order. If we admit the argument of the gentleman from South Carolina, there would be absolutely no limitation upon the powers of the Department of Agriculture, and we could appropriate and consign to them any work within the sphere of human endeavor. The fact that they may have occasion to test aniline dyes entering into the coloring of food matter, if we give them power to go to the question of the process of the manufacture of aniline dyes, why, it could be argued with equal strength that the fact that they have occasion to use buildings in connection with the Department of Agriculture would give them unlimited power to test building materials, fireproofing, structural material, and structural strength of all kinds.

If they need coal to heat their buildings or to engage in laboratory work, it would enable them to go into all the processes of mining and distributing coal. The fact that they might occasionally need gas in their processes or in the work of their department would give them the entire field of gas investigation. The fact that they need electricity occasionally in their work would give them the entire electrical field. And so there would be no limit whatever to that process of argument. You have got to confine it to what is germanely and reasonably connected with the development of the agricultural industry.

Now, it has been pretty generally understood in this debate that the moving cause of this particular appropriation is to find dyestuffs for manufacturing purposes, not for the coloring of food, and the chief of those dyestuffs are mineral productions and not agricultural at all; but it is assumed that the two can be lumped conveniently. Whether they can be conveniently

lumped together is not the question before the Chair. The question before the Chair is whether the part they propose to engage in is beyond the power of the organic law. If it is, then the paragraph is subject to a point of order. They may be able to introduce a paragraph that is not subject to a point of order——

Mr. FOSTER. The gentleman from South Carolina [Mr. LEVER] quoted the Agricultural act. This comes under a different act, the pure-food act, and the Bureau of Chemistry comes under that.

Mr. LEVER. There is no statutory provision establishing the Bureau of Chemistry.

Mr. BORLAND. There is no statutory provision establishing the Bureau of Chemistry. If the gentleman says they have got any such warrant of law it is up to him to point it out, but he would in so doing prove there was no necessity for this paragraph.

Now, here is what I want to call the Chair's attention to. They say:

For investigation and experiment in the utilization, for coloring purposes, of raw materials grown or produced in the United States.

Now, the word "grown" is clearly identified with agricultural pursuits. "Grown in the United States" would include almost any vegetable product. But they have very carefully enlarged that language, and I think with a good deal of care and skill, so that it is absolutely unlimited in its scope. They say, "Grown or produced in the United States." Now, "produced in the United States" means any possible line of human activity, and there is no question but that it is beyond the powers of the organic act.

If Congress were to legislate in that way, to create by an organic act one department, and then by its construction enlarge its activities into every department over which Congress has power to legislate, the limitations of law would be ropes of sand. Congress puts limitations upon the Agricultural Department and it confines it to agriculture—to matters grown within the United States—but they say, "grown or produced within the United States," and the minute they say "produced in the United States" they have usurped the entire field of human activity—manufacturing, mining, and all other forms. Now, there is no question about that; and if that is true, and it is practically admitted in the argument that preceded this argument on the point of order, then it is certainly beyond the organic power of the act.

Mr. ANDERSON. Does the gentleman contend that the investigations of the Department of Agriculture are necessarily limited, or are limited by the act creating the department, to the investigation of raw products—products of the soil in their natural state—and those investigations can not go beyond the investigations or the dissemination of information in regard to agricultural products in their raw state?

Mr. BORLAND. No; that argument is not necessary.

Mr. ANDERSON. That seems to be a necessary sequel to the gentleman's argument.

Mr. BORLAND. The gentleman will readily concede, I think, as he is a pretty clear thinker, the words "produced in the United States" comprise about as wide a term as could be used.

Mr. ANDERSON. That is true; but it does not seem to me that the mere fact that that may include articles which are not strictly raw products of agriculture necessarily would lead to the conclusion that this amendment goes beyond the authority of the enabling act, and is consequently not in order.

Mr. BORLAND. As a matter of fact, it has been pointed out here to the Chair that the Bureau of Chemistry is a "by-product" of the pure food and drug act. There is not any organic law creating it. It is a part of the necessary and incidental machinery for enforcing the pure food and drug act. That further limits the activities of the Bureau of Chemistry, because clearly by that line of argument the Bureau of Chemistry has not the full sweep and power of even the organic act of the Department of Agriculture. It may be used conveniently and tacitly by the department for all sorts of purposes, but if it is a "by-product" of a special law for the enforcement of the pure food and drug act, its powers are much more narrowly defined than the powers of the department itself. In other words, it may be possible to provide for an additional chemical laboratory for the purpose of dyestuffs under the organic act, provided we are limited to agricultural products, but not necessarily to confer that power upon the Bureau of Chemistry.

Now, the fact that the Bureau of Chemistry exists in the Department of Agriculture seems to be the only argument that has been advanced why any of these powers should be conferred upon it, and I submit that is not, on a question of the point of order, on a question of law, a controlling feature. It is not a question of convenience; it is a question of whether the organic act extends to that line of activity.

The CHAIRMAN. The Chair might regret that a point of order is made to this paragraph, but that is not a question for the Chair to take into consideration in passing on the point of order. As has been stated here, and it appears undisputed that this Bureau of Chemistry is an incident made necessary now by the passage of the pure food and drugs act. The Chair can not agree entirely with the gentleman from South Carolina [Mr. LEVER] that because the investigation of the dye industry might involve and take in some of the products of agriculture and in that way help that industry, therefore the paragraph would be in order on a bill of this kind. It is a fact of which we are all conscious, that there is scarcely any industry in this country that does not touch agriculture somewhere along the line, and if we were to apply the rule invoked by the gentleman from South Carolina, the Chair could conceive of scarcely anything that could not be made in order on an Agricultural appropriation bill.

But I repeat that it appears undisputed—and the Chair thinks that is true—that this Bureau of Chemistry is an incident to the pure food and drugs act. It has been treated as such in all the Agricultural appropriation bills, so far as the Chair knows, and is so treated in this bill. You will observe that provisions are made for conducting an investigation relative to the application of chemistry to agriculture; for an investigation of the character of the chemical and physical tests applied to American food products; for the investigation of the preparation for market, handling, grading, packing, freezing, drying, storing, transportation, and preservation of poultry and eggs; the handling and grading and packing and transportation of fish; the packing, handling, storing, and shipping of oysters, and other shell fish; and for the biological investigation of food and drug products and substances used in the manufacture thereof—recognizing all along that the activities of this bureau are confined to things embraced in the pure food and drugs act.

Now, the Chair was very much interested in the debate upon this particular paragraph, and it seemed to be conceded upon all sides that the real purpose of this provision is to go into a general investigation as to the production of dyes which would not only include agricultural products but, as the gentleman from Missouri [Mr. BORLAND] says, using the broad term, "materials grown or produced in the United States," that might and likely would go entirely outside the realm of agriculture. It seems to the Chair that to hold this paragraph in order would be to go far afield of the original purpose in establishing this bureau. Therefore the Chair feels constrained to sustain the point of order.

Mr. ANDERSON. Mr. Chairman, I desire to offer an amendment as a new paragraph.

The CHAIRMAN. The gentleman from Minnesota [Mr. ANDERSON] offers an amendment as a new paragraph, which the Clerk will report.

The Clerk read as follows:

Insert, as a new paragraph, on page 46, after line 16, the following: "For the employment of chemists and other scientific assistants for investigation and experiment in the utilization of coloring materials, $50,000."

Mr. BORLAND. Mr. Chairman, I reserve a point of order on that.

Mr. ANDERSON. If the gentleman thinks it subject to a point of order, he might as well make it. I do not care to debate it.

Mr. BORLAND. I make it.

The CHAIRMAN. Does the gentleman from Minnesota want to be heard?

Mr. ANDERSON. Just one moment, Mr. Chairman. The enabling act, or the act creating the Department of Agriculture, authorizes the employment of "chemists, botanists, entomologists, and other persons skilled in the natural sciences pertaining to agriculture." This amendment merely authorizes the employment of chemists and other scientific assistants for the purpose of making investigations of coloring material.

It seems to me that that is clearly in order. It is a mere appropriation for the employment of persons for the purposes designated, and in that case it seems to me it is in order and not subject to a point of order.

The CHAIRMAN. The Chair will ask the gentleman to read that paragraph again. The Chair could not catch it.

Mr. ANDERSON. This is in the original act. I read:

And he shall, as Congress may from time to time provide, employ other persons for such times as their services may be needed, including chemists, botanists, entomologists, and other persons skilled in the natural sciences pertaining to agriculture.

Now, the question of coloring matter is a natural science which pertains to agriculture.

The CHAIRMAN. Would the gentleman permit the Chair to ask him this question? There is no doubt about the authority of the Secretary of Agriculture to employ chemists under that act, but would the Secretary of Agriculture have or has the Secretary of Agriculture got authority to use these chemists for the purpose of making an investigation into the production of dyes for general manufacturing purposes?

Mr. ANDERSON. That is a matter of the general interpretation of the language. I say he may employ chemists for the purpose of investigating coloring materials. It is a fact that the Bureau of Chemistry now does investigate the question of coloring matter in foodstuffs, both in respect to coal-tar dyes and other kinds of dyes. I can see no reason why an investigation of this kind is outside of the purview of the Department of Agriculture. It seems to me to be clearly within the authority of the department.

Mr. BORLAND. Mr. Chairman, it need only be said about that amendment that it is a little bit broader, if possible, than the amendment that was ruled out. It is a little less confined in its operations.

This Bureau of Chemistry under which this amendment is offered is a creature of the pure food and drugs act. The gentleman can not get away from that, and he can not get away from the proposition that, even if the powers of the department were broad enough to create a laboratory for the investigation of the general production of coloring matter, it certainly would not be under this particular bureau. He has not confined his language by any means, by direction or indirection, to the primary purpose of this section of the bill, which is the enforcement of the pure food and drugs act, in relation to food and materials. He is just simply given a roving commission to investigate coloring matter; and it is not only subject to all the objections referred to in the decision of the Chair a moment ago, but to the further objection that it is much broader than the Bureau of Chemistry, where it is placed.

Mr. ANDERSON. Mr. Chairman, may I point out the fact that there is nothing in this amendment which confines the persons employed in the Bureau of Chemistry to any particular line?

Mr. BORLAND. That is exactly the trouble.

Mr. ANDERSON. And consequently the proposition is not limited to any authority which may be conferred upon the Bureau of Chemistry. If it has any jurisdiction at all, it gets it from the organic act.

Mr. BORLAND. But the gentleman has offered it in this place.

Mr. ANDERSON. That does not affect that situation.

Mr. BORLAND. The gentleman has offered it as a part of the Bureau of Chemistry appropriation.

Mr. HELVERING. As a matter of fact, you are arguing that the Bureau of Chemistry is incidental. His amendment is introduced under the organic act providing for the employment of chemists in the Agricultural Department. The provision under which he has introduced the amendment as a new paragraph is under the provisions of the organic act making it possible to hire chemists, and you are trying to confine it to the Bureau of Chemistry, which is incidental to the pure-food act.

Mr. BORLAND. The gentleman will see that he has offered his amendment to the Bureau of Chemistry appropriations. He offered it at the place where the Bureau of Chemistry appropriations are taken care of, and I say that is one point against it; but, in addition to that, the decision of the Chair on the previous point of order also applies. There are two points against this particular amendment.

Mr. STAFFORD. Mr. Chairman, the amendment that is proposed is considerably different from the original paragraph carried in the bill. I quite agree with the ruling of the Chair that the original paragraph was subject to a point of order, but I have serious doubts whether this amendment is subject to a point of order. From the face of the amendment you can not conclude that it is not for use in connection with agriculture. We have in the department a Bureau of Chemistry, authorized to investigate and to employ chemists to ascertain whether foods are adulterated or not. These chemists might be employed for the ascertainment of coloring material that could be utilized in the adulteration or misbranding of foods or drugs. In considering whether this amendment is in order, the Chair can not ask himself what is the purpose behind this amendment. The Chair can only consider the bald fact as to whether under the law creating the Department of Agriculture, coupled with the organic act creating the Bureau of Chemistry, there is authority that will warrant the employment of these men. I contend that there is authority.

The pure-food act authorizes an investigation by the Bureau of Chemistry as to whether food has been misbranded or adulterated. It is known to the Chair, and he must take cognizance of the fact, that foods are adulterated by means of coloring matter. There is nothing in this amendment to show that the investigation along these lines will not be utilized for that very purpose. The pure-food act passed in 1912 authorized the establishment of a Bureau of Chemistry, and I direct the attention of the Chair to section 4, which reads that examinations of specimens of foods and drugs shall be made in the Bureau of Chemistry and under the direction and supervision of such bureau for the purpose of determining from such examinations whether such articles are adulterated or misbranded within the meaning of this act. Here we are providing an agency whereby the department may be empowered to ascertain as to coloring matter, as to whether it may not be so utilized. If there is this warrant, as I am trying to show the Chair that there is; if the Bureau of Chemistry, inquiring as to the adulteration or misbranding of foods or drugs, is authorized to do this, then this is in order. I want to emphasize the wording of the original pure-food act authorizing the Bureau of Chemistry to inquire as to the misbranding of foods and drugs. The Chair must know that foods and drugs are adulterated by the utilization of coloring matter. But how can the department ascertain whether there is coloring matter in those drugs and foods unless they have chemists to analyze the component parts of the material?

Mr. BORLAND. How does that include the investigation of the production of these coloring matters? You are investigating now as to whether there is coloring matter in the food.

Mr. STAFFORD. There is nothing in the amendment before the committee as to production; but even if there were, it would be connected with the original scope of the investigation. If the gentleman has read the original authorization creating the Bureau of Chemistry, he will see that there is——

Mr. BORLAND. I have it right before me.

Mr. STAFFORD. I hope the gentleman has considered it.

Mr. BORLAND. It does not cover the question of the investigation of how coloring matters are made or produced. It covers the question whether they exist in the food.

Mr. STAFFORD. It covers examination of specimens to ascertain whether they are adulterated or misbranded, and I consider this amendment as carrying out the law creating the Bureau of Chemistry.

The CHAIRMAN. This amendment proposed by the gentleman from Minnesota [Mr. ANDERSON] provides for the employment of chemists and other scientific assistants for investigation and experiment in the utilization of coloring materials. It occurs to the Chair that the Bureau of Chemistry has that authority now. The Chair does not think that the amendment changes existing law, and therefore overrules the point of order.

Mr. BORLAND. How much is the appropriation carried in the amendment?

The CHAIRMAN. Fifty thousand dollars. The question is on the amendment offered by the gentleman from Minnesota [Mr. ANDERSON].

The amendment was agreed to.

The Clerk read as follows:

For enabling the Secretary of Agriculture to carry in effect the provisions of the act of June 30, 1906, entitled "An act for preventing the manufacture, sale, or transportation of adulterated, or misbranded, or poisonous, or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," in the city of Washington and elsewhere, including chemical apparatus, chemicals and supplies, repairs to apparatus, gas, electric current, official traveling expenses, telegraph and telephone service, express and freight charges, and all other expenses, employing such assistants, clerks, and other persons as may be considered necessary for the purposes named, and rent outside of the District of Columbia; and to cooperate with associations and scientific societies in the revision of the United States Pharmacopœia and development of methods of analysis, $632,951.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. Does this appropriation cover investigations made under the Harrison Antinarcotic Act?

Mr. MANN. It does not cover the Harrison law.

Mr. LEVER. I will say to the gentleman from Pennsylvania that this is the appropriation for the enforcement of the pure food and drugs act. I do not think it has anything to do with the Harrison Act, as I understand it.

Mr. BORLAND. The antinarcotic act is enforced by the Department of Justice.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent to extend my remarks on dyestuffs.

Mr. HICKS. I ask unanimous consent to extend my remarks on oyster culture.

The CHAIRMAN. If there be no objection, the two requests will be granted.

There was no objection.

The Clerk read as follows:

For investigating the grading, weighing, and handling of naval stores, the preparation of definite type samples thereof, and for the demonstration of improved methods or processes of preparing naval stores, in cooperation with individuals and companies, including the employment of necessary persons and means in the city of Washington and elsewhere, $10,000.

Mr. BORLAND. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee why this provision for demonstration of improved methods or processes of preparing naval stores is put in this particular place?

Mr. LEVER. It was carried in last year's bill under miscellaneous items. The Bureau of Chemistry has been doing the work, and we thought we had better bring it back into the bureau itself.

Mr. BORLAND. Is this done for the public vessels of the United States or for all the naval stores? I understand naval stores is the general term that applies to the merchant marine——

Mr. LEVER. Yes; it applies to turpentine and rosin for the entire country.

Mr. BORLAND. For private parties as well.

Mr. LEVER. The bureau establishes a standard and these standards are available to the country just as much as to the Navy Department.

Mr. BORLAND. I do not see any objection to it.

Mr. HARRISON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

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

There was no objection.

Mr. EDWARDS. Mr. Chairman, I hope the paragraph just read will remain in the bill. It is as follows:

For investigating the grading, weighing, and handling of naval stores, the preparation of definite type samples thereof, and for the demonstration of improved methods or processes of preparing naval stores, in cooperation with individuals and companies, including the employment of necessary persons and means in the city of Washington and elsewhere, $10,000.

