Joseph A. Donnelly, New Lexington.
James A. Downs, Scio.
A. G. Eidemiller, West Milton.
Uriah J. Favorite, Tippecanoe City.
Edward J. Lewis, Girard.
Hugh A. McLaughlin, Adena.
John B. Mullie, Rittman.
Edward A. Mullen, Marysville.
John Orth, Port Clinton.
Leonard D. Price, Bowerston.
John C. Rock, West Liberty.
Delmer M. Starkey, Freeport.
William H. Tucker, Toledo.

OKLAHOMA.

Cassius M. Cade, jr., Shawnee.
Robert E. L. McLain, Blanchard.
Ulysses S. Markham, Caddo.
Joseph R. Sequichie, Chelsea.

PENNSYLVANIA.

Thomas H. Bailey, Mansfield.
Florencio Bartow, Marcus Hook.
George C. Burrows, Montoursville.
William R. Flad, Freeland.
Charles G. Gill, Madera.
Theodore Lindermuth, East Mauch Chunk.
William F. McDowell, Mercersburg.
John H. Mailey, Northumberland.
Alice A. Mullin, Mount Holly Springs.
Frank P. Oberlin, Midland.
Earnest C. Pearce, Avonmore.
W. F. Sparks, Glassport.
Byron E. Staples, Jersey Shore.

SOUTH DAKOTA.

Charles S. Harter, Elk Point.
George C. Lohr, Estelline.
John B. Long, Kimball.

TEXAS.

Edward Blanchard, San Angelo.
Lucy Breen, Mineola.
Josephine Chesley, Bellville.
Harry Harris, Gatesville.
J. Allen Myers, Bryan.
William Myers, Seguin.
William D. Rathjen, Canadian.
James A. Smith, El Paso.
Henry O. Wilson, Marshall.

UTAH.

James Don, Park City.

VIRGINIA.

E. B. Travis, Bowling Green.

WASHINGTON.

F. L. Stocking, Tacoma.

WISCONSIN.

C. L. Christianson, Bloomer.
Alfred B. Kildow, Brodhead.
Leonard H. Kimball, Neenah.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 23, 1911.*

The House met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

PASSED ASST. PAYMASTER EDWIN M. HACKER.

The SPEAKER. A request was made that the bill S. 10476 should remain upon the Speaker's table, a similar bill being on the House calendar. Inadvertently it was referred to the Committee on Naval Affairs. Without objection, it will be returned to the Speaker's table.

Mr. MANN. What is the bill?

The SPEAKER. An act for the relief of Passed Asst. Paymaster Edwin M. Hacker.

Mr. MANN. What good would it do to keep it on the Speaker's table? It is a private bill and can not be taken off the Speaker's table.

The SPEAKER. Well, there seems to be a question about it.

Mr. MANN. I will not object.

The SPEAKER. The Chair hears no objection, and it will be returned to the Speaker's table.

DISTILLED SPIRITS IN INTERNAL-REVENUE WAREHOUSES.

Mr. DALZELL, from the Committee on Ways and Means, reported the bill (H. R. 29466) to provide an allowance for loss of distilled spirits deposited in internal-revenue warehouses, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report (No. 2232), ordered to be printed.

WATER SUPPLY OF SEATTLE, WASH.

The SPEAKER. The Clerk will report the first bill on the Unanimous Consent Calendar. There seems to be but one bill there.

Mr. HUMPHREY of Washington. Mr. Speaker, I ask unanimous consent that the bill S. 5432 may be read as amended.

The SPEAKER. If there be no objection, the bill will be read as amended.

The Clerk read as follows:

Be it enacted, etc., That the public lands in township 21 north, ranges 9, 10, and 11 east, and township 22 north, ranges 8, 9, 10, and 11 east of the Willamette meridian, in the State of Washington, are hereby withdrawn from all location, settlement, and entry under the public-land laws: *Provided*, That this withdrawal shall in no way operate to interfere with the right of any settler or other claimant under the public-land laws to complete a claim to any portion of such land heretofore lawfully initiated.

SEC. 2. That upon the deposit, within one year of the passage of this act, by the city of Seattle, in the State of Washington, with the Secretary of the Interior, of a sum estimated by him as sufficient to pay the cost of the survey herein provided for, the said Secretary shall cause to be executed a survey defining the limits of the drainage basin of Cedar River within the area withdrawn by section 1 of this act and pay for the same out of the appropriation for public-land surveys, and a sum sufficient to pay the cost of such survey shall be paid into the Treasury of the United States, to the credit of the appropriation for public-land surveys, out of the sum so deposited by the city of Seattle, and the remainder of the sum so deposited, if any, shall be repaid to such city, and upon the completion of such survey and its approval by the Secretary of the Interior the lands withdrawn by section 1 of this act not within the drainage basin of Cedar River shall be restored to their present status.

SEC. 3. That upon the deposit with the Secretary of the Interior within one year of the passage of this act, by the city of Seattle, State of Washington, of a sum estimated by the Secretary of the Interior to be sufficient to cover the cost of the examination and appraisal herein provided for, the Secretary of the Interior and the Secretary of Agriculture shall each designate one qualified appraiser, and the two appraisers thus designated shall designate a third appraiser, who shall be a resident of King County, Wash., not a Federal officer or employee, who shall be familiar with the stumpage value of timber in the locality to be appraised, and the board of appraisers thus constituted shall proceed to an examination and appraisal of the present commercial stumpage value of the timber on the public lands within the drainage basin of Cedar River in the area withdrawn by section 1 of this act, the cost of such examination and appraisal to be paid out of the appropriation for public-land surveys. Upon the completion of such examination and appraisal and its approval by the Secretary of the Interior and the Secretary of Agriculture a sum sufficient to pay the cost thereof shall be paid into the Treasury of the United States, to the credit of the appropriation for public-land surveys, out of the sum deposited therefor by the city of Seattle, and the remainder of such sum, if any, shall be repaid to said city.

SEC. 4. That within one year after the approval of the survey and appraisal provided for in this act, the Secretary of the Interior is authorized to patent to the city of Seattle all of the public lands within the drainage basin of Cedar River in the area withdrawn under section 1 of this act, upon the payment by the said city of Seattle of the sum estimated by the board of appraisers provided for in section 2 of this act as being the present commercial stumpage value of the timber on the public lands within such area: *Provided*, That if the sum of such estimate shall be less than the sum of $1.25 per acre for all of the lands to be patented the city of Seattle shall pay the sum of $1.25 per acre for said lands.

Mr. STAFFORD. Mr. Speaker, I reserve the right to object.

Mr. MORSE. Reserving the right to object, I would like to ask the gentleman in charge of the bill if it is proposed to deed to the city of Seattle these 22,000 acres at the stumpage value of the timber, if it does not amount to more than $1.25 an acre.

Mr. HUMPHREY of Washington. If it does amount to more than $1.25 an acre. The Senate bill recommended that the city be permitted to purchase it at $1.25 an acre; but this bill provides that it shall be appraised by a board and the city shall pay what the timber is worth.

Mr. MORSE. If the timber is worth more than $1.25 in the market, the city is to get the land for nothing?

Mr. HUMPHREY of Washington. The land is of no value; everybody concedes that.

Mr. MORSE. Why did you not have the land estimated with the timber?

Mr. HUMPHREY of Washington. No one claims that the land is of any value. The land all lies above 2,000 feet and is rocky cliffs and not worth anything. What value was attached to it would be for the timber purposes. Even if it was level land, it is so high that it is of no value for agricultural purposes.

Mr. MORSE. The city of Seattle is about to get the water supply from that basin?

Mr. HUMPHREY of Washington. They are getting it there now.

Mr. MORSE. And this bill is to protect the water supply?

Mr. HUMPHREY of Washington. Yes; so that we can control it. The gentleman will notice that we already have the most of it.

Mr. MORSE. As I understand, the city has 85,000 acres.

Mr. HUMPHREY of Washington. This land is so interwoven with what the city owns that it would be all the time causing us trouble, and the city prefers to control it.

Mr. MORSE. I am not going to object, but I certainly think that the city of Seattle ought to pay for the value of the land as well as for the value of the timber. If the land is not worth anything then there would be no danger in having that put into the appraisement of value.

Mr. PARSONS. If the gentleman will permit me——

Mr. HUMPHREY of Washington. I yield to the gentleman.

Mr. PARSONS. As the bill came from the Senate there was a nominal price put on the land. There was a report from the Forest Service showing that the timber had considerable value, and therefore the committee thought that it was fairer to put the real value, which is the value of the timber, as the price to be paid by Seattle instead of the nominal value, put in the bill by the Senate, which, of course, was very much less than the real value would be.

Mr. MORSE. It seems to me that the only fair thing would be to pay for the value of both the timber and the land. I do not know what kind of land they have in that State, but if you have 105,000 acres that is not worth a cent——

Mr. MANN. I can assure the gentleman that it is not like Wisconsin farm lands.

Mr. HUMPHREY of Washington. All this land lies at an elevation above 2,000 feet, and when you get above 1,500 feet the land is utterly worthless for agricultural purposes on account of the frost. All of this good land was taken up before this forest reserve was ever established. The gentleman ought to remember that this is to protect the health of 240,000 people, and we are willing to pay all that the land is worth.

Mr. MORSE. I think it is perfectly proper for the city to purchase the land and for the Government to make it easy for the city to buy the land. But there were lands in northern Wisconsin that were appraised at $1.25 an acre for agricultural purposes that are worth thousands of dollars for mining purposes.

Mr. MONDELL. There is no mineral here.

Mr. MORSE. I think the proper thing is to appraise the land and also the timber.

Mr. PARSONS. There is an extensive report from the Forest Service in regard to this land, and there was no suggestion in the report that there was any mineral on it.

Mr. STAFFORD. You would not expect a report on the mineral resources from the Forest Service?

Mr. PARSONS. The Forest Service was opposed to the bill, and had a report made by the supervisor of the Forest Service.

Mr. MORSE. Did you inquire of any department official whether this land contained a mineral deposit?

Mr. PARSONS. I do not recollect whether that inquiry was made or not.

Mr. MONDELL. The report of the Interior Department is clear on that point. I think the report of the Forest Service makes the statement in regard to the nonmineral character of this land. It is notorious, known of all men, that there is no mineral in that country.

Mr. STAFFORD. The report of the Secretary of the Interior on this bill states that there are no mineral deposits upon this land.

Mr. JAMES. But that report made by the Secretary of the Interior does not accompany this report made to the House.

Mr. MONDELL. We had several reports on the subject.

Mr. HUMPHREY of Washington. Mr. Speaker, I am personally familiar with that land, and most of it is on the top of the Cascade Mountains. There are cliffs there more than 1,000 feet high; much of it is nothing but barren rock. The land that the city wishes to buy does not extend down to the valley at all.

Mr. JAMES. Seattle wants this land for the purpose of water supply.

Mr. HUMPHREY of Washington. It is for the purpose of protecting her water supply.

Mr. JAMES. Of course she does not want any mineral that happens to be there.

Mr. HUMPHREY of Washington. There is none there.

Mr. JAMES. For the purpose of protecting the Government, why would it not be a wise thing not to give to Seattle the mineral rights which are in this land?

Mr. HUMPHREY of Washington. It is not customary to issue that kind of patent; and I wish to say this to the gentleman, that even if there should be minerals on this land, which I happen to know, not personally, but from testimony of expert witnesses, because I was the attorney for the city in making the condemnation of this land, I know there are no minerals in that section of the country. This was thoroughly investigated at that time. But suppose there should be coal, it is much more valuable to have the water supply protected, and thus protect the health of the people of the city of Seattle, than it is to have somebody prospecting for coal on the tops of those mountains.

Mr. JAMES. That may be all true; but the time may come when you might not need this to protect the health of the people of Seattle, and yet the mineral might be worth millions of dollars.

Mr. HUMPHREY of Washington. I will say to the gentleman I was the attorney of the city when that land was originally condemned and that question was gone into fully.

Mr. JAMES. I am not doubting the good faith of the gentleman——

Mr. HUMPHREY of Washington. Let me finish the statement. At that time the question was brought out before the court and experts were placed on the witness stand, and the testimony was at that time conclusive that there were no minerals upon this property.

Mr. JAMES. I am not questioning the good faith of the gentleman. Of course I know he can not see any further into the ground than any of the rest of us.

Mr. HUMPHREY of Washington. I was quoting the sworn testimony of the experts who testified in that case.

Mr. JAMES. I have seen reports of experts on property that there was no mineral there, and other experts have shown that there was mineral. I think, of course, it would be wise if this mineral right were reserved to the Government.

Mr. MANN. It is not quite like giving this to a private individual.

Mr. JAMES. I admit that, because it goes to the city of Seattle.

Mr. MANN. It goes to a part of the public anyhow.

Mr. JAMES. It goes to a limited part of it, and representing a broader part, that does not get any of it, I think it might be wise to look after our interest.

Mr. MANN. It is not different, I suppose, in that respect from any grant of public land, like a homestead, where we have endeavored to reserve minerals, and yet——

Mr. MORSE. Mr. Speaker, I am not going to object to this bill, but I want to say right now, if there are any more of these bills that come in here giving away public land without compensation I am going to object. I do not believe the city of Seattle should be given these 22,000 acres without compensation. I think the city of Seattle is just as well able to pay for its land as the poorest individual in the country. I am not going to object, because I understand what the circumstances are, and I am willing to take the word of the gentleman from Washington [Mr. HUMPHREY], but I do not believe it is good policy. If we are going to appraise the value of the timber, we should appraise the value of the land, and if we are going to give our land away to anybody, let us commence by giving it away to the poor people who need it, and not to the rich cities that can afford to pay for it.

The SPEAKER. Is there objection?

Mr. HOWLAND. I object.

Mr. PARSONS. Mr. Speaker, reserving the right to object, while I do not propose——

The SPEAKER. But the gentleman from Ohio [Mr. HOWLAND] has objected.

Mr. HUMPHREY of Washington. Mr. Speaker, I move to suspend the rules and pass Senate bill 5432 as amended.

Mr. JAMES and Mr. PARSONS. Mr. Speaker, I demand a second.

The SPEAKER. The amendment has been read, and it is not necessary to read it again. The gentleman from Washington is entitled to 20 minutes and the gentleman from Kentucky to 20 minutes.

Mr. HUMPHREY of Washington. Mr. Speaker, I yield to the gentleman from New York [Mr. PARSONS] five minutes.

Mr. PARSONS. Mr. Speaker, when this bill was considered in the committee I was inclined to object to it because it seemed a departure from the policy that we had adopted in regard to public lands that had water supply for cities on them. In connection with Portland, Oreg., we did not grant to the city any land. We simply passed a law prohibiting trespassing on the land and leaving it to the Forest Service, in connection with the officials of the city of Portland, to police the land to prevent the pollution of the water supply. In the case

of Seattle it is somewhat different. Eighty-five thousand acres are involved, and the city of Seattle already has 63,000 of those 85,000 acres. It will only acquire 22,000 acres from the Government. Manifestly it is economy for the Government to allow Seattle to police these 22,000 acres and let Seattle be at the expense of caring for it rather than have the Federal Government be at the expense, and the size of the city and the growth of Seattle are such that we are perfectly satisfied it will have the ability and inclination to maintain this land in proper shape for a water supply and to prevent pollution. Therefore I think the bill should be passed. I yield back the balance of my time.

Mr. HUMPHREY of Washington. Does the gentleman desire to use any time?

Mr. JAMES. Yes. We want to be heard over here. Mr. Speaker, my objection to this character of legislation is this: We have had considerable trouble heretofore about public lands in the last few months. We are told now Seattle only wants this land for the purpose of protecting its water supply, but yet we find that 22,000 acres of the public lands is by this bill to be given to the city of Seattle at not less than $1.25 an acre. A board of appraisers is created for the purpose of fixing the value of the timber upon this land, and the least price that can be fixed by them is $1.25 per acre. There is nothing said about the mineral deposit in these thousands of acres, no price fixed upon the mineral, and nothing said about minerals at all. Now, we do not know what Seattle will do with the land, but Seattle may very "generously" with a "kind council" deed it over to some individual at, say, $2 an acre, and some individual or corporation may find this land is prolific in mineral and that it is worth thousands upon thousands of dollars. Now, if the gentleman from Washington is right, and I do not criticize his good faith in the matter, that Seattle only wants this land for the purpose of protecting its water supply, then I would suggest to him that he ought to offer an amendment to this bill reserving to the Government of the United States its right and title to the minerals in this land. To throw this in here at the last hour of the session——

Mr. MANN. Will that be satisfactory?

Mr. JAMES. It will be satisfactory to me. If the gentleman will propose an amendment reserving to the Government all right and title to the minerals, if there be any there, I have no further objection to the bill; but I am unwilling that a bill that is considered at the last hour of the session shall be brought up under a motion to suspend the rules and that it should be passed by this House, when, in a few months from now, perhaps it may be discovered that Congress has given away valuable mineral lands worth perhaps millions of dollars. If the city of Seattle only wants to protect its water supply, it is not necessary to give them the minerals in the land to do that thing. They are asking the Government to be most generous to them in giving them this land at the price paid, which is merely the assessed price of the timber, and I entirely agree with the gentleman from Wisconsin that the minimum price is too low, and when you once establish a precedent of this sort you will find this House considering day after day bills to give away Government lands that belong to all the people of this Republic to cities, and then the cities may sell and deed them to private individuals, and you will find valuable mineral lands of this country owned by a few men. Now, if the gentleman will propose an amendment to reserve to the Government of the United States all mineral deposits, and so forth, I have no further objection to make to it; but unless that is done, I believe the House should defeat it. Mr. Speaker, I reserve the balance of my time.

Mr. HUMPHREY of Washington. I yield five minutes to the gentleman from Wyoming [Mr. MONDELL.]

Mr. MONDELL. Mr. Speaker, it is remarkable how some gentleman's imagination wanders afield the moment you suggest the sale of a little Government land. The gentleman from Kentucky [Mr. JAMES] says if certain things should happen and if certain other things should happen then possibly something would happen which might be unfortunate.

There are 82,000 acres of land in the watershed of Cedar Creek. Approximately 40,000 acres of that is occupied by settlers and has been purchased by the city of Seattle; about 20,000 acres of it belong to the railroad as a part of its grant, and the city has made a contract with the railroad to buy its land at $2.50 an acre. Now, there are about 20,000 acres of Government land scattered through these other lands, largely rock slides, snow banks, mountain tops, and so forth, with here and there some timber on it. On much of the land no individual would pay taxes. That country has been open to exploration ever since the Pacific coast was settled, and no one has suggested that there is any mineral in the country. The railroad would not be selling this land for $2.50 an acre if there was mineral under it; the settlers would not be parting with their land for practically what they paid the Government for it if there was mineral under it.

Now, the objection to the amendment by the gentleman from Kentucky [Mr. JAMES] is this—that it is not the policy of this Government, and it ought not to be, to issue limited patents where there is no rhyme or reason for so doing. The Anglo-Saxon people have been accustomed to and desire fee patents, and they ought to have them, and because some gentleman imagines that somewhere mineral might be discovered, of which there is no geological indication or surface indication, the presence of which no man has dreamed of, is no reason why we should depart from our immemorial custom and issue a limited patent. The city of Seattle is a city of 250,000 people and soon will be a city of half a million people. They already own three-quarters of the land in the watershed. The remaining one-quarter is the poorest part of it, the part the settlers did not want and would not take, the part not owned by the railroad company, and we are proposing to sell it for whatever the timber on it is worth; and the testimony before the committee is to the effect that the land has little value; that it is not fit for mineral purposes, much of it not fit to grow timber on. But it is area in a watershed.

Mr. JAMES. Will the gentleman yield?

Mr. MONDELL. I will be glad to do so.

Mr. JAMES. Is there any provision in this bill that provides that if Seattle undertakes to sell this property that you are now asking the Government to give to the city it shall revert to the Government?

Mr. MONDELL. There is not, and there ought not to be. When the Congress of the United States sells to a municipality of a quarter of a million people, or half a million people, land for the use of the municipality, the Congress of the United States may very properly take it for granted that the municipality is going to retain the land for the purpose for which it obtained it, and if we did put such provision in the bill it would not be more than three or four years before somebody would be here asking to have the limitation taken from the bill. Where we part with land to municipalities and States, it ought to be without strings; it ought to be in fee, providing it is proper to make the transfer. And the committee has gone into this matter in very great detail, has had hearings. Nobody has raised the question of the mineral character of the land. Nobody believes the land has any considerable value. We provide for the appraisement of the timber and that the city shall pay whatever it is worth, but not less than $1.25 per acre.

Mr. JAMES. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. JAMES. You take the position that there is no mineral there?

Mr. MONDELL. I do; and that it has been the custom of the Anglo-Saxon people for all time, and has been the custom of all free people who do not believe in the monarchical doctrine that the mineral belongs to the king, it has been the custom of all such people to grant patents in fee, and patents ought to be granted in fee unless you are doing what we did in regard to the coal lands last year, namely, grant surface patents to land known to contain mineral, with reservation of the mineral. In this case a reservation of mineral that is not there simply gives people an excuse to trespass on the pretense of seeking mineral——

Mr. JAMES. I would like to know if it was the doctrine of the Anglo-Saxon people to give mineral in fee to cities when the corporation comes and asks it for only a water supply.

Mr. MONDELL. It has always been our policy, and we have never departed from the policy of granting fee titles unless we were proposing to give surface patents on mineral lands.

Mr. JAMES. Why do you not exempt it, if there is none there, and that will stop the argument?

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

Mr. JAMES. I yield five minutes to the gentleman from Nebraska [Mr. NORRIS].

Mr. NORRIS. Mr. Speaker, I do not doubt the good faith of the gentleman from Washington [Mr. HUMPHREY] or of the people of Seattle in asking for this transfer; neither do I doubt the statements made by the gentleman from Wyoming [Mr. MONDELL]. But it seems to me there is a danger in this kind of legislation that will come from the precedent, if we establish it here, and if we have had a contrary precedent heretofore, it is time, it seems to me, that we should establish a new one.

Mr. MONDELL. Will the gentleman yield a moment?

Mr. NORRIS. Yes.

Mr. MONDELL. We have been selling public lands and disposing of public lands in this way for a hundred years.

Mr. NORRIS. I understand that; and I think we have disposed of a good deal of public land that we ought not to have disposed of.

Now, here comes the city of Seattle and asks for two or three thousand acres of Government land. They say to Congress, "We want this to improve our water supply." And Congress says, "We will give you that land for the purpose for which you ask it, but we want to put in a provision that any minerals in that land will not be conveyed, but shall be reserved to the United States Government." That does not interfere with the use for which you want the land. If you are honest and fair in what you ask this condition will not interfere with your getting every right that you are here asking for, so that this kind of a limitation can not hurt you. On the other hand, if we do not do this, if we do not put on a limitation, even though there be no mineral in this land—and I presume that there is not—it would establish a precedent of giving away land without this reservation; and we will be sure to meet it time and time again in the future when individuals and corporations and municipalities will be asking for some of the public domain for some specific purpose, when perhaps the real purpose is something that is not known or understood at the time.

Mr. MONDELL. Will the gentleman yield for a question?

Mr. NORRIS. Yes; in just a moment.

Now, instead of the limitation suggested by the gentleman from Kentucky [Mr. JAMES] I want to suggest a different one. It is a limitation that the land should not be alienated by the city of Seattle without the consent of Congress, or something of the kind. Personally I would not care if the land did have coal under it if the city of Seattle were to get the benefit of it, and a limitation that would prohibit the city from alienating the land without the consent of Congress ought not to be objectionable to the advocates of this measure.

Mr. SULZER. Will the gentleman yield?

Mr. NORRIS. Yes.

Mr. SULZER. Is there anything on record to show that any of the land in question contains coal or other valuable minerals?

Mr. NORRIS. I understand there is not.

Mr. SULZER. Then that ought to settle the matter.

Mr. NORRIS. But there can be no objection to safeguarding it by adding this limitation.

Mr. SULZER. That being so, what is the use of arguing about it?

Mr. NORRIS. That being so, what is the reason why we should not put in this limitation, if it does not take anything away from you, if there is not anything to take?

Mr. SULZER. Well, I have no objection to it.

Mr. JAMES. How much time have I remaining, Mr. Chairman?

Mr. NORRIS. It has been customary——

Mr. JAMES. Mr. Chairman, how much time have I?

Mr. NORRIS. The gentleman from Wyoming has considerable to say about giving a full title in fee, and yet we have passed a law whereby the homesteader, where there is any indication of coal, gets only a surface title.

Mr. MONDELL. Oh, no; not where there is an indication, but where there actually is coal.

Mr. NORRIS. Where somebody says there is; yes. The title is not hurt by making the reservation, and the same is true of the city. It would not injure the city of Seattle a particle to put on here a limitation such as that which the gentleman from Kentucky suggests, or to provide that the city of Seattle shall not alienate this land without the consent of the Government.

Mr. MONDELL. Does the gentleman approve of the policy under which we shall reserve minerals in all patents in the future?

Mr. NORRIS. That is not involved here.

Mr. MONDELL. Oh, yes; it is. If you do it now, you ought to do it in every case hereafter.

Mr. NORRIS. The gentleman says the city of Seattle wants it for a specific purpose, and we say we will give it to the city for that specific purpose, and the gentleman refuses to accept it in that way.

Mr. MANN. As I understand it, this is for the purpose of protecting the water supply.

Mr. NORRIS. Yes.

Mr. MANN. If the minerals were reserved, would not anybody have the right to go upon the land and make an examination for the minerals? Would not anybody have the right to prospect on the land?

Mr. NORRIS. What objection would the gentleman from Washington have to an amendment that would prevent its alienation without the consent of Congress?

Mr. HUMPHREY of Washington. I have no objection whatever to such an amendment, if you can agree on that.

Mr. MANN. I have no objection, but what I am thinking of is the pollution of the water supply. Would not anyone have the right to go on this land and pollute the water supply while searching for minerals?

Mr. NORRIS. It might be that we ought to have some regulation as to that, but simply going on the land to hunt for minerals would not pollute the water supply.

Mr. CAMPBELL. I suggest that a limitation be placed upon this bill, providing that the land shall not be alienated by the city of Seattle without the consent of Congress.

Mr. HUMPHREY of Washington. I ask unanimous consent that it be so amended.

Mr. JAMES. Mr. Speaker, I would object to that provision for this reason, that it would prevent the Government ever using the mineral if it were found there.

Mr. NORRIS. Let the city of Seattle use the mineral. I have no objection to that.

Mr. HUMPHREY of Washington. Just as the gentleman from Illinois [Mr. MANN] has suggested, we do not want people to go in there prospecting.

Mr. JAMES. I yield eight minutes to the gentleman from Wisconsin [Mr. MORSE].

Mr. MORSE. Mr. Speaker, the gentleman from Wyoming [Mr. MONDELL] says that some people's imaginations commence to run wild as soon as there is any talk of the sale of public lands. I want to call the attention of this House to the fact that we are not trying to sell public lands. This proposition is to give away public lands. We provide that the timber on the land shall be valued, and if the value of the timber does not amount to more than $1.25 an acre then that is what is paid for the timber and the land, but if the value of the timber amounts to $1.25 or more an acre the land is given away.

Mr. FERRIS. The gentleman is mistaken about that.

Mr. MORSE. If it amounts to $1.25 or more an acre, the land is given away.

Now, Mr. Speaker, I said I did not see any reason why the General Government should give away this land to the city of Seattle, or any other city, for less than it is worth. According to the hearings, the railroad company is getting $2.50 an acre for the land in the same basin—land of the same kind and quality. Why should the Government get only half as much as this railroad company is to receive for it? If they wanted to be fair in this matter, why did not they provide that the land and the timber should be appraised and the city pay the appraised value of the land and the timber? I believe that would have been fair. I believe that is all any city can fairly ask of this Government and I believe that is what this bill ought to have provided. If they will appraise the timber and the land and then give a title in fee, I have no objection; but if they are going to give the land then let us reserve what the city does not need.

If there is water power there, let us reserve it. They are only to pay $27,500 for this 22,000 acres of land. If there is mineral there, let us reserve it. Why should we give mineral if we are not going to give timber? Of course, nothing has been said with regard to water power, but this is a valley up in the mountains. There is water there, of course. That is why the city of Seattle is securing this land. Now, what is $27,500 compared to the value of even one little water-power plant. We do not know that there is any there. In fact, we do not know very much about this proposition, and I believe it is the part of wisdom for this Government to reserve what the city of Seattle does not want.

Mr. KITCHIN. Do you not believe it is better and wiser for us to have some idea of its value and to have the land appraised by the Engineer Department, or under its supervision, and then let us know something about its value before we begin to give it away or sell it?

Mr. MORSE. There is a provision in the bill for an appraisal.

Mr. KITCHIN. We give it away on their appraisal by this act.

Mr. MORSE. That is true.

Mr. KITCHIN. Congress ought to know something about the value of it before it passes the title.

Mr. MORSE. We are giving away the title to the land. These appraisers are not called upon to appraise the land at all, they are simply called on to appraise the timber on the land, and it does not make any difference whether the land is worth 10 cents or $50 an acre, we give away the land. It seems to me that the gentlemen who are in favor of the passage of this bill, who want the lands for the purpose suggested, to protect the water supply, ought to be willing to put a provision in the bill at this time reserving the title to whatever minerals there may be on the land.

Mr. HUMPHREY of Washington. I offered an amendment, but the gentleman from Kentucky objects.

Mr. JAMES. What is that?

Mr. HUMPHREY of Washington. I offered an amendment against the alienation of the land.

Mr. JAMES. I objected to the amendment providing that the land should not be alienated by Seattle, as that would still give Seattle the right to allow the land to be mined.

Mr. HUMPHREY of Washington. Would the gentleman from Kentucky object to this amendment at the end of section 4?—

And provided further, That there is hereby reserved to the United States all mineral deposits in said lands and the right to dispose thereof and to use such lands for such purposes.

Mr. JAMES. That is the amendment I suggested long ago; that is satisfactory to me.

Mr. HUMPHREY of Washington. Mr. Speaker, I ask unanimous consent that the bill may be amended as follows: Line 20, page 5, insert:

And provided further, That there is hereby reserved to the United States all mineral deposits in said lands and the right to dispose thereof and to use such lands for such purposes.

The SPEAKER. The Clerk will report the suggested modification.

The Clerk read as follows:

On page 5, line 20, after the word "lands," insert: "*And provided further*, That there is hereby reserved to the United States all mineral deposits in said lands and the right to dispose thereof and to use such lands for such purposes."

The SPEAKER. The gentleman from Washington asks unanimous consent to modify his motion as indicated. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion to suspend the rules and pass the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

BOARD OF REGENTS, SMITHSONIAN INSTITUTION.

The SPEAKER. The Chair directs that Senate joint resolution 145, providing for the filling of a vacancy which will occur on March 1, 1911, in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress be transferred from the Private Calendar to the House Calendar.

Mr. MANN. Mr. Speaker, the transfer to the House Calendar of this bill having been made, I ask unanimous consent to suspend the rules and pass the Senate joint resolution 145.

