

By Mr. SMITH: Memorial of the Legislature of the State of Idaho, urging enactment of legislation licensing commission merchants and brokers to give a bond for the faithful discharge of their contracts; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII,

By Mr. JOHNSON of Washington: A bill (H. R. 12441) granting a pension to Hilaire Nallete; to the Committee on Invalid Pensions.

PETITIONS, ETC.

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

3924. By Mr. FUNK: Petition of citizens of Livingston County, Ill., protesting against the Sunday observance bill (S. 3218) and all other similar legislation; to the Committee on the District of Columbia.

3925. By Mr. MEAD: Petition of National Retail Dry Goods Association, opposing the enactment into law of House bill 10351, the purpose of which is to grant copyright registration for designs, and favoring a readjustment of pay of postal employees; to the Committees on Patents and the Post Office and Post Roads.

3926. By Mr. WATSON: Petition of citizens of Harrisburg, Pa., favoring the participation of the United States in the World Court on the Harding-Hughes terms; to the Committee on Foreign Affairs.

3927. By Mr. WEFALD: Petition of 40 citizens of Vining, Minn., that Congress do not concur in the passage of the compulsory Sunday observance bill (S. 3218) nor in the passage of any other religious legislation which may be pending; to the Committee on the District of Columbia.

3928. Also, petition of 20 citizens of Local and Detroit, Minn., that Congress do not concur in the passage of the compulsory Sunday observance bill (S. 3218) nor in the passage of any other religious legislation which may be pending; to the Committee on the District of Columbia.

3929. By Mr. WILLIAMS of Michigan: Petition of Mrs. George W. Shields and 41 other residents of Hillsdale County, Mich., protesting against the passage of Senate bill 3218, the Sunday observance bill, so called; to the Committee on the District of Columbia.

3930. Also, petition of Mrs. O. F. Gaylord and 16 other residents of Battle Creek, Mich., protesting against the passage of Senate bill 3218, the Sunday observance bill, so called; to the Committee on the District of Columbia.

SENATE

SATURDAY, February 28, 1925

(Legislative day of Thursday, February 26, 1925)

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

The PRESIDENT pro tempore. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed the bill (S. 3913) to extend for an additional period of three years the effective period of the act entitled "An act to amend section 51 of chapter 4 of the Judicial Code," approved September 19, 1922, and an act entitled "An act to amend section 876 of the Revised Statutes," approved September 19, 1922, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bill and joint resolution of the Senate, each with amendments, in which it requested the concurrence of the Senate:

S. 1707. An act appropriating money to purchase lands for the Chiam Tribe of Indians in the State of Washington, and for other purposes; and

S. J. Res. 124. Joint resolution to provide for the posthumous appointment to commissioned grades of certain enlisted men and the posthumous promotion of certain commissioned officers.

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

H. R. 11701. An act to amend the act entitled "An act to regulate steam engineering in the District of Columbia," approved February 28, 1887;

H. R. 11752. An act to provide for extension of payment on homestead entries on ceded lands of the Fort Peck Indian Reservation, State of Montana, and for other purposes;

H. R. 11818. An act granting the consent of Congress to the construction of a bridge across the Rio Grande;

H. R. 12029. An act for the relief of sufferers from the fire at New Bern, N. C., in December, 1922;

H. R. 12030. An act for the relief of sufferers from cyclone in northwestern Mississippi in March, 1923;

H. R. 12261. An act authorizing the appropriation of \$5,000 for the erection of tablets or other form of memorials in the city of Quincy, Mass., in memory of John Adams and John Quincy Adams; and

H. J. Res. 348. Joint resolution authorizing the Secretary of Agriculture to award suitable medals to exhibitors winning first and championship prizes at the twenty-fifth anniversary show of the International Livestock Exposition of Chicago, Ill., held in December, 1924.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and a joint resolution were severally read twice by title and referred as indicated below:

H. R. 11752. An act to provide for extension of payment on homestead entries on ceded lands of the Fort Peck Indian Reservation, State of Montana, and for other purposes; to the Committee on Indian Affairs.

H. R. 11818. An act granting the consent of Congress to the construction of a bridge across the Rio Grande; to the Committee on Commerce.

H. R. 12029. An act for the relief of sufferers from the fire at New Bern, N. C., in December, 1922; and

H. R. 12030. An act for the relief of sufferers from cyclone in northwestern Mississippi in March, 1923; to the Committee on Military Affairs.

H. R. 12261. An act authorizing the appropriation of \$5,000 for the erection of tablets or other form of memorials in the city of Quincy, Mass., in memory of John Adams and John Quincy Adams; to the Committee on the Library.

H. J. Res. 348. Joint resolution authorizing the Secretary of Agriculture to award suitable medals to exhibitors winning first and championship prizes at the twenty-fifth anniversary show of the International Livestock Exposition of Chicago, Ill., held in December, 1924; to the Committee on Agriculture and Forestry.

TWO HUNDREDTH ANNIVERSARY OF THE BIRTH OF GEORGE WASHINGTON (S. DOC. NO. 225)

The PRESIDENT pro tempore laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriations for the United States Commission for the Celebration of the Two hundredth Anniversary of the Birth of George Washington, fiscal year 1925, to remain available until expended, \$10,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

BUREAU OF FOREIGN AND DOMESTIC COMMERCE (S. DOC. NO. 224)

The PRESIDENT pro tempore also laid before the Senate a communication from the President of the United States, transmitting a draft of proposed legislation affecting the appropriations for the Bureau of Foreign and Domestic Commerce, Department of Commerce, fiscal year 1926, relative to the rental of offices in foreign countries by that bureau, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

JOHN F. DUNPHY, OWNER OF STEAMSHIP "MARGARET J. SANFORD" AGAINST THE UNITED STATES (S. DOC. NO. 222)

The PRESIDENT pro tempore also laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a record of judgment rendered against the United States by the United States District Court for the Southern District of New York, under the provisions of law, and requiring an appropriation for its payment under the War Department: Case of John F. Dunphy as managing owner of the steamship *Margaret J. Sanford* against the United States, in amount, \$2,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

OWNERS OF THE BARGE "HAVANA" AGAINST THE UNITED STATES (S. DOC. NO. 223)

The PRESIDENT pro tempore also laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a record of judgment rendered against the Government by the United States District Court

for the District of Massachusetts, under the provisions of law, final decree rendered by the United States District Court of Massachusetts in favor of the Staples Transportation Co., in amount \$5,250, costs \$40.30, in total amount \$5,290.30, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

PETITIONS AND MEMORIALS

The PRESIDENT pro tempore laid before the Senate a concurrent resolution of the Legislature of the State of Iowa, relative to agricultural legislation, which was referred to the Committee on Agriculture and Forestry, as follows:

STATE OF IOWA HOUSE OF REPRESENTATIVES,
Des Moines, February 24, 1925.

HON. A. B. CUMMINS,
President of the Senate, Washington, D. C.

MY DEAR MR. PRESIDENT: I have the honor to inclose herewith a certified copy of house concurrent resolution No. 11.

Respectfully submitted,

A. C. GUSTAFSON.

Concurrent resolution 11, by committee of agriculture of the House of Representatives, Forty-first General Assembly, State of Iowa.

Believing that some relief for agriculture in the very near future is absolutely necessary, and that Congress should, without further delay, take some cognizance of the situation of agriculture in the middle West, and that failure to pass legislation relative thereto by the present Congress will be greatly to the detriment of agriculture; therefore:

Be it resolved by the house of representatives (the senate concurring), That we most earnestly urge upon the present Congress the prompt passage of the bill now in the United States Senate creating an export corporation for the purpose of purchasing and diverting surplus farm commodities in the United States.

That a copy of this resolution be forwarded to the President of the Senate and the Speaker of the House of Representatives of the United States and to each of the United States Senators and each Member of Congress from Iowa.

I hereby certify that this is a true and correct copy of house concurrent resolution No. 11 adopted by the Forty-first General Assembly of the State of Iowa.

A. C. GUSTAFSON,
Chief Clerk of the House.

The PRESIDENT pro tempore also laid before the Senate a resolution adopted by the Senate of the State of Michigan, respecting the national defense act, which was referred to the Committee on Military Affairs, as follows:

MICHIGAN STATE SENATE,
Lansing, February 23, 1925.

PRESIDENT OF THE SENATE,
Washington, D. C.

SIR: I have the honor to inform you that the Michigan State Senate has this day adopted the following resolution:

"Whereas the President of the United States in a recent message to the Congress of the United States has stated that the Army and Navy of the United States should be strengthened, and that a people who neglect their national defense are putting in jeopardy their national honor; and

"Whereas in furtherance of the national defense act of 1920 and in order to increase and promote the strength and effectiveness of the Army the Chief of Staff of the Army of the United States has recommended substantially as follows:

"(a) That the Regular Army be brought back to the strength of 150,000 enlisted men and 13,000 officers, and that it be suitably housed and enabled to conduct annual maneuvers on a moderate scale;

"(b) That the National Guard be given the support necessary to permit its progressive development toward a strength of 250,000;

"(c) That the skeleton organization of the Organized Reserves be adequately maintained;

"(d) That all reserve officers receive an average of 15 days training in each three years;

"(e) That the Reserve Officers' Training Corps units be further developed; and

"(f) That provision may be made for a gradual increase in the number accommodated annually in citizens' military training camps: Therefore be it

Resolved by the Michigan State Senate of the State of Michigan in session assembled, Respectfully and earnestly urge upon Congress the necessity of appropriating such funds and enacting such legislation as will adequately provide for the effective carrying out of the provisions of the national defense act of 1920 and also the recommendations of the Chief of Staff of the Army of the United States hereinbefore set forth.

"Suitable copies of the resolution shall be sent by the secretary of the senate to the President of the United States, the presiding officers

of both branches of Congress, to the Senators and Representatives from this State, and to the congressional Committee on Appropriations and on Military Affairs."

Very truly yours,

DENNIS E. ALWARD,
Secretary Michigan State Senate.

The PRESIDENT pro tempore also laid before the Senate a joint resolution adopted by the Legislature of the State of Vermont relative to the rejection of the so-called proposed child labor amendment to the Constitution, which was referred to the Committee on the Judiciary, as follows:

STATE OF VERMONT,
SECRETARY OF STATE,
Montpelier, February 26, 1925.

To the honorable PRESIDENT SENATE OF THE UNITED STATES,
Washington, D. C.

SIR: I have the honor to herewith submit a certified copy of joint resolution adopted by the General Assembly of the State of Vermont, entitled "Joint resolution relating to the rejection by the State of Vermont of the child labor amendment."

I would respectfully ask that the resolution referred to be transmitted to the legislative body over which you have the honor to preside.

Respectfully yours,

AARON H. GROUT,
Secretary of State.

Whereas the Sixty-eighth Congress of the United States, by joint resolution duly passed, has proposed to amend the Constitution of the United States in the words following:

"ARTICLE —

"SECTION 1. The Congress shall have power to limit, regulate, and prohibit the labor of persons under 18 years of age.

"SEC. 2. The power of the several States is unimpaired by this article except that the operation of State laws shall be suspended to the extent necessary to give effect to legislation enacted by the Congress."

Resolved by the senate and house of representatives, That the Legislature of the State of Vermont hereby rejects said proposed amendment to the Constitution of the United States, because the said proposed amendment tends to contravene the Fifth Article of the Constitution of Vermont, as follows:

"ART. V. That the people of this State, by their legal representatives, have the sole, inherent, and exclusive right of governing and regulating the internal policy of the same." And be it further

Resolved, That the representatives of the State of Vermont of this general assembly do hereby reiterate the right of the State as set forth above, and confidently rely on Article X of the Constitution of the United States as a just cause for rejecting the aforesaid amendment.

"ART. X. The powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States respectively, or to the people."

Believing, therefore, that the proposed amendment would tend to invade and vitiate the rights of the State of Vermont, as set forth in the foregoing articles, we hereby formally refuse to ratify, and do hereby reject the same; and be it further

Resolved, That the secretary of state be, and hereby is, directed to communicate to the Secretary of State of the United States, to the Presiding Officer of the United States Senate, and to the Speaker of the House of Representatives of the United States a certified copy of this resolution.

ROSWELL M. AUSTIN,
Speaker of the House of Representatives.
W. K. FARNSWORTH,
President of the Senate.

STATE OF VERMONT,
OFFICE OF SECRETARY OF STATE.

I hereby certify that the foregoing is a true copy of a joint resolution (House No. 15) entitled "Joint resolution relating to the rejection by the State of Vermont of the child labor amendment."

In testimony whereof, I have hereunto set my hand and affixed my official seal, at Montpelier, this 26th day of February, A. D. 1925.

[SEAL] AARON H. GROUT, Secretary of State.

Mr. CAMERON presented the following concurrent memorial of the Legislature of the State of Arizona, which was referred to the Committee on Agriculture and Forestry:

STATE OF ARIZONA,
OFFICE OF THE SECRETARY.

UNITED STATES OF AMERICA,
State of Arkansas, ss:

I, James H. Kerbey, secretary of state, do hereby certify that the within is a true and correct copy of Senate Concurrent Memorial No. 2 of the Seventh Legislature, State of Arizona, 1925, regular session,

"memorializing the Congress of the United States of America to enact legislation for the relief of the stock raisers grazing and ranging livestock on the United States National Forest, as follows: For the immediate relief, waive the grazing fees for the season from April 1, 1925, to March 31, 1926, and for more permanent relief pass the Phipps bill, No. 2424, now pending before the Senate of the United States," all of which is shown by the original on file in this department.

In witness whereof I have hereunto set my hand and affixed my official seal. Done at Phoenix, the capital, this 19th day of February, A. D. 1925.

[SEAL.]

JAMES H. KERBY,
Secretary of State.

Senate concurrent memorial 2 (introduced by Senator A. H. Favour)
To the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialist, the Seventh Legislature of the State of Arizona, in its regular session assembled, respectfully represents that:

The men engaged in the livestock business in Arizona for the past three years have been going through one of the most trying times in the history of the industry, and as a class have been brought to the verge of bankruptcy through deflation, unfavorable economic conditions, and inability to market their output except at a price less than cost.

That, added to the foregoing, during the year 1924 there has been in the southwest an unprecedented drought, and this has resulted and will continue to result in a substantial loss to the breeding herds of the stock raisers, with the definite outlook of a very much lessened income for the year 1925 to these stock raisers.

That a large number of stock raisers range their stock on the various forest reserves of the United States in the State of Arizona at a fixed annual rental per head, and these fees are payable to the United States Government at the beginning of the grazing season on April 1 of each year. These grazing fees are a first and paramount charge, and unless paid the stock raisers are put in trespass and forced to remove their herds from the forest reserves.

Your memorialist further represents that during the year 1924 a substantial number of the stock raisers have not been able to pay the forest fees, and where they have been paid such fees have been paid, in most cases, with borrowed money. On account of the present financial condition of the livestock industry even borrowed money is not available for the coming year to meet these forest requirements. The stock raisers of this State must be assisted if they are to continue in their stock-raising industry, and one definite way is to assist those on the forest in the payment of forest fees.

Wherefore your memorialist prays that the Congress of the United States of America enact legislation for the relief of the stock raisers grazing and ranging livestock on the United States National Forest, as follows: For the immediate relief, waive the grazing fees for the season from April 1, 1925, to March 31, 1926, and for more permanent relief pass the Phipps bill, No. 2424, now pending before the Senate of the United States; It is hereby

Ordered, That his excellency the Governor of the State of Arizona be requested to transmit a copy of the foregoing to the President of the United States and to each House of Congress and to each of Arizona's Senators and her Representative in Congress.

Passed the senate February 2, 1925.

Passed the house February 10, 1925.

Approved February 17, 1925.

Filed by the secretary of state February 17, 1925, at 3.30 o'clock p. m.

Mr. FRAZIER presented resolutions of the Book and Thimble Club, of Williston, and of the Fortnightly Club, of Wahpeton, both in the State of North Dakota, favoring the adherence of the United States to the World Court under the terms of the so-called Harding-Hughes plan, which were referred to the Committee on Foreign Relations.

Mr. KENDRICK. I present for proper disposition a petition numerously signed by citizens of Thermopolis, Wyo., praying for the repeal of the Volstead prohibition act.

The petition was ordered to lie on the table.

SECOND DEFICIENCY APPROPRIATIONS

Mr. WARREN. I report back with amendments from the Committee on Appropriations the bill (H. R. 12392) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1925, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1925, and June 30, 1926, and for other purposes, and I submit a report (No. 1244) thereon. I wish to give notice that I shall ask the Senate later in the day to take up the bill and put it on its passage.

The PRESIDENT pro tempore. Meanwhile the bill will be placed on the calendar.

REPORTS OF COMMITTEES

Mr. BALL, from the Committee on the District of Columbia, to which was referred the bill (H. R. 596) to provide for the extension of Bancroft Place between Phelps Place and Twenty-third Street NW., and for other purposes, reported it without amendment and submitted a report (No. 1247) thereon.

He also, from the same committee, to which was referred the bill (H. R. 5327) to provide for the payment to the retired members of the police and fire departments of the District of Columbia the balance of retirement pay past due to them but unpaid from January 1, 1911, to July 30, 1915, reported it without amendment and submitted a report (No. 1248) thereon.

Mr. LADD, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 1579) authorizing the disposition of certain lands in Minnesota, reported it without amendment and submitted a report (No. 1249) thereon.

He also, from the Committee on Commerce, to which was referred the bill (H. R. 11702) granting the consent of Congress to the village of Spooner, Minn., to construct a bridge across the Rainy River, reported it without amendment and submitted a report (No. 1250) thereon.

Mr. CAMERON, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 3618) for the relief of Nora B. Sherrier Johnson, reported it without amendment and submitted a report (No. 1251) thereon.

He also, from the same committee, to which was referred the resolution (S. Res. 347) to investigate all matters relating to national forests and the public domain and their administration, reported favorably thereon with an amendment.

Mr. METCALF, from the Committee on Naval Affairs, to which was referred the bill (H. R. 6723) to provide for reimbursement of certain civilian employees at the naval torpedo station, Newport, R. I., for the value of personal effects lost, damaged, or destroyed by fire, reported it without amendment and submitted a report (No. 1252) thereon.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

Mr. WATSON, from the Committee on Enrolled Bills, reported that on February 27, 1925, that committee presented to the President of the United States enrolled bills and a joint resolution of the following titles:

S. 970. An act for the relief of the De Kimpke Construction Co., of West Hoboken, N. J.;

S. 1016. An act for the relief of Augusta Reiter;

S. 1633. An act for the relief of James F. Jenkins;

S. 1763. An act to validate certain payments made to George M. Apple and to authorize the General Accounting Office to allow credit to certain disbursing officers for payments of salaries made on properly certified and approved vouchers;

S. 2714. An act for the relief of John F. Malley;

S. 2774. An act for the relief of G. Ferlita;

S. 2793. An act for relief of estate of Annie C. Shnyder;

S. 2992. An act for the relief of the Berwind-White Coal Mining Co.;

S. 3379. An act providing for the sale and disposal of public lands within the area heretofore surveyed as Boulder Lake, in the State of Wisconsin;

S. 3760. An act to amend in certain particulars the national defense act of June 3, 1916, as amended, and for other purposes; and

S. J. Res. 125. Joint resolution granting permission to Fred F. Rogers, commander, United States Navy, to accept certain decorations bestowed upon him by the Venezuelan Government.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WATSON:

A bill (S. 4394) for the improvement of Indiana Harbor, Ind.; to the Committee on Commerce.

By Mr. JOHNSON of Minnesota:

A bill (S. 4395) to promote and preserve the navigability of Cass Lake in the State of Minnesota; to the Committee on Agriculture and Forestry.

By Mr. SHIPSTEAD:

A bill (S. 4396) to extend the time for the commencement and completion of the bridge of the county of Norman and the town and village of Halstad, in said county, in the State of Minnesota, and the county of Traill and the town of Herberg, in said county, in the State of North Dakota, across the Red River of the North on the boundary line between said States; to the Committee on Commerce.

By Mr. BURSUM:

A bill (S. 4397) to permit the use for any charitable, educational, or hospital purpose, of certain lands granted to the city of Albuquerque, N. Mex.; to the Committee on Public Lands and Surveys.

By Mr. FRAZIER:

A bill (S. 4398) to create a Federal agricultural marketing board, to prescribe its duties and define its powers, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. WHEELER:

A bill (S. 4400) to appropriate certain tribal funds for the benefit of the Indians of the Fort Peck and Blackfeet Reservations; to the Committee on Indian Affairs.

BUREAU OF COMMERCIAL ECONOMICS

Mr. OWEN. Mr. President, I introduce a bill to grant a charter to the Bureau of Commercial Economics, whose headquarters are at 1108 Sixteenth Street NW., Washington, D. C., with connections throughout the world, which I ask to be read by title.

The bill (S. 4399) to incorporate the Bureau of Commercial Economics, and for other purposes, was read twice by title.

Mr. OWEN. This is a reintroduction of S. 4633, of the Sixty-seventh Congress, introduced too late for action at that Congress. At different times I have called the attention of the Senate to this great work and its possibilities. Never until now have I had such a wealth of details of its operations and its power to achieve good in public service by the use of motion-picture films of an educational nature, of the screen press to promote commerce, trade, agriculture, public welfare, and health in America and abroad.

INTERNATIONAL RELATIONS

The international relations of these United States should be and are the deep concern not only of the Federal Government but of all business organizations and individuals that compose our great Nation. International relations consist of offensive and defensive and economic treaties, consummated between authorities so empowered by the people. Far more vitally do they consist in the commerce of ideals, intellectual thought, business and social relations. It is to these great forces that we must look for the foundation and maintenance of mutual understanding, sympathy, and progress.

Obviously the most efficient method of bringing about such interchange of ideas, of presenting the ideals of the American people, their environment, their business methods to the world is through the use of the motion picture. Radio in this connection is interesting and important, but until we have a universal language or reduce our thought to "songs without words" its field is limited to those understanding the language of the speaker.

WORLD SCOPE OF THE BUREAU OF COMMERCIAL ECONOMICS

The Bureau of Commercial Economics is accomplishing one of the most valuable contributions to humanity of our time in disseminating American ideals and ideas in even the most remote parts of the world, in elevating the intelligence of our American people by the exhibition of foreign educational films in this country, and in drawing together the nations of the world in a close bond of mutual constructive cooperation.

As you recall, this bureau sends educational films of American business, of American scenery, of American science, of American welfare work, to the regularly constituted governments of the various nations or their learned societies or business organizations, who in turn send these films, with the titles in English, throughout the scientific societies, business clubs, factories, all the way down to the primary schools. The films are understood in Iceland or Java, where they have actually been shown, because the human eye of the most illiterate onlooker sees on the screen the same image that the most learned Senator would see there, no matter if the titles were in Sanskrit. The films are free to those that show them and those that see.

Quietly and unostentatiously this bureau has brought new light to millions of people scattered all over the earth. In the more remote points of the earth the bureau's films were the first ever to be seen. For 12 years it has used the international gift of sight to place new visions of opportunity and ideals before all the people.

What a challenge to the imagination!

ITS WORK IN THE UNITED STATES

The Bureau of Commercial Economics, as you will recall, does not limit its efforts to the dissemination of American ideals abroad. Its work is truly international. It receives from those governments and organizations to whom it sends American films the educational, scientific, scenic, and industrial films of those countries and circulates them, also free, to every type of educational, scientific, religious, or social organization or gathering equipped with the necessary projec-

tion apparatus. In the great cities and humblest hamlets of each Senator's State this work of visual instruction by this bureau is being carried on without cost to the taxpayers of the Nation. It has many millions of feet of film of instructional value. Too often we think of educational films as of value in the schoolroom only. The films of the Bureau of Commercial Economics are used before chambers of commerce, churches, universities, in the factories at noontime, by social, sporting, and business clubs, as well as in the schools and community centers.

THE PAN PACIFIC FIELD

Only recently the Bureau of Commercial Economics has been asked to organize all the nations bordering on the Pacific Ocean into an international association for the purpose of exchanging educational motion pictures of all member nations with each other. Films that depict national life, business, environment, sanitation, welfare work, pass from nation to nation like spokes of a wheel, with the Bureau of Commercial Economics as the hub.

ORGANIZATION OF THE BUREAU OF COMMERCIAL ECONOMICS

The Bureau of Commercial Economics is not a governmental bureau. It is an altruistic association using the facilities and instrumentalities of Government, business, and educational institutions in the dissemination of useful information by the graphic method of motion pictures, by lecturers, and publications. Its films and lectures are displayed to audiences admitted free.

Speakers of international reputation have been sent by this bureau throughout the land in connection with President Coolidge's national outdoor recreation conference to urge our people to take a greater interest and part in outdoor life, and films of fishing, hunting, swimming, playgrounds, have been used to help build our Nation's health.

Many of my distinguished colleagues both in the Senate and the House are familiar with the organization and functioning of this bureau and have heartily indorsed it. The late President Harding was one of its most sincere admirers. It has the hearty cooperation of the United States Chamber of Commerce, the International Rotary Clubs, the International Kiwanis Clubs, the American Association of Engineers, the learned and religious societies of America and abroad, and the admiration and cooperation of many foreign governments.

This altruistic organization, conceived and founded by the late Francis Holley and Anita Maris Boggs, now carried on by Miss Boggs and her brother, Randolph M. Boggs, is supported entirely by memberships and voluntary contributions and the self-sacrificing efforts of its officers. For more than 12 years this work has been carried on quietly, effectively.

The conception, the scope, the influence of the Bureau of Commercial Economics are almost beyond imagination of the ordinary mind. Its vision, its efforts, its results are worldwide, but it is first and last American. Its foreign films shown in the United States, its American films shown abroad, arouse in the minds of the beholder a quickened action, a comparison with his own surroundings, his methods of work and life. He thinks, he compares, he judges. He is not only more intelligent for seeing the films, he is a greater national asset—a man with a more intelligent mind.

The Bureau of Commercial Economics deserves the thanks of Congress and of all the American people for its great, constructive, humanitarian work, and to this end I ask the recognition of Congress in a Federal incorporation.

I move that the bill be referred to the Committee on the Judiciary.

The motion was agreed to.

TRUST FUND FOR KIOWA, COMANCHE, AND APACHE INDIANS, OKLAHOMA

Mr. OWEN submitted an amendment intended to be proposed by him to the bill (H. R. 11752) to provide for extension of payment on homestead entries on ceded lands of the Fort Peck Indian Reservation, State of Montana, and for other purposes, which was referred to the Committee on Indian Affairs and ordered to be printed.

JOSEPH P. CHAMBERLAIN ET AL.

Mr. PEPPER submitted the following resolution (S. Res. 350), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate is hereby authorized and directed to pay out of the contingent fund of the Senate to Joseph P. Chamberlain, William E. Mikell, and Noel T. Dowling \$250 each, the same being the Senate's half of the amount due said persons for services rendered and expenses incurred in preparation of data for use of the Committees of the House of Representatives and Senate on Revision of Laws, from January 1, 1925, to February 28, 1925.

COOPERATIVE ASSOCIATIONS

Mr. SHIPSTEAD submitted the following resolution (S. Res. 351), which was referred to the Committee on Agriculture and Forestry:

Whereas the successful development of cooperative organizations in production, distribution, and consumption affords needed opportunities for increasing the income of the producer, especially the farmer, and for diminishing the cost of living of the consumer, and appears to be of great public benefit, as shown by the experiences of numerous foreign countries; and

Whereas the President's agricultural conference recommends constructive Federal assistance in the development of producers' marketing organizations; and

Whereas complete and conclusive information with respect to the economic advantages or disadvantages of the cooperative movement in this country as compared with other types of marketing farm products, has not been made available in comprehensive form; and

Whereas it is frequently charged that various cooperative organizations of farmers engaged in marketing grain, tobacco, cotton, livestock, and other products, as well as consumers' cooperative purchasing organizations, are being discriminated against and injured by various corporations and trade associations in alleged violation of the anti-trust laws: Now, therefore, be it

Resolved, That the Federal Trade Commission is hereby directed to make an inquiry (1) into the growth and importance of cooperative associations, including particularly the costs of marketing and distribution of such cooperatives as compared with the corresponding costs of other types of distributors, and (2) into the extent and importance of the interferences with and obstructions to the formation and operation of cooperative organizers of producers, distributors, and consumers, by any corporation or trade association in alleged violation of the antitrust laws, and to report thereon with recommendations for legislation, or other remedial action if the same appears necessary.

RIVER AND HARBOR BILL

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11472) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, the pending question being on the amendment proposed by Mr. GOODING to the amendment submitted by Mr. FERNALD.

The PRESIDENT pro tempore. The Senator from Maine [Mr. FERNALD] is entitled to the floor.

Mr. FERNALD. Mr. President, at the conclusion of the consideration of the pending river and harbor bill on yesterday afternoon, I was discussing some of the details of the development of the Cape Cod Canal Co., the purpose of the amendment proposed by me, the chronological history in a very brief way, the development, the franchise and charter, the commercial results up to the time the canal was taken over by the Government, the cost of the canal, and some of the details respecting it. As I stated yesterday, I do not wish to jeopardize the enactment of the river and harbor bill, and I conclude that these details are not of special interest to the Senate. If we were to discuss the details of all the development and various changes in bringing the project to a consummation, it would take a much longer time than we have at our disposal between now and the 4th day of March. In fact, I do not consider it of very great importance to discuss the details. They have all been considered by a properly authorized agency of the Government. If we were to undertake on the floor to discuss and debate the details of the different projects that go to the different departments of the Government, the Senate and the Congress of the United States would not get very far in legislating. We are obliged to leave these matters, oftentimes by authorization, to the President of the United States, knowing full well that he has some authority to authorize some one in a department, some officer of the Government, to investigate the details and bring to the consideration of the Congress all the different matters in the proper way. So I wish to be as brief as possible, and if not interrupted it will take me but a very short time to conclude all that I have to say regarding that great project.

I would like to discuss all of the details if it were at an earlier time in the session, because there is nothing wrong so far as the canal is concerned in the building of that great project. I want to make a few broad general statements. First of all, I consider it of very little consequence as to the details of the canal company, how they were able to get their money, how they were able to secure their charter from the State of Massachusetts, how they went into litigation at an expense of \$750,000 to defend their rights in the proper courts, and the expense of the Government of the United States in carrying on that litigation. Those details are of little conse-

quence, in my judgment, to Senators in the consideration of this matter.

I felt deeply interested yesterday in listening to the splendid speech of the Senator from Missouri [Mr. REED] when he was depicting the development of the great valley of the Mississippi and the development of the waterways of the country and what it has meant to the people of the country. I shall not designate any particular people, although we often speak of these projects of great assistance and aid to the farming communities. In fact, it is quite a common custom when we have a proposition before the Senate to speak of it as a great agricultural development and of the assistance to the farmers of the country that may be brought about by the different projects.

Although it is very doubtful if much farm legislation, so-called, can be brought to the attention of the Senate at this session, I want to say right now that the policy of development of the waterways of the country is of more interest to the farmers of the country than any proposition that is likely ever to be brought to the attention of the Senate. If Senators would go with me to the States of Missouri, Kansas, Nebraska, or any other agricultural State and ask 100 farmers what would give them the greatest relief of anything that could be done, 99 out of 100 from any State in the Union would say at once that there is nothing that would be of so much assistance as the lowering of freight rates. The lowering of freight rates can not be brought about by any fictitious method, but it can surely be done, as it always has been done, through the development of the waterways of our country so that we may have vessels plying back and forth on our rivers and canals, free and without toll.

The development of our waterways has been an established policy of the Government over a long period of time. We began years and years ago to develop the rivers of the country, and every dollar that has been expended along those lines has been money well spent. Sitting, as I have, on the Commerce Committee of the Senate for eight years, watching and considering with gratified pride all of the projects that have been brought before that committee and the legislation that has been enacted in the Congress to develop the canals and waterways, I can not look back to a single proposition where I regret my action. I have always had at heart the interests not only of New England and my own State but of the whole country in considering these matters. I have been just as anxious to develop the waterways of the South and make our intercoastal system from New York through to the Gulf of Mexico a success as I have been to advance the interests and develop the waterways of my own section of the country. While in my own State we have three large rivers, yet they are rivers of torrents flowing from the mountains to the sea, and sails can not be seen far up those streams from the coast.

I desire to repeat in the presence of the Senator from Missouri [Mr. REED], who has just entered the Chamber, that if I had been a member of the same church as he and in the same class meeting I would have been glad to say "Amen" to all he had to say about the development of the great waterway system in the Mississippi Valley.

Mr. REED of Missouri. Mr. President, if the Senator from Maine had been a member of my church and had said "Amen" in good faith, he would have been guaranteed salvation.

Mr. FERNALD. I am quite satisfied that that is true. Although we may not be members of the same church, yet I am inclined to think we are very nearly so. We do agree on very many things in this body.

I have watched with gratifying pride the development of the waterways of the great Mississippi Valley. I have noted the splendid agricultural opportunities and prospects of the valley. For 25 years my business carried me into every one of those States. I recall now the gorgeous days in the years 1905 and 1906 when I passed through the State of Nebraska and down through Kansas and saw those great fields of golden wheat bowing and bending beneath the amorous rays of the autumn sun. I saw great shocks of corn bursting forth in glory, and yet in less than two months from that day I saw Argentine corn unloaded at my stables in Poland, Me. I asked the reason for this, because at the very time when that corn was being delivered in Maine from Argentina, the farmers of Kansas were burning their corn for fuel. What was the reason for this? It was the very reason the Senator from Missouri spoke of yesterday, a lack of development of the waterways of our country. Corn from Argentina could be delivered in 1910 for 11 cents a bushel less than corn from central Kansas, an amazing statement, and yet the distance from Argentina and Buenos Aires to New York is 7,330 miles, while the distance from Kansas City is but 1,500 miles. Why

is the difference? What is the cause of this great difference? The citizens of Kansas had to move their corn 800 miles by rail. The citizens of Argentina moved their corn an average of less than 140 miles by rail.

The development already taking place on the Missouri River, the great Federal barge system that is moving from St. Louis and Cairo down to New Orleans, as the Senator from Missouri stated yesterday, has already reduced the freight rates on all goods moving between those points to the extent of 5½ cents per hundred pounds. Wherever there is a development of the waterways immediately there is a reduction in freight rates.

Stranger still, let me say that wheat moving from central Kansas to London and Liverpool, which is the wheat market of the world, costs more to deliver than wheat moving from Melbourne or Sidney to Liverpool.

In 1910 we began to agitate the proposition of the development of the Missouri River. This was 14 years ago, and in that 14 years the State of Kansas alone has raised 1,400,000,000 bushels of wheat. If the freight charges could have been reduced as they have been since by the Federal barge system on the Mississippi River, that would have meant to the State of Kansas alone more than \$40,000,000 saving in freight rates. The development of that system would have cost the country but \$20,000,000. So, as the Senator from Missouri said yesterday so much better than I can express it, we ought not to delay to begin the development of the great waterway systems of the country.

France, Belgium, Holland, and Germany before the war, had developed their waterway systems to the extent of having 22,000 miles of canal and river development. The United States of America has developed only about 2,000 miles. We have 28,800 miles of navigable streams if they were developed in this country, and yet we have developed less than 2,000 miles, while these small countries, with one-tenth the area of the United States with a population of 119,000,000 people, have developed 22,000 miles of waterway systems that are not only navigable but are actually in use for navigation.

So, my friends, if any legislation can be enacted by this body which will be of interest and aid and assistance to the farmers there is nothing that will do more than the development of our great waterway systems of the country.

Senators, let me say to you that I am so much interested in the passage of the river and harbor bill, and I have been for the eight years during which I have been a member of the Committee on Commerce, that I am not going to jeopardize the bill by greatly extending my remarks this morning. I desire that bill to pass at this session of Congress, because I know that not only will all the people of the United States be assisted and aided by the enactment of that bill but it will be especially beneficial to New England.

Mr. President, we raise 40,000,000 bushels of potatoes a year in one county in my State. If the toll charges could be taken off on this canal, those potatoes could be moved south and west, where they are largely used for seed potatoes, and to every State in the Union where potatoes are shipped, it would mean a saving of hundreds of thousands of dollars to the farmers of the State of Maine.

Mr. HOWELL. Mr. President—

Mr. FERNALD. If my friend from Nebraska will allow me to proceed I am sure that I will give him an opportunity to ask and shall be glad to answer all questions he may suggest, but I should like to develop this phase of my subject.

Mr. HOWELL. But may I ask the Senator just one question at that point?

Mr. FERNALD. Yes; the Senator may proceed.

Mr. HOWELL. What is the rate per ton of charges on the canal?

Mr. FERNALD. It varies, but I think it averages 10 cents per ton.

Mr. HOWELL. Is not the charge 8 cents?

Mr. FERNALD. It is 8 or 10 cents; I do not know exactly. It is 10 cents on some things, 12 cents on others, and 3 or 4 cents on others.

Mr. HOWELL. How much would the Senator say the freight charge would be upon a bushel of potatoes under a rate of 8 cents a ton?

Mr. FERNALD. It would not be a very large amount on 1 bushel of potatoes, but if a farmer had 10,000 bushels of potatoes to ship by the canal it would amount to a considerable sum.

Mr. HOWELL. Let us figure it out and see what the saving would be on a bushel of potatoes.

Mr. FERNALD. Mr. President, I refuse to yield for a little detail of that character. I wish now to answer a question which my friend from Nebraska suggested on yesterday,

Mr. HOWELL. Mr. President—

The PRESIDENT pro tempore. The Senator from Maine declines to yield further.

Mr. FERNALD. I regret to decline to yield, but there are others who are interested in this bill who desire to speak. I repeat that I wish now to answer a question which the Senator from Nebraska asked me on yesterday, and then we will consider this new proposition.

My distinguished and kindly friend in a statement made on yesterday said that the Cape Cod Canal carried one-fifth—just notice the figures, Senators, please; this is the statement from my friend from Nebraska—according to his statement, the Cape Cod Canal carried one-fifth of the tonnage of the Panama Canal, but, according to my own statement, which I think is fairly correct, it is about one-third. Nearly three times as many vessels passed through the Cape Cod Canal as through the Panama Canal, and, according to my friend, one-fifth of the amount of freight tonnage, but, according to my own figures, nearly one-third of the tonnage. So three times the number of vessels passed through the Cape Cod, as we both agree, as passed through the Panama Canal, but the vessels which passed through the Panama Canal were largely foreign vessels, flying a foreign flag, while the vessels passing through the Cape Cod Canal were flying the American flag and were American vessels. The cost of the two canals was as 1 to 35. The Panama Canal cost thirty-five times as much as the Cape Cod Canal.

Mr. President, I might almost rest my argument right there. Which is of greater interest to the people of this country, the Panama Canal through which foreign vessels, flying foreign flags, carrying foreign sailors, pass, or the Cape Cod Canal through which three times as many vessels pass as go through the Panama Canal—vessels flying the American flag, manned by American sailors, and carrying American goods through a canal on American soil?

Mr. HOWELL. Mr. President—

Mr. FERNALD. I am willing right now, if my friend insists upon interrupting me, to yield, though it will take me a very much longer time to debate this question.

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from Nebraska?

Mr. FERNALD. I yield.

Mr. HOWELL. Does the Senator not think that this question is of such very great importance that we ought to go into the details of the matter?

Mr. FERNALD. To be frank with the Senator from Nebraska I will say that I do not think that the details of the proposition count very much. The Cape Cod Canal, if it shall be taken over by the Government, is going to be free; there will be no toll charges upon it at all. I can not see why it is important to enter into an extended discussion of the details of the cost of the canal or the details as to the various stages of its development.

Mr. HOWELL. Mr. President—

Mr. FERNALD. Just allow me to go on.

Mr. HOWELL. The Senator is questioning the figures which I gave on yesterday.

Mr. FERNALD. No; the Senator and I agree upon the figures; I accept his figures.

Mr. HOWELL. I ask what was the tonnage that passed through the Cape Cod Canal in 1923?

Mr. FERNALD. I have not the figures before me, but I think I can obtain them at once.

Mr. HOWELL. Was it not about 4,200,000 tons?

Mr. FERNALD. I understood the Senator from Nebraska to state that it was about one-fifth of the tonnage which passed through the Panama Canal, and I accept that statement.

Mr. HOWELL. I thought the Senator from Maine said that it was one-third.

Mr. FERNALD. In 1923 the gross tonnage of vessels passing through the Cape Cod Canal was 4,051,689.

Mr. HOWELL. About 4,000,000 tons?

Mr. FERNALD. Yes.

Mr. HOWELL. What was the tonnage which passed through the Panama Canal during that year?

Mr. FERNALD. I took the Senator's own statement, and he said it was about five times as much.

Mr. HOWELL. It was about 25,000,000 tons?

Mr. FERNALD. Yes.

Mr. HOWELL. The Senator from Maine suggested that it was one-third a few moments ago in his remarks. It is nearer six times as much.

Mr. FERNALD. I said that I was willing to accept the statement of the Senator from Nebraska as to that.

Mr. HOWELL. Very well,

Mr. FERNALD. But the Panama Canal cost thirty-five times as much as the Cape Cod Canal. The Cape Cod Canal cost about \$13,000,000, while the Panama Canal cost about \$375,000,000. So I say it is more to the interest of the American people that the Government should purchase the Cape Cod Canal at the price fixed by the authorized agents of this Government than it is that we should own the Panama Canal; and it is admitted by all that the Panama Canal was the greatest project ever inaugurated in the last century.

Mr. HOWELL. Mr. President, if I may interrupt the Senator again, let me ask this question: The Panama Canal is paying, is it not?

Mr. FERNALD. Yes; but tolls are being charged on the Panama Canal.

Mr. HOWELL. I say that the Panama Canal is paying.

Mr. FERNALD. I presume so; I do not know about that.

Mr. HOWELL. Is the Cape Cod Canal paying?

Mr. FERNALD. No; it is not paying. How can it pay under the present circumstances? When it was taken over by the Government, at about the time the railroads were taken over, although the railroads had their freight and passenger rates immediately advanced by about one-third, instead of advancing the rates on the Cape Cod Canal they were not only kept as they had been but were actually lowered.

Mr. HOWELL. The rates on the canal have been increased since then, have they not?

Mr. FERNALD. The rates have been increased, and the property is now making a very good showing. However, Mr. President, I do not think that question enters into a discussion of this question at all.

Mr. HOWELL. But is it not a fact that there was a deficit from the operations of the canal of \$600,000 last year?

Mr. FERNALD. I do not think there was a deficit so great as that.

Mr. HOWELL. Does the Senator know what the deficit was?

Mr. FERNALD. Mr. President, I have the figures here somewhere, but I am not going to discuss that matter now, because I do not think it enters into the question at all.

Mr. HOWELL. Does not the Senator think when the Government is asked to buy a going concern that we ought to inquire into what that going concern is worth?

Mr. FERNALD. Not if it is for the interest of the farmers and the other people of this country to own that canal; I do not think it enters into the question at all.

Mr. HOWELL. Does the Senator think it is for the interest of the people to have the Government buy a property which is showing a deficit?

Mr. FERNALD. Mr. President, I am not going to yield for a matter of that kind.

Mr. ROBINSON. Mr. President, I rise to a point of order. The PRESIDENT pro tempore. The Senator from Arkansas will state his point of order.

Mr. ROBINSON. The Senate is in gross disorder. It is impossible to hear the discussion.

The PRESIDENT pro tempore. The Senate will be in order.

Mr. FERNALD. Mr. President, I shall conclude in a very short time. I did not intend to take over 30 minutes this morning, nor do I intend now to do so. I am very anxious to have the pending bill in such shape that it may be passed by the Senate in a very few moments, and if there shall be a delay of the river and harbor bill it can not properly be charged to me.

There was some criticism in the minority report of this project. While I think the committee generally favors the proposal as submitted to the Senate, there are some differences as to the price which should be paid for the property. I quote from the views of the minority, as follows:

There is no question in our mind about the importance of this canal. There ought to be a usable waterway connecting Buzzards Bay, Mass., and Cape Cod Bay, Mass. It ought to be adequate to serve the commercial needs. In connection with national defense it merits consideration likewise, but military authorities do not attach much value to it.

This canal has been built and the owners desire to sell and transfer it and all their rights and holdings to the Government.

Of course they desire a sale, because the canal is being run now for "whom it may concern," and any man whose property has been taken from him would be either anxious to sell it or to have it returned to him with due revenue for its use. Let me make the broad statement, Senators, that since this property was taken over by the Government the owners of the canal have never received a single copper—not so

much as a postage stamp—for its use. Although it cost more than \$13,000,000, up to this month they have never had a single cent of revenue from the Government, and they have been obliged to go to the courts to defend themselves at an expense of \$750,000.

Mr. HOWELL. Mr. President, I dislike to interrupt the Senator—

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from Nebraska?

Mr. FERNALD. I decline to yield at this time.

The PRESIDENT pro tempore. The Senator from Maine declines to yield.

Mr. FERNALD. I will conclude my remarks in a very few minutes. I wish to refer further to the minority report and again to quote the statement which I quoted a moment ago as follows:

In connection with national defense it merits consideration likewise, but the military authorities do not attach much value to it.

In reference to that statement, Mr. President, let me say that in the courts in Massachusetts Maj. Gen. Clarence R. Edwards, commanding the department of New England, testified at the condemnation trial on November 7, 1919, that he had rendered a report to the War Department on the defense on the New England coast, but stated that as the report contained military secrets he did not wish to disclose the facts. The Federal judge thereupon said to counsel, "If you want to ask General Edwards whether, in his opinion, the canal is a substantial part of the modern scheme of defense, you may do so."

This question was then asked General Edwards:

General Edwards, you understand the question in the way in which his honor framed it. I will not attempt to repeat it or paraphrase it.

Answer (General EDWARDS). I think it is substantial and essential.

The same report has been made by Rear Admiral William E. Benson, Rear Admiral Colby H. Chester, Rear Admiral Austin M. Knight, Maj. Gen. William A. Black, and Maj. Gen. Leonard Wood. Every single authority who has ever been brought before the court or a committee of the Senate has recognized its military value, if not its military necessity.

Senators, I promised not to occupy over 30 minutes, and I shall hasten to a conclusion. I insist that this provision that is now before us shall be enacted into law, because the Secretary of War, acting as the agent of the Government, took this matter up with the canal company by the direction of the President and the Congress of the United States, and they came to a sacred understanding and agreement and contract. On that contract this amendment is based. It is unnecessary for me to say to the lawyers in the Senate that property can not be taken by the Government except by condemnation proceedings; any enactment of the Congress without adequate compensation would amount to nothing in a court of law so far as taking property is concerned, but they can observe a sacred contract by which, if it is passed by the Congress of the United States on these terms, this matter may all be settled.

The canal company had a bill against the Government of more than \$1,000,000 for the use of the canal during the 20 months of the war, the same as the Railroad Administration. All this has been brushed aside. Every single detail has been cleared up. The Secretary of War, the Secretary of the Navy, and the Secretary of Commerce had this matter before them for weeks. They have determined in every detail every proposition; and I swear by the Eternal that it shall never be said of me that I have gone back on any officer of this Government. When I lifted my hand to Heaven and took my oath to support the Constitution of the United States, it meant to me that I should support those in authority in the United States Government, and when the Secretary of War makes a contract with anybody I am going to stand by that contract.

Mr. President, the one thing that I want to bring finally to the attention of the Senate is that this matter has been thoroughly thrashed out by the Secretary of War, who understands better than perhaps any other man in this Government the value of this property and all the details connected with it. He has made a report to the Congress of the United States. The House has voted on this bill and has passed it. It is now before this body for enactment; and I know that the Senate of the United States will never go back on any authorized person, acting for it as agent, who has made a contract with any American company for the solution of this matter.

Mr. SWANSON. Mr. President, do I understand that the Government made a contract for the purchase of this canal?

Mr. FERNALD. I am glad to rest my case on the answer to that question. Yes; the Secretary of War was authorized by the Congress of the United States to make a contract to adjust this matter. President Wilson, who began the condemnation proceedings, President Harding, who had this matter come to him almost immediately upon accepting the office of President, and President Coolidge himself have all recommended not only that this contract—

Mr. ROBINSON. Mr. President, will the Senator yield?

Mr. FERNALD. I yield to the Senator.

Mr. ROBINSON. As a matter of fact, the authorization was for negotiations on the part of the President, and any contract was to be made subject to the approval of the Congress.

Mr. FERNALD. Of course, all contracts must be made subject to the approval of Congress; but suppose that during the war every contract that had been made by the Secretary of War or the Secretary of the Navy had come to this body, and we had said, "Oh, we think you are paying too much; we think we ought to debate this matter; we think we ought to defer it; we think it ought to be postponed," where would we have gotten in time of war? If in time of war it is the duty of the Government to stand by the officers of the Government, it is a thousand times more important that in time of peace, when we can properly consider all these matters, we now stand by the officers of the Government.

Mr. GOODING obtained the floor.

Mr. HOWELL. Mr. President, will the Senator yield for a moment?

Mr. GOODING. Not for any discussion.

Mr. HOWELL. I should like to ask some questions.

Mr. GOODING. The Senator will have his own time in which to discuss this question, and I refuse to yield.

Mr. HOWELL. Will not the Senator yield for a few questions to the Senator from Maine?

Mr. GOODING. I do not think the Senator from Maine cares to answer the questions now. I think the Senator from Nebraska should take up that matter in his own time.

TRAFFIC REGULATION AND ADDITIONAL JUDICIAL OFFICERS—CONFERENCE REPORT

Mr. BALL. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Delaware?

Mr. GOODING. I yield to the Senator with the understanding that it is not going to take any time to dispose of the matter he desires to present.

Mr. BALL. I ask unanimous consent to present a conference report.

The PRESIDENT pro tempore. The Senator from Delaware presents a conference report, which will be read.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4207) to provide for the regulation of motor-vehicle traffic in the District of Columbia, increase the number of judges of the police court, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 10, 11, 12, 13, 15, 16, 17, 23, and 30.

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 3, 5, 6, 9, 14, 18, 19, 21, 22, 24, 25, 26, 27, 28, and 31, and agree to the same.

Amendment numbered 4: That the Senate recede from its disagreement to the amendment of the House numbered 4, and agree to the same with an amendment as follows: In the second line of the matter proposed to be inserted by the House amendment strike out "Code of Law for the District of Columbia" and in lieu thereof insert "District of Columbia Code"; and on page 10, line 16, of the Senate bill strike out "7" and in lieu thereof insert "8"; and on page 11, line 9, of the Senate bill strike out "6" and in lieu thereof insert "7"; and on page 12, line 9, of the Senate bill strike out "6" and in lieu thereof insert "7"; and on page 20, line 19, of the Senate bill strike out "5" and in lieu thereof insert "6"; and the House agree to the same.

Amendment numbered 7: That the Senate recede from its disagreement to the amendment of the House numbered 7, and agree to the same with an amendment as follows: On page 6, line 17, of the Senate bill strike out "chief" and in lieu thereof insert "major and superintendent"; and the House agree to the same.

Amendment numbered 8: That the Senate recede from its disagreement to the amendment of the House numbered 8, and agree to the same with an amendment as follows: In

lieu of the matter proposed to be inserted by said amendment insert "which regulations shall remain in force until revoked by the director with the approval of the commissioners and a comma"; and the House agree to the same.

Amendment numbered 20: That the Senate recede from its disagreement to the amendment of the House numbered 20, and agree to the same with an amendment as follows: On page 12, line 16, of the Senate bill, after "hour" insert "except in such outlying districts, and on such arterial highways, as the director may designate"; and the House agree to the same.

Amendment numbered 29: That the Senate recede from its disagreement to the amendment of the House numbered 29, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"SEC. 14. For the purpose of expediting motor-vehicle traffic the director is authorized and directed to designate and establish as arterial highways or boulevards such public highways as he deems advisable, to provide for the equipment of any such highway or boulevard with such traffic-control lights and other devices for the proper regulation of traffic thereon, as may be appropriated for by the Congress from time to time."

And the House agree to the same.

L. HEISLER BALL,
W. L. JONES,
ARTHUR CAPPER,
W. H. KING,
MORRIS SHEPPARD,

Managers on the part of the Senate.

F. N. ZIHLMAN,
E. W. GIBSON,
HENRY R. RATHBONE,
THOMAS L. BLANTON,
RALPH GILBERT,

Managers on the part of the House.

Mr. ROBINSON. Mr. President, I think the Senator ought to explain briefly to the Senate the effect of the conference report. Is this a complete agreement?

Mr. BALL. This is a unanimous agreement of the conferees on the part of both the House and the Senate.

Mr. ROBINSON. Is it a complete agreement? If the conference report is agreed to by both Houses, will it pass the bill?

Mr. BALL. It is a complete agreement.

Mr. ROBINSON. I have no objection to its present consideration.

Mr. BALL. I ask unanimous consent for its immediate consideration.

Mr. GERRY. What is the bill?

Mr. BALL. It is Senate bill 4207, to provide for the regulation of motor-vehicle traffic in the District of Columbia, increase the number of judges of the police court, and for other purposes.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the conference report? The Chair hears none. The question is upon agreeing to the report.

The report was agreed to.

FORT REVERE RESERVATION, HULL, MASS.

Mr. WALSH of Massachusetts. Mr. President—

Mr. GOODING. I yield to the Senator from Massachusetts. Mr. WALSH of Massachusetts. From the Committee on Military Affairs I report back favorably without amendment House bill 6095, to authorize the Secretary of War to sell real property, to wit, a portion of the Fort Revere Reservation, at Hull, Mass.; and I submit a report (No. 1245) thereon. I ask unanimous consent for the immediate consideration of the bill. It is a very simple measure.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent for the immediate consideration of the bill just reported by him. Is there objection?

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

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

CLALLAM TRIBE OF INDIANS, WASHINGTON

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 1707) appropriating money to purchase lands for the Clallam Tribe of Indians in the State of Washington, and for other purposes, which were, on page 1, line 5, to strike out "\$600,000" and insert "\$400,000"; on page 2, line 3, to strike out "And provided further" and insert "Provided further"; on

page 2, line 5, to strike out "3½" and insert "4"; on page 2, line 9, to strike out all after "Interior" down to and including "event," in line 10, and insert "And provided further, That the interest accumulated at the end of any fiscal year to the credit on the shares of any minor child may be disbursed, under the direction of the Secretary of the Interior, to the parent or parents or guardians of such minor child or children: And provided further, That."

Amend the title so as to read: "An act appropriating money for the relief of the Clallam Tribe of Indians in the State of Washington, and for other purposes."

Mr. JONES of Washington. I move that the Senate concur in the amendments of the House.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Washington.

The motion was agreed to.

EXTENSION OF TIME IN CIVIL SUITS

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 3913) to extend for an additional period of three years the effective period of the act entitled "An act to amend section 51 of chapter 4 of the Judicial Code," approved September 19, 1922, and an act entitled "An act to amend section 876 of the Revised Statutes," approved September 19, 1922, which was, on page 1, line 7, to strike out "six" and insert "four."

Mr. SHORTRIDGE. Mr. President, I move that the Senate concur in the amendment of the House.

Mr. KING. Mr. President, what is the bill?

Mr. SHORTRIDGE. It is Senate bill 3913.

Mr. KING. What is the title?

The PRESIDENT pro tempore. The Secretary will state the title of the bill.

The CHIEF CLERK. A bill (S. 3913) to extend for an additional period of three years the effective period of the act entitled "An act to amend section 51, chapter 4, of the Judicial Code," etc.

Mr. ROBINSON. To what does it relate?

Mr. SHORTRIDGE. This is a Senate bill which passed the Senate and went to the House, where it was passed with an amendment. It provides, among other things, that the last proviso of section 51, chapter 4, of the Judicial Code, as amended by the act entitled "An act to amend section 51 of chapter 4 of the Judicial Code," approved September 19, 1922, is amended to read as follows:

Provided further, That this act shall be effective for a period of six years after—

Mr. ROBINSON. To what does the act relate?

Mr. SHORTRIDGE. It relates to civil actions or proceedings commenced or to be commenced in Federal courts and involves a statute of limitation.

Mr. GOODING. Mr. President, if this matter is not understood, I shall not yield any longer.

Mr. ROBINSON. I suggest that the Senator call the matter to the attention of the Senate later.

Mr. SHORTRIDGE. Very well.

POSTHUMOUS APPOINTMENTS AND PROMOTIONS IN THE ARMY

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 124) to provide for the posthumous appointment to commissioned grades of certain enlisted men and the posthumous promotion of certain commissioned officers, which were, on page 1, line 8, after "grade," to insert "or had successfully completed the course at a training school for officers and had been recommended for appointment to a commissioned grade by the officer commanding or in charge of such school"; on page 1, line 9, to strike out "such" and insert "the"; on page 1, line 9, after the word "commission," to insert "for such grade"; on page 2, line 11, after the word "for," to insert "appointment or for"; and on page 3, lines 2 and 3, to strike out "since April 6, 1917."

Mr. HARRIS. I move that the Senate concur in the House amendments.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Georgia.

The motion was agreed to.

PAYMENT TO REPRESENTATIVES OF DECEASED OFFICERS AND ENLISTED MEN

Mr. RALSTON. Mr. President—

Mr. GOODING. I yield to the Senator from Indiana.

Mr. RALSTON. From the Committee on Military Affairs, I report back favorably without amendment Senate bill 329, providing that the act approved December 17, 1919, entitled "An act to provide for the payment of six months' pay to the widow, children, or other designated dependent relatives of

any officer or enlisted man of the Regular Army whose death results from wounds or disease not the result of his own misconduct," shall be executed and administered as though it had been passed and approved October 6, 1917; and I submit a report (No. 1246) thereon. I ask unanimous consent for the immediate consideration of the bill.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the bill?

Mr. KING. Reserving the right to object, I should like an explanation of the bill.

Mr. RALSTON. The bill is self-explanatory. It was fully considered by the Military Affairs Committee yesterday. It was explained by the Senator who introduced it, the Senator from Montana [Mr. WALSH]. The committee unanimously approved it. It is a permissive bill only.

Mr. KING. I have no objection.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That hereafter the act approved December 17, 1919, entitled "An act to provide for the payment of six months' pay to the widow, children, or other designated dependent relatives of any officer or enlisted man of the Regular Army whose death results from wounds or disease not the result of his own misconduct," shall be executed and administered as though it had been passed and approved October 6, 1917.

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

REGULATION OF STEAM ENGINEERING IN THE DISTRICT

Mr. COPELAND. Mr. President—

Mr. GOODING. I yield to the Senator from New York.

Mr. COPELAND. Last night the Senate passed a bill regulating steam engineering in the District of Columbia. At the same time the House passed a bill which is identical in spirit, but a little different in form. I move that House bill 11701 be substituted for the bill which we passed last night.

Mr. KING. Are there any changes?

Mr. COPELAND. Not at all.

The PRESIDENT pro tempore. The Senator from New York moves that House bill 11701 be substituted for Senate bill 4004.

Mr. KING. It deals with engineering in the District of Columbia.

The PRESIDENT pro tempore. Without objection, the substitution will be made.

House bill 11701 was read twice by its title.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11701) to amend the act entitled "An act to regulate steam engineering in the District of Columbia," approved February 28, 1887.

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

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on February 27, 1925, the President approved and signed the act (S. 2803) to regulate within the District of Columbia the sale of milk, cream, and ice cream, and for other purposes; and on February 28, 1925, the act (S. 4045) granting the consent of Congress to W. D. Comer and Wesley Vandercook to construct a bridge across the Columbia River between Longview, Wash., and Rainier, Ore.

PRICE OF GASOLINE

The PRESIDENT pro tempore laid before the Senate a message from the President of the United States, which was read, as follows:

To the Senate:

In response to the resolution of the Senate of February 26, 1925, requesting the President, "if not incompatible with the public interest, to forthwith transmit to the Senate a copy of the report of the Federal Trade Commission on its investigation in 1923 and 1924 of the price of crude oil, gasoline, and other petroleum products and other data pertaining to the operations of the oil companies and refineries," I transmit herewith a report of the Federal Trade Commission on the increase in gasoline prices for 1924, together with the letter of submittal of said report from Hon. Huston Thompson, then chairman of the commission, under date of June 4, 1924.

CALVIN COOLIDGE.

THE WHITE HOUSE, February 28, 1925.

The PRESIDENT pro tempore. The message and accompanying report will lie on the table for such disposition as the Senate may desire to make of the matter.

EMPIRE COTTON GROWING CORPORATION (S. DOC. NO. 226)

The PRESIDENT pro tempore laid before the Senate the report of the Federal Trade Commission submitted pursuant to Senate Resolution 317 (agreed to January 27, 1925), relative to the development, methods, and activities of the Empire Cotton Growing Corporation, a British firm.

Mr. SHEPPARD. The report is not a very long one, and I ask that it be printed as a Senate document, including the illustrations.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

RIVER AND HARBOR BILL

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11472) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. GOODING. Mr. President, from the beginning of time the methods of transportation have marked the progress and advancement of civilization.

Ours is the greatest civilization of all, for we have the greatest methods of transportation. This is the age of steam, the age of electricity, the age of the motor vehicle, the age of the flying machine, and in this progressive age of ours transportation is vital to every industry, every city, to every State, as well as to the Nation itself, and this country will be just as big and just as great as its transportation, for no industry, city, or State can grow and develop beyond its transportation.

Those communities, cities, or States that are forced to meet discriminatory freight rates have not even a fighting chance to grow and develop their resources, for capital will never invest in any industry, in any community, or in any city, in any part of the country where there is a discrimination in freight rates, or where there is even a danger of discrimination in freight rates.

Through the discrimination in freight rates in this country we have built up great centers of population at the expense of the interior, which some day, unless that policy is changed, may prove dangerous to the Government itself.

Mr. President, transportation at all times should have the first consideration of Congress, for no factor enters into our national life as much as transportation, for transportation is vital to the defense of our country, vital for the development of our mighty resources, and essential to the prosperity and happiness of the people.

For almost half a century there has been a bitter struggle in this country between rail transportation and water transportation. The struggle has been long, bitter, and severe, but with the assistance of our own Government, through the Interstate Commerce Commission, which has permitted the railroads to charge more for the shorter haul than for the longer haul, the struggle to meet water transportation has been an uneven one, and the destruction of water transportation by the railroads in this country on our inland rivers, where these violations have been permitted, is almost complete.

For a great many years bills have been introduced in Congress denying the Interstate Commerce Commission the right to permit the railroads to charge more for the shorter haul than for the longer haul, but those bills have always been amended so their usefulness was destroyed when interpreted by the Interstate Commerce Commission. It remained for this Senate, however, in the first half of this session, to pass an absolute fourth section bill, which denied the Interstate Commerce Commission the right to permit the railroads to charge more for the shorter haul than for the longer haul, for the same class of freight, moving in the same direction, to meet water transportation, or, I should say, to destroy water transportation, for that is the only purpose of a violation of the fourth section of the interstate commerce act by the railroads that has ever been assigned by the Interstate Commerce Commission.

Mr. President, the Interstate Commerce Commission has said, in substance, on many different occasions that the purpose of the violations of the fourth section of the interstate commerce act was to destroy water transportation. The members of the Interstate Commerce Commission have also said that if Congress did not want transportation on our inland waterways destroyed and our coastwise shipping impaired by the violation of the fourth section of the interstate commerce act, Congress should say so with legislation.

To say that the Interstate Commerce Commission did not know and understand that permission to the railroads to

charge more for the shorter haul than for the longer haul to meet water transportation did not mean the destruction of water transportation would, in my judgment, be an insult to their intelligence.

Mr. President, Senate bill 2327, which passed the Senate in the first half of this session by a vote of 54 to 23, in my judgment is the most important legislation, as far as transportation is concerned, that has passed the Senate for many years. Unfortunately for that measure, however, the Interstate Commerce Committee of the House did not commence the hearings on that bill until the 20th of January.

I have been advised that Senate bill 2327 had many friends on the Interstate Commerce Committee of the House, but when the hearings dragged out so long the friends of the measure lost heart and did not rally to the support of the bill, and when the motion to report the bill out of the committee was under consideration four friends of the measure were absent.

The amendment I have offered to the river and harbor bill modifies Senate bill 2327, which is known as the long and short haul bill, and eliminates practically all of the objection made by the eastern and southern railroads. This amendment will not change a single rate that exists on the railroads to-day; it merely provides that in the future there shall be no violation of the fourth section on the part of the railroads for the purpose of destroying water transportation.

If my amendment to the river and harbor bill is accepted in the Senate, it is believed by those who are favorable to this amendment in the House of Representatives that it will have very little, if any, opposition when it reaches the House for consideration.

Mr. President, it seems to me no one should object to the enactment of legislation that would say to the Interstate Commerce Commission: "Your work of destruction of water transportation must stop. We will not interfere with such violations as exist at this time, but for the future your work of destruction is over."

While this amendment is not all it should be, yet, after all, I find legislation is very much of a compromise, and as my amendment will go to the root of the evil of the destruction of water transportation in the future, I am quite willing to accept it, and the friends of the measure—at least all of those I have been able to advise with in the Senate—are ready to accept this compromise measure.

If my amendment is accepted and the river and harbor bill becomes a law, it will make possible transportation on our inland waterways that is so essential at this time to meet the demands of our low-priced farm products and our low-priced basic materials for cheaper transportation; and at the same time, Mr. President, it will avoid a crisis in this country that is inevitable from a lack of adequate transportation to take care of the ever-growing commerce of this country.

What I am fighting for is a national policy for our inland waterways and our coastwise shipping; one that will have the protection of the Government; not one that will be destroyed by the Government, as has happened in the past, through permission to the railroads to charge more for the shorter haul than for the longer haul, all for the purpose of destroying water transportation.

What I am fighting for is a national policy in freight rates; freight rates without discrimination, so that every State in the Union will be given an opportunity to develop its resources. What I am fighting for, Mr. President, is the use of our inland waterways in the North, in the South, in the East, and in the West, so that our low-priced farm products may seek the nearest water transportation down our inland waterways to our own markets and to the markets of the world.

It is not only necessary to have water transportation on our inland waterways to carry our low-priced farm products to market, but we need water transportation on our inland waterways to carry the cheap basic materials of the country, such as coal and iron and other basic materials, to our great cities, to our mills and to our factories, all of which will be a mighty factor in bringing about a cheaper cost of production, so essential to the prosperity, progress, and development of this country. All I am fighting for, Mr. President, is to make this a bigger and better country all the way around, a square deal in freight rates for all the people, that is all, and nothing more.

The amendment I have offered to the river and harbor bill, that denies to the Interstate Commerce Commission the right to permit railroads to charge a higher freight rate for the shorter haul than for the longer haul in order to destroy water transportation, is, in my judgment, vital to the American farmer, for if we can stop this discrimination in freight rates which affects the great interior of this country it will

give the interior States a chance to establish industries to manufacture their raw materials into the finished products. This will mean the building of cities in the interior; it will mean a home market; it will make possible diversified farming; it will break up the great wheat fields in Kansas and the Dakotas and in other far Western States, and give those States an opportunity for diversified farming.

At the present time there is no home market to speak of in any of the interior States in the West. The farmers are forced to grow wheat and other grain products and ship them over long railroad hauls to market, over railroads manned by the most expensive labor in all the world, where freight rates are of necessity high, so high that in many cases the low-priced farm products will not bear the cost of transportation to market and leave anything for the farmer.

What we need in this country, Mr. President, is a balanced condition on the farm. The United States has 40,000,000 acres more of crop production than consumption, but under the present policy of our Government, which permits discrimination in freight rates against the interior, home markets are impossible, and for that reason diversified farming is impossible, to a large extent, in our Western States.

Diversified farming means better cultivation of the soil, and this will do much to keep up the fertility of the soil, which is being exhausted at a most alarming rate by the growing of wheat and other grain crops.

Mr. President, I am sure all of those who have studied the transportation problem of this country with open minds agree very thoroughly that unless the Government stops the discrimination against our inland waterways and our coastwise shipping the growth and development of this country must soon come to a standstill from a lack of adequate transportation.

I have here an excerpt from President Harding's message to Congress on December 8, 1922. President Harding had made a great study of the transportation problems of the country. Had he been spared to the country, I am satisfied we would have been by now well under way toward settling the most important problem to the American people, that of transportation. I quote President Harding:

Here is an outstanding problem, demanding the most rigorous consideration of the Congress and the country. It has to do with none other than agriculture. It provides the channel for the flow of the country's commerce, but the farmer is particularly hard hit.

His market, so affected by the world consumption, does not admit of the proper adjustment to meet carrying charges. In the last half of the year now closing the railways, broken in carrying capacity because of motive power and rolling stock out of order, though insistently declaring to the contrary, embargoed his shipments or denied him cars when fortunate markets were calling. Too frequently transportation failed while perishable products were turning from possible profit to losses counted in tens of millions.

I know of no problem exceeding in importance this one of transportation. In our complex and interdependent modern life transportation is essential in our very existence.

Let us pass for a moment to the menace in the possible paralysis of such service as we have and note the failure, for whatever reason, to expand our transportation to meet the Nation's needs.

The census of 1880 recorded a population of 50,000,000. In two decades more we may reasonably expect to count twice that number. In the three decades ending in 1920 the country's freight by rail increased from 631,000,000 tons to 2,234,000,000 tons; that is to say, while our population was increasing less than 70 per cent the freight movement increased over 250 per cent.

We have built 40 per cent of the world's railroad mileage and find it inadequate to our present requirements. When we contemplate the inadequacy of to-day it is easy to believe that the next few decades will witness the paralysis of our transportation-using scheme or a complete reorganization on some new basis. Mindful of the tremendous costs of betterments, extensions, and expansions, and mindful of the staggering debts of the world to-day, the difficulty is magnified. There is a problem demanding wide vision and the avoidance of mere makeshifts.

No matter what the errors of the past, no matter how we acclaimed construction and then condemned operations in the past, we have the transportation and the honest investment in the transportation which sped us on to what we are, and we face conditions which reflect its inadequacy to-day, its greater inadequacy to-morrow, and we contemplate transportation costs which much of the traffic can not and will not continue to pay.

Manifestly we have need to begin on plans to coordinate all transportation facilities. We should more effectively connect up our rail lines with our carriers by sea. We ought with our carriers to reap some benefit from the hundreds of millions expended on inland waterways, proving our capacity to utilize as well as expend.

I have also an excerpt from President Harding's speech delivered at Kansas City, Mo., June 22, 1923. He said:

There is another highly important phase of the transportation problem very much worth our attention. I believe the use of our inland waterways offers the one sure way to reduce carrying charges on basic materials, heavy cargoes, and farm products. Probably all of us acknowledge the urgent need of diminished cost on agricultural shipments and many bulk cargoes essential to manufacturing industry.