This is good legislation and will benefit an industry representing investments of over $100,000,000 and which produces over $40,000,000 worth of products annually. The purpose of the appropriation is set out in the reports on this bill, on pages 864 and 865.

It is conservatively estimated that through improved methods of manufacturing rosin and spirits of turpentine a waste of over $4,000,000 annually can be saved. It is indeed worth saving, and will mean much to the operators and to the industry as well as to the consumers of these products.

The Secretary of Agriculture has very ably set out the need and purpose of this appropriation in a letter addressed to me, which I insert in the RECORD at this point and which is as follows:

DEPARTMENT OF AGRICULTURE,
*Washington, April 13, 1916.*

Hon. CHARLES G. EDWARDS,
*House of Representatives.*

DEAR MR. EDWARDS: In compliance with your telephone request of April 11, the following statement is made concerning the work of the Department of Agriculture on the weighing, grading, and handling of naval stores:

Definite provision was made in the appropriation act of 1915, through amendment in the Senate, for the continuance of the work on naval stores which had been conducted for several years under the general appropriation to the Bureau of Chemistry for agricultural investigations. In the estimates for the fiscal year 1917 the department recommended that $5,000 be appropriated for continuing the work during 1917. It is estimated that about $3,000 of this sum will be returned to the Treasury through the sale of the glass-type samples.

An additional $5,000 is provided in the appropriation bill, as reported to the House, for the demonstration of improved methods or processes of preparing naval stores. If this sum is made available, it will be used to demonstrate methods of making higher grades of rosin; for saving material having a value of approximately $4,000,000 yearly, which is now being wasted at the stills; for demonstrating better methods of handling at the still and more efficient and economical conduct of the business.

This work will not only benefit the naval-stores industry, with its capitalization of $100,000,000 and an annual production valued at $40,000,000, but will also benefit directly the enormous industries of paint, varnish, soap, paper, textile, and ink making.

The work on naval stores has already yielded results of direct benefit both to the producers in the South and to the users of turpentine and rosin, the paint and varnish makers, soap makers, size and rosin-oil makers, and to all who use these products, by providing definite glass types which serve as the standards for the grading of rosin. The result is that there is closer agreement between sets of these rosin types, which are used in grading every barrel of rosin, than there has ever been before.

The opinion of the naval-stores industry, producers, and users on the glass types is indicated by a statement recently made by the supervising inspector of Georgia and concurred in by the supervising inspector of Florida—

"That there is no question about it, but that the adoption of the standard types, which went into effect the 14th of June, was the best step toward progression in this business that we have ever taken"—

and by the statement of the naval-stores committee of the Oil, Paint, and Varnish Association that—

"It is our opinion that the efforts of the Government along these lines (the preparation of definite glass types, standardization of grades of rosin and turpentine, etc.) will inure to the benefit of both the buyer and seller."

It is desired during the coming fiscal year to prepare a sufficient number of sets of the glass types, that they may be used exclusively in grading rosin, replacing the types of rosin now used which do not hold their color, thus leading to inaccurate grading, and are easily broken and become useless. Many requests, which the department can not yet meet, are being received from producers and users alike for the permanent glass types. These will be supplied next year at the cost of production if the funds are available for the purpose.

Not a single objection to the glass types as permanent standards for rosin nor to the department's preparation of and responsibility for them has come to the department's attention from either producers or users of rosin. These types, which are made to duplicate as closely as possible the average of the rosin types employed for years in grading rosin, were heartily indorsed by a representative gathering of producers, factors, dealers, exporters, and users at a meeting held in Washington in March, 1914, and have since been formally adopted by the boards of trade, chambers of commerce of the producing sections, as well as by the New York Produce Exchange. Their use promotes fair and confident dealing in rosin.

Producers and users of naval stores have long held that rosin is often seriously misgraded, and that turpentine is adulterated with mineral oils. The work of this department confirms these statements, and is continuing to develop the underlying causes. Help from the department through permanent glass types, instructions in improved methods of grading, and the use of better apparatus in grading will greatly reduce unintentional errors, but will, of course, not decrease fraudulent practices.

By the beginning of the next fiscal year the department will have its information on this subject in available form and will be ready to demonstrate to inspectors and the trade generally more accurate and reliable methods of grading rosin.

In addition to the cordial support of the naval-stores industry as developed at the naval-stores conference in March, 1914, the National Oil, Paint, and Varnish Association, annual meeting, October, 1914, passed the following resolution:

"That the secretary of the association be instructed to write to the Department of Agriculture approving the investigation now being made by the department and expressing the hope that the time will come when rosin can be bought on a net-weight basis."

Very truly, yours,

D. F. HOUSTON, *Secretary.*

The Clerk read as follows:

Total for Bureau of Chemistry, $1,153,801.

Mr. GILLETT. Mr. Chairman, I offer the following amendment as a separate paragraph.

The Clerk read as follows:

Page 47, after line 21, insert as a new paragraph the following:

"To enable the Secretary of Agriculture to cooperate with and make an exhibit at the next annual meeting of the National Dairy Show Association to be held at Springfield, Mass., during the fiscal year ending June 30, 1917, illustrative of the boys and girls' club work and other features of the cooperative agricultural extension work carried on in the North Atlantic States, including labor and all expenses in the city of Washington and elsewhere, $15,000."

Mr. LEVER. Mr. Chairman, to that I reserve a point of order.

Mr. GILLETT. Mr. Chairman, I appreciate that this is subject to the point of order which the gentleman has made because last year a similar point of order was made on an amendment in relation to the dry-farming congress, and the point of order was sustained. I can see that this is subject to the same point of order, but I hope possibly the conditions here are so meritorious that the gentleman from South Carolina may be persuaded to relent and withdraw his point of order.

I appreciate the evil of the Nation appropriating to local projects. But this is not a project where the people themselves have not dug deep down into their pockets before they appealed to the Nation for assistance. There has been organized in Springfield an agricultural and industrial exposition, and the national dairy show, which for years has exhibited in the West, is to come to Springfield this year. Springfield is a city of only 100,000 people, and yet it has only been a month or two since they raised $535,000 right in the city for this exposition, and the remaining $200,000 is to be raised in the Eastern States. This exhibition is for the six New England States and the four Middle States—New York, New Jersey, Pennsylvania, and Delaware.

Mr. MANN. Will the gentleman from Massachusetts yield?

Mr. GILLETT. Certainly.

Mr. MANN. If we should make this appropriation of $15,000, has the gentleman from Massachusetts, now the ranking minority member of the Committee on Appropriations, and likely to be chairman of the committee in the next Congress [applause on the Republican side], made any estimate of how much this would incidentally cost the Government—how many millions of dollars?

Mr. GILLETT. No; Mr. Chairman, I have not entered into that very large and speculative field. [Laughter.]

Mr. MANN. Has the gentleman made any estimate of how many times it would be thrown up at him?

Mr. GILLETT. Yes; I have thought of that.

Mr. LONGWORTH. Does the gentleman think this would have a tendency to enforce the civil-service laws?

Mr. GILLETT. I do not think it would have any effect on those. I think they would still keep their pristine vigor.

But there is this argument in answer to what the gentleman from Illinois has said: My section is discriminated against in present appropriations of this kind. If we were in the same condition as is the South under present appropriations we would not need the $15,000, for I believe there is $600,000 appropriated for the 13 Southern States where there is only $500,000 appropriated for the other 35 States. In the Southern States the work is going on with the present appropriation, but we have not an appropriation in our locality, and therefore it seems that to a certain extent that answers the objection of the gentleman, and shows that we are only trying to equalize in a very small measure the disparity of the appropriations at present.

Mr. SLOAN. Will the gentleman yield?

Mr. GILLETT. Yes.

Mr. SLOAN. Are these the same 10 States from whence comes the 50 immortals of the American Academy of Letters and Arts?

Mr. GILLETT. No; they are not. Mr. Chairman, when I was diverted by the irrelevant question of my friend from Nebraska I was stating that the boys' and girls' clubs for home and agricultural work are engaged in a development of very great usefulness in all sections of the country. This appropriation is exclusively to further their exhibit at this great exposition of the national dairy show.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

[By unanimous consent Mr. GILLETT's time was extended five minutes.]

Mr. GILLETT. Mr. Chairman, this money is to be appropriated exclusively to the exhibits of the boys and girls' clubs. This exposition is going to put up a building to cost from $35,000 to $50,000 for the exclusive purpose of these exhibits. The $15,000 the Secretary of Agriculture says will be used exclusively by the department in going through these 10 States, sending out leaders and stimulating the interest of boys and girls' clubs to have special exhibit there, in order to weed out and select the best exhibits for the national exhibition. So the value is not simply the exhibition, but the chief value is the stimulant that it is going to have upon these clubs, that already are doing so much good.

The county of Hampden, in which the city of Springfield is located, you in the West would not consider an agricultural region at all, but purely industrial; and yet in the last few years there has been formed there the Hampden County League, whose purpose is just in line with this appropriation, to stimulate the interest in agriculture. The business men have contributed to it, not out of philanthropy but because they appreciate that building up the surrounding region will help their industrial life. There was raised the first year about $10,000 by private subscription, which was used to instruct and help the farmers and lead them into the new methods of production. Through its organized efforts it has induced farmers to introduce modern and improved methods in their orchards, their soil, and their stock. The next year they nearly doubled that amount, and then we had an act passed in the legislature allowing the county to tax itself $10,000 a year, and that has been done regularly and cheerfully, so that now we are raising about $25,000 a year by taxation and subscription, about half and half from each, to develop the agriculture which I suppose you from the West would think was very petty and impossible in our barren fields. We are raising stock and produce dairy products, and the boys and girls are developing a very great interest in this new life. The national dairy show which is to be held there this fall is going to appropriate $3,000 in prizes for these boys' and girls' exhibits. It is for that purpose that I have offered this amendment. I had some suspicion that the gentleman from South Carolina [Mr. LEVER] might raise the point of order, and perhaps that mitigates the danger which the gentleman from Illinois [Mr. MANN] thinks I am encountering in offering the amendment; but it is possible that the gentleman will appreciate——

Mr. MANN. Oh, I want the gentleman to understand that I hope the point of order will not be made and that the appropriation will be made.

Mr. GILLETT. I thank the gentleman. I hope the gentleman from South Carolina will be of the same mind and withdraw his point of order. I am sure everyone admits the importance of the purpose aimed at; and considering the relatively insignificant appropriation of national funds which our section receives for these purposes compared with what you get in the South and the large amounts which our local enterprise is raising and spending, I submit whether this is not a case where this small appropriation might wisely be granted.

Mr. LEVER. Mr. Chairman, I regret exceedingly much that I am constrained under the circumstances to make the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

For chemical investigations of soil types, soil composition and soil minerals, the soil solution, solubility of soil and all chemical properties of soils in their relation to soil formation, soil texture, and soil productivity, including all routine chemical work in connection with the soil survey, $20,610.

Mr. SISSON. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent that I may be permitted to proceed for 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that debate on this paragraph and all amendments thereto close in 15 minutes.

The CHAIRMAN. Is there objection.

There was no objection.

Mr. SISSON. Mr. Chairman, the item now under consideration is the most important item in the bill; that is, the preservation of the soil of this Republic. This matter was discussed fully in 1849, and so far as I have been able to discover it was at that time that the first report was made to Congress in reference to the condition of agriculture in the United States, and that may be considered the beginning of the Department of Agriculture. That report is a most illuminating one. It will be most interesting to any Member of Congress who will take the time to investigate it. The vast amount of learning and talent displayed by those gentlemen in that early day is most remarkable, especially their scientific knowledge of the soil and soil improvement, what and how much it means to this Republic, what it means to the business of the country, and what it means to the city and to the future of the human race. The report is not only a scientific one, but is most beautifully prepared, and prepared in the most beautiful language. This report to which I refer was made by one Mr. Daniel Lee to Mr. Thomas Ewbanks, who was the Commissioner of Patents at that time, and the Department of Agriculture had its birth in the Patent Office and from this report. I shall not weary the committee by endeavoring to read or to put into the RECORD all of this report. It is entirely too long. But the reasons why our Government should foster and encourage agriculture are most convincing. Some of these I want to call to your attention. Before doing this, however, I want to congratulate the chairman of the Committee on Agriculture for his zeal, his earnestness, and his ability in the management of this great bill. The country is extremely fortunate in having the service of such a man to guard the interest of agriculture. If the Department of Agriculture can be successful in carrying into effect the provisions of this bill and can secure the results that should flow from the expenditure of the money carried in the bill, it will do the country more good than the money expended through any other bill passed by Congress.

Mr. Chairman, Mr. Lee in the report pleads for agricultural education, and states that the greatest tax the farmer pays is a lack of proper knowledge of the great science of agriculture, and it is a great science. He refers also to the fact that the great Government of the United States was in the habit back in those days of expending vast sums of money in the development of transportation in the country and great sums of money in the development of all other lines of industry, and that the Halls of Congress were filled with great debates on the industries of the country and the development of manufacture, but that little was said and nothing done by Congress for agriculture, the basis and foundation of all these things, and the basis of all civilization. In speaking of the development of the rural life he calls attention to the fact that where rural life was developed, where they had proper schools, where the soil was properly cultivated there was thereby developed a strength and a virility which will be stronger and better in its effect upon the preservation of the Republic than any other activity, and that if the Federal Government was to be enduring it should devote some of its activities to the development of the farms as well as the development of factories. He calls attention to the fact that if a pirate on the high seas shall destroy a few hundred dollars' worth of property the United States Government instantly expends millions of dollars in order to put down the insects of the sea, but that millions—yea, untold millions—might be destroyed by the insects in the field and forest—and he enumerates the very insects many of which we are battling with to-day—and Congress did nothing about it; and he urged upon Congress the necessity of performing that duty, as it was one of those duties which a single State could not perform. One State might eliminate one insect, and the very next year the invasion would come from the other side.

Therefore it was a proper activity for the Federal Government. In discussing the results that would follow from it he uses this sentence:

The continued fruitfulness of the earth is an interest far greater and more enduring than any form of government.

And that is true, because it is by the fruitfulness of the soil that all human beings must exist. He called attention to the fact that in many instances the people most interested in the development of agriculture were the people who would laugh at and make fun of any man who advocated the Federal Government having anything to do with agriculture, and he also refers to the fact that we should be thankful that the time is at last reached in the development of the Government where they no longer laugh when this subject is discussed, and he hopes the time will soon come when Congress will be so impressed by it that it will act. He says that these men from the cities, who are prone to laugh at Congress taking steps to aid agriculture, will be the first people to suffer in a dearth of food, because the farmer only sells his surplus to the cities. He says:

A great principle is involved in the science of agriculture, which reaches through indefinite generations, and forms the basis of all possible improvements and of the highest hopes of our race. All advancement is impracticable in a country that closely approximates the condition of a desert.

Mr. FESS. Will the gentleman yield for a question?

Mr. SISSON. I do.

Mr. FESS. Did I understand the gentleman to say the report was made in 1849?

Mr. SISSON. It was prepared in 1849 and actually submitted in 1850.

Mr. FESS. And in 1849 also the Department of the Interior was created, and I was wondering whether it included the Department of Agriculture later, and I was wondering whether this report led to the creation.

Mr. SISSON. I have not had an opportunity to investigate that matter. That is a matter of history that I would like to inform myself about, and will as soon as I have the leisure. Now, in reference to the development of rural life, Mr. Lee says, in this report to Mr. Ewbank:

A lack of mental culture and discipline is the most serious impediment to the diffusion of agricultural science among the mass of farmers. Its language is to them an unknown tongue. Hence the most sublime truths in the economy of nature are shut out from the popular understanding. It is feared that this will ever be the case until schools designed to teach those branches of learning which the practical farmer greatly needs, but does not possess, are established and maintained throughout the United States. So long as we refuse to plant the seed, it is folly to expect a rich harvest of knowledge.

I am glad that this eloquent appeal of Mr. Lee has been heard and that the States have made a beginning by establishing agricultural colleges and that the Federal Government has granted some aid. But when we see the many billions that have been spent for pensions and for Army and Navy and other purposes we can but be astonished at the backwardness of Congress in its effort to develop agriculture, which is the very first essential to our national life. O, gentlemen of the House, your Army and Navy will be developed in vain if you do not properly cultivate your fields to feed your Army and Navy.

Since I have been a Member of this House I have at all times and whenever I had an opportunity plead for the farmers of the country. In being their friend and one of their humble champions, I have been the champion of all the people of the cities and towns. If agriculture fails, the mighty brick and mortar of our cities that tower in their beauty, as the lives of busy industry will become charnel houses of idleness and want and misery and death. It is the shoulders of the honest, industrious, and patient farmer that uphold all this vast structure. Without him the music of busy factories would be hushed; the great ships that fleck the ocean by the thousands would be rotting at the wharves, and the scream of the locomotive would be heard no more in the land.

So I take occasion now, as I have done repeatedly before on this floor, to appeal to you to do all in your power to encourage and advance the productiveness of our farms. Let this Congress not adjourn until we have passed a good rural-credits bill that will give the farmer money at a low rate of interest and for long time, so as to lighten his burden and care and encourage him in soil improvement and better cultivation of his crops, thus increasing his return from every acre of land. This will enable him to educate and train his boys and girls, improve his home and farm, to build better roads, and to make happy and joyous country life. The desire of our boys and girls to leave the farm will cease, and soon the Republic will be upon a foundation that can not be shaken.