The SPEAKER. The gentleman from Illinois asks unanimous consent to suspend the rules and pass Senate joint resolution 145, which the Clerk will read.

The Clerk read as follows:

Resolved, etc., That the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, which will occur on March 1, 1911, by the resignation of the Hon. John B. Henderson, to take effect on that date, be filled by the appointment of Mr. John B. Henderson, jr., of Virginia.

The SPEAKER. Is there objection?

There was no objection.

So (two-thirds having voted in favor thereof) the rule was suspended and the Senate joint resolution was passed.

MILITARY ACADEMY BILL.

Mr. HULL of Iowa. Mr. Speaker, I move that the House resolve itself into Committee on the Whole House on the state of the Union for the purpose of considering the bill (H. R. 32436) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1912, and for other purposes, and pending that I ask unanimous consent that all general debate on the bill be closed in one hour, 30 minutes to be controlled by myself and 30 minutes by the gentleman from New York [Mr. SULZER].

The SPEAKER. The gentleman from Iowa moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the Military Academy bill, and pending that asks that all general debate be closed in one hour, one half to be controlled by himself and the other half by the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Speaker, there is no objection to that.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question now is on the motion of the gentleman from Iowa.

The question was taken, and the motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. DODDS in the chair.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read the title of the bill.

Mr. HULL of Iowa. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. HULL of Iowa. Mr. Chairman, it was my purpose to have entered at some length into a discussion of Army matters at the time this bill was taken up, but on account of pressure of time, and on account of lack of voice ability to make a general discussion, I propose to occupy a part of my time now and then, by unanimous consent, to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman from Iowa extending his remarks in the RECORD?

There was no objection.

Mr. HULL of Iowa. Mr. Chairman, it has been asserted on this floor and reiterated elsewhere that the Army of the United States is in a deplorable condition. I am unable to learn what facts justify such statements. When I assumed membership in the Committee on Military Affairs the Army of the United States had the same organization which had prevailed from the days of the colonies. It was the old single battalion with one colonel, one lieutenant colonel, and one major with 10 companies, and the entire Army was limited to $25,000 men.

Mr. WEEKS. How long ago is that?

Mr. HULL of Iowa. Prior to the Spanish War. When I became chairman of the committee, the total expenditures for the Army were about $25,000,000 a year. It was small in its enlisted force. It was limited in the line to 33 officers for a regiment and in the staff to the lowest possible number. From the close of the Civil War Congress seemed to have but one idea as to the Army, and that was to reduce the complement of officers. The result of the Spanish War enabled the Committee on Military Affairs to reorganize the Army. Without that war I doubt if anything could have been done for national defense. Immediately before the breaking out of hostilities with Spain, just before war was declared, the Committee on Military Affairs reported a bill here to make the three-battalion organization of Infantry, and to secure favorable action it cut down the officers to the point of only providing for one additional major for each regiment, making in all 25 additional majors.

It provided that a lieutenant colonel should command one of the three battalions in time of war, and in time of peace each regiment of the Infantry should have only eight companies, to be increased to 12 companies in time of war, the third battalion to be commanded by the lieutenant colonel. That bill was defeated in the House by an overwhelming majority. It was defeated because the Congress did not believe we ever would have war. So faulty was our organization that when war came governors of States sent telegrams to the Committee on Military Affairs urging us to change the law of the United States so that in time of war the Army of the United States should conform to the organization prescribed by the States for the National Guard. They had a modern organization in the guard. The Federal Government had laws fastening on the Army an obsolete organization, and requiring the militia to conform to this in time of war. That provision enabled the committee when war came to secure a change in the law, and by small changes we improved the Army organization, until in 1901 a modern organization was provided for the Army.

We had the three battalions, and increased the officers from 33 to 50 for each regiment, not counting medical officers in either case. It was believed then that ample provision had been made for all the officers we would ever need for an army, both line and staff, for we at the same time increased and rearranged every staff corps of the Army.

I still think if the Army was not used in so large a measure for purely civil work, the provision then made would have been ample. But with the increase of officers there grew up an increased demand for detail of officers for duties not military, until to-day we have 728 officers absent from their commands and a shortage of officers which threatens to seriously impair the efficiency of the Army.

Army schools have been established on a large scale, and officers have been detached from their commands after passing middle life to pursue their studies, and other officers have been detached to instruct them. Some of the higher schools, like the Army War College, are of great benefit, but in many cases much more benefit would be had by regimental schools and keeping the officers with their companies and regiments. In my judgment, the best school for an officer is service with troops, and I would require all captains to remain with their companies.

To my mind the service would be improved by curtailing the elaborate system of schools and ordering many officers back to their commands. A most excellent article on this subject will be found in the Journal of the Military Service Institution, December 10, 1910, by Col. (now Gen.) George S. Anderson. I invite your attention to the following quotations from the article:

I yield to no man in my appreciation of education, knowledge, culture, and all that these words mean, but I do not believe that they can be attained by compulsory methods, or by recitation from a book. There must be an inborn tendency—a feeling of necessity for knowledge—before it can be stored away. We all recognize the man who "knows it all," and is always ready to impart it; the man who will teach German politics to Bismarck, science to Huxley, or a coyote how to find his way back to his hole; my remarks have no reference to him.

RETROSPECT.

But I wish to go over with you the list of epidemics of wisdom that we have gone through in the last 26 years, and we may from it draw a lesson.

When I first joined my troop I was promptly made post-signal officer—among other honors. For about two years I had signalling all of the time—wand, flag, torch, heliograph, and telegraph; night and day, winter and summer, one eternal grind.

I was proficient in the code and could use it in any way, on any instrument. To-day I hardly remember half the letters, and would be pronounced deficient by any board. Signaling was the disease of the day, and when it had run its course it died and was buried. All the later tendencies in that line have been toward moderation and sense. Now, it is not thought necessary to instruct all of your men all of the time, but a few men for a short season. That is well and proper; a troop should always have a few men fairly instructed—the serious business to be attended to by men who enlisted for that purpose, in the signal corps, and who have nothing else to do or to think of. About two years later the map-making bacillus became active. If one went across his front yard, or his back yard, he had to submit a map. If he went by day or by night, alone or with assistants, over new country, or by the side of a railroad, or over a road that had been known and traveled for years by daily coaches, there was no let up, no reason, no excuse. The map must come. And that is why the old maps, issued from department headquarters, are so unreliable; the men who made them invented them upon their return to the post, and fitted them as well as possible to their reports. That craze also died, and now we find the map making done by a few who are known to be efficient, and their work is good.

Next came the target craze; every man to shoot every day and all the time. But we all know how this incubus has been whittled down of late years.

Then we had the education mania; it seems that it, too, is adjusting itself to reason, and we hope—but for the record of the past we should doubt. A man who is 25 and wants to go to school may be benefited; but if he don't want to go it is far better to leave him at home. All the learned professions hold annual conventions, at which are read valuable professional papers; but if these were prepared "by order" they would be valueless and the professions would become the laughing stock of the world. Our latest disease seems to be the medical profession. All line officers are taught hygiene, pathology, physiology, anatomy, and surgery—and I question when materia medica and gynecology will follow.

Law has had its course and now we are in the beginning of its sensible period—the period of decline. In looking over the field of human learning and endeavor we find but one branch neglected, and that must have its turn next—it is theology. If that does not come within the next year and a half, I fear that I shall be able to miss it—and pass to the retired list; but partially educated at last.

And we have had schools and schools. The Military Academy and the Artillery School date back before my recollection; but since 1871 there have come up, in turn, the Signal School at Fort Myer, the Infantry and Cavalry at Fort Leavenworth, Willets Point (for the line), and Fort Riley. They are good and should be continued for those that want the education, but not for those who only wish, by attendance at them, to escape the routine duties of their station. We are often told that everyone should have some "hobby," some fad by which he shall be known and distinguished. Well, I agree with this, but the fad should be our profession and that part of it which is our daily life, or will soon become so, not the command of an army of millions or its proper organization. Let us think of our men; their daily wants; how to feed, clothe, and care for them; to make them comfortable and contented in barracks and in the field; stimulate them to reasonable and proper activity; find out their wants and their needs; teach them to care for their horses; to keep themselves dry and warm on campaign; to be happy, cheerful, and efficient. This is better than all the learning of all the books. There are, no doubt, many valuable things to be learned by study and reflection. I take it that at the present day the tendency of all the officers of the Army is in that direction. We have all ruined our eyes by a constant tension at the short focus of a book, while our Indian antagonist still can see the battle from afar.

If I were given a choice as to the assignment of a lieutenant to my troop, I had much rather take one who was ready and anxious for field service all the time, one who spent six days of each week in hunting and fishing, than one who spent all of his time in study, whose head was crammed with the sum of human knowledge and who had the intellect of Voltaire.

Do we not know men who can repeat, page by page, all the books of the learned Leavenworth lieutenants, and yet who are helpless on the drill ground under the most ordinary situations?

Quick decision, rapidity of movement, and accuracy of calculation are the essentials, and these are worth more than all the learning their heads can hold.

Our great authors of war literature prior to the past decade were Jomini, Hamley, and Halleck. Not one of these ever won a battle. They were coldly logical in the study, but helpless on the field in the presence of conditions as they did exist, which were so different from the way they had planned them. Wellington said that "Waterloo was won on the playgrounds of Eton and Harrow." The pluck, endurance, alertness, and bravery displayed on the football fields last fall would suggest the members of these teams as the ones first to be called upon in case our country needed officers. They would command and lead and their men would follow. I had far rather command men who had not learned the German way of being killed in scientific battle, but who, like the Greeks at Thermopylæ, or Gen. Jackson's men at New Orleans, died when and where their officers pleased.

The staff of our Army has dictated that the line, and the line only, is in need of education.

The object most carefully considered by all ruling powers is how to utilize for purposes of war all the manhood and resources of the nation; how to be perfectly prepared on shortest notice. This is the duty and function of the General Staff. For this object study and education are necessary, and they are the ones who should be arrayed twice each week on the benches of the schoolroom and be made to "say their lessons."

We have grasped the shadow of German methods, but our staff got hold of it first, and they have thrust its corroding substance upon the line, while the staff has remained an amused spectator.

What we should teach our men are the lowly virtues, not arithmetic and science. Lord Wolseley has said that "fearlessness, daring, endurance, contempt of death, self-sacrifice, readiness to die for country or some other cause," all these are virtues which have often saved nations when at their last gasp. And I will assert that they are not learned from the schoolmaster at the blackboard, nor with a table of logarithms. We should teach them to be honest, truthful, brave, tidy, and punctual, to respect authority and the Government that provides for them.

I maintain that every man that leaves my troop with character "Good" after three or five years' honest and faithful service is a better man than he would have been had he spent these years at a seat of learning; he is better able to care for himself; a better man; a better citizen. I quote again from Lord Wolseley. He says: "We have numberless examples in history of nations steeped in literature and learned in the schools of philosophy which were destroyed, almost exterminated, by hordes of barbarians who knew nothing of letters, and who thought the best thing to do with a library was to burn it."

The virility of the men will be the winning card in the short, sharp, decisive wars of the future. Without active, acute, virile officers the energy of the men will be thrown away or wasted. The officer who burns the midnight oil on the eve of battle studying from the books how to meet emergencies that may not—probably will not—arise, and then loses 15 minutes of valuable time in the morning, is holding the bag for the other man's snipes.

Look at China! Her struggle for learning is now shared by all classes, and it has created a contempt for the hardy, active, fighting man, and with her great wealth and immense hordes she was overthrown in one short campaign by the few small isles of Japan.

The possibilities of any arm of the service can not be learned from books; they must be ground into one by close observation—by the individual training of every man. We should know our men well—where they came from; what their character; of what capable—then we will know what we may expect. This can not be found out during a college detail, or one on the staff of the governor of a State.

It is difficult to overestimate the moral advantage that would accrue to the side that won the first important engagement in a war, and I will wager that the commander of that force will be a man of action and not a man of books and theories. Enter the battle with the thought that you are invincible and the thought will largely influence the fact. The wisest plans are useless unless executed with energy and vigor and forced to a successful issue. The execution of a wise plan is far more difficult than its conception.

But it may be said that a commander should be both a learned man and a man of action. This were most desirable, but history shows very few such, and they were born, not made. Napoleon was eminently a man of action, and personally looked after the most trifling detail of every campaign. When he became old, fat, and inert he lost Waterloo and the throne of France.

The conditions that influence the result of a war are too numerous and uncertain to be made the subjects of textbook calculations; wind, rain, snow, condition of roads, nature of soil, morale of troops, their degree of fatigue—these all affect the calculated results to an unknown degree.

The breaking strain of a line of troops will depend more upon its morale than upon the number of casualities, and its morale will come entirely from its subordinate commanders. Nervous energy will give out, and then comes the effect of sound bodies, held by sound discipline. They will believe there is no difficulty that they can not overcome.

My contention is that the whole system of our education is wrong, faulty, wasteful, and a humbug. There is too much of an effort to "constipate our minds with undigested learning." There seems to be a desire to hasten the millennium by the superior education of us all. It is easy to know every rule of strategy and war and yet not win battles, as it is easy to know that shorter catechism, the Creed, the Lord's Prayer, and the Ten Commandments and yet not be saved. There come times when none of these good guides seem to fit.

Of course, we should read, study, and know what is going on, but this we all do without having it forced upon us. Our studies should fit our rank and position and not aim to teach how to organize and equip, control, and maneuver armies of millions. The severe lessons of our late Indian campaigns are worth far more to us than all the campaigns of Napoleon or Moltke.

As suiting my purpose I will make several quotations from a lecture on the "Professional study of military history," printed in the November (1897) number of the Military Service Institution Journal (reprint from Journal R. U. S. I.):

"One purpose is the increase of the personal efficiency, the making the soldier a better soldier, the enabling him to do better the work which lies before him to-day and to-morrow. But since soldiers are of all ranks and of all ages, the work before them is not the same for all. The general in utilizing the experiences will need some of one class; a subaltern those of another; some which are simple and clear to the old soldier are Hebrew to the young one."

"A mere bold catalogue of distances is remembered for examination purposes only, like the arithmetic tables."

"His elder brother had told him that he was learning how great generals had handled armies, and that the principles they followed were called by a very big name, 'the eternal principles of strategy,' and that he was about to buy a thick quarto book in a red cover (Hamley) to learn what they were."

"They are of value to you as practical soldiers, for increasing your worth and power as practical soldiers, and for enabling you to do your duty in the field."

And much more there is in this valuable and interesting paper that I would like to quote, but time forbids.

Let us not overshoot our mark; let us "stick to our lasts;" it is the true secret of any business. Why do we want to be taught a little of everything under the sun? It will make us poor in everything. The sum of human knowledge is now too great for any man to have even a moderate acquaintance with more than a single branch of it. Our branch is the command of troops, and those only in small bodies; let us stick to that.

I had three cousins in the grocery business in New York City, and they all made comfortable fortunes, but they did not call their clerks to recitations and require them to know how eggs were made or butter was laid. Their business was to know how to deal them out, and whom they could or could not trust.

There seems to be with many a widespread tendency or craze to be talked about; to live in the glare of public opinion by voice and by portrait. All this tends to destroy earnestness, originality, and genuine power, which is always solitary. Much of our recent military literature

that we are required to study gives us "that tired feeling," which is a sure sign that it has overshot the mark.

The poorest use on earth to which an intelligent lieutenant can be put is to have him go on as officer of the guard once a week during his service as a lieutenant and be eaten by the guardhouse bedbugs. In our Army he will have to serve from 15 to 30 years, or even more, as a lieutenant, and if he has not learned all there is to learn of guard duty after three or four tours, he had better seek other fields of endeavor and usefulness; he is not fit for military life.

Not long since I had a conversation with the man who, perhaps more than any other, was responsible for the original Lyceum order of 1891. He seemed astonished when I expressed much the views that I have here written down. I went further in the matter of the value of out-of-door, free, independent life for men and officers.

I told him that I thought that lieutenants on first joining ought to be made to go out and hunt, study nature, learn to sleep on the ground, be practical even if they did not see the inside of a book for years. He said, "Yes; but can you make them do it?" I replied, "No; you can't make anybody do anything satisfactorily if he don't want to, but he will take more kindly to my medicine than to yours and make less of a face over it." It surely will do him more good; and then if it should have the probable reward of preferment, promotion, soft details, and glory, there will be a bonfire of books and a purchase of shotguns all along the line. No man can perfect himself in both theory and practice at the same time; with us let the practice come first; the man who learns wing shooting solely from the book will have an empty game bag. It may be asked how it was that we completely subdued the Indians, when they were so superior to us in practical things. It is a most simple matter; our recruitment was constant and came from the whole inhabitants of the land, while theirs was suspended during hostilities, and they had but a small tribe to draw from. In spite of all our news bureaus and glowing reports, they ever beat us two to one.

It is time we called a halt in this cramming process, before we merit the reproach of Festus to Paul, "Much learning doth make thee mad."

It is a sorrowful contemplation that many of us have passed the age at which either practice or theory can be of much service; history shows that we arrive at this state before we reach the exemption epoch, 50 years.

Napoleon was not 52 when he died. The great men of our late war were all young; their ages on the breaking out of the war were:

Grant, 39; McClellan, 34; Thomas, 45; Canby, 43; Hancock, 37; Sedgwick, 47; Lee, 55; Early, 44; Longstreet, 40; A. P. Hill, 36; Ewell, 44; Sherman, 41; McPherson, 32; Meade, 45; Buell, 43; Schofield, 29; Hooker, 45; Beauregard, 43; Van Dorn, 40; Stuart, 28; D. H. Hill, 41; Sheridan, 31; Halleck, 46; Rosecrans, 42; McDowell, 42; Ord, 43; Johnston, 54; Jackson, 38; Hood, 30.

In all this long list Lee and Johnston are the only ones as old as I am to-day, and most of them had the advantage of actual service in the War with Mexico. We ancient officers of low rank are simply "military vegetables, without ambition as without hope." What have we to profit by learning, or how will it improve us?

Compulsory education and the doctor's part in war—anatomy, surgery, hygiene, and first aid—are now our hobbies; these will die and many of us will rejoice at the burial of their remains. But some other craze will occupy the field. It would seem that we ought to enter upon the solution of it in a rational way, but all history shows that we will not. Whatever it may be it will hold the boards for a few years before it descends into the grave in the condition of Lazarus after four days' postponed burial. In the meantime essays will be written upon it, without sense, reason, originality, or excuse for being. Books will be written that may bring promotions, honors, and general contempt. But long essays, like this, and ponderous volumes are no surer evidence of learning or ability than the odor of musk is evidence of harlotry. The immortal author of that military classic, the "Peninsular War," closes his history with these words, which will fittingly close my paper:

"Fortune, however, always asserts her supremacy in war, and often from a slight mistake such disastrous consequences flow that in every age and in every nation the uncertainty of arms has been proverbial.

"War is the condition of this world.

"From man to the smallest insect, all are at strife; and the glory of arms, which can not be obtained without the exercise of honor, fortitude, courage, obedience, modesty, and temperance (there is no word here about book learning) excites the brave man's patriotism, and is a chastening correction for the rich man's pride. It is yet no security for power. Napoleon, the greatest man of whom history makes mention; Napoleon, the most wonderful commander, the most sagacious politician, the most profound statesman, lost by arms Portugal, Germany, Italy, Poland, Spain, and France. Fortune, that name for the unknown combinations of infinite power, was wanting to him, and without her aid the designs of man are as bubbles on a troubled ocean."

Let us not know too much, but do more; let what we do fit our present and prospective spheres; we will thereby more surely force fortune to perch upon our banners.

We have details on many lines which we should not expect the Army to shoulder. Army officers are detailed for a vast amount of civil work entirely outside of the river and harbor business which is undoubtedly of benefit to the Government but should not be charged to military expense.

We have a large number of the best of the officers on the Panama Canal. We have a large number detailed in the Philippine Islands, all doing valuable work at less expense to the Government than it could be done by civilian employees. But is it fair? In the popular mind it is charged up to the military establishment, where as a matter of fact it should be charged to the civil establishment. I am not finding fault with the fact that we are doing this work if we had officers enough to do it and also supply the Army. I am only calling attention to the injustice of this constant cry of the great military expense, when the military establishment of the Government in this line of work is saving to the Government hundreds of thousands of dollars. Take, for instance, the man in charge of the Panama Canal. The Government was willing to pay $30,000 a year for an engineer who could do the work, and would have been satisfied to pay $50,000 for a chief engineer who could give assurance of success, and yet the high-priced civilian engineer could not show results in that work and carry it on to the satisfaction of the Government. An Army officer, a lieutenant colonel, with the flat pay of $4,000 a year, took the work, and from the day he took charge of it until the present it has been prosecuted not only with ability but with energy that promises the early completion of the work. [Applause.]

On June 30, 1910, 140 officers of the active list were performing civil or nonmilitary duty. One officer and 54 noncommissioned officers of the active list and 35 officers of the retired list were on duty with the Organized Militia of the several States and Territories and of the District of Columbia, and 64 officers of the active list and 25 officers and 24 noncommissioned officers of the retired list were on duty in connection with the military departments of civil educational institutions. All of these officers and noncommissioned officers receive their pay and allowances from the annual appropriations for the support of our regular military establishment.

The garrison at Yellowstone National Park and the troops assigned to station for about five months of each year in the Yosemite and Sequoia National Parks are engaged exclusively in policing the parks, a duty which is in no sense military, yet the pay and allowances of the officers and enlisted men, as well as the cost of construction and maintenance of the military stations in the parks, are included in the appropriation for support of the Army. The Signal Corps troops engaged exclusively in parks, and in the construction and operation of the Washington-Alaska military cable and telegraph system are also paid from Army appropriations, though the cable and telegraph system is used largely for the transmission of commercial and private messages.

The pay and allowances of officers and enlisted men performing civil, militia, and other duty not pertaining strictly to the Army, the cost of maintenance of troops engaged in policing parks, and in the construction and operation of the Washington-Alaska cable and telegraph system, and the mileage and transportation for troops attending military tournaments, expositions, and so forth, amounted to the following for the fiscal year 1910:

	Pay and allowances.	Subsistence.	Transportation and quartermaster supplies.	Total.
50 Engineer officers on civil duty	$181,936.00	.....	$13,475.60	$195,411.60
35 Engineer officers (three-fourths civil, one-fourth military	121,468.50	.....	8,355.85	129,824.35
27 officers with Isthmian Canal Commission	102,780.00	.....	7,877.28	110,657.28
3 officers with Bureau of Insular Affairs	17,000.00	.....	1,069.60	18,069.60
16 officers with civil government, Philippine Islands	61,955.00	.....	2,950.51	64,905.51
3 officers with Cuban Government	12,152.00	.....	1,352.89	13,504.89
1 officer with Porto Rican Government	2,200.00	.....	377.99	2,577.99
3 officers with Alaskan Road Commission	11,949.78	.....	1,942.46	13,892.24
1 officer in charge of Indian prisoners	2,600.00	.....	234.63	2,834.63
1 ordnance officer with bureau for safe transportation of explosives	4,500.00	.....	274.29	4,774.29
1 officer of active list and 35 officers, retired list, with Organized Militia	150,806.00	.....	11,430.19	162,236.19
54 noncommissioned officers, active list, on duty with Organized Militia	25,788.00	$19,710.00	.....	45,498.00
Mileage of officers inspecting militia	27,386.69	.....	.....	27,386.69
64 officers, active list, and 25, retired list, on duty at civil educational institutions	297,044.00	.....	26,085.26	323,129.26
24 retired noncommissioned officers, on duty at civil educational institutions	18,993.00	.....	.....	18,993.00
6 officers and 239 enlisted men (Signal Corps) on duty in connection with Washington-Alaska military cable and telegraph system	141,011.00	48,398.51	6,099.60	195,509.11
Maintenance of garrison, Yellowstone National Park	85,882.00	30,734.89	108,452.21	225,069.10
Construction of buildings, etc., Fort Yellowstone	.....	.....	82,947.66	82,947.66
Maintenance of troops in Yosemite National Park (5 months)	19,697.00	8,271.61	19,780.74	47,749.35
Maintenance of troops in Sequoia National Park (5 months)	7,722.50	2,209.20	7,700.00	17,631.70
Gratuitous issues of rations	.....	1,123.76	.....	1,123.76
Mileage and transportation of troops attending military tournaments, patriotic celebrations, etc	606.73	.....	155,306.15	155,912.88
Total	1,293,478.20	110,447.97	455,712.91	1,859,639.08

Talk about the Army of the United States being in a deplorable condition! Why? The press of the country say it has not ammunition for one battle, and it has been deplored that we were short of ammunition. I am talking at this time only about what the Military Affairs Committee has had jurisdiction of. The ammunition and supplies for the Artillery are supplied by the Appropriation Committee. When the Spanish War closed we were using the Krag-Jörgensen rifle. It was at that time one of the best rifles known. There have been improvements made by the Ordnance Department since then by which we have now an army service rifle much better than the Krag-Jörgensen, but each of them in many respects similar, the later improvements, however, adding greatly to the efficiency of the United States service rifle now being used. As soon as the new rifle was perfected the Ordnance Department commenced the rearming of our troops with the new gun, and the Krag has gradually been withdrawn and kept as a reserve. It does not use exactly the same ammunition and is not interchangeable with the improved gun, but it is a valuable weapon and in an emergency would be of great value to the country.

We have to-day 650,000 of the improved rifles ready for use, and with the 350,000 Krag-Jörgensens now in reserve, which could be used in an emergency, we can arm 1,000,000 men in the mobile army to-day to face any foe that comes to this country. They talk about ammunition. We have accumulated metallic ammunition of small arms ammunition enough to furnish—I have forgotten now, but I will put it in my remarks—within 28,000,000 rounds of the supply the Ordnance Department thinks we ought to have as reserve, reaching up into the hundreds of millions of rounds of metallic ammunition. It is true that in the artillery branch of the Government there is a scarcity of powder. It is true that in time of war we would have to draw on all other reserves we could possibly tap in order to supply ammunition for our artillery, but that comes from another committee, and I regret exceedingly the committee reporting the fortifications bill yesterday did not give to the War Department every dollar they asked for ammunition for the artillery. They should have done it. We have a small army, and we ought not to be niggardly in supply of munitions of war that will enable us to confront an enemy if the time does come when it is necessary. I am not one of those who are preaching the doctrine that we must have war or we will have war in the near future. I am one of those who preach the doctrine that while there is a possibility of war it is criminal negligence on the part of the Congress of the United States not to make reasonable preparation for it. [Applause.]

I hope that we never will have war, but the history of the past does not justify the belief that we never will have war. I believe this Government, Mr. Chairman, should provide a great reserve of the Volunteer forces of the country. One hundred thousand Regulars for taking care of our insular government and for our police protection at home, but in my judgment this Government should enter upon a policy at once of organizing and equipping an army of 250,000 reserve, not Regular soldiers, but men in the different localities trained so that they can be called into action at once, not officered by the governors, but officered by the President of the United States as part of the national reserve; and in my judgment this force could be provided and could be maintained at an expense of not over twenty million a year. The best volunteers we ever had were the provisional regiments organized for service in the Philippines. I believe in the National Guard, but it is a State force. Its first duty is to the State and it can only be called out through the governor. It is officered by the governor, it is independent of the General Government, it is a valuable reserve line of defense for the country, but primarily it is a State force, and my objection is that it is not a force which can be at once put in action. That they have many splendid officers—my criticism on the way it is officered is this: That in nine cases out of ten it is good fellowship that wins their promotion. In too many cases it is good fellowship which wins promotion to field officers. The man who can go around with the best cigars and who is the best mixer is the one who gets to be major in most instances.

Mr. TILSON. Will the gentleman permit?

Mr. HULL of Iowa. Yes.

Mr. TILSON. Has the gentleman read the amendment of the Steenerson bill that has been reported into this House?

Mr. HULL of Iowa. Yes; and I believe it will be a great benefit.

Mr. TILSON. Will not that to some extent relieve the gentleman's objection?

Mr. HULL of Iowa. It will, if the bill becames a law and the provision is enforced, be of great benefit.

Mr. DALZELL. I would like to ask the gentleman whether or not what he advocates is not substantially embodied in the bill to pay the Organized Militia?

Mr. HULL of Iowa. I have so stated, and I think that it partially goes in that direction, but it is not officered by the President.

Mr. DALZELL. It is in that direction.

Mr. HULL of Iowa. Yes; and I think a very valuable advance. The best Volunteer officers we have had, I think, in this country were, as stated above, in the case of the provisional regiments sent to the Philippine Islands, officered by the President largely from men who had seen service and on recommendation of the commanders of the Volunteer forces. They were not in any sense a State force. I know a great many men say we did well enough during the Civil War and all regimental officers were nominated by the governors, but I do not regard our experience then any criterion for now.

It answered then, but the world has made a wonderful advance since the days of the Civil War in the science of military operations.

Mr. TILSON. May I interrupt the gentleman before he leaves that point? Does not he think that this remedy would apply: That although the governors may select the officers, that they may be thinned out and the inefficient ones removed by examinations now required and by schools of instruction, and so on, now required by the department?

Mr. HULL of Iowa. Oh, very much; yes. But no matter if the President does appoint, he has to appoint largely from the recommendations from the different parts of the country. However, it makes him responsible for the officers and makes them easier to be removed than if appointed by the governors. Let the governors retain in their control all militia, because it is a State force, but let the Federal Government control the Federal force.

Going back to the Civil War and taking the argument that the militia is all that is necessary, I want to call your attention to the fact that it was militia that fought the Civil War on both sides.

Mr. JOHNSON of South Carolina. They did not fight like it.

Mr. HULL of Iowa. They fought like it at first at Bull Run. It was simply a question of which would get panic-stricken first. But when 1865 came there probably never was marshaled in any land at any time in the history of the world such a splendid body of fighting men as was found on the American Continent, both those that wore the blue and those that wore the gray. [Applause.] If at that time we had had trouble with any foreign nation, we would have had an army, taking the two together, of a million and a half of men that would have been invincible against any other million and a half of men on earth. Simply the ordering of Phil Sheridan and his corps down to the Rio Grande caused the French Government to move out of Mexico. But the whole history of our country shows that your raw recruit can not be depended upon until after he has been trained to be a soldier. Washington said:

> Regular troops alone are equal to the exigencies of modern war, as well for defense as offense, and when a substitute is attempted it must prove illusory and nurious. No militia will ever acquire the habits necessary to resist a regular force. The firmness requisite for the real business of fighting is only to be attained by a constant course of discipline and service. I have never yet been witness to a single instance that can justify a different opinion, and it is most earnestly to be wished that the liberties of America may no longer be trusted in any material degree to so precarious a dependence.

The War of 1812 has been frequently referred to here. We had a great force of raw recruits defending our Capitol. England landed a small regular force, and our troops at Bladensburg ran before the firing had begun, practically, although they outnumbered the British four to one. They had not been in training long enough to have confidence in themselves or in their officers. Those men were just as brave as any men who ever enlisted under our flag, but you have to give an army the steadiness of courage and confidence in themselves and their officers before they will be effective in a fight.