We ought to try the experiment of coordinating rail and water shipments, we ought to avail ourselves of the waterways developed through expenditures of enormous public funds, and we ought to give the waterway carriers a chance to prove their capacity for helpful service.

The Federal Government has expended approximately \$1,130,610,000 on river and harbor improvement. Only last spring the Congress appropriated \$58,589,910, in spite of a Budget recommendation of less than half. For the sums spent on harbors we have most beneficial results. The millions expended on inland waterways, on rivers and canals, have brought small returns, because we have put them to no practical use. Though we expended to cheapen carrying charges and to facilitate transportation, we have failed in coordinating service and have allowed the railroads to discourage every worth-while development.

Where barge and packet service has been established there has been such an unfair division of the joint carrying charge that waterway development has been impeded, and where service lines by water have been established the hoped-for reduction of rates has been denied or avoided until the plea of cheapened transportation by water has seemed a mockery.

I know no word that so fully answers the \$450,000,000 that this country has expended on its inland waterways as the word "mockery, mockery." It is the only word that can be used. Water transportation on our inland rivers has practically been destroyed, with the exception of those inland waterways east of Chicago, where no violations have ever been permitted.

Mr. President, I have here a part of an address by the Hon. George W. Anderson, late a member of the Interstate Commerce Commission, before the Boston City Club, April 11, 1918, in which he said:

But a large part—and I think the weight of opinion is the larger part—of the decay of water-borne traffic has been due to artificially competitive rates. The long-and-short-haul provision of the interstate commerce act has been allowed to be set aside in order to meet water competition, and "meeting water competition" has commonly resulted in the destruction of water competition.

During the last few years this destruction of water competition has reacted upon the carriers. When a rail carrier is saturated with traffic, additional traffic, causing congestion or a tremendous expense for new facilities, is disproportionately expensive and therefore unremunerative. Until about June 30, 1915, the rail carriers of the country wanted all the traffic there was.

But during that year some of them became engorged, congested, overburdened. A large share of the locomotives which would normally have gone to our rail carriers went abroad. This made a bad situation worse. Then, almost for the first time in two generations, the American people awoke to the fact that they had been foolishly destroying transportation facilities furnished them by Divine Providence. Our canals have been in large numbers abandoned or little used. Canal transportation has been decadent from about 1840. So also as to our rivers and, to a large degree, to our coastwise transportation. * * *

But, passing what we hope are the short-lived troubles of the war, the relation of rail transportation to a properly developed water transportation is of fundamental and permanent importance. As I probe deeper into the rate structure and try to analyze fundamental transportation facts I am surprised to find the extent to which the growth of large cities has been due to preferential rates.

Railroad managers have come almost instinctively to regard water traffic as something to be done to death, fought without quarter. * * *

The destruction of water facilities is not the only untoward result of this unwise and injurious sort of competition. Rates, originally low but possibly remunerative, have given such advantage to certain * * * cities that these cities have grown disproportionately, absorbing to themselves an overload of traffic with a resultant increasing terminal charge, generally absorbed by carriers, so that it is plausibly claimed there are very many long through rates between our larger cities which, including terminal charges, show an actual, substantial out-of-pocket loss.

Manifestly these railroads must become bankrupt or assess an unduly high charge upon intermediate and noncompetitive traffic. This results in subsidizing the undue growth of large cities and suppressing the proper growth of smaller cities and towns. I need not now dwell upon the disturbing social, political, and moral problems of our overgrown cities. We all agree that excessive urban growth is one of the evils of

our modern society. In some of our cities the seemingly fundamental problem of housing the working population remains unsolved and now confronts us as a war matter of first importance. Few people have had any adequate recognition of the extent to which that urban overgrowth has been caused by artificially competitive rail rates.

Or, I might say, preferential rates, all of which, as is so clearly stated, must be made up on the smaller towns and the smaller communities. In my judgment it is nothing less than a crime.

I have here a statement taken from Volume I, Report No. 756, of the Senate. It is a statement made by Colonel Keller, now Major General Keller, Corps of Engineers, United States Army, a gentleman who has had charge of the construction of our inland waterways for a lifetime. I think the statement he made before the Rivers and Harbors Committee of the House is most important and ought to be accepted as a statement of the true facts in regard to the condition of our inland waterways, because he speaks from years of experience and with a full knowledge of many investigations. General Keller said:

We already knew—we knew before we started—that there was little or no navigation. We also knew that there was comparatively little interest on the part of the various local communities that seemingly ought to be very much interested in river navigation. We found out that the causes of this condition were the familiar causes that had been reported by one commission after another.

Let me divert for a moment. What is it that has made these river points or the cities that had water transportation so little interested in the problems of water transportation or in making a beneficial use of waterways? It is through having water transportation, or potential water transportation, that the Interstate Commerce Commission has permitted the railroads to make freight rates so low at those river points that they are not interested in water transportation. They have all the results of actual water transportation through the expenditures of our Government, although on 75 per cent of the rivers in America on which the Government has expended \$450,000,000 there is not a boat operating to-day.

I say to Senators who come here representing the coast States or States having cities which have potential water transportation, that they are here under the Constitution representing all of the people of their own States and all of the people of the United States. It is nothing less than a crime for Senators to sit here and permit the Interstate Commerce Commission to force upon the people of the interior, the pioneers who made possible this great country, higher freight rates than are enjoyed by the great cities that have water transportation which has been placed there by the great forces of nature, and which have rates lower than the people back in the interior, I care not whether they are in the South or the West.

Let me proceed with the quotation from General Keller:

And second, there is the fear of hostility on the part of the railroads. It is possibly a familiar fact to this committee that the railroads do discriminate in their dealings with people who attempt to use our inland channels. * * * That they have the right to discriminate in this fashion no one will maintain, but that they practically do discriminate, no one will deny. * * *

In some cases shippers at water points would be called upon by railroad representatives and in a polite and gentlemanly way be given to understand that it was possible to improve his service. If he became dissatisfied with the water service and said, "Well, I am going to use the railroads after this," often within the next day or two the car he had been waiting for so long appeared at his station ready to be loaded. That is the policy the railroads have pursued. If the railroads can not reach the shipper in any other way, then they penalize him by denying him service.

But, Mr. President, let me go on with what General Keller has to say on this question, because no one discusses the subject so well and no one can speak as advisedly as can he.

But foremost of all, most fundamental of all, is the detrimental effect of the rail rates to river points. * * * I am convinced that no really successful navigation can be established unless the present structure of rail rates is completely revised.

At present the river communities do not pay their just share, and traffic is handled to river points at unremunerative rates. Of course, the ultimate effect of that condition is to render transportation unprofitable and practically impossible. The fundamental cause of trouble was exposed many years ago, and has been emphasized again and again. There is no novelty in the conclusions to which I have come, and I will say that when I speak in the first person I speak the views of the

committee. We believe that without this primary change in railroad rates comparatively little can be done to establish a really useful and prosperous traffic upon our inland navigation routes (p. 7). * * *

No language could be stronger than that, Mr. President; he tells the whole story; and yet we are now considering a bill that proposes to appropriate \$40,000,000, much of it to be used on our inland waterways. Let us not forget also that we have recently provided for inland waterways in the Army appropriation bill an appropriation of \$40,000,000, making \$80,000,000 which at this session of Congress have been provided for the improvement of our inland waterways and our harbors.

General Keller goes on to say:

Our remedy is to change the law, and that is perhaps more easily said than done.

How true that is, Mr. President.

But I think we all concede that this is the evil that must be cured, that railroads should not be permitted to discriminate in favor of certain communities and against others. That is what it amounts to. When they carry freight below cost to river points in any part of the country they must recoup themselves by getting an extravagant and unjust profit on some of the rest of the business, the business to inland points (p. 14).

Mr. President, it seems to me that Senators who have come here to legislate in the interest of all the people and who represent all the people should be willing to take General Keller's statement in regard to the condition of our inland waterways. It is a mockery, as President Harding said; it is absolutely impossible to have any water transportation under the policy which Congress has permitted to obtain for almost half a century. We can not shift the responsibility. The responsibility is ours, not that of the Interstate Commerce Commission; and all we have got to do if we want to stop it is to say so in legislation. It is a simple story, Mr. President.

I have here a statement made by General Goethals before the Rivers and Harbors Committee of the House of Representatives when the Louisiana and Texas intracoastal waterway project was before that committee for consideration. On page 37 of that report the chairman asked the following question of General Goethals:

Is this potential commerce going to become actual commerce?

To which General Goethals replied:

I think it will. In the early days when construction of railroads received such an impetus they were unregulated. Their rates were anything they chose to make them. As soon as water development appeared in competition with railroads, the railroads promptly choked it off. I was sent down in 1890 to open the Muscle Shoals Canal, which had been dragging along, in order to get preferential rates for the city of Chattanooga. Muscle Shoals Canal was opened, the Interstate Commerce Commission held hearings, and the rates were reduced. They had organized a company on the Tennessee River, which was to navigate from Chattanooga to the mouth of the river, through the canal.

A few months after the inauguration of the new rates, and the establishment of this water transportation, the steamboats and the barges stopped running.

I found out that the railroads had acquired a majority of the stock and stopped operation. The freight rates immediately went up. In time a competing line was established with the same process as previously existed.

Again on page 39 General Goethals was asked by Mr. NEWTON:

Do you know how the rates at the west end of the canal compare with the rates in other sections?

General Goethals replied:

No; I don't. I do not know.

Mr. DEAL then asked:

Is it not true that in all sections of the country, not only on inland waterways but coastwise, shipping has been arrested by lowering railroad rates, advancing rates on the railroad-owned vessels, and not only this, but every obstacle thrown in the way of shipments by water in order to force traffic through by rail?

Mr. LINEBERGER, a member of the committee, replied:

They have even suppressed the lines of water transportation.

Mr. DEAL. They did during the war and took all the feeders from some of our water lines.

General GOETHALS. Yes; it is just the same as where you have the dog and the cat—it is natural for the dog to fight the cat.

And a river boat has just as much chance against the railroads as a cat has against a dog; it has to run away; and they have all run away and are now tied up rotting at their wharves, simply because our own Government has insisted, through the Interstate Commerce Commission, that the \$450,000,000 which we have spent in this country for waterway improvement is to be destroyed or rendered useless.

Mr. President, I have here a statement made by Mr. NEWTON, a member of the Rivers and Harbors Committee of the House when that committee had under consideration House bill 3921, providing for the improvement and completion of prescribed sections of the Mississippi, Missouri, and Ohio Rivers. Mr. NEWTON made the following statement:

We have a packet boat operating from St. Louis to Memphis, a boat 300 feet long and 50 feet wide, which carries freight, making a round trip every week, and it is not having any substantial difficulty. But the truth is that the modern barge line that we have operating out there and that is profitable has to go in large fleet formation. It is the big load that is profitable.

For instance, one towboat leaves St. Louis and makes the trip from St. Louis to New Orleans in six days' time and carries enough freight to load 600 freight cars with 50,000 pounds to each car, which would make 12 full trains with 50 cars to each train.

Let me digress here for just a moment, Mr. President, to say that 600 carloads of freight, with the necessary equipment, make up a solid trainload of freight 6 miles long, and yet that great tonnage can go down the Mississippi handled by one towboat.

In order to do that you have to have your towboat, that is 300 feet long, and you have to carry six barges loaded. In other words, you have a tow that is about 900 feet long.

Again, on page 11, Mr. NEWTON said:

Take the Mississippi above St. Louis, and there is a river not so hard to improve, and the engineers say it is the least expensive river in the United States to maintain. You have a 6-foot channel on probably nine-tenths of that river, and there is something about the banks and about the formation that when you get it improved it stays improved. There is not a place in the United States where there is such heavy freight as there is from Omaha and all that wheat belt trying to get down the Missouri River. For instance, in the month of August this year, when the water was low, the Government barge line, with about 50 barges, carried 1,300,000 bushels of wheat from St. Louis south. All that wheat had been shipped by rail from this vast territory down to St. Louis, loaded on the barges there, and it went on south. The differential of 20 per cent between the rail and water rate, which is the water rate, and the all-rail rate on that wheat south was \$53,000 in a single month.

Again, on page 12, Mr. NEWTON says:

Now take Judge GREEN's district in Iowa, the ninth district of Iowa; there they have to ship 400 miles by rail to St. Louis. They shipped in the last two years 29,900 tons of freight, mostly to St. Louis, by rail, and sent it on south by water, and the saving for just that district alone, one congressional district in Iowa, to those farmers was \$27,827. That is the 20 per cent differential between the rail and water rates.

Now, when you take into account the fact that there is not a single district in Ohio or Illinois or Minnesota or Wisconsin or Iowa or Missouri or Nebraska or South Dakota or North Dakota—not a single congressional district, with the little puny fleet we have out there, but has shipped freight all the way by rail to St. Louis, in order to get it to go by water south, you realize that it is not a local proposition. Everybody gets the benefit of it. You not only relieve rail congestion, but bring cheaper rates and make it possible to build up the country.

Again, on page 14, Mr. Newton states:

Last year the barge line carried freight and made a profit every month in the year in which it had a channel, at a rate of 3.5 mills per ton-mile. They did that because they could put great quantities of freight together. The average rail rate of the country is 10.78 mills per ton-mile, against 3.5 mills per ton-mile on the barge line.

In other words, Mr. President, water transportation is about one-third of the cost for the low-priced farm products that can be carried on these barge lines than they must pay over the railroads. Ah, but the tragedy of it is that on that wonderful river—the Mississippi, the greatest river of all in America—the Government is experimenting to see whether transportation on our inland waterways is possible! To me it is a tragedy that with a great country like this the Government must invest in order to experiment to see whether we can carry freight on our inland waterways.

All we have to do is to stop this discrimination and capital will quickly enough invest in water craft, but as long as we

have this discrimination against our rivers, who is going to invest in water craft? My God! They have destroyed all the water transportation there is. The selfishness of the railroads has destroyed practically all there is, and I will say all there is, where these violations of the fourth section have been permitted. Let us relieve the country from the most damnable outrage that has ever been perpetrated upon it. Let us go on and build this country to its fullest greatness as a Nation, which can not be done unless we permit these rivers which nature has provided for us to carry the burdens of humanity.

Ah, what a crime; what an outrageous crime! We boast here of being the greatest and most august body in the world, and I have a very high regard for this body. I know that Senators are sincere and earnest in their efforts, but I want to tell you that we will have to give more serious consideration to the transportation problem. With the great problems that come before the Senate I can well understand how Senators do not have time to dig into these great problems and understand their full import on the development of the Nation; but I want to tell you that unless we want this country to come to a standstill we will have to begin to give this question serious consideration.

On page 26 of the same report Mr. James E. Smith, of St. Louis, president of the Mississippi Valley Association, makes the following statement:

Mr. Chairman and gentlemen, the tonnage possibilities of the Missouri River as a carrier of commerce are far greater than most of you seem to realize.

A potential traffic census of the rich and fertile area traversed by this great river has been recently compiled. Taking a tier of two counties in width on both sides of the Missouri River from Pierre, S. Dak., to Kansas City, it was found that there is an enormous quantity of farm products produced close to the banks of the river which the farmers would be glad to move by their waterway were the opportunity given them to do so.

I herewith present the figures, which are taken from the 1922 Government reports. These figures show that the tonnage of farm products raised in this comparatively small area contiguous to the Missouri River amounts to 14,842,863 tons of freight per annum.

Mr. President, I have here a table showing the different classes of farm products that are grown there seeking transportation on the Missouri, which has been denied to them. Why? There is a river on which there is actual transportation, not potential, or only potential because the Government has denied the people of South Dakota and these other States water transportation by permitting the railroads at these river points to put in so low a freight rate that a river boat can not live. I ask that this table may be printed in the RECORD at this point in my remarks.

The PRESIDENT pro tempore. Without objection, it will be so ordered.

The table is as follows:

Crops in tons					
	South Dakota	Iowa	Nebraska	Missouri	Kansas
Corn.....	1,206,939	2,449,999	2,189,999	852,147	309,687
Oats.....	230,331	232,749	420,805	42,514	28,127
Wheat.....	190,983	221,816	352,048	275,965	216,904
Barley.....	25,814	23,934	14,776	804	444
Rye.....	14,844	4,408	11,335	2,315	398
Hay.....	1,640,130	1,254,770	1,479,164	576,265	434,901
Potatoes.....	10,295	21,886	26,063	11,313	17,214
Other crops.....	12,766	43	2,567	134	418
Total farm crops in tons.....					14,842,863

Mr. GOODING. Mr. Smith goes on to say:

Please note that the great possible volume of tonnage available on the 400-mile stretch of the Missouri River between Kansas City and St. Louis is not included in the figures named.

Why, gentlemen, even one-half of this tonnage alone would keep numerous fleets of boats and barges busily employed in rendering valuable service to the producers, who would be greatly benefited by obtaining it, and add to that enormous tonnage that would be sent from the hinterland further removed from the river, and you would have in operation one of the greatest highways of cheap transportation the world will ever create or obtain.

There is no question of doubt about that, because you can go on and on with the Missouri clear up into Montana, and with it all you can develop electric power which will pay for all the cost of development.

Mr. President, I send to the desk a statement made by Mr. Campbell, member of the Interstate Commerce Commission, and also a letter received and handed me by Mr. James A. Ford, written by Mr. W. J. Spillman, United States agricultural economist. I ask that these two be read from the desk.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The legislative clerk read as follows:

The following is copied from a statement made by Commissioner Campbell, of the Interstate Commerce Commission, before the Committee on Interstate and Foreign Commerce of the House when hearings were held on S. 2327:

"In Railroad Commission of Nevada v. S. P. Ry. Co. (21 I. C. C. 329, at p. 351) it stated:

"We have thus traced the history of this protracted struggle between the ocean and the land carriers that we might clearly appreciate the strategy of the railroads and its effect upon the ocean-borne traffic. One water route after another has been rendered innocuous. To meet the competition of the railroad the tendency of the ocean carriers has been to shorten the time consumed in passing by water from coast to coast. The clipper ship has been forced to give way to the steamship and the steamship has been compelled to transship by rail a portion of the distance. The routes by way of Cape Horn and the Straits of Magellan have been virtually abandoned. For nearly 40 years the Panama Canal has been under railroad control. When an attempt was made to reestablish this route as a vital competitor the railroads used their own ocean-and-rail line to eliminate it from the field.' * * *

"And again, in fourth section, Violations in the Southeast (30 I. C. C. 153, at p. 262), the commission said:

"It can not, therefore, be asserted that there is any actual active water competition existing at present between New York and Memphis. There is a disconnected service between New Orleans and Memphis, regular boats plying between Natchez and Vicksburg and Memphis. The water competition is to be regarded as potential, but not actual, and the testimony in this case indicates that any material advance in the rates from New York City to Memphis would without doubt result in the reestablishment of active competition on the Mississippi River."

"From the above it is apparent that the commission has been aware of the effect which the rate structure as maintained under fourth-section relief has had upon transportation by water, and that the rate structure as so maintained has been detrimental to any effort to build up transportation over our waterways."

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF AGRICULTURAL ECONOMICS,
Washington, January 28, 1923.

Mr. J. A. FORD,

Secretary Chamber of Commerce, Spokane, Wash.

(Temporary Address: Raleigh Hotel, Washington, D. C.)

DEAR MR. FORD: Referring to our recent conversation, the situation in the Spokane territory with regard to the agricultural and industrial development, as I see it, is as follows:

Farming in that country, or at least a large part of it, was in the early days merely a matter of growing wheat mainly for the export trade, and agriculture of this kind depends very little upon local industrial development, for it produces little to supply a local industrial population.

In recent years farmers generally in the wheat-growing territory of the upper Columbia Basin have begun to realize that a single-crop system of wheat growing is reducing the fertility of their lands, and they have begun to diversify their farming. In fact, the movement toward a general diversified system of farming is now well in progress in that region.

This change in the agricultural situation has made a marked change in the relation of the local farming to the local industrial population. Farmers are now producing considerable quantities and will undoubtedly produce more in the future than they are producing now of beef cattle, hogs, dairy products, sheep and wool, poultry products, peas, beans, and all the various kinds of fruit and vegetables. This makes it essential to the welfare of agriculture in that region that there be a growing industrial population in the region to consume the products of this diversified agriculture, for many of the products of such farming meet such severe competition in distant markets and are often compelled to pay such high cost of transportation that real diversified farming is hardly possible without corresponding development in local industries that will provide a means of livelihood for an industrial population.

I placed particular emphasis on this phase of the question in my address to the chamber of commerce in Spokane last October. I pointed out to the members that for many years they had been encouraging the movement for diversified farming in their region; that this movement had now gained very material headway.

I pointed out to them the need for a rapid increase in the local industrial population to consume the products of the diversified agri-

culture. I went so far as to predict that the agriculture of that region would be hampered in its development unless this industrial development went forward concurrently with a new agricultural development.

You will see, therefore, that I believe that anything that will tend toward industrial development in the region of Spokane will result in great benefit to the farmers of the region.

Very truly yours,

W. J. SPILLMAN,
Agricultural Economist.

Mr. GOODING. Mr. President, while the railroads have been fighting for a monopoly of transportation—

Mr. McNARY. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. GOODING. I do.

Mr. McNARY. This is a very important part of the Senator's discussion, and I suggest the absence of a quorum.

Mr. GOODING. I doubt the wisdom of that, Mr. President. The Senators will not remain here when they come in. They never do, and I had hoped that the Senator would not make that suggestion.

Mr. McNARY. I have made it.

The PRESIDENT pro tempore. The absence of a quorum is suggested. The Secretary will call the roll.

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

Ashurst	Fernald	King	Shipstead
Ball	Ferris	Ladd	Shortridge
Bayard	Fess	Lenroot	Simmons
Bingham	Fletcher	McKellar	Smith
Borah	Frazier	McNary	Smoot
Broussard	George	Mayfield	Spencer
Bruce	Gerry	Metcalf	Stanfield
Bursum	Glass	Moses	Stephens
Butler	Gooding	Norbeck	Sterling
Cameron	Hale	Oddie	Swanson
Capper	Harrell	Overman	Trammell
Caraway	Harris	Pepper	Underwood
Copeland	Harrison	Phipps	Wadsworth
Couzens	Hellin	Pittman	Walsh, Mass.
Cummins	Howell	Ralston	Walsh, Mont.
Curtis	Johnson, Minn.	Ransdell	Warren
Dial	Jones, N. Mex.	Reed, Mo.	Watson
Dill	Jones, Wash.	Reed, Pa.	Weller
Edge	Kendrick	Robinson	Wheeler
Ernst	Keyes	Sheppard	Willis

Mr. JONES of Washington. I desire to announce that the Senator from Nebraska [Mr. NORRIS] and the Senator from Iowa [Mr. BROOKHART] are detained from the Senate in attendance on a session of the Committee on Agriculture and Forestry.

The PRESIDENT pro tempore. Eighty Senators have answered to the roll call. There is a quorum present.

Mr. GOODING. Mr. President, while the railroads have been fighting for a monopoly of transportation, and have succeeded in securing that monopoly, with the assistance of our own Government, they have not kept pace with the growth and development of this country.

I have a table here that shows the increased tonnage on our railroads from 1890 to 1923, a period of 33 years. This table is so interesting that I am going to take the time of the Senate to read it into the RECORD:

Ton-miles, all railroads	
1890	76, 207, 047, 000
1891	81, 073, 784, 000
1892	88, 241, 050, 000
1893	93, 588, 112, 000
1894	80, 335, 105, 000
1895	85, 227, 516, 000
1896	95, 328, 360, 000
1897	95, 139, 022, 000
1898	114, 077, 576, 000
1899	123, 667, 257, 000
Total	932, 884, 829, 000
1900	141, 596, 551, 000
1901	147, 077, 136, 000
1902	157, 289, 370, 000
1903	173, 221, 279, 000
1904	174, 522, 090, 000
1905	186, 463, 110, 000
1906	215, 877, 551, 000
1907	236, 601, 390, 000
1908	218, 381, 555, 000
1909	218, 802, 987, 000
Total	1, 869, 833, 010, 000
1910	255, 016, 910, 000
1911	253, 783, 702, 000
1912	264, 080, 745, 000
1913	301, 730, 291, 000
1914	288, 637, 042, 000
1915	277, 134, 816, 000
1916	366, 173, 174, 000
1917	398, 263, 062, 000

Ton-miles, all railroads—Continued

1918	408,778,061,000
1919	367,161,371,000
1920	413,698,749,000
1921	309,533,365,000
Total	3,913,991,288,000
1922	339,945,894,000
1923	413,562,132,000

In 1890 the railroads handled in round numbers 76,000,000,000 ton-miles. In other words, all the railroads in the United States hauled a ton of freight 76,000,000,000 miles, or they hauled 76,000,000,000 tons of freight 1 mile. From 1889 to 1901, a period of 11 years, the ton-miles hauled by our railroads had increased to 147,000,000,000 ton-miles, or an increase of almost 100 per cent. From 1901 to 1913, a period of 12 years, the ton-miles hauled over our railroads had increased to 301,000,000,000 ton-miles, or a little over 100 per cent of an increase from 1901 to 1913.

From 1913 to 1923 the ton-miles handled by our railroads had increased to 413,000,000,000 ton-miles of freight, an increase for those 10 years of 37 per cent, and for the months of January and February of this year, I understand, the railroads show an increase as compared with January and February of 1923.

The increase of ton-miles of freight hauled by our railroads in 1923 was 443 per cent over 1890, when the railroads, as I have shown, hauled 76,000,000,000 ton-miles of freight. The increase from 1913 to 1923 of 112,000,000,000 ton-miles of freight is practically equal to that total tonnage of all the railroads in the United States in 1898, when the railroads for that year hauled 114,000,000,000 ton-miles.

This table shows that in 33 years traffic on our railroads in this country has increased 443 per cent. I also have another table, Mr. President, that I wish to read into the RECORD, showing the increase in the mileage of railroad tracks for the same period.

Number of miles of railroad operated

Year	First track	Other main tracks	Yard track and sidings	Total
1890	156,404	9,760	33,711	199,875
1891	161,275	10,428	35,742	207,446
1892	162,397	10,846	37,807	211,050
1893	169,779	11,632	40,451	221,862
1894	175,690	12,163	41,941	229,794
1895	177,740	12,348	43,181	233,275
1896	181,982	12,439	44,717	239,138
1897	183,284	12,794	45,934	242,012
1898	184,648	13,066	47,589	245,333
1899	187,534	13,384	49,223	250,141
1900	192,556	14,075	52,153	258,784
Increase 1900 over 1890	35,152	4,315	18,442	58,909
1900	192,556	14,075	52,153	258,784
1901	195,561	14,875	54,914	265,350
1902	200,154	15,819	58,220	274,193
1903	205,313	16,947	61,560	283,820
1904	212,243	18,337	66,492	297,072
1905	216,973	19,881	69,941	306,795
1906	222,340	20,981	73,760	317,081
1907	227,454	22,770	77,749	327,973
1908	230,494	23,699	79,452	333,645
1909	235,402	24,572	82,376	342,350
1910	240,830	25,353	85,581	351,764
1911	246,238	27,612	88,973	362,823
1912	249,852	29,366	92,019	371,237
Increase 1912 over 1900	47,296	15,291	39,866	112,453
1912	249,852	29,366	92,019	371,237
1913	253,470	30,826	95,211	379,507
1914	256,547	32,376	98,285	387,208
1915	257,569	33,662	99,910	391,141
1916	259,705	34,325	102,983	397,013
1917	259,705	35,065	105,582	400,352
1918	258,506	36,228	107,608	402,342
1919	258,524	36,729	108,636	403,889
1920	259,941	36,894	109,744	406,579
1921	258,361	37,613	111,555	407,529
1922	257,834	37,888	113,994	409,716
1923 (estimated)				410,716
Increase 1922 over 1912	7,982	8,522	21,975	39,479

This table shows that while the tonnage on our railroads has increased 443 per cent, the total mileage of tracks for all purposes has only increased 106 per cent. At the same time, Mr. President, in the last 20 years transportation by truck has de-

veloped in this country until it is said that 50 per cent as many tons of freight move by truck as by the railroads.

If it had not been for the truck becoming a mighty factor in the transportation of this country, our railroads would have broken down long ago, so it seems to me, Mr. President, unless we want to see the industries of this country paralyzed from a lack of adequate transportation, something must be done to relieve the congested condition of the vast majority of our Class A railroads in this country.

Since I have been in the United States Senate eastern railroads have placed an embargo on eastbound fruit from the West, and it was only raised after a vigorous protest by western Senators to the Interstate Commerce Commission.

Railroads have their limitations, as well as everything else in this life, and many of the great railroads to-day have more tonnage than can be handled economically, and that is especially true during the movement of farm products to market in the fall of the year.

It seems to me it must be clear to every Senator that a most dangerous condition confronts this country to-day in the matter of transportation. That our railroads, through the assistance of the Interstate Commerce Commission, have destroyed water transportation on our inland rivers and impaired our coastwise shipping there is no doubt in the minds of those who have given transportation in this country serious consideration.

This discrimination against the interior will continue just as long as Congress permits the Interstate Commerce Commission and the railroads to go on with their work of destruction, and it remains for Congress to say whether their work of destruction and discrimination shall continue in the future as it has in the past.

Years ago, Mr. President, Congress passed legislation forbidding the railroads to discriminate by rebating to favored shippers. This amendment provides that in the future there shall be no discrimination extended to one part of the country over another as far as freight rates are concerned to destroy water transportation.

What this amendment asks for is a square deal in freight rates for all American citizens regardless of whether they live in the East or the West, the North or the South, or in a great city, or in the smallest hamlet in America.

Mr. President, it is not strange that the coast cities and cities that have water transportation on our inland rivers should want cheaper freight rates than the interior. I am sure every city in America would be fighting for cheaper freight rates than their neighbors if they thought it was possible to secure that discrimination. That is the selfishness that is inherent in humanity; nor is it strange the railroads should want to destroy water transportation so they can have a monopoly of freight rates.

That is to be expected, Mr. President, but it is the duty of Congress to see that the selfish interest in the country does not get all it asks for, and it is the duty of Congress to legislate so there will not be any discrimination in freight rates for the benefit of one locality as against another.

Mr. President, I am sure there is not a single Senator upon this floor who would be willing to see the community in which he lives discriminated against in freight rates in favor of some other city, and I care not where that city is located.

Senate bill 2327 was not a rate-making bill, nor does the amendment I am offering to the river and harbor bill fix freight rates. It merely fixes the principle of transportation. Like legislation that was passed to stop rebates it merely provides that in the future the Interstate Commerce Commission shall not grant the railroads any new violations of the fourth section of the interstate commerce act to destroy water transportation.

A governmental policy that permits discrimination in freight rates against towns, cities, and States, Mr. President, is more vicious than discrimination in freight rates against individuals by rebating to favored shippers, which was the policy of the railroads before it was stopped by Congress; for discrimination in freight rates against towns, cities, and States paralyzes the whole Commonwealth and retards its growth and development, and such a policy is un-American and can not be defended fairly or justly under the principles of our Constitution, that pledges equity and justice to the smallest hamlet in America.

Mr. President, Congress might just as well pass legislation denying the interior the right to develop its natural resources as to permit the railroads to violate the fourth section of the interstate commerce act by charging more for the shorter haul than for the longer haul, for capital will never invest where there is discrimination in freight rates.

The policy of our Government in permitting railroads to discriminate in freight rates against the interior in favor of cities that have water transportation is the same policy adopted by England toward the Colonies. For more than a hundred years before the Revolutionary War the Colonies were only permitted to till the soil and furnish raw material for British manufacture, but beyond that they were forbidden to go.

William Pitt, a friend of America, declared in the British Parliament that the American Colonies had not even the right to manufacture a horseshoe nail except by permission of the British Government. As early as 1699 the British Government, on the complaint of manufacturers, prohibited the American Colonies from exporting any wool, woolen yarns, or cloth to any country other than England.

On another occasion Lord Chatham said in the British Parliament that he would not have the American colonists make a hobnail; and another noble lord added, nor a razor to shave their own beards.

In 1730 the British Parliament passed an act which provided that iron should be admitted to Great Britain without duty, but prohibited the erection in the Colonies of rolling mills or steel furnaces; such establishments that were already in operation, however, were allowed to continue.

Mr. President, the Colonies knew and understood that England's policy, which denied them the right to turn their raw material into the finished product, meant enforced servitude, and that without an opportunity to manufacture their raw material into the finished product this country would be forced to remain agricultural and pastoral.

The tea party in the Boston Harbor was but an incident that led up to the Revolutionary War. It was the tyranny and oppression of England for more than a hundred years that denied the Colonies the right to develop the mighty resources of this country that brought on the Revolutionary War.

Mr. President, it seems to me it is not necessary to argue with Senators on the floor of the Senate that no industry, city, or State can grow and develop its resources under a discrimination in freight rates. I am sure that principle is thoroughly understood by every Senator; nor can any State in the Union develop its resources even under a threatened discrimination in freight rates, and Congress should give the country a definite policy, once and for all, as far as freight rates are concerned, for until such a policy is adopted the interior States of the Union must remain agricultural and pastoral.

Mr. President, the violation of the fourth section of the interstate commerce act, which permits the railroads to charge more for the shorter haul than for the longer haul, has done much to destroy the confidence of many of the people of my State in their Government.

We can not explain to the farmer in my State why the coast cities that are from 500 to 1,000 miles farther west should be given a cheaper freight rate from eastern points than they are forced to pay, and I am equally sure we can not explain to the people of the States of Iowa, Kansas, Minnesota, and the Dakotas why the people of their States should be forced to pay a higher freight rate than the people who live on the Pacific coast, where the haul in some cases is 1,500 miles farther west. Many of the farmers in my State believe the railroads are stronger than the Government itself, and when I see what the railroads are able to do I am sometimes afraid that is true; and if there are any Bolsheviks and anarchists in the State of Idaho, the discrimination in freight rates the Government has forced upon my State is, in a large measure, responsible for them.

Mr. President, Congress can not shift the responsibility for the destruction of water transportation on our inland rivers in this country and the impairment of our coastwise shipping to the Interstate Commerce Commission or to the railroads, for few, if any, public questions have been discussed in Congress as much as the destruction of our inland waterways through permitting the railroads to charge more for the shorter haul than for the longer haul to destroy water transportation.

Many bills have been introduced in Congress that have denied the Interstate Commerce Commission the right to permit the railroads to charge more for the shorter than for the longer haul, but amendments have always been made to that legislation that destroyed its usefulness as far as protecting water transportation in this country.

The Interstate Commerce Commission has continued to permit violations of the fourth section of the interstate commerce act in the West and the South, and in many cases where there was only potential water transportation, until practically every boat has been driven off the rivers.

For the first time, after a struggle of nearly half a century, the Senate, in the first half of this session, passed an absolute

fourth section bill, which denies to the Interstate Commerce Commission the right to permit the railroads to charge more for the shorter haul than for the longer haul for the same class of freight moving in the same direction to destroy water competition.

But unless the amendment I am offering to the river and harbor bill can become a law at this session of Congress the West and the South will be forced to continue their fight for a square deal in freight rates, and the next session of Congress will see other bills introduced to give the South and the West a square deal in freight rates.

Mr. President, no country on earth is blessed with more great rivers than America. They should become a mighty factor in the commerce of this Nation. They were a mighty factor at one time in the commerce of this country, before they were destroyed by the selfish interests of the railroads. Time was when practically all of the commerce of this country was carried on our inland rivers through canals.

In the early history of the country water transportation on our inland rivers was the life of the Nation itself, and it can be made a mighty factor in the life of the Nation again if the Government will not assist the railroads in destroying the usefulness of our rivers.

Mr. President, I believe the improvement of our inland waterways is vastly more important to this country to-day than any other public question before the American people. The canalization of our rivers, the building of reservoirs to store the flood water, and the building of dams for the purpose of improving navigation on the rivers not only means providing cheap water transportation to carry our low-priced farm products and our low-priced basic materials to market, but at the same time will make possible the development of millions of electric horsepower that will more than repay the Government for the expense of improving our rivers, and at the same time will make possible flood control, that only too often leaves wreck and ruin in its pathway.

In my own State, when the American Falls reservoir, which is under construction at the present time, is finished it will control the peak of the flood waters of the Snake River. Snake River is the largest branch of the Columbia River, the third largest river in America.

My home in Idaho is on a river which has a storage reservoir for holding water for irrigation purposes. On this irrigation project there is something like 90,000 acres that was once desert land. That reservoir most years holds the entire flow of that river, and it is only about one year in three that water flows over its spillway. It has been clearly demonstrated that it is not difficult to build storage reservoirs to hold the flood water of the rivers in our Western States.

So I am satisfied the building of storage reservoirs at the heads of all our great rivers will make possible flood control in every part of the country, which will do much to improve our inland waterways and at the same time give a steadier flow of water in our rivers for the generation of hydroelectric power.

Mr. President, the violation of the fourth section of the interstate commerce act, that forces the people of one community to pay a higher freight rate for the shorter haul than the people of another community served with a longer haul are forced to pay, is, in my judgment, a violation of the spirit of the Constitution, that guarantees to the humblest citizen in America equal rights and justice, and as a Senator of the United States I shall never ask this Senate to give to the people of my State that which I would not be willing to give to the people of every other State in the Union.

I am sure there is not a Member of the Senate who would submit to the outrageous discrimination in freight rates that have been forced upon the people of my State and other interior States of the West by our own Government.

Mr. President, every Senator knows and understands that this is the age of organization and combination; that capital and labor are thoroughly organized and that practically every industry in America is organized. One of the greatest combinations of all is the railroad organization—all powerful, and wielding a mighty influence in the affairs of this Government.

It is not strange, Mr. President, that every industry in America should be fighting to become a monopoly; nor is it strange that the railroads should be fighting to acquire a monopoly of transportation. Monopolies are very convenient things to have for those who are interested in their organization. I am not opposed to monopolies, Mr. President, if we can have an honest, fearless, regulation of monopolies, but without such regulation, when monopolies become so strong that they regulate the Government, instead of being regulated by the Government, they become dangerous to society.

Mr. President, I now want to direct my attention to the argument advanced by the transcontinental railroads why they should be permitted to charge more for the shorter haul than for the longer haul in order to destroy water transportation. The railroads say, first, that unless they can secure at least half of the freight that is now passing through the Panama Canal their prosperity will be seriously impaired; and, second, they say unless these violations are permitted they will be forced to haul empty cars westbound in order to take care of the eastbound traffic.

The transcontinental railroads now have an application before the Interstate Commerce Commission for the violation of the fourth section of the interstate commerce act as to 47 different commodities, on which they are asking for a reduction in freight rates from Chicago to Pacific coast points of from 20 to 66 per cent. No reduction is asked for in rates to the interior points between Chicago and the Pacific coast points. If that application is allowed by the Interstate Commerce Commission, which is to be expected, unless my amendment to the Cape Cod bill shall be accepted and become a law, the transcontinental railroads will not only take a half of all the competitive traffic through the Panama Canal, but they will take most of it and drive many of the coastwise vessels out of business. Mr. President, it is readily understandable that it is an easy thing to destroy water transportation when the railroads are permitted to maintain a higher freight rate in the interior to make good any loss on the lower freight rates that are given to the railroads by our own Government in order to enable them to destroy water transportation.

Surely, Mr. President, it is a simple method. It is not difficult for anyone to understand the effect when our own Government forces upon the people of one community a higher freight rate than that enjoyed by the people of another community, all for the purpose of reimbursing the railroads for their losses on the longer haul so that they may succeed in destroying water transportation. It is a simple device, Mr. President, which any school boy can understand. How long, I ask, is this work of destruction, this work of discrimination, this work of destroying the citizenship of America to be continued? Talk about the tyranny of Great Britain in the past; it is no worse than the present tyranny of our own Government. No wonder we have Bolsheviks and anarchists in America. History teaches us that the destruction of one government after another has been brought about by the ascendancy of selfish interests. That is what makes anarchy; that is what destroys governments; that is all and nothing more. Invading armies, Mr. President, are not half so dangerous to a government as are its selfish interests, and when a government ceases to be sufficiently strong to control its selfish interests, history teaches us that it stumbles and falls. We have a living example of that fact in Russia to-day, where everything that is worth living for has been destroyed—womanhood, motherhood, and Christianity—without which no government can long endure or civilization exist.

Mr. President, freight rates are taxes which the people must pay for the use of the railroads. When the Government levies a tax upon the people or authorizes a corporation to levy a tax upon the people it should be a fair tax, a just tax, a tax without discrimination. Why our own Government should force the people of the interior to pay a higher freight rate than that paid by those who are blessed with water transportation is hard for me to understand. In my judgment it can only be branded as tyranny and oppression on the part of our Government, and if long continued will create prejudice against and prove dangerous to the Government itself, for the people of the West have grown very bitter over the discrimination in freight rates that has been forced upon them by their own Government.

I wish to say, Mr. President, that for nearly 50 years the people of the West have been battling against this discrimination; for 50 years the people of the West have been asking for justice, and yet there has been given to them only violation after violation of the law governing freight rates, until they have practically no opportunity to be anything except farming communities. All that we ask for in the West is a place in the sun, a place in this great country of ours, an opportunity to help make it a bigger and better country, and to enjoy the same rights and the same privileges that other citizens enjoy. That is all we ask; we ask only for a square deal from our own Government; and we are going to have it. It makes no difference how long the fight may be continued; we are going to win. I have only contempt for the man who has any red blood in his veins who is willing to accept anything less from this Government than the Government gives to other citizens in other sections of the country. He would not

be fit to represent his people anywhere, not even at a dog fight, to say nothing about representing them in the United States Senate, the greatest legislative body in the world. A square deal is all we are fighting for.

Now, Mr. President, I wish to discuss the tonnage that is going through the Panama Canal which the railroads want to take away from the coastwise vessels.

When the Panama Canal was built the people of the West rejoiced. We held celebrations all over the West, for we believed the time had come when we were to be relieved from unreasonable freight rates; but to-day, Mr. President, the Panama Canal hangs as a nightmare over the people of the interior States of the West, for they know and understand that unless the Interstate Commerce Commission shall be denied the right to destroy the Panama Canal, it will be destroyed, so far as the coastwise shipping through the Panama Canal is concerned, in the interest of the transcontinental railroads of the country.

With reference to the comparatively small tonnage passing through the Panama Canal which these great, greedy, grinding railroad corporations are seeking to grab, let me say that I find in the year 1923 there passed through the Panama Canal in coastwise traffic 12,377,375 gross tons of freight of all kinds. Of this, 7,436,248 tons constituted eastbound tanker oil, recognized as noncompetitive freight that the railroads could not carry under any circumstances. Most of this tanker oil is produced along the coast of California, where it is pumped direct into tanker oil vessels, and it can be readily understood, therefore, that this freight is noncompetitive. This leaves 4,941,127 gross tons of merchandise of all kinds, eastbound and westbound, for which the western roads might compete.

Changing the ship ton of 2,240 pounds to a railroad ton of 2,000 pounds for comparison, we have a railroad tonnage that is now passing through the Panama Canal coastwise of 5,534,062 tons. I make the statement, Mr. President, that if this tonnage were distributed equally among the railroads it would take a microscope to find it at the end of the year's business, for it is less than 1 per cent; to be exact, it is eighty-five one-hundredths of 1 per cent of the total tonnage of the Class I railroads of the western division of the United States.

Senators will please bear in mind that the total tonnage through the Panama Canal, if the railroads should receive it all, is only 5,534,062 tons. The contention of the railroads in this respect is so absurd and far-fetched that it seems to me that it should be clear to ever Senator and everyone else in America who has given this subject any consideration that the only purpose of the violation of the fourth section of the interstate commerce act is to meet the competition through the Panama Canal and to destroy transportation through that canal; and that is what it will do unless my amendment shall be permitted to become a law, for, as I have already said, the railroads are asking to be permitted to violate the fourth section of the interstate commerce act as to 47 different commodities by reducing rates to the coast from 20 to 66 per cent without giving any reduction to the interior. The commission will permit that violation, in my judgment, unless it shall be stopped by Congress. Congress must answer that question, and must answer it to the West. Congress has the opportunity and if it shall fail to embrace it I want to tell you, Mr. President, that the people of the West who have been suffering are going to lose confidence in this august body. This struggle has been going on for almost half a century, and it has been long, bitter, and severe; but, with the exception of what little traffic is passing through the Panama Canal and what water transportation is handled on our rivers east of Chicago and the Great Lakes, the victory of the railroads is almost complete. Of course they are fighting Senate bill 2327; it was to be expected that they would fight that bill because they understand that if it shall become a law it is going to make possible and successful transportation through the Panama Canal and also commerce on our inland waterways.

Mr. President, the fight against the Panama Canal is but a camouflage, and it is so ridiculous that you wonder that men of ordinary common sense would advance it as an argument for the violation of the interstate commerce act.

The question can properly be asked, "Has this measly little 5,000,000 tons of freight through the Panama Canal impaired the great transcontinental railroads and reduced their tonnage in the last few years?"

I have here a table showing the tonnage on our transcontinental railroads. It is very interesting. This is a little pamphlet put out by the Intermediate Rate Association of the interior States of the West which are members of this association, and have been fighting for many years—leading the fight, I may say—in the interest of a square deal in freight

rates. They have put up a wonderful fight, and they are going on with this fight; it does not make any difference how long it takes. This organization is made up of commercial clubs, farm organizations, and the biggest business interests in the West, men who are trying to develop the West. I want to show, Mr. President, the traffic on the western transcontinental railroads and then ask that this pamphlet be printed in the RECORD.

In 1921 I find that the Northern Pacific handled 17,000,000 tons of freight. I will just read the first figures, so as not to take up too much time. In 1922 it had increased to 21,000,000 tons. In 1923 it had increased to 24,000,000 tons, showing an increase in two years of 7,000,000 tons. So I submit, Mr. President, that as far as the Northern Pacific is concerned the tonnage through the Panama Canal has not impaired its earnings.

The Great Northern in 1921 handled 19,000,000 tons, in 1922 it handled 27,000,000 tons, in 1923 36,000,000 tons—an increase in two years of 16,000,000 tons. The prosperity of the Great Northern was not impaired by what little traffic is going through the Panama Canal.

The Chicago, Milwaukee & St. Paul in 1921 handled 34,000,000 tons, in 1922 42,000,000 tons, in 1923 51,000,000 tons—an increase in two years of 17,000,000, over three times as much as all the competitive intercoastal tonnage passing through the Panama Canal. Yet these selfish railroads would destroy, if it were possible, what is to my mind one of the greatest engineering feats and one of the greatest blessings that has come to America. In fact, Jim Hill, the builder of the Great Northern, used to say that the railroads would make pond lilies grow in the Panama Canal before they got through with their fight. Another time he said that the clock had struck 12 as far as water transportation was concerned in America.

Mr. President, two years ago I attended a meeting at Salt Lake City, at which the general freight agents of the western transcontinental roads were present, with the officers and some of the members of the Intermediate Rate Association. Mr. Blakeley, the general freight agent for the Northern Pacific, made the statement in my presence that the building of the Panama Canal was a mistake as far as the West was concerned, and that we would all be better off if it were filled up. Let me say that all the general freight agents of the western transcontinental railroads who were there, with one exception, agreed with Mr. Blakeley. I branded Mr. Blakeley's statement as un-American, almost treason against the Government. The Panama Canal is a mighty factor in the defense of the country, and if we are going to be a country and have a country which is to endure the Panama Canal must be made a factor in lightening the burdens of humanity and giving us cheaper transportation between the great West and the great East. Talk about tyranny! Talk about treason! If that is not bordering on treason, I do not know what treason is.

The Union Pacific in 1921 hauled 28,000,000 tons of freight; in 1922 it hauled 30,000,000 tons of freight; in 1923 it hauled 34,000,000 tons of freight. So it seems that the Union Pacific's earnings were not impaired. They, too, increased their tonnage in two years by an amount equal to all the intercoastal tonnage passing through the Panama Canal.

Mr. KING. Mr. President, will the Senator yield?

Mr. GOODING. Yes.

Mr. KING. Is it not a fact that the railroads now because of the increased tonnage in many sections are unable to handle it properly?

Mr. GOODING. There is not any doubt about it.

Mr. KING. And that with the increase of from 12 to 17 per cent every 10 years, and in some sections an increase much greater than that, it is certain—

Mr. GOODING. Ten years? Let me say to the Senator that the average so far up to the present time has been a doubling every 12 years.

Mr. KING. With that increase is it not certain that they must increase their facilities for handling the freight or the business will be arrested and almost an industrial paralysis will occur?

Mr. GOODING. Why, the growth of the whole country must come to a standstill; and everyone knows that there are not going to be any new railroads built. They have been fighting for a monopoly. The capitalists that control the great railroads—the biggest monopoly that the world has ever known—are not going to permit any new railroads to be built in America. Let us make no mistake about that. They are thoroughly organized; and, in fact, there is less mileage of railroads in America to-day than there was five years ago as far as main-line tracks are concerned. There is a little increase when you take the sidings, the yardage, and all those

things which they have had to lengthen in order to carry the trains that they pull to-day, but as far as main-line tracks are concerned there is less mileage in this country to-day than there was four or five years ago.

Mr. KING. The mileage was 280,000 at the beginning of the war, and it is less than that now.

Mr. GOODING. The Spokane, Portland & Seattle, a small railroad, handled in 1921, 1,500,000 tons. In 1923 it handled 2,000,000 tons.

The Southern Pacific handled 24,000,000 tons in 1921, 28,000,000 tons in 1922, and 35,000,000 tons in 1923. The Southern Pacific, competing directly with the Panama Canal, shows in the last two years an increased tonnage alone twice as great as all the coastwise traffic through the Panama Canal, their competitor. Are we going to permit that to continue? It is up to this body now to say whether the business that is passing through the Panama Canal shall be crippled and destroyed and turned over to the railroads that are already congested, which already have more freight than they can handle on their tracks.

The Santa Fe, another great railroad system, handled 23,000,000 tons in 1921; in 1922 they handled 28,000,000 tons, in 1923 33,000,000 tons, doubling the traffic through the Panama Canal three times over in two short years. God Almighty! The West has not started to grow. It has not started to develop its resources. But it will grow and develop if you will give it a chance.

The Los Angeles & Salt Lake handled 3,000,000 tons in 1921, 4,500,000 tons in 1922, and 5,000,000 tons in 1923.

The Western Pacific handled 1,700,000 tons in 1921, 2,000,000 tons in 1922, and 2,800,000 tons in 1923.

This shows an increase for all the railroads which might be said to come into competition with the Panama Canal in the last two years of 70,000,000 tons of freight. Compare that increase with the little, measly 5,000,000 tons that is going through the Panama Canal, as to which they say that they can not exist unless they grab it and take it away. What an outrage! What a crime!

Mr. President, I ask that this pamphlet be printed at this point in my remarks.

The PRESIDING OFFICER (Mr. WILLIS in the chair). Without objection, it is so ordered.

The pamphlet is as follows:

GREEN GOGGLES

"Alms, alms, for the love of Allah, alms."

The white whiskered old beggar, wearing green goggles and holding a tin cup in his hand, drooped pathetically on the street corner. The Good Samaritan with a sense of humor noticed the yellow stain in the center of the flowing white beard.

"Well, my good man, I'm glad to see that you had eggs for breakfast this morning," he remarked as he dropped a coin in the cup.

"No, sir," replied the patriarch, "I didn't have eggs this morning. I had eggs yesterday morning."

Things are sometimes not what they seem.

The manager of a large corporation told his board of directors he had a grand scheme to increase the business of the concern one-half of 1 per cent, and that unless they followed his plan the company would go on the rocks.

The directors were skeptical. They couldn't understand how an increase in business of less than 1 per cent could save a company if it were really in bad shape. However, as long as the manager promised increased business, even though very insignificant, they told him to proceed.

He then advised the board that the additional business would have to be done at cost, without any profit whatever.

The coroner refused to hold the directors responsible and pronounced it a plain case of suicide.

Yet this fellow had a much more sensible proposition than the one the western railroads are now offering in their claim that they must be permitted to take some of the traffic that is going by boat through the Panama Canal and haul it at "out of pocket cost," or they can not continue to do business at a profit.

This hard-times plea of the western railroads in the face of rapidly ascending stock values calls for some explanation. In the year 1923 there passed through the Panama Canal 12,877,375 gross tons of freight of all kinds. Of this, 7,436,248 tons was eastbound tanker oil tonnage, recognized as noncompetitive.

By the process of subtraction we have left 4,941,127 gross tons of merchandise of all kinds, both eastbound and westbound, for which the western transcontinental railroads might compete. However, for comparison with railroad figures it is necessary to change these figures from gross tons of 2,240 pounds each to net tons of 2,000 pounds each, as railroad tonnage is given the latter way. We find that 4,941,127 gross tons is equal to 5,534,062 net tons.

The problem may now be stated thus:

In 1923 there passed through the Panama Canal 5,534,062 tons of merchandise freight.

The western railroads either want to take all of it or they want to take a part of it. They say they want to take only a part of it.

However, in order to make the best possible showing as to what increase this would make in the tonnage of the western railroads let us assume the railroads would get every pound of it.

The Class I roads of the western division of the United States during 1923 hauled 643,603,000 tons of freight. Consequently if they secured every pound of merchandise freight that went through the Panama Canal last year they would increase their gross tonnage less than 1 per cent, or, to be exact, eighty-five one-hundredths of 1 per cent.

And then they say they must have this measly little additional freight to haul at cost or they can not stay in business at a profit.

But the western railroads will say this is not a fair statement, because the tonnage figures for Class I roads in the western division include many roads which do not reach the Pacific coast terminals and which, consequently, could not haul this merchandise to destination. The comparison is fair, however, because roads like the Burlington and Denver & Rio Grande, which do not reach Pacific coast tidewater, still would share in the distribution of the business now going through the canal, even though they could not deliver it to destination. They would secure a large share of the haul of much of the additional tonnage.

Nevertheless, we'll proceed to eliminate every road that does not reach Pacific coast tidewater and ascertain the result. This is shown in the table below.

In this table we have also eliminated the Canadian Pacific, which reaches Puget Sound ports over its own line, the Spokane & International, and so would take a share in any general increase.

Yet after all these eliminations and holding the figures down merely to the American roads that reach Pacific coast tidewater we find that the increase in tonnage in one year of these roads alone is 38,600,000 tons or practically seven times the total tonnage that goes through the Panama Canal.

Now, if by some process of governmental sanction which these western railroads are seeking every pound of freight that went through the Panama Canal last year both eastbound and westbound was handed over to these roads alone they would increase their gross tonnage just 2½ per cent, and the Panama Canal would lie idle and useless.

Bear in mind that the railroads want to haul this increased tonnage at cost in order to insure the boats not coming back and taking it. But the railroads are confining their efforts entirely to the westbound tonnage—not the eastbound tonnage. It's the westbound tonnage they want. Very well.

Of the total tonnage of the Panama Canal last year 3,095,738 tons were westbound. If these same Pacific coast terminal railroads got all the westbound tonnage that went through the canal last year they would increase their gross business less than 1½ per cent—and don't forget they want to do the additional business at cost.

The railroads to-day have an application before the Interstate Commerce Commission, covering 47 commodities seeking permission to grab some of the traffic now going westbound through the canal. These 47 commodities represent only 70 per cent of the westbound tonnage of the canal and the railroad officials on the witness stand before the Interstate Commerce Commission testified they only wanted to get about 50 per cent of the tonnage involved in the 47 commodities.

So taking the railroad officials' own testimony and reducing the westbound tonnage by 70 per cent and again by 50 per cent, we now find that the increased tonnage which these western railroads are really after is something less than one-half of 1 per cent. The figures are there. Work it out for yourself.

Table giving the revenue tons of freight handled during the last three years by only those roads which do reach Pacific coast ports

	1921	1922	1923	Increase
Northern Pacific.....	17,700,000	21,500,000	24,100,000	6,400,000
Great Northern.....	19,500,000	27,500,000	36,300,000	16,800,000
Chicago, Milwaukee & St. Paul.....	34,100,000	42,000,000	51,300,000	17,200,000
Union Pacific system.....	28,900,000	30,400,000	34,100,000	5,200,000
Spokane, Portland & Seattle.....	1,500,000	1,500,000	2,000,000	500,000
Southern Pacific.....	24,400,000	28,700,000	35,400,000	11,000,000
Atchison, Topeka & Santa Fe.....	23,700,000	28,900,000	33,900,000	10,200,000
Los Angeles & Salt Lake.....	3,400,000	4,500,000	5,800,000	2,400,000
Western Pacific.....	1,700,000	2,100,000	2,800,000	1,100,000
Total.....	154,900,000	187,100,000	225,700,000	70,800,000

But it will be interesting to get even a little more specific and see just how much it will profit an individual road if the Government will grant their plea to put the Panama Canal boats out of business.

Of the 1923 westbound tonnage that came through the canal 693,866 tons were destined to north Pacific coast ports and this of course is all the traffic the northern transcontinental lines could compete for if the boat lines were put out of business.

In the table below we have taken the four northern transcontinental lines, giving the revenue tons of freight hauled by each during 1923 and have divided all the westbound Panama Canal tonnage that went to northern ports equally between these four roads and shown how much each road would increase its gross business, by getting all the westbound traffic of the canal.

Of course, none of the roads would get as much of an increase as is shown in the table because the Canadian Pacific would take part of the business. However, let the figures stand.

Not a single northern road would increase its business as much as 1 per cent. The greatest increase would be to the Northern Pacific which would amount to seven-tenths of 1 per cent.

And there you have it again—the western railroads spreading pessimism and gloom all over this land of ours in a wild grab for tonnage to put a competitor out of business, when the very maximum one road can gain is an increase in its gross tonnage of seven-tenths of 1 per cent. They have then the effrontery to say to Congress that unless they can get this insignificant increase of business and haul it at cost they are headed for the rocks.

The Great Northern railroad alone last year showed an increase in tonnage over the year previous, in excess of the entire tonnage of the Panama Canal. Consult the figures.

Now what's back of all this misinformation that is going out from railroad offices?

Just this:

The railroads of the United States can brook no competition. They are meeting a little competition from the intercoastal boat lines that are using the Panama Canal and competition to the American railroad is something not to be endured.

The railroads want to stamp out Panama Canal competition effectually and completely. They want to drive the boats out of the Panama Canal, just as they have driven the boats off the Mississippi River. By means fair or foul they want a monopoly on the transportation business of this Nation.

That's all there is to this question. The little freight that is going through the Panama Canal amounts to nothing to these railroads. If they got it all they would never be able to find it in their revenue figures—it would be so small.

Table showing how division of Panama Canal tonnage destined to north Pacific ports would increase gross business of northern transcontinental rail lines

	Revenue tons of freight handled by railroads in year 1923	Tons of freight passing through Panama Canal in 1923 destined to north Pacific ports	Per cent railroad tonnage would be increased by securing all westbound canal tonnage
Northern Pacific.....	24,100,000	173,466	7-10
Great Northern.....	36,300,000	173,466	4-10
Chicago, Milwaukee & St. Paul.....	51,300,000	173,467	3-10
Union Pacific system.....	34,100,000	173,467	5-10
Total.....	145,800,000	693,866	-----

The Panama Canal cost the people of this Nation \$500,000,000. At the present rate with which freight is passing through the canal it will take 100 years before as many tons of freight pass through that waterway as it cost dollars to build it.

Is it any wonder that Congress last year had to appropriate money to make up a deficit for the Panama Canal? There isn't enough business going through the canal to pay the expense of operating it. Yet the railroads seek to grab that little bit.

When Henry Blakeley, freight traffic manager of the Northern Pacific Railroad, in referring to the Panama Canal, made the declaration, "We would all be better off to-day if somebody filled it up," he was speaking the wishes of the western transcontinental railroads.

The western roads started under the fostering care of Uncle Sam. The Union Pacific and Northern Pacific, the pioneers of western railroads, were given immense land grants by the Government. And from that beginning the habit of seeking alms from the Government seems to have developed.

They appear to have appropriated that famous war slogan, "Give until it hurts."

These roads to-day stand by the side of the highway of prosperity with green goggles over their eyes, tin cups in their hands, pleading:

"Give, Mister, give. Give until it hurts. Give us the Panama Canal."

"Alms, alms, for the love of Allah, alms."

There is one way to save the Panama Canal to the people of this Nation—just one way. That is for the House of Representatives this winter to pass Senate bill 2327, known as the Gooding bill. This bill has already been passed by the Senate.

Mr. GOODING. Mr. President, at the present time the rate on an 80,000-pound car of steel from Chicago to San

San Francisco, if you are an American citizen, is \$1 per hundred; but if you are a Chinaman living in Shanghai, or some other Chinese port, the rate on a car of steel from Chicago to San Francisco is 40 cents per hundred.

For an 80,000-pound car of steel from Chicago to San Francisco the American citizen pays \$800, but Mr. Chinaman, for his 80,000-pound car of steel from Chicago to San Francisco, only pays \$320.

If you are an American citizen living in Salt Lake, or some other intermountain city in the West, the rate on an 80,000-pound car of steel from Chicago to Salt Lake City is \$1 per hundred, although the haul from Chicago to Salt Lake is 800 miles less than to San Francisco. The American citizen at Salt Lake pays \$800 for a car of steel which Mr. Chinaman only pays \$320 for a haul that is 800 miles longer.

The railroads are now asking the Interstate Commerce Commission to be permitted to violate the interstate commerce act by reducing the rate on steel from Chicago to San Francisco from \$1 to 80 cents per hundred, but the rate to Salt Lake City is not to be reduced. That rate is to remain at \$1 per hundred, so if these applications are granted the American citizen at San Francisco will receive his car of steel for \$640, but the American citizen at Salt Lake will still continue to pay \$800 for his car of steel. The Chinaman's rate is not to be interfered with, so he will still receive his car of steel at San Francisco at 40 cents per hundred, or \$320 per car.

The officials of the Union Pacific are not satisfied with the rate on steel as far as the interior of the West is concerned. Mr. Adams, vice president of the Union Pacific, in his testimony before the Interstate Commerce Commission recently, said the Salt Lake City or interior man should pay \$1.23 per hundred, or \$984 per car, for his car of steel from Chicago to Salt Lake City.

For the information of Senators I wish to read into the RECORD a table showing the division of the freight collected by the different roads for hauling an 80,000-pound car of steel from Chicago to San Francisco.

On the rate of 40 cents for the haul from Chicago to San Francisco, which the Chinaman pays, the road from Chicago to Omaha, for a haul of 500 miles, receives \$48 for its services. The Union Pacific for its haul from Omaha to Salt Lake City, a distance of 1,000 miles, receives \$146.88. The Southern Pacific for its haul from Salt Lake City to San Francisco, a distance of 800 miles, receives \$125.12.

Mr. President, I offer for the RECORD at this point in my remarks a small pamphlet published by the Intermediate Rate Association. This pamphlet gives a table that tells the story of the advantage in freight rates in this country that Mr. Chinaman has over an American citizen. I ask that this be printed in the RECORD.

THE PRESIDING OFFICER. Is there objection?

There being no objection, the pamphlet was ordered to be printed in the RECORD, as follows:

	Export rate—what the Chinaman pays	What railroads ask San Francisco to pay	What Salt Lake does not object to paying	What the railroads want Salt Lake to pay	What H. M. Adams says Salt Lake should pay
Rate per 100 pounds.....	\$0.40	\$0.80	\$0.80	\$1.00	\$1.23
Division on 500 miles from Chicago to Omaha.....	48.00	96.00	128.00	160.00	196.80
Division on 1,000 miles from Omaha to Salt Lake.....	146.88	293.76	512.00	640.00	787.20
Division on 800 miles from Salt Lake to San Francisco.....	125.12	250.24	(1)	(5)	-----
Total per car.....	320.00	640.00	640.00	800.00	984.00

¹No haul.

²No division.

Mr. GOODING. Mr. President, at the present time the railroads are asking that the rate on steel from Chicago to San Francisco be reduced to 80 cents per hundred, and if that application is allowed, the roads between Omaha and Chicago, for their haul of 500 miles, will receive \$96. The Union Pacific for its haul from Omaha to Salt Lake City, a distance of 1,000 miles, will receive \$293.76, while the Southern Pacific, for its haul from Salt Lake City to San Francisco, a distance of 800 miles, will receive \$250.24. The railroads, however, do not propose to make any reductions to Salt Lake City.

The present rate to San Francisco is \$1 per hundred, and under that rate the roads between Chicago and Omaha receive \$160. If this car of steel stops at Salt Lake, and that is where the "steal" comes in, the Union Pacific, for its haul of 1,000 miles, will receive \$640.

If the Union Pacific gets the increase of 23 cents per hundred which Mr. Adams, vice president of that road, says they should have on this car of steel from Chicago to Salt Lake, the rate will be \$1.23 per hundred to Salt Lake City. On this rate, the railroads between Chicago and Omaha will receive \$196.80 for their haul of 500 miles. The Union Pacific for its haul of 1,000 miles to Salt Lake City will receive \$787.20, while a car of steel for Mr. Chinaman in the same train will be hauled on to San Francisco, 800 miles farther west, because he is a Chinaman and lives in Hongkong, for a total charge of \$320.

Now, Mr. President, I want to discuss the second argument advanced by the transcontinental railroads for permission to violate the fourth section of the interstate commerce act in their rates to Pacific coast points. The transcontinental railroads make the claim that unless they are permitted to capture at least 50 per cent of the coastwise business passing through the Panama Canal, it will be necessary for them to haul empty cars westbound to take care of their eastbound traffic. I find from investigation there is practically no difference between the empty-car movement on any of the railroads in the East, the West, the North, or the South. I shall not take up the time of the Senate to show the empty-car movement of all the transcontinental railroads, but the records of the Union Pacific car movement will clearly demonstrate there is nothing in the claim set forth by the transcontinental railroads as to the empty-car movement that constitutes an argument for the violation of the fourth section of the interstate commerce act.

The records of the empty-car movement on the Union Pacific eastbound show that the argument that unless the Union Pacific is permitted to take their share of the 5,000,000 tons of freight that is now passing through the Panama Canal, westbound, they will be forced to haul empty cars westbound to take care of the eastbound traffic is pure bunk.

The facts are, as shown by the records of the Union Pacific at Huntington that the O.-W. R. & N., a part of the Union Pacific system, turned over to the Oregon Short Line, which is also a part of the Union Pacific, 62,800 empty cars which they have been forced to haul from Pacific coast points eastbound without loads.

There is nothing strange about this empty-car movement; it exists on every road, and in this respect the transcontinental railroads are more fortunate than the eastern and southern railroads.

Mr. President, it is not strange that the railroads should fight this legislation, for they have fought every piece of railroad legislation that has been enacted by Congress. The railroads fought the interstate commerce act. They said the State commissions could regulate the railroads, and now they want the State commissions abolished and all authority to regulate commerce lodged in the Interstate Commerce Commission. I think we can all remember the vicious fight the railroads made against the enactment of the interstate commerce act.

The railroads fought the amendment of the interstate commerce act which denied the railroads the right to rebate to favored shippers. We can all remember how bitter that fight was, but the railroads to-day say it is a blessing to the railroads themselves.

The railroads fought the safety appliance act, which has proved a blessing to the traveling public.

Part of the railroads fought section 15-A of the interstate commerce act, but they are now insisting that it must not be repealed or amended in any way. They carried their case against that part of section 15-A, known as the recapture clause, to the Supreme Court. The Supreme Court decided against the railroads, but all the class A railroads have so far refused to turn over a single dollar to the Government, although there is something like a hundred million dollars in the hands of the railroads at the present time, a half of which belongs to the Government under the recapture provision of our transportation act.

The railroads fought the act creating the labor board, and now they say it must not be abolished, or the act amended in any way.

All of this legislation the railroads have come to accept, and say it is a good thing, a blessing to the railroads themselves.

Mr. President, if Congress passes an act denying the Interstate Commerce Commission the right to permit railroads to charge more for the shorter haul than for the longer haul in order to destroy water transportation, in a very few years the railroads will tell Congress it is the best piece of legislation ever passed, in the interest of the railroads themselves, for the elimination of the discrimination in freight rates means development in the interior along their own lines, where water

transportation or competing lines can not take the business away from them.

The transcontinental railroads are now divided on this question, and some of them admit it is a mistake to build up coast cities at the expense of the interior, where they come in competition with other railroads and with water transportation.

Mr. President, we are no longer a new country. The last chapter of the achievements of the American pioneer can now be written, for at no place on American soil is there a frontier, and nowhere in all the history of civilization can there be found anything to compare with the part the American pioneer has played in the settlement of this mighty empire; no trail was too long, too hard, or too dangerous for him to follow. Out into the mighty West he pushed on, undaunted and unafraid, at times hundreds of miles from an organized government, a law unto himself; but through it all he never forgot those principles of American manhood—respect for womanhood, motherhood, and Christianity, without which no government can long endure or civilization exist.

All honor to American pioneers, for they not only made possible the settlement and development of this mighty empire, but they left behind them, from the Atlantic to the Pacific, a citizenship full of the virile forces of American manhood that has made this country the greatest factor in the world to-day. Yet, in the development of our mighty resources we have only made a beginning; and that is also true as far as the population in this country is concerned.

The Census Bureau estimates that in 1950 we will have a population in this country of something over 148,000,000, and that in 1986 we will have passed the 200,000,000 mark in our population.

Senators can very properly ask themselves, What are we going to do with 150,000,000 or 200,000,000 people in America? Are we going to pile them all up in one end of the country and in a few of the coast cities in the West, or are we going to legislate so that every part of this country can play its part in the growth and development of this mighty empire?

Under the present discrimination in freight rates the interior States of the West are practically at a standstill in their growth and development. True, the interior has some new irrigation projects to build, but irrigation projects offer very little to the growth and development of the country, for those States whose resources are confined to agricultural and pastoral pursuits can never have great populations, nor can they accumulate any great wealth. That is the history of civilization. Those countries that have followed largely agricultural and pastoral pursuits are poor countries, and they will always remain poor, and the same, Mr. President, will remain true of the States in this Union which, through discrimination in freight rates, are denied the right to manufacture their raw material into the finished product.

In my judgment it is a dangerous thing to build great cities in this country at the expense of the interior, for congested conditions of population always increase the burdens of governments. Then, too, Mr. President, cities can be too great for economy in production, and the population can be too dense for the best interests of the Government, for the best interests of every government lie in a proper distribution of its people as far as possible in every part of the country.

If this country is to reach its full greatness as a Nation we must have other Pittsburghs and other Chicagos and other Detroit, as well as many other great cities I might mention east of the Mississippi.