Now, Mr. Chairman, to return to this report. I want to call your attention to his discussion of soil improvement. In discussing soil improvement he analyzes what is lost to the people at large of the amount of matter essential to plant life which is and will be taken out of every acre of land by every crop unless you can by diversifying the crops improve the soil; and he says that in 100 years, unless there is a change in the methods of agriculture in the United States, you would make all the tillable land in America absolutely a desert and plant life would disappear. He also refers to the history of the deserts in Asia, which were once fertile fields and covered with forests and abounding in fertility, but now worthless to man, caused by neglect and ignorance in taking from the soil year by year its substance and returning nothing to it. If the Federal Government fails in its duty to the farmer, we may see the same condition here. He urges that Congress perform this duty to the people of the Republic. Let me insist that we take this advice to-day and urge upon our great Agricultural Department the prime importance of the preservation of our soil, which is not ours but is ours in trust for future generations. [Applause.]

Mr. FESS. Will the gentleman yield?

Mr. SISSON. I do.

Mr. FESS. I am interested to know whether Mr. Lee at that early time suggested the possibility of increasing the fertility of the soil instead of wearing it out?

Mr. SISSON. He does, and the report is a voluminous one. In other words, every acre of land which has been under cultivation one year ought to be the cheapest acre, and land that has been cultivated two years ought to be better than it was the preceding year; and when land has been under cultivation, as it is in some portions of Indiana and Illinois, where they have applied some scientific agriculture and some diversified farming, the land not only has increased in value, not only on account of the increased demand for the land, but it has increased in value by virtue of its productiveness.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HEFLIN. Mr. Chairman, the gentleman from Mississippi is making a very interesting and instructive speech, and I ask that he be given five minutes more.

The CHAIRMAN. The committee fixed the time for closing debate on this paragraph.

Mr. LEVER. How much more time does the gentleman need?

Mr. SISSON. I would like the gentleman to give me 10 minutes if it be possible.

Mr. MANN. Mr. Chairman, I think the gentleman ought to be allowed to proceed until he concludes.

Mr. SISSON. I would not wish to ask that, but I do wish to call attention to some other matters.

Mr. LEVER. I will yield the gentleman the balance of my time, which is five minutes.

Mr. SISSON. I would like to have 10 minutes, and I will conclude within that 10 minutes whether I have said all I desire or not.

Mr. MANN. Will the gentleman from Alabama ask for 10 minutes?

Mr. HEFLIN. Mr. Chairman, I asked that the gentleman have five minutes, but I would ask that he have 10 if he desires.

Mr. SISSON. I would like to have 10 minutes, and then I shall conclude my remarks whether I get all that I wish in the RECORD or not.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the gentleman from Mississippi may proceed for 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. HICKS. Mr. Chairman, will the gentleman yield for a question?

Mr. SISSON. I will.

Mr. HICKS. And that is, does the gentleman realize that in Japan and China land has been for a thousand years under cultivation and to-day it is worth more than it was at any other period in its history, and that this is because they continually improve their soil?

Mr. SISSON. That is true; that is true in France and in Germany. You know as a historical fact the present territory occupied by the German Empire was the poorest portion of Europe, the most unproductive, and yet by the scientific improvement of the soil they have made it the most productive. I pause long enough to say that there has not been a people on earth that has been as ruthless with their treatment of the soil and the natural productiveness that God has placed upon it as have the people of the United States.

Mr. FESS. Referring to Germany, when Germany had but 38,000,000 population, with the same amount of territory, she

did not produce what she consumed. To-day, with 65,000,000 on the same territory, she was exporting up to the time of the war.

Mr. SISSON. And the great German Government gave to the German farmer assistance, gave to him information, and gave to him demonstrations, gave to him the knowledge of the chemist, and informed him of great scientific principles which the farmer, busy in his field, does not have the time nor the ability nor the opportunity to study out. [Applause.] And I warn the great cities, not in this immediate generation but the one to come, that unless they turn their attention to and give their mind somewhat to the improvement of the soil in America, they will be the first that will suffer. And as has been stated here by Mr. LEE, it may become too late after your lands have approached almost a desert condition to be able to produce upon the land that which is necessary to give back to the soil what it needs.

Mr. Chairman, our people should give their immediate attention to the great question of soil improvement and postpone to a future day—Congress should insist that the Agricultural Department give its very best and most scientific efforts to this question and render to the American farmer this much-needed information so that he may at once begin this soil building.

I was diverted somewhat from what I intended to say. I referred to it incidentally a moment ago. Now, if we want to always be prepared for war, there is something more important than battleships, something more important than the Army, and that is something to feed and to produce the Army and Navy. And if this country should be girdled by a circle of mighty battleships, as long as we are capable of living within ourselves, as long as we are as well prepared—and we ought to be infinitely better prepared than Germany in reference to foodstuffs—it is necessary that this Government shall look to it that there is everything needed to make the wheels of our factories run, to make the locomotive engines run, to feed, and clothe, and house our people; and when we have that we have taken the first, the greatest, and the most permanent steps toward preparedness. Guns, cannon, ships, all amount to nothing unless you have food. [Applause.] Why, everybody who has studied the history of the Civil War knows that it was the lack of food that first caused the Confederate Government to weaken and was the final cause of its downfall. I say without hesitation that if we had bent our energies as much and had said as much about the great agricultural interests of the country—and by that I do not mean the farmers' interests alone, but I mean it in no mere occupational sense, but in the broadest sense of the word—if we had given the time and attention and spent one-tenth of the money in giving the people information as we have on Army, Navy, and pensions, our hills and valleys would be teeming with a fertility little dreamed of. [Applause.] And it is the duty of every patriotic citizen, as long as the expenditure of a dollar is for the purpose of dispensing information in reference to the great secrets of agriculture, locked up, as all secrets of science are, and require patience and toil to find, to spend the dollar to find the truth.

I know of no better way of closing these remarks than to read a quotation from this marvelous report. Speaking of what we have wasted, speaking of what is wasted in the cities, of the products that go in trainloads to them, and that which has been called refuse there, but which Cleveland, Ohio, is beginning to take care of, that which this Government ought to take care of here in the city of Washington as a demonstration to all the other cities of what might be accomplished by it, Mr. Lee says:

There has been enough of the elements of bread and meat, wool and cotton, drawn from the surface of the earth, sent to London, and buried in the ground or washed into the Thames, to feed and clothe the entire population of the world for a century, under a wise system of agriculture and horticulture. Down to this day great cities have ever been the worst desolators of the earth. It is for this that they have been so frequently buried many feet beneath the rubbish of their idols of brick, stone, and mortar, to be exhumed in after ages by some antiquarian Layard. Their inhabitants violated the laws of nature which govern the health of man and secure the enduring productiveness of the soil.

Skipping the balance of what he says about it, that if the cities would scientifically take care of that refuse—we call it garbage—and would take out of the garbage of the great cities those elements of cotton destroyed and food destroyed, and would gather it up in the cities so that it could be returned to the land from which it had been taken. It would mean in course of time billions of dollars. Do not you think there is enough wasted? In concluding the introduction to his report, he says this:

Both pestilence and famine are the offsprings of ignorance. Rural science is not a mere plaything for the amusement of grown-up children. It is a new revelation of the wisdom and goodness of Providence—a humanizing power, which is destined to elevate man an immeasurable distance above his present condition.

That is why it was, in the appropriation bill which provided a small sum for the purpose of endeavoring to discover the causes of the prevalent diseases of the country, that I advocated, worked for in the House—but a point of order was made upon it—and finally secured in the Senate a small appropriation for the purpose of investigating rural sanitation. I think it is worth at least a billion dollars annually to the people of the United States to stamp out typhoid fever, the hookworm, pellagra, and consumption. [Applause.] The physicians now have determined what these germs are and now know how to prevent these diseases. When you come in contact with them you are liable to become infected with disease, and when you eradicate the germ and make it impossible for the human system to come into contact with it those four diseases can be absolutely destroyed. Dr. Blue told me that they could be literally stamped out of existence.

I say to you there is absolutely nothing more worthy of the attention of the American Congress than the subject of rural sanitation. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. SISSON. I want to read three sentences by unanimous consent.

The CHAIRMAN. Without objection, the gentleman will proceed for one minute.

There was no objection.

Mr. SISSON. I read:

To achieve this result, the light of science must not be confined to colleges; it must enter and illuminate the dwelling of every farmer and mechanic. The knowledge of the few, no matter how profound or how brilliant, can never compensate for the loss incurred by neglecting to develop the intellects of the many. No government should be wanting in sympathy with the people, whether the object be the prevention of disease, the improvement of land, or the education of the masses. One per cent of the money now annually lost by reason of popular ignorance will suffice to remove that ignorance.

[Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has again expired. Without objection, the pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

For exploration and investigation within the United States to determine possible sources of supply of potash, nitrates, and other natural fertilizers, $35,000.

Mr. SINNOTT. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Oregon moves to strike out the last word.

Mr. LEVER. Mr. Chairman, may I inquire how much time the gentleman desires?

Mr. SINNOTT. Five or 8 or 10 minutes.

Mr. LEVER. I ask unanimous consent that the debate on this paragraph and all amendments thereto shall conclude in 10 minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that the debate on this paragraph and amendments thereto shall conclude in 10 minutes. Is there objection?

There was no objection.

Mr. SINNOTT. Mr. Chairman, I desire to approve the remarks made by the chairman of the committee a few moments ago, that a great Nation like ours should not buy from foreign countries what we can produce and manufacture in this country, and I particularly desire to refer in that connection to the subject of mixed fertilizers for the soil, to potash, phosphate, and to nitrates used also in the manufacture of munitions.

I desire to call the attention of the House and of this committee to an elaborate presentation of tentative plans and estimates of water-power projects in the Columbia River Basin made by John H. Lewis, State engineer of Oregon, in conjunction with L. F. Harza, Garfield Stubblefield, and E. J. McCaustland. This report I hold in my hand. It is Bulletin No. 5, office of State engineer. It shows the enormous water-power possibilities of the State of Oregon with tentative plans for developing 2,000,000 horsepower in Oregon and in the Columbia River Basin.

Mr. Lewis in his report states that in 1913, when conditions were normal, about $125,280,000 worth of commercial fertilizers were used in the United States. Of this amount the farmers paid $48,330,000 for nitrogenous substances, $56,000,000 for phosphates, and $20,000,000 for potash salts. Potash is now eight or twelve times its normal price. He further states in his report that practically all the potash salts were imported from Germany, and the entire quantity of nitrates came from Chile, while some electrically made nitrates of lime came from Norway. He states that the phosphates were obtained largely from Florida and other Southern States.

Then he goes on to speak of the enormous water powers in the Northwest going to waste, which should be used for the purpose of manufacturing these fertilizers and nitrates for munitions, and which especially should be used in the fixation of nitrogen. He shows that the essential condition for the establishment of such industries are cheap water power, necessary raw resources, and convenient rail and water transportation to the markets of the world.

Now, we in Oregon and in the Northwest think that we have all these essentials for the purpose of manufacturing fertilizers and nitrates for munitions of war. I want briefly to call to the attention of the committee some of the enormous water-power possibilities that we have upon the Columbia River. The drainage basin of the Columbia River at The Dalles, where I live, is 236,800 square miles. The drainage of the Mississippi River at Quincy, Ill., is 135,000 square miles. The water power of the Columbia River Basin equals that of the 26 States east of the Mississippi River. We in the Columbia River Basin, if the reports of the Geological Survey may be relied upon, have one-third of the total available water power in the United States. We have at this point, the Columbia River at The Dalles, a mean annual flow of 235,000 second-feet of water. The Mississippi River at Keokuk has a mean annual flow of 73,000 second-feet. At Niagara there is a mean annual flow of 222,000 second-feet. At the mouth of the Mississipi River there is a mean annual flow of 664,000 second-feet. So we have at The Dalles of the Columbia one-third of the mean annual flow they have at the mouth of the Mississippi. This record has been computed over a period of 33 years, and in that period of 33 years our lowest water during the winter months was 50,000 second-feet, in comparison with 20,000 second-feet at Keokuk, where the great Keokuk Dam is located.

The CHAIRMAN. The time of the gentleman from Oregon has expired.

Mr. SINNOTT. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Oregon asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. SINNOTT. Now, the maximum flow at Keokuk is 200,000 second-feet. At The Dalles on the Columbia it is 1,390,000 second-feet. In 500 miles on the Columbia River you reach an elevation of 680 feet. It takes 2,000 miles on the Mississippi to reach that same elevation.

Now, this enormous flowage of the Columbia River, draining an area of 237,000 square miles, almost double that of the Mississippi at Quincy—this enormous volume of water, coming down that watershed, contracts at The Dalles of the Columbia River, where the river is 1,600 feet wide, contracts at the narrows to a width of 150 feet, between solid basalt walls. Here we can get a low-water head of 105 feet for the entire flow of the Columbia River.

We can develop at this point for eight months out of the year 800,000 horsepower, and for the entire year a continuous production of 480,000 horsepower. This can be done at a cost of $50,000,000. The Dalles is 190 miles from the Pacific Ocean and the river is navigable the entire distance.

At the cascades of the Columbia River, 40 miles below this point at The Dalles, we can produce a continuous 200,000 horsepower during the entire year, and for eight months of the year 420,000 horsepower, at a cost of $20,000,000. We have near at hand the phosphates in Idaho and Montana. We have the lime in Oregon and Washington. We have the kelp on the Oregon and Washington coast.

For the benefit of the committee I would like to show you these pictures which I hold in my hand of narrows of the Columbia River near The Dalles. Right above this narrow gap in the river which I am pointing to it is 1,600 feet wide. It narrows down to 150 feet between these solid walls. The State engineer of Oregon and other competent engineers who have investigated this project say that this is one of the greatest water-power projects in the world. We can produce at this point twice the horsepower now developed at Niagara for a cost of $50,000,000.

Mr. BORLAND. Will the gentleman yield?

Mr. SINNOTT. Yes.

Mr. BORLAND. Will the gentleman tell us whether this power site is in private ownership or whether it is on public land?

Mr. SINNOTT. The water at this power site has been withdrawn from appropriation by the State, and the State of Oregon owns the shore line between high and low water mark.

Mr. BORLAND. It is not in the ownership of the United States, however?

Mr. SINNOTT. No; it is not in the ownership of the United States, but the river is a navigable one, and the State will gladly surrender its rights for the purpose of developing this power.

Mr. LONGWORTH. Will the gentleman yield?

Mr. SINNOTT. Yes.

Mr. LONGWORTH. I do not want to depreciate the water power that the gentleman has been talking about, but I want the gentleman to realize that water power is not essential to the production of nitrogen out of the air. The gentleman advocated it on that ground.

Mr. SINNOTT. I understand that; but this is the plan approved by all engineers. The nitrates which we get from Norway are produced by water power.

Some of the other projects discussed in this Bulletin No. 5 are—

| | Minimum horsepower. |
|---|---|
| Deschutes River | 504,000 |
| Metolius River | 98,000 |
| Umatilla Rapids | 120,000 |
| Snake River projects: | |
| Palouse Rapids | 50,000 |
| Asotin | 54,000 |
| Coon Hollow | 200,000 |
| Cherry Creek | 200,000 |
| Mountain Sheep | 120,000 |
| Salmon River | 200,000 |
| Addition to Mountain Sheep | 80,000 |
| Rogue River projects | 25,000 |
| Klamath River | 70,000 |

This bulletin, which I will furnish to anyone interested in these projects or which anyone may secure by writing to John H. Lewis, State engineer, Salem, Oreg., gives tentative plans and estimates of costs for the various projects aggregating 2,401,000 continuous horsepower.

In addition to the employment of this enormous water power for manufacturing purposes of all kinds, it could also be used for irrigation purposes in the States of Oregon, Washington, and Idaho. In my district alone, the second Oregon district, the Reclamation Service has gathered data showing potential irrigation projects covering 1,028,000 acres.

Mr. LEVER. Mr. Chairman, I offer an amendment as a new paragraph.

The CHAIRMAN. The gentleman from South Carolina offers an amendment as a new paragraph, which the Clerk will report.

The Clerk read as follows:

Page 49, after line 11, insert the following as a new paragraph:

"For investigation and demonstration within the United States to determine the best method of obtaining potash on a commercial scale, including the purchase or rent of lands and buildings and the erection of buildings and other structures necessary therefor, $150,000.

Mr. MANN. I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Illinois reserves a point of order on the amendment.

Mr. LEVER. Mr. Chairman, this is the amendment which, a few days ago, I gave notice that I would offer as a committee amendment at this time. This provides the appropriation and the necessary authority for investigating the best method of producing potash in this country on a commercial scale. It has already been determined by the Bureau of Soils of the Department of Agriculture that there are several sources of potash in this country, and that there is enough potash in this county, if made available, to supply the demand indefinitely.

In the first place we have an almost unlimited quantity of potash along the Atlantic seaboard, from Maine to the upper boundary line of Florida, in deposits of feldspar. It has been found, however, by the experts that thus far it has not been practicable to extract potash from feldspar cheaply enough to make it a commercial proposition for fertilizer purposes.

