By Mr. THOMAS of Ohio: Petition of J. E. Boone, of Ravenna, Ohio, aganist the increase in the rate of postage on second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Ashtabula Chapter, No. 144, American Insurance Union, Ashtabula, Ohio; Buckeye Chapter, No. 194, American Insurance Union, Peninsula, Ohio; Akron Chapter, No. 300, American Insurance Union, Akron, Ohio; and the Webster, Camp & Lane Company, Chapter No. 392, Akron, Ohio, relating to the rate of postage on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. TOWNSEND: Petition of many citizens of Adrian, Mich., against a postal savings-bank system—to the Committee on the Post-Office and Post-Roads.

By Mr. VREELAND: Petition of James M. Brown Post, No. 285, Grand Army of the Republic, Department of New York, for the passage of Senate bills 3836 and 3871—to the Committee on Invalid Pensions.

SENATE.

MONDAY, *February 14, 1910.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Vice-President being absent, the President pro tempore took the chair.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on request of Mr. HALE, and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

THE PRESIDENT'S LINCOLN ANNIVERSARY SPEECH.

Mr. HALE. I have here a full report of the speech of the President made at the Lincoln anniversary in New York. I ask that it may be printed in the RECORD without reading, and also as a document. (S. Doc. No. 361.)

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Maine? The Chair hears none, and the order is made.

The speech follows:

ADDRESS OF PRESIDENT TAFT AT THE LINCOLN BIRTHDAY BANQUET OF THE REPUBLICAN CLUB OF CITY OF NEW YORK, FEBRUARY 12, 1910.

Mr. President, gentlemen of the Republican Club, and fellow-guests:

The birthday of the man whose memory we celebrate to-night is an appropriate occasion for renewing our expressions of respect and affection for the Republican party, and our pledges to keep the part which it plays in the history of this country as high and as useful as it was during the administration of Abraham Lincoln. The trials which he had to undergo as President, the political storms which the party had to weather during the civil war, the divisions in the party itself between the radical antislavery element and those who were most conservative in observing the constitutional limitations, are most interesting reading, and serve to dwarf and minimize the trials through which the Republican party is now passing, and restore a sense of proportion to those who allow themselves to be daunted and discouraged in the face of a loss of popular confidence thought to be indicated by the tone of the press.

In what respect has the Republican party failed in its conduct of the Government and the enactment of laws to perform its duty? It was returned to power a year ago last November by a very large majority after a campaign in which it made certain promises in its platform, and those promises it has either substantially complied with, or it is about to perform within the present session of Congress.

Let us take up these promises in order:

In the Republican platform of last year, upon which the campaign was made, appears the following plank in regard to the tariff:

> The Republican party declares unequivocally for the revision of the tariff by a special session of Congress immediately following the inauguration of the next President, and commends the steps already taken to this end in the work assigned to the appropriate committees of Congress which are now investigating the operation and effect of existing schedules. In all tariff legislation the true principle of protection is best maintained by the imposition of such duties as will equal the difference between the cost of production at home and abroad, together with a reasonable profit to American industries. We favor the establishment of maximum and minimum rates to be administered by the President under limitations fixed in the law, the maximum to be available to meet discriminations by foreign countries against American goods entering their markets, and the minimum to represent the normal measure of protection at home, the aim and purpose of the Republican policy being not only to preserve, without excessive duties, that security against foreign competition to which American manufacturers, farmers, and producers are entitled, but also to maintain the high standard of living of the wage-earners of this country, who are the most direct beneficiaries of the protective system. Between the United States and the Philippines we believe in a free interchange of products, with such limitations as to sugar and tobacco as will afford adequate protection to domestic interests.

We did revise the tariff. It is impossible to revise the tariff without awakening the active participation in the formation of the schedules of those producers whose business will be affected by a change. This is the inherent difficulty in the adoption or revision of a tariff by our representative system.

Nothing was expressly said in the platform that this revision was to be a downward revision. The implication that it was to be generally downward, however, was fairly given by the fact that those who uphold a protective-tariff system defend it by the claim that after an industry has been established by shutting out foreign competition, the domestic competition will lead to the reduction in price so as to make the original high tariff unnecessary.

In the new tariff there were 654 decreases, 220 increases, and 1,150 items of the dutiable list unchanged, but this did not represent the fair proportion in most of the reductions and the increases, because the duties were decreased on those articles which had a consumption value of nearly $5,000,000,000, while they were increased on those articles which had a consumption value of less than $1,000,000,000. Of the increases the consumption value of those affected which are of luxuries, to wit, silks, wines, liquors, perfumeries, pomades, and like articles, amounted to nearly $600,000,000; while the increases not on articles of luxury affected but about $300,000,000, as against decreases on about $5,000,000,000 of consumption. I repeat, therefore, that this was a downward revision. It was not downward with reference to silks or liquors or high-priced cottons in the nature of luxuries. It was downward in respect to nearly all other articles except woolens, which were not affected at all. Certainly it was not promised that the rates on luxuries should be reduced. The revenues were falling off, there was a deficit promised, and it was essential that the revenues should be increased. It was no violation of the promise to increase the revenues by increasing the tax on luxuries, provided there was downward revision on all other articles. The one substantial defect in compliance with the promise of the platform was the failure to reduce woolens. Does that defect so color the action of the Republican party as to make it a breach of faith leading to its condemnation? I do not think so. Parties are like men. Revisions are like the work of men—they are not perfect. The change which this tariff effected was a marked change downward in the rate of the duties, and it was a recognition by the party that the time had come when instead of increasing duties they must be decreased, when the party recognized in its platform, and in much of what it did, that the proper measure of protection was the difference in cost in the production of articles here and abroad, including a fair profit to the manufacturer. There was a dispute as to what that difference is, and whether it was recognized in the change of all the duties downward. Particularly was this the case on the materials that enterer into the manufacture of paper and paper itself. The reduction on print paper was from $6 to $3.75, or about 37 per cent.

There was a real difference of opinion on the question of fact whether the new duty correctly measured the difference in the cost of production of print paper abroad and print paper here. It affected the counting-rooms of the newspapers of the country and invited the attention of the newspaper proprietors who had associated themselves together like other interests for the purpose of securing a reduction of the tariff. The failure to make a larger reduction showed itself clearly in the editorial columns of a great number of the newspapers, whatever their party predilection. The amount of misrepresentation to which the tariff bill in its effect as a downward revision bill was subjected has never been exceeded in this country, and it will doubtless take the actual operation of the tariff bill for several years to show to the country exactly what the legislation and its effect are. It is perhaps too early to institute the fairest comparisons between the Payne-Aldrich bill and the bill which preceded it, but the Payne-Aldrich bill has been in operation now for six months and figures are at hand from which we may make a reasonable inference, first, as to whether it is a revision downward, and, second, as to its capacity for producing revenue; for it must be borne in mind that the passage of the law was demanded not only for the purpose of changing rates in their effect upon the industries of the country, but also for the purpose of increasing the revenues; and the success of the measure is to be judged by its results in both these respects.

The Bureau of Statistics is authority for the statement that during the first six months of the operation of the Payne law, which has just ended, the average rate of duty paid on all imports was 21.09 per cent ad valorem. The average rate of duty

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paid on all imports for the same six months for the four preceding years under the Dingley law was 24.03. This would show that the reduction in the Payne law is 2.94 per cent of the value of the goods, or that the reduction below the previous tariff rates is 12 per cent, showing a downward revision to this extent. But this is not all. Under the Payne law 51.6 per cent of the gross imports for the last six months have been entered free, while under the four years preceding for the same six months the free list amounted to 45.46 per cent of the total importations; so there was not only a reduction of duty on gross imports of about 12 per cent, but also an enlargement of about the same percentage of the free list.

For the production of revenue the Payne law is even more an improvement on the Dingley bill. During the six months that the Payne tariff was in force, from August 5 to the night of February 5, the customs receipts amounted to $166,002,856.54. Under the Wilson-Gorman tariff the semiannual average was $83,147,625.90. Under the Dingley tariff the semiannual average was $130,265,841.84. Under the Wilson tariff the monthly average was $13,857,937.65. Under the Dingley tariff the monthly average was $21,710,973.64; while under the Payne tariff the monthly average has been $27,667,142.75, or 100 per cent greater than the monthly average under the Wilson tariff and 26 per cent greater than the monthly average under the Dingley tariff.

Of course as the country increases in popualtion the customs receipts increase, but even considering the population, the increase in the tariff receipts has been marked. Under the Wilson tariff the average annual customs receipts per capita were $2.38; under the Dingley tariff, $3.23; while under the Payne tariff they are $3.71.

For the six months that the Payne tariff has been in force the total receipts, both from customs and internal revenue, have been $323,899,231.91, while the disbursements have been $332,783,283.08, showing an excess of disbursements over receipts of about $8,884,051.17, with no collection as yet from the corporation tax. For the corresponding period last year the expenditures exceeded the receipts by over $40,000,000. This showing indicates that under the present customs law the deficit will be promptly wiped out, and that to meet our normal expenditures we shall have ample revenue.

I therefore venture to repeat the remark I have had occasion to make before, that the present customs law is the best customs law that has ever been passed, and it is most significant in this that it indicates on the part of the Republican party the adoption of a policy to change from an increase in duties to a reduction of them, and to effect an increase of revenues at the same time.

The act has furnished to the Executive the power to apply the maximum and minimum clauses in order to prevent undue discrimination on the part of foreign countries, and this is securing additional concessions in respect to impositions on our foreign trade.

The act has done justice to the Philippine Islands by giving them free trade with the United States.

More than all this, the new tariff act has provided for the appointment of a tariff board to secure impartial evidence upon which, when a revision of the tariff seems wise, we shall have at hand the data from which can be determined with some degree of accuracy the difference between the cost of producing articles abroad and the cost of producing them in this country.

The great difficulty in the hearing and discussion of the present tariff bill was the absence of satisfactory and credible evidence on either side of the issues as to low or high tariffs. The importer on the one hand and the manufacturer on the other were present to give their fallible judgments affected by their own pecuniary interests as to the facts under investigation. Men who were struggling to find the truth were greatly perplexed by the conflicting testimony.

The tariff bill authorizes the President to expend $75,000 in employing persons to assist him in the administration of the maximum and minimum clause and to assist him and other officers of the Government in the administration of the tariff law. I have construed this to mean that I may use the board appointed under this power not only to look into the foreign tariffs, but also to examine the question with respect to each item in our tariff bill, what the cost of production of the merchandise taxed is, and what its cost is abroad. This is not an easy task for impartial experts, and it requires a large force. I expect to apply to Congress this year for the sum of $250,000 to organize a force through which this investigation may go on, the results to be recorded for the use of the Executive and Congress when they desire to avail themselves of the record. In this way any subsequent revision may be carried on with the aid of data secured officially and without regard to its argumentative effect upon the question of raising or lowering duties. Taken as a whole, therefore, I do not hesitate to repeat that the Republican party has substantially complied with its promise in respect to the tariff, and that it has set itself strongly in the right direction toward lower tariffs and furnished the means by which such lower tariffs can be properly and safely fixed.

An investigation by the tariff board of the sort proposed will certainly take a full two years or longer. Meantime the operation of the present tariff promises to be consistent with the prosperity of the country and with the furnishing of sufficient funds with which to meet the very heavy but necessary expenditures of carrying on our great Government.

The Republican national platform contained the following:

We favor the establishment of a postal savings-bank system for the convenience of the people and the encouragement of thrift.

A bill has been introduced to establish a postal savings bank. The great difficulty in the bill seems to have been to secure a proper provision for the management and investment of the money deposited. The great advantage of a postal savings bank is the encouragement to thrift of those whose fears of the solvency of any depository except a government depository tempts them away from saving. A government promise to repay seems to be specially effective in leading people to save and deposit their savings. The machinery of the Post-Office, with its 60,000 post-offices and 40,000 money-order offices, offers an economical and far-reaching machine for the reception in places remote from banks, and among people who fear banks, of that which but for the opportunity they would not save but spend. The low interest offered to it, that of 3 per cent, prevents such postal savings banks from interfering with regular savings banks whose rate of interest always is in excess of 2 per cent.

In the present stage of the Senate bill there have been inserted amendments drawn apparently for the purpose of having money deposited as savings in government post-offices distributed through the locality where deposited in the banks, state and national, and so deposited as to make it impossible for the trustees of the fund appointed under the law to withdraw the money for investment in any other form. I regard such an amendment as likely to defeat the law. First, because it takes away a feature which ought to be present in the law to assure its constitutionality. If the law provided that the trustees to be appointed under the law with the funds thus deposited could meet the financial exigencies of the Government by purchase or redemption of the government 2 per cent and other bonds, the measure would certainly be within the federal power, because the postal banks would then clearly be an instrument of the National Government in borrowing money. We have now about $700,000,000 of 2 per cent bonds with respect to which we owe a duty to the owners to see that those bonds may be taken care of without reduction below the par value thereof, because they were forced upon national banks at this low rate in order that the banks might have a basis of circulation.

This implied obligation of the Government, the postal savings-bank funds would easily enable it to meet. Secondly, if the funds are to be arbitrarily deposited in all banks, state and national, without national supervision over the state banks, and a panic were to come, it is difficult to see how the Government could meet its obligations to its postal savings-bank depositors, because with every bank suspending payment, the funds of the postal savings banks would be beyond the control of the Government, and we should have a financial disaster greater than any panic we have heretofore met. A provision that when the money is not needed to invest in government bonds or to redeem the same it may be deposited in national banks in the neighborhood of the place of deposit, will avoid the great danger of a panic and will strengthen a banking system which is an arm of the Federal Government. I sincerely hope that before the measure is hammered into its final shape it may take on these characteristics which shall give it a constitutional validity and sound financial strength and usefulness. Those who insist upon the elimination of these two necessary characteristic features of the bill will put the party in the position where it can not hope to escape the charge that it is not in good faith seeking the passage of a postal savings-bank act, and is not seeking, therefore, to comply with the promise of the Republican platform in that regard.

On the subject of railroads the Republican platform said:

We approve the enactment of the railroad-rate law and the vigorous enforcement by the present administration of the statutes against rebates and discriminations as a result of which the advantages formerly possessed by the large shipper over the small shipper have substantially disappeared; and in this connection we commend the appropriation by the present Congress to enable the Interstate Commerce Commission to thoroughly investigate and give publicity to the accounts of interstate railroads. We believe, however, that the interstate-commerce law should be further amended so as to give railroads the right to make

and publish traffic agreements subject to the approval of the commission, but maintaining always the principle of competition between naturally competing lines and avoiding the common control of such lines by any means whatsoever. We favor such national legislation and supervision as will prevent the future overissue of stocks and bonds by interstate carriers.

A bill to carry out these declarations has been introduced in both the House and the Senate, and is now being considered before the appropriate committees of those two bodies, and there is every hope that the bills thus introduced, in substantially the same shape as introduced, will pass and be enacted into law. Indeed, this railroad measure goes further than the promise of the platform, for while it subjects the issue of stock and bonds to the restrictive supervision of the commission and prevents future watering of securities and forbids the acquisition by a railroad company of stock in a competing line, it also puts very much more power into the hands of the commission for the regulation of rates, and it facilitates in every way the ease of supervision by the commission of the railroads to secure a compliance by the railroad with the rights of the public and of the shipper. The bill was prepared by the Attorney-General, after a full conference with the Interstate Commerce Commission, with the representatives of the shippers, and with the representatives of the railroads, and while it was not the result of an agreement between all the parties in interest, it was drafted with a view to meeting all the fair objections and suggestions made by every one of them.

The platform further provided:

The Republican party will uphold at all times the authority and integrity of the courts, state and federal, and will ever insist that their powers to enforce their process and to protect life, liberty, and property shall be preserved inviolate. We believe, however, that the rules of procedure in the federal courts with respect to the issuance of the writ of injunction should be more accurately defined by statute, and that no injunction or temporary restraining order should be issued without notice, except where irreparable injury would result from delay, in which case a speedy hearing thereafter should be granted.

A bill to carry out exactly this promise has been introduced into both the Senate and House and will doubtless come up for consideration and passage. The bill does not go as far as Mr. Gompers and the Federation of Labor demand, but it goes as far as the Republican convention was willing to let it go, and it is so drawn as to make an abuse of the issuance of injunction without notice very improbable. It requires that no injunction shall be issued without full notice and hearing, unless to prevent irreparable injury, and that in such case the court shall make a finding from the evidence adduced, pointing out what the injury anticipated is and why irreparable, and why there is not time to give notice; and after the injunction shall be issued without notice, it is provided that such injunction shall lose its force at the expiration of five days unless a hearing is had.

The platform also promised statehood to Arizona and New Mexico, and the bill providing such statehood has passed the House and has been favorably considered by the committee of the Senate, so that there seems to be no reasonable doubt that this promise will be fully kept.

The Republicans in their platform spoke further, as follows:

We indorse the movement inaugurated by the administration for the conservation of natural resources; we approve all measures to prevent the waste of timber; we commend the work now going on for the reclamation of arid lands, and reaffirm the Republican policy of the free distribution of the available areas of the public domain to the landless settler. No obligation of the future is more insistent and none will result in greater blessings to posterity. In line with this splendid undertaking is the further duty, equally imperative, to enter upon a systematic improvement upon a large and comprehensive plan, just to all portions of the country, of the waterways, harbors, and Great Lakes, whose natural adaptability to the increasing traffic of the land is one of the greatest gifts of a benign Providence.

In accordance with this plank measures for the conservation of the public domain, for the reclassification of lands according to their greatest utility, and the vesting of power in the Executive to dispose of coal, phosphate, oil, and mineral lands, and of water-power sites in such a way as to prevent their monopoly, and union of ownership in one syndicate, or combination, have been already introduced and will doubtless in a form approved by Congress be made into law. The subject has attracted the widest interest, and its importance is becoming more and more impressed upon the American people.

The river and harbor bill, which has just been reported by the River and Harbor Committee of the House, has been framed with a view to complying with the plank of the platform I have just above quoted. It has taken the plan for the improvement of the Ohio from Pittsburg to Cairo as a project to be carried out in a certain number of years, and it has treated similar projects for the improvement of the Missouri from Kansas City to St. Louis, for improvement of the Mississippi from St. Paul to St. Louis, and of the same river from St. Louis to Cairo; and by continuing contracts and regular appropriations these projects will go on until they are completed. This is a change from the previous plans and is the result of an extended popular agitation in favor of such a system.

Following the panic of 1907 the governmental revenues fell off and the expenditures continued as before, leaving a deficit for the years 1907, 1908, and 1909. There was, however, no deficit in the whole administration of Mr. Roosevelt when the expenses are compared with the revenues. Indeed, it will be found that under the operation of the Dingley bill, which covers most of his administration, and the first six months of the present administration, the surplus on the whole was about $250,000,000. At the beginning of this administration, however, it was perfectly evident that with expenses increasing and revenues decreasing there would be a continuous deficit, and this the Republican party, with its majority in Congress and the responsibility placed upon it, has proposed to meet by reducing expenditures and increasing revenues.

I have already shown what the increase in revenues has been. The present administration in its estimates for the year ending June 30, 1911, cut them some forty-odd million dollars below the actual appropriations of the year before, and now it is proposed to appoint a joint commission, consisting of Senators, Representatives, and members appointed by the Executive, who shall examine the organization of the various departments and bureaus, and by the elimination of duplication, the consolidation of bureaus, and the increase in efficiency of the individual civil servant shall decrease the regular permanent cost of governmental operation.

With respect to trusts, the Republican party spoke as follows in its platform:

The Republican party passed the Sherman antitrust law over Democratic opposition and enforced it after Democratic dereliction. It has been a wholesome instrument for good in the hands of a wise and fearless administration. But experience has shown that its effectiveness can be strengthened and its real objects better attained by such amendments as will give to the Federal Government greater supervision and control over and secure greater publicity in the management of that class of corporations engaged in interstate commerce having power and opportunity to affect monopolies.

Since this plank was adopted prosecutions of the tobacco trust and the Standard Oil trust, begun in the last administration, have gone on and have resulted in decrees in the court of appeals of the second and eighth circuits, which are now pending on appeal in the Supreme Court. The decrees in each case tear apart the congeries of subordinate corporations which, united by holding companies, make up the trust in each case and enjoin individuals from a further maintenance of the illegal combination of such corporations to carry on the business for which it was organized.

It has been said that the Republican party made a promise so to amend the law as to ameliorate and soften the application of the trust law in its interdiction upon business as conducted by the greatest corporations, but I find nothing in the platform to justify such a construction. The principle of the antitrust law is that those engaged in modern business, especially of manufacture and transportation, shall pursue the policy with respect to their competitors of "Live and let live," and that they shall not use the bigness of their concerns to frighten exclusive patronage from customers and eliminate smaller concerns from competition, and thus control output and fix prices.

The Attorney-General has prepared a bill which, he thinks and I think, will offer to those who wish to pursue a lawful method of business the means of easily doing so. A lawful interstate business under the protection of a federal charter which, while it will subject the business of the concern to the closest scrutiny of government officers, will save the business from harassment by state authorities and will give it that protection which a peaceful pursuit of its business as a federal corporation will necessarily secure it. This measure has not met the approval of those who fear too great concentration of power in the Federal Government, of those who deny the right of the Federal Government in such cases to grant incorporation. I believe the act to be constitutional, and I believe that if enforced it would furnish a solution of our present difficulties; but as it was not specifically declared for in the Republican platform, I do not feel justified in asking the adoption of such an act as a party matter. I have brought it forward, however, as a suggestion for meeting the difficulties which are likely to be presented in the prosecution of suspected illegal trusts as a means by which they can put their houses in order and take their places among those engaged in legitimate business.

If the other measures to which I have referred are enacted into law, and the pledges of the Republican party performed, there would seem to be no good reason why the party should not receive renewed approval by the electors of the country in the coming congressional campaign. But there are signs which many construe as an indication that the Republican majority in the present Congress will change to a Demo-

cratic majority in the next. This is based chiefly on the dissensions in the Republican party and upon the very severe attacks made by a great many of the newspapers having Republican tendencies upon the party and its leaders in Congress and in the Nation. I am glad to say that so far as the legislation which I have indicated above is concerned, there seems to be a clear party majority in both Houses in favor of its passage and the consequent redemption of the party pledges. There is, however, a very decided difference as to the proper rules to prevail in the House and as to the personnel of the leadership.

It would seem as if these questions were questions that might well be solved within the party lines, but they have been so acute as to produce what has been called an insurrection and to awaken the country over a controversy between the insurgents and the regulars, so called. I am hopeful that as we approach the lines of battle for the next year, the settlement of these internal questions can be effected without such a breach of the party as to prevent our presenting an unbroken front to the enemy.

We among the Republicans may be discouraged when we consider our own dissensions, but when we look to the possibility of any united action on the part of the Democrats for any policy or any line of policies we must take courage. It was General Grant who said that when he first went into battle he had a great deal of fear, but he overcame that feeling by maintaining in his mind the constant thought how much more afraid his opponent was. And so we who find ourselves at times given over to the thought that Republican control is at an end should not forget to consider not only our own factional strife but also that of our ancient enemy. If the Democratic party were a solid, cohesive opposition, guided by one principle and following the same economic views as a whole, the situation would be far more discouraging than it is. The Republican party has been the party responsible for the Government for the last seventeen years. It has discharged those responsibilities with wonderful success. The problems growing out of the Spanish war and those which have come from the rapid accumulation of wealth and the greed for power of its accumulators it has fallen to the party to meet, and while they have not yet all had a perfect solution, the record is one of which we have no reason to be ashamed.

Mr. Roosevelt aroused the country and the people to the danger we were in of having all our politics and all our places of governmental authority controlled in corporate interests and to serve the greed of selfish but powerful men. During his two terms of office, by what almost may be compared to a religious crusade, he aroused the people to the point of protecting themselves and the public interest against the aggressions of corporate greed, and left public opinion in an apt condition to bring about the reforms needed to clinch his policies and to make them permanent in the form of enacted law.

But as an inevitable aftermath of such agitation, we find a condition of hysteria on the part of certain individuals, and on the part of others a condition of hypocrisy manifesting itself in the blind denunciation of all wealth and in the impeachment of the motives of men of the highest character, and by demagogic appeals to the imagination of a people greatly aroused upon the subject of purity and honesty in the administration of government. The tendency is to resent attachment to party or party organization, and to an assertion of individual opinion and purpose at the expense of party discipline. The movement is toward factionalism and small groups, rather than toward large party organization, and the leaders of the party organization are subjected to the severest attacks and to the questioning of their motives without any adequate evidence to justify it.

I am far from saying that the Republican party is perfect. No party which has exercised such power as it has exercised for the last seventeen years could be expected to maintain either in its rank and file or in its management men of the purest and highest motives only. And I am the last one to advocate any halt in the prosecution and condemnation of Republicans, however prominent and powerful, whose conduct requires criminal or other prosecution and condemnation. It should be well understood that with the Republican party in its present condition, with its various divisions subjected to the cross fire of its own newspapers and its own factions, any halt or failure on the part of those in authority to punish and condemn corruption or corrupt methods will be properly visited upon the party itself, however many good men it contains.

We shall be called upon to respond to the charge in the next campaign that the tariff, for which we are responsible, has raised prices. If the people listen to reasonable argument, it will be easy to demonstrate that high prices proceed from an entirely different cause, and that the present tariff, being largely a revision downward, except with respect to silks and liquors, which are luxuries, can not be charged with having increased any prices. But this will not prevent our Democratic friends from arguing on the principle of post hoc propter hoc, that because high prices followed the tariff, therefore they are the result of it. And we must not be blind to the weight of such an argument in an electoral campaign. The reason for the rise in the cost of necessities can easily be traced to the increase in our measure of values, the precious metal, gold, and possibly in some cases to the combinations in restraint of trade. The question of the tariff must be argued out. The prejudice created by the early attacks upon the bill and the gross misrepresentations of its character must be met by a careful presentation of the facts as to the contents of the bill and also as to its actual operation and statistics shown thereby. I believe we have a strong case if we can only get it into the minds of the people. Should disaster follow us and the Republican majority in the House become a minority in the next House, it may be possible that in the Democratic exercise of its power, the people of this country will see which is the party of accomplishment, which is the party of arduous deeds done, and which is the party of words and irresponsible opposition.

I only want one more word. From time to time attacks are made upon the administration on the ground that its policy tends to create a panic in Wall street and to disturb business. All I have to say upon that subject is this: That certainly no one responsible for a Government like ours would foolishly run amuck in business and destroy values and confidence just for the pleasure of doing so. No one has a motive as strong as the administration in power to cultivate and strengthen business confidence and business prosperity. But it does rest with the National Government to enforce the law, and if the enforcement of the law is not consistent with the present method of carrying on business, then it does not speak well for the present methods of conducting business, and they must be changed to conform to the law. There was no promise on the part of the Republican party to change the antitrust law except to strengthen it, or to authorize monopoly and a suppression of competition and the control of prices, and those who look forward to such a change can not now visit the responsibility for their mistake on innocent persons. Of course the Government at Washington can be counted on to enforce the law in the way best calculated to prevent a destruction of public confidence in business, but that it must enforce the law goes without saying.

I am glad to be present at this meeting of the Republican Club of New York and here meet your distinguished governor, whose name is such a power before the people of this State and of the country, that to lose him as a candidate for governor by his voluntary withdrawal is to lose the strongest asset that the Republican party has in the State to enable it to win at the next election.

I am glad to be here at the meeting of the Republican Club on Lincoln's birthday, because my knowledge and information with respect to the club is that it stands for stalwart Republicanism, believes in party organization and party discipline, but insists on the highest ideals and methods in formulating the policies of the party and carrying them out.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

Edward Ambler, executor of James M. Ambler, deceased, *v.* United States (S. Doc. No. 362); and

John R. Adams *v.* United States (S. Doc. No. 363).

The foregoing causes were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 12438) to amend sections 7 and 8 of the act of May 29, 1908, entitled "An act to authorize the sale and disposition of a portion of the surplus and unallotted lands in the Cheyenne River and Standing Rock Indian reservations, in the States of South Dakota and North Dakota, and making appropriations and provisions to carry the same into effect."

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

S. 5237. An act granting pensions to certain soldiers and sailors of wars other than the civil war and to certain widows and dependent relatives of such soldiers and sailors;

S. 5573. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and wars other than the civil war and to certain widows of such soldiers and sailors; and

S. 5574. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and dependent relatives of such soldiers and sailors.

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

H. R. 19255. An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1911;

H. R. 19959. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 20480. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors; and

H. R. 20490. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the President pro tempore:

H. R. 12438. An act to amend sections 7 and 8 of the act of May 29, 1908, entitled "An act to authorize the sale and disposition of a portion of the surplus and unallotted lands in the Cheyenne River and Standing Rock Indian reservations, in the States of South Dakota and North Dakota, and making appropriations and provisions to carry the same into effect;

H. R. 14676. An act for the relief of the Pittsburg Brewing Company;

H. R. 15448. An act to authorize certain changes in the permanent system of highways plan, District of Columbia;

H. R. 18895. An act to authorize the Wilson and Glassport Bridge Company to construct a bridge across the Monongahela River between Wilson and Glassport boroughs, Allegheny County, Pa.;

H. R. 19399. An act to extend the time for the completion of a bridge across the Mississippi River at St. Louis, Mo., by the St. Louis Electric Bridge Company; and

S. J. Res. 66. Joint resolution amending section 18 of the act of July 2, 1909, entitled "An act to provide for the thirteenth and subsequent decennial censuses."

PETITIONS AND MEMORIALS.

Mr. WETMORE. I present a memorial of ex-Governor Sprague, of Rhode Island, who was a Member of this body for twelve years. I ask that the memorial be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the memorial was referred to the Committee on Military Affairs and ordered to printed in the RECORD, as follows:

To the Senators and Representatives in the Congress from Rhode Island.

GENTLEMEN: I had an opportunity during the civil war to see military operations in the field and know many officers who served in all the grades from second lieutenant to the highest rank in the service. Most of these officers were volunteers, and a large proportion rose from privates to commissioned officers for gallant and meritorious services and showed equal capacity, as a whole, to officers trained in our military and naval schools. At the close of the war they returned to private life and to seek such employment as they could find. Some gained distinction in civil life, but a vast majority have had to struggle for an existence for the last forty-five years. They have received the same pension as all soldiers of the civil war have received and have always been as true to their own comrades as they were when they led them on in battle and cared for them in camp and on the march. I am glad that bills to create "a volunteer-officer retired list" have been introduced in Congress and hope some one of the bills will be passed this session. The old officers are dropping off very fast, and if due recognition is to be made of their great services to the Union, I think it can not be done too soon.

WILLIAM SPRAGUE,
Surviving War Governor.

Mr. WETMORE presented a resolution adopted by the city council of Providence, R. I., favoring the reduction of the duty on meat and food products, which was referred to the Committee on Finance.

Mr. GUGGENHEIM presented memorials of sundry citizens of Victor, Cripple Creek, and Merino, all in the State of Colorado, remonstrating against the passage of the so-called "postal savings-bank bill," which were ordered to lie on the table.

Mr. BURNHAM presented a petition of Marine Engineers' Beneficial Association, No. 15, of Crescent City, N. H., praying for the passage of the so-called "ship-subsidy bill," which was referred to the Committee on Commerce.

He also presented a petition of the International Association of Master House Painters and Decorators of the United States and Canada, praying for the passage of the so-called "Heyburn pure-paint bill," which was referred to the Committee on Manufactures.

He also presented a memorial of sundry citizens of New Market, N. H., remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

He also presented a memorial of the New England Wireless Society, of Boston, Mass., remonstrating against the enactment of legislation providing for the appointment by the President of a commission of seven members to prescribe rules and regulation for the use of wireless apparatus, which was referred to the Committee on Naval Affairs.

Mr. SCOTT presented a petition of the Woman's Home Missionary Society of the Methodist Episcopal Church of Wheeling, W. Va., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Territory of Hawaii, which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented a petition of the Knights of Columbus Council, No. 715, of Grafton, W. Va., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class mail matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of Typographical Union, No. 79, of Wheeling; of Typographical Union, No. 372, of Clarksburg; of J. H. Chapman, of Hugheston; of Paul Kotchpa, of Wheeling; of H. W. Greenlee, of Leon; of Julius W. Hill, of Charleston; of O. A. Pope, of Ronceverte; and of D. B. Snider, of Fairmont, all in the State of West Virginia; of National Council, Knights and Ladies of Security, of Topeka, Kans.; and of the Postal Defense League, of Chicago, Ill., remonstrating against any increase in the postal rates on second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BULKELEY presented memorials of sundry citizens of Middletown, New Britain, and East Haddam, all in the State of Connecticut, remonstrating against the passage of the so-called "postal savings-bank bill," which were ordered to lie on the table.

Mr. BRISTOW presented a concurrent resolution of the legislature of Kansas, which was referred to the Committee on Pensions and ordered to be printed in the RECORD, as follows:

Be it resolved by the house of representatives (the senate concurring therein), That the following memorial be adopted and copies sent to the Senate and House of Representatives, at Washington, D. C.:

To the Senate and House of Representatives
of the United States in Congress assembled:

Your memorialists, the legislature of the State of Kansas, respectfully represent:

That whereas a bill is now pending in Congress having for its purpose the granting of pensions to the survivors of what is known as the "Battle of Beecher Island" and their widows:

Now therefore your memorialists urgently recommend the enactment of said legislation. Said legislation is necessary for the reason that the participants in said battle were civilian scouts enlisted and recruited by Col. George Alexander Forsyth, and were known as "Forsyth's Scouts;" that there were in number about 50 of said scouts, including their officers, and that at a point known as "Beecher's Island," in the State of Colorado, a battle was fought with the Indians September 17, 1868; that said scouts and their officers were surrounded by more than 1,000 Indians for nine days and nights; that 5 of them were killed and 21 wounded, and the survivors suffered untold agony; that only a small number of said scouts survive to this day, and that practically all of them and their widows are in straitened circumstances financially; that had they been regularly enlisted in the United States Army, they would long since have been receiving pensions; but on account of the irregularity of their enlistment in the service which they rendered to their country, they are not entitled to pensions under the general law. For this reason a special bill has been introduced in Congress for their relief. Your memorialists therefore earnestly recommend that said bill be passed, in order that these men may receive that recognition to which they have always been entitled, but which they have never received.

The secretary of state is hereby instructed to forward copies of this memorial to the Senate and House of Representatives of the United States and our Representatives in Congress.

Passed the house January 29, 1907.
Passed the senate February 8, 1907.
Approved February 11, 1907.

Mr. BRISTOW presented a memorial of sundry citizens of McPherson and Palco, Kans., remonstrating against the passage of the so-called "postal savings-bank bill," which were ordered to lie on the table.

He also presented a petition of sundry citizens of Maple Hill, Kans., praying for the enactment of legislation to prohibit dealings in futures and gambling in farm products, which was referred to the Committee on Agriculture and Forestry.

Mr. SHIVELY presented a petition of sundry citizens of Wheatland, Ind., and a petition of sundry citizens of Loogootee, Ind., praying for the enactment of legislation to prohibit dealings in futures and gambling in farm products, which were referred to the Committee on Agriculture and Forestry.

Mr. GALLINGER presented a memorial of sundry citizens of Claremont, N. H., remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

Mr. RAYNER presented memorials of sundry citizens of Baltimore and Westminster, in the State of Maryland, remonstrating against the passage of the so-called "postal savings-bank bill," which were ordered to lie on the table.

He also presented a memorial of Typographical Union No. 12, of Baltimore, Md., remonstrating against the enactment of legislation to increase the rate of postage on periodicals and magazines, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. LODGE presented a petition of the Middlesex and Norfolk Pomona Grange, Patrons of Husbandry, in the State of Massachusetts, praying for the enactment of legislation to conserve the natural resources of the country, which was referred to the Committee on National Resources.

Mr. OLIVER presented memorials of Scottdale Chapter, No. 114, of McKeesport Chapter, No. 273, and of Pittsburg Chapter, No. 3, all of the American Insurance Union, in the State of Pennsylvania, remonstrating against the enactment of legislation to increase the rate of postage on periodicals and magazines, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Gratz, Pa., and a memorial of sundry citizens of Bolivar, Pa., remonstrating against the passage of the so-called "postal savings-bank bill," which were ordered to lie on the table.

Mr. HALE presented a memorial of the Maine Press Association, remonstrating against the printing by the Government of certain matter on stamped envelopes, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. MARTIN presented memorials of sundry citizens of Newport News, Clover, and Warm Springs, all in the State of Virginia, remonstrating against the passage of the so-called "postal savings-bank bill," which were ordered to lie on the table.

Mr. KEAN presented memorials of sundry citizens of Elizabeth and Belmar, of the New Jersey Bankers' Association, and of Group No. 1, New Jersey Bankers' Association of Perth Amboy, all in the State of New Jersey, remonstrating against the passage of the so-called "postal savings-bank bill," which were ordered to lie on the table.

He also presented a petition of the Federated Trades Council of the Oranges, New Jersey, praying for the passage of the so-called "eight-hour bill," which was referred to the Committee on Education and Labor.

Mr. SMITH of Maryland presented a memorial of sundry citizens of Centerville and Chestertown, in the State of Maryland, remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

Mr. BROWN presented a petition of the Ben Franklin Club, of Lincoln, Nebr., praying for the enactment of legislation to prohibit the printing by the Government of certain matter on stamped envelopes, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CURTIS presented memorials of sundry citizens of White City, Soldier, Longford, Lenexa, Pittsburg, Phillipsburg, Liberty, Hesston, Lancaster, Mineral, and Santa Fe, all in the State of Kansas, remonstrating against the passage of the so-called "postal savings-bank bill," which were ordered to lie on the table.

He also presented a petition of sundry citizens of Wichita, Kans., praying for the enactment of legislation to defer the date of filing the first reports required by the corporation tax law until the Supreme Court renders a decision as to the constitutionality of that law, which was referred to the Committee on Finance.

Mr. ROOT presented memorials of sundry citizens of New York City, Syracuse, Geneva, Perry, Canandaigua, Clifton Park, and Brooklyn, all in the State of New York, remonstrating against the enactment of legislation to increase the rate of postage on second-class mail matter, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Associations of Master Painters and Decorators, of New York City and Rochester, in the State of New York, praying for the passage of the so-called "Heyburn pure-paint bill," which was referred to the Committee on Manufactures.

He also presented a memorial of the Chamber of Commerce of Albany, N. Y., remonstrating against the retention of the publicity clause in the corporation-tax law, which was referred to the Committee on Finance.

He also presented petitions of sundry citizens of New York City, Glenham, Rome, Brooklyn, Poughkeepsie, Schenectady, Cohoes, and Ogdensburg, all in the State of New York, praying for the passage of the so-called "eight-hour bill," which were referred to the Committee on Education and Labor.

He also presented memorials of sundry citizens of Syracuse, Rochester, Buffalo, New York City, and Kingston, all in the State of New York, remonstrating against the printing by the Government of certain matter on stamped envelopes, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of sundry citizens of Newburgh, Syracuse, Watertown, Schuylerville, Rochester, Cambridge, Le Roy, New York City, Buffalo, Brooklyn, Utica, and Troy, all in the State of New York, remonstrating against the retention of the publicity clause in the corporation-tax law, which were referred to the Committee on Finance.

He also presented a petition of the Manufacturers' Association of Jamestown, N. Y., praying that an appropriation be made for the improvement of the port of Dunkirk, in that State, which was referred to the Committee on Commerce.

He also presented a memorial of the Empire State Society of the Sons of the American Revolution of New York, remonstrating against the enactment of legislation to abolish the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which was referred to the Committee on Immigration.

He also presented memorials of sundry citizens of Rochester, Kentwood, New York City, and Brooklyn, all in the State of New York, remonstrating against the enactment of legislation to amend the Code of Law for the District of Columbia relative to insurance, which were referred to the Committee on the District of Columbia.

Mr. FRYE presented memorials of sundry citizens of Boothbay Harbor and Brunswick, in the State of Maine, remonstrating against the passage of the so-called "postal savings-bank bill," which were ordered to lie on the table.

He also presented a petition of Local Council No. 106, Knights of Columbus, of Lewiston, Me., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Maine Press Association, remonstrating against the printing by the Government of certain matter on stamped envelopes, which was referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. CLARK of Wyoming, from the Committee on the Judiciary, to whom was referred the bill (S. 226) to amend an act entitled "An act to divide the judicial district of Nebraska into divisions and to provide for an additional district judge in said district," reported it without amendment.

Mr. BURNHAM, from the Committee on Agriculture and Forestry, to whom was referred the bill (S. 530) to amend an act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, and the acts supplementary thereto, so as to extend the benefits thereof to the District of Columbia, reported it without amendment and submitted a report (No. 220) thereon.

Mr. BOURNE. I am directed by the Committee on Fisheries, to whom was referred the bill (H. R. 12397) granting certain rights and privileges to the department of fisheries of the State of Pennsylvania, to ask that the committee be discharged from its further consideration, and that it be referred to the Committee on Military Affairs, where it properly belongs.

The VICE-PRESIDENT. The Committee on Fisheries will be discharged and the bill will be referred to the Committee on Military Affairs, if there be no objection. The Chair hears none.

Mr. PILES, from the Committee on Commerce, to whom was referred the bill (S. 6051) to authorize the Louisville and Nashville Railroad Company to reconstruct, maintain, and operate its railway bridges across the Escambia Bay, Choctawhatchee River, and Apalachicola River, in the State of Florida, reported it with amendments and submitted a report (No. 221) thereon.

Mr. CARTER, from the Committee on Irrigation and Reclamation of Arid Lands, to whom was referred the bill (S. 5705)

to authorize the issue and sale of certificates of indebtedness against the reclamation fund, reported it with amendments and submitted a report (No. 222) thereon.

UINTA INDIAN RESERVATION LANDS.

Mr. SUTHERLAND. I am directed by the Committee on Irrigation and Reclamation of Arid Lands, to whom was referred the bill (S. 5926) making available certain lands on the former Uinta Indian Reservation under the reclamation act, to report it favorably with amendments, and I submit a report (No. 219) thereon. I ask for the present consideration of the bill.

The PRESIDENT pro tempore. The bill will be read to the Senate for its information.

The Secretary read the bill.

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

Mr. HEYBURN. The bill is confined in terms to a Utah Indian reservation, but it draws from the fund which belongs to all the States. I should like to have some explanation of the bill.

Mr. SUTHERLAND. While it is true that the money is paid from the reclamation fund, it will be charged against the project, and will have to be paid ultimately by the farmers who receive the water.

Mr. HEYBURN. I should like to ask how much money will be required to buy this land?

Mr. SUTHERLAND. Over $60,000. The lands are grazing lands and are being leased, and will in the course of ten years or such a matter return to the fund all the money that is paid.

Mr. HEYBURN. I wish to ask another question of the Senator from Utah. The bill draws $60,000 from the present available moneys in that fund. I understand from the official communication that was made to us that that fund is very short, and we are proposing to borrow $30,000,000 to augment it.

Mr. SUTHERLAND. The Senator will observe that the payment is not to be made at once. It is to be made in five equal annual installments. It will not constitute a very great drain on the fund.

Mr. HEYBURN. I merely wanted to know, because that fund is of the utmost importance to the States where it will be made applicable. I notice a provision, as I heard the bill read, that the Indian title was extinguished. Do the Indians receive any part of the money that is paid for the land?

Mr. SUTHERLAND. The Indians receive all of it.

Mr. HEYBURN. A dollar and a quarter an acre?

Mr. SUTHERLAND. A dollar and a quarter an acre. It goes into the Treasury for the benefit of the Indians.

Mr. HEYBURN. Do any Indians occupy this land?

Mr. SUTHERLAND. No; no Indians occupy it. They are many miles away from this land.

Mr. HEYBURN. I did not intend to inquire as to the Indians, because I assume and I know that the Senators representing Utah are quite competent to look after all those matters within the State, and I never interfere, but the fund is a matter in which we are all interested.

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

Mr. SHIVELY. I understood the Senator from Utah a moment ago to say that when the titles are extinguished and the money received such money is to go to the Indians.

Mr. SUTHERLAND. Yes.

Mr. SHIVELY. I notice the concluding lines of the bill say something about certain funds being turned into the reclamation fund.

Mr. SUTHERLAND. That is the fund arising from the land. The bill provides first that the sum of $1.25 an acre shall be paid for the land. Then, after the lands are paid for, any proceeds arising from the lands——

Mr. SHIVELY. From the sale of the lands?

Mr. SUTHERLAND. From the sale or rental of the lands, any proceeds from any source whatever connected with the lands, shall be covered into the reclamation fund.

Mr. HEYBURN. Mr. President, I have no desire to prolong the consideration of this question, but it occurs to me that under the provisions or within the spirit of the general law providing for the reclamation fund this $1.25 should go into that fund.

Mr. SUTHERLAND. What fund?

Mr. HEYBURN. Into the fund from which the reclamation fund is sustained.

Mr. SUTHERLAND. No; Mr. President——

Mr. HEYBURN. It is public land.

Mr. SUTHERLAND. No; these lands were formerly a part of the Uinta Indian Reservation. It is provided by law that the proceeds arising from the lands shall be paid into the Treasury of the United States for the benefit of these Indians. While it is true that these are grazing lands, they are valuable lands, and the Indians should be first of all paid for them. We ought not to take——

Mr. HEYBURN. Let me interrupt the Senator there. Is not that, in a measure, repealing the existing law which provides that the proceeds of the sale of public lands shall go into the reclamation fund?

Mr. SUTHERLAND. These are public lands, but they are charged with a trust for the benefit of the Indians.

Mr. HEYBURN. Then, should not that trust be discharged out of the Treasury of the United States? Is there any justification for diverting the proceeds of the sale of public lands from the reclamation fund to pay a private debt?

Mr. SUTHERLAND. These lands ultimately go into this project and constitute a part of it.

Mr. HEYBURN. But if the Senator will allow me——

Mr. SUTHERLAND. If the Senator will permit me, they constitute a part of the project just as much as the reservoir itself or the work which is constructed in connection with the reservoir. It is proper that the reclamation fund should bear the burden of it, precisely as it bears the burden of constructing the reservoir or the tunnel through the mountain which is connected with the reservoir. I will assure the Senator that the reclamation fund will not suffer. Before the tunnel is constructed the rental arising from the land, which will be returned to the reclamation fund, will be a large portion of the money that has been paid.

Mr. HEYBURN. This is only a medium through which the reclamation fund can derive anything by the rentals of the land in lieu of the sale of the land?

Mr. SUTHERLAND. Perhaps, later along, some of the lands may be sold, but at present they ought not to be sold. Perhaps they ought never to be sold at all; but the rentals will go a long way toward this expenditure. I know that, because they have already brought a considerable return.

Mr. HEYBURN. The Senator thinks, then, that the reclamation fund will not be a loser by reason of the payment of this money from the reclamation fund?

Mr. SUTHERLAND. I am quite certain the reclamation fund in the end will not be a loser by this transaction.

Mr. HEYBURN. Except, of course, we take notice of the fact that that is a question which affects all the States having these projects.

Mr. SUTHERLAND. I quite understand the Senator's position.

Mr. HEYBURN. It is well to keep that in view.

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

There being no objection, the bill was considered as in Committee of the Whole.

The amendments of the Committee on Irrigation and Reclamation of Arid Lands were, on page 2, line 6, after the word "proceeds," to insert the word "arising," and, in line 7, after the word "therefrom," to insert "as rentals or otherwise," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to pay from the reclamation fund for the benefit of the Uinta Indians the sum of $1.25 per acre for the lands in the former Uinta Indian Reservation, in the State of Utah, which were set apart by the President for reservoir and other purposes under the provisions of the act approved March 3, 1905, chapter 1479, and which were by the Secretary of the Interior withdrawn for irrigation works under the provisions of the reclamation act of June 17, 1902, in connection with the reservoir for the Strawberry Valley project. Such payment shall be made in five annual installments, and the moneys paid shall be subject to the same disposition as the proceeds of the sales of lands in the former Indian reservation. All right, title, and interest of the Indians in the said lands are hereby extinguished, and the same shall be available in connection with the operations under the reclamation act, and any proceeds arising therefrom as rentals or otherwise shall be covered into the reclamation fund.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

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

By Mr. CLARK of Wyoming:

A bill (S. 6310) to amend an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes;"

A bill (S. 6311) to amend section 3613 of the Revised Statutes of the United States;

A bill (S. 6312) to amend section 2625 of the Revised Statutes of the United States; and

A bill (S. 6313) to amend section 2619 of the Revised Statutes of the United States; to the Committee on Finance.

By Mr. WETMORE:

A bill (S. 6314) granting an increase of pension to Harry A. Richardson (with an accompanying paper); to the Committee on Pensions.

By Mr. DU PONT:

A bill (S. 6315) granting an increase of pension to Richard T. Cahall (with accompanying papers); to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 6316) to relieve the Copper River and Northwestern Railway Company in Alaska from taxation; to the Committee on Territories.

A bill (S. 6317) for the relief of citizens of the United States engaging in ocean commerce, and for building up our merchant marine service; to the Committee on Commerce.

By Mr. TAYLOR:

A bill (S. 6318) granting a pension to John B. Waddill;

A bill (S. 6319) granting an increase of pension to Mary E. Walton; and

A bill (S. 6320) granting an increase of pension to Henry Hoss (with accompanying papers); to the Committee on Pensions.

By Mr. SIMMONS:

A bill (S. 6321) for the relief of the estate of Thomas W. Maides, deceased; to the Committee on Claims.

A bill (S. 6322) for the relief of John E. Griffin (with an accompanying paper); to the Committee on Military Affairs.

A bill (S. 6323) granting a pension to Edward W. Trice;

A bill (S. 6324) granting an increase of pension to Robert P. Wild; and

A bill (S. 6325) granting an increase of pension to David F. Bradburn (with an accompanying paper); to the Committee on Pensions.

By Mr. OLIVER:

A bill (S. 6326) to correct the military record of Joseph R. Berg and grant him an honorable discharge (with accompanying papers); to the Committee on Military Affairs.

By Mr. FRAZIER:

A bill (S. 6327) for the relief of the heirs of Simeon Graves, deceased; to the Committee on Claims.

A bill (S. 6328) granting an increase of pension to William T. Mitchell; and

A bill (S. 6329) granting an increase of pension to George D. Roberts; to the Committee on Pensions.

By Mr. FOSTER:

A bill (S. 6330) to make Baton Rouge, in the State of Louisiana, a subport of entry, and for other purposes; to the Committee on Commerce.

By Mr. BROWN:

A bill (S. 6331) granting an increase of pension to Gilbert G. Fitch (with an accompanying paper); to the Committee on Pensions.

By Mr. RAYNER:

A bill (S. 6332) granting an increase of pension to Nellie F. O'Kane (with an accompanying paper); and

A bill (S. 6333) granting an increase of pension to George Bollinger (with accompanying papers); to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 6334) granting an increase of pension to William I. Milligan (with an accompanying paper); and

A bill (S. 6335) granting an increase of pension to Henry Koehler (with an accompanying paper); to the Committee on Pensions.

By Mr. CLAY:

A bill (S. 6336) for the relief of the owners of the ship *Amelia;*

A bill (S. 6337) for the relief of the heirs of Lewis F. Hicks, deceased;

A bill (S. 6338) for the relief of the heirs of Lucy T. Phipps, deceased;

A bill (S. 6339) for the relief of the estate of John B. Wright, deceased;

A bill (S. 6340) for the relief of the heirs of Philip Fitzgerald, deceased; and

A bill (S. 6341) for the relief of Mrs. S. B. Lawrence; to the Committee on Claims.

By Mr. SCOTT:

A bill (S. 6342) granting an increase of pension to Nimrod C. Stutler (with an accompanying paper);

A bill (S. 6343) granting an increase of pension to Noah Hedding (with an accompanying paper); and

A bill (S. 6344) granting a pension to Amanda Ruble (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 6345) providing for the control of grazing upon the public lands in the arid States and Territories of the United States, and for other purposes; to the Committee on Agriculture and Forestry.

A bill (S. 6346) for the relief of Perry Cottingham (with accompanying papers); to the Committee on Claims.

By Mr. TILLMAN:

A bill (S. 6347) for the relief of the heirs of Commander James D. Knight (with an accompanying paper); to the Committee on Claims.

By Mr. HALE:

A bill (S. 6348) granting an increase of pension to Joseph M. Kimball; to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 6349) granting a pension to Frank E. Bales; to the Committee on Pensions.

By Mr. BURKETT:

A bill (S. 6350) granting an increase of pension to George Evans;

A bill (S. 6351) granting a pension to Alice J. Langford;

A bill (S. 6352) granting a pension to Julia A. Brown; and

A bill (S. 6353) granting an increase of pension to W. H. Wyatt; to the Committee on Pensions.

By Mr. BRADLEY:

A bill (S. 6354) granting an increase of pension to Thomas S. Stephens; to the Committee on Pensions.

By Mr. BRADLEY (by request):

A bill (S. 6355) for the relief of Ambrose Portwood;

A bill (S. 6356) for the relief of the estate of D. W. Price, deceased;

A bill (S. 6357) for the relief of David N. Williams;

A bill (S. 6358) for the relief of Francis M. Price;

A bill (S. 6359) for the relief of the estates of George W. Chatfield and William E. Curd, deceased;

A bill (S. 6360) for the relief of the estate of Mary H. S. Robertson, deceased;

A bill (S. 6361) for the relief of Ambrose D. Vallandingham;

A bill (S. 6362) for the relief of the estate of Alexander Williams, deceased;

A bill (S. 6363) for the relief of the estate of William McCracken, deceased;

A bill (S. 6364) for the relief of the estate of Joseph M. Moss, deceased;

A bill (S. 6365) for the relief of the legal representatives of the firm of Brown & Co., or the estate of James M. Bryant, deceased;

A bill (S. 6366) for the relief of William H. Nolcini;

A bill (S. 6367) for the relief of L. M. Northcutt;

A bill (S. 6368) for the relief of the estate of Emory Parrigin, deceased;

A bill (S. 6369) for the relief of the estate of Thomas B. Posey, deceased;

A bill (S. 6370) for the relief of Van Foreman;

A bill (S. 6371) for the relief of the estate of Ann Fields, deceased;

A bill (S. 6372) for the relief of the estate of John Hasselback, deceased;

A bill (S. 6373) for the relief of the estate of Mary R. Cammack, deceased;

A bill (S. 6374) for the relief of the estate of Leander Johnsey, deceased;

A bill (S. 6375) for the relief of the heirs of John A. Erdman, deceased (with an accompanying paper);

A bill (S. 6376) for the relief of the estates of W. H. H. Thompson and Caroline Thompson, deceased (with an accompanying paper);

A bill (S. 6377) for the relief of the estate of Marilda F. Sims, deceased (with an accompanying paper);

A bill (S. 6378) for the relief of the estate of David L. Scott, deceased (with an accompanying paper);

A bill (S 6379) for the relief of the estates of John H. Stovall, William Hughes, and Timothy L. Hughes (with an accompanying paper); and

A bill (S. 6380) for the relief of the estate of Thomas Wallace, deceased (with an accompanying paper); to the Committee on Claims.

By Mr. SMOOT:

A joint resolution (S. J. Res. 79) providing for the printing of extra copies of the Report of the Chief, Division of Militia Affairs, office of the Secretary of War, for fiscal year ended June 30, 1909; to the Committee on Printing.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SCOTT submitted an amendment proposing to appropriate $10,000 for rent of buildings and moving expenses incident thereto at Charleston, W. Va., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. FRYE submitted an amendment proposing to appropriate $200,000 for purchase of land with the buildings thereon adjoining Fort Levett, Me., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. CULLOM submitted an amendment proposing to appropriate $2,500 for maintenance of the Bureau of Interparliamentary Union for the promotion of international arbitration, etc., intended to be proposed by him to the diplomatic and consular appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $130,000 for participation in two international expositions to be held, respectively, at Rome and Turin, Italy, in 1911, etc., intended to be proposed by him to the diplomatic and consular appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

AMENDMENTS TO RIVER AND HARBOR BILL.

Mr. KEAN submitted an amendment proposing to appropriate $100,000 for improving the channel north of Shooters Island, between New York and New Jersey, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. WETMORE submitted an amendment proposing to appropriate $30,000 for improving the Harbor of Refuge, Block Island, Rhode Island, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $50,000 for improving Newport Harbor, Rhode Island, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to improve Sakonnet Harbor, Rhode Island, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. SIMMONS submitted an amendment proposing to appropriate $615,000 for improving Cape Fear River above Wilmington, N. C., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $27,676 for the construction of a channel from the inland waterway between Norfolk and Beaufort Inlet to the town of Beaufort, N. C., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $19,000 for the improvement of Bogue Sound, contiguous to Morehead City, N. C., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. JONES submitted an amendment proposing to appropriate $1,000,000 for continuing the improvement of Grays Harbor bar entrance, Washington, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce and ordered to be printed.

Mr. PILES submitted an amendment proposing to increase the appropriation for the improvement of Willapa River and harbor, State of Washington, from $30,000 to $100,000, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for improving the Cowlitz and Lewis rivers, in the State of Washington, from $15,000 to $31,600, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for improving the harbor at Bellingham, State of Washington, from $15,000 to $25,000, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for improving Grays Harbor and Chehalis River, Washington, from $15,000 to $50,000, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment providing for the maintenance of the east and west waterways in the harbor at Seattle, Wash., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce and ordered to be printed.

REPORT OF CIVIL SERVICE COMMISSION.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States (H. Doc. No. 143), which was read and, with the accompanying papers, referred to the Committee on Civil Service and Retrenchment and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, the Twenty-sixth Annual Report of the United States Civil Service Commission, for the year ended June 30, 1909.

WM. H. TAFT.

THE WHITE HOUSE, *February 14, 1910.*

HOUSE BILLS REFERRED.

H. R. 19255. An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1911, was read twice by its title and referred to the Committee on Appropriations.

The following bills were severally read twice by their titles and referred to the Committee on Pensions:

H. R. 19959. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 20480. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors; and

H. R. 20490. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors.

RETURN OF BILLS.

The PRESIDENT pro tempore laid before the Senate the bill (S. 5522) to authorize the reconstruction, maintenance, and operation of a bridge across the Black River near Paroquet, Ark.; the bill (S. 5523) to authorize the reconstruction, maintenance, and operation of a bridge across the St. Francis River near Parkin, Ark.; and the bill (S. 5524) to authorize the reconstruction, maintenance, and operation of a bridge across the White River, at Augusta, Ark., returned from the House of Representatives in compliance with the request of the Senate.

Mr. MARTIN. I move that the votes by which the bills were ordered to a third reading and passed be reconsidered.

The motion to reconsider was agreed to.

Mr. MARTIN. I move that the bills be indefinitely postponed.

The motion was agreed to.

ELECTION OF SENATORS BY DIRECT VOTE.

Mr. BRISTOW. Mr. President, I should like to inquire if the Committee on the Judiciary has yet given any consideration to the joint resolution (S. J. Res. 50) providing for the election of Senators by direct vote?

Mr. CLARK of Wyoming. The Senator is making the inquiry of the chairman of the committee?

Mr. BRISTOW. Yes.

Mr. CLARK of Wyoming. I will say to the Senator that the committee has given consideration to the joint resolution, but has arrived at no conclusion thereon.

Mr. BRISTOW. Do I understand the chairman of the Committee on the Judiciary to state that consideration has been given to the joint resolution?

Mr. CLARK of Wyoming. I said the committee had given consideration to it. I did not say that they have completed the consideration. I understood the Senator to ask if any consideration had been given to the joint resolution.

Mr. BRISTOW. I should like to inquire if there is any prospect that a report will be made soon?

Mr. CLARK of Wyoming. The Senator is as good a judge of prospects in a committee of the Senate as I am.

Mr. BRISTOW. I hardly think I am as good a judge of the prospect in regard to a joint resolution before the Committee on the Judiciary as the chairman of that committee would be.

Mr. CLARK of Wyoming. As I stated to the Senator on a previous occasion, I would not attempt to prophesy how or when the joint resolution may be conclusively considered in the Judiciary Committee. I have said to the Senator before, and I say now, that the committee intends to act in entire good faith toward the joint resolution, as toward every piece of legislation referred to that committee. Further than that I can not tell the Senator.

I will say further that the Senator ought not to inquire unless he desires to have the committee discharged from the further consideration of the joint resolution.

Mr. BRISTOW. I have no desire to have the committee discharged; if the committee is giving serious consideration to it and for the purpose of reporting the joint resolution either favorably or adversely I am satisfied, only I should like to have it reported at as early a date as possible.

Mr. CLARK of Wyoming. I will say further to the Senator, so that there will be no misunderstanding, that the Senate Committee on the Judiciary is not laying aside all other work before it for the purpose of considering this joint resolution. If the Senator desires, he is at liberty at any time and I welcome him to enlighten the committee on the merits of the joint resolution to which he refers. The meetings of the committee are always open to him or to others who desire to call up any particular legislation proposed.

Mr. BRISTOW. Thank you.

BILLS PASSED OVER.

The PRESIDENT pro tempore. The morning business is closed and the calendar under Rule VIII is in order. The first bill on the calendar will be stated.

The bill (S. 3724) regulating injunctions and practice of the district and circuit courts of the United States was announced as first in order.

Mr. KEAN. Let the bill go over.

The PRESIDENT pro tempore. The bill will go over without prejudice.

The bill (S. 1630) to provide for the construction of a memorial bridge across the Potomac River from Washington to the Arlington property was announced as next in order.

Mr. MARTIN. That bill can be passed over without prejudice.

The PRESIDENT pro tempore. The bill will be passed over without prejudice.

The bill (S. 5436) to create a legislative council in the district of Alaska, to confer legislative powers thereon, and for other purposes, was announced as next in order.

Mr. KEAN. That is the unfinished business, and it will be passed over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1035) authorizing and directing the Secretary of State to examine and settle the claim of the Wales Island Packing Company was announced as next in order.

Mr. SMOOT. I ask that the bill may go over.

The PRESIDENT pro tempore. The bill will go over without prejudice.

Mr. KEAN. That is a very meritorious bill, I will say to the Senator from Utah.

Mr. SMOOT. I understand; but there are questions connected with it that it will take some time to dispose of.

The bill (S. 5876) to establish postal savings depositories for depositing savings at interest with security of the Government for repayment thereof, and for other purposes, was announced as next in order.

The PRESIDENT pro tempore. The bill will go over without prejudice.

W. B. GRAHAM.

The bill (S. 4778) to reimburse W. B. Graham, late postmaster at Ely, Nev., for money expended for clerical assistance was considered as in Committee of the Whole.

Mr. BRISTOW. Mr. President, that is the bill that was up some days ago for discussion, and I made an inquiry as to the basis for the claim. The Senator from Nevada [Mr. NIXON] replied that it was for clerical assistance in a post-office, and for moneys that the postmaster had expended for clerical assistance; that the postmaster had not been authorized to make such an expenditure by the department, but that the department had requested or recommended that this bill reimbursing him be passed.

There was an appropriation of $100,000 made that year in the post-office appropriation bill for the purpose of paying just such expenses incurred by postmasters. I understand that the Post-Office Department asked for a deficiency appropriation for the purpose of paying these and other claims, or making additional allowances to this and other offices, and the Post-Office Committee refused to place such an item in the deficiency appropriation bill; that is, it refused to include in the appropriation bill that year the money to pay such expenses. Then, the Post-Office Department seems to have authorized the postmaster to go ahead and expend this money, in the face of the fact that the Post-Office Committee had refused to recommend an appropriation. It seems to me that that is an arbitrary way of creating a deficiency in the face of Congress refusing to make an additional appropriation.

If a postmaster can go ahead and expend money beyond the amount appropriated by Congress, even when the Congress refuses to pass an item in a deficiency appropriation bill to provide additional money for such expenditures; if, then, the department can go ahead and expend the money anyway, apparently in defiance of the will of Congress, and come in here later with a private claim on the part of the postmaster and ask that that be provided for, there is no limit to the amount of the claims that can be created here. It seems to me like a very dangerous precedent, indeed, for Congress to establish, because the department simply relieves itself of all responsibility or authority over the limiting of expenditures if bills of this kind shall be passed.

The bill was reported to the Senate without amendment.

Mr. BRISTOW. I shall have to ask that a vote be taken on the bill.

The PRESIDENT pro tempore. A vote on the final passage?

Mr. BRISTOW. No; a vote on ordering the bill to be engrossed for a third reading.

The PRESIDENT pro tempore. Shall the bill be ordered to be engrossed for a third reading? [Putting the question.] By the sound, the ayes have it.

Mr. BRISTOW. I ask for the yeas and nays on the question.

The PRESIDENT pro tempore. The Senator from Kansas demands the yeas and nays.

Mr. BRISTOW. Mr. President, I should like the Senate to understand this appropriation. Here is a postmaster who goes ahead and makes expenditures at his post-office aggregating over $3,000 for clerical help over and above what the department allows him. A request is made by the department for an additional appropriation, over and above the $100,000 which was allowed for this purpose, as a deficiency. Congress refused that additional appropriation.

Mr. BACON. Will the Senator permit me to ask him whether that appropriation was asked for after the expenditures had been incurred or in anticipation of it?

Mr. BRISTOW. I think a part of it had been incurred before and a part of it afterwards. This additional amount was asked, and Congress refused, claiming that $100,00 was enough to meet all such expenditures in the department.

Now, in the face of that, the department authorizes this postmaster, or he does it without authority, I do not know which, to go ahead and incur this additional expense, and then a bill is brought in here as a private claim. What is to prevent any postmaster in the United States from doing the same thing and coming back here and asking that a private claim be passed to reimburse him for expenditures which he never was authorized to make or which Congress refused to recognize by an appropriation at the time?

Mr. FRAZIER. May I ask the Senator from Kansas a question?

Mr. BRISTOW. Certainly.

Mr. FRAZIER. Was the expenditure made upon the authority of the Post-Office Department or by the postmaster on his own responsibility?

Mr. BRISTOW. The Post-Office Department made certain allowances to him out of the $100,000 which was appropriated to meet extraordinary conditions. It made no more, and this $3,000 is in addition to what the department allowed. Whether it was made by their authority or without their authority we are not advised, but we know that it is $3,000 more than was allowed the postmaster out of the appropriation. Now, why should he be reimbursed?

Mr. NIXON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Nevada?

Mr. BRISTOW. Certainly.

Mr. NIXON. Mr. President, in explanation I will state that the town of Ely, Nev., was a fourth-class post-office in 1907,

and was advanced to the second class on July 1, 1908. It was prior to the time of its advancement to the second class that this deficiency occurred, which was brought about by a large influx of people because of the growth of Ely from a small settlement to a great mining camp. To give exact figures, on January 1, 1907, the postmaster was allowed $120 per year for regular clerk hire. On April 1, 1907, his allowance for regular clerk hire was increased to $300, and a further allowance was made of $300 from the appropriation for unusual conditions for May and June, 1907. On July 13, 1907, $1,000 was allowed from the appropriation for unusual conditions for the third quarter in 1907. On August 17, 1907, $1,000 was allowed from the appropriation for unusual conditions for the fourth quarter of 1907. The appropriation for unusual conditions was then practically exhausted, the sum of $19.81 only being left on hand.

The postmaster either had to pay the unusual expenses of the office out of his own funds or virtually close up the office. I do not believe the Post-Office Department authorized him to expend this money, but from January 1, 1908, no allowance was made except $300 for regular clerk hire, the appropriation for unusual conditions having been exhausted. Having the interest of the public at heart, and as an efficient postmaster and an American citizen looking out for the general welfare of the community, he continued to conduct the affairs of the office by advancing the necessary money out of his private funds.

I have a copy of a statement and affidavit here which I will not read, but simply ask leave to have printed as a part of my remarks, in order to make the record complete. It is a list of each item of expenditure, to which the postmaster has taken oath, and in many cases the receipts are with the papers accompanying the bill.

The PRESIDENT pro tempore. The Chair hears no objection.

The statement and affidavit referred to are as follows:

Statement of labor hired and paid at Ely, Nev., post-office between July, 1906, and March, 1908, both inclusive, by Postmaster W. B. Graham, for which he has not been reimbursed.

Date.	Name.	Present location.	Check No.	Receipt reference.	Amount.
1906.					
July	May Lewis	Peru, South America			$90.00
August	do	do			90.00
September	do	do			90.00
October	do	do			90.00
November	do	do			90.00
Do	Sol Help		309		45.00
December	do		309		90.00
Do	May Lewis				90.00
Do	J. A. Mease	Utah			90.00
1907.					
January	J. A. Mease	Utah			90.00
Do	May Lewis	Peru, South America			90.00
February	do	do			90.00
Do	J. A. Mease	Utah			90.00
March	do	do			90.00
Do	May Lewis	Peru, South America			90.00
April	J. A. Mease	Utah	365		90.00
Do	Q. W. Hull			1526	120.00
Do	May Lewis	Peru, South America			90.00
May	J. A. Mease	Utah	365		90.00
Do	Q. W. Hull			1526	120.00
Do	May Lewis	Peru, South America	366		90.00
June	J. A. Mease	Utah	390		90.00
Do	Q. W. Hull			1526	120.00
Do	Lella Hough	Pennsylvania			90.00
1908.					
January	Q. W. Hull			1526	120.00
Do	J. A. Mease	Utah			100.00
Do	Louise Lewis			1526	75.00
Do	M. W. Hough			1526	75.00
Do	J. Banks			1526	40.00
February	Q. W. Hull			1526	120.00
Do	J. A. Mease	Utah			100.00
Do	Louise Lewis			1526	75.00
Do	M. W. Hough			1626	75.00
Do	J. Banks			1526	40.00
March	do			1526	40.00
Do	M. W. Hough			1526	75.00
Do	Louise Lewis			1526	75.00
Do	Q. W. Hull			1526	120.00
Total					3,335.00

STATE OF NEVADA, *County of White Pine, ss:*

W. B. Graham, being duly sworn, says that at all the times mentioned in the foregoing statement he was the duly appointed and acting postmaster at Ely, White Pine County, in the State of Nevada.

That he has read the said statement and knows the contents thereof, and the same is true.

That each and every item contained in said statement, amounting in all to the sum of $3,335, has been paid by this affiant at the time and to the parties therein mentioned.

That the amounts set forth in said statement, for which there are no vouchers attached, were actually paid by affiant to said parties at the time mentioned in said statement.

That no voucher nor receipt was taken by affiant for any of the money paid as aforesaid except those vouchers or receipts hereto and to said statement attached.

That the present location of the parties named in said statement is the location therein named.

That affiant is unable at the present time to secure any vouchers for the said payments made by him, as set forth in said statement, other than the vouchers attached to said statement and herewith inclosed.

W. B. GRAHAM.

Subscribed and sworn to before the undersigned, a notary public in and for White Pine County and the State of Nevada, this 10th day of April, 1908.

[SEAL.] FRANK X. MURPHY.

STATE OF NEVADA, *County of White Pine, ss:*

W. B. Graham and Q. W. Hull, being duly sworn, each for himself, and not one for the other, says:

That during all the time between the 30th day of June, 1906, and the 1st day of April, 1908, the said W. G. Graham was the postmaster and the said Q. W. Hull was the duly appointed and acting assistant postmaster at Ely, White Pine County, Nev.

That during said time the said W. B. Graham, as such postmaster, paid, laid out, and expended for labor performed in relation to the proper care and handling of United States mail matter at the post-office at Ely aforesaid the sum of $3,335, as set forth in the foregoing attached statement.

That the said sum of $3,335, and the whole thereof, was properly and necessarily expended by said W. B. Graham as such postmaster in addition to all sums of money received by him in payment of clerk hire and other expenses incurred in the care, management, and control of said post-office during said period.

That no part of said sum of $3,335 has been paid, returned, nor refunded to said affiant, W. B. Graham, nor to any other person for his use or benefit.

That during all of said time the said post-office, and the business pertaining thereto, was managed economically, and with the least possible expense; and each and all of the persons named in said annexed statement worked diligently and well for more than eight hours each and every day during said time; and many days during said time affiant Hull worked in his capacity of assistant postmaster for more than fifteen hours per day.

That each of said clerks named in said statement was competent, and the services rendered by them were reasonably worth the said sum paid therefor.

That said services were necessary and could not have been secured without incurring the said expense, and paying out and expending the said sum of $3,335, and the whole thereof.

W. B. GRAHAM.
Q. W. HULL.

Subscribed and sworn to before the undersigned, a notary public for said county, this 10th day of April, 1908.

[SEAL.] FRANK X. MURPHY.

Mr. NIXON. Mr. President, I will state that in the report to the department from Assistant Superintendent Hall, who was an inspector for that district, he stated that from September 1, 1905, to January 1, 1908, the postmaster expended from his personal funds $2,570 for clerk hire, and that during the next six months he expended from his personal funds $765.

That is covered by this bill. As I said a few days ago when this matter was up, I personally am very familiar with the circumstances out there, and, regardless of the fact as to whether it is just the right thing or not, I know that this money was honestly expended by the postmaster in keeping the office open and for the benefit of the patrons of the office. I do not believe that any Senator here would say that it was good business policy to close up a post-office simply because there was no department provision to keep it open.

I agree with the Senator from Kansas [Mr. BRISTOW] that perhaps it would have been better if this matter had been taken care of by the Post-Office Department, but they informed me that it was impossible for it to be handled by them, on account of the appropriations for unusual conditions being exhausted. Therefore I introduced this bill. It covers the same character of legislation as other bills introduced by me in behalf of the postmasters at Goldfield, Tonopah, and Rhyolite, all of which have been passed by this body.

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. This bill is proceeding under Rule VIII, which only permits a Senator to speak once.

Mr. BRISTOW. I will ask, then, that the bill go over.

Mr. KEAN. It is too late to do that.

The PRESIDENT pro tempore. Consent has been given for the consideration of the bill. The Senator from Kansas has demanded the yeas and nays on the engrossment and third reading of the bill.

Mr. NIXON. Let us have the yeas and nays.

Mr. BOURNE. Before that question is put I should like to ask to have read the report of the committee containing the statement of the Post-Office Department on this bill.

The PRESIDENT pro tempore. The Senator from Oregon demands the reading of the report. The Secretary will read it.

The Secretary read report No. 161, submitted by Mr. BURROWS February 3, 1910, as follows:

The Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 4778) to reimburse W. B. Graham, late postmaster at Ely,

Nev., for money expended for clerical assistance, having considered the same, report thereon with a recommendation that it pass.

A similar bill (S. 6682) was reported favorably from the Committee on Post-Offices and Post-Roads during the first session of the Sixtieth Congress, and the report made thereon is herewith made a part of the report on S. 4778.

[Senate Report No. 649, Sixtieth Congress, first session.]

The Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 6682) to reimburse W. B. Graham, late postmaster at Ely, Nev., for money expended for clerical assistance, having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the Post-Office Department, as will appear by the following letter:

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., May 7, 1908.

MY DEAR SIR: In reply to your letter of the 22d ultimo, relative to the merits of Senate bill 6682, "to reimburse W. B. Graham, late postmaster at Ely, Nev., for money expended for clerical assistance," I beg to inform you that in view of the fact that Mr. Graham was forced to pay the amount claimed from his personal funds in excess of the amount allowed by the department, and the further fact that the department could not give him an increased allowance on account of the exhausted condition of the appropriation for unusual conditions, it is believed that this case is meritorious.

Very truly, yours,
C. P. GRANDFIELD,
Acting Postmaster-General.

Hon. BOIES PENROSE,
Chairman Committee on Post-Offices and Post-Roads,
United States Senate.

Mr. BURKETT. Mr. President, I should like to ask a question or two of the Senator from Nevada [Mr. NIXON], who introduced this bill. I will say that I am not so much concerned about the question which the Senator from Kansas [Mr. BRISTOW] raises as I am about the method of the Post-Office Department in doing business. I should like to ask the Senator from Nevada how long a time this deficiency covered for which the postmaster at Ely has made claim?

Mr. NIXON. I think it is a period of about a year and a half.

Mr. BURKETT. Then, during that year and a half the postmaster paid out $3,000 more than he was allowed?

Mr. NIXON. Yes; he paid out that much more than he was allowed.

Mr. BURKETT. There was no appropriation bill, then, between the time when the deficiency started and the time when it ended? Is that the fact?

Mr. NIXON. I think that is the fact. The department, as I understand, requested an additional appropriation of $20,000 for unusual conditions, as stated by the Senator from Kansas [Mr. BRISTOW], but that appropriation was not made. Therefore the department could make no allowance for that post-office, and the postmaster had to continue paying the expenses of the office out of his private funds or close the post-office.

Mr. BURKETT. Does the Senator know why the post-office was permitted to continue so long in the lower class? Why could it not have been advanced to a higher grade, so that it could be taken care of with an adequate allowance?

Mr. NIXON. As I understand, it takes a little over a year to accomplish that. A record of the business of a post-office for a year is taken as a basis for the advancement of the office. It was in the interim that this deficiency occurred. I do not remember the exact dates, but in the report which has been made the exact dates are given.

Mr. BURKETT. I do not want to object to the bill, but as I understood the reading of the statement by the Senator from Nevada [Mr. NIXON], this deficiency covered a period of three years; that it began back in 1905 and continued down to 1908.

Mr. NIXON. No.