The great State of Utah can properly be called the Pennsylvania of the West. Out in that great State it is safe to say that they have more coal than exists in the great State of Pennsylvania; they have great iron mines, great copper mines, great silver and lead mines, and every other kind of mineral known to civilization; yet, with discrimination in freight rates, there is no hope for any manufacturing industries to any extent in the State of Utah, and what is true in Utah is true in other interior States of the West.

Out there in the mighty West we have most all the standing timber that is left in America to-day. Out in the West, the Northwest, and the Southwest we produce practically all of the precious metals and copper in America. Out in the West, the Northwest, and the Southwest we have practically all of the oil supply that is left in America; and out there in the West, the Northwest, and the Southwest we have an opportunity to develop more hydroelectric power several times over than is possible in all of the rest of the States of the Union combined; yet through a discrimination in freight rates we have no opportunity to manufacture any of our raw materials into the finished products.

In the past, Mr. President, we have had a great public domain in the West, and up to a few years ago there was an oppor-

tunity to relieve the congested conditions of our great cities by the people finding homes on the public domain, but we have passed that milestone in this country, for in no place in the West is there an opportunity for the homesteader to locate a home on the public domain where it would be safe for him to move his family and try to make a living.

We will be confronted with the most serious problem of all, the problem that Europe has been contending with for a thousand years, that of finding employment for the Nation's own people. Every great industry in the country to-day is overdeveloped. The steel industry operating 50 per cent of the time can manufacture all the steel that is required for our use. Sixty years ago we produced in this country 24 tons of iron and steel per man per year. Now we are producing between 1,200 and 1,400 tons per man per year in our steel plants. Twenty-five per cent of the coal mines, operating with 60 per cent of the men now employed can produce all our requirements for coal and all that we need for export.

Twenty-five per cent of our shoe factories working 100 per cent of the time can produce all of our requirements for shoes. All of our shoe factories operating all the time, it is said, can make all the shoes needed by all the civilized world that wears our type of shoes. We have a sawmill capacity in this country of 116,000,000,000 feet per annum. Our requirements are only 43,000,000,000 feet per year. There we are overdeveloped almost 200 per cent. The glass factories entered into a contract with their men to operate only six months in the year. The rest of the time they find employment in any other industries. So on with all of our great industries, without exception. The woolen mills and the cotton mills are all overdeveloped. Unless we open up the inland waterways and make possible cheap transportation we are going to lose the markets of the world. We are facing a new civilization. We have a higher cost of production than any other country in the world. Our relative cost of production in comparison with other countries is much higher than before the war.

The greatest problem that confronts every government is that of finding employment for its own people. That will be our problem unless we improve these waterways and make it possible for capital to invest in watercraft. Germany, when she comes back—and she will come back—when they bring their currency back to a standard the world will accept, with their efficiency, will become a mighty factor in the trade of the world. They were a mighty factor before the war. We were third in the trade of the world before the war. There is no question about the efficiency of German labor. There is no question about the efficiency of the labor of Belgium and other countries I might mention. As was so ably said by the Senator from Maine [Mr. FERNALD], there they protect their water transportation. Germany is carrying more than half of its commerce through its waterways; Belgium, England, and France all make every possible use of the natural waterways that God Almighty has given to the people to lighten the burdens of humanity, and yet here in this great country, about which we boast so much as being the freest and best in the world—and there is no doubt about that—we permit the selfish interests to destroy the usefulness of our great waterways.

I do not know what the end is to be, but we are facing a crisis. The railroads can not take care of the ever-growing development of the country. They are not trying to. In their selfishness they are interested in a monopoly alone. They have used the Government to their own ends. The country is full of people who believe sincerely that the railroads are stronger than the Government itself. That is a dangerous thought to get into the minds of the people.

When we realize that our own Government has permitted the railroads to destroy the usefulness of our inland waterways it is not strange that there are a great many people in this country who have lost confidence in their own Government. For I know of no agency, Mr. President, that can be brought into usefulness to the extent of our inland waterways. In this country we have an opportunity to develop between 50,000,000 and 60,000,000 hydroelectric horsepower on our inland waterways, an agency when once developed is always ready for usefulness by the touching of a little button which brings forth light and heat and almost everything else that is essential to lighten the burdens of humanity. Yet in the interest of the great railroads of this country this great agency, the mightiest of all, is playing no part, as far as the Government is concerned, in the mighty service it can render to the people.

I am not for the purchase of the Cape Cod Canal if, in the same breath, we are going to destroy the Panama Canal as far as the interior West is concerned. You can not have a canal over at Boston and at the same time have the people of the interior West denied the right of the use of the Panama

Canal, which we have spent \$350,000,000 to build, and which has come to be the pride of the American people. Do not forget that, if you please. The Cape Cod bill ought to pass. It is false economy, a penny-wise and pound-foolish policy not to pass it. Economy is all right, but when economy is practiced to the end that we stop the development of a mighty country like ours, it can only be branded as criminal, and nothing else.

If we make full use of our inland waterways, this country will go forward by leaps and bounds, for we have only made a beginning in the development of our mighty resources. First of all, let us save what we have. Senators upon this floor who represent coast States and river States in which the Government has spent \$1,250,000,000 for the improvement of our waterways, I am sure realize they represent all of the people of their State, the people of the interior of the State, those who are not fortunate enough to enjoy water transportation.

Mr. President, it seems to me Colonel Keller's statement before the River and Harbor Committee of the House is a fearful indictment of Congress, and more especially of Senators and Congressmen who represent what we call our river States. The Government has spent hundreds of millions of dollars and yet no useful purpose has been made of this vast expenditure; year after year the Government makes appropriations for the maintenance of water transportation on our inland rivers, yet on some of the rivers boats are rotting at the wharves, and others are so little used they are not a factor in relieving the congested condition of our railroads to-day. On some of our rivers upon which the Government has appropriated money to maintain locks and dams, river boats are never seen upon their waters.

The hundreds of millions of dollars the Government has spent on our inland waterways only serves one purpose and that is the selfish interest of the people who live in these river towns, who through this vast expenditure of Government funds are privileged to enjoy a lower rail freight rate than the citizens of the same State who live in the interior. The lower rail freight rates given to the cities on our rivers where water transportation makes possible a monopoly, to a large extent, over the business interest in the same State, all of which the rest of the State pays a tribute in a higher freight rate in order to give these river towns cheaper rail freight rates, and the railroads at the same time an opportunity to destroy the actual transportation on the river, it is not strange that under such circumstances that Colonel Keller found from his investigation, and has been found from other investigations, that the people who should be interested are not interested in water transportation, for potential water transportation serves them better, for like the railroads who have a railroad monopoly, they too have a monopoly of the business to a large extent in their States.

Mr. President, the first duty of a Government is to protect the weak, to legislate so there will be a square deal for all of the people and so the burdens of Government shall rest fairly and justly on all alike, and when we do less than that, we do not perform our full duty for all the people we represent.

Mr. President, I have a high regard for the members of the United States Senate. There is no doubt in my mind about their honesty and integrity and their desire to serve the best interests of all the people in their States, and I am sure if they will give this matter their serious consideration, they will find, just as Colonel Keller found from his investigation, that the river towns in their States have a decided advantage in rail freight rates. I doubt, Mr. President, if any body of men ever worked harder than those who represent this country to-day in the United States Senate and they are working for less than their actual living expenses.

I live modestly in my home and I can not live on my salary. I have modest quarters, yet it costs me one-third of what the Government pays me to have a home in this city that is just moderate and modest.

I have not any patience, let me say now, with those who for some reason or other question the propriety of increasing the salaries of the Members of Congress. Every Senator knows as well as he knows anything, indeed better than he knows almost anything else, that he can not live on his salary. Nine-tenths of all the legislation we pass here is passed without a roll call. I was here at the time that measure passed the Senate. I would have been delighted if a roll call had been asked for and to have had a record vote, but it was not necessary. If I had thought it was necessary, I would have asked for it myself.

I know of Senators in this body who are denied the privilege of bringing their families to Washington because they are unable to meet the extra expense they must pay out for a living if they enjoy the companionship and the home life of their wives and children.

Mr. HEFLIN. Mr. President, will the Senator yield to me? The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Alabama?

Mr. GOODING. Yes; I yield.

Mr. HEFLIN. The bill increasing the salaries of Members of Congress has been pending for months. It was favorably reported by the Finance Committee; it was favorably reported by the Appropriations Committee; it was offered on the floor of the Senate by the Senator from Wyoming [Mr. WARREN] as an amendment, and was agreed to in open session. A motion made by the Senator from Nebraska [Mr. NORRIS] to reconsider the vote by which the amendment was agreed to was made, but was not agreed to. Now, how much more publicity would the Senator from Idaho want than that?

Mr. GOODING. None at all, unless one wishes to humiliate men who, because under the law they alone can increase their salaries, hesitate to do it, but who ought to have done it years and years ago. Unless it is desired to humiliate those men nothing more is needed, but I am sure that is not the desire of any Senator who is pressing for a vote on this matter, but, in my judgment, that is practically what it means. The law ought to be changed so that the Supreme Court or some other body could fix the salaries of the Members of Congress. It is not a pleasant thing to vote to increase one's salary. Because it is not pleasant, Senators have neglected a duty which they have owed to themselves, their families, and their country for a long time.

Mr. President, some people have no respect for a man who gives free service, and some people have lost respect for the Senate, because, in my opinion, Senators have been willing to work here for less than a reasonable salary. Many people who do not come in contact with Congress believe that there must be something wrong with a man who will come to Washington and work for less than a living; they think he must have a graft somewhere.

Mr. ASHURST. Mr. President, will the Senator from Idaho yield to me?

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

Mr. GOODING. Yes.

Mr. ASHURST. Speaking of the increase of salaries, if the able Senator from Idaho could translate his amendment into law he would save the taxpayers of the State of Arizona alone a thousand times the amount of his salary every week.

Mr. GOODING. Oh, yes, Mr. President. Not only that, but we should also make them feel that they were American citizens, with the same rights and the same privileges that every other citizen has; that is all.

I want to tell Senators that there is nothing deeper in the hearts of the American citizens than a sense of justice. It is that for which they stand everywhere. We are generous to a fault; we have given \$1,000,000,000 to charity since the beginning of the World War. We are more than generous; we are extravagantly generous. My America! Let us do what we ought to do so as to give every American citizen the same rights for which our forefathers fought in the Revolutionary War. That is all I am fighting for. This proposed legislation would afford an opportunity to develop our resources without discrimination. It was for that the colonists fought; nothing more. We of the West are not going to rebel. We are good citizens; there are no better American citizens than live in the West. The West is made up of some of the best blood of every State in the Union. Its people are a great people; they are a progressive people. All they want is "a place in the sun" and a chance to make this a bigger and a better country.

Mr. PITTMAN. Mr. President—

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

Mr. GOODING. I yield.

Mr. PITTMAN. Mr. President, if the Senator will pardon me, I desire at this point to interject a thought which is in my mind. The Senator has discussed very clearly the necessity for the legislation which he now proposes. A bill that was more restrictive upon the Interstate Commerce Commission than the provision he now offers was adopted by this body by over a two-thirds vote at the last session. That bill went over to the House of Representatives; it was considered in the proper committee of that body, and, after hearings upon it and exhaustive consideration, the committee declined to make a report on the bill; the committee kept it in its pigeonhole. Therefore, the Senate was deprived of its constitutional right to have a vote by the other House upon that proposed legislation. That is the reason why it is necessary to offer this provision as an amendment to the pending bill.

Unfortunately the rules of the two Houses are so different that legislation that should be considered by both Houses dies

Congress after Congress. I think that the Rules Committee of the Senate should invite the Rules Committee of the House into conference for the purpose of agreeing upon certain rules that are essential for the consideration of the legislation of each House by the other. For instance, if the Senate places any new matter in an appropriation bill, when it goes to the other House it is subject to a point of order on the ground that it is general or new legislation on an appropriation bill; and yet the House does not at all hesitate, as it has done in the Interior Department appropriation bill, to insert general legislation absolutely changing the law policy relating to reclamation. The House does not recognize that its rules can not govern us in our procedure toward legislation and that our rules can not govern them. We are rapidly reaching an impasse between the two bodies when the rules of each will prevent the coordinate action that is required in legislation.

Only recently a point of order was sustained by the Senate to the effect that because the House bill with regard to Muscle Shoals was entirely different from the Senate bill we could not accept the legislative matter in the House bill in determining a point of order against the conference report. If the House of Representatives holds exactly the same thing, if that House on a point of order can not consider any of the subject matter of the Senate bill, then we shall have reached a condition in which the two bodies can never get together.

Let me illustrate what I mean. If the House of Representatives had passed a bill for the Government operation of Muscle Shoals and the Senate had passed a bill, as it did, for the leasing of Muscle Shoals, and if the conferees had placed in the bill anything with regard to Government operation, then a Member of this body under its rules could have made a point of order against the conference report. On the other hand, if the conferees had inserted anything with regard to leasing in the bill a Member of the House, carrying the same rule, could have made a point of order, and it could have been sustained, on the ground that there was nothing in the House bill with regard to leasing.

This condition has got to be adjusted, and we might just as well commence to decide the question now as at any other time. Whenever a bill is passed through this body by more than a two-thirds vote, the Senate is entitled to have that bill considered by the House of Representatives. If it is denied that right through any rule governing a committee of the House, then there is only one remedy left for us, and that is to take some House bill, which has passed the House, and add to it as amendments the legislation which we have passed and which we insist shall be voted upon by the House of Representatives. That is the exact situation here before us now. The Senate is in favor of the amendment of the Senator from Idaho, and this is the only way in which it can be considered by the House. As to whether or not the Senate is for the Cape Cod Canal project, I do not know; we have had no vote on that; that is a different proposition entirely; but the amendment of the Senator from Idaho is sound; we are entitled to a vote on it; and we are entitled to have it considered by the other body.

Let me say further, Mr. President, as has already been said by the Senator from Idaho, if there is any support whatever for the Cape Cod Canal measure, if there is any argument in favor of it, it is that it is a link in the development of the waterways of this country. If that policy is to be carried out, let it be carried out all through the country. Do not carry it out in favor of Massachusetts and turn it down as against another section of the country.

The amendment of the Senator from Idaho is not understood by some. He does not ask, mind you, Mr. President, that the railroads should be limited to charging the same amount for a long haul as a short haul; he merely asks that they shall not be allowed to charge more for a short haul than for a long haul in one case, namely, for the purpose of meeting water competition.

There have been bills introduced in both Houses that had for their purpose the absolute removal of any power on the part of the Interstate Commerce Commission in any case to allow a departure from the fourth section of the interstate commerce law and to permit the railroads to charge more for a short haul than for a long haul; but the pending amendment does not go that far, Mr. President. It allows the railroads at the present time to apply to the commission for the power to charge more for a long haul than for a short haul where it involves competition between railroads. The long and short haul contention as affecting short-line railroads is entirely removed by this amendment, because the short-line roads that form circuitous routes have the right to apply for the remedy as against the more direct rail line. The amendment does not affect exports, and so expressly provides. It is limited to the

question whether or not the Interstate Commerce Commission shall have the power to grant such low rates in competition with water that the railroads can drive out of business the water carriers. The amendment has no other purpose.

A statistician of the Interstate Commerce Commission has already stated that the western railroads which are asking for lower rates to the Pacific coast will lose seven hundred and fifty thousand-odd dollars or more if such rates are granted to them. Why do they want to lose money? Because it is estimated that where the railroads will lose \$750,000 the boats going through the Panama Canal will lose \$5,000,000; and \$750,000 counts as nothing to the western railroads, while \$5,000,000 to the ships going through the Panama Canal means actually their existence.

The railroad executives before the Interstate Commerce Committee asked that they be allowed to set up these discriminatory rates for the purpose of getting half of the business now going through the Panama Canal. Tell me, if they get a rate that will give them half of the business, why it will not give them all of the business?

We are right now considering the great river and harbor bill; it is intended to develop the waterways of this country for the purpose of boat navigation; and a very material thing to boat navigation is to prevent the Interstate Commerce Commission from granting such rates and preferences to the railroads at competitive points as will run those boats off the rivers. If there ever was a material amendment to a river and harbor bill, this amendment is material. If we are going to develop the inland waters for commerce, knowing that in the past boats which have been driven out of commerce, then it is our duty at the same time to say that that threat against them shall forever be removed.

Mr. GOODING. Mr. President, these are great economic questions that should have the best thought and consideration of every Senator on this floor.

There are those, Mr. President, who believe our democratic form of government can not long endure; but I do not share that thought, for I am satisfied that if those who are intrusted with the responsibility of this Government legislate wisely for the best interests of every part of this country, this Republic will endure until the end of time.

On a former occasion I read into the RECORD a letter from Lord Macaulay, the great English historian, to Mr. R. H. Randolph, of Virginia. There is so much in that letter that is food for thought that I want to again read a part of it into the RECORD.

Lord Macaulay says:

I have long been convinced that institutions purely democratic must, sooner or later, destroy liberty or civilization, or both. You may think that your country enjoys an exemption from these evils. I will frankly own to you that I am of a very different opinion. Your fate I believe to be certain, though it is deferred by a physical cause. As long as you have a boundless extent of fertile and unoccupied land, your laboring population will be more at ease than the laboring population of the Old World, and while that is the case the Jefferson politics may continue to exist without causing any fatal calamity. But the time will come when New England will be as thickly populated as old England. Wages will be as low and will fluctuate with you as with us. You will have your Manchesters and Birminghams, and in those Manchesters and Birminghams hundreds of thousands of artisans will assuredly sometimes be out of work. Then your institutions will be fairly brought to the test. * * *

It is quite plain that your Government will never be able to restrain a distressed and discontented majority, for with you the majority is the Government, and has the rich, who are always a minority, always at its mercy. The day will come when in the State of New York a multitude of people, none of whom has more than half a breakfast or expects to have more than half a dinner, will choose a legislature. On one side is a statesman preaching patience, respect for vested right, strict observance of public faith. On the other is a demagogue, ranting about the tyranny of capitalists and usurers, and asking why anybody should be permitted to drink champagne and ride in a carriage while thousands of honest folks are in want of necessities. Which of the two candidates is likely to be preferred by a workingman who hears the children cry for more bread?

I seriously apprehend that you will, in some such season of adversity as I have described, do things which will prevent prosperity from returning; that you will act like people who would, in a year of scarcity, devour all of the seed corn and thus make the next year one not of scarcity but of absolute famine. There will be, I fear, spoliation. The spoliation will increase the distress; the distress will produce spoliation. There is nothing to stop you. Your Constitution is all sail and no anchor.

As I said before, when a society has entered on the downward progress, either civilization or liberty must perish. Either some Caesar or Napoleon will seize the reins of government with a strong

hand, or your Republic will be fearfully plundered and laid waste by barbarians in the twentieth century as the Roman Empire was in the fifth, with this difference—that the Huns and Vandals who ravished the Roman Empire came from without, while your huns and vandals have been engaged within your own country by your own institutions.

Mr. President, we already have our Birminghams and Manchesters in this country, and we will soon have a congested population that will be greater than that of England if we continue our present policy of discrimination in freight rates toward the interior, and we shall soon be face to face with the problem that England and other European countries have been facing for a thousand years, that of finding employment for their people. Unless Congress legislates wisely, and eliminates discriminations against every part of this country, and at the same time, as I have said before, legislates for the best interest of all the people, there is danger that some day Lord Macaulay's prophecy may come true.

Mr. FRAZIER. Mr. President—

Mr. GOODING. I yield to the Senator from North Dakota just for a question.

Mr. FRAZIER. There is no question but that the present freight rates are absolutely unfair to the States in the Middle West and West. This amendment would mean a world of good to the farmers throughout that great producing section.

I want to say just a word about North Dakota, if the Senator will permit me.

In North Dakota we have a lot of natural resources that have not been developed because of unjust freight rates. We have more coal in North Dakota than in any other State in the Union, according to Government statistics, 600,000,000 tons of coal underlying the western half of North Dakota. We have pottery clays, the best in the United States. We have brick clays, the best in the United States. Those natural resources are undeveloped because of the unfair freight rates. If we could but get our freight rates adjusted as this amendment would allow us to do, we could have factories and manufacturing institutions out there that would bring in a great many more people and double and treble our population and give the farmers a home market for their products. That is one thing—the distance to market and the unfair freight rates—that is helping drive the farmers of the great West and Northwest out of business.

I want to give one example of unfair freight rates, if the Senator will permit me.

The rate on wool in carload lots from the Pacific coast, San Francisco, and other points out there, to Boston, Mass., is \$1.50 a hundred, according to the last freight rates that I have been able to get. From Grand Forks, N. Dak., the rate on wool in carload lots to Boston, Mass., is \$1.53 a hundred; and it is about 1,250 miles nearer to Boston than the Pacific coast is. In other words, the Great Northern and the North Pacific Railroad Cos. haul that wool in carload lots from the Pacific coast to Grand Forks, N. Dak., a distance of 1,250 miles, for 3 cents less than nothing, on its way to Boston, Mass. Either the woolgrowers of North Dakota are paying too much freight to Boston on their wool, or the woolgrowers of the Pacific coast region are getting their freight a little too cheap; one or the other.

It is unfair that these inequitable freight rates should continue to exist. I believe they should be changed. Of course, a great deal of propaganda is being spread by the railroad interests. Perhaps you noticed in the Washington Herald a couple of days ago the charge made by some one over in the House that there were a great many lobbyists for the railroad interests here at the present time; and it seems that that may be true, because you noticed, too, that yesterday the amendment cutting out the surcharge for Pullman rates that was put through almost unanimously here in the Senate was cut out in the House by their vote over there. It seems that there is a great deal of propaganda being spread for the railroad interests against the reduction of freight rates.

Last winter, about a year ago, when the Senator from Idaho introduced this same measure, the long and short haul bill, here in the Senate, propaganda came in from all over the country opposing it. Commercial clubs and business men's organizations in my own State sent in resolutions asking that no legislation be put through at the present time changing the railroad rates, and that in the face of the unfair rates that we have in our State. Why? Because of the propaganda and the pressure brought to bear on them by the railroad interests; and, of course, the railroad interests, coupled with other great interests in the East that do not want to see the West developed, are blocking us in putting through this measure to obtain fair rates.

I thank the Senator.

Mr. GOODING. Mr. President, it is the same old, old story of the destruction of water transportation that has been going on now for nearly half a century. Congress is the only one who can settle this issue. Congress must decide whether we are going to permit water transportation to develop in this country, or whether we are to continue the same old policy, and give the railroads a monopoly of transportation by permitting them to charge more for the shorter haul than for the longer haul, so that they can continue their work of the destruction of water transportation.

This question can be settled in only one way, and that is through legislation on the part of Congress, whose duty it is to legislate principles and policies upon which the commerce of this country may develop.

Mr. President, the destruction of water transportation on our inland rivers in this country is a simple, simple story. One investigation after another has been made by the Government. Many reports have been made to Congress clearly showing the destruction of water transportation on our inland rivers by the violation of the fourth section of our interstate commerce act, which the Interstate Commerce Commission has openly admitted is all for the purpose of the destruction of water transportation. There is no secret about it, nor is it denied even by the railroads themselves. The Interstate Commerce Commission has said, in substance, on several occasions, that if Congress does not want water transportation destroyed in this country it should say so with legislation, which up to the present time Congress has failed to do.

Now, Mr. President, I want to call the Senate's attention to some of these violations of the fourth section of the interstate commerce act that the transcontinental railroads are now asking for; and I want to repeat what I have said before: If Congress does not want water transportation destroyed, why does it not say so in legislation? I do not know.

Mr. President, I now want to call the attention of the Senate to the maps that I have on the wall.

First, I want to call the Senate's attention to the Monongahela River, and what the Government has accomplished on that river. Something like 33 years ago the Government took over the Monongahela River, bought it of some corporation down there, and since that time has been operating it. We paid \$6,000,000 for the locks and the dams on the Monongahela River. That river taps the great coal fields of Pennsylvania. In 1924 there were handled on the Monongahela 24,000,000 tons of freight. That is equal to all the freight that originates in 13 different States, including the District of Columbia, on the lines of the Southern Railroad system. The transportation on the Monongahela, the Allegheny, and the Ohio, which carries 37,000,000 tons a year, is equal to 32 trains a day, running 350 days in the year, 75 cars in each train, and each car loaded to a capacity of 80,000 pounds. But there have been no violations of the fourth section on the Monongahela River. The Government has never permitted any, and the Legislature of the great State of Pennsylvania, as far as intrastate rates are concerned, has passed legislation so that within that State railroads are prohibited from charging more for the shorter haul than for the longer haul on traffic within the State. Of course, with the great strength that Pennsylvania has in Congress, the Interstate Commerce Commission has never dared permit any violations against the Monongahela River, although the railroads cross the Monongahela at seven different points. If permitted, they could destroy the use of the Monongahela River, which has been the mightiest factor of all in building Pittsburgh.

I want the Government to give us more Monongahela Rivers. I am proud of the fact that this Government took over the Monongahela River and made it possible to have a great steel industry, and made it possible to carry 24,000,000 tons of freight through 15 different locks on that river. I believe that work very properly belongs to the Government. Just give us a chance to have a few Monongahelas in some other parts of the country; that is all I ask.

I am especially pleased, and proud of the fact, that the two great Senators from Pennsylvania, whom I have learned to respect very highly, and whom I admire for their ability, for their courage, and their manliness, supported the long and short haul bill before the Senate. They are the first Senators from Pennsylvania who ever did support the long and short haul bill. I want to say as much to the two Senators from New York, whom I have also learned to respect and admire very much, both the Republican and the Democrat. I have learned to have a very high respect for them. My good friend the junior Senator from New York (Mr. COPLAND) is a credit to any body of men. I care not

what his politics is, he is ready at all times to help settle great public questions with fidelity to all the people, and not to a political party. There is no politics in this question.

Mr. President, this map on the wall to which I shall now refer has been drawn to show the discriminations in freight rates which are proposed, and the unreasonable share the Western States are called on to pay in the maintenance of our railroads. The average railroad haul in this country is about 300 miles. The long and short hauls, when taken together, show an average haul of 300 miles. I am sure the shorter haul, or anything below the average haul, ought to pay a little higher freight rate on a mileage basis than the longer haul, but when the haul is anywhere like twice or three times the length of the average haul, I do not believe there should be any higher freight rate per mile.

I believe it is the duty of every community to pay its share of the maintenance of the railroads. Under the Esch-Cummins Act to-day we practically guarantee to the railroads 6 per cent on the value of their property. To make up that earning I believe Congress should see that every community pays its fair share of the tax, because a freight rate is a tax, imposed for the benefit of the people. Anything less than that is an outrage and a crime.

Let me show the discriminations. This double red line which appears on the map runs through the different towns to which I want to refer in showing the discriminations. I first call attention to the town of Detroit, Minn., a distance of 613 miles from Chicago. I know of no fairer way to measure freight rates than to compare the cost of hauling a car from some point like Chicago to the various points which are to be compared. I shall first refer to what the railroads charge for hauling a car of dry goods.

The Northern Pacific Railroad charges the people of Detroit, Minn., 71.9 cents for every mile a car of dry goods is hauled between Chicago and Detroit, Minn. But when it is hauled on out to Seattle they will charge the people of Seattle only 19 cents a car-mile. In other words, if the Interstate Commerce Commission permits the violation of the fourth section, the people of Detroit, Minn., must pay nearly 300 per cent more for the service they get from the railroads than is paid by the people out at Seattle. Why should the people of Detroit, Minn., pay 300 per cent more in freight rates than the people of Seattle? Is that the American fair play we boast about so much?

The railroads are not satisfied with that. They now have an application before the commission, which includes 47 different commodities, in which they are asking for fourth-section violations.

This map [indicating] indicates the scheme of the transcontinental lines' application for permission to violate the fourth section. On this map I have used dry goods as illustration. The rates shown are from Chicago.

This single red line runs through Bremen, N. Dak., 838 miles from Chicago; Steele, N. Dak., 812 miles; Mahto, S. Dak., 828 miles; Ogallala, Nebr., 820 miles; Macksville, Kans., 729 miles; Haviland, Kans., 749 miles; Beggs, Okla., 735 miles; and Amesville, La., 931 miles. Every place on this line and west of this line, including the Pacific coast, now pays 1.58 per hundred on dry goods from Chicago.

The double line running through Detroit, Minn., 613 miles from Chicago; Rothsay, Minn., 613 miles; Mina, S. Dak., 720 miles; Scranton, Iowa, 376 miles; Jansen, Kans., 610 miles; Willard, Kans., 601 miles; Quenemo, Kans., 523 miles; Wyandotte, Okla., 625 miles; and Greenville, Miss., 747 miles from Chicago, is the 1.10 line.

All of the points on the 1.10 line at present pay 1.10 per hundred on dry goods from Chicago. The points between the 1.10 line and the 1.58 line pay a rate ranging from 1.10 to 1.58 per hundred.

The transcontinental lines have asked the Interstate Commerce Commission for permission to reduce the rates on dry goods from Chicago to the Pacific coast ports to 1.10 per hundred and leave the rates to the intermediate points where they are now.

If the application is granted the result will be that every place between the 1.10 and the 1.58 line will continue paying rates ranging from 1.10 to 1.58, and every place on the 1.58 line and west of the 1.58 line will continue to pay 1.58, while the coast cities such as Seattle, 2,190 to 2,445 miles from Chicago, depending on the route, Portland 2,262 miles, San Francisco 2,261 to 3,408 miles, Los Angeles 2,231 to 2,299 miles from Chicago will only pay 1.10 per hundred.

If those violations are permitted, this is what will happen. The people of Bremen, N. Dak., will pay \$1.58 a hundred on every carload of dry goods hauled to that town from Chicago,

while the people out at Seattle will pay only \$1.10 a hundred. Freight will be hauled through this vast western territory, the biggest half of this wonderful country [indicating] from east to west, practically free if it is going to a coast city, in fact, for 48 cents less per hundred than to the people of Bremen, N. Dak.

Steele, N. Dak., is 812 miles from Chicago. The people there will pay 78 cents a car-mile on dry goods from Chicago, while the people of Seattle will pay 19 cents a car-mile on a car of dry goods, if the violations are permitted.

Here is Scranton, Iowa, a distance of 376 miles from Chicago. The present rate on dry goods to Scranton is \$1.11 per hundred. The people of Scranton, Iowa, pay \$1.17 a car-mile for their dry goods from Chicago, while the people out here at San Francisco will pay 19.4 cents a car-mile.

Here is Quenemo, Kans., on the Santa Fe, 523 miles from Chicago. The people of Quenemo pay 84 cents a car-mile for their dry goods, while it will be hauled all the way out to San Francisco at a rate of 19.4 cents a car-mile.

Here is Wyandotte, Okla., on the Frisco lines, 625 miles from Chicago. The people of Wyandotte pay 70½ cents per car-mile for their dry goods, while it will be hauled all the way to San Francisco at the rate of 19.4 cents per car-mile.

Here is Greenville, Miss., 747 miles from Chicago, on the Illinois Central. The people of Greenville pay 59 cents per car-mile for their dry goods, while it will be hauled all the way to San Francisco by this route for 13 cents per car-mile.

Ogallala, Nebr., is 820 miles from Chicago. The people of Ogallala pay 77 cents a car-mile for their dry goods, while the San Francisco people will pay only 19.4 cents a car-mile, if these violations are permitted.

As I said before, the railroads would force the people to pay \$1.10 a hundred along this line [indicating] and everybody west of it \$1.58. But they want to put the rate down on all these 47 different commodities to the coast cities, a reduction of from 20 to 66 per cent below the rate charged to this vast intermediate country.

Talk about discrimination! Talk about American principles! Talk about justice! I am unable to find any language that fits it at all.

I will leave this map for a few moments now, and call attention to the next map, which is an official map prepared by the Army engineers, whose life work has been the building of our great waterways and the improvement of our harbors. This map shows only the actual, existing waterways. There is no potential navigation shown on the map, but only waterways—represented by the red lines—on which there have been actual expenditures by the Government. With the exception of the Monongahela River and some of these points lying along the Atlantic coast, literally no use is made of this work which has been accomplished by our Government. Water transportation on the inland rivers of the South is practically dead. Again I want to call the Senate's attention to the fact that the Government is now experimenting on the Mississippi to see if it is possible to bring water navigation on that stream back to life.

All we need to do to bring it back to life is to pass this legislation which provides that the Government will stop discrimination in rail freight rates. That is all that is required. That is all that is needed in order to get capital to invest in water craft. That is all that is needed to make this a bigger and better country all the way around. I asked the Army engineers to mark out for me in different colors the potential water possibilities of America. But I can readily understand why they did not care to take that responsibility when they have made reports, one report after another, that the people who live along the rivers where we have water transportation are not interested in water transportation simply because they have potential water transportation by which they can force the railroads to give them freight rates that are so low that the actual water transportation can not exist. They have something that is better than water transportation.

I am going to support the river and harbor bill because I do not believe it is possible that Congress will permit the Interstate Commerce Commission to go ahead much longer permitting the violation of the fourth section. I believe we have come pretty near to that day, and I am so thoroughly impressed with the importance of water transportation that I am going to vote for the river and harbor bill. No man is more enthusiastic about it than I am. I have studied it carefully. I know what it means to America and I know what it means to every industry in America and to the future greatness of America.

Out in the West we have the Columbia River that is little used simply because the railroads out there have destroyed the boat lines; but how well the Eastern States have protected the

Monongahela, the Ohio, and the Allegheny Rivers, and what a great waterway it is all going to make. If we build the St. Lawrence project down to the Atlantic, it will be a simple problem, in my judgment, costing a great deal of money, but not much money for a great Government like this. I expect it can be built for less money than we have given to charity since the beginning of the war. It will have the effect of moving the Atlantic Ocean a thousand miles inland to Chicago. If we started to-morrow with the development of the inland waterways, we could not keep pace with the growth and development of our mighty country that is adding to its population a million and a half of people every year.

This other map on the wall before me is a reversed map. I have moved our western cities to the same geographical position in the East that they now occupy in the West, and I have moved Chicago to the same geographical position in the West that it occupies in the East. The purpose of thus reversing this map is to apply these freight-rate violations eastbound and show what would have been the result had Columbus landed on the west coast of America instead of the east coast and the trend of population come from the West. In that event this East would now be the great pasture of the country.

By moving Chicago to the same geographical position in the West that it now occupies in the East we have it located near to Salt Lake City, and so we have Chicago, Utah, a great industrial and manufacturing center. Transposing our western cities in the same way, we have Salt Lake in Indiana, Butte in Michigan, Billings in Illinois, Spokane in New York, Cheyenne in Iowa, Boise in Ohio, Reno in Pennsylvania, San Bernardino in West Virginia, Phoenix in Tennessee near Knoxville, Santa Fe in Tennessee near Memphis, and so on.

Taking the application for fourth section violations that is now pending before the Interstate Commerce Commission and applying it eastbound on this reversed map, we find that the railroads will haul steel from Chicago, Utah, to the Atlantic coast for 80 cents a hundred pounds, but will charge \$1 a hundred if that steel is dropped off at Salt Lake, Indiana, as the train passes through. The railroads would haul dry goods from Chicago, Utah, to the Atlantic coast for \$1.10 a hundred, but would charge \$1.58 a hundred if it were dropped off at Billings, Illinois. The railroads would haul electrical machinery from Chicago, Utah, to the Atlantic coast for 90 cents a hundred, but would charge \$1.20 a hundred if it were dropped off as the train passed through Santa Fe, Tennessee, right where Memphis is located.

I will not go into greater detail with this map, but it is an interesting study. I simply want to ask the Senators from the East and the Central East, if the trend of population had come from the Pacific Ocean, and the railroads were seeking to apply these discriminations against their people would they be fighting this injustice, or would they submit to it?

Mr. President, I may conclude to discuss the river and harbor bill. I understand the chairman of the committee who has charge of the bill is going to do an unusual thing, something that I do not remember having seen done since I have been in the Senate. He is going to move to table the amendment of the Senator from Maine, which, of course, will carry with it my amendment. If he wants the river and harbor bill to pass, in my judgment he is making a serious mistake. I believe it is possible to pass the river and harbor bill with the Cape Cod amendment and my amendment to that amendment.

I am satisfied they will be accepted in the House, and in a spirit of fairness I hope the Senator from Washington will not press his motion because it is revolutionary in character. Under the rules of the Senate it is not debatable, and it is so infrequently used that it is going to be accepted as a declaration of war. If it is desired to change the rules of the Senate and shut off debate, let us do it properly and not when a matter comes here that means the salvation of the West. The only way the West has a fighting chance here is under the rules of the Senate. When I came here at first I chafed under the rules of the Senate, and I was quite willing to vote for a change of the rules. Now, I have learned that the West has not a chance if we change those rules, and I am going to vote against any change of the rules.

Mr. SIMMONS. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from North Carolina?

Mr. GOODING. I yield.

Mr. SIMMONS. Does the Senator think it would be possible during the day to get a vote upon the Cape Cod Canal proposition, which carries his proposition with it?

Mr. GOODING. I do not know. I would like to try that and see if it can be done. I do not know whether it can be done or not. I know there is some opposition to the Cape Cod

proposition from western Senators. I believe there is merit in the Cape Cod proposition, but this amendment of mine means billions to the West. It can not be measured in dollars and cents, because it means something to citizenship, it means something to that great principle which makes governments, which defends governments on the battle fields and at home and at the fireside, which is so essential to the progress and development of America. That is all. I do not know whether to yield or not. I would like to find out if we can be given a little time, and if the Senator from Washington will not press his motion I will see what the western Senators will do. Perhaps I am wasting my time.

Mr. SIMMONS. Mr. President, will the Senator pardon me again?

Mr. GOODING. Certainly.

Mr. SIMMONS. I desire to suggest to the Senator that I am in favor of the Cape Cod Canal proposition, and I am in favor of the long-and-short-haul proposition, so that I am in favor of the proposition of the Senator from Idaho and the proposition of the Senator from Maine; but I am afraid that we will not be able to get a vote upon either one of those propositions. If I sense the situation rightly, I think that there is a determined effort here not to permit a vote upon either one of those propositions and, of course, if we can get no vote upon either one of those propositions we can not get a vote upon the river and harbor bill, because they are pending as amendments to that bill. While I am for the propositions I see no hope of getting a vote upon them. It seems to me that they will simply drag down with them the river and harbor bill.

The purpose of the question I asked the Senator was this: Does the Senator believe, under the circumstances that we all know to exist here, that during this calendar day it will be possible to get a vote upon the amendment of the Senator from Maine, which carries with it the amendment of the Senator from Idaho, even if we remain in session until 11 o'clock to-night?

Mr. GOODING. I am not able to answer that question and say that we can, but I am sure we can do it if we will stand here and fight this thing out. It is a long, long time until morning, and the Senate has run over into Sunday in the past. I think there is so much at stake that we ought to stand by our guns here and put it over. I think Senators ought to be satisfied to make their case against Cape Cod in a reasonable way at this time. I am going to ask them to do that. Long before morning, if we go on, I am satisfied that an opportunity will present itself to take a vote on the Cape Cod amendment to the river and harbor bill, and on my amendment to the Cape Cod amendment, which denies to the Interstate Commerce Commission the right to permit any future violations under the fourth section of the interstate commerce act, to destroy water transportation.

Mr. SIMMONS. That is the very point I was trying to bring out. Would the Senators be willing to fix some hour in the future, to-day or to-night, when, if they do not succeed by that time in getting a vote upon their amendments, then they will withdraw them and let the bill go through?

Mr. GOODING. If I may have an opportunity, and if the Senator from Washington will withhold his motion a short time, I shall be delighted to take up that matter. I presume there are plenty of others who want to talk. Senators who are making opposition to the Cape Cod proposition are my personal friends, and I am not going to ask them to yield because of my personal friendship, but I am going to ask them in the interest of the great West, the mighty West, to let this legislation go through. I think they should do that.

Mr. SIMMONS. That is all I desire.

Mr. GOODING. Let me try it.

Mr. SIMMONS. I hope an arrangement could be made by which the Senator might have a reasonable opportunity to undertake to do that.

Mr. GOODING. It is very fine and very big of the Senator to take that position. I ask an opportunity to try it.

Mr. SIMMONS. If the Senators from Maine and Idaho will then get out of the way and let us pass the river and harbor bill, I have no objection to that sort of an arrangement. I think that is the sort of arrangement we ought to enter into. I think the Senator should have a reasonable time in which to try out his chances for getting a vote on his proposition. I do not think the Senator from Maine and the Senator from Idaho desire to kill the river and harbor bill. Of course, we can never get a vote on the river and harbor bill if we can not get a vote upon their amendments. We must pass the river and harbor bill promptly if it is to become a law. We must pass it in time to let it go to conference and let the little

differences between the House and the Senate be thrashed out. My own theory is that if we can not pass the bill some time to-night, there is very little chance of it ever becoming a law.

Mr. HEFLIN. Mr. President—

Mr. GOODING. I yield to the Senator from Alabama.

Mr. HEFLIN. I want to suggest to the Senator that I have fought for the long and short haul proposition and I am a good friend of that proposition now. The Senator has had an opportunity to discuss that very fully at the session to-day.

The Senator from Maine [Mr. FERNALD] has discussed the Cape Cod Canal proposition at length; he has gone into it very extensively. The Senator from Idaho has spoken for over three hours. I suggest to the Senator if there is any doubt about him getting his amendment through the other House, even if it should go on the river and harbor bill, that, being a friend of the river and harbor bill, as he is, he ought not now to delay it longer in the closing hours of the session.

Mr. GOODING. Mr. President, of course, the Senator from Alabama understands that, if we are going to destroy water transportation, the only interest remaining to those who want the appropriations in the pending bill is to continue potential water transportation, and not actual water transportation. The Senator knows the condition in his own State and also in other States in the South.

Mr. GOODING. Of course, I am going to vote for the river and harbor bill. Senators have been my friends here, and have stood by me in the fight I have made and aided in passing through the Senate for the first time the bill in reference to section 4 of the interstate commerce act; but I desire now to serve notice on them that from now on, if I have the strength and it comes again to a crisis like this in the case of a river and harbor bill, if Senators are not going to protect the investment that has been put into the building of the inland waterways, this is the last vote I am going to cast for a river and harbor bill. I do not believe it is possible for Congress to continue legislating in this manner.

Senators met the issue in a big way; 75 per cent of the Senate voted for an absolute "fourth section bill" very much stronger than the bill which I have presented as an amendment. So of course I am not going to do anything to injure my friends; I never do that. I have spoken a long time, but I desire that Senators shall give me an opportunity to see what can be done.

Now, Mr. President, I suggest the absence of a quorum which will give me a little opportunity possibly to ascertain what may be accomplished.

The PRESIDENT pro tempore. The Secretary will call the roll.

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

Ashurst	Fernald	King	Shortridge
Ball	Ferris	Ladd	Simmons
Bayard	Fess	McKellar	Smith
Bingham	Fletcher	McNary	Smoot
Borah	Frazier	Mayfield	Stanfield
Brookhart	George	Metcalf	Sterling
Bronson	Gerry	Moses	Swanson
Bryce	Glavin	Norris	Trammell
Bursum	Gooding	Oddie	Underwood
Butler	Hale	Overman	Wadsworth
Cameron	Harrell	Owen	Walsh, Mass.
Capper	Harris	Pepper	Walsh, Mont.
Caraway	Harrison	Phipps	Warren
Copeland	Heflin	Pittman	Watson
Couzens	Howell	Ralston	Weller
Cummings	Johnson, Minn.	Ransdell	Wheeler
Curtis	Jones, N. Mex.	Reed, Pa.	Willis
Dial	Jones, Wash.	Robinson	
Dill	Kendrick	Sheppard	
Edge	Keyes	Shipstead	

The PRESIDENT pro tempore. Seventy-seven Senators have answered to the roll call. There is a quorum present.

Mr. JONES of Washington. Mr. President, I ask that the river and harbor bill may be temporarily laid aside in order that the Senator from Wyoming [Mr. WARREN] may have considered an appropriation bill.

The PRESIDENT pro tempore. The Senator from Washington asks unanimous consent that the pending bill be temporarily laid aside. Is there objection? The Chair hears none, and the bill is laid aside.

SETTLEMENT OF GOVERNMENT LAND IN IRRIGATION PROJECTS

During the delivery of Mr. GOODING's speech,

Mr. SMOOT. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Utah?

Mr. GOODING. I yield to the Senator; that is, I will yield for a matter that is not going to take too long.

Mr. SMOOT. If it leads to any debate, of course, I will withdraw my request.

Mr. President, last night Senate bill 4151 passed the Senate. Upon reading the Record this morning I find that the objection to the bill had not been withdrawn, but the President pro tempore of the Senate announced that the bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. President, I move a reconsideration of the votes by which the bill was passed, and ask that it be recalled from the House.

Mr. STERLING. Mr. President, what is the bill?

Mr. SMOOT. It is a bill to provide for aided and directed settlement on Government land in irrigation projects. That is the object of the bill. It was introduced by the Senator from Wyoming [Mr. KENNERLY].

Mr. STERLING. What is the calendar number of the bill?

Mr. SMOOT. I will give the Senator that in a moment.

Mr. GERRY. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

Mr. GOODING. Mr. President, I can not yield for that purpose.

Mr. GERRY. I have made the suggestion.

Mr. SMOOT. I will say to the Senator from Rhode Island that if he will withdraw his suggestion I will withdraw my motion.

Mr. GOODING. Mr. President, I have the floor, and I decline to yield.

The PRESIDENT pro tempore. The Senator has yielded long enough to enable the Senator from Rhode Island to suggest the absence of a quorum. That necessitates a call of the Senate.

Mr. GOODING. No; I did not yield for that purpose, Mr. President.

Mr. SMOOT. Mr. President, I think the Senator will withdraw his suggestion if I withdraw my motion.

Mr. GERRY. If the Senator from Utah will withdraw his motion, I will withdraw my suggestion.

Mr. SMOOT. I will withdraw it now, because I told the Senator from Idaho that I would not press this matter if it led to any debate.

The PRESIDENT pro tempore. The motion of the Senator from Utah is withdrawn, and the Senator from Rhode Island withdraws the suggestion of the absence of a quorum.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had passed without amendment the following bills and joint resolutions of the Senate:

S. 1934. An act to amend, revise, and reenact section 549 of subchapter 4 of the Code of the District of Columbia relating to the appointment of deputy recorder of deeds, and fixing the compensation therefor;

S. 1935. An act to amend, revise, and reenact subchapter 3, sections 546 and 547 of the Code of Law of the District of Columbia relating to the recording of deeds of chattels;

S. 2719. An act to authorize the payment of an indemnity to the British Government on account of losses sustained by the owners of the British steamship *Baron Bervick* as the result of a collision between that vessel and the U. S. S. *Iroquois* (now *Freedom*) and a further collision with the U. S. destroyer *Truxtun*;

S. 2935. An act to authorize the collection and editing of official papers of the Territories of the United States now in the national archives;

S. 3162. An act authorizing the Postmaster General to make monthly payment of rental for post-office premises under lease;

S. 3641. An act granting the consent of Congress to the State of Washington to construct, maintain, and operate a bridge across the Columbia River at Vantage Ferry, Wash.;

S. 3721. An act authorizing the Secretary of the Treasury to exchange the present customhouse building and site located in Denver, Colo.;

S. 4032. An act authorizing the Department of State to deliver to the Hon. Henry D. Clayton, district judge of the United States for the middle and northern districts of Alabama, and permitting him to accept the decoration and diploma presented by the Government of France;

S. 4156. An act to authorize the establishment and maintenance of a forest experiment station in California and the surrounding States;

S. 4224. An act to amend section 2 of the act of June 7, 1924 (Public, 270), entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes," in order

to promote the continuous production of timber on lands chiefly suitable therefor;

S. 4225. An act to extend the times for commencing and completing the construction of a bridge across Detroit River within or near the city limits of Detroit, Mich.;

S. 4229. An act granting the consent of Congress to the State Highway Commission of North Carolina to construct a bridge across the Chowan River at or near the city of Edenton, N. C.;

S. 4264. An act authorizing the Secretary of War to convey certain portions of the military reservation of the Presidio of San Francisco to the city and county of San Francisco for educational, art, exposition, and park purposes;

S. 4284. An act granting the consent of Congress to the Yell and Pope County bridge district, Dardanelle and Russellville, Ark., to construct, maintain, and operate a bridge across the Arkansas River at or near the city of Dardanelle, Yell County, Ark.;

S. 4301. An act authorizing any tribe or band of Indians of California to submit claims to the Court of Claims;

S. 4306. An act granting the consent of Congress to R. L. Gaster, his successors and assigns, to construct a bridge across the White River;

S. 4307. An act to authorize the States of Indiana and Illinois in the States of Indiana and Illinois to construct a bridge across the Wabash River at the city of Mount Carmel, Wabash County, Ill., and connecting Gibson County, Ind.;

S. 4317. An act granting the consent of Congress to the county of Jackson, Ark., to construct, maintain, and operate a bridge across the White River at or near the city of Newport, in the county of Jackson, in the State of Arkansas;

S. 4320. An act to extend the time for constructing a bridge across the Ohio River between Vanderburg County, Ind., and Henderson County, Ky.;

S. 4352. An act to create an additional judge in the district of Minnesota;

S. J. Res. 28. Joint resolution authorizing the Joint Committee on the Library to provide for the restoration and completion of the historical frieze in the rotunda of the Capitol;

S. J. Res. 178. Joint resolution to provide for the loaning to the Pennsylvania Academy of the Fine Arts of the portraits of Daniel Webster and Henry Clay;

S. J. Res. 184. Joint resolution authorizing the President to invite the States of the Union and foreign countries to participate in a permanent international trade exposition at New Orleans, La., to begin September 15, 1925; and

S. J. Res. 186. Joint resolution authorizing the sale of the old Federal building at Toledo, Ohio.

The message also announced that the House had passed the joint resolution (S. J. Res. 187) providing for the cooperation of the United States in the sesquicentennial exhibition commemorating the signing of the Declaration of Independence, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were thereupon signed by the President pro tempore:

S. 827. An act for the relief of Jessie M. White;

S. 1237. An act for the relief of settlers and claimants to section 16, lands in the L'Anse and Vieux Desert Indian Reservation, in Michigan, and for other purposes;

S. 1323. An act for the relief of Eugene K. Stoudemire;

S. 1573. An act for the relief of Samuel S. Weaver;

S. 1725. An act for the relief of Rubie M. Mosley;

S. 2100. An act authorizing the sale of the United States Veterans' Bureau hospital at Corpus Christi, Tex.;

S. 2399. An act to provide and adjust penalties for violation of the navigation laws, and for other purposes;

S. 2503. An act for the relief of W. H. King;

S. 2527. An act for the payment of claims for damages to and loss of private property incident to the training, practice, operation, or maintenance of the Army;

S. 2534. An act for the relief of J. E. Saucier;

S. 2745. An act to authorize the Secretary of War to convey to the States in which located Government owned or controlled approach roads to national cemeteries and national military parks, and for other purposes;

S. 2865. An act to define the status of retired officers of the Regular Army who have been detailed as professors and assistant professors of military science and tactics at educational institutions, and for other purposes;

S. 2879. An act for the relief of James E. Jenkins;

S. 3006. An act for the exchange of lands in the Custer National Forest, Mont.;

S. 3824. An act to provide for the appointment of a leader of the Army Band;

S. 3899. An act to create a Library of Congress trust fund board, and for other purposes;

S. 3977. An act to authorize the Secretary of War to reappoint and immediately discharge or retire certain warrant officers of the Army Mine Planter Service;

S. 4015. An act to authorize the Secretary of the Interior to sell to the city of Los Angeles certain lands in California heretofore purchased by the Government for the relief of homeless Indians;

S. 4087. An act to revive and reenact the act entitled "An act to authorize the construction of a bridge across the Sabine River at or near Orange, Tex.";

S. 4178. An act to authorize the Port of New York Authority to construct, maintain, and operate a bridge across the Hudson River between the States of New York and New Jersey;

S. 4179. An act to authorize the Port of New York Authority to construct, maintain, and operate bridges across the Arthur Kill between the States of New York and New Jersey;

S. 4203. An act to authorize the Port of New York Authority to construct, maintain, and operate a bridge across the Kill Van Kull between the States of New York and New Jersey;

S. 4230. An act to authorize the Secretary of the Treasury to prepare a medal with appropriate emblems and inscriptions commemorative of the Norse-American centennial;

S. 4325. An act authorizing the construction, maintenance, and operation of a bridge across the St. Louis River between the cities of Superior, Wis., and Duluth, Minn.;

H. R. 1948. An act for the relief of Samuel Friedman, as trustee for the heirs and devisees of B. Friedman, deceased, and Henry Mills, and as trustee of the heirs and devisees of Emanuel Loveman, deceased;

H. R. 11444. An act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes; and

S. J. Res. 163. Joint resolution to accept donations of furniture and furnishings for use in the White House.

SESQUICENTENNIAL EXHIBITION

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the joint resolution from the Senate (S. J. Res. 187) providing for the co-operation of the United States in the sesquicentennial exhibition commemorating the signing of the Declaration of Independence, and for other purposes, which were, on page 3, line 19, to strike out "\$1.50" and insert "\$2.50"; on page 3, line 20, to strike out "five" and insert "two"; and on page 4, to strike out lines 21 to 24, inclusive, and on page 5 strike out lines 1 and 2.

Mr. PEPPER. I move that the Senate concur in the amendments made by the House to this measure.

The motion was agreed to.

SECOND DEFICIENCY APPROPRIATIONS

Mr. WARREN. I ask unanimous consent that the Senate proceed to the consideration of House bill 12392, being the deficiency appropriation bill.

The PRESIDENT pro tempore. The Senator from Wyoming asks unanimous consent that Order of Business No. 1320, being House bill 12392, the deficiency appropriation bill, be taken up by the Senate. Is there objection?

Mr. PEPPER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Pennsylvania rise to object?

Mr. PEPPER. I do not rise to object. I rise to make a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state the inquiry.

Mr. PEPPER. Am I right in understanding that, subject to the unanimous-consent agreement which no doubt will presently be made, the undisposed-of business before the Senate is House bill 8887, the bill to consolidate national banking associations, and so forth.

The PRESIDENT pro tempore. The Chair understands, according to the present status, that the Senator from Pennsylvania can call up the bill to which he refers at any time; it is the unfinished business.

Mr. PEPPER. I thank the Chair for answering my inquiry. I have no objection to the request of the Senator from Wyoming.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Wyoming?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 12392) making ap-

proportions to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1925, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1925, and June 30, 1926, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. WARREN. Mr. President, this bill contains many amendments and is quite long. I make the usual request, and ask unanimous consent that the formal reading of the bill may be dispensed with and that the bill be read for amendment, the committee amendments to be first considered.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Wyoming? The Chair hears none, and it is so ordered.

Mr. BORAH. Mr. President, before we proceed with the reading of the bill I desire to say that it is my purpose to offer an amendment to this bill which, if objected to, will require a suspension of the rule. At this time I am going to ask unanimous consent that the amendment may be offered by me at the proper time without objection.

Mr. WARREN. Mr. President, the chairman of the Committee on Appropriations would like to know to what subject the amendment relates before giving consent.

Mr. BORAH. Mr. President, the amendment is at the desk, and I ask that it may be read.

The PRESIDENT pro tempore. The Secretary will read as requested.

The CHIEF CLERK. It is proposed to add at the proper place in the bill the following:

SECTION 1. That the following provision contained in H. R. 12101, being the legislative appropriation bill, passed and approved February 1, 1925, reading as follows:

"SEC. 4. That section 4 of the legislative, executive, and judicial appropriation act, approved February 26, 1907, as amended, is amended to read as follows: 'That on and after March 4, 1925, the compensation of the Speaker of the House of Representatives, the Vice President of the United States, and the heads of executive departments who are members of the President's Cabinet shall be at the rate of \$15,000 per annum each, and the compensation of Senators, Representatives in Congress, Delegates from Territories, Resident Commissioners from Porto Rico, and Resident Commissioners from the Philippine Islands shall be at the rate of \$10,000 per annum each.'"

be, and the same is hereby, repealed.

SEC. 2. That on and after the passage and approval of this act the compensation of the Speaker of the House of Representatives, the Vice President of the United States, and the heads of executive departments who are members of the President's Cabinet shall be at the rate of \$12,000 per annum each, and the compensation of Senators, Representatives in Congress, Delegates from Territories, Resident Commissioners from Porto Rico, and Resident Commissioners from the Philippine Islands shall be at the rate of \$7,500 per annum each.

The PRESIDENT pro tempore. Does the Senator from Idaho offer the amendment at this time?

Mr. BORAH. I do not formally offer it, but I now ask unanimous consent that the amendment may be offered when it is proposed, without objection under the rule requiring a suspension of the rule.

Mr. WARREN. It is rather an extraordinary request. I think it is the only one of its kind of which I ever knew.

The PRESIDENT pro tempore. The Senator has said that the amendment would not be in order, and the Chair does not see what action can be taken at this time about the matter.

Mr. WARREN. Mr. President, I think it is my duty to state that whatever privileges the chairman of the committee may have as against any amendment which may be offered which he may consider contrary to the rule will be a matter, of course, for the Senate to decide.

Mr. BORAH. Mr. President, I have given notice of a motion to suspend the rules, and the notice has been on file for several days. I simply desired to save time by asking that this amendment might be in order without objection under the rules.

Mr. HEFLIN. Mr. President, in order to save time, I object.

Mr. WARREN. Mr. President, I wish to say at this time that I do not want to take from the Senator any of the privileges to which he is entitled; but this is a rather extraordinary request, and it has now been objected to. I think the matter had better come up in the usual way, and at that time the request may be made for unanimous consent. Whether or not it will be granted, I do not know.

The PRESIDENT pro tempore. The Secretary will read the bill.

The Chief Clerk proceeded to read the bill.

The first amendment of the Committee on Appropriations was, on page 2, line 9, after the heading "Legislative," to insert the subhead "Senate" and the following:

To pay to Edward D. Brandegee, Martina E. Brandegee, Clarence B. Wood, and John Brandegee Wood, next of kin and sole surviving heirs-at-law of Hon. Frank B. Brandegee, late a Senator from the State of Connecticut, \$7,500.

The amendment was agreed to.

The next amendment was, on page 2, after line 14, to insert:

To enable the Secretary of the Senate to pay from the appropriation for clerical assistance to Senators for the fiscal year 1925, to Margaret W. McCulloch for services rendered as additional clerk to Hon. Rich W. Means, a Senator from the State of Colorado, from December 11, 1924, to December 31, 1924, both dates inclusive, at the rate \$1,520 per annum.

The amendment was agreed to.

The next amendment was, on page 2, after line 21, to insert:

To pay Alexander K. Meek for extra and expert services rendered to the Committee on Pensions during the second session of the Sixty-eighth Congress as an assistant clerk to said committee, by detail from the Bureau of Pensions, \$1,200.

The amendment was agreed to.

The next amendment was, on page 3, after line 2, to insert:

For payment, in monthly installments, for services rendered the Senate, fiscal year 1925, as follows: Fred A. Eckstein, \$860; Agnes E. Locke, \$630.50; and Joseph E. Johnson, \$494; in all, \$1,984.50.

The amendment was agreed to.

The next amendment was, on page 3, after line 6, to insert:

For payment, in monthly installments, for services rendered the Senate, fiscal year 1925, as follows: William A. Walling, \$330; Paul Bachschmid, \$410; Lewis A. Nalls, \$280; Harry Walling, \$410; James W. McGinn, \$410; Richard Blunt, \$130; in all, \$1,970.

Mr. WARREN. Mr. President, in that paragraph I wish to make a correction, which I send to the desk. The initial of the party first named should be changed.

Mr. KING. Mr. President, in brief, what are the services rendered that call for the appropriations in lines 7 to 14, on page 3?

Mr. WARREN. I will say to the Senator that those are employees who are skilled mechanics, who have been long with the Senate and who, when the classifications were made, were either understood to be mechanical employees, and therefore not to be graded with the others, or there may have been an oversight. At any rate, they did not receive the benefits which they should have received and therefore an amendment has been offered, which has not been allowed in full, but a portion of it has been, to make their salaries under the classification act somewhere near equal to those obtained in the same lines of business by citizens outside of Government employment.

Mr. KING. While the Senator is on his feet, to avoid my calling attention to the matter again, I call attention to lines 15 to 17, an item of \$827. It seems to me that we made an appropriation at the last session for the same individual.

Mr. WARREN. I think the books will show that the Senator is mistaken about that.

Mr. KING. That is my best recollection. Still, I would not challenge the recollection of the Senator, because he is in a position to know with regard to that.

Mr. WARREN. The \$827 item is entirely new.

Mr. KING. Very well. That is satisfactory.

The PRESIDENT pro tempore. The Senator from Wyoming offers an amendment to the amendment, which will be stated.

The CHIEF CLERK. On page 3, line 8, after the word "William," it is proposed to strike out "A." and insert "L." so that it will read "William L. Walling."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment was, on page 3, after line 11, to insert:

For messenger to the Committee on Foreign Relations, at the rate of \$1,260 per annum, from March 4, 1925, to June 30, 1926, both dates inclusive, \$1,673.

The amendment was agreed to.

The next amendment was, on page 3, after line 15, to insert:

For payment of medical expenses of James F. Sellers, an employee of the Senate, incurred by reason of injuries received while in the discharge of his duties, \$827.

The amendment was agreed to.

The next amendment was, on page 3, after line 17, to insert:

For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers to committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding 25 cents per 100 words, fiscal year 1925, \$40,000.

The amendment was agreed to.

The next amendment was, on page 3, after line 23, to insert:

For stationery for Senators and the President of the Senate, fiscal year 1925, \$3,000.

The amendment was agreed to.

The next amendment was, on page 4, after line 19, to insert:

BIOGRAPHICAL CONGRESSIONAL DIRECTORY

To enable the Secretary of the Senate to pay, upon vouchers approved by the chairman or vice chairman of the Joint Committee on Printing, for preparing a new edition of the Biographical Congressional Directory, as provided for in House concurrent resolution adopted February 6, 1925, \$7,500, to remain available until June 30, 1926; and said sum or any part thereof, in the discretion of the chairman or vice chairman of the Joint Committee on Printing, may be paid as additional compensation to any employee of the United States and shall continue to be available until expended.

Mr. WARREN. Mr. President, in connection with that amendment, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The Senator from Wyoming offers an amendment to the amendment, which will be stated.

The CHIEF CLERK. On page 5, lines 5 and 6, it is proposed to strike out:

and shall continue to be available until expended.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. McKELLAR. Mr. President, I call the Senator's attention to line 23 on page 4, where the word "preparing" is spelled wrongly. I do not know whether that correction ought to be made by order of the Senate or not. I ask unanimous consent that it may be made.

The PRESIDENT pro tempore. Without objection, it will be corrected.

The reading of the bill was resumed.

The next amendment was, under the subhead "House of Representatives," on page 6, after line 8, to insert:

For stationery for Representatives, Delegates, and Resident Commissioners, fiscal year 1925, \$125.

The amendment was agreed to.

The next amendment was, under the subhead "Architect of the Capitol," on page 7, after line 8, to insert:

Senate Office Building: For maintenance, miscellaneous items, and supplies, and for all necessary personal and other services for the care and operation of the Senate Office Building, under the direction and supervision of the Senate Committee on Rules, fiscal year 1925, \$5,000.

The amendment was agreed to.

The next amendment was, on page 7, after line 13, to insert:

For construction of a three-room suite on the first floor B Street corridor of the Senate Office Building, including partitions of terra cotta, mahogany doors, trims, molding, etc., fiscal year 1925, \$4,000.

Mr. HARRIS. Mr. President, before that amendment is passed on I wish to ask the chairman of the Rules Committee about this appropriation.

Some months ago I told the chairman of the Rules Committee and the Senator from New Hampshire [Mr. MOSES] that I wanted more desirable rooms, if I could get them, and if my length of service would entitle me to those rooms. They both told me, and they have told other Senators, that the ranking minority Senator who applied for them could get the rooms that the Senator from Oklahoma [Mr. OWEN] was to give up, and I filed a letter, as they suggested asking for those rooms. This week I am told that a new Senator will take those rooms over me. Here is an appropriation for three additional rooms, and I desire to know how the minority is going to be treated before I vote on this proposition.

Mr. CURTIS. Mr. President, the minority of the Senate will have three less Members in the next Congress than they have now, and yet we propose to give them the same number of three-room suites that they have now. In addition to that, we are trying to arrange the Senate Office Building as fast as we can so as to give additional three-room suites to Members of the Senate.

Mr. HARRIS. Mr. President, my understanding is that some of the Senators have four rooms, and I desire to know if the chairman of the Rules Committee will not give the Senate a statement as to exactly the number of rooms that each Senator has and where they are.

Mr. CURTIS. One Democratic Senator has four rooms, and one Republican Senator has four rooms. The Democratic Senator has agreed to exchange one of his rooms for another, which will permit us to make one additional three-room suite. In the case of the Republican Senator who has four rooms, one of them at least is very undesirable, and nobody except that Senator has desired those rooms. We are doing the best we can to get the room matter settled and ironed out satisfactorily. It is utterly impossible to accommodate everybody.

Mr. HARRIS. Mr. President, I desire to know if the chairman of the Rules Committee will not give the Senate the information I asked, showing exactly the number of rooms each Senator has, and how much space he has. I think we are entitled to that.

Mr. CURTIS. Mr. President, if the Senator wants to know the number of rooms, I think the chairman of the subcommittee has it. If he has not, I am perfectly willing to let everybody know how many rooms each Senator has. There is nothing to hide from anyone. We have carried out the policy that has been carried out all along, and I think we treated the Senator from Georgia very kindly at the last session, when he asked for a change of rooms. I understand that he has been offered now his choice of certain three-room suites that are to be vacated by minority Senators.

Mr. HARRIS. These Senators came in here at the same time that I did, and their rooms are not desirable. Mr. President, I have a room that a Senator on the other side of the Chamber who came in two years after I did gave up because it was not desirable. I would not have said anything about this matter had not the chairman of the Rules Committee and the Senator from New Hampshire [Mr. MOSES] said that the ranking Democrat who filed on Senator OWEN's rooms would be the one to get them. I did that, and I did not get them.

Mr. MOSES. Mr. President, I can not—

The PRESIDENT pro tempore. The question is upon agreeing to the amendment offered by the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 7, after line 17, to insert:

For carpets and rugs for the new suite, including installation of a toilet in room 350, fiscal year 1925, \$1,500.

The amendment was agreed to.

The next amendment was, on page 8, after line 23, to insert:

ARLINGTON MEMORIAL BRIDGE COMMISSION

For commencing the construction of the Arlington Memorial Bridge across the Potomac River at Washington, authorized in an act entitled "An act to provide for the construction of a memorial bridge across the Potomac River from a point near the Lincoln Memorial in the city of Washington to an appropriate point in the State of Virginia, and for other purposes," approved February 24, 1925, to be expended in accordance with the provisions and conditions of the said act, \$500,000, to remain available until expended.

The amendment was agreed to.

The next amendment was, under the heading "District of Columbia, general expenses," on page 11, after line 1, to insert:

EXECUTIVE OFFICE

For personal services in accordance with the classification act of 1923, fiscal years 1925 and 1926, \$6,600.

The amendment was agreed to.

The next amendment was, on page 11, after line 10, to insert:

OFFICE OF CORPORATION COUNSEL

For personal services in accordance with the classification act of 1923, fiscal years 1925 and 1926, \$4,000.

The amendment was agreed to.

The next amendment was, under the subhead "Contingent and miscellaneous expenses," on page 12, after line 22, to insert:

For general contingent and miscellaneous expenses, including personal services in accordance with the classification act of 1923, purchase and installation of traffic lights, signals, controls, and markers, painting white lines, traffic surveys, city planning in relation to traffic regulation and control, and such other expenses as may be necessary in the judgment of the commissioners, fiscal years 1925 and 1926, \$50,000.

Mr. KING. Mr. President, may I ask the Senator whether any part of that is chargeable to the District funds, or is it all to come out of the Treasury of the United States?

Mr. WARREN. Some of it is to be charged at the rate of 50-50, some at 40-60, and some will be regulated hereafter according to what the law may be when this session adjourns.

Mr. KING. Unless there is some language indicating the source of its payment, it would obviously come from the Treasury of the United States.

Mr. WARREN. The division of the funds is provided for on page 24.

Mr. KING. Does that provision make an allocation of this \$50,000?

Mr. WARREN. The allocation is not made in dollars and cents at the present time, for this year, because things must be adjusted in accordance with the lump sum which may be appropriated. Last year the appropriation was \$9,000,000. This year it was started at \$9,000,000, but the bill is still in conference, with a difference between \$9,000,000 and \$11,000,000.

Mr. KING. The only point I am trying to get at is this, that unless there is something which subsequently qualifies this language, it would call for the payment of the entire \$50,000 out of the Treasury of the United States, and none of it would be chargeable to the District of Columbia.

Mr. WARREN. I think my answer covers that. I will ask the Senator to wait until we get to page 24.

Mr. SMOOT. On page 24, beginning with line 17, the bill states just exactly how the division will be made.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, at the top of page 19, to insert:

HEALTH DEPARTMENT

For enforcement of the provisions of the several acts for the prevention of contagious diseases in the District of Columbia, including the same objects specified under this head in the District of Columbia appropriation act for the fiscal year 1925, \$5,000.

The amendment was agreed to.

The next amendment was, under the subhead "Improvement and care of public Grounds," on page 22, after line 10, to insert:

For expenses incident to the removal of all construction work which has been done on the proposed bathhouse on the west side of the Tidal Basin and for the restoration of the grounds to their original park condition, to be immediately available and to remain available until expended, for expenditure under the Office of Public Buildings and Public Parks of the National Capital, \$10,000.

Mr. WARREN. I send to the desk an amendment to that amendment.

The PRESIDENT pro tempore. The Secretary will state the amendment.

The CHIEF CLERK. On line 14 to strike out the words "to be immediately available and to remain available until expended," and on line 17, after the word "Capital," to insert the words "for the fiscal years 1925 and 1926."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, under the heading "Department of Agriculture," on page 25, after line 17, to insert:

OFFICE OF EXPERIMENT STATIONS

General expenses: To carry into effect the provisions of an act entitled "An act to authorize the more complete endowment of agricultural experiment stations," approved February 24, 1925, fiscal year 1926, \$960,000.

The amendment was agreed to.

The next amendment was, on page 27, after line 3, to insert:

For special investigation of alfalfa diseases, including personal services, traveling and other expenses in connection therewith, \$10,000, to remain available until June 30, 1926.

The amendment was agreed to.