Then, we have discovered recently in Utah large deposits of potash in the alunite of that country, and one or two private concerns there are now manufacturing potash profitably under the abnormal price conditions existing at the present time. It is entirely possible that some process may be developed in the course of time, under thorough investigation, for extracting potash from feldspar cheaply enough to make it a commercial proposition for fertilizer. I do not know. That line of work is being pursued under the item which has just been read. Thus far no process has been found to extract potash from feldspar upon a basis cheap enough to make it available for agricultural purposes. I understand that some large cement companies are making, or probably have installed, machinery for the purpose of extracting potash from feldspar as a by-product to their cement plants; but my information is that the machinery is exceedingly expensive, costing something like $50,000 or $75,000, and that thus far, under normal conditions, it can not be produced cheaply enough to make it a commercial proposition.

Mr. MANN. Will the gentleman yield, if he is through with his preliminary statement?

Mr. LEVER. Let me finish my preliminary statement. Just what may come of the alunite situation in Utah, and other Western States probably, I am not able to say. I feel this way about it, however, at this time, that on account of the long haul from that country across to the Atlantic seaboard, where 60 per cent of all the fertilizer of the country is used, the expense of the haul will probably preclude that as a commercial proposition from a fertilizer point of view. There are now, as I understand it, one or two companies manufacturing potash on a profitable basis under the existing abnormal price conditions.

That brings up for consideration, in my judgment, the only other immediate source of potash supply namely, the giant kelp or seaweed of the Pacific coast. Our information is that we have an unlimited quantity of potash in that seaweed. They grow 60 or 90 feet tall, hook themselves onto rocks at the bottom of the sea. They may be cut 6 or 10 feet beneath the water, and in three or six months time they have reproduced themselves so that it seems to be an inexhaustible supply of potash.

Now the statement is made to the committee that each wet ton of seaweed contains 85 per cent of water, the balance of it would consist of the dry kelp, and this dried kelp consist of 16 to 25 per cent of potash. There seems to be an unlimited quantity of this very necessary ingredient to a complete fertilizer.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

[By unanimous consent the time of Mr. LEVER was extended five minutes.]

Mr. LEVER. Dr. Cameron, formerly with the Bureau of Soils, but now not with it, whom I regard as one of the greatest chemists along these particular lines, in his statement before the committee two years ago estimated that it was entirely possible to manufacture potash from kelp on the Pacific coast, take it around to the Atlantic seaboard by way of the Panama Canal, land it at Charleston, S. C., in competition with the potash from the Strassburg mines in Germany. In fact, he said—I think his estimate was a little too rosy—we could do that on a basis of $6 a ton cheaper than we could get our potash in Germany.

The gentlemen who have lately been before the committee—Dr. Whitney and Dr. Turrentine—have not been so optimistic as to the saving, but they both agree that there is no question but that there is a strong possibility of our being able to develop a considerable potash industry; and to do it on a scale that would compete with the German potash, and upon a scale sufficient to make this country absolutely independent of that ingredient of the commercial fertilizer.

The purpose of this amendment is to enable the Government to install a plant on the Pacific coast with sufficient capacity to handle 500 tons of wet kelp a day, and with such a plant the department believes that it can develop and decide whether or not there is a possibility of manufacturing this potash out of kelp upon a commercial scale. I say frankly that we may find that we can not do it, and that we shall apparently throw away $175,000; but, to my way of thinking, the proposition is so enormously big that I think that we can well afford to make the investigation even though we get nothing but negative results.

I would call the committee's attention to this fact: German kainit, which is used largely in the South as a fertilizer, contains nitrogen and phosphoric acid which ordinarily sells for $4.50 a ton, and sells to the farmers for $12 a ton, in December was selling at $40 a ton—and that is a product containing only 12 per cent of potash. It is a low-grade potash which we are using in cotton farming.

Now, then, the better grade of potash, the sulphate of potash, which ordinarily sells for $60 a ton, is now selling anywhere from $450 to $600 a ton. The fact is that you can not get it at any price. I notice in some fertilizer advertisements in my paper that they advertise fertilizer 8:4:0, which means 8 per cent of phosphoric acid, 4 per cent of nitrogen, and no potash.

In all the sand-hill belt of the South it is almost impossible to grow cotton profitably without potash, and it is almost impossible to grow truck and potatoes along the entire belt northward to Maine and including Maine without the use of potash. This proposed amendment is to undertake to see if we can develop the potash industry.

Mr. MANN. Will the gentleman yield?

Mr. LEVER. Certainly.

Mr. MANN. Do I understand the gentleman to say that potash is an essential to raising green vegetables?

Mr. LEVER. I understand that it is necessary in truck and potato growing.

Mr. MANN. Potash is essential in seed making; that is the necessity for potash.

[The time of Mr. LEVER having expired, by unanimous consent it was extended five minutes.]

Mr. LEVER. The gentleman from Illinois is entirely right as to potash. As we understand it, it is the fruiting ingredient in the fertilizer.

Mr. MANN. The green plant does not have much potash in it. What is it proposed to do with this appropriation if it goes through?

Mr. LEVER. I can give the gentleman the complete statement. For instance, it is proposed to use $15,000 for the land and building. It is proposed to use $5,000 for the building of a wharf. It is proposed to use $500 for a harvester—a mowing machine. Ten thousand dollars is to be used for the purchase of two barges, $3,000 for the erection of conveyances for the wet kelp, $6,000 for a motor transmission, $4,000 for evaporating tanks, $5,000 for three boilers, and $6,500 for freight. These various items of machinery are based on the prices at the place of manufacture, and the freight will have to be included to San Diego where there is already a plant.

Mr. MANN. What has become of the plant at San Diego?

Mr. LEVER. It is manufacturing potash.

Mr. MANN. Successfully?

Mr. LEVER. The statement before the committee was by Dr. Turrentine that it was almost impossible to say from the figures they were able to get from private sources what that cost of manufacture was.

Mr. MANN. I suppose the private concerns know.

Mr. LEVER. Yes.

Mr. MANN. If they have a plant out there operating now, would not the people who own it know whether they are making a profit? What is the necessity of our putting up an experimental plant?

Mr. LEVER. Exactly; and I am glad the gentleman asked me that question. The statement before the committee was, and I have no doubt that it is true, that these men who are running these private plants, and there are two or three or four of them—I can recall two—are doing it upon a basis of the prevailing price of potash. In other words, they are selling a product that ordinary sells at from $40 to $50 a ton for from $450 to $500 a ton, and they are paying very little attention to the cheapness of their process, and therefore the department by study of their process could not very well get anything like accurate data upon which to base a conclusion for the manufacture of potash under normal conditions.

Mr. MANN. The department may not get the information, but the men who manufacture the potash have the information, and if they have a soft thing and can make a lot of money out of this all they need to do is to show it to somebody, for there is plenty of money in the country—the banks do not know what to do with the money they have—and why should the Government have to put up an experimental plant to teach the men who are running plants whether they are running them profitably or not.

Mr. LEVER. Mr. Chairman, my response to the gentleman on that proposition is this: One official of the department, Dr. Whitney, as I recollect, says that they were absolutely unable to get cost figures from private manufacturers at this time.

Mr. MANN. What do they need the cost figures for? It is the men who are in the business who need the cost figures.

Mr. LEVER. That is very true.

Mr. MANN. And they have their cost figures. They know whether it will be profitable to invest additional money in the business better than they will ever find out from an agricultural experiment station.

Mr. LEVER. As we understand it—and I am not sure that this is in the hearings—I have an impression, and I am satisfied I get it correctly, that it is the belief of the department that as soon as normal conditions are restored in this country these concerns that are now manufacturing at a profit under these abnormal conditions are going to close up their establishments.

Mr. MANN. In other words, the department after it has advertised all over the world and throughout the United States that it would be commercially profitable to produce potash from kelp now say that they have not discovered any method yet by which it will be profitable under normal conditions?

The CHAIRMAN. The time of the gentleman from South Carolina has again expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that his time be extended for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LEVER. The department make the statement that their figures are necessarily rough estimates, because they have absolutely nothing upon which they can base anything like an ac-

curate estimate as to whether or not you can manufacture potash from this kelp on a commercial scale. It is true, as the gentleman has said, that a few years ago when they discovered this potash business a great many statements were published—I do not know whether they were inspired by the department or not—to the effect that we had a gold mine in potash in that country, and I believe we have.

Mr. MANN. Well, the gentleman can put his money into it.

Mr. LEVER. I have none; I wish I had.

Mr. MANN. Oh, yes; put your money on it.

Mr. LEVER. I believe we have a good proposition, and if not, I would like to know it. I would like to know whether we have a good proposition or no proposition so that the country will not be dreaming about something that is never going to happen.

Mr. MANN. Can the gentleman tell us anything about this work with alunite? There is a plant out there using alunite, is there not?

Mr. LEVER. They have a plant out there, and as to just what progress they are making, the committee does not have information, except that they are manufacturing something.

Mr. MANN. Has the committee made any effort to get any information about it?

Mr. LEVER. No; the gentlemen who appeared before the committee did not seem to have much information about that plant.

Mr. MANN. I read in the newspapers last summer that the people connected with Armour & Co.—and they have some capital—are engaged in the production of fertilizers and were going to establish or had established a potash-manufacturing establishment to make potash out of alunite. The gentleman said awhile ago that they could not afford to bring that East on account of the freight; but evidently Armour & Co. did not look at it in that way, because they produce fertilizer to sell in the East and South in the main, and that is what they want the potash for.

Mr. LEVER. This is the only statement we have on that proposition:

Mr. HAWLEY. As a matter of fact, two companies are engaged in the manufacture of potassium from this now, I understand?

Mr. WHITNEY. There are two companies. The difficulties have been rather great. The deposits are in rather inaccessible mountainous places. Railway tramways have to be constructed. Six or 8 miles of rough country have to be overcome before this can be done.

It goes on to say there is a great deposit there.

Mr. MANN. The gentleman does not know whether that is profitable or not?

Mr. LEVER. It is profitable under these abnormal conditions.

Mr. MANN. But nobody has put up a plant to run under abnormal conditions.

Mr. LEVER. But some of these plants have been put up under these abnormal conditions.

Mr. MANN. That may apply to small plants out on the Pacific coast.

Mr. LEVER. I think in these alunite regions and on the Pacific coast they have done it recently.

Mr. MANN. Has the gentleman any information about it?

Mr. LEVER. I am not sure.

Mr. MANN. My information is directly to the contrary.

Mr. LEVER. My information is that a St. Louis company in the last six months has gone into the business with a capitalization of $100,000 to manufacture potash out of kelp. Just what the capitalization of these companies in the alunites is I do not know.

Mr. MANN. Now, does the gentleman believe with the very high price of potash and with unlimited capital in the country—capital that is seeking investment—that it is better for the Government to go into the manufacture of potash, practically shut out or scare out private capital, or to let private capital go in and compete with it?

Mr. LEVER. I will answer the gentleman's question very frankly. If I thought that private capital would continue in this business—the present private capital—I would be perfectly willing to say, "Let them go into it," and I would be very glad for them to do so; but the information the committee has casts a doubt upon the proposition whether or not these people will continue to do it. I think the members of the committee will bear me out in that statement, and therefore we have felt that we ought to try this out and see if there is anything in it.

Mr. MANN. Mr. Chairman, I reserve the point of order——

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAUGEN. Mr. Chairman——

The CHAIRMAN. The Chair will recognize the gentleman from Iowa.

Mr. HAUGEN. Mr. Chairman, the chairman of the committee has referred to an estimate of the cost, I believe, of a harvester, Will he state whether that was for one harvester or several?

Mr. LEVER. One harvester.

Mr. HAUGEN. At $7,500?

Mr. LEVER. One harvester at $7,500. It says:

This amount will be sufficient to construct a simple type of harvester, such as are now in use on the coast.

Mr. HAUGEN. Mr. Chairman, I do not care to take up the time of the committee except to reply to the question of the gentleman from Illinois [Mr. MANN]. I might state the committee made an honest effort to get the information sought. The first witness we had was unable to give the information. Later another young man appeared before us. I do not now recall his name. He estimated the cost of harvesting the wet kelp at 55 cents a ton; drying and grinding it at 38 cents a ton. It requires 6½ tons of wet kelp to make 1 ton of dry kelp; this makes the dry kelp cost $6.05 a ton. Add the freight from coast to coast, which is $6, makes it $12.05 on the other coast. It is estimated that it requires 4 tons of dry kelp to produce 1 ton of potash, which makes the potash cost $24.20, plus freight of $6, a total of $30.20 a ton on the other coast.

Mr. STAFFORD. Will the gentleman yield?

Mr. HAUGEN. I will.

Mr. STAFFORD. What information has the committee that these private plants which are now in operation will not be able to continue when normal prices obtain?

Mr. HAUGEN. I do not believe they can do so at normal prices. I believe that potash can be produced and sold at a profit at the present abnormal prices, but the department holds out no encouragement for the production of potash from kelp at normal prices.

Mr. STAFFORD. What investigation has the department made on which to predicate that opinion?

Mr. HAUGEN. Merely visiting the plants. They do not claim to have much information.

Mr. STAFFORD. Then it is a mere surmise, as far as that is concerned?

Mr. HAUGEN. The appropriation is based on the ground that it is necessary to investigate further in order to ascertain the facts.

Mr. STAFFORD. And yet private capital has been invested and is going ahead and the plants are not closing down, yet the department wishes for some reason or other to inquire, because private capital has felt warranted in going ahead and investing their money——

Mr. HAUGEN. The private enterprises are operating under present abnormal prices.

Mr. STAFFORD. Will the gentleman yield further?

Mr. HAUGEN. I will.

Mr. STAFFORD. How many plants have been established, and when was the first put in operation?

Mr. HAUGEN. They have been established within the last year or two. I believe that the evidence before the committee shows that we had two plants. The chairman of the committee states five. The information that we had, as I remember it, was that two plants were in operation. I take it that the chairman has further information.

Mr. STAFFORD. Does not the gentleman think that five plants established in one year is very fair evidence that private capital can get a fair return even under normal prices?

Mr. HAUGEN. My understanding was that they were under construction; that two have been built recently and are now operating.

Mr. STAFFORD. Whether under construction or in operation, private capital has seen fit to invest its funds, based upon the prospect of getting a return when normal prices will prevail. You can not conclude that private capital is foolhardy in its investments and is just taking a header without any prospect of return.

Mr. HAUGEN. I concede private concerns can ascertain much better than a department can as to the actual cost, but that information is not likely to be available. After all it is a matter of importance, and if there is anything in it, the information is well worth the $175,000 to be expended.

Mr. HICKS. Will the gentleman yield?

Mr. HAUGEN. I will.

Mr. HICKS. Perhaps I will ask the question of the chairman, and that is if anything has been done to indicate an endeavor to make potash or make fertilizer out of the ordinary seaweed, not kelp, but seaweed on the Atlantic and Gulf coasts?

Mr. LEVER. The information before the committee was that the seaweed from the Atlantic coast did not contain as high a degree of potash as the Japanese seaweed.

Mr. HICKS. That is what I was going to say, that the Japanese seaweed is entirely different from the Atlantic seaweed.

Mr. LEVER. They are entirely different.

I may say, as a matter of information, they are going to make an effort to see if they can transplant the Pacific seaweeds over here.

Mr. LONGWORTH. Mr. Chairman, I am greatly in favor of this amendment, and trust that no point of order will be made against it. Of course, I realize the trouble about it as brought out in the questions of the gentleman from Illinois [Mr. MANN]. If there is a great "gold mine" in this proposition, it will be idle for the Government to spend a good deal of money in experimenting when private capital will do just as well. But I tried to find out something about the extraction of potash from kelp when I was in California this year, and talked it over with a number of men who were interested in a small way, or in the possibilities of it, but none of them could tell what the various costs were. They have not proceeded far enough to know how much it is going to cost to extract potash from kelp. They have not yet gone far enough to know whether they can profitably use the by-products that come from that extraction. But I think that almost any amount of money would be well spent if only in taking the risk of finding out whether this country could not be self-sustaining, so far as its fertilizers are concerned.

The situation is to-day that we, and practically every other country in the world, are dependent entirely on Germany for all of our potash. The only commercial potash that exists, practically, is that which is produced in Germany from a certain ore they have there. And, as in most of these great operations, in Germany the various mines are controlled under one syndicate, of which the Government is the practical head, and they not only dictate the price that we and other nations have to pay, but they limit the output. We are absolutely in their hands.

Now, as a matter of fact, the United States takes about 50 per cent of the entire amount exported by Germany—about 20 per cent, I believe, of the entire amount produced in Germany. And we are in the same situation in this country with regard to potash, substantially, as we are in regard to dyes. We have not gone far enough in either to provide ourselves in time of peace or in time of war with these two absolute necessities of everyday American life. I say, therefore, that it is worth while to take a risk, even if nothing practical will develop out of this investigation, because it will do, if successful, more good to more people in this country than any other proposition almost that this Congress could adopt. [Applause.]

The Government has not yet gone far enough to ascertain the amount of kelp and the commercial availability of extracting potash therefrom. But at least we do know this, America imports from Germany—I have only the figures for 1912 and 1913—in round numbers, about 1,000,000 tons of various potash substances annually, valued at something like fourteen or fifteen million dollars.