Mr. BURKETT. But by the Senator's statement just made I see it is reduced a year and a half. It occurred to me that if the Post-Office Department had directed this post-office to run along in this unusual condition for three years without advancing it to the proper grade whereby they could take care of it in the ordinary way, or if they had permitted two or three appropriation bills to come up and had not called the matter to the attention of Congress, and then had not put in any more favorable report than the Acting Postmaster-General has filed in this case, there ought to be some additional reasons presented to the Senate to justify us in passing this bill. My criticism is lodged more at the Post-Office Department than it is at this postmaster, for I do not know anything about the conditions, but I was on the committee when some of the cases of these other towns, to which attention has been called, were considered, and I can imagine the growth of those towns and things which bring about such a condition; but it does seem to me that when a condition of this kind prevails in a town, the Post-Office Department ought to realize that such a case will be brought to the attention of Congress, and that the department ought to give it enough attention to report exactly what the circumstances are and exactly the amount that was paid out, so that the matter might be brought to us in a more complete way than it has been in this case.

Then, so far as the report is concerned, we are simply to take the word of the postmaster there and the word of the Senator, which, of course, is based on the report of the postmaster there, as to the amount the postmaster expended, when it seems to me that the Post-Office Department, with an inspector in that section of the country, ought to look after these matters carefully enough so as to present to us in a satisfactory manner a detailed statement of just what the postmaster had to pay out.

Mr. HALE. Mr. President——

Mr. NIXON. Mr. President, I said that these figures were corroborated by Superintendent Hall——

The PRESIDENT pro tempore. Under the rule, the right of the Senator from Nevada has been exhausted.

Mr. HALE. I only wish to say that this claim—which is a pure claim—has taken the course that always ought to be taken in such cases. The Committee on Appropriations is continually beset by just such cases as this, and is asked to put such claims onto an appropriation bill. In the interest of good legislation, the Committee on Appropriations is obliged to decline to do so, and always takes the ground that all such cases should go to the Committee on Claims, and be reported from that committee as claims pure and simple, for they can not, under the rules, be incorporated in an appropriation bill.

So far as I can see, the Senator from Nevada [Mr. NIXON] has pursued the proper course. Instead of entreating the Committee on Appropriations to put it on an appropriation bill, where as a claim it is not permissible, he has gone to the Committee on Claims, which has considered it as a pure claim and has reported it as such. I do not see how the Senator could have done more than that. It seems to me that, under these conditions, the bill is properly before the Senate by the report of a proper committee, which has, I presume, fully considered it.

Mr. BURTON. Mr. President, will the Senator from Maine yield to an interruption?

Mr. HALE. Yes.

Mr. BURTON. As I understand the report, it does not come from the Committee on Claims.

Mr. HALE. From what committee does it come?

Mr. BURTON. The Committee on Post-Offices and Post-Roads.

Mr. GALLINGER. That is just as well.

Mr. BURTON. It is so designated in the report on the calendar, No. 170.

Mr. HALE. Mr. President, the point as to what committee has considered the bill is not essential. I supposed that the Committee on Claims had considered it; but as the Committee on Post-Offices and Post-Roads always considers such claims and reports them, it relieves the Committee on Appropriations from putting them onto an appropriation bill. Whether the Post-Office Committee or the Committee on Claims reported it makes no difference. It has gone the round of the proper committee, which is in charge of it, which, instead of reporting it as an amendment to an appropriation bill, has reported it as an independent bill before the Senate.

Mr. CLAY. Mr. President, this bill comes from the Committee on Post-Offices and Post-Roads. I was not present at the time it was last considered. My recollection is that the bill was favorably reported at a previous session and that the Senate then passed it. My recollection, further, is that the merits of the bill consisted in the fact that originally the town of Ely only contained 100 or 200 people, and the post-office was a fourth-class post-office, but the mining interests of that town and section developed so rapidly that the town reached a population of as high as 20,000. Of course a fourth-class post-office could not then transact the business. The department allowed a certain sum of money for clerk hire, which was soon exhausted by reason of these unusual conditions. The postmaster spent a considerable sum, and the Post-Office Department recommended that this amount be paid back by reason of the extraordinary conditions then existing at that town. It was a mining town, which sometimes had a population of 100, sometimes a population of 10,000, and sometimes more than 10,000.

Mr. CRAWFORD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from South Dakota?

Mr. CLAY. Certainly, with pleasure.

Mr. CRAWFORD. Before the Senator goes further I wish to ask if he is a member of the Committee on Post-Offices and Post-Roads?

Mr. CLAY. I am now and have been ever since I have been in the Senate.

Mr. CRAWFORD. Was the Senator present during the consideration of this claim?

Mr. CLAY. Yes; when it was considered three or four years ago. My recollection is that this claim was before the Committee on Post-Offices and Post-Roads and that it was reported favorably and passed by the Senate.

Mr. CRAWFORD. The point to which I direct attention is, Was the proof in the form of vouchers of the actual paying out of this money such that the report of the committee was unanimous in regard to the amount?

Mr. CLAY. My recollection is that when the bill came before the committee it was referred to the Post-Office Department. The Post-Office Department was asked to inform the committee as to the merits of the claim, how much money had been paid out, and whether or not it was a just claim. The claim was then referred to a subcommittee, and the subcommittee heard testimony and reported in favor of this amount. I was not a member of the subcommittee. I am sure, though, that the bill was reported by the committee unanimously, and I think it passed the Senate. I am not certain of that, but my recollection is that it passed the Senate without any opposition. I am sure that the merits of this claim were based upon the fact that extraordinary conditions arose at that town by reason of increase of population that could not be met by the amount of money that had been appropriated to carry on the business.

Mr. NEWLANDS. Mr. President, will the Senator from Georgia permit me to interrupt him?

Mr. CLAY. Yes.

Mr. NEWLANDS. The Senator from Georgia is entirely correct in stating that unusual conditions arose in that State during the period of mining excitement. I think he has put the population of the town somewhat larger than it actually was. The Senator is probably referring to the town of Goldfield, which quickly rose from a town of a few thousand up to 18,000 or 20,000 population, and then gradually contracted to 8,000 or 10,000 later on.

Mr. CLAY. I think there was a contraction in reference to that town later on.

Mr. NEWLANDS. Yes; and the town of Ely was also subjected to one of those sudden expansions of population arising from the development of the mining interest; and I have no question but that the postmaster performed a really patriotic duty in keeping the post-office open during this period of rapid expansion.

Mr. CLAY. The towns in the Senator's State grow up rapidly, and sometimes they do the reverse very rapidly.

Mr. NEWLANDS. Sometimes; but the general tendency is toward expansion.

Mr. CLAY. I do not recall at this time having seen an accurate statement of the items relating to this claim, and I could not say that I had before me at the time I voted in committee an accurate statement in regard to it; but my recollection is that the subcommittee that investigated it did report, and that we adopted the report of the subcommittee.

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Kansas?

Mr. CLAY. Certainly; with pleasure.

Mr. BRISTOW. I would like to inquire of the Senator from Georgia if the Committee on Post-Offices and Post-Roads did not, in January, 1908, refuse to recommend a deficiency appropriation to meet such expenditures, claiming that the $100,000 which had been appropriated for that fiscal year was sufficient, and that the Post-Office Department should so manage as to get along with that amount of money?

Mr. CLAY. I do not recall; it may be true or it may not. It is almost impossible for a Senator to recall everything that happens in a committee room for years, and I have been serving on that committee, I believe, for thirteen years. I do remember, however, that two claims were pending before that committee in regard to extra services of postmasters in Nevada; that one of them we passed and I think it became a law. The Senator from Nevada [Mr. NEWLANDS] referred to the town a few moments ago. I know that the other bill was favorably reported, and I feel reasonably sure that it passed the Senate. The Senator from Nevada ought to know whether or not the pending measure passed the Senate heretofore.

Mr. NIXON. This measure passed the Senate at the last session, but failed in the House simply because it was never reached on the calendar.

Mr. CLAY. The Senator from Michigan [Mr. BURROWS] has charge of this bill, and probably he is familiar with all the facts in regard to it. I do not see him present in the Senate.

The PRESIDENT pro tempore. On the question of the engrossment and third reading of the bill the Senator from Kansas [Mr. BRISTOW] has demanded the yeas and nays.

Mr. BRISTOW. I withdraw the demand.

The PRESIDENT pro tempore. Then the question is, Shall the bill be engrossed and read a third time?

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (H. R. 12316) to provide for the government of the Canal Zone, the construction of the Panama Canal, and for other purposes, was announced as next in order.

Mr. SMOOT. Mr. President, I ask that that bill go over.

The PRESIDENT pro tempore. The bill will go over, without prejudice.

The bill (S. 5485) to authorize the Secretary of the Interior to make temporary withdrawals of areas of public land pending report and recommendation to Congress or for examination and classification was announced as next in order.

Mr. HEYBURN. Mr. President, I am requested by the chairman of the Committee on Public Lands [Mr. NELSON], who is necessarily absent from the Chamber, to ask that that bill go over without prejudice.

The PRESIDENT pro tempore. The bill will go over without prejudice, at the request of the Senator from Idaho.

ALLOTMENT OF MAKAH INDIAN RESERVATION LANDS.

The bill (S. 4653) to authorize the Secretary of the Interior to allot all the remaining unallotted lands within the Makah Indian Reservation, and to provide for the conservation and the sale of timber on such reservation, was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to allot all remaining unallotted lands within the Makah Indian Reservation, in the State of Washington, to the members of that tribe or, with the consent of a majority of the members of the tribe, to set aside from allotment and arrange for the conservation of such lands and for the cutting and sale of ripened and matured timber therefrom, the net proceeds from such sale to be placed to the credit of the tribe and expended for its benefit under the direction of the Secretary of the Interior.

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

JOHN M. MILLER.

The bill (S. 863) to correct the military record of John M. Miller was considered as in Committee of the Whole.

Mr. BACON. I ask if there is a report in that case?

The PRESIDENT pro tempore. There is.

Mr. BACON. If it is not very long, I ask that it be read.

The PRESIDENT pro tempore. The Secretary will read the report.

The Secretary read the report (No. 173) submitted by Mr. BULKELEY on the 3d instant, as follows:

The Committee on Military Affairs, to whom was referred the bill (S. 863) to correct the military record of John M. Miller, have given the same very careful consideration, and report it back with the recommendation that it do pass.

An identical bill to this was considered by your committee during the Sixtieth Congress, was favorably reported and passed the Senate.

In this connection attention is respectfully invited to the report made at that time, which is hereto attached and made a part of this report.

[Senate Report No. 376, Sixtieth Congress, first session.]

The Committee on Military Affairs, to whom was referred the bill (S. 6006) to correct the military record of John M. Miller, have given the same careful consideration and report it back with the recommendation that it do pass.

From a careful examination of the papers in this case it appears that John M. Miller was enrolled August 8, 1861, and was mustered into service to take effect from August 30, 1861, as a private, Company D, Forty-fourth New York Infantry Volunteers, to serve three years, and that he was discharged the service, as a private, December 24, 1862, to reenlist in the United States artillery.

The records show that he reenlisted December 29, 1862, in Battery K, Fifth United States Artillery, to serve the remainder of his term of enlistment in the Forty-fourth New York Infantry, and was discharged, as a corporal, February 13, 1864, by reason of reenlistment.

The records further show that he again reenlisted in the same organization on the same date (Feb. 13, 1864) to serve three years.

The next record of this soldier appearing on the rolls of his regiment reports him as absent, sick, from April 23, 1864, until finally dropped as a deserter on December 14, 1865.

In explanation of the record showing that this soldier was absent, sick, from April 23, 1864, until finally dropped as a deserter on December 14, 1865, claimant alleged under oath, in an application to the War Department, that when he reenlisted on the above-named date he was given a furlough of thirty days, and at the end of said furlough he reported to the battery at Harrisburg, Pa.; that at that time he was left in the hospital; that after his return to duty from the post hospital at Camp Curtain, near Harrisburg, Pa., on July 11, 1862, he was detailed on duty with the provost-marshal at Harrisburg, Pa., and relieved from that duty on September 28, 1864, and ordered to proceed to New York City and rejoin his regiment.

This statement of the claimant is borne out by the original order which was filed with the papers before your committee, issued at Harrisburg, Pa., September 27, 1864, and known as "Special Orders B, No. 171," and states: "Corpl. J. M. Miller, K Company, Fifth United States Artillery, will proceed without delay to New York, N. Y., and report to the commanding officer of his company for duty; the Quarter-

master's Department will please furnish transportation." Signed by the captain of the Veteran Reserve Corps, post adjutant, by order of Capt. R. I. Dodge, United States Army, commanding post, and indorsed by the depot quartermaster's office, Harrisburg, Pa., dated September 27, 1864, stating, "Transportation furnished to New York City, N. Y.," and signed by E. A. Reichenbach, captain and assistant quartermaster, and P. Parsons, F. clerk.

Claimant further affirms that upon the order above quoted he proceeded to report at New York City, but on his way stopped at his home at Esperance, N. Y.; that he found his father had died and that his mother and two sisters were destitute; that he stayed at home and took care of them; that he was very deaf at the time, and has never recovered his hearing.

While the soldier admits that he stayed too long, he alleges that he had no intention of deserting, nor does it appear from the facts in the case that any such intention existed.

In view of the exceptionally long and meritorious service of this soldier, covering not only his original enlistment but two reenlistments, and the manner of the separation of this soldier from the service, that he is to-day well advanced in years, nearly totally deaf by concussion and crippled by rheumatism, your committee believe that relief should be afforded him, and therefore recommend the passage of the bill.

Attention is respectfully invited to the following papers, on which the above report is based:

1. Communication from the Adjutant-General United States Army, dated February 24, 1908, addressed to Hon. M. G. Bulkeley, United States Senate.
2. Communication as above, dated March 5, 1908.
3. Letter from the claimant, John M. Miller, dated February 20, 1908.
4. Letter from the claimant, John M. Miller, dated March 2, 1908.
5. Special Orders, "B" No. 171, Headquarters, Harrisburg, Pa.

WAR DEPARTMENT,
THE ADJUTANT-GENERAL'S OFFICE,
Washington, February 24, 1908.

SIR: Referring to your letter of the 22d instant, received to-day, in which you request the military record of John M. Miller, formerly of the Forty-fourth New York Infantry, and Battery K, Fifth United States Artillery, I have the honor to inform you as follows:

It is shown by the records that John M. Miller was enrolled August 8, 1861, and was mustered into service to take effect from August 30, 1861, as a private, Company D, Forty-fourth New York Infantry Volunteers, to serve three years, and that he was discharged the service as a private December 24, 1862, to reenlist in the United States Artillery. He reenlisted December 29, 1862, in Battery K, Fifth United States Artillery, to serve the remainder of his term of enlistment in the Forty-fourth New York Infantry, and was discharged as a corporal February 13, 1864, by reason of reenlistment.

He again enlisted in the same organization February 13, 1864, to serve three years. He was returned to (that is, pronounced fit for) duty January 26, 1866, from hospital, Key West Barracks, Fla., where he had been under treatment, and, failing to rejoin his company, he became a deserter on that date. He did not report his whereabouts or the cause of his absence to the military authorities, although he owed service until February 13, 1867.

Application for removal of charge of desertion and for an honorable discharge in the case of this soldier has been repeatedly denied, and now stands denied, on the ground that he did not complete his term of enlistment, and was not prevented from completing it by disability incurred in the line of duty, and because the case does not come within any of the other provisions of the act of Congress approved March 2, 1889, which is the only law now in force governing the subject of removal of charges of desertion.

Very respectfully,
F. C. AINSWORTH,
The Adjutant-General.

Hon. M. G. BULKELEY,
United States Senator.

WAR DEPARTMENT,
THE ADJUTANT-GENERAL'S OFFICE,
Washington, March 5, 1908.

SIR: I am in receipt of your letter of yesterday in which, with reference to the recent correspondence in the case of John M. Miller, formerly of Company D, Forty-fourth New York Infantry, and Battery K, Fifth United States Artillery, you state that you are advised by Mr. Miller that there must be some error in the record, as he was never in the hospital at Key West Barracks, Fla., and that in fact he was never in Florida at any time, and that he alleges that after his reenlistment in Battery K, Fifth United States Artillery, on February 16, 1864, he was given a furlough of thirty days; that at the end of the thirty days he reported to the battery at Harrisburg; that he was left sick in the hospital at that place, and later detailed on duty at the provost-marshal's office, and from there ordered to report at headquarters at Fort Hamilton; and referring to your request to be further advised in this matter, I have the honor to inform you as follows:

Upon a reexamination of the medical records it is found that one J. M. Miller, private, Company K, Fifth United States Artillery, was admitted to the post hospital at Key West Barracks, Fla., on January 23, 1866, with intermittent fever, and that he was returned to duty January 26, 1866. Upon a further examination, however, of the regimental records, it is found that there served in Battery K, Fifth United States Artillery, during January, 1866, one John D. Miller, and in view of this record it is possible, and perhaps probable, in view of the applicant's statement, that so much of the medical records as shows that the name of the soldier who was treated in the hospital at Key West, Fla., during January, 1866, was J. M. Miller is a clerical error, and that that record pertains to John D. Miller, then a member of that battery. This probability is further strengthened by the fact that on the muster rolls of Battery K, Fifth Artillery, John M. Miller is reported as absent sick from April 23, 1864, until finally dropped as a deserter on December 14, 1865.

In his application for removal of the charge of desertion of September 7, 1891, Miller stated that he reported at Harrisburg, Pa.; was taken sick there and placed in hospital; that he remained two months in the hospital and went home on a hospital furlough, and that he was unable to report to his regiment for a long time, and that his regiment was discharged before he was able. In a later statement, of November 28, 1905, he alleged that he was in the hospital at Harrisburg, Pa., and from there was detailed at the provost-marshal-general's office; that he received orders to report at Fort Hamilton, New York Harbor; that on his way he stopped at his home at Esperance, N. Y.; that he found that his father had died and that his mother and two sisters were destitute; that he stayed at home and took care of them; that he was very deaf at the time, and has never recovered his hearing.

It will be seen that there is a radical discrepancy between these two statements as to the manner under which Miller finally left the service and as to the cause of his failure to rejoin his command. The latter statement of Miller is partly corroborated by the records, which show that after his return to duty from post hospital at Camp Curtin, near Harrisburg, Pa., on July 11, 1862, Miller was detailed on duty with the provost-marshal at Harrisburg, Pa., and relieved from that duty on September 28, 1864, and ordered to proceed to New York City to rejoin his regiment.

It is proper to add that, admitting all that is claimed by the applicant in this case, it is beyond the power of this department to extend to him any relief under existing law. He was a member of the Regular Army, and there is no provision in the act of Congress approved March 2, 1889, which is the law governing the subject of removal of charges of desertion that is applicable to his case, and that would warrant the removal of the charge of desertion and the issue to him of an honorable discharge.

Very respectfully,
F. C. AINSWORTH,
The Adjutant-General.

Hon. M. G. BULKELEY,
United States Senate.

NEW HAVEN, *February 20, 1908.*

United States Senator MORGAN G. BULKELEY.

DEAR SIR: I take the privilege of dropping you a line in regard to a pension. I will here tell you the circumstances. I enlisted August 8, 1861, in the Forty-fourth New York, Ellsworth Regiment. After a time I was transferred to Battery K, Fifth United States Artillery, and served faithfully in the battery until February 13, 1864, when I was given an honorable discharge and reenlisted and was given a furlough of thirty days. At the end of thirty days I reported to battery at Harrisburg, Pa. I was sick and was left in the hospital, and after I was able to leave I was detailed on duty at the provost-marshal's office and was there for some time. Then I was ordered to report at headquarters at Fort Hamilton. I started, and on my way I stopped at home and found my father dead and my mother with little children to care for. I stayed, and of course I stayed too long. I had no intention of deserting. The war was ended in two or three months after. I served my country nearly four years, the best years of my life, in active service. I am a man now 67 years of age, am nearly totally deaf by concussion and crippled with rheumatism. I sent a paper to the Secretary of War and received in answer that he could do nothing, that I must get some Representative to do it for me. I made application for a pension on this discharge which I received when I reenlisted (which I now send you) under the act of February 6, 1907. All papers have gone through, and everything is all right up to this thing, which I was informed must be removed before anything more could be done. Now can't you do something for me and get this removed so that I may get something in return for my services? I have been a resident of New Haven for twenty years. Trusting that you will do something for me, I am,

Yours, respectfully,
JOHN M. MILLER,
10 Asylum Street, New Haven, Conn.

(Please return discharge.)

NEW HAVEN, CONN., *March 2, 1908.*

Honorable United States Senator M. G. BULKELEY.

DEAR SIR: I received yours of February 25, and in defense of myself I would say that the War Department has my record entirely wrong. I was never in hospital, Key West Barracks, Fla. I was never in Florida. I can prove by a number of persons that my record was just as I gave it to you, and I have my order which called me from Harrisburg to New York, which I will send you that you may see I am right. It may do no good, for I knew the War Department would not do anything for me, but is there no other way by which this can be removed? I served faithfully about four years and was in a good many engagements. I was very deaf when I left the army, and am almost entirely so now. Will you kindly inform me what the provisions in the act of Congress, 1899, were? It seems as though I might receive some compensation for my service.

Very respectfully, yours,
JOHN M. MILLER,
10 Asylum Street, New Haven, Conn.

SPECIAL ORDERS B, No. 171. HEADQUARTERS, *Harrisburg, Pa., September 27, 1864.*

Corpl. J. M. Miller, K Company, Fifth New Jersey Artillery, will proceed without delay to New York, N. Y., and report to the commanding officer of his company for duty.

The quartermaster's department will please furnish transportation.

By order of Capt. R. I. Dodge, United States Army, commanding post.

S. O. HUME,
Captain, Veteran Reserve Corps, Post Adjutant.

(Indorsed:) Deprt. Qr. Mrs. Office, Harrisburg, Pa., Sept. 27, 1864. Transportation furnished to New York City, N. Y., E. A. Reichenbach, Capt. & Asst. Qr. Mr.; P. Parsons, F. Clk.

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

JOHN OATES.

The bill (S. 864) to correct the military record of John Oates was considered as in Committee of the Whole. It authorizes the Secretary of War to review the military record and revoke the order of dismissal by general courts-martial of John Oates, late a private in Company D, Fourteenth Regiment United States Infantry, and to issue to him an honorable discharge as of September 21, 1864; but no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

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

PORT HUDSON FORLORN-HOPE STORMING PARTY.

The bill (S. 1531) to grant medals to survivors and heirs of volunteers of the Port Hudson forlorn-hope storming party was considered as in Committee of the Whole. It proposes to appropriate $2,000 to procure a suitable bronze medal commemorating the organization of the volunteer storming party against the works at Port Hudson, La., organized, pursuant to General Order No. 49, by command of Major-General Banks, commanding the Department of the Gulf, June 15, 1863, and present one of said medals to each of the surviving volunteers of the storming party, and in case of the decease of the volunteer the medal shall be given to his widow or oldest heir.

Mr. GALLINGER. Manifestly, in line 6, on page 1, the comma should be stricken out after the word "organized."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM MARTINSON.

The bill (H. R. 2828) for the relief of William Martinson was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment to insert at the end of the bill the following proviso:

Provided, That no pay, bounty, or other emolument shall become due or payable by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

CONFEDERATE CEMETERY AT SPRINGFIELD, MO.

The bill (S. 3501) providing for the taking over by the United States Government of the confederate cemetery at Springfield, Mo., was considered as in Committee of the Whole.

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

THIRTEENTH AND SUBSEQUENT DECENNIAL CENSUSES.

Mr. LA FOLLETTE. I ask unanimous consent for the present consideration of the bill (H. R. 18364) to amend section 8 of an act to provide for the thirteenth and subsequent decennial censuses, approved July 2, 1909. It is a bill of public importance, which ought to be passed at once if it is to be passed at all. It is a bill making slight changes in the census law.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill which had been reported from the Committee on the Census with an amendment on page 3, line 14, after the word "enterprises," to insert:

Quantity of land irrigated in the arid region of the United States and in each State and county in that section under state and federal laws; the price at which these lands, including water right, are obtainable; the character and value of crops produced on irrigated lands, the amount of water used per acre for said irrigation and whether it was obtainable from national, state, or private works; the location of the various projects and method of construction with facts as to their physical condition.

Mr. JONES. I desire to ask the Senator in charge of the bill whether or not, under the amendment which is proposed, the Director of the Census would get information with reference to irrigation works by private capital? I notice it uses the terms "under state and federal laws." I do not know whether that would restrict the inquiry to such an extent as to cut out information with reference to purely private irrigation enterprises. I should like to have the Senator state what is the fact.

Mr. LA FOLLETTE. In my opinion it would confine the investigation to such irrigation enterprises as are authorized either by state or federal law. If the private enterprises of which the Senator speaks are under state regulation, are authorized by state statutes, then they would come within the scope of this inquiry. If they were not conducted under a statute, they would not come within this inquiry.

Mr. JONES. What I have in mind is that we have reclamation works put in under what is known as the "Carey Act," under which the State does the reclamation work through private parties. That is possibly what is meant by state law.

Mr. LA FOLLETTE. Yes, sir. I think those would plainly be included within the scope of the legislation.

Mr. JONES. Is that all that would be included under the term "state regulation?"

Mr. LA FOLLETTE. Manifestly not.

Mr. JONES. For instance, in our valleys in Washington a great many private canals have been put in, not especially under authority of a state statute, but the persons simply went in and appropriated the water and reclaimed the land.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from South Carolina?

Mr. TILLMAN. This little private conversation over there has been conducted in such a low tone that I could hardly understand the gist of it. But I caught enough to get the idea that there is some proposition pending here to get information through the census——

Mr. JONES. The Senator from South Carolina did not have any difficulty in hearing me.

Mr. TILLMAN. Yes, sir; I had some difficulty in hearing you because you were discussing this matter in a private way with the Senator from Wisconsin—not that either of you is lacking in voice when you want to be heard, but you had the tone a little lower than is common.

If it is the purpose to get some information, what difference does it make whether it is under state or federal law? What we want are the facts, regardless as to how the irrigation came about.

Mr. JONES. That is my idea exactly; and I want to be sure that this provision is broad enough to cover it, whether the work is done by purely private individuals or under state or federal government. I should like to have the amendment enlarged with reference to that proposition, so that we will get all the facts with respect to irrigated lands and their cost, as nearly as possible.

Mr. LA FOLLETTE. I think if there is a purely private enterprise on ranches or farms owned by individuals, it would not come within the scope of the proposed amendment. No information would be gathered with respect to it. It seems to me that would be entering upon a very large and expensive undertaking. It is estimated by the Director of the Census that the cost entailed upon the Government by this proposed amendment with respect to irrigation will involve an expenditure of from fifty to a hundred thousand dollars. If, however, this inquiry is to be carried to every little private enterprise on the farm or ranch of some individual, there is no telling what the expense would be. It certainly would be very heavy.

Mr. JONES. I desire to suggest to the Senator that if the inquiry does not get all the facts in reference to irrigation it will be of but very little value. I want to suggest to him another condition in the irrigation section, and that is that at the present time the great amount of land irrigated in the United States is irrigated by purely private enterprise; and if we do not get the information in reference to that, the information we would get would be of practically no value.

Take it in my section. For instance, there is one canal which has been put in by a purely private company, without reference to any state law, but simply by going to the stream and diverting the water, making an appropriation, and reclaiming several thousand acres of land. We would like to have that information, and we ought to have it.

Mr. WARREN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Wyoming?

Mr. JONES. I do.

Mr. WARREN. The water rights are all obtained, or should be, and I presume are, from state authority; and if this language would not bring them under the provisions of the bill, I think it ought to be changed. But as I heard it read——

Mr. JONES. I doubt if the language in the bill is broad enough to cover those enterprises.

Mr. WARREN. As I heard it read I thought it covered it. If not, I think it should be changed to cover it. I think in the Senator's State as well as in all others the rights all come from the State.

Mr. JONES. Yes; the water right does, either by express law or by custom; but I want to call the attention of the Senator to the fact that the Senator in charge of the bill hardly thinks it would cover these purely private enterprises.

Mr. LA FOLLETTE. I do not think it would cover those private enterprises which are confined to operations upon privately owned property, where it was not necessary to proceed to condemn under state law or to bring the irrigation project within the federal statute. For instance, an irrigation project which begins and ends upon a farm, that is undertaken without reference to state or federal laws, I do not think would come

within the terms of this proposed statute. The language is very plain:

Inquiries shall also be made as to the location and character of irrigation enterprises, quantity of land irrigated in the arid region of the United States and in each State and county in that section under state and federal laws.

That is substantially the language of the amendment offered by the Senator from Idaho. I do not think it would be feasible; indeed, I think it would be imposing upon the Bureau of the Census an almost impossible task at this time to undertake to gather information with respect to every little irrigation enterprise on every small patch of land in the United States, and I think it would operate to defeat the whole purpose of the inquiry.

Mr. HALE. Mr. President——

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

Mr. JONES. I do.

Mr. HALE. I wish to ask the Senator from Wisconsin, did not the Committee on the Census consider that the provision which they adopted and reported is a large departure from the original purpose of the bill, and is going as far as it is safe to go in that direction?

Mr. LA FOLLETTE. It very much enlarges the scope of the bill as passed by the House——

Mr. HALE. Yes.

Mr. LA FOLLETTE (continuing). And goes as far as the committee thought it was wise or possible to go, in view of the information furnished the committee by the Director of the Census when the bill was pending before the committee.

Mr. HALE. I hope, Mr. President, that Senators who seek to enlarge this amendment will realize that the committee has departed very largely from the House bill and has embarked upon and put the Government under its provisions to a very large and extensive work, and that they will not attempt to make it so large that it will be impracticable.

Mr. TILLMAN. I notice, on page 2 of the bill, in line 16—and I should like to have the attention of the Senator from Maine to it—in the census law, as it has already been passed (and this is not connected with the amendment now proposed), there is this language:

The schedules relating to agriculture shall include names, color, and country of birth of occupant of each farm, tenure, acreage of farm, acreage of land under irrigation.

That is already provided for in the law, and why there should be an amendment, which is proposed here, of the "quantity of land irrigated in the arid region of the United States and in each State and county in that section under state and federal laws," and so on, I can not see, unless there is a purpose to get a separate schedule relating to the semiarid and arid States alone, because here is a provision, general in its terms, relating to every farm, which would provide the information. There is evidently a purpose in this amendment, or it would not be here, and I should like the Senator to explain why there is necessity for this additional legislation when you already have in the law this other provision which my eye happened to catch a moment ago.

Mr. LA FOLLETTE. Mr. President, I do not know that the Senator from South Carolina addressed his inquiry to me, but if he will permit me——

Mr. TILLMAN. I addressed it to anyone who can answer it.

Mr. LA FOLLETTE. The line to which the Senator refers, line 16, on page 2, reading "acreage of land under irrigation," is not a part of existing law. That is the first amendment which this bill—the House bill—makes in existing law. It adds to the existing law the acreage of land under irrigation. That is the first provision amending existing law which the House incorporated in this bill, 18364, as it came to the Committee on the Census. That information can readily be obtained by the enumerators while performing their regular work of enumeration. That information would be gathered, under the amendment to the House bill. The amendment printed in italics on page 3 is of a different character and would require a different order of ability. That work must be performed by special agents. The information could not be gotten in such accurate form by enumerators as to make it of any practical value.

It was added because it seemed desirable to get that information—the amount of water used per acre on the land, the location of the various projects, the method of construction, with facts as to their physical condition, etc.—information of a somewhat technical character, requiring a different order of ability than that possessed by the enumerators in ascertaining the mere acreage.

Mr. TILLMAN. Then the argument would recur to the original proposition advanced by the Senator from Washington, and that is, if you are going to get information in regard to the acreage of irrigated lands in the arid region, why not get it all, regardless of whether it is under the Carey Act or under the General Government?

Mr. LA FOLLETTE. Undoubtedly all the acreage would be obtained under the provision on page 2.

Mr. TILLMAN. With regard to farms.

Mr. LA FOLLETTE. With regard to farms, just as the acreage of the farms would be obtained. That can readily be obtained by the enumerator, but this more definite and specific and technical information can not be secured with any degree of accuracy by the enumerators and must be done by special agents, at a greatly increased cost.

Mr. TILLMAN. I can not see for the life of me why a special agent is necessary.

Mr. HALE. The first provision applies only to the farms.

Mr. TILLMAN. To every acre of land under irrigation either growing hay or some other crop.

Mr. WARREN. Mr. President, I think a fair construction of this amendment would cover these desired inquiries. In the first place, we have the acreage of land under irrigation provided for on page 2. That is one proposition. Under the other, the proposed committee amendment, we will have an inquiry made as to the location and character of the irrigation enterprises. A great many of them are under construction, and a great many of them, while well advanced under construction, have not yet resulted in any large acreage of irrigated land.

To go a little further, as I read this amendment, if other States are situated as is the State of Wyoming, this covers it entirely, because this states the "quantity of land irrigated in the arid region of the United States and in each State and county in that section under state and federal law."

If I take water from a stream on my own land and use it on my own land, it is necessary for me in my State to record it and to have the privilege granted and the acreage defined. If not, some neighbor may come onto my land and take that water for some other land. So that, so far as the State of Wyoming is concerned, this would surely cover it through the water rights obtained through the States. I would hardly want the remarks of the chairman to stand above as the proper construction of the law, that private enterprises were not included in this amendment, because I think they are.

Mr. LA FOLLETTE. I of course am not familiar with the statutes of the various States with respect to irrigation, and no remarks of mine and no construction I might put upon this phraseology would be controlling with the department in its execution of this law.

Mr. WARREN. I may say that most of the States have adopted the same law. I am not certain about the State of Washington. The Senator from Washington can tell us about that. The State of Wyoming and, I think, the States of Idaho, Colorado, Utah, and Montana have similar laws.

Mr. JONES. Of course we have a state law covering the diversion of water and the appropriation of water, and so forth, but it does not seem to me that a purely private enterprise, taking out water by appropriation or actual diversion, would come within the language here, and it evidently is not the intention of the chairman of the committee, at any rate, that it should. So it seems to me we ought to have that made certain. I take it the chairman of the committee expresses the idea of the Census Bureau as to what they desire to do really under the amendment.

Mr. BORAH. Mr. President——

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

Mr. LA FOLLETTE. I think the Senator from Washington is entitled to the floor.

Mr. JONES. I yield.

Mr. BORAH. Mr. President, I think this is a very important amendment, certainly to our section of the country. It is true that under the clause, in line 16, on page 2, they would be able to secure the acreage of land under irrigation, but there are a number of other items connected with the subject of irrigation which are covered alone by the amendment on page 3.

I doubt the propriety, however, of undertaking to enlarge this amendment. I think if we shall be able to secure the data with reference to irrigation, which is covered either by state or federal laws, it will be all we can hope to do under this law, or all that we should, perhaps, hope to do under a census law of any kind. And while I feel as the Senator from Washington does, that we should have the fullest data in regard to it, it does not seem to me it is necessary to extend the law so as to cover purely private enterprises. That is to say, enterprises which are in nowise connected with the state law or the federal law in the matter of reclaiming lands.

This would go sufficiently far to cover all projects of irrigation which are provided for either by the state or federal law. If an individual has an enterprise of his own, we would still have the information concerning the amount of land which he had irrigated, but it can not be of very much interest to know the other facts concerning his enterprise which are covered by the amendment.

Mr. JONES. I desire to suggest to the Senator from Idaho that it would be of considerable importance if we had the cost of the irrigation by private work in comparison with reclamation through state or federal agencies. It would be a very important item of information. I do not know how it is in the Senator's State, but in my State the largest irrigation works have been put in by private enterprise, reclamation work reclaiming many thousand acres of land, and the information as to the cost of those works—the cost per acre, and so forth—would furnish a basis which would be of great importance in comparing the cost of purely private and of public enterprises.

Mr. BORAH. It may be true that there would be some value to that data, but I doubt the propriety of undertaking to do it under the census law.

Mr. JONES. I desire to say that I would not want to do anything to jeopardize the enactment in this law of the provision the committee has brought here, because it is going, of course, in the right direction. I do not think that it goes far enough. I do not think that it would furnish information which we really ought to have or all the information we ought to have. But if the chairman of the committee thinks that to extend it further would really jeopardize the bill, I will not press the matter.

Mr. LA FOLLETTE. I will say, Mr. President, that I am very certain, if the committee had conceived that the duty was to be imposed upon the Census Bureau of ascertaining the cost of every little irrigation plant for irrigating 2, 3, 4, or 5 acres to be found upon the streams throughout that great section of the country, this proposed change in the law would have been reported just as it came from the other House, and there would not have been any disposition to have enlarged it at all. In extending it the committee felt that they were going as far as it was possible to go at this time and have the work completed within the census period.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. LA FOLLETTE. Upon the recommendation of the Director of the Census, I move, after the word "condition," in line 23, on page 3, to add the words "the amount of capital invested in such irrigation works." The Director of the Census says, in a letter which I have received from him, that that additional data can be obtained at the same time without any great loss of time.

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.

EXTENSION OF PARK PLACE NW.

The bill (H. R. 16324) to authorize the extension of Park place NW. was considered as in Committee of the Whole.

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

ABANDONMENT OF WIFE OR MINOR CHILDREN.

The bill (S. 3890) to amend an act entitled "An act making it a misdemeanor in the District of Columbia to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or of his or her minor children in destitute or necessitous circumstances," approved March 23, 1906, was considered as in Committee of the Whole.

Mr. DILLINGHAM. There is an amendment to the bill recommended by the committee. On page 2, after the word "children," in line 3, it is to insert the following:

Provided, however, That prosecutions for nonsupport of illegitimate children must be brought within two years after the birth of the child or of the failure by the putative father to provide for such illegitimate offspring, and that there shall be no conviction for such failure to support illegitimate children except upon the testimony of two witnesses.

A second amendment corresponding with this one would be to strike out the provision where it now appears in the closing section of the bill. The amendment I now offer merely transfers the proviso to the end of section 4 from the place where it now stands at the end of section 5.

Mr. GALLINGER. It is just a transfer; that is all.

The amendment was agreed to.

The PRESIDING OFFICER. The Secretary will read the second amendment proposed.

The SECRETARY. At the end of section 5 strike out the following proviso:

Provided, however, That prosecutions for nonsupport of illegitimate children must be brought within two years after the birth of the child or of the failure by the putative father to provide for such illegitimate offspring, nor shall there be conviction for such failure to support illegitimate children except upon the testimony of two witnesses.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossd for a third reading, read the third time, and passed.

SUPERINTENDENT OF WEIGHTS, MEASURES, AND MARKETS.

The joint resolution (H. J. Res. 78) changing the title of the sealer of weights and measures of the District of Columbia to superintendent of weights, measures, and markets was considered as in Committee of the Whole.

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

EXTENSION OF FRANKLIN STREET NE.

The bill (H. R. 16328) for the extension of Franklin street NE. from its present eastern terminus east of Twenty-fourth street to the Bladensburg road was considered as in Committee of the Whole.

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

EXTENSION OF NEWTON PLACE NW.

The bill (H. R. 16329) to provide for the extension of Newton place NW. from New Hampshire avenue to Georgia avenue, and to connect Newton place in Gass subdivision with Newton place in Whitney Close subdivision was considered as in Committee of the Whole.

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

HIGHWAYS WEST OF ROCK CREEK PARK.

The bill (H. R. 16336) authorizing certain changes in the plan for the permanent system of highways for that portion of the District of Columbia lying west of Rock Creek Park, north of Klingle road, east of Connecticut avenue, and south of Ellicott street NW., was considered as in Committee of the Whole.

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

GRADE CROSSING ON Q STREET NE.

The bill (H. R. 11989) to provide for the removal of present grade crossing and construction of a new grade crossing on the line of Q street NE., District of Columbia, was considered as in Committee of the Whole.

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

GUIDES IN THE DISTRICT OF COLUMBIA.

The bill (S. 3253) providing for guides in the District of Columbia, and defining their duties, was considered as in Committee of the Whole.

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

MASONIC TEMPLE ASSOCIATION OF THE DISTRICT OF COLUMBIA.

The bill (S. 3889) to amend an act to incorporate the Masonic Temple Association of the District of Columbia was considered as in Committee of the Whole.

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

GOVERNMENT OF ALASKA.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 5436.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 5436) to create a legislative council in the district of Alaska, to confer legislative powers thereon, and for other purposes, which had been reported from the Committee on Territories with amendments.

Mr. BEVERIDGE. I am informed that no one is now ready to proceed upon the postal savings-bank bill. Otherwise, as heretofore stated, I should ask to have the unfinished business laid aside temporarily. Under the circumstances, I shall ask that the bill be read for action on the committee amendments, so that it may be perfected.

Mr. STONE. Mr. President, I make the point that there is no quorum present.

The PRESIDING OFFICER. The Secretary will call the roll.

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

Bacon	Cullom	Gordon	Piles
Beveridge	Cummins	Gore	Richardson
Borah	Curtis	Guggenheim	Scott
Bourne	Davis	Johnston	Shively
Bradley	Depew	Jones	Simmons
Brandegee	Dillingham	Kean	Smith, Mich.
Briggs	Dixon	La Follette	Smoot
Bristow	Dolliver	Lorimer	Stephenson
Brown	du Pont	McCumber	Stone
Bulkeley	Elkins	McEnery	Tillman
Burkett	Flint	Martin	Warner
Burton	Foster	Money	Warren
Chamberlain	Frazier	Nixon	Wetmore
Clark, Wyo.	Frye	Oliver	
Clay	Gallinger	Overman	
Crawford	Gamble	Page	

The PRESIDENT pro tempore. Sixty-one Senators have answered to their names. There is a quorum present.

Mr. BEVERIDGE. Let the bill be read for action on the committee amendments, in order that it may be perfected. The bill has already, on a former occasion, been read. I now ask that it be read for action on the committee amendments.

The PRESIDENT pro tempore. The Chair hears no objection to the request of the Senator from Indiana. The amendments of the committee will be stated in their order.

The first amendment was, in section 1, page 1, line 6, after the word "attorney-general," to insert "and;" in the same line, after the word "interior," to strike out "a commissioner of education and health, and a commissioner of mines" and insert "and of mines, for the Territory of Alaska;" in line 9, after the word "reside," to strike out "in Alaska' and insert "therein;" in line 12, before the word "other," to strike out "four" and insert "eight;" on page 2, line 2, after the word "council," to strike out "at least four members of which;" in line 3, before the word "shall," to insert "The eight members last above provided for;" in the same line, after the word "appointed," to insert "bona fide;" in line 4, after the word "residents," to insert "and qualified voters;" in line 4, after the word "the," to strike out "district" and insert "Territory;" in the same line, after the word "Territory," to strike out "of Alaska, one" and insert "two;" in line 6, after the word "divided," to strike out "and;" in the same line, after the word "divided," to insert "The governor, attorney-general, commissioner of the interior and of mines;" in line 8, after the word "legislative," to insert "and other;" in line 9, after the word "them," to strike out "as a body shall exercise such powers and perform such duties as are hereinafter provided for them, respectively, and who;" in line 13, after the word "officials," to strike out "and as such legislative council;" and in line 14, after the word "governor," to strike out "of Alaska," so as to make the section read:

That there shall be appointed by the President, by and with the advice and consent of the Senate, for the period of four years, unless sooner removed by the President, a governor, an attorney-general, and a commissioner of the interior and of mines, for the Territory of Alaska, who shall reside therein during their official incumbency and have the powers and duties hereinafter provided for them, respectively, and who, together with eight other persons, to be also appointed by the President for a like term of four years, by and with the advice and consent of the Senate, shall constitute a legislative council. The eight members last above provided for shall be, when appointed, bona fide residents and qualified voters of the Territory, two in each of the four judicial divisions into which the district is now divided. The governor, attorney-general, commissioner of the interior and of mines, in addition to the legislative and other duties hereinafter imposed upon them, shall have power to employ all necessary deputies and assistants for the proper discharge of their duties as such officials: *Provided*, That the governor shall be the presiding officer of the legislative council: *And provided further*, That the President may designate a member of the legislative council as vice-governor, and in the case of the death, removal, resignation, or disability of the governor, or his temporary absence from Alaska, the vice-governor shall exercise all the powers and perform all the duties of the governor during such vacancy, disability, or absence.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 23, after the word "be," to strike out "the governor" and to insert "The Governor;" on page 3, line 9, after the word "inapplicable," to insert "that the governor shall be ex officio superintendent of public instruction in said Territory, and as such shall have supervision and direction of the public and native schools in said Territory, and shall have supervision of the public health;" in line 16, after the word "Alaska," to strike out "to such executive department of the Government of the United States as may be designated by the President;" and in line 20, after the word "department," to insert "or departments as he may designate," so as to make the section read:

SEC. 2. That the official title of the chief executive officer shall be "the governor of Alaska." He shall maintain his office at the seat of government; he may grant pardons and reprieves, and remit fines and forfeitures for offenses against the laws of Alaska, and also grant respites for offenses against the laws of the United States until the decision of the President can be ascertained; he shall commission all officers that he may be authorized to appoint, and may veto any legislation enacted as hereinafter provided; he shall be the commander in chief of the militia, and shall at all times faithfully execute the laws, and he shall in that behalf have all the powers of governors of the Territories of the United States that are not locally inapplicable; that the governor shall be ex officio superintendent of public instruction in said Territory, and as such shall have supervision and direction of the public and native schools in said Territory and shall have supervision of the public health; and he shall annually, and at such other times as he may be required, make official report to the President of the transactions of the government in Alaska; and the President is authorized to place all matters pertaining to the government of Alaska in the jurisdiction of such department or departments as he may designate: *Provided*, That the President may, in his discretion, delegate and assign to the governor such executive duties and functions as may in pursuance with law be so delegated and assigned.

The amendment was agreed to.

The next amendment was, on page 3, line 24, to strike out section 3 in the following words:

SEC. 3. That the attorney-general shall have all the powers and discharge all the duties provided by law for an attorney of a Territory of the United States, in so far as the same are not locally inapplicable, and he shall perform such other duties as may be prescribed by law, and make such reports to the governor as he may require.

And to insert as section 3 the following:

SEC. 3. That the attorney-general shall, when requested by the governor or the legislative council, give written opinions upon all legal or constitutional questions relating to the powers or duties of the legislative council or of the territorial officials; prepare, when requested by the governor or the legislative council, such bills as they may suggest for legislative consideration; prepare, when necessary, proper drafts of contracts and other writings relating to subjects in which the Territory is interested; consult and advise the several district attorneys in matters relating to the duties of their office; and, when requesed by the governor, he shall attend the trial of any person accused of crime and assist in the prosecution, and shall perform such other duties as may from time to time be prescribed by law.

The amendment was agreed to.

The next amendment was, in section 4, page 4, line 18, after the word "interior," to insert "and of mines;" in line 24, after the word "thereto," to strike out "and" and insert "perform such duties in connection with mines and mining as may be prescribed by law;" and on page 5, line 1, before the word "perform," to strike out "shall" and insert "and;" and in line 7, after the word "interior," to insert "and of mines," so as to make the section read:

SEC. 4. That the commissioner of the interior and of mines shall superintend all works of a public nature carried on pursuant to the authority of the legislative council or placed in his charge by Congress, and shall have charge of all public buildings, grounds, and lands assigned for the use of the government of Alaska, and shall execute such requirements as may be imposed by law with respect thereto; perform such duties in connection with mines and mining as may be prescribed by law; and perform such other duties as may be prescribed by law, and make such reports to the governor as he may require.

The board of road commissioners for Alaska, created by the act of Congress approved January 27, 1905, shall lay before the commissioner of the interior and of mines, for the approval of the legislative council, the plans and estimates for roads and trails which it is proposed to construct and maintain out of Alaskan revenues.

The amendment was agreed to.

The next amendment was, on page 5, after line 10, to strike out section 5, in the following words:

SEC. 5. That the commissioner of education and health shall superintend public instruction throughout Alaska, including public schools for the education of Eskimos and Indians. He shall have supervision of sanitary matters, and he shall perform such other duties as may be prescribed by law and make such reports to the governor as he may require.

The amendment was agreed to.

The next amendment was, on page 5, after line 16, to strike out section 6, in the following words:

SEC. 6. That the commissioner of mines shall perform such duties in connection with mines and mining as may be prescribed by law and make such reports to the governor as he may require.

The amendment was agreed to.

The next amendment was, in section 5, page 5, line 21, after the word "other" to strike out "four" and insert "eight;" in line 25, after the word "and" to strike out "that;" and on page 6, line 1, before the word "dollars," to strike out "twenty-five" and insert "twenty," so as to make the section read:

SEC. 5. That the other eight members of the legislative council, appointed as hereinbefore provided, shall attend all meetings of the legislative council, and participate in all business of every character that may be transacted by it, and each shall receive as compensation, to be paid out of the United States Treasury, $20 per day for each day's attendance while the legislative council is in session, and mileage in addition at the rate of 15 cents a mile from his home to the capital and return by the nearest traveled route.

The amendment was agreed to.

The next amendment was, in section 6, page 6, line 7, after the words "United States," to strike out "enacted hereafter, including laws carrying general appropriations;" in line 13, after the word "by" where it first occurs, to strike out "Act of;" in the same line, after the word "legislative," to strike out "au-

thority herein conferred on the legislative;" and in line 20, after the word "authority," to insert "jurisdiction," so as to make the section read:

SEC. 6. That the Constitution and, except as otherwise provided, all the laws of the United States which are not locally inapplicable shall have the same force and effect within Alaska as elsewhere in the United States. That except as herein provided all laws now in force in Alaska shall continue in full force and effect until altered, amended, or repealed by Congress or by the legislative council: *Provided*, That the authority herein granted to the legislative council to alter, amend, modify, and repeal laws in force in Alaska shall not extend to the customs, internal-revenue, postal, or other general laws of the United States. And the legislative council shall pass no law depriving the judges and officers of the district court of Alaska of any authority, jurisdiction, or function exercised by like judges or officers of district courts of the United States.

Mr. CURTIS. May I ask the chairman of the committee a question? I ask him if it is the intention of the bill to allow this council the power to repeal acts of Congress?

Mr. BEVERIDGE. Oh, certainly not.

Mr. CURTIS. The reading of the section indicates that they would have a right to repeal acts of Congress.

Mr. BEVERIDGE. No; the Senator from Kansas was perhaps not here on the day when a statement as to the purposes of the bill was made in lieu of a report. The broad general purpose of the council is to prepare and enact a series of laws for what we now call the Territory of Alaska, all of which are subject, of course, to the approval or ratification of Congress itself. The Senator will find when we come to section 7 that there are very extensive limitations as to its power. That is gone into quite fully.

Mr. CURTIS. This is the provision to which I desire to call the Senator's attention:

That except as herein provided, all laws now in force in Alaska shall continue in full force and effect until altered, amended, or repealed by Congress or by the legislative council.

Mr. BEVERIDGE. Yes; that is correct. That is what the bill means and what it intends to do. Here, as I stated to the Senate when the bill was reported, is a great mass of laws that have grown up during the last forty years, some of them applicable, some of them inapplicable, some of them harmonious, and some the reverse, and perhaps only a few of consistency, thoroughness, and value. That is inevitable from the fact that what was formerly called the "District" and what this bill now calls the "Territory" of Alaska is so peculiarly situated, so far away, so sparsely populated, its population so divided that it has apparently been out of the question for Congress, with the exception of a few laws, to legislate as wisely for it as a local body, of course, could do. When all these laws are passed by the legislative council, they are, of course, subject to modification, repeal, or amendment by Congress.

However, I would state to the Senator here that all I desire to do to-day is merely, while no Senator is willing to proceed on the postal savings-bank bill, to have the bill perfected by having it read for committee amendments. That was the purpose I had, merely that we might save this time and perfect the bill so that it may hereafter be laid before the Senate.

Mr. CLARK of Wyoming. Mr. President, I wish to make a further inquiry. Under the statement just made by the chairman of the Committee on Territories [Mr. BEVERIDGE], I can see no objection to the bill going forward along the lines indicated, but I want to make this inquiry: If the amendments proposed by the committee are adopted, are those amendments still subject to amendment?

The PRESIDENT pro tempore. In the Senate; yes.

Mr. CLARK of Wyoming. But not in Committee of the Whole?

The PRESIDENT pro tempore. Not in Committee of the Whole.

Mr. BEVERIDGE. Mr. President, I think that was quite thoroughly thrashed out at the last session. Committee amendments when read may be amended as they are read or they may be agreed to in Committee of the Whole, after which, of course, they and everything else in the bill are subject to amendment in the Senate.

Mr. CLARK of Wyoming. Yes; I understand that, but ordinarily an amendment in the Senate is very different from an amendment in Committee of the Whole. I did not really take in the significance of the statement of the chairman of the committee, but the bill is being read simply for the purpose of perfecting it, as I understand.

Mr. BEVERIDGE. That is true; that is the parliamentary language. It is for that purpose, and for nothing else. The other day, when I asked to lay aside the unfinished business, under the statement that I originally made that the unfinished business would be laid aside from day to day for a reasonable time, so that the postal savings-bank bill might be considered, yet when I found that no Senator was prepared to go on with the postal savings-bank bill, it seemed to me then that perhaps I ought to have asked the Senate to perfect this bill, so as to save some time. That was the reason again to-day why it seemed to me to be a wise thing to do.

Mr. CLARK of Wyoming. Mr. President, my only purpose in making the inquiry was—although I have no desire either to delay the passage of this bill or to take any part in the debate upon any amendment—that there are certain Senators on the committee who are very much interested in many of these matters and who have proposed amendments to the bill who are not now present.

Mr. BEVERIDGE. I will say to the Senator from Wyoming that the chairman of the committee is just as anxious as any of the Senators to whom he refers that they shall have the fullest opportunity to examine those amendments and everything else connected with the bill.

Mr. CLARK of Wyoming. Undoubtedly, if those Senators had known that the bill was to be taken up to-day, they would have been present. Unfortunately, some of them are not present, owing to the fact, I suppose, that they expected the usual course which has been followed with this bill would be followed to-day.

Mr. BEVERIDGE. Frankly I say that would have been done, but that the Senator from Montana [Mr. CARTER] informed me about three-quarters of an hour ago that no Senator was prepared to go ahead to-day with the consideration of the postal savings-bank bill, and so the way was open to us merely to make some progress with this bill. That is the only reason. I did not have any idea three-quarters of an hour ago that we would not lay this bill aside as usual. However, no Senator is being deprived of any right, nor will their rights in any wise be jeopardized. They are perfectly safeguarded.

Mr. CLARK of Wyoming. Of course, they are not deprived of their rights.

Mr. FRAZIER. Mr. President, I should like to make an inquiry. If these committee amendments are adopted without any objection now, would the amendment of an individual Senator be in order as in Committee of the Whole?

The PRESIDENT pro tempore. Amendments to amendments which have been agreed to in Committee of the Whole would not be in order, but every amendment will be open to amendment when the bill is in the Senate. New amendments, however, can be offered in Committee of the Whole after the committee amendments have been disposed of.

Mr. FRAZIER. Will amendments to amendments be in order during the consideration of committee amendments?

The PRESIDENT pro tempore. No amendments of the Committee on Territories which have been agreed upon in Committee of the Whole can be amended in committee, but when an amendment is under consideration in Committee of the Whole of course an amendment will be in order to that amendment.

Mr. BEVERIDGE. Before it is agreed to.

The PRESIDENT pro tempore. Before it is agreed to.

Mr. CLARK of Wyoming. Mr. President, I want to call for a vote upon the particular question which was raised by the Senator from Kansas [Mr. CURTIS]. It is proposed that—

All laws now in force in Alaska shall continue in full force and effect until altered, amended, or repealed by Congress or by the legislative council.

That, in effect, gives the legislative council of Alaska, as we create it by this bill, the power to repeal direct acts of Congress which have been made with respect to the district of Alaska. It seems to me that that is something that has never entered into any bill, territorial or otherwise, allowing any local legislative body, however constituted, to repeal a direct act of Congress.

The PRESIDENT pro tempore. Does the Senator from Wyoming refer to an amendment already agreed to?

Mr. CLARK of Wyoming. I refer to an amendment that was read a moment ago—the last one read.

Mr. BEVERIDGE. That amendment, the Senator will see by looking at it, was a mere verbal amendment—an amendment of verbiage. It read originally "repealed by act of Congress, or by the legislative authority herein conferred on the legislative council." That was an excess of terms, and so the committee amendment was inserted striking out the words "act of," and also striking out "authority herein conferred on the legislative" before the word "council," so as to make it read:

Amended or repealed by Congress or by the legislative council.

That was merely an amendment of verbiage.

Mr. CLARK of Wyoming. It is more than an amendment of verbiage; but I think perhaps the right to amend that section will still inhere in Committee of the Whole.

Mr. BEVERIDGE. There is no doubt about that.

Mr. CURTIS. Mr. President, the reason I did not insist on the amendment was that I understood the right to amend would be preserved in the Senate.

Mr. BEVERIDGE. To everything.

Mr. CLARK of Wyoming. In the Senate, yes; but not in Committee of the Whole.

Mr. BEVERIDGE. I do not want any Senator to be deceived about that. After a committee amendment, as the Chair has stated, has been agreed to, it can not be further amended as in Committee of the Whole, though, of course, it may be amended in the Senate, but the remainder of the bill may be amended at any time in Committee of the Whole before it gets into the Senate. Committee amendments may be amended while in Committee of the Whole before they have been agreed to.

The Senator from Wyoming is right in saying, as he did a moment ago, that this particular provision still remains open to amendment in Committee of the Whole. There is no doubt about that, because the part remaining is not a committee amendment, but is a part of the original bill. Therefore it is open to amendment in Committee of the Whole as well as in the Senate.

Mr. CURTIS. Mr. President, I understood the Senator desired that no amendments be suggested in Committee of the Whole at this time to the committee amendments, but that we should take the matter up later.

Mr. BEVERIDGE. Yes; that is all right.

Mr. CURTIS. I desire to offer an amendment to strike out the words "or by the legislative council." I would just as soon offer the amendment now as later.

Mr. BEVERIDGE. Just as the Senator prefers. I will state frankly, again, that what I desire to-day is merely to save time and to get the bill somewhat further along; but the Senator will have an opportunity in Committee of the Whole, or in the Senate hereafter, to offer that amendment, if he does not offer it to-day. If he offered that amendment now, I should simply ask that the matter be passed over and that we proceed with the reading of the other amendments, because it is not my purpose to-day to go into any subject which is open to controversy. Do I make that clear?

Mr. CURTIS. If the Senator desires, I shall let the matter go over, and offer the amendment later on.

Mr. BEVERIDGE. Very well.

Mr. CLAY. With the permission of the Senator from Indiana, I should like to ask him a question.

Mr. BEVERIDGE. Certainly.

Mr. CLAY. If I understand this bill—I have only gone through it hurriedly this morning—it creates the office of commissioner of the interior and of mines?

Mr. BEVERIDGE. Yes.

Mr. CLAY. And the commissioner of the interior and of mines is to take charge of the public lands in Alaska?

Mr. BEVERIDGE. Public buildings, public lands——

Mr. CLAY. Public grounds, and so forth.

Mr. BEVERIDGE. That provision is in section 4.

Mr. CLAY. I want to ask the Senator, if this bill shall be enacted into law, will the lands belonging to the Government of the United States located in Alaska, the mines and so forth, be under the control of this commissioner, and will Congress and the Interior Department cease to be factors in disposing of such public lands?

Mr. BEVERIDGE. By no manner of means, Mr. President. As I understand the bill, even if it be true—which, from my reading of the bill, I do not understand—that the commissioner of the interior and of mines shall be the superintendent in charge of all Alaskan public lands, it would not relieve the Congress of responsibility. The Senator will find a little bit further over, when it comes to the section defining the powers of the legislative council, exceedingly careful restrictions about the whole thing.

Mr. CLAY. I note that.

Mr. BEVERIDGE. The Senator will observe that section 4 reads:

SEC. 4. That the commissioner of the interior and of mines shall superintend all works of a public nature carried on pursuant to the authority of the legislative council or placed in his charge by Congress, and shall have charge of all public buildings, grounds, and lands assigned for the use of the government of Alaska—

Lands assigned for the use of the government of Alaska—

and shall execute such requirements as may be imposed by law with respect thereto; perform such duties in connection with mines and mining as may be prescribed by law.

What will be prescribed as to those duties I do not know; but no doubt it will be concerning the safety of miners, the regulation of mines, and everything of that kind. If the Senator means to inquire whether this bill intrusts public property to the control of one man to dispose of, I should answer unhesitatingly no. That is not my understanding of it.

Mr. CLAY. If this bill is intended to take from the Interior Department and Congress the control of the public lands in Alaska, then it is a very serious matter, because I regard their value of great importance to the people of the United States. If a pamphlet which I have been reading is correct, it is estimated that we have enough coal in Alaska to supply this country for two hundred years, and the question of fuel in the future is bound to be one of great importance.

Mr. BEVERIDGE. The Senator is very right as to that.

Mr. CLAY. In running through the bill hurriedly, I was impressed by the idea that the proposed legislative council, and especially the commissioners of the interior and of mines, were to take charge of, control, manage, and dispose of the public lands in Alaska. Certainly there ought not to be any effort to do a thing of that kind. We have legislation pending here now, as I understand, providing how the public lands and the mineral interests of Alaska, as well as those of this country generally, shall be disposed of in the future; and the question of taking care of gas, oil, and fuel generally in the future is of vast importance to the great masses of the American people.

Mr. BEVERIDGE. The Senator is very accurate in his last remark. What he says is quite true.

Mr. HEYBURN. Mr. President——

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

Mr. BEVERIDGE. Certainly.

Mr. HEYBURN. Before this bill is laid aside I desire to propose an amendment. I will not press it at this time, but I desire to propose it. I move to strike out, on page 16, all after line 18 down to the end of that paragraph, on page 17, line 2.

Mr. BEVERIDGE. Would the Senator be willing to wait until we dispose of the committee amendments? What we are doing now is to read the bill for committee amendments so as to make some progress.

Mr. HEYBURN. I desire, in the event of not being present, that this amendment shall be a matter of record.

Mr. BEVERIDGE. Very well.

Mr. HEYBURN. The amendment relates to the paragraph that authorizes the President——

Mr. BEVERIDGE. To employ an army officer.

Mr. HEYBURN. It is the provision that authorizes the President to appoint for legislative duties in the government of Alaska an officer of the army, who is a member of the executive branch of the Government.

Mr. BEVERIDGE. Will the Senator again state the amendment, so that it may appear as a matter of record just what the amendment is?

Mr. HEYBURN. The present provision of the bill injects into the legislative body provided for Alaska the military arm of the Government, giving it a right to participate in the making of laws. I object to the principle, and, therefore, have introduced the amendment.

Mr. BEVERIDGE. I did not catch just what the amendment was.

Mr. HEYBURN. Commencing with the word "*Provided*," in line 19, page 16, to strike out down to and including the word "commissioners," at the end of line 2 on page 17.

Mr. BEVERIDGE. I understand.

Mr. HEYBURN. Before the amendment is passed upon I shall desire to make a few remarks.

Mr. BEVERIDGE. Very well.

The reading of the bill was resumed.

The next amendment of the Committee on Territories was to strike out sections 9 and 10, as follows:

SEC. 9. That the legislative authority herein provided shall extend to all rightful subjects of legislation not inconsistent with the Constitution and laws of the United States hereafter enacted, and the legislative council shall have the power to alter, amend, modify, and repeal any and all laws and ordinances of every character now in force in Alaska, or any town or district thereof, not inconsistent with the provisions hereof.

SEC. 10. That the legislative council may grant franchises, privileges, and concessions, including the authority to exercise the right of eminent domain, for the construction and operation of works of public utility and service, and may authorize said works to be constructed and maintained over and across the public property of the United States, and may adopt rules and regulations under which the municipal government may grant the right to use and occupy such public property belonging to said municipalities: *Provided*, That no private property shall be taken for any purpose under this section without just compensation paid or tendered therefor, and that such authority to take and occupy land shall not authorize the taking, use, or occupation of any land except such as is required for the actual necessary purposes for which the franchise is granted, and that no franchise, privilege, or concession shall be granted to any corporation except under the conditions that it shall be subject to amendment, alteration, or repeal by the Congress of the United States, and that lands or rights of use and occupation of lands thus granted shall revert to the governments by which they were

respectively granted upon the termination of the franchises and concessions under which they were granted or upon their revocation or repeal: *Provided further*, That all franchises, privileges, or concessions granted shall forbid the issue of stock or bonds except in exchange for actual cash, or for property at a fair valuation, equal to the par value of the stock or bonds so issued; shall forbid the declaring of stock or bond dividends; and, in the case of public service corporations, shall provide for the effective regulation of the charges thereof, for the official inspection and regulation of the books and accounts of such corporations, and for the payment of a reasonable percentage of gross earnings into the treasury of the district of Alaska or of the municipality within which such franchises are granted and exercised.

And in lieu thereof to insert:

SEC. 7. That the legislative power of the legislative council shall extend to all rightful subjects of legislation not inconsistent with the Constitution and laws of the United States locally applicable; but no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the United States, nor shall the lands or other property of nonresidents be taxed higher than the lands or other property of residents; no divorce shall be granted by the legislative council, nor shall any divorce be granted by the courts of the Territory unless the applicant therefor shall have resided in the Territory for two years next preceding the application; nor shall any lottery or the sale of lottery tickets be allowed; nor shall the legislative council nor any municipality interfere with or attempt in any wise to limit the acts of Congress to prevent and punish gambling, and, as may be prescribed by law, all gambling implements shall be seized by the United States marshal or any of his deputies, or any peace officer of the Territory, or of any of the villages, towns, or cities therein, and destroyed; nor shall spirituous or intoxicating liquors be sold, except under such regulations and restrictions as Congress shall provide; nor shall any public moneys be appropriated by the legislative council for the support or benefit of any sectarian, denominational, or private school, or any school not under the exclusive control of the government; nor shall the government of the Territory, or any political or municipal corporation or subdivision of the Territory, make any subscription to the capital stock of any incorporated company, or for any other than a public use, or in any manner lend its credit for the use thereof; nor shall the legislative council or any municipal corporation have power or authority to create or assume any bonded indebtedness whatever; nor to borrow money in the name of the Territory, or of any municipal division thereof; nor to pledge the faith of the Territory for any loan whatever, either directly or indirectly; nor to incur or assume any liability in excess of money duly appropriated therefor, nor shall the appropriation for any year be made in excess of the income or revenue of the Territory for that year from whatever source derived: *Provided*, That all indebtedness incurred, or warrants or other evidence of indebtedness issued, shall be paid in the order of creation, and all taxes shall be equal and uniform, and no distinction shall be made in the assessments between different kinds of property, but the assessments shall be according to the true value thereof; no tax shall be levied by the legislative council in excess of 1 per cent upon the assessed valuation of property in said Territory in any one year, nor shall any incorporated town or municipality levy any tax for any purpose in excess of 2 per cent of the assessed valuation of property within the town in any one year: *Provided further*, That said legislative council may levy a tax not exceeding 1 per cent on the value of the gross output of mines. If at the termination of any session of the legislative council, the appropriations necessary for the support of the government shall not have been made, an amount equal to the sums appropriated in the last appropriation bills for such purposes shall be deemed to be appropriated, and until the legislative council shall act in such behalf the secretary of the Territory and ex officio treasurer may, with the advice of the governor, make the payments necessary for the purposes aforesaid upon warrants signed by the auditor and countersigned by the governor as hereinafter provided; nor shall the legislative council grant to any corporation, association, or individual any special or exclusive privilege, immunity, or franchise without the affirmative approval of Congress, nor shall it grant private charters, but it may, by general act, permit persons to associate themselves together as bodies corporate for conducting business in the Territory of Alaska not exceeding fifty years, subject to such renewals as may be provided by law, for the following purposes, to wit: First, to construct, own, and operate ferries, railways, tramways, street railways, wagon roads, canals, vessels, trails, irrigating ditches, flumes, and telegraph and telephone lines; second, to acquire, hold, operate, and dispose of mines, milling, refining, and reduction plants; third, to acquire, own, or develop the fishing industry in all its branches in the waters of Alaska and those contiguous and adjacent thereto; fourth, to construct, operate, and dispose of smelters, electric and other power, lighting and heating plants, docks, wharves, elevators, warehouses, and hotels; fifth, to carry on banking, trade, transportation, agriculture, lumbering, manufacturing, and other industrial pursuits; sixth, for the establishment and conduct of cemeteries, and for colleges, seminaries, churches, libraries, or any other benevolent, charitable or scientific association.

All laws passed or attempted to be passed by such legislative council inconsistent with the provisions of this section shall be null and void.

Mr. CRAWFORD. Mr. President, this proposed amendment will give to the commission or the legislative body that is created by the act and by appointment very great power, notwithstanding the limitations provided. I asked the Senator from Indiana the other day what demand there is for this whole scheme of legislation, what complaint has come from the people of the Alaskan country which justifies this character of legislation. The distinguished Senator, in reply, said there are complaints, but at that time he did not go into any details.

Now, Mr. President, I have, with some care and industry, read almost all of the extremely interesting testimony taken by the special subcommittee that went up to that country in 1902, the report of that committee, and the testimony taken before the present committee, and, so far as I am able to draw any conclusion at all from reading the testimony and getting hold of the situation, there is no demand whatever from the people of Alaska for this type of legislation. There is an ambition there, as there always is in an outlying territory which has no territorial form of government, for a territorial form of government; but from the conditions that appear in that vast stretch of country, with communities isolated from each other, with impassable mountain barriers between them, and no continuity of sentiment, it does not seem that they are in any condition at the present time to justify the establishment of a territorial government. I want to ask the Senator from Indiana why those people are not all right just as they are? They have the best mining code; they have a splendid civil code; they have a code of civil procedure; they have established an effective system of courts; they have court commissioners in the different communities who can take care of local conditions there and who have probate jurisdiction; and they have a Delegate here in Congress to represent them. Now, to put upon those people a peculiar form of government, under which a legislative tribunal is created by appointment and given power to enact general incorporation laws, so that companies may be formed to go into mining enterprises, railroad enterprises, and other enterprises, perhaps for exploitation and abuse, it seems to me is questionable. I should like to hear what basis there is for the claim that we should enact a law like this for the people of Alaska.

Mr. BEVERIDGE. Mr. President, answering the last question the Senator put, it would seem to add very much to the safety of the public resources if corporations were formed under general laws enacted in Alaska, subject to the approval of and repeal and modification by Congress, than to have such corporations formed under the charters of the various States where they could be most conveniently organized. It would appear—and I say this without any very great study—that the public interests would be more greatly safeguarded by the enactment of general laws in Alaska, under which corporations could be formed, than for them to be organized in other States, and then going up there and exploiting the resources of the country.

Generally speaking—for there can only be a general answer to the Senator's large inquiry—the reason for the proposed change is what I have stated here before. Here is an enormous tract of country, embracing almost 600,000 square miles, a territory as large as one-sixth of the entire United States, with from twenty-five to thirty thousand people in it. It is as if the town of Richmond, Ind., were scattered over all of the United States east of the Mississippi and north of the Ohio. The people of Alaska are separated widely in groups from one another. Therefore, an elective legislature becomes clearly out of the question. I went into that subject at some length in my first statement. So that disposes of that branch of the subject by elimination.

What, then, is the best practicable thing to do? It was believed by the President—and his connection with this bill is well known; it has been stated heretofore, and it is a view in which the committee concurred with him—that the legislation for this immense tract of country, with its enormous resources of wealth which are as yet unknown, and its small and scattered population, could be very much better cared for, safeguarded, and developed by a local body acting on the ground, whose legislation would all be subject to the extensive safeguards that have been provided in this section and, of course, to modification, approval, or repeal by Congress itself. So as a practical proposition the question narrows itself down to this: Can Alaska's development and the safeguarding of its resources and the welfare of its people be better taken care of here in Washington, as has been the course in the past, than by such a government as this?

It was believed that this was the most practicable method of procedure. It had worked very well elsewhere; and when the bill first came to the Senate, as introduced by myself, prepared under the direction of the President, it was drawn along the lines of the Porto Rican and Philippine legislative councils as they originally stood. The committee has extensively modified that, however—modified by careful limitations of legislative power. That section was discussed at considerable length, and members of the committee on both sides—I mean to say both political sides—took part in the drafting of it.

Those are the broad general reasons. For forty years Congress has been dealing with Alaska. It can not be said to have dealt with it, if you read its history, very attentively or very wisely except in a few particulars. Until a comparatively few years ago there was hardly any attention given to the exigencies of the people or the general needs of that tremendous area of country. Men would come down before the committees of Congress, and Congress knowing little about it, they would demand this law and that law and the other law. Sometimes they would get them through.

The attention of our committee was called in a hearing we had to the fact that the fish-tax law had actually been repealed by

Congress. That meant a loss to the Treasury, and, while I do not want to speak harshly, at least an advantage to those engaged in the fish industry; and, of course, they are chiefly great corporations, doing a very useful business, but at the same time they were before paying to the Government a tax which was just. Yet the law got through Congress. When I heard it I wondered how it had ever passed our committee. As a matter of fact, it never got before our committee. It was gotten through another committee. I merely use it as an illustration of the laws that are sometimes passed. Other laws which are needed Congress has failed to pass, all for lack of sufficient practical first-hand information.

So, in answer to the question, I will say that in a broad, general way it has been believed that an elective legislature being out of the question the whole subject can be better dealt with by a legislative council appointed and subject to removal by the President. Certainly they would be compelled, not only as a matter of personal honor, but as a matter of personal safety, to carefully safeguard the resources intrusted to their care, because under any President, no matter to what party he belonged——

Mr. CRAWFORD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from South Dakota?

Mr. BEVERIDGE. Yes.

Mr. CRAWFORD. Did the repeal of the fish-tax law pass since Alaska has had a Delegate in Congress?

Mr. BEVERIDGE. I have forgotten. It occurred two or three years ago.

Mr. CRAWFORD. I think it was before Alaska had a Delegate.

Mr. BEVERIDGE. I would not be surprised. That is only an instance which came to my mind as I went along.

Take the immense volume of laws which have grown up from year to year, a little special act here and a little special act there. You will find that some of them are wise. Some are totally inapplicable. Some do not meet the case. There is no harmony.

I think there are three very excellent laws with respect to Alaska, considered by and large. I do not want to commit myself as to all of the provisions of those laws. But I think the civil and criminal code enacted ten years ago was a very excellent and a very thoroughly done piece of work. There may be exceptions. I do not know about that.

Then, again, the road law. It was the work of the subcommittee of this committee, made under the report of the Senator from Vermont [Mr. DILLINGHAM], who was appointed chairman of the subcommittee, drawn, I believe, by the Senator from Minnesota [Mr. NELSON] and the Senator from Vermont [Mr. DILLINGHAM], and perhaps by all the rest of the subcommittee. The Senator from Colorado, Mr. Patterson, was a member also. It is the law which has most directly met the great, crowning, immediate needs of that district, which is the need of transportation. There are not any roads. There is no way to get about except on dog sleds and by water. The Senate is familiar with that. Those are two very excellent laws, but as to the rest of it I think the Senate will agree that Alaska has not been cared for with the greatest wisdom, because there has not been the greatest information.

It was the thought of the chairman of the committee some years ago that it ought to be investigated, and there are older Senators who will remember how toward the close of that session the chairman of the committee presented a resolution authorizing the appointment of a subcommittee, which was the origin of the expedition, and the members of that subcommittee, the Senators I have named, made the only thorough special examination on the ground ever made in Alaska.

I think at the same time there was another Senator who independently went up there. I am not sure as to my recollection. He came back and recommended—whether in the form of a bill or not, I do not know—a commission form of government. Then the whole matter was in abeyance, on account of the way Congress was occupied with other matters, until the President himself took up this matter and made his speech at Seattle, in which he proposed this form of government. That is the large, general reason.

Mr. CLARK of Wyoming. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Wyoming?

Mr. BEVERIDGE. Yes. I am going to ask to have the bill laid aside in a moment. I am too hoarse to continue.

Mr. CLARK of Wyoming. I think we all remember the very thorough study of conditions made in Alaska by the subcommittee the Senator mentions, and Congress exhibited the greatest confidence not only in their powers of observation, but in their judgment in meeting those conditions by the legislation enacted. Certain legislation applicable only to Alaska was proposed by that subcommittee, acting through the full committee, and was enacted into law by Congress.

Mr. BEVERIDGE. That is, the Alaska road commission?

Mr. CLARK of Wyoming. Yes.

Mr. BEVERIDGE. Yes.

Mr. CLARK of Wyoming. Does the Senator believe it is the part of wise legislation to submit the law which Congress enacted along those lines to the approval or disapproval of this legislative assembly that is to be created by this act?

Mr. BEVERIDGE. Yes; I should think so, offhand, subject always to the approval of Congress, and its power to repeal, amend, or modify.

Mr. BORAH. Does the Senator think that this legislative council will likely exhibit better judgment with reference to the laws which Alaska should have than the men who recommended the present laws?

Mr. BEVERIDGE. All the laws as a whole, or this particular law?

Mr. BORAH. The laws as a whole.

Mr. BEVERIDGE. I should say so, undoubtedly. They will have more information, and their sole attention will be given to the needs of Alaska, whereas the Senator will find on examination that the laws now in existence in reference to Alaska have grown up in a haphazard fashion, some of them passed without sufficient information. I pointed out what I regarded as two admirable laws. One was the road-commission law, which the subcommittee devised after a very thorough examination. But you could not send a subcommittee to Alaska every year. That law was the result of their investigation. It is a wise one, from all accounts. Of course, the civil and criminal code was done ten years ago, and pretty well done, and that could be done without great local knowledge. At that, the members did have a lot of local knowledge.

Mr. BORAH. It is not necessary to change the criminal and civil code every sixty days or every year.

Mr. BEVERIDGE. It is not proposed to do it.

Mr. BORAH. Many criminal and civil codes have been in existence for fifty or a hundred years. They cover general principles——

Mr. BEVERIDGE. Certainly.

Mr. BORAH. And cover general propositions.