The next amendment was, on page 28, after line 20, to strike out:

BUREAU OF PLANT INDUSTRY

For special investigation of alfalfa troubles, including personal services, traveling and other expenses in connection therewith, \$10,000, to remain available until June 30, 1926.

The amendment was agreed to.

The next amendment was, under the heading "Department of Commerce," on page 32, after line 6, to insert:

BUREAU OF NAVIGATION

Wireless communication laws: To enable the Secretary of Commerce to enforce the acts of Congress "to require apparatus and operators for radio communication on certain ocean steamers" and "to regulate radio communication" and carry out the international radio telegraphic convention, examine and settle international radio accounts, including personal services in the District of Columbia, and to employ such persons and means as may be necessary, traveling and subsistence expenses, purchase, and exchange of instruments, technical books, tabulating, duplicating, and other office machinery and devices, rent, and all other miscellaneous items and necessary expenses not included in the foregoing, \$125,000, to remain available until June 30, 1926.

The amendment was agreed to.

The next amendment was, under the heading "Department of the Interior, Bureau of Indian Affairs," on page 35, after line 4, to insert:

Chemawa Indian School, Oregon: For the Chemawa Indian School, Oregon, including the same objects specified under this head in the act making appropriations for the Department of the Interior for the fiscal year 1925, \$8,000.

The amendment was agreed to.

The next amendment was, on page 38, after line 3, to insert:

For payment of certain local taxes to the counties of Stevens and Ferry, in the State of Washington, on allotted Colville Indian lands, as provided by the act of June 7, 1924, \$115,767.67, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, under the heading "Bureau of Reclamation," on page 39, after line 1, to insert:

For printing and binding for the Department of the Interior, including all of its bureaus, offices, institutions, and services in Washington, D. C., and elsewhere, \$3,000, to be paid out of the special fund in the Treasury of the United States created by the act of June 17, 1902, and therein designated "the reclamation fund," to be immediately available.

Mr. WARREN. I submit a committee amendment to this amendment.

The PRESIDENT pro tempore. The Secretary will state the amendment to the amendment.

The CHIEF CLERK. On page 39, line 7, to strike out the words "to be immediately available."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 39, after line 8, to insert:

To pay to Mary McConnell, of Santa Fe, N. Mex., out of the special fund in the Treasury of the United States created by the act of June 17, 1902, and therein designated "the reclamation fund," for services rendered to the United States in compiling data in the matter of the adjudication of water rights upon the Pecos River, N. Mex., \$289.

The amendment was agreed to.

The next amendment was, on page 41, after line 4, to insert:

The funds included in the Army and Navy appropriation acts for the production or purchase of helium for the fiscal year ending June 30, 1926, in such amounts as may be determined by the President, not to exceed a total of \$1,000,000, shall be transferred on the books of the Treasury for expenditure by the Bureau of Mines for like purposes.

Mr. WARREN. I send to the desk an amendment to take care of a correction which was brought to our attention last night.

The PRESIDENT pro tempore. The Secretary will state the amendment.

The CHIEF CLERK. On page 41, line 5, to strike out the words "Army and Navy" and to insert in lieu thereof the words "War and Navy Departments."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. HARRELD. May I ask the Senator from Wyoming the special purpose of this appropriation?

Mr. WARREN. Does the Senator refer to the amendment just offered?

Mr. HARRELD. The whole appropriation, for the purpose of developing a supply of helium.

Mr. WARREN. The production of helium has already been provided for by legislation, but under the present law so much is appropriated for the Army and so much for the Navy for that purpose. It is now proposed to assemble all the efforts in that direction under one head. This appropriates no money.

Mr. HARRELD. This has nothing to do with the development of new sources of supply of helium?

Mr. WARREN. The conference report on the bill to which I have referred was agreed to only night before last. It is in charge of the Senator from New York [Mr. WADSWORTH]. I understand this amendment would combine the two activities now engaged along this line.

Mr. HARRELD. It has nothing to do with discovering new supplies?

Mr. WARREN. No.

Mr. HARRELD. I want to say in that connection that I think the departments and Congress are both overlooking a very important condition which exists. There is a certain section of country in northern Texas and southern Oklahoma where helium is produced; that is practically the only territory where it is produced. There ought to be some permanent appropriation made to develop a permanent supply of helium and protect it, because it is being wasted.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield?

Mr. HARRELD. I yield.

Mr. REED of Pennsylvania. At the present time there are three branches of the Government which are interested in the production of helium. We have consolidated the activities along this line, by a bill recently passed, in the Bureau of Mines. The Senate has passed the bill, as has the House, and there is a conference report still pending in the House.

This legislation merely supports that new legislation. The Bureau of Mines will continue to develop and conserve those helium-bearing gas fields in northern Texas and southern Oklahoma. That natural gas runs nearly 3 per cent in helium, and no other natural gas in the country does. It is the intention to continue the activity in developing the helium and preventing the waste of those gases which is going on to-day.

Mr. HARRELD. My purpose in calling attention to it at this particular time was that I happen to know there is drilling going on through the strata that contain the helium. I wondered if attention had been called to that.

Mr. REED of Pennsylvania. Yes.

Mr. HARRELD. There is legislation looking to that end?

Mr. REED of Pennsylvania. That is the purpose of putting the matter in the Bureau of Mines, so that it will be intelligently developed and conserved.

Mr. SMOOT. Helium is produced in other States besides Oklahoma and Texas, and this provision gives the Bureau of Mines authority over its production. It is not produced on private holdings; it is produced from public lands. In the State of Utah, for instance, there is the richest helium well on earth that I know of. That was developed under lease by private parties. Just as soon as they struck the helium the lease was canceled immediately and the property taken by the Government, and it will be operated by the Bureau of Mines under the provisions of the measure just passed.

Mr. HARRELD. I understand, the whole thing is taken care of by other legislation. I simply wanted to call attention to the fact that it is being wasted in enormous quantities in northern Texas and southern Oklahoma.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, under the heading "Department of Justice, judicial," on page 44, after line 10, to insert:

For expenses of commissioners of the Court of Claims, including salaries of seven commissioners at \$5,000 each, travel expenses, compensation of stenographers authorized by the court, and for stenographic and other fees and charges necessary in the taking of testimony and in the performance of the duties prescribed in the act entitled "An act to authorize the appointment of commissioners by the Court of Claims and to prescribe their powers and compensation," approved February 24, 1925, fiscal year 1926, \$69,000.

Mr. WARREN. I desire to amend the amendment on page 44.

The PRESIDENT pro tempore. The Secretary will state the amendment.

The CHIEF CLERK. On page 44, in line 19, strike out "fiscal year 1926" and insert in lieu thereof "fiscal years 1925 and 1926."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 46, after line 12, to insert:

For the purchase of law books, including the exchange thereof, for United States judges, district attorneys, and other judicial officers, including the libraries of the United States Circuit Court of Appeals, and including the purchase of United States Supreme Court Reports and the Federal Reporter, to be expended under the direction of the Attorney General but subject to the approval of the conference of senior circuit judges established by section 2 of the act of September

14, 1922 (42 Stat. L. p. 837): *Provided*, That such books shall in all cases be transmitted to their successors in office; all books purchased thereunder to be marked plainly "The property of the United States," fiscal years 1925 and 1926, \$193,000.

The amendment was agreed to.

The next amendment was, under the heading "Navy Department," on page 52, after line 7, to insert:

BUREAU OF YARDS AND DOCKS

For contingent expenses and minor extensions and improvements of public works at navy yards and stations, fiscal year 1925, \$50,000.

The amendment was agreed to.

Mr. KENDRICK. Mr. President, I desire to call attention to an amendment already agreed to, which is to be found on page 38, beginning with line 4. I note that this has to do with the payment of taxes, and knowing something of the attitude of the Senator from Washington as an economist, I desire to ask about this amendment.

Mr. WARREN. I did not hear the Senator's statement.

Mr. KENDRICK. I desire to ask the Senator from Washington if he approves of this amendment on page 38, beginning with line 4?

Mr. WARREN. The Senator from Washington offered the amendment, and I will ask him to explain it.

Mr. JONES of Washington. Certainly.

Mr. KENDRICK. I happen to know that the Senator from Washington is a pronounced economist, as I said a moment ago, and opposed to spending Government funds unnecessarily.

Mr. JONES of Washington. Yes; but I am in favor of complying with legislative requirements and paying our honest debts.

Mr. KING. Why do we owe this?

Mr. JONES of Washington. We have investigated this two or three times, and upon the recommendation of the department and upon the recommendation of its representatives who investigated this matter pursuant to the direction of Congress and in pursuance of a law passed by Congress and signed by the President requiring this, this appropriation is made.

Mr. KENDRICK. The Senator from Washington admits, then, that it is an honest debt?

Mr. JONES of Washington. Yes.

Mr. GLASS. I desire to offer a committee amendment on page 8. My attention was diverted during the reading of the bill and I failed to offer it at the time that point was reached.

The PRESIDENT pro tempore. The Senator from Virginia offers a committee amendment which will be stated.

The CHIEF CLERK. On page 8, after line 1, insert:

UNITED STATES COMMISSION FOR THE CELEBRATION OF THE TWO HUNDREDTH ANNIVERSARY OF THE BIRTH OF GEORGE WASHINGTON

For all necessary expenditures by the United States Commission for the Celebration of the Two Hundredth Anniversary of the Birth of George Washington, including compensation of employees and expert advisors, and traveling and other expenses of the commission, as provided by Public Resolution No. 38, approved December 2, 1924, fiscal year 1925, to remain available until expended, \$10,000.

Mr. WARREN. That is offered in behalf of the committee and it is correct.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, under the heading "Post Office Department, office of the Second Assistant Postmaster General," on page 56, line 9, after the word "exceed," to strike out "\$250,000" and insert "\$500,000," so as to read:

Not to exceed \$500,000 of the appropriation for railroad transportation and mail messenger service contained in the Treasury and Post Office Departments appropriation act for the fiscal year 1926 shall be available to meet such contracts as the Postmaster General may enter into during the fiscal year 1926 under the act entitled "An act to encourage commercial aviation and to authorize the Postmaster General to contract for air mail service," approved February 2, 1925.

The amendment was agreed to.

The next amendment was, under the subhead "International obligations, commissions, bureaus, and so forth," on page 63, after line 15, to insert:

Traffic in habit-forming narcotic drugs: The appropriation made by "An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1924, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1925, and for other purposes," for the expenses of the participation of the United States in one or both of the international conferences to be called to agree upon a plan to enforce The Hague opium convention is hereby made available for the payment to Mrs. Elizabeth Washburn

Wright (Mrs. Hamilton Wright), for compensation for services rendered by her in preparation for the said conferences for the period from December 1, 1923, to June 15, 1924.

The amendment was agreed to.

The next amendment was, under the subhead "Public buildings," on page 72, line 8, after the figures "1925," to strike out "\$75,000" and insert "\$100,000," so as to make the paragraph read:

Furniture and repairs of furniture: For furniture, carpets, and repairs of same for completed and occupied public buildings under the control of the Treasury Department, etc., including the same objects specified under this head in the act making appropriations for the Treasury and Post Office Departments for the fiscal year 1925, \$100,000.

The amendment was agreed to.

Mr. ASHURST. Mr. President, I wish to make an inquiry. On page 62, line 13, I ask the Chairman if that is the correct amount?

Mr. WARREN. Yes; that is correct.

Mr. SMOOT. That is the payment of per diem in lieu of subsistence.

Mr. ASHURST. It is a per diem?

Mr. SMOOT. Yes. It is the same as existing law.

The next amendment of the Committee on Appropriations was, under the subhead "Rivers and harbors," on page 76, after line 15, to insert:

For the amount found to be due De Witt & Shobe, of Glasgow, Mo., under their contracts dated June 12, 1915, being an additional allowance under the provisions of section 10, river and harbor act, approved March 2, 1919, for rental value of contractor's plant, which item was not included in the amount of the previous claim of the contractor as listed in House Document No. 997, Sixty-sixth Congress, \$1,052.43.

The amendment was agreed to.

The next amendment was, under the subhead "Buildings and grounds in and around the District of Columbia," on page 77, line 5, to increase the appropriation for extraordinary repairs to the elevator and machinery of the Washington Monument, fiscal year 1925, from "\$10,000" to "\$30,000."

The amendment was agreed to.

The next amendment was, under the heading "Judgments, United States courts," on page 80, line 12, after the figures "632" to insert "and Senate Document No. 213."

Mr. WARREN. I ask that the amendment be disagreed to.

The amendment was rejected.

Mr. WARREN. I send to the desk an amendment to add to the end of the paragraph just passed.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 80, lines 12 and 13, in lieu of the amendment just disagreed to insert the following:

And Senate Documents Nos. 213 and 222.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, under the heading "Judgments, United States courts," on page 80, at the beginning of line 14, to strike out "\$5,389.89" and insert "\$8,077.10"; at the beginning of line 15, to strike out "\$10,160.70" and insert "\$10,718.59"; and at the end of line 15, to strike out "\$15,550.59" and insert "\$18,795.69," so as to make the paragraph read:

For payment of judgments, including costs of suits, rendered against the Government of the United States, by United States district courts under the provisions of certain private acts, certified to the Sixty-eighth Congress in House Document No. 632 and Senate Document No. 213, as follows: Under the War Department, \$8,077.10; under the Navy Department, \$10,718.59; in all, \$18,795.69. None of the judgments contained herein shall be paid until the right of appeal shall have expired.

The amendment was agreed to.

The next amendment was, on page 80, after line 17, to insert:

To pay final judgment rendered by United States District Court for the Southern District of New York, on January 13, 1925, in favor of Jens Samuelson and B. Olsen (owners of Norwegian bark *Thekla*) against the United States of America (steamship *F. J. Luckenbach*), on mandate of the United States Supreme Court, amount of judgment \$154,837.96, together with interest thereon at 5 per cent per annum from February 5, 1923, until date of judgment, January 13, 1925, and costs, \$15,064.47, amounting in all to \$169,902.43, together with further interest at 5 per cent per annum from date of entry, January 13, 1925, until the date of payment, as fully set forth and certified in Senate Document No. 214, Sixty-eighth Congress.

The amendment was agreed to.

Mr. WARREN. I desire to send to the desk an amendment to follow the amendment just agreed to.

The PRESIDENT pro tempore. The amendment submitted by the Senator from Wyoming will be stated.

The CHIEF CLERK. On page 81, after line 6, insert:

For payment of judgment, including costs of suit, rendered against the Government of the United States by the United States District Court for the District of Massachusetts under the provisions of an act entitled "An act for the relief of the owners of the barge *Havana*," approved March 4, 1923 (42 Stat. pt. 2, p. 1794), certified to the Sixty-eighth Congress in Senate Document No. 223, as follows:

Under the Navy Department, \$5,290.30.

None of the judgments contained herein shall be paid until the right of appeal shall have expired.

The amendment was agreed to.

The next amendment was, under the heading "Judgments, Court of Claims," on page 81, line 10, after the figures "633" to insert "and Senate Document No. 211"; at the end of line 12, to strike out "\$20,745.43" and insert "\$27,171.85"; in line 14, after the name "War Department," to strike out "\$668,163.45" and insert "\$669,670.29," and in line 15, after the word "all" to strike out "\$702,504.42" and insert "\$710,437.68," so as to make the paragraph read:

For payment of the judgments rendered by the Court of Claims and reported to the Sixty-eighth Congress in House Document No. 633 and Senate Document No. 211, namely: Under the Department of Labor, \$1,095.54; under the Navy Department, \$27,171.85; under the Treasury Department, \$12,500; under the War Department, \$669,670.29; in all, \$710,437.68; together with such additional sum as may be necessary to pay interest on certain of the judgments at the legal rate per annum as and where specified in said judgments. None of the judgments contained herein shall be paid until the right of appeal shall have expired.

The amendment was agreed to.

Mr. WARREN. There are quite a large number of committee amendments involving audited claims and judgments of the courts, which have come in since we commenced the consideration of the bill. It was the intention of the committee to bring in up to the last minute such judgments of the court and audited claims as could be presented.

The next amendment was, under the heading "Audited claims," on page 89, after line 21, to insert:

AUDITED CLAIMS

SEC. 3. That for the payment of the following claims, certified to be due by the General Accounting Office under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1922 and prior years unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884, as fully set forth in Senate Document No. 212, reported to Congress at its present session, there is appropriated as follows:

INDEPENDENT OFFICES

For medical and hospital services, Veterans' Bureau, \$21,462.67.
For salaries and expenses, Veterans' Bureau, \$105.03.
For vocational rehabilitation, Veterans' Bureau, \$7,342.54.

DEPARTMENT OF AGRICULTURE

For general expenses, Bureau of Animal Industry, \$4.58.

DEPARTMENT OF THE INTERIOR

For protecting public lands, timber, etc., 55 cents.
For Indian schools, support, \$1,395.30.

DEPARTMENT OF JUSTICE

For detection and prosecution of crimes, \$2,725.
For salaries, fees, and expenses of marshals, United States courts, \$363.96.
For pay of special assistant attorneys, United States courts, \$71.21.
For fees of commissioners, United States courts, \$162.60.
For fees of witnesses, United States courts, \$6.30.
For miscellaneous expenses, United States courts, \$1,317.09.

NAVY DEPARTMENT

For pay of the Navy, \$725.07.
For organizing the Naval Reserve Force, \$351.44.
For maintenance, quartermaster's department, Marine Corps, \$6.75.
For pay, Marine Corps, \$130.50.
For transportation, Bureau of Navigation, \$3.73.
For aviation, Navy, \$100.
For pay, miscellaneous, \$214.
For engineering, Bureau of Engineering, \$116.30.

DEPARTMENT OF STATE

For salaries, Consular Service, \$421.44.

TREASURY DEPARTMENT

For increase of compensation, Treasury Department, \$6.67.

For collecting the revenue from customs, \$357.56.

For collecting the war revenue, \$33.33.

For enforcement of narcotic and national prohibition acts, internal revenue, \$13.

For Coast Guard, \$293.80.

For materials and miscellaneous expenses, Bureau of Engraving and Printing, \$6,080.12.

For pay of personnel and maintenance of hospitals, Public Health Service, \$823.92.

For medical and hospital services, Public Health Service, \$119.70.

For repairs and preservation of public buildings, \$164.

For pay of assistant custodians and janitors, \$129.50.

For operating force for public buildings, \$145.24.

For operating supplies for public buildings, \$6.

WAR DEPARTMENT

For registration and selection for military service, \$4.

For increase of compensation, War Department, 77 cents.

For pay, etc., of the Army, \$21,691.19.

For arrears of pay, bounty, etc., \$3.54.

For pay, etc., of the Army, war with Spain, \$25.

For increase of compensation, Military Establishment, \$8,714.36.

For mileage to officers and contract surgeons, \$307.01.

For subsistence of the Army, \$25.

For clothing and equipage, \$7.47.

For Army transportation, \$747.21.

For general appropriations, Quartermaster Corps, \$3,377.73.

For supplies, services, and transportation, \$10,488.10.

For signal service of the Army, \$200.66.

For ordnance service, \$764.48.

For ordnance stores and supplies, \$72.56.

For armament of fortifications, \$1,864.18.

For arming, equipping, and training the National Guard, \$126.17.

POST OFFICE DEPARTMENT—POSTAL SERVICE

For city delivery carriers, \$96.87.

For clerks, third-class post offices, \$180.

For compensation to postmasters, \$7.92.

For rent, light, and fuel, \$37.

For vehicle service, \$14.59.

Total, audited claims, section 3, \$93,954.71, together with such additional sum, due to increases in rates of exchange, as may be necessary to pay claims in the foreign currency as specified in certain of the certificates of settlement of the General Accounting Office.

Sec. 4. For the payment of the claim certified to be due by the General Accounting Office under the appropriation "Aviation, Navy, 1922" (the balance of which has been carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874), certified to Congress under section 2 of the act of July 7, 1884, as fully set forth in House Document No. 641, Sixty-eighth Congress, fiscal year 1922, \$187,000.

AUDITED CLAIMS

Sec. 5. That for the payment of the following claims, certified to be due by the General Accounting Office under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1922 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884, as fully set forth in Senate Document No. 220, reported to Congress at its present session, there is appropriated as follows:

LEGISLATIVE

For public printing and binding, \$121.77.

INDEPENDENT OFFICES

For medical and hospital services, Veterans' Bureau, \$1,455.30.

For vocational rehabilitation, Veterans' Bureau, \$1,936.27.

DEPARTMENT OF AGRICULTURE

For general expenses, Bureau of Animal Industry, \$20.37.

For general expenses, Forest Service, \$1.37.

DEPARTMENT OF JUSTICE

For detection and prosecution of crimes, \$9.92.

DEPARTMENT OF LABOR

For expenses of regulating immigration, \$8.

NAVY DEPARTMENT

For pay of the Navy, \$542.07.

For freight, Bureau of Supplies and Accounts, \$59.71.

For maintenance, Quartermaster's Department, Marine Corps, \$82.94.

For pay, Marine Corps, \$16.

TREASURY DEPARTMENT

For collecting the revenue from customs, \$30.

For operating force for public buildings, \$50.10.

WAR DEPARTMENT

For increase of compensation, Military Establishment, \$58.65.

For pay, etc., of the Army, \$12,840.84.

For pay, etc., of the Army, war with Spain, \$17.64.

For mileage to officers and contract surgeons, \$75.98.

For general appropriations, Quartermaster Corps, \$4,135.14.

For supplies, services, and transportation, Quartermaster Corps, \$426.90.

For armament of fortifications, \$2.88.

For Army transportation, \$4.60.

For regular supplies, Quartermaster Corps, \$19.80.

Total, audited claims, section 5, \$21,022.25.

The amendment was agreed to.

The next amendment was, on page 96, line 7, to change the section number from 3 to 6.

The amendment was agreed to.

Mr. WARREN. I now send to the desk an amendment in behalf of the committee.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 4, after line 19, insert the following:

JOINT COMMITTEE TO STUDY MILITARY PROPERTIES

That the Committee on Military Affairs of the Senate of the United States and those members of the Committee on Military Affairs of the House of Representatives of the Sixty-eighth Congress who are Members elect to the Sixty-ninth Congress, or subcommittees thereof, are authorized to sit jointly or separately until the meeting of the first session of the Sixty-ninth Congress, at such times and places as to them may seem advisable; to make investigation of the condition of Army posts, forts, and other military properties; to employ clerical assistance; to send for persons, books, and papers, to administer oaths, and to employ a stenographer or stenographers at a cost not to exceed 25 cents per hundred words to report hearings, and to have such printing and binding done as may be necessary; the expenses of carrying this paragraph into effect shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives upon vouchers certified by the chairmen of the said committees or of their subcommittees and properly approved by the Committee on Audit and Control of the Contingent Expenses of the Senate and the Committee on Accounts of the House of Representatives.

The amendment was agreed to.

Mr. WARREN. I offer the amendment which I now send to the desk.

The PRESIDENT pro tempore. The Senator from Wyoming offers a further amendment, which will be stated.

The CHIEF CLERK. On page 4, after line 10, insert the following:

JOINT COMMISSION FOR THE INVESTIGATION OF THE PUBLIC DOMAIN

There is established a joint congressional commission to be known as the "Joint commission for the investigation of the public domain," to be composed of five Senators appointed by the President of the Senate and five Members elect of the House of Representatives for the Sixty-ninth Congress, to be appointed by the Speaker. The commission is authorized and directed to investigate all matters relating to the public domain and its administration, including grazing lands, forest reserves, and other reservations and lands withdrawn from entry. The commission shall elect a chairman from among its members, and vacancies occurring in the membership of the commission shall be filled in the same manner as the original appointment. For the purposes authorized herein the commission, or any subcommittee thereof, is authorized to hold hearings and to sit and act at such places and times, to employ such experts and clerical, stenographic, and other assistants, to cause such maps to be prepared, to require by subpoena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and to take such testimony and to make such expenditures as the commission deems advisable. The cost of stenographic service to report such hearings shall not be in excess of 25 cents per hundred words. It shall be the duty of any governmental establishment, upon request by the commission, to cooperate with and render assistance to the commission in carrying out the provisions authorized herein. The expenses of the commission shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives, upon vouchers properly approved. The commission shall make a final report to the Congress as to its findings, and such other reports, together with recommendations for such legislation, as it deems necessary. The commission shall cease to exist upon the presentation of its final report, but not prior thereto.

The amendment was agreed to.

Mr. WARREN. I now submit another amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 7, after line 20, insert the following:

For additional compensation for the Public Printer and the Deputy Public Printer, \$1,500 and \$1,000, respectively, fiscal year 1926, \$2,500 to be paid from appropriations for the public printing and binding.

The amendment was agreed to.

Mr. WARREN. I send to the desk another amendment in behalf of the committee.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 8, after line 1, insert the following:

UNITED STATES MECKLENBURG SESQUICENTENNIAL COMMISSION

There is established a commission, to be known as the United States Mecklenburg Sesquicentennial Commission, to be composed of 11 commissioners, as follows: Three persons to be appointed by the President of the United States, four Senators by the President of the Senate, and four Members of the House of Representatives to be appointed by the Speaker. The commission shall serve without compensation and shall select a chairman from among their number. There is hereby appropriated the sum of \$5,000 to be expended by the commission for actual and necessary traveling expenses and subsistence while discharging its official duties outside the District of Columbia. There is hereby also appropriated the sum of \$10,000 to be utilized in the discretion of the commission for the appropriate participation on the part of the United States in the celebration and observance at the city of Charlotte, county of Mecklenburg, N. C., on the 18th, 19th, 20th, 21st, and 22d days of May, 1925, of the one hundred and fiftieth anniversary of the patriotic action of the citizens of Mecklenburg County, N. C., in May, 1775, in declaring their independence of the English Crown.

The amendment was agreed to.

Mr. WARREN. I send to the desk another amendment in behalf of the committee.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 22, after line 18, insert the following:

The Director of Public Buildings and Public Parks of the National Capital shall be authorized to continue to employ, under existing authority, skilled and unskilled laborers on a per diem basis at rates of pay not exceeding the current local rates for similar employment without regard to the classification act of 1923.

The amendment was agreed to.

Mr. WARREN. I offer a further amendment in behalf of the committee.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 33, after line 5, insert the following:

CREDIT IN THE ACCOUNTS OF CERTAIN SPECIAL DISBURSING AGENTS, DEPARTMENT OF COMMERCE

The Comptroller General of the United States is authorized and directed to allow in the accounts of James C. Woolley, special disbursing agent, Department of Commerce, in the office of the Superintendent of Lighthouses, Portland, Me., expenditures made by him from the appropriation "Vessels for Lighthouse Service" (41 Stat. 1416) for per diem, in lieu of subsistence, which were disallowed by the office of the Comptroller General.

The amendment was agreed to.

Mr. WARREN. I offer another amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 31, after line 13, insert the following:

The Comptroller General is authorized and directed to credit the accounts of the disbursing clerk of the Department of Agriculture with payments heretofore or hereafter made for expert services under existing agreements entered into by the Secretary of Agriculture in connection with investigations under the act of August 15, 1921 (42 Stat. p. 159).

The amendment was agreed to.

Mr. WARREN. There are now two amendments to be offered, one by the Senator from Utah [Mr. SMOOT], and another by the Senator from Louisiana [Mr. BROUSSARD].

Mr. KING. I want to ask the Senator with respect to the amendment just offered whether there are any limitations?

Mr. WARREN. There is no money involved in the amendment on page 31, after line 13. It merely designates how money already appropriated shall be expended.

Mr. SMOOT. On page 72, after line 3, I offer the following amendment for the committee.

The PRESIDENT pro tempore. The Senator from Utah offers the following committee amendment:

The CHIEF CLERK. On page 72, after line 2, to insert:

Washington, D. C., Internal Revenue Building: That the Secretary of the Treasury is hereby authorized to enter into contracts for the construction, at the earliest possible date, upon lands belonging to the Government in the District of Columbia, to be selected by the Public Buildings Commission, of a fireproof building of modern office type, at a limit of cost of not to exceed \$6,250,000, for the accommodation of the Bureau of Internal Revenue, and for the employment of the necessary additional technical and clerical services in the office of the Supervising Architect of the Treasury Department, in connection with the preparation of the plans for said building and the supervision of the construction thereof, the sum of \$1,500,000 is hereby appropriated out of any moneys in the Treasury not otherwise appropriated to be immediately available.

The amendment was agreed to.

Mr. BROUSSARD. By authority of the committee, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The Senator from Louisiana offers the following amendment in behalf of the committee:

The CHIEF CLERK. On page 26, strike out lines 21 to 25, inclusive, and on page 27, to strike out lines 1 to 3, inclusive, and in lieu thereof to insert:

For special sugar-cane breeding investigations, with a view to the production of disease-resistant types of cane, \$43,450, to remain available until June 30, 1926: *Provided*, That of this sum not to exceed \$8,450 may be used for the construction of a greenhouse at the Arlington Experiment Farm, Va., and not to exceed \$25,000, may be used for the purchase of land and the construction thereon of necessary farm buildings at Canal Point, Fla., and \$10,000 for plant-breeding work.

The amendment was agreed to.

Mr. WARREN. Mr. President, I am going to send to the desk an amendment which is subject to a point of order, but it is a very distressing case of what we might call a claim for loss or damage that some very hospitable people are suffering because of their hospitality to soldiers and others. The bill has passed the Senate to cover the amount, but has not yet passed the House. I ask for its consideration.

The PRESIDENT pro tempore. The Senator from Wyoming offers the following amendment, which will be stated.

The CHIEF CLERK. On page 10, after line 18, insert the following:

To pay Edith W. Peacock, treasurer of the Peacock Military College (Inc.), the sum of \$12,000 in full and final settlement of any and all claims which the said Edith W. Peacock and/or the said Peacock Military College has, or may have, against the United States, and of any and all claims which the United States has, or may have, against the said Edith W. Peacock and/or the said Peacock Military College arising from, growing out of, or in any way connected with the use and occupation by the United States in connection with the operation of a vocational training school at or near San Antonio, Tex., of any and all lands, improvements, furniture, equipment, paraphernalia, or facilities owned or controlled by the said Edith W. Peacock or the said Peacock Military College: *Provided*, That before any sum is paid hereunder the said Edith W. Peacock and the said Peacock Military College (Inc.) shall file with the Comptroller General of the United States a waiver of all claims against the United States growing out of the matters herein set out.

The amendment was agreed to.

Mr. CURTIS. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The Senator from Kansas offers an amendment, which will be stated.

The CHIEF CLERK. On page 31, at the end of line 13, it is proposed to insert:

To enable the Secretary of Agriculture to settle claims against the Government arising out of the activities of the Department of Agriculture which have been thoroughly investigated by his department and where the liability of the Government has been found to be clear and a settlement reached by him, \$245,258.12.

Mr. KING. Mr. President, I raise the point of order against the amendment; but I have no objection to a provision sending all of these claims to the Court of Claims.

Mr. CURTIS. Mr. President, I will confess that the amendment is subject to the point of order, but I have another

amendment which I will offer in lieu of it referring the matter to the district court of Kansas.

The PRESIDENT pro tempore. The amendment offered by the Senator from Kansas has not yet been disposed of.

Mr. KING. I raised the point of order against the amendment and the Senator has conceded it and is prepared to offer another amendment in lieu of it.

Mr. CURTIS. I offer another amendment referring the matter to the district court of Kansas.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 31, at the end of line 13, it is proposed to insert:

That the claimants mentioned in S. 1253, "An act to reimburse J. B. Glanville and others for losses and damages sustained by them through the negligent dipping of tick-infested cattle by the Bureau of Animal Industry, Department of Agriculture," which passed the Senate January 16, 1924, be and they are hereby authorized to enter suit in the United States district court for the State of Kansas for the amount due or claimed to be due to claimants from the United States by reason of the neglect of the governmental officials in the dipping of the tick-infested cattle.

And jurisdiction is hereby conferred upon said United States district court for the district of Kansas to hear and determine all such claims. The action in said court may be presented by a single petition, making the United States party defendant and shall set forth all the facts on which the claimants have their claims, and the petition may be verified by the agent or attorney of said claimants. Official letters, reports, and public records, or certified copies thereof, may be used as evidence.

Mr. KING. I suggest to the Senator that he ought to add to that amendment that the Attorney General be instructed to bring suit against the negligent officials. I do not raise the point of order against the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BUTLER. Mr. President, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The Senator from Massachusetts offers an amendment which will be stated.

The CHIEF CLERK. On page 8, after line 1, after the amendment adopted relative to the United States Mecklenburg Sesquicentennial Commission, it is proposed to insert:

UNITED STATES BUNKER HILL SESQUICENTENNIAL COMMISSION

For actual and necessary traveling and subsistence expenses of members of the United States Bunker Hill Sesquicentennial Commission in the discharge of their duties outside of the District of Columbia, \$5,000, and for expenses incident to the appropriate celebration and observation of the one hundred and fiftieth anniversary of the Battle of Bunker Hill, \$10,000, in all \$15,000, said sum to be expended in the discretion of the commission named herein.

Mr. WARREN. Mr. President, that amendment is intended to cover an expenditure which seems to be authorized, and I have no objection to it.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. HOWELL. Mr. President, I offer an amendment which I send to the desk.

The PRESIDENT pro tempore. The Senator from Nebraska offers an amendment which will be stated.

The CHIEF CLERK. On page 30, line 15, it is proposed to insert:

For the relief of the Omaha Tribe of Indians of Nebraska in accordance with the act of Congress approved February 9, 1925 (Public No. 386, 68th Cong.), the sum of \$374,465.02, said sum to be disbursed in accordance with the provisions of said act.

Mr. KING. May I inquire whether the money hereby proposed to be appropriated is to be paid from the tribal funds or from the United States Treasury?

Mr. WARREN. Mr. President, that is a case which was supposed to be settled by the court, and the item was inserted in this bill in the other House. Later, however, the chairman of the committee and others, as they stated to me, discovered some irregularities about the court adjustment, causing them to feel that the appropriation ought to be eliminated until there should be further consideration of the matter. So they asked us to eliminate it from the bill. In that state of affairs, I am not going to object to the amendment going into the bill, but I wish to remind the Senator from Nebraska of the facts that I have stated, for the amendment will probably meet with the same difficulty in the conference as that to which I

have referred, because those who previously requested that the item should be eliminated will be the conferees on the part of the House.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Nebraska.

Mr. SMOOT. Mr. President, as I understand the amendment, it involves an appropriation for interest, which is supposed to have been awarded according to a judgment of the court. Is that the purport of the amendment?

Mr. HOWELL. Yes; I understand it provides for interest.

Mr. WARREN. I wish to send to the desk—

Mr. SMOOT. If the Senator will wait for a moment, I ask that the amendment may again be stated.

The PRESIDENT pro tempore. The amendment will be again read.

The amendment was again read.

Mr. SMOOT. Mr. President, the amendment, as I understand, is to provide for interest.

Mr. WARREN. Mr. President, if my colleague on the committee will allow me, I will send to the desk a report which gives the facts in the case.

Mr. SMOOT. Does it cover both the first judgment and the second judgment?

Mr. WARREN. I think so; at least, in some respects.

Mr. SMOOT. There were two judgments, Mr. President, in this case. One was for the amount carried in the amendment. Then when the case was appealed to the higher court that court reversed the first judgment. The item was passed by the other House upon one occasion, and then was defeated when the facts of the case were stated to the House Members. If the Senator from Wyoming has the full report on the matter, I should like to have it read.

Mr. WARREN. Mr. President, this claim was formerly more than twice as large as it now is. Originally it was for eight hundred and some odd thousand dollars. In the meantime portions of it have been eliminated until it has been cut down, I believe, to \$374,465.02. I ask the clerk to read from the document which I send to the desk, commencing at the point which is marked.

Mr. SHORTRIDGE. Is there a judgment against the Government?

Mr. WARREN. That will probably develop from the reading which I have asked at the desk. I have not fully read the extract.

The PRESIDENT pro tempore. The clerk will read as directed.

The Chief Clerk read, as follows:

The amount of \$374,465.02 for a payment to the Omaha Indians of Nebraska in accordance with the act of February 9, 1925, is not recommended. The Congress by the act of June 22, 1910 (36 Stat. L. p. 589), conferred jurisdiction upon the Court of Claims to consider and render judgment in all claims, legal and equitable, of the Omaha Tribe of Indians against the United States. The Indians under the authority of this act filed a suit in the Court of Claims (No. 31002). The Court of Claims on April 22, 1918, awarded judgment in favor of the Indians in the principal sum of \$122,295.31 and interest at 5 per cent per annum on the following portions of the judgment: On \$94,739.54 from June 15, 1854; on \$15,068.80 from August 3, 1850; and on \$3,133.39 from August 11, 1858. The attorney for the Government subsequently called the attention of the Court of Claims to section 1091 of the Revised Statutes—being a part of the act creating the Court of Claims—which prohibits that court from allowing interest in certain cases, and thereupon the court modified the opinion in so far as it related to the payment of interest. The modified decision of the Court of Claims rendering judgment in favor of the Indians in the sum of \$122,295.31 and eliminating any provision for interest was rendered on June 10, 1918 (Court of Claims reports, vol. 53, p. 549). On appeal to the Supreme Court of the United States that court affirmed the judgment of the Court of Claims as to the disallowance of interest and affirmed the allowance of the principal of \$122,295.31, with the exception of the sum of \$4,560, which had been awarded the Indians for horses killed, leaving the net amount of the judgment affirmed by the Supreme Court at \$117,735.31. This sum was certified to Congress and appropriated in the deficiency act approved March 1, 1921. Congress on February 9, 1925, enacted a law authorizing the appropriation of \$374,465.02, a sum representing interest at 5 per cent per annum on the principal sums found due the Omaha Indians under the decision of the Court of Claims of April 22, 1918. This was the decision of the Court of Claims which allowed the \$122,295.31 and interest at 5 per cent, and which was recalled or modified by the court so as to eliminate interest, and was superseded by the judgment rendered by the Court of Claims on June 10, 1918, wherein it allowed the sum of \$122,295.31, without interest. This judgment of June 10, 1918, was the judgment affirmed,

except as to the \$4,560, by the Supreme Court on June 1, 1920 (U. S. Repts., vol. 253, p. 275), and payment for which has been made in the sum of \$117,735.31. The committee is of the opinion that the appropriation of \$374,465.02 should not be made. It has not been the general practice of the United States to pay interest on judgments of this character in favor of the Indians. If this should be done now, it would create a precedent for future action, which would possibly run into many millions of dollars as well as establish a precedent for the passage of special bills of the same character as this for the payment of interest on judgments which have been rendered in the past in favor of Indian claimants, and upon which no interest has been allowed by the Court of Claims or paid by Congress.

Mr. SMOOT. Mr. President, I shall have to make the point of order against the amendment that it is not estimated for and not reported by a committee.

The PRESIDENT pro tempore. The point of order is sustained.

Mr. WILLIS and Mr. HOWELL addressed the Chair.

The PRESIDENT pro tempore. The Senator from Ohio.

Mr. WILLIS. Mr. President, I desire to make an inquiry of the Senator from Wyoming. The Senator will recall that yesterday the Senate passed Senate Joint Resolution 190 providing for representation of the United States at the Pan-American Congress of Highways, to be held at Buenos Aires during the coming year. That bill which passed the Senate has not as yet passed the House, but I am advised, rather authoritatively I think, that it will pass the House. Now, I inquire of the Senator whether in case the bill does pass there will be further opportunity to secure consideration of the appropriation by his committee?

Mr. WARREN. Mr. President, a bill should pass both Houses and then should have the scrutiny of the Committee on Appropriations, if not also of the Budget Bureau, before provision should be made for it on an appropriation bill. With the uncertainty as to what may happen in the House, I feel that I should have to make a point of order if an amendment covering the matter should be offered. At one time, under our rule, the fact that it had passed the Senate would perhaps make it in order on the bill, but the rule was changed here two or three years ago.

Mr. WILLIS. If it shall pass the House, I shall take the matter up later with the Senator.

Mr. WARREN. Very well.

Mr. FLETCHER. Mr. President, I offer the amendment which I send to the desk, to come in on page 72, after line 16.

The PRESIDENT pro tempore. The Senator from Florida offers the amendment which will be stated.

The READING CLERK. On page 72, after line 16, it is proposed to insert the following:

That in carrying into effect the provisions of existing legislation authorizing the acquisition of land for sites or enlargements thereof, and the erection, enlargement, extension, and remodeling of public buildings in the several cities enumerated in Senate Document No. 28, Sixty-eighth Congress, first session, the Secretary of the Treasury is hereby authorized to disregard the limit of cost fixed by Congress for each project, and to enter into contracts for all or so many of the buildings heretofore authorized to be constructed, but not yet under contract, as may be possible within the total additional sum of \$7,900,000.

Mr. WARREN. Mr. President, I very well know the circumstances alluded to. Some 12 or 13 years ago a large number, perhaps a hundred, more or less, of public buildings were authorized, and from time to time the necessary amounts were appropriated according to the original estimates of cost. The war stopped the work on many of those buildings, and it now requires something over \$7,000,000 to complete them, and to liberate other funds that are now tied up in the Treasury, so that post-office buildings may be put under cover in a number of places, some of which business is almost being carried on in tents and out of doors. I have no objection to the amendment if the amount may be cut down to the \$7,900,000 provided in the first paragraph. I wish I might accept the whole, but I am not permitted to do so.

Mr. KING. The Senator will raise the point of order against it unless it shall be "cut down," to use his expression.

Mr. WARREN. I can not recommend at this time under the circumstances any more than the \$7,900,000.

Mr. McKELLAR. The amendment is not subject to a point of order.

Mr. WARREN. There may be a question about that. It is estimated for, of course, and came here before our rules were changed. However, I shall not make any point of order against the amendment.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment.

Mr. KING. Mr. President, I should like to inquire of the Senator whether the suggestion made by the Senator from Wyoming has been accepted by the Senator from Florida?

The PRESIDENT pro tempore. What was the suggestion?

Mr. KING. That it be cut down, to use the Senator's expression.

Mr. WARREN. To take the first item rather than the rest.

Mr. FLETCHER. In order words, to eliminate sections 2 and 3.

The PRESIDENT pro tempore. So that the amendment would end on line 4.

Mr. FLETCHER. Eliminating sections 2 and 3.

The PRESIDENT pro tempore. Does the Senator from Florida modify his amendment accordingly?

Mr. FLETCHER. In the circumstances, Mr. President, I feel that perhaps I shall have to do that. I do not like to do it.

Mr. WARREN. I will say to the Senator that I am more interested, perhaps, in the other part of the amendment; but I feel that that is further than we need to go because of opposition which I can not, I fear, overcome. This other sum first mentioned, is for sheltering and putting under cover the mail matter of the United States in certain places.

The PRESIDENT pro tempore. As the Chair understands, the Senator from Florida modifies his amendment.

Mr. FLETCHER. I modify the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

Mr. KING. Mr. President, I ask the Senator from Florida whether it is clear that it is intended to restrict the appropriation carried by this amendment to buildings which have heretofore been authorized?

Mr. FLETCHER. It ought to be. This merely supplements appropriations already authorized, but which are found insufficient to complete the buildings, which in some instances have been actually begun.

Mr. KING. May I inquire of the Senator, further, whether under a proper interpretation of the language of this amendment it would permit the Treasury Department to increase the expenditure to any sum they might conceive necessary for the completion of the buildings according to the designs and plans which they might determine upon? In other words, is there any limitation, except their caprice, as to the price of the buildings?

Mr. FLETCHER. I will say to the Senator that this amount is based upon a statement from the department which shows that they will simplify some of the types already projected in order to complete them within this figure.

Mr. KING. They can not incur unlimited obligations?

Mr. FLETCHER. No, indeed; they are limited.

Mr. BRUCE. Mr. President, I should like to offer an amendment to the pending bill.

The PRESIDENT pro tempore. The Senator from Maryland offers an amendment, which will be stated.

The CHIEF CLERK. On page 76, after line 7, it is proposed to insert:

The sum of \$50,000, or so much thereof as may be necessary, is hereby appropriated out of the proceeds derived from the sale of the temporary buildings and their contents at Fort McHenry, Md., to be expended by the Secretary of War in the restoration of said Fort McHenry reservation, and for other purposes, consistent with the Fort McHenry act passed at this session of Congress.

Mr. WARREN. May I ask the Senator what is the amount carried by his amendment?

Mr. BRUCE. Fifty thousand dollars, but it is to come out of the proceeds of the sale of the old material.

Mr. WARREN. I understand. It is necessary to have that amount, is it?

Mr. BRUCE. Yes, sir.

Mr. WARREN. I shall not object.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Maryland.

The amendment was agreed to.

Mr. JONES of Washington. Mr. President, I have here an amendment that is urged by the Secretary of the Interior, which the chairman of the committee referred to me, and which would have been presented to the Senate by the junior Senator from Wisconsin [Mr. LEXROOT] if he had not been necessarily called from the Chamber. So I offer, on page 37, after line 21, the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 36, after line 21, it is proposed to insert:

For the accomplishment of the purposes of the act of March 28, 1908 (35 Stat. L. p. 51), the Secretary of the Interior be, and he is hereby, authorized to expend not to exceed \$300,000 of the funds in the Treasury of the United States to the credit of the Menominee Tribe of Indians to rebuild the sawmill and its appurtenances at Neopit, Wis., which were destroyed by fire on October 5, 1924.

Mr. WARREN. Mr. President, I understand this amendment is offered as a result of a fire that consumed the buildings.

Mr. JONES of Washington. The fire consumed a good part of the mill on the reservation.

Mr. WARREN. And what is the amount?

Mr. JONES of Washington. Not exceeding \$300,000. It comes out of the tribal funds.

Mr. KING. It does not state that.

Mr. WARREN. For schools, or for a sawmill?

Mr. JONES of Washington. For a sawmill. The act that is referred to, but the title of which is not given, is entitled:

An act to authorize the cutting of timber, the manufacture and sale of lumber, and the preservation of the forests of the Menominee Indian Reservation in the State of Wisconsin.

Mr. WARREN. I have no objection. It is to come from the Indian funds, and, as I understand, is for the reconstruction of buildings heretofore constructed.

Mr. KING. Mr. President, I do not see how it is possible for a sawmill and its appurtenances to cost that sum.

Mr. JONES of Washington. The bill authorized the expenditure of \$300,000 to rebuild the sawmill and its appurtenances which had been destroyed by fire. This is quite an extensive proposition, as I understand. The commissioner says:

The construction of this sawmill at an early date is very important.

And here is quite a comprehensive letter sent to the Indian Affairs Committee by the Secretary of the Interior, and I understand that the Indian Affairs Committee reported this bill favorably.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Washington.

The amendment was agreed to.

Mr. JONES of Washington. Mr. President, I have one other amendment as to which I understand that an estimate has come down, or a letter from the Secretary of Commerce, approved by the Director of the Budget. It has gone to the printer, and so I did not see it; but on page 31, after line 19, I move to insert the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 31, after line 19, it is proposed to insert:

Hereafter section 3648 of the Revised Statutes shall not apply to advance payments for rent of offices in foreign countries by the Bureau of Foreign and Domestic Commerce.

Mr. JONES of Washington. That section says this:

No advance of public money shall be made in any case whatever.

The Secretary says that it is absolutely necessary to pay some rent in advance over there, and this is to cover that situation.

Mr. SMOOT. It is the custom.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Washington.

The amendment was agreed to.

Mr. PHIPPS. Mr. President, I desire to offer an amendment which is substantially Senate bill 2917, introduced by the Senator from Nevada [Mr. PITTMAN], which passed the Senate on May 26 of last year, and which has had the approval of the Committee on Banking and Currency of the House. I offer the amendment to be inserted at the proper place in the bill.

The PRESIDENT pro tempore. The Senator from Colorado offers an amendment which will be stated.

The Chief Clerk read as follows:

That the Secretary of the Treasury is hereby directed, in compliance with the requirements of the act entitled "An act to conserve the gold supply of the United States; to permit the settlement in silver of trade balances adverse to the United States; to provide silver for subsidiary coinage and for commercial use, to assist foreign governments at war with the enemies of the United States; and for the

above purposes to stabilize the price and encourage the production of silver," approved April 23, 1918, and commonly known as the Pittman Act, to instruct the Director of the Mint to purchase in the United States of the product of mines situate in the United States, and of reduction works so located, 14,589,730.13 ounces of fine silver in accordance with those certain allocations of silver and silver dollars to the Director of the Mint for subsidiary coinage by the Secretary on September 7, 1918, November 28, 1919, October 18, 1920, November 6, 1920, and December 18, 1920, and the orders to purchase the said silver contained in said allocations and each of them, respectively, at and for the sum of \$1 per ounce, and the same, together with all other silver bullion purchased under the said Pittman Act, shall be coined into standard silver dollars;

That, except as to the purchases herein provided for, and the retirement of Federal reserve bank notes therein directed, the said act approved April 23, 1918, and known as the Pittman Act is hereby repealed.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment offered by the Senator from Colorado.

Mr. GLASS. Mr. President, I believe the Senator from Colorado is aware of the fact that this amendment is subject to a point of order; that it is new legislation. I have not wanted to make the point of order, for personal reasons; and yet, Mr. President, I think the Senate ought to understand before it adopts this amendment in a perfectly perfunctory way that it is the opinion of the Treasury Department, in which I concur, that it practically means a gift from the United States Treasury of \$5,000,000 to the silver interests of this country.

Mr. COUZENS. Mr. President, I raise the point of order if that is the case.

Mr. PHIPPS. Mr. President, will the Senator withhold that point of order while I make a statement in regard to the amendment?

Mr. COUZENS. I withhold it.

Mr. PHIPPS. If a point of order is made, I do not propose to consume the time of the Senate by discussing the merits of the matter; but the bill which is embodied in this amendment was considered in committee by the Senate Committee on Banking and Currency. I was honored by serving on a subcommittee and wrote the report on the bill, which was a favorable one, and the bill passed the Senate. Since that time the Committee on Banking and Currency of the House has considered the measure and has concurred in the action of the Senate and has favorably reported the bill.

My purpose in offering the amendment at this time is to give the House an opportunity to say whether or not it will concur in the view of the Senate in having adopted this measure. On account of the legislative condition in the House, as we are well aware, it has not been possible to get the bill up for consideration under a special rule in the closing days of the session; and I feel that the Senate should be willing to allow the measure to go to conference, so that the House may have an opportunity to express its will with regard to it.

Mr. PITTMAN. Mr. President, I am not going to take up the time of the Senate; but I was the author of this bill. I realize that there is a difference of opinion on the bill, but I do think that the Senator from Michigan should allow the matter to be debated in the House. There were hearings before the Committee on Banking and Currency of the Senate on this matter, and the committee unanimously found that it was the undoubted duty of the Treasury Department to make these purchases. The bill went to the House; and in the House Committee on Banking and Currency, of which Mr. McFADDEN was chairman, they had hearings again, and the House committee has also unanimously reported.

If the Senator will let me read what the House committee has to say on the matter, it is very brief. Here is what it says:

The Pittman Act having been passed in good faith, your committee deems it unwise to breach that faith by a refusal to carry it out, or to allow the Comptroller General of the United States to set aside a solemn act of Congress because, in his judgment, it is expedient to do so.

That, in brief, is the language of the House committee.

Mr. COUZENS. Mr. President, I should like to ask the Senator if the Treasury Department recommends the passage of this bill?

Mr. PITTMAN. No; I will say to the Senator that the Treasury Department did not believe that it was mandatory upon them to make these purchases. The Committee on Banking and Currency was unanimous that it was mandatory. The Treasury Department took the same ground before the Committee on Banking and Currency of the House,

that it was discretionary as to whether they should make these purchases. The Committee on Banking and Currency of the House stated that in their opinion it was mandatory. There is just that difference of opinion. That is all it amounts to.

Let me say that it is true, as the Senator from Virginia [Mr. GLASS] says, that if this bill is passed it will cost the Government about \$5,000,000 more to obtain the silver under the act than it would outside of the act; but, mind you, at the time the Pittman Act was passed the Treasury Department asked that there be put in the act authority to use these standard silver dollars not only to meet the emergency in India but also for subsidiary coins. There was a tremendous demand for subsidiary coins, and at the time that they allocated these standard silver dollars to be made into dimes and halves and quarters if they had gone into the public market to buy that silver they would have had to pay all the way from \$1.10 to \$1.30 an ounce for it; but they used these standard silver dollars at \$1, with the understanding that they should replace them at \$1.

Now, mind you, if this provision had never been placed in the bill by the Treasury Department, the miner would have sold his silver at as high as \$1.30 an ounce; but, as the market was taken away from him by the use of these standard silver dollars, he lost that sale. There was an understanding in the bill, however, that these allocations of standard silver dollars to the mint should be treated as a sale, just like the sale to Great Britain, and that immediately upon the allocation—not in the future—the Secretary of the Treasury should issue an order directing the Director of the Mint to buy silver of American production to the extent of an equal number of ounces, at a dollar an ounce, to replace this silver. That is all there was to it.

Mr. PHIPPS. Mr. President, will the Senator yield?

Mr. PITTMAN. I yield.

Mr. PHIPPS. I want to ask the Senator if it is not the fact that the bill in its present form authorizes and directs the Secretary of the Treasury to coin into silver dollars the silver that would be purchased under the provisions of his bill—Senate bill 2917—and if, carrying that instruction into effect, the Government would not gain the seigniorage, which would amount to about 29 cents an ounce, or about \$4,200,000, as against a possible difference of \$5,000,000 as between the \$1 an ounce and the present market value of silver?

Mr. PITTMAN. So the committee of the House reports, and I assume they have estimated it.

Mr. COUZENS. Mr. President, I will have to insist on the point of order. There has been no discussion of this for over a year. We have been here three months and this bill has not been taken up, and to tack this to an appropriation bill at the last minute I think is very bad business.

Mr. HEFLIN. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

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

Ashurst	Fernald	King	Sheppard
Ball	Ferris	Ladd	Shipstead
Bayard	Fess	McKellar	Shortridge
Bingham	Fletcher	McKinley	Simmons
Borah	Frazier	McNary	Smith
Brookhart	George	Mayfield	Smoot
Broussard	Gerry	Metcalf	Spencer
Bruce	Glass	Moses	Stephens
Bursum	Gooding	Norbeck	Sterling
Butler	Hale	Norris	Swanson
Cameron	Harrell	Oddie	Trammell
Capper	Harris	Overman	Underwood
Caraway	Harrison	Owen	Wadsworth
Copeland	Hedlin	Pepper	Walsh, Mass.
Couzens	Howell	Phipps	Walsh, Mont.
Cummins	Johnson, Calif.	Pittman	Warren
Curtis	Johnson, Minn.	Ralston	Watson
Dial	Jones, N. Mex.	Ransdell	Weller
Dill	Jones, Wash.	Reed, Mo.	Wheeler
Edge	Kendrick	Reed, Pa.	Willis
Ernst	Keyes	Robinson	

The PRESIDENT pro tempore. Eighty-three Senators have answered to the roll call. There is a quorum present.

Mr. PHIPPS. A parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state his inquiry.

Mr. PHIPPS. I desire to know whether the point of order made by the Senator from Michigan was ruled upon, or insisted upon, or what the status is.

The PRESIDENT pro tempore. The point of order made by the Senator from Michigan, as the Chair understands it, is that this provision is general legislation.

Mr. COUZENS. That is correct.

The PRESIDENT pro tempore. The point of order is sustained.

SENATOR FROM ILLINOIS

The PRESIDENT pro tempore presented the credentials of CHARLES S. DENEEN, appointed a Senator from the State of Illinois for the unexpired term ending March 3, 1925, occasioned by the death of the late Senator MEDILL McCORMICK, which were read and ordered to be placed on file, as follows:

STATE OF ILLINOIS, EXECUTIVE DEPARTMENT.

Whereas a vacancy now exists in the office of United States Senator from the State of Illinois, by reason of the death on February 25, A. D. 1925, of the Hon. MEDILL McCORMICK; and

Whereas it is in the public interest that the State of Illinois be fully and adequately represented in the Senate of the United States: Now therefore

I, Len Small, Governor of Illinois, in accordance with the provisions of the Constitution of the United States of America, and by virtue of the authority in me vested by the statutes of the State of Illinois, do hereby and by these presents appoint CHARLES S. DENEEN, of the County of Cook, State of Illinois, to be United States Senator from the State of Illinois in the Sixty-eighth Congress of the United States of America, to have and to hold the said office, with all the rights and emoluments thereto legally pertaining, until the 4th day of March, A. D. 1925.

In witness whereof, I have hereunto set my hand and caused the great seal of the State of Illinois to be affixed.

Done at the capitol, in the city of Springfield, this 26th day of February, in the year of our Lord 1925, and of the State of Illinois the one hundred and seventh.

[SEAL.]

LEN SMALL.

By the governor:

LOUIS L. EMMERSON,
Secretary of State.

Mr. McKINLEY. Mr. President, Senator DENEEN is present and I ask that he be now sworn in.

The PRESIDENT pro tempore. The Senator appointed will come to the desk and receive the oath of office.

Mr. DENEEN was escorted to the Vice President's desk by Mr. McKINLEY and, the oath prescribed by law having been administered to him, he took his seat in the Senate.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 4507. An act to amend an act for the appointment of an additional circuit court judge for the fourth judicial circuit, for the appointment of additional district judges for certain districts, providing for an annual conference of certain judges, and for other purposes, approved September 14, 1922;

H. R. 8236. An act for the relief of the Government of Canada;

H. J. Res. 347. Joint resolution providing for an investigation of the official conduct of George W. English, district judge for the eastern district of Illinois;

H. R. 12262. An act for the relief of certain enlisted men of the Coast Guard; and

H. R. 12334. An act to amend the act entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services," approved March 4, 1923, and the act amendatory thereof and supplementary thereto.

The message also announced that the House had passed the joint resolution (S. J. Res. 189) authorizing the enlargement of the Federal Veterans' Hospital at Muskogee, Okla., by the purchase of an adjoining city hospital and authorizing the appropriation of \$150,000 for that purpose, with an amendment, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were thereupon signed by the President pro tempore:

H. R. 1415. An act for the relief of Josiah Frederick Dose;

H. R. 1539. An act for the relief of Caleb Aber;

H. R. 1569. An act for the relief of Andrew A. Gieriet;

H. R. 2016. An act for the relief of William M. Phillipson;

H. R. 2905. An act to authorize an exchange of lands with Ed Johnson, of Eagle, Colo.;

H. R. 3842. An act to provide for terms of the United States district court at Denton, Md.;

H. R. 4148. An act to modify and amend the mining laws in their application to the Territory of Alaska, and for other purposes;

H. R. 4913. An act to pay to Jere Austill fees earned as United States commissioner;

H. R. 5660. An act for the relief of Charles Spencer;

H. R. 5759. An act for the relief of James F. Abbott;

H. R. 5786. An act for the relief of Roberta H. Leigh and Laura H. Pettit;

H. R. 6044. An act authorizing the Secretary of the Interior to sell and patent certain lands to Lizzie M. Nickey, a resident of De Soto Parish, La.;

H. R. 6045. An act authorizing the Secretary of the Interior to sell and patent certain lands to Flora Horton, a resident of De Soto Parish, La.;

H. R. 6095. An act to authorize the Secretary of War to sell real property, to wit, a portion of the Fort Revere Reservation at Hull, Mass.;

H. R. 6268. An act for the relief of Francis M. Atherton;

H. R. 6710. An act to authorize the Secretary of the Interior to lease certain lands;

H. R. 7118. An act for the relief of the Mechanics & Metals National Bank, successor to the New York Produce Exchange Bank;

H. R. 7679. An act for the relief of Lars O. Elstad and his assigns and the exchange of certain lands owned by the Northern Pacific Railway Co.;

H. R. 8037. An act for the relief of the Mallory Steamship Co.;

H. R. 8072. An act for the relief of Emma Zembsch;

H. R. 8294. An act for the relief of Edward B. Sappington;

H. R. 8297. An act for the relief of the Canadian Pacific Railway Co.;

H. R. 9027. An act authorizing the Secretary of the Interior to sell and patent to William G. Johnson certain lands in Louisiana;

H. R. 9062. An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any and all claims, of whatever nature, which the Kansas or Kaw Tribe of Indians may have, or claim to have, against the United States, and for other purposes;

H. R. 9435. An act to provide for commitments to, maintenance in, and discharges from the District Training School, and for other purposes;

H. R. 9825. An act to extend the time for the construction of a bridge across Pearl River at approximately 1½ miles north of Georgetown, in the State of Mississippi;

H. R. 10277. An act to extend the time for the construction of a bridge across Humphreys Creek at or near the city of Sparrows Point, Md.;

H. R. 10347. An act for the relief of Robert B. Sanford;

H. R. 10472. An act to provide for restoration of the Old Fort Vancouver Stockade;

H. R. 10592. An act to amend an act entitled "An act authorizing extensions of time for the payment of purchase money due under certain homestead entries and Government-land purchases within the former Cheyenne River and Standing Rock Indian Reservations, N. Dak. and S. Dak.;"

H. R. 11077. An act authorizing the issuance of patents to the State of South Dakota for park purposes of certain lands within the Custer State Park, now claimed under the United States general mining laws, and for other purposes;

H. R. 11210. An act to grant certain public lands to the State of Washington for park and other purposes;

H. R. 11355. An act authorizing the Secretary of War to convey by revocable lease to the city of Springfield, Mass., a certain parcel of land within the Springfield Military Armory Reservation, Mass.;

H. R. 11358. An act to authorize the Secretary of the Interior to cancel restricted fee patents covering lands on the Winnebago Indian Reservation and to issue trust patents in lieu thereof;

H. R. 11360. An act to provide for the permanent withdrawal of a certain 40-acre tract of public land in New Mexico for the use and benefit of the Navajo Indians;

H. R. 11361. An act to provide for exchanges of Government and privately owned lands in the additions to the Navajo Indian Reservation, Ariz., by Executive orders of January 8, 1900, and November 14, 1901;

H. R. 11362. An act to authorize an appropriation for the purchase of certain lots in the town of Cedar City, Utah, for the use and benefit of a small band of Piute Indians located thereon;

H. R. 11410. An act to extend the time for the exchange of Government lands for privately owned lands in the Territory of Hawaii;

H. R. 11644. An act granting certain public lands to the city of Phoenix, Ariz., for municipal park and other purposes;

H. R. 11701. An act to amend an act entitled "An act to regulate steam engineering in the District of Columbia," approved February 28, 1887;

H. R. 11726. An act to authorize the creation of a national memorial in the Harney National Forest;

H. R. 11886. An act to amend section 7 of an act entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," approved March 1, 1911 (36 Stat. L. p. 961);

H. R. 11953. An act granting the consent of Congress for the construction of a bridge across the Grand Calumet River on the north and south center line of section 33, township 37 north, and range 9 west of the second principal meridian, in Lake County, Ind., where said river is crossed by what is known as Kennedy Avenue;

H. R. 11954. An act granting the consent of Congress for the construction of a bridge across the Grand Calumet River at Gary, Ind.;

H. R. 11977. An act to extend the time for the commencement and completion of the bridge of the American Niagara Railroad Corporation across the Niagara River in the State of New York;

H. R. 12086. An act to authorize the transfer of the United States Weather Bureau site and buildings at East Lansing, Mich., to the State of Michigan in exchange for another Weather Bureau site on the grounds of the Michigan State Board of Agriculture and other considerations;

H. R. 12001. An act to provide for the elimination of Lamond grade crossing in the District of Columbia, and for the extension of Van Buren Street;

H. J. Res. 115. Joint resolution approving the action of the Secretary of War in directing the issuance of quartermaster stores for the relief of sufferers from the cyclone at Lagrange and West Point, Ga., and vicinity, March, 1920; and

H. J. Res. 318. Joint resolution establishing a commission for the participation of the United States in the observance of the one hundred and fiftieth anniversary of the Battle of Bunker Hill, authorizing an appropriation to be utilized in connection with such observance, and for other purposes.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by title and referred as indicated below:

H. R. 4507. An act to amend an act for the appointment of an additional circuit court judge for the fourth judicial circuit, for the appointment of additional district judges for certain districts, providing for an annual conference of certain judges, and for other purposes, approved September 14, 1922; and

H. J. Res. 347. Joint resolution providing for an investigation of the official conduct of George W. English, district judge for the eastern district of Illinois; to the Committee on the Judiciary.

H. R. 8236. An act for the relief of the Government of Canada; to the Committee on Foreign Relations.

H. R. 12334. An act to amend the act entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services," approved March 4, 1923, and the act amendatory thereof and supplementary thereto; to the Committee on Civil Service.

DISTRICT OF COLUMBIA APPROPRIATIONS—CONFERENCE REPORT

Mr. PHIPPS. Mr. President, I ask unanimous consent to be allowed to present a conference report on House bill 12033, the District appropriation bill, which is a final report; and I shall ask for its immediate consideration.

Mr. WARREN. It is a complete report.

Mr. PHIPPS. Yes; a complete report.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 12033) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1926, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

That the House recede from its disagreement to the amendment of the Senate numbered 46; and agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and

agree to the same with an amendment, as follows: Restore the matter stricken out by said amendment, amended to read as follows: "\$90,774, including compensation in accordance with the classification act of 1923 for two additional judges and such other court employees, within the limit of available funds, as the court may determine to be necessary, and of said sum \$6,530 shall be available immediately; *Provided*, That in addition to the sums hereinafter appropriated for the expenses of said court and for any of said purposes there is further appropriated the sum of \$22,800, of which \$12,600 shall be available immediately"; and the Senate agree to the same.

L. C. PHIPPS,
W. L. JONES,
L. HEISLER BALL,
CARTER GLASS,
M. SHEPPARD,

Managers on the part of the Senate.

C. R. DAVIS,
FRANK H. FUNK,
W. A. AYRES,

Managers on the part of the House.

Mr. KING. What does this mean?

Mr. PHIPPS. It means that the Senate recedes on item 1, which had to do with the proportionate contribution by the District government and the Federal Government. The House figure of \$9,000,000 is agreed to.

Amendment 46 was a proviso instructing the Budget officers to set up the bill for the year 1927 on the same basis as that of the bill for the year 1926, and on that amendment the House receded.

The other item was a small one, relating to the new court justices and other expenditures occasioned by the passage of the traffic bill.

Mr. KING. Will the Senator permit an inquiry?

Mr. PHIPPS. Certainly.

Mr. KING. Was there any increase in the number of court bailiffs, clerks, and assistant clerks?

Mr. PHIPPS. The language of the bill, as I recall it, provides for two additional judges and such court officials as may be necessary. I am not quite sure as to the designation of bailiffs.

Mr. KING. The Senator will recall that in the traffic bill which we passed the other day it was provided that there should be four additional clerks and four additional bailiffs. I was wondering whether any attempt had been made in this appropriation bill to nullify the traffic measure with respect to the number of employees.

Mr. PHIPPS. Quite the reverse. Every endeavor was made to have the appropriations contained in this bill and in the deficiency bill which we have just acted upon conform exactly with the provisions of the traffic measure as agreed to by both the House and the Senate.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

FINES, PENALTIES, FORFEITURES, AND LIABILITIES IN THE POSTAL SERVICE

Mr. STERLING. Mr. President, I report back favorably without amendment from the Committee on Post Offices and Post Roads the bill (S. 4232) to amend section 409, Revised Statutes of the United States, relating to fines, penalties, forfeitures, and liabilities in the Postal Service. I ask unanimous consent for the present consideration of the bill. It is a short measure.

The PRESIDENT pro tempore. The Secretary will read the bill for information.

The Chief Clerk read as follows:

Be it enacted, etc., That the provisions of section 409, Revised Statutes of the United States, shall extend in all cases now pending or which may hereafter arise to balances due to the United States through accountability for public moneys under any provision of law in relation to the officers, employees, operations, or business of the Postal Service.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. WARREN. I shall not object if it will take no time, but the Senator must remember that we have an appropriation bill now before the Senate.

Mr. SMOOT. I do not intend to object, at least until the Senator can make an explanation of the bill. We can hardly tell what the effect of it would be by simply hearing it read.

Mr. STERLING. Section 405 of the Revised Statutes simply authorizes the postmaster to adjust—

Mr. ASHURST. I ask that the bill go over until I can have an opportunity to examine it.

The PRESIDENT pro tempore. Objection is made. The request may be made later.

SECOND DEFICIENCY APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12392) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1925, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1925, and June 30, 1926, and for other purposes.

Mr. BORAH. Mr. President, I sent to the desk a short time ago an amendment which I shall in a few moments propose. I ask that the clerk may read the amendment.

The PRESIDENT pro tempore. The amendment will be read as requested.

The CHIEF CLERK. Insert at the proper place in the bill the following:

SECTION 1. That the following provision contained in H. R. 12101, being the legislative appropriation bill, passed and approved February 1, 1925, reading as follows:

"SEC. 4. That section 4 of the legislative, executive, and judicial appropriation act, approved February 26, 1907, as amended, is amended to read as follows: 'That on and after March 4, 1925, the compensation of the Speaker of the House of Representatives, the Vice President of the United States, and the heads of executive departments who are members of the President's Cabinet shall be at the rate of \$15,000 per annum each, and the compensation of Senators, Representatives in Congress, Delegates from Territories, Resident Commissioner from Porto Rico, and Resident Commissioners from the Philippine Islands shall be at the rate of \$10,000 per annum each.'"

be, and the same is hereby, repealed.

SEC. 2. That on and after the passage and approval of this act the compensation of the Speaker of the House of Representatives, the Vice President of the United States, and the heads of executive departments who are members of the President's Cabinet shall be at the rate of \$12,000 per annum each, and the compensation of Senators, Representatives in Congress, Delegates from Territories, Resident Commissioner from Porto Rico, and Resident Commissioners from the Philippine Islands shall be at the rate of \$7,500 per annum each.

Mr. BORAH. Mr. President, before I formally tender the amendment I want to say a word in explanation. It is not my purpose to go at length into a discussion of the matter because it is late and all are impatient. But I do think the extraordinary situation that has arisen, being an attempt to repeal a law immediately after it has been enacted, requires some explanation and discussion.

Before preparing the amendment and before offering the amendment I consulted with a number of Senators in the body and I found almost without exception the feeling that the matter of the change of our salaries had not been sufficiently considered at the time it was incorporated in the legislative appropriation bill. Some Senators entertained the idea that the raise of salaries could well be justified. Others felt that at this time it was inopportune, but whether favorable to the raise or unfavorable to it, there was a feeling that the matter ought to have further discussion and consideration. After consultation I concluded to offer an amendment to the deficiency appropriation bill which, if adopted, would restore the law as it existed prior to the passage of the legislative appropriation bill, should that become a law, as I assume it will in all probability. There was some difficulty in drawing the amendment for the reason that at that time the bill had not been signed and I do not know that it is yet signed. Nevertheless if the amendment is adopted and goes into the deficiency appropriation bill, should that bill be signed the salaries will be restored to the provisions of the old law.