Mr. LEVER. That is the import value?

Mr. LONGWORTH. That is the import value under conditions before the war. And, by the way, the gentleman from Iowa [Mr. HAUGEN] stated in tons what I have heard in pounds; that is, that potash—80 per cent chlorate of potash, which is commercial potash—normally costs 2 cents a pound and to-day it is hard to procure at 20 cents a pound. It has gone up 1,000 per cent. Now, of this approximately 1,000,000 tons, the average import, about 400,000 tons is 80 per cent chlorate of potash, which is the commercial potash.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LONGWORTH. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. HAUGEN. I might state that I stated the price of potash such as is produced from kelp.

Mr. LONGWORTH. It is about an 80 per cent solution, as I understand; that is, the commercial potash. So 400,000 tons represents the normal demand in this country for this necessity for fertilizers.

It is estimated by the Government that there is in sight on the coast, beginning at Alaska and running down to Lower California, more than 60,000,000 tons of wet kelp. The potash content of that would amount to about two million and a quarter tons. In other words, there is enough potash in sight on the Pacific coast alone to about six times supply the American demand.

Mr. MANN. In sight or under water?

Mr. LONGWORTH. Under water. It is in sight, because we know how many tons of dry kelp can be produced from it.

Mr. STAFFORD. A supply for how long a period?

Mr. LONGWORTH. Per year and renewable at least annually. I have said that the American demand amounts to about 400,000 tons of potash a year. There is in sight two and a quarter million tons. In other words, nearly six times as much as we normally consume.

Mr. HAWLEY. And reproduced twice a year?

Mr. LONGWORTH. And reproduced from twice to three times a year. The Government estimates that this amount reduced to dry kelp, and reduced from dry kelp to potash and nitrogen, would be worth over $150,000,000 at the old price—the before-the-war price. Now, that is going to waste. We are getting no benefit from it whatever.

Mr. MONDELL. Will the gentleman yield?

Mr. LONGWORTH. I will.

Mr. MONDELL. How rapidly does the kelp grow? How soon does it reproduce?

Mr. LONGWORTH. The Government report shows that there are three kinds of the giant kelp, some of it a little better than the rest; but, generally speaking, the whole crop will reproduce itself twice a year if it is properly gathered, if the parent stem is not cut; and sometimes will reproduce itself three or four times a year. Commercially 1 ton of dried kelp contains about 600 pounds of 80 per cent potash salt, formerly worth 2 cents a pound, but to-day worth 20 cents a pound. It contains 2 per cent of nitrogen and one-half of 1 per cent of phosphoric acid, and another element, which I believe is a recent discovery—between 3 and 4 pounds of iodine, worth $2 a pound.

Mr. LEVER. And some nitrogen worth $5 or $6.

Mr. LONGWORTH. I mentioned the percentage of nitrogen. It is possible that this production of iodine, which is a recent discovery, I believe, will be sufficient practically to pay for the main part of the production of potash salts from dried kelp. A factory which could turn out 750 tons a day of wet kelp would produce 122 tons of dried kelp. Therefore it would produce 366 pounds of iodine per day. That is an element that is well worth experimenting on.

Mr. LEVER. That is true. It is only limited by the fact that the market for iodine in this country is very limited.

Mr. LONGWORTH. Yes.

Mr. LEVER. I think a more profitable by-product will be nitrogen.

Mr. LONGWORTH. Probably that will be the most profitable individual by-product. As the gentleman stated there are four plants now in process of building or in operation, but none of them has gone far enough to be able to make an intelligent estimate as to whether they can succeed under normal conditions.

Now, Japan at the time the European war began had about four plants in operation, they having the same sort of kelp there that we have on the Pacific coast. To-day they have 60 plants in operation. I know nothing in detail about it; but the Japanese Government has probably developed by experimenting, as I hope we will do, a method of profitably making potash out of kelp, because in a year and six months they have increased their plants in number from 4 to 60.

It seems to me that underlying this proposition is what is to me an all-important question, namely, that this country should be prepared at all hazards and at all times and under all circumstances to produce here everything necessary to supply the demand for the necessities used in the daily life of the American people. [Applause.]

Mr. MOSS of Indiana. Mr. Chairman——

Mr. LEVER. Mr. Chairman, I wonder if we can reach an agreement as to time. We have been discussing this item at some length. I wonder if the gentleman from Illinois is going to make his point of order?

Mr. STAFFORD. I believe the point of order will be made at the conclusion of the debate. Of course, it is a very interesting debate, and the gentleman from Ohio [Mr. LONGWORTH] has advanced some information that was not advanced before, which might sway the gentleman to withdraw the point of order.

Mr. LONGWORTH. I feel certain that the gentleman will not make the point of order after the argument is all developed.

Mr. LEVER. Acting upon that theory——

Mr. MANN. I do not ask the gentleman to act upon that theory. I will make no promises.

Mr. LEVER. I can not get unanimous consent while the point of order is pending.

Mr. MANN. Oh, yes.

Mr. LEVER. Then, I ask unanimous consent, Mr. Chairman, that all debate on this paragraph and all amendments thereto close in 30 minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that debate on this paragraph and all amendments thereto close in 30 minutes.

Mr. MANN. Do I understand I can have 10 minutes if I want it?

Mr. LEVER. The gentleman can have all that is left. Yes; I think the gentleman can have 10 minutes.

The CHAIRMAN. Is there objection?

Mr. MANN. I understand that out of that time I shall have 10 minutes and the gentleman from New Jersey [Mr. HUTCHINSON] shall have 10 minutes.

Mr. LEVER. The gentleman from Alabama [Mr. HEFLIN] says he wants five minutes. I will make it 35 minutes, Mr. Chairman.

The CHAIRMAN. The gentleman from Alabama wants how much?

Mr. LEVER. Five minutes.

The CHAIRMAN. Is there objection to the gentleman's modified request?

There was no objection.

[Mr. SAUNDERS addressed the committee. See Appendix.]

Mr. MOSS of Indiana. Mr. Chairman and gentlemen, I shall offer no objection whatever to the placing of this item in the bill, but I have no faith that any good result will come from it.

I had the pleasure of going through the great potash mines of Germany in connection with Prof. Houston, of my own State, who represents the German kali works in this country. After this personal experience and observation, I can not escape the conviction that the price at which potash is sold here will always be the price that the German Government wants to charge for it. They have fixed the price in the past—a price which varies in accordance with the competition and with the demand. There is enough potash in Germany, possibly, to supply the world for a thousand years at the present rate of consumption of potash.

And with them it is simply a question of mining and loading. If we were to produce potash for commercial purposes, and were to fix a standard price which would represent a living rate to our producers, Germany could lower the price below our cost price and yet sell at a handsome profit. Unless we can find a vast supply of stored-up potash—some rich deposit of potash—we will remain at a hopeless commercial disadvantage to the German potash mine owner.

The standard price for potash salts, 50 per cent pure, delivered at the wharf at New York was about $26 per ton until the outbreak of the present world war. It will be recalled that a few years ago a German mine owner contracted the output of his mine to the American Chemical Co. at approximately $20 per ton. This was the lowest price ever given an American purchaser of German potash. The price was a remunerative one to the mine owner, and the parties were quite willing to sell their potash for the contract price, but the German Government vetoed the contract and compelled a modification of its terms. So will it be if an American producer of potash were to come into active competition with the German output. If it were known that American potash could be sold at $30 per ton, unless you put an import duty on potash, undoubtedly the German Government would reduce the price and sell it below the price at which we could produce it here.

I would fain believe it were possible that we have plenty of potash and that, as a Nation, we were independent, but when God Almighty has placed at one point on another hemisphere enough potash to supply the whole world for an indefinite period, the prospect of successful competition is not promising. You may go through the German mines and see potash in solid deposits 50 feet in depth, extending over areas as large as whole townships. There is nothing required of the German potash merchant except to blast it loose and bring it to the surface, as cheaply as coal can be mined in this country. It may not be a pleasant prospect to the rest of the world, but the fact is that the German Government has control of the goods and fixes the price of potash for the world. They can fix this price so low as absolutely to destroy competition to any nation which would undertake to manufacture what they have only to mine.

There is no question in my mind as to that. The German Government is very sensitive over the charge that it maintains a monopoly of potash and fixes an arbitrary price. To meet this charge and to explain fully their method of price control Germany went to the expense of sending Prof. Houston, of New York, to Germany with our party in order to make it plain to the American delegates that there was no monopoly on potash; that they had no purpose whatsoever of preventing the free use of potash; and that the supply was ample for the whole world. I fully agree as to the vastness of the supply, but it seemed to me, as a matter of fact, that they do set the price of it, and will, in my judgment, control the potash unless that control is broken by domestic source, protected by an import duty, to prevent German competition. It is my opinion that with the great advantage they have of possessing practically an inexhaustible supply they will be able to name a price cheaper than you can get it at any other point, unless we should be so fortunate as to discover a natural supply such as Germany has. That is my own judgment about this potash question. Unless this country is willing to fix the price of potash by levying a heavy import tax on potash we will have to permit the German Government to name the price and hence to continue to control the trade. Under such conditions we will not be able to develop the manufacture of potash from seaweed or feldspar rocks upon such a basis as to overcome the advantage which nature has given Germany through their practically inexhaustible supply, ready to be mined and put out for use as cheaply as coal, if necessary, to meet competition and hold the trade of the world.

Mr. HUTCHINSON. Will the gentleman from Indiana yield for a question?

Mr. MOSS of Indiana. I yield to the gentleman from New Jersey.

Mr. HUTCHINSON. With the knowledge that Germany now has of the demand for potash, I would like to ask the gentleman whether he thinks Germany will ever sell potash as cheaply as she has in the past?

Mr. MOSS of Indiana. I can not tell you what will be the future policy of Germany. Germany herself uses half of the potash consumed in the world. In the United States we use one-fourth of the world's supply, and the rest of the world uses the remaining one-fourth In view of the fact that Germany has a monopoly because of the practically inexhaustible supply at the present rate of consumption, I take it that Germany will sell her goods at the best price she can get and will continue the same policy of controlling the potash prices to the world. Germany at present uses twice as many tons as the United States. The United States uses as much as all the rest of the world put together except Germany.

I have no objection to our Government going into the experimental business; but does any reasonable man have any ground for believing that the Agricultural Department can go over on the Pacific coast and gather the seaweed, float it, dry it, manufacture potash, and distribute it in this country as cheaply as the German, who has simply to mine it out and send it by water transportation from the mines to the shores of the United States? Do you believe you can beat such competition as that? That is the proposition you are up against; and then if you will remember that they have practically an inexhaustible supply, you will realize that their situation is a very advantageous one and which will, in my opinion, enable them to control the market. For the last two years conditions have been abnormal. Transportation has been broken off between the potash mines in Germany and this country, but that is a temporary condition and not a permanent one. You will finally have to face the actual fact that Germany has more potash than any other country in the world.

Mr. LONGWORTH. If the gentleman is correct in his statement that probably we would not be able to produce it in competition with Germany, at least if we could provide some competition, that would result in the production of lower prices to the farmers of the United States, would it not?

Mr. MOSS of Indiana. I think the only competition possible would be this, that if the United States could produce potash at a certain given price, and Germany was not permitted by law to reduce her price below that and so drive our people entirely out of business, then we might manufacture our own potash, or a part of it; but I would not wish to predict lower prices.

Mr. LONGWORTH. But the farmers of the country would be getting the potash more cheaply.

Mr. MOSS of Indiana. I doubt that. Let me call your attention to the fact that when the German potash syndicate expired one time at midnight, just the moment after the contract expired, the American Chemical Co. at once made a contract at $20 a ton with one of the mines in Germany. The German Government interfered, and it became a diplomatic question between this country and Germany whether that contract should be enforced or not. Although that price was lower than that at which potash had been sold to anyone in this country before, it was still immensely profitable for the mine owners in Germany, and if permitted they would have gladly complied with their contract and at a price at which the German Government forbade them to sell it.

Mr. LONGWORTH. But if a situation should again arise where potash would go up 1,000 per cent, would it not be wise for this Government to develop by a system of experimentation such a production of potash as would keep the price down?

Mr. MOSS of Indiana. I am not objecting to experimentation, but I do not want to go into it with any false hopes. If the price of potash has gone up 1,000 per cent since the war began, it will go down again when the war is over. The war is temporary; but the German potash mines are permanent.

Mr. CLINE. Mr. Chairman, I want to refer to the export of Chilean nitrate. There is no question but what the necessity exists for commercial fertilizers. Any man who travels out over the exhausted lands of western Maryland and Virginia can easily ascertain that the farmers in those sections are wide awake to the proposition. In the reduction of nitrate products the chemical elements that are precipitated are largely necessary in the manufacture of munitions, and when the European war broke out, of course, a great deal of attention was given to the export of Chilean nitrate. I want to call attention to the present conditions. The Chilean nitrate beds are located along the west coast of Chile for 450 miles. Ten years ago these beds were so valueless than anybody could get a nitrate bed by asking for it. To-day the Government has taken possession of all the nitrate beds, limited the amount that can be leased to an individual or corporation, and has laid an export tax on nitrate, because, so far as now known, it is the only natural deposit of any magnitude existing anywhere in the world.

Mr. MANN. Will the gentleman yield?

Mr. CLINE. Yes.

Mr. MANN. What is the character of the nitrate deposit in Chile?

Mr. CLINE. It is something similar to the phosphate rock that is broken up and crushed and submitted to hot-water treatment. The salts are precipitated in that way. In 1912 we bought 4,200,000 quintals, in round numbers, the quintal, you know, weighing about 101 pounds. We paid $16,000,000 for that. In 1913, the next year, we bought 5,721,000 pounds, and paid $23,000,000 and over, so that our contribution to the Chilean Government for the export of Chilean nitrate in 1913 by the United States Government was equal to more than $23,000,000.

Mr. Chairman, I believe that this experiment should be undertaken for the reason that we do not want to depend on foreign governments or foreign institutions for all of the commercial fertilizer that we use. These Chilean nitrate beds are under the control largely of England and Germany. England takes 40 per cent of the production, we take 20 per cent, Germany 20 per cent, and France 10 per cent, and the other countries take the balance. The serious question, or one of the serious questions, is that the ownership of chemical fertilizers has drifted into the hands of a few persons who control the production. Take the phosphate rock in this country, and one parent organization is manufacturing the phosphate with about 42 or 43 subsidiary corporations. They undertook to purchase all the rock of the entire region in Tennessee, northern Florida, and the western Carolinas, and they are manufacturing that fertilizer now and shipping it abroad themselves at very expensive prices. Mr. Chairman, I ask leave to incorporate a table in my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana.

There was no objection.

The table is as follows:

*Chile.*

EXPORTATION OF NITRATES (SALITRE).

| Exported to— | 1912 | | 1913 | |
|---|---|---|---|---|
| | Amount (quintals). | Value. (pesos). | Amount (quintals). | Value (pesos). |
| Great Britain | 9,746,288 | 114,031,570 | 9,806,747 | 112,704,320 |
| Germany | 5,397,697 | 63,153,055 | 6,323,456 | 72,564,770 |
| United States | 4,264,841 | 49,863,540 | 5,721,955 | 65,334,708 |
| France | 1,296,080 | 15,164,136 | 1,626,640 | 18,438,153 |
| Belgium | 959,732 | 11,228,864 | 1,235,080 | 14,139,947 |
| Netherlands | 930,914 | 10,891,694 | 995,626 | 11,382,986 |
| Other countries | 2,389,734 | 28,030,987 | 950,502 | 10,789,629 |
| Total | 24,985,286 | 292,327,846 | 26,660,006 | 305,354,513 |

Quintal=101.4 pounds.
Peso=$0.365.

*Revenue from export duties.*

| Year. | Pesos. | Dollars. |
|---|---|---|
| 1911 | 82,971,162 | 30,284,475 |
| 1912 | 84,450,268 | 30,824,347 |
| 1913 | 90,110,822 | 32,890,450 |

Source: Estadística Comercial de la República de Chile.
(Año 1912, p. 282, Table 2, appendix; año 1913, pp. 212, 312.)

The CHAIRMAN. The gentleman from New Jersey [Mr. HUTCHINSON] is recognized for 10 minutes.

Mr. HUTCHINSON. Mr. Chairman, potash is one of the most important elements of plant food; it improves the soil and provides that element that all plants require to be able to bring forth large and properly matured crops. Germany is the sole producer of potash to-day in any large quantities. In normal times we use about 3,000 tons a day in this country, but at present we are entirely cut off from any supply of this, and the price has risen from $40 per ton to $500 per ton, and some has even been sold for as much as $600; this price has prohibited the farmers from using it as a fertilizer. Last year our supply of potash was reduced and the most of our crops were reduced accordingly. The cotton-growing States produced about 5,000,000 less bales of cotton than usual and our potato crop was short nearly 50,000,000 bushels. This year we are practically without potash and we can look for reduced crops of all kinds as a result, where potash is an essential element. Potatoes are so scarce that seed to-day is selling for $4.50 and $5 per sack, and other crops are affected in about the same ratio.

We have potash in this country in large quantities, but it is locked up in its natural elements and we have not yet discovered any process to make it in a soluble form and at reasonable prices. We have on the Pacific coast and Alaska in the kelps or seaweeds, in the alunites in Utah, and the large amount of feldspar in the Eastern States large quantities of potash, but small effort has been made to develop these sources of supply of this article.