Alaska at the present time is very well situated in that respect, and if there are any defects in the laws which pertain to Alaska, they are defects which have arisen by reason of the inattention of this law-making body. It seems to me to create a council and send them there to enact laws, and then expect Congress to revise those laws and exercise any more wisdom than it did when it originally legislated, is something which does not stand to reason. If we are called upon in the first instance to enact laws, the duty is upon us, and devolves upon us, to make an investigation to satisfy ourselves as to the facts.

So it will result in the end in this peculiar and extraordinary legislative body taking practical legislative control of Alaska. As I said the other day, we are engaged here in creating a scheme and form of government which has never been tried under an American system except once, and then it went down in sixty days of its own weight; and we are sending it into a country where it is impossible for us to practically supervise it. I submit it does not make any difference who is President of the United States. It is impossible for the President of the United States to appoint a legislative council without getting information from a source which is liable not to suggest the best kind of legislative council.

Mr. BEVERIDGE. The Senator must permit me to remark, in reference to his statement, that this bill proposes to establish an instrumentality of government hitherto untried, except once, when it went down within sixty days of its own weight, that that is hardly entirely accurate. It has been tried several times. I did not intend to proceed on this occasion——

Mr. BORAH. Mr. President——

Mr. BEVERIDGE. The Senator is speaking by my courtesy. I yielded to the Senator for a question. I am willing to give the Senator the floor or anything else.

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

Mr. BEVERIDGE. I do, with this remark before he goes on. When we come to debate the bill I shall show the Senator that this is not at all a novel scheme of government. It has been tried several times right here in this country as well as recently in Porto Rico and the Philippines.

I did not intend to precipitate the discussion to-day; I am suffering with a cold. I wanted the bill, if it was possible, to be read for committee amendments, and then if anybody ob-

jected, to have it passed over. That is the usual thing. But I wanted to make some progress.

Mr. BORAH. I do not care to crowd the bill. I suggest that this bill is original as a matter of legislation, so far as this country is concerned, with one exception, and the history of that exception is such as to convince anybody that it is not a safe experiment. There are some thirty or forty thousand people in Alaska. They are mostly American citizens. They have gone from the States. They possess the same ideas with reference to government that we do and the same ideas with reference to citizenship, and they are as intelligent as any equal number of people to be found in any other part of the United States. They are energetic, industrious people, and I want to say that the things which have been done in Alaska which ought not to have been done have not been accomplished by the men who were there honestly developing the industries of Alaska, but have been accomplished by the carpetbaggers who have been sent in there. The people who are there and have undertaken to develop that country, to associate themselves with it, to become a part and parcel of it, are perfectly capable of self-government; and I submit that we ought to hesitate a long time before, in this age, we undertake to form a government for thirty or forty thousand American citizens which deprives them absolutely of all expression of opinion with reference to their local rights. It is impracticable, it is impossible, to legislate in this way for any country 7,000 miles away from the territory over which you are legislating.

Mr. BEVERIDGE. Then the Senator concedes that it is impracticable to legislate for Alaska from Washington?

Mr. BORAH. I do.

Mr. BEVERIDGE. Very well. Then, if the Senator will permit me to interrupt him, that being admitted, it comes down to the question as to which is the more practicable thing—a legislature elected or a legislative council appointed by the President. The debate has narrowed down to which is the more practicable means.

Mr. BORAH. I say that a legislative council could be provided for in this bill—not as full and complete as we have given to other territorial governments, but along the same principle—which would enable the people of Alaska to have their day in court, as it were, which would enable them to express their opinion, to present their view, and to have made known to the governor, or those who finally make and enforce the laws, what their views are. We see an example of it in this particular piece of legislation. I know that 90 per cent of the people of Alaska are endeavoring to prevent this legislation. They are opposed to it, but no more attention is paid to them than if they were aliens. The influence for the legislation can get here; the mass of the people are unheard.

Mr. BEVERIDGE. Mr. President——

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

Mr. BORAH. Certainly.

Mr. BEVERIDGE. The Senator says that 90 per cent of the people of Alaska are trying to prevent this legislation, and no attention is given to them. I suppose the Senator means through the Delegate, Mr. WICKERSHAM.

Mr. BORAH. I made no reference to Mr. WICKERSHAM. He seems to be able to take care of himself.

Mr. BEVERIDGE. He appeared before the committee and was given the amplest and fullest hearing, all he wanted and asked for, and a great deal more than in eleven years any Delegate from any Territory ever before asked, even upon the important subject of statehood. The Senator, I suppose, did not mean to infer that the committee had not paid any attention——

Mr. BORAH. I did not mean to say that the committee did not give Mr. WICKERSHAM all the time he wanted, but all they did give him was time.

Mr. BEVERIDGE. No; as a matter of fact that was not the case. He was given, in addition to that, exceedingly courteous treatment, and we have incorporated in this bill nearly every provision—indeed, I believe every provision, perhaps, if I am not wrong about it—restricting the power of this legislative council. The committee took out of his bill and placed in this bill the whole section with reference to their restrictions.

Mr. CLAY rose.

Mr. BEVERIDGE. I see I am to debate with two or three gentlemen at the same time. So the Senator from Idaho was more witty than he was accurate. We gave him a great deal——

Mr. CLAY. Mr. President——

Mr. BEVERIDGE. I want to say——

Mr. BORAH. The Senator is not——

Mr. BEVERIDGE. I see Senators want to debate the bill. I said at the time that I wanted to take it up and forward it. I would be obliged, if Senators see fit to do so, all of them, if we might perfect the bill, and if any person objects to any amendment or any part of an amendment we will pass it over. I did not intend to take up the bill to-day for anything except that. Then I will ask that it be laid aside, because I can not go on with these remarks, being very hoarse.

Mr. CRAWFORD. I desire to know if it is not the purpose of the Senator to have the amendments acted upon.

Mr. BEVERIDGE. Oh, certainly, in the usual way, but if any Senator desires to amend any amendment or to discuss it, as is the usual method in handling a bill, the chairman will ask that that particular amendment be passed over, to the convenience of the Senator. But I should like to go on and get rid of as many amendments as we can.

Mr. CRAWFORD. I simply desire to say to the Senator that I have not risen out of a spirit of hostility to this bill.

Mr. BEVERIDGE. I am sure of that.

Mr. CRAWFORD. I commenced to read the testimony taken by the subcommittee that went to Alaska two or three years ago with an absolutely open mind. I became very much fascinated by what I read, and I certainly compliment the committee on the thoroughness with which they investigated the situation and upon the clearness with which they made a report that is of incalculable benefit to the Senate.

It seems to me it will be helpful here, because it must go in before the grist is ground out to have, if it can be done in a practical way, the views that will be presented sooner or later, presented when important issues like the one raised by this amendment are before the Senate. I asked the Senator if any complaint had come from the people of Alaska against the present form of government. I do not understand from the Senator's answer that there has been any specific complaint, and I will pass that by. But I want to suggest to the Senator that the very climate of Alaska makes it an entirely different proposition from that which we have met in tropical countries, like the Philippine Islands and in Porto Rico, in both of which, as I understand, there is a tribunal, one branch of the legislature, representing the people of the islands.

Mr. BEVERIDGE. There is now. There was not, practically, for many years.

Mr. CRAWFORD. I lived for a period of about ten years in a Territory, in a Territory to which the judges who tried our law suits came from distant parts of the country with commissions in their pockets, where the governor who presided over the Territory as its chief executive came in like manner; and I know there is no condition of things that so stings the pride and awakens irritation on the part of the people of northern climates, at least like this virile community which you find in Alaska, as to have presiding over them men who are not responsible to the people over whom they preside.

Mr. BEVERIDGE. That is the situation now.

Mr. CRAWFORD. And in my judgment it will be a source of irritation in Alaska. I am quite sure it is resented already that there is to be a legislative tribunal making laws for them, laws that will permit companies to be incorporated to exploit their resources, in the selection of which they have no voice.

Far better, in my opinion, leave it as it is now; and when the time comes that permanent communities have developed, you will have to establish, perhaps, three territorial forms of government—one at Sitka, one at Nome, one up in the Forty-Mile region, because they are entirely isolated from each other. They have nothing in common with each other in the way of intercourse back and forth now.

As I said a while ago, they are equipped with judges and court commissioners, and they have a splendid code of laws, both for mining and for other civil procedure and civil government; and I suggest that the proposition in this amendment to have a legislature appointed over them to pass all the laws that are enumerated here is one which will add to the irritation and difficulty and resentment from the people who are there.

Mr. BEVERIDGE. I shall not remain in charge of the bill any longer this afternoon, because I have too bad a cold, but I want to say just a word to the Senator in answer to a little of what he said, and that is this: The very thing he has spoken of, a government appointed upon the outside, exists there now. The Senator knows it is composed largely of judges, who appoint commissioners who are ex officio justices of the peace, ex officio this and ex officio that. I am going to ask——

Mr. CRAWFORD. They have a Delegate in Congress.

Mr. BEVERIDGE. If Senators see fit, perhaps we might defer the debate until we get to that part of the bill. I have not any desire to control that. They have a system of judicial government there, through the judges and the commissioners whom they appoint, from whom, as a practical matter, there is no appeal. They have jurisdiction in all cases up to $1,000;

they have various kinds of jurisdiction. As a practical proposition there can be no appeal. That in itself is inherently one of the worst things about the Alaskan government.

However, the whole general matter has been gone into. I had not expected that it would come up to-day. Indeed, I have said, for the third time, that I desired, merely to make progress with the bill, to have the committee amendments read. I would just as soon go on with the debate to-day as on any other day except that I am hoarse. I do not intend to do so to-day, and I do not think I will longer occupy the floor.

Mr. CLARK of Wyoming. Before the Senator from Indiana withdraws the bill, I wish to call his attention to one point. I understood the Senator to say there was nothing novel in this amendment.

Mr. BEVERIDGE. No, no; nothing novel. Yes; I will say that, too, but what I said was in answer to the Senator from Idaho [Mr. BORAH], who declared that the whole scheme was new, with one exception, when it broke down within sixty days of its own weight, and I said his statement was not accurate. It has been tried before in this country. This amendment was compiled——

Mr. BORAH. Mr. President——

Mr. BEVERIDGE. Just pardon me, and then I must respectfully say to Senators I can not debate this any longer this afternoon.

This amendment is taken from the safeguarding provisions of the fundamental laws of a good many States and Territories. I think perhaps that is true of every line of it. There are some things that the committee put in here. One was put in at the suggestion of the Senator from Colorado, about the levying of a tax on the gross receipts of mines. Some things of that kind were added to this amendment here. The restriction upon the legislative power is not novel at all. It is taken partly from the laws of the State of Washington and partly from the laws of other States. It has been compiled chiefly, and put together chiefly, and largely appears in the bill of the Delegate from the Territory of Alaska [Mr. WICKERSHAM], and to that the committee itself has made some additions.

Mr. CLARK of Wyoming. My intention was not to call attention to matters not novel, but to suggest one thing I think is entirely novel, even to the Senator from Indiana, although his reading on the legislative history of the country may be sufficiently extensive so that it is not novel to him; that is, has the Congress of the United States ever given to any legislature, appointive or elective, the power to repeal an act of Congress, which this bill does?

Mr. BEVERIDGE. That is in section 6. I do not suppose a situation like this ever existed before. I am not able at the present time to answer that question as a matter of history. I can not do it offhand. I should say that even if that has not been done heretofore and a situation exists here making it wise that a new system of laws shall be framed for Alaska, and if as a practical proposition it can only be done in that way, it is wise for Congress to do it.

Mr. CLAY. I understood the Senator to say that the Delegate from Alaska, representing that Territory, came before his committee, and he was heard patiently and, of course, courteously, and that some of his views were engrafted into this bill, especially the views restricting the legislative powers of the legislative council.

Mr. BEVERIDGE. Yes; that is the case.

Mr. CLAY. I will ask the Senator a question. I am informed it is true, although I may be mistaken. Is it not true that the Delegate representing the people of that Territory prepared, with the advice and counsel of his own people, a bill for a territorial government and asking for a legislature elected by the people of the Territory, and insisted that such a form of government should be given to the people of Alaska?

Mr. BEVERIDGE. He certainly prepared such a bill. Whether he did it with the advice and counsel of the people there I do not know.

Mr. FRAZIER. Mr. President, will the Senator from Indiana allow me?

Mr. BEVERIDGE. Yes; go ahead.

Mr. FRAZIER. I do not desire to interfere with the Senator, but if he wants to lay aside the bill for the present it will be entirely agreeable to me to do so.

Mr. BEVERIDGE. I am willing to answer any question. Go ahead.

Mr. FRAZIER. As the Senator is not feeling well——

Mr. BEVERIDGE. I am feeling perfectly well. I regret the fact that I called attention to it.

Mr. FRAZIER. The fact is that the Delegate from Alaska did appear before the committee and did present a bill. He introduced it in the House and he presented it to our committee. It was a bill giving a legislature elected by the people——

Mr. BEVERIDGE. Elected by the people, of course.

Mr. FRAZIER. And with many restrictions which were not embodied in this bill even after it was amended by the committee. The Delegate presented to the committee a great deal of evidence tending to show at least that the people of Alaska want a bill similar to the one which he introduced and advocated. He presented to the committee the platform resolutions of the Republican convention which nominated him as a Delegate, and of another Republican body, independent Republicans, and also of the Democrats, all of those political bodies indorsing a territorial form of government with an elective legislature. He also presented before the committee a great deal of evidence showing that the public press of that Territory are almost unanimous in opposition to this bill and in favor of a territorial form of government with an elective legislature. I have in my possession here telegrams from various organizations, both industrial organizations and municipal organizations, and from mayors of towns in Alaska, protesting against the passage of this bill.

I think the Senator from Idaho [Mr. BORAH] was well within the fact when he stated that 90 per cent of the white people of Alaska are opposed to the passage of this bill, and if, when the bill is reached for consideration, the Senate has any doubt about it, I will present evidence of that fact.

Now, Mr. President, I should like to ask that section 1, which was tentatively agreed to as in Committee of the Whole, be passed over for the purpose of offering an amendment to it in Committee of the Whole, which I prefer to do rather than to wait and offer it in the Senate.

Mr. BEVERIDGE. I have no objection at all to that, Mr. President.

Mr. FRAZIER. It goes to the question of the election of the legislature.

The PRESIDENT pro tempore. The Senator from Tennessee asks unanimous consent that the votes amending section 1 shall be reconsidered.

Mr. BEVERIDGE. Yes; I ask that it be reconsidered.

The PRESIDENT pro tempore. Is there objection to a reconsideration of the amendments to section 1? The Chair hears none and the section is before the Senate for amendment.

Mr. BEVERIDGE. That is all right.

Now, Mr. President, I think we can continue with the committee amendment.

The PRESIDENT pro tempore. The amendment inserting section 7 is now pending.

Mr. CRAWFORD. I ask that the pending amendment be laid over.

Mr. BEVERIDGE. Let it be passed over.

Mr. CRAWFORD. Yes; that it be passed over.

Mr. BEVERIDGE. Very well; that course is perfectly agreeable.

The PRESIDENT pro tempore. The amendment will be passed over, and the next amendment of the committee will be stated.

The next amendment was, in section 8, on page 12, to insert at the beginning of the section "That the enacting clause of all laws passed by the legislative council shall be 'Be it enacted by the legislative council of Alaska;'" in line 6, before the word "bill," to strike out "That no" and insert "No;" in line 10, after the word "he," to strike out the word "approves" and insert "approve;" in line 12, after the word "objections," to insert "in writing;" in line 15, before the word "council," to insert "legislative"; in line 17, before the word "council," to insert "legislative;" in line 23, before the word "council," to insert "legislative;" in line 24, in the proviso, after the word "That," to strike out "all laws enacted by the legislative council shall be reported to the Congress of the United States, which hereby reserves the power and authority, if deemed advisable, to annul the same," and to insert "all laws passed by the legislative council shall be subject to modification, amendment, or repeal by, and the same shall be submitted to, the Congress of the United States, and if disapproved, shall be null and void," so as to make the section read:

SEC. 8. That the enacting clause of all laws passed by the legislative council shall be "Be it enacted by the legislative council of Alaska." No bill shall become a law unless it be passed by a majority vote of all the members of the legislative council and be approved by the governor within ten days thereafter. If, when a bill that has been passed is presented to the governor for signature, he approve the same, he shall sign it, or, if not, he shall return it, with his objections in writing, to the council, which shall enter his objections at large on its journal, and proceed to reconsider the bill. If, after such reconsideration, two-thirds of the legislative council shall agree to pass the bill, it shall become a law. But in all cases the votes of the legislative council shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered upon

the journal. If any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the legislative council, by adjournment, prevents its return, in which case it shall not be a law: *Provided, however,* That all laws passed by the legislative council shall be subject to modification, amendment, or repeal by, and the same shall be submitted to, the Congress of the United States, and if disapproved shall be null and void: *Provided further,* That prior to the adjournment of the session of the Congress of the United States to which a law of the legislative council has been reported the President may suspend or annul such law.

Mr. CLARK of Wyoming. I ask that the amendment be passed over.

The PRESIDENT pro tempore. It will be passed over at the request of the Senator from Wyoming.

The next amendment was, in section 9, page 13, line 10, after the word "council," to strike out "of Alaska," and at the end of the section to insert the following proviso:

Provided, That no annual session shall continue for a longer period than sixty days, and no extra session for a longer period than thirty days.

So as to make the section read:

SEC. 9. That the legislative council shall convene annually at the capital of Alaska on the first Monday in October. The governor may convene said council in extraordinary session by a proclamation issued with the prior approval of the President of the United States: *Provided,* That no annual session shall continue for a longer period than sixty days, and no extra session for a longer period than thirty days.

The amendment was agreed to.

The next amendment was, on page 13, section 10, line 19, after the word "secretary," to strike out "and" and insert "of the Territory of Alaska, who shall be ex officio;" in line 20, after the word "treasurer," to strike out "of the district of Alaska" and insert "thereof, and;" in line 22, before the word "seal," to strike out "district" and insert "territorial;" in line 23, after the word "such," to strike out "other;" on page 14, line 1, at the beginning of the line, to strike out "of Alaska;" in the same line, after the word "council," to insert "by law;" and in line 6, after the word "by," to strike out "himself" and insert "the auditor," so as to make the section read:

SEC. 10. That there shall be appointed by the President a secretary of the Territory of Alaska, who shall be ex officio treasurer thereof, and who, as secretary, shall be the custodian of the territorial seal and perform the duties required by law to be performed by the secretary of a Territory, and such other duties as may be prescribed by the legislative council. As treasurer, he shall give bond, approved as to form by the attorney-general, in such sum as the legislative council by law may require, not less, however, than the sum of $50,000, with surety approved by the governor; and he shall collect and be the custodian of the public funds, and shall disburse the same when appropriated by law, on warrants signed by the auditor and countersigned by the governor, and shall keep full and accurate accounts, showing all receipts and disbursements, and perform such other duties as may be prescribed by law, and make to the governor such reports as he may require.

The amendment was agreed to.

The next amendment was, in section 11, page 14, line 12, after the word "the," to strike out "district" and insert "Territory;" in line 15, after the word "Alaska," to insert "and issue and sign warrants to be countersigned by the governor as hereinbefore provided;" in line 17, before the word "where," to strike out "provided that" and insert "*Provided,* That," so as to make the section read:

SEC. 11. That there shall be appointed by the President an auditor for the Territory of Alaska. He shall have power and it shall be his duty to audit and control, in accordance with law, all public accounts pertaining to the government of Alaska and issue and sign warrants to be countersigned by the governor as hereinbefore provided: *Provided,* That where an appeal is permitted by law to the governor from the decisions of the auditor as to the legality of any expenditure or payment, the governor's decision shall be final only in such cases as his conclusion is the same as that of the auditor. Where a different conclusion is reached by the governor from that of the auditor, the matter shall be certified and submitted by the governor to the head of the executive department of the United States designated by the President, whose decision thereon shall be final.

The amendment was agreed to.

The next amendment was, on page 15, after line 2, to strike out the first five lines of section 12, in the following words:

That there shall be paid into the treasury of Alaska:
The duties and taxes collected hereafter in Alaska under the customs and internal revenue laws;
All amounts received from the sale of timber, coal lands, and other parts of the public domain in Alaska.

Mr. JONES. I ask that that amendment be passed over.

The PRESIDENT pro tempore. At the request of the Senator from Washington, the amendment will be passed over.

The next amendment was, on page 15, section 12, line 9, before the word "all," to strike out "And" and insert "12. That;" in line 14, before the word "treasurer" to insert "secretary and ex officio;" in the same line, after the word "the," to strike out "district" and insert "Territory;" in line 18, after the word "the," to strike out "district" and insert "Territory;" and in line 22, after the word "the," to strike out "district" and insert "Territory," so as to read:

SEC. 12. That all moneys derived from and collected for license outside of the incorporated towns in Alaska, and which are now deposited in the Treasury of the United States and known as the "Alaska fund," shall, after the passage and approval of this act, be paid to the secretary and ex officio treasurer of the Territory of Alaska by the Treasurer of the United States, and all such sums which are now or may hereafter be collected and not now on deposit in the Treasury of the United States shall be paid directly to the treasurer of the Territory of Alaska.

And provided, That no less amount of the said revenue shall be annually appropriated for the making and maintaining of wagon roads, bridges, and trails in the Territory than the average of the amount derived annually from the "Alaska fund" for this purpose since the establishment of the board of road commissioners for Alaska.

The amendment was agreed to.

The next amendment was, in section (16) 13, page 16, line 3, before the word "provided," to strike out "herein" and insert "hereinbefore;" in line 6, after the word "governor," to strike out "ten thousand" and insert "seven thousand five hundred;" in line 8, after the word "thousand," to strike out "five hundred;" in line 10, after the word "interior," to insert "and of mines;" in line 11, before the word "dollars," to strike out "five hundred;" after line 11 to strike out "the commissioner of education and health, $7,500; the commissioner of mines, $7,500;" in line 16, after the word "and," to insert "ex officio;" in line 19, after the word "one," to strike out "or more;" in line 20, after the word "by," to strike out "officers" and insert "an officer;" in line 21, after the word "active," to insert "or retired;" and on page 17, line 1, after the word "interior," to insert "and of mines;" so as to make the section read:

SEC. 13. That the salaries of all officers and all expenses of the offices of the various officials of Alaska appointed by the President as hereinbefore provided shall be paid out of the United States Treasury.
The annual salaries so to be paid shall be as follows:
The governor, $7,500.
The attorney-general, $7,000.
The commissioner of the interior and of mines, $7,000.
The secretary and ex officio treasurer, $3,500.
The auditor, $3,500.
Provided, That one of the offices created by this act may be filled by an officer of the United States Army. The official salary of any officer on the active or retired list of the United States Army so serving shall be deducted from the amount of salary or compensation provided by this act: *Provided further,* That in the event of any officer of the army being so appointed as commissioner of the interior and of mines he shall constitute one member and be chairman of the board of road commissioners.

Mr. FRAZIER. I ask that section 13, embracing that part of it referring to the salaries of officers, be passed over.

The PRESIDENT pro tempore. The Senator from Tennessee asks that all the amendments relating to the salaries provided for in section 13 be passed over. The Chair hears no objection. The Senator from Idaho [Mr. HEYBURN] asked that the proviso beginning in line 19 should be passed over.

Mr. FRAZIER. I ask that the whole section may go over. The latter part of it refers to the objection made by the Senator from Idaho; so let the whole section go over.

The PRESIDENT pro tempore. Without objection section 13 will be passed over.

The next amendment was, in section (17) 14, page 17, line 4, after the word "the," where it occurs the first time, to strike out the word "commissioners" and insert "commissioner;" in the same line, after the word "interior," to strike out "education and health, and mines," and insert "and of mines;" in line 6, after the word "and," to insert "ex officio;" in line 7, after the word "traveling," to strike out "and subsistence;" in the same line, after the word "expenses," to insert "exclusive of subsistence;" and in line 9, after the word "duties," to strike out "Accounts for such expenses shall be rendered and paid as are accounts of officers of the district court of the district of Alaska for like expenses" and insert "Itemized accounts, duly verified, for such expenses, shall be rendered to the executive department of the United States designated by the President and paid by the Treasurer of the United States," so as to make the section read:

SEC. 14. That the governor, the attorney-general, the commissioner of the interior and of mines, the auditor, and the secretary and ex officio treasurer shall, in addition to their salaries, be paid their actual traveling expenses, exclusive of subsistence, when traveling in the discharge of their official duties. Itemized accounts, duly verified, for such expenses, shall be rendered to the executive department of the United States designated by the President and paid by the Treasurer of the United States.

The amendment was agreed to.

The next amendment was, on page 17, after line 14, to insert as a new section the following:

SEC. 15. That the sum of $100,000 is hereby appropriated to carry out the provisions of this act, and the same shall be paid by the Treasurer of the United States to the treasurer of Alaska.

Mr. FRAZIER. I ask that section 15 be passed over.

The PRESIDENT pro tempore. Without objection, section 15 will be passed over. The bill is before the Senate as in Committee of the Whole, and open to amendment.

Mr. LA FOLLETTE. I should like to inquire if the record shows that section 7 was passed over.

The PRESIDENT pro tempore. It was passed over.

Mr. OWEN. I observe that section 1 has been passed over.

The PRESIDENT pro tempore. Section 1 has been passed over.

Mr. OWEN. It may be amended in such a manner that it would of necessity involve other sections. I therefore ask that it may be understood that other sections which would require to be amended because of section 1 being amended are open to amendment.

The PRESIDENT pro tempore. All the amendments except those agreed to are open to amendment as in Committee of the Whole, and all amendments are open to amendment in the Senate.

Mr. OWEN. I understand that, of course. I thought it might be necessary to make the reservation now, but it can be easily accomplished by moving to reconsider, which motion will be available at the proper moment.

Mr. BACON. I understand that the bill is now to be laid aside, and that it will still be open to amendment when again taken up and before it is reported to the Senate.

The PRESIDENT pro tempore. Quite a number of amendments of the committee have been passed over, and one or two sections have been passed over. Of course, they will be open to amendment as in Committee of the Whole.

Mr. BACON. Or any independent amendment will be in order?

The PRESIDENT pro tempore. Yes, or independent amendments will be in order as in Committee of the Whole.

Mr. OWEN. Who has charge of the bill in the absence of the chairman?

Mr. PILES. The Senator from Indiana [Mr. BEVERIDGE], who has charge of the bill, asked me to take his place during his absence. I would be glad to go on with the bill for a while, or I am perfectly willing to lay it aside. There seems to be a desire to have it laid aside temporarily until certain amendments may be perfected and the bill more thoroughly investigated. I therefore ask that the bill be temporarily laid aside.

Mr. SMITH of Michigan. Before that is done I should like to inquire whether the bill will be printed with the amendments already adopted.

The PRESIDENT pro tempore. Not unless the request is made.

Mr. SMITH of Michigan. I make that request, Mr. President.

Mr. KEAN. Is not that the form in which the bill now is? There have been no other amendments than committee amendments acted upon.

The PRESIDENT pro tempore. No amendments have been offered which do not appear in the bill.

Mr. KEAN. All the amendments appear in the bill as it has been printed.

Mr. SMITH of Michigan. Very well.

Mr. HEYBURN. They appear in the bill, but motions to strike out do not appear in the bill. They will appear in the RECORD, but not in the bill as printed.

Mr. KEAN. Of course I have no objection to a reprint of the bill, if it is desired.

Mr. HEYBURN. I am not asking for a reprint of the bill at all. I merely made the suggestion in order that it might be understood.

Mr. KEAN. The motions that parts be stricken out have not been agreed to.

Mr. HEYBURN. They have not been agreed to, but if the bill is reprinted the amendments of course should be suggested.

Mr. CLARK of Wyoming. I ask unanimous consent that the bill may be reprinted. Certain amendments have been adopted and certain amendments have been passed over. I think it would be well for us to have the bill before us as it now stands, so that we may know exactly what we are doing.

Mr. PILES. I understand that nothing but a few minor amendments have been adopted, nothing of any consequence, but simply amendments correcting the bill in some places. However, I have no objection to a reprint. Do I understand the Senator from Wyoming to desire a reprint?

Mr. CLARK of Wyoming. I ask unanimous consent that there be a reprint ordered.

Mr. PILES. Very well.

The PRESIDENT pro tempore. The Senator from Wyoming asks unanimous consent that there be a reprint of the bill ordered. Is there objection? The Chair hears none.

Mr. KEAN. As no one desires to go on further with the bill this afternoon, I move that the Senate proceed to the consideration of executive business.

Mr. DEPEW. I should like to finish the consideration of the Hawaiian government bill.

Mr. KEAN. The Hawaiian government bill is a very important measure, but I withdraw the motion at the request of the Senator from New York.

Mr. DEPEW. Has the Alaskan government bill been laid aside?

The PRESIDENT pro tempore. It has not.

Mr. KEAN. I ask that it be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from New Jersey asks that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none.

GOVERNMENT OF HAWAII.

Mr. DEPEW. I ask that the bill (S. 3360) to amend an act entitled "An act to provide a government for the Territory of Hawaii," approved April 13, 1900, be taken up. The bill has been read, Mr. President, and then it was laid aside temporarily.

Mr. MONEY. The Senator from Florida [Mr. FLETCHER] is interested in the bill and he is not here. He asked that it be laid over. If it suits the Senator from New York I should like to have the consideration of the bill postponed until the Senator from Florida can be present.

Mr. DEPEW. Of course I will assent to that; but in some way the bill got from Rule VIII to Rule IX when I was not here. I ask that it be restored to Rule VIII.

The PRESIDENT pro tempore. The Senator from New York asks that the bill (S. 3360) to amend an act entitled "An act to provide a government for the Territory of Hawaii," approved April 13, 1900, be restored to the calendar under Rule VIII. Is there objection?

Mr. BORAH, Mr. President, it was at my suggestion that the bill was put under Rule IX. As the Senator was absent, I do not desire to oppose his suggestion, but I think I shall at some time when he is present move to put it again under Rule IX, because it is a very important bill, and it is a bill that should not be disposed of in the absence of a very full Senate. In view of the fact that the Senator from New York was absent, I will not oppose the suggestion.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from New York? The Chair hears none, and the bill is restored to Rule VIII.

EXECUTIVE SESSION.

Mr. CULLOM. 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 five minutes spent in executive session the doors were reopened, and (at 3 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 15, 1910, at 12 o'clock noon.

NOMINATIONS.

Executive nominations received by the Senate February 14, 1910.

SECRETARY OF LEGATION.

Jacob Sleeper, of Massachusetts, now secretary of the legation at Berne, to be secretary of the legation of the United States of America at Habana, Cuba, vice Fred Morris Dearing, nominated to be second secretary of the embassy at London.

PROMOTIONS IN THE ARMY.

CORPS OF ENGINEERS.

Maj. Henry C. Newcomer, Corps of Engineers, to be lieutenant-colonel from February 9, 1910, vice Lieut. Col. Hiram M. Chittenden, who accepted an appointment as brigadier-general on that date.

Capt. William D. Connor, Corps of Engineers, to be major from February 9, 1910, vice Maj. Henry C. Newcomer, promoted.

First Lieut. Robert R. Ralston, Corps of Engineers, to be captain from February 9, 1910, vice Capt. William D. Connor, promoted.

Second Lieut. Edward D. Ardery, Corps of Engineers, to be first lieutenant from February 9, 1910, vice First Lieut. Robert R. Ralston, promoted.

POSTMASTERS.

ARKANSAS.

Frank B. Bumgardner to be postmaster at Fort Smith, Ark., in place of James Brizzolara, resigned.

Elijah O. Lefors to be postmaster at Bentonville, Ark., in place of Elijah O. Lefors. Incumbent's commission expires April 20, 1910.

James W. Slover to be postmaster at Harrison, Ark., in place of Albert B. Andrews. Incumbent's commission expired February 5, 1910.

FLORIDA.

Daniel T. Gerow to be postmaster at Jacksonville, Fla., in place of Daniel T. Gerow. Incumbent's commission expires June 11, 1910.

GEORGIA.

Charles I. Robinson to be postmaster at Eatonton, Ga., in place of Charles I. Robinson. Incumbent's commission expires February 22, 1910.

INDIANA.

Charles M. Eisenbeiss to be postmaster at Elkhart, Ind., in place of Charles M. Eisenbeiss. Incumbent's commission expired January 18, 1910.

John W. Graham to be postmaster at Bloomfield, Ind., in place of John W. Graham. Incumbent's commission expired January 18, 1910.

Lyman B. Holleman to be postmaster at Mount Vernon, Ind., in place of Lyman B. Holleman. Incumbent's commission expired January 18, 1910.

Alvin J. Kitt to be postmaster at Goodland, Ind., in place of Alvin J. Kitt. Incumbent's commission expired February 7, 1910.

John W. Lough to be postmaster at Ladoga, Ind., in place of John W. Lough. Incumbent's commission expired January 18, 1910.

Lewis Miller to be postmaster at Thorntown, Ind., in place of Lewis Miller. Incumbent's commission expired February 5, 1910.

Bert Morgan to be postmaster at Greensburg, Ind., in place of Luther D. Braden. Incumbent's commission expired February 13, 1910.

William E. Peck to be postmaster at Remington, Ind., in place of William E. Peck. Incumbent's commission expires February 27, 1910.

Morris B. Pote to be postmaster at New Harmony, Ind., in place of Morris B. Pote. Incumbent's commission expired January 10, 1910.

Charles A. Rockwell to be postmaster at Cloverdale, Ind., in place of Charles A. Rockwell. Incumbent's commission expired January 23, 1910.

Warren A. Sanford to be postmaster at West Terre Haute, Ind. Office became presidential January 1, 1910.

Frank Sheets to be postmaster at Mooresville, Ind., in place of Frank Sheets. Incumbent's commission expired December 11, 1909.

John H. Spencer to be postmaster at Rockville, Ind., in place of John H. Spencer. Incumbent's commission expired February 5, 1910.

Martin V. Starr, to be postmaster at Goshen, Ind., in place of Martin V. Starr. Incumbent's commission expired January 29, 1910.

Marcus R. Sulzer to be postmaster at Madison, Ind., in place of Marcus R. Sulzer. Incumbent's commission expired January 30, 1910.

MAINE.

George W. Goulding to be postmaster at Oakland, Me., in place of George W. Goulding. Incumbent's commission expired February 5, 1910.

MICHIGAN.

James Clancey to be postmaster at Ishpeming, Mich., in place of George A. Newett. Incumbent's commission expired January 31, 1910.

MINNESOTA.

Rowland Arundel to be postmaster at Staples, Minn., in place of Rowland Arundel. Incumbent's commission expired April 27, 1908.

Newton H. Ingersoll to be postmaster at Brainerd, Minn., in place of Newton H. Ingersoll. Incumbent's commission expired January 18, 1908.

James H. Smullen to be postmaster at Lesueur Center, Minn., in place of James H. Smullen. Incumbent's commission expired February 5, 1910.

Charles H. Strobeck to be postmaster at Litchfield, Minn., in place of Charles H. Strobeck. Incumbent's commission expired January 21, 1909.

NEW YORK.

Ezra Sayre to be postmaster at Corinth, N. Y., in place of Ezra Sayre. Incumbent's commission expired February 5, 1910.

NORTH CAROLINA.

Franklin W. Faircloth to be postmaster at Snow Hill, N. C. Office became presidential January 1, 1910.

J. Frank Liles to be postmaster at Tarboro, N. C., in place of Victoria L. Martin, deceased.

OHIO.

Clarence C. Fravel to be postmaster at Pataskala, Ohio, in place of William S. Needham. Incumbent's commission expired March 3, 1907.

John J. Leedom to be postmaster at St. Paris, Ohio, in place of John J. Leedom. Incumbent's commission expired January 25, 1910.

OKLAHOMA.

William S. Hartshorn to be postmaster at Yale, Okla. Office became presidential January 1, 1910.

William J. Krebs to be postmaster at Kaw, Okla. Office became presidential January 1, 1910.

Sherman M. Smith to be postmaster at Woodward, Okla., in place of George Brophy. Incumbent's commission expired December 11, 1909.

OREGON.

Burtis W. Johnson to be postmaster at Corvallis, Oreg., in place of Burtis W. Johnson. Incumbent's commission expires April 25, 1910.

PENNSYLVANIA.

Frank R. Holt to be postmaster at Rochester, Pa., in place of Millard F. Mecklem. Incumbent's commission expired January 6, 1909.

SOUTH CAROLINA.

Ira S. Pitts to be postmaster at Westminster, S. C., in place of Ira S. Pitts. Incumbent's commission expired December 12, 1909.

SOUTH DAKOTA.

Robert C. Van Horn to be postmaster at Kennebec, S. Dak. Office became presidential January 1, 1910.

TEXAS.

John D. Abney to be postmaster at Grand View, Tex., in place of John D. Abney. Incumbent's commission expires February 27, 1910.

Thomas L. Ball to be postmaster at Decatur, Tex., in place of Thomas L. Ball. Incumbent's commission expires February 27, 1910.

Frank C. Blaine to be postmaster at Del Rio, Tex., in place of Frank C. Blaine. Incumbent's commission expired February 5, 1910.

Joseph A. Bowermon to be postmaster at Mansfield, Tex., in place of Joseph A. Bowermon. Incumbent's commission expired January 16, 1910.

William L. Boyd to be postmaster at Kemp, Tex., in place of William L. Boyd. Incumbent's commission expired January 31, 1910.

Joshua C. Brown to be postmaster at Madisonville, Tex., in place of Joshua C. Brown. Incumbent's commission expired January 31, 1910.

Sallie E. Brooks to be postmaster at Bastrop, Tex., in place of Sallie E. Brooks. Incumbent's commission expired January 23, 1910.

H. A. Burns to be postmaster at Burnet, Tex., in place of Mattie Lamon. Incumbent's commission expired January 31, 1910.

Robert E. Burns to be postmaster at Tenaha, Tex. Office became presidential January 1, 1910.

Ferman Carpenter to be postmaster at Franklin, Tex., in place of Ferman Carpenter. Incumbent's commission expired February 7, 1910.

A. A. Cooper to be postmaster at Olney, Tex., in place of Alice M. McCuistion, resigned.

William E. Dwyer to be postmaster at Brenham, Tex., in place of William E. Dwyer. Incumbent's commission expired January 24, 1910.

George A. Gray to be postmaster at Aspermont, Tex. Office became presidential January 1, 1910.

Henry C. Ingram to be postmaster at Eddy, Tex. Office became presidential October 1, 1909.

James H. Loyd to be postmaster at Alba, Tex. Office became presidential January 1, 1910.

Berry McGee to be postmaster at Italy, Tex., in place of Berry McGee. Incumbent's commission expires February 28, 1910.

Frank W. Reast to be postmaster at Whitesboro, Tex., in place of Frank W. Reast. Incumbent's commission expires February 27, 1910.

Edmund F. Seydler to be postmaster at Weimar, Tex., in place of Edmund F. Seydler. Incumbent's commission expired January 23, 1910.

UTAH.

Niels C. Poulsen to be postmaster at Richfield, Utah, in place of Niels C. Poulsen. Incumbent's commission expires February 22, 1910.

James P. Driscoll to be postmaster at Eureka, Utah, in place of James P. Driscoll. Incumbent's commission expired January 24, 1910.

WISCONSIN.

Jorgen C. Jacobson to be postmaster at Elroy, Wis., in place of Jorgen C. Jacobson. Incumbent's commission expired February 5, 1910.

Alfred W. Trevitt to be postmaster at Wausau, Wis., in place of Alfred W. Trevitt. Incumbent's commission expires February 22, 1910.

WASHINGTON.

Charles A. Blackman to be postmaster at Starbuck, Wash., in place of Walter G. Lyon, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 14, 1910.

PROMOTIONS IN THE NAVY.

Lieut. Andrew T. Graham to be a lieutenant-commander.

The following-named carpenters to be chief carpenters:

Joseph Feaster, jr.,
Peter Treutlein,
Allen D. Mosely,
Robert H. Lake,
Sverre Floathe,
Harry T. Newman,
Harry E. Cooper,
James W. Costello,
Patrick Sarsfield,
Albert Tucker,
Frank Gilbert,
Edward F. Pullen,
Clifton Greenwell, and
Thomas B. Casey.

POSTMASTERS.

IDAHO.

Emma L. Reed, at Bellevue, Idaho.

NEBRASKA.

George H. Olive, at Weeping Water, Nebr.

NORTH DAKOTA.

Thomas G. Johnson, at University, N. Dak.
E. H. Pierce, at Grafton, N. Dak.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 14, 1910.*

The House met at 12 o'clock noon.

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

We bless Thee our Father in heaven for all the true, the noble, the brave sons of America who have contributed out of their substance to the life, growth, and character of our Republic. And we bless Thee that our Republic is not ungrateful, but cherishes in song and story, in bronze and granite their deeds of heroism and glory.

Especially do we thank Thee for that spontaneous outburst of love and gratitude to the memory of Abraham Lincoln. God grant that the simple story of his heroic life may be told again and again as an inspiration to coming generations, that the perpetuity of our Republic may be assured, and Thine be the praise through Jesus Christ our Lord. Amen.

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

CORRECTION.

Mr. RUCKER of Colorado and Mr. HARDY rose.

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

Mr. RUCKER of Colorado. For the purpose of correcting the RECORD of the evening session of the 10th.

The SPEAKER. The gentleman will state his correction.

Mr. RUCKER of Colorado. I am recorded as voting on that occasion. I was not present, and did not vote.

The SPEAKER. The gentleman's vote will be withdrawn, and the Journal and RECORD will both be corrected.

PRIVILEGED STATEMENT.

Mr. HARDY. Mr. Speaker, I wish to make a statement in the nature of a privileged statement to the House.

The SPEAKER. The gentleman from Texas rises to a question of personal privilege.

Mr. HARDY. I ask unanimous consent to make a statement with reference to a speech heretofore made.

The SPEAKER. The gentleman from Texas rises to a question of personal privilege, and asks unanimous consent to make a statement.

Mr. MANN. How much time does the gentleman desire?

Mr. HARDY. It is eight pages of reading.

Mr. BURGESS. Mr. Speaker, what is the nature of the gentleman's statement?

The SPEAKER. The Chair is not informed.

Mr. PAYNE. Mr. Speaker, how much time does the gentleman ask?

Mr. HARDY. It is eight pages of reading and will take not more than ten or fifteen minutes.

Mr. PAYNE. Mr. Speaker, I want to give notice that in view of the frequency with which these requests have occurred, that while I will not object to-day, I shall hereafter object to such unanimous requests to make a speech.

Mr. MANN. Mr. Speaker, if the gentleman will state some fixed time, I will not object.

Mr. HARDY. Well, say ten minutes——

Mr. MANN. If the gentleman desires more time he can ask an extension.

Mr. HARDY. Well, I will ask for fifteen minutes.

The SPEAKER. The gentleman from Texas asks unanimous consent to make a statement, and for fifteen minutes' time in which to make the statement.

Mr. BURGESS. Mr. Speaker, I do not know what the gentleman wants to state; what is it the gentleman desires to state?

Mr. HARDY. It is a statement withdrawing the part objected to of a speech made on the 28th of January, stating, in parliamentary terms, my reasons for believing it was not improper when it was made.

Mr. BURGESS. Well, I will not object to that if that is all.

The SPEAKER. The Chair hears no objection.

Mr. HARDY. Mr. Speaker, on the 28th day of January, 1910, by unanimous consent, I was granted by this House leave to extend my remarks in the RECORD by printing therein a speech delivered by me at Cameron, Tex., on October 18, 1909. At the time stated I knew that a great many, if not most, of the Members of the House, and all of the Members from Texas, were fully aware of the contents of that speech, the speech having been published in four leading daily papers of Texas and in the Commoner, and having been published in pamphlet form and circulated by me at my own expense in my district, and many Members of Congress having been given copies of said pamphlet. Nevertheless, I made this statement to the House in description and specification of the speech:

Mr. Chairman, in September of last year Mr. W. J. Bryan made, in Dallas, Tex., a speech concerning the binding force of platform promises and pledges, and giving forth his views on Democratic doctrines and teachings as to the tariff. At a later date the junior Senator from Texas replied to that speech. On the 18th day of October of the same year I was requested by citizens of the city of Cameron, in my district, to make for them a speech, discussing the issues raised by the speech of Mr. Bryan and the reply of the junior Senator from Texas. That speech has been circulated within my State, and for its wider circulation, because I believe the questions discussed are nation-wide in importance and interest, I wish to extend my remarks by including it in the RECORD by the consent of the committee.

The Chairman said:

The gentleman from Texas [Mr. HARDY] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Several hours after being granted this leave I was told by Hon. CHAMP CLARK that if the speech, as delivered at Cameron, was printed in the RECORD, it might cause unpleasantness, and that there might be an effort made to expunge it from the RECORD. For this reason the speech was withheld by me till February 2 and revised to the extent of eliminating every paragraph of the speech which seemed to me violative of any rule of the House or in contravention of any precedent or established practice of the House, and I then gave it to the Public Printer, and it was duly published in the CONGRESSIONAL RECORD of that date.

After one day's time, that is, on the 4th day of February, 1910, the Hon. GEORGE F. BURGESS, of Texas, offered a resolution declaring that the speech was in violation of the rules and privileges of debate, contained language improper, and so forth, and criticisms of the proceedings of the Senate and the action of a Senator, "who is specified by name," and asked that his resolution be referred to a committee, with instructions to report to the

House. This resolution was agreed to. Now, Mr. Speaker, on account of this proceeding and on account of the probable construction that may be reached that the speech is a technical violation of the rules, and on account of the fact that many of my friends expressed to me their belief that the speech is such a technical violation, and granting that I am not possessed of all knowledge and wisdom on the subject, and that my personal interest in the matter may bias my judgment, I wish now, with the consent of the House, to withdraw the Cameron speech.

While doing this, Mr. Speaker, I wish to state that I still believe, as I believed when the speech was printed, that it violates no rule of the House and no wise principle of parliamentary practice, nor any previous actual practice of this House; and I wish to state in parliamentary terms my reasons for so believing. The only rules of this House affecting the matter are Rule I, requiring that the Speaker shall preserve order and decorum, and Rule XIV, requiring that Members shall avoid personality in debate. These are in substance the same rules as govern a court and attorneys in presenting a case before the court. There are parliamentary precepts handed down from English legislative practice and English writers, and partly adopted and frequently quoted in this country. One of these is that no criticism of the actions or utterances of the King shall be indulged in by members of Parliament. This rule was sought to be invoked as it might be deemed to apply to the actions and utterances of the President; but it was expressly abrogated by rulings in Congress. Another is that the proceedings or debates of the House of Lords may not be read in the House of Commons, or vice versa. This latter rule has many times been reiterated by presiding officers here as applicable to the House and Senate; but never in any case where the facts only involved the sole question of the propriety or impropriety of reading or commenting on such proceedings or debate.

So far as I know—and I have tried to investigate thoroughly—in every case where that rule has been invoked the facts accompanying its invocation showed that it was done to prevent a Member of the House or Senate from doing one of two things: First, using the action of the other body or a member of it to influence the action of his own House; or, second, to prevent him from indulging in criticism of or reflection on the personality, the character, or motive of the other body or members of it. Further, Mr. Speaker, the records of Congress show without exception that such rule has never been invoked to prevent a Member from continuing to read and comment on the proceedings or debates of the other body until after such Member had shown by his comments or actions that he was so reading and commenting with the purpose of using the actions or debates of the other body to influence the action of his own body, or with the purpose of making a personal criticism of or attack upon or reflection on the other body or its members. Under this practice and pursuant to his duty to preserve order, the Speaker has, when the danger signal appeared, or when a Member had already transgressed the spirit of the rule, stopped the Member and prevented him from further reading or commenting on the proceedings, votes, or debates of the other body. This has been done hundreds of times; but this is the extent and furthest extent to which this English rule has ever been followed here. On the other hand, thousands of instances have occurred in the House where the proceedings of the Senate and speeches therein have been read in this body and discussed with absolute freedom, Members here reading speeches from the Senate and replying to and refuting them or agreeing with them and using them to support their contention here. Perhaps every Member of this House who has spoken often has done this. I might illustrate this by unnumbered instances. Only a few days ago the gentleman from Illinois [Mr. BOUTELL] read into the RECORD a speech or article published in Texas, in which the Senator from Rhode Island was irreverently called "Old Man ALDRICH," but no one moved to strike it from the RECORD. Just a day or two ago, during the discussion in this House of what action the House should take with reference to a suit against three of its Members, a distinguished member of the Judiciary Committee of this House discussed at length the action of the Senate, referring to such action plainly as the action of the Senate in reference to that suit, and another Member of the House read to the House from the speech of a Senator, calling him by name, on the same subject.

Notwithstanding this reference and reading appeared to be with a view of having an influence on the House and in conflict with the technical rule, neither the presiding officer nor any Member objected or moved to strike it out. Another distinguished member of the Judiciary Committee made reference, as I understand, though I was not personally present, to the same action and proceeding in the Senate, and combated its wisdom. The latter distinguished member of the Judiciary Committee was, as I am informed, more polished and more adroit, and did not call the Senate by name, but by circumlocution and by circumstance and application left no room for doubt as to what body he was referring to. In other words, he whipped the devil around the stump, but castigated his satanic majesty nevertheless; but no one moved to strike it out. Mr. Speaker, I do not believe the English practice is applicable under the theory and the principles of our Government. The House of Lords and House of Commons avowedly represent two different and distinct classes of people, and are jealous of each other's distinctive prerogatives, rights, and privileges. The Lords must not be allowed in the Commons to intrude their influence, and the Lords, equally jealous, do not, in theory, allow the Commons to intrude their influence; but here both the Senate and the House represent, or should represent, the same great American people, and in theory and under the principles of our Government there should be no objection in either House to reading the speeches or proceedings of the other or to commenting upon them or to any criticisms of any Member of the other House which would not be equally objectionable if it had been made of a Member of this House, nor is there any American common sense in requiring a gentleman to surround a supposed rule in this House by phrases of circumlocution which leaves the purpose of the reference clear without uttering the name of the thing or person referred to. As showing the spirit of our actual practice, Mr. Speaker, I state that from my examination of the precedents through all the history of congressional annals up to this time there never has been an effort to strike a speech from the records unless that speech contained matter that was a personal criticism of or reflection on some Senator or Member of this House or the President. No one up to this time has ever asked to have a speech stricken from the records which was no more than a legitimate reply to an argument, advanced by either a Senator or a Member and couched in terms that would be deemed orderly and not personal if used in discussion between Members of this House. Mr. Speaker, I believe that every paragraph of the speech I placed in the RECORD is in order; that it would be proper in this House if used as to and in reply to a speech of a Representative; that it would be in order if used in a court as to and in reply to a speech made in a case before a court, and that it is therefore in order here.

Let me quote from an academic discussion of this matter which took place in 1890, though not agreeing with all that was then said. This discussion took place in the Senate. Most of those taking place are long since dead. I do not read the RECORD to influence any action of this House or to criticise. I trust it is history, but I read it to show that if I am not right in my views of the purpose and right limitation of the rules I have nevertheless distinguished company. In the CONGRESSIONAL RECORD of August 4, 1890, page 8077, Mr. Edmunds, President pro tempore, states:

> He has observed with regret a growing tendency to allude in terms of severity and disparagement to the proceedings of the other House of Congress. It is a violation of the fundamental principles of parliamentary law to refer in either House to what is done by the other for any purpose whatever, except historically, after the transactions have occurred. The Chair hopes that the Senate, in preservation of its own dignity and in the protection of its own immunity from recriminations that might occur, will observe this limitation.

This shows the purpose of the rule and occasion of its invocation. Mr. Vest stated:

> It is my understanding that it is entirely legitimate to refer to what has been said or done in the other branch of Congress after the event has transpired; anything, for instance, that is in the CONGRESSIONAL RECORD. But it is not legitimate to refer to proceedings of the other House in order to cause an argument or to influence the action of this body.

Mr. CULLOM referred to frequent reading of record of House debates on the tariff question and asked if it was parliamentary. Mr. Vest did the same, saying he had frequently done that, and that it was his understanding that he had a right to do it; that it was done on both sides of the Chamber.

Of course—

He said—

> I shall abide by the rule, whatever the Chair or the Senate may declare it to be, but it seems to me a harsh one, not based on any good reason.
>
> Mr. MORGAN. Is there any such rule?
>
> Mr. VEST. I am speaking of the construction of the Senator from Vermont, a construction that we can not use anything or quote anything that is said or done in the House of Representatives during this session. I understand him to say that.
>
> Mr. MORGAN. What I want to get at is, what is the rule?
>
> Mr. EDMUNDS (President pro tempore). This subject is not specially treated in the rules of the Senate, but is a question of general parliamentary law. Cushing says:
>
> "All expressions concerning the other House or its Members which, if uttered with reference to the House, of which the Speaker is a Member, would be disorderly; second, all reference to or introduction of the

proceedings or debates of the other House for the purpose of commenting on them by way of answer, explanation or commendation, discussion or animadversion; third, introduction or reference to proceedings of the other House or the opinion of the sovereign for the purpose of influencing the determination of the House, of which the Speaker is a Member."

Mr. VEST. May I inquire of the Chair when this limitation expires?

The PRESIDENT. The Chair has no opinion on this subject at this time.

Mr. VEST. Because, if there be no limitation, then we violate the rule by referring to the proceedings of the House of Representatives at the next session or the next Congress, and a privilege of all other citizens of the United States is taken away from the Members of the Senate, which is the right of free comment upon the proceedings of either branch of Congress.

All this discussion shows the purpose and application of the rule to be twofold: First, the prevention of influence by one body on another; second, the protection of the Members of either House from animadversion or criticism in the other to the same extent each House protects its own Members. These are the only reasons for the rule, the only possible commonsense basis for it. When the legislative matter is disposed of, is no longer pending or being considered, the first reason can not apply, the second reason always applies if it exists, and no Member of either House has the right to indulge in personal criticism or reflections upon any Senator or Representative, living or dead. Mr. Speaker, I might stress further the idea advanced by Mr. Vest that some constructions given to the rule take away the right of freedom of speech from Members of this House on this floor, a right guaranteed by the Constitution to every man and, I think, in all places. Freedom of speech, I mean, not license to abuse the freedom of speech. Twenty years have passed since that discussion in the Senate apropos of nothing then before the Senate. In that time Senators and Representatives have more and more exercised the right of freedom of speech, not abuse of speech, without let or hindrance here or in the Senate. Since that time few, if any, have heretofore sought to deny it.

I shall not boast that I am always right or challenge opponents to find a flaw in the armor of my perfection, but I shall never here make a speech to which I shall ask that no reply be made here or anywhere else. I hope and believe I shall see the time when no man in the Senate or in the House can make a speech that can not be specifically and categorically taken up and replied to, critically, boldly, and vigorously, here or in the Senate or anywhere else on God's green earth. If, in my opinion, a man representing the people in the House or in the Senate has attacked the institutions of my country, the teachings of truth and faith, or the tenets of my party, I believe that I have the right here or anywhere else to reply to and repel that attack with the weapons of reason, logic, and argument in every form, and I believe that the time will come when no man who represents the people, either in the House or the Senate, will ever ask that such a reply be stricken from the RECORD because it may violate some rule of interchange of courtesies between the two Houses, and when every Senator and Representative will realize that both his speeches and votes, and every other man's speeches and votes, must stand out without screen or protection where the white light of truth may beat upon it everywhere and before all the people.

The SPEAKER. The gentleman from Texas [Mr. HARDY] asks unanimous consent to withdraw the speech referred to. Is there objection?

There was no objection.

Mr. PARKER. Mr. Speaker, I send a resolution to the Clerk's desk and ask unanimous consent that it be considered at this time.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 393.

Resolved, That inasmuch as the speech of the Hon. RUFUS HARDY, mentioned in said resolution as referred to the Committee on the Judiciary, has on his motion been stricken from the permanent RECORD, the Committee on the Judiciary are hereby discharged from further consideration of said resolution so referred, and that the same do lie upon the table.

The SPEAKER. Is there objection to the consideration of the resolution at this time?

Mr. HARDY. I think, Mr. Speaker, it ought to be worded a little differently.

The SPEAKER. Does the gentleman from Texas object?

Mr. HARDY. I have no objection.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

RIVER AND HARBOR BILL.

Mr. ALEXANDER of New York. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 20686, the river and harbor bill, and pending that motion I move that the general debate be limited to two hours and confined to the subject immediately under discussion.

The SPEAKER. The gentleman from New York moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 20686, and asks that the general debate be limited to two hours and confined to the bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for consideration of the bill (H. R. 20686) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, with Mr. DALZELL in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk proceeded with the reading of the bill.

Mr. ALEXANDER of New York. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ALEXANDER of New York. Mr. Chairman, the bill under consideration is somewhat singular in its character, but not so much in method as in policy. It is an honest effort to return to the old custom of an annual river and harbor bill. From 1866 down to 1882, with the exception of the year 1877, a regular annual river and harbor bill was reported to the House each year and enacted into law. At that time it was upon the same plane as other appropriation bills. It was expected every year the same as the naval bill, the army bill, the pension bill, and the agricultural bill. Nobody expected it would not appear, and it never disappointed anyone.

But in 1882 President Arthur, after it had been sent to him, disapproved it, and although the bill was passed over his veto, the friends of rivers and harbors became greatly discouraged. Many Members who sustained the bill after the veto were defeated at the following election. Even the distinguished Speaker of the House, then a young Member of this body, who voted to carry it over the veto, found the campaign into which he was precipitated a few months afterwards one of the most fiercely fought in his experience of thirty-five years. This staggering blow greatly discouraged the friends of improvement, and resulted in a change of policy. Thereafter river and harbor bills became biennial.

But very soon conditions became intolerable. Large projects could not be handled without absorbing the greater part of the money, leaving smaller, but no less meritorious, improvements to shiver in the cold. Then Senator FRYE, for nearly a quarter of a century at the head of the Commerce Committee of the Senate, and one of the ablest, as well as most persistent, friends of river and harbor improvement in the country, proposed the continuing-contract system. This was in 1890, and it put favored projects upon the basis of an annual bill, thus relieving the strain. In 1896, however, President Cleveland, following the example of President Arthur, disapproved the bill, and again, although carried over his disapproval, the friends of river and harbor improvements were greatly discouraged.

The result of that veto was that bills came less frequently. Instead of being biennial, they became triennial; and from that day to this, with the exception of 1905, they have appeared three years apart, becoming so large that the Treasury must be consulted as to the condition of the surplus or the deficit. "Can we have a river and harbor bill this year?" "Will the Treasury stand it?" "Will the President veto it?" are questions immediately provoked when a river and harbor bill is suggested.

In the meantime a great sentiment has been aroused throughout the country in favor of river and harbor improvements. Beginning four or five years ago it has continued to increase, rapidly growing in strength, until this city, in the last three or four years, has witnessed the presence of a great Rivers and Harbors Congress, representing the friends of river and harbor improvements from nearly every State in the Union. This has four years, has witnessed the presence of a great River and Harbor Congress, representing the friends of river and harbor the old custom of an annual river and harbor bill. [Loud applause.]

As I have said, the bill presented is an honest endeavor to make an annual bill. Of course it is large, larger than it would otherwise be if three years had not elapsed since the passage of a regular river and harbor bill. Old projects and new projects of importance which have been pounding at our doors, could easily have been disposed of had a bill been formulated in 1908 and 1909. We tried to limit it to $34,000,000, the amount actually expended last year by the Engineer Corps.

If the corps could expend $34,000,000 in a year, then, for the present, that should be the standard of an annual bill. But there came to our door several large projects that we could not avoid, and so the bill has grown to $42,000,000, including seven millions of authorizations. This makes the cash appropriation $35,000,000, which is just about the amount that can be economically expended in the fiscal year ending June 30, 1911.

Many manifest reasons exist why an annual bill will be a better business bill. The amount estimated each year by the engineers will be the amount that can be spent in the ensuing year.

Although the law requires that the estimates to be submitted by the Engineer Department shall be for the next fiscal year, under the old system of biennial and triennial bills sad experience had taught the local officers to include in their estimates for the fiscal year either a sum large enough to last for two years or at least an item for contingencies sufficiently large to take care of the plant after the year's work was done until such time as additional funds should be provided by the next river and harbor bill at an uncertain date in the future. The plant must necessarily be looked after and maintained to a certain extent, even when not at work, and these purely fixed charges often amounted to a considerable sum. Moreover, when the new appropriation was finally made, the plant that had been idle for one or two years, or even longer, owing to lack of appropriations, had to be overhauled and put in order to restore it to proper working condition. Not only did these items of expense make a serious drain on the respective appropriations, but valuable time was also lost in making these repairs. It is believed that it is not going too far to say that in many cases, where the bill became a law late in the session, the end of a working season arrived before the plant was in proper condition to go to work.

A single authentic instance may be cited where a new dredge lay idle for four years before funds were made available to pay operating expenses, and before doing its first real work had to undergo extensive overhauling and repairs, due to deterioration while lying idle. It is, moreover, a truism, I believe, among practical business men that vessels in ordinary deteriorate with equal or greater rapidity than those in commission.

The Engineer Corps controls and operates 462 boats of one kind and another—steamboats, dredge boats, snag boats, working boats, tugs, and so forth—and has a force of between 5,000 and 6,000 men and an unclassified list of between 10,000 and 15,000 men. Here is a fleet of vessels and an army of men that must lie idle much of the time between triennial bills. It will be otherwise under annual bills. For this reason there must be another bill next year or little will be available to work boats or men. For that reason this bill should be succeeded by an annual bill next year. [Applause.]

Projects which have been adopted by Congress and those which have been recommended, but not adopted, amount to $264,000,000, not including $75,000,000 for the Mississippi. Now, if you will add those together and divide them by thirty-two million, you will find that all the projects recommended to Congress and adopted by Congress can be completed in twelve years, with a bill of $32,000,000 a year, including maintenance. This shows that an annual bill need not embarrass the Treasury. There need be no call for bonds, no strain upon the Treasury. It will simply be a bill of between $25,000,000 and $35,000,000, which the Treasury can take care of.

The second distinctive feature of this bill is the limit of time in which the Mississippi and its tributaries can have permanent improved channels. The bill fixes the upper Mississippi River at twelve years, the Missouri River from Kansas City to its mouth at twelve years, the middle Mississippi from St. Louis to Cairo at twelve years, the Ohio River from Pittsburg to Cairo at twelve years, and the lower Mississippi from Cairo to the Passes in twenty years.

Engineers report that even after plants are increased, not more than $2,000,000 can be expended on the upper Mississippi in any one year, nor can more than $2,000,000 be expended on the middle Mississippi, or more than $4,000,000 upon the lower Mississippi, or more than $2,000,000 in any one year on the Missouri from Kansas City to its mouth. Doubt is expressed as to whether these amounts can be expended. The labor problem enters into it; the material problem enters into it. Nevertheless, by enlarging their plants—and parts of the appropriations made in this bill can be used for that purpose—it is believed that these improvements can be completed approximately in the time specified, provided these amounts are appropriated annually. And I am sure I am betraying no confidence when I say that the President unqualifiedly approves the plan for completing these rivers in the time fixed by the engineers and with the aid of annual river and harbor bills. [Applause.]

It is sometimes said that money is wasted in the attempt to improve the Mississippi and its tributaries. Engineers do not say so. On the Missouri, from Jefferson City to Gasconade, a distance of 45 miles, the old Missouri River commission made a permanent improved channel for a depth of 6 feet. Prior to that mean low water measured 2½ feet. After the improvement a depth was obtained from 14 to 24 feet—the river digs a deep channel when properly confined. When I passed down the third reach of the river in November last only three bars showed a less depth than 14 feet.

And yet before improvement that stretch of river, the worst between Kansas City and the mouth of the Missouri, showed only 2½ feet. This convinced me that the Missouri can be made into a navigable waterway. Read in the report of the committee what is said by Mr. Mitchell respecting the central Mississippi and by Colonel Bixby respecting the lower Mississippi, and then say whether money is wasted that is put into these great inland waterways.

I will speak of but one more improvement—that of the Illinois River from its mouth to Lockport on the Des Plaines. A paragraph in the bill authorizes the appointment of a board of five engineers.

The bill provides for the appointment of a board of engineers to consider, among other things, the advisability of cooperating with the State of Illinois in the improvement of a waterway by way of the Des Plaines and Illinois rivers from Lockport to the mouth of the Illinois River. In 1902 a board was appointed for the purpose of making an estimate of the cost of a 14-foot waterway from Lockport to St. Louis. This board reported in 1905, estimating the cost from Lockport to Grafton at $23,543,582, and from Grafton to St. Louis, $6,553,880, being a total of $30,097,462. The plans of the board covering the Illinois and Des Plaines rivers contemplated the canalization of the river from Lockport to Utica by 9 locks and 5 movable dams, the utilization of the open Illinois River from Utica to Grafton by removing the 4 existing dams and dredging the channel proposed by this board and connecting with the Chicago Drainage Canal by a lock already built in the dam constructed for the Sanitary District of Chicago at Lockport.

This report contained no recommendations as to the advisability of undertaking the project, because such opinion was not called for in the act ordering the survey, but after it was reported to Congress the River and Harbor Committee by resolution referred it to the board of review, which reported against its advisability on account of cost and the depth of water, but stated that it "believes that the commercial interests of the Great Lakes are entitled to an outlet to the Gulf of Mexico of as great a capacity as can be obtained at a reasonable cost."

In accordance with the river and harbor act of 1907 a board was appointed to examine the Mississippi River below St. Louis and report as to the practicability and desirability of constructing and maintaining a channel 14 feet deep from St. Louis to the mouth of the river, the law providing that this board should consider in connection with such examination the survey of the route from Chicago to St. Louis, reported upon in 1905, as stated above.

This board concluded that it was practicable to obtain a depth of 14 feet from St. Louis to the mouth of the Mississippi River at a total cost of approximately $128,600,000. This sum and the $30,097,462 estimated by the board of 1905 for the 14-foot waterway between Lockport and St. Louis would make a total for a 14-foot waterway from Lake Michigan to the Gulf of Mexico of $158,697,462. The report of this special board was referred, as required by law, to the board of review, which agreed with the special board that it is not desirable to construct a channel 14 feet deep, and that the present demands of commerce between St. Louis and the mouth of the Mississippi River are adequately met by the existing projects of 8 feet depth from St. Louis to the mouth of the Ohio and 9 feet thence to the Gulf of Mexico. The board of review stated, moreover, that it believed a waterway 8 feet deep from Chicago to St. Louis, to correspond with the present project from St. Louis to Cairo, would be desirable, having in view the demands of the commerce of to-day, provided its cost is reasonable, and that both present and prospective commerce would be adequately served by a through channel 9 feet in depth.

From this statement of fact it appears that the Engineer Board of Review not only expressed the belief in its report in 1907 "that the commercial interests of the Great Lakes are entitled to an outlet to the Gulf of as great capacity as can be obtained at reasonable cost," but added, in its report of 1909, that a waterway 8 feet deep from Chicago to St. Louis, to correspond with the present project from St. Louis to Cairo, would be desirable, provided its cost is reasonable. In view of this, and the further fact that the people of Illinois have now authorized their general assembly to appropriate $20,000,000 for

the construction of a suitable navigable waterway from Lockport to the mouth of the Illinois in conjunction with the development of water power, the committee recognizes the importance of ascertaining, by means of a new board, to what extent the United States may properly cooperate with the State of Illinois in securing the construction of a suitable waterway through the Illinois River.

The United States has heretofore generously cooperated with other localities, notably in the case of Cold Spring Inlet in New Jersey, carried in the bill of 1907. There are also in the present bill 21 items in which appropriations are made dependent upon contributions by local interests.

In providing for a board to consider the question of cooperation, the committee has followed the usual course of procedure. In 1902 the river and harbor bill provided for the so-called "Ernst board," which was authorized to make an estimate of the cost of a 14-foot waterway from Lockport to St. Louis. Again, in 1907 this committee, in the bill of that year, provided for the so-called "Bixby board," which was directed, among other things, also to consider the route from Lockport to St. Louis. It was the latter board that reported in 1909 adversely to a 14-foot waterway.

Nor is it unusual to select one for service upon such boards who is not a member of the United States Engineer Corps. Two of the Bixby board of 1907, composed of five members, did not belong to that corps. One was an attaché of the Coast and Geodetic Survey and the other a civil engineer taken from civil life. It should be noted, too, that the interests of the United States are safeguarded not less carefully than in the acts of 1902 and 1907, the present bill, among other things, authorizing the board to consider reports of former boards in which full consideration is given to anticipated expense of the United States, especially in connection with the withdrawal of water from Lake Michigan and the question of damages likely to accrue by the overflow of private property.

The proposed appropriation of $1,000,000 for this waterway is not made available in this bill. Indeed, the committee is informed by the Comptroller of the Treasury that until further future affirmative legislation by Congress it will neither be available nor will it be entered upon the books of the Treasury Department as a charge upon the Treasury. It is introduced at this time to indicate the committee's willingness to improve the Illinois River whenever Congress can, by suitable cooperation with the State of Illinois, make a proper improvement at a reasonable expense.

As I have said, the people of Illinois have authorized the legislature to issue bonds to the amount of $20,000,000 to build a waterway between Lockport and the mouth of the Illinois River for the purpose of a waterway and for the development of water power, and they simply ask the United States this question: What amount of cooperation will you give us? A fair, plain proposition, which the United States should not refuse to consider, especially when they are taking up propositions of the same character all over the country. [Applause.]

But, Mr. Chairman, there is a cloud over the Chicago waterway. The fear obtains that the lake levels may be lowered by the diversion of water to the sanitary drainage canal, and that the exact facts may be before the House I beg to submit a succinct statement of the case.

This sanitary canal—an artificial channel extending from a point on the west fork of the south branch of Chicago River at Robey street, in the city of Chicago, to Lockport—was constructed by the Sanitary District of Chicago, a municipal corporation organized under the laws of the State of Illinois. The project contemplated connecting this artificial channel with the Chicago River, and from time to time, while the work of construction was under way, the corporation made application to the Secretary of War for approval of plans for changes and improvements in Chicago River designed to correct the cross section of the river and regulate and control the flowage capacity and velocity of current. In response to an application from the corporation, dated June 16, 1896, the Secretary of War, by letter of July 3, 1896, approved the general plans for such work and subsequently from that date detailed plans for widening and straightening the stream, construction of bridges, changes of dock lines, and so forth, have been approved by the Secretary of War, and some of this work is yet under way.

In April, 1899, the said corporation represented to the War Department that such movable dams and sluices as were necessary to secure absolute and complete control of the volume and velocity of flow through the Chicago River had been constructed, and applied for permission to divert the waters of the said Chicago River and cause them to flow into the said channel at the point above stated. By an instrument executed May 8, 1899, permission was given the said corporation to open the channel and cause the waters of Chicago River to flow into the same, subject to the following conditions:

1. That it be distinctly understood that it is the intention of the Secretary of War to submit the questions connected with the work of the Sanitary District of Chicago to Congress for consideration and final action, and that this permit shall be subject to such action as may be taken by Congress.

2. That if, at any time, it becomes apparent that the current created by such drainage works in the south and main branches of Chicago River be unreasonably obstructive to navigation or injurious to property, the Secretary of War reserves the right to close said discharge through said channel or to modify it to such extent as may be demanded by navigation and property interests along said Chicago River and its south branch.

3. That the Sanitary District of Chicago must assume all responsibility for damages to property and navigation interests by reason of the introduction of a current in Chicago River.

This permission was granted in pursuance of the powers conferred upon the Secretary of War and the Chief of Engineers by section 10 of the river and harbor act of March 3, 1899, and in accordance with the first condition thereof the questions connected with the work were presented to Congress in the Annual Report of the Chief of Engineers for the fiscal year ending June 30, 1899, as will be seen by reference to page 40, volume 1, of said report.

Subsequently, it having been represented to the department by various commercial and navigation interests that the discharge from the river into the said channel sometimes exceeded 300,000 cubic feet per minute, causing a velocity of nearly 3 miles an hour, which endangered navigation, the Secretary of War issued an order dated April 9, 1901, directing the said sanitary district to regulate the discharge so that the maximum flow through the Chicago River and its branches should not exceed 200,000 cubic feet per minute. Under date of July 23, 1901, this order was modified so as to permit an increase of the flow to 300,000 cubic feet per minute between 4 p. m. and 12 midnight daily, the flow between 12 midnight and 4 p. m. to remain as fixed in the aforesaid order. By a further instrument executed December 5, 1901, permission was given the said sanitary district to regulate the discharge so that it should not exceeed a maximum of 250,000 cubic feet per minute throughout the twenty-four hours of the day, and since that time there has been no change in the amount of discharge permitted, except that, by an instrument executed by the Secretary of War January 17, 1903, permission was given to increase the flow from 250,000 to 350,000 cubic feet per minute from that date to March 31, 1903, at which date it was to revert to the former amount.

Two hundred and fifty thousand cubic feet per minute, or a little less than 4,200 feet per second, is, therefore, the discharge from the river into the canal now legally permissible under the sanction of the War Department.

In November, 1906, the Sanitary District of Chicago made application to the Secretary of War for permission to construct and maintain the Calumet sag channel, through which it proposed to reverse the flow of the Calumet River and thereby increase by 4,000 cubic feet per second the flow through the drainage canal. The application was denied. Later the United States began suit against the Sanitary District, praying that an injunction issue restraining the defendant from proceeding with the work. The Sanitary District, in open court, agreed to do nothing further until all questions in dispute had been disposed of by the highest court. In November last the United States had submitted all its testimony, and the defendant has recently notified the plaintiff that it is ready to offer its proof. It will be seen, therefore, that the Government has not at any time been blind to the danger that threatened the diversion of water from Lake Michigan or negligent in safeguarding its interests.

While admitting that the canal is of vast importance to the city of Chicago, the War Department, in considering the questions connected with this subject, has recognized the fact that the diversion of water from Lake Michigan may injuriously affect the interests of navigation, not only by increasing the current in Chicago River, but also by lowering the level of the Great Lakes. The effect on the current of the river was demonstrated when the discharge of 300,000 cubic feet per minute, under the first of the aforesaid permits, caused such an increase in the velocity of the current as to call forth vigorous protests from commercial interests, but the amount now allowed is scarcely noticeable on the level of the Lakes. At least, its effect has not yet been demonstrated. It can not be doubted, however, that should any considerable continuous permanent diversion of water from Lake Michigan be allowed through the drainage canal or other waterways, it must result in lowering

the average level of Lakes Michigan and Huron, and thus affect the condition and capacity of the numerous harbors and channels leading thereto on these lakes. The questions whether, and to what extent, such diversions shall be permitted are therefore of vital importance and should receive the most careful consideration of Congress.

All this bill does is to authorize a board to ascertain what sort of a channel is proper and adequate, and there can not be the shadow of a doubt that the board appointed under this bill will be as careful and earnest to safeguard the interests of the United States and the level of the Great Lakes as was the board appointed in 1907 or that appointed in 1902. The only way for Congress to ascertain what is proper or improper to do is through the United States engineers, and the Committee on Rivers and Harbors, following the precedents established in the last twelve years, have simply provided for a board which shall point out the way for Congress to act, and until that board has reported and the board of review and Chief of Engineers have approved and Congress has acted, nothing further can be done.

Mr. HULL of Tennessee. Will the gentleman yield?

Mr. ALEXANDER of New York. Yes.

Mr. HULL of Tennessee. Does the gentleman think that the conclusions of a board of engineers relative to the commercial phases of the river alone would be liable to be so accurate as the finding of a board composed of sound business and transportation men?

Mr. ALEXANDER of New York. I think so, and more accurate. The board does not confine itself to the commercial advisability. The board considers its cost and its advisability from every standpoint, but never limits itself to the commercial phases alone.

Mr. HULL of Tennessee. Does the gentleman find any valid objections to the creation of a board of business and transportation men to pass upon the commercial phase alone in cases where the department of engineers has reported favorably as to the feasibility and all other necessary phases of waterway projects?

Mr. ALEXANDER of New York. I do, because it is entirely unnecessary. There is no class of men in the United States who are better qualified to pass upon the commerce and the commercial needs of the scheme than the men who are improving it and studying it and who have made it a study for years and years. [Applause.]

Mr. HULL of Tennessee. I would ask this further question, Does this bill contain any items of appropriations for projects not favorably reported by the Board of Engineers?

Mr. ALEXANDER of New York. Not one, so far as I know.

Mr. MOORE of Pennsylvania and Mr. GARDNER of Massachusetts rose.

The CHAIRMAN. Does the gentleman yield?

Mr. ALEXANDER of New York. I yield first to the gentleman from Pennsylvania, as he is the nearer.

Mr. MOORE of Pennsylvania. Mr. Chairman, as I understand the gentleman's description of the policy of an annual appropriation bill, it means that hereafter, unless there is an annual appropriation or a sufficient balance on hand, work upon unfinished projects must stop.

Mr. ALEXANDER of New York. Work on every project must stop, excepting the few that are under continuing contract.

Mr. MOORE of Pennsylvania. Has the new committee, of which you are now the honored chief, adopted any policy with regard to the distribution of funds according to the commercial importance of the stream?

Mr. ALEXANDER of New York. We have not adopted any general policy so far as I know.

Mr. MOORE of Pennsylvania. Has that influenced the committee at all in the preparation of the present bill——

Mr. ALEXANDER of New York. It has.

Mr. MOORE of Pennsylvania. Even if there was a large tonnage upon one river and a small tonnage upon another river, would it make any difference to the committee so far as the appropriation was concerned?