What I desire to urge is this: Undoubtedly the question of changing the salaries of the Members of the House and of the Senate will come along for consideration and is a matter which should come along for consideration, I will assume. But I feel that it ought to come as a separate and independent measure and ought to be passed, if it is passed, after we have had ample time to consider it, and particularly it ought to be considered in connection with other salaries of Government officials, bills for the changing of which are now pending before the Congress. We have pending before the committees bills changing the salaries of Federal judges. There are other bills relating to salaries of Federal officials pending somewhere before some of the committees. The entire question of a change of salaries or whether or not under present conditions salaries are sufficient will undoubtedly come along for consideration. But it ought to be considered, it seems to me, in connection with the entire subject matter, not only that of raising the salaries

of the Members of Congress, but of adjusting the salaries of Federal officials. While I feel that none of these salaries, including our own should be raised, yet assuming it is a matter that we must consider, we should consider it in the open and after full discussion.

Certainly the Congress would not want to be placed in the position of raising the salaries of our Members and disregarding the claims of other officials for a raise of their salaries. Certainly the equitable and open and candid way to deal with the matter is to deal with it in a general salary bill, as it were, covering the entire subject matter where salaries are being raised or sought to be raised. I think that is the proper thing to do, regardless of the merits or demerits of the question of raise, which I do not care to discuss unless it becomes absolutely necessary to do so. Regardless of that question the salaries ought to be restored, so that they will be as they were before an attempt was made to change them, and then we may take up the entire subject on the coming in of the next Congress for the purpose of dealing with it as a whole.

The Congress fixes the salaries of its own Members. That is an extraordinary privilege, and it ought to be dealt with in the most open and candid and deliberate way. We all know that there was no discussion of the subject either at the time of the passage of the bill or previously. We know there was no discussion of it at any time during the late campaign. We know the matter had never gone into the public press or before the country. I do not think it is a wise program to raise our salaries, a matter which is wholly within our own hands, and from which there is no appeal, without a full discussion and consideration of it. We should never raise our own salaries until we have so declared our intention to those who send us here.

That is all I desire to say at this time if we can have the matter considered. I trust the Senator in charge of the bill will not raise a point of order. It would be most extraordinary, in view of the condition prevailing at the time of the passage of the legislative appropriation bill, if we should refuse at this time to permit the matter to come before the Senate, and I sincerely hope that the Senator from Wyoming [Mr. WARREN] will not raise the point of order. I offer the amendment.

Mr. WARREN. Mr. President, I do not intend to go into a discussion to any great extent, but I will say that the slight intimation—I will not say innuendo—that there was anything about the passage of the bill that was not done properly and as we legislate here in other appropriation bills, is entirely and utterly wrong. The Senator from Idaho must have been misinformed.

The chairman of the Committee on Appropriations did not inaugurate the movement. It seems that it was brought before the Committee on Finance originally. I do not know how long it was there. I think I heard there was such a matter there a day or two, or perhaps three days, before it was reported. The matter was reported favorably from the Committee on Finance in the form of a bill and went to the calendar, I think, so that it was considered as a bill. It was afterwards referred to the Committee on Appropriations. It was considered by the Committee on Appropriations. The Committee on Appropriations sent the bill to the floor of the Senate with its approval in reporting a bill which included it. It was open to everybody, including the press, if they wished to see it. It finally was sent back to the committee for a change in wording, and again was reported to the Senate as an amendment. That is the history of it so far as the two committees are concerned.

On the other hand, as to the bill itself, I reported the legislative appropriation bill as chairman of the Committee on Appropriations, I think on Monday morning; I do not remember the exact date, but it was reported on the morning of the day before it was called up. I stated at the time I reported it that I should take advantage of the first opportunity to secure its passage. Furthermore, on the day that it was passed; in fact, just before 2 o'clock, my friend the Senator from Maine [Mr. FERNALD] stood in front of me, demanding the attention of the Chair upon some measure, I think the Cape Cod Canal matter; and I immediately appealed to the Chair and presented in that demand the privileged question of taking up an appropriation bill, stating that I desired to take up an appropriation bill.

The Chair ruled, and properly so, that my motion was in order and the appropriation bill was taken up. That was the District of Columbia appropriation bill. In the few remarks which I made touching on that bill, I stated plainly and clearly that I should ask for an evening session because I intended to ask to have the legislative appropriation bill called up immediately following the disposition of the District appro-

priation bill. After a recess from 5 o'clock to 8 o'clock that evening we came back, and my colleague, the Senator from Colorado [Mr. PHIPPS], in charge of the District appropriation bill, had about concluded with that bill and I was here ready to take his place with the legislative appropriation bill.

At the conclusion of consideration of the District bill I called up the legislative appropriation bill and it was passed in an entirely regular way. The amendment in question, although it could have been incorporated in the bill in the first instance, possibly involved a question which often arises as to whether it was or was not legislation. That question was such that I felt it was better to offer the amendment from my place as a committee amendment suggested, and it was sent to the desk, read at the desk, and agreed to.

It has been stated in the newspapers—but their authority I can not guarantee here—that we passed the bill in 10 or 12 or 15 minutes. It was a short bill; it was a bill with few amendments, less than 15 amendments altogether, and there were probably only twenty-odd or perhaps 30 pages in the bill. As a comparison, to show whether there was anything unusual about that, I am told that we passed a bill appropriating the sum of over \$760,000,000, fifty times as large in amount and two and a half times as large in the number of pages—that is to say, the Treasury and the Post Office Department appropriation bill—in about the same length of time, or perhaps three or four minutes longer than it took to pass the legislative appropriation bill.

The fact that some Senators may not have come back after the dinner recess certainly was hardly a matter that need to be observed so long as there was the usual number of Senators present. I see in that nothing that should be raised as a question of the manner in which the bill was passed.

The Senator from Idaho, of course, knows, because his knowledge is as great as that of any man present or who could be present, that the amendment is not in order.

As to his observations about the courts—

Mr. BORAH. Before the Senator leaves that and goes to another point, I hope the Senator will not construe my remarks as impugning the motives of either the Senator from Wyoming or anyone else. I simply said that the bill passed without discussion.

Mr. WARREN. I merely stated the circumstances.

Mr. BORAH. I am not impugning anybody's motives at all. I am not going to take up that matter for discussion if I can avoid it.

Mr. WARREN. Mr. President, a number of years ago I happened to be chairman of a subcommittee at the time when the first successful effort was made to raise the salaries of the President and other Government officers. It was my privilege then, or my burden—whichever way it may be considered—to have charge of the bill which was brought in here providing a salary of \$100,000 for the President, \$10,000 for Members of the House and Senate, and fourteen or fifteen thousand dollars for the Justices of the Supreme Court. On the floor of the Senate, Members of the Senate who were learned in the law said that we should let the Committee on the Judiciary consider the questions affecting judicial salaries.

It was not thought in some quarters that the committee which had charge of that bill had treated the members of the judiciary as others thought they should be treated in the figures which were suggested in that bill. So the provision affecting judicial salaries was left out of that bill. Afterwards, however, the salaries of district, circuit, and Supreme Court justices were increased.

At that time, also, we were forced to recede from the figure which had been proposed for the salary of the President of the United States and to make that salary \$75,000 a year, at which point it has remained since, and the salaries of Senators and Members of the House were made and have likewise remained at \$7,500.

Of course, the amendment proposed by my friend from Idaho came from no standing committee; it had the approval of no standing committee. Whether Senators and Representatives who want their salaries increased will stand up and vote or answer to their names or will vote in the manner usual in considering various legislative measures I do not know; but if I can judge the sentiment of the country and of the press, if the Senate and House after adopting this salary provision in a legitimate way, as they have done, shall, as it is said in the Army, "turn tail and run to the rear," then the country ought to know it and know it now. In other words, the country ought to know whether we are quitters and men without courage. I am constrained, Mr. President, to make the point of order against the amendment, as it is legislation.

Mr. MOSES. Mr. President—

The PRESIDING OFFICER (Mr. WADSWORTH in the chair). Does the Chair understand that the Senator from Wyoming has made a point of order against the amendment?

Mr. WARREN. I make the point of order against the amendment, but I do not wish to cut off debate.

Mr. MOSES. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Hampshire desire to discuss the point of order?

Mr. MOSES. No; the point of order is not debatable, but—

Mr. WARREN. I do not wish to cut off debate.

Mr. MOSES. I do not understand that the point of order is debatable, but an appeal would be debatable.

The PRESIDING OFFICER. The Chair is ready to rule. The Chair—

Mr. MOSES. Mr. President, before the Chair rules, may I be permitted to say in line with what the Senator from Wyoming [Mr. WARREN] has said, that I happened to have been in the chair at the time the original ruling was made which brought the appropriation bill before the Senate? I also happened to have been in the chair at the time this amendment was agreed to. Antecedent to the agreement to the amendment, the Senator from Kansas [Mr. CURTIS], the majority leader on the floor of the Senate, in seeking the unanimous-consent agreement which brought about the night session, gave notice that at that session it was intended to take up the District of Columbia appropriation bill, following which the legislative appropriation bill would be laid before the Senate. That notice was followed to the letter.

The District appropriation bill was brought before the Senate at the night session. It was passed with some degree of speed, I will admit, but that was because the Senate was in a mood to pass it. The legislative appropriation bill came before the Senate and the amendment was offered by the Senator from Wyoming [Mr. WARREN] in behalf of the committee. The question was stated by the then occupant of the chair, myself, that it was an amendment offered by the Senator from Wyoming in behalf of the committee. The amendment was read by the reading clerk of the Senate, whose diction can not be misunderstood by any Senator within the hearing of his voice. The question was put upon agreeing to the amendment offered by the Senator from Wyoming in behalf of the committee. There was nothing clandestine about the proceeding at any time.

Mr. BORAH. Mr. President, I wish to ask to have inserted in the RECORD as a part of my remarks an extract from the CONGRESSIONAL RECORD of February 17, 1925, at page 3957, beginning with the words "Legislative appropriations," down to the end of the proceedings on page 3958.

The PRESIDING OFFICER. Without objection, consent to do so is granted.

The matter referred to is as follows:

LEGISLATIVE APPROPRIATIONS

Mr. WARREN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House bill 12101, being the legislative appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 12101) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1926, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. WARREN. Mr. President, it is not a very long bill and there are but few amendments to it. I will ask that the formal reading of the bill may be dispensed with and that it be read for amendments, the committee amendments to be first considered.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The Secretary will state the first amendment.

The first amendment of the committee was, under the heading "Senate, office of the Secretary," on page 2, line 15, before the words "financial clerk," to strike out "reading clerk, \$4,500," and insert "chief clerk, who shall perform the duties of reading clerk, \$4,500"; in the same line, before the word "clerk," where it occurs the second time, to strike out "chief" and insert "principal"; and in line 17, before the word "clerk," where it occurs the second time, to strike out "principal" and insert "legislative," so as to read:

"Salaries: Secretary of the Senate, including compensation as disbursing officer of salaries of Senators and of contingent fund of the Senate, \$6,500; assistant secretary, Henry M. Rose, \$5,500; chief clerk, who shall perform the duties of reading clerk, \$4,500; financial clerk, \$4,500; principal clerk, \$3,420; assistant financial clerk, \$3,600; minute and Journal clerk, \$3,600; legislative clerk, \$3,150, etc."

The amendment was agreed to.

Mr. WARREN. On behalf of the committee, I offer the amendment which I send to the desk to come in on page 5.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 5, line 13, after the numeral "\$2,590," it is proposed to insert "assistant clerk, \$1,940," and on page 6, line 10, to correct the total by striking out "\$368,170" and inserting "\$370,110."

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Clerical assistance to Senators," on page 6, line 22, after the figures "\$106,400" to strike out "in all, \$601,300" and insert "messenger, \$1,520; in all, \$802,820," so as to read:

"Seventy additional clerks at \$1,520 each, one for each Senator having no more than one clerk and two assistant clerks for himself or for the committee of which he is chairman, \$106,400; messenger, \$1,520; in all, \$602,820."

The amendment was agreed to.

The next amendment was, under the subhead "Contingent expenses of the Senate," on page 9, line 7, to increase the appropriation for rent of warehouse for storage of public documents from \$1,800 to \$2,000.

The amendment was agreed to.

The next amendment was, under the subhead "Capitol Building and Grounds," on page 23, after line 18, to insert:

"For surgical treatment of trees on the Capitol Grounds, \$5,000."

The amendment was agreed to.

The next amendment, was on page 24, after line 2, to insert:

"For extension and changing of electric wiring of the attic floor to provide necessary electric lighting for the storage rooms, \$1,000; for concrete floor for the attic story, \$15,750; for new revolving door for ground floor, southwest corner, Senate Office Building, \$1,750; in all \$18,500."

The amendment was agreed to.

The next amendment was, on page 27, line 12, after the figures "\$745,000," to insert "and authority is hereby given to enter into a contract or contracts or otherwise incur obligations not in excess of this sum," so as to make the paragraph read:

"Toward the construction of new bookstacks in the northeast court of the Library of Congress, \$345,000: *Provided*, That the total cost of such stacks shall not exceed \$745,000 and authority is hereby given to enter into a contract or contracts or otherwise incur obligations not in excess of this sum."

The amendment was agreed to.

The next amendment was, under the subhead "Library Building," on page 31, line 19, to reduce the appropriation for salaries, for the administrative assistant and disbursing officer and other personal services in accordance with "the classification act of 1923," from \$106,498 to \$104,398.

The amendment was agreed to.

Mr. WARREN. Mr. President, I desire to offer an amendment which has been considered by the Committee on Finance and reported favorably by them and which also has been considered by the Committee on Appropriations. I send the amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 39, after line 3, it is proposed to insert the following:

"SEC. 4. That section 4 of the legislative, executive, and judicial appropriation act, approved February 26, 1907, as amended, is amended to read as follows:

"That on and after March 4, 1925, the compensation of the Speaker of the House of Representatives, the Vice President of the United States, and the heads of executive departments who are members of the President's Cabinet shall be at the rate of \$15,000 per annum each, and the compensation of Senators, Representatives in Congress, Delegates from Territories, Resident Commissioner from Porto Rico, and Resident Commissioners from the Philippine Islands shall be at the rate of \$10,000 per annum each."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wyoming in behalf of the committee.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is still before the Senate as in Committee of the Whole and open to amendment.

Mr. SMOOT. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 22, it is proposed to strike out lines 1 to 3, inclusive, and to insert in lieu thereof the following:

"1924, \$45,000, of which \$25,000 shall be disbursed by the Secretary of the Senate and \$20,000 by the Clerk of the House of Representatives,

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Utah.

The amendment was agreed to.

The PRESIDING OFFICER. The Chair will ask the Senator from Wyoming if there are further committee amendments?

Mr. WARREN. That is the end of the committee amendments.

Mr. WATSON. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 7, in lines 8, 9, and 10, it is proposed to strike out "upholsterer and locksmith, \$1,770; cabinetmaker, \$1,520; three carpenters, at \$1,390 each"; and to insert in lieu thereof "foreman cabinetmaker, \$2,400; upholsterer, \$2,100; locksmith, hardwood finisher, and carpenter, at \$2,100 each."

Mr. WARREN. Mr. President, the amendment would open up a matter that it is not the intention of the committee to open in connection with this bill. I know the case very well, and it is a case which I expect to bring to the attention of the House committee in the next appropriation bill—the deficiency bill. However, the salary classifications were made in agreement between this body and the House of Representatives, and the salaries provided what might be called statutory salaries. There are three or four amendments of a similar kind. One, I understand, is to be offered by the Senator on my right [Mr. EDGE]. I shall be glad to present that when the proper occasion comes; but I can not consent to such amendments going on the pending bill, because they open up in a measure the understanding which the committee had with the committee on the House side as to this line of salaries.

Mr. WATSON. Very well, with that understanding I am quite content to let the matter rest.

Mr. WARREN. It would have to go to the House in any event, being an amendment; but I may say that the other body has not added a single amendment of that kind to the entire bill.

Mr. WATSON. Mr. President, I have no desire, as the Senator knows, to break into the regular order of things. The employees covered by the amendment I have submitted are wonderfully well qualified and render excellent service, but are underpaid. However, with the understanding that the Senator will call the matter to the attention of the House next time I am quite content.

Mr. WARREN. I shall certainly do so.

The PRESIDING OFFICER. Does the Chair understand the Senator from Indiana to withdraw his amendment?

Mr. WATSON. No.

The PRESIDING OFFICER. Then does the Senator consent to its being disagreed to?

Mr. WATSON. Yes.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Indiana.

The amendment was rejected.

Mr. EDGE. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 3, line 1, it is proposed to strike out "three" and insert in lieu thereof "four"; and in line 2 it is proposed to strike out "three" and insert in lieu thereof "two," so that if amended it will read:

"Laborers—four at \$1,140 each, two at \$1,010 each."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Jersey.

Mr. EDGE. Mr. President, that amendment is perhaps in the same class as the one the Senator from Wyoming has just discussed; but it refers to a laborer in the document room who has been in the employ of the Senate of the United States for twenty-odd years, and is receiving the munificent salary of \$1,010 a year. This amendment simply places him in the class above, in which class he would receive a salary of \$1,140 a year, an increase of \$130. I think after 20 years' service in the document room a man is entitled to have his class advanced to the extent of \$130 a year.

Mr. WARREN. Mr. President, do I understand that the Senator is willing to withdraw his amendment?

Mr. EDGE. If I have the same assurance from the chairman that he will press it in the ordinary way, I will not insist on it.

Mr. WARREN. All I can assure the Senator is that we certainly will take it up with House committee and give it serious consideration.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Jersey [Mr. EDGE].

The amendment was rejected.

Mr. WARREN. I ask unanimous consent that the clerks at the desk be authorized to correct all totals.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill is still before the Senate as in Committee of the Whole and open to amendment. If there be no further amendment to be proposed, the bill will be reported to the Senate.

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

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

RECESS

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 8 o'clock and 32 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, February 18, 1925, at 12 o'clock meridian.

Mr. BORAH. I am ready to have the ruling of the Chair.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. BRUCE. Mr. President, may I say that I trust that the point of order will not be insisted upon? There are some Members of the Senate, I imagine, who would like to have a roll call on this matter. Whether I voted "yea" or whether I voted "nay," I should like to have the privilege of voting "yea" or "nay" as the dictates of my conscience and mind impelled me to do.

In point of fact, I have never had any opportunity to have my vote recorded on this question. About two or three weeks ago I was approached by a Member of the Senate and told that there would be a movement in the Senate with a view to increasing the salaries of Senators and Representatives, and he asked me whether I would not give the matter reflection. I told him that I would. I never said anything more to him after that nor did he ever say anything more to me nor did I ever hear anything more about the matter from anybody nor did I ever say anything more about it to anybody. I supposed that it had been dropped.

I happened to be absent the night that the amendment providing the increase of salary was adopted by the Senate. I had some weeks previously accepted an invitation to a dinner, and I had not the slightest idea that it would be offered for consideration that night. The first intimation that I received that any such amendment had been adopted or that any such step as its adoption was contemplated was when I picked up a newspaper the next morning and saw that it had been adopted. Afterwards, of course, followed the effort of the Senator from Nebraska [Mr. NORRIS] to recall the bill from the other House and to have a reconsideration of the action of the Senate. I voted "aye" on his motion, and I wish it to be known for all time that I voted "aye" on it.

Like the Senator from Idaho [Mr. BORAH], I have not the slightest idea of discussing this question upon its merits at this time, though I am prepared to do so at any proper time; but I do think that the present is an opportune occasion for having a roll call and determining just exactly how the Members of this body feel with reference to the question.

Some of the Members of the Senate are prepared to justify the action of the Senate, I assume. Let them justify it. I am not saying for a moment that it can not be fully justified. Some, I suppose, will impugn the action of the Senate. Let them, too, have their opportunity. But I for one do not propose to be placed before the people of the United States in the attitude of hesitating at any time to say "yea" or "nay" on a roll call on any question that may be pending in this body. I do not think that things of that kind should be done in a corner. I think that they ought to be done, as everything else in the Senate should be done, in the daytime in the light of the sunshine, and at night in the full glare of the chandeliers in this Chamber.

Personally, I do not care what the merits of this proposition are; I do not propose to vote for it when the time comes. I am not going to be a judge in my own cause. If it is proper that the salaries of Members of Congress should be increased, let the President say so; let him send a message here saying that we are underpaid, and suggesting to us the expediency from a public point of view of such an increase or let the movement be initiated in some other quarter. So far as I am concerned, if there is to be an increase of salary, I wish the increase to take effect only after the expiration of my term. Then I will vote for the proposition.

The matter is fundamental. Get back to Jefferson's Manual, the book that to a large extent regulates the procedure of this body. What does Jefferson say with reference to a Member of the Senate voting in relation to any matter where his own personal interests are deeply concerned? What he says is, of course, what has been said immemorially by the English authorities upon parliamentary law:

Where the private interests of a Member are concerned in a bill or question he is to withdraw. And where such an interest has appeared, his voice has been disallowed, even after a division. In a case so contrary, not only to the laws of decency but to the fundamental principle of the social compact, which denies to any man to be a judge in his own cause, it is for the honor of the House that this rule of immemorial observance should be strictly adhered to.

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

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Wyoming?

Mr. BRUCE. I yield, of course.

Mr. WARREN. If the Senate and the House; in other words, the Congress; shall not fix the salaries of Members, how would they receive any pay?

Mr. BRUCE. If the Members of the Senate and the House do not wish to be suspected of being influenced by personal interest, let the increase go into effect when their present terms of office shall expire.

Mr. HEFLIN. Mr. President, will the Senator yield?

Mr. BRUCE. I refuse to yield; though I am not going to indulge in any high-flown histrionics about this business. I have often said that at times it seems to me as if the whole human race were broken up into two classes—those who are good for nothing and those who are too good for anything. I do not care to be placed in either class.

But I recollect when I was at the head of the Baltimore City law department—and I am giving now an illustration of just how I think a matter of this kind should be handled—there was a proposition to increase the salaries of the higher officials of that city. I was one of them, and I was called on to draft a law providing for the increases. I was glad to have my colleagues receive their increases, but, as I was the draftsman of the law and was expected to push it through the legislature, I provided in the bill that as to my salary the increase should not take effect until the expiration of my existing term of office. That is what I should like to have done in this case. But that is not the point.

As I have said I am not going into the merits of the question any further than to assert what I personally would do were I given an opportunity to vote on it without regard to its strict merits. I desire now merely to declare that I crave the privilege of being put on record; I wish to say "yea" or "nay;" I wish to speak up like a man and permanently register my convictions. Up to this time I have not enjoyed that privilege, and I ask it; I will not say I demand it but I am almost prepared to say that the people of the United States demand it for me and any other Member of Congress who seeks it.

Mr. GLASS. Mr. President, will the Senator permit me to interrupt him? It is perfectly competent for the Senator now to go on record and say that had he been present he would have voted against the salary increase. There can be no objection to his doing that.

Mr. BRUCE. But we can have a roll call on the amendment of the Senator from Idaho if the point of order is not insisted on.

Mr. HEFLIN. It has already been sustained.

Mr. BRUCE. But it has been sustained under circumstances, it appears to me, that make it necessary that it should be sustained again.

The PRESIDING OFFICER. The Chair begs to remind Senators that the point of order is not debatable. The Chair has permitted the debate with the understanding that it was proceeding by unanimous consent.

SEVERAL SENATORS. Regular order!

Mr. BRUCE. Mr. President, I do not desire to continue the discussion of the subject. All I care to say is—

Mr. CARAWAY. Mr. President—

Mr. BRUCE. Is the Senator from Arkansas asking me to yield the floor?

Mr. CARAWAY. I thought the Senator had yielded the floor.

Mr. BRUCE. No.

Mr. CARAWAY. I thought the Senator was through; I thought he had announced that he was not going to receive his salary and had quit.

Mr. BRUCE. I will yield the floor.

Mr. CARAWAY. Mr. President, I wish to say just this, if I may, that I can not think there was any Member of the Senate who did not know this measure was to be voted upon.

I am saying this frankly because I had said before the measure passed that I thought it was an inopportune time to do it, and I think so now; and with that full knowledge upon the part of the Senators who had it in charge, the Senator from Utah showed me the amendment that had been ordered favorably reported by the committee increasing these salaries; I knew it; I had known it; and there is not a Senator on this floor who, if he had felt inclined to stay here and find out what was going on, would not have had a full opportunity to know it long in advance of its passage. It was published in the press that morning. Everybody knew it. There was a Senator, whose name I shall not call although I see him sitting here, who rushed into the papers the next afternoon and shrieked to high heaven about how they had taken advantage of him and raised his salary. Why, he happened to be on the floor when that occurred; but that made no difference. [Laughter.]

Mr. ASHURST. Mr. President, will the Senator yield to me at that point?

Mr. CARAWAY. Certainly.

Mr. ASHURST. We may look for the conscience fund of our Treasury to be increased by the amount of that Senator's additional salary, I presume.

Mr. CARAWAY. Oh, the conscience fund will not be increased by one cent by these gentlemen who now say they do not want their salary increased. [Laughter.] I am not criticizing them. There are certain times when some people can not resist the temptation to be holier than anybody else. It is temperamental, and they have to yield to it.

Mr. BRUCE. Mr. President, may I interrupt the Senator?

Mr. CARAWAY. Certainly.

Mr. BRUCE. Is the Senator referring to me?

Mr. CARAWAY. If the Senator understood what I said just now, and the Senator thinks I was talking about him, I am perfectly willing that he shall so regard it. I was simply saying—

Mr. BRUCE. May I interrupt the Senator? Was he talking then of me?

Mr. CARAWAY. Oh, not in particular.

Mr. BRUCE. I am glad to hear the Senator say so.

Mr. CARAWAY. Not in particular, naming the Senator. Here is all I wanted to say: I did not think then and I do not think now that it was an opportune time to have voted the raise. Everybody, I think, knows how I stood with reference to it. I know that before the Senator from Utah showed me the amendment and afterwards I told him the same thing. I was present when the amendment was offered and voted on. I did not think it was opportune; but I thought, if other people thought differently, it was one of those things that was so easy to be misunderstood and so hard to make yourself understood, that somebody would think you were seeking the lime-light, being conscious that it was going to pass.

I am not criticizing anybody. This is all I want to say: If there was anything clandestine about it, I never knew it. I knew, and everybody, as I supposed, knew that I was opposed to it. I knew that it was coming up. If anybody did not know it, I do not know how he could have been a Member of the Senate and paying any attention to what was going on in the Senate.

I know that there was not anything clandestine about its passage. I know that it was as open as any other amendment that went on any other appropriation bill since I have been here. I know that there was a great deal more publicity about it than there was about the amendment offered here a minute ago to pay three hundred and some odd thousand dollars to the Osage Indians of Nebraska. There was more known about it than there was about the \$5,000,000 to be paid for silver just voted on.

Mr. REED of Missouri. Mr. President—

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

Mr. CARAWAY. I yield to the Senator.

Mr. REED of Missouri. Does not the Senator think that it is probably the only amendment to any bill that has been thoroughly understood by every Senator during the session? [Laughter.]

The PRESIDING OFFICER. The Senate will be in order.

Mr. CARAWAY. It was so thoroughly understood that I am astonished when any Senator says he did not know it was going to happen.

Mr. BRUCE. Mr. President, may I interrupt the Senator for a moment? I desire to assert again that I did not have the slightest intimation or knowledge in any shape or form that this proposition would be taken up by the Senate—not the slightest.

Mr. CARAWAY. The Senator knew that the Senate was to be in session that night; did he not?

Mr. BRUCE. Of course I did.

Mr. CARAWAY. And the Senator knew that legislation was going to be had that night. Does the Senator think that somebody should have hunted him up and told him what was going to be considered that night if he wanted to be absent?

Mr. BRUCE. My observation is that legislation is not always enacted when the Senate is in session. Sometimes a paralysis seems to seize it, and no legislation at all is enacted. I do not desire, however, to speak with any heat or over-emphasis about this matter. All I have to say is that I had no information whatever that the amendment was to be adopted.

I am not going to discuss the merits of the proposition at this time, nor am I questioning anybody's right to take any view about them that he pleases—not the slightest. The view of any Member here may be far more correct than mine. All I am saying is that I am glad that the Senator from Idaho

has given each one of us, if we are allowed to exercise it, the privilege of voting "yea" or "nay."

Mr. REED of Pennsylvania. I call for the regular order.

Mr. CARAWAY. May I just say this, and then I shall yield the floor:

I am perfectly willing to accord to the Senator from Maryland sincerity when he says he did not know that legislation of this kind was going to be had. He said that the Senate and the House ought not to vote for the increase of their own salaries; that the President, as I understood him, should send word down here when he thought the Congress ought to raise their salaries.

Mr. BRUCE. Mr. President, may I interrupt the Senator for just a moment to say that I can not conceive of any other way in which such legislation could be initiated outside of Congress itself. I merely happened to make one suggestion that occurred to me; that is all.

Mr. CARAWAY. Well, of course, it might be well to abolish both the House and the Senate; but as long as the Constitution requires them to make appropriations, I am unable to turn even my salary over to the President, though I am sure he likes me so well that he would raise it immediately. [Laughter.]

The PRESIDING OFFICER. The point of order is well taken.

Mr. BORAH. Mr. President, I desire to move to suspend paragraph 3 of Rule XVI in order that the amendment which I send to the desk may be offered. I send to the desk the notice which I filed upon the 23d instant.

The PRESIDING OFFICER. The Secretary will read the notice.

The Chief Clerk read as follows:

NOTICE BY MR. BORAH

I hereby give notice that under Rule XL I will move to suspend paragraph 3 of Rule XVI in order that I may propose to H. R. 12392, making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1925, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1925, and June 30, 1926, and for other purposes, the following amendment:

"SECTION I. That the following provision contained in H. R. 12101, being the legislative appropriation bill passed and approved February 1, 1925, reading as follows:

"SEC. 4. That section 4 of the legislative, executive, and judicial appropriation act, approved February 26, 1907, as amended, is amended to read as follows:

"That on and after March 4, 1925, the compensation of the Speaker of the House of Representatives, the Vice President of the United States, and the heads of executive departments who are members of the President's Cabinet shall be at the rate of \$15,000 per annum each, and the compensation of Senators, Representatives in Congress, Delegates from Territories, Resident Commissioner from Porto Rico, and Resident Commissioners from the Philippine Islands shall be at the rate of \$10,000 per annum each," be and the same is hereby repealed.

"SEC. II. That on and after the passage and approval of this act the compensation of the Speaker of the House of Representatives, the Vice President of the United States, and the heads of executive departments who are members of the President's Cabinet shall be at the rate of \$12,000 per annum each, and the compensation of Senators, Representatives in Congress, Delegates from Territories, Resident Commissioner from Porto Rico and Resident Commissioners from the Philippine Islands shall be at the rate of \$7,500 per annum each."

Mr. BORAH. Mr. President, I make a motion to suspend paragraph 3 of Rule XVI.

Now, Mr. President, I want to say a word further in regard to this matter.

The Senator from Arkansas [Mr. CARAWAY] has stated that no Senator could have been ignorant of the fact that this amendment was going to be voted upon. I do not claim, Mr. President, that I was ignorant of the fact that it was coming along, although the matter never had been brought to my attention by any Member of the Senate; but I knew that a bill had been introduced to that effect, and I had my opinion about the probability that it would be offered as an amendment at some time to some bill, so I was not acting in ignorance of the situation. I am perfectly aware, too, of the embarrassment which a Senator suffers by reason of being absent at a time when some business is transacted to which he might have made objection and to which he afterwards desired to make objection; but may I say this:

When I went to my dinner that night I left my house at 8.25, understanding—in fact, it was so telephoned—that the District of Columbia bill would come along first. I knew it

could not possibly be disposed of inside an hour. When I arrived at the Senate Office Building and called up on the telephone to find out what was going on in the Senate at 8.35 I found that the Senate had adjourned. Of course, no one was to blame for that but myself, and I am not blaming anyone but myself. I was absent 32 minutes while the Senate was in session. I found next morning that the District of Columbia bill had been partially finished, laid aside, and the legislative appropriation with this amendment taken up and passed—all in 30 minutes.

I did not feel that I could quite satisfy my obligation to the situation by remaining silent. In raising this question I was also perfectly aware that I would be subjected to the charge of "holier than thou"; but I was between two fires, and I either had to take that criticism or else to take criticism from myself for not doing what I thought, under the circumstances, I ought to do.

Mr. President, let me say just a word further:

I voted against the bonus for the soldiers. I did so for one reason—upon the ground of economy. That bill was vetoed, in the first instance, by the President of the United States on the ground of economy. That was only one of the elements entering into the matter so far as I was concerned; but it was one and an important one. I also voted against the raise of the postal employees' salaries, and I had stated publicly that I was opposed to this raise in salary. I had also stated that I was opposed to the raise in regard to the judiciary. So, Mr. President, I felt that those of us who felt that the time was inopportune ought to have an opportunity to express our views in regard to it and, if possible, to record our votes in that way. I felt and still feel that the whole proposition of raising the salary is a mistake.

But there is another reason which was very controlling with me, and more than all other reasons put together. The Republican Party has been making a fight for economy for the last three or four years, and in many instances it has been very ably supported by the Democratic Party. It would be difficult, if you would take the RECORD here, to determine which party is entitled to the greater credit for the effort to reduce the expenditures of the Government. In my opinion, when this bill goes through the contest for economy in governmental expenditures is over.

I think it is the beginning of the raise of the salary of every Federal official in the United States who feels that his salary is too low. I feel that the Democratic Party and the Republican Party are both equally interested in keeping down the expenditures of the Government; and I am satisfied that after we have raised our salaries and started the movement we will not be in a position to deal with the other matters as we would feel free to deal if that had not taken place. We can not raise our salaries and refuse to raise others. The movement is on. The taxpayers of this country will have millions added to their burden, already more than many of them can carry. So it is not the mere question of a million and a half dollars which is added to the expenses of the Government but it is the question of the policy which we have undertaken to maintain, and which, in my judgment, will end in case this proposition finally is crystallized into law.

These are some of the reasons, Mr. President, why I felt constrained to do this. I have no doubt as to the correctness of my position.

Now, Mr. President, I move that paragraph 3 of Rule XVI be suspended.

The PRESIDING OFFICER. The question is upon the motion of the Senator from Idaho.

Mr. HEFLIN. Mr. President, I shall detain the Senate only a few moments. There are several measures pending that should be passed before final adjournment. I just want to remind the Senate how careless my good friend, the able Senator from Idaho [Mr. BORAH], has been regarding several important matters in the Senate.

He permitted a bill to pass here not long ago, without lifting his voice in opposition, appropriating \$300,000,000 to refund to rich highbrows taxes that had been paid by them. That amount will pay the increase in the salaries of the Members of Congress for 232 years; and the Senator from Idaho never lifted his voice. [Laughter.]

The Senator advocated here the bill that appropriated \$20,000,000 to a foreign country, to the Soviet Government and people of Russia. It passed the Senate. The Senator from Idaho supported it and it took out of the Treasury \$20,000,000 of American money.

He now has a bill pending here regarding the payment for property that we took from the enemy during the war. If his bill becomes a law it will cost the Government of the United

States over \$600,000,000. He provides in that bill, as I understand it, for the return of the ships we took from the enemy, which is without a parallel in human history, so far as I know. Six hundred million dollars!

The Senator is willing to have that enormous amount of money appropriated for the purpose set forth in his bill. All this reminds me of the story of a negro who was tried and convicted in court for a serious offense, and the judge said, "I am going to sentence you to a term of 20 years. What have you to say why the sentence of the law should not be pronounced upon you?"

The negro replied, "Nothin', Jedge, except you is the most liberal man with other people's time that I ever heerd tell of." [Laughter.]

The Senator from Idaho is exceedingly liberal with other people's money—with the Government's money—when it comes to giving it to foreign governments, but he does not want the Members of Congress, it seems, who stay here day and night when the Senate is in session, and I am one of them and there are others here who are, to have decent salaries.

I have long advocated this increase. I have known the need of it. I have stated time and time again that I would support it. Government clerks and subordinate officials and special attorneys in the Capital of our Nation draw salaries larger than those of United States Senators, who can vote millions out of the Treasury, which means the purse of the people, who have it in their power to roll tax burdens upon their backs. United States Senators from the sovereign States of this Union, some of whom devote all of their time to the public service, draw only \$7,500, and one of the able and strong men on the other side, the junior Senator from Idaho [Mr. Gooding] said to-day that he and his family found it difficult to live here on his salary. There are other Senators, men who are serving the American people faithfully, who frequently are compelled to overdraw their bank accounts. There is not a thoughtful, fair-minded, patriotic man or woman in this country who does not believe that an honest, able, and faithful United States Senator or Representative is worth over \$7,500 a year.

Why should not the salaries be raised to \$10,000? There are, I am told, some Senators who have large law practices back home, who make twenty-five to fifty thousand dollars outside of the salary received here. They should not be permitted to say what a real Senator should receive for his services here. I think that the salary of a Senator, devoting his time and his talent and the best that he can give to the service of the American people, ought to be sufficient to take care of him while he is engaged in the service of the people. I have a list here showing some of the salaries of Government employees in the Capital, beginning with the Secretary to the President, \$7,500, as much as a Senator's salary; Undersecretary of the Treasury, \$10,000; Assistant Secretary of War, \$10,000; members of the International Joint Commission, each \$7,500; Internal Revenue Commissioner, \$10,000; economic advisor, \$10,000; Director of the Budget, \$10,000; assistant, \$7,500; Treasurer of the United States, \$8,000; judges of the Court of Customs Appeals, \$8,500; judges of the Court of Claims, \$8,000; tariff commissioners, \$7,500; members of the Federal Reserve Board, \$12,000; members of the Federal Trade Commission, \$10,000; Associate Justices of the Supreme Court, \$14,500; Chief Justice, \$15,000; members of the Federal Farm Loan Board, \$10,000; Prohibition Commissioner, \$7,500; collectors of customs, \$12,000; collector of customs at the port of New York, \$8,000. As the Senator from Tennessee [Mr. McKellar] pointed out the other day, attorneys for the Shipping Board draw salaries as high as \$25,000.

The people of the States do not want their Members of Congress dragging around this Capital on salaries that are inadequate to take care of them properly. I have not done anything wrong in voting for this matter, and I resent the imputation that comes from the position taken on this matter by the Senator from Idaho. I feel that I, as a Senator from Alabama, am entitled to draw a salary that is ample to meet my needs while serving the people of my State. Ten thousand dollars is not really enough for some faithful Senators that I know in this Chamber, who stay here and work here all the time when the Senate is in session, and who are not absent when important matters are being considered, and then come back later with a lecture for the whole Senate, when they were off somewhere having what they call dinner in the evening at 8 or 9 o'clock at night.

If the splendid people of the sovereign State who sent me here are not satisfied with my vote on this question, they can hold me responsible for it. I am their servant. So it is with other Senators. But the people of my State want to see their

Senators well provided for in the way of a fair and adequate salary that they may be comfortable in their service here; that they may be free from financial embarrassment, so far as their expenses here and at home are concerned.

I know some rich Senators who are worth a million dollars, and who, I am sorry to say, do not favor this increase of salary. Of course, I do not expect them to favor it. There are some people who think nobody should be a Member of the Senate but a millionaire, and if the idea of the Senator from Idaho prevails, the day will come when men of merit, men of courage, who dare to champion the cause of the people, can not afford to come here as Senators. Then the purse-proud plutocrats will have their day, and buy seats in this Chamber as they now buy seats on the stock exchange. I am opposed to such a thing as that.

The Senator from Idaho, my good friend, is an able, strong man; this is the very worst thing that I have ever known him to do. [Laughter.] I think that he himself is now sorry that he got into this untenable position. He permitted a bridge bill to pass the other day, a meritorious measure, providing for a bridge to span the Potomac River, costing \$14,000,000; and he was as silent as a tomb.

A bill went through here the other day appropriating a million dollars to employ lawyers to come here and look after certain things for the Government, when we have district attorneys and their assistants, 300 and more of them, already paid to do that work; and the Senator never lifted his voice to speak against that.

Mr. McKELLAR. Mr. President, a number of those lawyers draw \$10,000 a year.

Mr. HEFLIN. Ten thousand dollars a year. I thank my friend from Tennessee.

Oh, Mr. President, I will tell you the trouble with a lot of Members who have a hard time. The big interests go to them and say "You are not getting a salary that is adequate. Why do you not lay by a little something and invest in this proposition?" Senators, I know a case, which I will now tell about, where a Member of the House, during my service there nearly 20 years ago, invested \$500 with a certain concern, and he received a dividend check in a little while paying him a 20 or 25 per cent dividend. He said to me, "Is not that fine?" I said "Yes. Where did it come from?" He said "I put \$500 in such and such a stock. That is a good thing." I said "You know the reason I never go into those things?" He said "Why?" I said "I have not got the money to invest in things like that; and, in the second place, they will tie your hands, and you will be involved before you know it. They probably have set a trap for you in this instance."

Inside of six months he came back to me and he said, "You told me the truth. They have asked me to support legislation that benefits the concern I am a stockholder in." I never thought of such a thing. I am going to get out of it. That is the trouble. If the people of this Nation are wise they will provide salaries that are ample for men who come here and study great public questions and devote themselves to the people's business.

I said I would not talk long, and I am not going to; I am about to conclude now. If the Senator from Idaho does not want to take his salary, oh, Mr. President, he can refuse it; but I believe that when it comes due that we can induce him to take it. He will be like Private John Allen was.

John Allen went home from New Orleans once after he had been down there fishing with the boys. They had treated him royally, wine and dined him, until he was a little weary and worn, and when he arrived at home he saw his doctor at the station. He said, "My wife is a crank on the prohibition question. I haven't got a drop in my grip. I feel that I must have a little to taper off on. Won't you send a bottle up and beg her yourself to give it to me as medicine?" The doctor said, "I will."

When John arrived at home his wife met him and said, "How are you feeling, my dear?"

He said, "Very poorly. I have never felt quite so weak. I feel like I need a stimulant, but I am not going to take it. I will never touch another drop of it; never, never."

She said, "Well, now, John, you must not be cranky on the subject."

He said, "No; I have made up my mind."

He lay down on the bed, and the phone rang, and Doctor Jones said, "Mrs. Allen, I am sending up a quart. You make a nice mint julep and make your husband drink it. I saw him at the station. He is weak and worn to a frazzle. You give him this mint julep."

The brilliant John Allen was lying there on the bed, and he heard the ice chunks clinking in the glass. [Laughter.] His wife bore the mint julep into his bedroom in graceful, queenly fashion, with frost on the sides of the glass, a bank of sugar an inch deep at the bottom, and three strawberries nestling thereon like so many eggs in a bird's nest, while the mint leaned over the rim of the glass.

His wife took it up to the bedside and she said, "Now, I want you to take this."

He said, "I can't do it. I have said I will not do it."

She said, "But John, you must drink it. The doctors says for you to take it. The doctor has prescribed it"—

As we are about to prescribe a dose for the Senator from Idaho. [Laughter.]

She said, "You must take it."

He said, "I can't, and I won't."

She said, "Won't you take it for me?"

He said, "If you put it that way, I will." [Laughter.]

He took that mint julep glass in his hand. The amber-colored liquid flowed over the velvet folds of his stomach like a dew-drop sinking into the heart of a rose. [Laughter on the floor and in the galleries.]

The PRESIDENT pro tempore. The Chair warns the occupants of the galleries that it is against the rules of the Senate for the occupants of the galleries to express either approval or disapproval.

Mr. HEFLIN. So Private John Allen disposed of the contents of the glass, and looking up at his wife, said, "I believe I am going to sleep now, but before I fall into a deep sweet sleep, let me ask you a question. When did the doctor tell you to give me another mint julep?" [Laughter.]

She said, "In two hours."

"Well," he said, "If I am asleep, wake me [laughter], and if I won't take it, make me." [Laughter.]

So, Mr. President, I do not think it will be very hard to make the able Senator from Idaho [Mr. BORAH]—and we all love him, or did before this [laughter], and of course we do now; we are even going to forgive him for the wrong that he has done in this instance, even in the face of the fact that he brought it all upon himself. [Laughter.]

The self-constituted conscience keeper of the Senate has come in to lecture us. When we were all busily engaged attending to our duties here as Senators, trying to legislate in the interest of the people, a Member of the Senate who happened not to be here at the time when the salary increase measure passed now comes in and undertakes to call the Senators to judgment who voted an increase in the salaries of Members of Congress during his absence.

I want to say, Mr. President, that when this measure reached the House they debated it and had a rising vote upon it, and it was carried by a two-thirds vote, with 10 or 15 votes to spare. So there was nothing secret about it. But the Senator from Idaho has deliberately jumped into the arena all by himself against practically all of the 435 Members of the House and 95 Senators, representing and responsible to a hundred million of people.

Oh, Mr. President, it takes a daring and peculiarly brave and courageous man to do a thing like that; and I am reminded of a peddler who was selling trinkets. He had them in saddlebags on a horse; and, riding down the road in the country, he found a wood sawyer on the roadside sawing wood. He asked him if he thought his wife would be interested in those trinkets.

The wood sawyer said, "I don't know. She is up there in the house on the hill all alone. She is a red-headed woman, and a high-tempered woman, and if she tell you no, you flee for your life." The peddler went away with doubts and misgivings. He rode up, got off his horse, and knocked on the door. She pulled the door slightly open, peeped out, and said, "What do you want?" He said, "I want to sell you some trinkets," and commenced to display them. She said, "No," and shut the door. He whirled and mounted his horse and as he rode away he saw a wildcat jump into the house at a window. The doors were all closed. He hurried down to where the wood sawyer was sawing wood and said, "Jump on my horse and run for your life. A wildcat jumped into the house where your wife is, the doors are closed, and she is all alone." The wood sawyer wiped the perspiration from his brow and put his big hands on his hips and looking straight at the stranger said, "Did you drive that wildcat in there or did he jump in there of his own accord?" And the peddler replied, "He jumped in there of his own accord." "Then," said the wood sawyer, "I shall not help him; he will get what is coming to him. May the Lord have mercy on him." [Laughter.]

Mr. BAYARD. Mr. President, a parliamentary inquiry. The PRESIDENT pro tempore. The Senator will state the inquiry.

Mr. BAYARD. Under what rule of this body can we proceed to repeal a non-existent law?

The PRESIDENT pro tempore. The Chair does not recognize that as a parliamentary inquiry.

Mr. BAYARD. May I state my point? The motion of the Senator from Idaho purposes to suspend the rule for the purpose of passing upon the proposed amendment to the pending bill. He purposes in the language of his amendment to repeal an existing law. Under section 1 of his amendment he has said:

That the following provision contained in H. R. 12101, being the legislative appropriation bill passed and approved February —, 1925, etc.

There is no such law in existence. I ask the Chair whether or not we can proceed to suspend our rules for the purpose of passing in any way whatever in the way of a repeal of a non-existing law?

Mr. BORAH. Mr. President, there are two provisions to the amendment. I sought to catch the proposition going and coming. I did not know and, of course, could not know when I drew the amendment whether the bill would be signed by the time it was here considered or not, but I provided for the repeal. That would, of course, be ineffective in case it had not become a law. But section 2 provides that after the passage of this bill the salaries shall be thus and so, so the second section having been passed subsequent to the signing of the other bill would impliedly repeal it whether the other was in the amendment or not.

The PRESIDENT pro tempore. The Chair is of the opinion that the point of order ought to be made after the amendment comes in order, if at all. The question is upon the suspension of the rule.

Mr. BORAH. Upon that question I ask for the yeas and nays.

The PRESIDENT pro tempore. Is the request seconded? [After a pause.] The Chair is of the opinion that the yeas and nays are not sufficiently seconded, but will put the question again in order that there may be no doubt about it. Those who second the demand for the yeas and nays will raise their hands. [After a pause.] The demand is sufficiently seconded, and the clerk will call the roll upon the motion to suspend the rule.

The Chief Clerk proceeded to call the roll.

Mr. JONES of New Mexico (when his name was called). I have a general pair with the Senator from Maine [Mr. FERNALD]. I transfer that pair to the Senator from New Jersey [Mr. EDWARDS] and vote "nay."

Mr. OWEN (when his name was called). I transfer my pair with the senior Senator from West Virginia [Mr. ELKINS] to the senior Senator from Tennessee [Mr. SHIELDS] and vote "nay."

The roll call was concluded.

Mr. SIMMONS (after having voted in the negative). I have a general pair with the senior Senator from Oklahoma [Mr. HARRELD] who, I think, has not voted.

The PRESIDENT pro tempore. That Senator has not voted.

Mr. SIMMONS. I transfer that pair to the junior Senator from West Virginia [Mr. NEELY] and let my vote stand.

Mr. GLASS (after having voted in the negative). I have a general pair with the senior Senator from Connecticut [Mr. McLEAN]. In his absence I withdraw my vote.

Mr. ERNST. I have a general pair with the senior Senator from Kentucky [Mr. STANLEY]. I am informed that he would vote as I intend to vote. I vote "nay."

Mr. McKELLAR. The Senator from West Virginia [Mr. NEELY] is necessarily absent. He has a general pair.

Mr. ASHURST. I was requested to announce that the senior Senator from Tennessee [Mr. SHIELDS] is unavoidably absent. If he were present he would vote "nay."

The result was announced—yeas 18, nays 64, as follows:

YEAS—18

Borah	Couzens	Norbeck	Walsh, Mass.
Bruce	Curtis	Norris	Walsh, Mont.
Butler	Johnson, Minn.	Ralston	Willis
Capper	King	Sheppard	
Caraway	Metcalf	Trammell	

NAYS—64

Ashurst	Bursum	Dill	Frazier
Ball	Cameron	Edge	George
Bayard	Copeland	Ernst	Gerry
Bingham	Cummins	Ferris	Gooding
Brookhart	Dale	Fess	Hale
Broussard	Dial	Fletcher	Harris

Harrison	McKinley	Ransdell	Stanfield
Heflin	McNary	Reed, Mo.	Stephens
Howell	Mayfield	Reed, Pa.	Sterling
Johnson, Calif.	Moses	Robinson	Swanson
Jones, N. Mex.	Oddie	Shipstead	Underwood
Jones, Wash.	Overman	Shortridge	Wadsworth
Kendrick	Owen	Simmons	Warren
Keyes	Pepper	Smith	Watson
Ladd	Phipps	Smoot	Weller
McKellar	Pittman	Spencer	Wheeler

NOT VOTING--14

Deneen	Glass	Lenroot	Shields
Edwards	Greene	McLean	Stanley
Elkins	Harrell	Means	
Fernald	La Follette	Neely	

So Mr. BORAH's motion to suspend the rule was rejected.

Mr. GLASS. Mr. President, when my name was called, not noting the absence of the Senator with whom I am paired, I voted "nay." Lest that vote may be misinterpreted into an unwillingness on my part to have it distinctly understood what was my position on the question of raising the salaries, I want to say, so that the country in general and the people of Virginia in particular may know, that had I been present when the vote was taken on this question I should have voted in favor of the increase, and I regret that I was denied that privilege.

As a member of the Committee on Appropriations of the Senate, I voted to report favorably the proposed amendment. I stated there then, as I state now, without desiring to seem singular or different from any of my colleagues, that I thought the committee should go on record, and I think Congress should go on record, in order that there might be no criticism of the manner in which this thing was done. I rise now, certainly in no penitential mood and in no apologetic mood, to have it known that I was for the increase and voted "nay" on the roll call just now not because I objected to going on record but because, so far as the Congress is concerned, I consider the question determined and do not care to reopen it.

Mr. OWEN. Mr. President, I wish to say a word in regard to this matter. I should have been glad to have voted "yea" on the increase of salary amendment if I had had an opportunity. I do not regard it as an increase. I shall certainly not be a beneficiary of it, because I am leaving the Congress. It is not in reality an increase. The sum of \$10,000 now will buy less than \$7,500 would before the late war. It is not an increase at all and is thoroughly justified, because it is very difficult for a Senator to live within that salary and be comfortable in this city.

Mr. GLASS. Mr. President, I should like to add a postscript to what I said a moment ago and a very brief one.

While I have no fault to find with any Senator or with any newspaper who or which dissents from the manner of taking this action, from the failure of Congress to go on the record, I have not much respect for some of the reasons assigned why Congress should not have voted this increase, notably the reason that it would interfere with the program of economy which has been projected. In that relation I want to call the attention of the Senate and of the country to the fact that the Congress itself so far has reduced the budgetary estimates approved by the President by approximately \$14,000,000; and soon will have reduced the budgetary estimates, approved by the President, in an amount sufficient to pay this salary increase for 15 years.

Mr. WARREN. Mr. President, I desire to offer another amendment to the bill, but first I wish to ask that the clerks be authorized to correct the totals of the bill in case changes are made necessary by reason of amendments.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the clerks will be instructed to correct the totals of the bill.

Mr. WARREN. I now offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 14, after line 5, it is proposed to insert:

To carry out the provisions of the act entitled "An act to provide for the elimination of Lamond grade crossing in the District of Columbia and for the extension of Van Buren Street," approved —, 1925, fiscal years 1925 and 1926, \$59,000.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. REED of Missouri. Mr. President, merely for the RECORD, I desire to state that from the first time I heard of a proposed increase in salaries mentioned I insisted that we ought to have a record vote. I did not insist on that because of a desire to put other Senators on record, but I wanted to

be on record myself. Since another course was followed, which I do not at all criticize, I want to say now that I was in favor of the increase and that I think it was too small a raise.

The truth is that Washington is probably the most expensive city in the world in which to live, and that if we do not pay Senators and Representatives enough to live on in decency, it will not be long before the hard exigencies of life here will deprive the country of the service of large numbers of men the country ought to have. I want everybody who is interested to know that I voted for this raise.

Mr. KING. Mr. President, when this proposition was first mentioned it failed to command my assent. When the bill came to the Finance Committee, of which I am a member, after full discussion, I opposed reporting it favorably. If I had had an opportunity in the Senate to vote, I should have voted against the adoption of the amendment which increased the salaries of Senators and Representatives from \$7,500 to \$10,000 per annum.

Mr. STERLING. Mr. President, I offer the amendment which I send to the desk, to be inserted at the proper place in the bill.

The PRESIDENT pro tempore. The Senator from South Dakota offers an amendment, which will be stated.

The CHIEF CLERK. It is proposed to insert in the proper place the following amendment:

The sum of \$15,345 is hereby appropriated, to be expended by the Secretary of the Interior in payment of the several amounts ascertained and determined by the Secretary of the Interior to be due in his report to the Congress, which report was made in conformity with the act of Congress dated June 7, 1924, Public, 211, Sixty-eighth Congress, entitled "An act authorizing the Secretary of the Interior to investigate and report to Congress the facts in regard to the claims of certain members of the Sioux Nation of Indians for damages occasioned by the destruction of their horses."

Mr. KING. If I may ask the Senator a question, I recollect an appropriation for this purpose being under consideration several years ago.

Mr. STERLING. No; it was not an appropriation, but it was a bill authorizing the Secretary of the Interior to make the investigation of the subject. It had already been in principle adjudicated by the Court of Claims in one case, and in accordance—

Mr. CURTIS. Is that the old Sioux claim?

Mr. STERLING. It is the old Sioux Indian pony claim.

Mr. CURTIS. I will make the point of order against the amendment.

Mr. STERLING. The amendment is not subject to a point of order. This amendment is offered in pursuance of law, in pursuance of an act of Congress.

The PRESIDENT pro tempore. What is the ground for the point of order made by the Senator from Kansas?

Mr. CURTIS. I desire that the amendment shall be reread; but undoubtedly it is a claim.

The PRESIDENT pro tempore. The amendment will be again read.

The amendment was again stated.

Mr. CURTIS. Mr. President, the amendment proposes legislation. The only authorization was to investigate and report. The amendment provided for a claim which has not been estimated for by the Budget Bureau. I raise the point of order against the amendment.

Mr. STERLING. Mr. President, I wish to read a portion of Rule XVI in reference to this matter. I do not think the point of order is well taken. Rule XVI reads:

* * * No amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session—

And so forth.

Mr. President, in this instance there is a law under which an investigation by the Secretary of the Interior was made, and I have here a report of the result of the investigation by the Secretary of the Interior recommending an appropriation for this very purpose.

Mr. CURTIS. Mr. President, I desire to call the attention of the Presiding Officer to paragraph 4 of Rule XVI, on page 21, reading as follows:

No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

On the face of the amendment all that was authorized was an investigation and report. The report is merely as to a claim; there is no provision for the payment of the claim. It is merely reported to Congress as a finding of the Court of Claims would be reported on a question of fact. That is all there is to it.

Mr. STERLING. Mr. President, under the paragraph referred to by the Senator from Kansas I say that this amendment falls within the exceptions in that paragraph:

No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law.

It is the contention—

The PRESIDENT pro tempore. The Chair, following the precedent more than once established, sustains the point of order.

Mr. COPELAND. Mr. President, may I invite the attention of the chairman of the committee to page 51?

IRRIGATION OF LANDS IN NEBRASKA

Mr. KING. Mr. President, will the Senator yield for a moment?

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Utah?

Mr. COPELAND. I yield.

Mr. KING. Mr. President, I desire to enter a motion to reconsider the votes by which on last evening the bill (S. 4057) providing for the irrigation of certain lands in the State of Nebraska was read the third time and passed.

The PRESIDENT pro tempore. The motion to reconsider the vote by which Senate bill 4057 was read the third time and passed last night will be entered.

Mr. KING. I now move that the House be requested to return the bill to the Senate.

The motion was agreed to.

SETTLEMENT ON GOVERNMENT LAND IN IRRIGATION PROJECTS

Mr. SMOOT. Mr. President, will the Senator from New York yield to me for a moment?

Mr. COPELAND. I yield.

Mr. SMOOT. I am compelled to leave the Chamber for a committee meeting in a very few moments, and I desire to make a motion in regard to a bill which was passed last night. I move that the votes by which the bill (S. 4151) to provide for aided and directed settlement on Government land in irrigation projects was read the third time and passed last night be reconsidered, and that the House be requested to return the bill to the Senate.

I will say to the Senate that the Senator from Wyoming [Mr. KENDRICK], who introduced the bill, has consented that this action be taken.

Mr. McNARY. I was about to ask if that was the bill which was passed last night under the circumstances mentioned to me by the Senator from Utah?

Mr. SMOOT. That is the bill, I will say to the Senator.

Mr. MOSES. What is the request of the Senator from Utah?

Mr. SMOOT. I move that the votes by which the bill was read the third time and passed be reconsidered, and that the House be requested to return the bill to the Senate.

Mr. MOSES. The result of which will be to restore the bill to the Senate calendar?

Mr. SMOOT. That will be the result.

Mr. SWANSON. The Senator from Wyoming [Mr. KENDRICK] was interested in that bill.

Mr. SMOOT. I will say to the Senator that the Senator from Wyoming has agreed to this action.

Mr. SWANSON. He has no objection?

Mr. SMOOT. None whatever.

The PRESIDENT pro tempore. The Senator from Utah enters a motion to reconsider the vote by which Senate bill 4151 was passed, and he moves that the House be requested to return the bill to the Senate. Without objection, that request will be made of the House of Representatives, and the motion to reconsider will be entered.

VETERANS' HOSPITAL AT MUSKOGEE, OKLA.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the joint resolution (S. J. Res. 189) authorizing the enlargement of the Federal veterans' hospital at Muskogee, Okla., by the purchase of an adjoining city hospital and authorizing the appropriation of \$150,000 for that purpose, which was, on page 2, line 8, after the word "Muskogee," to insert "Provided, That this money shall be taken out of any lump sum heretofore or hereafter appropriated for hospital purposes."

Mr. HARRELD. Mr. President, I move that the Senate concur in the House amendment.

The PRESIDENT pro tempore. Is there objection?

Mr. REED of Pennsylvania. Mr. President, I ask that that go over until to-morrow.

Mr. HARRELD. It is a very simple modification.

Mr. REED of Pennsylvania. I understand that; but it proposes to take money out of a definite appropriation heretofore made for particular Veterans' Bureau hospitals, and we ought to secure information from the Veterans' Bureau concerning the matter before we agree to the amendment.

The PRESIDENT pro tempore. Objection is made.

SECOND DEFICIENCY APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12392) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1925, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1925, and June 30, 1926, and for other purposes.

Mr. COPELAND. Mr. President, if I may proceed—

Mr. WALSH of Massachusetts. Mr. President—

Mr. FLETCHER. I call for the regular order.

The PRESIDENT pro tempore. The Senate must be in order or the Chair will not entertain any motion. Senators will please take their seats.

Mr. COPELAND. Mr. President—

The PRESIDENT pro tempore. The Senator from New York is recognized.

Mr. COPELAND. I want to ask the chairman of the committee about the item of \$9,000,000 for modernizing battleships. I understand that \$1,000,000 of this is available prior to July 1. I just wish to inquire whether or not that money is available for modernizing the *Arkansas*. I assume that it is.

Mr. WARREN. I will tell the Senator as far as I know. This is a naval matter that comes up in connection with this bill.

Admiral Robison says:

The ships will be one each of the three pairs. The *Florida* and the *Utah* are identical; the *Arkansas* and the *Wyoming* are also sister ships, and the *Texas* and the *New York* are alike.

Mr. COPELAND. Mr. President, the *Arkansas* will be in New York Harbor early in April. She will be there about seven weeks, and if this money is made immediately available for the repair of the *Arkansas*, she will be ready for the midshipmen's cruise; and I should like to have it understood that the million dollars made available by this portion of the bill will include the *Arkansas*.

Mr. WARREN. I understand that it does cover the inquiry of the Senator.

Mr. COPELAND. I thank the Senator.

Mr. JONES of New Mexico. Mr. President, I should like to make a short statement regarding the amendment which has just been introduced, offered by the Senator from Florida [Mr. FLETCHER]. I am not at all sure that I need propose any further amendment, but it certainly can do no harm to do so.

In 1913 Congress made an appropriation of \$125,000 for the purpose of building a courthouse and post office at Las Vegas, N. Mex. That is my home town. Owing to various delays, with which we are all familiar, the building was not constructed. About two or three years ago, owing to the necessity for a post office in Las Vegas, I introduced a bill to provide that the building should be constructed for the purpose of a post office only. The situation was so urgent that we were willing at that time to have a building constructed for the purpose of a post office only. We have two post offices in that community. One is East Las Vegas, and the other is Las Vegas, and there is very much confusion in the mails. It is difficult to know where to address letters, and there is much confusion in passing from one to the other; and, besides, the accommodations provided for those two post offices are very meager indeed. They do not at all meet the convenience and the necessities of the community.

As I said, there was appropriated \$125,000 for the purpose of constructing this building, the courthouse and the post office, and the purchase of a site. The site was purchased for \$9,000, which left \$116,000 available for the purpose of constructing this building. After the war the Treasury Department estimated that it would require \$80,000 additional to construct the building as directed by the legislation authorizing any building at all. At that time I tried to get authority to construct a post-office building only, but the Congress declined to pass the bill. Since that time the Congress has passed a bill providing for the holding of court in Las Vegas, and so now the courthouse is needed. The legislation authorizes the

building for both purposes, and the Treasury Department has ruled that under the legislation it can not construct a building for one purpose and not the other; that if constructed at all it must be for both.

In this document, in response to a resolution offered by the Senator from Florida, the Treasury Department, in giving a list of these towns where the buildings were to be constructed and additional sums were required, stated, in regard to East Las Vegas, "For post office only, none"; but that would not comply with the law which requires a courthouse and post office. That is why, in the list which we have in this Document No. 28 which we have here, it specifies that nothing additional is required. It is stated there that "For post office only," nothing is required; but when that appeared I called upon the Treasury Department to make a statement as to what would be required if such a building were constructed as the law directed it to be constructed, and they wrote me that an additional \$80,000 would be necessary, and that letter I filed with the Committee on Appropriations.

Just this afternoon I called up a representative of the Treasury Department who is familiar with these building matters, and asked him whether or not the \$7,900,000 appropriated here did include an amount sufficient to build this building at Las Vegas. He said he thought that that amount was made up from the list of deficiencies which had been previously considered; and of course no one wants to make an exception of this Las Vegas building. In order that we may be sure of the matter, I think the appropriation should be increased by this amount. It is still left with the Treasury Department only to expend such amount as is necessary; and, Mr. President, I move that the figures "\$7,900,000" at the end of the Fletcher amendment be changed to read "\$7,980,000."

The PRESIDENT pro tempore. The Secretary will state the amendment offered by the Senator from New Mexico.

The CHIEF CLERK. At the end of the amendment offered by the Senator from Florida it is proposed to strike out "\$7,900,000" and to insert in lieu thereof "\$7,980,000."

Mr. KING. Mr. President, will the Senator pardon me? I apologize for having been diverted. Does this amendment relate to a post office?

Mr. JONES of New Mexico. It relates to a public building coming within the provisions of the Fletcher amendment.

Mr. KING. It is not a hospital?

Mr. JONES of New Mexico. Oh, no; it is a courthouse and post office.

Mr. KING. I have no objection.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from New Mexico.

The amendment was agreed to.

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

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

FINES, PENALTIES, ETC., IN POSTAL SERVICE

Mr. STERLING. Mr. President, I send to the desk a while ago the report of the Committee on Post Offices and Post Roads on Senate bill 4232, I ask unanimous consent for the immediate consideration of the bill.

Mr. ASHURST. Mr. President, I have not had a chance to examine that bill yet. Will the Senator wait a little while, say half an hour or an hour? I promise the Senator that within an hour I will examine it.

Mr. STERLING. I can state—

The PRESIDENT pro tempore. Objection is made.

THE PRICE OF GASOLINE

Mr. TRAMMELL. Mr. President, this afternoon, in response to a resolution adopted by the Senate on day before yesterday, the President transmitted to the Senate the report of the Federal Trade Commission, made to the President, relative to the investigation made by the commission into the price of gasoline, petroleum, crude oil, etc., in 1924. I desire to have the letter of transmittal to the President from the Trade Commission printed in the RECORD, with the letter of transmittal from the President. It contains 17 pages of typewriting only; and I request that it be printed in the RECORD with the letter of transmittal from the President.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

To the Senate:

In response to the resolution of the Senate of February 26, 1925, requesting the President "if not incompatible with the public interest, to forthwith transmit to the Senate a copy of the report of the Federal

Trade Commission on its investigation in 1923 and 1924 of the price of crude oil, gasoline, and other petroleum product and other data pertaining to the operations of the oil companies and refineries," I transmit herewith a report of the Federal Trade Commission on the increase in gasoline prices for 1924, together with the letter of submittal of said report from Hon. Huston Thompson, then chairman of the commission, under date of June 4, 1924.

CALVIN COOLIDGE.

THE WHITE HOUSE, February 28, 1925.

LETTER OF SUBMITTAL OF REPORT OF THE FEDERAL TRADE COMMISSION ON THE INCREASE IN GASOLINE PRICES IN 1924

FEDERAL TRADE COMMISSION,
OFFICE OF THE CHAIRMAN,
Washington, June 4, 1924.

To the PRESIDENT.

SIR: Submitted herewith is a report on the increase in gasoline prices in 1924.

This report is made in response to your letter of February 7, 1924, inclosing a telegram of the previous day from Gov. W. H. McMaster, of South Dakota, and directing that the commission make immediate inquiry into conditions in the petroleum industry described by the governor. The conditions, as described in this telegram, were (1) the accumulation of large stocks of crude petroleum at very low prices by the Standard Oil interests during the last half of 1923; (2) a "corner" of the crude petroleum market by these interests in January, 1924; (3) an increase in gasoline prices from January 15 to February 6, 1924, as a result of this "corner," without regard to then existing conditions of supply and demand, and (4) excessive profit taking in the sale of gasoline.

PRICE FIXING AND PRICE MAINTENANCE

The important developments of the investigation with reference to price fixing and price maintenance, which relate chiefly to the operations of certain gasoline distributors, are presented in the report. This consists in part of letters and telegrams passing between the agents and representatives of the following companies and associations: The Pure Oil Co., Sinclair Refining Co., Mutual Oil Co., Cities Service Oil Co., Producers & Refiners Corporation, Continental Oil Co., Empire Refiners (Inc.), National Petroleum Marketers' Association, and various local and State jobbers and dealers associations, together with memoranda and letters describing conferences on prices and price situations between certain local agents of the Standard Oil Co. (Indiana) and representatives of various independent companies and marketers' associations.

These data show (1) that in the great region in which the Standard Oil Co. (Indiana) operates, independent marketers recognize the Standard Oil Co. as the leader in price movements; (2) that these independents endeavor to keep themselves informed as to Standard price changes in order to remain in line with them; (3) that through exchange of information and informal conferences with local representatives of the Standard Oil Co. (Indiana) the independent marketing companies attempt to maintain uniform prices; (4) that independent marketers, working through their various associations, endeavor to prevent price cutting; (5) that the price levels sought to be maintained are those established by the Standard Oil Co. (Indiana); and (6) that independent marketers generally recognize the futility of trying to sell at prices other than those established by the Standard Oil Co. (Indiana).

It is possible that other evidence in this connection might have been found had not some very active and important companies failed to cooperate with the commission, refusing its agents access to their files for the purpose of examining and copying any documentary evidence, such as letters, telegrams, and memoranda, relating to price agreements with competing companies. The commission had already discovered evidence of such practices in the files of other companies. The companies manufacturing and marketing petroleum products which refused to cooperate with the commission in this respect were the Texas Co., White Eagle Oil & Refining Co., Shaffer Oil & Refining Co., Derby Oil & Refining Co., Sterling Oil & Refining Co., Indianahoma Refining Co., and Winters Oil Co. The Nebraska Independent Oil Men's Association, which is composed primarily of marketers of petroleum products, also refused agents of the commission access to its files. The value of the present report in this particular respect, therefore, is very much limited because of the attitude assumed by these concerns. With respect to the statistical and financial data, such as information regarding production, prices, and profits, however, full cooperation was given by the industry, including the Texas Co. and other companies refusing access to their correspondence files.

The act creating the commission, among other things, vests it with power, "upon the direction of the President or either House of Congress, to investigate and report the facts relating to any alleged violation of the antitrust acts by any corporation," and further provides that for such purposes "the commission, or its duly authorized agent or agents, shall at all reasonable times have access to, for the purpose of examination, and the right to copy any documentary evidence of any

corporation being investigated or proceeded against." The refusal of the foregoing concerns to allow the commission access to their files was based upon what they claim to be their rights as set forth in the recent decision (March 17, 1924) of the Supreme Court in *Federal Trade Commission v. American Tobacco Co. et al.*, involving a similar situation which arose during an investigation by the commission pursuant to a Senate resolution.