This amendment provides money for research, investigation, and manufacture of potash in a soluble form and at reasonable prices, which will aid the farmer in growing larger crops and keep the cost of living within reasonable bounds.

We see by the papers that England is facing a famine because we are unable to ship our crops to that country. No country is safe to-day that has to depend upon some other to feed her people. We hear every day of the very high prices that the countries at war are paying for food, and this country can not do more toward preparedness and reducing the cost of living than to expend a reasonable amount for the research and investigation of potash and nitrogen.

Preparedness does not stop at furnishing men, but we must be prepared to feed our men and not be dependent upon any other country for our supply.

Potash is also an important factor in the manufacture of munitions of war, and the entire supply is practically being used for that purpose at present. While we are not anticipating war, if war should come at this time we would be entirely cut off from any supply of both potash and nitrogen, two of the most important essentials of ammunition manufacture.

For the purpose of showing the value of potash to our crops, I will give you some statistics covering the past 25 years: The German Kali Works have spent thousands of dollars educating our farmers to the use of potash, and you can see the general increase in our crops as a result, but it is not yet up to the increase in population.

POTATOES.

| Year. | Acres. | Yield (bushels). | Yield per bushel per acre. |
|---|---|---|---|
| 1890 | 2,652,000 | 148,290,000 | 55.9 |
| 1900 | 2,611,000 | 210,927,000 | 88.0 |
| 1910 | 3,720,000 | 349,320,000 | 93.8 |
| 1914 | 3,708,000 | 405,921,000 | 109.5 |
| 1915 | 3,761,000 | 359,103,000 | 95.5 |
| **CORN.** | | | |
| 1890 | 74,810,021 | 1,742,450,800 | 23.3 |
| 1900 | 83,320,872 | 2,105,102,516 | 25.3 |
| 1910 | 104,035,000 | 2,886,260,000 | 27.7 |
| 1914 | 103,435,000 | 2,672,804,000 | 25.8 |
| 1915 | 108,321,000 | 3,054,535,000 | 28.2 |
| **WHEAT.** | | | |
| 1890 | 37,199,024 | 443,847,400 | 11.9 |
| 1900 | 42,495,385 | 522,229,505 | 12.3 |
| 1910 | 45,681,000 | 635,121,000 | 13.9 |
| 1914 | 53,441,000 | 891,017,000 | 16.6 |
| 1915 | 59,898,000 | 1,011,505,000 | 16.9 |

Mr. Chairman, I have here gathered statistics for 25 years on four important crops. Twenty-five years ago very little potash was brought to this country. In 1890 there were planted 2,652,000 acres of potatoes, and the yield was 148,290,000 bushels, or an average of 55.9. Ten years after that, in 1900,

there were planted 2,611,000 acres, and the yield was 210,927,000 bushels, or an average of 88 bushels per acre. In 1914 we planted 3,708,000 acres, and the yield was 405,921,000 bushels, or an average of 109.5. Last year, when potash was so scarce, we planted 3,761,000 acres, and the yield was 359,103,000 bushels, or a yield of 95.5 bushels per acre.

Our yield all the way down on the four main crops of this country shows that much increase by the use of potash.

Corn, in 1890 we planted 74,810,000 acres, and the yield was 1,742,450,800 bushels, or an average of 23.3. In 1915 we planted 108,321,000 acres, and raised 3,054,535,000 bushels, or an average of 28.2. Wheat is on the same line. In 1890 we planted 37,199,024 acres of wheat, and the yield was 443,847,400 bushels, or an average of 11.9 bushels. In 1915 we planted 59,898,000 acres, and the yield was 1,011,505,000 bushels, or an average of 16.9 bushels per acre.

Potash is not so essential for wheat as to other crops.

Next take oats. In 1890 we grew 652,124,600 bushels, or an average of 25 bushels to the acre. In 1915 we had 40,780,000 acres planted, with a yield of 1,540,362,000 bushels, or an average of 37.8 per acre. Our population has grown since 1890 from 62,947,714 to about 100,000,000 in 1915, so it will readily be seen that with the use of potash and the education that our farmers have had we have not produced in the same proportion as our population has increased.

In the district which I represent in New Jersey if we grew those average crops, we would not think they were worth gathering—that it would not pay us to gather them. Where we use a large percentage of potash we get very good results. I am going to give you now a statement from my own farm, under my own supervision. Last year we had no potash, or a very reduced quantity. I used four kinds of fertilizer in this experiment. I measured off four different acre plots. On the first plot I used 4 per cent of ammonia, 8 per cent of phosphoric acid, and no potash in the fertilizer, and produced 164½ bushels per acre; so you see that with no potash I had a yield away above the general average. In the second plot I used the fertilizer with 4 per cent of ammonia, 8 per cent of phosphoric acid, and 1 ton of feldspar, ground as fine as flour, and I produced 209 bushels on that acre. On the third plot I used 4 per cent of ammonia, 8 per cent of phosphoric acid, and 400 pounds of feldspar in the ton and produced 236½ bushels.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. MANN. Mr. Chairman, I yield the gentleman two minutes more.

Mr. HUTCHINSON. On the fourth plot I used the regular potato goods—ammonia, 4 per cent; phosphoric acid, 8 per cent; potash, 10 per cent—and produced 264 bushels, or 100 bushels more with potash than where there was no potash. [Applause.] I yield back the remainder of my time.

Mr. HEFLIN. Mr. Chairman, I should regret very much to see this amendment fail. It is one of the most important steps taken by the Government in a long, long time. As the gentleman from Indiana [Mr. CLINE] has said, if we should become embroiled in war with some foreign power we are absolutely cut off from our nitrate supply. There is no better time for this Government to take steps to provide itself with all of the necessary ingredients that go to make up fertilizer and gunpowder in this country. [Applause.] This is the step to take. The amendment provides for this experiment. It has been found that by using these seaweeds in this way potash can be obtained. The gentleman from New Jersey [Mr. HUTCHINSON] has shown the value of potash in farming. He has shown how the yield per acre in corn and potatoes fell off when the potash supply was reduced. I make the prediction now that that same result will obtain this year with regard to cotton in the United States. The acreage may be increased in some places, although I do not think it will be; but if it is increased, there are six States in the cotton belt that will require 4 acres without potash and nitrogen to make as much as 2 acres make ordinarily with potash and nitrogen. The yield is going to be small this year, because we have not got the potash and other necessary fertilizer. A great deal of stuff is being sold down there, or offered for sale, that has not any potash in it, and the farmers are not going to use it. They are not going to try to produce cotton on a large scale without potash.

We are absolutely up against a serious condition in the cotton belt, as well as the farmers in other sections, as the gentleman from New Jersey has said, and it does seem to me that this is a wise provision and a wise step for us to take. Let us try out this experiment. If that does not work, let us try another one and keep on until we get on a footing like Germany is on to-day. We ought to be as independent of the nations of the earth with regard to our fertilizer and powder supply as Germany is. [Applause.] There she stands, walled in by the British Navy, and yet she is supporting herself, producing upon her farms food supplies, meat, 95 per cent and 85 per cent of her bread supply. Germany produces that, and she is making her nitrogen from the air now, as no nation on earth is making it. Germany is dependent on no power for her fertilizers, she is dependent on no outside source for her gunpowder, she is fighting her own battles, and she commenced to prepare for it years and years ago, and we have gone on neglecting the soil and failing to obtain knowledge of the chemical composition of the soil and plant food until we find ourselves confronted by a very serious condition. Our nitrate supplies are in Chile, our potash supplies are in Germany, and here we are, thousands of miles away, and in case of war between our Government and some foreign power we would be cut off from those supplies. It seems to me, Mr. Chairman, that this is a wise step, that this is a patriotic step for this House to take, and I should like very much to see this amendment adopted. It means good for our country. Let us keep on experimenting and working until we do provide these supplies for ourselves. [Applause.]

Mr. MANN. Mr. Chairman, the gentleman from South Carolina [Mr. LEVER] has offered an amendment to the bill to have the Government engage in the process of manufacturing potash from kelp. I remember when the potash question first came up before the House in an acute form. A few years ago a syndicate in Germany which controlled the potash mines over there was to end at 12 o'clock at night on a certain day. The fertilizer makers in Chicago—Armour & Co. and some of the others—either directly or through the name of some other company were "Johnny on the spot." They had made preliminary arrangements with some of the owners of some of these mines, and at 12 o'clock and 1 minute they signed contracts for the entire output of some of the mines by the individual members of the syndicate which had been dissolved at 12 o'clock and obtained these contracts for the supply of potash at a very much reduced rate from what they had been charged before and what they are paying now. The German Government interfered and threatened to forbid the export of potash or to levy a very high export tax on potash, which would make the potash cost the American producer more than it had before when they purchased it from the syndicate, and they forced a revocation or a cancellation of those contracts and forced all the mine owners over there to join in a new syndicate, practically under the domination of the German Government. These facts were brought to the attention of Congress at the time. It was not very much that could be done by the State Department, because they were wholly within their rights. We put in the Agricultural bill a provision to have the Agricultural Department endeavor to find a supply of potash in the United States and at the same time put into the sundry civil bill, or the deficiency—I think the sundry civil bill—an appropriation to have the Geological Survey see if they could find a supply of potash in the United States. A supply of potash here that is of any value must be cheap.

As described by the distinguished gentleman from Indiana [Mr. CLINE], the mining of potash in Germany is a good deal like the mining of coal or the mining of iron ore up in Minnesota. The process of production is exceedingly cheap. Of course, with a monopoly they can charge what they please. They can charge just as much for half the amount that the United States consumes as for the entire amount we consume, and if we furnish a small amount of potash through our own supply at home the German Government can require us to pay just as much for what they furnish as if they furnished the whole supply. Unless we can find a supply of potash which will furnish the United States in the end we will have to pay for potash from those people over there what they say we will have to pay. Now, I do not know whether potash can ever be profitably produced from kelp or not. I doubt it. I doubt whether it will not cost more to gather together the kelp, without regard to any process on it, than it will cost to have the German potash laid down on the Atlantic seaboard. But I do know this—at least I think I do—that with the knowledge already obtained in reference to the manufacture of potash from kelp, if it is ever to amount to anything it must be through the development of private capital, and as long as the Government is monkeying with it private capital will not invest in it to any extent. The only way you can get private capital interested in this is to say to them, "Here is a field wide open to you. We have given you information enough under which you can make this potash. Go to it."

As long as you say to them that we are going to learn something more in the dim and distant future and going to have the Government keep on experimenting with it, or perhaps manufacture it for sale, you can not expect to get men to invest money in it, and they will not. They know how to make potash out of kelp now. Nobody knows whether they can make

it commercially profitable on a large scale or not, and nobody will find out through a plant that costs $170,000.

The Agricultural Department told me years ago that they could make print paper out of cornstalks that were going to waste. I said, "Certainly, but it will cost more to collect cornstalks before you commence to manufacture them than it will to lay the print paper made out of spruce wood down at the door of the printing office. Hence, you will never make print paper out of cornstalks."

Some are trying to make potash out of alunite. Armour & Co. are said to be interested in it. If they are, they will find out more about it from a commercial point of view than the Government will ever learn, and you may be sure if it is ever possible to produce potash from alunite the Armour people and others will go into it. I do not think the Government ought to stand in their way. But I think this is what this would do. If you want the money to really make experiments, so far as I am concerned, I would be willing to vote a million dollars in a minute, even if I only got negative results, because if we can find potash or nitrates on our own soil it would be worth more than we can contemplate by the imagination. So far as discovery is concerned, I am willing to go to the limit. But we are furnished the information as to these things, and all that is necessary to learn is whether it can be made a commercial success. The Government can never find that out. The Government can not ascertain that. We must be for the private manufacturer unless we entirely abolish the theory of private manufacture and expect the Government to do the whole thing. Nobody has proposed that yet. For that reason I think it is an error to engage upon this, and I doubt whether it meets the approval even of the Secretary of Agriculture, although I am not authorized to speak for him. Therefore I make the point of order.

Mr. LEVER. If the gentleman will permit, the Secretary of Agriculture made that recommendation in his report on the fertilizer situation to the Senate on about January 26.

Mr. MANN. Well, I am sorry he did.

The CHAIRMAN. The gentleman from Illinois makes the point of order. Does the gentleman from South Carolina desire to be heard?

Mr. LEVER. The paragraph is undoubtedly subject to a point of order.

The CHAIRMAN. The point of order is sustained.

Mr. LEVER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 49, after line 11, insert the following paragraph:

"For investigation and demonstration within the United States to determine the best method of obtaining potash on a commercial scale, $175,000."

Mr. MANN. I reserve a point of order on that.

Mr. LEVER. I do not care to have it reserved, Mr. Chairman. I only care to call the attention of the Chair to the difference in the two amendments. This amendment provides only for investigation and demonstration, while the other amendment went further.

Mr. MANN. I am willing, so far as I am concerned, to give them money, provided they are not to construct a building. I think under this provision they would be authorized to construct buildings.

Mr. LEVER. The gentleman and I are fully agreed on that, but the department does not take the same view. Therefore the amendment was offered in the form on which it has gone out on the point of order, but I believe under the general authority they have the right to erect this building.

Mr. MANN. Well, Mr. Chairman, there is no authority in the Agricultural Department at all, so far as that is concerned, to investigate the subject of potash or the production of potash. That is not an agricultural product. It may be an agricultural necessity, but it is not within the provision of the enabling act.

Mr. LEVER. I am inclined to think the gentleman is right.

Mr. MANN. There is no question about it.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

The Clerk read as follows:

BUREAU OF ENTOMOLOGY.

Salaries Bureau of Entomology: One entomologist, who shall be chief of bureau, $4,500; 1 chief clerk and executive assistant, $2,250; 1 administrative assistant, $2,250; 1 financial clerk, $1,800; 3 clerks, class 4; 3 clerks, class 3; 9 clerks, class 2; 9 clerks, class 1; 10 clerks, at $1,000 each; 4 clerks, at $900 each; 5 clerks, at $840 each; 2 entomological draftsmen, at $1,400 each; 1 entomological draftsman, $1,080; 4 foremen, at $1,080 each; 1 entomological preparator, $1,000; 4 entomological preparators, at $840 each; 8 entomological preparators, at $720 each; 7 entomological preparators, at $600 each; 2 messengers or laborers, at $900 each; 2 messengers or laborers, at $840 each; 3 messengers or laborers, at $720 each; 1 messenger boy, $480; 5 messenger boys, at $360 each; 1 mechanic, $1,080; 1 mechanic, $900; 1 mechanic, $840; 1 laborer, $600; 1 laborer, $540; 1 laborer, $480; 1 laborer, $420; 3 charwomen, at $480 each; 1 charwoman, $240; in all, $99,180

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wisconsin moves to strike out the last word.

Mr. STAFFORD. I assume that these additional places involving an increase of the appropriation over that of last year of nearly $30,000 are transfers from the lump-fund list?

Mr. LEVER. They are each and every one of them transfers from the lump fund to the statutory roll, and the lump fund has been reduced accordingly. The transfers are made at the same salary, except in one place.

Mr. STAFFORD. That was the point I wanted to ascertain, whether they were transferred at the same salary or not.

Mr. LEVER. Yes; the transfers were made at the same salary.

Mr. STAFFORD. Except in one instance, as the gentleman says?

Mr. LEVER. Yes; except in the case of a messenger at $480.

Mr. STAFFORD. Mr. Chairman, I withdraw the pro forma amendment.

Mr. MANN. I renew it.

This is an increase of nearly $30,000 on the statutory roll in the Bureau of Entomology. While the gentleman from South Carolina says—and he knows—that these are transfers from the lump-sum appropriations, the lump-sum appropriations, in fact, are not reduced. They are increased, although they may have been reduced from what the department would have asked for.

Mr. LEVER. That is what I meant, of course.

Mr. MANN. I understand what the gentleman means, and I am not seeking to criticize that. But what is the reason for these increases in the actual cost? Here is an increase of nearly half in the statutory roll over what we supposed it was last year. We make an appropriation in a lump sum for the investigation of insects affecting deciduous fruits, and so forth, and we supposed—and we had the right to suppose—that the statutory roll did the clerical work for these lump-sum appropriations in Washington. There is nothing else for them to do. All the appropriations for this bureau are lump-sum appropriations, except the statutory roll in Washington. All the statutory roll has to do is to use that lump-sum appropriation.

They pay absolutely no attention to Congress. We appropriated $69,000 for the employees in Washington. Then we appropriated certain amounts for work outside of Washington; and then they use it to increase salaries and pay salaries in Washington to the extent of $30,000. I think we have got to stop the Agricultural Department sometime from fooling Congress about these things, because that is what it is doing. The gentleman knows that I always defend the Department of Agriculture when anybody attacks it except myself.

Mr. LEVER. That is true, too.

Mr. MANN. I think it is a great department; but as long as they have the power to do these things they will do them. When we appropriate $114,660 for the investigation of insects affecting cereal and forage crops, an item which we put in a few years ago at the instance, I think, of the gentleman from Indiana [Mr. CULLOP], we supposed that that money was being used for that purpose. We had the right to suppose it, because we make an appropriation for the Washington employees in addition. Well, they just take what money of it they want. It is not excessive; I do not think they are grossly extravagant; but they take as much of that as they want of it for clerks, charwomen, messengers, or anything else they please in Washington.