Mr. ALEXANDER of New York. It would make a decided difference; a large tonnage would always commend itself to the committee, but because a river did not happen to have much of a tonnage at the present time would be no reason for throwing it out. [Applause.] On the other hand, because a river has a large tonnage would be a splendid reason for giving it help.

Mr. MOORE of Pennsylvania. Granting that it is fair that appropriations should be made to rivers in anticipation of tonnage which those rivers do not now yield, has the committee given any consideration to the revenues created at ports or on rivers, which revenues go into the distribution which the committee makes?

Mr. ALEXANDER of New York. Yes; it has heard and been told about the revenue received at places where improvements are asked for. That is one of the strongest points made by gentlemen for such improvements, and they have all been considered by the committee with great care.

Mr. MOORE of Pennsylvania. The gentleman knows that I am interested in a great coastal project along the Atlantic, but he will also agree, I am sure, that I have been unstinted in my efforts to promote the waterways development of the country. However, I desire to ask now whether, in view of the continuing-contract system, which the gentleman has enlarged upon in his argument, Congress is committed to make annual appropriations until all of these large projects growing out of the Mississippi and its tributaries are completed?

Mr. ALEXANDER of New York. This Congress certainly is committed to it.

Mr. MOORE of Pennsylvania. The gentleman has intimated——

Mr. ALEXANDER of New York. We can not commit a future Congress to anything, but this Congress can certainly commit itself to a bill next year.

Mr. MOORE of Pennsylvania. I do not want the House or the gentleman to misunderstand me. I do not propose to oppose this bill, but I want the people to clearly understand what Congress proposes to do. The gentleman, on page 5 in his argument, says:

> Perhaps the distinctive feature of this bill is the attention given to the Mississippi River and its principal tributaries.

In view of this statement, I desire to ask whether it does not mean that if this bill is passed Congress is committed to put $4,000,000 per annum in the lower Mississippi, $2,000,000 per annum in the middle Mississippi, and $2,000,000 per annum in the upper Mississippi leading to St. Paul?

Mr. ALEXANDER of New York. Yes; this Congress is committed to it.

Mr. MOORE of Pennsylvania. Is not it also a fact that by the passage of this bill Congress is virtually committed to the completion of projects on the Mississippi and its tributaries that will aggregate an expenditure of $264,000,000?

Mr. ALEXANDER of New York. If that is the correct aggregate, this Congress certainly is. We can not control the action of future Congresses.

Mr. RANDELL of Texas. If the gentleman will permit, I think the gentleman from Pennsylvania is mistaken in his figures; I am quite sure he is. He has taken an aggregate of all the projects all over the United States.

Mr. ALEXANDER of New York. I can count them up, I think, from memory. Eighty million dollars for the lower Mississippi, $21,000,000 for the middle Mississippi, $20,000,000 for the upper Mississippi; that makes $121,000,000. Then, for a permanent fixed channel in the Missouri, $20,000,000, and then the Ohio is about $62,000,000.

Mr. MOORE of Pennsylvania. Can the gentleman tell me the combined tonnage of the Mississippi River and all its tributaries for which these sums are to be appropriated?

Mr. ALEXANDER of New York. I can not; but I think no man on the River and Harbor Committee doubts that when permanent improved channels are completed on the Mississippi, the Ohio, and the Missouri, at least from Kansas City to its mouth, there must come a big commerce. [Applause.]

It stands to reason, for the Mississippi and its tributaries traverse the great breadbasket of this country. They also pierce iron mines and coal mines, and there is no reason, if permanent improved channels exist, why those rivers should not be freighted with commerce.

Mr. MOORE of Pennsylvania. The gentleman knows that we have had great difficulty in obtaining certain appropriations for eastern projects, which will be advocated in this House again and again. Therefore, I want to ask the gentleman, so that there will be a complete understanding, whether it is not a fact that the total commerce of the entire Mississippi River system, as reported by the Waterways Commission, of which he was a member, for the year 1906, according to the census report, was 19,531,093 tons, and of that 19,000,000 more than 15,000,000 came out of the Ohio River from Pittsburg and vicinity, leaving the total tonnage of the entire Mississippi River system, with all its tributaries excepting the Ohio, a little over 4,300,000 tons, or one-seventh the tonnage of the River Delaware alone? I will ask the gentleman if that is not the fact?

Mr. ALEXANDER of New York. If you are quoting from the National Waterways Commission report you are correct. I stand by that.

Mr. MOORE of Pennsylvania. Now, Mr. Chairman, I am asking these questions in order that it may be thoroughly understood by this House when another great project comes be-

fore Congress that there will be merit in it, there will be tonnage behind it, and there will be revenue which will go into the Treasury of the United States for distribution throughout the Mississippi River country and the other great river sections of this country which are a part of this bill.

Mr. ALEXANDER of New York. There has never been a time, at least in the last twelve years, since I have been a member of the River and Harbor Committee, that the generous hand was not extended to every harbor on the Atlantic, Gulf, and Pacific coasts, and on the Great Lakes. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SPARKMAN. If I have the time, I will yield to the gentleman such time as he desires.

Mr. ALEXANDER of New York. I simply want to complete that sentence. The harbors of the United States have been treated with the utmost generosity, and they will continue so to be treated.

Mr. MOORE of Pennsylvania. Will the gentleman permit me to call his attention to the State of Connecticut?

Mr. ALEXANDER of New York. And I was about to add that every tidal river on the Atlantic, Gulf, and Pacific coasts has been treated most generously and will continue so to be treated. [Applause.] Now, I will yield.

Mr. MOORE of Pennsylvania. Will the gentleman direct his attention to the State of Connecticut and tell me how much has been appropriated by the Government since the beginning of time in that Commonwealth on all its rivers and all its harbors?

Mr. ALEXANDER of New York. You probably have it before you and can tell.

Mr. MOORE of Pennsylvania. About $5,000,000 on a present annual tonnage of 5,000,000 tons. And $5,000,000 appropriated to that State and all its rivers and harbors since the beginning of time is less than what you propose to put into the Mississippi for one year, where the commerce is not equal to that of the single State of Connecticut to-day.

Mr. ALEXANDER of New York. Nature helped the harbors of Connecticut, as it helped many others. Great amounts of money must be expended on harbors where nature has had to be improved upon. [Applause.]

Mr. GARDNER of Massachusetts rose.

Mr. ALEXANDER of New York. I yield to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER of Massachusetts. Mr. Chairman, as I understand it, an expenditure of $205,000,000 is involved in this plan, which comprises the upper, the lower, and the middle Mississippi River, the Ohio River, and the Missouri River. Am I correct?

Mr. ALEXANDER of New York. That is right.

Mr. GARDNER of Massachusetts. And all that sum, except about $30,000,000, must be spent in twelve years. Am I correct in that?

Mr. ALEXANDER of New York. Yes; if future Congresses accept the policy of this bill.

Mr. GARDNER of Massachusetts. Well, now, will the gentleman tell us how he proposes to finance that proposition? Is this a project looking toward an issue of bonds?

Mr. ALEXANDER of New York. It is a project to avoid the issue of bonds. [Applause.] When an annual river and harbor bill is established, as it should be, and can be, it will not be a strain upon the Treasury. It will not exceed $30,000,000 in any year. If the gentleman will add all the projects adopted by Congress or recommended by the Engineer Corps and divide by 12, he will find an annual bill of about $23,000,000. Add to that eight or nine millions for maintenance, and an annual bill amounts to $32,000,000. If this should be continued for twelve years it will complete the projects of the Mississippi River and its tributaries, and all other projects adopted by Congress or favorably recommended by the Engineer Corps.

Mr. GARDNER of Massachusetts. Mr. Chairman, I hope the gentleman will not object to my asking him a few questions. I know it is impossible to debate at length any project involving the expenditure of $200,000,000. It is not like a question of raising a janitor's salary downstairs, when we would take all day and have a roll call. I should like just a few minutes for the purpose of developing the situation as to this $200,000,000 project.

Mr. ALEXANDER of New York. Are you asking me a question?

Mr. GARDNER of Massachusetts. I am asking the gentleman from Florida if he will allow me to ask the gentleman from New York some questions.

Mr. ALEXANDER of New York. To ask me?

Mr. GARDNER of Massachusetts. Yes.

Mr. ALEXANDER of New York. You may ask in my time.

Mr. GARDNER of Massachusetts. In your remarks on the lower Mississippi——

The CHAIRMAN. In whose time is the gentleman talking?

Mr. GARDNER of Massachusetts. In the time of the gentleman from Florida.

Mr. ALEXANDER of New York. I have been yielded an abundance of time by the gentleman from Florida.

Mr. GARDNER of Massachusetts. In your remarks on the lower Mississippi River, in your report, you call attention to the fact that the present plan for improvement is a development of the commission's report of 1882. I observe the name of Col. W. H. Bixby, president of the Mississippi River Commission. Who is Col. W. H. Bixby?

Mr. ALEXANDER of New York. He is an engineer of admitted ability, the president of the Mississippi River Commission, the engineer in charge of the Mississippi River between St. Louis and Cairo.

Mr. GARDNER of Massachusetts. He is not a former pilot under whom Mark Twain served? [Laughter.]

Mr. ALEXANDER of New York. No.

Mr. GARDNER of Massachusetts. Now, then, this report of 1882 is a very interesting one. It has been commented upon by Mark Twain, who was a pilot on the Mississippi River. In 1883 he wrote his book, entitled "Life on the Mississippi." In it he discussed the question of the possibility of "improving on nature in that river," as the gentleman from New York expresses it. If the gentleman from Florida will allow me, I should like to ask unanimous consent to print with my remarks certain observations drawn from Pilot Mark Twain's views at the time that the report of 1882 was adopted. I shall be very much obliged to him. Will the gentleman from Florida yield to me for the purpose of asking unanimous consent?

Mr. ALEXANDER of New York. I yield to the gentleman for that purpose.

Mr. GARDNER of Massachusetts. I ask unanimous consent to append to my remarks certain observations made by Pilot Mark Twain in 1883 as to the engineers' report of 1882:

FROM "LIFE ON THE MISSISSIPPI," BY MARK TWAIN.

The military engineers of the commission have taken upon their shoulders the job of making the Mississippi over again—a job transcended in size by only the original job of creating it. They are building wing dams here and there, to deflect the current; and dikes to confine it in narrower bounds; and other dikes to make it stay there; and for unnumbered miles along the Mississippi they are felling the timber-front for 50 yards back, for the purpose of shaving the bank down to low-water mark with the slant of a house-roof, and ballasting it with stones; and in many places they have protected the wasting shores with rows of piles. One who knows the Mississippi will promptly aver—not aloud but to himself—that 10,000 river commissions, with the mines of the world at their back, can not tame that lawless stream, can not curb it or confine it, can not say to it, "Go here" or "Go there," and make it obey; can not save a shore which it has sentenced; can not bar its path with an obstruction which it will not tear down, dance over, and laugh at. But a discreet man will not put these things into spoken words; for the West Point engineers have not their superiors anywhere; they know all that can be known of their abstruse science; and so, since they conceive that they can fetter and handcuff that river and boss him, it is but wisdom for the unscientific man to keep still, lie low, and wait till they do it.

Mr. ALEXANDER of New York. Will the gentleman from Massachusetts pardon me if I indulge a moment's interruption? Does the gentleman remember that another humorist of national reputation, one Mr. Proctor Knott, once described the city of Duluth? Possibly the truth of his description of Duluth would compare favorably with that of Mark Twain in respect to the Mississippi River. [Laughter and applause.]

Mr. GARDNER of Massachusetts. Is the gentleman objecting to my request?

Mr. ALEXANDER of New York. You may publish it all. I read it on the Mississippi River last November, and found it very interesting. In my opinion, no man knew better the enormous possibilities of that great country, and I wish every Member of Congress had his spirit and his love of that great river.

Mr. GARDNER of Massachusetts. Then do I understand the gentleman is objecting to my publishing the remarks? Because I have not heard the question put.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SMALL. Mr. Chairman, I should like to ask the gentleman from New York a question. I understood the gentleman to say that this bill was formulated upon the idea that we should have an annual river and harbor appropriation bill. I understood him to say further that we could not attempt to commit any future Congresses as to what they should do in reference to a river and harbor bill.

Why is a river and harbor bill differentiated from any other appropriation bill to which Congress has been committed? We do not think of asking the question whether there will be an

annual appropriation for the Department of Agriculture, or for any of the various other improvements or lines of work to which the United States has committed itself. Now, why, in the opinion of the gentleman, is there more uncertainty about an annual river and harbor bill than there is about annual appropriations for other works and improvements to which the United States has committed itself?

Mr. ALEXANDER of New York. If I understand the gentleman's question, my answer is that there should not be any more uncertainty about having an annual river and harbor bill than there is about having an annual naval bill or agricultural bill. [Applause.] Is the importance of the great commerce-bearing streams and harbors of this country less than the building up of a navy? I do not believe it is. I believe there is every reason why the river and harbor bill should be an annual bill.

Mr. SMALL. I agree with the gentleman; but the gentleman expressed a doubt as to whether we would have annual bills.

Mr. ALEXANDER of New York. Oh, no. I said that we could commit no future Congress to such a policy. That is apparent without argument. We can commit this Congress, but we can commit no future Congress. You can not make a law in this Congress that a future Congress can not repeal; but we have done all we could to establish the precedent for an annual bill.

Mr. NEEDHAM. Is there any appropriation in this bill for any project that has not been favorably reported by the Board of Engineers?

Mr. ALEXANDER of New York. No.

Mr. NEEDHAM. Is not it the policy of the committee to require such favorable reports as a basis for an appropriation?

Mr. ALEXANDER of New York. Absolutely. It has been the fixed policy of the committee since 1902.

Mr. NEEDHAM. I ask that question in view of the fact that there has been some criticism in my district because an appropriation for Monterey Bay has not been included in this bill, a project which has not been favorably reported upon; and I understand the gentleman to say that in accordance with the fixed policy of the committee it could not now be included in the bill for that reason.

Mr. ALEXANDER of New York. The gentleman's statement is correct.

Mr. STAFFORD. Considerable emphasis has been laid upon the fact that this bill commits us to the proposition of an improvement of the Mississippi River and its tributaries that will involve an expenditure of over $200,000,000. I think it is a pertinent inquiry that the House would be interested in—to ascertain whether, if subsequent Congresses should not continue the present plan, the money which will be utilized under this and next year's bill would go for naught, or whether it would result in a permanent improvement of these streams, even though subsequent Congresses should not continue the policy.

Mr. ALEXANDER of New York. The gentleman has put two questions, and I will answer them in order. First, we are adopting no new project in this bill except the Missouri River. The project for a permanent improved channel of the Mississippi is more than a quarter of a century old. The project for improving the Ohio River is about as old. We are adopting nothing new in this policy of improving the Mississippi and Ohio rivers.

Second, in the bill of 1907 we called for a report and survey of the Missouri River, and upon a favorable report we have given it an appropriation of $1,000,000.

Mr. STAFFORD. My question is whether, if succeeding Congresses should abandon the policy of making these annual appropriations, the work that is done under this appropriation bill would go for naught, or whether it would result in the permanent improvement of these streams, regardless of whether money will be continuously appropriated in the future?

Mr. ALEXANDER of New York. Every dollar appropriated in this bill is appropriated in accordance with certain approved plans for permanent improved channels, and not a dollar of it will be wasted. The $56,000 a mile, amounting to over two million dollars and a half, from Jefferson to Osage, on the Missouri River, was expended between 1894 and 1902. It has never had a cent of maintenance since, and yet the deterioration in these twelve years does not exceed 2.3 per cent for revetment work and 3.9 for levees or dikes. There will be no waste whatever if these appropriations are carried out, as they must be, in accordance with the approved project.

Mr. GOULDEN. Mr. Chairman, will the gentleman yield for a question?

Mr. ALEXANDER of New York. Yes.

Mr. GOULDEN. On page 3 of your report, under the head of "Work recommended and not undertaken," I see an item called for in March 2, 1907, $37,934,000. I think it might be interesting if the gentleman, chairman of the committee, would give a few of the items that entered into that act of March 2, 1907, as it seems to be the largest under that head.

Mr. ALEXANDER of New York. The gentleman from New York will understand that all of these were surveys put into the bill of 1907 and have since been reported upon by the engineers, and they amount, as is stated, to about $45,000,000. I can not recall offhand what these projects are, but they constitute the great bulk of the new projects.

Mr. GOULDEN. The chairman does not remember any leading one?

Mr. ALEXANDER of New York. The Missouri River, Humboldt Bay, East River, and Hell Gate.

Mr. GOULDEN. That is satisfactory.

Mr. PARSONS. Will my colleague yield for a question?

Mr. ALEXANDER of New York. I will yield to the gentleman.

Mr. PARSONS. As I recollect the report of the National Waterways Commission, it said that one of the most important things was that the terminals at harbors and on rivers should not be controlled by the railways in the various improvements contemplated. Has the committee taken into consideration, before commencing the terminals, whether there are suitable privileges?

Mr. ALEXANDER of New York. The committee has taken that matter into consideration. The question arose whether in an appropriation for the Ohio River we should put in a condition that some wharf at every prominent place on the river should be made public, so that all carriers could use it. Colonel Vance, president of the Ohio River improvement, having looked into the matter carefully, reported that it would probably be unnecessary, as that was being done.

Mr. PARSONS. Has the committee any statement of the places at which it is being done, and how large a proportion of wharves are owned by localities and how large a portion owned by individuals?

Mr. ALEXANDER of New York. I do not know of any itemized statement; but in a general way the committee has knowledge.

Mr. PARSONS. I notice in the preliminary report of the National Waterways Commission this statement:

> Improvements of rivers and harbors should not be made unless sufficient assurance is given that proper wharf terminals and necessary adjuncts to navigation shall be furnished by municipal and private enterprises, and charges for their use should be reasonable.

I ask whether, in each case, the committee has such assurance?

Mr. ALEXANDER of New York. In each case the matter has been carefully considered and assurances have been given that that matter is being carefully looked after. We have not, however, regarded it as wise policy to condition every improvement.

Mr. PARSONS. Let me say that I think that condition is most important and should be insisted upon. In New York one of the difficulties with our water front has always been that the railroads gobble up every bit of water-front property that they can get. When a pier is to be leased or any water-front lots are to be leased, some railroad always applies for it.

If in the city of New York the water front was leased to the highest bidder, it would all be leased to the railroads. The policy of the city has been not to lease to the highest bidder, but to distribute the water front as fairly as it could, so that the people in water navigation might have a fairer show than if the leases were left to the highest bidder. I very much fear that if this committee does not get assurances in each case they will find that in a great many cases the railroads will own the property and do away with the great advantages that might come from improvements that the bill contemplates.

Mr. ALEXANDER of New York. I will say that wherever the question has come up and been deemed of importance by the committee the condition has been put in.

Mr. PARSONS. Mr. Chairman, I understood, although I do not find it in the report of the Waterways Commission, that the commission thought that in order to make the waterways of real value something would have to be done to regulate the rates of railroad transportation that were in competition with the waterways, and that unless that is done the railroad competition was likely to be such that it would cut rates for a time, so as to make the waterways useless to those who are transporting freight.

Mr. ALEXANDER of New York. The National Waterways Commission recommended that Congress should pass an act making a minimum rate—the majority did—in order to prevent railroads from ruining river lines.

Mr. PARSONS. Well, unless that is done, does my colleague believe that when this great improvement of the Mississippi is made there will be an amount of commerce on the Mississippi sufficient to warrant the expenditure?

Mr. ALEXANDER of New York. I do, indeed.

Mr. PARSONS. Even if that legislation is not passed?

Mr. ALEXANDER of New York. And I believe——

Mr. PARSONS. Even if the legislation establishing a minimum rate is not passed, my colleague believes that?

Mr. ALEXANDER of New York. Yes. It would be a great rate regulator.

Mr. PARSONS. I want to find what the real reason for the appropriation is. Is it as a rate breaker or is it because the commerce is sure to come even if the legislation providing for a minimum rate is not passed?

Mr. ALEXANDER of New York. Speaking for myself, it is because I believe a great commerce is sure to come.

Mr. PARSONS. What precedent has my colleague for that belief?

Mr. ALEXANDER of New York. None whatever on the Mississippi River, because it never has had a permanent improved channel; and until it does, navigation and commerce can not be carried on to advantage or profit.

Mr. PARSONS. I thought that what the commission found in European waterways was that unless there was some governmental control over the railroad transportation in competition with the waterway transportation, the waterways would not be made use of. Was not that what the commission found?

Mr. ALEXANDER of New York. No; it did not find anything to that extent.

Mr. PAYNE. Mr. Chairman, I would like to ask my colleague a question. I was interested in his statement about the magnificent depth of water from Jefferson City to Gasconade.

Mr. ALEXANDER of New York. Yes; a stretch of about 45 miles.

Mr. PAYNE. With a 14-foot channel?

Mr. ALEXANDER of New York. Yes.

Mr. PAYNE. Do any boats travel on that part of the river?

Mr. ALEXANDER of New York. Yes; it had a fleet of steamers three years ago. A company is now being organized with $1,000,000 of capital for putting another fleet on simply as freight carriers.

Mr. PAYNE. What became of this fleet of three years ago?

Mr. ALEXANDER of New York. One boat was sunk by hitting a snag. After payment of losses the company went out of business. Commerce can not thrive until permanent improved channels invite insurance companies to insure freight.

Mr. PAYNE. Then the insurance companies will not come in and insure the freight on this 14-foot channel?

Mr. ALEXANDER of New York. Not on the Missouri. That is a stretch of only 45 miles. It is 391 miles from Kansas City to the mouth.

Mr. PAYNE. They will not do it on the stretch of 45 miles with a 14-foot channel, and what assurance has the gentleman if he extends that up the river that the insurance companies will come in and insure on 14-foot water?

Mr. ALEXANDER of New York. What the best business men of Kansas City say. If the channel was permanently improved from Kansas City to the mouth of the Missouri, as is that reach from Jefferson City to Gasconade, the insurance companies would insure the freight.

Mr. PAYNE. Of course, these best business men in Kansas City are interested witnesses.

Mr. ALEXANDER of New York. But nevertheless truthful.

Mr. PAYNE. Why, of course; but their evidence may be colored by their desire, however truthful they may be. Very good men, even Members of Congress, are subject to that weakness of human nature. In my earlier and younger days I was here when the Hennepin Canal bill was passed. I want to inquire of the gentleman if he has ever heard of even a rowboat running over that Hennepin Canal?

Mr. ALEXANDER of New York. I will answer that the Hennepin Canal was commenced many years ago, while Mr. Henderson was in Congress from Illinois as the chairman of the Committee on Rivers and Harbors. It has recently been finished. I was told that the day it opened freight on coal per bushel fell from 11 cents to 9 cents, and remains at that amount to this day.

Mr. PAYNE. And none has been carried on the canal.

Mr. ALEXANDER of New York. I do not know how much has been carried, but I know that was the fact.

Mr. PAYNE. I know that a man who resides in that locality has stated that none has been carried——

Mr. ALEXANDER of New York. But it has been reduced 2 cents per bushel on coal.

Mr. PAYNE. But does the gentleman know anything about how much coal that reduced 2 cents a bushel on? Will the gentleman strike a balance, so we may know whether the people of the United States have got as much out of it as the United States Treasury put into it?

Mr. FITZGERALD. What is the difference in the price of a ton of coal at 2 cents a bushel?

Mr. PAYNE. Well, 2 cents a bushel makes——

Mr. FITZGERALD. But what would the difference in the cost of a ton of coal be?

Mr. PAYNE. That would be 56 cents a ton.

Mr. ALEXANDER of New York. Mr. Chairman, if there are no further questions, I will yield to Mr. KÜSTERMANN——

Mr. FOCHT. Mr. Chairman, I would like to ask the gentleman from New York a question. I would like to say to the gentleman, while I am in hearty accord with his views in respect to the improvement of the western waterways, I would like to know what reasons the gentleman and his committee have to assign to the commercial interests of Pennsylvania, and the arraignment to which you have been subjected to for many years, for your failure to properly improve the Delaware River so that men-of-war and the commerce of this and other nations will reach the city of Philadelphia?

Mr. ALEXANDER of New York. As chairman of the subcommittee on surveys in 1909 I was instrumental in having a survey for the Delaware River, giving it a 35-foot depth. Unfortunately, the report has not yet been before the committee. Had it come in in time the Delaware River would have received its deserts.

Mr. FOCHT. Out of these two or three hundred million dollars, why is it the Delaware River, one of the greatest shipping points in the Western Hemisphere, gets less than half a million dollars?

Mr. ALEXANDER of New York. The reason why is your new project has not yet been reported by the engineers, but the $450,000 you get is for widening and deepening of bends, which is a part of the new project when it comes into the 35-foot depth, and the Delaware River, under the circumstances, is faring just as well as it was possible for the committee to do. You have $100,000 a year for maintenance and $450,000 for deepening and widening the bends.

Mr. MOORE of Pennsylvania. I intended to ask the gentleman in regard to that when we reached it in the reading of the bill under the five-minute rule.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 15816. An act to amend an act entitled "An act to regulate the immigration of aliens into the United States," approved February 20, 1907.

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

S. 1981. An act to amend section 1 of an act approved January 30, 1897, entitled "An act to prohibit the sale of intoxicating drinks to Indians, providing penalties therefor, and for other purposes;"

S. 1105. An act for the relief of the legal representatives of William W. Miller, deceased;

S. 3544. An act to grant right of way over the public domain in the State of Arkansas for oil or gas pipe lines; and

S. 5836. An act to amend section 1, chapter 209, of the United States Statutes at Large, volume 27, entitled "An act providing when plaintiff may sue as a poor person and when counsel shall be assigned by the court," and to provide for the prosecution of writs of error and appeals in forma pauperis.

RIVER AND HARBOR APPROPRIATION BILL.

The committee resumed its session.

Mr. ALEXANDER of New York. Now, Mr. Chairman, I will yield to the gentleman from Wisconsin [Mr. KÜSTERMANN].

The CHAIRMAN. The gentleman from Florida is entitled to the floor——

Mr. ALEXANDER of New York. But the time has been taken up so much that I can only yield him fifteen minutes.

Mr. KÜSTERMANN. Mr. Chairman, I will ask right now that I be given thirty minutes, that my time be extended. I am going to give you something of great value. [Laughter.] That is true. I ask that I be given at least twenty minutes.

The CHAIRMAN. The time is in the control of the gentleman from Florida, and the gentleman has twenty-five minutes remaining.

Mr. SPARKMAN. We have only two hours of general debate, and I understand I have twenty-five minutes remaining, and I have two or three gentlemen on this side who desire to speak for a few minutes, and I think probably each could get through in five minutes; perhaps that can be done, and I would like, if it is in order, that the time for general debate be extended.

The CHAIRMAN. It is not in order, as the time for general debate was fixed in the House.

Mr. SPARKMAN. Then, Mr. Chairman, I would like to retain at least ten minutes of time, and the balance to go to the gentleman from Wisconsin, so far as I am concerned.

The CHAIRMAN. The gentleman from Florida yields fifteen minutes to the gentleman from Wisconsin [Mr. KÜSTERMANN].

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment joint resolution and bills of the following titles:

H. J. Res. 78. Joint resolution changing the title of the sealer of weights and measures of the District of Columbia to superintendent of weights, measures, and markets;

H. R. 16328. An act for the extension of Franklin street NE. from its present eastern terminus east of Twenty-fourth street to the Bladensburg road;

H. R. 16329. An act to provide for the extension of Newton place NW. from New Hampshire avenue to Georgia avenue, and to connect Newton place in Gass subdivision with Newton place in Whitney Close subdivision;

H. R. 16336. An act authorizing certain changes in the plan for the permanent system of highways for that portion of the District of Columbia lying west of Rock Creek Park, north of Klingle road, east of Connecticut avenue, and south of Ellicott street NW;

H. R. 11989. An act to provide for the removal of present grade crossing and construction of a new grade crossing on the line of Q street NW., District of Columbia; and

H. R. 16324. An act to authorize the extension of Park place NW.

RIVER AND HARBOR APPROPRIATION BILL.

The committee resumed its session.

Mr. KÜSTERMANN. Mr. Chairman, other engagements prevented me from taking part in the Mississippi trip undertaken by the President and a number of Senators and Congressmen, but I am as deeply interested in river navigation as anyone who went along.

Part of my summer vacation was spent in reading and studying the report of over 1,000 pages prepared by the Board of Engineers, and I must say that of the many government reports on various subjects which I read during the few years I have been in Congress, I found none prepared with greater care and thoroughness.

The trend of this report is not to have the Government rush into great expenses without knowing whether the work to be accomplished and the good to be derived therefrom will justify the outlay of millions—yes, ultimately of billions—of dollars.

There are in the United States 295 navigable rivers, of a total length of 26,400 miles.

To improve all of these rivers and make them an equal depth—well, say, 14 feet—would throw this country into a debt that would never be wiped out.

The enthusiasts, however, tell us that the entire work must eventually be done, but at the present time they, being mostly interested in the Mississippi, are satisfied to have this one great river given a depth throughout of 14 feet, the cost of which, from St. Louis to New Orleans, is figured at $128,600,000, and its annual maintenance $6,500,000.

The Board of Engineers is of the opinion that the ends of commerce will be as well served by a 9-foot channel as by one of greater depth, only to be attained and maintained later at an enormous expense.

Even a depth of 9 feet is much greater than many of the navigable European streams, on which millions and millions of tons of freight are carried every year.

The Rhine, with an average depth of 6 feet, is burdened every year with over 20,000,000 tons of freight. On the Elbe, with an average depth of 4½ feet, last year's trafic was 8,500,000 tons.

The Volga, in Russia, with an average depth of 8 feet, served for the transportation of 14,000,000 tons last year.

The people of France, Russia, Austria, Germany, and other countries are making excellent use of their rivers, while most of them might be called shallow as compared with many of the rivers in the United States.

The average depth of the Mississippi from St. Louis to New Orleans is about 9 feet, and the average depth of its entire 2,500 miles is 6 feet, a much greater average than that of the leading streams in Europe.

Over in Europe *the boats are made to conform to the existing river channels, while here we want to dig channels to conform to the needs of deep-draft ships.*

No matter whether you have ships of 6 or 12 feet draft, transshipment from one water carrier to another will be necessary unless you carry out the wild idea of 24-foot channels all through.

It would be less expensive to build a tower high enough to touch the moon than to carry out this gigantic project, as it was, in all earnestness, proposed by one of our former colleagues.

The tendency on European rivers and canals is to seek economy of freight transportation by towed barges rather than by self-propelling boats.

On the Belgian waterways draft barges of from 1,000 to 1,200 tons are mostly in use.

On the Elbe, in Germany, more than 5,000 barges of from 500 to 1,500 tons are found most economical.

On the Rhine the millions of tons of freight every year are mostly carried by barges, in groups of two to five, holding about 3,500 tons each, and being of 460 feet in length and 47 feet in breadth.

These barges, whether of wood or steel, are so built that the cargo hold can be opened wide to the sky, and from or to every part of it swift hoisting machines can lift or drop in their cargo.

The steam towboats which draw these barges are generally of two types—stern and side wheelers.

The stern-wheelers are long, low, steel vessels, having at the stern two low, broad wheels, one at either side, sheltered under a curving deck. The wheels are of steel, mounted with feathering blades, so that they drive without pounding, and are turned at a very high speed by triple-expansion engines of the most modern type.

The side-wheelers also are low and of steel, having amidship feathering wheels broader than the whole width of the hull.

These towboats—stern and side wheelers—are of about 1,400 horsepower and go upstream at a fair speed with 5,000 tons of cargo dragging behind them.

On European rivers no attempt is made to combine passenger and freight traffic, while on the Mississippi the old-style combination boats, with neither the desired carrying capacity for freight nor the necessary comfort for passengers, are still in vogue. Their overtowering upper decks prevent the introduction of freight into the hold, except by rolling or carrying it over the gang plank—a very expensive way of handling freight and causing long delays and discomfort for the passengers.

On the upper Danube freight is carried in barges of 650-ton capacity at six-tenths of a cent per ton-mile, which is considered a low rate on European rivers. That with proper equipment for river navigation we can do as well and better in the United States is evident from the fact that coal is shipped from Pittsburg to New Orleans in barges of 8 feet draft at three hundred and seventy-six one-thousandths of a cent per ton-mile—a little over one-third of a cent per ton-mile. The average ocean freight in ships of 21-foot draft is thirty-five one-hundredths of a cent per ton-mile—just a trifle less than that shipped on barges on the Mississippi.

Now, what enables the coal companies to ship coal on the Ohio and Mississippi rivers at such a low rate? Simply the fact that they have proper terminals and proper machinery to load and unload their coal at a minimum cost.

I doubt whether the cost of transportation would be lessened the least part of a cent if the 14-foot project were carried out and barges of 12-foot draft, instead of 8 feet, be used. Certainly not a sufficient deduction in transportation would result to warrant the great expenditure of a 14-foot channel.

The low rate on coal from Pittsburg to New Orleans because of proper carriers and efficient way of handling shows that not a deeper waterway is needed but that the right kind of barges and tugs are needed, as also suitable havens, docks or quays, warehouses, connections with railroads, and proper equipment for loading and unloading ships, for placing freight in storerooms or transporting it to or from railroads.

All of this equipment, the same as in European cities bordering on navigable rivers, should be owned by the cities, the same charging a sufficient fee per ton for handling, to cover the interest on the investment, and a small surplus every year to pay toward the original cost.

While many years may pass until the debt so contracted is wiped out, the time will come when all the bonds issued for this purpose, and easily marketable, are taken up.

The shippers, shipowners, and the cities of Europe are greatly benefited by these terminals, and while the first cost has been great it is eventually paid back without asking a single taxpayer to contribute.

A late article on this subject, which appeared in one of our magazines, speaks of the many river ports in Germany as follows:

> The haven consists of a dredged basin, surrounded by a dike to protect it against floods, and within the dike and upon a vertical quay wall that extends along one side is a warehouse for the safe storage of freight—a public warehouse. Through a gateway in the dike enters a line of railroad track, which runs along the quay between the water and the freight house, and in front of this are mounted two cranes, a hand-crank hoist and a large steam or electric crane, all of which belong to the public.
>
> When there is a boat to unload the cover of the hold is stripped off and the crane from above catches up in turn each bale or bundle, hoists it to the quay, and swinging, lowers it either into a railway van or upon a tram car, which bears it into the warehouse.
>
> As a contrast to this easy mode of handling freight, the writer refers to the port of Montgomery, on the Alabama River, which is as deep as any river in Germany and flows as gently to the ocean. What little freight was brought to Montgomery was carried by sweating negroes over a gang plank and dumped in the mud at the foot of a 60-foot bank, from which point the boxes were teamed up the steep hill, a costly and inefficient method.
>
> Later on a warehouse was built at the top of the bank with a sliding carriage or elevator, on which ordinary freight was conveyed up into the warehouse.
>
> This was an improvement over the old method, but how much better it would have been to follow the example set by cities in Europe located on navigable rivers. There, instead of the sliding railway, they would have built out from the top of the bank a steel framework, well grounded below, on which one or more electric cranes would have awaited cargo to be swiftly swung into the wagon, warehouse, or freight car.
>
> The most remarkable thing is that these electric hoisting machines seen in every European river port are of American make, manufactured in the United States, and but seldom made use of along our own rivers.

How much time and money is saved by the installation of proper machinery for handling freight to and from the river is best seen in Duisburg on the Rhine, a great shipping point for coal. In the old days coal came in railway cars, was shoveled by hand into carts, wheeled to the quays and tipped into boats. With this method it cost $200 to load a barge with 1,000 tons. They then tried grab buckets, and managed to reduce the cost to $150 for 1,000 tons. To meet the keen competition at other ports, an American hoisting apparatus was next installed, which picks up a coal car and turns it bottom up over the open hatch. With this machine it costs but $25 to load 1,000 tons, a great saving in spite of the large investment. At this one port there are now handled more than 15,000,000 tons a year, more than the entire traffic of the Ohio and Mississippi, if we except the transfer ferries in the St. Louis harbor.

If the city of St. Louis, instead of always begging more water of the Government, would have proper means for handling its present river traffic, it would soon be made the distributing point for millions and millions of tons of freight coming from the West, going to New Orleans and the Gulf and the outer world, and from New Orleans to be sent out all over the West.

Instead of having facilities for ready transfer of freight from and to railroads, the merchandise to be sent out by water is teamed by mules down to the river and is dumped upon the levee, from where it is carried by hand or on trucks aboard the wharf boat or upon the deck of a steamboat. Freight that comes by water must be laboriously dragged up the levee and distributed by wagon.

New Orleans is luckier than St. Louis in owning its own water front, the quays and the railway along them, also some warehouses for ocean freight; but it owns not a single piece of modern transshipping machinery nor any facilities to keep from exposure to the weather the barrels of sugar, the bales of cotton, and other merchandise waiting to be shipped on river boats.

"More water" is the cry of both St. Louis and New Orleans, while already they have too much water for the proper handling of what is shipped in and out.

The St. Louis river traffic in 1890 was 600,000 tons and only 89,000 tons in 1906. No wonder that, with the antiquated facilities for transferring and handling freight, the traffic has dwindled down to almost nothing.

Let all the cities from the Lakes to the Gulf understand that terminal facilities, docks, warehouses, and so forth, form the key to the practical availability of free waterways, and upon the control of these terminals depends the possibility of effective competition.

The communities or municipalities must own public docks and terminals, and the fees should only yield enough to pay the expense of maintenance and a small annual surplus above the interest on the investment.

Excessive dockage charges by private individuals along the Ohio, the most important commercial river in the United States, have frequently caused steamboats not to land at small towns, thus depriving them of the advantage of water competition.

The cities in the United States have so far been very neglectful in providing and owning wharfs and equipments for handling and transferring freight.

They have allowed the best and the most suitable dock properties to get into the hands of private parties and railroad companies, who by excessive charges impede the free use of waterways or stand in the way of water competition.

Chicago owns no public landing place, and all its water fronts, if not controlled by railroad interests, are private property. The lake front in Chicago, opposite the business section, is entirely owned by the Illinois Central Railroad.

The same condition as in Chicago exists in Buffalo, Cleveland, Norfolk, Mobile, Oakland, Pittsburg, St. Louis, Vicksburg, and many other places in the United States bordering on water, thus precluding all water shipments unless sanctioned by the private or corporate owners of the terminals.

At Chesapeake Bay the Pennsylvania Railroad Company absolutely controls the steamboat traffic. In other places powerful steamboat companies own the dock properties, and it is impossible for tramp vessels to obtain landing privileges. Even in New York the number of open piers is entirely inadequate to the demand, and the long-term dock leases make it impossible to increase the number of these piers.

The use of canals has steadily been decreasing.

Up to 1855 the traffic in New York canals was more than twice that of railroads; in 1872 about one-third, and now only 3 per cent of the railroad traffic. The total canal traffic declined from 16,000,000 tons in 1880 to 6,000,000 tons in 1906.

Right here it might be of interest to know that, in all, 4,500 miles of canals have been constructed in the United States, of which 2,444 miles, costing over $80,000,000, have been abandoned, which ought to teach us the lesson that it is unwise to rush into a similar enterprise without fully weighing results and without comprehensive plans.

Several of the remaining canals, instead of being maintained in the interest of all that wish to make use of them, are now entirely under the control of railroads.

It is officially stated that waterway improvements undertaken by a number of States increased the debts of these States from $13,000,000 to $100,000,000. Extravagant hopes led some of these States to undertake works beyond their resources and too expensive to yield expected returns.

This, too, ought to be a lesson to the Representatives of the United States.

Let us not be carried away by enthusiasts, who are perfectly willing to throw our good country into a debt that it could never extricate itself from—who do not consider that even to pay the annual interest on a billion or more dollars would greatly embarrass our country—who have but vague ideas of the benefits to be derived, but who think foremost of the money that will come to their localities when thousands upon thousands of workmen will be sent into the now sparsely settled country along the Mississippi and other rivers.

Along the Mississippi between St. Louis and New Orleans there is only one city of more than 15,000 inhabitants and but six over 5,000. Of manufacturing establishments, there are but few; there are no mineral deposits on its banks, and but few agricultural products raised.

Just think what a boost it would give to the merchants of that territory, and especially to the landowners, if an army of workmen were thrown into their territory, to remain there for years, and to spend the untold millions coming from the United States Treasury.

I fully understand the feelings in this matter of those who will be directly benefited, but I am not ready to give my consent to throwing the United States into an expense greater than the cost of all the wars we ever fought, even adding to it the millions of pensions we part with to our brave soldiers; I am not willing to sanction an expense to which, in course of time, my own State will have to contribute many millions.

I am not prepared to support a measure contemplating a 14-foot channel from the Lakes to the Gulf when our government engineers, upon a most thorough and exhaustive study of the subject, requiring several years of ardent work, tell us in

their final report that the present depth, or a 9-foot depth throughout, with proper revetments, will answer all present and future requirements of commerce.

The Board of Engineers, in their report, conclude by saying:

> The board is of the opinion that the development of the waterways of the Mississippi Valley into a harmonious system will be of great value to the country, but the Ohio Valley has been, and probably will continue to be, the line of greatest commerce; and the probable demands of the commerce, present and prospective, can be adequately met by a channel of 9 feet in depth between Chicago and Cairo, of dimensions similar to those proposed for the Ohio River, a project which requires no violent change in existing methods of improvement and which will not necessitate the diversion from the Great Lakes of a water supply which will injuriously affect the channels through which its immense commerce passes.

I am ready and willing to support a measure having for its purpose the carrying into effect the conclusions of the Board of Engineers, also approved of by Gen. W. L. Marshall, the efficient Chief of Engineers.

However, before an appropriation for even this purpose is made available, the cities along this water route, at least those of 5,000 or more inhabitants, should agree to build and maintain public landing places and an equipment necessary to load and unload the boats, and to make the transfer from water to railroad or vice versa.

What is the use of our beautiful rivers if to make use of them or even to approach them you can only do so by the grace of private parties or railroad corporations, whose interest it is to prevent goods being shipped by water if such means competition with their railroad lines?

No real competition in the rates of rail and water transportation will ever be seen until you make the two interests entirely independent of each other, which can only be done, as is done in European cities, by the public owning the connections between rail and water.

I am thoroughly convinced that there will be no real and honest competition between transportation by rail and water until the connecting link, the key to the situation, is in the hands of the people and not owned by several interests.

This being the case, the United States Government should not hereafter appropriate any moneys for the building and improvement of harbors and waterways until the cities directly interested in such improvements agree to provide and maintain public piers and proper terminal facilities.

To show you that I am ready to live up to my preachings, I will say that, before asking for an appropriation for a certain harbor in my district, I induced the city council to agree to provide for a dock, warehouse, equipment for loading and unloading, good wagon roads to the harbor, and railroad tracks. The appropriation asked for is contingent upon the city carrying out its promise to own and maintain proper terminals.

If this had been done with all appropriations made by the Government for river and harbor improvements, amounting in all to $250,000,000 up to date, we would now have real and live competition in rail and water transportation instead of sham competition, as we have it now.

Let me say that I am not at all troubled over the resolution adopted at the convention held at New Orleans, which reads:

> We hereby pledge ourselves to support no candidate for public office who will not unqualifiedly indorse and maintain our policy—a 14-foot channel through the valley.

Nothing will be accomplished through such threats, and no one influenced by it should ever hold a seat in the United States Congress.

We all know the importance of utilizing our waterways, but when we have it on the best authority that with the proper kind of vessels and up-to-date methods and by spending a reasonable sum for revetments and minor improvements, the rivers can be made strong rivals of our railroads, the demand for deep waterways, costing billions of dollars, should cease.

The policy of issuing bonds, except in cases of great emergency, is wrong in principle. If we adopt the policy of paying for public improvements by issuing bonds, instead of paying for them as we go with the proceeds from taxation, all restraint will be gone. It will mean a perpetual public debt and an interest charge that will consume the larger part of the revenue of the Government.

Do not weaken our national credit, which is of the greatest benefit to us in the time of peace and of war, by creating a debt that we and many future generations can not expect to wipe out.

Let us follow the example set by European countries that are making good use of their rivers, though on an average not as deep as ours. Let us solve the question of river transportation in a practical manner, not by having them dredged to a greater depth than there is any need of, but by providing a uniform depth of 8 to 9 feet and insisting that the cities along the rivers thus improved own and maintain the necessary docks and suitable equipment for loading and transferring freight.

In this connection let me say that I was much pleased to see in our present river and harbor bill an appropriation of $500,000 for carrying out the very practical suggestion made by the Wisconsin commissioner of waterways, Ray S. Reid, viz: To have the Government carry on experiments with types of shallow-draft boats suitable for the natural depth of our rivers. As is stated in the report accompanying the river and harbor bill, a large saving to the country and decreased cost of transportation may be the result of such experiments. [Applause.]

Mr. SPARKMAN. Mr. Chairman, I yield to the gentleman from New York [Mr. GOULDEN].

Mr. GOULDEN. Mr. Chairman, I am in accord with the bill and report of the Committee on Rivers and Harbors, and congratulate the chairman, my colleague from New York, on his able and interesting explanation of this measure. While the various projects in my district did not receive such appropriations as their importance demanded, or as I wished, still, with an annual appropriation as provided in this bill, which I hope will become a law, they will be taken care of and speedily completed.

This will be a wise and businesslike departure from the slipshod, desultory methods of the past twenty-eight years.

The Board of Engineers recommended that $150,000 only could be spent yearly on the improvement of the Harlem River and Ship Canal, thus requiring about eight years to fully complete this great work. To show the magnitude of this stream, it carried last year a tonnage of 43,000,000, valued at over $200,000,000.

The removal of the sand bar at the mouth of Westchester Creek, a tidal stream of nearly 3 miles in length, with a commerce of 400,000 tons, valued at more than $2,000,000, but growing by leaps and bounds, only $10,000 was given in the bill. More is promised next year. At least a beginning can be made.

The Bronx River received $6,485, finishing the work according to present survey, and making a total of $85,985 expended the last ten years. After the survey by the Board of Engineers is made for the further improvement, additional appropriations will be made. The tonnage in 1909 was over 400,000 tons, valued at more than $2,000,000.

In both of these sections, the Bronx, the finest and most desirable borough in the city of New York, is developing rapidly and the population increasing by leaps and bounds. The population in 1900 was 200,525 and now not less than 425,000.

The Eastchester Creek was favored with an appropriation of $35,515, which will enable the engineers to make a good start on deepening the channel to 12 feet at low tide through to Mount Vernon. This will help Williams Bridge, Wakefield, and Eastchester, in the Bronx.

The item of $500,000 for the East River at Hell Gate and to deepen the channel to 26 feet between North and South Brother islands is satisfactory, and perhaps all that can be expended in one year.

My complaint was registered in the committee, and again here, against the failure to appropriate a reasonable sum for the work of deepening and widening the famous Bronx Kills. On account of the limited sum allowed this year my request was denied, but with the understanding that it should be cared for in the bill of next year. I was forced reluctantly to yield, as the amount necessary for a 22-foot channel is $2,500,000. This improvement has been favorably recommended by the board of engineers, first by General Newton more than twenty years ago, and by the New York Association of Waterways and the Atlantic Deeper Waterways Association.

When the Erie Barge Canal, on which the State is expending $108,000,000, is completed in 1913, this channel, less than one mile in length, will be an imperative necessity to enable the commerce of the Hudson and the Lakes to safely reach Long Island Sound and the ports of New England. By improving these kills, now navigable only for row boats, 2 miles will be saved and the dangers to commerce through Hell Gate avoided. It is therefore a most important work and not merely of local interest. With the Harlem River and Ship Canal it is a link in the chain of the inland waterway from Boston to Florida. The sum allowed the waterways of the Bronx—$701,000—while large in the aggregate, should have been $1,000,000 if the interests at stake were properly conserved.

With the adoption of the bill under consideration the beginning of a new and satisfactory era will be started and, I am sure, continued until all deserving and meritorious projects are completed.

Mr. SPARKMAN. Mr. Chairman, I yield to the gentleman from Georgia [Mr. LEE].

Mr. LEE. Mr. Chairman, the claims of the Coosa River to consideration by the Government are strengthened by the fact that there is a greater difference in the principal products of the section through which it runs than can be found in an equal distance anywhere else in the United States.

I think it is absolutely safe to say that there is not an important product of the soil, of the mine, of the quarry, of the forest, of the loom, of the foundry, that the basin of the Mississippi River furnishes that is not duplicated in the basin of the Coosa, the Alabama, and the Mobile—one river under different names. Here in a small area are found the same inducements for exchange that are found in the basin of the Mississippi with its 1,800,000 square miles. Near the mouth of this river sugar and rice and semitropical fruits can be produced as well as in Louisiana. Higher up a cotton belt extends as productive as that of Mississippi or Arkansas. Skirting the Coosa, the name of the upper part of the stream, is a coal and iron region as rich as that of Pennsylvania, as plentifully supplied as Indiana with rock for building or paving material, abounding in clays for pottery as good as can be found in Ohio, with water power unsurpassed.

On the upper reaches of the river is found the grain country producing crops similar to those of the upper Mississippi. I do not refer simply to the natural resources of the Coosa Valley. I refer to resources that are being utilized—the factories, the foundries, the quarries that are already established. A glance at the normal-weather map, showing the average temperature for the year, will give an idea of the diversity of climate and therefore the diversity of products of this valley. The isothermal line entering the country near the Virginia-North Carolina boundary as it passes westward dips to the south, going below Rome, and soon after leaving the Coosa Valley turns northward again, crossing the Mississippi but little below the mouth of the Ohio.

All this shows the immense value of the stream to commerce if its upper and lower navigable portions were connected. The upper river is navigable from Lock 4 to Rome, a distance of 200 miles, and above Rome the same river—preserving the habit of changing its name and known as "Oostanaula" and the "Coosawattee"—is navigable 108 miles farther. The upper navigable reach of the river, then, is 308 miles long, and the lower, extending from Wetumpka to Mobile Bay, is a stretch of navigable water 440 miles long, but the two are separated by 116 miles of unnavigable water between Wetumpka and Lock No. 4. If this 116 miles were made navigable, a continuous stretch of navigable river would be opened up extending from Mobile 864 miles northward, through Alabama and Georgia almost to the Tennessee line.

The cost of connecting the two navigable portions of this waterway will seem large only to one who has a very incorrect idea of its commercial possibilities.

Major Flagler, after a careful survey, estimated the cost of the needed work at $6,000,000. Captain Cavanaugh made an estimate of about $11,000,000 as the cost of securing a channel 6 feet deep extending from Gadsden, which is about 60 miles above the unnavigable portion of the river, to Mobile Bay, of which about $10,000,000 would be the cost of such a channel from Gadsden to Wetumpka through the series of shoals that now obstruct the river. But this cost may be greatly reduced—probably 30 per cent—by the sale of power privileges.

In estimating the cost of any work, however, the cost of maintenance as well as the initial cost should be considered.

In answer to the question whether the channel was one that could be easily maintained when once secured, Major Flagler, in a statement before the Committee on Rivers and Harbors, replied:

> Yes; it is by far the best I have seen on any river in the country in this respect. It is a very permanent river, and below Rome is very free from snags and logs that we generally have in most of the southern rivers.

Ordinarily, when improvements are made on a stream, its navigability is extended a distance only equal to the length of the channel improved. In this case it should be remembered that the opening up of 116 miles would give an outlet to 308 miles already navigable, making a gain of 424 miles. This project then would add 424 miles to the 440 miles and give a navigable stream 864 miles long. The expenditure should not be regarded as made for the 116 miles, but for the entire length.

In 1907 the upper Coosa, from Rome to Lock No. 4, carried a commerce of $3,500,000; by this time it probably amounts to $4,000,000, but it is only local, like the commerce of an inland lake with no navigable connection with the sea. It is a commerce either originating and ending in the towns on the banks of the river or originating at points that have no railroad outlet, and shipped to railroad crossings, where it is carried by rail to the outside markets, paying railroad freight rates; so, except as to the traffic originating and ending in the towns on the banks of this stretch of navigable water, the river has given no advantage in freight rates. By the Mississippi, Memphis is about as far above New Orleans as Rome is above Mobile by the Coosa; but, while the freight on a bale of cotton from Memphis to New Orleans is only $1, it is $2.25 from Rome to Mobile or Savannah, and $3 to New Orleans. A similar difference will be found in rates on all classes of goods going into or out of the two cities.

The opening of the Coosa River to the Gulf would cut in half the freight charges paid by the people of its valley, and the cheaper rates would develop new industries and add vastly to production.

The combined commerce of the Coosa and Alabama rivers is now about $13,000,000 a year. By connecting the navigable waters of the two it is safe to say that it would be doubled inside of three years, and the cost of living and the cost of production in the Coosa Valley would be reduced by fully half the amount now paid out in freight charges, for the railroads would have to meet the river rate.

In the Coosa Valley in Georgia and Alabama are 15 counties, with a population of 380,000 and a wealth that has increased 38 per cent during the last five years. This statement refers to that part of the river known as the "Coosa," and having no navigable outlet to the sea. On the lower part of the stream, known as the "Alabama" and the "Mobile," are 9 counties having a slightly larger combined population. In the counties actually bordering on this river there are more than three-quarters of a million people.

Referring only to the counties bordering on the Coosa, and not to those bordering on the Alabama, the following figures will give a glimpse of the extent and diversity of the industry of the region:

Manufacturing, capital invested		$35,937,000
Manufacturing, value of products		$47,865,000
Iron-ore furnaces, capital invested		$9,354,000
Iron-ore furnaces, value of products		$13,500,000
Cotton mills, capital invested		$13,813,000
Cotton mills, value of products		$20,014,000
Cotton consumed	bales	224,200
Cotton produced	do	178,500
Value of grain crop		$8,625,000
Iron ore mined	tons	1,750,000
Other ore mined	do	50,000
Limestone and lime	do	700,000
Marble quarried	cubic feet	100,000
Coal mined	tons	820,000
Value of mineral products		$5,000,000
Coal consumed	tons	550,000
Coke consumed	do	740,000
Value of timber cut		$1,976,000
Cement made	barrels	1,040,000
Brick (capacity of plant)	tons	200,000
Fertilizer manufactured	do	55,600

The above statistics refer to the year 1908.

An increase of 20 per cent would probably represent the figures for the present year.

It will be observed that the cotton mills in this section, with a capacity of 651,000 spindles, consumed nearly a quarter of a million bales, about 50,000 more than the section produces.

With the opening of the river the lower counties, producing more cotton than the others and manufacturing practically none, could for a time nearly supply the demand. Just now the two combined could far more than supply the demand, but the cotton manufacturing industry is expanding at such a rapid rate that before the river could be opened even by the most expeditious work the cotton mills of the Coosa will be consuming more cotton than is grown on the Coosa and Alabama rivers combined.

The array of industries given above is sufficient to show the traffic that would go down this river. Nothing further need be said of this except as to the extent of the resources that are as yet scarcely touched because of the lack of cheap transportation. The total workable iron ore tributary to the Coosa is estimated at 1,075,000,000 tons. The total workable coal is estimated at 600,000,000 tons. The marble deposits along the river contain almost inexhaustible deposits of white marble, comparable to the Italian, with three times as much blue marble.

This river is not in the class with the smaller streams whose claims are urged on Congress, and should not be so considered. It is by far the longest river that flows into the ocean or Gulf between the mouth of the Mississippi and the mouth of the St. Lawrence. This river already has two navigable stretches, each exceeding the navigable length of any river that flows into the Atlantic in the United States or any, except one, that flows into the Gulf east of the Mississippi; and each of these navigable stretches is about as long as that of the one that they do not surpass flowing into the Gulf.

I quote from the "Memorial of the Coosa River improvement convention:"

In order to give a more correct idea of the magnitude of the river and its possibilities, we quote from the report of Charles Frith, United States assistant engineer, in his report of November 24, 1888, in which he says:

"Velocity observations taken at Lock 4 show a discharge of 3,921 cubic feet, with a velocity of 1.33 feet per second at a stage of 1.8 feet above low water. Similar observations at Wetumpka at low water show a discharge of 5,796 cubic feet, with a velocity of 0.9 foot per second."

In the annual report of the Chief of Engineers for 1879, page 1203, the low-water discharge of the Mississippi River at St. Paul is given at 5,800 cubic feet per second. In the report for 1880, page 482, the low-water discharge of the Hudson River between Troy and Albany is given as about 2,000 cubic feet per second; and in the report for 1881, page 1929, the low-water discharge of the Ohio River at Pittsburg is given as 1,666 cubic feet at zero of the gauge, and as 5,810 cubic feet per second at 9 inches of the gauge.

Comparing these discharges with that of the Coosa at Wetumpka, it appears that the volume of water flowing in the Coosa at low water is about equal to that of the Mississippi at St. Paul; about 2.8 times greater than that in the Hudson at Albany, and about 3.5 times greater than that in the Ohio at Pittsburg.

With the assistance of a canal, the Delaware River is navigable 160 miles; the Connecticut, the Hudson, and the Potomac about 150 miles each; the Kennebec and Penobscot 60 miles each. The total of these is 730 miles, not quite as great a distance of navigation as this one river will afford when its upper and lower reaches are joined.

Take another group: The Rappahannock, the James, the Roanoke, the Neuse, the Cape Fear, and the Pedee are navigable for about 125 miles each; all combined make a navigable distance of 720 miles, which is not equal to the present navigable length of this river counting the upper and lower portions.

The combined navigation of the Savannah, the Santee, and the Altamaha is not as great as that of the Alabama and Coosa, nor is the combined navigation of the St. Johns, Apalachicola, and Chattahoochee. This river belongs in a class with the Ohio, which is only about 200 miles longer. The watershed of the Ohio is much larger and the population along its course vastly greater, but the river does not run through a territory as well adapted as that of the Coosa and Alabama to an interchange of products, for the agricultural products of the country bordering on the Ohio are pretty much the same throughout its entire length, while the agricultural products of the territory of the Coosa are different from those of the Alabama.

The Ohio River furnishes an outlet for a rich coal and iron region, and the Coosa, when its upper and lower navigable reaches are connected, will furnish a shorter outlet for a coal and iron region as rich as that of Pennsylvania, if not richer. The Coosa Valley furnishes a larger variety of products for exchange than is furnished by the Ohio.

Mr. Chairman, in this shorter haul we find a feature in which the United States as a nation is interested, and we can say to you what can be said in reference to few waterway improvements for which Congress is asked to provide; throw away its local backing and consider it from a purely national standpoint; forget about Alabama and Georgia and think only of the United States.

South of us are about 70,000,000 Americans. We want their trade and we get less of it than we should have. The way to get it is to cut the prices of our products delivered at their doors. To win their trade we must sell as cheaply as possible; to sell as cheaply as possible we must cut the cost of transportation as low as possible. We must offer products from which transportation has taken the minimum toll.

Products shipped from the Pennsylvania coal and iron belt must go more than 2,000 miles down the Ohio and Mississippi to reach the Gulf. From the Alabama and Georgia coal and iron fields the Gulf would be only 600 miles distant. With the Coosa River navigable Cuba would only be two-thirds as far from the coal and iron fields of Alabama as New Orleans is from those of Pennsylvania. Veracruz would be 400 miles nearer to the coal and iron fields of Georgia than New Orleans is to those of Pennsylvania. The ports of Guatemala and Honduras would be nearer and the ports of Nicaragua about as near to the Alabama fields as New Orleans is to the Pennsylvania fields, and the Panama Canal would be by water only about 600 miles farther from the Alabama fields than Pittsburg is from New Orleans.

Going eastward along the coast of South America coal could be delivered at the ports of Colombia and Venezuela over a line of water transportation very little longer than that which the products of the Pennsylvania fields would take to get to the borders of the United States, and only about half as long as these products would take to reach those countries.

Water transportation to the Georgia and Alabama coal and iron fields is a matter of national importance. The reduction in freight to the people of this section would be a matter of local concern, but the advantage to its industries is a matter of national concern.

As to what this reduction would be, an idea may be formed from the fact that coal can be delivered in New Orleans from Pittsburg as cheaply as in Birmingham, though Pittsburg is about five times as far from New Orleans by river as Birmingham is by rail. A few years ago Major Flagler, of the engineers, stated before the Rivers and Harbors Committee that with the Coosa River open to navigation it would cost only 22 cents to transport a ton of coal from Gadsden to Mobile, and that the least the railroads had ever charged was $1.50 a ton. There is a flat rate on all classes of goods shipped from Rome to Gadsden over this river of 10 cents per hundred. The rate on first-class shipments to Gadsden and from points of equal distance from Rome by rail is 48 cents, nearly five times as much as by water.

It is safe to say that two-thirds of the transportation charges would be saved on products brought into Georgia or carried out; and thus we see that where the Pennsylvania region might not be able to underbid foreign competitors and sell its products to South America, the Georgia and Alabama region might succeed, thereby extending American commerce and benefiting American industries. The gain will be for the United States of America. It will not be a gain for Georgia at the expense of Pennsylvania, for in furnishing an outlet for Georgia products southward they would come less in competition with the products of Pennsylvania in the natural trade territory of that State.

The growth of the commerce of the United States depends largely on the value of its products at the Gulf ports. Besides coal and iron, the deepening of the Coosa River would make possible the delivery of cotton goods at these ports at a moderate cost. The people of South America buy the class of cotton goods which the South sells, but they buy it almost entirely in Europe. There is no stream in the United States whose improvement would give such a variety of products to commerce as would the improvement of the Coosa River. The United States Government would profit greatly by cheap coal at the Gulf ports. The battle ships use vast quantities of it, and I do not think it an exaggeration to say that the opening of this river would cut one-fourth from the annual coal bill of the navy. This would be a great saving, but it would be as nothing compared with the benefits to be derived from the extension of trade.

The frontiers of commerce are changing. The Panama Canal will make of the Gulf ports outposts for trade with a larger population than now receive our products through the Atlantic ports. The Gulf is the key of the future. The Coosa Valley is the nearest supply depot to the Gulf, and the improvement of this river is a matter of the very highest national importance.

So when we, who represent the people of this valley, speak for their interests we wish you to consider their rights the same as you would consider the rights of American citizens in any other section, but we wish you to remember also that in speaking for the Coosa Valley we are speaking for the United States of America.

Mr. Chairman, coming to a consideration of the probable results of the completion of this project to my own district, I may say that while the navigable part of these streams touches only a part of its territory, it will, in my judgment, have a wonderful vitalizing influence upon every part of it. Five different railroads traversing the district, and representing all the great systems in the State, touch these navigable waters at several points within two hours' ride of any part of my district.

No area of like extent that lies within the influence of these waters is so rich in the variety and abundance of its natural resources and potential wealth. Its agricultural possibilities are just now beginning to be properly realized and appreciated. The wonderful advances that have been made in profitable farming by those who adopt improved methods of culture, fertilization, and seed selection are but the harbingers of a forward movement in all lines of agriculture that will in a few years double the present production of our acreage.

The mineral resources of the district have barely been touched. The profitable mining of heavy ores is so largely dependent upon the cost of the transportation that the cheapening of freights to water rates can not fail to give a healthful impulse to all our mining industries and raise the value of our mineral lands.

Material for the manufacture of lime and cement is in such abundant and easy reach that these industries are already prospering, and will be multiplied many times when the reduced freights are added to their present profits.

The power developed by the dams for locks and storage reservoirs in contemplation, though only a by-product, as it were, in this river improvement, is likely to become one of the greatest wealth producers of the South. Three hundred thousand horsepower, it is estimated by competent engineers, can be developed along the channel of the Coosa alone, and can be profitably used within a radius of 50 miles from the generating point by turning into electricity.

The Etowah, the Oostanaula, the Coosawattee, and the Chattooga rivers present opportunities for the development of power at low cost. Cheap and reliable power has a magical effect in bringing into prosperous existence many industries that are now unknown in our section, and their owners and operatives

will create a steady and profitable home market for all the products of the soil.

These diversified industries will stimulate the ambition and enterprise of our young men who go forth from our schools and colleges and turn them from the overcrowded professions and clerkships into more attractive and profitable pursuits.

The possible and even probable good that may come to all our people as the result, directly or indirectly, of the completion of this great work are but dimly perceived and lightly considered, even by the few whose interest has been aroused.

The great mass of the people have yet to be awakened to the splendid future that is the promise of this work when finished.

The few who have labored, who have borne and must continue to bear the heat and burden of the struggle for the consummation of these great designs must be content with an approving conscience for their reward. Pioneers in such work are rarely understood or approved by their contemporaries. Active opposition or a scarcely less deadly indifference are usually meted out to those who would change the existing order of things. But this should not and will not discourage or dishearten the clear-headed, brave-hearted men who are enlisted in the cause. The aid that I have been or may be able to contribute to its successful achievement I regard as a public service faithfully discharged.

Whether the present meed be praise or blame, I am firmly persuaded that the far-reaching results of the completion of this work will more than justify the most sanguine expectations of those who are now active in supporting and promoting it, and will ultimately win the grateful approval of the millions who reap its rewards without participating in its accomplishment.

If I had done or should do nothing else during my service here but give useful and necessary assistance in pressing this great enterprise to a successful completion, I should feel that I had justified the favorable opinion of those who send me here. [Applause.]

Mr. SPARKMAN. Mr. Chairman, I yield to the gentleman from Tennessee [Mr. BYRNS].

Mr. BYRNS. Mr. Chairman, I desire to submit some remarks on the pending bill and the general subject of waterway improvement, with particular reference to the importance and necessity of making the Cumberland River, which flows for the greater portion of its length in the State from which I have the honor to come, navigable during all seasons of the year. I believe the country is to be congratulated on the fact that the distinguished chairman and members of the Committee on Rivers and Harbors have presented a bill which contemplates the certain and definite completion of all the plans which have been heretofore projected for the improvement of our waterways in as speedy a manner as possible; and which will, at no distant date, lead ultimately to the improvement of all of our rivers where the business interests of the country justify the expenditure. The past method of making appropriations at varying intervals with amounts which were not determined by the merit of the work being done, but which shifted frequently as the one project or the other was more or less favored by locality and the influence of those behind it, and with no definite or fixed purpose as to when the project could and would be completed, resulting frequently in the stopping of important and necessary work because of the lack of funds, has brought about a general dissatisfaction on the part of the people of the country. It has caused a universal demand for a change of the system and plan of making appropriations for this great work of government, so that future appropriations and future projects will be undertaken and carried on, influenced not by the "pork-barrel" idea, but by an intelligent and businesslike conception of the needs of the country.

And I repeat that it is a source of congratulation that the distinguished and able members of the Rivers and Harbors Committee have presented a bill which will meet this demand on the part of the general public. I was glad to hear the distinguished gentleman from New York [Mr. ALEXANDER], the chairman of the Rivers and Harbors Committee, in his very clear and able explanation of the scope and purposes of the pending bill, state that it is framed with the idea that hereafter there will be enacted an annual bill making appropriations for our rivers and harbors, so that Congress may act intelligently and with accurate knowledge each year as to what work has been done during the year that has passed and as to exactly how much money will be needed to carry on the work economically and effectively for the ensuing year. And I have no doubt, Mr. Chairman, but what the recommendations of the Committee on Rivers and Harbors in this respect will be approved not only by Congress, but by the country at large.

The question of transportation is to-day attracting universal attention. Probably no other problem which confronts our national and state governments has aroused such tremendous interest and created such a general demand for legislation which will cheapen the cost of transportation and increase the facility with which the products of our farms and the creations of our factories and our workshops may be transported to the best markets.

IMPORTANCE OF GOOD ROADS.

There has been a tremendous revival of public interest in the improvement of highways in nearly every State in the Union. This interest has been manifested by the holding of good-roads conventions in more than 28 States of the Union. The interest manifested and the discussions had at these conventions will doubtless bring about the enactment of better laws for the improvement of the highways in the various States.

The farmer, as does the merchant and manufacturer, recognizes that the cost of transportation is one of the elements which vitally affects the prosperity of the individual as well as of the Nation as a whole. He recognizes, too, that something must be radically wrong with our system, if the figures and estimates furnished by the experts of the Department of Agriculture as to the cost of transportation over our highways is correct. If the figures submitted by these experts be true, it costs, on the average, 25 cents to transport a ton of freight by horse and wagon over the average road of the United States, whereas in England, where the roads are better, it is said to cost only about 5 cents per ton-mile. What we consider the enormous productions of our farms, some idea may be formed of the fabulous amounts wrung each year from the pockets of the farmers of the country on account of this excessive cost of hauling the products of their labor to market. And, in my judgment, it is time Congress was giving some attention and consideration to this question, affecting, as it does, not only the farmers, who are the bone and sinew of the country, but also the consumers of their products. Thus it is that every man, woman, and child is interested in good roads, and, in my opinion, there is no more fruitful field for the labors of national as well as state legislators, if the interests of the people are to be considered. But it is not my purpose, Mr. Chairman, to discuss at this time the subject of highway improvement. I have not the time to do so now. I shall probably at some future day ask the indulgence of the House for the purpose of presenting some remarks on the subject of highway improvement, for I have some decided views as to the duty of the national as well as the state governments toward that most important subject.

CHEAP TRANSPORTATION ESSENTIAL TO COMMERCIAL GREATNESS OF NATION.

No nation which is not commercially great can truly be called great. The arm of a government may be strengthened by powerful armies and a great navy, but the true greatness of its people will be measured, in the judgment of future historians, not by their ability to mobolize troops and man the seas but by their commercial development and supremacy. The chief glory of our Government in the past, its power in the present, and its superiority in the future must depend on the farmer who toils in the fields and the workman who labors in our factories and our workshops, rather than upon the soldier of the army or the battle ships of the navy. The chief aim, the highest purpose of our Government, therefore, should be to multiply the opportunities and increase the advantages of the individual citizen engaged in commercial and industrial pursuits.

No problem of government appeals more forcibly to the producer and consumer alike than the question of transportation. It matters not how fertile our soils may be or how great their productivity, if there is not provided a certain and cheap method of transportation whereby our harvests may be carried to market, then the farmer must either lose a large part of the value of his labor on account of the increased cost and difficulty of transportation or the consumer must bear the burden, and in most cases both must suffer. The products of our factories in this great age of inventive genius and skilled labor may be varied and enormous, but if they are not provided with all the facilities of cheap transportation to the markets of the world, then the increased cost must be borne either by the labor which produces them or by the ultimate consumer. In fact, the cost of transportation is nothing more nor less than a tax, which must be paid either by the producer or by the consumer or by both. It is, therefore, to the interest of both

producer and consumer that the cost of transportation be kept as low as possible. The prosperity of every individual citizen demands it, for every man, woman, and child belongs either to the class of producer or consumer.

How, then, is this to be done? Unquestionably, in part, by the improvement of our navigable rivers. It can not be denied that transportation by water is the cheapest of all forms of transportation. If proof were necessary to establish this fact, it could be found in the fact that towns and cities situated on navigable rivers are given lower and better freight rates than those that are not so situated. It is a fact, however, clear and uncontroverted, that there is not a civilized country on the face of the globe which is not bending its energies and contributing largely from its treasury toward building canals and improving its navigable waterways.

The foremost countries of Europe long ago recognized the vast benefits to be derived from cheap methods of transportation by agricultural, industrial, and commercial interests.

The United States National Waterways Commission, in their able and interesting preliminary report, presented to Congress on January 24, 1910, states that waterways in Europe have attained a very high state of development and that—

The general policy of almost all European countries has been toward the development and improvement of their waterways.

Germany has 1,320 miles of canals and 15,760 miles of navigable rivers. I have read the statement that in 1907 her foreign commerce was greater by nearly $400,000,000 than that of the United States. And yet that country has an area of only about one-fifteenth that of the United States, one-third less in population, and not one-half of our accumulated wealth. In addition to this, her climate and her natural resources are vastly inferior to ours. The explanation of this radical difference in commercial achievements and of the enviable position which that country occupies in the world's activities must be found in the fact that she has perfected a great national waterways system and possesses every facility for the cheap transportation of her commerce by land, rail, and water. France, no larger than our great State of Texas, in addition to her natural waterways, has 3,000 miles of canals built at a cost of $750,000,000; and, I might add, that country has spent in addition to this sum, since the year 1814, $600,000,000 on her public highways.

England, Holland, Russia, China, and, in fact, nearly every country on the globe has many miles of canals, built, many of them, centuries ago, a striking evidence of the wise statesmanship of those vested with the power of government in those days. The sum total of the world's canals, including, of course, our own, reaches about 26,000 miles, and cost a sum in excess of $2,000,000,000. Mr. Chairman, our forefathers were not insensible to the importance and value of waterway transportation, for, while the United States is younger in years than any of the countries named, the reported mileage of the canals which have been constructed in the United States is 4,479 miles. There are 2,189.04 miles of canals in actual operation to-day in the United States. There is no country quite so susceptible of the highest form of waterway improvement, thereby securing the fullest advantages of waterway transportation, as is the great country in which we live. Our rivers are not only greater in number, but also greater in size than those of any other country, with the possible exception of South America. They have a mileage of 47,355. They penetrate sections which are unsurpassed for fertility of soil and abundance and richness of natural resources. If properly improved, these rivers are capable of floating upon their broad bosoms cargoes of produce and the finished products and articles of commerce sufficient to satisfy the needs of the people of the whole world.

It is not surprising, Mr. Chairman, that upon the advent of the railroad the people practically ceased to show any interest in waterway improvement. And I want to say just here that the railroads of the country have played a most important and indispensable part in the development of our resources. They are the arteries through which our commerce flows and are essential to its life and future growth. In some ways they possess advantages over waterway transportation. They can transport commerce much more quickly; they climb mountains, cross valleys, and penetrate sections which are not favored with waterways. The time was when it was thought that waterway improvement was contrary to the interests of the railroads.

But if that was ever the case, it is not true now, for, as some one has said, the railroad Sauls are now among our greatest waterway prophets. The true relations of the two methods of transportation, it seems to me, are best expressed in a report made by a French legislative committee in these words: "It is conceded that waterways and railways are destined not to supplant but to supplement each other. Between the two there is a natural division of traffic. To the railroad goes the least burdensome traffic, which demands regularity and quick transit; to the waterways gravitate the heavy freights of small value, which can only be transported where freights are low. Waterways by increasing traffic are rather the auxiliaries than the competitors of railroads. In procuring for manufacturers cheap transportation for coal and raw material, they create freights whose subsequent transportation gives profits to the railroads." Then too, experience has shown that the railroads of the country can not handle our immense volume of traffic at all times with dispatch. We have only to recall the great congestion of traffic in 1906 and 1907, due to the shortage of cars and the inability of the railroads to move our freight promptly, resulting in great loss to the farmers in the South and West, to substantiate this statement. It should be said in all fairness that this failure on the part of the railroads is not due to any fault on the part of the railroad systems. It was but the natural result of the remarkable progress of our country in the development of its resources. For twenty-five years the products of our farms and the output of our factories have been increasing by leaps and bounds, due not alone to the growth of our population, but rather to the wonderful natural wealth and resources with which God in His wisdom has endowed the great country in which we are so fortunate as to live. So rapid has been this increase of traffic that James J. Hill, president of the Great Northern Railway, and one of the greatest railway authorities of the age, has declared that it would require $8,000,000,000 to put the railways of the country in condition to handle the traffic of the country, and even if it were possible to secure the money, materials, and men necessary to make the required improvements, conditions would be as bad in the end as they are now, on account of the continued increase of traffic while the improvements were being made. If this be true, then there can be but one solution of the difficulty, and that is the construction of a national waterway system which will serve as a supplement to our railroad systems.

By this course we will have provided ample and adequate transportation facilities for the commerce of the country, no matter to what extent it may grow, and will have established a most effective method for the regulation of freight rates, insuring cheap transportation of our commodities, thus proving a direct benefit, both to the producer and the consumer, as I have already pointed out. And now, Mr. Chairman, having discussed, in a brief and general way, the importance of the improvement of our waterways, I desire to present some facts showing the necessity of a more systematic and rapid improvement of the Cumberland River, which flows through the district I have the honor to represent. These facts have been presented to the Committee on Rivers and Harbors, and have resulted in the recommendation for its improvement contained in the pending bill, which I trust and believe will be approved by the House. I may be permitted to say here that the people who live on the Cumberland River are intensely interested in securing a substantial and adequate appropriation which will give some assurance of a speedy completion of the improvements commenced many years ago. To this end a delegation of prominent citizens, composed of Mr. E. W. Foster, president of the Board of Trade of Nashville, and Hons. M. T. Bryan and C. C. Slaughter, of Nashville, Tenn., the largest city on the river, and Mr. John J. Conroy and Hon. Austin Peay, of Clarksville, the second largest city on the river, appeared before the committee some weeks ago for the purpose of presenting the river's claims. The presence of these representative citizens is an evidence of the fact that the large business and manufacturing interests of the entire Cumberland River basin are thoroughly aroused to the importance and necessity of a speedy completion of the system of improvements which were inaugurated by Congress more than twenty-four years ago.

THE CUMBERLAND RIVER.

The Cumberland River, Mr. Chairman, rises on the western slope of the Cumberland Mountains, flowing thence a distance of 688 miles through eastern Kentucky, middle Tennessee, and western Kentucky, discharging into the Ohio River at Smithland, Ky. The head of navigation is at Burnside, Ky., which is 325 miles from Nashville, Tenn., and 518 miles from the mouth of the river; 315 miles of the navigable waters of the river are in the State of Tennessee and 203 miles in the State of Kentucky. It appears that the part of the river above Nashville has been designated as the "upper Cumberland" and the part below Nashville has been designated as the "lower Cumberland" since 1832 under the various government appropriations made for the improvement of the river since that time. I am indebted to the reports of the various district engineers who at various times have had charge of this river, and par-

ticularly to the very able and comprehensive report filed July 21, 1909, by the present district engineer, Maj. W. W. Harts, who has a most intimate expert and scientific knowledge of the needs and conditions of the river, for the following facts and history of the appropriations made for this river by Congress at various times since 1832. It appears that legislatures of the States of Tennessee and Kentucky made several appropriations for the river between the years 1830 and 1840, but little, if any, benefit to the river resulted therefrom. The Cumberland Navigation Company was incorporated in 1846 under the laws of Tennessee for the purpose of improving the "navigation of the Cumberland River below the town of Nashville, by means of a system of locks and dams," but this movement fell through. Between the years 1832 and 1838 Congress appropriated at various times sums aggregating $155,000, which were used in improving the worst localities of the river. Congress made no further appropriations for the river until 1871.