I know that a great deal is said about the Battle of New Orleans and the wonderful results of it. That battle was fought by the frontiersmen, every one of them a crack shot. They were under a man that they were absolutely confident would lead them to victory. They were back of their entrenchments. They had fought Indians, and they had been under fire repeatedly in defending their homes. They had the courage to reserve their fire until the command came to shoot. When they shot, every man had a mark and hit it, and that battle is and always has been wonderful in its results.

That was probably the greatest battle ever fought, in its complete victory, by raw recruits against a trained force. Even Napoleon, it has been said, in referring to it when he got back

from Elba, said that the United States must have some secret by which they trained their men to steadiness in the face of danger. But we have not that same class of sharpshooters now. You gentlemen that were raised on the frontier will remember when every home had a rifle, and when every head of a family could hit the eye of a squirrel on the top of a tree. We have passed beyond that, and one of the duties of this Government to-day is to train the young men of the country in shooting, so that if they are needed in the defense of the country they will be ready for war and effective in war.

Now, I heard a speech in this House when the present Senator from Ohio [Mr. BURTON] was here, opposing all additional preparation for war, in which speech he said that our oceans gave us an absolute safeguard from invasion. That might have been true 100 years ago, when it took six months to cross the Atlantic Ocean. But to-day the only safeguard the oceans give us is the fact that we control them. Whenever our fleets are swept off the ocean, the Pacific or the Atlantic, whenever we lose the power to defend our shores from invasion by troops by land or sea, whenever we lose that power the ocean is the easiest highway for invasion that could be provided. The great ships of to-day could land a large force on our shores more easily and more quickly than could be done by land. We must have war ships to make it unsafe, if not impossible, for an enemy to transport troops by sea.

Mr. BARTLETT of Georgia. May I interrupt the gentleman for a moment?

Mr. HULL of Iowa. Certainly.

Mr. BARTLETT of Georgia. How much does this propose to increase the expenses of our military establishment?

Mr. HULL of Iowa. It would cost about $20,000,000 to provide a reserve force. The militia, I think, will cost about $8,000,000 additional, making $12,000,000 in all for the militia.

Now, Mr. Chairman, I would like to say just a word or two more about this sea business.

Mr. BORLAND rose.

The CHAIRMAN. The gentleman from Iowa has the floor.

Mr. HULL of Iowa. With this addition to the national reserve by the militia, Mr. Chairman, I will say to my friend from Pennsylvania that the limit of the other reserve could be fixed at 125,000, and that would give a total army of 375,000 men and reduce the cost.

Mr. BORLAND. Will the gentleman yield?

Mr. HULL of Iowa. I will, just for a question.

Mr. BORLAND. This bill making appropriations for the support of the Military Academy will carry about $1,158,000. I understand it to be a fact that the Military Academy for some time past has not been supplied with its full quota of students.

Mr. HULL of Iowa. I will say to the gentleman from Missouri that we can take that question up so well later on, under the five-minute rule, that I would much prefer not to discuss it now. I am not discussing the Military Academy.

Mr. BORLAND. Is that a fact, that the academy is not full?

Mr. HULL of Iowa. Yes.

Mr. BORLAND. Is it not, further, a fact that about 50 per cent of the officers of the Army are not graduates of West Point at all?

Mr. HULL of Iowa. I decline to yield further to the gentleman, Mr. Chairman.

Mr. BORLAND. If the gentleman will pardon me, I will say to him that we are supposed now to be discussing this question of our Military Academy.

Mr. HULL of Iowa. That question will come up later. This is purely general debate, and I would like now to lay the foundation of what I would like to leave as my legacy, as one man expressed it, my "dying swan song," to future Congresses, after my experience of some 20 years on the Committee on Military Affairs. I am not vain enough to think that I am going to solve these questions. I am simply vain enough to hope that I may be able to give to gentlemen who come after me some basis to build some future legislation on, and something that perhaps may, at least, aid in the solution of some of the problems to come before Congress.

Now, Mr. Chairman, it is true that the ocean served as a barrier against hostile invasions in the time of the old sailing vessels, and it would be true still if we can have sufficient naval force on the ocean to prevent any hostile foreign nation from sending its troops here with safety. No nation will start a transport fleet across either ocean until that nation commands the sea. In the discussion of this question I do not want my language to be construed as holding up to view any particular nation as one with whom we are to have war, but I want to discuss the question on the broad lines of policy as to what may be done under any conditions. Again, I say, no hostile nation will be able to send troops to this country unless that nation first commands the sea. In other words, so long as we have adequate battleships and armored cruisers and other war vessels in control on the ocean that is sought to be made the theater of war, so long the nations will keep their troops at home. But assuming, Mr. Chairman, that we should lose our power of resistance on the sea, and assuming that our fleet is destroyed, I want to say to gentlemen in this House that it would be the easiest thing in the world for an enemy to invade this country and land troops on either shore, and especially on the Pacific. For instance, if in the Pacific Ocean our fleets are destroyed, and we have no power of destroying the enemy's transports en route to this country, they may land with an army of 200,000 men on the Pacific coast in spite of all we can do. They would not land in the face of our seacoast defenses. They would attack these from the rear.

"Oh," gentlemen say, "what will we be doing all that time?" We will be doing our best to keep the troops in the enemy's fleet from landing. You say, "Our harbor defenses are such that they can not land at San Francisco."

Possibly they can not get into Puget Sound. But, Mr. Chairman, the great coast line of the Pacific gives opportunity for landing hostile forces at places where there are no fortifications and where there is no town to destroy. We would have our small land force scattered watching many points. The enemy would concentrate and land at some port not fortified and attack our cities from the rear. We have no adequate defenses to repel such an attack, and I would have the larger part of the reserve force, I think, necessary raised in the coast States, so that no time would be lost in putting our Army in the field. Apportioning the force among the States would cause time to be wasted in providing a prompt defense. The States need not fear they would be deprived of any glory, as before the close of such a war ample opportunity would be afforded all our people for a share in the conflict. When the enemy land their forces they can march where they please unless our soldiers are there to stop them. Raw recruits will not be effective. I am willing to state that we will keep them as busy as we can be all the time, our raw levies will be brave. My urgent demand on the Congress for supplies is that we must have the ammunition and the guns, or no soldiers, Regular or Volunteer, will be of much avail in stopping them. But the enemy might make a feint of landing at one place and then land at another. We have hundreds and thousands of miles of coast that we should be ready to defend, and in my judgment this Government should go to work, and out of the 125,000 reserve and the 125,000 National Guard take all you can from the coast States, ready to go to any point of attack at once and defend our honor.

I am not one of those that believe that we are in great danger of war. I do not believe that we are in any immediate danger of war. But I realize the fact that no man can tell when war will come. I remember one of the leading Members of this House, three months before the Spanish War came—a member of the Committee on Appropriations, afterwards governor of a State—made a speech on the floor saying that this talk of war was an absurdity; that there was no nation on earth who would dare to go to war with us, and if they did we could arm our men with clubs and drive them into the sea.

Mr. MANN. The last part of it is true.

Mr. HULL of Iowa. We might have driven the Cubans into the sea, but even Spain could have resisted such an attack. Our people to-day may think we are not to have war. I hope they are right. The lack of preparation for war cost more in human lives and in treasure when the war comes than the preparation for war would cost if we were always ready for it.

Mr. SLAYDEN. Will the gentleman yield?

Mr. HULL of Iowa. Certainly.

Mr. SLAYDEN. The chairman of the committee does not mean to say that after the vast expenditures that there is a lack of preparation being made——

Mr. HULL of Iowa. I spoke of that a while ago, and I said I thought the Army was in splendid shape so far as organization is concerned. I think we have a reserve supply for the Army, and through the Committee on Military Affairs we have provided field artillery——

Mr. SLAYDEN. I thought the gentleman's last remarks indicated to the contrary.

Mr. HULL of Iowa. I am trying to strike a few of the high places and fill in afterwards. On this question of field artillery the Committee on Appropriations has not been as liberal as it should have been to provide for the artillery for the mobile army. There is no great military nation that has not at least four guns to a thousand men. France and Germany have more. Through the efforts of the Committee on Military Affairs, we have provided two guns for a thousand men.

For an army of 250,000 men we should have more than double that number of guns.

Mr. MANN. The members of the Committee on Appropriations are now engaged elsewhere, and there is no member on the floor. What would the gentleman say as to the statement made last night by the gentleman from Iowa that they already had appropriations unexpended for the past three years in the Treasury for the manufacture of guns?

Mr. HULL of Iowa. Is that for coast defense or field artillery? If it is true as to field artillery, I will take back all I have said and lay the blame on the War Department. But I am sure it is not correct.

Mr. MANN. The gentleman from Iowa stated last night that they had three years' appropriations in the Treasury; that they had plenty of ammunition for all the guns they had, and that they could make the ammunition much quicker than the guns; that there is plenty of ammunition to wear out all the guns now in existence.

Mr. HULL of Iowa. There is no doubt that we could make ammunition much quicker than we could make the guns. If war comes to us, it will be impossible to manufacture the guns we need; we can possibly manufacture the powder, but we ought to have a larger reserve of powder than we now have. I may call attention to what the War Department has said, that there is not enough of Coast Artillery ammunition for one round for each gun emplaced.

Mr. MANN. The gentleman from Iowa [Mr. SMITH] stated that there was ample.

Mr. HULL of Iowa. The gentleman from Iowa is not here, but I will say to the gentleman from Illinois that the Committee on Appropriations has always held that it was ample because they always held that we did not need any. I submit the following to show just what we have for seacoast fortifications and field artillery:

RESERVE AMMUNITION FOR SEACOAST FORTIFICATIONS.

The amount of reserve ammunition which the War Department is endeavoring to accumulate for seacoast fortifications within the continental limits of the United States is only that amount required for carrying through a two-hours' engagement one-half the guns mounted in those fortifications, plus a small allowance of target-practice ammunition to be expended when war should become imminent. The amount of this reserve was prescribed by the National Coast Defense Board and is based upon the following considerations.

The determination of the proper amount of reserve ammunition for the seacoast armament is necessarily influenced by the speed of naval vessels and the rapidity of fire of the various guns composing the armament. Any gun should be supplied with sufficient ammunition to maintain the maximum rate of aimed fire during the time that any part of the fleet is within range. It is probable that hereafter a fleet will not attempt to reduce a fortification by bombardment and that it will only be within the range of fortification guns during the time that it is estimated to run by.

Considering the speed of vessels of the present day, it is assumed that the time required from the instant that the first ship of a fleet comes within range until the last ship passes out of range, having in mind the tortuous channels and the obstructions therein, will be about two hours. It is therefore deemed a proper requirement that a seacoast gun shall have a supply of ammunition for an engagement of at least this period, with perhaps a somewhat larger allowance for rapid-fire guns and mortars which will respectively be called upon to protect mine fields and engage stationary vessels.

This amount of ammunition, if provided for all of the guns in the seacoast fortifications, would enable simultaneous engagements to be fought at all fortifications in the country. Considering the extent of the seacoast, the probability of attacks in certain localities in connection with the facility of transportation in this country, and the fact that a considerable number of the guns would be out of bearing during part of an engagement, it is believed to be a fair assumption that if there is enough ammunition to provide each gun with one-half of the amount required for a two hours' engagement it will be possible to have on hand in any locality, by transfer from other places, a sufficient amount to engage any fleet which may attack.

The seacoast ammunition on hand or appropriated for is approximately 70 per cent of the allowance for the cannon provided to date on the basis of a two-hours' engagement for one-half the armament. The item of $140,000 carried in the current fortification bill for the procurement of reserve ammunition will increase the amount to about 71 per cent of the allowance. An equal amount appropriated each year would complete the reserve supply by the year 1946 for the cannon provided to date, and by the year 1964 for all the seacoast fortifications recommended by the national coast-defense board.

The amount of reserve ammunition which the War Department is endeavoring to accumulate for seacoast fortifications in the insular possessions is that required to carrying the batteries through a two-hours' engagement. The ammunition on hand or appropriated for is 54.4 per cent of the allowance for the cannon provided for to date. Since these batteries would probably be called upon to withstand a prolonged attack, it is believed that the full allowance is the minimum that should be on hand. The item of $400,000 carried in the current fortification bill for the procurement of reserve ammunition will, if appropriated, increase the amount to about 71 per cent of the allowance for the cannon provided to date.

AMMUNITION SUPPLY FOR MOBILE ARTILLERY.

The War Department estimates for funds for the procurement of ammunition for mobile artillery are based upon providing a very moderate supply, considering the probable expenditures in battle and the time required to manufacture such ammunition. The amounts are those indicated in the field-service regulations as being the minimum necessary on the basis that an amount not less than that carried by the mobile forces should be kept at or near the advanced supply depot, and an additional amount—approximately equal to the ammunition in advance of the base—should be available at the base of operations or other depots. These principles require the accumulation of a reserve supply varying from 1,856 rounds for each 3-inch field gun to 400 rounds for each 6-inch howitzer.

The value of the ammunition on hand and appropriated for to date is approximately 20 per cent of the allowance for the guns provided to date and 9.8 per cent of the allowance for the 1,200 guns provided and contemplated.

The current fortification bill carries an item of $150,000 for the manufacture of ammunition for mobile artillery. That amount would increase the ammunition on hand to about 21 per cent of the allowance for the batteries provided to date and to about 11 per cent of the allowance for the batteries provided and contemplated. Under an annual appropriation of $150,000 the reserve supply of ammunition for the modern mobile artillery batteries provided would be completed by the year 1968, and for the modern mobile artillery batteries provided and contemplated by the year 2031.

STATEMENT OF BASIS FOR ESTIMATES FOR FIELD ARTILLERY.

The number of guns estimated for the entire equipment of the first army to be mobilized in time of war, that is, 1,200, is sufficient to provide 4 guns per thousand of infantry and cavalry for an army including 300,000 infantry and cavalry, which corresponds to a total army of about 385,000.

The number of guns per thousand of infantry and cavalry was in 1908 increased from 3.4 to 4.1 in the French Army; in the German Army the proportion is about 5.2 guns per thousand of infantry and cavalry; in the Japanese Army, at is understood that the proportion is about 4.5 guns per 1,000 infantry (cavalry not included).

Statement showing condition of funds under appropriation for mobile artillery—Armament of Fortifications B.

Feb. 14, 1911, balance in Treasury	$1,361,575.99
Due Frankford Arsenal for work in progress	8,332.00
Due Rock Island Arsenal for work in progress	701,684.22
Due Watertown Arsenal for work in progress	23,029.61
Due Watervliet Arsenal for work in progress	25,688.58
Due under contracts	33,279.26
Due Auditor for War Department	106.97
Reserved for 3-inch howitzer batteries (pilot carriage now undergoing test)	203,520.00
Reserved for wagons (pilot wagon now undergoing test)	214,500.00
Reserved for forgings	873.60
Balance unallotted	150,561.75
Total	1,361,575.99

Statement of modern mobile artillery appropriated for by Congress and status of manufacture.

Kind.	Number batteries appropriated for.	Number batteries manufactured.	Number of batteries under manufacture.	Number of batteries not yet ordered manufactured.
3-inch mountain howitzer	6	(1)	.....	6
3-inch field gun	[2]95	93	2	.....
Converted 3-inch field gun	13	.....	13	.....
3.8-inch gun	2	.....	2	.....
3.8-inch howitzer	2	.....	2	.....
4.7-inch gun	10	2	8	.....
4.7-inch howitzer	7	.....	7	.....
6-inch howitzer	8	.....	8	.....
Total	143	95	42	6

[1] Pilot carriage.
[2] Fifty of these batteries, 200 guns, manufactured from militia appropriations contained in Army appropriation bills.

SUMMARY.

Guns and carriages appropriated for	572
Guns and carriages manufactured	384
Guns and carriages under manufacture	164
Guns and carriages not yet ordered manufactured	24

The estimates now before Congress, as submitted, covered batteries as follows:

Fortifications bill (for the Regular service):
Three 3-inch mountain howitzer batteries.
Three 4.7-inch howitzer batteries.
Two 6-inch howitzer batteries.
Army bill (for the Organized Militia):
Three 4.7-inch howitzer batteries.
Two 6-inch howitzer batteries.

Fifty-two guns and carriages in all—32 in fortifications bill and 20 in Army bill.

Mr. MANN. That was not the statement made by the gentleman from Iowa [Mr. SMITH].

Mr. HULL of Iowa. I am simply giving the figures of what we should have and what we do have, as shown by records of the War Department, and I want to differentiate the two committees in regard to this matter, showing that the Military Committee has done all it could under the rules of the House.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. SULZER. I yield to the gentleman three minutes.

Mr. HULL of Iowa. I will say in conclusion, now that I am going out and can not be accused in any sense of being personally interested in it, that if this next House will do its duty, it will place all questions affecting military affairs and the de-

fense of the country in the hands of the committee that gives its time to that question. The fortifications, seacoast and field artillery, and deficiencies should be in the jurisdiction of the Committee on Military Affairs, and not divided up between two committees, causing constant friction and lack of good legislation. [Applause.] I hope my Democratic friends will have the good judgment and the good sense to so arrange the matter so that the Committee on Military Affairs will be responsible for this entire line of work.

Now, Mr. Chairman, I feel almost like apologizing to the House for taking up what little time I have; but I want to say to the House that after 20 years of service I shall leave this House with the most profound respect for the membership of the House of Representatives. In my judgment there is no body of men anywhere who are actuated with a more earnest desire to discharge the duties of their office honestly and well than the membership of this House. I have known it long and well, and my respect for its personnel has grown during all the years of my connection with it. Now and then a suspicion may arise as to some Member, but so accurately does this House gauge its membership and their standing that even a suspicion of wrong on the part of any Member destroys that Member's usefulness, until he has stamped such suspicion as false. I want to say to you in leaving that in my judgment you have been in all your past true to the great trusts reposed in you, and I look forward to the future of this country with a confident assurance that the House of Representatives, the popular branch of the Congress, will always be true to the best interests of the people of the United States, and discharge its trust to the best of its judgment. [Applause.]

The CHAIRMAN. The Chair understands that the remainder of the time, 27 minutes, is under the control of the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Chairman, just a few words to say I am in accord with all that the gentleman from Iowa [Mr. HULL] has said regarding the present efficiency of the military arm of the Government. I especially concur in his suggestion as to the desirability of the Committee on Military Affairs hereafter having complete charge of all matters and all appropriations for the military branch of the Government. The gentleman speaks wisely and from long experience. His advice should be heeded.

It is a matter of regret that his public service is soon to end. I think I voice the sentiment of all the Members of this House when I say that it is a personal loss to us as well as a public loss that the gentleman from Iowa [Mr. HULL], a distinguished Member of this House, and for many years the able and capable chairman of the Committee on Military Affairs, will not be with us in the next House of Representatives. [Applause.] His retirement rises above the question of partisanship, in my judgment, and is really a national loss. When a man has served the people faithfully in Congress for many years, he becomes invaluable as a public servant. [Applause.] And whenever such a Representative retires, voluntarily or otherwise, it is not only a matter of sincere regret among his colleagues, who know his true worth, but it is a matter of national loss to the taxpayers of the Government. It is difficult to replace these men. [Applause.] I know the gentleman from Iowa [Mr. HULL] will go from these scenes of his long endeavors to his home in Iowa with the best wishes of all the Members of this House for his future success and his prosperity and continued good health. [Applause.]

Mr. Chairman, I now yield to the gentleman from Alaska [Mr. WICKERSHAM].

Mr. WICKERSHAM. Mr. Chairman, when the United States acquired Alaska from Russia by the treaty of cession of March 30, 1867, it became trustee for the people of a domain almost as large as the United States east of the Mississippi River, and valuable beyond the avarice of any but an Alaska syndicate. Its resources of fish, fur, copper, gold, tin, coal, and agriculture are but little known to the trustee even after 43 years of perfunctory service. There are those, however, near to, and powerful in influence with, that trustee who have a lively appreciation of those enormous values and the ease with which they may be monopolized and removed from the trust estate to their own possession.

It is for the purpose of advising that trustee and charging it with public notice of its failure to perform its duty and protect the estate and as a representative of "the people who own it" that I have asked for and obtained permission to place in the RECORD a plain and full statement of the facts.

By the third article of the treaty with Russia for the cession of Alaska the United States agreed that the inhabitants of the ceded territory—

Shall be admitted to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and shall be maintained and protected in the free enjoyment of their liberty, property, and religion.

Beyond that stipulation it is the duty of this trustee of a great national estate to protect it as the property of the Nation. It has not performed its duty from either point of view. It has permitted the despoliation and monopolization of the resources of Alaska in violation of treaty stipulations and of its duty to the people of the United States. It now threatens to enter on a new scheme of leasing Alaska's coal resources to monopoly and to deprive the inhabitants of the Territory from the free use of its resources as an aid in its development. It now threatens to create itself into a national landlord in Alaska and to degrade the inhabitants thereof to the status of tenants, in violation of treaty rights, constitutional rights, and the inalienable rights of the people of the United States.

More than $200,000,000 have been taken from the resources of that Territory by special interests, aided by Congress, without any corresponding benefit to it and without a return of a single home, or school, or church, or the education of a single white child. Development has been strangled, population barred, and its resources wasted and destroyed. It is now seriously proposed to create a national monopoly of its coal and to exclude from the development of that great resource those citizens who may desire to invest their capital and labor therein. It is time to "Stop, look, and listen."

THE PRESIDENT'S MESSAGE FAVORS NATIONAL MONOPOLY OF ALASKA'S RESOURCES.

In his address to the National Conservation Congress in St. Paul, Minn., September 5, 1910, which is by direct reference made a part of his message to Congress of December 6, 1910, the President of the United States declared:

* * * The existing coal-land laws of Alaska are most unsatisfactory and should be radically amended.

In the body of his message, as one of his specific recommendations, he advised Congress:

For the reasons stated in the conservation address, I recommend: * * *

Second, that the coal deposits of the Government be leased after advertisement inviting competitive bids, for terms not exceeding 50 years, with a minimum rental and royalties upon the coal mined, to be readjusted every 10 or 12 years, and with conditions as to maintenance which will secure proper mining, and as to assignment which will prevent combinations to monopolize control of the coal in any one district or market. I do not think that coal measures under 2,500 acres of surface would be too large an amount to lease to any one lessee.

The Secretary of the Interior thinks there are difficulties in the way of leasing public coal lands, which objections he has set forth in his report, the force of which I freely concede. I entirely approved his stating at length in his report the objections in order that the whole subject may be presented to Congress, but after a full consideration I favor a leasing system and recommend it.

He also recommends the passage of an act of Congress to create an appointive commission with legislative powers for the Government of Alaska, and adds:

The passage of a law permitting the leasing of Government coal lands in Alaska after public competition, and the appointment of a commission for the Government of the Territory, with enabling powers to meet the local needs, will lead to an improvement in Alaska and the development of her resources that is likely to surprise the country.

These are the only recommendations found in the message suggesting specific legislation for Alaska; there is no suggestion that the coal-land laws in force in Alaska shall be amended or supplemented in any other respect than by the enactment of the leasing system.

THE NATIONAL COAL QUESTION IS AN ALASKAN QUESTION.

More than one-half of the unappropriated and unreserved public land belonging to the United States is in Alaska. More than three-fourths of the valuable unsold public coal land belonging to the Nation lies in that Territory. All the high-grade anthracite and bituminous coal land owned by the United States is there, and all coal land containing naval coal to which the Government yet holds title is in Alaska. All practical questions touching conservation and all efforts to prevent monopoly of the public coal land relate to the coal land in Alaska. The national coal question is an Alaskan question.

The following table, taken from the last report of the Secretary of the Interior, except the last two lines, shows in detail the area of unappropriated and unreserved public land belonging to the United States, by States and Territories:

Alabama	108,210
Alaska	368,014,735
Arizona	41,491,369
Arkansas	512,705
California	24,864,884
Colorado	21,726,192
Florida	453,009
Idaho	24,743,804
Kansas	137,180
Louisiana	88,911
Michigan	107,890
Minnesota	1,563,302
Mississippi	47,058
Missouri	2,510
Montana	36,015,943
Nebraska	1,879,486
Nevada	56,474,688

New Mexico	36,454,692
North Dakota	1,410,225
Oklahoma	5,007
Oregon	17,580,573
South Dakota	4,562,804
Utah	35,955,554
Washington	3,196,059
Wisconsin	14,460
Wyoming	34,575,159
Total	711,986,409
Alaska	368,014,735
Total exclusive of Alaska	343,971,674

THE NATIONAL LEAD AND COPPER MINE MONOPOLY, 1807–1847—FORTY YEARS OF FAILURE.

The consideration upon which the United States originally received from the Revolutionary States their portions of the western lands is clearly set forth in the resolution adopted by the Congress of the Confederation on October 10, 1780, as follows:

Resolved, That the unappropriated lands that may be ceded or relinquished to the United States by any particular State, pursuant to the recommendation of Congress on the 6th day of September last, shall be disposed of for the common benefit of the United States, and to be settled and formed into distinct Republican States, which shall become members of the Federal Union and have the same rights of sovereignty, freedom, and independence as the other States. * * *

The 13 original States, or so many of them as held western lands, thereupon conveyed them to the Confederation for the uses suggested in that resolution, and thereafter when the United States under the Constitution assumed to dispose of the public lands they were bound as a trustee to appropriate them to that great national use.

Under the English system, with which the national legislators of the Revolutionary days were entirely familiar, the King's tenth branch of royal revenue, according to Blackstone, was the right of mines. The King's royal prerogative made him the owner of all mines of the precious minerals—gold and silver—whether found on royal or private lands. A grant of lands by the Crown did not pass gold or silver mines unless expressly granted, and this applied to grants of land in the colonies. Hence it was that when the 13 colonies became independent States, they succeeded to the royal right of mines and still retain it.

The United States never acquired any rights in mines in New York or in any of the 13 original States. When the United States therefore began to dispose of the public lands the old English idea was dominant, and Congress provided for retaining the royal right in mines in the western lands, which had been conveyed to the United States by the 13 original States, which had received them from the Crown.

The Congress of the Confederation on May 20, 1785, provided for surveying and selling the western lands, and the ordinance of Congress passed for that purpose provided that each deed conveying these lands should contain a clause "excepting therefrom and reserving one-third part of all gold, silver, lead, and copper mines within the same." This system generally continued in force until 1866 when Congress passed the first of our great mining statutes in aid of the development of the precious metal-bearing States of the West.

The leasing of the mines on the western lands, however, was first inaugurated on March 3, 1807, when Congress passed an act providing—

That the several lead mines in the Indiana Territory * * * shall be reserved for the future disposal of the United States; and any grant which may hereafter be made for a tract of land containing a lead mine which had been discovered previous to the purchase of such tract from the United States shall be considered fraudulent and null, and the President of the United States shall be, and is hereby, authorized to lease any lead mine which has been or may hereafter be discovered in the Indiana Territory for a period not exceeding five years.

The lead mines in Missouri and Illinois and the Superior copper mines were included in the reserved lands and leased. The lead-mining leases were issued under the supervision of the War Department, and the United States reserved a royalty or rental of one-sixth of the lead for Government use.

In the report of the Secretary of War transmitted to Congress by John Quincy Adams in 1825 it is shown that the leasing of United States mineral lands had gone but slowly and without satisfaction to the people of Missouri or to the Nation. Much discontent, fraud, and litigation were complained of, while the output was small and the entire business unsatisfactory.

In an address delivered before the American Institute of Mining Engineers, Abram S. Hewitt, quoting from Prof. Whitney, told of the failure as follows:

For a few years the rents were paid with tolerable regularity, but after 1834, in consequence of the immense number of illegal entries of mineral land at the Wisconsin land office, the smelters and miners refused to make any further payments, and the Government was entirely unable to collect them. After much trouble and expense it was, in 1847, finally concluded that the only way was to sell the mineral land and do away with all reserves of lead or any other metal, since they had only been a source of embarrassment to the department.

The States of Missouri and Illinois began to protest against these leases immediately after the system was established in active operation in 1822. As early as 1827 the contest had become flagrant in Congress, and on July 2, 1827, the Senate Committee on Public Lands, to which was referred a bill "To authorize the President of the United States to cause the reserved lead mines in Missouri to be exposed to public sale," said in its report:

For the United States to reserve and lease all the mineral lands in Missouri would be to hold one-fourth of her area in a state of tenantry. It would require the creation of a new corps of Federal officers or agents to superintend the mining and ultimately be of less advantage to the Union than if the mines were committed to the care and ardor of individual enterprise. Such a measure is believed by the committee to be neither the policy nor the intention of the Government of the United States.

A year later the House Committee on Public Lands reported that—

Believing that the laws prohibiting the sale of the public lands in Missouri which contain lead mines ought to be repealed, the committee report a bill for that purpose.

The bill evidently did not pass Congress, for, on January 25, 1829, Congress received a solemn memorial from the General Assembly of the State of Missouri protesting against the system and praying for the sale of all mineral lands within her borders, as follows:

A MEMORIAL.

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

The General Assembly of the State of Missouri respectfully represent that they have long witnessed with solicitude the policy of the General Government in withholding from sale lands lying in this State represented as containing lead and iron ore; but experience has fully shown the incorrectness of this policy and its inefficiency in accomplishing the object contemplated to be effected, to wit, the advancement in value arising from the increase of population and the discovery of ore; for the enhancement thus arising is more than counterbalanced by the depredations made on the mineral and timber. We would further represent that large tracts of fertile lands have been returned as containing mineral, upon which no mineral has ever yet been found; and we believe that the retention of those lands by the General Government will be against the interest of the Union, and a material injury to the best interest of our State in preventing large districts of our country from being settled by industrious cultivators of the soil. Your memorialists, relying upon the justice of their petition and upon your wisdom and liberality, pray that your honorable body will pass a law to authorize the sale of such lands lying in this State as have heretofore been withheld from sale on account of their containing lead and iron ore, upon the same conditions that other lands of the Government are now sold.

Resolved, That it be made the duty of the secretary of state to forward to each of our Senators and Representatives in Congress a copy of this memorial.

JOHN THORNTON,
Speaker of the House of Representatives.
DANIEL DUNKLIN,
President of the Senate.

Approved, December 11, 1828.

JOHN MILLER.

In answer to these demands, and on March 3, 1829, Congress passed an act conferring authority upon the President to expose for sale "the reserved lead mines and contiguous lands in the State of Missouri" upon six months' public notice.

The State of Illinois continued to resist the leasing of lead mines within her borders, and in 1830, in his message to the general assembly of that State, the governor declared the law to be unconstitutional and recommended the people to resist it and refuse to pay the rentals. In the report of the Secretary of War, dated January 10, 1838, in answer to a resolution of the Senate calling upon him for information about the leased mines in Illinois, the Secretary quotes the report of the Army officer in charge, who said of the Illinois leased mines:

The general and popular belief throughout the mineral region is that the law will not sustain the Government in the practice of leasing and exacting rent; contending that the act of March 3, 1807, authorizing the President to lease the mines, does not contain the necessary provisions for carrying it into effect, and, further, that any law authorizing the leasing of the public domain within the limits of a State is unconstitutional. In his public message to the Legislature of Illinois, in 1830, the governor distinctly assumes this ground and recommends to the people resistance to leasing and paying rent. However untenable this doctrine may be, emanating from so high a source, and coinciding as it does with the interests of all those engaged in digging, smelting, or in the commerce of the mines (and these may be said to constitute almost the entire population of the mineral district, for in those regions agricultural pursuits are almost entirely disregarded), it could not fail in producing the designed effect. Since 1834 diggers have refused license and smelters to pay rent or in any manner to recognize Government authority over the lands in their mineral aspect. The mineral value of the lands may be said to have already passed out of the hands of the Government. Diggers seek the metal when and where they choose, from whom, and with the like impunity, smelters receive, work, and dispose of the product.