Mr. LEVER. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. LEVER. The committee was assured by those people appearing before it from the department that they were endeavoring to transfer from the statutory roll two classes of people, in accordance with the expressed wish of Congress, expressed here on the floor of the House in the discussion of this bill. One class is that of purely clerical service. The other class is that class of employees that has become permanent, as they designate it, and they are endeavoring, as they tell us, to retain under the lump-sum appropriation the purely scientific force. There is not any law that compels that at all. I agree with the gentleman that if we can work out a plan by which we can get greater control of these lump-sum appropriations and these transfers, it would be very well for us to do so. As I stated on another item, the gentleman from Minnesota [Mr.

ANDERSON] and myself are trying to work out an amendment which I hope will be effective, although I am not sure.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last two words, for the purpose of obtaining some information. I notice that during the fiscal year 1915 there was expended on the statutory roll the sum of $68,400, and out of the lump fund $98,000 in Washington and $256,000 outside of Washington. This year you have increased the amount of the statutory roll $30,000. I wish to inquire specifically whether the committee asked the heads of the bureaus, when they appeared before the committee, as to whether all those persons who are performing clerical service, and not technical service of the character referred to by the gentleman, will be provided for on the statutory roll in this bill?

Mr. LEVER. I will say to the gentleman from Wisconsin that our information was that in every case where a transfer was made from the lump fund it was either of a clerical position or a position that had become permanent in its nature.

Mr. STAFFORD. The gentleman does not answer my question. I am inquiring whether all the clerks who are now being paid out of the lump-sum appropriation for performing purely clerical services have been provided for on the statutory roll in this bill.

Mr. LEVER. Our information is to that effect; yes.

Mr. STAFFORD. Not only in this bureau but in all the other bureaus.

Mr. LEVER. Yes. We understand that they have transferred all of their clerical force to the statutory roll, and the only other problem we have to deal with—I will say to the gentleman that it is a hard one—is to provide some way of limiting the number of temporary employees who can be paid out of the lump-sum appropriation, where those positions may become or may be permanent in the future.

Mr. STAFFORD. Why in that particular should this department be considered any different from any other one of the departments that are provided in the legislative, executive, and judicial appropriation bill? Why can not the committee bring in here a provision restricting in the future the utilization of any of these lump-sum appropriations for clerical services, so that Congress may know that when it votes money for use in the field it will be used exclusively for that purpose.

Mr. LEVER. As I said to the gentleman——

Mr. STAFFORD. There is nothing here that restricts them.

Mr. LEVER. I know that.

Mr. STAFFORD. And they go on year after year employing persons for clerical work and paying them out of the lump-sum appropriation, when the intention of Congress is to limit them to the amount carried in the statutory roll.

Mr. LEVER. As I said to the gentleman from Illinois [Mr. MANN]—the gentleman from Wisconsin probably did not hear my statement—the gentleman from Minnesota [Mr. ANDERSON] and myself are working on an amendment which we hope to offer to this bill before we finish it, to accomplish that result.

Mr. STAFFORD. I hope the gentleman will do that, so as to restrict these abuses, which have been continually called to our attention.

Mr. LONGWORTH. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by publishing a statement as to the present German method of extracting nitrogen from the air. This statement was made up for me by Dr. William Beckers, president of the W. Beckers Analine Chemical Works, and former director of the German Syndicate, probably the most competent man on the subject in this country. I introduce this for the purpose of showing that to-day the Germans are extracting nitrogen from the air, not only without the use of water power but much more cheaply than when they were using water power in Norway, and more cheaply than it is produced out of Chilian saltpeter.

Mr. LEVER. I am very glad the gentleman is going to print that.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD by publishing a certain statement. Is there objection?

There was no objection.

The statement is as follows:

Nitric acid is being produced in Germany at the present time without depending on electric energy, the developing of which would necessitate large water-power establishments such as at Niagara Falls and in Norway. The Badische Co., after having completed the experiments in regard to the process to be mentioned further below, sold their shares in the Norwegian Co. This process makes Germany not only independent from other countries regarding its nitrogen compounds, especially nitric acid, but also yields a cheaper product.

According to the Badische process the first step for the manufacture of nitric acid is the production of ammonia, which chemical is obtained by the so-called Haber process. The elements of ammonia, hydrogen, and nitrogen are combined under high pressure and temperature by the aid of certain catalysers, yielding chemically pure ammonia. Hydrogen is obtained from so-called water or Dowson gas, which is a mixture of CO, $CO_2$, and H. Co and $CO_2$ are absorbed by different chemicals, leaving pure hydrogen. Dowson gas is manufactured by driving steam through burning coal in a generator. Nitrogen is obtained from so-called generator gas, which is produced by burning coal in a generator, and which is a mixture of CO, $CO_2$, and N. CO and $CO_2$ are disposed of in the above-mentioned way, thus leaving pure nitrogen.

Furthermore, nitrogen can be produced very cheaply by the Linde process; that is, by liquifying air—which is a mixture of nitrogen and oxygen—and distilling the oxygen off first.

The pure ammonia produced by the Haber process is mixed with air and conducted over platinum gauze heated by electricity to about 700°, at which temperature a complete oxidation of ammonia takes place, leaving nitric oxide and water. Nitric oxide is used further for the manufacture of nitric acid according to well-known methods.

The amount of electrical energy necessitated for heating the platinum gauze is comparatively small and can be produced from coal, thus showing that the entire process does not require electricity developed by water power.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

The Clerk read as follows:

General expenses, Bureau of Entomology: For the promotion of economic entomology; for investigating the history and the habits of insects injurious and beneficial to agriculture, horticulture, arboriculture, and the study of insects affecting the health of man and domestic animals, and ascertaining the best means of destroying those found to be injurious; for collating, digesting, reporting, and illustrating the results of such investigations for salaries and the employment of labor in the city of Washington and elsewhere, rent outside of the District of Columbia, freight, express charges, official traveling expenses, office fixtures, supplies, apparatus, telegraph and telephone service, gas, and electric current, in connection with the following investigations:

Mr. SISSON. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman of the committee a question.

Quite a number of items have been carried in the bill in the past for the purpose of investigating the boll weevil that has been so destructive of cotton in the South. Up to date neither the Government nor the State, so far as I know, nor any of the agricultural colleges, have been able to discover any method of destroying the weevil. The only thing they have been able to do is to devise some cultural methods which may or may not succeed, in accordance with the season. Sometimes if the season is right the cultural methods succeed and sometimes they fail. What I wanted to ask the gentleman is, Is this the item that investigates on the part of the Government the method of destroying this insect?

Mr. LEVER. The gentleman from Mississippi will find the item which carries the boll weevil in lines 14, 15, and 16 on the page that we have not reached.

Mr. SISSON. I will say now what I intended to say on that item. I do not believe that anything can be done in a general way by the expenditures of large sums of money with the present information that you have about the destruction of the weevil. We know the effect of it, we feel the effects of it; but up to date nothing has been devised that has been practical for the destruction of the weevil. But I do insist that the Government of the United States, as a scientific proposition, should continue the scientific investigation which, of course, would not be expensive to ascertain some method of destroying the weevil.

Another thing we must continually keep in mind is that if the weevil is destroyed in one State and another State is not willing to adopt the methods of destruction it would be useless, because the weevil travels with such rapidity from one State to another. So when the method has been ascertained which can be used practically for the destruction of the weevil, then I hope that Congress will aid the States in such a scheme as will destroy the weevil throughout the cotton belt.

Mr. MOSS of Indiana. Will the gentleman yield?

Mr. SISSON. Yes.

Mr. MOSS of Indiana. Is there any reasonable probability of the destruction of the boll weevil?

Mr. SISSON. Personally I do not know. I know the agricultural college of my own State and that of Texas and other States have spent a great deal of money, counties have spent a great deal of money, States have spent a great deal of money, the Federal Government has spent a great deal of money, and they have had experts from all over the country to study the habits of the weevil, caught them and kept them in cages, watched them day and night, and they never have been able to find anything that will destroy them. They have devised some poisons which destroyed the hands that endeavored to distribute the poison, but not the weevil.

Mr. MOSS of Indiana. That is my own opinion; we have been working for 100 years on the Hessian fly, and that destroys more grain than the boll weevil destroys cotton.

Mr. SISSON. I doubt that, because the weevil gets all the cotton when he gets any.

Mr. MOSS of Indiana. Has not the boll weevil been of some benefit to the South?

Mr. SISSON. I should say he had not.

Mr. MOSS of Indiana. In the way of reducing the crop which they say ought to be reduced.

Mr. SISSON. Perhaps that is true, but I do not want it reduced on my plantation when it is not reduced on some other plantations. I do not want the cotton crop reduced in that way.

Mr. MOSS of Indiana. The boll weevil is impartial.

Mr. SISSON. No; he has not got all over the cotton belt. He has not got over to South Carolina yet. The Hessian fly is referred to in this report, and this gentleman insists that the Federal Government ought to devise a scheme of destroying it—this was in 1849—and on account of the number of failures, he says, is no reason to quit, because you do not make an oak out of an acorn in a day. So I do not want the Agricultural Department to quit until it has found how to kill the boll weevil, for he will get over into Georgia, into the land of my friend, Mr. CRISP, or to South Carolina, to the plantation of my good friend, Mr. LEVER.

Mr. CRISP. I want to say that he entered my district last fall.

Mr. SISSON. Well, he has not got in his work yet.

Mr. BORLAND. The boll weevil does not believe in State rights.

Mr. SISSON. He ignores the Federal Constitution and State rights.

The Clerk read as follows:

For investigations of insects affecting cereal and forage crops, $114,660.

Mr. RUSSELL of Missouri. Mr. Chairman, I desire to ask the chairman of the committee whether the amount carried in this item is the same as heretofore carried?

Mr. LEVER. Exactly the same amount; there is a difference by way of transfer.

Mr. RUSSELL of Missouri. Two years ago, as the chairman no doubt remembers, there was established in my district a new field station under this bureau.

Mr. LEVER. I beg the gentleman's pardon; there is an increase in this item of $5,000.

Mr. RUSSELL of Missouri. As I said, two years ago there was a new field station established in my district. I should like to know whether the appropriation carried in this bill takes into consideration the proper maintenance of that field station, so that it will be continued as heretofore.

Mr. LEVER. Undoubtedly, although it was not specifically provided for in the item. The item covers all of the field stations.

Mr. RUSSELL of Missouri. There is, I see, no field station especially mentioned.

Mr. LEVER. We never mention any of the field stations.

Mr. RUSSELL of Missouri. The farmers of my district believe that this station has been a great benefit to that section of the country.

Mr. LEVER. I have no doubt of it.

Mr. RUSSELL of Missouri. They want to be certain that the station there is going to be continued, and I desired to know whether this item in the bill would furnish the necessary funds to maintain that station as heretofore.

Mr. LEVER. It certainly will do so.

Mr. RUSSELL of Missouri. I want to thank the chairman of the committee for this assurance. My constituents are deeply interested in its continuance and are perfectly convinced of the great benefit that it has been and will be to the farmers of the district and the surrounding country.

Mr. CULLOP. Mr. Chairman, I offer the following amendment as a new paragraph.

The Clerk read as follows:

Page 51, after line 13, insert as a new paragraph the following:
"For investigating a method for the eradication of the Hessian fly in wheat by the process of spraying, $50,000."

Mr. CULLOP. Mr. Chairman, the wheat crop is one of the largest of all crops that are grown on the farm. It is the third, if not the second, most remunerative in production, the corn crop being first, recently the cotton crop being second, and now the wheat crop third.

Mr. MANN. Mr. Chairman, is the gentleman going to press his amendment?

Mr. CULLOP. I hope to; yes.

Mr. MANN. I think that there ought to be a fuller attendance to hear the gentleman and vote upon his amendment, and I therefore make the point of order that there is no quorum present.

Mr. LEVER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HAMLIN, 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. 12717, the Agricultural appropriation bill, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. FARLEY, indefinitely, on account of illness in his family.

To Mr. WILSON of Florida, at the request of Mr. CLARK of Florida, for 10 days, on account of important business.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

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

H. R. 5835. An act for the relief of James Staton;

H. R. 7502. An act for the relief of Ellis P. Garton, administrator of the estate of H. B. Garton, deceased;

H. R. 7862. An act for the relief of New England Coal & Coke Co., owner of the American barges *Emilie* and *Cassie*, and Bruusgaard Kiosterud Dampskibsaktieselskab, owner of the Norwegian steamship *Hesperos;*

H. R. 9803. An act to emancipate from certain disabilities children who have judgments of conviction for crime of record against them in the Juvenile Court of the District of Columbia;

H. R. 4701. An act to establish in the War Department and in the Navy Department, respectively, a roll designated as "the Army and Navy medal of honor roll," and for other purposes;

H. R. 7248. An act for the relief of the United States Drainage & Irrigation Co.; and

H. J. Res. 87. Joint resolution authorizing and directing the Secretary of the Treasury to credit the stamp account of Edward B. Craig, as collector of internal revenue for the collection district of Tennessee, in the sum of $2,034.89, being the representative value of certain internal-revenue documentary stamps which were taken from the office of said collector by an act of burglary.

PENSIONS.

Mr. RUSSELL of Missouri. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 12027) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war, with Senate amendments thereto, disagree to the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Missouri asks unanimous consent to take from the Speaker's table the bill H. R. 12027, an omnibus pension bill, with Senate amendments thereto, disagree to the Senate amendments and ask for a conference. Is there objection?

There was no objection.

The Clerk announced the following conferees:

Mr. RUSSELL of Missouri, Mr. ASHBROOK, and Mr. FULLER.

HOUR OF MEETING TO-MORROW.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

The SPEAKER. Is there objection?

There was no objection.

ORDER OF BUSINESS.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that to-morrow morning, immediately after the reading of the Journal, the gentleman from Kentucky [Mr. JOHNSON] be allowed to address the House for 15 minutes.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that to-morrow morning, after the reading of the Journal and the disposition of business on the Speaker's table, the gentleman from Kentucky [Mr. JOHNSON] be permitted to address the House for not to exceed 15 minutes. Is there objection?

There was no objection.

ADJOURNMENT.

Then, on motion of Mr. LEVER (at 5 o'clock and 33 minutes p. m.), the House adjourned until to-morrow, Saturday, April 22, 1916, at 11 o'clock a. m.

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## EXECUTIVE COMMUNICATIONS, ETC.

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

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on reexamination of

Tuckerton Creek, N. J. (H. Doc. No. 1040); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

2. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Missouri B. Ordway, widow of Albert Ordway, v. The United States (H. Doc. No. 1041); to the Committee on War Claims and ordered to be printed.

3. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Jane O'Dwyer, widow of John O'Dwyer, deceased, v. The United States (H. Doc. No. 1042); to the Committee on War Claims and ordered to be printed.

4. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Henry S. Branaman v. The United States (H. Doc. No. 1043); to the Committee on War Claims and ordered to be printed.

5. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Ellen B. Alexander, widow of Robert M. Alexander, v. The United States (H. Doc. No. 1044); to the Committee on War Claims and ordered to be printed.

6. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Barnet W. Prescott v. The United States (H. Doc. No. 1045); to the Committee on War Claims and ordered to be printed.

7. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Joseph V. Kendall v. The United States (H. Doc. No. 1046); to the Committee on War Claims and ordered to be printed.

8. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Harrison H. Boyes v. The United States (H. Doc. No. 1047); to the Committee on War Claims and ordered to be printed.

9. A letter from the Acting Secretary of the Treasury, transmitting a copy of communication from the acting president of the Board of Commissioners of the District of Columbia, submitting a supplemental estimate of appropriation required for the service of the District of Columbia for the fiscal year ending June 30, 1917, under the title of "Contingent and miscellaneous expenses" (H. Doc. No. 1048); to the Committee on Appropriations and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. WISE, from the Committee on Military Affairs, to which was referred the bill (S. 3344) to authorize George H. Hervey, of Pensacola, Fla., to construct and operate an electric railway line on the Fort Barrancas and Fort McRee Military Reservations, Fla., and for other purposes, reported the same without amendment, accompanied by a report (No. 584), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STOUT, from the Committee on the Public Lands, to which was referred the bill (S. 1068) relating to desert-land entries, reported the same without amendment, accompanied by a report (No. 585), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 12099) granting a pension to Esther Opher, and the same was referred to the Committee on Invalid Pensions.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

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

By Mr. SMITH of Idaho: A bill (H. R. 14900) to amend section 6 of the act of June 17, 1910, providing for enlarged homestead entries in the State of Idaho; to the Committee on the Public Lands.

Also, a bill (H. R. 14901) providing for the disposition of lands restored to the public domain which have been segregated under the provisions of the act approved August 18, 1894 (28 Stat. L., pp. 372–422), and acts amendatory thereof and supplemental thereto; to the Committee on the Public Lands.

Also, a bill (H. R. 14902) to provide for the erection of a Federal building at Bonners Ferry, Idaho; to the Committee on Public Buildings and Grounds.