Between the years 1871 and 1890, $305,000 was appropriated for the benefit of the lower Cumberland River. The first specific appropriation for the upper Cumberland River was made in 1876, but it was not until the act of 1886 that the present project for the canalization of the upper Cumberland was adopted, based on a survey and examination made by authority of Congress during the years 1882 and 1883. This project contemplates the construction of 22 locks and dams on the upper Cumberland River below Burnside, Ky., and 6 locks and dams above Burnside, so as to afford a channel depth of 6 feet, costing, according to estimate, $8,500,000. Under this project and including the previous appropriations the sum of $2,779,000 has been appropriated and expended on the upper Cumberland for the construction of locks and dams, with necessary cost of maintenance. Locks and Dams Nos. 1 to 7 have been completed, providing a permanent channel from Nashville to Carthage, a distance of 116 miles. Lock No. 21, the only other lock and dam undertaken up to this time under this project, is nearing completion, and will require an additional appropriation of $85,000 to complete it, according to the report and recommendations of Major Harts, the district engineer.

The present project for the improvement of the river below Nashville, or the lower Cumberland, was adopted in 1892 by the river and harbor act passed July 13 of that year. This plan or project originally called for seven locks and dams, commencing at Harpeth Shoals, below Ashland City, Tenn., but under the survey made under the river and harbor act of March 2, 1907, one of these locks has been eliminated. It is estimated that these six locks will give 6-foot navigation from Nashville to the Ohio River. Only one lock and dam on the lower Cumberland has been completed. This is Lock A, at Harpeth Shoals, below Ashland City and 41.4 miles below Nashville.

This lock was commenced as far back as 1892, and for some reason its final completion dragged along over twelve years, or until 1904, when it was finally completed, affording a 6-foot channel all the year around between that point and Nashville. Under this project the sum of $440,745.61 has been appropriated and expended in the construction of Lock A and for maintenance, and it is estimated that it will require the sum of $3,066,122.40 to construct the other five locks. In addition to this, $98,760 will be required for dredging that portion of the river between its mouth and the lower lock. No appropriation for new locks and dams has been made for the lower Cumberland River since the year 1892. This is true, notwithstanding the fact that in a report dated February 26, 1906, the Board of Engineers approved the recommendations of the district engineer that the regulation of the river and the construction of the remaining locks and dams below Nashville were worthy of being undertaken by the National Government. In fact, if my memory serves me aright, Mr. Chairman, every district engineer in charge of the Cumberland River since 1892 has recommended that these locks and dams should be completed. But notwithstanding these recommendations, Congress up to the present time has refused to make the necessary appropriations to begin the work. I am highly gratified that the Rivers and Harbors Committee has recommended in the pending bill the sum of $663,000 to commence Locks B and C and to make all the necessary surveys and purchase sites for Locks D, E, and F, $213,000 of which is to be available at once in cash and the balance in continuing contracts. In the interest of the people I have the honor to represent I trust that this recommendation will be approved by Congress and that this long-delayed but most meritorious undertaking will be commenced and pressed to a speedy conclusion.

Mr. Chairman, I earnestly advocate the improvement of both the upper and lower Cumberland. I do so in the interest of the commerce involved. The great and undeveloped coal fields of the upper Cumberland, its abundant natural resources in timber and minerals, its thriving towns scattered along its banks with their great possibilities in manufacturing and commerce, together with the agricultural interests of the upper and lower basin, render it most important that Congress give speedy and favorable consideration to the plans proposed for giving suitable navigation all the year round on both sections of the river. The total traffic tonnage of commerce on the upper Cumberland for the year 1908 is estimated at 246,260 tons, consisting largely of timber, lumber, farm products, live stock, and merchandise, and valued at $8,745,289. The number of passengers carried was 8,635. This is true, notwithstanding the fact that it is navigable for only four to six months of the year for boats drawing not more than 3 feet. No one familiar with the situation will gainsay the statement that the commerce will be greatly increased if the river is made navigable the year round.

SOME REASONS FOR IMPROVEMENT OF LOWER CUMBERLAND RIVER.

But, Mr. Chairman, I desire to speak particularly in behalf of the lower Cumberland, which, for no good reason, has been so long neglected by Congress. The commerce on the lower Cumberland for the year 1908 was estimated at 259,734 tons, consisting mainly of timber, lumber, farm products, live stock, and general merchandise. This is true, notwithstanding the fact that the river below Nashville is navigable for all boats about six months in the year and for boats drawing not more than 3 feet from six to eight months. There are several months each year during low water when navigation is practically closed.

The importance of improving the lower Cumberland River is indorsed by the division engineer, Board of Engineers, and the Chief of Engineers. The latter says:

> In these reports the district officer recommends the further improvement of the Cumberland River below Nashville by the construction of the necessary locks and dams. This recommendation was concurred in by the division engineer, Board of Engineers for Rivers and Harbors, and the Chief of Engineers. Attention is invited to the recommendation of the district officer in the appendix to this report that the necessary funds for the commencement of the work be appropriated at the earliest date practicable. This recommendation is concurred in.

This recommendation is the deliberate judgment of an able, experienced, and disinterested officer of the Government, who has given a careful study to all the growing demands of commerce on the river, and his conclusions should have the careful and favorable consideration of Congress.

Just a word, Mr. Chairman, as to the resources of the section of country through which this river flows. It has been endowed with nature's most lavish gifts. In agricultural resources and possibilities it is not excelled by the celebrated Valley of the Nile. Cattle upon a thousand hills feed upon vegetation no less luxuriant than the vine-clad hills of Italy. Its agricultural products are as varied as the soils upon which they are produced. Its soils will produce every grain, vegetable, and fruit produced in the Temperate Zone, except the citrus fruits and pineapples. No less than 67 field crops, 54 garden vegetables, and 10 varieties of berries and 12 of fruit are grown in the Cumberland River Valley. The Cumberland River basin and its drainage system embraces 55 counties—24 in Kentucky and 31 in Tennessee. The population in 1900 was 953,558. Its assessed valuation in 1909 was, in round numbers, $240,000,000.

The Twelfth Census shows that there were 110,406 farms in the Cumberland basin, with a total acreage of 10,541,747. The value of farm implements, not including the buildings, was $94,111,420; value of live stock, $29,091,988; value of products not fed to live stock, $39,441,538; value of products and live stock, $63,533,496; value of labor employed in agriculture, $2,558,715. The value of poultry and eggs produced in this basin for the year 1909 was $9,327,793. Enough has been said, Mr. Chairman, to justify the statement that this valley is not exceeded by any other region in its capacity for growing all those products which support mankind. Nor would it fall short of being one of the most attractive and profitable sections of the whole country if proper transportation facilities, which would be secured by slack-water navigation, are given to it. Lying along and near the Cumberland River are great deposits of coal and iron ore, much of it inaccessible to railroads and as yet undeveloped, but which, under the magic of creap and certain transportation facilities, will come forth to increase the Nation's wealth. The Appalachian coal fields on the upper Cumberland River embrace an aggregate of 13,183 square miles, and there are 3,888 square miles in the central coal fields in the basin of the lower Cumberland. The total output of coal mined in the year 1903 in these two coal areas was 5,526,138 tons, valued at $6,095,862. I do not believe there is another stream in the United States which gives access to two distinct coal areas. Why, Mr. Chairman, there is a body of coal in Overton and Fentress counties, in Tennessee, bordering the upper Cumberland River, which has not been touched and which has been

seeking an outlet for years by river or by rail, or by both combined. It has been fairly well explored and drilled, so that its existence, extent, and character are known. It underlies a surface of about 90 miles in area and averages 4 feet in thickness. All this foots up a staggering quantity of 300,000,000 tons.

Now, I call your attention to the great benefits which will accrue to the industries of the whole country, particularly in the South and Southwest, if this vast storehouse of fuel is made accessible by an all-the-year navigation of the Cumberland River. The iron ores of the Cumberland River basin are of excellent quality and abundant in several of the counties lying contiguous to the river. The greatest deposits are below Nashville. Forty or fifty years ago there were 30 furnaces in operation, whereas now there are only about one-fourth of that number, with an aggregate output of 650 tons daily. The Cumberland River flows through the center of the county of Stewart in Tennessee. Possessing a strong, fertile soil and rich in iron-ore deposits, it was, prior to the civil war, one of the wealthiest counties in the State. Numerous furnaces were scattered over the county. Now it has only one, and that has a daily capacity of 25 tons of extra strong, tough iron, made from low phosphorous ores. This reduction is due to the fact that the county is not favored with railroad transportation, and other iron-ore localities, favored with railroad transportation, have forced her furnaces to shut down. Mr. Chairman, if this river is improved and slack-water navigation is secured all the year round, I predict that in a few short years, this county, rich in natural wealth, as well in historic interest, and peopled by an enterprising, industrious, and intelligent citizenship, will relight the fires of her furnaces and again resume the proud position she occupied in the commercial and industrial world before the war. I mention this as a striking illustration of what the improvement of this river will do for this one industry alone. The farmers of this county, on account of the want of railroad transportation and the uncertainty of transportation by river, except in certain seasons of the year, are compelled to haul their tobacco and other products of their farms 20 to 30 miles to market.

If the river is made navigable throughout the year, boats will be larger and greater in number, and the farmer will thus be enabled to ship his products easily and cheaply. This can have but one result, and that is larger crops, greater traffic on the river, increased wealth to the citizens of the county, and a corresponding benefit to the consumers of their products. And what is true as to the benefits to be derived by this county from river improvement is true as to all of the other counties on the lower Cumberland River. It is true that the others have the benefit of railway transportation, but the advantages which will be gained by them will consist in increased transportation facilities and lower freight rates. I shall not consume the time of the committee in speaking of the live-stock advantages of this section, nor shall I do more than mention the timber growing in the vicinity of this river, which I have heard has been estimated at $150,000,000, if made available by transportation facilities. About 150,000,000 feet of lumber are handled every year in Nashville, which is situated at the head of the lower Cumberland River, and is the largest city on the river. The value of timber and timber products, not including manufactures of wood, handled in Nashville is not far from $5,000,000 a year, and a large part of this lumber is drawn from the Cumberland basin, brought in by river and rail. Nashville manufactures and ships furniture to 20 different States and to Cuba; its jobbing, manufacturing, and retail trade amounts to about $225,000,000 annually. Through traffic at the Nashville terminals during the last year amounted to $471,000,000, while the Cumberland River traffic in and out of Nashville was about $18,094,600. It has more than 600 manufacturing concerns, with an aggregate capital of more than $25,000,000 and an annual output of over $30,000,000. No city south of the Ohio River equals it as a manufacturer of stoves, the annual output being 145,000 stoves and 115,000 pounds of hollow ware, which are shipped to every Southern State and as far west as California.

The hay, grain, and flour business of Nashville amounts to $30,000,000 annually. It is the natural outlet via the Cumberland River for grain raised in Indiana and Illinois along the Wabash and the Ohio. This grain is brought to Nashville, milled and distributed to all of the Southern and Southwestern States, to Europe and South America. What I have said, Mr. Chairman, is sufficient to indicate the immense volume of business done in this prosperous, enterprising, and growing city, without referring to the numerous other industries carried on within its limits. And I should say here that I am indebted for many of the facts concerning the resources of this entire valley to a very admirable and exhaustive report prepared by the board of trade for the use of the Rivers and Harbors Committee. Farther down the river is the growing town of Ashland City, which has several factories and is rapidly becoming a very important shipping point, both by rail and river. Clarksville, Tenn., is situated farther down on the river. It is in the center of the region which produces the dark tobacco for export, and has long enjoyed the distinction of being one of the largest tobacco markets in the United States. It is the second largest city on the river, and does a considerable business in manufacturing and also in wholesale and retail merchandise.

I have cited these facts at length for the purpose of giving the House some knowledge of the great volume of business now being done in the section of the country through which the Cumberland River flows, and some idea of the immense possibilities in agriculture and commerce, and of the necessity, therefore, of quickly completing the improvements on this river, so as to give transportation by water as well as by rail. There can be no question, Mr. Chairman, that the amount of commerce justifies the appropriation recommended by the district engineer, and that such action will immeasurably increase the traffic on the river.

Mr. John J. Conroy, a prominent merchant of Clarksville, Tenn., and president of the Cumberland River Improvement Association of Kentucky and Tennessee, says on this subject, under date of January 3, 1910:

The territory served below Nashville is one which is capable of producing a great variety of commodities for transportation.

In this territory is situated Clarksville, the second largest city on the river, and is the center of a district which produces tobacco largely for foreign consumption. All of the tobacco, as well as other farm products, has to be delivered to railroad points for transportation to foreign markets, and without a certainty of navigation, the raising of all agricultural products is very much hampered.

Clarksville is a jobbing point of considerable importance, and the merchandise distributed out of Clarksville is of constantly increasing volume.

The manufacturing of tobacco products is being more largely centralized at Clarksville, and all the other indications point to a general expansion of business interests, which will receive quite an impetus from improvement in transportation facilities.

There is an abundant supply of timber, which has no other outlet to the market than the river. The territory served by that portion of the river between Cumberland City, Tenn., and Eddyville, Ky., has no other outlet than the river, and so long as the service is uncertain, the country can not be developed. The result of continuous navigation for this particular locality can not be overestimated, for it has such large area and has such wonderful productiveness that it is bound to respond to improved facilities for transportation of its products, such as the building of locks and dams to the mouth of the river would afford. It is the well-defined policy of the Government to make appropriations for rivers which will bring returns for the expenditures in the way of an increased yield from the resources of the country favored, and there is no section which will show a greater increment from money spent than the great Cumberland River Valley. I would say that with this work completed there would be a decided increase in the production of various commodities to which now only indifferent attention is being given.

Mr. Chairman, in a preceding part of this argument, I have referred to our waterways as regulators of freight rates. The improvement of the Cumberland River, incomplete as it is, furnishes a striking evidence of the truth of this assertion. The river is paralleled by the Tennessee Central Railroad from Clarksville to Nashville, a distance of 65 miles, and thence to Carthage, a distance of 116 miles. Major Harts, the district engineer, in his latest report, says:

It is reported that the Tennessee Central Railroad, which parallels the Cumberland River from Nashville to Clarksville, had rates in force before the completion of Lock and Dam A of from 18 to 26 cents per 100 pounds, and since this lock was put in operation these rates have been reduced above the lock to from 6 to 12 cents per 100 pounds.

The quantity of grain handled by the local steamboats has increased considerably since the completion of Lock A, and a new line of steamboats, the Tyner Line, has been operating during the boating season.

It appears from reliable information that the cost of transporting grain by river to Nashville is about 8 cents per 100 pounds from points below Evansville on the Ohio River, while it is 15 cents per 100 pounds by way of river to Henderson or Uniontown, Ky., and thence by rail to Nashville, or a saving of about 7 cents per 100 pounds by all-river transportation. Within the past year freight rates by rail have advanced 12½ to 20 per cent on every class of merchandise going south out of Nashville, while into Nashville it appears that the tariff has not been advanced. There is little doubt that the competition offered by the Cumberland River even in its present condition, is the cause of the favorable rates into Nashville.

I call attention to the following extracts from a letter written recently by Mr. Isaac T. Rhea, a prominent citizen and grain merchant of Nashville and the president of the St. Louis and Tennessee River Packet Company. Mr. Rhea says:

The one lock that has already been constructed in the lower Cumberland (Lock A) has been a great benefit to the commerce of the river, and it has increased the movement of grain particularly to a large extent. I have brought a number of heavy cargoes of grain from the Ohio River without encountering difficulty at Harpeth Shoals, the location of the lock. Other parties have also had large cargoes. I have brought double the quantity that I was ever able to bring for many years prior to the construction of the lock.

Nashville for many years, because of its location on the Cumberland and on the Nashville and Chattanooga road, leading to the southeast, has been an important gateway for the corn produced on the Ohio and

Wabash rivers. In the early period of Nashville's history as a grain market, Kansas and Nebraska, as well as Iowa, were unknown, except as the "Far West." There was then no grain market at either Cincinnati, Louisville, or Evansville, those cities being off the line of communication to the Southeast. The Cincinnati Southern Railroad and its connections had not been built. The Louisville and Nashville Railroad operated only from Louisville to Nashville. It had not extended its lines to St. Louis or to Cincinnati. There were no bridges across the Ohio River, and the gauges of the railroads north and south of the Ohio River were different, and these conditions presented obstacles to Louisville, Evansville, and Cincinnati becoming primary grain markets.

Under these circumstances the immense quantity of grain and farm products of the Wabash, Ohio, and Mississippi River valleys naturally moved via the Cumberland River to Nashville, where they could be transferred to the line of the Nashville and Chattanooga Railroad and connections for the Southeast; and later on the river traffic was sent south from Nashville over the Nashville and Decatur and South and North Alabama railroads to Montgomery and New Orleans territory. Nashville thus early became an important primary grain market as the result of being located upon the Cumberland, and many firms were located there engaged in the grain business. The business has increased, and to-day there are in all about 50 firms at Nashville engaged in the grain business.

Grain from the Ohio and Wabash valleys still moves through Nashville. When the Cumberland River is up, this grain can be transported to Nashville at from 7 to 8 cents per 100 pounds; but when the Cumberland is not navigable it costs 15 cents per 100 to get grain from the same river landings to Nashville. I have for forty years been familiar with this grain movement, and have bought more grain on the Ohio River than any two men now living. I pay from 3 to 4 cents per bushel more for corn when I can bring it here by Cumberland River than when I have to use the railroad. To illustrate:

When the Cumberland River is low it costs 5 cents per 100 to transport the grain on an Ohio River boat to a rail crossing; then it costs 10 cents per 100 pounds by rail from such crossing to Nashville. This excess of freight naturally comes out of the producer. This demonstrates that people living along the Ohio, Wabash, and Mississippi rivers are really more vitally interested in the improvement of the Cumberland River than are the inhabitants themselves of the region along the Cumberland.

Similar advantages would accrue to all manufactured products from Pittsburg to the mouth of the Ohio if navigation were reliable.

Capt. T. M. Gallagher, who has been for many years prominently identified with transportation on both the lower and upper Cumberland, and who has an intimate knowledge of the conditions and needs of the river, gained from actual experience as well as intelligent observation, says:

Between Nashville and Clarksville, Tenn., the Cumberland River on its north bank is paralleled by the Tennessee Central Railroad, and the effect of the competition between the railroad and the river has been to establish very low rates. For instance, between Nashville and Ashland City the rate on general merchandise was, prior to the construction of the Tennessee Central Railroad, 10 cents per 100 pounds; but, as a result of the efforts of the railroad to secure the business from the river, the rate has been reduced to 5 cents per 100 pounds. The reduction in rates on traffic moving between Nashville and Clarksville has been in about the same proportion and is attributable to the same cause.

The effect of the competition between the Tennessee Central Railroad and the river for business between Nashville and Carthage has been to reduce the rate on general merchandise from 20 cents to 10 cents per 100 pounds.

With the exception of Hartsville, Carthage, and Burnside, the entire 325 miles of river landings above Nashville are dependent wholly upon river transportation; and, on an average, a haul of from 18 to 30 miles would be required from upper Cumberland landings to get to the nearest railroad, and these hauls would have to be by wagon through a mountainous country.

He also says that—

All of the counties between Nashville and Burnside are large producers of forest products, including lumber, logs, staves, ties, hoop poles, spokes, and handles. The whole country is full of portable sawmills, and the production is simply enormous. The movement of this traffic is absolutely dependent upon river transportation, and the season is scarcely long enough to move the traffic, even though it be moved with the greatest expedition. Not only does the low stage of water prevent the navigation of the river by boats, but it also prevents the rafting of logs. Owing to the tremendous weight of the timber products it would be unprofitable to attempt to haul them through the mountainous country above Nashville to the nearest railroad stations, and consequently their transportation has to await the stage of the river.

Mr. George Doubleday, of Nashville, general manager of the Ryman Line of steamboats, which operates on the lower Cumberland River, says:

Since the construction of Lock A the loading of the boats in the lower Cumberland is determined by the condition of the water between Clarksville and Lock A, the difficulty at Harpeth Shoals having been entirely obviated. Since the construction of Lock A we have been enabled to bring full trips to Nashville, frequently through the month of June. We are still, however, compelled to reduce our tonnage fully one-third toward the middle or latter part of June on account of the conditions below Lock A, and two or three weeks after the first reduction another reduction of one-third follows, until the tonnage becomes so light that the boat can not operate at a profit.

If the two projected locks were constructed at Brush Creek and at Palmyra, as located, we would be able to run ten months in an average year, and in exceptionally favorable years we would be able to run the year round at a profit.

I have quoted from these gentlemen, Mr. Chairman, because the conclusions reached by them are the result of a careful study of navigation conditions on the river, brought about by their long identification with its interests, and because I am satisfied that, for the reasons stated, their views are of such importance as to deserve the careful consideration of Congress. May we not, with all confidence, expect greater results, benefiting a much larger territory and greater number of people, if the remaining five locks on the lower Cumberland River are undertaken and speedily completed and an outlet to the Ohio River secured for every month in the year?

Mr. Chairman, there should be no longer any hesitation on the part of Congress to make the necessary appropriations for the improvement of the lower Cumberland River. The work has been already too long delayed. The great natural resources of that section, its fertile soil and varied crops, the products of its manufactories, and its great commercial advantages justify the comparatively small appropriations, which will be required to make that portion of the river navigable all the year round. It is settled, sir, by an intelligent, loyal, and liberty-loving people. They are the worthy descendants and successors of those brave and daring pioneers, who, more than one hundred years ago, left their peaceful homes and, crossing the Cumberland Mountains, penetrated the rich wilderness of what was then the "Far West," finally planting the standard of civilization on the banks of the Cumberland, where the city of Nashville is now located. Since that time, there has been no call of duty to which they have not quickly responded. During the early years of this Republic, when a powerful foreign foe landed upon her shores, this section of the country furnished the commander in chief and the brave riflemen, who marched more than 1,000 miles, and gave to the world an example of American valor and prowess by administering a crushing defeat to the enemy. No less loyal and useful in peace than in war they have devoted themselves to the upbuilding and development of this section until, as a result of their labor and their energy, it now truly blossoms like the rose. [Applause.]

Mr. SPARKMAN. Mr. Chairman, I yield to the gentleman from New York [Mr. LAW].

Mr. LAW. Mr. Chairman, I desire to avail myself of the privilege accorded me to insert in the CONGRESSIONAL RECORD a statement of the genesis, history, and status of the project to create a harbor in Jamaica Bay, New York, for which the river and harbor bill, now up for consideration in the House, provides an appropriation of $250,500. I wish to dispel, if I can, the erroneous impression that seems to have prevailed on the part of some that the project is not for the immediate future, but for coming generations. I expect to be able to show to the satisfaction of those interested in the matter that if this project receives the support and cooperation of the city of New York to which it is entitled and upon which its success depends, there is no practical reason that can be assigned why work can not be actually commenced in the year 1910.

It is perhaps pertinent at this point to say a few words concerning the physical characteristics of Jamaica Bay and its geographical relation to the city of New York. The bay measures about 6 miles east and west and about 4 miles north and south. It is connected with the ocean by Rockaway Inlet and constitutes a perfectly sheltered harbor. It has a water surface of approximately 25 square miles, with an entrance less than half a mile wide. Its waters are generally shallow, but penetrated by natural channels radiating from the entrance toward various points on the shore. The expense of necessary dredging will be at a minimum, because the material to be dredged will be principally sand and gravel and some clay. The reports of the United States Geological Survey show that no rock is to be encountered. The entrance to the bay is about 7 miles east of the Narrows, and is readily accessible either from the ocean or from New York Bay.

The New York connecting railroad skirts the shores of the bay and will connect with the Pennsylvania Railroad to the west and with the New York, New Haven and Hartford and the New York Central railroads to the north and east. The bay occupies the southeastern portion of Greater New York and comprises more than one-fourth of the combined areas of the boroughs of Brooklyn and Queens. It is surrounded by a vast territory of unimproved land and marsh land, which can be acquired by the city of New York and reclaimed by the dredged material from the channels proposed to be constructed. According to the estimate of Hon. Edward M. Grout, former comptroller of the city of New York, at least 16,000 acres of valuable land can be made by the city of New York, the value of which will be greater than the total cost of the improvement to the city. It is important at this point that we consider the facts and circumstances making necessary further development and extension of the New York water front. An absolute need of increased water front and dockage facilities in and about the shores of New York has arisen, caused by the marvelous growth of that city during the past few years and the tremendous increase in the commerce of its port. According to the reports of the census taken in the year 1890, the present city of New York

then had a population of 2,507,414. The census taken in the year 1900 shows a net increase of population during the ten years from 1890 to 1900 of 928,788. In ten years' time this city added to its population more residents than were in the year 1900 to be found in any other city in the United States, save Chicago and Philadelphia. The report of the New York state census taken in 1905, shows a total population for the city of New York in that year of 4,013,781, or a net increase of 576,579 over the population of 1900. Again, in five years this city has added to its population more residents than in the year 1900 were to be found in any other city of the United States, save Chicago and Philadelphia.

The increase in commerce of the port of New York has kept pace with its tremendous strides in population. During the thirty years between 1875 and 1905 the value of the imports and exports entered and cleared at the port of New York practically doubled, while the tonnage in foreign trade alone increased at a still greater rate. The total value of manufactured products in New York and Brooklyn in 1905 showed a net increase since the year 1880 of more than 100 per cent. In his report to the Chief of Engineers, United States Army, Col. John G. D. Knight, who had in charge the government surveys of Jamaica Bay, in discussing the future tonnage at the port of New York reaches his conclusions, after exhaustive study, in the following language:

We can say that this tonnage will greatly increase and that it is thought that in ten years available water front for wharfage around Manhattan and in upper New York Bay will be exhausted. Provision for additional frontage must be made, which provision should be on New York Bay, if practicable, and Jamaica Bay affords the only site for such addition.

It was only five years ago that this scheme to create a harbor in Jamaica Bay was regarded by the vast majority of people as a mere dream, so far as the present generation is concerned. It was generally believed that if the thing was done, it would be in the far distant future and for the use of future generations, and yet it has happened that during that five years' period of time such practical progress has been made that now the initial appropriation of $250,500 to commence actual work is being made by Congress, and it is confidently believed that the city of New York will shortly make its initial appropriation of $1,000,000 for the same purpose.

I believe that the people of Brooklyn will be interested to know the steps by which this progress has been achieved and the practical ideas that have prevailed in bringing about the result, and the purpose of this statement is mainly to give a concise history of the improvement.

After a most painstaking study and investigation of the subject I became convinced that the primary condition of success rested in a plan of cooperation as between the United States Government and the city of New York. The reason for the necessity of such cooperation will be apparent upon considering the practical situation. It was obvious that the United States would not expend vast sums of money in dredging channels unless the General Government could be assured that the city of New York would construct the docks and other appurtenances necessary to make said channels available for commerce. On the other hand, the city of New York would not, of course, construct such docks and piers without assurance that the United States would dredge the channels necessary to make them available for use. Hence was the absolute necessity of providing for a cooperative plan. Accordingly, in the winter of 1907 there was inserted in the rivers and harbors act of that year a provision directing the Secretary of War to cause a preliminary examination or survey to be made of—

The waters of Jamaica Bay, including entrance to said bay at Rockaway Inlet and those waters having their outlet in Dead Horse Inlet, with a view to framing a plan for their improvement and recommending the order of such improvement, with the cost thereof, and to recommend the proportion of such cost to be borne by the city of New York; and the Secretary of War is hereby requested to confer and cooperate with the commissioner of docks and ferries of the city of New York, or with any other duly authorized agents, officers, or representatives of the city of New York, and with any commission of engineers appointed, or who shall hereafter be appointed, to survey or examine said bay, and to recommend to the city of New York plans for the improvement of said Jamaica Bay or the lands in and about said bay.

After drafting this provision, and before it was submitted to the Committee on Rivers and Harbors of the House of Representatives, I submitted a copy of the draft to the members of the Jamaica Bay Improvement Commission, to which I shall make further reference hereafter, and in turn, accompanied by two members of this commission, I called upon Mayor McClellan, of New York, and submitted it to him for his approval. At the close of this interview the mayor heartily approved the provision, but expressed doubt as to the possibility of getting it enacted into law. It was, however, incorporated in the rivers and harbors bill which was passed and approved by the President March 2, 1907.

It is unquestionably true that the genesis of the movement, so far as definite and practical effect is concerned, is found in a communication on the subject addressed to the commissioners of the sinking fund of the city of New York, dated March 17, 1905, by Hon. Edward M. Grout, then comptroller of the city of New York. The plans now under consideration for the improvement of Jamaica Bay follow the general recommendations contained in Mr. Grout's communication to rather a remarkable degree. Mr. Grout's communication closes with the following recommendation:

I therefore request your consideration of the appointment of a commission to recommend plans for the development of the water front of the city outside of Manhattan Island, and especially of the development of Jamaica Bay.

Following the recommendation of Mr. Grout, the board of estimate and apportionment of the city of New York on March 2, 1906, passed a resolution authorizing the appointment by the mayor of a commission of engineers for the purpose of reporting upon the general improvement and development of Jamaica Bay in the boroughs of Brooklyn and Queens, and also upon the condition of the water front of the city of New York other than that of Manhattan Island. Pursuant to this resolution, on April 26, 1906, the mayor appointed Philip P. Farley, William G. Ford, and John J. McLaughlin to compose the Jamaica Bay improvement commission. On May 31, 1907, the said commission submitted to the board of estimate and apportionment of the city of New York a majority report signed by Mr. Farley and Mr. McLaughlin, and a minority report signed by Mr. Ford. These reports were made prior to any conferences with the Secretary of War, as provided in the said provision of the rivers and harbors act of March 2, 1907. The majority report recommended a plan estimated to cost approximately $14,000,000; the minority report recommended a more elaborate plan, estimated to cost approximately $47,000,000. These reports were based largely upon the assumption that the city of New York would make the improvement without federal aid, and have since been superseded by the reports of the same commission, submitted December 27, 1909. The life of the Jamaica Bay improvement commission expired by limitation on June 1, 1907. Immediately thereafter and under date of June 5, 1907, I addressed the following communication to the mayor of the city of New York:

Hon. GEORGE B. MCCLELLAN,
Mayor of the City of New York, Borough Hall, New York.

MY DEAR MR. MAYOR: You will probably remember that in the month of January I called upon you in company with Mr. William G. Ford, a member of the commission of engineers appointed by you on behalf of the city, to investigate the project for the improvement of Jamaica Bay, and at that time submitted to you a proposed provision to be inserted in the river and harbor bill, providing for a general survey of Jamaica Bay in cooperation with the city's commission of engineers, with a view to framing a plan to be carried out jointly by the city and the Federal Government. That provision was approved by you and was incorporated in the river and harbor bill. I inclose herewith a copy of said bill. Said provision will be found on page 47.

I am informed that the city's commission of engineers has submitted its report to the board of estimate and apportionment, making proper reference therein to said provision of the river and harbor bill.

I am also informed that the life of the city's commission of engineers expired on June 1 and that no provision has been made for the extension of the life of said commission for the purpose of cooperation and conference with the government engineers. If the life of the commission is extended or renewed, I believe there is no doubt that a joint plan can be agreed upon and that the Federal Government will be prepared to bear a considerable portion of the expense. If the city's commission is not continued in existence, and the government engineers are not afforded the opportunity to confer with a commission representing the city, an adverse report on the proposed survey will probably follow, and I believe that will mean a very decided setback to the proposed plans.

I am informed that the proposed report of the city's commission will come up for consideration before the board of estimate and apportionment at its meeting on Friday of the present week, and I believe a statement of the situation should be in your hands prior to that date.

Unfortunately, it is impossible for me to call upon you personally before Friday, but I shall try to do so the early part of next week. I should have called this matter to your attention before, but I was led to believe that the life of the city's commission would be extended to July 1 by act of the board of estimate and apportionment. This appears not to have been done.

Yours, very truly,
CHARLES B. LAW.

The mayor submitted the above communication to the board of estimate and apportionment at its regular meeting on June 7, 1907, and, pursuant to a resolution then passed by the board, the said commission was reappointed, and to its original duties was added that of conferring with the Secretary of War relative to the survey or examination of Jamaica Bay and to recommend plans for the improvement thereof. It fell to Col. John G. D. Knight, Corps of Engineers, United States Army, who was then district engineer in charge at New York, to represent the Secretary of War in the conferences with the Jamaica Bay improvement commission, which began immediately after the

reappointment of the commission in June, 1907, and continued up to the early part of the year 1909. In view of the results that have followed, I take a natural pride in the fact that it was my privilege to present the commission to the district engineer, the representative of the Secretary of War, and to inform him that the city of New York had clothed the commission with power to represent it in the conferences that were to follow. The conferences were had mainly with a view to agreeing upon the location of a principal channel, but also relative to distributing secondary channels through the collection of islands lying in the central portion of Jamaica Bay.

When a general plan for the improvement and the location of channels had been tentatively agreed upon, the actual surveys were commenced by the army engineers in the spring of 1908, and were finally completed late in the fall of that year. Under date of January 30, 1909, the district engineer submitted his report, based upon the general agreement between him and the Jamaica Bay Improvement Commission, as a result of the conferences to which I have alluded. The joint plan embraced an entrance channel at Rockaway Inlet with a first depth of 18 feet and width of 500 feet, and a main interior channel extending from the southeast corner of Barren Island northerly and easterly, skirting the westerly and northerly shores of Jamaica Bay, to Cornells Creek, in Queens County, with a first depth and width to be the same as that of the entrance channel. As the needs of commerce may require, both the entrance and interior main channels are to be deepened to 30 feet. The entrance channel is to have an ultimate width of 1,500 feet and the interior channel 1,000 feet.

The joint plan of improvement contemplates the use of the material dredged from the main interior channel to fill in behind the city's bulkhead, the purpose being to make valuable land for the city of New York and to save the enormous expense that would be involved in taking the dredged material out to sea. In this connection arises one of the most striking and ingenious features of the report of Colonel Knight to the War Department recommending that the dredging of the main channel be required of the city of New York, and that the city be reimbursed therefor at the rate of 10 cents per cubic yard, which is the cost of dredging the main channel as estimated by the majority of the Jamaica Bay Improvement Commission. The purpose of this recommendation was to avoid complications on the part of the city of New York with government contractors, as such complications would be sure to arise if an attempt were made to coordinate areas of dredging with areas of fill at varying distances each class from the other, the areas of dredging to be indicated by the Government and the areas of fill to depend upon the construction of embankments or bulkheads by the city.

The report of Colonel Knight, submitted to the Chief of Engineers on January 30, 1909, was forthwith transmitted to the board of engineers for rivers and harbors at Washington. It contemplated an expenditure of $8,610,050 by the Government. It was considered at length and in detail at two sessions of the said board. On February 16, or thereabouts, I learned that the board contemplated reducing the allowance to the city of New York for the dredging of the main interior channel to 5 cents per cubic yard. This would have meant a loss to the city of New York of approximately $3,000,000. I also learned that in accordance with the custom of the board not to make substantial changes in a report of a district engineer without giving parties interested an opportunity to be heard, the secretary of the board had been instructed to communicate with the mayor of the city of New York, notifying him that a hearing would be given on March 2, 1909. This would have made it impossible to secure any legislation at that session of Congress, which would adjourn on March 4, or only two days later. Fortunately the letter had not been mailed, and I succeeded in having the date of the hearing changed to February 23. Having secured this change of date, I immediately went to New York and conferred with city officials.

The result was that at the hearing on February 23 the mayor was officially represented by Mr. Nelson P. Lewis, chief engineer of the Board of Estimate and Apportionment, and the Jamaica Bay Improvement Commission was represented by Mr. William G. Ford. The result of the very effective arguments offered by Mr. Lewis and Mr. Ford was that a compromise at 8 cents per cubic yard was reached and a saving to the city of New York of $1,770,000 was effected. As modified by the Board of Engineers for Rivers and Harbors the report of the War Department recommends that the Federal Government shall ultimately expend upon the project $7,430,050.

The rivers and harbors bill of that session of Congress (1907) had already passed the House, and the last meeting of the Committee on Commerce of the Senate for the consideration of the bill was held February 24. The report of the Board of Engineers for Rivers and Harbors was not available for inspection until the morning of that day. However, after inspection of the report, I was fortunate enough to secure a hearing before the Senate committee, and succeeded in persuading them to adopt the following amendment, which was inserted in the rivers and harbors bill of that year:

> The Secretary of War is hereby directed to report, as soon as he is satisfied that the city of New York is prepared to undertake the work to be done by it preliminary to or contemporaneous with any dredging to be done by the United States Government, as recommended in the report and plan of the Secretary of War transmitted under date of February 25, 1909, for the improvement of Jamaica Bay, New York, and its entrance at Rockaway Inlet and Dead Horse Inlet.

The present appropriation of $250,500 is based upon the following recommendation contained in the report of the Board of Engineers for Rivers and Harbors:

> The board further recommends that the 18-foot entrance channel should not be dredged until the Secretary of War is satisfied that the city of New York is prepared to undertake its part of the general plan of improvement outlined above. The estimated cost of this channel for first development of 18 feet is $250,500, and this is the amount of the first appropriation necessary under the conditions cited.

Immediately after the passage of the river and harbor act of March 3, 1909, the field of activity shifted to the state capitol at Albany. From time immemorial there had existed a sharp dispute between the State and the city of New York as to the ownership of lands under water in Jamaica Bay. Obviously the city of New York could not safely proceed with the dredging of the main interior channel and with the expenditure of millions of dollars in the improvement until it had absolute and undisputed title to the lands under water in Jamaica Bay. The settlement of this title had been under consideration for a dozen years by the corporation counsel, and litigation in one form or another had been in progress for at least five years. It was conceded that the question of the title could not, or would not, be settled through litigation in the courts for many years yet to come. This meant the indefinite postponement of the improvement. Accordingly, Mr. William G. Ford, of the Jamaica Bay Improvement Commission, drafted a measure to be introduced in the state legislature, by which all the right, title, and interest of the State in and to lands under water in Jamaica Bay would be ceded to the city of New York. I went to Albany with Mr. Ford, and together we succeeded in putting the measure in such shape as to satisfy the state land office and the attorney-general. In its final shape it ceded the said lands under water to the city of New York for the purpose of creating a harbor, but further provided that the grant should become operative upon the Government making its first appropriation for the creation of the new harbor, or upon the city of New York appropriating and setting aside a sum not less than $1,000,000 for the same purpose. The bill was introduced in the assembly by Assemblyman Isaac Sargent, whose name it bears, and in the senate by Senator Charles Alt. The bill was passed with comparative ease in the assembly, but in the senate great difficulty was experienced because of the constant interference of private interests owning upland about Jamaica Bay and who wanted to get grants of land under water in front of their upland property. Amendments were twice injected into the bill in this manner. These amendments were not of themselves serious in their character, as they constituted only slight exceptions to the operation of the bill, but they were serious in obstructing the passage of the bill.

The last amendment was thus injected into the bill on Tuesday of the last week of the session. As the legislature adjourned on Friday and the reprinted bill had to lie on the desks three legislative days before passage, unless the governor interfered with an emergency message, it seemed at that time unlikely that the bill would succeed. However, on the following day we appealed to Governor Hughes for his assistance. An emergency message from Governor Hughes certifying to the public importance of the bill and to the necessity of its immediate consideration by the legislature resulted in its passage that day by the senate and the adoption of the senate amendments by the assembly. The bill was thereafter returned to Governor Hughes by Mayor McClellan with his approval. It was for a time contended that the bill had not been returned by the mayor within the constitutional limit of time. This view was, however, overruled by the attorney-general, and on May 28, 1909, the governor summoned all parties interested in the bill to a public hearing on the afternoon of that day. A considerable number of private concerns owning upland about Jamaica Bay appeared by attorneys and otherwise in opposition to the bill, on the ground that they had not made application to the land office for grants of land under water in front of their upland property and that the bill would prevent their securing such grants. Those of us who had been responsible for the

introduction and passage of the bill conceded that the effect of it would be to prevent such grants to private interests, and that one of the main purposes of the bill was to prevent exactly that sort of thing and to save to the city of New York the enormous expense that would be involved in regaining title to such lands for general commercial purposes. We contended that the rights of the upland owners to access by water was subject and subordinate to the general purposes of commerce. This view prevailed, and on the following day, May 29, 1909, Governor Hughes approved the bill with the following memorandum:

STATE OF NEW YORK,
EXECUTIVE CHAMBER,
Albany, May 29, 1909.

Memorandum filed with assembly bill No. 2354 (senate reprint, No. 1633) entitled "An act to grant to the city of New York certain lands under water in Jamaica Bay and vicinity."

Approved.

This bill bears the indorsement of the clerk of the assembly that it was transmitted to the mayor of the city of New York on May 1, 1909. It was received by me, on its return, on May 17, 1909. I am informed by the mayor that the bill was actually delivered to him on May 3, 1909. Under the opinion of the attorney-general that the time for its return is to be computed from the date of such delivery, I have acted upon the bill. The certificate attached to the bill does not show the assent of two-thirds of the members elected to each branch of the legislature. But I am advised that such assent was, in fact, given and is shown by the record of both houses.

This bill is designed to enable the city of New York to cooperate with the Federal Government in the creation of a new harbor in and about Jamaica Bay, including the making of channels, basins, slips, and other necessary adjuncts, and, as the bill recites, to secure "the advancement of the commercial interests of the city, State, and Nation." For this purpose the grant is made to the city of New York of such right, title, and interest as the State of New York may have in and to the land under water in Jamaica Bay and Rockaway Inlet and the tributaries thereto, as stated. The bill provides that the grant "shall become operative upon the United States Government making its first appropriation for the creation of the new harbor mentioned in this act or upon the city of New York appropriating and setting aside a sum of not less than $1,000,000 for the same purpose."

It is of manifest importance that provision be made for the proper protection of the public interest in and about the waters of New York, and that the necessary and important developments of the future should not be retarded or made more expensive to the community by failure at this time to take suitable steps to safeguard the public right. It may be regretted that the bill contains any exception to its operation. But this is not a reason for its disapproval, for further delay will permit still more numerous exceptions and detract from the public opportunity which should be provided.

CHARLES E. HUGHES.

Mr. Ford and I had spent about three weeks at Albany in securing passage of this measure, and its final approval by the governor of the State removed one of the most serious obstacles in the way of prosecuting the project. I believe few have realized the importance of this measure and the strenuous character of the fight that was waged for its enactment.

The report of the War Department, heretofore referred to in detail, was submitted to Congress on February 26, 1909. This report was based upon a general agreement or understanding between Colonel Knight, the district engineer, and the Jamaica Bay Improvement Commission as a result of the long-continued conferences to which I have heretofore alluded. The substance of this understanding was that the Federal Government should dredge the entrance channel and should reimburse the city to the extent of 8 cents per cubic yard for the dredging of the main interior channel.

It will thus be seen that the General Government exercises no jurisdiction in connection with this improvement inside the bulkhead line, as determined tentatively by the United States district engineer and the Jamaica Bay Improvement Commission. What should be done inside and from this bulkhead line in the way of construction of docks and piers and auxiliary basins or the reclamation of land was left to the city of New York, subject only to the recommendation that the 18-foot entrance channel should not be dredged until the Secretary of War was satisfied that the city of New York was prepared to undertake its part of the joint plan of improvement. It will thus be seen that the report of the Government's district engineer, approved by the Secretary of War and submitted to Congress on February 26, 1909, subject to the changes I have indicated as to the amount to be allowed for the dredging of the main interior channel, was a report concerning the part of the joint plan of the improvement to be undertaken by the General Government outside the bulkhead line, leaving the Jamaica Bay Improvement Commission to report to the city of New York what it should do inside and from the bulkhead line in the way of carrying out the joint plan of the improvement.

The report of the district engineer and the Secretary of War as to the part of the improvement to be undertaken by the General Government having been made as a result of the aforesaid conferences, it was then plainly in order, in pursuance of said general arrangement, for the Jamaica Bay Improvement Commission to report to the city of New York recommending plans for improvement inside and from the bulkhead line, and the cost thereof.

Accordingly, during the early part of the summer of 1909 the Jamaica Bay Improvement Commission recommended that the city of New York should appropriate $75,000, to be used for expenses of the commission, including the prosecution of field work in Jamaica Bay necessary to determine with precision the location of the harbor lines agreed upon tentatively between the city of New York and the United States Government, theretofore shown graphically only, the determination of quantities involved in the excavation, the filling in of the lands, building of bulkheads, and in acquiring the other necessary data upon which to base a more definite report. The appropriation was promptly made by the board of estimate and apportionment and confirmed by the board of aldermen. The work went steadily on during the summer and fall of 1909, and on December 27, 1909, the commission again submitted a majority report signed by Mr. Farley and Mr. McLaughlin and a minority report signed by Mr. Ford. Both reports are favorable to the plan of cooperation with the United States Government, but differ materially as to scope and detail. I think the main points of difference in the reports can be best stated in parallel form, as follows:

Recommendations as to procedure for the near future:

FORD REPORT.	FARLEY-M'LAUGHLIN REPORT.
1. Creating preliminary 18-foot main channel throughout entire length, giving the Borough of Queens access to the sea as well as the Borough of Brooklyn.	1. Creating preliminary 18-foot main channel only part of the way, to the exclusion of the Borough of Queens.
2. Disapproves the selection in advance and consequent advertisement of one spot in the bay, to the exclusion of all others, for high-class development at the expense of the city prior to the purchase of the adjacent lands at a fair but not exorbitant price.	2. Select at this time for future high development at the expense of the city one particular spot in the bay to the exclusion of all others, no part of which is owned by the city.
3. The connection of the 18-foot main channel with the entire adjacent shore front after having developed for commercial enterprises some spot or spots to be selected hereafter.	3. Silent as to this.

The difference in cost to the city for dredging the 4 miles of the preliminary 18-foot channel beyond where Messrs. Farley and McLaughlin would stop it would amount to about $150,000 and would give Queens Borough an outlet.

While it may be regarded as my duty to confine my official activity mainly to the federal end of this enterprise, nevertheless, as a citizen of Brooklyn, I certainly am entitled to take an interest in the city's plans in meeting the Federal Government, the same as I took an active part and interest as a citizen in the Sargent bill at Albany, and I do not hesitate to say that while both reports are commendable in character, I believe it would be a serious error to select in advance any one locality in the bay for high-class development until the city has acquired the lowlands about the bay which will be required for the purposes of the improvement. I think that the selection of such locality or localities for special development before the city has acquired such lands would result in unnecessary expense to the city. I am also of the opinion that Queens County should not be left out of account, and that the 18-foot main interior channel should be carried around to Cornells Creek in Queens County. The city is dealing with a big project, and while proceeding with caution and due regard for reasonable economy, it should remember that the money devoted to this project is an investment for the city rather than an expenditure. I am very much gratified to learn that the board of estimate and apportionment of the city of New York is now unanimous in favor of appropriating a large sum of money to start this splendid work of public improvement.

Thus it appears that after five years of persistent effort the success of the plan to create a harbor in Jamaica Bay is assured by the certainty of large appropriations by the Federal Government and the city of New York, respectively, to carry out a cooperative plan.

As I look back upon the history of the unusual events that have culminated in the practical success that is now assured, I am disposed to think that while obstacles have been encountered at almost every step of the way, the greatest difficulties of all were encountered in getting the thing started. When I first took my seat in Congress in December, 1905, I found that few, if any, of the members of the Committee on Rivers and Harbors of the House had ever heard the name of Jamaica Bay. At the very start I had numerous talks with the distinguished chairman of that committee, and tried by all conceivable means to get him interested in the matter. I finally decided that the

only way in which I could impress the Rivers and Harbors Committee was to secure a hearing for a delegation of public-spirited citizens from Brooklyn, who were blessed with enough of the spirit of optimism to believe the thing to be a possibility. The hearing was arranged during the winter, and Brooklyn responded in a manner I shall never forget. To the men who took part in these early efforts at Washington the greatest credit is due. Among them were such men as Henry A. Meyer, Adolph Kiendl, John R. Corbin, John B. Creighton, Terrence F. Curley, John O'Connor, Elwin S. Piper, and a number of others whose names I do not now recall. The committee had limited us in advance to one-half hour's time. So earnest, however, were the pleas of the men who came down from Brooklyn and so impressive were their arguments that nearly two hours' time was readily conceded and consumed. Although there was no regular river and harbor bill at that session, the result of these hearings was the passage of a special bill providing for a survey with a view to estimating the cost of dredging the Coney Island channel to a depth of 20 feet and a width of 600 feet, and with a view to estimating the cost of an entrance channel into Jamaica Bay with the same depth and width. This was only one of two bills reported out of the Rivers and Harbors Committee that year.

The result of the survey thus authorized was the subsequent appropriation of $188,300 for the Coney Island channel. The report on the survey for the entrance channel to Jamaica Bay was adverse in its character, mainly on the ground that the cost was found to be excessive when disconnected with any plan for the improvement of the interior of the bay. The subsequent survey for both entrance and interior channels provided for in the river and harbor act of 1907 overcame the setback that was experienced with reference to the 1906 survey for the entrance channel. There is no doubt whatever now that success was dependent upon uniting the plan for the improvement of the entrance channel with the plan for the improvement of the interior of the bay.

It may also here be remarked that the one important result of the hearings before the Rivers and Harbors Committee during the winter of 1905 to 1906 was that the chairman of the committee, Hon. THEODORE E. BURTON, now United States Senator from the State of Ohio, became sufficiently interested in the claims made, so that in the summer of 1906, upon my invitation and the invitation of the men I have above referred to, he came to Brooklyn and made a thorough personal inspection of Jamaica Bay. I believe that Mr. BURTON'S personal inspection of the bay was a matter of the greatest importance in subsequent events.

It may perhaps, in conclusion, be pertinent to say that next to the matter of making the start the greatest difficulty that has been encountered has been the spirit of pessimism, or, at least, the lack of optimism, that was for so long a time so widely prevalent. The optimists are now in the vast majority, but during most of the past five years they have been in a strange minority. In this connection, I desire to emphasize the fact that if we people of Brooklyn desire to see the ultimate achievement of this project, that means so much to her future and to the coming greatness of our borough, as well as of our city, we must have an abiding faith and confidence in the possibilities that are plainly in sight and an abiding faith and confidence in our ability to achieve success. [Applause.]

Mr. SPARKMAN. Now, Mr. Chairman, I yield the balance of my time to the gentleman from Alabama [Mr. BURNETT].

[Mr. BURNETT addressed the committee. See Appendix.]

[Mr. SMALL addressed the committee. See Appendix.]

Mr. GOEBEL. Mr. Chairman, while I have at all times advocated the improvement of our rivers and harbors, I am particularly concerned in the improvement of the Ohio River. The district which I represent borders on that river. In part I represent the great Ohio Valley, directly affected by the permanent improvement of the Ohio River. It is with great pleasure and satisfaction that I welcome this bill to the House. I am inclined to believe that the fond hopes of that magnificent organization, the Ohio Valley Improvement Association, and of all the people of the Ohio Valley will be realized. Congress is to enter upon a new policy regarding our waterways. Unbusinesslike methods and wasteful expenditures are to be disregarded and avoided. Projects which have the approval of the engineers are to be provided for until their final completion, and we are to return to the old custom of making annual river and harbor appropriations, so that projects entered upon may not be delayed for want of an appropriation. Work is to be pushed to a final completion within a given time. At last the committee has realized that biennial and triennial appropriation bills are not conducive to good legislation, but wasteful of the public funds.

Mr. Chairman, there prevails to-day in our broad land a very strong, healthy sentiment in favor of improving our national waterways. This has been crystallized more and more by conditions that have arisen which make it absolutely essential that Congress take up this great problem and provide the means. It is strange to relate now that in the early history of the country it was seriously contended that Congress did not have the power to appropriate for improvements of rivers and harbors. But that question has long been settled. Yet opposition prevailed up to 1882, when many Members of Congress went down to defeat at the following election for their support of a river and harbor bill. This opposition was still manifest in 1896, when President Cleveland returned a river and harbor bill. It was notice to the Congress that such bills were not favored by the administration nor supported by public sentiment, and they came into the House with less frequency. Of necessity the amounts carried were large, and far in excess of what might have been fairly and justly appropriated for in an annual bill. Many worthy projects were omitted for lack of funds. Uncompleted works entailed a larger expense, not alone in their preservation, but at the final completion.

Mr. Chairman, I hope the time will never come again when the present sentiment of our people shall be the reverse and Congress drift into that unbusinesslike and wasteful habit, but that we will go on in an orderly manner under a well-considered policy that will assure the conservation of our inland waterways. In regard to the latter, President Taft in no uncertain words has undertaken to speak to the Congress. On January 14 last, in his message, he said:

> I come now to the improvement of the inland waterways. He would be blind, indeed, who did not realize that the people of the entire West, and especially those of the Mississippi Valley, have been aroused to the need there is for the improvement of our inland waterways. The Mississippi River, with the Missouri on the one hand and the Ohio on the other, would seem to offer a great natural means of interstate transportation and traffic. How far, if properly improved, they would relieve the railroads or supplement them in respect to the bulkier and cheaper commodities is a matter of conjecture. No enterprise ought to be undertaken the cost of which is not definitely ascertained and the benefit and advantage of which are not known and assured by competent engineers and other authority. When, however, a project of a definite character for the improvement of a waterway has been developed so that the plans have been drawn, the cost definitely estimated, and the traffic which will be accommodated is reasonably probable, I think it is the duty of Congress to undertake the project and make provision therefor in the proper appropriation bill.
>
> One of the projects which answers the description I have given is that of introducing dams into the Ohio River from Pittsburg to Cairo, so as to maintain at all seasons of the year, by slack water, a depth of 9 feet. Upward of 7 of these dams have already been constructed and 6 are under construction, while the total required is 54. The remaining cost is known to be $63,000,000.
>
> It seems to me that in the development of our inland waterways it would be wise to begin with this particular project and carry it through as rapidly as may be. I assume from reliable information that it can be constructed economically in twelve years.
>
> What has been said of the Ohio River is true in a less complete way of the improvement of the upper Mississippi from St. Paul to St. Louis, to a constant depth of 6 feet, and of the Missouri, from Kansas City to St. Louis, to a constant depth of 6 feet, and from St. Louis to Cairo to a depth of 8 feet. These projects have been pronounced practical by competent boards of army engineers, their cost has been estimated, and there is business which would follow the improvement.
>
> I recommend, therefore, that the present Congress, in the river and harbor bill, make provision for continuing contracts to complete these improvements.

Mr. Chairman, recurring now to the improvement of the Ohio River, it appears from the report of the engineers that to maintain a 9-foot stage of water 54 locks and dams are necessary. Dams 1 and 6 have been completed, except in minor particulars. At present there are under construction 7 other dams, namely, No. 8, near East Liverpool, Ohio; No. 11, at Wellsburg, W. Va.; No. 13, below Wheeling; No. 18, below Marietta; No. 19, below the mouth of the Little Kanawha; No. 26, below the mouth of the Great Kanawha; and No. 37, just below Cincinnati. It is expected that Nos. 8, 11, 13, 18, and 37 will be completed during the present year. A detailed survey of the site for Lock No. 7 has been completed, the property purchased, and the plans practically completed. In addition to those at present completed or under construction, there will still be required 41 locks and dams, and it is estimated that the amount necessary to complete the 41 dams will reach $57,566,800, and that in order to complete the locks and dams now under construction there will be required $3,213,800. So that the total expenditure for locks and dams for the Ohio and for a 9-foot stage of water, in addition to the amounts theretofore authorized, will make a total of $60,780,600. In accordance with a provision in the river and harbor act of 1909, detailed surveys of sites for the 16 locks and dams to and including No. 29 have

been made during the past season and the plans for their construction are now in progress, although their construction has not yet been authorized.

I find in this bill that the committee has provided for the beginning of construction of Locks and Dams Nos. 7, 9, 10, and 12, which will complete the canalization of that portion of the river between Pittsburg and Wheeling; and provision is also made for the purchase of sites for Dams Nos. 14 to 29 and for the construction of Locks and Dams Nos. 29 and 48.

The amount carried in this bill of $1,000,000 is to be applied to the purchase of sites for 18 locks and dams and toward the construction of Locks and Dams Nos. 7, 9, 10, 12, 19, 20, 29, 41, and 48, with an authorization that the Secretary of War may enter into a contract or contracts for materials and work as may be necessary to prosecute the work, not to exceed in the aggregate $2,500,000, exclusive of the amounts contained in the bill and heretofore appropriated. In addition, the bill carries for continuing improvements and maintenance of the Ohio River $550,000, and for the completion of Locks and Dams Nos. 2, 3, 4, 5, 8, and 11 $125,000, and there will be available without further action by Congress during the next fiscal year $100,675,000, an amount sufficient to carry on the work, with an assurance by the Committee on Rivers and Harbors that hereafter there will be an annual appropriation approximately of $5,000,000, which will insure the completion of the entire improvement within a period of twelve years.

Mr. Chairman, permit me to express the appreciation of the people I represent and my own appreciation of the magnanimous treatment which we have received from the committee in this bill. Let us hope that no backward step will be hereafter taken by the Congress, and that the time may not be far away when our people shall realize the fruits of their efforts and this river shall bear its commerce to the markets of the world, affording cheaper transportation and increased transportation facilities.

Mr. GODWIN. Mr. Chairman, the chief seaport city of North Carolina is in my congressional district. I have the honor to represent in Congress what is known as the "Cape Fear district." I am in favor of river and harbor improvement because I am in favor of lower freight rates. We need a reduction in freight rates, and to have this we must have the improvement of the waterways of the country.

The Cape Fear River, formed by the junction, in Chatham County, N. C., of the Haw and Deep rivers, which rise in the hilly country near the Blue Ridge Mountains in the northern part of the State, flows in a southerly direction into the Atlantic Ocean below Wilmington at Cape Fear, near the southern extremity of the State.

Its total length, including the above tributaries, is about 420 miles, draining an area of more than 7,500 square miles, of which 5,620 are above the mouth of the Black River, one of its largest tributaries. Above Smileys Falls, near Duke, about 27 miles above Fayetteville, the slope is very great, the river having a fall of 27 feet in 3½ miles at these falls. The total fall from the junction of the two rivers to just below Smileys Falls is 100 feet. Above Averasboro the river flows through an alluvial country with banks generally low, and a width of from 400 to 600 feet. Floods here do not generally exceed 20 feet. Below Averasboro the slope is gentle, averaging less than 3 inches per mile, but from there to about 45 miles below Fayetteville the banks are high and the stream narrow, causing a very great freshet rise, amounting occasionally to 60 or 70 feet at Fayetteville.

It is claimed that the mineral resources of the upper part of the country traversed by the river are very great, yet they are undeveloped, and navigation does not at present extend above Fayetteville.

About one hundred years ago an attempt was begun to render the river navigable above Fayetteville, and a series of locks and dams was constructed up to the confluence of the Deep and Haw rivers and for some distance up the Deep River. These were never successful financially, and were finally abandoned.

The principal products of the region along the river are lumber, timber, logs, corn, cotton, tobacco, peanuts, potatoes, and various vegetables and fruits. In 1870 the population per square mile was 22.7. Most of the river between Fayetteville and Wilmington lies in Cumberland and Bladen counties, in my congressional district. The average population of all counties adjacent to the river from Fayetteville to Wilmington is 42.5 per square mile.

Below Fayetteville the river flows generally through a flat, sandy belt thickly timbered with pine and intersected with cypress swamps. Its banks are firm and stable in the upper reaches, and are from 15 to 50 feet or more in height down to about 50 miles above Wilmington, but are overflowed in high freshets. In the 50 miles above Wilmington, except for occasional sand bluffs and shell marls, they are low and swampy, suitable in many places for the cultivation of rice. Its bed is gravel in the upper reaches, and is sand and mud in the lower part, except some clay near Fayetteville. This sand, under the influence of the sudden and frequent freshets to which the river is subject, causes many shoals. Gravel is sometimes found 5 to 7 feet below the bed, and a stiff, blue clay is generally found at depths of 15 to 20 feet.

At Point Peter, where the Northeast River is a tributary, it is 340 feet wide; 12 miles higher it is 760 feet wide; 14.5 miles above Wilmington the Black River is a tributary; 25 miles above Wilmington it is 120 feet wide. At Elizabethtown, 73 miles above Wilmington, it is 270 feet wide, and at Fayetteville, 115 miles above Wilmington, it is 200 to 250 feet wide, generally ranging from 175 to 275 in width.

The tidal range at the mouth of the river, 27 miles below Wilmington, is 4.5 feet; at Wilmington it is 2.5 feet. Tides are perceptible up to White Hall, 54 miles above Wilmington, and at extreme low stages several miles farther up.

The present available depths in the river above Wilmington are: Eight feet to Kings Bluff, 38 miles above Wilmington; 4 feet to Walkers Bluff, 60 miles above Wilmington; 2½ feet to Elizabethtown, 73 miles above Wilmington; and 2 feet to Fayetteville, 115 miles above Wilmington.

The project that the Rivers and Harbors Committee of the House has so kindly adopted in this bill now pending for immediate passage provides for a uniform depth of 8 feet from Wilmington to Fayetteville the year round for continuous navigation. This bill authorizes the construction of two locks and dams, costing $615,000. This is the first time the House of Representatives has ever recognized the upper Cape Fear improvement.

Mr. Chairman, I have given a comprehensive history and description of the Cape Fear River. The river extends through my district, a distance of over 200 miles, and is the chief river in the State of North Carolina. Therefore I am deeply interested in its improvement. But before discussing further the upper Cape Fear project I desire to have something to say in behalf of the lower Cape Fear at and below Wilmington, and what is widely known as the 30-foot project.

Early in June, 1907, I was requested, as the Member of Congress from the Cape Fear district, to meet a committee appointed by the Chamber of Commerce of the city of Wilmington to discuss the matter of deepening the harbor of the Cape Fear and making a 30-foot channel from Wilmington to the sea, thus to strengthen Wilmington's claim for recognition as a gateway port. Several years prior to that time, or about the year 1895, the railroads were appealed to by the chamber of commerce for rates that would place Wilmington in competition with deep-water ports. This was denied, owing to the fact that the depth of water in the Cape Fear did not justify making Wilmington a gateway port. The Chamber of Commerce of Wilmington could not but admit, to some extent, the force of this argument. The chamber of commerce appointed a committee to confer with me in reference to the 30-foot project. Mr. J. A. Taylor, president of the chamber; Messrs. H. G. Smallbones, H. W. Malloy, W. E. Worth, R. A. Parsley, and James H. Chadbourn composed the committee, Mr. Chadbourn being named as chairman of the committee.

The 30-foot project was fully discussed, and it was agreed that the matter should be brought to the attention of the people and of Congress. The press of the city of Wilmington and the entire State gave its enthusiastic indorsement by commenting upon the many benefits to be derived. The project was so strongly indorsed it was soon realized that the matter had assumed a greater importance than a mere local scheme.

The 30-foot project committee was active in its labors. As a result of its deliberations it was decided as the deepening of the Cape Fear was of vital interest to the State at large it would be wise to call in the assistance of all those most deeply interested in the project. Therefore a meeting was called, to be held in Wilmington, November 5, 1907, and to this meeting all the towns in North Carolina were invited to send delegates. The meeting was successful beyond our greatest hopes, and the North Carolina Waterways Association was formed to supersede the chamber of commerce committee. This association was organized to foster the local interests of North Carolina, having as its particular charge the deepening of the Cape Fear harbor, thereby benefiting the whole State by giving North Carolina a deep-water port as a gateway.

The meeting was well attended by delegates from the interior cities, also by our Senators and Representatives in

Congress, and the association was formed by electing a president, secretary and treasurer, and executive board of 8 members and 10 vice-presidents, one from each congressional district. At the meeting the following resolutions, prepared by Maj. E. J. Hale, of Fayetteville, were adopted:

Resolved:

1. That this meeting highly approves the splendid work of the National Rivers and Harbors Congress; that it take a leaf out of its book and organize a North Carolina branch thereof; and that such branch organization adopt the rules and regulations of the national organization, so far as applicable to the State.

2. That we hail with pleasure the awakening of our people in the business center of our State to the vast importance of concerted action, directed to the improvement of our waterways by the Government, and that we heartily thank the patriotic business men of Wilmington for the notable and efficient contributions which they have made to the movement for a North Carolina gateway by calling together and causing the assembly of such a representative body as this, and the Hon. John A. Fox for the very able work which he has done throughout the State in aid of it.

3. That we pledge ourselves to do all in our power to secure adequate appropriations by the Government for the completion at the earliest moment of the great project of a 30-foot channel from the sea to Wilmington, recognizing the fact impressed upon us by over a hundred years of experience, as well as by the teaching of science, that nature has fixed the gateway of middle and western North Carolina by and through the Cape Fear River.

4. That we heartily indorse the project for securing 8 feet of water at all seasons from Wilmington to Fayetteville, which has thrice been unanimously indorsed by the legislature of North Carolina, approved by act of Congress, and for the beginning of which an appropriation has been made, and that we pledge our best endeavors to secure an appropriation for its immediate completion.

5. That we give our hearty indorsement to the great scheme of an interstate inland waterway for a part of the North Carolina section of which the Government has already made an appropriation, and to the general purpose of improving the navigation of all our rivers and streams further inland as speedily as possible, to the end that we may secure for North Carolina the advantages which such a system has provided for the European nations and for some portions of our own country.

The Wilmington Chamber of Commerce employed an expert on river and harbor work, who made a tour of the State and addressed the people on the subject of deepening the Cape Fear River and making Wilmington a gateway port. He visited many cities of North Carolina and aroused great interest in the 30-foot project. Afterwards Mr. James H. Chadbourn, the president of the association, visited Washington to secure the aid of our two Senators and all my colleagues from North Carolina in the project of deepening the harbor of the Cape Fear, and he was assured of their undivided and active support in the enterprise. In addition to this, the North Carolina Waterways Association has held regular meetings, and at each one of these meetings the support has been active and enthusiastic. It is now conceded throughout the State that the deepening of the Cape Fear harbor is a matter of greatest importance to the business interests of North Carolina.

The present continuing work on the river at and below Wilmington has been well provided for by Congress, and ample provision has been made in this bill for another year. The appropriation of March 2, 1907, was the largest made up to that time, it being $265,000. At this time the Engineer Corps had a balance on hand of $212,939, making $477,939 available for expenditure during that year. The amount available for 1908 was $300,000, and the last session of Congress appropriated $400,000 for this work.

The engineer in charge has expended the money wisely and well. While the depth in 1906 was 20 feet, with a very narrow channel, the depth at low water to-day is 22 feet in its most shallow place, with a very much wider channel. This will admit a vessel passing from the sea to Wilmington, taking into account the rise of the tides, drawing 24 to 25 feet, as there are long stretches of the river between 25 and 30 feet deep. The appropriations by Congress for the Cape Fear River has been of extraordinary profit as a business proposition, since the amount of freight produced by the deepening of the river has been in the ratio of 15 to 1; that is, an increase of water-borne traffic resulting in $15 annually for every $1 expended on the Cape Fear River by the Congress.

I desire here to thank the several newspapers of the State for their most valuable assistance in this great undertaking, as they have taken hold of the matter most heartily, and have indorsed the project as a State-wide enterprise. I wish to say a word of commendation and appreciation of the engineer in charge at this port, Capt. Earl I. Brown. Captain Brown is one of the most efficient engineers in the corps and is a great believer in the possibilities of the Cape Fear River. He has given us great aid and assistance in all of our undertakings.

Mr. James Sprunt, the largest exporter at this port—in fact, one of the largest in the United States and also chairman of the board of navigation and pilotage—in a letter of November 10, 1908, to the president of the chamber of commerce, wisely said:

> The superior character of the river and harbor work under the skillful direction of Capt. Earl I. Brown, Corps of Engineers, United States Army, is so remarkable and gratifying that a suitable official recognition by our chamber of commerce would be, in our opinion, appreciated at this stage of our development as a deep-water port. The systematic concentration of the government force at points of emergency or necessity has kept the general work up to a standard of effectiveness never before attained on the Cape Fear River and bar, and I do not recall in the history of this important undertaking a period of more general appreciation by seafaring people than is now apparent with reference to its excellent results.

Mr. Chairman, I desire to thank the committee for so favorably considering the Cape Fear River in the present bill. As I said, ample provision has been made for the continuing work at and below Wilmington.

The item in the bill in reference to the upper Cape Fear project is as follows:

> Improving Cape Fear River above Wilmington, N. C.: Continuing improvement with a view to securing a navigable depth of 8 feet up to Fayetteville, including surveys and acquisition of land for sites, for locks and dams, and completion of plans for the same, in accordance with the report submitted in House Document No. 890, Sixtieth Congress, first session, $10,000.

This, in my opinion, fully authorizes and adopts the project for two locks and dams for a depth of 8 feet from Wilmington to Fayetteville the year round. The $10,000 appropriated is to be used in beginning the work, and the balance of the $615,000 will be forthcoming from time to time as the work progresses, the necessary amounts being appropriated in the sundry civil bill. When the bill was first introduced in the House, I showed this item to Capt. Earl I. Brown, Corps of Engineers, United States Army, who is in charge of the river and harbor work for my congressional district, and asked him to state his opinion as to whether the language used in the bill is sufficient to authorize the project. Captain Brown said:

> I have seen the copy of the river and harbor bill now pending in Congress, and I find that the project of providing a depth of 8 feet in the Cape Fear River from Wilmington to Fayetteville, N. C., by means of locks and dams is fully authorized therein. The bill provides an appropriation of $10,000 for the beginning of the work, and authorizes the expenditure of $615,000 thereon, the difference to be appropriated from time to time in the sundry civil bill as needed to prosecute the work.

This makes certain the improvement of the upper Cape Fear River as desired by my people. They have waited patiently for quite a while for this much needed improvement, and they will be gratified to know that their hopes will be realized and that their labors have not been in vain. This matter has been agitated for some time. An item providing for the improvement of the Cape Fear River so as to provide a channel 8 feet deep from Wilmington to Fayetteville throughout the year was included in the river and harbor bill reported to Congress in 1901. The whole bill, however, failed in the Senate. The same item was included in the act of June 13, 1902, and $50,000 was appropriated for the purchase of sites for locks and dams. The bill as recommended by the War Department called for the construction of three locks with movable dams, at a cost of $1,350,000.

Since that time the science of river engineering has progressed with such rapidity that it was thought that the purpose of the act of 1902 could be accomplished at less cost and with a less number of locks. And in 1907 a reexamination of the Cape Fear River above Wilmington was made with a view to reporting what modification, if any, should be made in the existing project. The reexamination disclosed that the object of the act of 1902 could be accomplished by the construction of two locks with fixed dams instead of three locks with movable dams, the first to cost $615,000 and the second $1,350,000. This showed a great advantage in favor of the advocates of the upper Cape Fear improvement project. The plan for the two locks and dams was recommended by the Board of Engineers, concurred in by the Chief of Engineers, and transmitted to the Speaker of the House of Representatives in a letter from the Secretary of War April 25, 1908, and is known as "House Document No. 890, Sixtieth Congress, first session." The bill I prepared is drawn in accordance with that recommendation, and this is the project now adopted and approved in the present bill. This project has been strongly advocated by the people of North Carolina, three governors and several sessions of the North Carolina legislature having strongly indorsed it.

The people of Fayetteville and the entire upper Cape Fear section have been unceasing in active support, but there is one distinguished citizen who, in my opinion, deserves more credit for his wise counsel and valuable information and service in supporting this project than anyone else; this gentleman is Maj. E. J. Hale, of Fayetteville, who has given ten years of active

work and spent largely of his means in support of this laudable undertaking. I have also had the undivided support and influence of our two Senators and the Members of the House from North Carolina.

The estimate of existing traffic between Fayetteville and Wilmington in 1900 was 115,000 tons, valued at $1,150,000. In 1906 the traffic was reported by the district engineer as 135,991 tons, valued at $3,630,078, so that the case, considered from the standpoint of less than half the cost and more than three times the value of traffic, was then more than six times as strong as when Congress first adopted the project in 1902. The report of the district engineer for the fiscal year ending June 30, 1909, showed that the tonnage had increased to 137,620 and the value to $3,960,235, making the ratio nearly 8 to 1 in favor of the project as now presented.

The saving in freight charges by river from Wilmington to Fayetteville, as compared with those by rail, is so great that private capitalists, if they had the power to construct this work, as before 1882, could recoup their whole outlay for its construction, as now recommended by the government engineers, in five years' time by a tonnage charge of only 5 cents per 100 pounds, and yet save to the shippers an equal amount as against the railway charges.

But it is not upon the needs of existing traffic, nor in consideration of local conditions in themselves, that the argument for the adoption of this project is founded. The geographical peculiarities of North Carolina cause it to be a matter affecting nearly all of North Carolina and some adjacent parts, containing a population this side of the Alleghenies of 2,000,000 of people.

The jutting coast line of North Carolina renders it impossible for the greater portion of the population mentioned to enjoy freight rates on equal terms with the people of other States, except approach be had through the port of Fayetteville. This peculiarity distinguishes this from all other river propositions offered to the Government. A glance at the map will make this apparent. Fayetteville is the only port between Norfolk and Richmond on the north and Charleston on the south which is on the normal coast line, and therefore it is the only port which lies nearer to the population referred to. A calculation made in accordance with the principle upon which the promoters of the Manchester Ship Canal won their case, viz, that the territory traffically tributary to a port comprises all that it nearer to it than to any other port, shows that 6,000,000 tons of freight would be diverted to Fayetteville. The estimate of the North Carolina corporation commission, the highest authority extant on this subject, is to the same effect. Three legislatures of North Carolina indorsed this project upon the grounds just mentioned, a course which the State has pursued toward no other scheme of river or harbor improvements within its borders.

Before deforestation had interrupted the year-round navigation which formerly existed on this river and the overworking of the railroad idea had increased the effect of this impediment Fayetteville was the market and distributing point for all the vast territory referred to. The proposed improvement, therefore, does not seek to establish novel conditions, as in the canalization of rivers above the head of navigation, but to reestablish trade routes disturbed by an incomplete development of the problem of transportation.

Senator BURTON, the highest authority in these matters, in the course of his speech before the National Rivers and Harbors Congress, December, 1907, when chairman of the Rivers and Harbors Committee, declared that the object of legitimate waterways improvement is to supply equal opportunity to all. It is a matter of common knowledge, admitted now by the railways themselves, that North Carolina is discriminated against in freight rates. The reason assigned is the circumstance that we have in North Carolina no "basing point for freight rates," or "gateway," as it is now called. It is stated that Fayetteville will be made such a "basing point" upon the completion of the work now proposed. Until that is done, over 2,000,000 of our people must continue, in this vital respect, to be deprived of equal opportunity with their neighbors.

Finally, attention is asked particularly to the declaration of the North Carolina corporation commission, already referred to, in these words, viz:

> The Atlantic Coast Line Railroad enters Fayetteville from four different directions, and I inclose you statement showing the tonnage of freights for this road for the State. If the Cape Fear River is made navigable to Fayetteville, this city would be the distributing point for a great majority of this freight.

On page 15 is given the tonnage of freights for this road for the State, in the corporation commission's inclosure referred to by them, which is 3,368,441. Assuming that a "great majority" of this sum would be at least 2,000,000, it will be seen that the saving of $1.80 a ton by the river route would amount to $3,600,000 per annum—or enough to pay the whole cost of the proposed work in two months. All the money that our Government wisely expends in the improving of our waterways will be worth throughout the years to come 100 per cent on the investment. Water transportation costs only one-sixth as much as that by rail. [Applause.]

Mr. MAGUIRE of Nebraska. Mr. Chairman, in the consideration of the bill before us to-day I wish to speak to you, first, on the facts and conditions relating to the territory tributary to the Mississippi River. I do this because a wrong impression prevails among many as to the need of improvement on this river and its importance as a part not only of the navigable waterways system, but also as an integral part of the whole transportation machinery of the country. Many who live along the Atlantic seaboard have not considered seriously the geographical proportion of the country nor have they been in a position to realize the contributing forces of the West as a nation builder.

I am glad that the Committee on Rivers and Harbors and its chairman have not overlooked the fact that in the working out of a comprehensive waterways system of transportation it can not be done and neglect the Missouri River. I am also pleased to note in the speech of the chairman and in the report of the committee a more favorable attitude toward the country tributary to this river.

I will relate briefly a little of the history of the commerce and development as I find it in the records of the army engineers, who are responsible for what national care was given along the Missouri. For over two hundred years the Missouri has been used as a channel for trade and commerce, and for ninety years it has been navigated by steamboats. The Lewis and Clarke expedition found commerce on the river in 1803, and this expedition did much to stimulate further trade and development in the upper region. From 1820 till after the close of the civil war it was comparatively a busy thoroughfare, and from 1845 to its decline it was the great means of travel, and made possible the early opening of that country to settlement.