The military examiner was asked in his instructions to state his opinion upon the advisability of continuing the system of leasing, and he did so as follows:

It is assumed that the comparatively trifling saving, if any, to the Government on the quantity of lead now or at any future period needed for the public use, by working the mines instead of purchasing in market, bears no just proportion to the injury done to the mineral region of country, first, by retarding the settlement of the country, and, secondly, by the demoralizing influence of the system. * * *

Regarding the product of these mines as furnishing an element of national defense or public convenience, could it be supposed that it would ever be of difficult or doubtful procurement at moderate prices, there would be some plausibility in adhering to the existing policy; but such can never be the case.

The War Department approved the conclusion of the report and said:

In conclusion, it is proper to add that this department concurs with the views exhibited in the foregoing report, and approves the recommendation therein contained respecting the indiscriminate sale of the mineral reservations.

Congress called for further reports on a plan for the disposal of the mineral lands, and the people, and even the President of the United States, continued to protest at the delay. In his first annual message on December 2, 1845, President Polk strongly urged the abandonment of the leasing system, saying:

The present system of managing the mineral lands of the United States is believed to be radically defective. More than a million acres of the public lands, supposed to contain lead and other minerals, have been reserved from sale, and numerous leases upon them have been granted to individuals upon a stipulated rent. The system of granting leases has proved to be not only unprofitable to the Government, but unsatisfactory to the citizens who have gone upon the lands, and must, if continued, lay the foundation of much future difficulty between the Government and the lessees. According to the official records, the amount of rents received by the Government for the years 1841, 1842, 1843, and 1844, was $6,354.74, while the expenses of the system during the same period, including salaries of the superintendents, agents, clerks, and incidental expenses, were $26,111.11, the income being less than one-fourth of the expense. To this pecuniary loss may be added the injury sustained by the public in consequence of the destruction of timber and the careless and wasteful manner of working the mines. The system has given rise to much litigation between the United States and individual citizens, producing irritation and excitement in the mineral region, and involving the Government in heavy additional expenditures. It is believed that similar losses and embarrassments will continue to occur while the present system of leasing these lands remains unchanged. These lands are now under the superintendence and care of the War Department, with the ordinary duties of which they have no proper or natural connection. I recommend the repeal of the present system, and that these lands be placed under the superintendence and management of the General Land Office as other public lands, and be brought into market and sold upon such terms as Congress in their wisdom may prescribe, reserving to the Government an equable percentage of the gross amount of mineral product, and that the preemption principle be extended to resident miners, and settlers upon them, at the minimum price which may be established by Congress.

The President's recommendation was not acted upon immediately by Congress, and on January 12, 1846, Secretary of War Marcy made a report to the Senate showing the condition of the finances in respect to the leasing system. Among the documents attached to his report is a report from the ordnance officer having charge of the system, in which the agent concludes:

But as a system of leasing here (southern Illinois) as practiced at the upper Mississippi mines would involve the necessity of a separate agency, and bring with it a train of expenses that would probably swallow up, as they have done there for the last two years, all the rent, if it did not even bring the department in debt; and as it moreover appears that, before these mines can be successfully worked, it will be necessary to incur the expense of analyzing the ores, it is respectfully submitted whether it would not be better to have the reservation revoked, in order that these lands be no longer withheld from market.

On January 27, 1846, Senator Breese, of Illinois, afterwards chief justice of the supreme court of that State, prepared an exhaustive and learned report to accompany S. 31, "A bill to direct the President of the United States to sell the reserved mineral lands in the State of Illinois and Territories of Wisconsin and Iowa, supposed to contain lead ore." This report is Senate Document No. 87, first session Twenty-ninth Congress, volume 4, 1845–46. The report says in part:

The policy of reserving from sale land supposed or known to contain lead ore had no existence anterior to 1807. * * *

Your committee suppose it was intended by Congress, in thus reserving mineral lands from sale, not to make it the permanent policy of the country, but that time might be afforded to act understandingly in regard to them, and with a full knowledge of their value as a national possession, so that no great national interest should be sacrificed by a hasty and ill-considered sale of them. A correct idea of their extent and value was desirable, in order that the action of the Government might be so regulated as to prevent a monopoly of their ores by individuals or associated capital, by which the supply and price of an article made from them, and of great necessity, might be placed wholly within such control, to the injury not only of the Government needing heavy supplies of lead, but of the public at large. It was this fear of a monopoly, and the importance of a supply of lead to the Government, the committee believe, that operated to reserve the lead mines in Louisiana. When Missouri became a State, she complained to Congress of the effects of this policy upon her prosperity, an area of 2,500 square miles in the heart of that State being mineral lands, and reserved, or the greater part of it, from sale and settlement. Great exertions were made by the agent of the Government there to lease them, and to render them productive, but without success.

But a trifling amount of revenue, no accurate account of which can be had, was received—not more, however, than sufficient to defray the expenses. Many of the most productive mines had become, by grants from the Crown of France, private property, and it was found impossible for the Government to carry out profitably a system which it could not make exclusive. It was seen, too, that the extent of country abounding in these treasures was so immense that no possible danger of a monopoly was to be apprehended or a deficiency in the supply to the Government at reasonable prices of an important material of war to be expected. Congress, therefore, was induced, after the experience of many years, on the 3d of March, 1829, to direct the sale of the reserves in a mode similar to that contemplated by the bill now under consideration.

The good effects resulting to Missouri from this law can not be doubted. The greater part of this vast mass of reserved land has become private property, subject to the taxing power of the State, and whilst their riches are now, under individual ownership, more fully developed the manufacture of lead has greatly increased, and that article is now afforded in the market at a price far below that which it bore when the system of "Government leases" was in full operation; and, for the reason stated, the demand and supply can never be exclusively controlled by any capitalist or company. The State has also been benefited by a great addition to the number of freeholders, whose whole energies are devoted to the permanent improvement of their own property, they alone enjoying the avails of their labor bestowed upon it, subject to no deductions in the form of rent or other charges to the Federal Government. No one feels or thinks that the Nation has suffered a loss in thus selling the mineral lands of Missouri, from which such high expectations of revenue were once entertained, but all agree that mutual benefits have been the result.

It becomes now a subject of inquiry, What is the true policy of the Government in relation to those mineral reserves in Illinois, Wisconsin, and Iowa; and what has been the effect of leasing them, as practiced for now more than 35 years? Is their value and importance as a national possession or interest now sufficiently known? Has the Nation gained anything by the system? Is it in accordance and in compliance with the duties and obligations the Government owes to that State and those Territories to persevere in the system? Are they injured or benefited by its operation? Is the right clear and unquestionable to reserve and lease public lands?

* * * * * * *

Your committee believe that it is bad policy to introduce or continue in any State or Territory in which the public lands are any system the effect of which shall be to establish the relation of landlord and tenant between the Federal Government and our citizens. Much might be said against it, but it will occur at once, to everyone, as a dangerous relation, and which may become so strong and so extensive as to give to that government the power of controlling their elections and shaping all measures of municipal concern. An unjust and invidious distinction is made by it also between the farmer and the miner, the labor of the latter being taxed to the amount in value of the rent he pays, whilst both are occupying for beneficial purposes parts of the same section of land. There does not seem to be any necessity for the exercise of any such power, even if it be admitted the Government possess it, which is much questioned. Your committee refrain from going into a labored examination of this point. Whatever may be the power and the right of Congress under the second clause of the third section of the fourth article of the Constitution of the United States, whilst the country is but a Territory of the United States, "to dispose of and make all needful rules and regulations respecting it," the question, when raised by a sovereign State, by an equal number of the confederacy, becomes one for grave consideration and entitled to the most serious regard.

Your committee will not enter upon the argument of it, and will dismiss it with the single remark that when the United States accepted the cession of the Northwestern Territory the acceptance was on the express condition and under a pledge to form it into distinct republican States, "and to admit them as members of the Federal Union, having the same rights of freedom, sovereignty, and independence as the other States." This pledge, your committee believe, would not be redeemed by merely dividing the surface into States and giving them names, but it includes a pledge to sell the lands, so that they may be settled and thus form States. No other mode of disposing of them can be regarded as a compliance with that pledge.

* * * * * * *

Conceding the right exists to own the lands, the power, in view of these compacts to reserve them from sale, is seriously questioned. If a small quantity can be reserved, by the same power the whole domain may be, for where can the power be limited? If mineral lands can be reserved, may not arable lands likewise, and any governmental purpose, as connected with its various wants, be urged to justify the act, and thus the compacts be wholly defeated?

But aside from considerations of this nature, however well calculated they may be to bring this whole system of reservations and leases into disfavor, at least with those who regard the plighted faith of the Nation as important to be preserved, your committee have diligently and carefully examined the subject as affecting the pecuniary interests of the United States supposed to be involved in it.

* * * * * * *

From the best information, however, which your committee can obtain they are satisfied that under the leases executed within the last 15 years the expenses of every description have nearly equaled the receipts, leaving entirely out of view the positive and irreparable injury done to the lands.

Your committee believe it will not be considered irrelevant here to advert to the pecuniary loss the State of Illinois incurs by the system. By the compact referred to she is entitled to 5 per cent of the net proceeds of the sales of these lands, amounting in the two localities described by your committee to 389,120 acres. If sold, as they would be, with the timber and ore within and upon them, even at the minimum price of $1.25 per acre 5 per cent of the net proceeds, amounting to near $24,000, would accrue to the State for roads and schools; and in the shape of taxes levied upon them as private property for the past 20 years, at the average rate of taxation by the State for that time, these lands thus reserved would have produced an additional sum of $136,636.90 to swell its general revenues. If these lands are deprived by the United States of all that makes them salable, then a total loss of these two items may be suffered by the State, for if they can not be sold by reason of their worthlessness, occasioned by the destruction of timber for fuel for smelting furnaces and by the exhaustion of the ore, no proceeds can at any time hereafter be derived from them, and thus a total loss is apparent and inevitable. And such, too, will be the condition of Wisconsin and Iowa when they become States, the only difference being in the greater extent of the loss.

The Senate will perceive from the statements here submitted that the workings of this system, for now near a quarter of a century, have been of no great benefit to the United States, and no reasonable hope exists that it ever can be made useful or productive.

* * * * * * *

Although it might be desirable for the United States to possess within itself a supply of lead, it is no less so that it should be independent in the articles of cotton, iron, hemp, all munitions of war, and provisions; yet no one would seriously propose to set apart from sale and settlement any portion of the public lands on which to raise or fabricate either or consent that this Government, erected in consummate wisdom for great national purposes, should be engaged in such subordinate and uncongenial pursuits. All experience shows, your committee think, that operations of this nature, including mining and the

manufacture of lead, can with much greater propriety and with far more beneficial results be left to the free and unfettered energies of individuals; and of supplies of these kinds the Federal Government should be, not the producer though numerous agents of doubtful creation and a dependent tenantry, but purchasers in the market in fair competition with all others. Now, no interest is felt by the tenant in the improvement of the property itself; he does not become fixed in his employment to any spot, is sparing of his outlays, erects no permanent works, nor does he call in the aid of science and practical skill to overcome the obstacles which meet him in his enterprise. Make them private property, capital, science, and skill would be employed in erecting machinery and the deepest bowels of the earth exploded with eagerness and profit for their hidden treasures. Subject them to the unimpeded action of individual energy, new and rich developments would be continually made, and the whole country benefited by the augmented supply at a cheaper rate which such investments would certainly produce.

Your committee, believing that the policy of reserving mineral lands was not intended to be permanent and that all the interests of the United States as connected with them are now fully understood and appreciated, believe also that the time has arrived for terminating it, which can be now done with more benefit to the Government than at some more distant period.

In view, then, of the great dissatisfaction manifested by that portion of our population most directly and injuriously affected by the system, so repeatedly expressed by them through their local legislatures and Representatives in Congress, so much irritated feeling produced among them by the manner in which it is carried out, so much injury resulting to them by reserving lands from sale, so that their proceeds can not be obtained for roads and schools, nor the taxing power for State purposes be made to operate on them, raising, as it does, an unjust and invidious distinction between its agricultural and mining population by taxing the labor and enterprise of the latter, making them the mere tenants of the Federal Government by depriving them of the privilege all others enjoy of becoming freeholders, and involving them in much harassing and expensive litigation, growing out of their peculiar relations to the Government, thereby producing irritated and hostile feelings toward it, and thus weakening that confidence and respect all should have in it, and bringing our citizens to regard the Government less as a protection than as an encroachment upon their rights and privileges and a bar to their prosperity, and withal a general retardation of the settlement of that portion of the Union, the whole accompanied by a real loss to the National Treasury of no small magnitude, your committee have agreed to recommend the passage of the bill.

They do not concur with the Executive in the recommendation that "an equitable percentage of the gross amount of the mineral product" be reserved to the Government, as it is one of the leading objects of the sale of the lands to break up every branch of this system, of which the "percentage" forms a prominent part, and to sever entirely the connection of the Government with the miner and manufacturer of lead. Nor do your committee think, from all the information they can obtain, that the settlers or miners desire or expect the preemption principle to be applied to them. The language of the petitions from the settlers, now before your committee, is very general, and only asks for the sale of the lands as other lands are sold.

* * * * * * *

Your committee therefore report the bill to the Senate with an amendment to embrace the lands reserved in the State of Arkansas, and as thus amended recommend that it do pass.

The Committee on the Public Lands in the House of Representatives also prepared vigorous reports in favor of selling these mineral lands and in opposition to the leasing system. They are Nos. 269 and 591, dated, respectively, February 17 and May 4, 1846, in reports of committees, first session, Twenty-ninth Congress, volumes 2 and 3, 1845–46. In the first of these the system is denounced as an "evil," and it is declared:

The consequences resulting were serious losses to the United States, not only in payment of extravagant bills of costs with which she was taxed, but the result has finally shown that large portions of her mineral lands, to which there was no dispute and in which the most extensive and rich deposits of lead mineral were discovered, are rendered valueless by the superficial mining operations conducted on them and the denuding of the surrounding lands of timber necessary to smelting the ore; and at this day there are remaining (although subject to entry since 1836) unsold tracts which were among the most desirable and productive leases granted by the Government, for the reason that the superficial diggings have so far destroyed them for regular and systematic mining operations that no one is found willing to purchase them at the minimum price of the public lands; and it is doubtful whether, if the entire cost to the Government of its agencies, contingent expenses, and costs in numerous suits brought against lessees and individuals claiming under titles adverse to the Government were fully made up and shown, it would not be found to exceed the value of the rents received from the mineral lands in Missouri.

* * * * * * *

A more serious question presents itself to the consideration of the committee regarding the right as well as policy of maintaining a system in one of the States of this Union by which so large a portion of its citizens are held as a tenantry to the General Government. For a series of years the State of Illinois has been prohibited from exercising the peculiar privilege of her sovereignty, the right of levying a tax on the soil for the support of her government.

* * * * * * *

It is the generally received opinion of those best informed and familiar with the subject and believed by the committee that if the mineral lands of the United States are brought into market and made subject to entry as other lands, an amount of capital will be invested and a development be made of the vast mineral resources of the country that will make it independent of all foreign supplies, whether of lead, copper, zinc, or cobalt, and that this result has been kept back for many years by the policy of the Government withholding from sale her mineral lands and granting leases of a duration which could not justify the expenditure of capital necessary to be employed in labor and in the construction and application of machinery indispensable to the permanent and practicable operation of mining.

The committee reported the bill favorably with amendments. The House Committee on the Public Lands was just then also engaged in examining the leasing system in its application to the copper mines of Lake Superior. In its report to the House, dated May 4, 1846, to accompany H. R. 409, it denounced the system in respect to the copper leases and said:

In the settlement of the public lands a system should be pursued that will most readily give to the new and enterprising associations who remove to and establish themselves in the Far West permanent, well-organized, and orderly society, where patriotism, thrift, and happy, moral, and social relations will give more strength and intrinsic wealth to the Government and country than any amount of dollars and cents which might be brought to her Treasury from the sale of her vast domain. It has been well said that: "Tenantry is unfavorable to freedom; it lays the foundation of separate orders in society, annihilates the love of country, and weakens the spirit of independence. The tenant has, in fact, no country, no hearth, no domestic altar, no household god! The freeholder, on the contrary, is the natural supporter of a free government, and it should be the policy of republics to multiply their freeholders, as it is the policy of monarchies to multiply tenants."

In the disposition of the mineral lands it seems to the committee the only consideration for the Government should be to obtain a fair and just equivalent for those valuable mineral deposits, and leave to private enterprise the development of those vast and rich productions of nature and make them subservient to the wants and necessities of this country, and perhaps produce a surplus for the use of other portions of the world.

In answer to the general demand of the country the Congress, on July 11, 1846, passed an act ordering "the reserved lead mines and contiguous lands in the States of Illinois and Arkansas and the Territories of Wisconsin and Iowa to be exposed to sale, as other public lands," upon six months' notice, and on March 1, 1847, the copper mines of Lake Superior were also ordered to be sold on the same notice.

Thus for 40 years—from 1807 to 1847—a national mineral-land leasing system retarded the development of the Mississippi Northwest; provoked disorder, litigation, and contempt for the National authority; resulted in financial loss to the Nation and to those engaged in settling that region; prevented settlement, hindered development, retarded enterprise, and established and maintained a foreign system of national landlord and tenant under the control of officers of the United States Army. Finally it failed, as all such attempts must fail, because under a government of the people, by the people, for the people, no bureaucratic system of landlordism over the public lands can long keep a vigorous, intelligent, and independent mining population upon the Government domain as mere tenants. They "own it," and will not meekly work as tenants on their own property, for they will own it in law and in fact as well as in theory.

THE FREE WESTERN MINERAL LAND SYSTEM, 1849–1911.

The discovery of gold on the public lands of California, in 1849, and the recent repeal of the mineral land leasing laws in 1847, drew the attention of the public men of that day to the importance and necessity of establishing a permanent and satisfactory plan for the development of the mineral resources of the country. In his report, dated December 3, 1849, the Secretary of the Interior, Hon. Thomas Ewing, called the attention of Congress to the recent discovery of gold in California, and said of the proposed legislation for disposing of the mines of that region:

The right to the mines of precious metals, which, by the laws of Spain, remained in the Crown, is believed to have been also retained by Mexico while she was sovereign of the territory, and to have passed by her transfer to the United States. It is a right in the sovereign of the soil as perfect as if it had been expressly reserved in the body of the grant; and it will rest with Congress to determine whether, in those cases where land duly granted contains gold, this right shall be asserted or relinquished. If relinquished it will require an express law to effect the object, and if retained legislation will be necessary to provide a mode by which it shall be exercised. * * * It would be better, in my opinion, to transfer them by sale or lease, reserving a part of the gold collected as rent or seignorage.

President Fillmore, however, had evolved clearer ideas, and had utterly abandoned the leasing and royalty theory. In his annual message to Congress of December 2, 1849, he recommended:

I also beg leave to call your attention to the propriety of extending at an early day our system of land laws, with such modifications as may be necessary, over the State of California and the Territories of Utah and New Mexico. The mineral lands of California will, of course, form an exception to any general system which may be adopted. Various methods of disposing of them have been suggested. I was at first inclined to favor the system of leasing, as it seemed to promise the largest revenue to the Government and to afford the best security against monopolies, but further reflection and our experience in leasing the lead mines and selling lands upon credit have brought my mind to the conclusion that there would be great difficulty in collecting the rents, and that the relation of debtor and creditor between the citizens and the Government would be attended with many mischievous consequences. I therefore recommend that instead of retaining the mineral lands under the permanent control of the Government they be divided into small parcels and sold, under such restrictions as to quantity and time as will insure the best price and guard most effectually against combinations of capitalists to obtain monopolies.

It thus came about through a process of legislative evolution, and the borrowing of ideas from the Spanish system coming to us with the Mexican Territories, that the "common law of the mines" was created by the miners of California. The substance thereof was written into the California practice act in 1851 by Stephen J. Field, who, later, as a Justice of the Supreme Court of the United States, expounded and gave life to the great mining statutes based thereon. It was not until July 26, 1866,

however, that Congress gave national recognition to the system which had prevailed in California since 1849.

The first section of the act of 1866, as amended by the act of May 10, 1872, and made section 2319, United States Revised Statutes, 1878, is in the following language:

SEC. 2319. All valuable mineral deposits in lands belonging to the United States, both surveyed and unsurveyed, are hereby declared to be free and open to exploration and purchase, and the lands in which they are found to occupation and purchase, by citizens of the United States and those who have declared their intention to become such, under regulations prescribed by law, and according to the local customs or rules of miners in the several mining districts, so far as the same are applicable and not inconsistent with the laws of the United States.

In his valuable treatise on "The American Law Relating to Mines and Mineral Lands within the Public Land States and Territories," Judge Lindley says (sec. 55, vol. 1) of section 2319:

By the first of these provisions, the Government, for the first time in its history, inaugurated a fixed and definite legislative policy with reference to its mineral lands. It forever abandoned the idea of exacting royalties on the products of the mines, and gave free license to all its citizens, and those who had declared their intention to become such, to search for the precious and economic minerals in the public domain, and, when found, gave the assurance of at least some measure of security in possession and right of enjoyment. What had theretofore been technically a trespass became thenceforward a licensed privilege, untrammeled by governmental surveillance or the exaction of burdensome conditions. Such conditions as were imposed were no more onerous than those which the miners had imposed upon themselves by their local systems. That such a declaration of governmental policy stimulated and encouraged the development of the mining industry in the West is a matter of public history.

Upon the power of the Government to conduct the business of mining upon the public lands, the author says:

Mines in the United States are not ranked as the property of society, the working of which is to be confided to the Federal Government. Mining with us is not a "public utility." It is simply a private industry, to be fostered and encouraged as all other economic industries are fostered and encouraged; but the exploitation and development of mines are no more governmental functions than is the cultivation of the soil or the business of manufacturing. The United States is the paramount proprietor of the public mineral lands, holding them not as an attribute of sovereignty, but as property acquired by cession and purchase.

The Supreme Court of the United States has traced the evolution and establishment of the western system and the disappearance of the old Kingly claim of royalty in a most interesting way in the case of Mining Co. against Consolidated Mining Co. (102 U. S., 167, 172), as follows:

Very soon after the conquest of California and its cession to the United States by Mexico, it was found to be rich in the precious metals, and such was the rapid influx of immigrants from the Eastern States that the California population at the time it was organized as a State in 1850 was largely composed of mining camps and settlements engaged in mining these metals. As nearly all those mines were discovered on land the title of which was vested by the treaty in the Government of the United States, it became important to determine what course the Government would take with regard to this new source of untold wealth. The Spanish Government, to which this territory and much other, rich in precious metals, had once belonged, had instituted a system of laws concerning her mines by which private enterprise was invited to develop them and a revenue secured at the same time to the Crown, which made Spain for a time the richest of the civilized governments of the world. This system Mexico had inherited and perpetuated, and there were many American statesmen who believed that with the territory we had acquired the laws which governed the production of gold from the earth. Others believed that, whether this were so or not, it would be a wise policy for the Government to secure to itself a fair proportion of the metal produced from its own ground. But, while Congress delayed and hesitated to act, the swarm of enterprising and industrious citizens filled the country, and, before a State could be organized, had become its dominating element, with wealth, and numbers, and claims which demanded consideration.

Matters remained in this condition, with slight exception, until July 26, 1866, when Congress passed a law by which title to mineral land might be acquired from the Government at nominal prices, and by which the idea of a royalty upon the product of the mines was forever relinquished. (14 Stat., 251.)

Notwithstanding the conclusion of the court that "the idea of a royalty on the product of the mines was forever relinquished" by the United States, it is now proposed in these Alaska coal-land leasing bills to reestablish it on a broader and more dangerous scale. The fact that under that false system the public domain was for 40 years, from 1807 to 1847, a menace to the prosperity and development of the West is forgotten. Congress ought to remember, however, even if it forgets the earlier national failure, that under the California system of disposing of the mineral lands in small tracts to bona fide working miners great wealth and success came to the miners and to the Nation. With the aid and encouragement given to the miners by the California system, under which each miner is an owner, urged by individual enterprise and hope, with opportunity to secure wealth for himself and his family, these workingmen of the West have extracted immense riches from the earth, built homes, established schools, colleges, churches, and a high civilization in the waste places; erected a thousand cities and, in 60 years, created a score of sovereign States in the American Union. No such success has ever attended the labors of man before; no nation ever gained so much with so much honor and happiness in so short a time; and the system which enabled it to be accomplished is too sacred to destroy overnight for a mere political advantage.

THE FREE WESTERN LAND SYSTEM IN ALASKA.

The United States coal-land laws were an outgrowth of the western system and in line with the plan to sell small tracts of mineral lands to applicants who might use the same in the development of the country. The first of these statutes was passed on July 1, 1864. Prior thereto coal on the public domain had been disposed of under other general laws for the sale of public lands, even agricultural lands, without considering the presence of the coal.

The coal lands in Pennsylvania, Virginia, and the other States constituting the original 13 States never belonged to the United States, but were disposed of by the Crown prior to the Revolution or by the States thereafter. While much complaint has been heard in the United States about coal monopoly and combinations and excessive prices to the consumer, they have generally arisen from or in connection with coal combinations by or with the transportation companies in Pennsylvania and West Virginia. There has been but little complaint and but little justification for criticism against the western system of selling one small tract to each applicant, with a strict prohibition against acquiring another. There would be still less if the laws were faithfully executed.

When the existence of the valuable fields of Katalla and Matanuska high-grade coals was made known to the world, shrewd speculators saw an opportunity to gather great riches quickly, and they immediately entered the lands under the coal laws, as lawfully they might. However, it is now asserted, with much evidence to support the accusation, that not content to be limited in their acquisitions by the fair provisions of the United States statutes, many of these locators caused locations to be made by "dummys"—by clerks, stenographers, and hired men, with agreements that the claims should be conveyed to the speculator—thus enabling him to acquire more than 160 acres in violation of the law. Another charge is that other locators acting together agreed to locate several tracts under the law, but with the further agreement to convey them to a corporation to be formed by the locators, thus acquiring for a common interest a large area of coal lands, also in violation of the spirit, if not the letter, of the law. Out of these and other charges grew the Alaska coal-land scandals—the Cunningham cases—the Ballinger-Pinchot investigation.

President Roosevelt first raised the bar to the acquisition of coal-land titles by his withdrawal of all Alaska coal lands from entry on November 7, 1906. Upon the representation that many coal claims were then lawfully in process of entry, on January 15, 1907, the general order of reservation was amended as follows:

Nothing in any withdrawal of lands from coal entry heretofore made shall impair any right acquired in good faith under the coal-land laws and existent at the date of such withdrawal.

This was assumed as authority to permit the completion of entries initiated in Alaska prior to the November withdrawal. No patents had, however, been issued when the Glavis charges against Secretary Ballinger were made; no decision upon the charges has since been announced; no patents have been issued. The Department of the Interior has refused to act upon pending Alaska coal cases; the wheels of justice have stood still for two years, apparently "never to go again." Fraudulent claims and honest efforts to enter Alaska coal lands are treated alike. The innocent are being punished with the guilty. Enforcement of the law is evaded by those who are sworn to enforce it, by the subterfuge of the necessity for amending it. The proposed amendment is worse than the frauds complained about.

What Alaska needs in respect to these coal cases is honest and open investigation, prompt and just decision, and an honest and fearless enforcement of statutes which have been virtually repealed for two years by the palsy of political fear.

Among the President's duties, by express constitutional command is this:

He shall take care that the laws be faithfully executed.

What the Alaska situation needs is enforcement, execution, not enactment.

THE UNITED STATES COAL-LAND LAWS EXTENDED TO ALASKA, 1900—FIRST ERA: ACT OF JUNE 6, 1900.

The coal-land laws of the United States were first extended to Alaska by the act of June 6, 1900 (31 Stat. L., 658), as follows:

An act to extend the coal-land laws to the District of Alaska.

Be it enacted, etc., That so much of the public-land laws of the United States are hereby extended to the District of Alaska as relate to coal lands, namely, sections 2347 to 2352, inclusive, of the Revised Statutes.

This act extended all the general coal-land laws then in force in the United States to Alaska, and thereafter identically the

same coal-land laws were in force in Alaska and in Arizona, Washington, Montana, and the other States and Territories of the United States, until the modifying act of April 28, 1904, was passed.

However, it was soon discovered that the general laws thus extended were ineffective in Alaska, and in the circular issued June 27, 1900, the Commissioner of the General Land Office instructed the local land officers there that:

Under the coal law sections 2347 to 2352, inclusive, of the Revised Statutes, and the regulations thereunder, issued July 31, 1882, coal-land filings and coal entries must be by legal subdivisions as made by the regular United States survey. * * * Although the system of public-land surveys was extended to the District of Alaska by a provision contained in the act of Congress approved March 3, 1899 (30 Stat., 1098), no township or subdivisional surveys have been made, nor have any standard lines or bases for township and subdivisional surveys been established within the district, therefore until the filing in your office of the official plat of survey of the township no coal filing or entry can be made.

SECOND ERA—THE AMENDATORY ACT OF APRIL 28, 1904.

This defect in the general laws was remedied by "An act to amend an act entitled 'An act to extend the coal-land laws to the District of Alaska,' approved June 6, 1900," which amendatory act was approved April 28, 1904 (33 Stat. L., 525). The first section of the act of 1904 provided:

Be it enacted, etc., That any person or association of persons qualified to make entry under the coal-land laws of the United States, who shall have opened or improved a coal mine or coal mines on any of the unsurveyed public lands of the United States, in the District of Alaska, may locate the lands upon which such mine or mines are situated in rectangular tracts containing 40, 80, or 160 acres, with north and south boundary lines run according to the true meridian, by marking the four corners thereof with permanent monuments, so that the boundaries thereof may be readily and easily traced. And all such locators shall, within one year from the passage of this act, or within one year from making such location, file for record in the recording district, and with the register and receiver of the land district in which the lands are located or situated, a notice containing the name or names of the locator or locators, the date of the location, the description of the lands located, and a reference to such natural objects or permanent monuments as will readily identify the same.

Sections 2 and 3 of the act of 1904 provided for final entry, sale, and the issuance of patents to unsurveyed coal lands in Alaska upon compliance with its terms and the payment of $10 per acre, and the last, or fourth, section of the act provided:

SEC. 4. That all the provisions of the coal-land laws of the United States not in conflict with the provisions of this act shall continue to be in full force in the District of Alaska.

Upon the approval of the act of 1904 the coal-land laws in Alaska embraced:

(1) All the general coal-land laws in force in the United States, and, in addition,

(2) The special act of 1904 authorizing the sale, entry, and patenting of unsurveyed coal land in Alaska only.