PRICES

During the early months of 1923, before it became apparent that the crude petroleum production of 1922 would be exceeded in 1923, prices of Mid-Continent crude and of gasoline at wholesale (tank wagon) in the Middle Western States increased sharply in response, apparently, to anticipated increases in the consumption demand for gasoline. As crude production continued to increase, crude prices declined somewhat, but wholesale prices of gasoline in that section of the country failed to decline from the high level reached in February, and crude prices, after the reductions in the spring, remained stationary. The fact that tank-wagon prices of gasoline were maintained, in spite of the decline in crude prices, resulted in a wider margin between the tank-wagon price and the open market, refinery price in the mid-continent field, which had declined to a marked degree. Gasoline marketers buying from refineries at the current quotation profited from this situation at the expense of gasoline marketers buying on the basis of long-term contracts at a fixed discount from the Standard's tank-wagon price. The condition was one which would naturally lead to general competitive price reductions by independent wholesalers of gasoline, but the general tank-wagon price was maintained at its high level until August.

Early in August, 1923, however, there came a sensational break, beginning with the action of Governor McMaster of South Dakota on August 7, authorizing the State Highway Commission to sell gasoline to the public at Mitchell at 16 cents a gallon, which represented a reduction of 10.6 cents. The Standard Oil Co. (Indiana), which is the dominant marketing organization in the Middle West, promptly met this cut, and announced a 6.6 cents reduction in its price in the rest of its territory. At about the same time there were similar declines by other Standard companies in adjacent western States, while in the more eastern States where several price cuts had been made in the spring and early summer further price reductions were made.

In spite of these sharp declines in gasoline prices, the posted prices of crude in the mid-continent field remained until September at the level reached in May, 1923. In September, however, as crude production continued to increase, crude prices were reduced, and further price declines in both crude and gasoline were made until a low level was reached in the latter part of November. In the last week of November the domestic production of crude passed its peak and began gradually to fall off, and shortly thereafter prices of crude and of gasoline were increased again. By February 6, 1924, the date of Governor McMaster's telegram, the price of crude was nearly as high, and the price of gasoline about the same, as at the beginning of 1923.

SUPPLY AND DEMAND

During 1923 there were very large increases in production and stocks of crude petroleum and gasoline as a result of a rapid and apparently unexpected increase in the crude petroleum output from new oil pools which had been developed in California in 1922, augmented by extensive new production in other pools in Texas, Oklahoma, and Arkansas. Domestic production of crude petroleum increased from 557,531,000 barrels in 1922 to 725,702,000 barrels in 1923, while gasoline production increased from 6,202,234,000 gallons to 7,555,945,000 gallons in the same period. The peak in this period of excessive supply was reached in November, 1923, when the average daily production of crude petroleum in the United States attained a maximum of 2,161,000 barrels. Stocks of crude petroleum increased from 298,426,000 barrels on December 31, 1922, to 382,409,000 barrels on December 31, 1923, and refinery stocks of gasoline, in the same interval, increased from 883,793,000 gallons to 1,074,900,000 gallons. During December, 1923, and January, 1924, when the gasoline price increases complained of occurred, the production of crude petroleum, although still very large, was declining, while gasoline production continued to increase.

SUPPLY CONTROLLED BY STANDARD COMPANIES

Data secured by the commission indicate that, although the crude petroleum and gasoline production and stocks of the so-called Standard group of companies were very large in 1923 and were increasing throughout the year, the proportion of total domestic supply represented by the production and stocks of this group did not increase. For the year 1923 (excluding royalty or contract oil amounting to 5 per cent) the production of crude petroleum by the Standard group was 14.4 per cent of total domestic production, as compared with a proportion of 17.1 per cent in 1922, while the group's proportion of total domestic gasoline output was equal to 48.1 per cent in 1923, as against 49.8 per cent in 1922. Stocks of crude petroleum held by the group on December 31, 1923, amounted to 42.7 per cent of total do-

mestic stocks as compared with 47.8 per cent on December 31, 1922, while the group's stocks of gasoline on December 31, 1923, represented 60.8 per cent of total stocks as against 72.9 per cent on December 31, 1922. While, therefore, there were no disproportionate accumulations of crude petroleum or gasoline supply by the Standard group during 1923, such as might have constituted for it a "corner" of the market, the proportions of total supply controlled, however, were sufficiently large, even without increases, to give its members a very substantial influence over market conditions throughout the period.

PRICE RESPONSIBILITIES OF STANDARD COMPANIES

The Standard companies engaged in the sale of gasoline and kerosene to retail dealers and consumers, which were left undisturbed by the dissolution decree (*United States v. Standard Oil Co. of New Jersey*, 173 Fed. Rep. 197) in their several regions of operation, with comparatively unimportant exceptions, have not invaded each other's territory. They have denied any understandings in this respect and have explained their policy on the basis of its obvious business advantages. The fact remains, however, that they generally refrain from competition in observing these arbitrary boundaries.

Two companies of the Standard group—the Prairie Oil & Gas Co. and the Standard Oil Co. (Indiana)—in a substantial degree dominate the prices of crude oil and gasoline, respectively, in the mid-continent area, where nearly one-half of the domestic crude is produced and about one-third of the domestic gasoline consumed. The fact that prices of both crude and gasoline were maintained throughout a large part of this area at a high level in the summer of 1923, without regard to the increasing oversupply, and that prices were advanced early in 1924 in spite of the fact that gasoline production was still increasing and crude production had declined only very slightly, imposes upon these two companies, therefore, a large measure of responsibility in this instance. This responsibility results from the substantially dominating price influence which these companies generally exercise and not from any disproportionate accumulation of existing supply in 1923.

A similar degree of control is exercised by the Standard companies on the Atlantic seaboard and on the Pacific coast, but in certain Southwestern States, owing to the presence of more powerful "independent" competition, the influence of the Standard marketing organizations is not so potent.

PROFITS

Data on investment and earnings obtained by the commission from 59 companies, including 17 Standard companies, indicate an average rate of profit on company investment of 10.3 per cent in 1922, 11.6 per cent a year in the first half of 1923, 1.9 per cent in the last half of 1923, and 6.8 per cent for the entire year 1923. Earnings of the Standard companies were generally larger than those of the independent companies, averaging 12.2 per cent per year in the first half of 1923, 3.2 per cent in the last half, and 7.7 per cent for the year 1923. Data of a fragmentary nature obtained for the first quarter of 1924 show that there were very substantial improvements in the earnings of both Standard and independent companies in this quarter and indicate that the comparatively low rates of return or losses reported for the last half of 1923 were due mainly to the writing off of inventories at low market prices prevailing at the end of the year and were, to this extent, paper losses only, since prices of both crude and gasoline rose sharply after December, 1923.

EFFECT OF DISSOLUTION ON THE STANDARD GROUP

Data on the organization of the companies obtained by schedule show that the identity of stockholding interests which resulted from the manner in which the original Standard Oil Co. (New Jersey) was dissolved in 1911 has in large measure disappeared, although important proportions of the stock of several of the companies are held by John D. Rockefeller, jr., the Rockefeller Foundation, and the General Education Board, another Rockefeller institution. There are indications that the Standard companies now generally operate less consistently as a group, and have in some cases developed to a very limited extent opposing interests, but the most important members of the group, such as the Standard Oil Co. (New Jersey), Standard Oil Co. (Indiana), Standard Oil Co. (California), and Standard Oil Co. (Kentucky), are severally fortifying themselves, by acquiring control of independents, and by entering new branches of the industry, as integrated and dominant units in the several territories in which they operate. The chief present obstacle to the reestablishment of effective competition in the petroleum industry is evident in this dominating influence of individual members of the original group operating in distinct regions of the country. One of the principal bases of their dominating influence is found in their control of pipe lines, and in their denial to the small independent company of a practicable opportunity to ship oil under reasonable conditions.

GOVERNOR M'MASTER'S CHARGES

In his telegram of February 6, 1924, Governor McMaster charged that there was "excess profiteering" in the sale of gasoline, particularly in the early summer of 1923 and during the first six weeks of 1924. Data on investment and earnings for 59 companies (including

17 members of the Standard group), with a total investment in 1923 of almost \$3,200,000,000, show an average rate of profit of 10.3 per cent for 1922, a profit of 11.6 per cent for the first half and of 1.9 per cent for the last half of 1923, and 6.8 per cent for the entire year of 1923. During 1923 the 17 Standard companies averaged 12.2 per cent for the first half, 3.2 per cent for the last half, and 7.7 per cent for the entire year. Statements and estimates of net profit from operations for the first three months of 1924 show a very substantial increase in earnings, resulting partly from the increase in prices and partly from the wiping out of inventory losses, which caused in large part the lower returns in the last half of 1923.

The governor also charged that the so-called Standard Oil companies accumulated large supplies of crude petroleum at very low prices during the last half of 1923, and brought about a "corner" of the crude supply in January, 1924. No evidence was found of disproportionate accumulations of crude during this period either by the so-called Standard companies or by large independents as a group, although certain companies did increase their individual proportions of the total stocks. Data obtained by the commission show that, while the Standard group increased its production, consumption, and storage of crude petroleum, its proportions of the totals actually decreased during 1923.

Finally, it was alleged that the sharp increase in the refinery prices of gasoline during the early part of 1924 was brought about by Standard interests as the result of the acquisition of a "corner" of the crude petroleum market and without regard to existing conditions of supply and demand. Information secured by the commission indicates the exercise of a very decided price leadership on the part of the Standard Oil Co. (Indiana), the Prairie Oil & Gas Co., and other Standard companies during 1923 and 1924, which was responsible for the failure of both crude and gasoline prices to respond to the conditions of excess supply prevailing in the mid-continent field in the summer of 1923. This price leadership was also responsible for the advance in gasoline prices in December, 1923, and in January and February, 1924, which was effected in spite of a continued increase in gasoline stocks during those months. The commission did not discover evidence of illegal cooperation between the several Standard companies, but their unity of interest, purpose, and action, is apparent.

RECOMMENDATIONS

The following recommendations are made, most of them being substantially repetitions of those submitted in connection with previous inquiries:

(1) Application of the principle of the so-called "commodities clause" to pipe lines, as well as railroads, so as to prevent a pipe-line company from being connected directly or indirectly, by holding company or otherwise, with a company which ships oil over its pipe line.

(2) Lower pipe-line transportation rates and the reduction of minimum shipment requirements from the prevailing rule of 100,000 barrels per shipment to a basis which will be reasonable for the small shipper.

(3) Prohibition, by Federal legislation, of common-stock ownership or control in corporations which have been members of a combination dissolved under the Sherman law.

(4) Examination by the Department of Justice, in connection with its current inquiry into the results of the Standard Oil dissolution decree, of the present organization and activities of the large integrated members of the Standard Oil group.

(5) Consideration by Congress of the advisability of some restriction upon the exportation of crude petroleum and its products, in view of the rapid depletion of the petroleum resources of the country essential to national defense.

(6) Study of existing wasteful methods of drilling for oil, with a view to ascertaining what remedies may be possible, through State legislation or otherwise, and study of more economical methods of utilizing petroleum products and the availability of substitutes.

(7) Legislation for collecting and reporting currently facts regarding industrial and commercial conditions by a Federal agency possessing adequate powers for obtaining and verifying reports.

(8) The establishment of consumers' cooperative gasoline supply organizations in order to save, if possible, a part of the wide margins now frequently prevailing between independent refinery prices and service-station prices, and thereby also to encourage the competition of the independent refiner, who is often unable to develop an extensive distributing organization.

By direction of the commission.

HUSTON THOMPSON, *Chairman*.

RIVER AND HARBOR BILL

Mr. JONES of Washington. Mr. President, I ask that the Senate resume the consideration of the river and harbor bill. The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11472) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The PRESIDENT pro tempore. The pending amendment is that proposed by the Senator from Idaho [Mr. GOODING] to the amendment submitted by the Senator from Maine [Mr. FERNALD].

Mr. JONES of Washington. Mr. President, as a general rule I am in favor of disposing of amendments and bills on their merits in the regular way, after discussion. The situation confronting us now, however, is a very exceptional one, and one that I think justifies action.

The Congress will end on next Wednesday. This bill has a great many amendments to it. It will have to go to conference, and if it is to be enacted into law it seems to me that it will have to be acted upon to-day at some time.

The measures that are proposed here as amendments are measures that do not properly belong to a bill of this character; but under the rules of the Senate any legislation is in order. We have no rules that would exclude legislative matters from consideration in connection with the bill. The banking bill, which is now the unfinished business, could be offered as an amendment to this measure with just as much justice as the amendments that are now pending. Then the Cramton bill, which many of us are very strongly in favor of, could with justice be offered as an amendment to this bill and no point of order could be made against it.

I feel that we have reached the point where, if amendments are not disposed of promptly, we will have no river and harbor bill. I have been entrusted by the committee with the responsibility of carrying this bill through. I want to discharge my duty as fully as possible. There are measures and proposals that I favor that I should like to see enacted into law but I do not feel that I am justified in trying to put those measures on this bill in order to secure their passage, at least under the present condition of things. I feel that if these amendments are insisted upon, and their consideration continued, as it will be, indefinitely, unless other action is taken, we will have no legislation. Neither of these will be passed, nor will the river and harbor bill be passed, and so no one will have accomplished anything. I should like to see something done; and I feel that under the action of my committee I should take whatever proper steps can be taken to secure the enactment of this bill.

Mr. FERNALD. Mr. President, will the Senator yield?

Mr. JONES of Washington. I yield.

Mr. FERNALD. I anticipate the motion about to be made by the chairman of the committee, which, of course, would not be debatable. I feel, as one interested in one of these amendments, that we ought to have about the same treatment that is usually accorded in these matters, and before the Senator makes his motion I am going to ask him if he will not try to get some understanding whereby we might have a unanimous-consent agreement to vote on this bill and on the amendments. Any time that he may suggest will be entirely satisfactory to me; but I do not feel that we ought to be accorded quite the treatment involved in the making of a motion to lay this matter on the table. I ask the Senator, in all fairness, if he will not try to get some agreement. I do not think any arrangement has been sought whereby we might come to a unanimous-consent agreement, and I ask him if he is not willing to make that trial.

Mr. JONES of Washington. Negotiations have been going on now for two or three hours in an effort to accomplish that result, and we have not been able to do that. So, under the circumstances, I feel that the condition is entirely different from what ordinarily confronts us when a motion such as I expect to make is made. I want to say frankly—

Mr. GOODING. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Idaho?

Mr. JONES of Washington. I yield.

Mr. GOODING. I merely want to say that I am rather astonished at the statements the Senator from Washington makes, that the banking bill and other bills he has mentioned would be just as appropriate as amendments on this bill as the Cape Cod Canal bill, which is purely a water bill—

Mr. JONES of Washington. I meant from the standpoint of points of order. That is what I was referring to.

Mr. GOODING. I would not have gathered that from the way the Senator stated it.

Mr. JONES of Washington. That is the way I intended to.

Mr. GOODING. My bill is entirely—

Mr. JONES of Washington. I hope the Senator does not think I thought the banking bill dealt with navigation.

Mr. GOODING. From the statement made by the Senator, that it had just as much place on the bill—

Mr. JONES of Washington. I think it has.

Mr. GOODING. As a cold-blooded proposition, the Senator may be correct.

Mr. JONES of Washington. That is what I mean—under the parliamentary situation.

Mr. GOODING. The Senator did not put it that way.

Mr. JONES of Washington. I did not know we had to talk by the square here in regard to matters of this kind, where all Senators certainly understand what is intended.

Mr. FERNALD. Mr. President, will the Senator yield to me for another question?

Mr. JONES of Washington. I will.

Mr. FERNALD. I know the Senator has been exceedingly fair, personally, in this matter and tried to bring this matter to some conclusion in the Senate, but as a matter of real fact, I am the only Senator who has spoken for this measure on this side of the Chamber. I know that both the Senators from Massachusetts would like to have an opportunity to express themselves, and several other Senators are desirous of saying something in regard to this amendment. Even my friend, the Senator from Nebraska, who has disagreed with me on this matter, has had no opportunity to express himself, and I believe in a spirit of fairness he should at least have an opportunity. I beg the Senator to try once more to see if we can not come to some understanding whereby we can take a vote on these measures.

If the Senator will permit, while I personally am ready to vote at this time, I feel that after a week's hard work here in the Senate, to bring this matter up on Saturday night and try to settle it, when many Senators are absent, and only one Senator has had an opportunity to express himself, is hardly fair. We might come to some agreement whereby on Monday at an early hour we could vote.

Mr. WALSH of Massachusetts. May I suggest to the Senator that he submit a unanimous-consent request that we take a vote at a certain hour on Monday?

Mr. FERNALD. I will.

Mr. WALSH of Massachusetts. Before the Senator from Washington makes his motion.

Mr. FERNALD. I ask that we may have a unanimous-consent agreement whereby we will vote on Monday at any hour that may be convenient to the Senator.

Mr. WALSH of Massachusetts. Suggest 3 o'clock.

Mr. FERNALD. I would suggest 2 or 3 o'clock.

Mr. McKELLAR. Mr. President, there is a good deal of confusion in the Chamber. As I understand it, the Senator from Maine is making a request for unanimous consent, and I hope the Senate will listen to what he has to say.

Mr. FERNALD. It seems to me that in a spirit of fairness, as between men and brethren here, we should at least go on with this matter with some regard for senatorial courtesy.

Mr. HARRISON. Let us have order.

The PRESIDENT pro tempore. The Senator from Maine will suspend until the Senate is in order.

Mr. FERNALD. I am sorry to disturb the conversations in the Senate. I request that on Monday at 2 o'clock we vote on the bill and any amendments that may be offered. I hope that request may be granted.

Mr. WALSH of Massachusetts. I hope the Senator's request will be granted.

Mr. SIMMONS. Mr. President, I hope the Senator's request will not be granted, because I am quite sure that if we do not vote upon this bill before 2 o'clock Monday, the bill, even if it passes the Senate then, will never become a law for that will be too late.

Mr. FERNALD. Let us fix an earlier hour.

Mr. SIMMONS. We have been in session ever since 11 o'clock this morning. If the hour is fixed at some time to-night—11 or 12 o'clock—I have no objection, but I think we ought to act on this bill before we adjourn or take a recess to-night.

Mr. McKELLAR. Mr. President, I ask unanimous consent that at 8 o'clock to-night we vote on the bill and all amendments that may be offered thereto.

Mr. KING. I object.

The PRESIDENT pro tempore. Objection is made.

Mr. JONES of Washington. Mr. President, I am going to make a motion. The Senate can take whatever action it sees fit, and I will find no fault with what is done. I am trying to handle this bill in accordance with the responsibility placed on me by the committee. So I am going to make a motion. If it is voted down, I want to say frankly—and I do not say this as a threat or anything of the kind, but as I view the situation, and if I am wrong, events will determine—if these amendments are not disposed of now, in my judgment we

might just as well place this bill aside and go on with something else. I want the Senate to understand that phase of the situation as they vote upon this motion.

Mr. President, I am going to move to lay upon the table the amendment offered by the Senator from Idaho [Mr. GOODING], and then I am going to follow that with a motion to lay on the table the amendment offered by the Senator from Maine [Mr. FERNALD].

Mr. KING. May I interrupt the Senator for a moment?

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

The PRESIDENT pro tempore. The motion is not debatable.

Mr. JONES of Washington. I now move that the amendment of the Senator from Idaho be laid on the table, and I suggest the absence of a quorum.

Mr. FERNALD. I withdraw my request until the Senator can get his motion before the Senate.

Mr. JONES of Washington. I made the motion, and now I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

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

Ashurst	Fernald	Keyes	Sheppard
Ball	Ferris	King	Shipstead
Bayard	Fess	Ladd	Shortridge
Bingham	Fletcher	McKellar	Simmons
Borah	Frazier	McKinley	Smith
Brookhart	George	McNary	Smoot
Broussard	Gerry	Mayfield	Spencer
Bruce	Glass	Metcalf	Stephens
Bursum	Gooding	Moses	Sterling
Butler	Hale	Norris	Swanson
Cameron	Harrell	Oddie	Trammell
Capper	Harris	Overman	Underwood
Caraway	Harrison	Pepper	Wadsworth
Copeland	Heflin	Phipps	Walsh, Mass.
Couzens	Howell	Pittman	Weller
Cummins	Johnson, Calif.	Ralston	Wheeler
Curtis	Johnson, Minn.	Ransdell	Willis
Dial	Jones, N. Mex.	Reed, Mo.	
Dill	Jones, Wash.	Reed, Pa.	
Ernst	Kendrick	Robinson	

The PRESIDENT pro tempore. Seventy-seven Senators have answered to the roll call. There is a quorum present.

The question is on the motion of the Senator from Washington [Mr. JONES] to lay upon the table the amendment offered by the Senator from Idaho [Mr. GOODING] to the amendment offered by the Senator from Maine [Mr. FERNALD].

Mr. JONES of Washington. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. GLASS (when his name was called). I transfer my general pair with the senior Senator from Connecticut [Mr. McLEAN] to the Senator from New Jersey [Mr. EDWARDS] and vote "yea."

Mr. McKINLEY (when his name was called). I have a pair with the Senator from West Virginia [Mr. NEELY] and in his absence I withhold my vote.

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. In his absence I withhold my vote.

The roll call was concluded.

Mr. ERNST. I have a general pair with the senior Senator from Kentucky [Mr. STANLEY]. I do not know how he would vote and therefore I refrain from voting. If permitted to vote I would vote "nay."

Mr. McKELLAR. The junior Senator from West Virginia [Mr. NEELY] is necessarily absent. He is paired with the Senator from Illinois [Mr. McKINLEY].

The result was announced—yeas 40, nays 37, as follows:

YEAS—40			
Ball	Fess	Keyes	Shipstead
Bayard	Fletcher	McKellar	Shortridge
Bingham	George	McNary	Simmons
Broussard	Gerry	Mayfield	Smith
Bruce	Glass	Metcalf	Spencer
Caraway	Hale	Moses	Swanson
Couzens	Harris	Ralston	Trammell
Dial	Heflin	Ransdell	Underwood
Edge	Howell	Robinson	Weller
Ferris	Jones, Wash.	Sheppard	Willis

NAYS—37			
Ashurst	Dill	King	Smoot
Borah	Fernald	Ladd	Stephens
Brookhart	Frazier	Norbeck	Sterling
Bursum	Gooding	Norris	Wadsworth
Butler	Harrell	Oddie	Walsh, Mass.
Cameron	Harrison	Pepper	Watson
Capper	Johnson, Calif.	Phipps	Wheeler
Copeland	Johnson, Minn.	Pittman	
Cummins	Jones, N. Mex.	Reed, Mo.	
Curtis	Kendrick	Reed, Pa.	

NOT VOTING—19

Dale	Greene	Means	Stanfield
Deneen	La Follette	Neely	Stanley
Edwards	Lenroot	Overman	Walsh, Mont.
Elkins	McKinley	Owen	Warren
Ernst	McLean	Shields	

So Mr. GOODING's amendment to Mr. FERNALD's amendment was laid on the table.

Mr. JONES of Washington. Mr. President, I move to lay on the table the amendment proposed by the Senator from Maine [Mr. FERNALD], and on that motion I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. KING (when his name was called). Upon this question I have a pair with the senior Senator from Kentucky [Mr. STANLEY]. In his absence I am compelled to withhold my vote.

Mr. MCKINLEY (when his name was called). I have a pair with the Senator from West Virginia [Mr. NEELY]. In his absence I withhold my vote.

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. WARREN], which I transfer to the senior Senator from Tennessee [Mr. SHIELDS], and vote "yea."

The roll call was concluded.

Mr. GLASS. I am paired with the senior Senator from Connecticut [Mr. McLEAN]. I am told that he would vote as I intend to vote, and therefore I vote "nay."

The result was announced—yeas 40, nays 36, as follows:

YEAS—40

Ashurst	Edge	Johnson, Calif.	Overman
Ball	Ferris	Jones, N. Mex.	Pittman
Brookhart	Fess	Jones, Wash.	Ralston
Broussard	Fletcher	Kendrick	Ransdell
Capper	Frazier	Ladd	Robinson
Caraway	George	McKellar	Shipstead
Couzens	Gooding	McNary	Simmons
Curtis	Harris	Means	Smith
Dial	Heflin	Norris	Smoot
Dill	Howell	Oddie	Trammell

NAYS—36

Bayard	Ernst	Mayfield	Stephens
Bingham	Fernald	Metcalf	Sterling
Borah	Gerry	Moses	Swanson
Bruce	Glass	Pepper	Underwood
Bursum	Hale	Phipps	Wadsworth
Butler	Harrell	Reed, Mo.	Walsh, Mass.
Cameron	Harrison	Reed, Pa.	Weller
Copeland	Johnson, Minn.	Sheppard	Wheeler
Cummins	Keyes	Shortridge	Willis

NOT VOTING—20

Dale	King	Neely	Stanfield
Deneen	La Follette	Norbeck	Stanley
Edwards	Lenroot	Owen	Walsh, Mont.
Elkins	McKinley	Shields	Warren
Greene	McLean	Spencer	Watson

So Mr. FERNALD's amendment was laid on the table.

Mr. FERNALD. Mr. President, I wish to give notice now that I shall ask for another vote on the amendment when the bill reaches the Senate.

Mr. GOODING. Mr. President, I wish to give notice that when this question comes up in the Senate I shall again propose my amendment, which was laid on the table.

The PRESIDENT pro tempore. The Chair may say, merely for general information, that it does not require a reservation in order to offer an amendment in the Senate.

Mr. KING. Mr. President, if I may be permitted to say so, the statement of the Senator from Idaho is made in order to give notice to our friends to be present.

The PRESIDENT pro tempore. The bill is before the Senate as in Committee of the Whole, and is open to further amendment.

Mr. WALSH of Massachusetts. Mr. President, I wish to enter my protest against the action of the Senate in adopting the motion to place these two amendments upon the table. I think it is just such methods as this that will eventually lead to the Senate adopting a cloture rule. One of these measures has been debated, fully considered, and voted upon by the other House in the last session of the present Congress; it has been here since the first Monday in December, and not even opportunity has been given to discuss it upon its merits and to vote upon the question. I tell you, gentlemen of the Senate, if you continue to deny final decisions to petitioners who are asking for legislation such as the amendment proposed by the Senator from Idaho [Mr. GOODING] and that proposed by the Senator from Maine [Mr. FERNALD], sooner or later there will be a demand here for such rules in this body as will permit action. This is an injustice, a rank evasion of responsibility.

No one has a right to protest against a decision against him in the legislative body or in the courts, but petitioners who have not the right to have the roll call and to have a vote taken upon measures of importance which have been here for

years have just complaint against the system of doing business which is in operation here.

That is the protest I make, and I wish to make it in behalf of the people of my State, who are interested in this proposed legislation, and who have been here for months asking for a decision. You have not even given us an opportunity to fully discuss the question. Go on with this work, and the people of this country will rise up and demand that rules be adopted that will permit action, that will end sessions that are mere words, that will stop filibustering and bring about action and decisions. Let petitioners of the Congress get a final judgment, and stop postponing, delaying, and side-stepping these questions.

What would you say of a court of law that allowed, by its procedure, witness after witness to be called, argument after argument to be made, and yet never permit a decision to be reached. It would very soon come into disrepute; and that is what we are bringing about in this body by a procedure of this kind. It is unbusinesslike and indefensible. I demand that it come to an end.

I want to protest just as strongly as I know how against disposing of matters of this importance in the manner in which this Cape Cod Canal bill has been treated.

Mr. DIAL. Mr. President, I should like to suggest to the Senator from Massachusetts, who has just taken his seat, that some of us feel embarrassed about the position in which we have been placed. I feel, as does the Senator, that we ought to have a vote on this question. It seems to me that we could get results if we would approach the subject in the proper way. I should be very glad if he would suggest a time when the measure could be brought up separately and a vote taken upon it.

Mr. WALSH of Massachusetts. It would be useless.

Mr. BORAH. I wish to say a word in explanation of my vote, because I presume this matter will come back again. I voted against laying this amendment on the table, not because I am in favor of the proposition, but because I am opposed to shutting off discussion under such a procedure. I say this much now so that I shall not be called upon to explain later if the matter comes directly before the Senate.

Mr. GOODING. Mr. President, I wish to thank the Senator from Maine [Mr. FERNALD], who had this particular matter in charge, for carrying out, as far as he was concerned, such an understanding as Senators sometimes have. Outside of the Senator from Maine, however, and one or two others, it did not go any further. I was told all the time what New England was going to do for the long-and-short-haul amendment when it came in. I had some advantage, because the vote had to come first on my amendment.

I was not altogether astonished or surprised when the majority of the Senators from New England voted to retain the Cape Cod Canal amendment. I have not forgotten, Mr. President, the fight that I made here with New England on the tariff question, when I stood all summer long in the hot days and fought for what I believed was a proper and reasonable tariff on manufactured articles. At times I was alone in the fight, with the exception of the senior Senator from Connecticut [Mr. McLEAN]. I want to serve notice on New England that I have felt their claws, and from now on somebody else will fight their battles if they are going to vote to destroy my section of the country.

Mr. WALSH of Massachusetts. Mr. President, I hope the Senator will exclude the Democrats from New England in his condemnation.

Mr. GOODING. Yes; I shall do that. I want to thank the senior Senator from Massachusetts [Mr. WALSH], who has been fair and reasonable and just in the matter, and stood by me in my fight, so far as that is concerned, all the way through. I must exclude him; he voted with me for the amendment that has just been wrecked, and voted again to sustain me.

I wish the Senators from New England, however, to understand that from now on they had better get somebody besides the West to fight their battles. They voted against good roads; they have voted against everything the West has asked for. If that is what you want; if you are going to destroy my section of the country, all right; but perhaps when we build this country over again we will build it better. I think that that might be done. Let me say, however, that when we go down they will go with us. That is what usually happens.

Mr. NORBECK. Mr. President, I have listened to the remarks of the Senator from Idaho with a great deal of interest. There is nothing peculiar in the situation to me, except that it has taken the Senator from Idaho so long to discover a few things.

Mr. GOODING. Perhaps I have been a little slow.

Mr. NORBECK. I do not blame New England. New England stands together for the industries that mean something to that section of the country. They fight shoulder to shoulder in an honorable way. It is true that they have certain advantages, when they come and ask for protection here and there, to meet new conditions; but when the West has come and asks for something, we are told that we are asking for something unsound, uneconomic, and illogical. I have no complaint of that; my only complaint is that the West has been divided. When we have appealed to Representatives of the West to stand together in the battle they have scattered and divided into several groups.

I appealed to them when the tariff bill was under consideration to insist upon some benefit being accorded to the West, but I could not get the West to stand together. So, when the Mellon plan was up to reduce taxes—and I am not going into the question whether it was sound or unsound—I asked merely, "Do we want to vote another relief measure for another section of the country?" I appealed to Senators from the intermountain States and said, "Hook up your farm relief with it," but they would not stand with me. They said, "Our turn will come"; and now their turn has come.

Mr. BUTLER. Mr. President, I listened to the remarks of the Senator from Idaho [Mr. GOODING] with considerable interest. I am sorry that he has exhibited a condition which he describes as "mad." If he will observe the vote, New England did divide on his amendment. I voted for it, while some of the other New England Senators did not vote for it. My colleague [Mr. WALSH] voted for his amendment. So far as Massachusetts is concerned, we stood by him, and I hardly think that under the circumstances it lies in his mouth to make a complaint about all of New England.

Mr. President, the proposition which is favored by the Senator from Maine and which he has advocated and defended on the floor of the Senate is one that not only interests Massachusetts and New England, but interests the whole country. The commerce which would go through the Cape Cod Canal and which does go through that waterway is not alone Massachusetts commerce; it is not alone New England commerce; but is the commerce of the whole country. I am anxious to vote with my brethren from the West for projects in which they are interested. I know that we can not go along in this country with any degree of success divided in our interests, divided in our purposes, and divided in our votes in this body or any other body which undertakes to represent the interests of the entire country. I know that we must give and take; I know that what interests us in New England interests likewise the people of the West. I know that they can not sell their products in New England unless we have a prosperous New England, and I know that we in the East can not sell our manufactured commodities in the West unless agriculture is prosperous throughout the western country. I wish now to say merely that if the Senator from Idaho will bring forward his amendment again I shall vote for it, as I voted for it on the last vote.

Mr. LADD. Mr. President, I send to the desk an amendment, which I desire to offer and to speak on at this time.

The PRESIDING OFFICER (Mr. FESS in the chair). The Secretary will state the amendment offered by the Senator from North Dakota.

The CHIEF CLERK. On page 32, line 23, after the word "officers," it is proposed to insert:

Providing said Board of Engineers shall make use, so far as applicable, of existing data and shall make its report on or before November 15, 1925.

Mr. LADD. Mr. President, for years past the people of the West have endeavored to secure better water transportation facilities for their products; in other words, to bring the ocean traffic for steamers 1,200 miles nearer to the interior of this country. At every point they have been strenuously opposed by a powerful group in the East made up of railroad interests and the big financial interests of New York.

In his annual message to the Senate, President Coolidge has given voice to the need for the St. Lawrence waterway, and the commission or conference appointed by the President to study agricultural needs of the country have likewise indorsed this undertaking as essential for helping the farmers of the great West.

In my discussion it is not my purpose to seek to prevent the natural developments for waterway transportation in New York or elsewhere, but rather to call attention to existing conditions, to past history, to what has been done and is being done to prevent the development of the great project which the people of the West find essential to enable them to compete in any

manner with the great industrial centers along the Atlantic Ocean, and especially with New York.

I desire also to point out some of the reasons why the Oswego-Hudson Ship Canal is not feasible, and probably in the end will never be undertaken.

Mr. President, referring to the project adopted and authorized in House bill 11472, page 2, line 9, and the item among those projects for which preliminary examinations and surveys are authorized and directed, page 32, line 20:

The plain truth concerning these two items is that they seem to have been conceived, first, as I shall attempt to show, directly for the purpose of delaying or preventing the construction of the St. Lawrence ship channel project, now pending between the Governments of the United States and Canada, and second, with the ultimate purpose of unloading upon the Federal Government a very unhappy investment by the State of New York in the so-called New York Barge Canal.

Without indulging in personal opinions, but citing you to certain documentary evidence, statements, and admissions by New York officials and others—opponents of the St. Lawrence project—the material herewith submitted is only a fraction of what is at hand.

According to the CONGRESSIONAL RECORD for December 18, 1924, Congressman DEMPSEY, in his speech on the bill—the paragraph commencing "And then we come to the third of the great improvements in this bill and that is the development of the Hudson River up to Albany," and so forth—clearly states that these items form a part of their purpose of substituting a route across New York State in lieu of the St. Lawrence route.

Inclosures Nos. 1 and 2 of the Northern New York Development League clearly set forth this purpose and condemn it.

Mr. President, I ask unanimous consent to have these various inclosures printed as an appendix to my remarks, without reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

[See appendix to Mr. LADD's remarks.]

Mr. LADD. Mr. President, the proposed route from Oswego to the Hudson is not a feasible ship-channel route. The State of New York settled that by engineering studies conducted by the State. See inclosure No. 3, "Statement by Martin Schenck, State engineer of the State of New York in 1892." See also report of the New York commission appointed by Theodore Roosevelt, when Governor of New York, of March 8, 1899, headed by Gen. Francis V. Greene, and known as the Greene committee. Also report of the New York Commerce Commission, appointed by Governor Black, submitted in 1900.

See inclosure No. 4, a statement by State Engineer Frank Williams, dated October 20, 1919. Other statements by New York, almost without number, to the effect that a ship channel is impracticable, could be cited; and it was upon those reports that the State of New York decided, against the protests of the West, that a barge canal and not a ship channel was the practical plan to adopt. Another reason for this decision was that Buffalo refused to support the constitutional amendment if her tollgate privileges of breaking bulk at Buffalo were taken away, as they would have been if the ship channel had been adopted. The fact remains that New York decided that a ship channel across the State of New York was not a practicable project, and went forward with the barge canal.

The history of the investigations and hearings leading up to the items referred to in this bill is found as press items in inclosure No. 5. Note especially the report of Colonel Newcomer and General Beach. (Doc. No. 350, 68th Cong., 1st sess.) You will note that General Beach doubts whether the plan would be beneficial to any but a limited locality, and he further saves the face of the Board of Engineers by saying "It is hardly possible to grant the claim advanced by certain advocates of the project that it will furnish a satisfactory and deep-water outlet for the entire Lakes area and upper Mississippi Valley, or solve the admittedly difficult transportation problem which that great section of the country now faces." Those words were probably inspired by certain correspondence which took place with the Board of Engineers, previous to the hearing, and found in inclosure No. 6. Accompanying these letters was a brief statement of the reason why this would not answer the needs of the West. See inclosure No. 7. Inclosure No. 7½ enlarges upon the same point.

Referring to inclosure No. 4 the State engineer undertakes to estimate the cost at \$505,000,000. That only covers a 25-foot channel from Oswego to Troy. Additional improvement from the present deep water to Troy would be more than \$25,000,000, or involve a very considerable increase in cost. The cost would

be at least \$650,000,000, and there would be no by-product of power to help bear the cost.

Mr. President, there is no need for spending \$100,000 in additional surveys. Our Army Engineers have many times made this investigation.

On this see the Windsor Report, Senate Document 307, Forty-third Congress, first session; Deep Waterway Board, House Document 192, Fifty-fourth Congress, second session; Captain Palfrey, Chief of Engineers, Report, 1889; Judson Report, House Document 293, Fifty-second Congress, first session; Symon's Report, House Document 86, Fifty-fifth Congress, first session; United States Waterways Commission (Burton), Senate Document 409, Sixty-second Congress, second session; Major Kingman's Report in 1892; the Great Lakes project, House Document 755, Sixty-fifth Congress, second session; Colonel Warren's Report, House Document 1591, Sixty-fifth Congress, third session; and Col. Clark S. Smith's Report, House Document 890, Sixty-sixth Congress, third session.

Turning now to what the New York Barge Canal actually is, please note inclosure No. 8, being an excerpt from the annual message of Governor Smith to the Legislature of the State of New York, January 7, 1925, and inclosure No. 9, a statement from the Marine and Shipping Age of April, 1923, on the question of hazards.

Mr. KING. Mr. President, will it interrupt the Senator to ask a question for information?

Mr. LADD. Not at all.

Mr. KING. I am not sure, because I have not heard all that the Senator said, whether he is combatting—and I hope he is—the view that a survey is necessary from the Great Lakes through Canada, or a canal from the Great Lakes to the Atlantic.

Mr. LADD. From the Great Lakes to the Hudson; that is what I am combatting, on the ground that sufficient surveys have already been made, and they have condemned it, and the Governor of New York has condemned it, as I shall try to show later. I am asking that instead of that being done, this item that they are asking to stand as a part of the bill shall be so amended that they must make their report by November 15, 1925, and at the same time utilize the material that they already have, so that it will not delay the work on the St. Lawrence project.

Mr. KING. Mr. President, may I ask the Senator another question? Is there anything in the pending bill carrying an appropriation for the purposes which the Senator is now discussing?

Mr. LADD. There is.

Mr. KING. I was not aware of that. Is the Senator moving to strike it out?

Mr. LADD. I am not moving to strike it out. If they want to develop it, I have no objection; but I do not want it to stand in the way of and hamper the development of the St. Lawrence project, which the West has been demanding, but to limit the time they may have for making their report.

Mr. KING. If I understand the Senator, the project is impracticable, and if it will have any advantage at all it will be purely local. Therefore, why should we appropriate out of the Treasury of the United States for an ephemeral, unscientific, and improper scheme, and one which, if it has any value at all, is a scheme in which New York alone ought to be interested?

Mr. LADD. I agree with the Senator, but I do not care to take that stand. I am only asking that the development of the St. Lawrence project shall not be hampered by an attempt to develop that region, when all their engineers say that it is impracticable, when their governor says that it is impracticable, and when the newspapers in Albany, as I shall quote a little later on, maintain that it is impracticable.

Mr. KING. I thank the Senator for challenging attention to it, and if he does not move to strike it out I shall.

Mr. LADD. Referring to the governor's message, I wish to call your attention to some comparisons. There was a great shortage of transportation at the lower end of Lake Erie during the past summer. The Canadian canals in the St. Lawrence were working to capacity. They carried the unprecedented tonnage of 5,536,374 tons, 22 per cent higher than any previous high record. Much of this was United States tonnage. These figures are in striking contrast to the New York Barge Canal, which carried only 1,600,000 tons, according to Governor Smith, and it must be remembered that the Canadian canals were worked to capacity. They averaged one boat through every lock every half hour or better all through the season from May to December, and yet the New York Barge Canal did practically nothing.

Mr. COPELAND. Mr. President, will the Senator yield?

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

Mr. LADD. I do.

Mr. COPELAND. Why was the Canadian canal worked to full capacity?

Mr. LADD. Why was it, or why was it not?

Mr. COPELAND. The Senator said that the New York Barge Canal carried only a limited amount of freight, while the Canadian canal was operating to full capacity. Was not that the language the Senator used?

Mr. LADD. They were operating at full capacity at the same time, while the report of the Governor of New York State states that the amount of cargo carried upon the barge canal was 1,600,000 tons; and if there was a congestion in the Canadian transportation on the Great Lakes and there was the opportunity for carrying an additional amount, why was it not utilized?

Mr. COPELAND. Of course, the answer to that, as I see it, is that the Hudson River itself is so shallow that it is not possible to make the successful connection between the ocean and the mouth of the canal that will be possible after the deepening of the Hudson.

Mr. LADD. Mr. President, there was nothing to prevent the taking down of the barges, even then. The barges might have gone straight through to New York City.

I am going now to quote from Colonel Greene, on January 8, commenting on Governor Smith's message, Colonel Greene being in charge of the New York State canal. He says:

The barge canal is a great thing for the western grain growers, and it provides them with an easy route to the great eastern ports.

This transportation at the present time is being paid for by the taxpayers of the State of New York. If the people of the Western States are determined to have a waterway to the Atlantic seaboard, then let the Federal Government take the barge canal off the State's hands and convert it into a ship canal. This could be done by junking the section between Buffalo and Syracuse and using the canal from Oswego to the Hudson after first deepening it so as to make it navigable by ocean craft.

The present barge canal parallels Lake Ontario from Buffalo to Syracuse, which is useless. I am frank to say I do not know any method to make a paying proposition of the barge canal. Few shippers will use it, and those who do will soon abandon it if needed repairs are not made. I wash my hands of the whole thing until a determination has been reached with regard to the best way to handle it. If the legislature will authorize a commission to study the situation, as Governor Smith urges it to do in his message, I will do all in my power to aid the investigation and show just how far the barge canal has deteriorated in the last few years.

There is some collateral matter which bears indirectly on the question at issue, which has been compiled from various data, and which I ask to have included in my remarks without reading.

The PRESIDING OFFICER. Without objection, it will be so ordered.

[See appendix to Mr. LADD's remarks.]

Mr. LADD. Mr. President, a careful reading of the recommendations of the district engineer of New York, the division engineer, Colonel Newcomer, the Board of Engineers for Rivers and Harbors, and the letter of transmittal from the Chief of Engineers to the Secretary of War, as contained in Document 350, Sixty-eighth Congress, first session, will disclose most clearly that the engineers did not recommend this, except under the greatest political pressure, and such qualifications were drawn around it by the division engineer and Chief of Engineers as to condemn it with faint praise.

These items were forcefully opposed in the House by Congressman KYALE, of Minnesota—CONGRESSIONAL RECORD of January 15, 1925, pages 1886 to middle of last column 1890.

These items should be amended to provide that such examination and survey by the engineers should make use of all existing data applicable to the case and that they should finish their report by November of this year, so that it may not delay the St. Lawrence project, because the International Board of Engineers will be reporting about that time and we do not want to have to hold up negotiations with Canada waiting on the report like the one provided for in this bill.

Mr. President, beginning with the report of 1900, down to the present time, not only distinguished commissions appointed by Governors of New York but our Army engineers have condemned or failed to recommend a ship channel across the State of New York.

Mr. President, the farmers of the West have asked for the St. Lawrence project for the past 10 years or more, and her business interests are demanding the same as an all-water route from the Great Lakes to the ocean for ocean-going vessels. I have already called attention to the fact that this project has the sympathetic support of the President, as indicated by his message and by the conference appointed by the President in their report to the President and transmitted by him to the Congress.

Then who opposes this project? I need not say to our western people that it is the railroads and great financial interests of New York and the East. In this connection, as to what are the needs of the West and what should be its policy, I can not do better than quote from the remarks of Congressman KYALE before the House when this very measure was under consideration, as shown in the CONGRESSIONAL RECORD on page 1890, who said:

Here is where the great Northwest and the West, irrespective of party, should stand together to protect their interests. I appeal here and now to all Representatives in this body from the States of Ohio, Indiana, Michigan, Illinois, Wisconsin, Iowa, Minnesota, North and South Dakota, Nebraska, Wyoming, Colorado, and other western States which have declared definitely and emphatically for a deep waterway to the ocean by way of the St. Lawrence River, to join in defending this project against the deathblow it would receive through the authorization of the deeper Hudson project.

There is reason to believe that Canada is soon ready to come to an agreement with the United States looking toward the realization of the international waterway; an overwhelming majority of shippers, farmers, and citizens of the West are vitally interested in this matter. That their hopes and plans should be ruined through the adoption of this provision for a project to deepen the Hudson and benefit a locality of indefinite expanse to an undetermined extent is eminently unfair.

Events of the past few weeks give sound basis for the belief that the State of New York sees in the proposed project the opportunity to rid itself of the white elephant it now has in the barge canal. Earlier in these remarks I quoted from the address of the Governor of the State of New York, Mr. Smith, showing that the barge canal, despite its enormous cost and elaborate publicity, is being operated by the State at an alarming loss; that as a commercial problem it is declining into decay, and that the State feels the necessity of taking some action very soon. If the State is to be given credit in payment on this project for deepening the Hudson for its expense on the barge canal, is it then fair to have already thrust on us the prospect of being forced to take over the canal and make it a part of the Federal project because the State does not wish to sustain further losses thereon, and thereby subject its citizens to higher taxes?

The absorbing question for the farmers of the West is no longer one of production. The western farmer is now making two blades of grass grow where one grew before; the soil is fertile and is utilized to the utmost. But the question of distribution is the vital problem; it demands solution very soon. Trainloads of food are rotting on the ground merely because transportation rates are too high to warrant their carriage to markets; when rates are substantially lowered the problems of the Northwest are more than half solved.

And the one great step toward the solution is the St. Lawrence deep waterway.

Mr. President, I ask also to have included without reading a statement given out by Dr. Alva H. Benton, of the North Dakota Agricultural College, with regard to the Great Lakes-St. Lawrence waterway and what it means to the farmers of North Dakota.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

GREAT LAKES-ST. LAWRENCE TIDEWATER ASSOCIATION—WHAT THE DEEP WATERWAY WILL MEAN TO NORTH DAKOTA (BY ALVA H. BENTON)

The question may well be asked, "What will the St. Lawrence deep waterway bring to North Dakota?" It will bring the farmer of central North Dakota within 400 miles of the seaboard, whereas now he is approximately 2,500 miles. The question again comes up, "What difference does it make?" The answer is, first, that it will cost at least 7 cents a bushel less to export grain to Europe, because freight transportation is cheaper by water than rail, and second, it will eliminate handling charges at Buffalo and New York, or, if it goes by way of Montreal, it will eliminate handling charges at the Georgian Bay, or Buffalo, and at Montreal. The combined savings are at least 7 cents a bushel, made up of 6 cents on freight and 1 cent on handling charges, and the price of grain exported from North Dakota and the spring wheat area will be increased by this amount. The price level of grain needed for consumption will also be raised, because if, at present, for example, the high grades of wheat are selling for \$2 per bushel and the lower grades for \$1.50, the higher

is evidently worth to the miller 50 cents more than the lower. If the lower grade were raised 7 cents a bushel the higher grade would also go up because the millers would buy more of the higher grade rather than the lower until the price difference became the same. North Dakota, which grows a large proportion of durum wheat, would benefit directly because 90 per cent of the hard spring wheat exported is handled at Duluth. Since it is not usually valued on the basis of protein or gluten content all durum wheat would be directly affected by a reduction in costs of placing it on European markets.

Rye is also an important grain in this area, and between forty and fifty million bushels are annually exported from the United States. Much of this is shipped from Duluth. The farmer in this section would again benefit to the extent of 7 cents a bushel. Barley is likewise on an export basis, some eighteen to twenty million bushels is exported annually. The question arises as to whether we will get the benefit of the cheaper water haul on barley and oats, for example, which are not so definitely on an export basis as rye, wheat, and durum. I think we will. If it should happen that barley and oats are not affected like wheat and rye, farmers will grow more of these and less of the others, thereby making them a scarcity and thus affecting the price.

What would an increase of 7 cents a bushel mean to North Dakota farmers? The average yield of grain for the five-year period, 1920-1924, and the increased returns at 7 cents a bushel are:

Exports	Average North Dakota 5-year production	Average savings to North Dakota farmers
One hundred to two hundred and fifty million bushels of wheat.....	\$6,200,000, at 7 cents....	\$6,734,000
Forty to fifty million bushels of rye.....	14,500,000, at 7 cents....	1,015,000
Thirty-five to forty million bushels of oats.....	67,200,000, at 3.5 cents....	2,300,000
Eighteen to twenty million bushels of barley.....	24,200,000, at 6 cents....	1,452,000
Flax.....	7,000,000 (no effect)	
Total.....		11,501,000

This \$11,501,000 can be attributed to the savings that would result from increase in returns on grain due to cheaper transportation. This amount capitalized at 7 per cent, the average rate of interest on land mortgages in Dakota, would amount to \$164,000,000, the amount that would be added to farm values of North Dakota farms.

On the basis of farm acreage of 20,000,000 acres—1924—this would be equivalent to \$8 an acre, or \$2,560 on a half section, assuming it were all in use and available for producing a grain crop with average yields. Even a larger figure would result from calculations on an acre of wheat. The average yield of wheat for the past few years is 10 bushels per acre. An increase of 7 cents per bushel would equal 70 cents. This capitalized at 7 per cent equals \$10 per acre. This increase would be secured without any actual increase in cost, as the return from the electric power will pay the cost.

The effect in other ways is difficult to forecast, but the time will come when lignite-coal products, as oil, briquets, and motor fuel, will be shipped to the East. This waterway will furnish cheap transportation. Butter can now be shipped more cheaply to eastern points by lake than by rail, and if we should ever become an exporting nation the canal will place the farmer in this midcontinental area on a more nearly equal competitive basis with eastern farmers. The time may come when we will be importing products from foreign countries. We then will have the benefit of cheap water transportation.

Transportation facilities, or the lack of them, have incalculable effects on agricultural and industrial development. Although North Dakota is now 1,500 to 2,000 miles from deep-seagoing vessels, the St. Lawrence deep waterway will reduce this to less than 500 miles. The transportation facilities available to a country or locality, or the lack of them, are an incalculable force in developing or holding back the agricultural and industrial development.

FARGO, N. DAK., January 14, 1925.

Mr. LADD. Mr. President, in the pending rivers and harbors bill two items are authorized which ought immediately be struck out. One is for \$11,000,000 to pay the cost of deepening the Hudson River in the direction of Albany, so that after spending another forty or fifty million dollars on the scheme, ocean-going vessels drawing 27 feet of water may be able to make the city of Albany a port of call. The other is \$100,000 to pay the cost of a survey of a ship-canal route across the State of New York connecting Oswego with the Hudson River.

The second item is disposed of most effectually in a statement by G. W. Ball, president of the Northern New York Development League, and your attention is called to what he says in the accompanying copy of a letter which has been addressed by him to members of the New York delegation.

As for the proposed deepening of the Hudson River, the following statement—taken from a report by Gen. Lansing H. Beach to Secretary of War Weeks, and printed in House Document No. 350 of the first session of the Sixty-eighth Congress—is significant:

The division engineer does not consider the general commercial benefits to be derived from the proposed improvement sufficient to warrant the Federal expense involved, and accordingly recommends that the improvement be not undertaken at this time, unless the State or local interests contribute at least 50 per cent of the cost of the improvement. With such cooperation the work would probably be justified.

Mr. KING. Mr. President—

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

Mr. LADD. I yield.

Mr. KING. Is the item of \$7,000,000 in the bill to which the Senator referred a moment ago, which he said should be eliminated, the item found on page 2, reading as follows:

Hudson River Channel at Weehawken and Edgewater, N. J., in accordance with the report submitted in House Document No. 313, Sixty-sixth Congress, first session, and subject to the conditions set forth in said document.

Mr. LADD. That is one part of it. Then there is another appropriation of \$100,000 in another place, I think on page 32, or somewhere in that vicinity, for making a survey of the Great Lakes to the Hudson project.

Mr. KING. On page 32 is this language:

Deeper waterway from the Great Lakes to the Hudson River suitable for vessels of a draft of 20 or 25 feet: Preliminary examination and survey to be made by a board of engineer officers.

Mr. LADD. That is where I am asking that they should utilize the materials they have, the engineers' reports, and so forth, and shall submit a report in November, so that it shall not hold up the St. Lawrence project.

Mr. KING. As I interpret this bill, the appropriation of \$7,000,000 has already been authorized, and is not a mere direction that the survey shall be made.

Mr. LADD. It is not.

Mr. KING. I am afraid the Government has been committed to that project already, and that we may not escape from the net in which we have been entangled.

Mr. LADD. I agree with the Senator. On the other hand, I have no personal objection, if it is desired to approve the Hudson waterway as far as Albany, N. Y. I do not agree, however, that their claims are correct as to the profit that will be shown in the future, or the transportation of tonnage, as I shall attempt to show a little later.

The above statement is by H. C. Newcomer, colonel, Corps of Engineers, division engineer. Colonel Newcomer made an exhaustive survey of the whole plan and reaches the conclusion that Uncle Sam should only participate in the scheme to the extent of 50 per cent, and then he qualifies his indorsement by saying it would probably be justified.

General Beach doubts whether the plan would be beneficial to any but a limited locality. He says "proponents of the project claim that there would be diverted to an upper Hudson port about 25 per cent of the grain shipment of Montreal and of all American North Atlantic ports. The claim is, however, found upon analysis to be based upon a variety of assumptions, the validity of which is too uncertain to justify full acceptance of the predicted tonnage. It is hardly possible to grant the claim advanced by certain advocates of the project, that it will furnish a satisfactory and adequate deep-water outlet for the entire lakes area and upper Mississippi Valley, or solve the admittedly difficult transportation problem which that great section of the country now faces.

General Beach—with apparent reluctance—supports his subordinate, Colonel Newcomer, in the conclusion that if local bodies would contribute 50 per cent of the cost the improvement might be justified.

It will be recalled that several years ago the Associated Chambers of Commerce of New York invited Members of Congress to take a trip over the barge canal with a view, as it was then stated, to impress upon the legislative mind the importance of that waterway as an outlet to the Atlantic Ocean. Now, according to reports appearing in the newspapers, Governor Smith, in his annual message to the New York Legislature, has declared that the canal is a "white elephant" on the hands of the taxpayers of the Empire State, and it is proposed to invite Uncle Sam to take over this decaying waterway and thus save New York taxpayers the heavy annual loss, estimated at \$10,000,000.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. LADD. I yield.

Mr. COPELAND. I am sure the fair-minded Senator would not want to quote Governor Smith as saying that the barge canal was a white elephant.

Mr. LADD. I am including in my remarks, so the Senator can see for himself, the exact words of the governor, as reported by the newspapers.

Mr. COPELAND. At the proper time I shall call the attention of Senators and others to what the governor really did say.

Mr. LADD. The governor is quoted as saying that while the old Erie Canal had carried in a single year commerce aggregating 10,000,000 tons, the new canal last year carried ships conveying about 1,600,000 tons. It is said that there is no hope of making the canal a paying concern.

It is perfectly obvious that the plan of deepening the Hudson River, coupled with the other impracticable schemes to survey a ship-canal route from Oswego to the Hudson, is simply proposed for the purpose of delaying and finally defeating the St. Lawrence project. To spend money on either scheme would be to throw away public funds. The people of the great West, Northwest, Middle West, and Southwest are unanimous in demanding the speedy construction of the St. Lawrence Canal. If Congress authorizes the expenditure of public funds on the Hudson chimera, the people will be led to believe that a ship canal through all American territory is feasible and their ardor for the St. Lawrence will cool. This is the very thing that the shrewd New Yorkers are planning to bring to pass.

If additional proof is necessary to show that the purpose of the group who are sponsoring the Oswego Hudson Ship Canal is in reality for the purpose of destroying any possibility of the construction of the St. Lawrence waterway, the following from the Albany (N. Y.) Knickerbocker Press for February 4 ought to be sufficient:

CUVILLIER ASKS STATE TO OPPOSE BUILDING ST. LAWRENCE CANAL—MEANS DESTRUCTION OF NEW YORK AS SEAPORT, RESOLUTION SAYS

An attempt to influence Congress to act adversely on the proposition to construct the St. Lawrence Ship Canal was made in the legislature yesterday by Assemblyman Louis A. Cuvillier, who introduced a resolution calling upon Senators and Representatives in Congress from New York State to vote against the ship-canal plans.

The resolution points out that the Federal Government has approved the report of the joint committee for the construction of the St. Lawrence deep-water canal and has instructed Secretary Hughes to negotiate a treaty with Canada for the construction of the canal, designed to furnish a direct route to the sea from the Great Lakes, at a cost of approximately \$300,000,000, to be borne equally by this country and Canada.

The resolution adds that a bill has been introduced in Congress to construct an all-American barge canal from Buffalo to the Hudson River in opposition to the St. Lawrence deep-water canal, which canal, if constructed, is declared by Cuvillier to be an enterprise largely on foreign soil, which would divert all the shipping and commerce from the West to Canadian ports, thereby destroying the supremacy of the State of New York as a commercial seaport.

Mr. President, a few days ago I pointed out that the development of the St. Lawrence waterway would mean a by-product of more than 4,600,000 hydroelectric horsepower, of which about 1,500,000 horsepower would be developed on American territory and would naturally be delivered to New York and be distributed in that territory; the balance, of course, going to Canada. This by-product of hydroelectric power would pay all the expenses of the construction of the canals for the development of shipping on the St. Lawrence. On the other hand, the Oswego-Hudson Canal would furnish little or no hydroelectric power, and as to the length of the season in which the two channels could be operated, there would be practically no difference.

Mr. President, I do not desire to stand in the way of such internal improvements as New York State may desire to undertake, but I feel the course is shortsighted when by such a circuitous route she endeavors to prevent the development of the West, whose surplus food products are essential for the maintenance of the people of the East and who stand in need of these products.

It is this kind of policy long continued which has led to bitterness against so-called Wall Street influences that seek to hold the West in enforced bondage to pay an unjust toll on all products the West produces, as likewise on all products she ships in for consumption.

THE VOICE OF THE NORTHWEST

I desire also to have printed, without reading, as indicating how the press of the Northwest look upon this proposition, an editorial entitled "A quarter of a billion for spite," which appeared in the St. Paul Pioneer Press for February 12, 1925:

A QUARTER BILLION FOR SPITE

New York State has spent \$230,000,000 on its canal system in the past 20 years, according to the Independent. That is \$100,000,000 more than the total cost of the Suez Canal and more than half the cost of the Panama waterway. Yet the Independent pronounces the New York system a failure, and calls attention to a recent message by Governor Smith to the legislature of that State suggesting a study of the problem—how to make it popular with shippers.

The chief difficulty is the slowness of traffic; but there is another—the scarcity of barges. Though the State charges no tolls, in spite of its great expense, investors hesitate to put money into boats. The style of barges required is expensive, and they can not be laid up during the winter by simply mooring them to a dock on account of freezing. Only large concerns, like the Standard Oil Co., can afford to take the boats to open water in winter and make use of them there.

There is a lurking suspicion that the principal reason for using nearly a quarter of a billion dollars on this unfortunate enterprise is to stall off the Great Lakes-St. Lawrence waterway by an attempted demonstration that there is no need of it. None of the difficulties of the New York Canal would apply, of course, to the St. Lawrence project, as the latter will not be for barges but for ocean-going ships. The water power also to be developed by harnessing the rapids is a potent consideration in connection with the cost of construction and operation.

Mr. President, from their own statements I have tried to point out the real purpose of the provisions of this bill (H. R. 11472) in so far as they relate to a survey of the ship canal through the State of New York, and I do not think I am unfair when I ask that nothing be done whereby the St. Lawrence ship waterway for ocean vessels be not hindered by any proposed plan intended to thwart the will of the people of the West and Northwest.

I ask, therefore, that the amendment be accepted, since it does no injustice to New York or any other section of the country. I ask that the amendment be adopted.

APPENDIX

[Inclosure No. 1]

ADDRESS TO NEW YORK DELEGATION IN CONGRESS

NORTHERN NEW YORK DEVELOPMENT LEAGUE,

Massena, N. Y., January 8, 1925.

DEAR SIR: In the campaign for rigid economy for public expenditures urged by the President he declares it is not easy to stand in the gap and resist the passage of increasing appropriation bills which would make tax reduction impossible. May we point out how in at least one instance the New York delegation in Congress can appropriately join the President in his stand?

The old project of a ship canal across New York State from Oswego to the Hudson River has been revived and an appropriation of \$100,000 is sought for a new survey. This project has been surveyed and reported upon many times, and a reference to the printed official report by the Chief of Engineers will show how futile and incredibly costly such a project would be.

This report, printed in 1920 as House Document No. 390, Sixty-sixth Congress, third session, sets forth in full detail all the various previous surveys and all data. It is pointed out that the cost of the proposed route would be more than double previous estimates, amounting to the staggering total of over \$600,000,000. It declares that the question of a water supply for the upper level of this canal "remains most formidable, if not insurmountable." It points out that the building of this proposed ship canal would mean the duplication of the New Welland Canal now building by Canada, and amply adequate to provide all navigation facilities for many years to come. And it finally shows that such a project would mean the destruction of the present New York State Barge Canal, which now occupies the Oswego and Mohawk Rivers. Such a project would mean the assumption by the Federal Government of the huge sums expended by the State.

These official facts carry the emphatic answer to any demand for an appropriation for another survey. We deem it particularly fitting that New York should be the first to oppose any such action and to promptly refute the insinuation which it carries that the State is trying to unload on the Federal Government an unprofitable investment.

Trusting that you will see your way for a prompt protest against the proposed appropriation, we are

Yours very truly,

THE NORTHERN NEW YORK DEVELOPMENT LEAGUE,
By G. H. BALL, President.

[Inclosure No. 2]

ADDRESS TO THE PRESS REPRESENTATIVES IN WASHINGTON

NORTHERN NEW YORK DEVELOPMENT LEAGUE,

Massena, N. Y., January 1, 1925.

DEAR SIR: We desire to call your attention to the inclosed copy of a letter which we are sending to all New York Representatives in

Congress in an effort to prevent a futile and wasteful expenditure of public funds.

This league, which is composed of the various chambers of commerce, the large industrial organizations, and the banks of northern New York is heartily in favor of the immediate construction of the St. Lawrence deep waterway. We know the river, its navigation, and the proposed improvement. We see in the appropriation of \$100,000 for a ship canal across New York State from Oswego to the Hudson River an attempt to defeat, or at least delay, the St. Lawrence project.

A comparison of the two proposed ship canals shows how much more desirable the St. Lawrence route is to the Oswego-Hudson route.

The St. Lawrence route will require only 31 miles of canal, divided into short stretches of 8-15-8 miles, while the Oswego-Hudson Canal will be a restricted channel 168 miles long, climbing up and down over a divide, as shown by the report of the International Joint Commission. Both canals will be open for navigation for the same period each year, as shown by the United States hydrographic reports.

The cost of the St. Lawrence improvement for a 30-foot channel will be \$269,000,000, as compared with \$650,000,000 for the Oswego-Hudson Canal, as set forth in the report of the Chief of Engineers, 1920, cited in inclosed letter, and in the report of the International Joint Commission.

And, finally, the Oswego-Hudson route will provide no hydroelectric power, while as a by-product of the improvement to navigation in the St. Lawrence River, 1,500,000 horsepower will be developed, which, under the direction of Congress, can be delivered to New York or elsewhere, or sold by the Federal Government to recoup itself for the expense of the project.

So far as the advantage of opening the heart of the country to chief ocean transportation there is no comparison between the natural St. Lawrence River outlet and the artificial Oswego-Hudson Ship Canal.

Yours truly,

THE NORTHERN NEW YORK DEVELOPMENT LEAGUE,
By ———, President.

[Inclosure No. 3]

ONLY A PLEASING IDEA TO CONTEMPLATE, AND NOT A PRACTICAL PLAN TO CONSUMMATE

Statement by Martin Shenck, State engineer of the State of New York in 1892. It was contained in a carefully prepared statement in opposition to an appropriation for \$100,000 then before Congress for a ship canal survey across the State of New York as a result of the resolution introduced by John Lind, of Minnesota, February 8, 1892.

Among other things Engineer Shenck said: "There are three types of vessels—lake, canal, and ocean. Ocean steamers could not with economy navigate a canal, and lake vessels could not compete with ocean liners." He set down as the maximum economy the barge 250 feet long by 25 feet, with a draft not exceeding 10 feet, having low clearance, so that the bridges might be fixed structures. By towing these barges in fleets "New York will be enabled to hold her commercial supremacy against all comers for many years to come." This was the germ of the idea that a barge canal across New York which would preserve to Buffalo her toll in the transfer from lake vessel to barge and to New York the same was the best method to connect the deep water of the Great Lakes with the ocean. This idea took complete form in a report made in 1897 by Major Symons. Proceeding under the provision of the rivers and harbors act of June 3, 1896, calling for "estimates for a ship canal by the most practical route wholly within the United States from the Great Lakes to the Hudson," Major Symons, although not commissioned so to do, took it upon himself to submit estimates also of a barge canal, accompanied by a demonstration of his proposition that barge canal transport was the cheaper mode. He argued that the cost of construction of the barge canal was obviously less, and the vessel operating cost was upon his reckoning also less for the barge canal. He even worked out the cost of wheat from Buffalo to New York in the lake vessel through a ship channel at \$2.28, and in 1,500-ton tows he reckoned it at \$2.07, including transfer. Major Symons later, in reviewing his own report, said:

"The study was convincing that for the highest economy in transportation special types of vessels are needed for use on the ocean, on the lakes, and on the canals, and neither can replace the other in its proper waters without suffering a loss of economical efficiency. Ocean vessels could not, as a general rule, engage in the business of passing through a ship canal and the lakes to the upper lake ports, and lake vessels are not fitted for use upon the ocean, and if they made use of a canal they would have to transfer their cargoes at the seaboard ordinarily by means of lighters, floating elevators, etc., at a higher expense than such transfers would cost at the lower lake ports. For economical transportation through a canal from the Great Lakes to the sea special vessels, differing from and far less costly than ocean or lake vessels, are required.

"The conclusion was reached by the writer that even if a ship canal were built the greater cheapness of barge-canal transportation would

prevent its use by large ships, and cause it to be used almost entirely by fleets of barges, which could be almost equally as well accommodated in a smaller and cheaper canal."

Major Symons in conclusion said that his report "had an important influence in shaping public opinion in New York and in killing the ship-canal idea and in furnishing a standard about which the canal interests of New York could rally." The report and the figures of Major Symons were attacked by the West, but it made no impression upon New York. New York and Buffalo wanted the transfers, and New York State brought herself to believe, against saner New York opposition, that a barge canal was better than a ship canal.

On March 8, 1899, a committee on canals of New York was appointed by Governor Roosevelt, headed by Gen. Francis V. Greene, and popularly known as the Greene committee. Concerning the ship-canal project, the committee says:

"It seems to us that there are certain insuperable difficulties in the way of such a canal ever being a success, no matter by whom constructed. It is intended to be used by a vessel which can navigate the ocean, the canal, and the Lakes. We do not believe that such a vessel can be constructed so as to be economically and commercially successful. The ocean steamer is built to withstand the fierce storms of the Atlantic and costs in its most modern type about \$71 per net ton of carrying capacity.

"The vessel to navigate the Lakes is built to withstand less frequent and dangerous storms; it has less draft on account of the small depth of the harbors on the Lakes, and it is built much less substantially; its cost is about \$36 per ton of carrying capacity. The cost of a canal fleet, consisting of a steamer and three consorts, with a total cargo capacity of 3,900 tons, according to figures furnished us by boat builders, would be \$28,500, or \$7.31 per ton."

The foregoing is a standardized and crystallized form of the New York opposition to a ship canal across the State of New York which has prevailed from 1892 until within eight months.

It is assumed in the foregoing theorems that a calculation applying to a canal from Buffalo to Troy applies with equal force to a canal from Oswego to Troy, which is not at all true, and it is further assumed that the same calculations as applied to a canal from Buffalo to Troy applies rigidly to the passage of Lake Superior, Lake Michigan, Lake Huron, Lake Erie, Lake Ontario, the pools of the St. Lawrence, the St. Lawrence estuary, and the Gulf, with their connecting channels, which is not at all true. It is a misuse of coefficients that is astonishing in men of reasonable understanding. The New York Barge Canal contingent have adopted this fixed idea upon a statement of facts which have not been examined by any of its supporters for the last 20 years, which no one has ever tested in its application to present conditions or to a ship canal across New York under the most favorable conditions, and which obviously does not apply in any degree to the Lakes-to-ocean route, and which has acquired in the circles where it is held that same traditional standing as the belief of the African missionary that because of certain facts reported to have taken place in the Garden of Eden a man has one more rib on the right side than on the left to this day.

But the concepts of more than 30 years with all the traditions have suddenly been abandoned in favor of extending deep water in the Hudson River 35 miles in a northwesterly direction, and then, forsooth, urging what they have always opposed, a ship channel across the State of New York, a project impractical from the beginning but impossible since the construction of the new barge canal.

[Inclosure No. 4]

STATE OF NEW YORK,
STATE ENGINEER AND SURVEYOR,
Albany, October 20, 1919.

Mr. A. H. REITER,

Care Board of Engineers for Rivers and Harbors,
Washington, D. C.

DEAR SIR: Since the receipt of your communication of September 2, 1919, asking for certain information pertaining to the construction of a ship canal from the Great Lakes to the seaboard, I have received other requests for data and expression of opinion on various points which have been raised in connection with this project.