Forty-three steamboats cleared from St. Louis for upper-river trade in 1867 with a freight of over 1,600 tons, while the down-river freight consisted of gold, silver, hides, furs, and so forth. Over 1,000 passengers were carried and more than $1,500,000 in fares paid. Twenty-eight clearances, with 10,000 tons, were made from the middle river. There were 612 clearances, with 100,000 tons from St. Louis on the down river. In the year 1877, 25 steamers arrived at Fort Benton with 5,283 tons of freight and 1,500 passengers, and in 1878 there were 46 arrivals and a tonnage of more than 8,000 in merchandise.

Edward H. Schulz, captain, Corps of Engineers, in his report on the Missouri River, made from Kansas City on April 30, 1905, appearing in House Document No. 1120, Sixtieth Congress, second session, inserts a table of comparative mileage of the great rivers of the world as follows:

Missouri proper and Madison	2,780
Missouri, with Mississippi	4,400
St. Lawrence	2,200
Rio Grande	1,800
Amazon	3,600
Orinoco	1,500
La Plata	2,250
Rhine	960
Danube	1,600
Nile	4,000
Niger	2,600
Columbia	1,200
Amoor	2,700
Hoang-ho	2,700
Yangste Kiang	3,200
Ganges	1,600
Volga	2,000

He comments on these figures and the territory bordering the river in this language:

> It is thus seen that the Missouri River may well be called a large river, and with the Mississippi it is the largest in the world. When we further consider the great natural fertility and the enormous production of the territory bordering this river, it is not extravagant to say that the region surpasses any other on the globe, and this is especially true of that portion from Sioux City to the mouth. The production of grain, live stock, and meat products almost staggers the imagination.

His report further sets out a comparison of the mean discharge in cubic feet per second as follows:

Upper Mississippi	105,000
Missouri	120,000
Ohio	158,000
Arkansas	63,000
Red	57,000
Yazoo	43,000
St. Francis	31,000

> If low-water discharges only are considered, the Missouri River surpasses the Ohio, since the fluctuations in discharge are much less on the Missouri, and it maintains a greater and more uniform low-water discharge.

In this report he makes a table of population for 1900, and an estimate for 1908, of the seven bordering river States, also an estimate of the population within the 100-mile belt on each side of the river within these States, as follows:

	1900.	1908.
Missouri	3,106,000	3,886,000
Kansas	1,470,000	1,689,000
Iowa	2,232,000	2,678,000
Nebraska	1,066,000	1,225,000
South Dakota	402,000	490,000
North Dakota	319,000	475,000
Montana	243,000	275,000
Total	8,838,000	10,709,000

The approximate population of this 100-mile belt in 1900 was:

Missouri	1,584,000
Kansas	679,000
Iowa	692,000
Nebraska	738,000
South Dakota	247,000
North Dakota	104,000
Montana	85,000
Total	4,129,000

And the population for this same belt is estimated in 1908 at 5,000,000.

Captain Schulz makes the following compilation of crop production and some manufactured products tributary to the river, a great part of which could readily be available as freight for river traffic:

The total grains produced in 1907 for those States was: Corn, 25,000,000 tons; wheat, 7,000,000; oats, 4,300,000; barley, 1,400,000; rye, 122,000; buckwheat, 4,000; flaxseed, 562,000; potatoes, 1,200,000; hay, 15,000,000; being a total of nearly 55,000,000 tons valued at over $1,000,000,000. For the 100-mile belt the totals are 25,000,000 tons and nearly $500,000,000.

The corn production alone of the United States is about 80 per cent of the world, and that of the seven Missouri River States in 1907 was 33 per cent of the whole United States. The export trade of the United States in corn alone was 4,000,000 tons, and in total foodstuff products nearly 7,000,000 tons.

The meat products rank first among all manufactured products in the United States in net production and second in gross production, and are valued at over $800,000,000 per year, estimated to be over 3,200,000 tons, of which about one-quarter is produced in the cities of Sioux City, Omaha, St. Joseph, and Kansas City.

The manufactured products in 1900 of the four States, from Sioux City to the mouth, are as follows:

Iowa	$164,618,000
Nebraska	144,000,000
Kansas	172,000,000
Missouri	385,000,000
Total	865,618,000
And of the cities:	
Sioux City	$15,000,000
Council Bluffs	2,600,000
Omaha	43,000,000
St. Joe	32,000,000
Atchison	2,600,000
Leavenworth	4,700,000
Kansas City, Kans	83,000,000
Kansas City, Mo	36,000,000
Jefferson City	3,600,000
St. Louis	234,000,000
Total	456,500,000

From the 1907–8 bureau of labor report for the State of Nebraska are taken the following statistics of agriculture: The orchard trees in my district, comprising seven counties, are: Apple, 880,718; pear, 32,821; peach, 550,251 for the year 1907. The shipment of live stock for the same year was: Cattle, 84,242; hogs, 333,758; also sheep and horses. Of grain in bushels: Corn, 12,205,000; wheat, 3,644,000; oats, 1,168,000; besides barley, rye, and so forth. Of flour in 1906, 19,397,000 pounds; cream in 1907, 628,000 gallons; butter, 6,837,000 pounds; eggs, 4,356,000 dozen; poultry, 3,465,000 pounds. The total value of crop yields, exclusive of garden truck, for 1907 was $21,132,498.

Captain Schulz in his report, among other observations, says what should be secured by improvement of the river:

It has already been shown that the grain production alone along the Missouri River is over 25,000,000 tons. If only 5,000,000 tons moved down the river between Sioux City and the mouth, a saving of $1 per ton, or 3 cents per bushel, would practically pay for the improvement in ten years, not considering the live stock, meat products, and general upstream merchandise. As a matter of fact, grain should be moved by water for 1 cent per bushel from Kansas City to the mouth, equivalent to 30 cents per ton, or a saving of over $2 per ton, or for 10,000,000 tons $20,000,000.

Based upon present or immediately prospective commerce, no greater expenditure than that required for a 6-foot depth seems warranted; but based upon the latent possibilities and capacity of this stream and the great and growing population on its shores, upon the stupendous output of grain and other products, the improvement is warranted to full 12-foot project.

From careful examination of the stream for several years past he reports the following on sedimentation:

Owing to the great amount of sediment, bars build rapidly when the current is strong. The amount of sediment is very great, and at St. Charles, Mo., for the year 1879 was over five and one-half billion cubic feet, not counting bed movement. The water discharge was about 424 times as great by volume, and 265 times by weight. The total amount per year is estimated at 11,000,000,000 cubic feet, equivalent to 1 square mile 400 feet deep. Actual navigation depths run from 3 to 9 feet. The main difficulties of navigation are due to the small depth on the bar. Wherever certain limits of width are exceeded, there are two narrow pools and between them a bar.

The deposit of course is much greater now than at the date mentioned because of a very much increased area of the land along the river now cultivated. From these facts it is apparent what the ravages of the stream must be and what might be done with the stream if its energies were placed somewhat under control.

Under "Land threatened," the report continues:

Every change in velocity or direction of current means new erosion and subsequent partial deposits, causing untold loss in value of land and products. The bottom land threatened or to be benefited on the upper reach, Sioux City to Kansas City, is 1,141.5 square miles, or 730,560 acres, and on the lower reach, Kansas City to the mouth, 788.8 square miles, or 504,832 acres; total for the two reaches, 1,235,392 acres, which at $100 per acre would be worth nearly $125,000,000. To this amount should be added 24,000 acres of sand bar which would be reclaimed and filled in by improvement, and at $50 per acre would be worth $1,200,000.

A glance at these figures will show the great land loss to that section of the country due to erosion and overflow by the stream and to the delay of the Government in making improvements on the stream.

The people of my district, the First Nebraska, are making extensive improvements in drainage on the smaller tributary streams of the Missouri. Ditches are either under course of construction or preliminary steps are being taken to construct them along the Nemaha, Little Nemaha, Weeping Water, and Salt River. This is being done for the purpose of redeeming thousands of acres of land for agricultural uses. The complete improvement at the foot of these streams will be seriously interfered with because of backwater and overflows, due to the present condition of the Missouri River.

Included in the report from Captain Schulz is a letter of June 18, 1907, from A. Mackenzie, brigadier-general, Chief of Engineers, in which he says:

I recommend that the Secretary of War authorize such a survey as may be necessary to formulate recommendations as to the further improvement of the Missouri River from mouth to Kansas City, and from Kansas City to Sioux City.

D. W. Lockwood, colonel, Corps of Engineers, in a letter of June 10, 1907, also recommends for the Board of Engineers for Rivers and Harbors an allotment of money, with a view of improving the river. Col. W. H. Bixby, Corps of Engineers, western division, in his letter May 18, 1908, transmitting the report said:

I heartily indorse the views and estimates submitted by the district engineer, Captain Schulz.

James B. Quinn, colonel, Corps of Engineers, in a letter on June 4, 1907, and made a part of the Schulz report, recommends the river improvement.

In view of the foregoing facts and conditions relative to the Missouri River and tributary country, taken in connection with the unqualified indorsement of the government engineers in charge of the river work, longer delay can not be had if we are to do justice to the people of that section and to the country at large.

Our whole system of transportation by rail is not keeping pace with our rapid and startling increase of production and consumption. Most of the transportation is over rail, and we have utilized only in a meager way our rivers for that purpose. This is essentially true of our interior waterways. Water traffic, to a large extent, is localized around the Great Lakes, and splendid as are the results, still the benefits have failed to reach the great interior sources of production.

Over the region of the West, in the locality of the Mississippi-Missouri River system, lies a great freight-producing area. From that locality come more products of the soil than from any similar section of the earth's surface. Under the single system of freight carriage the producer fails to reach the markets with a profit, and the consuming world is denied access to these interior fields of production.

In 1890 the total rail traffic of the entire country was seventy-nine billion in tonnage, and in 1906 it was two hundred and sixteen billion, or nearly three times as much, and that of course does not include the low-valued and unprofitable tonnage which the carrier did not move and which the shipper could not afford to move, because of comparatively high rates on low-class products. Under normal increase in 1915 it is estimated that

the same class of freight will be three hundred and fifty billion in tonnage. The business of the country in the past ten years has increased more than 110 per cent, while the railroads increased but 20 per cent. Production is increasing five times faster than road mileage.

For several years the roads have failed to move the crops in season, and before long they will be able to move only a portion of the farm products to market. Railroads are now capitalized at about $15,000,000,000, and with but little double trackage. Every road in order to meet the demands of future traffic must be double-tracked. Leaders in railroad transportation recently estimated that the next ten years would require 75,000 miles more of trackage construction to meet the requirements of the normal growth of the country. That the necessary increase of mileage and equipment will be made is quite unlikely.

The Interstate Commerce Commission in 1906 reported that the average cost of moving freight by rail was 7.48 mills per ton per mile. The statistical report of 1906, by Colonel Davis, United States Engineer Corps, gives the cost through Sault Ste. Marie Canal for 1905 as 0.84 of 1 mill per mile, or one-ninth that by rail. The available figures from the Ohio River and other water routes give the cost from one-sixth to one-tenth of the above cost by rail. These figures show our constant loss in not developing and taking advantage of naturally cheaper means of transportation.

The character of freight carried by rail and by water is naturally different. A division and differentiation of freight products could readly be made with advantage to shipper and to both classes of carriers. The automatic classification at first would be made gradually, but products would be accommodated to the dual carrier system when waterways once became established and assured as a permanent part of the traffic system.

Much of the high-class freight now handled by rail is compelled to bear the expense of carrying the comparatively low-valued freight, because it could not be moved if charged with the ordinary rates and still leave a margin of profit to producer and shipper. Railway statistics show that two-thirds of the freight moved by rail is of a character of products valued at less than $2 per ton at the point of production. Could the dual system become generally operative, it would automatically classify products with advantage to the whole freight area of production and consumption. In addition to the classification of the freight now handled, the naturally cheaper water rates would enlarge traffic, a wider market would result, with low-valued but necessary articles of production introduced. Sand, gravel, earthen cements, building materials, fertilizers, low-grade ores from mines, coarse feed and numerous products from the farm, by-products from the factory, farm, and mine, and countless other articles which are now practically useless would be introduced into the field of commerce. The increase would lead to more varied consumption of goods, give the consumer the benefit of the enlarged field of production, and the producer wider and more profitable markets.

The idea is frequently entertained that freight benefits would be local only in the case of water transportation or that they would be along those lines of waterways actually improved, but mature examination will reveal results, though not to such an extent, everywhere over the entire freight area. The expanded markets, both in distance and in intensity, would give general and permanent results.

If the farmer of the agricultural region can get his corn and wheat to market for 10 cents instead of 20 cents per bushel, with a similar saving on live stock and other products, that much is saved as profit; if the ores can be quarried from the mines and transported over cheap freight routes to proper destinations, profits will be had where nothing was realized before; if the consumer can get his lumber, coal, building material, and other articles of consumption at a cheaper freight expense, he has saved that in cost of living.

The general direction of railroad systems is east and west and at right angles to prevailing courses of waterways. Freight, in leaving the wide, productive fields of the West, converges and often becomes congested in large eastern terminals and is delayed, with added cost of expensive trackage and storage in reaching destination, or the surplus in reaching the markets of the world.

Natural trade routes and commercial outlets to world markets in the future are certain to develop in the direction of the Gulf and to Mexico, South and Central America, and through the canal to the Orient. Our Missouri-Mississippi River system is therefore in harmony with approaching development toward world commerce and activities, and we should not here fail in our opportunity. Natural forces, fields of consumption, diversity of products and climate, reciprocal trade arrangements, political and industrial geography all point inevitably in that direction, with expanding markets for our farm products and for the products of American skill and intelligence.

Wisdom and experience point ultimately to a comprehensive programme of interior waterways improvement, instead of much of our inefficient patchwork methods of the past. The waterways of the interior, because of their geographical arrangement and adaptability for improvement, form the basis of a complete and unified plan of transportation. With proper improvement it would be possible to ship freight from a single point to every other point, and the whole system become complete for traffic. Much of the freight through a system of waterways would not even have the disadvantage of cost and delay in breaking bulk on entering the world's highways.

When the inland waterways become improved with safe and permanent channels the public carrier will be able to secure insurance of cargoes; he will then invest capital and enter the field of traffic with some degree of certainty and on a comprehensive scale. The waterways of the interior would then begin to perform their proper functions; they would become the Nation's highways and for use by every carrier and shipper; the freight system would through classification attain to a higher degree of efficiency and the public would receive the benefits.

We can not stop raising corn or wheat or cattle or hogs, or permit the stores of mineral wealth to remain idle beneath the mountains to await a partially developed system of transportation. We produce in each locality more than we need, and we require so much that we can not produce that its distribution becomes not an individual but a national problem. Encouragement of production is irrational if we still neglect the natural internal facilities for distribution.

A well-balanced industrial society is interdependent alike upon the instruments and agencies of production, distribution, and consumption; neglect one and you cripple the economic machinery and stifle the natural growth.

These inland waterways belong to the whole people, and I am in favor of preparing them as means of transportation. Guarantee to the public their perpetual use for the Nation's traffic and we thereby take advantage of the instruments of our civilization to further develop and make possible the fruits of civilization itself.

Mr. BORLAND. Mr. Chairman, in the whole sphere of governmental activities I know of no question which partakes less of a partisan nature than the improvement of the inland waterways. It is a business question, appealing to the sound business sense of the people of the entire country, and especially the great empire west of the Mississippi. There are three subjects upon which the action, or nonaction, of the Government very closely affects the business community—currency, tariff, and transportation. I will not undertake to say which is the most important, but, certainly, the question of transportation is vital to us of the West, and is one upon which the interests of all classes—wholesalers, retailers, manufacturers, producers, and consumers—are more nearly united.

In the Mississippi and its tributaries our country is blessed with the most wonderful system of navigable rivers in the world, and the greatest natural highway of the trans-Mississippi region is the Missouri River. In my judgment we are entering upon the third period in the history of this great stream.

In the period preceding the civil war navigation of the western rivers was carried on to a surprising extent. Hundreds of steamers plied the Mississippi and the Ohio, and many of them came up the Missouri. Missouri was then a frontier State, and the river was the only path for commerce into the wilderness. The difficulties of navigation were as great or greater than they are now, but there was no other method of transportation to compete with the rivers. Railroads had not been extended west of the Mississippi in sufficient numbers to affect the river trade. The old Hannibal and St. Joe ran across the State, depending largely for its traffic upon cooperation with the boats. The Missouri Pacific ran from St. Louis to Jefferson City, and the beginning of the Frisco from St. Louis to Rolla. All beyond was the virgin forest, or prairie, where civilization was just beginning to push its way. The great Southwest must bring its traffic to the nearest river point. For ten years preceding the civil war my father and his partner, who were merchants at Warsaw, in Benton County, ran two small boats upon the Missouri from St. Louis and up the Osage as far as Osceola. From there distribution was made over a territory embracing the entire southern half of the State. It was my father's custom in those days to ride overland to St. Louis in the winter and buy goods to come out on the first boat in the spring. From Westport Landing, where Kansas City now stands, ran the

great overland trail to Santa Fe, and from St. Joseph the pony express to the Northwest. The risks, dangers, and losses of the Missouri River traffic were enormous, but the profit was great, and the necessities of the case compelled the continuance of the river traffic.

The second period of the river history began with the era of railroad building. Gradually the river was paralleled by railroads, and not only this, but all the interior country was tapped by railway lines. For twenty years, up to the panic of 1893, we had an extraordinary increase of railway mileage, keeping pace with and in many cases outrunning the development of the country. Small lines, independent lines, competitive lines fought for business, driving the river traffic out by the greater speed, certainty, and safety of their carriage, making joint and through rates with a view to building up the communities and interests along their lines. A railway runs all the year around. It carries in winter as well as in summer; it carries more quickly, with greater safety and certainty than an unimproved river. It reaches the interior points and can deliver to connecting carriers without reloading. This had its natural effect upon river transportation.

When we add to this the shocking system of discrimination which was practiced by the railroads in those days by which the large shippers were given rebates made up by extortion practiced on the small shippers, we see that law had put it into the power of the railroads to stifle water transportation.

After the period of receiverships through which the railroads passed in 1893 to 1896 the small independent lines of roads disappeared; rapid consolidation began. Now we have only a few giant systems, no one of which is content with a terminus at any point except on the Great Lakes or the seaboard. Deep water and deep water alone is the natural outlet for a railroad.

Fortunately we are entering upon the third period of river history—the period of actual development. The Missouri River is navigable. Navigation has existed in the past. Navigation must exist in the future when the conditions require it. What are those conditions? They are the conditions that confront us to-day. In the first place, we can never again have the advantage of competitive freight rates. All of the interior cities are upon great continental lines of railway which do not stop short of the Great Lakes or the seaboard.

We must look the matter squarely in the face. Deep water must be brought as close to every trans-Mississippi commercial center as natural conditions will permit. Transportation begins with competition between communities, but ends by competition between nations.

We all know that when a nation produces a surplus of commodities the value of such surplus must be determined at the seacoast. There is no such thing as a home market price for any commodity of which we produce more than we use. Such surplus has no value until it enters into the commerce of the world, and its value at the point of production must be discounted the exact sum necessary to place it at the seacoast. The foreign price can not be controlled. It depends upon the production of other nations, the conditions of war and peace, famine and crop failure, and many other things. All that can be improved are the conditions of production at home and the cheapness of transportation to the seaboard. We are the greatest producing nation of raw material in the world. There is no country except Russia having such a tremendous expanse of inland region under one government, and Russia is a hundred years behind us in development. Our national prosperity depends upon the productiveness of these vast inland regions and the cheapness and facility of transporting our products to the seacoast, where they may enter into the commerce of the world.

We must build for the future. Heretofore we have depended upon the railroads to develop the country, and their influence in that direction has been tremendous. The rapid growth of the West and the Southwest and their present prosperity would have been impossible without the enterprise of the railroads in building into new and undeveloped country. But we have about reached the point where the railroad facilities are no longer adequate to the growing traffic, and it seems difficult for them to keep pace with the demands of commerce. In the last decade production in the trans-Mississippi territory has increased in amount six times greater than transportation facilities. This must result in a retarding of business unless a new outlet for the traffic is found.

The expense of building additional lines of railroad is increasing yearly. The time has now come in the development of the country to turn to the Missouri River and make it one of the great freight carriers of the world. Such improvement will not only supplement railroad transportation by relieving it of bulky and cheap freight, and thereby enabling the higher class of freight to be transported more quickly and safely, but it will be a regulator of freight rates. The improvement of the Missouri River to a point where navigation will be safe and profitable will provide almost unlimited facilities for the expansion of trade in the West and Southwest. It is correctly estimated that the improved river will cost no more than a single-track railway and will have six hundred times the carrying capacity of such single track. The effect of the reduction and equalization of freight rates will be by no means confined to the river States. As the Missouri River is the basic point for rates, a reduction or equalization of rates will result in a benefit of all the commercial centers of the West and Southwest. More than that, it will affect the price of all commodities and the value of all land within the sphere of its influence. The western farmer gets for his wheat, wherever sold, exactly what it would produce in Liverpool, less the cost of transporting it there. He must live and pay his debts and buy goods on what he has left after selling his wheat at foreign prices and paying the transportation charges. Every penny saved on the cost of transporting the grain to the seacoast is a penny which remains in the farmer's pocket to build up the general prosperity of the country and enter into all the channels of retail trade. There is no division of interest here. We shall all benefit in an equal proportion by these improvements. It has been found that the building of the Sault Ste. Marie Canal in the Great Lakes and the opening of navigation from Duluth to Buffalo has added 12 cents to every bushel of wheat produced in the Northwest. It actually has advanced the price of farm lands up in Canada far to the northward of the American border. Our Canadian friends are getting the benefit of this while we, in the Southwest, are at a relative disadvantage. If the opening of the Missouri River for traffic would add 6 cents a bushel to the price of our wheat and other grains, it would mean $15,000,000 per year to the State of Missouri alone, $15,000,000 to the State of Kansas, $12,000,000 to the State of Oklahoma, and to other Western States in proportion.

Seventy-five per cent, I am told, of the exports of this country, which bring the golden stream of wealth to American shores and turn the balance of trade in our favor, are the products of the western farms, forests, and mines. We must sell these products abroad in competition with the open markets of the world, and the basis of our wealth is what we can sell abroad, less what it costs us to transport it to the foreign markets. Our great problem has always been the problem of transportation, and I pray that the time may never come when it shall cease so to be, for when we are no longer concerned with the problem of transportation, we no longer have a surplus of products to sell abroad. The West is the backbone of this country. I was born on the banks of the Missouri and have lived there all my life. In that time three great panics have broken over the commercial world, and from each of them the West has rallied through her own inexhaustible resources. At last we are on the high road to financial independence. In the past we have been the innocent victims of panics which we did not cause, but the panic of 1907 touched us more lightly than ever before. The reason is that since 1893 there has been a tremendous growth of population and wealth in the great Missouri Valley. Our cities have nearly doubled. Far out to the west of the Missouri River, where in '93 were the dugouts and the little fields of sod corn, there are now handsome farmhouses, huge barns, good fences. The great new State of Oklahoma has sprung into existence. It came into the Union with a greater population and more electoral votes than some of the New England States.

In the great imperial State of Missouri the values of farm lands are rising every year. We need every acre of that fertile soil for the homes of untold millions. For two generations the tide of immigration has swept across the broad bosom of our State and on beyond to fill the free cheap lands of the West. To-day those free cheap lands are gone. Uncle Sam has no more farms to give away, except in the arid region, where the expense of irrigation must precede cultivation.

Westward the star of empire has taken its way, until it stands poised above the promised land. The tide of white civilization has rolled westward until it has dashed itself against the shores of far Cathay. It now returns to the seat of its power—the Mississippi Valley. In the State of Missouri alone there are 600,000 acres of the richest land in the world lying along the river banks rendered useless by overflow and the ravages of an uncontrolled stream. Six hundred thousand acres—larger than the State of Connecticut. What a problem in the conservation of natural resources is here!

The improvement of the Missouri River is not a local project. While such improvement would reclaim a vast area of fertile land along its banks, yet the land would be added to the tax-

able value and commercial wealth of the great trans-Mississippi empire. It would turn the Missouri River from a liability into an asset. It would check, not wholly, but to a great extent, the disastrous floods that have visited the river cities in recent years. The losses from these floods have not been borne alone by the cities visited. The paralysis of commerce, the loss of freight, the delay, the congestion, and reduction of business have been felt throughout every part of the West.

The advantage of an improved river, both as to rates and traffic, extends to every community, however remote, that can use any portion of the completed waterway as a route to the seaboard. It relieves congestion and furnishes an ever ready potential competition. An improved waterway is a free highway. It can not lend itself to monopoly. It is open to all, under reasonable regulations, who care to use it. The highway itself is free and is maintained without cost to the user. It differs, however, from other highways in the demand it makes for terminal facilities. Such facilities should also be under public control and should be promptly and willingly provided by the shipping centers along the banks in return for the special advantage which they will enjoy. Kansas City has taken the first practical step in this direction by a proposal to issue bonds of the city for $75,000 to provide public wharfage equipped with modern loading and unloading devices. The State of Missouri has created a waterway commission. Other States will fall in line and do their share.

The Missouri River borders seven great States containing a population of 10,700,000. This section is increasing in importance faster than any other section of the country. The center of population is rapidly moving westward. To-day in the Missouri Valley are found the centers of production of all the great commodities upon which is founded our national wealth. Within a belt of 100 miles on each side of the Missouri River, west of the Mississippi, are the centers of production of wheat, oats, corn, cattle, hogs, horses, and mules, and farm products of all kinds. Within the watershed of the Missouri River are found the centers of production of gold, silver, lead, zinc, sheep, and wool, and also the geographical center of the Union. The improved Missouri will bring water transportation nearer the source of supply than any other route. No more national project now engages the attention of the Government than the improvement of the Mississippi and Missouri rivers in connection with the other waterways.

Now, a word as to the progress which has been made in recent years. The skillful engineers who have been in charge of work on the Missouri River have demonstrated by experience that permanent improvement of the river is perfectly feasible and that, once permanently improved, it can be maintained at a moderate cost. In times past the magnitude of the engineering problem involved was not properly appreciated by Congress, and the appropriations spent on the river were not adapted to a general or permanent plan. The present division engineer, Maj. E. H. Schulz, has recently prepared a wonderfully clear, comprehensive, and accurate report upon the river, showing the feasibility of its improvement, with a careful estimate of the cost, and showing also the resources of the country and the tonnage to be expected. This report has been approved by the Board of Engineers of the War Department at Washington and is now before Congress. It is House Document No. 1120, Sixtieth Congress, second session. Briefly, it shows that the cost of improving the river on a permanent basis is about $50,000 per mile, or $20,000,000 from Kansas City to St. Louis; that the land reclaimed along the river by such improvement and the protection from floods and overflows would repay the original cost; that the increased tonnage and reduction of freight rates from the entire Southwest would pay the cost of improvement every two years. It is estimated that navigation would be safe after the second year and the work be completed in ten years. The report points out, however, that the work should be planned as a whole and should be carried out in a continuous, economic, and scientific manner. It is useless to assemble an expensive plant of dredges, etc., to do piecemeal work and to spend some limited appropriation. This only results in an extravagant waste of money. Congress should provide for the entire improvement and appropriate the money therefor as fast as reasonably necessary.

The pending rivers and harbors bill is the first step in the direction of permanent improvement of the Missouri on a sane business plan. This bill carries an appropriation of $1,000,000 to begin the work of securing a permanent channel. With this money the War Department can assemble its plant and organize its force this summer to carry on continuous work. I hope the department will be given a free hand to work out a general plan for the improvement of the entire river, without being fettered by express directions of Congress to spend the money at favored localities. I hope this is the beginning of annual appropriations, that the project may proceed to its completion for the benefit of the present generation.

But it has been said that the amount of money needed for this improvement is beyond the present financial ability of the Government. Personally, I am not in favor of paying for improvements out of the general revenues of the Government. These revenues are needed for other purposes, and it can not be told from one year to another how much the general revenue will be or how much of it will be available for any particular object. If we depend on the general revenues to carry out a large plan extending over a period of years, we may find ourselves suddenly left without funds in the midst of the work. I believe that internal improvements should be regarded as an investment and should be paid for by an issue of bonds similar to those issued for the construction of the Panama Canal. Bonds bearing a low rate of interest can readily be sold, and thus a more businesslike system of financiering and a more economical conduct of the work can be assured. There need be no waste of money at one period or forced economy at another. The bonds could be issued at regular intervals as the work progresses, and I believe that the West and Southwest would take nearly all of these bonds, if necessary, to facilitate the work. We could well afford to do so.

The signs are most hopeful for a realization of this entire project. The sentiment in favor of river improvement all over the country is greater to-day than ever before.

The people of the Nation are coming to realize the justice of our demands. When the improvement of rivers and harbors first was undertaken by the National Government, it was natural that it should begin with the harbors of the coast and the tidal rivers. Millions have been spent on these, to which the whole country has cheerfully contributed. Later, the improvement of the Great Lakes assumed importance, and more millions were spent on this splendid system of water transportation. This money was from the common purse of the taxpayers of the Nation and has resulted in abounding prosperity to the lake cities and the States surrounding them. Now has come the turn of the western rivers.

The West is rising in wealth, population, and commercial importance to its proper relative place with other sections of the country. Every man has his pet insanity, and I have mine. It is a profound and unmistakable belief in the greatness of the Middle West. Nowhere in the known world is there such a large expanse of fertile land as in this great Mississippi Valley. We have the agricultural wealth and the natural fertility, outrivaling in sober fact the far-famed riches of the Valley of the Nile. Missouri has a luxuriance of vegetation which would make the vine-clad hills of Italy look like an arid desert. We have a variety of crops which would put to shame the fairest fields of fertile France. We have the forests and the mines, the cattle upon the thousand hills, the mighty cities, where the smoke from countless factories rolls up like incense upon the altar of industry. With it all we have a restless and indomitable race peopling this vast empire; a race which has planted civilization in the wilderness, which has wrested success from the jaws of defeat, which has conquered the savage, harnessed wild nature, and laughs at time, distance, and difficulties.

Mr. Chairman, I believe that the time for the permanent improvement of the Missouri River has come. Every great river in the world is improved, restrained, and fitted for navigation when the growth of population along its banks makes it necessary. That time has now arrived for the Missouri River. We want to see something else carried down that broad stream besides our fertile farms. I speak not only with the voice of 75 per cent of the Nation's exports, but with the voice of the new West, the financially emancipated West, the commercially important West, the West upon whom the burden of restoring prosperity to the whole country must rest. Let me say that the West, with united voices, demands immediate action toward the improvement of the Missouri River.

[Mr. LANGLEY addressed the committee. See Appendix.]

[Mr. AUSTIN addressed the committee. See Appendix.]

The CHAIRMAN. By order of the House, general debate is now closed and the Clerk will read the bill.

The Clerk read as follows:

Improving New York Harbor, New York: For maintenance, including Ambrose Channel, $200,000.

Mr. MOORE of Pennsylvania. I move to strike out the last word, for the purpose of asking the chairman of the committee at what depth it is proposed to maintain the Ambrose Channel at New York.

Mr. ALEXANDER of New York. Forty feet.

Mr. MOORE of Pennsylvania. Will the chairman answer another question: That is the greatest depth maintained at any port in the United States, is it not?

Mr. ALEXANDER of New York. Yes; 5 feet greater than anywhere else.

Mr. MOORE of Pennsylvania. Can the gentleman tell whether there are any ports in Europe maintained by other governments that have a greater depth than 40 feet?

Mr. ALEXANDER of New York. I am not sure, but I do not think so.

Mr. MOORE of Pennsylvania. Has the committee ever given consideration to the question of the advisability of limiting the depth of channels in the United States?

Mr. ALEXANDER of New York. Yes; it has been talked about very seriously. It is possible that a limit must be fixed—in the interest of the Treasury.

Mr. MOORE of Pennsylvania. Does the gentleman think the Panama Canal would limit the depth of channels of the world?

Mr. ALEXANDER of New York. Oh, I have not considered the Panama Canal in connection with our harbors.

Mr. MOORE of Pennsylvania. How many vessels that now cross the seas require a 40-foot depth?

Mr. ALEXANDER of New York. There are quite a number that, until the Ambrose Channel was deepened, could come in fully laden, because they had disposed of so much coal and in that way lightened ship and diminished their depth by the time of their arrival at the port of New York. But going out there were many vessels that could not go with a full cargo until the Ambrose Channel was deepened to its present depth, especially the Cunarders and vessels of one or two other lines.

Mr. MOORE of Pennsylvania. They require 40 feet?

Mr. ALEXANDER of New York. Yes.

The Clerk read as follows:

Improving Hudson River, New York: Continuing improvement and for maintenance, $350,000.

Mr. MOORE of Pennsylvania. I move to strike out the last word. Will the chairman of the committee kindly inform the House what portion of the Hudson River is to be improved under this provision:

Improving Hudson River, New York: Continuing improvement and for maintenance, $350,000.

Mr. ALEXANDER of New York. That part from Coxsackie up to Troy.

Mr. MOORE of Pennsylvania. That is the part referred to in the report at page 5?

Mr. ALEXANDER of New York. Yes.

Mr. MOORE of Pennsylvania. Under the head of "Hudson River?"

Mr. ALEXANDER of New York. Yes.

Mr. MOORE of Pennsylvania. The report of the committee indicates that the engineer's report may be presented in time for consideration of this committee on the entire project. Is there reason to expect that that report may now be considered by the Committee on Rivers and Harbors in time for presentation to the House?

Mr. ALEXANDER of New York. The report for 12 feet of water at lowest depth is not yet before Congress. It probably will reach Congress in time to be considered by the Senate Committee on Commerce.

Mr. MOORE of Pennsylvania. Did that report go to the board of engineers?

Mr. ALEXANDER of New York. It went to the board of engineers in due form.

Mr. MOORE of Pennsylvania. Did they have public hearings?

Mr. ALEXANDER of New York. I do not know as to that.

Mr. MOORE of Pennsylvania. This project contemplates a very large expenditure, does it not?

Mr. ALEXANDER of New York. I do not know how much it will be—several million dollars.

Mr. MOORE of Pennsylvania. For obtaining a uniform depth of 12 feet?

Mr. ALEXANDER of New York. Twelve feet.

Mr. MOORE of Pennsylvania. From Troy to Coxsackie.

Mr. ALEXANDER of New York. Yes; at the lowest stage of water.

Mr. MOORE of Pennsylvania. It would probably involve an expenditure of $5,000,000, would it not?

Mr. ALEXANDER of New York. In the vicinity of that.

Mr. MOORE of Pennsylvania. I wanted to know whether that report could be considered by Congress at this session?

Mr. ALEXANDER of New York. I do not know whether the Committee on Commerce of the Senate will consider it or not. I hope they will.

Mr. MOORE of Pennsylvania. Then it rests entirely upon them?

Mr. ALEXANDER of New York. Entirely.

The Clerk read as follows:

Improving Newtown Creek, New York: For maintenance, $10,000.

Mr. CLARK of Missouri. Mr. Chairman, I would like to ask the gentleman in charge of the bill a question. Are all of these creeks named navigable?

Mr. ALEXANDER of New York. Not only navigable, but they are carrying a vast commerce. Creek is another name for estuary. Years ago they were called creeks, and the name has been continued, but they are estuaries of the sea.

Mr. CLARK of Missouri. That is what I supposed; affected by tide water.

Mr. ALEXANDER of New York. Yes; and carry enormous commerce.

Mr. CLARK of Missouri. Why did not they call them something besides "creeks?" Out west of the Alleghenies "creek" has a well-defined meaning; it is a very small stream, fit for nothing except from which to catch minnows.

Mr. HUMPHREYS of Mississippi. Newtown Creek has a commerce of 4,000,000 tons, valued at $230,000,000.

Mr. CLARK of Missouri. I only called attention to this to clear up the minds of some gentlemen who have not been here very long and did not know the value of a creek.

The Clerk read as follows:

Improving Arthur Kill, New York and New Jersey: For maintenance of improvement of Arthur Kill and the waters connecting Raritan Bay with New York Harbor, including channel between Staten Island and the New Jersey shore, New York and New Jersey, $10,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. I want to say that the Arthur Kill is a small channel that separates Staten Island from New York. It is not necessarily a part of the port of New York, but it has a tonnage in one year four times as great as the entire tonnage of the whole Mississippi system, leaving the Ohio out. The total amount of money that has been spent on the improvement of the Arthur Kill since the establishment of the Government is $341,000. The total maintenance charged for this stream, which might have made a portion of a great coastal canal system, has been $5,000 per annum. I mention this not by way of disparaging any other river of the country but to bring to the attention of the people of the environment of the Arthur Kill the importance of their own particular river.

Mr. FITZGERALD. Mr. Chairman, the people in the neighborhood of the Arthur Kill are very much indebted to the gentleman from Philadelphia for awakening to the importance of this waterway and is convinced that this appropriation for maintenance is not excessive. I think anybody familiar with the waters about the harbor of New York know that while they may not have high-sounding names they do carry an amount of tonnage in commerce that more than justifies all the appropriations that have been made for them.

Some years ago I made an estimate of the total appropriations for rivers and harbors in this country, and found at that time that they had an aggregate of $296,000,000, and of that sum about $4,000,000 had been expended in improvements about the harbor of New York. Of all the exports of the United States, 65 per cent, as I recall it now, went out of that harbor, while a much larger percentage of the imports came to that harbor.

So that it is a matter of gratification that the gentlemen from the great city of Philadelphia, who have at times been somewhat critical of the fact that projects have been authorized for the improvement of waterways in the harbor of New York greater in extent than those about the harbor of Philadelphia, have a full realization of the importance to the entire country of these waterways, and are so ready and willing to acquiesce in these very modest appropriations that are made for their continuance.

Mr. CANNON. Will the gentleman from New York yield to me?

Mr. FITZGERALD. I will yield to the gentleman, I believe from Illinois. [Applause.]

Mr. CANNON. Mr. Chairman, I merely want to say in reference to the Arthur Kill that I am not as familiar as I might be with the various improvements that are made about New York Harbor. I am familiar in a way with the Delaware River, because I have been down it and recognized the great importance of that river. As the creeks have been referred to as estuaries of the sea, bearing great commerce,

and as I believe in the probability that a great commerce will be borne upon the western waters when improved, as they will be in the next twenty or, perhaps, thirty years, I want to say that I was reminded of the bill that was vetoed by President Arthur in 1882. I voted for that bill, and I voted to pass it over the President's veto. A distinguished citizen on the New York delegation ridiculed some of the appropriations. I recollect for one there was an appropriation for Buttermilk Channel, a name that might suggest prohibition. [Laughter.] There was an appropriation for various creeks which I was compelled to familiarize myself with in the ensuing campaign in order to defend my vote to pass that bill over the President's veto. I had a good deal of difficulty in convincing my constituency—and they were convinced—of the propriety of making appropriations to improve the rivers and harbors of the country. About that time the Mississippi River Commission was created, and I took great pleasure in voting for that measure and for the appropriations that have been made from that time to this, in which great progress has been made. [Applause.]

But I recollect that I sometimes was discouraged in that campaign. There was but one metropolitan paper in that great Middle West that did not ridicule that bill, and it was anathema maranatha for every man that voted for it. I then had to meet the opposition of the metropolitan papers of the great city of Chicago in justifying my vote to an agricultural district, not a great way from the Wabash, not directly interested in those improvements; but I thanked God then, as I thank God now, that that constituency, agricultural district as it is to-day, had the breadth and the intelligence, and, I may say, the patriotism, crossed with that breadth and intelligence, to stand by me at the polls. I ought to make one honorable and intelligent exception to the attacks by the metropolitan press, when I was a younger man than I am now, and that was the Globe-Democrat, published at St. Louis. Behold how times have changed and keep on changing!

I have great respect for the newspaper press. They have access to the people, and they are read and ordinarily have great influence. I recognize that fact. Why, I had the pleasure of floating down the Mississippi on a steamboat in the late excursion from St. Louis to the Gulf. There is nothing like kindergarten instruction. While I had voted for these appropriations since the early eighties, I did not really understand as to the nature of the improvements. I did not understand that the strengthening of the banks, the confining of the water to a channel, substantially compelled the water to do the work of giving a deeper channel. I did not understand that in strengthening the banks with the revetment in many instances it probably meant an expense of $50,000 a mile. I did not fully realize, with engineering skill calling the forces of nature to work, exactly how much time it would take and is to take to work out the great problem; but I had enough kindergarten instruction at that time to feel that I was justified in my former vote, and that I am justified in voting for and supporting this bill as one Member of Congress. [Applause.]

We have 90,000,000 of people in this country now. When fully populated and developed we will have 500,000,000 of people. Already we have almost one-half of the railroad mileage of the round earth, carrying one-third of the products of the civilized world back and forth to market. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CANNON. Mr. Chairman, long before the 500,000,000 of people are here, if we are to depend upon transportation by rail alone, we will have the railway mileage multiplied by two, multiplied by three, multiplied by four. It is a long work to make these improvements, to add to nature sufficient depth of water to carry the great and constantly increasing commerce. Terminals are to be cared for. If you had a railroad running from New York to Chicago, with no stations, it would carry a great deal of commerce originating on the Lakes, down to the seashore, but no railroad could be successfully maintained unless there were hundreds of stations. These stations will come on the rivers, but all this can not be done in a day.

I do not care about airing grievances touching newspaper and magazine attacks. It is their privilege. Why, Mr. Chairman, I recollect on that trip down the Mississippi that a great enterprising metropolitan paper issued a paper daily, with the aid of the local publishers along the way. When I turned around to come back from New Orleans, from the criticisms that I received and that many others received, not founded upon correct information—I will not say maliciously false—but not founded upon correct information, it made me wonder whether I was afoot or ahorseback; whether I was I or somebody else. [Laughter and applause.]

I am glad, Mr. Chairman, that the Committee on Rivers and Harbors by well-considered items has made what the chairman of that committee says is a good bill, and what I believe to be a good bill. I am not an engineer. In the great mass of business that is covered by 30,000 bills pending before the various committees, no man ever lived who can exhaust all of them. We must follow the committees. No Congress will ever exist that can ever consider all of the 30,000 bills, unless God in His infinite mercy lengthens the hours in the day and the days in a year. It is for us, while we occupy temporarily the places that we do occupy, to preserve the machinery by which a majority can transact the public business, and to preserve it, looking into the faces of the gentlemen on the other side, so that when the wisdom of the American people and the favor of God may give, perchance, in the fullness of years, a majority to them [laughter and applause] they will have the rules and the order of procedure, the product of the experience of one hundred and twenty years, unhampered, and thus may run the business of this House, and glorify—on the consideration of the river and harbor bill and all other bills—for the advantage not of men of their organization alone, but for all of the 90,000,000 of people. And while we seemingly strut and fret, declaim and are interviewed constantly in the public prints—notwithstanding all that, the people of the United States will hold responsible from time to time the party in power for legislative results, and unless that party has the machinery and the procedure to achieve those results, they will not have full power although they may be in the majority.

I expect we will continue to receive all kinds of correct information, and fake information that is fished for, you know, here and there, in order that our great metropolitian journals may continue, some of them, to make their papers from day to day, like the Yankee made his razors—to sell. [Laughter and applause.] But I desire to say to gentlemen on this side of the House, and to gentlemen on that side of the House, that in the last analysis, out of the two great organizations—the minority from time to time putting the majority on its good behavior, seeking to become the majority—will come correct legislation and correct appropriations for the greatest good to the people of the Republic. And if we lose sight of our own importance and of our own position for the time being, there will come in our own places better and wiser men, who will not lose sight of the necessity to provide for an orderly procedure under which a majority can work its will. Where responsibility rests, there must be power with the majority to move on, being responsible. [Applause.]

Mr. ALEXANDER of New York. Mr. Chairman, the Speaker said in his remarks that he was not an engineer and could not judge as an engineer, but I desire to say that nearly every item in this bill has had the approval of the engineers.

Mr. FITZGERALD. Mr. Chairman, I wish to welcome to the support of this bill the distinguished Member from Illinois [Mr. CANNON]. If it be accepted that he has all the power in this House that has been attributed to him recently, I am quite convinced that this bill will now have easy passage through the House. On behalf of those who are interested in a proper and comprehensive improvement of the waterways of the country it is a pleasure to have recorded the fact that the Speaker is heartily in favor of this bill. In what he said, Mr. Chairman, he referred to a Member from the city of New York who had criticised the bill which was vetoed by President Arthur in 1882. As the Speaker did not name the Member and as somebody might get the impression that, perhaps, I had changed my course since that time [laughter] I wish to announce that I was not the Member, as I did not happen to be a Member of the House in 1882. The Speaker referred to Buttermilk Channel as one of the waterways which he was compelled to justify before his constituents. Buttermilk Channel is the western boundary of the district which I represent. Commencing with what is well known as the Brooklyn Bridge it runs 2¼ miles around the westerly side of the borough of Brooklyn until it reaches the point known as Red Hook Point. Thence the channel proceeds along the westerly bank of the borough of Brooklyn under the names of Red Hook and Bay Ridge channels until it reaches deep water in the sea. In 1880 a project was prepared to deepen Buttermilk Channel to 26 feet at mean low water. Its name is derived from the fact that, separating, as it does, the borough of Brooklyn from Governors Island, because of the prevailing rapid currents the water is considerably churned up and has the appearance of buttermilk. The distance between the shore in Brooklyn and Governors Island is about 900 feet, and the recent lengthening of merchant vessels has, perhaps,

rendered that channel less available for large-draft and long-cargoed vessels than it had been within recent years, but along that channel, Mr. Chairman, until within the past six or seven years there was maintained one of the greatest systems of warehouses known in the United States. From that channel to-day proceed most of the vessels which ply between the port of New York and South American, Caribbean, and Mediterranean ports.

In January, 1901, I made a comprehensive statement in this House about Buttermilk Channel. I showed by statistics that in the calendar year 1899 the freight received and shipped from the wharves along this channel amounted to 12,301,292 tons, valued at $373,754,512; 33,143 loaded and unloaded miscellaneous cargoes of grain, coffee, sugar, cotton goods, and other commodities. The commerce has grown greatly during the past ten years.

I make this statement at this time so that it may go in the RECORD with the Speaker's statement, so that it may be well known that this channel is important to the commerce of this country to-day and was so at the time referred to by the Speaker. No appropriation is made in this bill either for its maintenance or its improvement. My recollection is that it has been improved to a depth of 30 feet at mean low water, and probably that depth will be sufficient for the character of vessels that will come to the docks and warehouses built along it. I am happy that the few remarks that I had occasion to offer in reply to the gentleman from Pennsylvania [Mr. MOORE] have been the occasion of having drawn thus early in the consideration of this bill the opinion of the Speaker in the RECORD upon it; and I am sure all of us who have been anxiously awaiting the recommendations of the Committee on Rivers and Harbors are happy to know that this bill seems to have given such universal satisfaction. [Applause.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and the Speaker having resumed the chair, a message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries.

RIVER AND HARBOR APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Improving Delaware River, Pennsylvania, New Jersey, and Delaware: Continuing improvement and for maintenance from Fishers Point to Delaware Bay, $550,000: *Provided*, That of this amount so much as may not be required for maintenance of improvement in accordance with the existing project shall be expended for widening the channel at the bends below the city of Philadelphia with a view to securing, so far as practicable, a channel of equal safety and efficiency in all its parts.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. Will the chairman of the committee kindly answer one or two questions? You have made provision here, as I understand it, for a widening of the bends at a depth of 30 feet. For that we have to make our acknowledgments to the committee, but I want to ask the gentleman whether he knows anything about the 35-foot survey, for which provision was made in the bill of 1909?

Mr. ALEXANDER of New York. The gentleman refers to the survey of the act of 1909?

Mr. MOORE of Pennsylvania. Providing for a depth of 35 feet.

Mr. ALEXANDER of New York. That is now being considered by the board, but unfortunately was not before us during our consideration of this bill. I have no advice when it is likely to be reported; probably not—certainly not in time for the action of this committee.

Mr. MOORE of Pennsylvania. I do not want the gentleman to misunderstand me. I am making comparison only for the purpose of getting at the point. Was the survey of the Hudson River provided for in the 1909 bill?

Mr. ALEXANDER of New York. Yes.

Mr. MOORE of Pennsylvania. And the report of the engineers has so far advanced that the report may be in the Senate in time for consideration by this Congress?

Mr. ALEXANDER of New York. I am so advised. It was made by an engineer. The Hudson River survey was made by Colonel Black, and the Delaware River survey was made by Major Deakyne.

Mr. MOORE of Pennsylvania. The gentleman told me a moment ago that the probable cost of the Hudson River improvement for a depth of 12 feet from Troy to Coxsackie would probably aggregate $5,000,000.

Mr. ALEXANDER of New York. I do not know what will be the amount. I have not even heard it rumored, but I should suppose, from my knowledge of the conditions—it being solid stone from Albany clear to Waterford—it would take at least four or five millions of dollars to excavate the channel that will give water of 12 feet at its lowest stage. That would mean a channel of 15 feet at Albany.

Mr. MOORE of Pennsylvania. How far is that above the port of New York?

Mr. ALEXANDER of New York. One hundred and fifty miles.

Mr. MOORE of Pennsylvania. Has the gentleman been advised at all as to the probable cost of the 35-foot depth in the Delaware River for a distance of 60 miles?

Mr. ALEXANDER of New York. I have not.

Mr. MOORE of Pennsylvania. I have been advised unofficially that the cost would be $10,225,000.

Mr. ALEXANDER of New York. I have heard no intimation; have not heard the slightest rumor as to what it would cost.

Mr. MOORE of Pennsylvania. I wish to say to the gentleman in the time reserved to me that the commerce of the port of Philadelphia last year was over 27,000,000 tons; that the revenues collected at that port aggregated $20,000,000. That, of course, was distributed in the revenues of the country in other sections as well as in ours. Vessels went ashore last year in the Delaware at the 30-foot depth. One was a battle ship of the United States that carried away the marine forces that were to hold up the dignity of our country in southern waters. I want to ask the gentleman whether he does not think it possible that we should have some consideration through the Board of Engineers of that 35-foot project at this session of Congress?

Mr. ALEXANDER of New York. It is impossible for me to hazard even a guess. I do not know how much work is before the board of review. I do not know whether the Delaware survey has yet reached the board. It would be utterly impossible to make any guess.

Mr. MOORE of Pennsylvania. The fact, then, is that one engineer on the Hudson River project was able to complete his report in time to get it in for action by the Senate, and another engineer, starting to work exactly at the same time on the Delaware River project, is unable to get it in in time for consideration before either House?

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. MOORE] has expired.

The Clerk read as follows:

Improving Smyrna River, Delaware: For maintenance and continuing improvement in accordance with the report submitted in House Document No. 815, Sixtieth Congress, first session, $25,000: *Provided*, That no part of said amount shall be expended until satisfactory title to the land required for the necessary cut-offs shall have been transferred to the United States free of cost.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert after the word "cost," in line 10, page 19, the following new paragraph:

"Inland waterway to connect the waters of the Chesapeake and Delaware bays: For acquisition of the Chesapeake and Delaware Canal, in accordance with the report submitted in Senate Document 215, Fifty-ninth Congress, second session, for the purpose of freeing said canal and ultimately securing and maintaining a depth of channel of 35 feet, $2,514,289.70."

Mr. MOORE of Pennsylvania. Mr. Chairman, this is a case where there has been a survey and a report. A commission known as the Agnus commission reported in favor of the taking over of the Chesapeake and Delaware Canal in 1907. That action was duly reported to the House. The taking over of that canal would mean much to the Atlantic seaboard in the way of saving life and property, and in the reduction of transportation rates, as well as in the facilitation of a great commercial and agricultural business. The canal is now in active operation. It has been so since it was constructed in 1829, but it is still of the antique order, like all the canals along the Atlantic seaboard.

I hold in my hand a letter from one of the shippers over that canal—a cut-off of 13 miles through solid land, saving an outside sailing distance of about 325 miles—which indicates the charges that are now made, and the difficulties that shippers have even in that short artificial waterway:

For your information the present charge for tolls through the Chesapeake and Delaware Canal for the 13 miles is higher than any railroad charge for the same distance on any railroad in the United States, and the railroad furnishes the motive power, the track, and the vehicle, whilst the canal charge is merely a privilege of passage, the customer furnishing in addition the vessel and motive power and all the liability, so it is an easy matter to figure the great burden this is to the development of the commerce, as it practically prevents competition and warps all development.

That canal to-day is used by the lumber trade which comes up from Virginia, North Carolina, and South Carolina and passes

into the ports of New York, Philadelphia, and Baltimore, and is also used in the shipment of coal and other bulky commodities. It has a depth of only 9 feet, insufficient to pass any modern vessel of commerce outside of the barge class. It is the shortest cut between the Delaware and Chesapeake bays, upon which, according to the report of the engineers, there could be a monumental commerce. I quote from the report presented to the Fifty-eighth Congress, which shows the commerce on the Delaware and Chesapeake bays:

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

Mr. Chairman, there is so much of importance in this matter that I dare not venture in the five minutes' limitation to cover it all. Therefore, in moving the adoption of the amendment, I ask permission to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. Mr. Chairman, extending, by permission of the House, my remarks on the amendment to the river and harbor bill, providing for the taking over and freeing of the Chesapeake and Delaware Canal, I wish, first of all, to put into the RECORD an extract from the excellent and comprehensive report of the Agnus commission, which was forwarded to Congress January 12, 1907. It deals with the long and patient agitation of the people of the Eastern States, who have pleaded so earnestly for consideration of this worthy project, and sets out in forceful terms the commercial, naval, and military advantages that would accrue to the Government and the people of all the States by its adoption. Especially to those devoted and successful advocates of the great projects of the Middle West is this succinct statement of one of the crying commercial necessities of the Atlantic seaboard commended.

Commenting upon the public interest in the project, the commission said:

COMMERCIAL ADVANTAGES.

At each of the public hearings in Baltimore, Wilmington, and Philadelphia the business organizations of the city were represented by committees of leading citizens and speakers, including Representatives in Congress, members of the judiciary, and officers of the city and State. The commission found in these great cities—and elsewhere also—a remarkably efficient and practically unopposed demand for the ship canal.

So many forceful speeches were made at the hearings that it is difficult to choose from them, but because of his well-known conservatism and his high standing with the American people, these words from the distinguished jurist, Hon. George Gray, at the Wilmington meeting, seemed to be especially pertinent:

"Anyone who looks at the map, or, indeed, any map of this region, can understand why as early as two hundred years ago it occurred to the intelligent voyagers to this country that a canal across this narrow neck of land would be a necessity of the future. It was talked about one hundred and fifty years before it was accomplished, and across that upper narrow portion of the peninsula a canal was at last put which has served largely to promote the commerce of our country and this region. No one can overestimate the advantage it has been between the North and the South. The coal, lumber, and general merchandise which has found a cheap passage has been a considerable advantage. Now that the country has grown in wealth and population it is a natural sequence that attention should be called to its important relation to the country at large. A great deal of the commerce of the Chesapeake Bay from Baltimore, from Washington, and all the affluents of the Chesapeake Bay go up that canal. Now if it was a ship canal it would connect the two geographical divisions of the country—all that country east of the Hudson—with the country that lies west and south of the Chesapeake. That little obstruction compels an ocean voyage of several hundred miles, and there is to be considered not only the distance, but the expense. The plan for the canal should commend itself to the representatives of all the country. You could not contradict the propositions which these simple facts support. It would be of immense importance. Whether you are in favor of liberal appropriations or not, it has every argument that it would be for the better support of the National Government."

Even stronger testimony may be found in the action of the commercial bodies and other public organizations of the cities and towns along the Atlantic seaboard, the more important of which are contained in the records of public hearings on file with the proceedings of the commission.

THE MODERN DEMAND FOR CANALS.

The significant development of the public hearings was the conviction of leading business and transportation experts that the railroads of the Atlantic seaboard were having great difficulty in handling freights, and that the extraordinary growth of the country's business had already taxed them to the limit of their facilities. In the Eastern States the freight congestion has become a serious embarrassment to business.

The opinion was expressed that the railroads could now choose the kinds of freight they wish to carry and leave the commoner kinds to take their chances. In this the United States is passing through an experience similar to that of Europe. The rise of the railway caused the decline of the canal until recently, when the railway could not meet all of the public demands. It is recognized that the capacity of the railways in solving the question of good traffic is limited, and so, as never before in recent history of the railroad, attention has been turned to canals. It has been found that "by natural process of adjustment railways carry a lighter and more valuable material, which must be conveyed rapidly, where canals carry heavier and less valuable goods which do not require rapidity of transportation."

THE COASTWISE TRADE.

It is very unfortunate that there are no satisfactory statistics of our coastwise trade, although it represents many times the value of our foreign commerce. A letter from the Chief of the Bureau of Statistics, replying to the commission's inquiry, says:

"Our information with reference to the coastwise commerce is of very little value. It is the one feature of the internal commerce of the country to which I have not been able to give attention."

The fact that vessels engaged in coastwise trade are not required to file copies of their manifests at the custom-houses makes the record difficult.

The projected canal across the Maryland-Delaware peninsula would unquestionably be a great convenience to foreign shipping. The view that it would not be used by ocean-going ships is the same contention that arose when the other great ship canals were built, but their history has shown that when the channel is cut the ships will always take the shortest course.

The Delaware and Chesapeake bays have a shore line of 2,500 miles, with 500 tributary streams and more than 10,000 registered vessels.

An idea of the trade immediately affected can be had from the statement contained in Report No. 2725 to the Fifty-eighth Congress, which says:

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

Of the registered tonnage traffic in a recent compilation, 25,873,167 were on Delaware Bay points and 24,151,932 on Chesapeake Bay points. These figures, however, do not include the undocumented and unregistered tonnage traffic, which would add nearly 100 per cent to the total.

Considerably less than one-tenth of the traffic on the Delaware and Chesapeake bays and their various points belongs to foreign commerce. The great value of the proposed canal would be in facilitating the coastwise trade.

It is estimated that at least 2,000,000 tons of coal would go through this canal to consumers farther north. Under the present conditions, much of this coal has to make a detour by way of the capes, and often the vessels must lie at Hampton Roads ten or twelve days and even two weeks waiting a shift of wind.

A striking illustration of this condition was found in the newspapers of Thursday, October 25, 1906, the day the first draft of this part of the report was written, when it was stated that on that day "about 75 steamers, tugs, barges, and sailing vessels passed out Cape Henry, bound south and east, the majority having been weather-bound for at least two weeks."

The experts who appeared before the commission believe that the canal would cheapen coal for the New England points. Lumber will be an important item. Its movement northward from the Carolinas and other Southern States is much hampered by the inadequacy of the present canal. With a free canal the cost would be about half the present rate, according to the experience of the lumber trade on the Great Lakes.

Coal and lumber have been mentioned, but they are only two of the numerous products, among which may be counted cotton, corn, staves, hog products, poultry and vegetables, live stock, hay, fisheries, tobacco, coke, wool, potatoes, peanuts, phosphate, turpentine and resin, zinc, and stone.

It is estimated that the South each year has over $2,000,000,000 worth of raw materials. A very considerable part of all this seeks northern markets, and in return the North sends machinery and supplies of all kinds. All this movement would be aided by the proposed canal. The manufacturing interests touched by waterways, which this canal would connect, and of which it would become a part, have an annual total production of considerably more than $1,000,000,000.

Many of the great industrial concerns have located on the seaboard so as to have the advantage of cheap transportation.

It is the commission's opinion that the deep-water canal across the upper end of the peninsula would be of very great advantage to commerce. It would give the West a seaboard more than 100 miles nearer the ocean than it now has. It would relieve hundreds of vessels of the necessity of a dangerous sea route, which in years gone by has cost $10,000,000 in wrecks. It would save time and expense to the trade movements of the whole country. It would immediately affect the 11,000,000 people upon the two bays and their tributaries, and would contribute to the interests of all of the population. In increasing commerce and reducing the cost of transportation, it would stimulate production and be of direct financial benefit to American industries. The commission believes the commercial advantages will fully justify the expenditure of the funds necessary to complete the work.

MILITARY AND NAVAL USES.

In a general strategic sense the military advantages of the proposed ship canal appear most prominently in the channel offered for the rapid transit of naval vessels from one bay to the other to concentrate against hostile naval fleets or for the breaking of blockades.

To make the canal thus available at all times, its termini must be thoroughly protected by sufficient coast defenses to render its passage at all times open. This is at present secured on the Delaware for the Chesapeake and Delaware Canal route by existing defenses, and on the Chesapeake by the defenses of Washington, Baltimore, and Hampton Roads, which an attacking naval force would hesitate to leave in its rear, sheltering cruisers that could demolish its boats of communication and supply. But full strategic use of the canal could be secured only by adequate coast defense at each terminus. It is not considered that a project for the defense of the Chesapeake terminus lies within the scope of this report, as such project should receive careful consideration by a competent board of military engineers. The cost would be practically the same for either route.

Assuming, however, that both termini are to be properly defended, the canal itself offers many advantages to such defense by the ready means of intercommunication afforded. The canal would permit the prompt interchange of troops and munitions between the coast batteries and particularly of the submarines, scout boats, and coast-defense monitors that now form an important factor in seacoast defense, thus minimizing the number required for a complete defense.

Another important feature of the canal would be the obstacle presented by it as an adjunct for land defenses. These would serve as a base for troops operating to break up military occupation of the peninsula, or to check advances therefrom without reembarkation should such occupation become effective. A geographical study of the Atlantic coast of the United States, as at present defended, shows the peninsula of Maryland and Delaware as the most vulnerable and suitable place for the location of a base for land operations should our navy be driven from the seas. This was demonstrated by history in the war of 1812.

THE COST AT 35 FEET.

So much for the report of the commission. It recommended the taking over of the canal, at a cost of $2,514,289.70, and expressed its belief that "the construction over the route of a free ship canal" was "justified by the demands of commerce and by military and naval considerations." For a depth of 35 feet, which would enable the canal to carry the largest ships afloat, the commission estimated the cost to be $20,621,323.70. The cost of a 30-foot depth was estimated at $17,312,064.70. These estimates are taken from the original reports, but subsequently, under the direction of the Chief of Engineers, there was a reassembling of estimates to ascertain the cost of depths less than 30 feet, as appears from the following report from one of the engineer commissioners submitted October 8, 1908, for the information of the Committee on Railroads and Canals:

COST AT 16 FEET, $10,638,993.89.

HEADQUARTERS THIRD BATTALION OF ENGINEERS,
Fort Leavenworth, Kans., October 8, 1908.

The CHIEF OF ENGINEERS,
United States Army, Washington, D. C.

GENERAL: As directed by indorsement from the office of the Chief of Engineers dated June 4, 1908 (E. D. $\frac{1462}{117}$), I have the honor to submit the following report covering the information desired by the chairman of the Committee on Railways and Canals, House of Representatives, in letter to the Secretary of War dated May 21, 1908. This information was as follows:

First. The cost of construction along the line of the present Chesapeake and Delaware Canal of a canal of proper widths and 25 feet deep at mean low water.

Second. The construction along the line of the present Chesapeake and Delaware Canal of a canal 16 feet deep at mean low water, of proper widths.

Third. For a canal of 35 feet depth at mean low water, with revetments placed for final expansion to this latter depth, and also an alternative estimate for a canal of 16 feet depth, with proper widths for that depth, estimate to include a permanent revetment upon one bank of the canal and a light temporary revetment on the other bank for removal in case of future expansion of the canal.

Fourth. The cost of construction of a ship canal of 35 feet depth and the cheapest line paralleling the present canal close to its present position, but without encroaching on any of the properties of the Chesapeake and Delaware Canal Company.

Fifth. The estimated value to the United States of the saving effected by utilizing the present route of the Chesapeake and Delaware Canal Company over what the cost would have been were canal to be constructed over this line under conditions precedent to the construction of the present canal.

To prepare accurate estimates for this report would require, as I stated verbally to the chairman, an accurate and carefully contoured survey of the land along the two routes considered. As the War Department had at its disposal no funds available for such survey I was compelled to base my estimate on existing maps of previous surveys, which do not even approximate the desired accuracy. The figures given below are obtained from the profile along the line of the Chesapeake and Delaware Canal, as given in report of the commission—of which I was a member—on a waterway to connect the waters of the Chesapeake and Delaware Bay—printed in Senate Document No. 215, Fifty-ninth Congress, second session—and which is fairly accurate, and from a profile shown on accompanying tracing along alternate route to the south of the Chesapeake and Delaware Canal constructed from the local maps of the United States Geological Survey. These maps give only 20-foot contours and do not pretend to the accuracy desired for computations of excavation. It is my opinion, however, that the figures given in the estimate will not vary from the correct ones more than 5 per cent for canal prisms along the line of the present canal or more than 10 per cent along the alternate route.

The estimates desired taken seriatum are as follows:

1. Canal along the line of the present Chesapeake and Delaware Canal, 25 feet deep at mean low water, with surface widths for future expansion to a 35-foot depth.

Estimate.

Purchase of land, 903 acres high land, at $250	$225,750.00
Purchase of land, 750 acres marsh land, at $100	75,000.00
Excavation:	
Chesapeake Bay from Pooles Island to Turkey Point, 3,229,550 cubic yards, at 13 cents	419,841.50
Mouth of Elk River and Chesapeake City, Md., 3,299,900 cubic yards, at 14 cents	461,986.00
Chesapeake City to point 33,000 feet east of same, 26,709,191 cubic yards, at 16 cents	4,273,470.56
From above point to Delaware River, 14,743,723 cubic yards, at 14 cents	2,064,121.22
Shore of Delaware River to present dredged channel, 2,680,500 cubic yards, at 13 cents	348,465.00
Revetment:	
Bank revetment, 103,100 linear feet, at $6.50	670,150.00
Special revetment on deep cut where presence of quicksand is indicated	500,000.00
Jetties, 2,000 linear feet, at $20	40,000.00
One railway and 6 highway bridges	925,000.00
Maintenance of plant	702,500.00
Contingencies and engineering, 10 per cent of above	1,070,628.42
Purchase of works and franchises from Chesapeake and Delaware Canal Company	2,514,289.70
Total	14,291,202.40

The area of land as stated above is that actually required for a strip 1,000 feet wide. The canal company's land map shows very few places where their holdings even approximate 1,000 feet in width. The company states its land holdings at 8,000 acres; if correct, this is probably largely outside holdings of land for drainage basins for their summit water supply. As the proposed canal will have no summit level, these drainage areas will not be needed and some saving might be effected by the sale or exchange of surplus land.

2. Canal along the line of the present Chesapeake and Delaware Canal, 16 feet deep at mean low water, with surface widths for future expansion to a 35-foot depth:

Purchase of land:	
903 acres high land, at $250	$225,750.00
750 acres marsh land, at $100	75,000.00
Excavation:	
Channel in Elks River and Back Creek, 464,520 cubic yards, at 14 cents	65,032.80
Chesapeake City, to point 33,000 feet east, 23,966,846 cubic yards, at 16 cents	3,834,695.36
Above point to shore of Delaware River, 10,186,884 cubic yards, at 14 cents	1,426,163.76
Shore of Delaware River to 16-foot depth in Delaware River, 1,102,000 cubic yards, at 13 cents	143,260.00
Revetment:	
Bank revetment, 103,100 linear feet, at $6.50	670,150.00
Special revetment on deep cut where presence of quicksand is indicated	500,000.00
Jetties, 2,000 linear feet, at $20	40,000.00
One railway and 6 highway bridges	925,000.00
Maintenance plant	702,500.00
Contingencies and engineering, 10 per cent of above	860,755.19
Purchase of work and franchises from Chesapeake and Delaware Canal Company	2,514,289.70
Total	11,982,596.81

3. For a canal of 35-foot depth along line of present canal, and for a canal on same line 16 feet deep, with suitable surface widths for the 16-foot depth, but with wooden revetment along one bank of the canal to permit easy removal in case of future operations for widening the canal at the surface suitably for a 35-foot canal—the revetment on the other bank to be of riprap, as recommended by the commission, and as included in above estimates.

Estimate for a 35-foot canal.—This is given on pages 7 and 8 of the commission's report as $20,621,323.70, but a careful checking of the commission's computations has developed an error in calculation of 3,000,000 cubic yards excess. This error, at 14 cents per cubic yard, reduces the commission's estimate by $420,000, or to $20,201,323.70.

For the 16-foot canal, as specified, we have the following:

Estimate.

Purchase of land, 903 acres high land, at $250	$225,750.00
Purchase of land, 750 acres marsh land, at $100	75,000.00
Excavation:	
Channel in Elk River and Back Creek, 464,520 cubic yards, at 14 cents	65,032.80
Chesapeake City to point 33,000 feet east, 18,093,236 cubic yards, at 16 cents	2,894,917.76
Above point to shore of Delaware River, 8,358,994 cubic yards, at 14 cents	1,170,259.16
Shore of Delaware River to 16-foot depth in Delaware River, 1,102,000 cubic yards, at 13 cents	143,260.00
Revetment:	
Bank revetment, permanent, 51,550 linear feet, at $6.50	335,075.00
Bank revetment, temporary, 51,550 linear feet, at $6	309,300.00
Special revetment on deep cut, where presence of quicksand is indicated	500,000.00
Jetties, 2,000 linear feet, at $20	40,000.00
One railway and 6 highway bridges	925,000.00
Maintenance plant	702,500.00
Contingencies and engineering, 10 per cent of above	738,609.47
Purchase of works and franchises from Chesapeake and Delaware Canal Co	2,514,289.70
Total	10,638,993.89

4. Canal of 35-foot depth on line to the south, paralleling the present canal, but not encroaching upon its territory; the line of this canal is shown on accompanying map.

Estimate.

Purchase of land, 1,283 acres high land, at $250	$320,750.00
Purchase of land, 375 acres marsh land, at $100	37,500.00
Excavation:	
Chesapeake Bay to mouth of Elk River, 20,524,470 cubic yards, at 13 cents	2,668,181.00
Mouth of Elk River to Chesapeake City, 10,055,000 cubic yards, at 14 cents	1,407,700.00
Chesapeake City to point 9,600 feet from Delaware River, 58,891,415 cubic yards, at 16 cents	9,422,626.40
Above point to shore of Delaware River, 4,738,810 cubic yards, at 14 cents	663,433.40
Shore of Delaware River to present dredged channel, 4,758,750 cubic yards, at 13 cents	618,637.00
Bank revetment:	
126,400 linear feet, at $6.50	821,600.00
Special revetment where presence of quicksand is suspected	500,000.00
Jetties, 2,000 linear feet, at $20	40,000.00
One railway and 6 highway bridges	925,000.00
Maintenance of plant	702,500.00
Contingencies and engineering, 10 per cent of above	1,812,792.78
Total	19,940,720.58

5. The estimated value to the United States of the saving effected by utilizing the present route and property of the Chesapeake and Delaware Canal Company over what the cost would have been were a canal

to be constructed over this line under conditions precedent to the construction of the present canal:

Useful excavation already made 5,506,620 cubic yards, at 16 cents		$881,059.20
Land holdings, 8,000 acres, at $50		400,000.00
Telephone line		2,000.00
		1,283,059.20
Less cost of removing 3 locks, at $5,000	$15,000	
80,000 linear feet of bank revetment, at 10 cents	8,000	
44,000 perches of masonry, at 40 cents	17,600	
		40,600.00
Balance		1,242,459.20

The above figures are a very rough approximation, but they have been carefully considered and the best available without a detailed survey. It is to be borne in mind that a large amount of excavation made by the canal company was placed on the banks as spoil and to form a towpath in the marshes, and is not useful excavation, in that it must be again handled in the construction of a ship canal.

Summary of estimates.

1. 25-foot canal along line of present canal, full widths	$14,291,202.40
2. 16-foot canal along line of present canal, full widths	11,982,596.81
3. 35-foot canal along line of present canal	20,201,323.70
16-foot canal along line of present canal, diminished widths	10,638,993.89
4. 35-foot canal along parallel line to south of present canal	19,940,720.58
5. Saving in value of work to the United States to be effected by using present canal route	1,242,459.20

The accompanying tracing shows the two canal routes considered, the profile along the alternate southern route, and the cross sections adopted for the three depths considered.

Very respectfully, your obedient servant,

C. A. F. FLAGLER,
Major, Corps of Engineers, Commanding.

HISTORY OF THE 13-MILE CUT.

The Chesapeake and Delaware Canal was opened in 1829. It was dug by hand in the old-fashioned way at the expense of the Federal Government, the States of Pennsylvania, Delaware, and Maryland, and private stockholders. It has been in continuous operation ever since, and while as good as any other eastern canal, is so antiquated and lacking in depth and width that the *Half Moon* of Hendrick Hudson's time could not pass through it. And yet it saves an outside sailing distance from Philadelphia and points north to Baltimore and points south, of about 325 miles, for to take the outside course by water means a sail down the Delaware River and Bay into the Atlantic Ocean as far as Cape Charles, Virginia, which must be rounded at Hampton Roads before Baltimore can be reached. The 13-mile cut across Delaware and Maryland saves all this time and risk, and provides a safe and speedy inside passage for commerce or for war vessels. It was to save the outside sailing that our forefathers cut the canal, and it is this saving the business interests of to-day are seeking to accomplish in an up-to-date, open, and unhampered water highway.

If the upper Mississippi, from the mouth of the Missouri to St. Paul, is to take $20,000,000 for "ultimate commerce," why should the "existing commerce" of the Atlantic coast be denied an equal opportunity? The query is not sectional; it suggests a square deal; a square deal, and nothing more!

It is not a proposition to be scoffed at because it has so often come before the House. On the contrary, it is a burning, lasting shame that it should have been so long postponed, postponed to the great disadvantage of a populous, thriving section of the country, which has done well for every other section of the country and deserves in turn to be fairly dealt with.

IMMENSE SHIPMENTS OF LUMBER HELD UP.

Add to this a statement from the Philadelphia Inquirer of February 11, only a few days ago. It pertains to shipments of lumber from Virginia and the Carolinas since the 1st of January, 1910—shipments not for a year, as commercial statistics are commonly reported by the United States engineers, but for one month and a few days only. The statement conveys a faint notion, too, of the dangers confronting life and commerce by the outside route. Here it is:

Although there were 15 lumber schooners reported lost or missing since January 1, entailing a loss of many hundreds of thousands of feet of lumber, 16,583,000 feet of lumber arrived at this port since the beginning of the year, according to the statement of the commissioners of navigation, made public for the first time yesterday.

The lumber was carried in 41 bottoms, principally barges, carrying nearly two-thirds of the immense quantity of lumber through the Chesapeake and Delaware Canal, following a freeze up, which held up many barges in Chesapeake Bay for nearly a month.

Twenty-seven barges, carrying 9,861,000 feet and one sailing vessel carrying 52,000 feet of lumber arrived via the canal within two days' time, breaking all records for business in the canal since it was first opened in 1829. More than 5,535,000 feet of lumber arrived on 11 sailing vessels via the Capes and 1,135,000 feet on 2 barges by the same route, making a grand total of 16,583,000 feet. Placed end to end the lumber would reach a distance of over 3,140 miles, or practically from Philadelphia to San Francisco.

USEFUL THOUGH ANTIQUE.

Antiquated as this old canal is, far behind the necessities of the country as it has been, these figures, compiled by the secretary of the Atlantic Deeper Waterways Association, speak forcefully of its practical utility:

The canal with improvements cost $4,000,000.
It has carried 708,000 vessels.
It has carried 46,000,000 tons of freight.
It has received from tolls $13,000,000.
The length of the canal is 13⅝ miles—12 miles in the State of Delaware and 1⅝ miles in the State of Maryland.
The depth of the channel is 9 feet.
It has three locks, each 220 feet in length and 24 feet wide.
Speed of vessels through the canal is limited to 4½ miles per hour.

Two commissions have reported in favor of the construction by the Government of a ship canal substantially on the lines of the present Delaware and Chesapeake Canal, although other routes were considered.

SOMETHING ABOUT RATES.

It is said that freight rates by water are about one-sixth the rates by rail. It has been brought to my attention that a ton of clay can be brought from France across the Atlantic Ocean and delivered at Jersey City at one-half the cost of transporting the same ton of clay by rail from Jersey City to Trenton, N. J., a distance of 56 miles. I have also been advised that a ton of fertilizer (2,240 pounds) could be delivered by a completed inside waterway from Philadelphia to Wilmington, N. C., at $1.30 per ton against the rail rate of $4.80 per ton of 2,000 pounds. Be this as it may, with its serious effect upon the farmer, we are able to give some specific instances of the influence of the inside water route upon transportation rates. Here are some poignant facts from reliable authority upon the existing Chesapeake-Delaware situation:

By reason of the now-existing inland route between North Carolina and Philadelphia, for the navigation of which small barges of light-draft have been built, lumber freights from such places as Newberne and adjacent territory have been reduced from $5, which is the outside rate, to $3 per thousand feet. The handling charges on lumber shipped by barges, owing to their construction—large hatches, etc., which would not be feasible on craft navigating outside waters—have been reduced from 60 cents for loading to 20 cents and discharging from 50 cents to 25 cents per thousand feet.

ADVENT OF THE INLAND BARGE.

Before the advent of the inland barge, not over fifteen years ago, it was almost impossible for lumber dealers to secure tonnage to load in the Cape Hatteras district during August, September, and October, excepting at exorbitant freight rates, owing to the dangers of hurricanes in those waters. By the inland method fluctuations of freight rates seldom occur. Hurricanes do not retard the progress nor endanger barges or other craft navigating the inland waters.

Barge owners are subjected to higher canal charges from North Carolina ports in the late fall and early spring. This is due to the lack of competition at that period, the Albemarle and Chesapeake Canal not being navigable to vessels of any size, owing to low water due to high winds.

When the Albemarle and Chesapeake Canal ceases to be a factor the Lake Drummond Canal officials put their rates up on lumber 20 cents per thousand feet to 35 cents.