In Wyoming, Arizona, Washington, Utah, and all other public-land States and Territories the general coal-land laws only were in force; unsurveyed coal lands could not be entered in any State or Territory excepting favored Alaska. The coal-land laws in force in Alaska were just that much more favorable to the locator, honest or "dummy," than the general coal-land laws in the United States proper.

THE "CUNNINGHAM GROUP" OF COAL CLAIMS WAS LOCATED IN JULY AND AUGUST OF 1904, AFTER THE PASSAGE AND UNDER THE PROVISIONS OF THE ACT OF APRIL 28, 1904.

The location of this and a large number of similar groups of coal claims in the Katalla and Matanuska coal fields by the alleged use of "dummy" entrymen, engaged the attention of the Department of the Interior and the Director of the Geological Survey, and on November 3, 1906, the Acting Director of the Geological Survey, by letter of that date, recommended:

In previous recommendations no reference has been made to coal lands in Alaska. The coal and lignite deposits of that Territory are known to be of commercial value, and much attention has been given to their investigation by this survey. The reasons for withdrawing this coal from entry are fully as urgent as in case of that in the Western States and Territories, and I therefore suggest that the matter be brought to the attention of the President. Since the Land Office surveys have not yet been generally extended over Alaska, the coal lands can not be designated by legal subdivisions, and I therefore recommend that the order suspending coal entries be made to apply to the entire Territory.

The Secretary of the Interior referred the letter of the acting director to the President, and on November 7, 1906, the President made the following reservation of coal lands in Alaska:

THE WHITE HOUSE, *November 7, 1906.*

To the SECRETARY OF THE INTERIOR:

In reference to your letter of the 7th instant, inclosing letter of the Acting Director of the United States Geological Survey of November 3, I direct that the proposed action in reference to the coal lands of Alaska be taken. I return the letter of the acting director herewith.

THEODORE ROOSEVELT.

The rules and regulations of the General Land Office at that time required the publication of a notice of proof for 60 days prior thereto by any claimant desiring to make entry and secure patent on a coal claim in Alaska, and, judging from the date of subsequent entries, the Cunningham group claimants were then publishing such notices and actively taking the steps necessary to prove up on their coal claims. The President's reservation was a bar to proof, and on January 15, 1907, the following departmental order was announced:

DEPARTMENT OF THE INTERIOR,
Washington, January 15, 1907.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

SIR: By direction of the President, all orders heretofore issued withdrawing public lands from entry under the coal-land laws are hereby amended as follows:

"Nothing in any withdrawal of lands from coal entry heretofore made shall impair any right acquired in good faith under the coal-land laws and existent at the date of such withdrawals."

Very respectfully, E. A. HITCHCOCK, *Secretary.*

This departmental order being general and applicable to Alaska cleared the way for the completion of the Cunningham entries, and immediately thereafter, in February, March, April, and October, 1907, the Cunningham claimants completed publication, proofs, and entries for patent and final receiver's receipts, and the register's final coal certificates of entry were issued to each of them. The dates and transactions in the Cunningham claims, from location to final certificate, are shown in the following table drawn from the official records:

Name of locator.	Date of location, 1904.	Coal declaratory statement.		Date of entry payment and final receipt and certificate, 1907.
		No.	Date filed, 1906.	
Andrew L. Scofield	July 23	157	.....	Feb. 26
Francis Jenkins	July 15	155	Feb. 21	Do.
Charles J. Smith	...do....	160	Feb. 26	Do.
Horace C. Henry	July 23	159	Feb. 21	Do.
Ignatius Mullen	July 21	180	...do....	Mar. 13
Henry White	...do....	169	...do....	Do.
Henry W. Collins	July 20	164	...do....	Do.
Fred C. Davidson	July 14	166	...do....	Do.
Michael Doneen	July 15	163	...do....	Do.
Frank F. Johnson	July 23	178	May 3	Do.
John G. Cunningham	July 21	175	Feb. 21	Mar. 20
Clarence Cunningham	...do....	156	...do....	Do.
A. B. Campbell	July 20	161	...do....	Mar. 29
Henry Wick	July 19	179	...do....	Do.
Hugh B. Wick	...do....	177	...do....	Do.
Fred H. Mason	July 14	185	...do....	Apr. 11
William E. Miller	July 22	174	...do....	Do.
Charles Sweeney	Aug. 14	165	...do....	Do.
B. C. Riblet	July 22	167	Feb. 26	Do.
Fred Cushing Moore	July 14	168	Feb. 21	Do.
Alfred Page	July 16	184	May 9	Do.
W. W. Baker	Aug. 14	173	Feb. 21	Apr. 23
Frederick Burbridge	July 19	181	...do....	Do.
Reginald K. Neill	...do....	186	Feb. 27	Do.
Joseph H. Neill	July 20	182	Mar. 21	Do.
Miles C. Moore	July 23	172	Feb. 21	Do.
John A. Fitch	July 18	171	May 9	Do.
Walter B. Moore	July 16	162	Feb. 21	Do.
Arthur D. Jones	July 18	183	...do....	Do.
Orville D. Jones	July 15	154	...do....	Do.
W. H. Warner	July 22	153	Mar. 9	Oct. 25
Frank A. Moore	Aug. 10	176	Feb. 21	Do.
Nelson B. Nelson	...do....	158	...do....	Do.

Pending the proceedings in the United States land office at Juneau, Alaska, by the 33 Cunningham claimants to conclude their entries of their 33 coal claims, their agent in fact and in law, Clarence Cunningham, and other claimants entered into negotiations with Stephen Birch, S. W. Eccles, and Daniel Guggenheim, for the Alaska syndicate, to sell the group or interests therein, to the syndicate. These negotiations were concluded on July 20, 1907, when the agent, Clarence Cunningham, A. B. Campbell, and M. C. Moore, "for themselves and as a committee representing their associates," met the representatives of the syndicate at Salt Lake City, Utah, and made, signed, and delivered the following optional contract to Guggenheim:

MEMORANDUM.

A. B. Campbell, Clarence Cunningham, and M. C. Moore, acting for themselves and certain parties associated with them, as hereinafter explained and hereinafter called the vendors, make the following representations and proposal to Daniel Guggenheim, of the city of New York, hereinafter called the vendee.

The said Cunningham, Campbell, and Moore, with 30 other parties, have acquired by purchase from the Government of the United States, under the Federal coal-land laws, 33 tracts of coal land of 160 acres each, aggregating 5,280 acres, situated in the Kayak recording district of Alaska, near the Bering River, about 25 miles from Katalla, and also have acquired certain inchoate water rights on Lake Kustakaw intended to be used in the exploitation of said properties.

The title to these lands rests in final United States receiver's certificate of entry, issued one to each of said 33 persons, and the papers

in application for patent are now before the Commissioner of the General Land Office for his action thereon.

In order to consolidate the several interests for the purpose of dealing with said properties as an entirety, it has been determined that each of said entrymen shall convey his title to his individual tract to the Union Trust Co., of Spokane, Wash., in trust, for the purpose of transmitting or dealing with the title to the consolidated tract in such manner as shall be directed by C. J. Smith, R. K. Neill, H. W. Collins, Frederick Burbridge, Fred H. Mason, A. B. Campbell, and Clarence Cunningham, or a majority of those acting as a committee of said entrymen appointed for that purpose.

Conveyances by some of said entrymen to said trust company have been executed and delivered, and it is contemplated that all will execute similar conveyances within a short time.

A meeting of said entrymen was recently held at the city of Spokane, in which 25 out of the 33 participated. At said meeting a resolution was unanimously passed authorizing said committee, or a majority of them, to enter into negotiations with parties with a view to the equipment, development, and operation of the consolidated property and the sale of its product.

Acting for themselves and as such committee representing their associates, under said resolution, they submit to Mr. Guggenheim for his consideration the following proposal:

1. A corporation shall be formed under the laws of some State of the Union, under which laws meetings of directors may be held without the State of incorporation, the capital stock to be unassessable and no individual stockholders' liability.

2. The capital shall be $5,000,000, divided into 50,000 shares of the par value of $100 each.

3. There shall be 7 directors, 3 to be named by the vendors, 3 by the vendee. The seventh director shall be designated by the 6 named by the parties.

4. The title of all of said properties, including said inchoate water rights, shall be transferred to said corporation, in consideration for which there shall be issued to said vendors 25,000 shares of said capital stock.

5. The other half of said capital stock, viz, 25,000 shares, shall be deposited in escrow with the Bank of California, Seattle, with instructions to make delivery of same to Mr. Guggenheim or his nominee upon his payment to said depository, to the credit of said corporation, of the sum of $250,000, or at the rate of $10 per share. Said $250,000 shall be paid in such sums and at such times as may be called for by the board of directors. Said money to be considered as "working capital," to be expended by said corporation in the equipment, development, and operation of said properties. As payments are made by Mr. Guggenheim to said bank the bank shall be authorized to deliver to him one share of stock for each $10 so paid by him. Mr. Guggenheim shall have the privilege of paying said entire amount of working capital at any time, and thereupon to receive the entire 25,000 shares of said stock.

6. Should said sum of $250,000 prove inadequate for the purpose of equipping and developing said property, Mr. Guggenheim shall advance or loan to the corporation an additional sum of money not exceeding in the aggregate $100,000, the corporation binding itself to repay such advances on or before three years after the date of making the same, at the option of the board of directors of said corporation, with interest at 5 per cent per annum.

7. Said corporation shall enter into an agreement giving to said Guggenheim or his nominee the exclusive right to purchase, for the period of 25 years, the entire "run of mine" coal mined from said property, or so much thereof as said Guggenheim on his nominee may require or demand, for the sum of $2.25 per ton of 2,240 pounds. The coal is to be delivered at the mine, either in bunkers to be provided by the corporation for that purpose or upon cars, as said Guggenheim or his nominee may direct. Said Guggenheim or his nominee shall use their best endeavors to make a market for the coal in Alaska and in the ports and cities of the United States, to the end that as large a quantity of coal as possible may be mined. Said Guggenheim or his nominee shall agree to purchase all coal which they may require for use or sale from said corporation.

8. Payment for all coal so delivered to said Guggenheim or his nominee shall be made monthly, upon the basis of weights determined by the mine superintendent, such payments to be made at such place as may be directed by the corporation.

9. The corporation shall convey to such railroad company as may be designated by said Guggenheim, and which shall construct a railroad from tidewater to said mines, sufficient ground from its holding upon which to establish and maintain its tracks, switches, depots, terminals, stations, and other railway facilities.

10. The corporation shall further agree to sell and deliver, during the period of 25 years, to such railroad company as may be designated by said Guggenheim and which may construct a railroad from tidewater to the mines, all coal which may be required by said railroad company for consumption in its locomotives, shops, stations, and other facilities employed in the construction, maintenance, and operation of its railway for the sum of $1.75 per ton of 2,240 pounds, deliveries to be made at the mine in bunkers or on the cars of such railway.

11. The said Guggenheim shall have 20 days from the date hereof in which to determine whether or not he will cause an examination of said properties to be made with a view to an acceptance of this proposal if such examination proves satisfactory. He shall notify the vendors of such determination within said time by telegram addressed to Clarence Cunningham, at Seattle, Wash. Thereupon, if he elects to proceed with such examination, he shall be allowed the period of four months thereafter to inspect the properties and investigate the titles thereto. If such inspection and examination prove satisfactory he shall give notice of his final acceptance of this proposal by telegram directed to Clarence Cunningham, Seattle, Wash.

Thereupon the terms of this proposal shall be deemed binding upon all the parties and shall be carried into effect according to its tenor and purport.

12. It is understood, however, that said vendee shall not be required to proceed with said examination unless all of the 33 of the owners of said coal-land entries, or so many thereof as shall be satisfactory to said vendee, shall have conveyed their respective properties to said trust company, and said trust company shall, under the direction of said committee and as the holder of the title to said properties, have accepted the terms of the proposal and obligated itself to unite with said vendors in carrying the same into effect, in the event the examination of said properties and titles shall prove satisfactory to the vendee and he shall elect to finally accept the same.

Should the number of entrymen declining to convey their respective tracts to said trust company and participate in this proposal be so great as in the judgment of said vendee will prevent the successful inauguration and conduct of said enterprise, then and in that event this negotiation shall be at an end and all parties shall be relieved from all obligations arising hereunder.

Witness our hands in duplicate this 20th day of July, 1907.

A. B. CAMPBELL,
M. C. MOORE,
CLARENCE CUNNINGHAM,
For themselves and as a committee representing their associates.

Signed in the presence of—
S. W. ECCLES.
CURTIS H. LINDLEY.

At the time this contract was made three of the claimants, W. H. Warner, Frank A. Moore, and Nelson B. Nelson, had not made entry of their respective claims, which they thereafter completed in the Juneau land office on October 25, 1907.

Thereafter and on December 7, 1907, Daniel Guggenheim accepted the proposals of the Cunningham claimants in their proferred optional contract of July 20, 1907, as follows:

NEW YORK CITY, *December 7, 1907.*

CLARENCE CUNNINGHAM, Esq., *Seattle, Wash.:*

I hereby notify you that I finally accept the proposal made to me by A. B. Campbell, Clarence Cunningham, and M. C. Moore, acting for themselves and associates, in the memorandum of agreement of July 20, 1907.

DANIEL GUGGENHEIM.

(Charge M. G. Sons, Alaska, syndicate.)

On February 19, 1910, Mr. John N. Steele appeared with Mr. Stephen Birch before the Senate Committee on Territories as the representatives of the Alaska syndicate. Mr. Steele is their New York attorney and Mr. Birch their general manager and mining engineer in Alaska. They introduced the option of July 20, 1907, and Daniel Guggenheim's acceptance of December 7, 1907, in evidence, and upon examination by the chairman of that committee Mr. Steele testified (p. 145, hearings):

The CHAIRMAN. Mr. Steele, on that point I would like to ask you just two or three questions, which perhaps you can answer. I put some of them to Mr. Birch this morning. The option was taken up on December 7, 1907, by the telegram of Daniel Guggenheim, was it not?

Mr. STEELE. It was.

The CHAIRMAN. He represented the interests of which you have spoken—of Messrs. Guggenheim and J. P. Morgan & Co.

Mr. STEELE. He was acting for the Alaska syndicate.

The CHAIRMAN. He was acting for the Alaska syndicate?

Mr. STEELE. Yes.

The CHAIRMAN. And this telegram was an acceptance of the option by the Alaska syndicate?

Mr. STEELE. It was an acceptance of the option by the Alaska syndicate.

The CHAIRMAN. And so that closed the option, so far as that could be closed?

Mr. STEELE. Yes.

The CHAIRMAN. I notice on the telegram this: "Charge M. G. Sons, Alaska syndicate." So that fixes it?

Mr. STEELE. Yes.

The CHAIRMAN. There is no question about that?

Mr. STEELE. No, sir; none at all.

The CHAIRMAN. So that to-day any rights that accrue or may accrue to the Alaska syndicate under this option thus taken up on December 7, 1907, still may be exercised as soon as the lands are patented?

Mr. STEELE. That is our view.

So far as the public is credibly informed, no change has been made in the contract relations of the 33 Cunningham claimants and the Alaska syndicate since Mr. Steele's testimony was given on February 19, 1910, and in his view as the attorney for the syndicate the contract of July 20, 1907, and the acceptance of December 7, 1907, still bind the parties when the patents shall issue.

In the Pinchot brief it is declared that—

The agreement which was entered into between the Cunningham claimants and the Morgan-Guggenheim syndicate does not in any way affect the validity of their entries. It was entered into after final certificates were issued by the Government, and was entirely legal if the claims were bona fide.

The general public seems inclined to assume that when the Cunningham claimants shall secure patents this entire group of 5,280 acres will become the property of the Alaska syndicate under that option.

THIRD ERA—ACT OF MAY 28, 1908.

All the 33 Cunningham entries were fully completed according to the formal requirements of the United States statutes in the year 1907. Thereafter it became a question how far their and other Alaska coal-land groupings were valid. It was thought desirable by coal claimants to secure additional legislation specifically authorizing large groupings of coal lands in Alaska in the effort to persuade capital to invest in a large and profitable enterprise. After the Cunningham claims were permitted to go to final entry the general public and certain agents of the Department of the Interior feared that a systematic effort was being made by the Alaska syndicate and other large nonresident interests to secure a monopoly of coal lands and coal transportation in Alaska, and much opposition to that effort was aroused.

The act of May 28, 1908, legalized a consolidation of 2,560 acres of Alaska coal lands, but with a drastic antimonopoly clause against any further combination. The act is as follows:

An act to encourage the development of coal deposits in the Territory of Alaska.

Be it enacted, etc., That all persons, their heirs or assigns, who have in good faith personally or by an attorney in fact made locations of coal land in the Territory of Alaska in their own interest prior to November 12, 1906, or in accordance with circular of instructions issued by the Secretary of the Interior May 16, 1907, may consolidate their said claims or locations by including in a single claim, location, or purchase not to exceed 2,560 acres of contiguous lands, not exceeding in length twice the width of the tract thus consolidated, and for this purpose such persons, their heirs, or assigns may form associations or corporations, who may perfect entry of and acquire title to such lands in accordance with the other provisions of law under which said locations were originally made: *Provided*, That no corporation shall be permitted to consolidate its claims under this act unless 75 per cent of its stock shall be held by persons qualified to enter coal lands in Alaska.

SEC. 2. That the United States shall at all times have the preference right to purchase so much of the product of any mine or mines opened upon the lands sold under the provisions of this act as may be necessary for the use of the Army and Navy, and at such reasonable and remunerative price as may be fixed by the President; but the producers of any coal so purchased, who may be dissatisfied with the price thus fixed, shall have the right to prosecute suits against the United States in the Court of Claims for the recovery of any additional sum or sums they may claim as justly due upon such purchase.

SEC. 3. That if any of the lands or deposits purchased under the provisions of this act shall be owned, leased, trusteed, possessed, or controlled by any device permanently, temporarily, directly, indirectly, tacitly, or in any manner whatsoever, so that they form part of or in any way effect any combination, or are in anywise controlled by any combination in the form of an unlawful trust, or form the subject of any contract or conspiracy in restraint of trade in the mining or selling of coal, or of any holding of such lands by any individual, partnership, association, corporation, mortgage, stock ownership, or control, in excess of 2,560 acres in the District of Alaska, the title thereto shall be forfeited to the United States by proceedings instituted by the Attorney General of the United States in the courts for that purpose.

SEC. 4. That every patent issued under this act shall expressly recite the terms and conditions prescribed in sections 2 and 3 hereof.

Approved, May 28, 1908.

With the approval of the foregoing act, which applies only to Alaska, the Territory of Alaska had, and now has, in force there:

(1) All the general coal-land laws in force in the United States—all the laws relating to coal and coal lands which are in force in the States and in Arizona and New Mexico, and, in addition thereto,

(2) The act of Congress of April 28, 1904, permitting the location and sale of coal lands in Alaska upon the unsurveyed public domain, which can not be located in any other State or Territory, and, in addition thereto,

(3) The act of Congress of May 28, 1908, permitting and legalizing a consolidation or grouping of Alaskan coal lands to the extent of 2,560 acres for large enterprises, giving the United States a preference right to purchase the output for the use of the Army and Navy, and with a drastic antimonopoly clause forfeiting the title of the land to the United States for any unlawful trust or conspiracy in restraint of trade in the mining or selling of the coal.

Conceding that the clause permitting a consolidation of 2,560 acres is beneficial to the public interests, Alaska now has the best coal-land laws in the United States. She is specially favored over other States and Territories because she has the same laws they have and the acts of 1904 and 1908 in addition. We may locate unsurveyed coal lands in Alaska, and need only pay a flat rate of $10 per acre; we may consolidate or group our claims and enter 2,560 acres in one body for large enterprises, while in the States and other Territories no more than 160 acres can be obtained for an enterprise until after entry. The act of 1908 makes the Government a preferred purchaser of coal in Alaska for Army and Navy use, a right not reserved in any other State or Territory, while a violation of the stringent antimonopoly clause in that act is cause for a forfeiture of the title and enables the United States to vacate the patent and resume its former rightful possession.

Alaska has the best coal-land laws in the United States or in any of the Territories; better than the general coal-land laws in force in Wyoming, Utah, Arizona, or any of the public-land States or Territories, for in none of these is there any law authorizing the location of unsurveyed lands, nor authorizing consolidation for large enterprises, nor any sufficient law to prevent unlawful trusts and conspiracies in restraint of trade in the mining and selling of coal. In all these respects the laws in force in Alaska are better than those anywhere else in American territory. Then why is it asserted that "the existing coal-land laws of Alaska are most unsatisfactory, and should be radically amended"?

WHY IS AMENDMENT SUGGESTED FOR ALASKA ALONE?

In his report the Secretary of the Interior says of the coal-land laws in Alaska:

Reverting to the condition of the public-land laws in Alaska, even the most cursory examination of them, in view of local conditions of climate, of isolation, except as to ocean transportation, and of the vast extent and lack of homogeneity of the Territory, satisfies all practical men that they are crude and unsuited to the best interests of the Government. On the other hand, experiments at amendment have placed the ban on development, so that progress is at a deadlock. Without domestic coal in Alaska railroad construction and operation is prohibitive, and without both only the roughest pioneer development is possible.

The suggestion that local conditions of climate, of isolation, and the vast extent and lack of homogeneity of the Territory render the coal-land laws in force in Alaska crude and unsuited to the best interests of the Government is interesting, though without foundation in fact. Both the Katalla and Matanuska coal fields, the best in Alaska, lie near great, wide, safe, and commodious Pacific coast harbors, which are open every day in the year to the largest colliers ever built, and to the fleets of the world for that matter. They are nearer to those harbors than the Pocahontas and Pennsylvania fields are to the Atlantic Ocean harbors. Railroads are already constructed to within a few miles of both, and the haul is down grade from the mine to the harbor.

The climate is mild on the coast, and the mines and transporting railroads may be operated as freely, both winter and summer, as are those in Pennsylvania. There is nothing in either of those suggestions that renders the United States statutes extended to Alaska either crude or unsuited to the best interests of the Government.

The Secretary's suggestion that "experiments at amendment have placed the ban on development so that progress is at a deadlock," however, has the merit of pointing to the real thought in his mind, namely, the antimonopoly section of the act of 1908. In the President's St. Paul address, made a part of his message to Congress, he declares upon the subject of Alaska coal-land law:

The history of the laws affecting the disposition of Alaska coal lands shows them to need amendment badly. Speaking of them Mr. Brooks says: * * *

"Remedial legislation was sought and enacted in the statute of May 28, 1908. This law permitted the consolidation of claims staked previous to November 12, 1906, in tracts of 2,560 acres. One clause of this law invalidated the title if any individual or corporation at any time in the future owned any interest whatsoever, directly or indirectly, in more than one tract. The purpose of this clause was to prevent the monopolization of coal fields; its immediate effect was to discourage capital. It was felt by many that this clause might lead to forfeiture of title through the accidents of inheritance, or might even be used by the unscrupulous in blackmailing. It would appear that land taken up under this law might at any time be forfeited to the Government through the action of any individual who, innocently or otherwise, obtained interest in more than one coal company. Such a title was felt to be too insecure to warrant the large investments needed for mining developments. The net result of all this is that no titles to coal lands have been passed."

This objection, so skillfully stated by Mr. Brooks and so fully approved by the President, is the crux to the Alaska coal situation. Shall the antimonopoly clause of the act of 1908 be repealed? Shall the laws which Congress has extended to Alaska and which now so amply protect the people from unlawful trusts and conspiracies in restraint of trade in mining and selling coal be denounced and amended to death, and a "wide-open" policy substituted therefor?

THE CUNNINGHAM TITLE.

Before discussing the proposed "amendments" to the coal-land laws in Alaska it is important to discover what private titles the United States has already created in those lands.

Prior to the passage of the act of May 28, 1908, and in February, March, April, and October, 1907, the 33 Cunningham claimants had made application for patent, published and posted each a 60 days' notice of the presentation of such application, and on the date fixed had made final proof in the United States land office at Juneau, Alaska, of their compliance with the existing laws. Six months after the expiration of the period of publication, no objections nor adverse claims having been filed by the United States or any citizen thereof, the proofs were made, filed, examined, and allowed, the receiver of the land office accepted the purchase price of $10 per acre, issued his official receipt therefor and turned the money into the United States Treasury. At the same time the register at Juneau issued the register's final coal certificate of entry in substantially the following form in each of the 33 cases:

REGISTER'S FINAL COAL CERTIFICATE OF ENTRY.

Coal entry No. 12. LAND OFFICE AT JUNEAU, ALASKA,
February 21, 1907.

It is hereby certified that in pursuance of the Revised Statutes of the U. S. relating to coal lands, Clarence Cunningham, residing at Spokane, in Spokane County, State of Washington, on this day purchased of the register of this office the Maxine coal claim in the Kayak recording district, Alaska, containing 159.241 acres, at the rate of ten dollars per acre, amounting to fifteen hundred ninety-two dollars and forty-one cents, for which said Clarence Cunningham has made payment in full as required by law.

Now therefore be it known that on presentation of this certificate to the Commissioner of the General Land Office the said Clarence Cunningham shall be entitled to receive a patent for the land above described if all be found regular.

JOHN W. DUDLEY, *Register.*

"If all be found regular," Clarence Cunningham and his 32 associates are entitled to their patents in fee from the United States. Irregularity may consist of fraud or perjury, it may be a criminal act punishable under the United States criminal laws, or it may be only such fraudulent representations or mistake which will justify the Department of the Interior in refusing to issue the patent. The United States statute of limitations provides a bar for prosecutions for crime if not brought within the time limit fixed thereby. The act of April 13, 1876, amending section 1044 of the Revised Statutes declares:

No person shall be prosecuted, tried, or punished for any offense, not capital, except as provided in section 1046, unless the indictment is found or the information is instituted within three years next after such offense shall have been committed.

The last act in the entry of these 33 Cunningham claims was performed on October 25, 1907, and the bar of the statute became complete on October 25, 1910, so that thereafter no person could be "prosecuted, tried, or punished for any offense"—for any fraud or perjury—connected with the location or entry of any of the 33 Cunningham claims.

"If all be found regular," however, includes more than criminal irregularity. The criminal prosecution may be waived and yet the evidence may be sufficient to justify the withholding of the patent. In the Cunningham cases, however, the Department of the Interior has neither prosecuted for fraud nor announced any finding that the entries ought to be vacated for fraud or mistake. More than three years have transpired since the last certificate was issued, and yet nothing has been done by the Government to declare these entries wrongful. The presumption of innocence is that the department has no evidence to justify a judgment that these entries are wrongful, neither to justify prosecution, which is now barred anyway, nor to justify the vacation of the entries for fraud or mistake. Then, what does the department intend to do?

The President proposes to enact the leasing system, while the Secretary of the Interior in his last report recommends:

A class of entries known as the Cunningham entries, made in 1907, have provoked wide discussion and popular interest, largely because of their alleged value and method of attempted acquisition. In view of such conditions I deem it of the highest importance that all these cases, involving 33 entries, or 5,280 acres, of coal lands, be transferred from the jurisdiction of the General Land Office directly to the court of appeals of the District of Columbia for consideration and adjudication, without the necessity for a ruling as to the validity or invalidity of these entries by the Commissioner of the General Land Office, as is now required in such cases.

Will the Cunningham group and other Alaskan coal lands be restored to the public by either of these methods?

THE LEGAL VALUE OF THE CUNNINGHAM ENTRIES.

The United States has issued and delivered to each of the 33 Cunningham claimants a final coal certificate of entry, which authorizes each of them to demand and receive a patent in fee without any further act on his part. It is the Government's move, and the very natural inquiry is, "What can the Government do about it?"

What legal value has a final coal certificate of entry, and what may the Government do to recover these Alaskan coal lands?

In a recent case, The United States against Detroit Lumber Co. (200 U. S., 321–337), the Supreme Court of the United States said upon this question:

* * * It becomes necessary to inquire what is the significance of a final receiver's receipt and the effect of a cancellation by the Land Department of such a receipt. The receipt is an acknowledgment by the Government that it has received full pay for the land, that it holds the legal title in trust for the entryman and will in due course issue to him a patent. He is the equitable owner of the land. It becomes subject to State taxation and under the control of State laws in respect to conveyances, inheritances, etc. (Carroll *v.* Safford, 3 How., 441; Witherspoon *v.* Duncan, 4 Wall., 210; Simmons *v.* Wagner, supra; Winona & St. Peter Land Co. *v.* Minnesota, 159 U. S., 526; Cornelius *v.* Kessel, 128 U. S., 456; Hastings & Dakota R. R. Co. *v.* Whitney, 132 U. S., 357; Benson Mining Co. *v.* Alta Mining Co., 145 U. S., 428.)

Indeed in some of the opinions of this court, emphasizing the value of a receiver's receipt, there are expressions which seem to underestimate the significance of a patent. (Wisconsin Central R. R. Co. *v.* Price County, 133 U. S., 496, 510; Deseret Salt Co. *v.* Tarpey, 142 U. S., 241, 251.) For it must be remembered the latter is the instrument which passes the legal title, and that until it is issued the legal title remains with the Government and is subject to investigation and determination by the Land Department. (Barden *v.* Northern Pacific R. R. Co., 154 U. S., 288, 326; Michigan Land & Lumber Co. *v.* Rust, 168 U. S., 589, 592; Guaranty Savings Bank *v.* Bladow, 176 U. S., 448.) But while until the issue of the patent the land is under the control of the Land Department which, upon proper investigation and for sufficient reasons, may set aside the certificate of entry, yet this power of the Land Department can not arbitrarily be exercised without notice to the entryman, and if improperly exercised the rights of the entryman may be enforced in the courts after the patent has issued to other parties. (Guaranty Savings Bank *v.* Bladow, supra.) It is true as against the Government and while the title remains in the Government he may not be able to enforce his equity, because no action can be maintained against the Government except upon contract express or implied. (United States *v.* Jones, 131 U. S., 1.) But while he may not sue on his equity, he may protect that equity when sued by the Government.

And in Cornelius against Kessel (128 U. S., 456, 460, 461) the court in an earlier case said:

* * * When the tract which was subject to entry was thus purchased and paid for it ceased to be subject to the disposal of the United States; it was not in equity their property. (Carroll *v.* Safford, 3 How., 440, 460; Witherspoon *v.* Duncan, 4 Wall., 210, 218.) The legal title, it is true, was retained by them, but they held it as trustee for the benefit of the purchaser, and they were bound upon proper application to issue to him a patent therefor.

* * * * * * *

The power of supervision possessed by the Commissioner of the General Land Office over the acts of the register and receiver of the local land offices in the disposition of the public lands undoubtedly authorizes him to correct and annul entries of land allowed by them where the lands are not subject to entry, or the parties do not possess the qualifications required, or have previously entered all that the law permits. The exercise of this power is necessary to the due administration of the Land Department. If an investigation of the validity of such entries were required in the courts of law before they could be canceled, the necessary delays attending the examination would greatly impair, if not destroy, the efficiency of the department. But the power of supervision and correction is not an unlimited or an arbitrary power. It can be exerted only when the entry was made upon false testimony or without authority of law. It can not be exercised so as to deprive any person of land lawfully entered and paid for. By such entry and payment the purchaser secures a vested interest in the property and a right to a patent therefor, and can no more be deprived of it by order of the commissioner than he can be deprived by such order of any other lawfully acquired property. Any attempted deprivation in that way of such interest will be corrected whenever the matter is presented so that the judiciary can act upon it.