As you are well aware, to make a fairly close estimate of cost would require considerable time, and I have not attempted to arrive at any such result. However, I have taken the records of the Board of Engineers on Deep Waterways in 1900 and by segregating those applying to the route under consideration and applying present-day prices, have arrived at an estimate of cost which may be far from being closely approximate, but which is based on the best data available and is considerably superior to a mere guess.

You ask for a statement to cover briefly the following points:

First. To what extent will the existence of the Barge Canal facilitate the construction of a deeper waterway, as, for instance, by saving in cost of rights of way, saving in excavation, construction, etc.

In the 1900 report of the engineers on deep waterways it is shown that the high-level route with a depth of 30 feet will require a water supply of 1,600 cubic feet per second. The Delta and Hinckley Reser-

voirs constructed in connection with the barge canal, together with the available water now derived from the Black River and the old Erie Canal feeders will give a total of about 600 cubic feet per second, thus reducing the amount to be obtained from new sources to about 1,000 cubic feet per second, which could be made available from Fish Creek and its tributaries and a Black River reservoir. The Salmon River Reservoir proposed in the 1900 report would not be needed. The State of New York might feel that it should be compensated for the cost of the Hinckley and Delta Reservoirs.

The excavation made in building the barge canal would reduce somewhat the yardage to be removed in the construction of the deeper waterway. However, it would be necessary to change the proposed route between Sylvan Beach and Frankfort, a distance of about 38 miles, from that recommended in the 1900 report if any advantage is to be taken from the construction of the barge canal between these two points. If such change should be made, some saving could be expected because of barge canal excavation, but the proportion would not be so very great.

The State of New York is the owner of extensive areas bordering the present canal system which could be used to advantage in the construction of a deeper waterway, although additional appropriations of land and of developed business interests would be necessary to meet new requirements.

The structures built as a part of the barge-canal project would, for the most part, be of little use for the project you are considering, although a few of them might be adapted so far as bridges are concerned, structures meeting the barge-canal requirements of 15½ feet would have to be entirely rebuilt to meet a requirement calling for unlimited headroom.

Second. Rough estimate of the cost of a 25-foot waterway from Oswego to Troy.

The 1900 deep waterways report contains estimates of cost of a canal having a depth of 21 feet, and one having a depth of 30 feet. By applying present day prices and assuming that a new canal having a depth of 25 feet would be approximately the mean of the cost of the two channels above referred to, I estimate the cost of a 25-foot channel to be \$505,000,000.

Third. Rough estimate of the annual cost of the operation and maintenance.

The barge canal has not been in operation for a sufficient length of time to obtain any reliable data which might be used in making a comparative estimate of the maintenance for a larger canal. In the 1900 deep waterways report the estimated cost of operation and maintenance was arrived at by assuming a certain percentage of the original cost of the structures and prism and adding an annual charge to cover the operation of each lock. Taking the assumptions of this report, but applying present day prices, the annual cost of the operation and maintenance would be approximately \$4,600,000.

Fourth. Amount of water power that would be rendered available.

I have not attempted to analyze this feature with the care with which it must be analyzed to arrive at even an approximate result, but from what study I have been able to give it, I doubt if the net increase in power made available by the construction of a deeper waterway would be in a considerable amount over that made available by the construction of the barge canal.

In the last paragraph of your letter to me of September 2, 1919, you say, "approximate figures only are needed, the problem now being to determine the relation between estimated benefits and probable cost." Previous to the date on which the State of New York entered upon the construction of its barge canal the advantages which might accrue from the construction of a ship canal were most carefully considered, and I still concur in the decision reached at that time by the eminent engineers who gave serious study to the problem that, considering the interests of navigation and commerce only and considering the difference in cost between the two types of canal, the preponderance of advantage is decidedly in favor of the barge canal as opposed to a ship canal. Other elements, such as military and naval necessity, may so vary the terms of the problem as to affect the conclusion, but based upon the different navigation conditions encountered in the Great Lakes, the ocean, and the channel connecting the two, and in view of the great improvement already made and possible to be made in freight-handling devices and machinery, I am inclined to the opinion that a vessel designed for navigation under all three conditions would be economically at a disadvantage as compared to two transfers of cargo.

If the elements entering into the problem have been modified by considerations other than those pertaining in 1900, and the conclusion is reached that a ship canal should be constructed, I believe that the most available route is the Oswego River-Oneida Lake-Mohawk Valley route, following approximately the location of the barge canal because of topography and because of the advantage which might be taken of work already done.

The barge canal has a capacity only a little less than was estimated in 1900 as the capacity of a proposed ship canal, although for reasons beyond the control of the State of New York, it has not as yet had an opportunity to nearly approach such capacity; and, in fact, has not as yet been employed to very much over one-tenth of its

capacity. I am, however, firmly of the opinion that as soon as the existing conditions governing its operation and control have been changed, and providing no attempt is made to arbitrarily regulate its rates, it will within a very short period of time justify its construction by operating to its capacity.

Very truly yours,

FRANK M. WILLIAMS,
State Engineer and Surveyor.

[Inclosure No. 5]

GREAT LAKES-ST. LAWRENCE TIDEWATER ASSOCIATION—GOVERNOR SMITH'S "WHITE ELEPHANT" MESSAGE OVERTHROWS NEW YORK'S BARGE CANAL CAMPAIGN—

Press Notes

CANAL "WHITE ELEPHANT?"—GOVERNOR RAISES QUERY

Thirty years of New York propaganda have been knocked into smithereens by the governor's "white elephant" message. Against the pretense that the barge canal will serve all the purposes of the west, Governor Smith has set forth a body of facts which raise a question whether it is useful for any purpose.

It has cost \$190,000,000 for construction since 1905 to which he adds \$39,000,000 interest, a total of \$230,000,000. It needs \$16,000,000 to finish it, not counting damage claims pending to the amount of 23,000,000. When these are disposed of, it will have cost the State anywhere from \$250,000,000 to \$275,000,000. None too much if it served the purpose. But the results so far are discouraging and there is no promise of improvement.

The old Erie canal carried an average annual tonnage of 5,400,000 tons. The barge canal has carried in the six years since its completion was announced an average of 1,640,000 tons. Should it be converted or abandoned?

Last year the total was 2,032,000 tons, of which 1,691,000 tons moved through the main line from Buffalo. On the Oswego branch the tonnage was 18,600 tons, which cost the State for operation and maintenance, not counting overhead or interest, \$4.41 per ton—in terms of wheat 14 cents a bushel. Should the canal be converted or abandoned?

The department of public works, which is charged with the operation of the canal, is quoted as advising that the Erie Canal be abandoned and the Oswego-Hudson section be turned over to the Federal Government, to be converted for the benefit of western wheat shipments to the seaboard.

For such a program the New York canal advocates will find their difficulties increased by the 30 years of propaganda in which they have held that a barge canal was a more economical channel than a ship canal regardless of first cost; they must unlearn all they have taught and undo all they have built before they can convince the country that their proposition has merit. They must furthermore overcome all the adverse reports made by United States engineers that the cost and difficulty of making a ship canal across New York would be formidable if not insuperable.

CHECKED AT HOME

By a singular coincidence, the Northern New York Development League sent to all members of the New York delegation in Congress, over the signature of its president, G. W. Ball, of Massena, a demurrer to the proposed New York ship canal survey on the same day that Governor Smith's "white elephant" message was issued.

Mr. Ball's letter refers to the last report of the chief of engineers, printed as House Document No. 800, Sixty-sixth Congress, third session, issued in 1920, giving a summary of all previous investigations and surveys, with the conclusion that another survey is unnecessary expense.

It is pointed out that the cost would be over \$600,000,000 and that the question of water supply for the summit level would be "most formidable, if not insurmountable."

These official facts, says Mr. Ball's letter, carry the emphatic answer to any demand for an appropriation for another survey.

"We deem it particularly fitting that New York should be the first to oppose any such action and to promptly refute the insinuation which it carries that the State is trying to unload on the Federal Government an unprofitable investment."

And while that was in the mails Governor Smith delivered the smith-green blow.

PREMATURE

Opponents of the proposed St. Lawrence seaway are chuckling with glee over the fact that the river was closed to navigation about 10 days in advance of the average date. They overlook the fact that navigation on the Lakes closed several days earlier, as it always does, yet nobody pretends the Lakes are useless; neither is the Erie Canal, which cost as much as the seaway will and closes just as early. (Erie (Pa.) Times.)

THIS WEEK'S EDITORIAL

Thirty years ago the West desired a way to the sea for ships. The first choice was by a ship channel across New York from Oswego to

the Hudson. New York interests blocked the effort. They persuaded themselves that a barge canal had superior advantages, while the West became convinced by the facts, upon repeated investigation, that the natural route by the St. Lawrence was the better way, costing less and offering greater economy.

For 25 years at least everyone who has acquainted himself with the facts has known that all the advantages lay with the improvement of the natural outlet. Western people have hoped that the barge canal would prove a valuable auxiliary route—a hope which is not yet abandoned—but they have given no weight to the false idea that it could be an acceptable substitute for an open ship channel or to the false claims that it would satisfy the needs of the landlocked continent.

With some of our New York friends it has been a matter of faith, and if the facts were not with them, so much the worse for the facts.

Governor Smith's message leaves not a shred of that industriously reared theory. Instead of serving all the needs of the West he raises a sharp question whether the barge-canal system is any use whatever commensurate with the cost. In his department of public works it is confessed that the only possibility of salvage is to scrap one half the canal and convert the other half into a ship channel.

It gives no joy to western people to be told that the barge canal is an utter failure. We had hoped that it might be useful as an auxiliary traffic line. But it is only natural to remark that Governor Smith has given the barge-canal advocates something to think about besides "obviating the St. Lawrence."

SYMPATHY

A report to Secretary Hoover by E. S. Gregg of the Department of Commerce dwells on the fact that competition between ocean ports is stimulating export trade. It is remarked that there is a feeling in the Middle West that those handling the export trade at the chief ports "are not sufficiently sympathetic with the aspirations of the interior producers." And that is one reason why there is so much interest in the St. Lawrence project.

LARGE SCALE

The time has come when demands on the Federal Government for work on waterways are no longer to be regarded as "pork-barrel" assaults on the Treasury. Chambers of commerce and other agencies have combined to demand Government aid for such projects as the Great Lakes-St. Lawrence route and the restoration of the Mississippi to its old place in our transportation system. Public opinion will have to begin in 1925 to consent to appropriations for launching these great plans. (Herbert Adams Gibbons in New York Times.)

NO HESITATION

There should be no hesitation on the part of Congress in voting the appropriation requested by the President to complete the survey for the Great Lakes-St. Lawrence waterway project. (Sioux Falls, S. Dak., Argus Leader.)

NO SECTIONALISM

Those who have feared that his New England birth would breed sectionalism in Mr. Cooledge should note his advocacy of the St. Lawrence waterway from the Lakes to the sea. (Windom, Minn., Reporter.)

"THEY'RE THROUGH"

Charles P. Craig, executive director, says:

"While the facts brought out by Governor Smith's message about the New York Barge Canal are no news to those who have been observing its traffic, the decision that it is an utter failure, if that conclusion prevails, would be a disappointment to many of our people.

"They have believed in its possibilities. I know of one western lake port where \$1,500,000 has been invested in floating equipment designed for barge-canal service. While Buffalo interests were bragging about the barge canal, lampooning the St. Lawrence, and putting their money into St. Lawrence carriers, it was western money that showed real faith in barge traffic.

"It is up to New York. To a large extent it is a problem for those who staked their reputations and the State's money on the theory that navigation would be more economical in a 12-foot canal than in a ship channel, and that a 12-foot canal across New York would be more efficient than 14-foot canals connecting open water. The money is lost and their reputations are not enhanced.

"But there will be a proposition to turn it over to the Federal Government. On its face that is an opportunity to acquire a second-hand canal with an annual liability of \$5,000,000 and a contingent liability of \$600,000,000 for salvage purposes.

"While the country may not rush into that, it will no doubt have the consideration it deserves. But if they want us to take this as a substitute for the natural outlet, that will have no standing whatever. "They're through."

SIDE ISSUE

New York is apparently preparing a new challenge of the Federal power act. Action was begun under Governor Miller denying the jurisdiction of the Federal Government over water powers within New York State.

It was put to sleep and finally abandoned. The Buffalo News, however, reports that Attorney General Ottinger is not satisfied with the abandonment by his predecessor and will try again.

Whatever doubt there may be as to the extent of Federal jurisdiction over the waters within a State, the absolute control of the St. Lawrence by the Federal Government for the purposes of navigation is not disputed and was not attacked by the last suit.

TIME TO PLAN

It is the time of times for the farm organizations to be studying all angles of the transportation situation and getting farm sentiment formed behind it, as the basis on which the new Congress can act when it really takes up the subject of transportation.—(Washington correspondent of Kansas City Star.)

WYOMING

Wyoming is far from the physical locale of that project but the project is withal very near to Wyoming in its bearings upon Wyoming interests, to bring the head of ocean navigation a thousand miles nearer to Wyoming can not but exercise a marked influence upon Wyoming affairs.—(Cheyenne (Wyo.) Tribune.)

FROM THE SEAT OF WISDOM

If the people of the Middle West are wise, they will unite in support of the measure introduced by the chairman of the House Rivers and Harbors Committee. There is no question as to the commercial feasibility of the developments proposed in his bill. There is considerable doubt as to the feasibility of the St. Lawrence seaway plan.—(Buffalo News.)

TWO GOVERNMENTS MOVE IN FORWARD DIRECTION

The National Advisory Committee of Canada met in Ottawa, every member present. The members come from New Brunswick, Quebec, Ontario, Manitoba, and British Columbia—a broadly formed committee with Hon. George P. Graham chairman.

Their specific business was the reference to the joint engineering board. It was announced that distinct progress had been made and that the proceedings were eminently satisfactory.

The distinguished committee will now make its report to the Canadian Government advising what, if any, changes are desired in the text of the instructions to the engineers who have been under orders since last June to report whether the plans previously submitted are sensible plans and whether the accompanying estimates are sound estimates.

It is the collateral matters that have occasioned delay, and it is now the refinement of the collateral questions that require further correspondence.

Those who are familiar with diplomatic processes are amazed with the speed of these negotiations.

Meanwhile Congress has a grave problem. The President asked for authority to spend money previously appropriated on examination of plans previously authorized. And the chairman of the Appropriations Committee can not find any substantive law which warrants it.

The question whether Congress can permit the use of this money for this purpose without new legislation is still to be determined.

ABOUT FACE

Buffalo papers, called upon to change front but not able to execute the maneuver immediately, give an interesting exhibition of defending an abandoned position.

So recently as December 30 the Buffalo Express was arguing that "all investigations tended to prove the point which converted Major Symons 27 years ago"—that barge transportation is cheaper.

A week later, when Governor Smith's message was already prepared, the Rochester Democrat fell into the error of quoting a Buffalo authority that "the ton freight rate by the present facilities is a trifle less than half the best rate computed as probable by the proposed St. Lawrence seaway."

So we find the Buffalo Courier laying up trouble for the proposed New York ship canal when it points out that "A seaway open approximately half the year may be feasible from the engineer's standpoint, but it is amazing how the administration at Washington can indorse it as an economic proposal."

And when one goes back to the formal record made up by Buffalo, Albany, and New York City before the International joint commission the barriers they build up against the position they now have to assume are almost insurmountable.

Since 1897 New York has built up a theory, based on the Greene report, that a ship canal across New York, no matter by whom constructed, can not be a success. That conclusion, blazoned in capital letters for a generation, stares the new proposition in the face.

SLOWLY

Perhaps through educational efforts the opposition to the project and the outlay involved will be overcome, but like the reaching of agreements it promises to take time. The St. Lawrence will not be used by ocean-going vessels destined for Lake ports in the immediate future. (Norwich, Conn., Bulletin.)

GREAT BENEFIT

Senator GOODING, of Idaho, in the course of debate on the Muscle Shoals bill, touched on the St. Lawrence project, saying it would be of great benefit to the farmers in the Middle West.

NO DOUBT

The amount asked by the President will without doubt be allowed by Congress without any great delay, for Congress holds very largely to the President's viewpoint. (Fargo, N. Dak., Forum.)

[Inclosure No. 6]

FEBRUARY 15, 1924.

BOARD OF ENGINEERS FOR RIVERS AND HARBORS,

Washington, D. C.

GENTLEMEN: This association, noting that Colonel Slattery has made a report on the deeper Hudson project, that it is now in the hands of the Division Engineer and that in the course prescribed will be before your board for consideration, beg leave to state that in the event this development is to be considered by your honorable board as purely a local improvement to serve the Capital district and adjacent territory, we are perfectly content to rest the matter of its undertaking or not in the judgment of your board after careful inquiry into the economic benefits.

If, however, the improvement proposed is to be based upon its benefits to the West and is to be considered in any way a substitute for the proposed ship channel in the St. Lawrence River, or is intended to be undertaken as an alternative and to obviate, as has been so frequently stated, the St. Lawrence ship channel, then this association becomes interested and desires to be heard.

Will you kindly make note of this fact and see that we are advised sufficiently in advance of any hearing, and only in case we are involved and our interests are affected in the manner set forth in the preceding paragraph.

Yours very respectfully,

CHAS. P. CRAIG,
Executive Director Great Lakes,
St. Lawrence Tidewater Association.

WAR DEPARTMENT,
THE BOARD OF ENGINEERS FOR RIVERS AND HARBORS,
Washington, D. C., February 16, 1924.

Mr. CHAS. P. CRAIG,
Executive Director Great Lakes-St. Lawrence
Tidewater Association, Washington, D. C.

DEAR SIR: Your letter of the 15th instant, explaining the attitude of your association toward the improvement of the Upper Hudson River, has been received. Should your association be involved in the manner stated in your letter, the board will be pleased to afford you an opportunity to present such information as you may deem necessary.

For the board:

Very truly yours,

H. W. HOBBS,
Executive Secretary.

MAY 12, 1924.

BOARD OF ENGINEERS FOR RIVERS AND HARBORS,
Munitions Building, Washington, D. C.

GENTLEMEN: In view of our correspondence, your correspondence with the Northern New York Development League, and personal interviews with the latter's field representative, Mr. Charles H. Jackson, it would appear almost unnecessary for this association to add anything. Noticing, however, that evidence was submitted to your body upon the advantages which would accrue to the West by this short extension of deep water up the Hudson and that the press carried stories of the great benefits shown to accrue to the agricultural producers of the Middle West in the movement of grain to Albany and in general the use of this as a through route for general cargo, it seems proper that this association again remind you that it considers the proposed extension of negligible benefit as a grain route, that it will be no improvement whatever over existing routes for the movement of gen-

eral package freight, and therefore in reaching your decision we sincerely and confidently believe no weight should be given to the argument that it will benefit the western producer.

That it offers no material advantages is rather obvious, and your correspondence encouraged us to believe you needed no evidence on that point. If the improvement is justified on other grounds, it should be undertaken. As to whether or not it is so justified, we are uninformed.

In passing I have the honor to submit herewith on behalf of this association a brief discussion of the effects of the deeper Hudson upon the shipment of grain.

This association finds it difficult to reconcile the positions taken by many of the men who appeared before you in support of the deeper Hudson and the position of the same men when they appeared before the International Joint Commission in opposition to the St. Lawrence. Their testimony before the commission should be valuable to you in determining the weight to be given their later statements before you, and, therefore, I take pleasure in handing you a memorandum showing that they then held the present barge canal to be, without question, the most economical method of connecting the Great Lakes with the ocean. May I bespeak for this memorandum a careful reading and comparison with their later testimony? We knew then they were mistaken, and the commission so found, just as we now know they are wrong when they claim a few miles more of deep water in a northwesterly direction will be a material benefit, much less serve as an alternative or as "obviating" an open route to the sea.

With very great respect I remain,

Yours sincerely,

CHAS. P. CRAIG,
Executive Director,

Great Lakes-St. Lawrence Tidewater Association.

[Inclosure No. 7]

EFFECT OF THE DEEPER HUDSON UPON THE SHIPMENT OF GRAIN

(By Great Lakes-St. Lawrence Association)

Advocates of a ship channel in the Hudson River affording access for vessels drawing up to 27 feet as far as Albany have based their arguments upon the saving in distance on inland carriage as compared with the port of New York and upon certain assumed rates which such a new port would have as compared with the port of New York. Difference in distances of small amount may have little or no effect upon rates from interior producing points to seaboard. The distances, however, should not be based upon New York, but upon Baltimore and Philadelphia, whose competition the proposed port on the upper Hudson will have to meet. Business moves to the port of New York regardless of lower rates elsewhere, and it would continue to do so if a port were established at Albany.

Rates to Atlantic ports are based on Chicago. The distance from Chicago to Albany is 832 miles, as compared with 802 miles to Baltimore and 821 miles to Philadelphia. There is therefore no reason for expecting that Albany would be given import and export rates lower than Philadelphia.

Rates on ex-lake freight are not based upon distance. Baltimore has successfully defended her right to lower rates than more northerly ports, on the principle that ex-lake freight originates in territory which is nearer to Baltimore. These are practical factors affecting the rate structures, which no amount of theorizing on the natural advantages of Albany can overcome.

It is well known that grain is very sensitive to rate conditions, and that as little as one-half cent per bushel in the cost of transportation to ultimate destination will govern the routing of this commodity. The all-rail rate on grain from Chicago and other points in Central Freight Association territory is $1\frac{1}{2}$ cents lower to Baltimore than to New York, and the rate on ex-lake grain from Buffalo is also lower to Baltimore than New York. Notwithstanding this fact, New York handles a large amount of grain. What is the reason for the extensive use of New York for the export of grain in the face of the higher rates to this port as compared with Philadelphia, Baltimore, Norfolk, and Montreal?

While ocean rates are in general the same for all North Atlantic ports, grain rates are open, and it has been the practice of the large liners which ply from New York to make very low rates on grain required as bottom cargo. While charter rates from North Atlantic ports to Europe during 1923 averaged 8 cents per bushel, rates were made by these large liners as low as 5 cents per bushel, more than offsetting the rail differentials in favor of the outports. The requirements of these liners therefore account for much of the grain movement through New York. There is another reason, however, which contributes to the movement of large quantities of grain through New York, and that is the fact that this port stands alone in the multitude of its shipping services to all parts of the world. It has therefore become the port through which small consignments move to numerous points not conveniently reached from other ports. The grain moving out of New York is carried in these two classes of liners, i. e., the large trans-Atlantic liners and the smaller liners operating to

minor foreign ports. The large liners referred to will not be able to ascend the Hudson River upon any depth which has been considered for this channel. The small liners rely mainly upon miscellaneous cargo, and grain is only a small part of their business. General cargo must be procured at New York, and it can not be expected that they will ascend the Hudson merely for the small amount of grain which they normally carry.

The grain which might move through a port on the upper Hudson is therefore limited to that which would be taken in tramps. Tramps, however, do not ordinarily visit the port of New York, but confine their operations to the outports. In 1903 New York recorded 11 tramp grain cargoes, but from 1903 to 1911 not a single tramp cargo was loaded at this port. According to records since 1878, Baltimore has loaded tramps every year and Philadelphia every year but one, 1904; but on the average more tramps have loaded at Baltimore than at Philadelphia. Grain from Montreal is normally carried on liners, but during recent years full cargoes have been taken from that port. Boston is also a liner port. In 1903 Boston loaded two tramp cargoes of grain, but no more from that time to the end of 1913. It is well known that tramps visit the ports which have the lowest rail rates on bulk cargoes from interior producing points.

If Albany is to compete in the grain trade on a basis which will result in savings to the public, she will have to have lower combined rail and ocean rates than New York, Philadelphia, and Baltimore. Advocates of the deeper Hudson have assumed that Albany would have a rate comparable to that applying to Baltimore, but there is no likelihood of such a rate being authorized. Baltimore has the low rate from Buffalo, as well as from Chicago and other points in the West. The grain which now moves over the Pennsylvania Railroad to Philadelphia is transshipped at Erie, where that company's elevators are located. Albany would have no chance to divert any of this grain. Grain proceeding by the Hudson route will keep right on to New York in order to get the extremely low rate by way of the deep-draft trans-Atlantic liners. The expected saving in rates to the port is not sufficient to offset the lower rates via liners as compared with tramps. The factors affecting the movement of grain through our ports clearly point to the improbability of any important shipments direct from Albany.

[Inclosure No. 7½]

THE HUDSON RIVER

(Compiled from reports on this project)

The reports on this project clearly show that some of its chief advocates are not well informed regarding the position which Albany would occupy as a port. The record of the hearing before the River and Harbor Committee contains a number of misstatements of information, particularly regarding the railroads which touch at Albany. The New York Central Railroad, with its subsidiary, the Boston & Albany Railroad, and its West Shore branch, is the only line connecting Albany with the seaboard.

On page 6, the chairman states: "I see also that the Albany district enjoys a lower rail rate of 20 per cent than New York from Chicago." A very great advantage if it were true, but it is not.

On page 9, General Taylor makes the following statement: "It will, if used as its advocates claim it will be used, relieve or tend to relieve the congestion in New York City. Of course, one of the great arguments made for it by those interested in it was the large amount of grain that would be shipped through this channel. Whether that will materialize or whether the lower rates that they claim will materialize or not is something that only the future can tell." It is clear from the above that General Taylor believes that there is considerable doubt as to the fulfillment of the expectations of the advocates of the project. In that case, it is difficult to understand how he could have recommended the expenditure of so large a sum on a purely speculative proposition. If there is no proof that rates will be made which will afford advantages as compared with competing routes, then we are not justified in committing the Government to this project, at least until this aspect of the case has been cleared up.

The report of the engineers engaged by the Albany people fails to show the rate situation as it really is. It makes certain assumptions as to future rates which are wholly inconsistent with existing rates to Albany and wholly inconsistent with the rates existing at other ocean ports. The entire argument in justification of the Hudson River improvement is based upon incorrect assumptions and incomplete presentation of data, and the assumed savings are based upon rates which any transportation man knows could not possibly be made or approved.

Albany is situated at the elbow of the longest rail route available between New York and Buffalo. This route via the New York Central is 438.73 miles long, while the Delaware, Lackawanna & Western Line, between New York and Buffalo, is only 396 miles long. The rates, of course, are identical. Albany is 297 miles from Buffalo, so there would only be a net saving of 99 miles by stopping the traffic at Albany instead of New York. But Albany can not in any respect be a competitor of the great port of New York, which continues to expand, notwithstanding the lower rates enjoyed by all ports south

of it. Albany's real competition will be with Philadelphia and Baltimore for traffic from the West. How does Albany stand in this respect? The following shows the fourth, fifth, and sixth class rates now in effect from important points:

Rates, in cents per 100 pounds

From—	To—								
	Albany			Philadelphia			Baltimore		
	Fourth class	Fifth class	Sixth class	Fourth class	Fifth class	Sixth class	Fourth class	Fifth class	Sixth class
St. Louis, Mo.	74.0	63.5	53.5	75.0	64.0	53.5	74.0	63.0	52.5
Cincinnati, Ohio	55.0	47.0	40.0	55.5	47.0	39.5	54.5	46.0	38.5
Dayton, Ohio	53.5	45.5	38.5	53.5	45.5	38.0	52.5	44.5	37.0
Zanesville, Ohio	47.0	40.5	33.5	47.0	40.0	33.0	46.0	39.0	32.0
South Bend, Ind.	59.5	51.0	42.5	60.0	51.0	42.5	59.0	50.0	41.5
Cleveland, Ohio	45.0	38.5	32.0	45.0	38.0	31.5	44.0	37.0	30.5
Youngstown, Ohio	42.0	36.0	30.0	42.0	35.5	29.5	41.0	34.5	28.5
Chicago, Ill.	63.5	54.0	45.5	64.0	54.5	45.5	63.0	53.5	44.5

The above shows that Albany would be at a disadvantage with Baltimore on traffic from all important points in the interior and that it would have some rates higher and some lower than Philadelphia. In no case has it an advantage sufficient to divert a ton of business from either of these ports. The classes given are those on which nearly all the carload business moves.

There is no chance whatever of Albany's receiving rates more favorable than those now in effect. The differentials existing in the rate via the several North Atlantic ports are hard and fast. If Albany becomes a port, her import and export rates will have to be in line with those of other North Atlantic ports. The best she can hope for is the Philadelphia rate, which is also the Montreal rate.

Albany's sole opportunity for through traffic will be confined to ex-Lake business through Buffalo. There are two ways in which this may reach Albany, first by way of the New York Central Railroad and, second, by way of the barge canal. The latter has recently been admitted by the Governor of New York to be a failure, and the superintendent of public works is reported to have declared it to be a white elephant. Its use for through traffic eastbound is confined mainly to grain, and the amount is a very small fraction of the total moving to New York.

The New York Central is the only real carrier which is in a position to make this proposition even partially successful, but we hear nothing from this great railroad system regarding any intention it may have of expending money for terminals at Albany in order to deprive itself of the haul it now enjoys to New York. We hear, however, from the Delaware & Hudson Railroad, which is not now a factor in the movement of grain to the Atlantic seaboard, but is interested in diverting grain from Portland, Me., to Albany by way of Montreal. The proposition is too absurd to merit serious consideration.

Grain exported through Portland comes chiefly from ports on Georgian Bay and is routed via Montreal over the Canadian National Railways, which has its own rails all the way to Portland. The rate on wheat from Georgian Bay ports to Montreal is 14.34 cents per 100 pounds, while to Portland it is 15.17 cents per 100 pounds, a difference of 0.83 cent per 100 pounds, which represents the rate at which it would have to be carried from Montreal to Albany in order to equal the Portland rate.

But the grain is sent to Portland because the Cunard, White Star, and other big liners call there for it after the closing of navigation on the St. Lawrence makes it impossible for them to reach Montreal. These liners are in a position to make rates slightly lower than the framps which, it has been asserted, would come to Albany for it. Letters filed with the Joint Commission on Agricultural Inquiry by Hon. Peter G. Ten Eyck and printed in the report of the commission show that the rates are somewhat lower via the liners.

The distance from Montreal to Albany is 241 miles. The rate of 0.83 cent per 100 pounds necessary to place Albany on an equality with Portland as to the rail rate alone is equivalent to seven-tenths of a mill per ton-mile, which is less than one-tenth the actual cost to the carrier.

The proposition is clearly resting upon a false foundation—so false that it could not successfully pass the scrutiny of men familiar with transportation problems. I do not blame the Government engineers who recommend the project, because they accepted in good faith the glowing picture painted by the advocates of the scheme. The report of the division engineer and the Chief of Engineers, however, can not be considered as supporting the project. Neither of these gentlemen is at all enthusiastic about it, and the Chief of Engineers points out that it does not meet the needs of the West for a more economical outlet to the sea.

In the bill before us we are also asked to approve an examination and survey of a ship canal from the Great Lakes to the Hudson River

which, if recommended and carried out, would make the project for an ocean port at Albany an entire waste of public funds. It is time that we paused to consider the inconsistent attitude of the interests favoring these two propositions; their ridicule of the St. Lawrence Ship Canal on the grounds that there is no business demanding it; their present scheme for a port at Albany on the ground that there is a large business needing a cheaper gateway to the sea; their assumption in the latter case that barge transportation from the Lakes to Albany is the thing; and their contrary action in seeking a ship canal over the same route.

If barge navigation is more economical than ship navigation the barges should proceed all the way to New York. Having passed through all the locks between Buffalo and Albany they should not be deprived of the very easy run from Albany to New York, which is the least expensive part of the entire trip. At New York the State has provided a modern grain elevator for them, which should not be allowed to fall into disuse. If there is doubt regarding the economy of the barge canal, and there seems to be a great deal of doubt on this point, the proposed development at Albany is premature and unwise. Before the Government commits itself to this expenditure, and in the same bill authorizes a survey of a ship canal to make it worthless, an adequate investigation should be made by men skilled in transportation and commerce.

[Inclosure No. 8]

EXTRACTS FROM GOVERNOR SMITH'S LETTER TO THE NEW YORK LEGISLATURE JANUARY 7, 1925

THE ERIE CANAL

In considering transportation I deem it highly important that we give careful consideration to the barge canal and all of the known facts connected with it. No one can deny that the construction, maintenance, and operation of the old Erie Canal was a strong factor in the upbuilding of the commerce and business of the State of New York. At the time of its opening 100 years ago there was a great demand for waterway transportation. In fact, the Erie Canal was responsible for the supremacy of the port of New York.

It is interesting to review some figures in connection with the old Erie Canal:

Total cost of construction, repair, maintenance, and operation from the day it was opened to 1883	\$78,862,154
Up to 1883 tolls were collected on the canal, and in that same period the State received revenue in tolls	121,461,871

Bringing a new profit to the State of	42,599,717
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Between 1883, when the tolls were abolished, and 1899 about \$22,000,000 was expended on the canal, so that there remained at the beginning of the construction of the so-called barge canal in 1904 a balance to the credit of the Erie Canal of a little over \$20,000,000.

COMPARISON WITH BARGE CANAL TONNAGE AND COSTS

Interesting also is the history of the tonnage carried on the old Erie Canal by comparison with the new barge canal. Taking the six years prior to the abolition of the tolls, from 1877 to 1882, 32,593,646 tons of freight passed through the old Erie Canal, or an average yearly of 5,434,474 tons. The new barge canal was really not opened for operation until 1919. Taking the six years from 1919 to 1924 we have 9,842,884 tons of freight carried, or a yearly average of 1,640,481 tons. In making a comparison of these figures it must be borne in mind that the new canal was designed to carry about four times the amount of freight that could pass through the old Erie Canal in a given period.

When the State authorized the construction of the barge canal by constitutional amendment, it was following the early policy of giving the money and credit of the State to the enlargement of the canal to serve the business interests of the municipalities along its route and building up the commerce of the State generally. I believe the people of the State are entitled to know whether all the purposes intended by this enormous expenditure or any part of it are being achieved. The barge canal, including construction, terminals, grain elevators, repairs, maintenance, operation, and payment of claims for damages has cost the people since 1905 up to date \$191,000,625.91; between 1905, when the first canal bonds were sold, up to 1924, inclusive, we have paid in interest \$39,880,386.73, making the total cost of the barge canal to date \$230,881,013.64.

Let us look for a moment at the figures on the four branches of the canal for 1924. Cayuga and Seneca carried 10,827 tons, Champlain 311,470 tons, Erie 1,691,766 tons, Oswego 18,254 tons, making a total tonnage for the operating season of 1924 of 2,032,317 tons. At this point, let me make an observation about the operation of the Oswego Canal. Maintenance and operation of that branch during 1924, exclusive of permanent betterments and improvements, was \$80,619.70, which is the cost of handling the freight carried on this branch without taking into consideration overhead, interest on bonds, etc., the cost per ton carried being \$4.41.

I am placing before you in this report what, to my mind, are important facts in connection with the canal. Now, let us look a little into the future. The canal, like every other giant transportation enterprise, is deteriorating annually. All of its works and appurtenances are subject to the elements and wear and tear. As each year passes we must expect increased cost for maintenance and repairs, especially to the mechanical and electrical equipment.

In the six years beginning with 1919 and ending with 1924, in salaries alone to the operating forces we have paid out—\$8,742,318.59
In maintenance and operation, which includes dredging, bank protection, painting of structures, etc.—9,703,758.41
In that same period for new construction and permanent betterments we have expended—12,561,000.00

Making a grand total of—31,007,077.00

We come now to the requests from the department of public works for 1925:

Personal service—\$1,709,095.80
Maintenance and operation—2,473,600.00
Construction and permanent betterments—1,070,000.00

Making a grant total of—5,252,695.80

A large part of the \$1,070,000 item is required to take care of conditions that arise from time to time because of the incomplete condition of the canal itself. Floating apparatus for dredging purposes must be in constant use, because the unprotected banks of the canal wash into the stream. Not only is the State compelled to spend large amounts of money to dredge it, but we are confronted from time to time with claims from private individuals whose land has been washed into the canal.

NEEDS OF BARGE CANAL IN IMMEDIATE FUTURE

During 1924, for the first time in the history of the canal, its immediate operation was under the direction and supervision of trained engineers, and at a conference recently held in Albany they reported to the superintendent of public works that to complete the canal to a point that would make unnecessary the enormous annual expenditures for dredging, complete the terminals, remove sharp bends that interfere with navigation, and do other essential things will cost approximately \$16,606,000. I am further informed at the office of the attorney general that there are pending against the State 751 claims for damage to water rights and privileges, appropriation of lands, and so on, the face amount of which is \$23,892,472.62.

It has been the policy of the executive and legislative branches of the Government to encourage in every way possible the use of the canal as a means of transportation. The State has expended considerable money in advertising the canal by signboards, moving-picture lectures, and illustrated circulars to chambers of commerce and boards of trade along the line of the canal. In fact, the department of public works maintains a traffic bureau, the personnel of which aids shippers in every possible way, urging upon them the advantages of the canal, rates at connection points, and other information.

COMMISSION TO STUDY AND REPORT ON BARGE CANAL

I would feel that I was not taking the proper interest in the business of the State if I failed to place these facts before you. After all is said and done, authority for the canal, its maintenance and operation, is securely fastened in the fundamental law. No person nor any groups of persons in this State can change the State's policy. That must be left entirely to the people themselves, but I do believe they should have the facts. To that end I suggest that the legislature create a temporary State commission, to be made up of members of the legislature and some appointees of the governor, to conduct a study of the whole operation of the canal, comprehended in which should be a study of its possibilities and what the State can do to promote its usefulness. Certainly only good can come from giving the people of the State all the facts about an enterprise to which they are making such substantial contributions of money year after year.

[Inclosure No. 9]

[From Marine Engineering and Shipping Age, April, 1923]

BARGE CANAL HAZARDS

Authoritative estimates of the underwriting losses incurred on hulls and cargoes on the New York State Barge Canal last year fix the approximation in excess of \$700,000. The premiums scarcely passed \$200,000. In the light of such a disastrous experience the natural inclination of the underwriters is to abandon barge-canal coverage altogether; and this they have determined to do, unless the State will introduce substantial improvements for the safeguarding of floating property on that important waterway. And what the underwriters quote in the way of rates is something of prime importance, since it represents an overhead charge that will determine shippers to abandon the canal in favor of rail transportation. A cooperative movement is now under way in which underwriters and transportation men have joined issues, and they have submitted, through a joint committee, a series of recommendations which Superintendent of Works Walsh proposes to make use of in an attempt to secure from the New York Legislature funds for effecting the improvements indicated. The insur-

ance men on this joint committee are Howard W. Beebe, chairman, Edgar E. Lethbridge, and George C. Owens; and the transportation men are G. Roy Hall, of the Inter-Waterways Line; S. MacClinkan, of the Trans-Marine Corporation; and S. W. Bullock, of the Inland Marine Corporation.

Among the pressing improvements recommended by this committee are the building of a new breakwater off the eastern entrance of Oneida Lake to protect shipping against the northwest winds, the buoying of the north and middle channels of the lake, and the installation of a system of storm signals at each end of the lake. It is a singular fact that whereas the rapid rises in the Mohawk River caused most of the losses in 1921, in 1922 the scene of disasters shifted almost entirely to Oneida Lake.

[Inclosure No. 10]

COMMERCE OF GREAT LAKES

(Data compiled from census and other reports for United States and Canada)

The statement has been made on several occasions that the commerce of the Great Lakes amounts to 100,000,000 tons, of which 90,000,000 tons consist of iron ore and coal, leaving only 10,000,000 tons—or 10 per cent of the total—for all other commodities. It is true that iron ore outranks in volume all other commodities transported on the Great Lakes, and it is also true that coal ranks second in volume, but it is not true that these two commodities combined have amounted to 90,000,000 tons in any year in which the total did not exceed 100,000,000 tons. In other words, it is not true that coal and ore together constitute 90 per cent of the total commerce of the Lakes.

The commerce of the principal ports of the Great Lakes, and also the commerce passing through both the American and Canadian canals at the Soo, are compiled annually by the Corps of Engineers. The records as presented for commerce passing through the canals at Sault Ste. Marie are complete and accurate, and they include both American and Canadian business, but the statistics showing receipts and shipments at ports are incomplete because they cover only the principal American ports and none of the Canadian ports. The total commerce of the Lakes can not be ascertained by examining the figures of the commerce passing through the St. Marys Falls canals, because this covers only the commerce entering and leaving Lake Superior. Approximately 50 per cent of the grain carried on the Great Lakes is shipped from Port Arthur and Fort Williams, Ontario. This is included in the traffic passing through the St. Marys Falls canals, but is not shown as a shipment in the reports of the Corps of Engineers. Some of it is included in the receipts at Buffalo, but some of the Canadian grain and some of the American grain moves to Georgian Bay ports, Port Colborne, and Montreal entirely by water.

The latest published statistics of the Corps of Engineers are for the calendar year 1921. These show total shipments at the principal Lake ports of 67,561,602 tons, of which iron ore accounted for 24,864,253 tons and coal 28,863,862 tons, a total of 53,728,115 tons for these two commodities, or 79.5 per cent. But these figures include only 7,655,676 tons of grain reported as shipped from Lake ports, whereas the grain moving out of Lake Superior alone is shown in the through eastbound traffic of the canals at Sault Ste. Marie as 7,964,313 tons. Shipments from Lake Michigan ports amounted to 4,341,033 tons, making a total of 12,305,316 tons of grain. The amount in excess of shipments reported from Lake ports in the volume on Commercial Statistics is, of course, chiefly the grain shipped from the Canadian ports of Port Arthur and Fort William.

In this paper shipments only are taken, as in any complete statement of the commerce of the Great Lakes the shipments and receipts would balance except for commerce moving into or out of the Lake system. Moreover, the statistics for shipments of iron ore and coal are more complete than are the records of receipts of these materials.

The total shipments from the principal American ports plus grain shipments from Canadian ports on Lake Superior therefore amounted to 72,211,242 tons, of which iron ore and coal constituted 74.4 per cent. But even this figure overstates the percentage of iron ore and coal. Both of these commodities are usually shipped in full cargoes from a few important ports, and the total movement is fairly shown in the statistics of the Corps of Engineers. But these statistics cover only 94 ports out of a total of nearly 400 Lake ports which receive and ship goods by water. The shipments from these minor Lake ports, while small in comparison with those of the important Lake ports, would serve still further to reduce the percentage of iron ore and coal.

Every 10 years the Bureau of the Census makes a study of transportation by water in the United States. The most recent investigation was made in 1916, but was limited entirely to commerce carried in American vessels. The total shipments in such vessels was found to be 125,384,042 tons. During the year 1916 94 per cent of the freight passing through the St. Marys Falls canals was carried in American vessels, while 6 per cent was carried in Canadian vessels. Adopting a similar ratio for all portions of the Great Lakes system, the total commerce of the year 1916 was approximately 133,888,000 tons, of

which 72,614,761 tons was iron ore and 30,179,847 tons was coal, making a total for these two commodities of 102,794,608 tons, or 77 per cent. In that year there were approximately 30,593,392 tons carried on the Great Lakes in addition to ore and coal, of which grain alone accounted for more than 10,000,000 tons. The commerce moved on the Great Lakes in 1916 exceeded that of any other year either before or subsequent to that time. Since 1916 conditions have not been normal.

During the years 1901 to 1911 the Department of Commerce published statistics showing the domestic commerce of the Great Lakes, derived from vessel manifests. Shipments of iron ore and coal, and the percentage of the total which these two commodities constituted, were as follows:

Domestic shipments on the Great Lakes, 1901-1911 (in short tons)

Commodities	1901	1902	1903	1904	1905	1906
Iron ore.....	21,897,009	29,796,050	25,716,104	22,769,938	36,621,370	41,297,209
Coal.....	9,480,541	9,632,968	14,807,804	14,125,224	14,665,875	17,575,917
All other.....	13,760,870	15,616,620	16,311,131	14,156,183	16,058,375	16,737,564
Total.....	45,138,420	55,045,638	56,835,039	51,051,345	67,345,620	75,610,690
Per cent, ore and coal.....	69.5	71.6	71.3	72.3	78.7	77.9

Commodities	1907	1908	1909	1910	1911
Iron ore.....	45,625,329	27,931,887	45,620,598	46,490,768	34,835,630
Coal.....	21,614,717	18,871,583	19,268,356	24,680,941	23,148,307
All other.....	8,370,644	13,714,554	16,085,651	15,551,617	16,307,068
Total.....	75,610,690	60,518,024	80,974,605	86,732,316	74,311,019
Per cent, ore and coal.....	88.9	77.3	80.1	82.1	78.0

Due to the exclusion of Canadian shipments from these statements, they give an exaggerated idea of the proportion of iron ore and coal, since the shipments from Canadian ports consisted chiefly of grain, lumber, and general merchandise. They serve to show, however, that the shipments of iron ore and coal did not in any year between 1901 and 1911 equal 90 per cent of the shipments from United States ports, which furnish nearly all the tonnage of these two commodities.

Examination of the official figures showing the commerce of the principal Lake ports, supplemented by more complete data on the grain movement and by the shipment from Canadian and minor American ports, indicates that the two items of iron ore and coal do not ordinarily amount to more than 75 per cent of the total traffic on the Great Lakes. The difference between this and the 90 per cent often referred to as representing the volume of iron ore and coal is a difference of 12,000,000 to 20,000,000 tons per annum, or from 1,200 to 2,000 shiploads and 400,000 to 600,000 carloads.

[Inclosure No. 11]

COST OF TRANSPORTATION ON THE GREAT LAKES

(As compiled from rates in effect for both rail and Lake hauls for through movement)

BULK FREIGHT

The economy of transportation by deep-draft vessels on the Great Lakes is too well known to require extensive argument. The proof is to be found in the rates charged and in the enormous traffic that moves via the Lake routes. In the case of ore from the head of Lake Superior, the economy of the water route as compared with rail routes is so great as to amount to practically a monopoly of the business, notwithstanding the fact that two transfers are essential between the mines and the furnaces. The relative economy of the Lake carrier as compared with the railroad in the transportation of ore will be apparent from the following table showing the rates in effect in 1921 for both the rail and Lake hauls involved in the through movement between the mines and furnaces in the Mahoning and Shenango Valleys.

	Distance, miles	Rate per ton	Rate per ton-mile
Mines to upper Lake ports, by rail.....	75	\$1.00	\$0.0133
Upper Lake ports to lower Lake ports, by water.....	890	.84	.0009
Lower Lake ports to furnaces, by rail.....	65	.995	.0153

In comparing the above costs, however, it is only fair to point out that the service and expense of the water carrier are restricted to the actual movement of the freight, and that the terminals whose efficiency contributes in no small degree to the cheapness of this transportation are maintained and operated by the railroads. In the main this bulk freight is handled by so-called tramp steamers whose port-to-port rates are fixed without reference to rail transportation. The contract rate on iron ore from Lake Superior to Lake Erie ports declined from \$1.10 per ton in 1890 to 44 cents per ton in

1915, increasing abruptly to \$1 per ton in 1917. The full economy of the water haul is preserved by reason of the fact that these boats do not operate as part of the railroad system either directly or indirectly, but as subsidiaries or agencies of the steel corporations. The largest company engaged in handling ore on the Great Lakes is the Pittsburgh Steamship Co., a subsidiary of the United States Steel Corporation.

Coal rates on the Great Lakes are much lower than ore rates. Coal is carried as return cargo by some of the vessels which bring ore to Lake Erie ports. The return movement of coal, however, averages less than one-half the movement of ore, and some of the ore carriers find it more advantageous to return empty to the upper Lakes than to remain at Lake Erie ports for a coal cargo. Rates on coal in 1890 were 45 cents per ton, and the same rate was in effect in 1922. During the intervening period they ranged from a low of 25 cents a ton in 1898 to a maximum of 35 cents a ton in 1903.

Rates on wheat since 1890 have ranged from a minimum of \$0.0117 in 1911 to \$0.052 in 1917. Grain rates usually include marine and shortage insurance. The following table shows ton-mile rates on the Great Lakes in 1922 for the three bulk commodities mentioned above.

Ton-mile rates on the Great Lakes, 1922

Commodity	From—	To—	Distance, miles	Rate	Rate per ton-mile
Wheat.....	Duluth.....	Buffalo.....	988	\$0.038 per bushel ¹	\$0.00128
	Chicago.....	Buffalo.....	895	\$0.020 per bushel ².....	.00075
Iron ore.....	Duluth.....	Buffalo.....	988	\$0.83 per ton ¹.....	.00084
	Duluth.....	Conneaut.....	891	\$0.83 per ton ¹.....	.00093
Coal.....	Buffalo.....	Duluth.....	988	\$0.45 per ton ¹.....	.00046
	Conneaut.....	Duluth.....	891	\$0.45 per ton ¹.....	.00050

¹ Average rate reported by United States Engineer Corps.

² Rate reported by Chicago Board of Trade. Does not include marine and shortage insurance, amounting to \$0.0061 per bushel.

The average haul on traffic passing through St. Marys Falls Canal in 1922 is reported as 810.7 miles, and the average ton-mile freight rate for all commodities as \$0.0012.

The economy of the deep-draft lake vessel as compared with barges operating on the New York State Barge Canal, and also as compared with barges and small types of Lake boats capable of navigating the 14-foot canals of the St. Lawrence River, will be apparent from the following statement of rates on grain in effect in May, 1922:

Rates of grain in effect in May, 1922

		Cents per bushel	
		Wheat	Corn
CHICAGO TO MONTREAL, EXPORT VIA WATER			
Chicago to Montreal, water.....		8.50	8.50
Marine and shortage insurance ¹		1.03	.46
Wharfage at Montreal ².....		.18	.17
Total.....		9.71	9.13
CHICAGO TO NEW YORK, N. Y., EXPORT VIA LAKE AND RAIL			
Chicago to Buffalo, Lake.....		2.00	2.00
Marine and shortage insurance ¹.....		.61	.27
Buffalo to New York, rail.....		9.10	8.28
Transfer at New York.....		1.00	1.00
Total.....		12.71	11.55
CHICAGO TO NEW YORK, N. Y., EXPORT VIA LAKE AND CANAL			
Chicago to Buffalo, Lake.....		2.00	2.00
Marine and shortage insurance ¹.....		.61	.27
Buffalo to New York, canal.....		7.20	7.20
Transfer at New York.....		1.00	1.00
Total.....		10.81	10.47

¹ Based on 73½ cents per \$100 valuation and following prices: Wheat, \$1.40 per bushel; corn, 62 cents per bushel.

² Based on 6 cents per ton.

³ Based on 42½ cents per \$100 valuation and following prices: Wheat, \$1.40 per bushel; corn, 62 cents per bushel.

The rates from Duluth and Chicago are generally on a parity, and the difference between the rates quoted above on grain is mainly due to an increase which took place during the middle of the season, when the rate was raised from 2.61 cents to 3.8 cents as a result of a conference of the vessel operators. It will be noted that the rate on wheat from Buffalo to New York by canal was 7.2 cents per bushel, or \$2.40 a ton. The haul was approximately 450 miles, making a ton-mile rate of \$0.00533 or more than four times the ton-mile rate on the Great Lakes. Attention is particularly called to the rate by water to Montreal as compared with the rate to Buffalo. On wheat the rate plus insurance and wharfage at Montreal amounts to a total of 9.71 cents, as compared with 2.61 cents to Buffalo, making a difference of 7.10 cents. This difference forcefully emphasizes the differ-

ence in the economy of transportation in the deep-draft carriers which ply to Buffalo as compared with the shallow-draft boats required to navigate the 14-foot channel to Montreal. The same difference is again seen in the rate via the 12-foot barge canal from Buffalo to New York, which added to the lake results in an even greater cost than the route to Montreal. In a hearing before the International Joint Commission on October 20, 1920, Mr. Julius H. Barnes made the following statement:

"I think anyone familiar with the operating statements of the Lake carriers will agree that a standard grain rate of 4 cents per bushel for the 5-day trip from Duluth or Chicago to Buffalo, with no westbound cargo whatever and only eight months of operation, would earn substantial dividends on the cost of such Great Lakes carriers. For the 48-hour extension of its voyage (to Montreal) an additional earning of 2 cents per bushel would yield an even higher net ratio, so that there is a potential saving on this route that may well run as high as 10 cents per bushel."

Adding 2 cents per bushel to the rate quoted by the Chicago Board of Trade would make a total of 4 cents to Montreal, exclusive of marine and shortage insurance; 1 cent would be sufficient to cover this item, making a total rate of 5 cents. The possible reduction of 5 cents per bushel would be reflected not only on the grain actually exported by this route, but upon all the grain raised within the territory so situated as to be able to avail itself of this route if desired, and it is a matter of no importance whether we believe that the ocean carrier will enter the Lakes for this grain or that the lake carrier will take it to Montreal and there transfer it to the ocean vessel.

It might be assumed that the bulk carriers which are performing such economical service are operating upon a very close margin. In 1909 the commissioner of corporations made a study of transportation by water in the United States, in connection with which he endeavored to secure financial and cost statements in order to throw light upon the comparative costs of service. The results were far from satisfactory, however, due to the absence of anything approaching uniformity in the methods of accounting. The following analysis was given of the ratio of operating expenses to gross earnings of water carriers by districts:

Rate of operating expenses to gross earnings of water carriers by districts

	Lumber carriers	Coal carriers	Bulk carriers	Packet lines	River lines	All lines
	Per cent	Per cent	Per cent	Per cent	Per cent	Per cent
Great Lakes.....			69.7	85.7		77.2
Atlantic and Gulf coasts.....			83.3	79.2		79.8
Mississippi and tributaries.....		79.3			86.8	83.6
Pacific coast.....	75.8			85.7	84.7	85.4

OCEAN PACKET LINES

It will be noted that the bulk carriers on the Lakes showed the smallest ratio of expense.

In considering the efficiency of various means of transportation it is pertinent to consider not only the ton-mile cost of transporting freight but also the relation of the transportation service performed to the investment required to accomplish it. The following table has therefore been prepared, showing the ton-miles of freight carried per \$100 of investment:

Ton-mile of freight per \$100 of investment

	Property investment	Revenue ton-miles	Ton-miles per \$100 of investment
All railroads of the United States, 1920.....	\$19,839,000,000	413,674,000,000	2,085
Great Lakes, vessels operating through St. Marys Falls Canal, 1922.....	240,506,825	53,563,755,956	22,271
Mississippi section of Mississippi-Warrior service, fiscal year 1922, (average haul taken as 1,000 miles).....	10,334,852	655,789,000	6,339

It is recognized that the figures are not strictly comparable for the several classes of service, but they give a general view of the extent of transportation service that is procurable from equivalent investments in railroads, deep-draft ships, and barges. In view of the known shortage of transportation and the enormous expenditures that must be made for transportation equipment in order to properly handle our expanding commerce, it is worthy of note that an investment in deep-draft vessels may be expected to provide approximately ten times the transportation capacity of an equal investment in railroad facilities. If it were possible to separate the property used for passenger service from that used for freight service, the figures for the railroads would no doubt show up much better, but so would also the figures for the Great Lakes, which include vessels operating in passenger as well as freight service.

PACKAGE FREIGHT

The conditions affecting the development of package freight traffic on the Great Lakes are wholly different from those affecting bulk freight traffic. The railroads have always fought to control this traffic, and the fight did not cease when, pursuant to the will of Congress, they were required to divorce their boat lines on the Lakes. Prior to the adoption of the famous provision of the Panama Canal act an investigation was made by the Committee on Merchant Marine and Fisheries and a report prepared by Dr. S. S. Huebner which sets forth quite clearly the conditions then existing which effectually prevented the development of package business. The following is quoted from Mr. Huebner's report:

"Methods by which the railroads, owning standard Lake lines, have prevented independent water carriers from participating in the through package freight traffic: Up to the time that the trunk railroad lines reached only to Buffalo and had no interest in the rail lines to the west of Buffalo, it was to their interest to maintain the Lake lines in such a manner as to attract the largest amount of tonnage to Buffalo. But with the extension of their rail lines to the west their policy changed, and instead of attracting all possible tonnage to the Lake lines connecting Buffalo and the west, every effort was made to divert water-borne traffic to their rail lines and to prevent independent water carriers from securing an important foothold.

"In the effort to prevent competition by independent lines, it should be noted, in the first place, that the railroad-owned lines are favored by the fact that the transportation of general merchandise requires a particular type of steamer, i. e., one which has several full-length decks, whereas the modern bulk freighters, with a view to avoiding interruptions in rapid loading and unloading, must have as few compartments and divisions as possible. The numerous bulk carriers on the Lakes are thus not adapted to compete in the transportation of general merchandise, and this situation, combined with the further fact that most of the general merchandise traffic originates on the railroads at some distance from the terminals of the water carriers, has given the railroads a greater control over this class of freight and the special type of vessel used.

"As Mr. Julius Barnes, chairman of the traffic commission of the Duluth Chamber of Commerce, testified before the committee, 'so long as this class of freight originates on the railroads and is controlled by them, it is in their power to say to whom they will give it. They will not share it with any individual carrier that might offer, and they have thus controlled its movements.' (Vol. 2, p. 842.) Similarly, the Chicago Harbor Commission in its consideration of railroad control over lake transportation between Chicago and Buffalo reported that 'only boats owned by the railroads may engage in the package-freight business between Chicago and Buffalo. If these two cities were both destination points for traffic, of course, nonrailroad-owned vessels could not be excluded from competition. But Buffalo is not a destination point. It is a transfer station. Goods reaching Buffalo by lake must go east by rail or canal. Likewise, freight from the east reaching Chicago water-borne must be brought to Buffalo by rail or canal. The railroad makes with its own boat lines a through route and a joint rate from Chicago to the eastern destination, or vice versa.' (Report of the Chicago Harbor Commission, 1909, p. 187.) In fact, all the testimony before the committee is to the effect that the through transportation of strictly package freight on the lakes is completely under the control of the railroad-owned lines."

"But even if independent carriers should manage to overcome all other obstacles the railroads are still in a position to effectively control independent water carriers by refusing to give them the benefit of their dock facilities at Buffalo both for the discharging and receiving of cargo. The independent carrier thus being required, in addition to the other disadvantages already enumerated, to unload at some other dock and team the goods to or from the railroad station. To make the situation worse, the railroads have secured nearly all the water frontage in Buffalo available for dock purposes. According to the commissioner of corporations, the most important frontage and wharves of Chicago and Duluth belong to the railroads; while with reference to Buffalo, about half of the active river frontage is owned by railroads, with some small holdings by water lines. Of the 5 miles on the two sides of the city ship canal, 4 miles are owned by the railroads on the lake front. The total frontage protected by breakwaters is about 4 miles, of which the railroads own about 3, subject to some disputes as to title. The city owns about three-fourths of a mile, but with the exception of two blocks, practically none of its frontage can be reached without crossing railroad property. For some years there appeared to exist a well-defined combination between the railroads, their water lines, and most of the elevators at Buffalo by which the railroads were able to influence materially the grain traffic there and use that influence against the Erie Canal. Just how far this situation still exists is not clear, but there is some reason to believe that the railroads continue to exert a considerable control over the grain traffic. The situation at Buffalo is due in considerable degree to the fact that the railroads

largely control terminals as well as important water lines, refuse to prorate with independent water lines, and refuse the use of their docks unless the freight goes over their lines.

"The situation referred to by the commissioner of corporations was fully substantiated by Mr. William M. Hopkins, of Chicago, and Mr. Julius H. Barnes, of Duluth, both testifying before the committee to the effect that even the elimination of all other discriminating practices would not bring about the existence of an independent through-package freight service unless the independent carrier is given the use of docks on an equal basis with the railroad-owned lines. Mr. Hopkins in particular testified that 'the independent carrier does not and can not carry merchandise to-day, because he has no docks. There are some privately owned docks which he could use at Chicago, but when he gets to Buffalo he has no place to unload. All the docks are owned by the rail carriers at Buffalo, and they will not permit the use of those docks by the independent carriers, except at an exorbitant charge. The result is there is no through-package freight carried on the Lakes by the independent vessels.' (Vol. 2, p. 1236.)"

During the season of 1912 the Western Transit Co.'s lines, operating package boats between Buffalo and points on Lake Superior, received an average revenue per ton of \$2.010544. The total expense per ton was \$1.462967 and the net profit \$0.547577. During the same year the company reported a loss on its Lake Michigan line. The details are as follows:

Douglas Exhibit No. 4 files in I. C. C. Docket No. 6573—Comparison of revenues and expenses on Lake Michigan and Lake Superior traffic, season of 1912

	Lake Michigan	Lake Superior
Average revenue per ton.....	\$1.612262	\$2.010544
Deduct cost per ton, as follows:		
Average terminal cost at Buffalo.....	.244101	.240041
Average cost of boat operations between Buffalo and ports on.....	.639809	.593593
Average terminal cost at ports on.....	.550385	.263728
Average cost of solicitation on traffic moving via.....	.174893	.124577
Average cost of loss and damage on traffic moving via.....	.074020	.046142
Average cost of general expenses on traffic moving via.....	.126816	.124706
Average cost of prop. of interest on bonds assignable to traffic moving via.....	.071367	.070180
Loss.....	1.881156	1.462967
Profit.....	.268894	.547577
Multiply by total number of tons east and west bound package freight on.....	375,169	366,554
Net profit.....		200,711.08
Net loss.....	100,880.69	

The above figures are of interest not only because of the segregation of the cost items but because they reflect so clearly the railroad's influence in lake traffic. The Western Transit Co. was owned wholly by the New York Central & Hudson River Railroad, which operates a direct line between Buffalo and Chicago. It is well known that tremendous volumes of freight move to and from important ports on Lake Michigan, and it has been estimated that Chicago alone receives and ships about 200,000,000 tons of freight annually. The failure to operate the Western Transit Co.'s Lake Michigan line on a paying basis induces the conjecture that the New York Central Railroad preferred to handle this traffic all rail. Ample testimony was adduced before the Committee on the Merchant Marine and Fisheries to show that the railroad-controlled lines made no real effort to develop water traffic but operated these lines merely to prevent independent competition.

The conditions restricting the development of package freight on the Great Lakes have not been materially bettered as a result of the abandonment of the railroad-owned lines. The boats which the railroads relinquished were taken over chiefly by the Great Lakes Transit Corporation. This corporation makes joint rates with the railroads and has privileges with respect to the use of railroad terminals not accorded independent carriers.

The lake ports have not established public terminal facilities which would enable independent lines to have dockage, and no arrangements exist by which such independent lines may interchange freight with the railroads on a favorable basis. By reason of the maintenance of joint routes and rates, the Great Lakes Transit Corporation is subject to the jurisdiction of the Interstate Commerce Commission, and its rates have been raised during the last few years in keeping with the several rate increases accorded the rail carriers. Due to the lack of competition and the arbitrary rate increases approved by the Interstate Commerce Commission, there has been no opportunity for the natural economy of water transportation to be manifested in the package freight service on the Great Lakes.

The questions of the advisability of regulating rates of water carriers and of permitting rail carriers to operate boat lines will be considered in a separate memorandum, but it must here be pointed out that regulation which annihilates competition and fails to preserve to the public the economies inherent to particular types and means of

transportation must result in depriving the public of benefits to which it is entitled. This has been the experience on the Great Lakes, and the rates in effect on package freight can not therefore be said to be properly representative of the cost of water transportation. The correction of this situation is one of the problems confronting the people of the Great Lakes, but it is one which will adjust itself when these Lakes have been opened so that ocean vessels plying in coastwise and foreign trade may enter. When this has been accomplished modern terminals will be constructed and maintained in the public interest, and the competition of coastwise lines will force package rates to a level more correctly reflecting the cost of service.

Mr. WADSWORTH. Mr. President, may we have the amendment reported?

The PRESIDING OFFICER. The amendment will be reported.

The LEGISLATIVE CLERK. On page 32, in line 23, after the word "officers," insert the following:

Providing said board of engineers shall make use, so far as applicable, of existing data and shall make its report on or before November 15, 1925.

Mr. COPELAND. Mr. President, I am sure the Senator from North Dakota [Mr. LADD] knows that he has no warmer friend in this body than I am. If his party will not continue him in membership I shall be very glad to propose him for membership in my party. It would be a great pleasure to me to do that.

But I regret that my friend from North Dakota has been so misled by certain newspaper clippings and writings. This much must be said in all frankness, however, that he is not the only one who has been misled, because General Taylor himself, who has charge of this great work of surveys for the Government, was thrown off his feet for the time being by what he read in the newspapers.

On the 25th of January I had a telegram from Governor Smith of my State, the most popular man in my State. Sometimes even popular men are misunderstood, and he was. The governor was disturbed by the newspaper items which he saw representing the barge canal to be a failure and a "white elephant," to use the language which was used by the Senator from North Dakota. On the 25th of January the governor telegraphed me as follows:

ALBANY, N. Y., January 25, 1925.

Hon. ROYAL S. COPELAND,

United States Senate, Washington, D. C.:

In my annual message to the legislature I suggested the appointment of a commission to study ways and means of promoting the usefulness of the New York State barge canals. The spirit and letter of that message should be used to combat false propaganda to defeat the deeper Hudson project demanded by the State of New York to promote her commerce. You can materially assist our State canal system by urging the deeper Hudson project.

ALFRED E. SMITH.

Mr. LADD. Mr. President—

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

Mr. COPELAND. I yield.

Mr. LADD. I assure the Senator, as I stated before, that I have no desire to interfere with any internal improvement the State of New York desires, either National or State, but I not only quoted from Governor Smith as his message was given in the press, but I also quoted, which I have not read, in the way of official documents. I have no intention of doing any injustice and no desire to do so.

Mr. COPELAND. I quite understand the spirit of the Senator. He is not one who would desire to do an injustice to anybody, but he has been so misled by newspaper accounts that I fear other Senators may have been similarly misled. Therefore, hoping to straighten out in his mind the true situation and make clear to the Senate what the position of our State is relative to the deeper Hudson project and the St. Lawrence waterway, I desire to speak briefly at this moment.

I appeared before the Committee on Commerce on the 28th of January and made a statement, reading the governor's message, outlining to the committee exactly what the attitude of our people has been, and the attitude they hold now. After the statement which I made General Taylor spoke. Just what is his position, may I ask the Senator from Washington?

Mr. JONES of Washington. Chief of Engineers of the Army.

Mr. COPELAND. This is the statement made by General Taylor. He said:

May I make a brief statement which I think will throw a little light on the statement of Senator COPELAND? Under our regulations the district engineers send in clippings from newspapers published

in their localities which are of interest to the department. A clipping from one of the newspapers recently sent me indicated that the State was on the point of abandoning the barge canal. The clippings gave misquotations from the governor's message—

I want the Senator from North Dakota to observe the language of General Taylor—

The clippings gave misquotations from the governor's message and misquotations from Colonel Greene's report. For instance, here is a clipping of an item in the Buffalo Courier of January 8 by a staff correspondent, dated Albany, January 7, in which this statement appears.

I think this is the same statement which was quoted a moment ago by the Senator from North Dakota:

Colonel Greene declared he will not, as superintendent of public works, spend another dollar on the upkeep of what he terms this "white elephant" until the people determine what they want done with it.

Then he further purports to quote:

If the people of the Western States want a waterway to the eastern seaboard, the Federal Government should take the barge canal off the State's hands and convert it into a ship canal. This could be done by junking that section between Buffalo and Syracuse and using the canal from Oswego to the Hudson after deepening it for ships. I am frank to say that I do not know of any way to make the canal a paying proposition. Few shippers use it. I have washed my hands of the thing until it is decided what is the best way to handle it.

That is, of course, what disturbs the Senator from North Dakota. General Taylor went on to say:

He indicated that there was a strong movement for abandoning the canal. I stated to Members of the House from New York that if that was the attitude of the State I should be obliged to call attention of this committee to it when the item for deepening of the Hudson up to Albany came in for consideration.

One of the great reasons, or one of the reasons, which induced the engineers' department to make its recommendation for deepening of the Hudson up to Albany without local cooperation, as is done in many places, was the fact that New York State had spent very large sums on the barge canal, and that it was a great factor in the whole transportation system. As the State had built and maintained that canal, we believe the Government should carry the deep water up to the capital district which is at the eastern terminus of the barge canal.

I call the particular attention of the Senator from North Dakota to this statement:

From what Senator COPELAND has read and stated here and from the telegrams I have received from Colonel Greene, the whole matter has been straightened out. It was apparently a misinterpretation on the part of the newspapers, and our action in recommending deepening of the Hudson up to Albany I think is fully justified. I think there is no occasion for taking any other view of it.

Mr. LADD. May I ask if he recommended a ship canal from Oswego to the Hudson?

Mr. COPELAND. I am not sure whether he did or not. Suppose we ask the Senator from Washington [Mr. JONES] about that. The Senator from North Dakota asks if General Taylor recommended a ship canal from the capital district to Oswego—from Albany to Oswego?

Mr. JONES of Washington. I do not remember that General Taylor was asked about that in our committee. This was a House provision, so we did not go into those matters in detail. I do not think he did go into that before our committee. Whether he did before the House committee I am not prepared to say.

Mr. BROOKHART. Mr. President—

Mr. COPELAND. I yield to the Senator from Iowa.

Mr. BROOKHART. Upon the question of a ship canal from Oswego to Oneida, and then to Albany, there have been several Government surveys, the idea dating back many years, long before General Taylor had anything to do with it. At one time they recommended a ship canal 21 feet deep up through there. Whether there has been a 30-foot canal ever recommended I do not know, but there has been such a canal surveyed by private parties and urged by them, which would make an all-American canal instead of an international canal.

Mr. COPELAND. Mr. President, I wish to make clear to the Senator from North Dakota [Mr. LADD] and to the other Senators that Governor Smith has never proposed the abandonment of the barge canal; he has never proposed turning the barge canal over to the Government. He has always stood as a proponent of the barge canal and of its possibilities in the traffic not alone of the Empire State but of the Nation. I want to quote from Governor Smith's last message to the legislature, in which he said:

Certainly, only good can come from giving the people of the State all the facts about an enterprise to which they are making such substantial contributions of money year after year.

Since the last session of the legislature, the United States Army Board of Engineers for Rivers and Harbors has approved the deeper Hudson project, and it is now before Congress. This measure is for State and National economies in transportation. It provides for the creation of a 27-foot channel from the lower river to the capital district, adequate for deep-sea freighters, thus creating an inland port which will relieve surplus pressure of commerce on the port of New York and hold the channel of future trade of the United States through its logical eastern water-level route to the Atlantic coast.

It is immensely important to every community in the State and to the entire eastern seaboard of the United States that this natural geographical trade route on which the Erie Canal built up the fortunes of New York State 100 years ago be maintained and strengthened by such a measure. You will be asked to pass legislation for the establishment of a port authority necessary to the development of the project and to make provision for the coordination of existing transportation facilities with the Federal project. This is not a partisan matter—

I think we may well take this sentence from the message of the governor:

This is not a partisan matter but a business proposition, and should be kept free of politics in its every aspect.