Great benefit would result from the prompt improvement of the Albemarle and Chesapeake Canal, which would make it navigable at all seasons of the year.

My informant adds:

Potomac River wood trade, which until a few years ago was all in the hands of schooners plying the outside route, is now done exclusively by the inland barge, the result being a reduction in freight rates from $3.50 a cord to $2, now the prevailing rate.

Fully 70 per cent of the lumber now brought here (to Philadelphia) from the North Carolina district comes by the inland route. This means an enormous saving in the way of freights and insurance charges.

SAVING OF LIFE AND RISK.

I might add—

Says my informant—

that the saving of life through the adoption of this method of shipment has also been enormous. When the small outside schooners were in this Hatteras trade the sacrifice of life during the hurricane months—August, September, and October—was appalling. I have personal knowledge of crew after crew that perished in this way.

With vessels navigating inland waters the insurance problem, which for years was a vexatious one to both the owners of craft and shippers of lumber, no longer exists. A vessel's classification no longer enters into the question. All vessels that will float are considered a good risk for underwriters when navigating inland waters.

CANALS MAY ALSO NEED REGULATION.

These direct statements from an experienced, practical shipper ought to have great weight with the Congress. But there is another phase of the question which is important. The canal, unless freed from private or corporate ownership, may not prove the blessing the shipper seeking competition desires.

The railroad control of the Delaware and Raritan Canal—

A correspondent advises—

prevents at this time the development of a large business between North Carolina ports and New York. Rates are prohibitive, and the early closing of the canal operates against trade.

The Delaware and Raritan Canal bisects the State of New Jersey and establishes an inside water connection between Philadelphia and New York. It might become, under government control, the highway of the greatest manufacturing dis-

trict in the world, but it is antique; it is kept antique; and under railroad ownership fails to give the public service or competition that mean encouragement of capital and industry.

River improvements are important—

Writes another shipper—

but what the business community wants is a free Chesapeake and Delaware Canal, which would stimulate the entire commerce of the port as well as of Baltimore and the South.

The present charge (February, 1910) for tolls through the Chesapeake and Delaware Canal for the 13 miles is higher than any railroad charge for the same distance on any railroad in the United States, and the railroad furnishes the motive power, the track, and the vehicle, while the canal charge is merely a privilege of passage, the customer furnishing in addition the vessel and the motive power and all the liability; so it is an easy matter to figure the great burden this is to the development of commerce, as it practically prevents competition and warps all development.

WHERE THE GOVERNMENT IS AFFECTED.

In addition to these commentaries upon a system of ownership and control which is not conducive to commercial enterprise or commercial development, let me draw upon the address of the president of the Atlantic Deeper Waterways Association, at Norfolk in November, 1909:

It has been but a few months—

He said—

since the Secretary of the Navy proposed to send 4 torpedo boats from the navy-yard at Philadelphia to the navy-yard at Charleston. I asked that these boats be sent through the inside passage. They were small craft and were not calculated to withstand the storms of Cape Hatteras. The Secretary answered that he desired to send the boats through the inland waterways, but that they drew too much water to pass through the Chesapeake and Delaware Canal and the canals below Norfolk. Then, again, there was no outlet at Beaufort, below Hatteras, sufficient to enable the passage of these vessels out of the North Carolina sounds. They were sent outside, and in a few days the newspapers, under startling headlines, announced that these valuable vessels of the Government had been driven back from Cape Hatteras, had returned to Norfolk for repairs and in order that some of the men might be taken off and sent to the hospital.

TAKE THE CANAL AND MAKE IT FREE.

This, in brief, is the story of the Chesapeake and Delaware waterway. In the very center of a population of 30,000,000 of people, linking up the north and the south, it presents an opportunity that could not fail to improve the agricultural as well as the commercial and industrial relations of the various States. Its improvement would mean the development and enrichment of a country as fertile as any in the land. It would afford facilities for capital seeking profitable investment and add to labor's opportunities. The Government would have a strategic advantage, going and coming, over any foreign fleet that might attack the Atlantic coast.

The deepening and freeing of the waterway would instantly regulate the rates of transportation, to the great advantage of every consumer of raw materials or manufactured products. So long as existing limitations of depth, width, and tolls prevail, the productive power of the producer and the shipper is limited. When those limitations are removed capital and industry will be free to seize the opportunities awakened by the new conditions. Compared with other great projects authorized by the pending rivers and harbors bill, that of the Chesapeake and Delaware is indeed modest. The adoption of the project therefore ought not to be longer postponed.

Mr. ALEXANDER of New York. Mr. Chairman, this survey which the gentleman from Pennsylvania refers to, and on which his motion is based, has been superseded by a survey put in the bill of 1909, on which the board has not yet reported. It is a general survey from Boston to New York, New York to Philadelphia, Philadelphia to Baltimore, and Baltimore to Norfolk and Beaufort, and on to Key West. The survey to which the gentleman refers is likely to be very seriously modified by that larger survey, in which he is so deeply interested, and in which the people along the entire seacoast are interested. I hope that the amendment will be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Improving Northwest Fork of Nanticoke River (Marshyhope Creek) from its mouth to Federalsburg, Md., in accordance with plan No. 1 as recommended in the report submitted in House Document No. 869, Sixtieth Congress, first session, $22,100.

Mr. ALEXANDER of New York. Mr. Chairman, I submit a committee amendment on page 20, line 13.

The Clerk read as follows:

Page 20, line 13, strike out "twenty-two" and insert in lieu thereof the word "ten."

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

The Clerk read as follows:

Improving Wicomico River, Maryland: For maintenance, and continuing improvement in accordance with the report submitted in House Document No. 569, Sixty-first Congress, second session, $17,000: *Provided*, That no part of said amount shall be expended until title to the land required for the necessary right of way and for the disposition of dredged material shall have been transferred to the United States free of cost.

Mr. ALEXANDER of New York. Mr. Chairman, I submit a committee amendment.

The Clerk read as follows:

Page 20, lines 20 and 21, strike out "seventeen" and insert in lieu thereof the word "twenty-nine."

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

The Clerk read as follows:

Improving Potomac River: Continuing improvement and for maintenance at Washington, D. C., $180,000.

Mr. ALEXANDER of New York. Mr. Chairman, I submit the following committee amendment.

The Clerk read as follows:

Page 21, between lines 5 and 6, insert the following:
"Improving Potomac River, at Alexandria, Va., in accordance with the report submitted in the House Document No. 1253, Sixtieth Congress, second session, $20,000."

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

The Clerk read as follows:

Removing the water hyacinth, Florida, Texas, and Louisiana: For the removal of the water hyacinth from the navigable waters of the State of Florida, so far as it is or may become an obstruction to navigation, $5,000.

Mr. MOORE of Pennsylvania. I wish to ask the chairman of the committee under what auspices this appropriation for the removal of water hyacinth from the navigable waters of Florida is to be expended?

Mr. ALEXANDER of New York. To be expended under the Secretary of War and the superintendence of the Chief of Engineers.

Mr. MOORE of Pennsylvania. Done under the direction of the engineers?

Mr. ALEXANDER of New York. Yes.

Mr. MOORE of Pennsylvania. A part of their duty?

Mr. ALEXANDER of New York. Yes; the same as any other appropriation.

The Clerk read as follows:

Improving Yazoo River and tributaries, Mississippi: Continuing improvement and for maintenance, including Yazoo, Tallahatchie, Big Sunflower, and Coldwater rivers, and Tchula Lake under the existing project, and Steele and Washington bayous and Lake Washington, in accordance with the report submitted in House Document No. 904, Sixtieth Congress, first session, and Bear Creek, Mississippi, in accordance with the report submitted in House Document No. 908, Sixtieth Congress, first session, $39,000.

Mr. SPIGHT. I notice here an appropriation for the improving of the Yazoo River and tributaries, $39,000. I want to ask the chairman of the committee this question: In 1907 an appropriation was made for the improvement of the Tallahatchie River from the mouth of Coldwater ot Vicksburg, Miss., the sum of $4,000 being appropriated for that purpose. Of that amount all but $175 was expended during that year.

In March, 1909, an allotment of $5,000 was made for the improvement of the same part of the Tallahatchie River. No part of that appropriation was expended during the last year.

I want to know, first, if the chairman can tell me, why none of that money was used in the improvement of that part of the Tallahatchie River last year; and then I want to know whether or not the $1,000 which I understand will be allotted under this bill for the same part of the river will be added to the $5,000 and the $175 left of the appropriation of the preceding year.

Mr. ALEXANDER of New York. The gentleman is right. The first appropriation was made to be used for the fiscal year ending June 30, 1910, and both can be used together.

Mr. SPIGHT. Why was it that none of that money was expended last year?

Mr. ALEXANDER of New York. Of course I can not answer without the report of the engineer.

Mr. SPIGHT. I see from the report of the engineer that he says no work was done on that part of the river, for the reason that this appropriation was not available during the low-water season.

Mr. ALEXANDER of New York. That is right.

Mr. SPIGHT. The low-water season came after July. His reply was that it was not used after that time. I was surprised and disappointed that no part of this appropriation was used.

Mr. ALEXANDER of New York. How does the gentleman know that no part was used? We have no report of what has been expended since June 30.

Mr. SPIGHT. I know, as a matter of fact, that no part of it was used, and in the engineer's report he says no part of it was used.

Mr. ALEXANDER of New York. If the gentleman has any report of the engineer, it is up to June 30 last. The gentleman

has no report of the engineer since that date. At least we have none, and we would have it if there was any.

Mr. SPIGHT. I suppose the gentleman is right about that, but I say as a matter of fact that I know nothing was done on that part of the river last year, although after the 30th of June this appropriation was available, as I understand it.

Mr. ALEXANDER of New York. Then the gentleman has information which we have not. We rely upon the report of the engineers, and there is no report in since then.

Mr. HUMPHREYS of Mississippi. I think I can answer the question of my colleague. The only explanation I can make is that the engineer's report was that this allotment of $5,000 was made from the appropriation of last March, but there is nothing to indicate just when that allotment was made. My impression is, from talking with the engineer at Vicksburg, that he intended to do the work, but when he came to it he found he had spent his money. The allotment was made later in the year.

The original estimate was $2,000 a year and we appropriated $4,000. When they began work it developed that the work was heavier and more expensive than they thought, and they spent the $4,000 the first year, so that last year they had nothing, and the chief engineer allotted them $5,000, but my impression is he made it too late to be of use last fall. So they have $5,000 on hand for that purpose, and in this bill an additional appropriation for $1,000 is made, and I think my colleague wants to be assured that the engineers will spend this on that particular reach.

Mr. SPIGHT. That is exactly what I wanted to get at.

Mr. ALEXANDER of New York. There is no question but that they will spend it on that reach.

Mr. SPIGHT. With that assurance I am perfectly satisfied.

The Clerk read as follows:

Improving inland waterway from Mermentau River, Louisiana, to Sabine River, Louisiana and Texas, in accordance with the report of the Board of Engineers for Rivers and Harbors, dated December 21, 1908, and printed in Rivers and Harbors Committee Document No. 3, Sixty-first Congress, second session, $100,000.

Mr. ALEXANDER of New York. Mr. Chairman, I submit the following amendment.

The Clerk read as follows:

Page 40, line 26, strike out the period, insert a colon, and add the following words:

"*Provided*, That this amount may be applied to any modified plan for this section of the waterway that may be recommended by the Chief of Engineers, United States Army, and approved by the Secretary of War."

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

The Clerk read as follows:

Improving inland waterway on coast of Texas: Continuing improvement and for maintenance of waterway heretofore authorized, $50,000; and toward the construction of that section of the waterway between Brazos River and Matagorda Bay, in accordance with the report of the Board of Engineers for Rivers and Harbors dated December 21, 1908, and printed in Rivers and Harbors Committee Document No. 3, Sixty-first Congress, second session, $200,000.

Mr. ALEXANDER of New York. Mr. Chairman, I submit the following amendment.

The Clerk read as follows:

Page 45, between lines 14 and 15, insert the following:

"Improving channel from Aransas Pass to Corpus Christi, Tex., with a view to securing a channel depth of 12 feet, as recommended by the Chief of Engineers, United States Army, in the report submitted in House Document No. 678, Sixty-first Congress, second session, $157,900."

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

The Clerk read as follows:

Improving waterway between Jefferson, Tex., and Shreveport, La., by the construction of a dam at the foot of Caddo Lake, in accordance with the report submitted in House Document No. 220, Sixtieth Congress, first session, $100,000.

Mr. WATKINS. Mr. Chairman, I offer the following amendment which I send to the Clerk's desk.

The Clerk read as follows:

On page 45, line 18, between the words "a" and "dam," insert the words "lock and," so as to make it read "a lock and dam."

Mr. WATKINS. Mr. Chairman, the bill provides that a dam shall be placed at the foot of Caddo Lake. If placed there it will cut off 28 miles of the navigable part of the river. A lock which is asked in connection with the dam will prevent the destruction of the navigation between Shreveport, La., and Jefferson, Tex., and all we ask is to have the lock recognized. We do not ask for an additional appropriation. If I am correctly informed, the committee does not oppose the recognition of the lock. I wish to have the word "lock" interlined, so that there will be no doubt in the future that the lock is recognized as a desirable project by the committee.

Mr. ALEXANDER of New York. Mr. Chairman, the survey of the item which is provided for in this bill was introduced in the bill of 1907, and therefore is properly before Congress. But the survey of the lock which the gentleman speaks of was introduced in the bill of 1909, and the engineer's report has not been before the committee. Therefore, there is nothing before us to act upon, and I hope the motion will not prevail.

Mr. WATKINS. Mr. Chairman, the chairman of the committee does not seem to be advised of the fact that only to-day the report of the engineer has been filed, but not published. It is not in print. I will read from page 5 of the former report of the engineer:

Although the construction of a dam would at present destroy navigation from Jefferson and Mooringsport to Shreveport it would not prevent the improvement of the entire waterway later if such a course should be determined upon, since all that would be needed would be a lock through the dam and a dredged channel below. In fact, the cost of the project previously advanced would not be increased, but might be diminished by constructing a lock and dredging the channel several years later, since the inroads of the falls would certainly diminish the amount of dredging.

Mr. ALEXANDER of New York. I am quite well aware of the existence of that report. The Chief of Engineers does not approve of the lock. It has not been before the committee, and is not now properly before Congress. The committee have had no estimate and know nothing about it, and I hope therefore the motion will be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Improving Arkansas River, Arkansas: For maintenance of improvement, including works at Pine Bluff, $51,000.

Mr. ROBINSON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

After the word "dollars," in line 12, page 40, insert the following: For constructing, maintaining, and operating two dredge boats, to be used in dredging the channel of the Arkansas River between its mouth and the Ozark, Arkansas, $467,700.

Mr. ROBINSON. Mr. Chairman, I hope that the committee may find it consistent to approve of this amendment. In House Document No. 71, Sixty-first Congress, first session, the Board of Engineers recommended tentative dredging to be done on the Arkansas River, and this language was used:

Some experimental dredging has been done on the Arkansas, and while as yet unprepared to advocate the adoption of this means of improvement for the entire section of river under consideration (i. e., from the mouth up to Muskogee), the Chief of Engineers believes it worthy of further trial below Little Rock, and recommends for adoption the tentative plan proposed by the Board of Engineers for Rivers and Harbors.

The Report of the Chief of Engineers, United States Army, 1909, contains this statement:

The operations of this fiscal year consisted in snagging operations and in dredging operations with a hydraulic dredge borrowed from the Mississippi River Commission. * * *

The hydraulic dredge *Gamma* was operated at three localities, but the principal work was done at Rob Roy. Here the main channel of the river had left the draw spans of the railway bridge and only a secondary channel behind a middle bar afforded a passage for boats through the draw openings of the bridge. The dredge opened this secondary channel and, notwithstanding this unfavorable condition, the dredged channel has remained open to the close of this fiscal year, but for fifteen days (October 10–24) during the lowest water period of this fiscal year the dredged cut did not afford a navigable channel. The dredged cuts made at the other two localities were obliterated in the freshet of October 25–November 3, 1908. Because of having to return the borrowed dredge to the Mississippi River Commission about the 1st of August each year, there has been no opportunity in the two seasons it has been operated in this river to fully try out its work during low-water periods; but, judging from such dredging as has been done, it appears that by such operation much material aid can be given to navigation by lengthening the navigable periods of the river. The district officer recommends that two dredges be provided for the river below Little Rock—174 miles.

Now, in House Document No. 510, being a report of the Board of Engineers making recommendation with reference to the Arkansas River between Little Rock and Ozark, they say:

In the report on the Arkansas River called for by the river and harbor act of March 2, 1907 (see H. Doc. No. 71, 61st Cong., 1st sess.), the board gave as its opinion that any expenditures Congress decided to make for the improvement of this river should be for dredging, and that the work should be undertaken tentatively by the use of two dredges on the reach below Little Rock. As the object of the tentative dredging proposition was to demonstrate the effectiveness of improving the channel by this method, the board now recommends that the field of operations be extended to Ozark and that the two dredges suggested be used where they will best serve the purpose for which intended. It is believed that this plan will determine the practicability of improving navigation at a reasonable cost, and will, at the same time, aid and encourage navigation between Little Rock and Ozark. The estimated cost of the work proposed is $349,000 for plant, with $118,700 annually for operating expenses.

On page 18 of the same report is an itemized statement of the estimated cost of these dredge boats, their maintenance and operation, and my amendment conforms to this estimate. It is as follows:

In view of this condition and the fact that the principal object of the tentative dredging proposition was to demonstrate the effectiveness of improving the channel by this method, it is recommended that the field of operations be extended to Ozark and that the two dredges sug-

gested be used where they will best serve the purpose for which intended. It is believed that this plan will determine the practicability of improving navigation at reasonable cost, and will, during the period of trial, aid and encourage navigation. The estimated cost of the work proposed is as follows:

2 dredges, at $150,000	$300,000
1 fuel towboat	27,000
4 fuel barges, at $3,000	12,000
1 survey boat	10,000
Total	349,000

The operation of this plant is estimated as follows:

2 dredges	$63,000
1 fuel boat	14,700
1 survey boat	12,250
Expenses in ordinary and repairs	28,750
Total	118,700

In compliance with that part of section 13 of the act of March 3, 1909, with reference to the special subjects to be considered, the board reports that there are no present terminal facilities at the landings on this river between Little Rock and Ozark except a paved slope or levee at Little Rock, where boats land, but it is proposed by the Little Rock Packet Company to construct coal loading and unloading appliances at the mines near Ozark and at Little Rock if navigation is so improved as to make their efforts at transportation by water successful. There are no water-power, terminal, or other subjects so related to the project proposed that they may be coordinated therewith to lessen the cost and compensate the Government for expenditures made in the interests of navigation.

I sincerely hope, Mr. Chairman, that this amendment may be adopted. The dredging work that has been done on the Arkansas River by way of experiment is, as these reports fully disclose, proving of material aid to navigation in the lower reach of the river, where they have been tried. It is thought by these engineers that two dredge boats can perform the tentative work on the entire reach of the river between Ozark and its mouth; and while it is true from some operations conducted there that perhaps two boats could well be used on the lower stretch of the river, I would be gratified to see those two boats created or put into commission there for the stretch of the river from Ozark to its mouth.

Mr. ALEXANDER of New York. Mr. Chairman, I sympathize with the gentleman. He wants two dredge boats, and we propose to give him two dredge boats if it is possible. The Mississippi River Commission, of which Colonel Bixby is president, has a number of dredges. He has written me already that he will send one of these boats to the Arkansas and he is looking for another which he is quite certain he can furnish. As I stated earlier in the day, we have between 500 and 600 boats and not all of them are in commission. The engineers are now looking to see where the idle boats are, that they may send them into those places where they are most needed. I will say to the gentleman from Arkansas that if Colonel Bixby is unable to put two good boats to work on this river this summer, I for one will be in favor of helping him out in the next bill; but I am certain, however, that he will get the boats at work this summer that he desires.

Mr. ROBINSON. Will the gentleman yield for just a moment?

Mr. ALEXANDER of New York. Certainly.

Mr. ROBINSON. I am gratified at the statement which the chairman of the committee makes, but I want to call his attention, however, to this fact, that for two years efforts have been made within my knowledge to secure the transfer of boats of the character to which he alludes from the Mississippi River to the Arkansas River and I had hoped at one time that would have been done more than a year ago. Those efforts, however, have so far failed. I thank the chairman of the committee for his efforts in the matter and I sincerely appreciate them and hope he will be successful. I desire to state to him now that if he does prove successful it will, so far as I can see, encompass every end I desire to accomplish by the adoption of this amendment, for the reason that I merely desire the work carried on and have no wish to see unnecessary boats constructed; but I would like to ask the gentleman in that connection what information he has, if any, concerning the likelihood of there being a transfer made of boats for permanent use on that river for that purpose?

Mr. ALEXANDER of New York. I can not answer for the permanent use, but I can answer somewhat specifically, yes, on the temporary use for this summer, and then if this summer Colonel Bixby decides that he has no boats that he can spare, we will have to build them; that is all.

Mr. ROBINSON. If the gentleman will permit me one further statement in that connection, as these reports of the Board of Engineers, the engineer in charge, and the Chief Engineer show the experiments which have been made on the river in regard to dredging have all been made under great difficulties, having been made at times when they could least conveniently be made, I had hoped that the gentleman would find it consistent to recommend the acceptance of this amendment.

Mr. ALEXANDER of New York. I certainly will join the gentleman in an earnest endeavor to secure those two boats for him. In the meantime I hope he will withdraw his amendment.

Mr. ROBINSON. Mr. Chairman, in view of the statement made by the chairman of the Committee on Rivers and Harbors, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

There was no objection.

Mr. REID. Mr. Chairman, I desire to offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 46, line 12:

"That the Mississippi River Commission be, and are hereby, directed to transfer two dredge boats to the Arkansas River, to be used in dredging the channel of said river between its mouth and Ozark, Ark."

Mr. REID. Mr. Chairman, in view of the statements made by the chairman of the committee, it seems to me that that amendment is entirely in order and ought to be adopted. The chairman speaks with force of the recommendations by the Board of Engineers, who investigated this matter, and promises at an early day to do what he can to secure the transfer of boats from other sections to these reaches on the Arkansas River, and gives us what assurance he can that in the near future two boats can be transferred from the Mississippi River commission to the reach from the mouth of the river to Ozark on the Arkansas River. If that can be done for temporary purposes, Mr. Chairman, it seems to me it might be well now to make the permanent provision which the gentleman promises will be made in a future bill; and in the event that more boats are not in their places, let them be constructed for the use of the commission elsewhere. I have offered the amendment so as to conform to the suggestions of the chairman of the committee and to meet the immediate demands for opening the channel of the Arkansas River.

The gentleman can not have overlooked the report recently made by the special corps of engineers, who took into consideration the commercial importance of the stream, the development of the industries along the river, and especially the great coal fields on the upper Arkansas River that are now restrained from development because of lack of facilities for transportation, and the fact that the railroad interests up each bank of the river have until now succeeded in suppressing the navigation on the river. There is a navigation company which has been organized at Little Rock, and organized in such a way as to maintain it against any competition for the next ten years at least, and we are in important need of opening the channel. From the suggestion made by the chairman here it seems to me entirely feasible to make use of at least two boats now, to be taken from somewhere else and assigned to duty on that river. I therefore offer that amendment.

Mr. ALEXANDER of New York. Mr. Chairman, the local engineers have recommended the construction of 12 or 14 dredges, snag boats, and so forth, in different parts of the country. The committee finally settled upon a rule that this bill should authorize the construction of no boats or dredges excepting a seagoing dredge on the Pacific coast. Now, in order to help gentlemen out who are rarely, it would seem, in need of these boats, we have undertaken to provide them not by an appropriation through this bill, but by a transfer from another part of the country. I think the gentlemen ought to be willing to let us try that out. If we can not do it, then they have grounds for coming here and asking that they be built for them.

This dredge is wanted above Little Rock. The gentleman from Arkansas [Mr. ROBINSON] wanted a dredge for below Little Rock, but they both could be taken care of, I am confident, during the summer, and during that time we will ascertain if they can be put there permanently. I hope this amendment will not pass.

Mr. REID. This amendment does not propose an appropriation for the building of any dredge, but simply asks what the chairman assures us he thinks he can accomplish. It assures us that two dredges will be placed there, and the gentleman's suggestion as to one wanted below and one above Little Rock is in compliance with the suggestion of the board that went there and made an investigation of it. We want the two dredges on the entire reach.

Mr. ALEXANDER of New York. I hope there will be no legislation put into this bill for this dredge.

Mr. REID. In view of the Chairman's assurance on the floor here that two boats will be put there during the coming season,

I want to call his attention to this fact, that in the report of the engineers it is suggested that when operations have been begun, the boats have been taken by the Mississippi River Commission, and the work has been interrupted every time.

Mr. ALEXANDER of New York. I am aware of that.

Mr. REID. And we do not want to be troubled with it again if we can avoid it.

Mr. ALEXANDER of New York. I am aware of that, and I want to say to my friend from Arkansas that I am quite sincere in this matter. Of course, we may fail to get the boat, but if we do fail it will be simply because boats are not to be had.

Mr. REID. I will withdraw the amendment, Mr. Chairman.

The Clerk read as follows:

Improving Cumberland River above Nashville, Tenn.: For maintenance, $10,000; and for completing construction of Lock and Dam No. 21, $85,000; in all, $95,000.

Mr. HULL of Tennessee. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Tennessee [Mr. HULL] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by inserting after the word "dollars," in line 12, on page 47, the following:

"And for continuing improvement by the construction of Locks and Dams Nos. 8 and 9 in accordance with reports of examination and survey in 1882 and 1883 and adopted by the river and harbor act of August 5, 1886, and by subsequent river and harbor acts until the passage of the river and harbor act of March 2, 1907, $150,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to prosecute the said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $300,000, exclusive of the amounts herein and heretofore appropriated: *Provided further*, That the amount herein appropriated and authorized shall be applied to the acquisition of land required for sites of Locks and Dams Nos. 8, 9, 10, and 11, and toward the construction of Locks and Dams Nos. 8 and 9."

Mr. HULL of Tennessee. Mr. Chairman, I offer this amendment well aware of the rule by which the Committee on Rivers and Harbors was governed in the framing of this bill and under which they refused to insert any item of appropriation for any river project that had not been reported favorably by the Department of Engineers.

I offer the amendment, Mr. Chairman, in the hope that the committee will agree to it, because it constitutes a striking and worthy exception to the rule by which the committee was governed. This river, or rather that stretch of this river, to which the amendment applies, merely seeks to restore a scheme of improvement favorably reported by the Department of Engineers in 1883, and adopted by Congress in 1886, and readopted in each successive rivers and harbors bill until 1907, when without any apparent reason so far as I could see or in so far as any commercial, business, or transportation man familiar with the basin drained by this river could see, the Department of Engineers saw fit to recommend that the scheme of improvement for this entire stretch of river, penetrating a magnificent forest and mineral region for a distance of more than 200 miles, for the present should be discontinued above Lock No. 7, and this was based solely upon commercial grounds.

Now, Mr. Chairman, the point to which I seek to direct the attention of the committee is that there are instances when the judgment of the Department of Engineers upon the commercial conditions—not only present, but prospective—of our rivers is somewhat erroneous. And I insist that it is the duty of the committee and the duty of Congress to provide some means by which adequate relief can be had in the way of an appeal from the judgment and the recommendation of the Department of Engineers when they report favorably from an engineering standpoint upon every phase of the river except the commercial phase.

I have no disposition to detain the committee, except to call their attention to this condition, that doubtless exists in more than one section of the country. The section of river to which I have directed attention has a commerce of greater value than that of rivers like the Kentucky, the Big Sandy, the Big Kanawha, and other rivers that have already been improved at an expense of several millions of dollars—a commerce, I say, in its unimproved condition greater than that of these rivers in their improved condition and upon which millions have been expended.

I hope the committee may see fit to adopt this amendment of mine, Mr. Chairman.

Mr. ALEXANDER of New York. Mr. Chairman, I sympathize with the gentleman, but there was an adverse report against this lock in 1905. Then we put into the bill of 1909 another survey, and only a few days ago the report came in adversely. Of course it would be contrary to law and to the existing policy for many years to admit this amendment. I hope it will be voted down.

Mr. HULL of Tennessee. Will the gentleman yield for just one suggestion?

Mr. ALEXANDER of New York. Yes.

Mr. HULL of Tennessee. I wish to call the gentleman's attention to the fact that it is understood the engineer in charge made this report without any particular new investigation, and for that reason I call the attention of the committee to the condition there by offering this amendment. I am aware of the rule of the committee, but wished to call attention to the matter deemed unjust in that way.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Improving Cumberland River below Nashville, Tenn., in accordance with the reports submitted in House Documents No. 758, Sixtieth Congress, first session, and No. 1481, Sixtieth Congress, second session, respectively, $213,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to prosecute the said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $450,000, exclusive of the amounts herein and heretofore appropriated: *Provided further*, That the amount herein appropriated and authorized shall be applied to the necessary surveys and the acquisition of land required for sites of Locks and Dams B, C, D, E, and F, and toward the construction of Locks and Dams B and C.

Mr. SMALL. Mr. Chairman, I observe that this paragraph carries with it an appropriation of $213,000 and an authorization for continuing contract of $450,000. Now, in the remarks made by the chairman of the River and Harbor Committee this afternoon, in referring to annual river and harbor appropriation bills, it was stated that one reason for annual bills was that heretofore recognized improvements had been excluded, except as to those favored projects which were recognized by continuing contracts to be therein made. Now, I assume on this paragraph that the sum of $213,000 is all that can be profitably expended during the fiscal year ending June 30, 1911. If that be true, in view of the expressed attitude of the chairman of the committee, I ask why this particular improvement was differentiated from the other improvements by a continuing contract which is not necessary to expend during the ensuing fiscal year? I doubt not, Mr. Chairman, that there are other projects recognized in this bill, either for the first time or recognized by appropriations, for continued improvements which were as much deserving of recognition by appropriations to be made hereafter.

Mr. ALEXANDER of New York. I do not know that I quite understand the point that the gentleman asked.

Mr. SMALL. I asked why there was a continuing contract in reference to this projected improvement of the Cumberland River? There is an appropriation of $213,000 carried in this bill. Is that all that can be profitably expended during the fiscal year; and if so, why was it necessary to have a continuing contract?

Mr. ALEXANDER of New York. This is masonry work. The construction of it may take one year, or it may take two, depending entirely on the contract. Even annual bills must carry continuing contracts. A lock means masonry work, a large sum involved, and the contract authorization provides simply for the completion of it. Engineers can not know in advance whether they can complete it within the year. Continuing contracts are generally given to projects requiring considerable time. In this case it is masonry work, and may extend over two or three years. Therefore a continuing contract is made. Does that answer the gentleman?

Mr. SMALL. Not entirely, if the gentleman will pardon me. The appropriation is for $213,000. Now, I will ask him, Is it not a fact that that is all that can be profitably expended during the fiscal year; and if so, why put it upon the continuing contract basis? I understood the gentleman to say that this may take two or three or more years to complete, and that is an argument in favor of the proposition I am trying to submit—that is to say, that if the sum of $213,000 is all which can be profitably expended during the coming fiscal year, if it be in contemplation to have another river and harbor bill next session of Congress, why not wait until that bill and make an appropriation then? Why differentiate this one improvement from other projects?

Mr. ALEXANDER of New York. Well, I have answered and will answer again.

Mr. MOON of Tennessee. If the gentleman from New York will yield to me, I desire to state that the gentleman from North Carolina is mistaken in his statement that the cash appropriation needed is only $213,000. As a matter of fact, the appropriation that was needed in cash was about $450,000; but it was thought to be advantageous to make the appropriation in cash $213,000, and the remainder desired to be appropriated—$450,000—in a continuing contract, saving the Government the

expenditure of the larger amount of cash this year, this continuing-contract system being just as advantageous for the improvement.

Mr. SMALL. I desire the gentleman to answer this question: Will he give his authority, from the report of the engineers, that there can be profitably expended more than $213,000 for this fiscal year?

Mr. MOON of Tennessee. There are five locks and dams to be constructed there, and I suppose every dollar of the whole appropriation might be profitably expended. The money is needed for the Cumberland and therefore is appropriated; that is all that need be known.

Mr. SMALL. That still does not answer my question. There are various projects in this bill recognized by appropriations where you have made only partial appropriations, sometimes one-fourth and sometimes one-fifth and sometimes less, of the amount which could be profitably expended during the next fiscal year.

Now, I say here if $213,000 of this is all that can be expended during the next fiscal year, why differentiate this from other projects?

Mr. MOON of Tennessee. That is not the fact.

Mr. MADDEN. Will the gentleman allow me to reply to his question? This paragraph relates to the construction of several locks. You can not let contracts advantageously for the foundations of the locks alone. You must let the contracts for the whole work. And even though you can only expend $213,000 advantageously in one year, you must enter upon the construction under the continuing-contract system, if the work is to be done economically and advantageously. That is the reason why this item appears in the bill as it does.

Mr. SMALL. I move to strike out the last two words. I do not desire to be unduly insistent in this matter, but I am simply suggesting that perhaps inadvertently the committee may have been guilty of an inconsistency with regard to this particular project. I clearly understood the chairman of the committee, in presenting this bill, to say that it differed from prior bills in that, with a view to having annual appropriations hereafter, we were only appropriating upon each project such an amount as could be profitably expended during the ensuing fiscal year.

Mr. ALEXANDER of New York. On the contrary——

Mr. SMALL. Now, if $213,000 is not all that can be expended during the ensuing fiscal year, I should like to know that, because it will answer one feature of my inquiry.

Mr. ALEXANDER of New York. Will the gentleman allow me to answer?

Mr. SMALL. But if that is all that can be expended, I have not had a sufficient reason, and I submit that the committee have not had a sufficient reason given them why this is put upon a continuing-contract basis.

Mr. MADDEN. Will the gentleman allow me to answer his question again?

Mr. SMALL. Certainly.

Mr. MADDEN. If the gentleman was a contractor, and the Government advertised for bids, and the gentleman offered a bid for the foundations of these locks, and he was obliged, when he secured his contract, to assemble all his machinery for the construction of the foundation alone, would he think it likely that he could do the work on the foundation alone on as advantageous terms as he could if he were to be awarded the contract for the construction of the whole of the lock?

Mr. SMALL. Then, if the gentleman will pardon me, do I understand him to make the statement that this is one of those works of improvement which ought to be let by contract as a whole and not by parts? If that is his statement, then one reason at least has been given why this should be put upon a continuing contract basis, and I should like to know if that is the case.

Mr. MADDEN. That is the case, and you can not do this work in any other way to the advantage of the Federal Treasury.

Mr. SMALL. I think that is an explanation.

Mr. LAWRENCE. I think the gentleman from North Carolina entirely misunderstood the statement of the chairman of the committee with reference to the policy adopted regarding annual bills. We have adopted the policy of an annual bill, but in the motion adopting it there was a stipulation that there was to be no abandonment of the continuing contract plan. There are certain projects upon which the work can not be done economically or advantageously for the Government unless a contract is authorized involving an expenditure covering several years; so that while we are to have annual bills, yet when needed from the standpoint of economy and efficiency there will still be continuing contracts authorized.

Mr. SMALL. And this is a project of that class?

Mr. LAWRENCE. That is correct.

Mr. SMALL. I understand the gentleman now.

Mr. ALEXANDER of New York. And I distinctly said so in my opening remarks, and paid a tribute to Senator FRYE, chairman of the Senate Committee on Commerce, who was the father of this system. It goes with any bill, and must go with any bill—annual, biennial, triennial, or for any number of years.

Mr. SMALL. The distinguished chairman of the committee is, as usual, very clear, and it was through no fault of his that I did not understand it.

The Clerk read as follows:

Improving Obion and Forked Deer rivers, Tennessee: Continuing improvement and for maintenance, $437.

Mr. HOUSTON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

After line 10, page 48, insert the following:

"For the continuing of the work heretofore begun of cleaning out and improving Caney Fork River, in Tennessee, $5,000.

Mr. HOUSTON. Mr. Chairman, this amendment involves a project that has the misfortune to have been reported adversely by the local engineer. This report is in direct conflict with the reports made by former engineers. This project heretofore has received in different appropriations $28,000 in small amounts of three or four thousand dollars in each appropriation. The only exhaustive report made by an engineer was one in which he recommended an annual or semiannual work on the river of three or four thousand dollars, amounting in all to about $48,000, and that would give navigation about six months in the year.

Further improvement has been reported adversely by the local engineer in the last report, and he gives as a reason for that that the commerce will not justify it, setting forth in support of it that the reason for the former recommendation for the project was that they did not have railroad facilities, which they now have. Such a report is entirely without foundation in the facts in the case. The railroad facilities to which he alludes were in existence at the time the former reports were made. He speaks of a railroad which is a branch of the Nashville and Chattanooga Railroad, which runs along the Cumberland plateau up above Caney Fork Falls. It is impossible for the produce or products of that valley to be hauled up on the plateau; a six-horse team could not pull out a two-horse load. The same condition exists all the way along the banks of Caney Fork River. It is a rich and fertile valley and has very steep sides on each side of the river.

Now, this railroad transportation was there when the former reports were made and was as accessible then as now, and it is a mistaken fact to say that the commercial value will not justify it because they have access to a railroad. There is no reason why these people should not have the benefit of river transportation if they had railroad transportation, but this is true especially where the railroad is not accessible at all.

I think the report of the engineer discloses the fact that he examined this stream for only about 24 or 26 miles. That I think is fully inferable from his report.

This valley is about 80 miles long, and is as rich and productive as any land in Tennessee or any in the United States, and is without means of getting its produce to market except down the river. They could get it down at certain periods of the year with this small outlay.

Mr. Chairman, I do not believe there is an expenditure of money at any place in the United States, upon any stream, that will bring so many returns according to the amount invested as would this small investment. We are very modest in what we ask for. It does not require very much because of the peculiar formation of the river. It is a very deep stream; it has long pools that are interrupted by shoals; and if we can move out a few bowlders and improve those shoals, they can bring the products down to market with this small outlay. It will bring better returns than money invested in the larger streams in proportion to the amount invested.

Mr. ALEXANDER of New York. Mr. Chairman, this is in the class where the local engineer has made an adverse report, and where a survey has been given and another adverse report is made. This second adverse report is now pending before the board of review and is not before the committee for consideration nor before the House for its consideration. It is simply waiting its chance with the board of review. It has been reported adversely by the local engineer. The board may reverse the local engineer, and in that event it would properly be before Congress; but it is not so now. I hope the motion of the gentleman will be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Improving Tennessee River below Chattanooga, Tenn.; Alabama, and Kentucky: Continuing improvement at Hales Bar, Tennessee, $50,875; continuing improvement and for maintenance by open-channel work from Chattanooga, Tenn., to Riverton, Ala., $310,000, of which amount $15,000 may, if required, be expended in that section of the river between Hobbs Island and Guntersville; continuing improvement at Colbert and Bee Tree Shoals, $100,000; and continuing improvement and for maintenance below Riverton, Ala., $150,000; in all $610,875.

Mr. AUSTIN. Mr. Chairman, I move to strike out the last word. I desire to ask the chairman of the Committee on Rivers and Harbors when the report authorized during the last session of the Sixtieth Congress for a resurvey of the Tennessee River between Knoxville and Chattanooga will be submitted to the committee and for the consideration of Congress.

Mr. ALEXANDER of New York. Mr. Chairman, I will say to the gentleman from Tennessee that I have no idea when that report will be submitted either to the committee or to the House.

The Clerk read as follows:

Improving Kentucky River, Kentucky: For completing construction of Lock and Dam No. 13, and beginning construction of Lock and Dam No. 14, $106,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to prosecute the said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $65,000, exclusive of the amounts herein and heretofore appropriated: *Provided further*, That of the amount herein appropriated the sum of $6,000 may be expended for the construction of a bridge across Tates Creek and the restoration of the county road near Otter Creek, both of which items of work have been rendered necessary by the construction of Locks and Dams Nos. 9 and 10, Kentucky River.

Mr. SMALL. Mr. Chairman, I move to strike out the last word. I notice in the proviso here in this paragraph that it appropriates $6,000 for the construction of a bridge across Tates Creek and the restoration of the county road near Otter Creek. The paragraph states that this construction is made necessary by the construction of certain locks and dams. Now, I wish to ask the chairman if it is usual where a canal is constructed, for instance, and that canal intersects a public road, for the United States to build and maintain a bridge across the same? I was not aware that such was the custom. A distinguished gentleman near me suggests that it might have been provided in this instance for the benefit of the moonshiners in the State of Kentucky in order to enable them to make better progress through that country. Of course that would not be considered as a reason by the committee.

Mr. LANGLEY. Mr. Chairman, I suggest to my friend from North Carolina that perhaps the gentleman who made that suggestion to him had better get up and make it on the floor himself. I would like to know who he is.

Mr. SMALL. Oh, the gentleman who made that suggestion to me is always very courageous and always speaks for himself. Seriously, I would like to know the reason for it.

Mr. ALEXANDER of New York. I would say that in the construction of the lock it drowned out the county road, so that the Government was obligated to construct a bridge to overcome that obstruction. There are several precedents in past years.

Mr. SMALL. Where the United States constructs a waterway and thereby makes necessary a bridge, do I understand that it is incumbent upon the United States to construct and maintain the bridge? I understand that if this bridge is constructed by the United States it must be maintained for all time, so that a liability is created, represented not alone by the original construction, but continuing into the future.

Mr. LANGLEY. If the gentleman from New York will allow me, I think the gentleman from North Carolina is mistaken about the obligation of the Government to maintain these bridges after it builds them. It builds the bridge to restore the status quo, so to speak—to remedy the damage which has been done by the government works. At any rate, I think I can guarantee that the counties will be entirely willing to assume the maintenance of the bridges if the Government will pay the expense of building them.

I recall at least one precedent for the proposed action: A bill which I introduced in the last Congress was passed, which provided for the reimbursement of the expense which had been incurred by Clark County, Ky., in building a bridge under exactly similar circumstances. The backwater from one of the dams on this same river had destroyed a ford across a creek, which resulted in great inconvenience to the community. The county did not see fit to wait until the Government would construct the bridge, and had it built at the county's expense. My bill to reimburse the county was approved by the army engineers, and it was passed and became a law practically without opposition.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMALL. I ask unanimous consent to continue for two minutes longer.

There was no objection.

Mr. SMALL. I will ask the gentleman if the instance which he gives was not a case of the destruction of a bridge which Congress was asked to replace, and not an original construction where there had been no bridge before?

Mr. LANGLEY. No; I do not think it was. But even if it was, the principle involved is precisely the same, because in either case the necessity for the bridge arises as a result of the public improvement, which, while it is a great benefit to the people of the valley as a whole, has resulted in inconvenience and damage to that particular community, and I think the obligation of the Government, under the circumstances, to remedy this, is perfectly clear.

While I am earnestly in favor of these river improvements, because of the great public good to be derived from them, I am just as earnestly in favor of protecting the interests of the few who are injured rather than benefited by them, or, rather, who are injured more than they are benefited.

I may add that neither of these proposed bridges is in my congressional district; but the building of them by the Government was recommended by the engineers, and I felt it my duty to call the attention of the committee to that recommendation, which I did, and as a result of which this proposed appropriation appears in the bill.

There are several similar places along this river where bridges should be built and which I hope to get done in due time. I recall one instance now where, as a result of the destruction of a ford across Millers Creek, in my district, the people have to travel a distance of about 5 miles farther than they did before the dam was built, in order to cross this stream. It seriously interferes with travel and traffic back and forth across the country. It is particularly inconvenient to live-stock dealers.

I would have asked the committee to include a provision for this bridge, and would offer such an amendment now, but for the fact that the engineers have not yet recommended it, and I could not, of course, expect to get such a proposition adopted without that recommendation. I hope to be able to get the recommendation in time for the provision to be inserted in the Senate.

Mr. SMALL. It seems to me we are creating a dangerous precedent.

Mr. MANN. Will the gentleman yield?

Mr. SMALL. Yes.

Mr. MANN. I may say that Congress made a direct precedent in reference to a matter of this sort a few years ago when a bill was reported from the Committee on Interstate and Foreign Commerce. Congress made an appropriation for the building of a bridge, for the benefit of the city of Moline, I think it was, in the State of Illinois, where the Government had constructed or enlarged a canal, or the Rock River, so as to shut off the road. In that case there was an express appropriation made not in the river and harbor bill under an authorization for the construction by the Government of a bridge, on the ground that the Government's work had made it necessary.

Mr. SMALL. I was not aware of that precedent. I withdraw the pro forma amendment.

The Clerk read as follows:

Improving harbor at Ashtabula, Ohio: For maintenance and continuing improvement in accordance with the report submitted in House Document No. 654, Sixty-first Congress, second session, $115,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to prosecute the said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $376,430, exclusive of the amounts herein and heretofore appropriated.

Mr. SMALL. Mr. Chairman, I desire to call the attention of the chairman to this paragraph, where there is a continuing contract, and to ask the specific reason for having a continuing contract in this instance.

Mr. LAWRENCE. In the absence of the chairman of the committee I will state that this is the case for the construction of a breakwater and the work can not well be divided, although the money may not be expended during the ensuing year. It is very advisible, under the circumstances, that the entire amount should be provided for any contract which should be completed. It is work like a lock or dam, where it can not be divided, but should be contracted for in one sum.

Mr. SMALL. That is the specific reason in this instance why it was placed under a continuing contract?

Mr. LAWRENCE. That is the reason.

The Clerk read as follows:

Improving Ohio River: Continuing improvement with a view to securing a navigable depth of 9 feet, in accordance with the report submitted in House Document No. 492, Sixtieth Congress, first session, or

such modification thereof as in the discretion of the Secretary of War may be advisable, and with a view to the completion of such improvement within a period of twelve years, $1,000,000, which amount shall be applied to the purchase of sites for 18 Locks and Dams Nos. 9, 10, 12, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 27, 28, 29, 41, and 48, and toward the construction of Locks and Dams Nos. 7, 9, 10, 12, 19, 20, 29, 41, and 48: *Provided*, That so much of the sum herein appropriated as shall be necessary may be applied toward the definite location and purchase of sites for additional locks and dams on said river: *Provided further*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to prosecute the said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $2,500,000, exclusive of the amounts herein and heretofore appropriated.

Mr. COX of Idiana. Mr. Chairman, I would like to inquire of some member of the committee whether or not the report prepared by the board a year or so ago was adopted in full?

Mr. ALEXANDER of New York. Yes; I will say to the gentleman from Indiana, it does.

Mr. COX of Indiana. Now, this paragraph——

Mr. SHERLEY. If the gentleman will permit, I do not think the chairman got the full import of the inquiry of the gentleman from Indiana. While I understand the report has been adopted so far as relates to the river down to and including Dam 48, there is nothing that adopts it as to the improvement of the river below Henderson, whether by dams, as recommended by the report, or by dredging.

Mr. ALEXANDER of New York. I do not exactly understand what the gentleman from Indiana asked.

Mr. COX of Indiana. The question I propounded is this: Whether or not the bill as presented here adopts the report made by the board in its entirety a year or two ago.

Mr. ALEXANDER of New York. It adopts the report of the board, but the bill does not in every particular conform to the report in regard to the order in which the dams should be built, and so forth.

Mr. COX of Indiana. As I recollect the reading of the report, it provides for a depth of 9 feet of water.

Mr. ALEXANDER of New York. Yes.

Mr. COX of Indiana. Now, does this bill adopt that recommendation?

Mr. ALEXANDER of New York. Exactly.

Mr. COX of Indiana. Does this bill further adopt the recommendations made by the board for the purchase and building of all the locks and dams which were recommended by the board?

Mr. ALEXANDER of New York. It does.

Mr. COX of Indiana. Now, I will call the gentleman's attention to this section of the paragraph just read:

Sixtieth Congress, first session, or such modification thereof as, in the discretion of the Secretary of War, may be advisable.

Now, what discretion is lodged in the Secretary of War, if any, that would militate against the report made by the board a year or two ago?

Mr. ALEXANDER of New York. That is in regard to the details of the present survey. In other words, the Secretary of War is not absolutely bound up by the report in all of its details. It may be necessary to build slightly different from that report, as developed in the canalization of this river. That is what those words mean.

Mr. COX of Indiana. Then there is no intention in this bill to give the Secretary of War power, in a measure, to destroy the report as made by the board a year or two ago?

Mr. ALEXANDER of New York. Not in the slightest, but simply we do not want to pin down the hands of the engineer in the work.

Mr. COX of Indiana. And it gives him some slight latitude.

Mr. ALEXANDER of New York. Yes.

Mr. SHERLEY. To carry out the line of the inquiry of the gentleman from Indiana, is it not also true there is nothing in this bill that ties Congress to that part of the report looking to the obtaining of the 9-foot stage from Henderson to Cairo by means of dams? Is not that left an open matter?

Mr. ALEXANDER of New York. No. The project adopted is to be by locks and dams.

Mr. SHERLEY. Well, unquestionably the last project adopted on the river is Dam 48, which is just below Henderson. Now, from Dam 48 to Cairo, according to the report, are several dams——

Mr. ALEXANDER of New York. Five.

Mr. SHERLEY. And as I understand it it is a matter yet to be determined whether that stretch of the river should be maintained at the 9-foot stage by dredging or whether those three dams will be erected.

Mr. ALEXANDER of New York. The gentlemen, I think, misunderstands from a remark that was made by General Marshall a few days ago, that until those dams were constructed he might be able to get sufficient depth of water by dredging, but he had no idea of not building the dams eventually.

Mr. SHERLEY. I am very glad to hear the gentleman's statement, because I believe the dam project should be carried clear to Cairo.

Mr. ALEXANDER of New York. That was the information of the engineers. It was only to relieve the congestion pending the building of the other dams.

Mr. DIXON of Indiana. The proviso beginning in line 23 says:

Provided, That so much of the sum herein appropriated as shall be necessary may be applied toward a definite location and purchase of sites for additional locks and dams on said river—

Is this appropriation large enough to purchase the remaining sites?

Mr. ALEXANDER of New York. Yes; a great many times over. But in order that there might be money enough, it was put in in that way.

Mr. DIXON of Indiana. Then it is expected from this appropriation that the sites for the remaining locks and dams not specifically named will be purchased?

Mr. ALEXANDER of New York. That is right.

Mr. COX of Indiana. Mr. Chairman, just a word. I desire to compliment the committee for the adoption of this report.

Mr. Chairman, I can not refrain from complimenting the Rivers and Harbors Committee for the work which it has done in the way of improving the Ohio River. The language carried in the bill relating to the Ohio River is as follows:

Improvement Ohio River: Continuing improvement with a view of securing a navigable depth of 9 feet, in accordance with the report submitted in House Document No. 942, Sixtieth Congress, first session, or such modification thereof as in the discretion of the Secretary of War may be advisable, and with a view to the completion of such improvement within a period of twelve years, $1,000,000, which amount shall be applied to the purchase of sites for 18 locks and dams, Nos. 9, 10, 12, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 27, 28, 29, 41, and 48, and for the construction of Locks and Dams Nos 7, 9, 10, 12, 19, 20, 29, 41, and 48; providing that so much of the sum herein appropriated as shall be necessary may be applied toward the definite location and purchase of sites for additional locks and dams on said river: *Provided further*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to constitute the said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $2,500,000, exclusive of the amounts herein and heretofore appropriated.

In addition to the above item, the bill carries another item of $575,000 for continuing and completion of projects already begun.

The language in the bill adopts the 9-foot stage of water exactly as recommended by the Board of Army Engineers two years ago, and it specifically provides for the purchase of 18 new dam sites. This, together with the proviso in the following language—

Provided, That so much of the sum herein appropriated as shall be necessary may be applied toward the definite location and purchase of sites for additional locks and dams on said river—

forever adopts and approves the report as made by the Board of Army Engineers, and the bill in its present shape, as reported and passed by the House, provides for the completion of dams already in progress and for the purchase of sites at every place where dams were recommended by the Board of Army Engineers, contained in their report, Document No. 492, first session of the Sixtieth Congress.

This report provides for the building of 54 dams for the improvement of the Ohio River from Pittsburg to Cairo. The board of engineers having charge of this work estimates that it can not complete the work in less than twelve years, and, Mr. Chairman, taking into consideration not only the immense amount of work to be done in the improvement of the Ohio River, but elsewhere, in the improvement of rivers, this is as short a time as the work can be completed.

It is useless for me to argue the unquestioned benefits which this improvement will bring, not only to the present but future posterity. We have in the Ohio River Valley a country surpassing in richness the world-famed valley of the Nile. Beginning far up in the State of Pennsylvania, the Ohio River pursues its devious course for more than 1,000 miles, until it reaches the Mississippi River, "the father of American waters." On its northern shores border the great States of Pennsylvania, Ohio, Indiana, and Illinois, and on the south Kentucky. These States alone represent a population of approximately 20,000,000 people, with industry as varied as the universe itself.

Mr. Chairman, we have in this country to-day approximately 90,000,000 of people, and by the time our children arrive at mature manhood and womanhood we will have a population of three times this number, and I believe it to be our duty, not only as citizens, but as legislators, to provide for their comfort and welfare, and in so doing we will be building up in the Ohio River Valley the greatest empire of the world. Bordering along the Ohio River and in close proximity thereto is found all the natural resources which go to make a country great and strong. When the Ohio River is completely canalized by build-

ing and constructing dams, as provided for in this bill, there will spring up as if touched by the hand of magic all along its course flourishing towns and cities furnishing employment of labor to the countless millions of people who will seek the Ohio River Valley as a home in which to live. From Pennsylvania and West Virginia iron ore will come down the Ohio River, and along by its side, not only from these two States but from the States of Ohio, Indiana, Illinois, and Kentucky, will come millions of tons of coal to heat the furnaces which will manufacture iron ore into iron and steel, the great basic principles of American industry. The race to-day to capture the world's commerce is indeed a fierce one, and with the completion of the Panama Canal in a few years a new era of development will begin. East of us lies the Orient—China as yet an undeveloped nation, with her 400,000,000 of people to be clothed and fed; Japan, beginning to awake to the energies of civilization, likewise furnishes a great field for American commodities and American enterprise—and with the completion of the improvement of the Ohio River and the construction and completion of the Panama Canal an impetus will begin here in the Ohio River Valley to capture these great world marts of trade in the East.

Mr. Chairman, the business man is readily confronted with two propositions; first, the freight rates entering into the transportation of his commodities; second, time; and with an undoubted confidence in the ingenuity of the business man living in the Ohio River Valley, if he be put upon a par with his foreign competitors, upon both of these propositions, I have no doubt of his ability to meet and compete in foreign fields for the world's commerce.

Mr. Chairman, benefits will accrue, not alone to the business man, but to the laboring man, the merchant, the farmer, all will unquestionably reap and receive renowned benefits when this work is finally completed. Congress has for years sought to control and regulate railway traffic in this country, but, in my judgment, without very much success; but the improvement of the Ohio River so as to maintain a 9-foot stage of water the year round will alone control freight rates in the Ohio River Valley, and will put American business men upon an equality so far as freight rates and time are concerned.

Mr. Chairman, the fight has been long and strenuous, asking that the improvement of the Ohio River as a project be taken up and completed as a whole, and I can not refrain at this time from complimenting the Rivers and Harbors Committee on adopting the report long since made by the Board of Engineers, and saying to them they have done a great work, not only for the present but for the future.

Mr. SMALL. Mr. Chairman, I desire to offer an amendment, in lines 12 and 13, by striking out these words:

Or such modification thereof as, in the discretion of the Secretary of War, may be advisable.

The CHAIRMAN. The gentleman from North Carolina offers an amendment which the Clerk will report:

The Clerk read as follows:

Page 53, lines 12 and 13, strike out the following words:
"Or such modification thereof as, in the discretion of the Secretary of War, may be advisable."

Mr. SMALL. Mr. Chairman, if I understand the policy of the Committee on Rivers and Harbors and of Congress, it is this—that no appropriation has been made for an improvement against an adverse report of the engineers or without first having an investigation and a favorable report by the engineers. Now, this paragraph, after having included these words:

Continuing improvement with a view to securing a navigable depth of 9 feet, in accordance with the report submitted in House Document No. 492, Sixtieth Congress, first session—

proceeds to give the Secretary the power to modify and change that report and to expend this money under a changed report without first having been submitted to and approved and authorized by Congress. There may be precedents for such a deviation as this, but I am not aware of any. I think where an appropriation is made in accordance with the report of the engineers, that to authorize the Secretary of War to expend that money in any other manner except in accordance with that report, which has been examined and approved by the committees of Congress and by Congress itself, is a dangerous precedent which will rise to plague us in the future.

Now, I am in favor of this appropriation for the improvement of the Ohio River and of the Mississippi and its tributaries. The Ohio carries more commerce, there is more prospective commerce upon the Ohio River, and it seems to be the consensus of sentiment among those who have examined the reports and are familiar with the stream that this improvement recommended by the engineers ought to be carried out. But the point is this, that when an appropriation is made to be expended in accordance with the report, that discretion ought not to be invested in the Secretary of War to spend that money otherwise than is recommended in the report which has been adopted. Therefore, upon that, I base my motion to strike out these words, so that the appropriation shall be expended under the investigation and the report which has been made by the Chief of Engineers, and which presumably has had the approval of the committee, and if any other surveys were necessary, then this project should have been put upon the same basis as other improvements, that it should have been rereferred for another investigation and another report.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. SMALL. Certainly.

Mr. FITZGERALD. With this provision would it be possible to proceed on a project looking to having 12-feet depth without further authorization by Congress?

Mr. SMALL. I do not see why not under this language, "under such modification thereof as the Secretary may deem advisable." That is broad in its scope, and he may make any modification he chooses.

Mr. ALEXANDER of New York. Will the gentleman allow me a suggestion? The words which he wishes to strike out are very common words in our bill. There is one on page 2 that we have already passed—in line 20:

Improving Saco River, Maine: Continuing improvement in accordance with the existing project or such modification thereof as the Secretary in his discretion may approve.

It does not go to the project at all. It simply goes to engineering details. The project is adopted. Neither would these engineering details be changed without the approval of board of review and the Chief of Engineers. Here is another case in the bill of 1907:

Improving Manistique Harbor, Michigan: Continuing improvement and for maintenance, $25,000, to be expended by the Secretary of War, on the same project, or any modification thereof.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. ALEXANDER of New York. Certainly.

Mr. FITZGERALD. Is it the understanding of the chairman of the committee that this language authorizes the modification of a project so as to give a greater depth than that authorized?

Mr. ALEXANDER of New York. Certainly not.

Mr. SMALL. May I ask the gentleman if this language is not susceptible of such a construction as would permit a material change in the project?

Mr. ALEXANDER of New York. No; because it was never so construed.

Mr. SMALL. I withdraw the amendment.

Mr. SHERLEY. Mr. Chairman, perhaps the language just read as to the improvement of the Ohio River marks as great a departure from the past attitude of the Government as to internal improvements and indicates as clearly its future attitude as any other provision in the bill. The one noticeable thing in the language relative to the Ohio River is that for the first time that language relates to the whole of the Ohio River. Not only does it adopt the project as a whole, but, in making the appropriation of $1,000,000 and authorizing the expenditure of $2,500,000, that appropriation and authorization is made in language so that it can be applicable to the whole river, and enables the engineers, according to the physical condition of the work at many or a few points, to expend the money to the best advantage instead of having money lying idle at some place while there is a lack of funds at some other place. Here is an appropriation of $1,000,000, which may be expended at any one of several points, and contracts may be entered into for $2,500,000 that may be expended at any of the places enumerated. The effect of this is to commit the Government to the project as a whole—to commit it to completion in a definite time, and, therefore, to a definite, regular rate of progress of the work. In order to do that, it was necessary that this money should be at the command of the engineers to be used at one or another place as they deem most necessary.

If there has been one thing more than another that has subjected Congress to criticism in the past, it has been the spasmodic and sporadic appropriation of moneys for partial river and harbor improvements, rather than the completion of any one project. If there be a project now before the American people that from reports of the engineers and those having knowledge both of the technical and commercial factors involved will warrant the expenditure of a large sum of money, it is the project looking to the improvement of the Ohio River, and it is therefore proper that the departure from the old method of doing business, one that looks forward to the rapid completion of any improvements that are undertaken, should be evidenced by these items relative to the Ohio River. There is

no man living upon that river but must feel that this committee has dealt with the utmost fairness and liberality with the plan that lies so close to the hearts of all of us. The same rate of appropriation now provided in this bill would not complete the river within twelve years, as it will take $60,000,000 for the whole project, and the bill carries an appropriation of only $4,175,000. But we realize, as anyone familiar with the proposed work must, that during the first year some preliminary work is necessary before much money can be expended. There has been authorized in this bill all that the committee should properly have authorized, and I for one desire to express my great gratification and thanks to the committee for its treatment of this national project. [Loud applause.]

The Clerk read as follows:

Improving Rouge River, Michigan: For maintenance, $20,000: *Provided*, That no part of this sum shall be expended until the channel banks within the limits of the project shall have been properly docked by the riparian interests.

Mr. ALEXANDER of New York. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Page 57, strike out all of lines 18, 19, and 20, and insert in lieu thereof the following: "shall be expended at those points within the limits of the project where shoaling is due to caving banks until the banks shall have been protected by suitable docks or revetments constructed at the expense of the riparian interests."

The amendment was agreed to.

Mr. YOUNG of Michigan. Mr. Chairman, I ask unanimous consent to return to page 56, line 8, for the purpose of offering an amendment to perfect the provision.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to return to page 56 for the purpose of making a correction. Is there objection?

There was no objection.

Mr. YOUNG of Michigan. Mr. Chairman, I move to insert the words "Manistee County" after the word "Lake," in line 8. This is done because there is another Portage Lake which is a part of a waterway in Michigan.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 56, in line 8, insert the words "Manistee County" after the word "Lake."

The amendment was agreed to.

The Clerk read as follows:

Indiana Harbor, Indiana: For improvement and maintenance in accordance with the project recommended in House Document No. 1113, Sixtieth Congress, second session, $62,000: *Provided*, That no part of this appropriation shall be expended until the Secretary of War shall be satisfied that the conditions specified in said project have been fully complied with.

Mr. CRUMPACKER. I move to strike out the last word, for the purpose of suggesting an amendment to the proviso. The change I suggest is in the word "project," in line 5. I think that ought to be "document" instead, so that it will read:

Until the Secretary of War shall be satisfied that the conditions specified in said document have been fully complied with.

That is Document No. 1113, referred to above.

Mr. ALEXANDER of New York. There is no objection to that.

Mr. CRUMPACKER. Then I move that the word "project," in line 5, page 61, be stricken out and the word "document" inserted in its place.

The Clerk read as follows:

Page 61, line 5, strike out "project" and insert "document."

The amendment was agreed to.

Mr. JAMES. I want to ask the chairman of the committee relative to the appropriation for the Ohio River. I understand some question was raised a few moments ago relative to whether or not this appropriation authorizes a definite location and purchase of sites for locks and dams below 48, at Henderson, Ky., on down to the mouth of the river at Cairo, Ill?

Mr. ALEXANDER of New York. It does.

Mr. JAMES. I have no doubt of it myself, but I wanted it made clear. I am glad the bill clearly provides for location of sites and purchase of same from Henderson, Ky., to Cairo, Ill. It will give us a 9-foot channel the year around, and will revive the traffic which made this historic river famous in the years of long ago.

The Clerk read as follows:

And provided further, That the said commission be, and is hereby, authorized to design and construct two experimental towboats of modern but different types, with a complement of suitable barges and necessary loading and unloading facilities for towing and delivering supplies along the Mississippi River and its tributaries, and in making designs for such boats the said commission shall investigate and consider types of boats in use for similar purposes on nontidal rivers in this and other countries, and for the purposes of such investigation, designs, and construction there is hereby appropriated the additional sum of $500,000.

Mr. SMALL. I wish to ask a question with reference to the second proviso in this paragraph, which provides that this Mississippi River Commission are authorized to design and construct experimental towboats with a complement of suitable barges and necessary loading and unloading facilities.

If that is for the purpose of conducting an experiment with a view to providing an illustration to those who desire to exploit the possibilities of commerce upon the Mississippi River, it seems to me that it is going a little beyond the proper scope of a river and harbor bill. Of course, if these towboats and barges are absolutely necessary in the work of improvement of the river, perhaps that would present another aspect of the question; but I do not understand that it can be necessary for the Mississippi River Commission to construct experimental towboats and barges for the purposes of the improvement of the Mississippi River. In what sense is the term "experimental" used? Is it experimental for the purpose of river and harbor work, or experimental for the purposes of ascertaining what is best suited for the carrying of commerce on the Mississippi?

And if the latter is the intention, it seems to me, it is beyond the purview of Congress, and particularly of this bill; and I think it ought to be stricken from the bill.

Mr. ALEXANDER of New York. Mr. Chairman, I want to ask the gentleman from North Carolina if he has read the committee's report, on page 13?

Mr. SMALL. I have not.

Mr. ALEXANDER of New York. It explains the matter fully, and I wish to read from it.

Mr. SMALL. The gentleman can make a brief statement.

Mr. ALEXANDER of New York. I will read, because it answers in a word the gentleman's proposition.

It is believed that the appropriation of $500,000 to be expended in the purchase of plant for use in connection with the work of improvement of the river will also provide for experiments to be carried on by the Government which will result in improving the present type of river freight carriers, and also that these tests can be made in no other way, since the expenditures and uncertainties involved preclude the use of private capital for the purpose. As a result of the tests or experiments it is hoped that a large saving to the country at large may accrue from decreased costs of transportation, and that a type of carrier may be developed which will also reduce the cost of all bridges across navigable streams due to lessened requirements in the matter of head room.

This shows that it is for the purpose of increasing the plant. The first part of this paragraph in the report says:

The British Government has been designing shallow-draft boats for use on the Nile, and the German and Austrian Governments have been working along similar lines with reference to methods of transportation on the Rhine, the Danube, the Elbe, and other waterways. The boats designed have been very successful, having been used in connection with modern loading and unloading appliances. On our western rivers little change has been made in the design of towboats, barges, etc., since 1860, and it is believed that a design embodying the best points of modern vessels, with modern machinery and cargo-handling devices, might lead to a marked increase in the traffic on the nontidal rivers of the United States, especially after permanently improved channels are available.

These boats can be used in connection with the improvements going on in the Mississippi, the Ohio, and the Missouri, and at the same time experimental tests for securing the best modern type of boat known to the engineers at the present time can be made.

Mr. TAWNEY. If the gentleman from New York will yield to me, I want to ask the gentleman if it is proposed in the construction of the experimental boats to have them constructed so that they can be used on any part of the river?

Mr. ALEXANDER of New York. Yes.

Mr. TAWNEY. And not only in the deeper parts?

Mr. ALEXANDER of New York. No; on any part. It is especially desirable that they be constructed for a 6-foot depth.

Mr. SMALL. Now, Mr. Chairman, if I may be permitted to make this further comment: The distinguished gentleman, chairman of the committee, has, of course, been entirely candid, and in the statement from the report which he has read it is perfectly apparent that this expenditure of $500,000 for the construction of experimental towboats and barges is intended to furnish a type of towboat and barge most suitable for carrying commerce upon the Mississippi River, and as an illustration for other sections of the country of what is a suitable towboat and barge for other nontidal rivers.

Conceding the importance of having a type of towboat and barge most suitable for the development of commerce in the upper reaches of our interior rivers, I do not think that it is within the province of Congress to authorize the Corps of Engineers, under the direction of the Secretary of War, under whom all appropriations are expended, to enter upon the construction of experimental towboats and barges, nor to furnish the most suitable type for inland commerce of the United States.

But, while admitting the importance of obtaining such a type of towboat and barge, I submit to the committee that it is dan-

gerous legislation. I have no hope of convincing the committee. Perhaps the majority of the committee think otherwise about this matter, but I do submit that as important as the development of commerce on the Mississippi River and its tributaries may be, an object which should command the approval of every citizen, no matter where he may reside, whether upon the Atlantic or the Pacific, yet I submit at the same time that Congress, neither in a river or harbor bill, nor in any other legislation, ought to appropriate money for the construction of any type of boat or for any other appliance or material for use in private enterprise or for the more successful prosecution or promotion of that enterprise.

While it may be necessary for the promotion of commerce on the Mississippi River and its tributaries to have a better type of towboat or barge, yet it is not within the province of Congress to furnish them, but it ought to depend upon the public spirit and enterprise which exists in such a large degree in the Mississippi Valley to furnish for the increase and promotion of this commerce such a type of towboat and barge as shall best promote the commerce which they hope to build up. I do think that this proviso ought to be stricken from the bill.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, when this bill was before the House in 1907 it carried an item of $3,000,000 for the lower Mississippi River, which was $1,000,000 more than the appropriation for that purpose usually carried. In discussing that paragraph then I said, among other things:

"There is an increase carried in the paragraph for the lower Mississippi for the ensuing year, the amount, as you will observe, being $3,000,000 instead of $2,000,000, which is usually provided. While the wording of the paragraph is identical with that heretofore employed, it is the intention of the Mississippi River Commission to spend this extra million in the further prosecuton of bank revetment.

"The policy of revetting the banks, primarily to prevent levee lines from caving into the river, has not been favored by the commission. This policy, in fact, was definitely rejected a number of years ago, and a resolution to that effect was formally adopted by the commission. Time and experience, however, have convinced the engineers that a hard-and-fast rule could not be adhered to, and there has been of late some relaxation. It is not the intention of the commission now to embark upon the general policy of revetting the banks of the entire Mississippi, nor is it the desire or expectation of this committee that this appropriation be expended to that end. There is, however, a middle ground to which events have forced the advocates of both extremes, and this extra million will be expended in furtherance of this resultant plan.

"The Government has spent a good deal of money in the building of levees on the lower Mississippi. We have proceeded upon the thought that the riparian owners of the overflowed lands, which were thus protected from devastating floods, would contribute in fair proportion to the expense of the work. This has been done in the particular district which I represent. We have, under state law, organized taxing districts for the purpose, and in the past twenty-five years we have paid into our levee boards more than $15,000,000. During the same period the Government has expended less than $10,000,000 along the same reach of the river. Of course when we began the building of levees after the series of destructive floods of 1882, 1883, and 1884 we did not realize the tremendous proportions of the system we were to undertake. If we had known then what the ultimate grade and section would have to be, perhaps there would have been more shrinking from the task which has since proven herculean indeed. To get an idea of our situation, let me relate an incident: In the lower Yazoo district, which has a frontage along the river of 189 miles, after paying the most burdensome taxes for thirteen years, and each high water demonstrating that the levees must be built still higher, we cast up accounts immediately after the flood of 1897, and ascertained then that we had approximately 20,000,000 yards of dirt in the levee line. It was painfully apparent, however, that we were not out of the woods, and as the levees grew higher the cost of dumping a yard of dirt on top of them likewise grew higher. When that flood subsided we went at it again, and in the next six years we put another 20,000,000 yards of dirt on them. In other words, we did in the next six years as much as we had done in the previous thirteen. Then the flood of 1903 came—in many respects the biggest of them all—and when it had come and gone with its lessons our engineer made another report in which he announced that it could be fairly accurately told then what the ultimate grade and section would have to be, and that estimate was that still another 20,000,000 yards would be required. That was an appalling announcement, Mr. Chairman, and one that would have broken the spirit of a people less determined. More than 60 per cent of all our taxes had gone into those levees for twenty years, and still the end seemed no nearer than before. There was no high-sounding motto of Nulla Vestigia Retrorsum on our arms for the very practical and prosy reason that ours was a battle of shovels, not shields. But the situation was there, full of ominous meaning, and we knew our only pathway lay in front of us. The legislature authorized us to issue a million more bonds, which we did at once.

"As I have said before, Mr. Chairman, we have proceeded upon the theory of contributions by local interests in the building of our levees, and this particular district has certainly kept the faith. We have contributed more, in fact, than our just share. Few people had ever taxed themselves as we had for the conquests of peace, and we had found that her victories were not only no less renowned than war's, but were also hardly less costly.

"At this juncture, Mr. Chairman, it developed that the Mississippi River, pursuant to its own sweet and fickle will, had begun to cave its banks to such an extent that the levee at Longwood was about to go into the river. This was one of the largest sections in the entire line of the system, and if it were lost, a new line would have to be built at a cost, including rights of way, of $750,000. As I remarked a moment ago, in the matter of local participation we had done our part. We had kept the faith; we had fought the good fight; but, Mr. Chairman, we had also, as regards our ability to raise money, finished the course. There was but one alternative, and that was to induce the Mississippi River Commission to revet the banks and stop the caving. And this was contrary to their declared purpose and in violation of their expressed opinion as to the proper treatment of the river. Our engineers went before them, however, and pitted our condition against their theory, and being wise men, the commission subjected their theory to the force of this ponderous fact and made the allotment, and the levee was saved.

"Mr. SHACKLEFORD. What did it cost the Government to put in this revetment work you speak of to save the Longwood levee?

"Mr. HUMPHREYS of Mississippi. It cost a little more than $150,000.

"Mr. SHACKLEFORD. Has there ever been any estimate by the engineers of the cost of revetting the banks on a large scale, so as to preserve the regimen of the river and also to protect your levee lines?

"Mr. HUMPHREYS of Mississippi. There have been numerous estimates. Mr. Nolty, who is an engineer of considerable learning and experience, has estimated that the cost of revetment, including cost of plant, administration, and engineering charges—in fact, everything—will be $200,000 a mile. He says, also, that there are 500 miles of caving bank between Cairo and the mouth of Red River. In other words, that it would cost $100,000,000 to revet all the caving banks along that reach of the river, which is about the only part of the river where there is any considerable caving. It is the opinion of our engineers, however, that it would not be necessary to revet more than one-half of the caving banks; in other words, not more than 250 miles. And it is also their opinion, and in this Mr. Nolty concurs, that if the work were done on a large scale—that is, if the Government should go at it in a businesslike way—the cost per mile could be cut almost, if not quite, in half, so that the revetment, instead of costing $100,000,000, would probably cost not more than $25,000,000.

"Of course, the protection of levees is not the only—in fact, is not the principal—object in view in doing this revetment work. It is very necessary, in the first place, to prevent the bends from being cut off. I think all the engineers are agreed on this, because you can readily see what disastrous consequences would follow in the wake of a cut-off where the bend, let us suppose, is 15 miles around and only 1 mile across. The fall in the river is about 6 inches to the mile, and when the cut-off is made we would therefore have a fall of 7½ feet in 1 mile. This would upset existing conditions for 40 or 50 miles above and below the cut-off, and, in addition, experience has demonstrated that this shortening of the river would be only temporary. It would at once begin to eat into the opposite shore, and in a very few years it would restore the length lost by the cut-off. The amount of silt dumped into the river by reason of these caving banks is astounding. In an article written by Chief Engineer West, of the Mississippi Levee Board, he says that in his district alone, embracing only one side of the river for a distance of 189 miles.

"Sixty-seven square miles of land, most of which was highly improved, have been abandoned by the retirement of the levee line from caving banks since 1882, and but for the limited revetment that has been done this would have been considerably more.

"Assuming that an equal amount of caving occurs on both sides along this reach of the river, enough land is caved in in this

189 miles annually to fill the river to the level of its banks for a distance of 12 miles. While on this point I will read another passage from Mr. Nolty. He says:

"If the revetment work is systematically prosecuted, there will eventually be such a small amount of sediment carried out that the necessity of dredging in the pass and seaward extension of the jetties will be removed.

"But let me return, Mr. Chairman, to the Longwood levee. Since this allotment was made by the commission, they have made others for similar purposes. It is intended to relax still further the old rule, and this additional $1,000,000 which this paragraph carries will be expended in that way.

"In the annual report of C. H. West, chief engineer of this levee district, he makes this startling statement:

"Since 1882 there have been 172 miles of levee abandoned, or 91 per cent of the total length of the controlling line.

"During the three years since the high water of 1903 there have been 31.45 miles of levee abandoned, or nearly 17 per cent of the total length of the controlling line.

"As the levee grows in volume the loss per mill from caving banks becomes more and more serious, and if the same rate continues the time will soon come when the annual revenues will not be sufficient to build the new levees required to replace those that cave into the river.

"There is no more competent authority than this officer. No man understands the problem of this great river more thoroughly than he, and no man has brought to its study more patriotic zeal or more intelligent energy, and I quote his opinion therefore with some degree of assurance.

"I believe, Mr. Chairman, that this appropriation marks the beginning of the end of what at some times in the past has appeared to be an endless, if not a hopeless, fight.

"The upper Yazoo district has demonstrated beyond cavil the possibility of holding the Mississippi River within its channel in flood time. It has withstood all the floods of recent years, and if the Federal Government will see to it that the levee lines as they are to-day will not be permitted to cave into the river the problem there is solved. What is there accomplished is simply a demonstration of what can be done everywhere.

"We have proceeded thus far, Mr. Chairman, on the theory that there was a dual responsibility along the lower Mississippi. That it was as much the duty of the Federal Government to improve the navigation of its rivers by building levees which incidentally protect the property of the riparian owners as it was the duty of the riparian owners to build levees to protect their property which incidentally improve the navigation of the rivers. The burden, therefore, has been borne by both.

"Right here let me read again from Mr. West's report:

"But for the enormous loss of levee due to the extensive caving of the river banks the entire levee line would by now be as high and strong as it is estimated it will ever have to be to control the highest floods that may be expected.

"When we remember that this revetment work is permanent—engineers estimate that a mattress properly placed will last one hundred years—and that but for caving banks the levees would likewise be permanent, I say, when we recall these facts, I believe we can at last see the light breaking in the east, the light which I confidently believe will usher in the day wherein shall be seen the consummation of our hearts' desire, the subjection of the world's greatest and most unruly water course to the will and the purposes of man."