From the foregoing and other authoritative decisions of the Supreme Court of the United States it follows that when Clarence Cunningham (and each of his 32 associates or any other person) made entry and payment for his Alaska coal claim and received from the United States register and receiver his final receipt and final coal certificate of entry (1) he became the equitable owner of the land; (2) that the United States thereafter held the legal title thereto in trust for him; and (3) will in due course issue to him a patent conveying the legal title. (4) Until the patent issues, and while the legal title remains in the United States, the facts upon which the title is based are subject to investigation and determination by the land department. (5) This power of the land department can not be arbitrarily exercised and without notice to the entryman, and (6) if it is so exercised, the entryman may enforce his rights in the courts after patent has issued to another for the land. (7) Upon notice to the entryman and a hearing under the rules and regulations of the Land Office, the land department may annul his entry when it is satisfactorily shown by clear and convincing evidence that the entry was made upon false testimony or without authority of law; but (8) such annulment can not be exercised so as to deprive him of lands lawfully entered, and (9) by such entry he acquired a vested property right which can not be destroyed except upon direct attack, upon notice and hearing in lawful proceeding. (10) The 33 Cunningham entries were completed in 1907, before Congress passed the antimonopoly act of May 28, 1908, which has no retrospective effect and does not attach to the Cunningham patents. They must issue under the law as it existed in 1907.

A NATIONAL LANDLORD AND TENANT SYSTEM FOR ALASKA.

Alaska has an appointive governor, an executive department, and a system of district and lesser courts, with appeals to the United States circuit court of appeals, ninth circuit, being practically the same executive and judicial departments that all other Territories have had. Alaska, however, has no legislature—no legislative department, no law-making body in the Territory. Congress is the only law-making body with power to enact laws for Alaska.

In his last message the President has urged upon Congress the enactment of but two laws for Alaska—one creating an appointive legislative commission, and the other a leasing system for coal lands. He said:

The passage of a law permitting the leasing of Government coal lands in Alaska after public competition, and the appointment of a commission for the government of the Territory, with enabling powers to meet the local needs, will lead to an improvement in Alaska and the development of her resources that is likely to surprise the country. * * *

The suggestion that the appointment of a commission will lead to the control of the government by corporate or selfish and exploiting interests has not the slightest foundation in fact. Such a government worked well in the Philippines and would work well in Alaska, and those who are really interested in the proper development of that Territory for the benefit of the people who live in it and the benefit of the people of the United States, who own it, should support the institution of such a government.

They do. The Literary Digest of September 3, 1910, quotes Senator GUGGENHEIM as declaring:

It has been repeated ad nauseum this winter that these riches belong to "the people," by which is generally meant the people who sit comfortably at home and not those who risk all they have, including their lives, and suffer hardships incredible to the ease-loving Easterners in finding them. They do. They are Federal possessions, quite valueless till found, developed, linked with the world, and made producing and

profitable. Men and capital must do this work, and it is risky work for both. Both are entitled to rewards commensurate with the risk, and if Alaska is to be developed at all the interests of these pioneers must be guarded as jealously as the interests of the man at home.

And Mr. Jacob H. Schiff, another of the Alaska syndicate, who said:

The demand for conservation is good enough, but it must not go as far as it does at present. Capital is readily frightened, and the fact is that population in Alaska is at present not increasing, because intending immigrants do not know what they can count upon. To me it appears that Alaskan resources, especially its coal and timbers, could be developed under the control of a United States commission, something like the Interstate Commerce Commission, a body which should determine how fast coal may be taken out and timber cut, what royalty should be paid to the Government, and, perhaps, even what percentage of profits should be permitted to be made by the promoters and corporations who desire to work these resources.

The Alaska syndicate and every vote and influence it could command, through persuasion or otherwise, supported the President's suggestion at the last election in Alaska. The nonresident Fish Trust, growing fat off the resources of Alaska, supported it. The Alaska Northern Railway, a present applicant for coal lease, supported it from its Canadian headquarters. Every Federal appointee in Alaska, guided and threatened by the appointive governor and the military head of the Alaska road commission, supported it. Two members of the Cabinet, then in Alaska, saw and approved these efforts and supported it. A letter from the President of the United States addressed to the governor of Alaska, publicly printed and widely distributed through Alaska, supported it. It had a large majority in the Alaska syndicate railroad construction gang, freshly imported from the States and voted in violation of the United States statutes; but the vigorous and independent American miners in Alaska, who know what it means from what they now see there, refused to support it and gave a large majority against it. The people of Alaska strongly disapprove of the creation of an appointive military legislative commission for the government of an American Territory, inhabited by more than 40,000 American citizens, and never will support it. It may "work well in the Philippines," but it will not in Alaska—there is a difference.

Nor do the people of Alaska, nor of the great West, nor in Indiana, nor in any other American community where they understand the situation, approve the principle that because the United States are made a trustee for the natural wealth and resources of the Territory of Alaska by the Constitution that they thereby "own it" and may sell and dispose of those resources as a private owner may, and put the royalty or kingly revenue into the United States Treasury for the benefit of those States which retained and used in their local development exactly the same resources.

In his St. Paul address, made a part of his message, the President leaves no doubt of his intention to put the United States in the attitude of a landlord and to lease the coal lands as the ordinary owner does. He said:

If the Government leases the coal lands and acts as any landlord would, and imposes conditions in its leases like those which are now imposed by the owners in fee of coal mines in the various coal regions of the East, then it would retain over the disposition of the coal deposits a choice as to the assignee of the lease, a power of resuming possession at the end of the term of the lease, or of readjusting terms at fixed periods of the lease, which might easily be framed to enable it to exercise a limited but effective control in the disposition and sale of the coal to the public. It has been urged that the leasing system has never been adopted in this country, and that its adoption would largely interfere with the investment of capital and the proper development and opening up of the coal resources. I venture to differ entirely from this view. My investigations show that many owners of mining property of this country do not mine it themselves, and do not invest their money in the plants necessary for the mining; but they lease their properties for a term of years varying from 20 to 40 years, under conditions requiring the erection of a proper plant and the investment of a certain amount of money in the development of the mines and fixing a rental and a royalty, sometimes an absolute figure and sometimes one proportioned to the market value of the coal. Under this latter method the owner of the mine shares in the prosperity of his lessee when coal is high and the profits good, and also shares to some extent in their disappointment when the price of coal falls.

Frankly and fairly the President proposes that the United States shall assume the position of an owner in fee of the coal lands in Alaska and lease them to private parties upon long-term leases with the usual covenants and risks of the ordinary owner of coal lands. He takes the position with respect to Alaska that the United States does "own it," and has the power to lease or sell its resources to the highest bidder.

In the sense of trusteeship it may be conceded that the United States does "own" Alaska, but the Constitution expressly declares that—

The Congress shall have power to dispose of and make all needful rules and regulations respecting the Territory or other property belonging to the United States.

That is the limit of the power of Congress to dispose of the resources of Alaska, and the question is raised whether, under that power, Congress may withdraw the public domain from "the people of the United States, who own it," and lease it, as the owner of private property may, for gain or royalty, and put the proceeds in the Public Treasury. Of course, if Congress may go into business as the owner of coal lands, it may do likewise with copper lands, gold lands, timber lands, oil lands, water-power lands, and agricultural lands; in fact, with anything belonging to the public domain.

If Congress may withdraw and lease for 50 years it may lease for 999 years. If it may withdraw and lease 1 acre, it may withdraw and lease 590,884 square miles—the whole area of Alaska. There is no limit to the power if it exists. If it has the power in Alaska it had it in respect to the Louisiana, Mexican, and Oregon Territories, and by its exercise might have prevented the acquisition of private titles in the public domain there, and thus effectually have prevented the creation of all the States west of the Mississippi River, as it may do in Alaska. If it has that power it may establish national landlordism over Alaska, and every man, woman, and child therein may be reduced to the status of a tenant and an employee of the Alaska Syndicate, the Fish Trust, or some other monopoly created by the landlord.

MAY THE UNITED STATES LAWFULLY GO INTO BUSINESS AS A COAL-LEASING LANDLORD IN ALASKA?

In Van Brocklin against State of Tennessee (117 U. S., 151, 158), the court declares:

The United States do not and can not hold property, as a monarch may, for private or personal purposes. All the property and revenues of the United States must be held and applied, as all taxes, duties, imposts, and excises must be laid and collected, "to pay the debts and provide for the common defense and general welfare of the United States." (Constitution, Art. I, sec. 8, cl. 1.)

Probably the principle announced in South Carolina against United States (199 U. S., 437, 454) will apply. In that case South Carolina embarked upon the business of selling intoxicating liquors, and created a monopoly of the business to itself by excluding all other persons therefrom. The United States demanded the license taxes prescribed by the internal-revenue act for dealers in intoxicating liquors; the tax was paid and the State sued to recover. The Supreme Court said:

The right of South Carolina to control the sale of liquor by the dispensary system has been sustained. (Vance *v.* W. A. Vandercook Co., No. 1, 170 U. S., 438.) The profits from the business in the year 1901, as appears from the finding of fact, were over a half a million of dollars. Mingling the thought of profit with the necessity of regulation may induce the State to take possession, in like manner, of tobacco, oleomargarine, and all other objects of internal-revenue tax. If one State finds it thus profitable, other States may follow, and the whole body of internal-revenue tax be thus stricken down.

More than this. There is a large and growing movement in the country in favor of the acquisition and management by the public of what are termed public utilities, including not merely therein the supply of gas and water, but also the entire railroad system. Would the State by taking into possession these public utilities lose its republican form of government?

We may even go a step further. There are some insisting the State shall become the owner of all property and the manager of all business. Of course this is an extreme view, but its advocates are earnestly contending that thereby the best interests of all citizens will be subserved. If this change may be made in any State, how much would that State contribute to the revenue of the Nation? If this extreme action is not to be counted among the probabilities, consider the result of one much less so. Suppose the State assumes under its police power the control of all those matters subject to the internal-revenue tax and also engages in the business of importing all foreign goods.

The same argument which would exempt the sale by a State of liquor, tobacco, etc., from a license tax would exempt the importation of merchandise by a State from import duty. While the State might not prohibit importations, as it can the sale of liquor, by private individuals, yet, paying no import duty, it could undersell all individuals, and so monopolize the importation and sale of foreign goods.

Obviously, if the power of the State is carried to the extent suggested, and with it relief from all Federal taxation, the National Government would be largely crippled in its revenues. Indeed, if all the States should concur in exercising their power to the full extent, it would be almost impossible for the Nation to collect any revenues. In other words, in this indirect way it would be within the competency of the States to practically destroy the efficiency of the National Government.

* * * * * * *

Whatever Utopian theories may have been presented by any writers were regarded as mere creations of fancy, and had no practical recognition. It is true that monopolies in respect to certain commodities were known to have been granted by absolute monarchs, but they were not regarded as consistent with Anglo-Saxon ideas of government. The opposition to the Constitution came not from any apprehension of danger from the extent of power reserved to the States, but, on the other hand, entirely through fear of what might result from the exercise of the powers granted to the Central Government. While many believed that the liberty of the people depended on the preservation of the rights of the States, they had no thought that those States would extend their functions beyond their then recognized scope, or so as to imperil the life of the Nation. As well said by Chief Justice Nott, delivering the opinion of the Court of Claims in this case (39 Ct. Cls., 284):

"Moreover, at the time of the adoption of the Constitution there probably was not one person in the country who seriously contem-

plated the possibility of Government, whether State or National, ever descending from its primitive plan of a body politic to take up the work of the individual or body corporate. The public suspicion associated government with patents of nobility, with an established church, with standing armies, and distrusted all governments. Even in the high intelligence of the convention there were men who trembled at the power given to the President, who trembled at the power which the Senate might usurp, who feared that the life tenure of the judiciary might imperil the liberties of the people. Certain it is that if the possibility of a government usurping the ordinary business of individuals, driving them out of the market, and maintaining place and power by means of what would have been called in the heated invective of the time, 'a legion of mercenaries,' had been in the public mind, the Constitution would not have been adopted, or an inhibition of such power would have been placed among Madison's amendments."

And the Supreme Court concludes:

If we look upon the Constitution in the light of the common law, we are led to the same conclusion. All the avenues of trade were open to the individual. The Government did not attempt to exclude him from any. Whatever restraints were put upon him were mere police regulations to control his conduct in the business and not to exclude him therefrom. The Government was no competitor, nor did it assume to carry on any business which ordinarily is carried on by individuals. Indeed, every attempt at monopoly was odious in the eyes of the common law, and it mattered not how that monopoly arose, whether from grant of the sovereign or otherwise. The framers of the Constitution were not anticipating that a State would attempt to monopolize any business heretofore carried on by individuals.

While the real point in issue in this decision concerns the power of the United States to compel the State to pay a revenue tax, the Supreme Court, in its argument, specifically and forcefully condemns the attempt of a State to go into business and conduct the sale of liquor for a profit, to create a monopoly of the traffic for itself, and to exclude all its citizens from engaging in that trade and profit. While the language of the court in that case is leveled at the attempt of a State to engage in private traffic for profit, it is equally as cogent and applicable to any attempt by the United States to engage in a similar enterprise. There is some reason and law to justify a State to take to itself a monopoly of the hated liquor traffic in the exercise of its police power to protect its inhabitants from the vice, crime, disorder, and poverty inflicted upon them through the liquor traffic, but no such excuse can be offered when the United States shall create a monopoly in itself and engage in the coal traffic with the property of "the people of the United States, who own it."

I am aware that in the case of the United States against Gratiot (14 Pet., 526) the Supreme Court held that Congress had power to lease the lead mines in Illinois for a short period under its power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States, but whether it will adhere to and extend that ruling and approve the present-day attempts to convert the public domain into a national business enterprise for national profit can only be judged of by the language used in the Tennessee and South Carolina cases.

If the administration coal-leasing bill now pending for passage in the Senate shall be sustained on principle, then so must those planks in the Socialist Party platform of 1908, which demands:

1. The collective ownership of railroads, telegraphs, telephones, steamship lines, and all other means of social transportation and communication, and all land.
2. The collective ownership of all industries which are organized on a national scale and in which competition has virtually ceased to exist.
3. The extension of public domain to include mines, quarries, oil wells, forests, and water power.
4. The scientific reforestation of timber lands and the reclamation of swamp lands. The lands so reforested or reclaimed to be permanently retained as a part of the public domain.

Communism may have its advantages over republicanism, but, unfortunately for such schemes as this national coal-leasing plan for Alaska, the Constitution of the United States expressly declares that "the United States shall guarantee to every State in this Union a republican form of government."

May the Congress, then, depart from republican principles in its legislation and establish a communistic form of government in a Territory? May it establish a national coal-land leasing monopoly, a national oil-land leasing monopoly, a national fur-seal leasing monopoly, a national forest-land monopoly, and a national monopoly of all the other resources of that helpless Territory, in its own right, as a national landlord, for national profit, and use the public domain, the Public Treasury, and the powers and instrumentalities of the Nation in aid of its exclusive national business enterprises? May it withdraw the public domain and its treasures from "the people who own it" and reduce them to the status of tenants upon the estate of the national landlord?

As the representative of the people of Alaska, I protest against the extension of any such a principle of government to that Territory.

ALASKA'S CENTURY OF SERVITUDE TO NATIONAL MONOPOLY.

Before Thomas Jefferson became President of the United States Alaska and all its resources were leased by the Czar of all the Russias to the Russian-American Co. While it had been previously explored and its resources prospected by hardy and independent traders and subjects of the Czar, while they had blazed the trails and located the natural wealth of the land and the sea, this first leasing bill destroyed their pioneer rights and compelled them to return to Siberia in despair or to accept such employment as the company might give its serfs, at such wages as it pleased to bestow.

THE FIRST RUSSIAN-AMERICAN CO.'S LEASE, 1799.

"By the grace of a merciful God, we, Paul I, Emperor of all the Russias," leased Alaska to the Russian-American Co., for 20 years, on July 8, 1799. Most great grafts emanating from the throne are thus announced. The livery of heaven is borrowed to serve the devil in.

The manner of securing this first lease from the Czar for the Russian-American syndicate is graphically described by Bancroft; it is typical, and for comparison's sake it is quoted:

Nevertheless it was at first feared that the decease of Catherine II would be a death-blow to the ambitious schemes of the Shelikof party, for it was known that her successor, Paul I, was opposed to them. But Rezanof never for a moment lost heart, and with the versatility of a true courtier, quickly adapted himself to the change of circumstances. He had been a faithful servant to the pleasure-loving Empress, and he now became a constant companion and attendant upon the feeble-minded man who wore the crown. So successful were his efforts that on the 11th of August, 1799, the act of consolidation of the United American Co. was confirmed by imperial ukase, and the association then received the name of the Russian-American Co.

In the lease or charter the Czar took the company under "our highest protection," and, "for the purpose of aiding the company in its enterprises, we allow the commander of our land and sea forces to employ said forces in the company's aid, if occasion requires it," and granted to it the exclusive right—

III. To use and profit by everything which has been or shall be discovered in those localities, on the surface and in the interior of the earth, without competition from others.

Having thus obtained the coal, copper, and all other resources, and that there might be no independent or progressive views abroad in that region, the sixth privilege recited that the company had the right—

VI. To employ for navigation, hunting, and all other business free and unsuspected people having no illegal views or intentions. In consideration of the distance of the localities where they will be sent, the provincial authorities will grant to all persons sent out as settlers, hunters, and in other capacities passports for seven years. Serfs and house servants will only be employed by the company with the consent of their landholders, and Government tax will be paid for all serfs thus employed.

Evidently, also, conservation had a hold in Russia, for the next privilege extended to the company provided for cutting timber on the Government's forest reserves, as follows:

VII. Though it is forbidden by our highest order to cut Government timber anywhere without the permission of the admiralty college, this company is hereby permitted, on account of the distance of the admiralty from Okhotsk, when it needs timber for repairs, and occasionally for the construction of new ships, to use freely such timber as is required.

The monopoly was then made safe and secure by the tenth provision:

X. The exclusive right is most graciously granted to the company for a period of 20 years to use and enjoy, in the above-described extent of country and islands, all profits and advantages derived from hunting, trade, industries, and discovery of new lands, prohibiting the employment of these profits and advantages not only to those who would wish to sail to those countries on their own account, but to all former hunters and trappers who have been engaged in this trade and have their vessels and furs at those places; and other companies which may have been formed will not be allowed to continue their business unless they unite with the present company with their free consent; but such private companies and traders as have their vessels in those regions can either sell their property or, with the company's consent, remain until they have obtained a cargo, but no longer than is required for the loading and return of their vessel; and after that nobody will have any privileges but this one company, which will be protected in the enjoyment of all the rights mentioned.

Being fearful that something might escape from the syndicate through the natural inclination of men to do justice, the last clause provided that—

Only partners of the company shall be employed in the administration of the new possessions in charge of the company.

Armed with this imperial lease and flanked and guarded by the Russian Army and Navy, the monopoly of the Russian-American Co. was established over Alaska and maintained there to the exclusion of every independent trader and settler. Among the stockholders were the Czar and his Empress, grand

dukes and senators, and men high in the service of the Russian Government. Its purpose was monopoly; its object, the exploitation of the natural resources of Alaska.

THE RUSSIAN SYNDICATE'S SECOND LEASE, 1821–1844.

In his history of Alaska, Bancroft states that—

At the end of the 20 years for which the exclusive privileges of the Russian-American Co. were granted, we find this powerful monopoly firmly established in the favor of the Imperial Government, many nobles of high rank and several members of the royal family being among the stockholders.

On the 4th of September, 1821, Alexander signed the ukase granting the company a 20 years' extension of its monopoly of Alaska and the right—

III. To enjoy and use all that has been found or discovered within the limits of the localities described, on the surface as well as in the bowels of the earth, and all that they may hereafter discover, regardless of any claims advanced by others.

Under these charters the Russian-Alaskan syndicate prevented foreign trade, forbade the settlement of the land, enslaved the natives, robbed them of their liberties and furs, provoked tribal wars, and maintained a fur-trading monopoly to the exclusion of every manner of development of the Territory. Great profits were heaped up and divided among noble shareholders, while the fur-bearing animals were all but exterminated by ruthless hunting. They built their camps and trading posts on the copper ledges of Prince William Sound; examined with childish curiosity the copper nuggets from Chitina, where the present-day Alaska syndicate owns the richest copper deposits in America; they caught seal and walrus on the golden sands at Nome; they saw the vast coal deposits of Cook Inlet, Matanuska, and Katalla without any concern, though chains and irons for fettering human limbs, found in illy worked coal pits, proved that Siberian convicts worked the coal. They sailed through salmon and halibut shoals unequaled in the world, and saw no promise of empire in the valleys of the Yukon, Kuskokwim, Susitna, and Copper Rivers, though these valleys were wide, fertile, and enjoyed a climate milder and more salubrious than that of their own native land.

THE RUSSIAN-ALASKA SYNDICATE'S THIRD LEASE, 1844–1868.

On October 10, 1844, the Czar granted the third lease of Alaska to the Russian-American Co. for an additional 20 years from that date. Its provisions were even more drastic and monopolistic than those in former leases. The company had assumed and exercised the powers of a provincial government, and administered its ideas of justice with the cannon and the lash. As the resources of the country became known to the English and American traders they pushed their trade into that field by diplomacy when they could and by force when they were obliged to.

The company assumed to sublease the resources of Alaska to whomsoever would pay the rentals demanded; the whole of what is now southeastern Alaska was leased to the British Hudson Bay Co. for more than a decade for royalty in furs; the company denied the Russian inhabitants any individual rights to trade, farm, or manufacture; they forbade the settlement of the rich alluvial valleys by farmers, and they gave no title to the soil; all that was upon or in the bowels of the earth was held to belong to the Czar and for exploitation by the company; and no right to a home, a mine, or fisheries could be obtained by the Russian serfs or subjects.

They had been accustomed to submit without a murmur to the dictates of the governor, from whom there was no appeal, save to a court from whose seat they were separated by more than one-third of the earth's circumference. This, however, was under what might be called a half-savage régime.

Those who came to Alaska came as servants to the great monopoly, which ruled with an iron hand and without appeal; education and religion were controlled by the Czar and aided only to benefit the company; the people were oppressed and bound to service where the company willed; freedom was forbidden in settlement, trade, religion, or thought; as a necessary result of this harsh and military rule the growth and development of the country were prevented.

Thus, for 60 years Alaska's resources were exploited under a national leasing system by the Russian-American Co. It yielded enormous profits to the syndicate, but destroyed development and weakened the Russian Empire. There was no population or power in the Territory for local protection, and it became a source of expense and anxiety to the Empire, which had to appropriate great sums for its protection. To save it from foreign encroachment and probable loss, Russia sold it to the United States in 1867 for $7,200,000, a sum not more than one-half of the present value of one year's output of its fisheries.

THE FIRST UNITED STATES LEASE OF ALASKA'S RESOURCES, 1870–1890.

When the military forces of the United States landed in Sitka on October 18, 1867, to take possession of Alaska for the United States, a merchant from San Francisco landed from the same vessel. He immediately purchased from the Russian governor all the vessels and other property of the Russian-American Co. This purchase was followed up by his friends and associates by an application to Congress for the reservation of the only valuable resource then known to exist in Alaska. On March 3, 1869, the fur-seal islands were reserved by an act of Congress, and a year later, on July 1, 1870, Congress authorized their lease for 20 years. Thirty-two days later, on August 3, 1870, the United States leased the fur-seal reservation and the exclusive monopoly of taking fur seals to the Alaska Commercial Co. for 20 years, the lease providing that the company should pay to the United States $55,000 per annum rental and a revenue tax of $2 each upon the skins. The company covenanted not to kill more than 100,000 seals per annum and to maintain and support the Aleut sealers upon the islands.

For 20 years the Alaska Commercial Co. maintained the monopoly in Alaska which had existed under the Russian syndicate for 60 years preceding. When the United States acquired the cession, there were, it has been officially estimated, 6,000,000 fur seals on the rookeries, and the Alaska Commercial Co. made immense fortunes for its stockholders out of the lease. During the 20 years the Government made a net profit of $5,738,724 out of the rental and royalty and placed it in the United States Treasury.

And Alaska? Alaska lost her resources and gained nothing in development.

THE SECOND UNITED STATES LEASE OF ALASKA'S RESOURCES, 1890–1910.

On March 12, 1890, the United States made the second lease of the fur-seal islands to a new-named company, the North American Commercial Co., for an additional 20 years, at a rental of $60,000 per annum, and a revenue tax or duty of $2 and an additional amount of $7.62½ for each sealskin.

Notwithstanding this largely increased rental and the payment of the additional sum on each skin, the Government suffered a net loss for the last 20 years of $2,247,554, and the seal herd was reduced to only about 75,000.

The net result of this 40 years' national leasing of Alaska's resources is that $50,400,259 in value of Alaska's fur-seal resources were taken out of the Territory, at an actual loss during the last 20 years of more than two and one-quarter million dollars out of the United States Treasury.

And what did Alaska get for her citizens or in development? Not one cent.

Not a home was built in Alaska out of that immense fur-seal wealth; not a schoolhouse; not a single child was educated in Alaska out of it; not a single church was built there. It paid nothing toward maintaining government in Alaska, nor did it establish a single Alaska enterprise.

The national leasing system robbed Alaska of $50,400,259 of her fur-seal resources in 40 years, and in the last 20 years cost the United States Treasury a direct loss of $2,247,544 more than it received from leasing the fur seals. Alaska lost her resources and the national landlord lost the rent and a large deficit in appropriations besides.

A NEW NATIONAL FUR MONOPOLY IN ALASKA, 1910.

On April 30, 1910, the lease to the North American Commercial Co. expired; the landlord found a big red deficit and the herd of fur seals nearly destroyed. Congress then concluded to quit the inactive life of a landlord and go into active business for itself and work the Alaskan fur-seal game preserves as an owner and business corporation has a right to do. By an act of Congress approved April 21, 1910, the United States embarked in the business as a governmental monopoly, and is now engaged in propagating seals, curing the skins, and selling them to its brother monopoly in London for a profit.

The act of April 21, 1910, provides that the Secretary of Commerce and Labor shall have power to kill the seals on the Pribilof Islands, and that all seals taken—

shall be sold by the Secretary of Commerce and Labor in such market, at such times, and in such manner as he may deem most advantageous, and the proceeds of such sale or sales shall be paid into the Treasury of the United States.

The Pribilof Islands are declared to be a special reservation for governmental purposes—for propagating and taking the fur seals that annually come there to breed—and the Secretary is commanded to employ the native inhabitants of the islands to kill the seals and cure the skins for the United States. It is

made unlawful to land on the islands, and any person found there shall be summarily removed and punished by fine and imprisonment. The killing of fur seals is prohibited, and—

No citizen of the United States, nor person owing duty of obedience to the laws or treaties of the United States, nor any person belonging to or on board of a vessel of the United States, shall kill, capture, or hunt, at any time or in any manner whatever, any fur seal in the waters of the Pacific Ocean, including Bering Sea and the Sea of Okhotsk, whether in the territorial waters of the United States or in the open sea.

General and unlimited authority is given to the Secretary to employ officers, agents, and employees; he is authorized to buy all the houses, boats, horses, wagons, and all other property of the retiring lessee, the North American Commercial Co., and—

* * * He shall likewise have authority to establish and maintain depots for provisions and supplies on the Pribilof Islands and to provide for the transportation of such provisions and supplies from the mainland of the United States to the said islands by the charter of private vessels or by the use of public vessels of the United States which may be placed at his disposal by the President; and he shall likewise have authority to furnish food, shelter, fuel, clothing, and other necessaries of life to the native inhabitants of the Pribilof Islands and to provide for their comfort, maintenance, education, and protection.

A few weeks ago an official from the Department of Commerce and Labor took over to London the sealskins from the national preserves for 1910. He sold them to the same old manufacturing monopoly which had handled them for the two previous lessees, and turned the money obtained into the United States Treasury. When the expense for the year is paid, including direct appropriations from the Treasury and the maintenance of revenue cutters on guard at the rookeries, there will be, exactly as in 1909, an actual loss to the Government on the year's fur business of about $150,000.

A recent report of the Bureau of Fisheries declared:

The Alaskan fur seals constitute the most valuable fishery resource that any Government in the world ever possessed. It is little less than a national disgrace that the herd of four to six million seals which came into our possession when Alaska was acquired from Russia and has been under our charge ever since should have been allowed to dwindle until to-day it numbers less than 150,000 of all ages.

And this result came from national leasing to a private monopoly for 40 years! The United States has now organized a national, instead of a private, monopoly, and will itself attempt to save the remnant of this greatest of Alaska's resources.

A NATIONAL SALMON MONOPOLY IN ALASKA, 1878–1911.

A statement of the amount of Alaska's fishery output since 1868, arranged from official sources, is herewith given:

Years.	Walrus ivory.	Aquatic furs.	Fur seals.	Whalebone.	Fish.	Total.
1868-1905.	$343,542	$12,189,484	$47,896,383	$567,417	$77,045,812	$138,042,638
1906.....	7,190	42,741	454,585	42,242	8,524,332	9,071,090
1907.....	5,671	36,805	484,649	114,240	9,518,818	10,160,183
1908.....	9,393	35,178	459,950	202,761	11,140,161	11,847,443
1909.....	781	73,131	597,983	87,324	10,422,169	11,181,388
1910.....	1,000	75,000	506,709	85,000	12,482,291	13,150,000
Total.	367,577	12,452,339	50,400,259	1,098,984	129,133,583	193,452,742

Figures for 1910 are estimated by the Bureau of Fisheries. Shipments of fur-bearing animals (exclusive of aquatic fur-bearing animals) for 1910 amounted to $334,573.

If you were in Bristol Bay, Alaska, now you would see many great cannery buildings filled with machinery and fishing gear, but cold and lifeless. A single watchman at each plant keeps ward for nine months in the year. If you were to return to that bay in May, a different scene would greet you. Away off to the southwest you would see a fleet of vessels, like a hostile armada, coming northward through the Aleutian Passes. As the cloud of sail approaches it separates, and different vessels seek the docks to which they belong, and immediately begin to unload the season's supplies. First come thousands of men—from San Francisco, Portland, and Seattle—Chinese, Japanese, and nonresident fishermen, under a contract to go to Alaska for the short fishing season of three months, and to be paid on their return to their home ports. The wharves groan with the weight of the merchandise and the supplies for the imported fishermen, and with the season's fishing outfit. The boarding houses are opened, the stoves lighted, tables prepared, the fires are started in the canneries, boats are pulled out of winter quarters, tackle is prepared, sails hoisted, and in a few hours the bays and the rivers are white with the sails of the fishing fleet. For the next two months all is life and bustle. The business never stops. Fish, fish, fish everywhere. Boats, scows, wharves, and canneries are filled with fish; the machinery grinds, men work with nervous haste, and the finest crop of salmon ever seen in the waters of the world is caught and canned in this bay. Day and night the harvest proceeds, for the bay is sunlit 20 out of the 24 hours, and it is never dark. Crews are changed with military precision—while part sleep the others work—and the movement of fish from the sea into the cans never ceases. In 60 days the season is ended. Every can is filled.