By Mr. GOODWIN of Arkansas: A bill (H. R. 14903) to establish the National Chamber of Agriculture of the United States; to the Committee on Agriculture.

By Mr. SELLS: A bill (H. R. 14904) for improvements and repairs necessary for the preservation and protection of the tailor shop of ex-President Andrew Johnson, at Greenville, Tenn.; to the Committee on Appropriations.

By Mr. HULBERT: A bill (H. R. 14905) for the improvement of East Potomac Park as a public recreation ground; to the Committee on Appropriations.

By Mr. RUSSELL of Missouri: A bill (H. R. 14906) authorizing the Secretary of War to donate to the city of Kennett, Mo., two cannon or fieldpieces; to the Committee on Military Affairs.

Also, a bill (H. R. 14907) authorizing the Secretary of War to donate to the city of New Madrid, Mo., two cannon or fieldpieces; to the Committee on Military Affairs.

Also, a bill (H. R. 14908) authorizing the Secretary of War to donate to the city of Benton, Mo., two cannon or fieldpieces; to the Committee on Military Affairs.

By Mr. CLARK of Florida: A bill (H. R. 14909) to provide for the purchase of a site upon which to erect a post-office building in the city of Perry in the State of Florida; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14910) to provide for the purchase of a site upon which to erect a post-office building in the city of Monticello, Fla.; to the Committee on Public Buildings and Grounds.

By Mr. EMERSON: Joint resolution (H. J. Res. 207) authorizing the issuing of a medal to Joseph David; to the Committee on the Library.

By Mr. NEELY: Joint resolution (H. J. Res. 208) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. MORRISON: Joint resolution (H. J. Res. 209) to authorize the Secretary of the Interior to accept assignment of patent for improvements in the manufacture of gasoline, and for other purposes; to the Committee on Patents.

By Mr. DYER: Joint resolution (H. J. Res. 210) directing that veterans of the Grand Army of the Republic be given the regulation salute from the enlisted men of the Army, Navy, and Marine Corps; to the Committee on Military Affairs.

By Mr. DILL: Concurrent resolution (H. Con. Res. 31) providing for the printing of 1,000 copies of Moore's Digest of International Law; to the Committee on Printing.

Also, concurrent resolution (H. Con. Res. 32) providing for the printing of 1,000 copies of Hinds' Precedents of the House of Representatives; to the Committee on Printing.

By Mr. BENNET: Resolution (H. Res. 210) requesting the President to furnish certain information in relation to the case of Samuel Schwartz; to the Committee on Foreign Affairs.

By Mr. PARK: Resolution (H. Res. 211) to print 1,250 copies of the Soil Survey of Decatur County, Ga.; to the Committee on Printing.

Also, resolution (H. Res. 212) to print 2,000 copies of the Soil Survey of Tift County, Ga.; to the Committee on Printing.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. AYRES: A bill (H. R. 14911) granting an increase of pension to John Critchfield; to the Committee on Invalid Pensions.

By Mr. BORLAND: A bill (H. R. 14912) granting an increase of pension to Lucy A. Manrose; to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: A bill (H. R. 14913) to refer to the Court of Claims the record in the case of William M. Farrington v. Rolfe S. Saunders, heretofore pending in the Circuit Court of the United States for the District of West Tennessee, with instructions to hear, try, and determine the same and enter judgment on the law and facts; to provide for appeal or writ of error to the Supreme Court of the United States by the Government or any part interested; to confer jurisdiction upon both of said courts, and to prescribe the method of procedure; to the Committee on War Claims.

Also, a bill (H. R. 14914) granting an increase of pension to Addie P. Shoffner; to the Committee on Invalid Pensions.

By Mr. COLEMAN: A bill (H. R. 14915) granting an increase of pension to F. Isabelle Lawrance; to the Committee on Pensions.

By Mr. CONRY: A bill (H. R. 14916) granting an increase of pension to Benjamin R. Hubbell; to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 14917) granting an increase of pension to Robert Gilmore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14918) granting an increase of pension to Pleasant D. Evans; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14919) granting a pension to James M. Wilson; to the Committee on Pensions.

By Mr. EAGAN: A bill (H. R. 14920) granting an increase of pension to Mary Ann Conroy; to the Committee on Invalid Pensions.

By Mr. HASKELL: A bill (H. R. 14921) granting a pension to Margaret Gray; to the Committee on Pensions.

By Mr. HELGESEN: A bill (H. R. 14922) granting a pension to Bruce Friend; to the Committee on Pensions.

By Mr. HILLIARD: A bill (H. R. 14923) granting a pension to George F. Taylor; to the Committee on Pensions.

By Mr. HULBERT: A bill (H. R. 14924) granting a pension to Loretta A. Bradley; to the Committee on Pensions.

By Mr. MILLER of Delaware: A bill (H. R. 14925) granting an increase of pension to Margaret Baylis; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 14926) granting a pension to Mary A. Winsor; to the Committee on Invalid Pensions.

By Mr. REAVIS: A bill (H. R. 14927) to correct the military record of William H. Boyer; to the Committee on Military Affairs.

Also, a bill (H. R. 14928) to correct the military record of Robert M. Mann; to the Committee on Military Affairs.

Also, a bill (H. R. 14929) to correct the military record of James C. Sedam; to the Committee on Military Affairs.

By Mr. ROUSE: A bill (H. R. 14930) granting an increase of pension to Emily Jane Hilton; to the Committee on Pensions.

Also, a bill (H. R. 14931) granting a pension to Albert Jeffries; to the Committee on Invalid Pensions.

By Mr. RUCKER: A bill (H. R. 14932) granting an increase of pension to Elizabeth W. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14933) granting an increase of pension to Sarah Rogers; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 14934) granting an increase of pension to Mary Dodge; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14935) granting an increase of pension to William M. Spann; to the Committee on Invalid Pensions.

By Mr. SANFORD: A bill (H. R. 14936) for the relief of Lawrence Collins and Edward J. Flanigan; to the Committee on Claims.

By Mr. STEENERSON: A bill (H. R. 14937) granting an increase of pension to William H. Wharton; to the Committee on Pensions.

By Mr. TAVENNER: A bill (H. R. 14938) granting an increase of pension to William G. Jackson; to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 14939) granting an increase of pension to John W. Wahl; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14940) granting a pension to Mrs. Sarah A. Staley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14941) granting a pension to Frederick Noyes; to the Committee on Pensions.

By Mr. VENABLE: A bill (H. R. 14942) granting an increase of pension to Julia A. Ueltschey; 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. ANTHONY: Memorial of Republican County Convention of Reno County, Kans., favoring national woman suffrage; to the Committee on the Judiciary.

By Mr. DALE of New York: Petitions of sundry men and women voters of the State of Kansas, protesting against the action of the Judiciary Committee relative to the suffrage amendment; to the Committee on the Judiciary.

By Mr. DARROW: Petitions of 156 citizens of Philadelphia, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. DILL: Petition of C. S. Barnhart and other residents of Loomis and Hassan, Wash., protesting against the passage of House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

Also, petition of Charles G. Miller and other residents of Ione, Wash., protesting against the passage of Senate bill 645; to the Committee on the District of Columbia.

Also, petition of Charles G. Miller and other residents of Ione, Wash., protesting against the passage of House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

Also, petition of Charles G. Miller and other residents of Ione, Wash., protesting against the passage of House bill 652; to the Committee on the District of Columbia.

Also, petition of L. J. Artman and other residents of Colville, Wash., protesting against the passage of House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr. DOOLITTLE: Petition of 11 members of the Ministerial Association of Emporia, Kans., favoring a Christian amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. DYER: Petition of the First National Bank of Kansas City, Mo., favoring the citizens' army; to the Committee on Military Affairs.

Also, petition of farmers of St. Francois County, Mo., favoring law providing for standardization of agricultural products; to the Committee on Agriculture.

By Mr. EAGAN: Memorial of National Grange legislative committee, Patrons of Husbandry, in re legislation; to the Committee on Military Affairs.

By Mr. EDMONDS: Petition of Manufacturers' Club of Philadelphia, Pa., against the passage of the armor-plate bill; to the Committee on Naval Affairs.

Also, petition of Manufacturers' Club of Philadelphia, Pa., against passage of the Philippine bill; to the Committee on Insular Affairs.

By Mr. ELSTON: Petition of Women's Missionary Society of First Presbyterian Church, of Berkeley, Cal., favoring passage of a bill to prohibit sale of alcoholic liquors in Hawaii, Porto Rico, and Philippine Islands; to the Committee on Insular Affairs.

Also, petition of Women's Missionary Society of First Presbyterian Church, of Berkeley, Cal., favoring bill to prohibit sale, etc., of Alcoholic liquors in Africa; to the Committee on Alcoholic Liquor Traffic.

By Mr. FLYNN: Memorial of National Grange Legislative Committee, in re legislation; to the Committee on Military Affairs.

By Mr. FOCHT: Evidence in support of House bill 8973, for the relief of Thomas D. Hummel; to the Committee on Invalid Pensions.

Also, evidence in support of House bill 7070, for the relief of John W. Ferguson; to the Committee on Pensions.

Also, evidence in support of House bill 9733, for the relief of John A. Boggs; to the Committee on Invalid Pensions.

Also, statement in support of House bill 8871, for the relief of George D. Jones; to the Committee on Military Affairs.

Also, petition of citizens of Greencastle, Pa., favoring Emerson condensed-milk resolution; to the Committee on the Judiciary.

By Mr. FULLER: Petitions of Pettibone, Mulliken Co. and the Union League Club of Chicago, Ill., relative to preparedness; to the Committee on Military Affairs.

Also, petition of the Western Military Academy, of Alton, Ill., favoring House bill 11086, concerning appointments to the West Point Military Academy; to the Committee on Military Affairs.

Also, petition of the Toledo (Ohio) Scale Co., against passage of House bill 9323, relative to weights and measures; to the Committee on Weights and Measures.

By Mr. GARNER: Petition of sundry citizens of the State of Texas, favoring reenactment of the Smith-Lever bill, omitting section 11, etc.; to the Committee on Agriculture.

By Mr. HAMILTON of New York: Petition of sundry citizens of Lakewood and Jamestown, N. Y., in opposition to House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

By Mr. HILLIARD: Papers to accompany House bill 13186, for relief of John D. Shick; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 13185, for relief of John Hickey; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 11739, for relief of Caroline M. Anthony; to the Committee on Pensions.

Also, petition of Minnie Robbins and 19 others, of Denver, Colo., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of William E. Sweet, of Denver, Colo., against increased military or naval appropriation by this Congress; to the Committee on Appropriations.

By Mr. HULBERT: Memorial of Board of Aldermen of New York City, favoring passage of House bill 6915, relative to pensions for aged postal-service employees; to the Committee on the Post Office and Post Roads.

By Mr. LESHER: Petition of 76 citizens of Northumberland County, Pa., favoring a Christian amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. LONDON: Petition protesting against the sending of the military forces of the United States into Mexico and asking the withdrawal of such forces, from F. W. Kirk and 20 other citizens of Louisville, Ky.; to the Committee on Foreign Affairs.

Also, petition indorsing a bill proposed by Mr. Fred Warren "providing that those who make war shall do all the fighting," from C. W. Busby and 17 other citizens of Eustace, Tex.; to the Committee on Military Affairs.

Also, telegram opposing any action by Congress that would cause a state of war and urging Congress to prevent that calamity, from Waiters' Union No. 30, San Francisco, Cal.; to the Committee on Foreign Affairs.

By Mr. LOUD: Petitions of Archie Sanger and 14 other citizens of Edenville, Mich., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of C. C. McDonald and 3 other citizens of Blanchard, Mich., favoring the Ashbrook bill, relative to increase in pensions to Civil War widows; to the Committee on Invalid Pensions.

By Mr. NORTH: Petition of 40 citizens of Indiana County, Pa., favoring a Christian amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. RAINEY: Petition of Lula C. Smith and others, of Rockport, Ill., favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of Richard Burch and others, of Eldred, and Ida E. Staley and others, of Tallula, Ill., against a juvenile-court act; to the Committee on the District of Columbia.

By Mr. RANDALL: Memorial of the commission on temperance of the Congregational Churches of the United States, urging the passage of the Sheppard District of Columbia prohibition bill; to the Committee on the District of Columbia.

Also, petition of 545 people of Pomona, Cal., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Nevada Hulbart and 32 other citizens of Los Angeles, Cal., protesting against House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

By Mr. SANFORD: Papers to accompany House bill 13371, for the relief of Matthew J. McDermott; to the Committee on Claims.

By Mr. SIMS: Petition of sundry citizens, favoring rural credit legislation; to the Committee on Banking and Currency.

By Mr. SLOAN: Petition of Alexander A. M. Bulgrin and 72 others, against passage of bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. STEENERSON: Petition of citizens of Pipestone County, Minn., protesting against House bills 6468 and 491, to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. STEPHENS of California: Resolution of Franklin Printing Trades Association, San Francisco, Cal., favoring an embargo on export of materials for manufacturing paper; to the Committee on Interstate and Foreign Commerce.

Also, petition of Mrs. A. Hunter and 41 others, all of Los Angeles, Cal., protesting against the juvenile court bill—House bill 13048; to the Committee on the Judiciary.

Also, letter from Simon Levy Co., Los Angeles, Cal., favoring the Keating bill; to the Committee on Interstate and Foreign Commerce.

Also, resolution from Chamber of Commerce, Venice, Cal., favoring a naval base in Santa Monica Bay, Cal.; to the Committee on Naval Affairs.

Also, letter from Central Labor Union, Santa Barbara, Cal., protesting against preparedness; to the Committee on Military Affairs.

Also, letters from Henry S. Cahn, Los Angeles, Cal., and A. C. Rudolfson, San Francisco, Cal., favoring 1-cent postage on drop letters; to the Committee on the Post Office and Post Roads.

Also, communications from Mrs. H. Salkey and the Jewish Sisterhood of Los Angeles, Cal., protesting against the Burnett immigration bill; to the Committee on Immigration.

Also, communication from St. Antonius Society, protesting against the sale and export of munitions of war; to the Committee on Interstate and Foreign Commerce.

Also, communications from C. E. Chamberlain and 10 others, favoring the Warren bill; to the Committee on Military Affairs.

Also, letters favoring the construction of highway up Mount Whitney, Cal., from Howard Huntington and M. J. Connell, of Los Angeles, Cal., and Kern County Board of Trade, Bakersfield, Cal.; to the Committee on the Public Lands.

Also, petition signed by Mrs. C. C. Clay, president California Division, United Daughters of the Confederacy; Mrs. T. J. Douglas, president Los Angeles Chapter, United Daughters of the Confederacy; Mrs. Samuel Cary Dunlap, past president of California Division, United Daughters of the Confederacy; Mrs. Grantland S. Long, State vice president, and Mrs. Allen W. Ellington, second vice president, Los Angeles Chapter, United Daughters of the Confederacy; Mrs. W. B. Scarborough, recording secretary Los Angeles Chapter; Miss Lulie McGoodwin, corresponding secretary Los Angeles Chapter; Miss Cora A. Mathews, historian Los Angeles Chapter; Mrs. John C. McCay, custodian of the flag, and 68 others, all of Los Angeles, Cal., favoring the passage of House bill 478; to the Committee on Invalid Pensions.

## SENATE.

### SATURDAY, *April 22, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, Creator of all things, Thy will is law. We bless Thee that we have come to know that the law of Thy will is love and grace and truth. We come to Thee to-day under the inspiration of this season of the year. We see once more the challenge of life to the force of death. That which was dead is alive again. Thou dost give to us the pledge of our own immortality. We have about us the intimations of the life which is yet to be. We bless Thee for the assurance that wholeness of life is the conqueror over death. Thou wilt not suffer Thy holy one to see corruption. Grant us this day the especial inspiration of Thy spirit that we may enter profoundly into the meaning and message and intimation of this season and come to measure life by its infinite length and depth and height and breadth. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Thursday, April 20, 1916, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

#### THE NAVY (S. DOC. NO. 413).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of April 12, 1916, certain information relative to a communication dated August 3, 1914, from the General Board of the Navy warning the Navy Department of the necessity of bringing the Navy to a state of preparedness, and also of a communication dated November 9, 1914, from Rear Admiral Bradley A. Fiske, senior adviser to the Secretary, warning the Navy Department of the unprepared state of the Navy, which was referred to the Committee on Naval Affairs and ordered to be printed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the joint resolution (S. J. Res. 98) to print as a public document the final report and testimony submitted to Congress by the United States Commission on Industrial Relations.

The message also announced that the House agrees to the amendment of the Senate to the amendments of the House to the concurrent resolution (S. Con. Res. 20) authorizing the appointment of a representative of the United States Government to appear at the celebration of the landing of Sir Francis Drake on the coast of California.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H. R. 12027) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUSSELL of Missouri, Mr. ASHBROOK, and Mr. FULLER managers at the conference on the part of the House.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

H. R. 4701. An act to establish in the War Department and in the Navy Department, respectively, a roll, designated as "the Army and Navy medal-of-honor roll," and for other purposes;

H. R. 5835. An act for the relief of James Stanton;

H. R. 7248. An act for the relief of the United States Drainage & Irrigation Co.;

H. R. 7502. An act for the relief of Ellis P. Garton, administrator of the estate of H. B. Garton, deceased;