The Clerk read as follows:

Improving Mississippi River from the mouth of the Missouri River to Minneapolis, Minn.: Continuing improvement in accordance with the report submitted in House Document No. 341, Fifty-ninth Congress, second session, for the purpose of ultimately securing and maintaining a depth of channel of 6 feet and with a view of completing said improvement within a period of twelve years, $500,000: *Provided*, That of this amount so much as may be necessary, not to exceed $75,000, may, in the discretion of the Secretary of War, be expended for the repair and maintenance of existing levees constructed by the United States and for dredging for the benefit of through navigation in harbors and at landing places, giving preference to localities in which the communities interested shall hereafter maintain such dredging without cost to the United States.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the last word. I wish to inquire how it can be ascertained which "community shall hereafter maintain dredging without cost to the United States?" Is there any provision by which contracts or agreements shall be entered into with the communities, or how is it to be ascertained that the community will hereafter pay for this dredging?

Mr. ALEXANDER of New York. Of course the agreement is always made in advance among the people themselves.

Mr. FITZGERALD. I wish to get this information, and I am going to get it if I possibly can.

Mr. MANN. The engineers are the ones that determine it.

Mr. FITZGERALD. Is the agreement made with the communities before any money is expended, or what provision of law is there for such an agreement being made?

Mr. MADDEN. This is simply at the landing place, right up at the face of the dock, where the people who maintain the landing places and docks are obliged to keep a depth of water which is necessary for navigation, not only in the middle of the stream, but up at the dock where the ships land. The Government in its work maintains the channel, but it does not create the channel so as to enable the ships to land at the docks, and this provides that the community which has a dock where ships can land must create the depth of water necessary to enable the ships to land at the dock.

Mr. FITZGERALD. I do not think the gentleman quite grasps my question. This gives discretion to the engineers to expend $75,000——

Mr. MANN. I may say to the gentleman that I do not wonder the gentleman has not noticed this provision, because in the city of New York, of course, the Government does all of the work; but there are a good many places in the country where the maintenance of the navigable channel is at the expense of the local community, properly, where the situation is entirely different.

Mr. FITZGERALD. The gentleman is entirely mistaken about the situation at the city of New York. In this bill there is a provision appropriating $250,000 for the commencement of improvements to which the city of New York is required to contribute a very large sum. It is the Jamaica Bay improvement. There is also a provision for the removal of a ledge, I think, at the entrance of Navesink River, to which the States of New Jersey and New York must make certain contributions. But here is a provision that certain sums may be expended, and a preference given to localities in which the communities interested shall hereafter maintain such dredging without cost to the United States. I have asked how it is to be ascertained whether the community will after the dredging is done maintain it, or what authority there is for making such agreement, or how is it intended to cover that?

Mr. MANN. There is no agreement made. It depends upon the engineer. The city council may pass a resolution——

Mr. FITZGERALD. Oh, the gentleman from Illinois has not illuminated this question any, and I wish he would give way to one of the gentlemen on the Committee on Rivers and Harbors.

Mr. MANN. I am trying to talk while they are getting prepared. [Laughter.] Of course this practically amounts to the fact that the Government is under no obligation to maintain the channel after it is constructed, and it is a very common thing, where the people say they will maintain the channel, for the Government to construct it and then assume no obligation to maintain it.

Mr. FITZGERALD. I insist the gentleman thoroughly misunderstands the question. This is not for the dredging of the channel. It is for the dredging at the landing.

Mr. ALEXANDER of New York. Will the gentleman allow me to answer the question?

Mr. FITZGERALD. Yes .

Mr. ALEXANDER of New York. The larger towns and cities on the Mississippi River have harbor lines, just as in New York or any other ocean harbor. They have harbor lines at St. Louis, Cincinnati, and so forth.

Mr. FITZGERALD. The Government does not dredge within the harbor lines in the city of New York.

Mr. ALEXANDER of New York. And they do not here. Wherever a community is willing to dredge to wharves inside of the harbor lines, then this $75,000, or so much thereof as may be needed, may be expended by the Government in dredging up to the harbor lines of that particular place. We have just passed an amendment for Alexandria. The channel is to be made 24 feet deep. The harbor line is 300 or 400 feet from the wharves.

The Government proposes to dredge this channel up to within a certain distance of that harbor line, and those who own the docks along will dredge immediately in front of the wharves and in the slips. It is virtually the same on this river. The engineers may dredge to these harbor lines and the owners of the wharves do the balance.

Mr. FITZGERALD. Now, that may be what is intended, but that is not what this provision says, because it says distinctly that the dredging shall be at the landing places, which hereafter the community shall agree to maintain and dredge without cost to the United States. If I understand what this language purports to convey, it is that the Government, in the first instance, will dredge inside the harbor line and the landing places, provided that the community agrees hereafter to maintain the dredging.

Mr. ALEXANDER of New York. No; it is against the law to dredge inside harbor lines. I will read an item from the annual report of the army engineers in 1909:

For dredging at harbors and landing places under allotments amounting to $100,000 there has been expended to June 30, 1909, $78,000. Satisfactory work was done at Red Wing, La Crosse, Eagle Point, Cassville, Prairie du Chien, Moline, Quincy, and Hamburg.

This is a continuation of the same appropriation.

Mr. FITZGERALD. This is not within the harbor line.

Mr. ALEXANDER of New York. No; the Government never dredges within the harbor line.

The Clerk read as follows:

For the construction of a waterway from Lockport, Ill., by way of the Desplaines and Illinois rivers, to the mouth of said Illinois River, $1,000,000. The Secretary of War shall appoint a board of five members, to be composed of four engineer officers of the army and one civil engineer taken from civil life. The president of the board of five members authorized under act of March 2, 1907, to examine the Mississippi River below St. Louis and report to Congress on the project of a 14-foot channel, shall be president of the board herein provided for. The board shall, after full conference with the authorized agency of the State of Illinois, submit a report upon the extent to which the United States may properly cooperate with the State of Illinois in securing the construction of a navigable waterway from Lockport to the mouth of the Illinois River in conjunction with the development of water power by said State between Lockport and Utica, for which the people of the State of Illinois have authorized their general assembly to appropriate $20,000,000; the report shall state the extent and character of the cooperation recommended and the conditions considered necessary in connection therewith to fully protect the interests of the United States. Should the board consider cooperation to be advisable, the report herein called for shall include plans and estimates of cost of the work recommended to be done by the United States alone or in cooperation with the State of Illinois; and until these plans and estimates have been submitted and a project for the improvement adopted by Congress the appropriation of $1,000,000 herein made shall not be available for expenditure. The board also shall consider and report upon the improvement of the Mississippi between the mouth of the Illinois River and the mouth of the Ohio River by the construction of a dam at or near Jefferson Barracks and a dam at or near Commerce, and the development of water power incidentally created by such dams. In the performance of its duties the board may consider all reports heretofore made; and the force, plant, and records of the Mississippi River Commission and the several engineer districts between Chicago and Cairo shall be available for the use of the board. The members of the board herein authorized shall be entitled to compensation at the rate of $6,000 per annum, but the official salary of any officer appointed on said board from the Engineer Corps of the Army shall be deducted from the compensation provided for in this act. For salaries and expenses of said board, including all necessary clerical and other personal services, there is hereby appropriated the sum of $50,000. The reports herein called for shall be submitted to the Chief of Engineers not later than November 1, 1910, reviewed by the Board of Engineers for Rivers and Harbors, and submitted to Congress not later than the first Monday in December, 1910.

Mr. DAVIDSON. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 65 strike out all of lines 22, 23, and 24, and on page 66 all of line 24 from and after the word "Illinois" and all of lines 25 and 26, and on page 67 all of line 1.

Mr. DAVIDSON. Mr. Chairman, I would like to discuss this amendment for a few minutes, and I would like to ask unanimous consent to proceed for fifteen minutes.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to proceed for fifteen minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. DAVIDSON. Unless there is a disposition not to complete the bill to-night.

Mr. ALEXANDER of New York. There is no objection; go on.

[Mr. DAVIDSON addressed the committee. See Appendix.]

Mr. LAWRENCE. Mr. Chairman, I ask unanimous consent that I may be permitted to proceed for ten minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LAWRENCE. Mr. Chairman, in adopting this provision the House is doing a rather exceptional thing, but this is an exceptional case, and exceptional cases justify exceptional action. I am convinced that it is not only a right and a proper thing for Congress to do, but that it is a very sensible thing. It may result in a waterway constructed at very reasonable expense to the country, which will not only be a benefit to the people of the Middle West, but a most important factor in the commercial development of the whole country. [Applause.] We are all familiar with the earnest and aggressive fight that has been made for a 14-foot channel from the Lakes to the Gulf. That project has been adversely reported upon. The board which considered it have practically, as I understand it, recommended a channel 8 or 9 feet in depth from Chicago to the Gulf.

Now, what is the situation that confronts us? I take it that Congress would willingly authorize the construction of such a waterway. In view of the vast sums expended and to be expended in various parts of the country, and in view of the commercial importance and the wonderful possibilities of the region especially to be served, I do not see how Congress could withhold its approval. But the people of the State of Illinois want an opportunity to cooperate with the National Government in the construction of that waterway. They want not alone the benefits of navigation, but the great benefits which come from the creation of water power, a very worthy purpose, and one with which all those who believe in the great movement for the conservation of our natural resources must sympathize. The people of Illinois want that waterway and that water power so much that they have expressed a willingness to be taxed to the amount of $20,000,000. That being so, of course it is wise for Congress to appoint a board to investigate especially this question of cooperation between the State and the Nation. It will undoubtedly result in great saving to the United States Treasury, and that being so, Congress can well afford to encourage such cooperation by intimating that it is ready to make appropriations when a proper plan is submitted, and it is convinced that the waterway can be constructed at a reasonable cost. This appropriation is available only when a report is made by the board and formally adopted by Congress.

Let no one think that in adopting this provision Congress is suffering from a case of enlargement of the heart. It is clearly a case of the head dominating the heart. The appropriation is so hedged about by conditions that no harm can come to the United States Treasury, and yet it is very far from a gold brick. It is a deliberate intimation to the people of Illinois and of the Middle West that Congress means business, and that appropriations will be made when a proper plan is submitted to Congress, and that plan adopted by Congress. Did anybody ever hear of a case where Congress deliberately and formally adopted a project without making an appropriation? We are doing nothing reckless, but we are giving encouragement to a generous and public-spirited people who are entitled to that encouragement.

Mr. FASSETT. Will the gentleman yield for a question?

Mr. LAWRENCE. Yes.

Mr. FASSETT. Are we to commit ourselves to this project before the report has been received from the committee which has been appointed?

Mr. LAWRENCE. Congress does not commit itself to the project in any way.

Mr. FASSETT. Then, why put in the million dollars now?

Mr. LAWRENCE. Because I believe that in order to encourage cooperation, which will result undoubtedly in a great saving to the United States Treasury, we can well afford to do so. [Applause.]

Mr. FASSETT. Can one single dollar of this million dollars be used?

Mr. LAWRENCE. Not until the board makes a favorable report and Congress adopts the project.

Mr. FASSETT. Then why not wait?

Mr. LAWRENCE. So far as I am concerned——

Mr. FASSETT. Suppose this commission reports adversely?

Mr. LAWRENCE. Then, of course, the appropriation fails.

Mr. FASSETT. The $1,000,000 will encourage the report to be made favorably?

Mr. LAWRENCE. It will not; but I think it will encourage the people of the State of Illinois to cooperate in a very generous way in the construction of the proposed waterway.

Mr. FASSETT. Will not the appointment of the commission be encouragement enough? If not, the encouragement is in the $1,000,000 and not in the commission.

Mr. LAWRENCE. The fact that Congress shows a willingness to appropriate money when a plan is adopted which meets its approval will be the encouragement.

Mr. COX of Indiana. May I ask the gentleman a question?

Mr. LAWRENCE. Certainly.

Mr. COX of Indiana. Part of the provision is that the people of the State of Illinois are authorized in general assembly to appropriate $20,000,000. Now, has the general assembly of the State of Illinois made that appropriation?

Mr. LAWRENCE. I understand not.

Mr. COX of Indiana. What is the statement?

Mr. LAWRENCE. The people of Illinois have authorized, I understand, the general assembly to appropriate the money, but that money has not yet been voted.

Mr. COX of Indiana. Has the legislature of the State of Illinois convened since that authorization occurred?

Mr. LAWRENCE. It is in session now.

Mr. DAVIDSON. I understand the legislature is in session now. The senate has passed a bill, at the recommendation of

the governor, to go ahead and spend their $20,000,000 on that work from Lockport to Utica. Under the act the people authorized an issue of bonds, and that bill has passed the senate and has now been passed up to the assembly.

Mr. LAWRENCE. Now, Mr. Chairman, I must decline to yield further. I want just one minute more and then I am going to close. It is sometimes intimated that those who live east of the Allegheny Mountains are apt to think that the country is bounded on the west by that mountain range. I do not admit the truth of the charge. I deny it. But if an eastern man is in any danger of getting into that frame of mind the best thing for him, I think, is service upon the Committee on Rivers and Harbors. That compels study of our geography and our resources, and sectionalism then disappears, as a matter of course. Now, I am from "the land of the sacred cod," but through my service on the Committee on Rivers and Harbors I have learned how close to the hearts of the people of Illinois and the Mississippi Valley this waterway is. I am willing to encourage them to the extent of this conditional appropriation, and I believe it to be a rational step toward making their hope a reality. [Applause.]

Mr. YOUNG of Michigan. Mr. Chairman, I hope that the motion made by the gentleman from Wisconsin will not prevail. The gentleman says that we are doing something in this case which we have done in no other case. He compares the situation here with that upon the Delaware River and to that existing in many other streams and harbors of this country where the report of the engineers has been adverse——

Mr. MOORE of Pennsylvania. Mr. Chairman——

Mr. YOUNG of Michigan. It is my opinion that the case here is an entirely different case from that which occurs in any of these places.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask that the gentleman will permit me to ask whether he knows that the report upon the Delaware River has been adverse?

The CHAIRMAN. Does the gentleman yield?

Mr. YOUNG of Michigan. Oh, I am not talking about the Delaware River, only as a matter of illustration. There has been no report there, to be absolutely correct; but I am not talking about the Delaware River, and I decline to discuss that case.

Mr. MOORE of Pennsylvania. I understood the gentleman to say the report was adverse. Do I understand that to be the fact?

Mr. YOUNG of Michigan. Now, the situation here is this: The Ernst board, which is the first board which examined the proposition, was authorized to report upon a 14-foot channel from the Lakes to the Gulf. That was the question which was submitted to them. They were not asked to report to Congress whether or not they approved or disapproved of that project, but only to make an estimate of the cost, and in strict conformity with the law under which they acted they did make a report to Congress, giving an estimate of cost of constructing this canal, but making no recommendation as to whether it should be done or should not be done.

That portion of the canal which we are now considering, from Lockport to St. Louis, they estimated to cost $31,000,000. This report was submitted to the Board of Engineers for Rivers and Harbors, and they reported that it was inadvisable to pay the large sum of money required to build this waterway from Lockport to the Gulf. Then the next board, the Bixby board, so reported. In the report of the Board of Engineers for Rivers and Harbors there was a statement to the effect that, in their judgment, it would be wise to build a waterway 8 or 9 feet deep, if it could be done at a reasonable cost. The Bixby board went over the same matter and reported against the 14-foot channel, as that question was submitted to them.

But they again reported to the effect that in their judgment a waterway 8 or 9 feet deep would be justified. We have had two surveys. We have had two reports favoring an 8 or 9 foot waterway, but the actual question which was submitted to these boards was upon a 14-foot waterway to be constructed entirely at the expense of the United States.

We have now an entirely different proposition before us, one for a waterway to be constructed by the State of Illinois in cooperation with the United States, and this provision in the river and harbor bill before you to-day is that a board shall be appointed to which that question shall be submitted, namely, the construction of a waterway of such character as they shall deem advisable, and if they deem such construction wise, that then they shall say what portion of that expense should be paid by the State of Illinois and what portion should be paid by the United States.

The CHAIRMAN. The time of the gentleman has expired.

Mr. YOUNG of Michigan. I ask for five minutes more.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to continue for five minutes. Is there objection?

There was no objection.

Mr. YOUNG of Michigan. Criticism has been made of the fact that this bill carries an appropriation. It does provide in terms that $1,000,000 is appropriated for this waterway. Then it provides for the appointment of the board, and then follows this language:

> Should the board consider cooperation to be advisable, the report herein called for shall include plans and estimates of the cost of work recommended to be done by the United States alone or in cooperation with the State of Illinois. And until these plans and estimates have been submitted and the project for the improvement adopted by Congress, the appropriation of a million dollars herein made shall not be available for expenditure.

Now, the gentleman from New York says if we can not expend this money until Congress convenes again and adopts this plan, why should we say anything about it? That is a fair question. It is placed there as an encouragement to the people of the State of Illinois, who during all these long and weary years have waited for something to be done about this waterway. The situation in Illinois is this: The people, by an amendment to the constitution, authorized the legislature to appropriate money for the building of this waterway—the sum of $20,000,000 of the $31,000,000 the waterway from Lockport to St. Louis is estimated to cost. That proposition is now pending before the legislature of Illinois.

A bill has passed the senate authorizing the appropriation of that money and providing the raising of it by the issuance of bonds. It is now pending in the house of representatives of that State. It is desired by the friends of this waterway that at this time, while that question is pending in the Illinois legislature, that there should be some expression of opinion from the Congress of the United States, not an expression of opinion which binds Congress to the adoption of a plan before they know what it is, but an expression of opinion that, in the judgment of Congress, it is wise to cooperate with the State of Illinois in the building of this waterway providing a plan can be adopted at a reasonable cost which will effectuate the result and the State of Illinois will contribute a fair amount to it. I hope, sirs, that this provision will remain in the bill. I believe it is wise. I believe it is not in contradiction of the general policy of this committee.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. YOUNG of Michigan. Yes.

Mr. FITZGERALD. Any action at this session of Congress is likely to have some influence on the assembly of the State of Illinois, is it not?

Mr. YOUNG of Michigan. I hope it will have.

Mr. FITZGERALD. And if we pretend to make an appropriation that we do not make, are we not likely to lead the assembly of Illinois into believing that we have done something we really have not done?

Mr. YOUNG of Michigan. My experience with the politicians of Illinois is that they are not easily misled.

Mr. FITZGERALD. Our experience is that the people are very easily fooled.

Mr. RANSDELL of Louisiana. Mr. Chairman, I had intended to discuss this provision, but it has been so fully covered by the gentlemen who have preceded me that I merely arise to say that I sincerely hope the amendment of the gentleman from Wisconsin [Mr. DAVIDSON] will not be adopted.

Mr. NORRIS. Will the gentleman yield?

Mr. RANSDELL of Louisiana. Yes.

Mr. NORRIS. I am asking entirely for information. I would favor and do favor cooperation with the State of Illinois and favor this waterway improvement. But this question has arisen in my mind since the gentleman from Wisconsin has offered his amendment: What is the use of our appropriating a million dollars when it can not be used in any way until a favorable report is made here by the board and favorable action taken by Congress? Why would not the same thing be accomplished by omitting the million dollars and adopting the amendment of the gentleman from Wisconsin? As I understand it, that does not say we are opposed to cooperation; and on that line I would like to have the gentleman or some other Member interested here explain what is the necessity of this million-dollar appropriation, because there are a great many of us who are in doubt on that proposition.

Mr. RANSDELL of Louisiana. In my opinion, the necessity for it, to be perfectly frank, is that which is contained in the expression "hope deferred maketh the heart sick." The people of the great Mississippi Valley, which has been aptly called the "breadbasket" of America, have had their hopes deferred until their hearts are sick. The people of that valley wish to have

connection between the Gulf of Mexico and the Great Lakes; and the only possible way for them to secure that connection is through the Illinois and Des Plaines rivers, connecting the Mississippi River with Lake Michigan.

Mr. Chairman, this project stands on a very different plane from the Delaware River, the Atlantic intercoastal canal, and other projects that have not been surveyed and brought before us. These latter are great projects, and I hope sincerely they will come before us with favorable reports within the next few months. I hope that when the next river and harbor bill is adopted next session we can make liberal provision for the Delaware River and for the intercoastal canal from Boston to the Rio Grande. In reference to the project before us, we have a statement by the Ernst board that it is entirely feasible, from an engineering standpoint, at a cost of $31,000,000.

The Bixby board confirms that report, that it is feasible as an engineering problem, and the only question is, shall we adopt it from a commercial point of view? The 35-foot project on the Delaware River has not been reported on yet, neither has the Intercoastal Canal project. Consequently these matters stand upon a very different plane from this one.

In my judgment we should encourage the many millions in the Mississippi Valley who are interested in this project. We should especially encourage the close friends of the project and the people who were able to induce the President of the United States, the Speaker of this House, and over 100 Representatives and Senators to take the famous trip down the Mississippi River last year—the most enlightening trip in regard to waterway improvement that was ever taken by any band of men in this Republic. We should encourage them and give them hope and let them understand that Congress intends to construct a suitable waterway between the Lakes and the Gulf, if it can be done in a reasonable, business way, and with the cooperation of the people of Illinois. [Loud applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. Mr. Chairman, I am afraid the gentleman from Wisconsin attempted to impress upon the House the notion that the project contemplated by the paragraph to which he offers his amendment is to cost the people of the United States $158,000,000. The fact is that the engineers who made the survey over the territory embraced in this paragraph showed the total cost of the improvement for a 14-foot channel to be $23,500,000; and if perchance locks of 20 feet over the miter sill should be adopted, this board says that that would add $1,500,000 more, making $25,000,000. Now, the proposition is that the people of Illinois shall expend $20,000,000 of this $25,000,000.

Mr. DAVIDSON. Will the gentleman permit me to interrupt him? You misunderstood me. My reference to $158,000,000 was the entire project from the Lakes to the Gulf.

Mr. MADDEN. Now, what I feared was that some person on the floor might have misunderstood the gentleman to mean that we of Illinois were asking the Government to expend on this project $158,000,000.

Let me make myself clear. The State, through its people, has voted authority to its general assembly to legislate upon the question of spending $20,000,000 in the stretch of the Des Plaines and Illinois rivers covered by this paragraph of the bill. If the Government of the United States should cooperate, how much money would it take out of the Government Treasury? That is the question. It could under no circumstances, even though you built the locks 20 feet deep over the miter sills, cost more than $5,000,000. It could under no circumstances, if the locks are built 24 feet over the miter sills, cost the Government of the United States over $6,500,000. And then if you go further and say that you want the Government of the United States to continue the improvement below Utica, through the Illinois River down to St. Louis, the only additional expenditure which would be required from the Treasury of the United States would be an additional $8,500,000, making a total expenditure out of the Federal Treasury of $15,000,000 at the utmost.

Mr. DAVIDSON. Will the gentleman state whence he gets those figures?

Mr. MADDEN. I get those figures from the reports of the engineers.

Mr. DAVIDSON. What engineers?

Mr. MADDEN. The government engineers. The government engineers say that the total cost of a 14-foot waterway from the end of the Sanitary District Canal to Grafton, and thence from Grafton to St. Louis by an additional canal, would be $31,000,000. The cost between the end of the Sanitary District Canal and Utica, according to the engineers' reports, for a 14-foot lock and 14-foot channel, would be $23,500,000. If, as I said before, we made these locks 20 feet, that would be a million and a half more; but I think I have made myself sufficiently clear, so that every Member of the House present here can distinctly understand that this project, under no conditions, commits the Government of the United States to an expenditure of more than $15,000,000.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. I ask for an additional two or three minutes.

Several MEMBERS. Five minutes.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman from Illinois be extended five minutes. Is there objection?

There was no objection.

Mr. MADDEN. We did not request an appropriation under Document No. 252, which contains the report of this engineer board. Why? The project reported by this board contemplated the construction of nine locks and a number of dams, the number of which I do not know now; but it also contemplated the expenditure of all the money for the entire improvement out of the Government Treasury.

In 1907, when the river and harbor bill was up for consideration, I stood upon the floor of this House and introduced an amendment to the bill which provided for an appropriation of $31,000,000 and some odd thousands with which to construct this waterway from the end of the Sanitary District Canal to St. Louis. The distinguished gentleman from Ohio [Mr. BURTON], who was then chairman of this committee, said to me, "I am opposed to the appropriation of this $31,000,000, because I believe that the State of Illinois should not benefit from the creation of water power which is made possible by an expenditure of money from the Federal Treasury," and I regarded that as a reasonable objection to the amendment which I offered.

And in view of a further statement made by that distinguished gentleman to the effect that if the State of Illinois would contribute the money necessary to make the pools and create the water power, then he, as chairman of this great Committee on Rivers and Harbors, would feel committed to the proposition of federal cooperation; in view of that statement and of all the facts in the premises, we of Illinois voted to authorize the issue of $20,000,000 of bonds. We think now that we have fairly met the objection that was made by the then chairman of the Committee on Rivers and Harbors.

We have met that objection. We come here with clean hands. We come here with no extraordinary demand or request. We ask for the appropriation of $1,000,000 and the creation of a commission. And why do we ask for an appropriation of $1,000,000? Because we believe we are fairly entitled to say to the people of Illinois that the Government of the United States is ready to cooperate with the people of that great Commonwealth in the development of any waterway which a report will prove to be feasible.

They say that it will lower the lake levels if we take the water for a waterway. Why, nobody can prevent the great city of Chicago and all the great cities of Illinois and the great cities of Missouri and of the other States of the Union which border on the Mississippi Valley from taking all the water from the reservoirs which have been placed at our disposal by God Almighty for sanitation. Sanitation is the first consideration before the American people, and what objection can there be, gentlemen of this House, to floating ships on a waterway that is created by the necessities of sanitation? We must have the water to dilute the sewage or our people must die of disease, and while we have this water why not float the ships? Why not create the water power? Why not conserve the natural resources? Why not do that which any sane business institution would do under like circumstances? We ask you to vote down the amendment offered by my friend, the distinguished member of the River and Harbor Committee from Wisconsin. [Applause.]

Mr. HOWLAND. Mr. Chairman, I would like to ask the distinguished chairman of the committee a question. What effect will this proposition have on the lower lake levels if you draw from Lake Michigan sufficient water to supply a 9-foot channel?

Mr. ALEXANDER of New York. As I understand it, they are now taking about 4,200 feet per second, and that is all they have the right to take under the conditions prescribed by the Secretary of War. That would be, as I understand it, sufficient water for an 8 or 9 foot channel.

Mr. HOWLAND. So that it would not materially change the conditions. I would like to ask you, following that, what your answer would be if we were to take sufficient water from Lake Michigan for a 14-foot channel?

Mr. ALEXANDER of New York. If you take sufficient water for a 14-foot waterway, it would lower the lake level 7 inches, 6 inches down as far as Lake Erie.

Mr. MADDEN. I wish to say, in addition to what the chairman of the committee has said, that, although we have been taking the quantity of water from the Lakes which the chairman of the committee says has been taken since 1900, the level of Lake Michigan has been and is now from 5 to 7 inches higher than it was before we commenced to take the water.

Mr. FASSETT. The more water you take the higher the water is. [Laughter.]

Mr. DAVIDSON. Mr. Chairman, I move that the committee do now rise.

The question was taken; and on a division (demanded by Mr. ALEXANDER of New York) there were 36 ayes and 51 noes.

Mr. FITZGERALD. Mr. Chairman, I suggest the absence of a quorum.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and one gentlemen present.

So the committee refused to rise.

Mr. ALEXANDER of New York. Mr. Chairman, I move that debate now close on this paragraph under consideration and all amendments.

Mr. FITZGERALD. Let me suggest that outside of one gentleman all of those who have spoken have spoken against the amendment. Certainly those who are in favor of the amendment should have some opportunity.

Mr. MANN. Those in favor of the amendment have had as much time as those opposed to it up to the present time.

Mr. FITZGERALD. Oh, no.

The CHAIRMAN. The gentleman from New York moves that all debate close on this paragraph and amendments.

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were 71 ayes and 19 noes.

So the motion was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Wisconsin.

The question was taken; and on a division (demanded by Mr. DAVIDSON) there were 27 ayes and 67 noes.

So the amendment was rejected.

Mr. FITZGERALD. Now, Mr. Chairman, I move to strike out lines 21 to 25, on page 67.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 67 strike out lines 21 to 25, both inclusive.

The language moved to be stricken out is as follows:

The reports herein called for shall be submitted to the Chief of Engineers not later than November 1, 1910, reviewed by the Board of Engineers for Rivers and Harbors, and submitted to Congress not later than the first Monday in December, 1910.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Improving Missouri River with a view to securing a permanent 6-foot channel between Kansas City and the mouth of the river, $1,000,000: *Provided*, That the Secretary of War shall appoint a board of three officers to further consider and report upon the most economical and desirable plan of securing such channel, in which report consideration shall be given to the subject of cooperation on the part of local interests in the work of said improvement: *Provided further*, That the report hereby authorized shall be submitted to Congress on or before the opening of its next regular session.

Mr. ALEXANDER of New York. Mr. Chairman, I move the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. DALZELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 20686, the river and harbor appropriation bill, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

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

H. R. 19399. An act to extend the time for the completion of bridge across the Mississippi River at St. Louis, Mo., by the St. Louis Electric Bridge Company;

H. R. 12438. An act to amend sections 7 and 8 of the act of May 29, 1908, entitled "An act to authorize the sale and disposition of a portion of the surplus and unallotted lands in the Cheyenne River and Standing Rock Indian reservations, in the States of South Dakota and North Dakota, and making appropriation and provision to carry the same into effect;" and

H. J. Res. 78. Joint resolution changing the title of the sealer of weights and measures of the District of Columbia to superintendent of weights, measures, and markets.

SENATE BILLS REFERRED.

Under clause 2 Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 5836. An act to amend section 1, chapter 209, of the United States Statutes at Large, volume 27, entitled "An act providing when plaintiff may sue as a poor person, and when counsel shall be assigned by the court," and to provide for the prosecution of writs of error and appeals in forma pauperis—to the Committee on the Judiciary.

S. 3544. An act to grant right of way over the public domain in the State of Arkansas for oil or gas pipe lines—to the Committee on the Public Lands.

S. 1105. An act for the relief of the legal representatives of William W. Miller, deceased—to the Committee on Claims.

S. 1981. An act to amend section 1 of an act approved January 30, 1897, entitled "An act to prohibit the sale of intoxicating drinks to Indians, providing penalties therefor, and for other purposes"—to the Committee on Indian Affairs.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 14676. An act for the relief of the Pittsburg Brewing Company.

H. R. 15448. An act to authorize certain changes in the permanent system of highways plan, District of Columbia.

H. R. 18895. An act to authorize the Wilson and Glassport Bridge Company to construct a bridge across the Monongahela River, between Wilson and Glassport boroughs, Allegheny County, Pa.

H. R. 12438. An act to amend sections 7 and 8 of the act of May 29, 1908, entitled "An act to authorize the sale and disposition of a portion of the surplus and unallotted lands in the Cheyenne River and Standing Rock Indian reservations, in the States of South Dakota and North Dakota, and making appropriation and provision to carry the same into effect.

H. R. 19399. An act to extend the time for the completion of bridge across the Mississippi River at St. Louis, Mo., by the St. Louis Electric Bridge Company.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted to Mr. ASHBROOK for ten days on account of death in family.

CIVIL SERVICE COMMISSION.

The Speaker laid before the House the following message from the President of the United States (H. Doc. No. 143), which was read and, with the accompanying papers, referred to the Committee on Reform in the Civil Service.

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, the twenty-sixth annual report of the United States Civil Service Commission for the year ended June 30, 1909.

WM. H. TAFT.

THE WHITE HOUSE, *February 14, 1910.*

WHITE-SLAVE TRAFFIC.

The Speaker laid before the House the bill (H. R. 15816) to amend an act entitled "An act to regulate the immigration of aliens into the United States," with Senate amendments thereto.

The Senate amendments were read.

Mr. BENNET of New York. Mr. Speaker, I move to nonconcur in the Senate amendments and ask for a conference.

The motion was agreed to.

The Chair announced the following conferees on the part of the House:

Mr. HOWELL of New Jersey, Mr. BENNET of New York, and Mr. BURNETT.

ADJOURNMENT.

Then, on motion of Mr. ALEXANDER of New York (at 7 o'clock and 15 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

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

1. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of the Jefferson-Shreveport waterway, Texas (H. Doc. No. 680)—to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Ogeechee and Cannouchee Rivers, Georgia (H. Doc. No. 681)—to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

3. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Ohoopee River, Georgia (H. Doc. No. 682)—to the Committee on Rivers and Harbors and ordered to be printed.

4. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Ordnance, report of tests of iron and steel at Watertown Arsenal (H. Doc. No. 149)—to the Committee on Manufactures and ordered to be printed.

5. A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for replacing army medical supplies (H. Doc. No. 687)—to the Committee on Appropriations and ordered to be printed.

6. A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the president of the Columbia Institution for the Deaf and Dumb submitting an estimate of appropriation for rebuilding of the west dormitory of the building (H. Doc. No. 685)—to the Committee on Appropriations and ordered to be printed.

7. A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for service of the Yosemite National Park (H. Doc. No. 686)—to the Committee on Appropriations and ordered to be printed.

8. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of survey of waterway between Humboldt Bay and Eel River, California (H. Doc. No. 683)—to the Committee on Rivers and Harbors and ordered to be printed.

9. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of East Boothbay Harbor, Maine (H. Doc. No. 684)—to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

10. A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Acting Secretary of War submitting an estimate of appropriation for credit for sums disallowed in accounts of certain officers of the army (H. Doc. No. 688)—to the Committee on Appropriations and ordered to be printed.

11. A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Acting Secretary of War, submitting an estimate of appropriation for settlement of claims for loss of certain private property in the Philippines (H. Doc. No. 689)—to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. LOWDEN, from the Committee on Foreign Affairs, to which was referred the bill of the House (H. R. 15814) providing for the purchase or erection of embassy, legation, and consular buildings abroad, reported the same with amendment, accompanied by a report (No. 438), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HAMER, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 1448) transferring swamp lands to the State of Wisconsin, reported the same with amendment, accompanied by a report (No. 443), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. COOPER of Pennsylvania, from the Committee on Printing, to which was referred the concurrent resolution of the Senate (S. C. Res. 23) providing for the printing of the proceedings relative to the acceptance of the statue of George Laird Shoup from the State of Idaho, reported the same without amendment, accompanied by a report (No. 446), which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GRONNA, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 15660) providing for second homestead entries, reported the same with amendment, accompanied by a report (No. 447), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. COOPER of Pennsylvania, from the Committee on Foreign Affairs, to which was referred the joint resolution of the Senate (S. J. Res. 52) to amend the joint resolution of May 25, 1908, entitled "Joint resolution to provide for the remission of a portion of the Chinese indemnity," reported the same without amendment, accompanied by a report (No. 448), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 17872) providing for the sale to Johnson County, in the State of Wyoming, of certain lands for poor-farm purposes, reported the same without amendment, accompanied by a report (No. 469), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 17160) to authorize the Oregon Trunk Railway of the State of Washington to construct a bridge across the Columbia River and Celilo Canal, reported the same with amendment, accompanied by a report (No. 439), which said bill and report were referred to the House Calendar.

Mr. RICHARDSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 20044) to authorize the Fort Smith and Van Buren district to construct a bridge across the Arkansas River at Van Buren, in the State of Arkansas, reported the same with amendment, accompanied by a report (No. 440), which said bill and report were referred to the House Calendar.

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 621) to amend sections 2325 and 2326 of the Revised Statutes of the United States, reported the same with amendment, accompanied by a report (No. 441), which said bill and report were referred to the House Calendar.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 19967) authorizing the Warfield Coal and Salt Company to construct a bridge across Tug Fork of Big Sandy River, reported the same with amendment, accompanied by a report (No. 442), which said bill and report were referred to the House Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table as follows:

Mr. TIRRELL, from the Committee on Claims, to which was referred the bill of the House (H. R. 828) for the relief of W. S. Carpenter, reported the same adversely, accompanied by a report (No. 444), which said bill and report were laid on the table.

Mr. LINDBERGH, from the Committee on Claims, to which was referred the bill of the House (H. R. 3623) for the relief of James E. Cann, paymaster in the United States Navy, reported the same adversely, accompanied by a report (No. 445), which said bill and report were laid on the table.

Mr. PATTERSON, from the Committee on Claims, to which was referred the bill of the House (H. R. 888) for the relief of Mrs. S. E. Underwood, formerly widow of Samuel Ward, and the heirs of Samuel Ward, deceased, reported the same adversely, accompanied by a report (No. 449), which said bill and report were laid on the table.

Mr. ADAIR, from the Committee on Claims, to which was referred the bill of the House (H. R. 889) for the relief of Elizabeth De Graffenreid, widow, and the heirs of Jasper N. De Graffenreid, deceased, reported the same adversely, accompanied by a report (No. 450), which said bill and report were laid on the table.

Mr. LINDBERGH, from the Committee on Claims, to which was referred the bill of the House (H. R. 1429) for the relief of Sadie A. Lewis, reported the same adversely, accompanied by a report (No. 451), which said bill and report were laid on the table.

Mr. PRINCE, from the Committee on Claims, to which was referred the bill of the House (H. R. 5252) for the relief of Rufus L. King, reported the same adversely, accompanied by a report (No. 452), which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 5253) for the relief of Mrs. Sallie L. Minter, formerly widow of C. L. Campbell, deceased, reported the same adversely, accompanied by a report (No. 453), which said bill and report were laid on the table.

Mr. HAWLEY, from the Committee on Claims, to which was referred the bill of the House (H. R. 5552) for the relief of

the heirs of Kit Carson, deceased, reported the same adversely, accompanied by a report (No. 454), which said bill and report were laid on the table.

Mr. CANDLER, from the Committee on Claims, to which was referred the bill of the House (H. R. 6329) for the relief of Rayes Salas, reported the same adversely, accompanied by a report (No. 455), which said bill and report were laid on the table.

Mr. TILSON, from the Committee on Claims, to which was referred the bill of the House (H. R. 6331) for the relief of Nathan Bibo, sr., reported the same adversely, accompanied by a report (No. 456), which said bill and report were laid on the table.

Mr. MORGAN of Oklahoma, from the Committee on Claims, to which was referred the bill of the House (H. R. 6333) for the relief of F. Nerio Gomez, reported the same adversely, accompanied by a report (No. 457), which said bill and report were laid on the table.

Mr. COWLES, from the Committee on Claims, to which was referred the bill of the House (H. R. 6334) for the relief of Rebecca J. Miller, reported the same adversely, accompanied by a report (No. 458), which said bill and report were laid on the table.

Mr. SHACKLEFORD, from the Committee on Claims, to which was referred the bill of the House (H. R. 6336) for the relief of Ventura Maestas, reported the same adversely, accompanied by a report (No. 459), which said bill and report were laid on the table.

Mr. MILLINGTON, from the Committee on Claims, to which was referred the bill of the House (H. R. 6339) for the relief of Pablo Ciriaco Baca, reported the same adversely, accompanied by a report (No. 460), which said bill and report were laid on the table.

Mr. KITCHIN, from the Committee on Claims, to which was referred the bill of the House (H. R. 6437) for the relief of the estate of Justiniano Castillo, reported the same adversely, accompanied by a report (No. 461), which said bill and report were laid on the table.

Mr. GOLDFOGLE, from the Committee on Claims, to which was referred the bill of the House (H. R. 6439) for the relief of the estate of Francisco Montoya, reported the same adversely, accompanied by a report (No. 462), which said bill and report were laid on the table.

Mr. GILL of Missouri, from the Committee on Claims, to which was referred the bill of the House (H. R. 12192) for the relief of Nancy Pierson, widow, and the heirs of John Hogue Pierson, deceased, reported the same adversely, accompanied by a report (No. 463), which said bill and report were laid on the table.

Mr. LINDBERGH, from the Committee on Claims, to which was referred the bill of the House (H. R. 13187) for the relief of John T. Mott, reported the same adversely, accompanied by a report (No. 464), which said bill and report were laid on the table.

Mr. PATTERSON, from the Committee on Claims, to which was referred the bill of the House (H. R. 13189) to pay Orville J. Jennings for work done under contract of March 25, 1889, reported the same adversely, accompanied by a report (No. 465), which said bill and report were laid on the table.

Mr. TIRRELL, from the Committee on Claims, to which was referred the bill of the House (H. R. 14940) for the relief of William Glass, reported the same adversely, accompanied by a report (No. 466), which said bill and report were laid on the table.

Mr. GRAHAM of Pennsylvania, from the Committee on Claims, to which was referred the bill of the House (H. R. 14950) for the relief of Margarett Sullivan and the heirs of Thomas Sullivan, deceased, reported the same adversely, accompanied by a report (No. 467), which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 14942) for the relief of the widow and heirs at law of J. D. Deane, deceased, reported the same adversely, accompanied by a report (No. 468), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 15747) granting an increase of pension to Alex. E. Anderson—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 20810) granting an increase of pension to Clarence J. Hoskins—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 20700) for the relief of Payne, James & Co.—Committee on Claims discharged, and referred to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

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

By Mr. CAMERON: A bill (H. R. 20819) to provide for the construction of roads and other permanent improvements at or near Grand Canyon, Arizona, within the Coconino National Forest—to the Committee on Appropriations.

By Mr. ELVINS: A bill (H. R. 20820) granting to the State of Missouri the public lands belonging to the United States and situated in the State of Missouri for the use and benefit of the common-school districts and public-road districts of that State—to the Committee on the Public Lands.

By Mr. SOUTHWICK: A bill (H. R. 20821) to repeal the publicity provision of the corporation tax—to the Committee on Ways and Means.

By Mr. BYRNS: A bill (H. R. 20822) to enlarge, extend, remodel, etc., post-office and custom-house building at Nashville, Tenn.—to the Committee on Public Buildings and Grounds.

By Mr. WICKLIFFE: A bill (H. R. 20823) to make Baton Rouge, in the State of Louisiana, a subport of entry, and for other purposes—to the Committee on Ways and Means.

Also, a bill (H. R. 20824) to authorize and direct the Secretary of War to cause a survey to be made of Bayou Castaing, St. Tammany Parish, La.—to the Committee on Rivers and Harbors.

By Mr. GARNER of Texas: A bill (H. R. 20825) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891—to the Committee on Claims.

By Mr. FOCHT: A bill (H. R. 20826) to amend an act entitled "An act to amend an act entitled 'An act amending section 4708 of the Revised Statutes of the United States in relation to pensions to remarried widows,'" approved February 28, 1903—to the Committee on Invalid Pensions.

By Mr. THOMAS of Kentucky: A bill (H. R. 20827) defining combinations and conspiracies in trade and labor disputes, and regulating the granting of injunctions therein—to the Committee on the Judiciary.

By Mr. MOXLEY: A bill (H. R. 20828) to enlarge the post-office at Oak Park, Ill., and for other purposes—to the Committee on Public Buildings and Grounds.

By Mr. SMITH of California: A bill (H. R. 20829) to provide for the disposal of certain public lands for sewer purposes—to the Committee on the Public Lands.

By Mr. BARTHOLDT: A bill (H. R. 20830) to remodel and repair the United States custom-house at St. Louis, Mo.—to the Committee on Public Buildings and Grounds.

By Mr. MILLER of Minnesota: A bill (H. R. 20831) authorizing the establishment of an Indian boarding school in Minnesota out of funds belonging to the Chippewa Indians of Minnesota—to the Committee on Indian Affairs.

By Mr. BROUSSARD: A bill (H. R. 20832) to provide for the erection of a light-house at Bayou Sennette, at the entrance to Lake Salvador, Louisiana—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 20833) to provide for the erection of a light-house at Bayou Des Allemands, at the entrance to Lake Salvador, Louisiana—to the Committee on Interstate and Foreign Commerce.

By Mr. CREAGER: A bill (H. R. 20834) authorizing the Otoe and Missouria and the Omaha tribes of Indians to submit claims to the Court of Claims—to the Committee on Claims.

By Mr. ANDREWS: A bill (H. R. 20835) authorizing the chief justice and associate justices of the supreme court of the Territory of New Mexico to assign the said judges to the several judicial districts of the Territory—to the Committee on the Judiciary.

By Mr. MONDELL: A bill (H. R. 20979) granting locations and rights of way for purposes of irrigation and other beneficial use of water through the public lands and reservations of the United States—to the Committee on the Public Lands.

By Mr. STEPHENS of Texas: Resolution (H. Res. 391) requiring postmasters and letter carriers to furnish lists of names to Congressmen in certain cases—to the Committee on the Post-Office and Post-Roads.

By Mr. MARTIN of Colorado: Resolution (H. Res. 392) to investigate the sale of Philippine friar lands—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 20836) granting an increase of pension to George B. Hartley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20837) granting an increase of pension to Frank Ellis—to the Committee on Invalid Pensions.

By Mr. ANDREWS: A bill (H. R. 20838) granting an increase of pension to Simon Arias—to the Committee on Invalid Pensions.

By Mr. ANSBERRY: A bill (H. R. 20839) granting an increase of pension to John F. Shaffner—to the Committee on Invalid Pensions.

By Mr. BARNARD: A bill (H. R. 20840) granting a pension to John F. Joyce—to the Committee on Pensions.

Also, a bill (H. R. 20841) granting a pension to James M. Goodrich—to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: A bill (H. R. 20842) to carry into effect the findings of the Court of Claims in the case of Octavia P. Brooks—to the Committee on War Claims.

By Mr. BARTLETT of Georgia: A bill (H. R. 20843) granting an increase of pension to George W. Brown—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 20844) granting a pension to William D. Swarzell—to the Committee on Invalid Pensions.

By Mr. BURLESON: A bill (H. R. 20845) granting an increase of pension to Charles Schreiner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20846) granting an increase of pension to Henry Schwethelm—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20847) granting an increase of pension to George W. Brackenridge—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20848) granting an increase of pension to W. D. Mathews—to the Committee on Invalid Pensions.

By Mr. BUTLER: A bill (H. R. 20849) authorizing the President to appoint John K. Barton, now a captain on the retired list of the United States Navy, to be an engineer in chief, retired, with rank of a rear-admiral on the retired list of the United States Navy—to the Committee on Naval Affairs.

By Mr. BYRNS: A bill (H. R. 20850) for the relief of Edwin M. Davis—to the Committee on War Claims.

Also, a bill (H. R. 20851) for the relief of the estate of J. P. Reed—to the Committee on War Claims.

By Mr. CALDERHEAD: A bill (H. R. 20852) granting an increase of pension to Oscar Hoskins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20853) granting an increase of pension to June Moryer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20854) granting an increase of pension to Samuel S. Gipe—to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 20855) granting an increase of pension to Thomas H. Mason—to the Committee on Invalid Pensions.

By Mr. CASSIDY: A bill (H. R. 20856) to remove the charge of desertion from the military record of J. H. Archer—to the Committee on Military Affairs.

By Mr. CLARK of Missouri: A bill (H. R. 20857) granting an increase of pension to George Ebenezer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20858) granting an increase of pension to Jeptha D. Newman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20859) for the relief of Henry Mersch—to the Committee on Military Affairs.

Also, a bill (H. R. 20860) for the relief of John Blackston—to the Committee on Military Affairs.

Also, a bill (H. R. 20861) for the relief of George W. Morgan—to the Committee on Military Affairs.

By Mr. COWLES: A bill (H. R. 20862) for the relief of William F. Porter—to the Committee on Military Affairs.

By Mr. COOPER of Wisconsin: A bill (H. R. 20863) granting an increase of pension to John A. Hagerty—to the Committee on Invalid Pensions.

By Mr. COX of Ohio: A bill (H. R. 20864) granting an increase of pension to William Houseworth—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20865) granting an increase of pension to Jennie Bigelow—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20866) granting an increase of pension to George W. Long—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20867) granting an increase of pension to William Jellison—to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 20868) granting an increase of pension to George N. McMahan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20869) granting an increase of pension to Abner Gwinn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20870) grating a pension to Nannie E. Parks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20871) granting a pension to M. W. Jacobs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20872) to correct the military record of William J. McGhee—to the Committee on Military Affairs.

By Mr. DUREY: A bill (H. R. 20873) granting an increase of pension to Adget V. Kinney—to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 20874) to correct the military record of Wayne Towner—to the Committee on Military Affairs.

By Mr. EDWARDS of Kentucky: A bill (H. R. 20875) for the relief of J. W. Catron—to the Committee on Claims.

Also, a bill (H. R. 20876) for the relief of George A. Tucker—to the Committee on War Claims.

Also, a bill (H. R. 20877) for the relief of James Holliday—to the Committee on War Claims.

Also, a bill (H. R. 20878) for the relief of James G. Yates—to the Committee on War Claims.

Also, a bill (H. R. 20879) for the relief of Peter Breeding—to the Committee on War Claims.

Also, a bill (H. R. 20880) for the relief of Gilbert Wilkerson—to the Committee on War Claims.

Also, a bill (H. R. 20881) for the relief of the heirs of Jerry H. Powell—to the Committee on Claims.

Also, a bill (H. R. 20882) granting a pension to Ellie G. Scott—to the Committee on Pensions.

Also, a bill (H. R. 20883) granting a pension to Bassett M. Warren—to the Committee on Pensions.

Also, a bill (H. R. 20884) granting a pension to Henry C. Caudill—to the Committee on Pensions.

Also, a bill (H. R. 20885) granting a pension to John H. Nolen—to the Committee on Pensions.

Also, a bill (H. R. 20886) granting a pension to Henry Marlow—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20887) granting a pension to Amy Huddleston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20888) granting a pension to Rebecca Reid—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20889) granting an increase of pension to George W. Mills—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20890) granting an increase of pension to William T. Hammer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20891) granting an increase of pension to James C. Floyd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20892) granting an increase of pension to Isaac Botner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20893) granting an increase of pension to William Hargis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20894) granting an increase of pension to Joseph Hopper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20895) granting an increase of pension to B. F. Holman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20896) granting an increase of pension to Arnon Moody—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20897) granting an increase of pension to Jeremiah Bruton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20898) granting an increase of pension to Jasper Keith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20899) granting an increase of pension to Mary A. Farmer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20900) granting an honorable discharge to John Carder—to the Committee on Military Affairs.

By Mr. ELLIS: A bill (H. R. 20901) granting a pension to Ann McNeal—to the Committee on Invalid Pensions.

By Mr. FASSETT: A bill (H. R. 20902) granting an increase of pension to Charles H. Millis—to the Committee on Invalid Pensions.

By Mr. FERRIS: A bill (H. R. 20903) to approve the final proof of Edward J. Balch—to the Committee on Private Land Claims.

By Mr. FITZGERALD: A bill (H. R. 20904) granting an increase of pension to George H. Frost—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20905) to remove the charge of desertion from the record of Edward Whiteside—to the Committee on Military Affairs.

By Mr. FLOOD of Virginia: A bill (H. R. 20906) to reimburse William Van Derveer, of Millboro, Va., for excess revenue taxes assessed against and collected from him—to the Committee on Claims.

By Mr. FOCHT: A bill (H. R. 20907) for the relief of John M. Querry—to the Committee on Military Affairs.

By Mr. FOELKER: A bill (H. R. 20908) granting an increase of pension to Charles F. Schneider—to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 20909) granting an increase of pension to David Ross—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20910) granting an increase of pension to Smith Head—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20911) granting an increase of pension to Alonzo O. Bennett—to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: A bill (H. R. 20912) for the relief of Martha Black—to the Committee on War Claims.

By Mr. GARNER of Texas: A bill (H. R. 20913) granting an increase of pension to William G. Holden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20914) for the relief of the heirs of James McGloin and Esther McMullin—to the Committee on Claims.

By Mr. GILL of Missouri: A bill (H. R. 20915) for the relief of Mrs. Emmett I. Everson—to the Committee on War Claims.

Also, a bill (H. R. 20916) granting an increase of pension to John J. Driscoll—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20917) to correct the military record of John J. Barlow—to the Committee on Military Affairs.

Also, a bill (H. R. 20918) to correct the military record of James Bartlett—to the Committee on Military Affairs.

By Mr. GUERNSEY: A bill (H. R. 20919) for the relief of the estate of Adelbert L. Orr—to the Committee on Claims.

By Mr. HAMILL: A bill (H. R. 20920) granting an increase of pension to Charles King—to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 20921) for the relief of Myron Powers—to the Committee on War Claims.

By Mr. HAWLEY: A bill (H. R. 20922) granting an increase of pension to Abraham H. Garrison—to the Committee on Pensions.

By Mr. HITCHCOCK: A bill (H. R. 20923) granting an increase of pension to Richard Talbot—to the Committee on Invalid Pensions.

By Mr. HOBSON: A bill (H. R. 20924) granting an increase of pension to William Robert Harper—to the Committee on Invalid Pensions.

By Mr. HUBBARD of West Virginia: A bill (H. R. 20925) granting an increase of pension to Mary E. Martin—to the Committee on Invalid Pensions.

By Mr. HUGHES of West Virginia: A bill (H. R. 20926) granting an increase of pension to William Gill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20927) granting a pension to Henderson Branham—to the Committee on Invalid Pensions.

By Mr. HULL of Iowa: A bill (H. R. 20928) granting an increase of pension to James H. Lee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20929) granting a pension to Susan E. Hart—to the Committee on Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 20930) granting an increase of pension to David M. Thomas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20931) granting an increase of pension to Edwin Jones—to the Committee on Invalid Pensions.

By Mr. JOYCE: A bill (H. R. 20932) granting an increase of pension to Taylor Wilson—to the Committee on Invalid Pensions.

By Mr. KNAPP: A bill (H. R. 20933) granting a pension to Cornelius Medler—to the Committee on Pensions.

By Mr. KORBLY: A bill (H. R. 20934) granting a pension to Wilson Zurmehly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20935) granting an increase of pension to Ellison Gatewood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20936) granting an increase of pension to William Schall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20937) granting an increase of pension to Morrison Cayton—to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 20938) for the relief of J. M. Hall, of Mount Sterling, Ky.—to the Committee on War Claims.

By Mr. LANGHAM: A bill (H. R. 20939) granting an increase of pension to James McBride—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20940) granting an increase of pension to H. B. Hawes—to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 20941) for the relief of the heirs of Noah Fugate, deceased—to the Committee on War Claims.

By Mr. LEGARE: A bill (H. R. 20942) to carry into effect the findings of the Court of Claims in the case of A. J. Buero, administrator of estate of Angelo Buero, deceased—to the Committee on War Claims.

By Mr. LOWDEN: A bill (H. R. 20943) granting an increase of pension to Christopher Houser—to the Committee on Invalid Pensions.

By Mr. MAYNARD: A bill (H. R. 20944) for the relief of James Clark Smith, of Dundee, Scotland—to the Committee on Claims.

By Mr. MORGAN of Oklahoma: A bill (H. R. 20945) granting an increase of pension to Leonard Harper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20946) to remove the charge of desertion against Elias Gibbs—to the Committee on Military Affairs.

By Mr. MURPHY: A bill (H. R. 20947) for the relief of John W. Watkins—to the Committee on War Claims.

Also, a bill (H. R. 20948) granting an increase of pension to James M. Watts—to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 20949) granting an increase of pension to James C. Mynatt—to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 20950) for the relief of the estate of John Shelton—to the Committee on War Claims.

By Mr. A. MITCHELL PALMER: A bill (H. R. 20951) granting an increase of pension to William Wise—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20952) granting an increase of pension to Jacob Staples—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20953) granting an increase of pension to Morris Ecker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20954) granting an increase of pension to Aaron Culberson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20955) granting a pension to Catharine Butz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20956) for the relief of William H. Johnson—to the Committee on Military Affairs.

By Mr. RUCKER of Colorado: A bill (H. R. 20957) granting a pension to Charles Critchell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20958) for the relief of Andrew B. Baird and James S. Baird, and to confirm all sales and dispositions heretofore made by the United States out of the confiscated land of the late Spruce M. Baird, their father, known as Baird's ranch, in the Territory of New Mexico—to the Committee on Private Land Claims.

By Mr. SIMS: A bill (H. R. 20959) to remove the charge of desertion now standing against the military record of James B. Haggard—to the Committee on Military Affairs.

By Mr. SLEMP: A bill (H. R. 20960) to correct the military record of James B. Franklin—to the Committee on Military Affairs.

By Mr. STERLING: A bill (H. R. 20961) granting an increase of pension to Rowland N. Evans—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20962) granting an increase of pension to Monroe Shoup—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20963) granting an increase of pension to George W. Gallagher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20964) granting a pension to Jeanettie G. Clary—to the Committee on Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 20965) granting an increase of pension to Mary J. Bedell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20966) granting an increase of pension to Anna Elizabeth Botsford—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 20967) granting a pension to Munford Burns Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20968) to correct the military record of Job Metts—to the Committee on Military Affairs.

By Mr. THOMAS of Kentucky: A bill (H. R. 20969) for the relief of Benjamin F. Proctor—to the Committee on War Claims.

Also, a bill (H. R. 20970) to extend the provisions of H. R. 13839, of the Fifty-seventh Congress, granting an increase of

pension to John W. B. Huntsman—to the Committee on Invalid Pensions.

By Mr. VREELAND: A bill (H. R. 20971) granting an increase of pension to Edgar B. Henshaw—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20972) granting an increase of pension to Austin T. Read—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20973) granting an increase of pension to James M. Merritt—to the Committee on Invalid Pensions.

By Mr. YOUNG of New York: A bill (H. R. 20974) to remove the charge of desertion from the military record of Edward M. Schmidt—to the Committee on Military Affairs.

By Mr. NICHOLLS: A bill (H. R. 20975) granting a pension to George D. Arthur—to the Committee on Invalid Pensions.

By Mr. CASSIDY: A bill (H. R. 20976) granting a pension to Louisa A. Derndinger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20977) granting an honorable discharge to Samson Davis—to the Committee on Military Affairs.

By Mr. CANNON: A bill (H. R. 20978) granting an increase of pension to Adam Mumford—to the Committee on Invalid Pensions.

PETITIONS, ETC.

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

By Mr. ADAIR: Petition of Adam C. Ford and others, against increase of postal rate on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. ALEXANDER of Missouri: Petition of citizens of Gallatin, Jamesport, and Liberty, Mo., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. ALEXANDER of New York: Petition of Buffalo Council, No. 50, Junior Order United American Mechanics, favoring House bill 13404, regulating immigration—to the Committee on Immigration and Naturalization.

Also, petition of Cigar Makers' Union of Buffalo, N. Y., for the eight-hour bill (H. R. 15441) to the Committee on Labor.

Also, petition of commercial organizations at Great Lake ports, favoring House bill 20161—to the Committee on Interstate and Foreign Commerce.

By Mr. ANDERSON: Petition of J. F. Singler, grand knight of Sandusky Council, No. 546, Knights of Columbus, favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

Also, petition of Harry Fagaley, chairman of the legislative committee of the Division of the Travelers' Protective Association of Cincinnati, Ohio, favoring House bills 16019 and 16020, relative to excess-baggage bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Louis Etchen and others, of Adrian, Ohio, urging passage of House bill 12475—to the Committee on Invalid Pensions.

Also, papers to accompany bills for relief of Andrew Moore and Frederick K. Hewitt—to the Committee on Invalid Pensions.

By Mr. ANDREWS: Petition of citizens of southern New Mexico, favoring House bill 6308, Sixty-first Congress, first session, authorizing the Secretary of the Interior to sell and convey the unappropriated nonmineral desert lands of the United States—to the Committee on Irrigation of Arid Lands.

By Mr. ASHBROOK: Petition of Newark Chapter, No. 24, and Pawnee Chapter, No. 362, American Insurance Union, favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

Also, petition of Travelers' Protective Association of Ohio, favoring the street-car bills (H. R. 16019 and 16020)—to the Committee on Interstate and Foreign Commerce.

Also, paper to accompany bill for relief of Myrtle M. Seymour—to the Committee on Invalid Pensions.

Also, petition of Cambridge Collieries Company, Cleveland Engineering Company, Abner Royce Company, Ohio Ceramic Engineering Company, Mechanical Rubber Company, Gardner Printing Company, M. A. Hanna & Co., Lake Carriers' Oil Company, Adams Bag Company, Keagy & Lear Machine Company, Wooster Brush Company, J. D. Smith Foundry Supply Company, Cleveland Car Specialty Company, American Multigraph Sales Company, Cleveland City Forge and Iron Company, Sherwin Williams Company, Ohio Sash and Door Company, Landesman Hirschheimer Company, National Acme Manufcturing Company, Adams Bagnall Electric Company, Cleveland Worsted Mills Company, Jade Company, Cleveland Steel Company, Manufacturers' Information Bureau Company, Fanner Manufacturing Company, National Screw and Tack Company, Goulder, Holding & Masten, Blanden, Rice & Ginn, Stearn Advertising Company, American Railway Signal Company, Shields-Wertheim Company, W. M. Pattison Supply Company, Western Reserve Woolen Company, for postponement of returns relative to business of corporations required under section 38 of the Payne tariff bill until rendering of decision by the Supreme Court—to the Committee on Ways and Means.

By Mr. BARNHART: Petition of Central Labor Union of Indianapolis, Ind., against government stamp of superiority of Philippine cigars—to the Committee on Ways and Means.

By Mr. BARTHOLDT: Petition of 28 citizens of St. Louis, against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. BARTLETT of Georgia: Paper to accompany bill for relief of James R. Ward—previously referred to the Committee on Invalid Pensions, reference changed to the Committee on Pensions.

By Mr. BRADLEY: Petition of Business Men's Association of the city of Newburgh, N. Y., for repeal of the corporation-tax law—to the Committee on Ways and Means.

By Mr. BURKE of South Dakota: Petition of citizens of Midland and Langford, S. Dak., against establishment of postal savings bank—to the Committee on the Post-Office and Post-Roads.

By Mr. BURLEIGH: Petition of Maine Dairymen's Association, favoring revision of the tariff on cream—to the Committee on Ways and Means.

By Mr. BUTLER: Petition of Maj. Levi G. McCauley and other citizens of West Chester, indorsing the volunteer officers' retired list bill (H. R. 18899)—to the Committee on Military Affairs.

By Mr. BYRNS: Paper to accompany bill for relief of Edwin M. Davis and estate of J. P. Reed—to the Committee on War Claims.

By Mr. CALDER: Petition of Marine Engineers' Beneficial Association, No. 15, favoring a merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Downtown Taxpayers' Association, of Brooklyn, for the eight-hour law (H. R. 15441)—to the Committee on Labor.

Also, petition of St. Angelo Commandery, No. 123, Knights of St. John and Malta, of Brooklyn, N. Y., favoring House bill 17509—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Brooklyn, N. Y., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. CARY: Petition of New Orleans Progressive Union, favoring a ship subsidy—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Commandery of the State of Wisconsin, Loyal Legion, for a volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of Marine Engineers' Beneficial Association, No. 15, for ship subsidy—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Wood Finishers' Union, No. 1066, Milwaukee, Wis., for House bill 15441—to the Committee on Labor.

By Mr. CASSIDY: Petition of Hiawatha Chapter, No. 346, American Insurance Union, favoring support of House bill 17543—to the Committee on the Post-Office and Post-Roads.

Also, petition of Cleveland Typographical Union, No. 53, against increase of postal rate on periodicals—to the Committee on the Post-Office and Post-Roads.

Also, petition of Associated Banks of Cleveland, Ohio, against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. CHAPMAN: Petition of veterans of the civil war of Metropolis, Ill., favoring the age-pension bill—to the Committee on Invalid Pensions.

Also, petition of citizens of Vienna, Ill., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. CONRY: Petition of Association of Commerce of Chicago, favoring a court of commerce—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Milton Piano Company, the Auto-Pneumatic Action Company, and the Autophone Company, of New York City, for the Humphrey bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of American Protective Tariff League, of New York, against reopening the tariff question in legislation—to the Committee on Ways and Means.

Also, petition of National Society of Mural Painters, favoring participation by the United States in an American art exhibit in the Italian exposition of 1911—to the Committee on Industrial Arts and Expositions.

By Mr. COUDREY: Petition of citizens of St. Louis, against an increase in the postal rates on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. DALZELL: Petition of McKeesport Chapter, No. 273, and East Liberty Chapter, No. 137, American Insurance Union, favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Swissvale, Pa., against increase of postal rate on periodicals, and for a postal savings bank—to the Committee on the Post-Office and Post-Roads.

By Mr. DRAPER: Petition of Sandy Hill Council, No. 296, Knights of Columbus, for House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. ESCH: Petition of Pastors' Union of La Crosse, Wis., for the Johnson bill to prohibit liquor selling in Hawaii; also for the McCumber-Tirrell bill to forbid liquor selling on ships and buildings of the United States Government, and for the Sims bill against race-gambling bets—to the Committee on Alcoholic Liquor Traffic.

Also, petition of citizens of Sparta, Wis., against a postal savings-bank law—to the Committee on the Post-Office and Post-Roads.

By Mr. FITZGERALD: Paper to accompany bill for relief of Edward Whiteside—to the Committee on Military Affairs.

Also, petition of Chamber of Commerce of New York, for reorganization of the diplomatic service—to the Committee on Foreign Affairs.

Also, petition of Marine Engineers' Beneficial Association, No. 15, for ship subsidy—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Chamber of Commerce of New York, for repeal of paragraph 6 of the corporation-tax law—to the Committee on Ways and Means.

Also, petition of Chamber of Commerce of New York, against transfer of the Pilot Charts from the Hydrostatic Office of the Navy Department to the Weather Bureau of the Department of Agriculture—to the Committee on the Merchant Marine and Fisheries.

By Mr. FLOOD of Virginia: Petition of H. H. Byrd and others, against a postal savings-bank law—to the Committee on the Post-Office and Post-Roads.

By Mr. FULLER: Petition of Adams & Elting Company, of Chicago, Ill., in opposition to Heyburn bill (S. 1130), concerning the labeling of kegs of paint, etc.—to the Committee on Interstate and Foreign Commerce.

Also, petition of Chicago Federation of Labor, of Chicago, Ill., in favor of Senate bill 3731 and House bill 19546, concerning the civil-service employees of the Post-Office Department—to the Committee on Reform in the Civil Service.

Also, petition of Price Flavoring Extract Company, of Chicago, Ill., favoring the repeal of the corporation-tax law—to the Committee on Ways and Means.

Also, petition of Crescent City Marine Engineers' Beneficial Association, No. 15, in favor of the reestablishment of the American merchant marine—to the Committee on the Merchant Marine and Fisheries.

By Mr. GARNER of Texas: Paper to accompany bill for relief of William G. Holden—to the Committee on Invalid Pensions.

Also, papers to accompany bills for relief of heirs of James McGeoin, and Esther McMullin—to the Committee on War Claims.

By Mr. GORDON: Paper to accompany bill for relief of estate of Martha A. Jones—to the Committee on War Claims.

By Mr. GOULDEN: Petition of Searle Manufacturing Company, of Troy, N. Y., in favor of a repeal of the corporation-tax clause in the Payne tariff bill compelling publicity—to the Committee on Ways and Means.

By Mr. GRONNA: Petition of citizens of Hamar and Mayville, N. Dak., against postal savings-bank law—to the Committee on the Post-Office and Post-Roads.

Also, petition of C. J. Whempner and 57 others, of Casselton, citizens of Lidgerwood, and citizens of Douglas, N. Dak., for a parcels post, and against increase of rates on second and third class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Sharon, N. Dak., favoring stricter regulation of the liquor traffic—to the Committee on Alcoholic Liquor Traffic.

By Mr. HAMILTON: Petition of citizens of Dowagiac, Mich., against a postal savings-bank law—to the Committee on the Post-Office and Post-Roads.

By Mr. HANNA: Petition of citizens of Williston, N. Dak., protesting against the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. HIGGINS: Petition of juvenile commission of Hartford, Conn., for a children's bureau in Department of the Interior—to the Committee on Expenditures in the Department of the Interior.

Also, petition of residents of Hartford, Conn., favoring a world's congress of the deaf—to the Committee on Appropriations.

By Mr. KENDALL: Petition of women's clubs of Ottumwa, Iowa, favoring legislation against the white-slave traffic—to the Committee on Interstate and Foreign Commerce.

By Mr. KNAPP: Paper to accompany bill for relief of Cornelius Medler—to the Committee on Pensions.

Also, papers to accompany bills for relief of Joseph M. Nichols and Edward Gaines—to the Committee on Invalid Pensions.

By Mr. KOPP: Petition of citizens of Elroy, Wis., favoring the Johnston Sunday rest bill, etc.—to the Committee on the District of Columbia.

By Mr. KORBLY: Paper to accompany bill for relief of Wilson S. Zurmehly—to the Committee on Pensions.

By Mr. KRONMILLER: Paper to accompany bill for relief of Sarah E. Marsh—to the Committee on Invalid Pensions.

By Mr. KÜSTERMANN: Petition of George D. Eggleston Post, Grand Army of the Republic, Appleton, Wis., against placing Lee's statue in Statuary Hall—to the Committee on the Library.

By Mr. MAGUIRE of Nebraska: Petition of A. L. Mason Post, Grand Army of the Republic, of Crab Orchard, Nebr., for increase of civil-war soldiers' pensions, as per National Tribune bill—to the Committee on Invalid Pensions.

By Mr. McMORRAN: Petition of Walter G. Thorn, F. W. Cahoon, Dan Reid, W. A. Mondy, and Andrew H. Thompson, favoring House bill 18682—to the Committee on the Merchant Marine and Fisheries.

By Mr. MOORE of Pennsylvania: Petition of S. Goldman, 269 South Third street, Philadelphia, Pa., against increase of postage on second and third class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of cashier of the Franklin National Bank, Philadelphia, Pa., and William F. Bray, of Philadelphia, Pa., favoring House bill 17267—to the Committee on Interstate and Foreign Commerce.

Also, petition of Rinald Brothers, of Philadelphia, Pa., against the Heyburn paint bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of E. Klein, 133 Pine street, Philadelphia, Pa., against proposed rate of postage on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. MURPHY: Paper to accompany bill for relief of John A. McDonald—to the Committee on Invalid Pensions.

By Mr. NEEDHAM: Petition of citizens of Watsonville, Cal., against the corporation tax—to the Committee on Ways and Means.

Also, petition of headquarters Roosevelt Camp, No. 9, Department of California, Spanish War Veterans, favoring travel pay and commutation of subsistence from Philippines to the United States—to the Committee on Military Affairs.

Also, petition of citizens of California, against the immigration and naturalization of Asiatics, except merchants, students, and travelers—to the Commitee on Foreign Affairs.

Also, petition of citizens of Manteca, Cal., against increasing postage on second-class mail matter, and for postal savings banks, and for bringing the post-office up to date—to the Committee on the Post-Office and Post-Roads.

Also, petition of Vallejo Lodge, No. 252, International Association of Machinists, and Vallejo Lodge, No. 148, Brotherhood of Boiler Makers and Iron Ship Builders of America, favoring Secretary Meyer's policy as to conduct of navy-yards—to the Committee on Naval Affairs.

By Mr. NYE: Petition of Trades and Labor Assembly of Minneapolis, Minn., against increasing postage rates on second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. OLDFIELD: Paper to accompany bill for relief of Alfred M. Wheeler—to the Committee on Invalid Pensions.

By Mr. PADGETT: Paper to accompany bill for relief of John Shelton—to the Committee on War Claims.

By Mr. REEDER: Petition of Logan Council, No. 104, for House bill 17509—to the Committee on the Post-Office and Post-Roads.

By Mr. RUCKER of Missouri: Petition of citizens of Linn and Monroe counties, Mo., against establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. SPERRY: Petition of citizens of East Haddam, Conn., opposing the establishment of a postal savings-bank system—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Juvenile Commission of the city of Hartford, Conn., favoring the establishment of a children's bureau in the Department of the Interior—to the Committee on Expenditures in the Interior Department.

Also, resolutions of Elm Lodge, No. 420, International Association of Machinists, of Westville, Conn., favorng the eight-hour bill—to the Committee on Labor.

By Mr. STERLING: Petition of citizens of Chestnut, Ill., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. SULZER: Petition of Columbia Iron and Steel Company, of Columbus, Ohio, favoring House bill 15798, United States rifles to rifle clubs—to the Committee on Military Affairs.

Also, petition of East Washington Citizens' Association against the garbage nuisance in the eastern part of the city—to the Committee on the District of Columbia.

By Mr. SWASEY: Petition of citizens of Mexico, Mo., against sectarian legislation and a proposed bill relating to the observance of Sunday in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of citizens of Booth Bay Harbor, Me., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of various business corporations for repeal of corporation tax—to the Committee on Ways and Means.

Also, petition of Maine Press Association, against present plan of the Post-Office Department in letting a contract to a private firm for exclusive printing of stamped envelopes—to the Committee on the Post-Office and Post-Roads.

Also, petitions of sundry citizens of Lewiston, Waldoboro, and South Paris, all in the State of Maine, against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. TAYLOR of Ohio: Petitions of Edward Grove and other citizens, Oscar O. Rinker and other citizens, H. S. Waite and other citizens, George Lang and other citizens, and Marie F. Kilbourne and other citizens, all of Columbus, for repeal of excise tax on corporations—to the Committee on Ways and Means.

By Mr. THOMAS of Kentucky: Paper to accompany bill for relief of heirs of Howard Newman, previously referred to the Committee on Claims—to the Committee on War Claims.

By Mr. THOMAS of North Carolina: Paper to accompany bill for relief of Job Metts—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of Munford Burns Smith—to the Committee on Invalid Pensions.

By Mr. VREELAND: Petition of residents of Hinsdale and Wellsville, N. Y., against Senate bill 404, Sunday observance in the District of Columbia—to the Committee on the District of Columbia.

By Mr. WEBB: Petition of D. F. White and other citizens of Maiden, N. C., for bill to suppress gambling in farm products—to the Committee on Agriculture.

SENATE.

TUESDAY, *February 15, 1910.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Vice-President resumed the chair.

The Journal of yesterday's proceedings was read and approved.

CLAIM OF JAMES O. TURNER.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of James O. Turner, administrator of Christiana Turner, deceased, *v.* United States (S. Doc. No. 364), which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 15816) to amend an act entitled "An act to regulate the immigration of aliens into the United States," approved February 20, 1907; asked a conference with the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. HOWELL of New Jersey, Mr. BENNET of New York, and Mr. BURNETT managers at the conference on the part of the House.

ENROLLED JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the joint resolution (H. J. Res. 78) changing the title of the sealer of weights and measures of the District of Columbia to superintendent of weights, measures, and markets, and it was thereupon signed by the Vice-President.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented petitions of sundry citizens of Chicago, Ill., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were referred to the Committee on Woman Suffrage.

Mr. CULLOM presented a memorial of sundry citizens of Tuscola, Ill., remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

Mr. PILES presented a memorial of sundry citizens of Colby and Harper, in the State of Washington, remonstrating against the enactment of legislation providing for the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. CHAMBERLAIN presented a memorial of sundry citizens of Kerby, Oreg., remonstrating against the enactment of legislation to increase the rate of postage on second-class mail matter, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. GAMBLE presented memorials of sundry citizens of Faulkton and Langford, in the State of South Dakota, remonstrating against the passage of the so-called "postal savings-bank bill," which were ordered to lie on the table.

Mr. NIXON presented a memorial of sundry citizens of the State of Nevada remonstrating against the enactment of legislation to increase the rate of postage on second-class mail matter, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. OWEN presented the petition of S. M. Brosius, agent of the Indian Rights Association of the State of Oklahoma, praying that allotments of land be made to the band of Apache Indians now held as prisoners of war at the Fort Sill Military Reservation, in that State, and that the Indians be released from military control, which was referred to the Committee on Indian Affairs.

He also presented a petition of the delegates of the Kiowa, Kaw, and Comanche tribes of Indians of Oklahoma, praying that certain relief be granted them, which was referred to the Committee on Indian Affairs.

Mr. SHIVELY presented a petition of Sievers Local Union No. 159, Farmers' Educational and Cooperative Union of America, of Vincennes, Ind., and a petition of sundry citizens of Davies County, Ind., praying for the enactment of legislation to prohibit dealings in futures and gambling in farm products, which were referred to the Committee on Agriculture and Forestry.

Mr. OLIVER presented a memorial of Local Chapter No. 115, American Insurance Union, of Morrellville, Pa., remonstrating against the enactment of legislation to increase the rate of postage on periodicals and magazines, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PAYNTER presented sundry papers in support of a bill granting a pension to John A. Gillespie, which were referred to the Committee on Pensions.

He also presented sundry papers in support of a bill granting an increase of pension to Marcellus E. McKellup, which were referred to the Committee on Pensions.

Mr. McENERY presented a paper to accompany the bill (S. 5858) for the relief of the estate of Louis Laforest, deceased, which was referred to the Committee on Claims.

Mr. BRISTOW presented memorials of sundry citizens of Pratt, Naron, and Paradise, all in the State of Kansas, remonstrating against the passage of the so-called "postal savings-bank bill," which were ordered to lie on the table.

Mr. OLIVER presented petitions of the Woman's Home Missionary Society of the Methodist Episcopal Church, of Franklin; of the Woman's Home Missionary Society of the Methodist Episcopal Church, of Pittsburg; and of sundry citizens of Pittsburg, all in the State of Pennsylvania, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in government buildings and ships, which were referred to the Committee on Education and Labor.

He also presented petitions of sundry citizens of Pittsburg, and of the Woman's Home Missionary Society of the Methodist Episcopal Church, of Pittsburg, in the State of Pennsylvania, praying for the enactment of legislation to prohibit the sale of