And now the armada embarks its stolen riches. The holds of its vessels are filled with a season's crop—it amounted to more than $12,000,000 in value last year—the Chinese, Japanese, and nonresident fishermen are loaded; the fleet sails away through the Aleutian passes, leaving the cannery buildings and a watchman for another long winter; and Alaska has lost another crop. Out of nearly $130,000,000 worth of fish thus taken from Alaska not a home nor a school nor a church has been built nor a child educated in the Territory.

Alaska got nothing. What did the United States get?

In answer to that inquiry the following statement has been received from the Attorney General:

DEPARTMENT OF JUSTICE,
Washington, January 9, 1911.

Hon. JAMES WICKERSHAM,
House of Representatives.

SIR: Referring further to your letter of the 3d instant, the following statement is submitted, showing the gross amounts received through taxes or other sources on account of the salmon fisheries of Alaska since the time the Department of Justice has been charged with the collection of these moneys:

1900 (July 1 to Dec. 31)	$1,911.66
1901	54,319.94
1902	70,219.36
1903	44,161.46
1904	139,683.36
1905	78,488.55
1906	71,223.37
1907	88,745.46
1908	105,466.64
1909	81,309.16
1910 (Jan. 1 to Sept. 30)	118,154.42

The credits given each cannery on account of the fry released from its hatchery, in accordance with the provisions of the act of June 26, 1906, are as follows:

Alaska Packers' Association:	
1907	$44,658.16
1908	38,272.32
1909	29,668.80
1910 (Jan. 1 to Sept. 30)	23,956.00
Northwestern Fisheries Co., 1908	6,917.48
North Pacific T. & P. Co., 1909	1,280.00

The figures given in this statement represent only the collections for the respective years, as shown by the accounts of the clerks of the district courts, and are without regard to the period or year of the output, i. e., the time the taxes or credits accrued.

The amounts of the collections and credits as shown for the year 1910 cover merely the period from January 1 to September 30, as the accounts for the quarter ended December 31, 1910, have not as yet been received.

Respectfully,

J. A. FOWLER,
Acting Attorney General.

Here, then, is exactly what the United States got:	
From the total amount paid by the canneries	$853,683.38
Subtract credit for private hatcheries	144,752.76
Leaves net cash payment by canneries	708,930.62
Subtract appropriations for Alaskan fisheries	200,221.01
Net national receipts from Alaskan fisheries	508,709.61

The gross amount paid by the canneries amounts only to a tax of a fraction of over 6 mills on the dollar, or three-fifths of 1 per cent of the value of the crop taken out, while the net amount received by the United States amounts to a fraction less than 4 mills on the dollar, or less than two-fifths of 1 per cent of the value of the product taken.

If a resident builds a home and enters into business as a merchant or manufacturer, in any incorporated town in Alaska, the United States first compels him to pay a license tax amounting to practically 5 mills on the dollar of the gross amount of business he transacts, then the town taxes him 20 mills on his real and personal property, and he is further required to pay a poll and other personal taxes. In short, he pays six times as much in proportion as the nonresident cannery trust pays, besides all the other aid and assistance which he gives to the development of the Territory. Without exception, the laws of the United States applicable to Alaska nourish monopoly and punish the homemaker and the man engaged in actual development of the Territory.

Alaska gets nothing, and the United States gets but one-sixth of the proportionate tax a resident pays, out of the Alaska fisheries.

What does the fish trust get?

In its annual statement for 1908, filed with the Committee on the Territories of the House of Representatives on June 18, 1910, the Alaska Packers' Association claims to have made in gross profits in 16 years, from 1893 to 1908, both inclusive, $9,374,703.

Alaska Packers' Association, comparative statement, 16 years.

Years.	Gross profits before writing down values and paying dividends.	Written off.	Dividends paid.	Surplus.	Capital stock paid in.	Shares issued (par value $100).	Canneries operated.	Cases packed.
1893	$461,452			$461,452	$2,841,280	43,712	13	462,650
1894	494,679	$20,955	$393,408	80,316	3,079,505	47,377	14	556,494
1895	607,615	30,101	426,393	151,121	3,079,505	47,377	16	526,806
1896	665,689	41,815	426,393	197,481	3,079,505	47,377	18	699,826
1897	627,306	91,640	431,532	104,134	3,120,000	48,000	19	818,207
1898	766,078	167,292	432,000	166,786	3,120,000	48,000	19	775,969
1899	829,021	143,991	432,000	253,030	3,120,000	48,000	19	877,723
1900	1,155,869	301,857	432,000	422,012	3,120,000	48,000	20	1,004,318
1901	862,886	81,142	432,000	349,744	3,120 000	48,000	22	1,273,566
1902	801,383	73,421	576,000	151,962	3,120,000	48,000	23	1,306,947
1903	1,142,255	216,432	576,000	349,823	3,120,000	48,000	23	1,334,824
1904	109,198	140,956	552,000	[1] 583,758	3,120,000	48,000	21	1,170,474
1905	[1] 1,074,402	345,437	[2] 2,039,655	[1 2] 3,459,494	[2] 5,750,800	57,508	16	1,139,721
1906	213,571	211,932		1,639	5,750,800	57,508	16	1,044,676
1907	831,421	221,775		609,646	5,750,800	57,508	16	1,100,035
1908	880,682	217,574		663,108	5,750,800	57,508	16	1,160,477
Total	9,374,703	2,306,320	7,149,381	[1] 80,998	5,750,800	57,508		15,252,713

[1] Reductions.

[2] Includes $1,680,000 transferred to capital stock.

In addition to the profits shown in the above statement, taken from the Sixteenth Annual Statement of the Alaska Packers' Association for 1908, its seventeenth annual report shows this statement:

The profits for 1909 were $779,728.69. Added to the previous statement, it is an admission that this nonresident fish trust has actually received $10,154,431 in profits from the Alaska fisheries, or a sum equal to twice the amount of its invested capital stock. It justifies the statement of Mr. John Rosene, who organized the Guggenheim end of the fish trust, that the business pays more than 25 per cent annual profit. And this is only one of the many nonresident corporations taking Alaska fish.

What has Alaska received? Nothing; not even development or population. And the United States? The same. And what of the Alaska fisheries? In his evidence before the Committee on the Territories of the House of Representatives last spring Dr. Barton W. Everman, of the United States Bureau of Fisheries, testified in respect to the value of the Karluk salmon stream, on the north shore of Kadiak Island, that it was "the greatest in the world." And he then admitted that it was practically fished out, depleted, and destroyed by the wasteful and unlawful methods adopted by the fish trust.

Dr. David Starr Jordan, the greatest authority on the fisheries of Alaska, in a letter dated December 9, 1907, declared that the rivers emptying into Bristol Bay "are the greatest salmon streams in the world;" and he then added:

> These streams have been badly overfished and the output has fallen off. It will continue to fall away with great rapidity to the injury of the fishermen, the packers, and the people of the United States, to whom these rivers belong.

The Alaska fur-seal resource was depleted 99 per cent from 1868 to 1910 by the leasing system, and by practically the same system the Alaska salmon resource is on the same downhill road to rapid extinction. It is a system of destruction, and not of development.

What the Alaska salmon fisheries need is conservation and protection by the United States, until the people of Alaska, by a local legislature, can conserve and protect them. Alaska also needs such legislation by Congress as will require these nonresident monopolists to pay their reasonable proportion for the support of government in, and the development of, Alaska; and such a protective tariff as will enable the Alaska fisheries to support resident Alaska fishermen and their homes, churches, and schools.

A NATIONAL FOREST MONOPOLY IN ALASKA, 1902–1911.

Congress has authorized it, and the President has withdrawn from settlement or entry and reserved for forestry purposes in southeastern and southern Alaska, 26,761,626 acres, or 41,815 square miles, of the public lands, an area larger than the State of Ohio. This immense reserve covers nearly the whole of the habitable seacoast of Alaska—all that part most favorable to settlement and nearest to civilization. All those islands constituting southern Alaska, blessed with a mild climate, where fishermen would settle and begin homes and hamlets, through which steamboat navigation is safe and regular, where Alaska's capital and other permanent and important towns are located, are thus blanketed with the cloud of withdrawal and reservation.

All that region at the head of the Gulf of Alaska, where railroad building is desirable and actually under way, where the valuable coal mines lie, and through which the coal must come to the sea, is also reserved. Where the battle for development is reasonably easy, the Government has added all that it could to the burden by a forestry reservation. Where settlements have existed for a century, where the cable and telegraph lines connect with the outside world, where roads, schools, homes, and permanent population have been created in this seacoast wilderness, reservations have been created, leaving only a mile in circuit around a few of the larger towns, even around the capital of the Territory itself.

The forty-fourth regulation in the Forestry Use Book provides:

> REGULATION 44. Without permit, and free of charge, settlers, farmers, prospectors, fishermen, or similar persons residing within or adjacent to national forests in Alaska are granted the privilege of taking green or dried timber from the forests and driftwood, afloat or on the beaches, for their own personal use, but not for sale: *Provided*, That the amount of material so taken shall not in any one year exceed 20,000 feet board measure or 25 cords of wood: *And provided further*, That the person enjoying this privilege will, on demand, forward to the supervisor a statement of the quantity of material so taken and a description of the location from which it was removed.

An Indian may not even take "driftwood, afloat or on the beaches," without liability to report the fact to the forestry officers. Neither he nor a citizen can cut cordwood for his own use without more red-tape formulas than the wood is worth. Formerly he could cut a few logs in the winter season and kill a few fur seals when on their northern migration in the spring, and thus secure a living for himself and family. Both these sources of livelihood are now penalized, and the Indian and the poor white settler are both alike threatened with extinction. Settlements and development in the most favored portions of the Territory are practically prohibited and the land held in a state of nature, while the people, homes, and civilization are barred from the country—and why?

To protect the forests from fire? No, for the rainfall at Sitka last year was 79 inches—6 feet and 7 inches over the region—and the forests can not be burned. To protect the water supply? No; for the largest glaciers in the world exist in these forest reserves and the tremendous rainfall renders the forests unimportant for that purpose. To prevent cutting and export? No; for prior to the creation of the reserves the law forbade the exportation and the timber was cut only for local uses and development, but under the forestry administration one may buy, saw, and export freely. There is no reason known to the theory

of forestry for this Alaska forestry reservation, except to sell the timber and turn the money into the United States Treasury. Does that pay? It does not, and never will.

Following is a financial statement prepared by the Forest Service, showing the losses for every year since the reservations were created:

Statement of receipts and expenditures, national forests, Territory of Alaska, from July 1, 1905, to June 30, 1910.

	1906	1907	1908	1909	1910	Total.
RECEIPTS.						
Timber sales	$1,305.30	$3,162.85	$6,300.50	$10,510.90	$15,288.52	$36,568.07
Timber settlement		16.29				16.29
Timber trespass	1,180.89	112.50	3,978.75	1,149.91	1,192.58	7,614.63
Special use	343.88	379.88	459.88	550.28	297.18	2,051.10
Not classified					2,723.74	2,723.74
Total	2,830.07	3,671.52	10,739.13	12,211.09	19,502.02	48,953.83
Refunds of excess payments	118.64			934.10	376.55	1,429.29
Net total receipts	2,711.43	3,671.52	10,739.13	11,276.99	19,125.47	47,524.54
EXPENDITURES.						
Salaries	1,950.00	2,318.00	3,875.99	8,148.35	13,366.89	29,659.23
Expenses	2,765.22	2,260.73	3,826.45	6,875.98	8,057.07	23,785.45
Permanent improvements			50.96	11,300.00	1,400.00	12,750.96
General administration and inspection Forest Service—proportion chargeable to Alaska	1,320.00	1,850.00	4,015.00	5,530.00	7,115.00	19,830.00
Total expenditures	6,035.22	6,428.73	11,768.40	31,854.33	29,938.96	86,025.64
Total receipts	2,711.43	3,671.52	10,739.13	11,276.99	19,125.47	47,524.54
Loss	3,323.79	2,757.21	1,029.27	20,577.34	10,813.49	38,501.10

Thus in five years the Government has suffered an actual loss of its timber and $38,501.10 out of the Public Treasury, and who has gained thereby? Nobody—not even Alaska. The Forest Service is a failure in Alaska from every standpoint.

In his last annual report the governor of Alaska very properly says:

> Steps should be taken without delay to restore large portions, if not all, of the Chugach National Forest to the public domain. Many thousand acres of this reservation are almost treeless, and the conditions are such as to render any measures for the conservation of water absurdly unnecessary. Such scattered timber as may be found for small uses should be freely available to assist in development enterprises and to encourage settlers.

Nor is there much greater reason for continuing to retard development by the maintenance of the Tongass National Forest. It can not be burned, is not needed to conserve the water supply, and may be as well protected by an agent from despoilation without reservation as with it. It ought freely to be used for the development of Alaska "by the people who own it."

Settlers are, so far, excluded from this Alaska forest reserve, as large as Ohio, and the fact is admitted that since the reserves were created in 1902 not a single homesteader nor American settler has been allowed to plant an American home on that area. Is it possible that Congress will maintain longer a situation so intolerable? Have the "people who own it" no right to a home on the Alaska public domain? Will Congress sanction the continued existence of a system of forestry reservations in Alaska which prevents settlements, homes, schools, churches, and bars civilization and development therefrom?

A NATIONAL PETROLEUM MONOPOLY IN ALASKA, 1910.

In pursuance to the power granted to him by the withdrawal act of June 25, 1910, and on November 3, 1910, the President made the following order:

NOVEMBER 3, 1910.

ORDER OF WITHDRAWAL—PETROLEUM RESERVE NO. 12—ALASKA NO. 1.

It is hereby ordered that all the public lands and lands in national forests in the District of Alaska containing petroleum deposits be, and the same are hereby, withdrawn from settlement, location, sale, or entry, and reserved for classification and in aid of legislation affecting the use and disposal of petroleum lands belonging to the United States.

WM. H. TAFT, *President.*

In pursuance of the general policy announced in the President's message bills have been introduced in Congress, and will probably pass, authorizing the special disposal of oil and gas lands in Alaska. Senate bill 9011 has passed the Senate, and is now before the House for consideration.

It is quite apparent that the withdrawal order covers every portion of Alaska. There is no attempt to reserve particular lands, but "all the public lands and lands in national forests in the District of Alaska containing petroleum deposits" are withdrawn. What lands contain petroleum can not be ascertained until after deep borings are made, and thus again a blanket reservation is made of every foot of land in Alaska.

Whether the Department of the Interior will hereafter grant a patent to a homestead or a mining claim until it has been ascertained and affirmatively established as a fact by the applicant, by extensive and costly borings, that the lands do not contain petroleum, can only be conjectured. No law exists requiring any such proofs without the general mineral-land laws may require it, and if they do, and such proofs are demanded, then development must stop for that reason. At any rate, this petroleum order of withdrawal is a cloud upon the title to every location or entry of land in Alaska, and, in charge of the objecting bureau clerk, will add an additional burden and become a substantial bar to development therein. The fact that there may never be any petroleum of value found there and that none is known to exist will not relieve the situation but only adds to the maze of doubt, uncertainty, and confusion affecting that unhappy Territory by illy drawn laws passed by an uninformed Congress.

Mr. SULZER. I yield 10 minutes to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Chairman, I listened with unusual interest to the informing discourse delivered by the gentleman from Iowa, the chairman of the Committee on Military Affairs. I was glad that he, being able to speak from knowledge, took occasion to reply to those ill-informed critics who constantly claim, Cassandra-like, that the Government is beset with woes, likely to fall into pitfalls of danger, and surrounded by imminent disasters, because of the inefficiency of the Army of the United States. Why, sir, if the Army of the United States, size for size, is not more efficient than any other army in the world, then we have been vastly mistaken in the character of our people, and the extraordinarily liberal sums of money that this Congress has voted have been criminally misapplied in the expenditure. But I do not believe that the Army is inefficient in any degree whatever. Except, perhaps, in the question of Field Artillery, to which the gentleman referred, we are as well armed as an army can be. We have a growing and soon to be entirely abundant supply of reserve ammunition for certain classes of arms, and I want to reassure gentlemen who have been disturbed by the prophecies of evil by the gentleman from Alabama [Mr. HOBSON] that there is no such imminent risk, so far as the Army of the United States is concerned, and if our people will only keep their nerves they may still sleep quietly even though they reside on the western side of the Rocky Mountains. [Applause.]

I concur most heartily in what my colleague the gentleman from New York [Mr. SULZER] said with reference to the long and distinguished service of the gentleman from Iowa [Mr. HULL], with whom I have had the honor of serving for 12 years in the work of preparing these bills for your consideration.

Personally, that work has been agreeable. Officially, we have so infrequently had divisions along partisan lines in that committee that if there is an instance of it it has now gone entirely out of my mind. He and I have worked with an eye single to the interests of the country. I believe that other Members have also, and I regret also that we are not to have the advantage of his counsel and of his long experience in the preparation of the next bill. I would have been entirely reconciled to see him moved in the committee room, for I have been anxious to see how he would decorate the other end of the table [laughter], but to have him entirely expelled from the room was beyond my purpose in any fight I have made on him heretofore.

Mr. Chairman, it was my purpose, pending the consideration of the diplomatic and consular appropriation bill, to submit a few observations upon the subject touched in the editorial from the New York Times that I send to the desk and ask to have read.

The Clerk read as follows:

AMERICANS ABROAD.

Gen. Lee Christmas and his warriors, many of whom claim American citizenship, are restive at Puerto Cortez, because they are withheld from fighting by an armistice. Our brave boys! The envoy of President Davila, who is willing to resign his office to secure peace to his country, refuses to accept Bonilla as a substitute President for the very good reason that he is an agent of an American fruit trust. He is not a United States citizen, like so many other "patriots" in perturbed Latin-America, but he is clearly an "American business man." A peace conference is to be held on board an American warship to-morrow, with the United States agent, Thomas C. Dawson, acting as mediator. But all Honduras is already at peace, except a small part of it which has been disturbed by this distinguished American citizen, Christmas, and the equally distinguished American business man, Bonilla.

From the seat of war in northern Mexico comes the information that many of the revolutionists are Americans. One of them is a brave lad called "Chicago Slim." He killed a soldier day before yesterday. Honduras and Mexico are welcome to these products of our civilization if they want them. But candor compels us to admit that they do not seem to want them. What are we going to do about it, if anything?

Mr. SLAYDEN. Mr. Chairman, for some time I have had my attention called to the fact that our laws of neutrality were perhaps not as well observed, not as well enforced as they might be. While I could not go upon the stand and qualify as a witness and swear that violations of the laws of neutrality have occurred and that assaults contemplated against the Mexican Government had been arranged for in this country, yet they are matters of such common knowledge and of such frequency and circumstances of a convincing nature have so frequently been presented to me that I would be willing to swear that, in my judgment, the bulk of these revolutionary movements against northern Mexico have been hatched under our flag. Now, whether our detectives, our Secret Service force, or our officials charged with the enforcement of the neutrality laws are less efficient than they have been heretofore, or whether they have grown indifferent to these things, I am not prepared to say, but they have been increasing with more or less rapidity, and now they are so often repeated that it has become an offense, and properly, justifiably an offense to our neighbors to the south. Mexico has said nothing, but in a feeble way Honduras and other Governments in South America have protested against American-made revolutions being unloaded upon those countries. Often as they occur the genesis of those South American revolutions is always a matter of interest to students of politics and of history. There seems to be some reason for them, and too often, in my judgment, it has occurred that those revolutions have been of the most sordid type. It has not always been a desire to get rid of a tyrant and to substitute free government, but it has sometimes been a desire to get rid of government that stood in the way of certain commercial enterprises and to set up the business ventures of the confederates of the revolution makers.

A citizen of the city of Galveston recently published a communication in a paper printed in that city in which he made the specific charge that the present revolution against the Government of Honduras, of which I believe Mr. Davila is the President, was fostered by a great trust in this country—the United Fruit Co. Whether that be true or false I do not know. I can only say that the charge is made by a gentleman of repute, a gentleman of good standing, a man of good judgment, in the city of Galveston, who recently spent three or four months in Honduras, and who charges that this revolution was financed in this country and financed by that trust. It is a matter of common knowledge that for weeks before the *Hornet* sailed from New Orleans the whole world was advised, so far as the publication and circulation of newspapers could advise it, that there was in preparation an expedition directed against the Government of Honduras.

Of course it was denied; of course there were efforts made to conceal the purposes of the movement and that a revolution had been organized, but it developed after the *Hornet* had landed somewhere on the coast of Honduras that all the time she was protesting innocence, all the time our Government had been unable to discover any evidence of guilt, she had been making preparation to engage in revolution and had sailed out of the port of New Orleans armed with weapons and ready to wage war against a friendly nation.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. SULZER. I yield the gentleman two minutes more.

Mr. SLAYDEN. Now, Mr. Chairman, I have not time to refer in two minutes to the facts I had intended to call to the attention of this House and to the country in this speech. I will conclude by saying that, in my judgment, all of those countries to the south of us are entitled to the most active cooperation of the Government of the United States in the suppression of these unfriendly movements against them.

The element referred to in the editorial that I have had read from Chicago—the "Chicago slims" and anarchists and socialists and undesirables of various sorts—have gone to the Republic of Mexico, according to the assertions of the press dispatches, and have become officials in an army that is striking a blow for freedom, so called; but when one of those fellows gets caught he fails to show the blood of a true sportsman, because the moment he feels the pressure of the Government upon him, the moment he feels the likelihood of there being imposed upon him a penalty properly fixed for an infraction of those laws, he squeals and comes to the Government of the United States for protection. Of course the Government ought to protect all of its citizens and ought to protect them perhaps more vigorously than it has heretofore, although I have never had any sympathy with the cry that it fails usually in the discharge of that duty; but, sir, when Americans deliberately commit an offense against a friendly Government, deliberately invade the soil of another country and make war upon that Government, they deserve the penalties invited by such a course, and, in my judgment, ought to receive them and without any interference by this or any other Government beyond the mere demand for a fair trial and the assessment of only such penalties as the law for such cases provides. [Applause.]

Mr. SULZER. Mr. Chairman, I think it proper for me to say, in reply to the gentleman from Texas, that the officials of the United Fruit Co. deny absolutely that they, or anyone acting for them, are responsible, directly or indirectly, for the revolution in the Republic of Honduras, or that they, or any person acting for them or the United Fruit Co., are aiding or abetting the same in any way whatsoever. I think this should go on the record.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. OLMSTED having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 26290. An act providing for the validation of certain homestead entries;

H. R. 32400. An act to authorize the North Pennsylvania Railroad Co. and the Delaware & Bound Brook Railroad Co. to construct a bridge across the Delaware River from Lower Wakefield Township, Bucks County, Pa., to Ewing Township, Mercer County, N. J.;

H. R. 32571. An act to consolidate certain forest lands in the Kansas National Forest;

H. R. 18542. An act for the relief of Thomas C. Clark; and

H. R. 32220. An act to authorize the board of supervisors of the town of High Landing, Red Lake County, Minn., to construct a bridge across the Red Lake River.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. AMOS L. ALLEN, late a Representative from the State of Maine.

Resolved, That a committee of seven Senators be appointed by the Vice President to join a committee appointed on the part of the House of Representatives to take order for superintending the funeral of the deceased.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

And that in compliance with the foregoing the Vice President had appointed as said committee Mr. HALE, Mr. FRYE, Mr. LODGE, Mr. RAYNER, Mr. NEWLANDS, Mr. SMITH of Michigan, Mr. JONES, Mr. PAGE, and Mr. SWANSON.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 10632) to authorize the North Pennsylvania Railroad Co. and the Delaware & Bound Brook Railroad Co. to construct a bridge across the Delaware River from Lower Makefield Township, Bucks County, Pa., to Ewing Township, Mercer County, N. J.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28632) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the amendment of the Senate to the bill (H. R. 31538) to authorize the Pensacola, Mobile & New Orleans Railroad Co., a corporation

existing under the laws of the State of Alabama, to construct a bridge over and across the Mobile River and its navigable channels on a line opposite the city of Mobile, Ala.

MILITARY ACADEMY APPROPRIATION BILL.

The committee resumed its session.

[Mr. WEISSE addressed the committee. See Appendix.]

Mr. HUMPHREY of Washington. Mr. Chairman, on the 3d day of May last the Committee on the Library for the second time favorably reported a bill introduced by me to suitably mark the celebrated and historic trail from the Missouri River to Puget Sound. This trail has been aptly characterized as one of the "great battlefields of the world." More than 300,000 people traveled this trail and 5,000,000 head of live stock passed over it. The pioneers that went over this trail saved the Oregon country to this Nation. From every standpoint it is most fitting that the Government should in a suitable way perpetuate their memory by properly marking the great highway over which they traveled, a highway in many respects unmatched in all the great migrations in the world's history. This trail was more than 2,000 miles long and was once grimly and significantly marked by thousands of bleaching skeletons of the life that failed while traversing it. But the weary thousands that struggled over barren wastes and rolling prairies and through mountain fastnesses and primeval forests were not, like the semibarbarous hordes of old in their great migration, seeking new regions to plunder and subjugate; but those who went over the Oregon trail were patriots of peace seeking new homes in a great but practically unsettled region. This region that they saved to our country is among the fairest and most goodly lands of all the world. To the memory of those heroes of peaceful conquest too high an honor can not be paid by this Nation. But few of that mighty host of strong and adventurous men and women yet remain among the living.

But it is not my purpose at this time to make a speech upon this subject, but to place in the RECORD, where it may be safely preserved for all time, some statements in regard to the subject by Hon. Ezra Meeker, of Puyallup, Wash. This great pioneer and patriot has passed his eightieth milestone on the great trail that ends in eternity. He writes me that he may expect that his journey soon will end, but that while he lives he shall work for this project, and that he still cherishes the hope that he may be spared to see it completed. To this strong man, so typical of the Oregon pioneer, the chief credit is due for arousing an interest in the marking of this trail. He went over this trail more than a half century ago. He speaks from personal experience. He has recently been over it again, traveling, as he did the first time, in a cart drawn by an ox team. He has by his own efforts, and largely at his own expense, located the trail and partially marked it, so that this most important work has already been performed by him.

In a statement made by him and published in the report he says:

Made possible by the discovery in 1824 of that wonderful gap in the Rocky Mountains known as the South Pass, the Oregon trail did not become a national highway until Bonneyville and Wyeth in 1832 and 1833 traversed the whole length, from the Missouri River to the tidewaters of the Pacific. The missionaries, trappers, and traders soon wore a visible wagon track to the traders' rendezvous on the Green River and beyond to Fort Hall, on the upper reaches of Snake River, but not until the greater immigration of the Oregon home seekers, a thousand strong, with their wagon train in 1843 passed over to the Pacific, did the Oregon trail become in fact a great national highway. Each year thereafter wagon trains passed over the whole route to the Oregon country in varying numbers, wearing the track deeper and deeper until finally the greater exodus of 1852, when a column 50,000 strong moved out from the Missouri River and lined the trail with the dead, 5,000 or more in number for that one year alone. Meanwhile the Mormon migration had followed in the track of the Oregon pioneers for fully a thousand miles to the great bend of Bear River. The California movement of 1849 and later also followed in the same track to Bear River or to Fort Hall, where the California trail diverged, as did the Mormon track also, and bore off to the southwest, while the Oregon trail kept steadily on to the northwest.

The trail had indeed become a great national highway 2,000 miles long. Fully 300,000 people crossed over what might be termed the "eastern section" before the advent of the Pacific Railroad, which diverted the later traffic, and the trail again became a solitude, but not until fully 5,000,000 head of stock passed over, either east or west, and had worn the trail so deep that the track in places might readily be mistaken for great railroad cuts.

The object of marking this historic trail is the same as the marking of any other great battle field of history. The winners of the farther West that passed over this trail fought a strenuous battle, and the trail became a battle field from one end to the other. Six dead to the mile upon a stretch of 400 miles up the Platte tells the ghastly story. Nor was this all. The fallen could be counted in groups of fifties and seventies beyond where this count was made. History does not record the battlefield of greater carnage than that of the Oregon trail; neither is there any record of so long a trail, or of one that wrought such historic changes. The joint occupancy treaties with Great Britain left the settlement of the Oregon boundary virtually to be determined by a race as to whom should, as home builders, occupy the country first. The Hudson Bay Co. began bringing in settlers from the Red River of the North, and not until the opening of the Oregon trail for wagons to the Oregon country, with their precious freight of home builders, was the question settled as to the preponderance of the American settlement over that fostered by the Hudson Bay Co. Immediately this was accomplished, an American provisional government was formed and the British rule ended.

No more heroic act is recorded in history than this of the Oregon pioneers holding firmly the disputed territory while many of our statesmen were decrying the Oregon country and preparing the way for a shameful surrender. The American people owe a deep debt of gratitude to those intrepid pioneers, and their trail should be marked and the memory of it preserved religiously as a great landmark in the history of the Nation not only that future generations may know that the great struggle to advance our national boundary to the Pacific, but likewise to keep alive that patriotic zeal so helpful in the perpetuation of our Government.

In the measure we keep the memories of the heroic past fresh in the minds of our people, patriotic fervor is fanned, the flag more revered, and our national stability better assured.

In a communication that I have recently received from him, Mr. Meeker makes the following statement:

House bill 17436, Sixty-first Congress, provides for the appointment of a commissioner "who shall, under the direction of the Secretary of War, erect such monuments and markers of granite and other material as will designate and locate the general route of the Oregon Trail and fittingly commemorate the valorous deeds of those who established said trail, from the left bank of the Missouri River to Puget Sound," and provided for appropriating $50,000 for the purpose of carrying out the provision of the act.

The committee of the Sixtieth Congress reported favorably for appropriating the sum named in the bill, and added a proviso that no part of the money should be available until the Secretary of War is satisfied there would be sufficient funds to complete the work.

The committee of the Sixty-first Congress reported favoring an appropriation, but reduced the sum to $25,000, with the proviso as noted, which would preclude any possible action under the provision of the bill.

When the bill was first introduced many friends of the measure believed that $50,000 was not enough to "fittingly commemorate the valorous deed" of the Oregon pioneer, but rested content in the belief that the Congress would provide the funds to complete the work, but when the proviso mentioned was added and the amount to be appropriated reduced, the few pioneers left felt the time had come when more energetic action should be taken and different methods employed.

A drive over the trail in 1906 resulted in erecting 27 memorial monuments in centers of population in close proximity to the track, but no combination could be formed to take up the work systematically and since the appeal to Congress.