Mr. President, I desire to say that the State of New York has spent \$230,000,000 on the barge canal. That is an enormous sum. It has provided this great waterway across the State which is called the Empire State, because it is as vast as an empire. It is a waterway concerning which all those of us who came from New England and eastern stock have a sentimental interest.

My father as a little boy left Maine and went by sailing vessel to Boston. Then he traveled over the only line of railroad in this country at that time from Boston to Albany. Then he sailed over the Erie Canal to Buffalo and by vessel to Detroit.

The Erie Canal carried thousands of families to the West and had much to do with the upbuilding of the great West. It will continue through the ages to have to do with the upbuilding of this country. The State of New York has poured millions of dollars into the barge canal. Now it desires that that canal be connected with the ocean with a 27-foot channel, in order that great ships may go up the Hudson River to the canal.

When it comes to the question of a canal between Oswego and the capital district of Albany, I assume that I am in harmony with the Senator from North Dakota and that he is in harmony with the view that such a canal should be built. There is not any question about that.

I do not know whether I agree to his proposal that this report should be ready next November or not. I think that is the Senator's suggestion.

Mr. LADD. That it shall be ready on November 15.

Mr. COPELAND. November 15 of this year?

Mr. LADD. Yes, sir.

Mr. COPELAND. That is founded, if I understand the proposal of the Senator from North Dakota, upon the idea of using the old surveys. I am inclined to disagree to the amendment suggested by the Senator from North Dakota [Mr. LADD] unless he can present some very good reasons for it. I object to the use of the old surveys for the reason that since they were made this larger engineering project of ours has been carried out, and I am not sure whether they would hitch on or not.

Mr. LADD. I think the Senator did not follow my statement fully. I went back and gave the list of the different surveys which have been made, following them all the way down through, and referred to documents in which they were found, some of those being in the first session of the Sixty-eighth Congress. I have provided in my amendment that the survey material which is already available shall be utilized and be brought up to date by any surveys they may desire to make between now and November 15, not intending in any way to limit the work that shall be done.

Mr. COPELAND. I want to be clear that the Senator has in mind the idea that by making use of this material and by setting an early date for the report the work will be facilitated and that we will be nearer to that canal from Oswego to the capital district. Am I correct in that?

Mr. LADD. The Senator is correct. I have nothing to say with regard to the work from Albany to New York. That is another proposition.

Mr. COPELAND. Mr. President, I hope that what I have said has corrected the thought the Senator had in mind, and

that he must realize that Governor Smith and Colonel Greene were both misunderstood in what they had to say; and so I trust that in the future he will have confidence that the authorities and officials of New York State are just as enthusiastic for this project as is the Senator from North Dakota.

During the delivery of Mr. COPELAND's speech,

Mr. WILLIS. Mr. President, will the Senator from New York yield to me in order that I may make a brief request?

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

Mr. COPELAND. Mr. President, the Senator from Ohio is always so kind and courteous, and so handsome, that I can not resist him.

DISBURSING AGENTS ALASKAN ENGINEERING COMMISSION

Mr. WILLIS. Mr. President, the joint resolution (H. J. Res. 226) for the relief of special disbursing agents of the Alaskan Engineering Commission, authorizing the payment of certain claims, and for other purposes, affecting the management of the Alaska Railroad was referred to the Committee on Territories and Insular Possessions. Upon examination of the measure, however, I learn that while it relates to matters in Alaska it really is a claims matter. I, therefore, ask unanimous consent that the Committee on Territories and Insular Possessions may be discharged from further consideration of the joint resolution and that it may be referred, where it properly belongs, to the Committee on Claims.

The PRESIDING OFFICER. Without objection, the request is granted.

FINES, PENALTIES, FORFEITURES, AND LIABILITIES IN POSTAL SERVICE

Mr. STERLING. Mr. President—

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

Mr. COPELAND. Mr. President, I have heard such happy news about the Senator from South Dakota that I feel inclined to yield to him.

Mr. STERLING. I can not pretend, Mr. President, to the qualifications ascribed by the Senator from New York to the Senator from Ohio [Mr. WILLIS] in making this request, and therefore have no such demand on the Senator from New York. I sent to the desk awhile ago a report from the Committee on Post Offices and Post Roads on the bill (S. 4232) to amend section 409, Revised Statutes of the United States, relating to fines, penalties, forfeitures, and liabilities in the Postal Service and asked unanimous consent for its consideration. The request was made that it go over for the time being. The Senator who made that request, however, has since withdrawn any objection, and is perfectly willing that the bill may be considered. I ask unanimous consent that it may be considered now. It is a short bill.

The PRESIDING OFFICER. Is there objection?

Mr. BAYARD. I shall have to object, Mr. President.

The PRESIDING OFFICER. Objection is made.

Mr. COPELAND. Mr. President, may I say to the Senator from South Dakota that I am very sorry that his request was not acceded to, and may I, as a Democratic Member of this body, wish him every joy in all the undertakings of life?

Mr. STERLING. I thank the Senator.

ORDER FOR RECESS

Mr. CURTIS. Mr. President, I ask unanimous consent that when the Senate concludes its business to-night it take a recess until 11 o'clock on Monday morning.

The PRESIDENT pro tempore. The request of the Senator from Kansas is that when the Senate concludes its business for to-day it shall take a recess until 11 o'clock Monday morning. Is there objection? The Chair hears none, and it is so ordered.

RIVER AND HARBOR BILL

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11472) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from North Dakota [Mr. LADD].

Mr. NORBECK. Mr. President, as to this amendment, I hope the Senate understands that it merely asks that available information shall be used by the engineers, and, secondly, that they shall complete their report within a reasonable time.

Mr. WADSWORTH. But the time is unreasonable.

Mr. NORBECK. For what reason?

Mr. WADSWORTH. The time limit is set at November 15, 1925—this year. There are not enough engineers to do all the survey work that has been assigned to the Corps of Engineers all over the United States and also to do this particular work by November 15, 1925. The purpose of this amendment is to kill the survey.

Mr. NORBECK. What survey does the Senator propose shall be made?

Mr. WADSWORTH. What survey do I propose?

Mr. NORBECK. What survey has the Senator in mind that has not already been made once, but four times?

Mr. WADSWORTH. The whole thing ought to be revised. It is impossible just to sit down and say, "Here is a survey that we made 6, 8, or 10 years ago, and that will do." Conditions change, cities grow up, lines of travel change, railroads and improved highways are built. In a period of three or four years so many physical conditions may change that a new survey is required to check up, at least, with the old.

Mr. NORBECK. But the altitude over the ladder is just the same as when they started the surveys about a hundred years ago.

Mr. WADSWORTH. The altitude over what?

Mr. NORBECK. Over this step. This proposed ship canal is a stepladder canal. It is not practicable. It is possible to build a ship canal from the Great Lakes to the Pacific Ocean over the mountains if you step it up. The trench can be made and locks can be built to carry the canal higher and higher.

Mr. WADSWORTH. Are there any mountains on this course?

Mr. NORBECK. It has 27 locks. It goes out over the prairie and over the hills, and a ship goes for hundreds of miles through a narrow ditch.

Mr. WADSWORTH. The Senator from South Dakota is displaying an extraordinary familiarity with the State of New York.

Mr. NORBECK. Bring the report of your own engineers showing how much lift there is.

Mr. WADSWORTH. I am not denying the lift.

Mr. NORBECK. Very well.

Mr. WADSWORTH. I am saying that new surveys are needed, because the physical conditions have changed as the result of the growth of cities and highways and railroads. Does the Senator deny that?

Mr. NORBECK. The Senator means the commercial situation has changed somewhat, I think.

Mr. WADSWORTH. Certainly; involving a change in cost.

Mr. NORBECK. Since I came here a few short years ago the Senator from New York under an amendment to a bill had a survey made, and the report is on his desk now, stating that it is practically an impossible thing to bring about.

Mr. WADSWORTH. I have no recollection of any such report.

Mr. NORBECK. When a bill of the Senator from Wisconsin [Mr. LENROOT] was pending the Senator secured an amendment to it, providing that certain features of this project should be considered, and they were considered.

Mr. WADSWORTH. Yes.

Mr. NORBECK. Yes; exactly so; and it was said it was not practicable; and now the Senator from New York asks for one more survey of the stepladder route.

I have a letter over in my office giving a list of about 17 surveys that have been made on these propositions; some by the States, some by the Federal Government. One was made in Governor Black's time; another one during the time of Governor Roosevelt. One of them cost, I think, somewhere around \$300,000. The Federal Government made an extensive survey some 20 years ago at very great cost, and there are innumerable surveys. There are volumes of them. I could not begin to carry the books, though I have them over at my office; and all that the Senator from North Dakota [Mr. LADD] asks is that the available information be used, and that the report be brought in in some reasonable time.

Mr. WADSWORTH. I have no objection to the available information being used. It is the latter part of the amendment that I object to.

Mr. NORBECK. All we object to is this delay. We of the Northwest are trying to get a transportation outlet. It is admitted that if this ship canal, this stepladder proposition, were practicable, and you could take those ships through the State of New York, over the hills and over the valleys, step them up and step them down, and finally reach the harbor of New York, the most congested harbor in the world, you would then be farther from the European ports than when you left Lake Ontario and started out through the cornfields with your ocean steamers.

Mr. WADSWORTH. I see that this is not a question as to the merits of this particular route. This is the St. Lawrence issue.

Mr. NORBECK. Exactly so.

Mr. WADSWORTH. Oh! That had not occurred to me.

Mr. NORBECK. We maintain that the object of this is to delay action on the St. Lawrence project; exactly so.

Mr. WADSWORTH. That had not occurred to me. I am now learning why the Senator is against it.

Mr. NORBECK. Because you had never suggested this until we proposed the St. Lawrence route.

Mr. WADSWORTH. I thought the Senator said it had been suggested for 100 years.

Mr. NORBECK. This resurvey?

Mr. WADSWORTH. No; I mean this route.

Mr. NORBECK. Why, it has been surveyed and rejected time and again, and it was two or three years ago that the Senator from New York proposed that amendment to the St. Lawrence proposition. Now, there is a second amendment to have it surveyed once more.

Mr. WADSWORTH. I understand that the St. Lawrence route is going to be surveyed again; is it not?

Mr. NORBECK. Is there anything in this bill on that subject?

Mr. WADSWORTH. It has been surveyed once.

Mr. COPELAND. No, Mr. President; the last bill passed, the deficiency bill, had \$275,000 in it for a survey of the St. Lawrence route.

Mr. NORBECK. We are willing to have even the seventeenth or eighteenth survey. We are willing that it shall be made. We are just suggesting that it shall be made in some reasonable time, so that we can get the question settled.

Mr. WADSWORTH. I confess that I had not realized that this was an effort on the part of the adherents of the St. Lawrence Canal to kill off a survey that happened to be suggested inside of the borders of the State which I in part represent.

Mr. NORBECK. I have clippings sent me from New York papers suggesting that that would be a nice move to make. I have not them with me.

Mr. WADSWORTH. I have not seen them, and I never heard about that proposition in connection with this proposal before the Committee on Commerce.

Mr. NORBECK. The opponents of the St. Lawrence route say that it is impracticable because there is 30 miles of canal, while here it is proposed to put in 300 miles of canal as a substitute and as a better route.

Mr. WADSWORTH. I am not discussing the St. Lawrence project. What is the idea here? The St. Lawrence project will have to be surveyed many times before it is built, if it is ever built. It is going to be surveyed a second time under the provisions of the bills which have been introduced in this Congress.

Mr. NORBECK. The idea is that this is urged as a substitute for the St. Lawrence route. The able Senator from New York is not ignorant of that deal. It has been discussed here for four years, in spite of the fact that the route the Senator proposes will cost some five or six hundred million dollars and will have no electric power possibilities, as against the St. Lawrence route, which will cost about \$250,000,000, of which Uncle Sam would pay one-half, and the electric power developed there would be more than enough to take care of the construction work. We object to having that put in as a substitute.

Mr. WADSWORTH. The Senator seems awfully sure of his facts. I have yet to find any estimate of the St. Lawrence project that confines it to \$250,000,000 or anything like that.

Mr. NORBECK. What are the estimates?

Mr. WADSWORTH. The one I have seen, which was made about a year and half ago or two years ago, was \$400,000,000.

Mr. NORBECK. No; but suppose we accept that, even. One-half of that would be \$200,000,000 as against five or six hundred million for the other one.

Mr. WADSWORTH. But I am not arguing against the St. Lawrence route. I should like to get that into the consciousness of the Senator from South Dakota.

Mr. COPELAND. Mr. President, will my colleague yield for a moment?

Mr. WADSWORTH. I am glad to yield; yes. I had no idea that this thing would raise such a row as this.

Mr. COPELAND. I do not think anybody from New York would oppose a survey of the St. Lawrence.

Mr. NORBECK. No; they will let us survey it for a hundred years. They will only oppose it if we endeavor to get it built.

Mr. COPELAND. Let us be honest about it for a minute. What does the survey of the St. Lawrence involve? It involves not only a survey of a part of the United States but it involves a survey of a part of Canada. It involves a treaty, an international agreement; and Canada has a project on now for a canal to go up to Georgian Bay, a very different project from this one, which is entirely Canadian. Here is a proposition for constructing an American canal at a cost only of a

canal between Oswego and Albany, the upper waters of the Hudson River, a very short distance. So I think fairness on the part of our friends from the West should lead them to say that there is nothing incompatible with the St. Lawrence project in what is proposed here, and I think our friends from the West ought to cooperate in this matter.

Mr. NORBECK. We are willing to cooperate. We are willing to vote the money for the other survey. We are perfectly willing to do that. We are willing to vote for deepening the Hudson up to Albany. All we are suggesting is that this matter should be brought to a head at some time in the near future.

Mr. WADSWORTH. I am perfectly willing to do that. I believe, however, that you have made this date so close, as set forth in the amendment offered by the Senator from North Dakota, that it could not be completed decently. I am willing to make it the following spring; I am willing to confine it within one year; but you put it practically within six months.

Mr. NORBECK. I do not want to speak for the Senator from North Dakota [Mr. LADD]. If it were just a question of a few months, I would not have any argument about it; but this amendment has been put in in an unlimited way. That is what we object to—that it is unlimited as to time.

Mr. WADSWORTH. All right; I am willing to accept a limitation.

Mr. LADD. Mr. President—

Mr. WADSWORTH. Mr. President, I should like just to make an observation about this general proposition. May I make just an observation?

Mr. LADD. If I may answer it.

Mr. WADSWORTH. Senators from the Northwest seem to think that the people of the State of New York, especially the people of the city of New York, and so-called Wall Street, that is dragged in here by the heels every time anybody gets a chance to mention the State—

Mr. NORBECK rose.

Mr. WADSWORTH. Now, just a moment.

Mr. NORBECK. I want to ask the Senator just one question.

Mr. WADSWORTH. No; I am making a statement. I will answer any questions later.

Mr. NORBECK. All right.

Mr. WADSWORTH. Senators from the Northwest, as I was about to say, seem to think that we are opposed to a St. Lawrence canal on the theory that it will hurt the port of New York. That is nonsense. You can girdle this continent with canals, and you can not hurt the port of New York. You may build up other ports, you may establish industries elsewhere and commercial centers elsewhere, but no work of man can decrease the tonnage and the commerce of the city and harbor of New York. God made that harbor supreme above all harbors in the world, connected with the interior of the continent by a low-gradient line of railroads. You can build canals and build railroads until you are black in the face, but you can not hurt the harbor of New York. We do not fear it a bit. If you will show us where a canal anywhere in this country will make transportation cheaper for some considerable portion of the country where men will sail their vessels economically, and carry the cargoes of American agriculture and industry, we will never protest. All we will ever ask you is to show us whether or not your proposed canals, no matter where they are, can be economically operated, whether they will attract and hold traffic. Our only reason for asking that is that we can not help remembering in New York that for every dollar that is spent by the Federal Government we contribute 27 cents. That is the only consideration we have. That is all.

Mr. NORBECK. I think the Senator is unduly exercised about what the West thinks about New York.

Mr. WADSWORTH. Well, we hear so much of it here. How can the Senator blame me if I do protest? What is the sense of dragging Wall Street into this?

Mr. NORBECK. Who mentioned Wall Street here?

Mr. WADSWORTH. The Senator from North Dakota [Mr. LADD].

Mr. NORBECK. I am sure I did not.

Mr. WADSWORTH. It is the same old story of provincial prejudice, and I protest against it.

Mr. NORBECK. Oh, the West may be provincial—

Mr. BRUCE. Mr. President, may I interrupt the Senator from New York for just a moment?

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Maryland?

Mr. WADSWORTH. I yield.

Mr. BRUCE. I should like to ask the Senator whether he was so fortunate as to hear the statement of Dr. Kate Waller Barrett, who has just died, in the Democratic national con-

vention in New York last summer, that Wall Street was just as much a part of the United States as Main Street in Alexandria. [Laughter.]

Mr. LADD. Mr. President, will the Senator yield for a moment?

Mr. WADSWORTH. I yield for a question.

Mr. LADD. The Senator suggested that the date was too early. I am perfectly willing to change my amendment so that it shall read "May 1, 1926."

Mr. WADSWORTH. Very well; that is satisfactory so far as I am concerned.

Mr. LADD. I ask that it be changed in that way.

Mr. COPELAND. I am perfectly willing to have that done. I am glad, indeed, to have a date fixed.

Mr. WADSWORTH. If it is agreeable to the Senator from Washington [Mr. JONES]. Of course, he is in charge of the bill.

Mr. JONES of Washington. The Senator from Washington has no objection at all.

Mr. BROOKHART. Mr. President, I desire to say that recently I made quite a thorough study of these different surveys in connection with the proposed Lakes-to-the-Gulf waterway from Chicago, and the proposition to make a canal all through the State of New York is quite as feasible as the other proposition. It may be that it will cost a little more and be open a little greater period of the year. It will all be on American soil and under American control, and it is not a thing that anybody from the West will condemn when he knows the facts about it. I do not think the Senator from North Dakota will criticize it when he understands those surveys that have already been made by the Government.

The only criticism I had of it was that some Wall Streeters wanted a charter from Congress, as they presented it to me, to turn over to them the water power, and they would furnish all the money to build it. I thought if there was enough water power developed there for that purpose it would be a good thing for the Government to keep it for all the people.

Mr. WADSWORTH. I can assure the Senator that the laws of the State of New York would not permit any such thing.

Mr. BROOKHART. The laws of the State of New York would not have anything to do with the water power from Lake Erie to Lake Ontario, I presume.

Mr. WADSWORTH. Well, I should hope they would. Does the Senator say from Lake Erie to Lake Ontario?

Mr. NORBECK. Yes; in a canal. The Government would try to regulate that, I presume.

Mr. WADSWORTH. The transmission of power certainly would be under the laws of the State of New York. The control of any corporation organized to transmit that power would be exercised by the State of New York, and it would have to be chartered by the State of New York. We have not yet given up all self-rule in that State.

Mr. BROOKHART. The proposition that was brought to me by the engineers representing New York parties was that they would build the canal and furnish the entire funds if they could get a grant of the water power. So far as the building of it is concerned, it seemed entirely feasible from the showing; and most of that was based on old Government surveys that had been made through there years ago.

Mr. COPELAND. Mr. President, we are all agreed, now, that the amendment should be changed to the 1st of May, 1926.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment proposed by the Senator from North Dakota [Mr. LADD]. The amendment can not be changed by the suggestion of the Senator from New York. It must be changed, if at all, by the Senator from North Dakota.

Mr. LADD. Mr. President, I asked that it be changed to read "May 1, 1926."

The PRESIDENT pro tempore. The question is upon agreeing to the amendment, as modified.

The amendment, as modified, was agreed to.

The bill was reported to the Senate as amended.

The PRESIDENT pro tempore. The question is upon concurring in the amendments made as in Committee of the Whole.

Mr. JONES of Washington. Mr. President, I ask for a separate vote on concurring in the amendment made as in Committee of the Whole proposed by the Senator from Arizona [Mr. CAMERON], with reference to the Yuma project on the Colorado River. I hope that vote will be taken separately.

Mr. GOODING. Mr. President, before that vote is taken I desire to suggest the absence of a quorum.

The PRESIDENT pro tempore. Let us have an understanding about the reservation of the Senator from Washington. The Senator from Washington asks for a separate vote upon

the amendment proposed by the Senator from Arizona [Mr. CAMERON]. Is the Chair right?

Mr. JONES of Washington. Yes. The other amendments may be concurred in, in block.

Mr. GOODING. I understand that the Senator from Arizona [Mr. CAMERON] will be here in a minute. I do not think we should go on with this vote in his absence.

Mr. JONES of Washington. Can we not dispose of the other amendments?

Mr. GOODING. Yes.

Mr. CAMERON entered the Chamber.

Mr. JONES of Washington. Here is the Senator from Arizona now.

The PRESIDENT pro tempore. The Chair understands that reservations need only be made with respect to amendments that were agreed to as in Committee of the Whole. The rule does not relate to amendments which have been defeated.

Mr. JONES of Washington. This amendment was adopted as in Committee of the Whole.

The PRESIDENT pro tempore. So, without objection, with the exception named by the Senator from Washington, the amendments agreed to as in Committee of the Whole will be concurred in in the Senate.

Mr. JONES of Washington. Mr. President, I hope we may have a vote on the amendment of the Senator from Arizona [Mr. CAMERON] agreed to as in Committee of the Whole.

The PRESIDENT pro tempore. The question is on concurring in the amendment proposed by the Senator from Arizona, which was agreed to as in Committee of the Whole.

Mr. CAMERON. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

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

Ashurst	Edge	Kendrick	Robinson
Ball	Ernst	Keyes	Sheppard
Bayard	Fernald	King	Shipstead
Bingham	Ferris	Ladd	Shortridge
Borah	Fess	McKellar	Simmons
Brookhart	Fletcher	McKinley	Smith
Broussard	Frazier	McNary	Smoot
Bruce	George	Means	Spencer
Bursum	Gooding	Metcalf	Stanfield
Butler	Hale	Moses	Stephens
Cameron	Harrell	Norbeck	Sterling
Capper	Harris	Oddie	Swanson
Caraway	Harrison	Overman	Trammell
Copeland	Heflin	Owen	Wadsworth
Cummings	Howell	Pepper	Walsh, Mass.
Curtis	Johnson, Calif.	Ralston	Watson
Dale	Johnson, Minn.	Ransdell	Wheeler
Dial	Jones, N. Mex.	Reed, Mo.	Willis
Dill	Jones, Wash.	Reed, Pa.	

The PRESIDENT pro tempore. Seventy-five Senators have answered to the roll call. There is a quorum present.

The question is, Will the Senate concur in the amendment proposed by the Senator from Arizona, and agreed to as in Committee of the Whole?

Mr. ASHURST. Mr. President, I hope this amendment will be retained. Here are the facts. In the development of the Yuma Federal irrigation project Arizona-California, it became necessary to protect the project from the flood waters of the Colorado River by means of levees along its eastern shore. These were constructed at an expense of \$2,715,952.51 and have since been maintained at an expense of \$597,088 and upward. These costs have been charged to the reclamation fund and appear as a part of the cost of the Yuma project.

At the point where the levees are located, the Colorado River is navigable, and the expense of such levee work and of its maintenance should be charged against the Government rather than against the project and the water users thereunder. A similar work, known as the Ockerson Levee, was built in 1917 by the Government on the western bank of the river to protect property in Imperial Valley, Calif., at a cost of \$800,000. This cost was paid by the Government and was not charged to landowners in Imperial Valley.

The amendment before us does not affect the item of construction cost, but would reimburse the reclamation fund in the sum of \$597,088 heretofore expended for operating and maintaining the levees, and would provide for payment after the end of the current fiscal year of the annual operation and maintenance expense of these levees through a cooperative arrangement between the United States, the State of Arizona, the State of California, the county of Yuma, and the Yuma project.

The so-called fact finding commission, viz, the Committee of Special Advisers on Reclamation, recommended this legisla-

tion in the following language, which will be found on page 158 of the report of the Committee of Special Advisers on Reclamation:

That the levee system be regarded as a public work of the United States, similar in character to other protection works built under the rivers and harbors act along navigable streams, because the United States holds that the Colorado River is a navigable stream, and in pursuance of that holding the Government has built protection works at Yuma and a levee on the California side of the stream in Mexico, known as the Ockerson Levee, at an expenditure of \$1,000,000. These have been treated as improvements under the rivers and harbors act, no charge for repayment having been made against anyone.

The committee recommends, therefore, that legislation be secured under which the expenditure for the construction, operation, and maintenance of these levees by the reclamation fund shall be treated as an expenditure of the General Government, similar to expenditures under the rivers and harbors act, and that the reclamation fund be reimbursed by an appropriation equal to the amount of this expenditure.

The committee recommends that expenses incurred in the maintenance and operation of the levee system to be provided for under some cooperative agreement between the States of California and Arizona and the War Department, similar to other cooperative agreements for the maintenance of levees on the Mississippi and other rivers, and that no part of this cost be included in the operation and maintenance expenses of this project.

Mr. President, this amendment is just and fair. On the evening of June 5, 1924, I offered practically this same proposed legislation as an amendment to the deficiency appropriation bill, and it was adopted by the almost unanimous vote of the Senate, but later it was abandoned by the conferees. The Senate, therefore, has practically committed itself to this proposition, and I hope it will be retained in this bill.

It is unjust and unfair to require the farmers, land-owners, and water users of the Yuma project to bear this heavy burden. The Colorado River is the most flashy and temperamental river in America. At its high tide or high current its cutting edge, below Yuma, tears away the farming lands like a giant with steel claws.

Relief has already been too long delayed. Let us retain the amendment.

Mr. CAMERON. Mr. President, my colleague has ably discussed the amendment and I do not think it necessary to take much of the time of the Senate. The bill now pending before the Senate I believe is a meritorious bill. It is known as the rivers and harbors bill. There is no item in the bill that has more merit in it than the amendment which I have offered and which was received by the Senate yesterday in Committee of the Whole. I would dislike to think, Mr. President, yes, I would hate to think that the Senate of the United States, after having voted favorably on this in Committee of the Whole, would by its vote, now that the bill is in the Senate, reject the amendment. As has been so ably stated by my colleague and as I attempted to say in the few feeble remarks which I made on yesterday, there is no one item in the river and harbor bill that has the merit that the amendment has upon which we are now addressing the Senate.

The people at Yuma, as I said yesterday, obligated themselves to the Government of the United States to the extent of \$75 per acre. That was a guarantee that they agreed they would pay to the Government in order that the Government would advance them money to put in what is known as the Laguna irrigation project. On the other side of the river, in southern California, is what is known as the Imperial Valley project, one of the greatest irrigation projects to be found anywhere in the United States, and one of the most successful. Unfortunately they had to go into Mexico to take out their intake, and it was necessary to carry the ditch back through Mexico and into the United States to convey the water into the Imperial Valley. Our Government, the Government of the United States, went on the west side of the Colorado River and erected a rock-filled dam to protect the intake for the Imperial Valley settlers, and in doing so they caused a condition to arise which no one thought about at the time. The flood waters of the Colorado River come down in torrents. In line with what my colleague has stated, I have seen the Colorado River rise, in three days in the Grand Canyon of the Colorado to the extent of 67 feet. That body of water coming down through that box canyon, turning itself loose on the level land below created such a condition that nothing but a stone wall permanently built would turn it. Such a wall was built, and it turned the flow of water from the west bank of the Colorado River to the east bank, and naturally it overflowed those lands on which

the settlers had guaranteed to pay the Government \$75 an acre as I have described. Those people had expended up to October, 1924, the sum of \$615,769.

Is it possible that by the vote of the Senate against a proposition of this kind that situation is going to be allowed to exist? For the last 60 years that river has been navigable as far as old Fort Yuma. Old Fort Yuma was the place where all the supplies were brought in from San Francisco and the Pacific coast in the early days before we had railroads in Arizona, and were transported by ox teams and mule teams from the Colorado River near Yuma up into the interior of the State of Arizona.

Mr. President, I wish to impress, if possible, upon the Senate how very important the amendment is to the people on the Yuma project on the Colorado River, and should this money be restored to them, how great the relief will be to them. They have obligated themselves to the Government of the United States, as I before stated and again repeat, to the extent of \$75 per acre; but in addition to that, in order to protect themselves against a Government operation, they have been obliged to assume a burden which amounts now to about \$650,000. That is as near to the correct estimate as anyone can get at this time.

I can not for the life of me believe that this amendment will be rejected when the Senate is about to pass on the river and harbor bill. I am for the bill, because I do not believe that we are spending money enough to protect the rivers and harbors of this great country of ours.

I believe the United States can afford to expend a billion dollars to develop its waterways and its rivers and harbors, and I believe the money would be well spent. I can not understand how anyone can object when a Senator comes here and proposes to pay back to these worthy farmers what they have had to put up in order to protect their lands from the overflow of the Colorado River. I can not possibly understand why objection should be made to that. I sincerely hope and pray that the Senate of the United States will in this instance do one of the just acts of this session, and that it will vote to sustain the amendment and keep it in the river and harbor bill.

Senators will remember that the people there are watching our every movement. They have a right to have their cry heeded and to be repaid for their disbursements up to the present time, made necessary because of the Government, and I sincerely hope that the Senate will do justice to the people whom my colleague, the senior Senator from Arizona [Mr. ASHURST], and I are here trying to represent.

Mr. JONES of New Mexico. Mr. President, I should like to say just a word. It seems to me that this amendment carries with it just as much merit as any provision in the pending river and harbor bill. I recall very well when I was acting in another official capacity obtaining information regarding the Colorado River and its rampages. I do not want to detain the Senate, but I wish to say I believe the Government ought to pay this expense precisely as it pays the expense of the levees of the Mississippi River. Those levees are constructed in order to protect the adjacent lands, and the levees on the Colorado are constructed for precisely the same purpose. This provision is recommended by the Interior Department, which has supervision of this whole project. That would not be done until after a complete analysis and digest of the information had been made. I sincerely hope that Senators will vote for this amendment.

I recall that years ago the Southern Pacific Railroad Co. expended a million dollars in order to protect the surrounding country from the ravages of this river. I do not know that it has ever been repaid for doing that, but if it has not it should be done. I know that when I went into the Interior Department that that was one of the things which was recommended to be done; whether it was or not I do not know; but I sincerely believe that it is just as much the province of this Government to maintain the levees of the Colorado River and protect the settlers and irrigation projects along that stream as it is to build levees along the Mississippi to protect the settlers in the valley of the Mississippi.

Mr. JONES of Washington. Mr. President, I shall say but a few words. This amendment carries about one-quarter of the entire amount placed on this bill by the committee. We felt that in order to secure the enactment of the bill we must keep the amount appropriated in the neighborhood of \$40,000,000. In a way, we have been admonished that we must take that into account. This amendment proposes to add almost a million dollars to the bill. It deals with a matter that is not usually dealt with in river and harbor bills. Flood control and similar items are usually dealt with separately.

I have no question about the merits of the proposition, considering it in the way that it should really be considered and dealt with. It has passed the Senate twice, and so I do not make any question with reference to its merits. There is a question, however, as to its advisability, as to what we should do with it in connection with this bill.

I simply seek to get the expression of the Senate with reference to it. I will abide by that decision.

As I said the other night, I do not care to take an amendment to conference with the idea of merely taking it there in order to get rid of it on the floor of the Senate, and then receding right away; but if the Senate adopts the amendment, then I shall take it as an instruction to do all I possibly can to hold it in the bill; and that I expect to do. I want the Senate to realize the full import of the action when it votes upon it. Now, I ask for the yeas and nays on the adoption of the amendment.

The PRESIDENT pro tempore. The question is on concurring in the amendment made as in Committee of the Whole. On that question the yeas and nays have been demanded.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. FLETCHER. Mr. President, will the Chair state the question?

The PRESIDENT pro tempore. The roll call has begun.

Mr. FLETCHER. I know, but I merely want the Chair to state the question.

The PRESIDENT pro tempore. The question is, Will the Senate concur in the amendment made as in Committee of the Whole, proposed by the Senator from Arizona [Mr. CAMERON]? The Secretary will continue the calling of the roll.

The Chief Clerk resumed the calling of the roll.

Mr. KING (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. SHIELDS]. Not knowing how he would vote on this question, I withhold my vote.

Mr. McKINLEY (when his name was called). I have a pair with the junior Senator from West Virginia [Mr. NEELY]. Not knowing how he would vote on this question, I withhold my vote.

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. I transfer that pair to the junior Senator from Texas [Mr. MAYFIELD], and will vote. I vote "nay."

Mr. WHEELER (when his name was called). On this question I am paired with the Senator from Maryland [Mr. BRUCE]. If he were present, he would vote "nay" and I would vote "yea." I transfer that pair to my colleague [Mr. WALSH of Montana] and vote "yea."

* The roll call was concluded.

Mr. ERNST. I have a general pair with the senior Senator from Kentucky [Mr. STANLEY]. Not knowing how he would vote, I refrain from voting. If at liberty to vote, I would vote "yea."

The result was announced—yeas 35, nays 34, as follows:

YEAS—35

Ashurst	Dill	Jones, N. Mex.	Shlpstead
Bayard	Fernald	Kendrick	Shortridge
Borah	Ferris	Keyes	Stanfield
Brookhart	Frazier	Ladd	Sterling
Bursum	Gooding	Means	Walsh, Mass.
Cameron	Harrell	Metcalf	Watson
Capper	Howell	Norbeck	Weller
Cummins	Johnson, Calif.	Oddie	Wheeler
Dale	Johnson, Minn.	Pittman	

NAYS—34

Ball	Fletcher	Moses	Smith
Bingham	George	Overman	Spencer
Broussard	Hale	Ralston	Stephens
Butler	Harris	Ransdell	Swanson
Caraway	Harrison	Reed, Mo.	Trammell
Curtis	Heflin	Reed, Pa.	Wadsworth
Dial	Jones, Wash.	Robinson	Willis
Edge	McKellar	Sheppard	
Fess	McNary	Simmons	

NOT VOTING—27

Bruce	Gerry	McLean	Shields
Copeland	Glass	Mayfield	Smoot
Couzens	Greene	Neely	Stanley
Deneen	King	Norris	Underwood
Edwards	La Follette	Owen	Walsh, Mont.
Elkins	Lenroot	Pepper	Warren
Ernst	McKinley	Phipps	

So the amendment made as in Committee of the Whole was concurred in.

The PRESIDENT pro tempore. The bill is still in the Senate and open to amendment. If there be no further amendment to be proposed in the Senate, the question is, Shall the amendments be engrossed and the bill be read a third time?

The amendments were ordered to be engrossed, and the bill was read the third time.

Mr. HOWELL. I ask for the reading of the text of the bill. The PRESIDENT pro tempore. The Senator from Nebraska asks that the entire bill be read at this time.

Mr. ROBINSON. To that demand I make the point of order that the reading of the bill is not in order.

The PRESIDENT pro tempore. The Chair sustains the point of order. The question now is, Shall the bill pass?

The bill was passed.

Mr. JONES of Washington. I move that the Senate insist upon its amendments and ask for a conference with the House of Representatives on the bill and amendments, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. JONES of Washington, Mr. FERNALD, and Mr. FLETCHER conferees on the part of the Senate.

Mr. JONES of Washington subsequently said: Mr. President, it has been suggested that we should have five conferees on the river and harbor bill. I ask unanimous consent that that may be done and that the Chair appoint two additional conferees.

The PRESIDENT pro tempore. Is there objection to changing the number of conferees? The Chair hears none, and appoints the Senator from Oregon [Mr. McNARY] and the Senator from Louisiana [Mr. RANSDELL] further conferees on the part of the Senate.

SETTLEMENT ON GOVERNMENT LAND IN IRRIGATION PROJECTS

Mr. SMOOT. Mr. President, a short time ago I asked for the reconsideration of the votes by which Senate bill 4151 was passed, and that the House be requested to return the bill. That was agreed to by the Senator introducing the bill, but at the same time he asked that when that was done he be allowed to make a statement. I ask that the Senator be allowed to make that statement now.

Mr. KENDRICK. Mr. President, inasmuch as the Senate has acted in favor of reconsidering the votes by which this bill was passed, I desire to say just a word about it.

The bill that it is now planned to reconsider has the sanction, if not the actual support, of the Secretary of the Interior. It is a bill the enactment of which is earnestly desired by the Director of Reclamation. It has been found, as will be shown by the report, that the bill is not in conflict with the President's financial policy, and therefore, in almost every sense of the word, it is a departmental bill.

Under no stretch of the imagination are the provisions of the bill experimental. They have been tried out in from 15 to 18 different countries and proved successful in the settlement of land by men who own and live upon the land. In no single country where this plan has ever been tried has it failed.

I have not as a result of this action lost the least bit of faith in the merits of this bill; but I am not only willing but anxious that any bill that I propose here shall be fought out in the open and subjected to the fairest and fullest discussion. Therefore I am perfectly willing to defer action on the bill until the Congress meets again, and I offer no objection to its reconsideration.

NATIONAL BANKING ASSOCIATIONS AND FEDERAL RESERVE SYSTEM

Several Senators addressed the Chair.

The PRESIDENT pro tempore. The Chair feels that it is his duty to lay before the Senate the unfinished business, which is House bill 8887.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8887) to amend an act entitled "An act to provide for the consolidation of national banking associations," approved November 7, 1918, to amend section 5136 as amended, section 5137, section 5138 as amended, section 5142, section 5150, section 5155, section 5190, section 5200 as amended, section 5202 as amended, section 5208 as amended, section 5209, section 5211 as amended of the Revised Statutes of the United States, and to amend sections 13 and 24 of the Federal reserve act, and for other purposes.

Mr. PEPPER. Mr. President—

The PRESIDENT pro tempore. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, its enrolling clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10020) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1926, and for other purposes; that the House had receded from its disagreement to the amendments of the Senate Nos. 43

and 44 to the said bill; that the House receded from its disagreement to the amendments of the Senate Nos. 27, 30, 34, 38, and 50, and concurred therein severally with an amendment, and that the House insisted upon its disagreement to the amendment of the Senate No. 37.

The message also announced that the House had passed the bill (S. 3913) to extend for an additional period of three years the effective period of the act entitled "An act to amend section 51 of chapter 4 of the Judicial Code," approved September 19, 1922, and an act entitled "An act to amend section 876 of the Revised Statutes," approved September 19, 1922, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills each with amendments, in which it requested the concurrence of the Senate:

S. 3633. An act to amend the printing act approved January 12, 1895, by discontinuing the printing of certain Government publications, and for other purposes; and

S. 4289. An act authorizing the construction of a bridge across the Colorado River near Blythe, Calif.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5722) authorizing the conservation, production, and exploitation of helium gas, a mineral resource pertaining to the national defense, and the development of commercial aeronautics, and for other purposes.

The message also announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 12129. An act authorizing the Crow Tribe of Indians of Montana to submit claims to the Court of Claims;

H. R. 12156. An act extending the time for repayment of the revolving fund for the benefit of the Crow Indians;

H. R. 12405. An act granting the consent of Congress to the city of Rockford, in the county of Winnebago and State of Illinois, to construct, maintain, and operate a bridge and approaches thereto across the Rock River;

H. R. 12264. An act granting the consent of Congress to the State of Minnesota and the counties of Sherburne and Wright to construct a bridge across the Mississippi River;

H. R. 11540. An act making a grant of land for school purposes, Fort Shaw division, Sun River project, Montana;

H. R. 12262. An act for the relief of certain enlisted men of the Coast Guard;

H. R. 12308. An act to amend the World War veterans' act, 1924;

H. J. Res. 294. Joint resolution extending the sovereignty of the United States over Swains Island and making the island a part of American Samoa;

H. J. Res. 359. Joint resolution authorizing the Secretary of War to loan certain horses, bridles, saddles, and saddle blankets to the thirty-sixth triennial conclave committee of Knights Templar for use at the thirty-sixth triennial conclave Knights Templar of the United States to be held at Seattle, Wash., in July, 1925; and

H. J. Res. 375. Joint resolution authorizing and directing the Secretary of Agriculture to waive one-half of the grazing fees for the use of the national forests during the calendar year 1925.

INTERIOR DEPARTMENT APPROPRIATIONS

Mr. SMOOT. I ask the Chair to hand down the message from the House of Representatives on the Interior Department appropriation bill.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives receding from its disagreement to the amendments of the Senate Nos. 43 and 44 to the bill (H. R. 10020) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1926, and for other purposes; receding from its disagreement to the amendments of the Senate Nos. 27, 30, 34, 38, and 50, and concurring therein severally with an amendment; and insisting on its disagreement to the amendment of the Senate No. 37.

Mr. McKELLAR. Will the Senator explain just what this is?

Mr. SMOOT. I can explain it in a moment. There are three items in disagreement. I move that the Senate insist on its amendments, ask for a further conference with the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. SMOOT, Mr. CURTIS, and Mr. HARRIS conferees on the part of the Senate at the further conference.

AMENDMENT TO PRINTING ACT

Mr. MOSES. I ask the Chair to lay before the Senate the message from the House of Representatives relating to Senate bill 3633.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 3633) to amend the printing act approved January 12, 1895, by discontinuing the printing of certain Government publications, and for other purposes, which were, on page 2, to strike out lines 9 to 12, inclusive, and insert:

SEC. 2. (a) That the Director of the Census shall cause to be compiled, edited, indexed, and published, on or before the first Monday in October of each year an Official Register of the United States which shall contain a full and complete list of all persons occupying administrative and supervisory positions in each executive and judicial department of the Government, including the District of Columbia, in connection with which salaries are paid from the Treasury of the United States. The register shall show the name; official title; salary, compensation, and emoluments; legal residence and place of employment for each person listed therein: *Provided, however,* That the Official Register shall not contain the name of any postmaster, assistant postmaster or officer of the Army, Navy, and Marine Corps.

(b) To enable the Director of the Census to compile and publish the Official Register of the United States, the Executive Office, the judiciary, the Commissioners of the District of Columbia, and the head of each executive department, independent office, establishment, and commission of the Government shall, as of the 1st day of July of each year, supply to the Director of the Census the data required by this section, upon forms approved and furnished by him, in due time to permit the publication of the Official Register as herein provided; and no extra compensation shall be allowed to any officer, clerk, or employee of the Bureau of the Census for compiling the Official Register.

(c) Of the Official Register there shall be printed and bound a sufficient number of copies for the following distribution to be made by the Superintendent of Documents: To the President of the United States, 4 copies, 1 copy of which shall be for the library of the Executive Office; to the Vice President of the United States, 2 copies; to each Senator, Representative, Delegate, and Resident Commissioner in Congress, 3 copies; to the Secretary and Sergeant at Arms of the Senate and to the Clerk, the Sergeant at Arms, and the Doorkeeper of the House, 1 copy each; to the library of the Senate and the House, each, not to exceed 15 copies; to the Library of Congress, 25 copies; and to the Commissioners of the District of Columbia, 10 copies. The usual number of the Official Register shall not be printed.

(d) That section 510 of the Revised Statutes of the United States, and all acts or parts of acts amendatory thereof or supplemental thereto, be, and the same are hereby, repealed; on page 3, to strike out lines 9 to 18 inclusive; on page 3, after line 18, to insert:

"DISTRIBUTION OF CONGRESSIONAL DOCUMENTS AND REPORTS"

"SEC. 6. That hereafter, in the printing of House and Senate numbered documents and reports, there shall be distributed, unbound, to the House document room not to exceed 500 copies"; and on page 3, after line 18, to insert:

"PUBLICATIONS FOR LIBRARY OF CONGRESS"

"SEC. 7. That hereafter there shall be printed and delivered to the Library of Congress for its own use and for international exchange 125 copies in lieu of the number now provided by law."

Mr. MOSES. I move that the Senate concur in the amendments made by the House of Representatives.

The motion was agreed to.

RELIEF OF CERTAIN ENLISTED MEN OF COAST GUARD

The PRESIDENT pro tempore. The Chair lays before the Senate a bill from the House of Representatives.

The bill (H. R. 12262) for the relief of certain enlisted men of the Coast Guard was read twice by its title.

Mr. JONES of Washington. A Senate bill identical with that passed the Senate three or four days ago and I ask that this House bill may be put on its passage.

There being no objection, the bill was considered as in Committee of the Whole, and it was read as follows:

Be it enacted, etc., That the accounting officers of the Government are authorized and directed to allow in the settlement of the accounts of disbursing officers of the Government all payments of enlistment allowances made by them to honorably discharged enlisted men of the Navy who enlisted in the Coast Guard within a period of three months from the date of discharge from the Navy, between July 1, 1922, and January 20, 1925.

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

COLORADO RIVER BRIDGE, CALIFORNIA

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 4289) authorizing the construction of a bridge across the Colorado River near Blythe, Calif., which were on page 1, line 10, after "1906," to insert: "Provided, That the location, design, plans, and specifications for said bridge shall first be submitted to and approved by the highway departments of the States of Arizona and California as being safe and sufficient from the standpoint of the traffic which will pass thereover"; on page 1, after line 10, to insert:

SEC. 2. The States of Arizona and California, or either thereof, or any political subdivision or divisions thereof, may jointly or severally, at any time after five years from the completion of said bridge, take over and acquire the complete ownership thereof at a price to be mutually agreed upon by the owner thereof and such State or States or subdivision or divisions thereof, or at a price to be determined by condemnation proceedings in accordance with the general laws of the State of Arizona or the State of California governing the acquisition of private property for public purposes by condemnation, or at a price to be fixed by such other method as may be provided by law: *Provided*, That if such bridge shall be acquired by the said States or either thereof, or by any political or other subdivision or divisions thereof, by condemnation or other legal proceedings in accordance with the general laws governing the acquisition of private property for public purposes, in determining the measure of damages or compensation to be paid for the same there shall not be included any credit or allowance for good will, going value, or prospective revenues or profits, but the same shall be limited to an amount not exceeding the cost of constructing such bridge and approaches thereto, including interest and other charges incidental to any necessary loans made in connection with financing such construction, engineering services, necessary contingent expenses, actual and necessary betterments and improvements, less a reasonable deduction for actual depreciation: *Provided further*, That if such bridge shall be acquired or taken over by the States of Arizona and California, or either of them, or by any political subdivision or divisions thereof, in accordance with the provisions of this act, the same may be operated by such State or States or political subdivision or divisions thereof as a toll bridge for a period of not to exceed five years from the date of the acquisition thereof, after which time it shall be and remain a free bridge.

And on page 1, line 11, to strike out "2" and insert "3."

Mr. SHORTRIDGE. I move that the Senate concur in the amendments made by the House.

The motion was agreed to.

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions of the House were severally read twice by their titles, and referred as indicated below:

H. R. 12129. An act authorizing the Crow Tribe of Indians of Montana to submit claims to the Court of Claims; and

H. R. 12156. An act extending the time for repayment of the revolving fund for the benefit of the Crow Indians; to the Committee on Indian Affairs.

H. R. 12405. An act granting the consent of Congress to the city of Rockford, in the county of Winnebago, and State of Illinois, to construct, maintain, and operate a bridge and approaches thereto across the Rock River; and

H. R. 12264. An act granting the consent of Congress to the State of Minnesota and the counties of Sherburne and Wright to construct a bridge across the Mississippi River; to the Committee on Commerce.

H. R. 11540. An act making a grant of land for school purposes, Fort Shaw Division, Sun River project, Montana; to the Committee on Public Lands and Surveys.

H. R. 12308. An act to amend the World War veterans' act, 1924; to the Committee on Finance.

H. J. Res. 294. Joint resolution extending the sovereignty of the United States over Swains Island and making the island a part of American Samoa; to the Committee on Foreign Relations.

H. J. Res. 359. Joint resolution authorizing the Secretary of War to loan certain horses, bridles, saddles, and saddle blankets to the thirty-sixth triennial conclave committee of Knights Templar for use at the Thirty-sixth Triennial Conclave Knights Templar of the United States, to be held at Seattle, Wash., in July, 1925; to the Committee on Military Affairs.

EXTENSION OF TIME IN CIVIL SUITS

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 3913) to extend for an additional period of three years the

effective period of the act entitled "An act to amend section 51 of chapter 4 of the Judicial Code," approved September 19, 1922, and an act entitled "An act to amend section 876 of the Revised Statutes," approved September 19, 1922, which was, on page 1, line 7, to strike out "six" and insert "four."

Mr. SHORTRIDGE. I move that the Senate concur in the House amendment, but if Senators desire me to do so I can explain it.

Mr. ROBINSON. Let us have order in the Chamber, so that we may hear the Senator from California.

The PRESIDENT pro tempore. The Senate will be in order.

Mr. SHORTRIDGE. Mr. President, this bill set out to amend section 51 of chapter 4 of the Judicial Code as it was amended by the act of September 19, 1922. Section 51 of chapter 4, before the amendment by way of the act of 1922, related to civil actions or proceedings in the Federal courts. The act of September, 1922, amended the old section in respect to certain jurisdictional matters and contained a proviso as to the time of duration of amendments to the original act. The act of September 19, 1922, was passed for the purpose, chiefly, of enabling the Government, in actions or proceedings contemplated, to gain jurisdiction over defendants resident, it might be, in different States, or indeed, out of the country.

That act provided that the amendments to section 51 should continue for three years. So those provisions of that act would expire by limitation September 19, 1925.

The bill as it passed the Senate extended the time by way of amending the old law, and we sought to do so by striking out the word "three" and inserting the word "six."

Mr. ROBINSON. What class of cases would be affected by this bill should it become the law?

Mr. SHORTRIDGE. Civil actions or proceedings which might be commenced by the Government in respect to alleged frauds committed on the Government. The Senator from Arkansas will remember the discussions and the reasons for enacting the law of September 19, 1922. We sought to amend the last proviso in this act by striking out the word "three" and inserting the word "six," so that the provisions referred to should continue in effect until September 19, 1928. The House amends by inserting "four" instead of "three," so that those provisions will continue in effect until September 19, 1926.

Mr. ROBINSON. I have no objection to concurring in the amendment of the House of Representatives.

The PRESIDENT pro tempore. The question is on the motion of the Senator from California that the Senate concur in the House amendment.

The motion was agreed to.

Mr. SHORTRIDGE. I offer the concurrent resolution which I send to the desk, and I ask for its present consideration.

The PRESIDENT pro tempore. The Senator from California presents a concurrent resolution, which will be read.

The concurrent resolution (S. Con. Res. 37) was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate be, and he is hereby, authorized and directed in the enrollment of the bill (S. 3913) to extend for an additional period of three years the effective period of the act entitled "An act to amend section 51 of chapter 4 of the Judicial Code," approved September 19, 1922, and an act entitled "An act to amend section 876 of the Revised Statutes," approved September 19, 1922, to strike out in the first line of the title the words "three years" and insert in lieu thereof the words "one year," so that the title may conform to the amendment made by the House of Representatives to the text of the bill and agreed to by the Senate.

The PRESIDENT pro tempore. Without objection, the concurrent resolution is agreed to.

THE ELECTION OF THE PRESIDENT OF THE UNITED STATES BY THE HOUSE OF REPRESENTATIVES

Mr. JONES of New Mexico presented a paper prepared by the legislative reference service of the Library of Congress entitled "The Election of the President of the United States by the House of Representatives," which was referred to the Committee on Printing with a view to its being printed as a document.

NINE-FOOT CHANNEL FROM GREAT LAKES TO GULF

Mr. REED of Pennsylvania submitted the following resolution (S. Res. 352), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That Senate Resolution 411, agreed to January 23, 1923, authorizing the appointment of a committee to investigate the problem of a 9-foot channel in the waterway from the Great Lakes to the Gulf of Mexico, is hereby continued in full force and effect during the Sixty-ninth Congress.

AMENDMENT OF PROHIBITION ACT

Mr. STERLING. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Order of Business 1114, House bill 6645, to amend the national prohibition act, to provide for a bureau of prohibition in the Treasury Department, and to define its powers and duties. This is what is known as the Cramton bill.

Mr. KING. I object.

The PRESIDENT pro tempore. The Senator from South Dakota asks unanimous consent that the Senate proceed to the consideration of what is known as the Cramton bill. Is there objection?

Mr. REED of Missouri. And the Senator from Missouri objects.

The PRESIDENT pro tempore. Objection is made.

Mr. STERLING. I move, then, that the Senate proceed to the consideration of the bill.

The PRESIDENT pro tempore. The Senator from South Dakota moves that the Senate proceed to the consideration of the bill just mentioned by the Chair.

Mr. KING. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state the inquiry.

Mr. KING. The parliamentary inquiry is, Is the motion made by the Senator from South Dakota debatable?

The PRESIDENT pro tempore. It is.

Mr. REED of Missouri. Mr. President—

Mr. STERLING. Mr. President, I simply want to state that if the motion prevails to lay this bill before the Senate and take it up I shall then ask that it be temporarily laid aside. I do not expect to proceed with the discussion of the bill to-night.

Mr. REED of Missouri. Mr. President, suppose, then, that we settle on Monday the question of whether it shall be made the unfinished business.

Mr. STERLING. No, Mr. President—

Mr. REED of Missouri. The Senator says he does not intend to proceed now; that he intends to allow the matter to go over until Monday. If that is his intention, the only thing that could be obtained now by forcing a vote upon this motion would be to have the right of way on Monday; and, with the congested condition of the business of the Senate, the Senate should not tie its hands by the agreement to take up any particular bill on Monday morning.

I am going to be frank with the Senator. If he wants to discuss this bill all night, we will stay here and discuss it, but it would be merely a useless waste of time and energy. This bill has opposition of the strongest kind, and it will require a very great deal of deliberation on the part of the Senate before it can finally arrive at a conclusion.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. REED of Missouri. I yield to the Senator.

Mr. CURTIS. The Senator from South Dakota knows very well that I am in favor of his bill, but earlier in the afternoon I agreed with a number of Senators that, this being Saturday night, when we completed the consideration of the rivers and harbors bill we would have an executive session, and then recess until Monday. I do hope the Senator will not insist upon his motion to-night. I would like at this time to move that we proceed to the consideration of executive business.

Mr. STERLING. Mr. President, if I may be permitted—

Mr. REED of Missouri. I yield to the Senator.

Mr. STERLING. The suggestion I made with reference to not taking up the bill for discussion to-night was in view of the fact that I supposed there would be an early adjournment of the Senate or a recess taken. A recess has already been ordered, and I think I have made a very fair proposition.

I want to say, with reference to this bill, that it is a measure of great and vital importance. It has been on the calendar for a long time, and it was thoroughly discussed in committee. Furthermore, it is a bill which the steering committee of the Senate decided some time ago, as much as two weeks ago, should be on the program for consideration at this session of the Congress.

Mr. PEPPER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Pennsylvania?

Mr. REED of Missouri. I yield.

Mr. PEPPER. Mr. President, I wish to suggest to the Senator from South Dakota that each of us regards the measure which he has in charge as of particular importance, but that the unfinished business before the Senate now is the banking bill, which has already received a very considerable amount of attention by the Senate, leading, logically, to the conclusion

that it should be disposed of before other matter is brought to the Senate's attention.

The Senator made reference to the action of the steering committee. The banking bill, on the list of priorities, stands ahead of the measure which the Senator is now seeking to substitute for it; and if the Senator is not going to discuss his bill to-night, nothing will be gained by the adoption of his motion, save only to displace that which is ripe for the Senate's consideration. I beg him to consider that he is dislocating the business of the Senate, rather than proceeding with it in an orderly way.

Mr. WILLIS. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Ohio will state his inquiry.

Mr. WILLIS. The Senator from South Dakota having made his motion, and the Senate having agreed to recess when it finishes its business for the day, I ask the Chair if the Senator's motion will not be pending when the Senate meets on Monday.

The PRESIDENT pro tempore. The Chair is of the opinion that it will be pending in the event a recess is taken before it shall be disposed of.

EXECUTIVE SESSION

Mr. BORAH. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 15 minutes spent in executive session the doors were reopened.

FINES, PENALTIES, ETC., IN THE POSTAL SERVICE

Mr. STERLING. I ask unanimous consent for the present consideration of the bill (S. 4232) to amend section 409, Revised Statutes of the United States, relating to fines, penalties, forfeitures, and liabilities in the Postal Service.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the provisions of section 409, Revised Statutes of the United States, shall extend in all cases now pending or which may hereafter arise to balances due to the United States through accountability for public moneys under any provision of law in relation to the officers, employees, operations, or business of the Postal Service.

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

WILLIAM H. ARMSTRONG

Mr. WALSH of Massachusetts. From the Committee on Military Affairs I report back without amendment the bill (H. R. 6442) for the relief of William H. Armstrong, and I submit a report (No. 1254) thereon. I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to appoint William H. Armstrong, by and with the advice and consent of the Senate, formerly a captain of Infantry, a captain of Infantry in the Army of the United States, to take rank at the foot of the list of captains of Infantry, and that no back pay or allowances shall accrue as a result of the passage of this act.

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

BRIDGE ACROSS THE RIO GRANDE

Mr. SHEPPARD. From the Committee on Commerce I report back without amendment the bill (H. R. 11818) granting the consent of Congress to the construction of a bridge across the Rio Grande, and I submit a report (No. 1253) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to W. J. Stahmann, Edgar D. Brown, L. N. Shafer, and associates, their successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Rio Grande, at a point suitable to the interests of navigation, at or near a point 2 miles south of the town of Tornillo, Tex., in the lower San Elizario Grant, in the county of El Paso, on the American side of the river, in ac-

cordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, such construction to be made only with the consent and approval of the Republic of Mexico.

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

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

LAND IN CONWAY COUNTY, ARK.

Mr. CARAWAY. From the Committee on Public Lands and Surveys I report back without amendment the bill (H. R. 9687) permitting the sale of the northeast quarter, section 5, township 6 north, range 15 west, 160 acres, in Conway County, Ark., to A. R. Bowdre, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That upon the payment therefor at the rate of \$1.25 per acre, the Secretary of the Interior be, and he is hereby, authorized to issue a patent, as hereinafter limited, to A. R. Bowdre, for the following-described land: East half of the northeast quarter of section 5, in township 6 north, range 15 west, Conway County, Ark. *Provided,* That there shall be reserved to the United States all oil, gas, or other minerals in the land, together with the right to prospect for, mine, and remove the same.

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

RECESS

Mr. CURTIS. I move that the Senate take a recess until Monday at 11 o'clock, under the order heretofore entered.

The motion was agreed to; and the Senate (at 10 o'clock and 5 minutes p. m.), under the order previously entered, took a recess until Monday, March 2, 1925, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate February 28 (legislative day of February 26), 1925

FOREIGN SERVICE OFFICERS

CONSULAR OFFICERS

Charles A. Bay, of Minnesota.
David C. Berger, of Virginia.
Henry R. Brown, of Minnesota.
Harold M. Collins, of Virginia.
Joseph G. Groeninger, of Maryland.
Richard B. Haven, of Illinois.
Edward P. Lowry, of Illinois.
Sidney E. O'Donoghue, of New Jersey.
Earl L. Packer, of Utah.
Edwin A. Plitt, of Maryland.
Laurence E. Salisbury, of Illinois.
Leo D. Sturgeon, of Illinois.
Rollin R. Winslow, of Michigan.

COAST GUARD OF THE UNITED STATES

Lieut. Commander (Engineering) Charles J. Odend'hal, now serving temporarily, to be lieutenant commander (engineering), to rank as such from February 2, 1925, in place of Lieut. Commander (Engineering) Samuel M. Rock, deceased. This officer has passed the examination required by law.

Lieut. (Engineering) Edward F. Palmer to be temporarily a lieutenant commander (engineering), to rank as such from February 2, 1925, in place of Lieut. Commander (Engineering) Charles J. Odend'hal, promoted. This temporary promotion is recommended in accordance with the provisions of the act approved April 21, 1924.

POSTMASTERS

ALABAMA

John W. Johnson to be postmaster at Langdale, Ala., in place of J. W. Johnson. Office became third class October 1, 1924.

CALIFORNIA

Walter W. Middleton to be postmaster at Costa Mesa, Calif., in place of C. W. TeWinkle. Office became third class January 1, 1924.

GEORGIA

Herman C. Overstreet to be postmaster at Sylvania, Ga., in place of H. C. Overstreet. Incumbent's commission expired February 11, 1924.

Joseph B. Williams to be postmaster at Rhine, Ga., in place of J. B. Williams. Office became third class October 1, 1924.

Francis L. Chapman to be postmaster at Ludowici, Ga., in place of R. L. Horne. Incumbent's commission expired July 28, 1923.

William L. Newton to be postmaster at Claxton, Ga., in place of W. S. Freeman, resigned.

ILLINOIS

Charles Voorhees to be postmaster at Bradley, Ill., in place of E. J. Mulligan. Incumbent's commission expired June 5, 1924.

Fred H. Kientz to be postmaster at Alhambra, Ill., in place of F. H. Kientz. Office became third class January 1, 1924.

KENTUCKY

Richard C. Duvall to be postmaster at Lebanon Junction, Ky., in place of J. H. Collings, resigned.

Joseph W. Demonbron to be postmaster at Horse Cave, Ky., in place of B. L. Kessinger. Incumbent's commission expired February 14, 1924.

MINNESOTA

Frank Schweiger to be postmaster at Ely, Minn., in place of J. M. Brown. Incumbent's commission expired June 5, 1924.

MISSISSIPPI

Lillie B. Carr to be postmaster at Sumner, Miss., in place of L. B. Carr. Incumbent's commission expired January 28, 1924.

NEW JERSEY

William J. Hart to be postmaster at Fort Lee, N. J., in place of C. L. Richter, resigned.

OKLAHOMA

H. C. Griswold to be postmaster at Wetumka, Okla., in place of W. A. Geren, resigned.

Ada Vanscoy to be postmaster at Dill, Okla., in place of J. B. Kreul. Office became third class January 1, 1925.

PENNSYLVANIA

Mary F. Carey to be postmaster at Mahanoy Plane, Pa., in place of M. F. Carey. Office became third class October 1, 1924.

Edward Hoffner to be postmaster at Edge Hill, Pa., in place of Edward Hoffner. Office became third class January 1, 1925.

TEXAS

Charley R. Jamison to be postmaster at Boyd, Tex., in place of C. R. Jamison. Office became third class October 1, 1924.

VIRGINIA

Joseph W. Harvey to be postmaster at Montrose, Va., in place of J. W. Harvey. Office became third class April 1, 1921.

WISCONSIN

Albert L. Jochem to be postmaster at Cedarburg, Wis., in place of A. S. Horn. Incumbent's commission expired May 28, 1924.

Lorenzo F. Rosenthal to be postmaster at Beloit, Wis., in place of C. W. Steele. Incumbent's commission expired June 5, 1924.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 28 (legislative day of February 26), 1925

CHIEF JUSTICE OF THE SUPREME COURT OF THE PHILIPPINE ISLANDS

Ramon Avanceña, of the Philippine Islands.

ASSISTANT SECRETARY OF THE DEPARTMENT OF THE INTERIOR

John H. Edwards to be Assistant Secretary.

RECEIVER OF PUBLIC MONEYS

Perry T. Williams to be receiver of public moneys at Glenwood Springs, Colo.

PROMOTIONS IN THE ARMY

Paul Ashland Brickey to be first lieutenant, Medical Corps.
Holmes Gill Paullin to be captain, Quartermaster Corps.
Frederick Ramon Garcin to be major, Chemical Warfare Service.

FIELD ARTILLERY

Walter King Wilson to be lieutenant colonel.
Hubert Reilly Harmon to be major.
Benjamin Greeley Ferris to be major.
Joseph Robbins Bibb to be captain.
Alston Bertram Ames to be captain.
Stephen Carson Whipple to be captain.
Harry Franklin Gardner to be captain.
Charles Jacob Kindler to be captain.
John Nelson Merrill to be captain.

Theodore Anton Baumeister to be captain.
 Charles Jerrold Morelle to be captain.
 Ellis Donald Weigle to be captain.
 Emile Peter Antonovich to be captain.
 George Windle Read, jr., to be first lieutenant.
 James Barlow Cullum, jr., to be first lieutenant.
 Francis Hudson Oxx to be first lieutenant.
 Thomas Henry Stanley to be first lieutenant.
 Donald Greeley White to be first lieutenant.
 Henry George Lambert to be first lieutenant.
 William Weston Bessell, jr., to be first lieutenant.
 Charles George Holle to be first lieutenant.
 Arthur Martin Andrews to be first lieutenant.
 Edward Crosby Harwood to be first lieutenant.
 John Wylie Moreland to be first lieutenant.
 Wayne Stewart Moore to be first lieutenant.

FINANCE DEPARTMENT

Kenzie Wallace Walker to be Chief of Finance, with the rank of major general.

CHEMICAL WARFARE SERVICE

Amos Alfred Fries to be Chief of Chemical Warfare Service with the rank of major general.
 Amos Alfred Fries to be Chief of Chemical Warfare Service with the rank of major general. Term expires.

FIELD ARTILLERY

Felix Marcinski to be second lieutenant.

INFANTRY

James Frederick Howell, jr., to be second lieutenant.
 Paul Albert Pickhardt to be second lieutenant.
 Ralph Arthur Koch to be second lieutenant.
 John Preston Terrell to be lieutenant colonel.
 Charles Samuel Ritchel to be major.
 Thomas Guerdon Hearn to be major.
 John Clayton O'Dell to be captain.
 Fred Chase Christy to be captain.
 Henry Franklin Hannis to be first lieutenant.
 Arthur Lee McCullough to be first lieutenant.
 Edward Albert Routheau to be first lieutenant.

POSTMASTERS

ARKANSAS

Ferrell S. Tucker, Black Oak.
 Emma W. Connaway, Forrest City.
 Robert S. Smith, Garland.
 John L. Hyde, Tillar.

FLORIDA

James E. Parrish, Larkins.

GEORGIA

Carlton P. Sanders, Carpesville.
 Louise C. Riddle, Davisboro.
 James C. Lee, Franklin.
 William A. Garrett, Roopville.
 Marion Lucas, Savannah.
 James R. Taylor, Tallulah Falls.

INDIANA

Orvis H. Betts, Garrett.

IOWA

Ray Robertson, Maxwell.
 Marie Jones, Bussey.

MICHIGAN

Effie M. Fanning, Boyne Falls.
 Charles C. Kellogg, Detroit.

MINNESOTA

Rollo F. Dean, Blue Earth.
 Charles C. Gilley, Cold Spring.
 Elizabeth Richardson, Delano.
 Mathilda V. Morell, Grandy.
 Wilfred D. Oleson, Isanti.
 Oscar F. Lindstrom, Lindstrom.
 Henry E. Milbrath, Princeton.
 Arthur McBride, Walker.

MONTANA

Madge I. Melvin, Rexford.

NEW JERSEY

Frank W. Cassidy, Cape May.
 Richard A. Jessen, Keansburg.

NORTH CAROLINA

Sidney A. Padgett, Ellenboro.
 Luther L. Bryant, Roxobel.

PORTO RICO

Pablo Vilella, jr., Lares.

SOUTH CAROLINA

William B. Wright, jr., Shelton.

TEXAS

Alta Perkins, Aspermont.
 Arbye L. Curtis, Big Lake.
 Annie L. Thompson, Manning.
 Leslie W. Garrett, Quitman.
 Winnie Everitt, Shepherd.
 Robert W. Scurlock, Tenaha.

VIRGIN ISLANDS

Donald D. Hoover, St. Thomas.

WEST VIRGINIA

Albert S. J. Hopkins, Braeholm.
 Levi Gay, Eccles.
 Nancy Ridenour, Ridgeley.

HOUSE OF REPRESENTATIVES

SATURDAY, February 28, 1925

The House met at 10 o'clock a. m.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou who art without beginning and without end, come to us; not in wrath that shakes the universe, but in knowledge and wisdom which save the world. Deliver us from any mistaken notions concerning Thee and let us see Thy Fatherhood in the likeness of Thine only begotten Son. Show us that Thy love is glorious, and continue to complete its revelation to our grateful and wondering hearts. May to-morrow cause us no anxiety, but help us to be men of to-day, strong, urgent, who serve our country for the good and blessing of the Republic. Amen.

THE JOURNAL

The Clerk began the reading of the Journal when the gentleman from Texas [Mr. BLANTON] made the point of order of no quorum.

Mr. SNELL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 90]

Abernethy	Favrot	Lneberger	Rogers, N. H.
Allgood	Fredericks	Logan	Rosenbloom
Anderson	Free	Lowrey	Salmon
Anthony	Freeman	McClintie	Sanders, Ind.
Ayres	Fulbright	McFadden	Sanders, N. Y.
Barbour	Fulmer	McLeod	Sanders, Tex.
Barkley	Funk	McNulty	Schall
Beedy	Gallivan	Mansfield	Scott
Bell	Garber	Mapes	Sherwood
Berger	Garner, Tex.	Martin	Sites
Brand, Ohio	Garrett, Tex.	Merritt	Snyder
Britten	Gifford	Michaelson	Spearing
Brumm	Glatfelter	Milligan	Sproul, Ill.
Buckley	Goldsborough	Mills	Sproul, Kans.
Butler	Green	Minahan	Sullivan
Byrnes, S. C.	Griffin	Moore, Ill.	Sweet
Carew	Haugen	Morgan	Swoope
Celler	Hayden	Morin	Tague
Clague	Hooker	Nelson, Wis.	Taylor, Colo.
Clancy	Howard, Okla.	Nolan	Thomas, Okla.
Clark, Fla.	Hull, Tenn.	O'Brien	Tinkham
Clarke, N. Y.	Hull, William E.	O'Connor, N. Y.	Vaile
Cole, Ohio	Humphreys	O'Sullivan	Vare
Connolly, Pa.	Jost	Paige	Vinson, Ky.
Corning	Keller	Peavey	Voigt
Cramton	Kendall	Peery	Ward, N. Y.
Curry	Kent	Perkins	Watson
Dallinger	Kiess	Perlman	Weaver
Deal	Kindred	Phillips	Wefald
Dempsey	Knutson	Porter	Welsh
Dickinson, Iowa	Kunz	Pou	Wertz
Dickstein	Kurtz	Prall	Wilson, Miss.
Dominick	Lampert	Ransley	Winslow
Doyle	Langley	Rayburn	Wolf
Drane	Lazaro	Reed, Ark.	Wood
Drewry	Lea, Calif.	Reed, W. Va.	Wurzbach
Eagan	Leatherwood	Richards	
Edmonds	Lee, Ga.	Roach	
Fairchild	Lilly	Rogers, Mass.	

The SPEAKER. Two hundred and seventy-eight Members are present, a quorum.

Mr. SNELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

The Clerk completed the reading of the Journal, which was approved.