When it became known the committee had reported the bill recommending the smaller sum to be appropriated, measures were taken to again drive over the trail, trace it from section line to section line, ascertain how many traveled roads cross it, and thereby determine the number of markers required, estimate their cost, and so arrived at an approximate estimate of the completed cost of the work. I have just spent eight months during the season of 1910 at this work, have secured the definite location of full 1,600 miles of the trail, and a close approximate estimate of the number of the road crossings. It will require fully 700 of these markers to fittingly mark the trail, and near $100,000 to erect suitable, durable granite monuments to endure for the ages to come.

The appeal should have been made to Congress in the first place. It should be a national work. The Oregon Trail became a battlefield where the graves were strewn so thickly as to warrant the belief that not less than 20,000 have gone down into oblivion in the shifting sand or under the grinding hoofs of millions of stock upon the return tide in later years. Fully 300,000 passed over the Oregon Trail in the quarter of a century in which it was used. No other trail is recorded in history where so many migrated for so long a distance; where the tragedies were so great; where greater bravery and fortitude was displayed; and where the historical significance was so great.

It is not necessary to assert that the Oregon pioneer "saved Oregon." Such an assertion is merely an opinion, but of what we know it is well to record. We know the subjects of Great Britain were in full possession of that portion of the Oregon country north and east of the Columbia River and ruled the country in the interest of the Hudson Bay Co., and we know that when the Oregon Trail was opened to wagons in 1843 and the first migration of a thousand people passed over that these same people took possession, challenged the British rule, and wrested the control of the country from the Hudson Bay Co., and we know they advanced the American flag westward 2,000 miles, planted it firmly, maintained it under extraordinary difficulties, until finally, in the lapse of years and under the pressure of public opinion, upon the massacre of Whitman, the Congress finally lifted the burden from off the shoulders of the pioneers. Will this great Nation grudgingly mark the pathway of these great patriots, or will they "fittingly" commemorate their valorous deed?

"And Joshua said unto them, 'Pass over before the ark of the Lord your God, in the midst of Jordan, and take you, every man of you, a stone upon his shoulder, according unto the number of the tribes of the Children of Israel, that this may be a sign among you—that when your children ask their fathers in time to come, saying, "What mean you by these stones?" then ye shall answer them, that the waters of Jordan were cut off before the ark of the covenant of the Lord when it passed over Jordan; and these stones shall be for a memorial unto the Children of Israel forever.'"

And shall we not say to this Nation, to the Congress, "Take ye up this burden and cast stones upon the track of the pioneers as hallowed ground, trod by the men who opened the way for this grand civilization, that their fame shall abide with you, and that their very track shall be preserved as a sign among you, that when your children shall ask their father in time to come, saying, 'What mean ye by these stones?' then ye shall answer them, 'These stones shall be for a memorial unto the pioneers who gave their lives that we might possess this heritage.'"

I also insert an editorial from The Oregonian, of Portland, Oreg., of Tuesday, May 17, 1910, in regard to the marking of the Oregon Trail.

MARKING THE OREGON TRAIL.

Representative HUMPHREY'S bill appropriating $25,000 to mark the old Oregon Trail was favorably reported in the House of Representatives in the National Capitol some ten days ago. The measure gives the Secretary of War authority to receive private contributions to the fund. Ezra Meeker, the well-known trail marker, a few days ago in Baker City declared the sum of $25,000 inadequate for the work, and cited President Roosevelt's recommendation of an appropriation of $50,000.

Argument for this appropriation is familiar as an oft-told tale, so that it is not necessary to keep on reciting the significance of this great national highway, whereby a migration, in some respects unparalleled in the world's history, made its way from States of the East and the Middle West to this Pacific coast region. This road should certainly be marked with monuments before the pioneers that know its track shall have departed.

In 25 years, between 1845 and 1870—before railroad transit began—a total population of some 750,000 made its way to the Rocky Mountain region and the Pacific coast, probably 500,000 of whom went overland, chiefly by the Oregon and the Santa Fe trails. It is probably within safe bounds of truth to say that 350,000 people followed the Oregon trail to their several destinations in the mountain country and on the Pacific coast.

This was one of the world's greatest migrations. The route to Oregon and to California was 2,000 miles long, across desert wastes and mountain fastnesses. Much has been said of suffering and death along the route, but the tale will never be fully told. These hundreds of thousands of people, unlike the semibarbarous hordes whose history is written in Europe and Asia, sought the new regions not for plunder nor for subjugation of other peoples, but for making homes in a wilderness, which theretofore was almost unoccupied. And they covered the distance in an unprecedentedly short time.

It ought not to be difficult to awaken sufficient interest to pass the appropriation in Congress, but as in other important legislative matters, it seems necessary to go through a patient preliminary campaign of information. The sum of $25,000 will make a good beginning. With that much secured the way will be opened toward obtaining the additional funds required.

I insert also a copy of a letter which I have recently received from Mr. Meeker:

CINCINNATI, OHIO, *December 23, 1910.*

Hon. W. E. HUMPHREY,
Washington, D. C.

DEAR SIR: Because of the committee's action reporting the bill to appropriate only $25,000, I have made another trip over the trail, this time turning my attention exclusively to tracing and locating its whereabouts. I now have tracings of the public survey nearly 200 feet long and showing nearly 1,600 miles of the exact location of the trail, and can give a close estimate of the present traveled road crossings and thereby determine the number of markers needed. I can also give estimate of cost of several sized stone; $25,000 is no good; I would like to get a hearing before the committee and have a record of my work made for future use, even if I do "lay down" before the work is accomplished, even if you think the bill can not be passed this session.

I will be 80 next Thursday. Write and let me hear whether you can get me a hearing, and, if so, will be with you. It's about time, you know, I may expect to "lay down," but while my strength continues do not expect to quit.

Respectfully,

EZRA MEEKER.

I shall also print in the RECORD a little pamphlet published by Mr. Meeker, called The Story of the Lost Trail to Oregon, as it is my desire, as I have said, to preserve in the RECORD these valuable contributions that this grand old pioneer has prepared upon the Oregon Trail:

THE LOST TRAIL.

The search for the Oregon Trail has been prosecuted now for five years, and much of it recovered, and it is confidently expected all will be in the near future.

It is a wonderful story, that of the growth of the Oregon Trail. Why so many home builders with their families plunged into the then unknown wilderness across so wide a stretch of what was known as the "Great American Desert" no man can tell. Certain it is that no such record in the world's history can be found of so many people going so long a distance to found an empire, as they did, over the 2,000 miles stretch of the Oregon Trail. So long as this mystery or romance remains there will continue an abiding interest in this unsolved problem. Lovers hastened their union that they might share the danger and privation together across the unknown stretch; sedate heads of families as mysteriously were moved to risk all that they might see the farther West; young men boldly moved out on the Plains as if it were only a great "playground" where the sport of the chase would continue forever. It would seem that manifest destiny prompted the multitude whatever may have ultimately governed their action. Three hundred thousand people traversed the Oregon Trail to beyond the summit of the Rocky Mountains and passed through that great rift in the mountains, the South Pass. Nature had provided and pointed the way, and in time we see unfolded the final climax when the great wagon trains began to roll through that wonderful break in the mountains, the South Pass of the Rocky Mountains.

Mystery surrounds the real discovery of the "pass." In prehistoric times the buffalo wore trails over the summit. We know as little as to when the Indians followed. As already said, nature had pointed the way. The melting snows of midwinter storms descending from the higher levels formed the little river, Sweetwater, which in turn emptied into the North Platte, and this in its turn formed its junction with the South Branch, and thence rolled placidly as a mighty river to the greater Missouri. To follow the Oregon Trail to within 2 miles of the summit of the South Pass is to follow up the current of the waters described; the route of the least resistance destined again to become the Nation's highway, to the higher altitudes above the clouds and almost up to the perpetual snow line, 7,450 feet above sea level.

Now we are over the summit and look out westward over a vast plateau of high altitude, a hundred miles or more, before we begin to descend into the Bear River Valley, and down Bear River a short way and we are near the Snake, which we follow, and finally to the Columbia and the tide waters of the Pacific.

Lewis and Clark, in 1805, finally reached and descended the Snake and Columbia, and that far were on the general route of the Oregon Trail; then came Hunt with his Astor party to traverse a part in 1811–12, but the key, the South Pass, had not been discovered yet, and not until 10 years later a party of trappers found and crossed over through the Pass. This was in 1822 or 1823. Yet another 10 years elapsed before any one person passed over the whole of the Oregon Trail. The glory of that achievement belongs to Samuel J. Wyeth, an intrepid Bostonian, who crossed with his wagons, following the wagon track, already dimly worn, a hundred miles west of the summit by other trappers and traders.

Wyeth built Fort Hall in 1833, on the peninsula near the junction of the Port Neuff and Snake Rivers and advanced the wagon road that far. But formidable obstacles seemed to say "thus far and no farther" with a wagon road, and another 10 years passes and "acres" of abandoned wagons covered the ground. Meanwhile Bonnyville had followed Wyeth to disaster; other traders appeared on the scene, and a war of efforts to secure the coveted furs continued. The missionaries had passed over. A few of the trappers had tired of their adventures and wore the trail a little deeper on their way to the Columbia and to the tidewaters of the Pacific. The home builders began to put in an appearance on the whole length of the trail in the late thirties and early forties, making the famous pathway a little deeper and wider—all failing, however, to carry their wagons farther than to Fort Hall and the Snake. Finally that great migration of 1843 of a thousand persons, men, women, and children, fixed the final route of the trail by passing over it from end to end with their wagons and stock. No more heroic act is recorded in history than this of that great company opening their own wagon road from day to day for over 800 miles west from Fort Hall. We now have the trail complete.

Word goes out there is a wagon road to the Pacific, and the eager throng each year wear the trail deeper and deeper; the Mormons now appear with their ox wagons and carts, their handcarts and wheelbarrows, to deepen the trail and line it with their dead—this in 1846–47. Then followed the California throng on the Oregon Trail for a thousand miles or more to stir the soil that the wind might carry it away, leaving the sunken pathway a little deeper. This in 1849. Now, again comes the throng—another high tide, to the Oregon country, when another 10 years is toiled off and a great army cover the plains—gold seekers, home builders, religionists, and adventurers of every kind. Now we see the trail filled with wagons two abreast, so numerous is the throng, and two trails appear for long stretches. The graves have become common; 5,000 have died in the one year alone; what with the dead and dying, the panic that ensued, the intolerable dust, the parched lips and weakened frames, we may well wonder that the casualties were not greater. The trail is now 10 feet deep and a hundred wide in many places, but yet destined to be worn deeper and deeper by the return tide of stock in the fullness of time, a million a year for many years, trampling the graves into dust and wearing the trail into almost incredible widths and depths—15 feet deep and 200 feet wide in one place encountered tells the wonderful story better than song or fiction.

And yet long stretches were lost by the march of improvement; the farmer took no note of it in sentiment and plowed over it; city builders have erected brick blocks over where the trail once ran, and so, what with great irrigation ditches destroying it, with other like factors at work, small wonder we should call it the "Lost Trail."

But we are gradually recovering it from the oblivion in which it has slept. A stretch here and there is marked, the memories of past and passing generations have been revived, and finally with the help of the public land surveys of 40 and 50 years ago, we are able to connect the whole so that we may say that for a continuous stretch of 1,600 miles we absolutely know where the trail is, or was, with or without the visible marks upon the earth's surface.

To you who may read or hear these words, I conjure you to take heed and consider their importance. In the measure a generation views and studies the past the pace is set for the future. If we forget the deeds of our forbears, we discard the lessons of history and take a step backward in the march of civilization. In the measure a generation cherishes the past, so will it be for the future; for the love of country; for reverence of the flag; for the efforts of upbuilding the Nation. And, my friends, the recovering the Lost Trail has a deeper meaning than merely gratifying a whim or satisfying a feeling of curiosity.

[From the Ohio State Journal, Tuesday morning, April 23, 1907.]

TELLS THE STORY OF OREGON TRAIL—EZRA MEEKER, NATIVE OHIOAN, COAST PIONEER, OUTLINES NATIONAL ROAD PROJECT—HIS OX TEAM AND "PRAIRIE SCHOONER" AROUSE MUCH INTEREST ON THE STREETS.

Ezra Meeker, a pioneer of the Oregon Trail, who is retraveling, in the ripeness of years, the trail he followed to the West in his youth, yesterday set forth to an audience on the streets of Columbus the object for which he is taking the long journey from Oregon to the Capital of the Nation. The old man, with flowing white hair and beard, and his "prairie schooner," drawn by patient oxen, made a picturesque figure, surrounded by the stately evidences and busy life of modern civilization, as exemplified in a great city.

He did not lack hearers. His was not "the voice of one crying in the wilderness," but the voice of the wilderness and of the past calling in the city, with all its modernity, to its share to pay tribute to those who made modern American cities possible.

"Farmer" Meeker told the story of his life in words of simple earnestness and with no indirection. He is on his way to Washington, he said, to urge on the Government the building of an enduring monument to the builders of the West in the form of a great concrete thoroughfare which shall follow the Old National Road and the Oregon Trail from East to West.

"76 YEARS YOUNG."

He began by introducing himself as a citizen of Ohio, 76 years young. He said:

"My birthright entitles me to greet you as fellow citizens. I was born in Huntsville, Butler County. This to me important event occurred December 29, 1830. Consequently many people persist in calling me old, while I insist that I am a little past 76 years young. However, I come among you as a stranger, having been reared near Indianapolis from early childhood, and from there, accompanied by my young wife, migrated to the old Oregon country in 1852. There I have since lived the simple life of a farmer with my chosen life partner, who still lives to greet me on my return to our home in the great State of Washington, of which we were a part when that portion of the old Oregon country became known as Washington Territory.

"Most of you wonder why a man at this time of life would cross the plain with an ox team at this age of the world and spend 15 months in so doing, when he could have come by rail all the way in 5 days, surrounded by all the comforts of life. I will tell you why. But first

let me tell you about the team and outfit, as I know by the questions so oft repeated that this is uppermost in your mind. This off ox, 'Dave,' came all the way from the stockyards of Tacoma and was an unbroken, wild Montana range steer. When I yoked him first he never before had had a rope on, except when branded. He is 6 years old, weighed when purchased 1,470 pounds, and now weighs 1,735, after having traveled on this trip over 2,800 miles, from Puyallup, near Tacoma, to this city. Seventeen hundred miles out from my home the noble ox 'Twist' died, from eating poisonous weeds, I think. Anyway, he was in better working trim the forenoon he took sick than when the start was made and was dead before sunset. To mate the ox left I purchased this fine steer on the near side, 'Dandy,' out of the stockyards at Omaha, and broke him in on the way. He, too, was a range steer that had never been handled. His weight when purchased was 1,470 pounds. He now tips the scales at 1,625 pounds.

"PRAIRIE SCHOONER.

"The wagon is of the type known as the 'prairie schooner,' that was in general use 50 years ago—wooden axle, necessitating the linchpin and tar bucket, with its swayback bed, which doubtless gave the name of this type of wagon, being, as you see, boat-shaped, suggestive of the name. And, my friends, the pioneers of the plains applied this likeness in a more literal sense than in a name only by utilizing them as boats in crossing rivers. I crossed the great Snake River at two places, with all of my belongings (except the cattle), with my wagon bed in 1852, and small wonder if I should look upon this type of the almost forgotten past akin to a feeling almost of reverence.

"One word as to that faithful companion, the Scotch collie dog 'Jim.' Jim has come all the way, has been a reliable watchman at night and cheerful companion of days; always good natured, except with the ox 'Dave.' They are mortal enemies.

"I will now tell you why this trip was made in this old-fashioned style. To perpetuate the identity of the old Oregon Trail, to honor the true heroes who made it, and to kindle in the breasts of the rising generation a flame of patriotic sentiment this expedition was undertaken. The ox team was chosen as a typical reminder of pioneer days, as an effective instrument to attract attention, arouse enthusiasm, and as a help to secure aid to forward the work; and I may say in passing that from the Missouri River to Puget Sound 22 monuments of enduring stone have been provided for by the people along the trail, and most of them are now in place to stand guard for centuries, to the end that the memory of the old trail shall not fall into oblivion and be forgotten by the generations to come.

"In one place—Baker City, Oreg.—800 school children contributed their mites to place a bronze tablet on the granite shaft erected by the citizens as a 'children's offering' to the memory of the pioneers. At Boise, Idaho, over 1,000 children contributed sufficient to erect a granite shaft 12 feet high, which was placed on the statehouse grounds and dedicated in the presence of 5,000 people. Again, at American Falls, Idaho, a cement shaft 14 feet high, suitably inscribed, stands in the exact track of the trail, within the confines of that growing city and in a park dedicated by a generous woman to protect a section of the trail. It is known as Pioneer Park.

"MEMORIAL JOURNEY.

"And so, along the route this journey came as an offering to gladden one's heart and to give us assurance that patriotism is not dead in the breasts of the people, though apparently it may be dormant, and that it but needs a spark, if I may be allowed the term, to keep alive the memories of the past.

"The ox team did it. I have seen old, gray-headed men stand almost by the hour and gaze at this outfit, seemingly oblivious of all other surroundings and with moistened eyes as the rush of old-time memories would irresistibly take possession of their minds. Do I not see some of them now? My friends of the later generations, take these thoughts to your hearts and see if you may not read a lesson that will serve you well in after life.

"And who are these pioneers we wish to honor? And what particular great achievement have we to record? you ask. Where is this old Oregon Trail? I will tell you.

"FIRM BRITISH RULE.

"In 1843 nearly a thousand men, women, and children crossed the Missouri River, traversed the Platte Valleys, crossed the Rocky Mountains through the South Pass, thence to and down Snake River to the Columbia, and to tidewater in the old Oregon country; the first wagon train that ever reached the Pacific coast, and the first real migration of home builders to the Pacific slope. Like a gathering storm of a summer day, these people had come together on the eastern border of the Indian country from widely scattered districts of the United States and pitched their tents near the buffalo herds on the western border of civilization. The Oregon question was unsettled, but hung in the balance. The Lynn bill granting 640 acres of land to each family had passed the Senate. Whitman, the intrepid missionary, had returned overland the previous winter to save his mission, and preached Oregon in season and out of season. The Government was organizing an expedition under the leadership of Fremont to penetrate the dark country, of which so little was known.

"The British ruled Oregon, if not with an iron hand certainly with firmness. The word of John McLaughlin, chief factor of the Hudson Bay Co., was the law of the land. He was known as the autocrat of the great Northwest. A mild-mannered man and, let it be said, a just man; aye more, a great man; yet he ruled under the auspices of the British Empire, and was all the more dangerous to American interests and American rule because of his justness, which disarmed criticism while holding the country with a firm grip for the British Empire.

"Such were the conditions when this first wagon train of home builders arrived in Oregon. These intrepid men had built their own wagon road for full 800 miles. They had overcome formidable obstacles in hewing their way. The widely advertised 'Pathfinder,' Fremont, had followed their trail instead of pointing the way. Whitman had traveled with them and encouraged them as guide, counselor, and physician, until duty led him to a sick bed at his mission. If they failed, starvation confronted them. Go ahead they must, for retreat was impossible. They were not in the position of the Pilgrims landing on Plymouth Rock, who could retreat to their ships. These people had, figuratively speaking, burned their bridges behind them. And yet a more formidable task lay in their path. They were intensely American in the highest sense that word implies. Go under the British rule they would not, and so, before the roofs were complete on the cabins of many of them, an American provisional government was formed, and, what is more remarkable, in less than two years the British rule was ended and Oregon became independent American territory, to become in after years the mother of American States, instead of remaining, as these people found it, a British colony.

"HONOR THESE MEN.

"It is these pioneers as a class we are striving to honor, not particularly individuals. As I have said, 22 monuments line the way from Puget Sound to the Missouri River to bear witness to the achievements of the pioneers. But we are not content to rest here. We want a greater monument, a monument of utility, that shall hand down to all succeeding generations the memory of the old trail and its pioneers, a national highway, to be known as Pioneer Way, from the Missouri River to the Pacific, a way that shall make traffic practicable by the trackless car, a road of cement that shall be thronged with coming generations.

"I do not come among you soliciting financial aid, but I do ask your moral support, so that when this expedition reaches Washington and the proposition is laid before the President and Congress, they may know there is a public sentiment behind the movement."

Following the address a considerable amount of Mr. Meeker's literature was taken by the auditors. He will remain in the city all this week arousing interest in his project.

[From the New York Evening Post, Saturday, May 18, 1907.]

LAST BLAZES ON THE OREGON TRAIL—AGED PIONEERR RETRACED HIS MARCH OF 54 YEARS BEFORE—EZRA MEEKER'S JOURNEY FROM PUYALLUP TO HIS INDIANA HOME—MANY MONUMENTS ERECTED ALONG THE WAY—FAMOUS TRAVELERS WHO TROD THE ROUGH ROADS 2,000 MILES—BOTH THE OREGON AND SANTA FE TRAILS NOW PERMANENTLY MARKED.

Originally blazed for a portion of the way by De la Verendrye in 1742; trodden a distance by Lewis and Clark as they pushed across the vast trans-Mississippi empire; worn by the trappers and adventurers of the first quarter of the nineteenth century, such men as Ezekiel Williams, Gen. Ashley, "Jim" Bridger, Campbell, Fitzpatrick, Sublette, and Wilson Price Hunt, and made into a hard and smooth highway by the hardy Missourians rushing across the continent in search of gold, by the Mormons seeking a new land of liberty, and by countless soldiers of fortune, the famous Oregon Trail has at last been rescued from oblivion and marked with stone monuments, thanks largely to the work of one man, Ezra Meeker.

Starting from his home in Puyallup, Wash., on January 29, 1906, Mr. Meeker retraced his march of 54 years before, back along the Oregon Trail to its eastern terminus on the Missouri River, then across Iowa and Illinois to his Indiana home. As he journeyed, Mr. Meeker interested the people along the route in the importance of saving the Oregon Trail from oblivion. Their fathers and grandfathers had helped to make it, but the past was in a fair way to be forgotten. The line of a great transcontinental railroad parallel or covers the old Oregon Trail for much of its way to-day, but there were detours and stages to be marked before they were lost sight of entirely.

To this old trail, which was one of the great roadways of the Nation a century and a half ago, has become known better than ever to the present generation. Between Puyallup and Omaha 19 monuments have been erected. Ezra Meeker, after a year's travel, reached his Indiana home. His journey and his work ended. Not so, the interest in the old trail, especially as it follows the marking of another old trail, the Santa Fe through Kansas.

Before tracing the Oregon Trail across the country from the Missouri River to the Pacific Ocean and counting over those who wore it smooth, it might be well to summarize briefly Mr. Meeker's work in marking it.

INTERESTING THE PEOPLE.

After he left his Washington home, more than 2,500 people contributed to the erection of Oregon Trail monuments. At intervals along the route Mr. Meeker, with the aid of people for whom he and others blazed the way, erected monuments—a huge stone bowlder here, a cairn of stones there, a signboard or post in another place. In Baker City, Oreg., the monument was erected by contributions received from 800 school children, all of whom were present when it was dedicated. At Boise, Idaho, Mr. Meeker camped for several days beside the post office. He spoke to the public-school children of his object, and 1,200 contributed to purchase the granite monument which will mark the place where the old-timers passed through what is now a thriving city. The governor of the State and other State officers insisted that the monument be erected on the State house yard, and it was dedicated in the presence of more than 3,000 people.

To erect a monument at the summit of South Pass, Mr. Meeker traveled 84 miles from a post office, and 24 persons who reside in the neighborhood were the only witnesses of the event. The monument stands on the irrigation survey near Sweetwater, and is 7,450 feet above sea level, one of the highest of such landmarks in the country.

In many of the towns and places where monuments were erected Mr. Meeker stayed to see the work done, but in many other instances he turned the matter over to a local committee appointed for that purpose.

BEGAN ON THE MISSOURI.

The Oregon Trail began, as did the Santa Fe Trail, leading to the southwest, at the town of Independence, on the Missouri River. Practically St. Louis was the eastern terminus, men and goods going up the Missouri River to Independence and there taking wagon and setting out either for the Northwest or the Southwest.

The two trails were the same for 41 miles, when, as the historian Chittenden remarks, a simple signboard was seen, which carried the words, "Road to Oregon." That signboard to-day, with its lack of ostentation and its epigrammatic clearness, would be worth more than its proverbial weight in gold to any State historical society.

There were branch trails that came into the road from Leavenworth and St. Joseph, striking it above the point of departure from the Santa Fe Trail; but the Oregon Trail proper swung off from this fork, running steadily to the northwest, part of the time along the Little Blue River, until at length it struck the valley of the Platte, so essential to its welfare. The distance from Independence to the Platte was 316 miles, the trail reaching the Platte about 20 miles below the head of Grand Island. The course thence lay up the Platte Valley to the two fords, about at the forks of the Platte, 433 or 493 miles.

Here at the forks was a point of departure in the old days. If one chose to follow the South Forks of the Platte, he might bring up in the Bayou Salade, within reach of the Spanish settlements and the head of the Arkansas, or he might take the other arm and come out on the edge of the Continental Divide, much higher to the north.

The Oregon Trail followed the South Fork for a time, then swung over to the North Fork, at Ash Creek, 513 miles from Independence. It was 667 miles to Fort Laramie, which was the last post on the eastern side of the Rockies. Thence the trail struggled on up the Platte, keeping close as it might to the stream, till it reached the ford of the Platte, well up toward the mountains and 794 miles out from Inde-

pendence, nearly the same distance from that point as was the Sante Fe on the lower trail.

INDEPENDENCE ROCK.

A little farther on the trail forsook the Platte, 807 miles out from Missouri, and swung across to the valley of the Sweetwater. The famous Independence Rock, 838 miles from Independence, was one of the most noteworthy features along the trail. It marked the entrance into the Sweetwater district and was a sort of register, holding the rudely carved names of many of the hardy western adventurers. By the Sweetwater the Oregon trailers were taken below the foot of the Bighorns, past the Devils Gate, and up to that remarkable crossing of the Rockies known as South Pass, where Ezra Meeker dedicated his monument under such unusual circumstances, taking water from the irrigation ditches on the east side of the Continental Divide to irrigate the west side. This is 947 miles from the Missouri River.

Starting now down the Pacific side of the Great Divide, the traveler passed over 125 miles of somewhat forbidding country, crossing the Green River before he came to Fort Bridger, the first resting point west of the Rockies, 1,070 miles from the Missouri. This was a delightful spot in every way, and always welcomed by the Oregon trailers.

The Bear River was 1,136 miles from Independence, and to the Soda Springs, on the big bend of the Bear, was 1,206 miles. Thence one crossed over the height of land between the Bear and Port Neuf Rivers, the latter being Columbia water; and, at a distance of 1,288 miles from Independence, reached the very important point of Fort Hall, the post established by Nathaniel Wyeth. This was the first point at which the trail struck the Snake River, that great lower arm of the Columbia, which came dropping from its source opposite the headwaters of the Missouri to point out the way to travelers.

At the Raft River was another point of great interest; for here turned aside the arm of the transcontinental trail that led to California. This fork of the road was 1,334 miles from the Missouri. Working as best it might from the Raft River, down the Great Snake Valley, touching and crossing and paralleling several different streams, the Oregon Trail proper ran until it reached the Grande Ronde Valley, at the eastern edge of the difficult Blue Mountains, 1,736 miles from the starting point. The railway to-day crosses the Blues exactly where the old trail did.

Then the route struck the Umatilla and shortly thereafter the Columbia River. It was 1,934 miles to The Dalles, 1,977 to the Cascades, 2,020 miles to Fort Vancouver, and 2,134 to the mouth of the Columbia, though the trail proper terminated at Fort Vancouver.

Such was the Oregon Trail traversed by hundreds and thousands of hardy adventurers, outlet of the Missouri rendezvousing station, a mighty highway across which surged the advance tide of a nation's traffic.

BLAZERS OF THE TRAIL.

Who blazed and followed this historic highway, destined to be marked to posterity 50 years after its zenith? The Frenchman De la Verendrye was perhaps the first to tread a portion of the later Oregon Trail, since it is known that he forsook the Missouri River and started overland, possibly up the Platte, crossing some of the country which the Astorians saw later. This was in 1742. The trapper Ezekiel Williams, said to have been the first white man to cross the borders of what is now Wyoming, followed in the wake of Lewis and Clark, in 1807, and blazed a part of the way. Andrew Henry, whose name was given to a beautiful lake of the Rockies; Etienne Provost, the probable discoverer of historic South Pass; Campbell, Fitzpatrick, Sublette, Jim Bridger, Gen. Ashley, Bonneville, and Walker—these are but a few of the leaders who blazed and trod the Oregon Trail, making it a well-defined highway before Fremont set out as a "pathfinder."

Then came Wilson Price Hunt, with his overland Astorians, seeking a way from the mid-Missouri to the Columbia River. Later, Robert Stuart and the returning Astorians were to mark out, east of the Continental Divide, the route of the trail for much of its length. Then came scores of trappers and traders; then Bonneville and his wagons, to deepen the trail in 1832; and two years later, in 1834, Campbell and Sublette built old Fort Laramie on Laramie Creek, a branch of the Platte. Eight years later Fort Bridger was built by Jim Bridger on a branch of the Green River.

In 1836 two women moved out into the West along the Oregon Trail. They were the wives of Whitman and Spalding, missionaries bound for Oregon. Father de Smet, a missionary, also followed in 1840; then more missionaries from New England, and two years later Frémont, as far, at least, as the South Pass.

So the Oregon Trail was blazed and tramped—traders, trappers, gold seekers, missionaries, colonists—until the highway stretched from the Missouri River to the Pacific Ocean. Years passed and railroads supplanted the old Oregon Trail; its very whereabouts was forgotten; disputes arose. Then an old man, almost 80, with his grandchild, clambered into a prairie schooner, made in part of the one in which he had journeyed westward in 1852, and the Oregon Trail was retraced and marked with monuments, that a people and a Nation may not forget.—F. G. M.

[From the Illinois State Register, Sunday, Nov. 6, 1910.]

THE LOST OREGON TRAIL—EZRA MEEKER'S INTERESTING LECTURE BEFORE THE Y. M. C. A. THURSDAY EVENING.

Telling of his adventures in his first trip across the continent while blazing the Oregon Trail, and then telling of his present journey, Ezra Meeker, the grizzled pioneer of Washington State, delivered a most interesting talk at the Y. M. C. A. on Thursday night.

He spoke as follows:

"THE LOST TRAIL.

"I am to speak to-night of the lost trail of history, the 'Oregon Trail,' once so thronged with eager adventurous spirits, now a solitude in many intervening reaches, fading away from the memory of man, and almost obliterated from the face of the earth.

"No more fascinating search can ever engage the mind of man than to follow the actual track of the fathers that opened the way to conquer the land and wrest it from the native race and erect the standard of civilization in the wilderness, and with the standard a barrier to an encroaching nation whose grasp was tightening upon an empire—the Oregon country.

"Let me for a few moments follow the track as best we may of the throng of three-quarters of a century ago.

"We are on the left bank of that mighty, turbid river, the Missouri. All beyond to the westward is a blank. The Indians and the buffalo possess the land; we can not see that manifest destiny has set the seal upon the destruction of the one, though we may dimly realize the power of the other is destined to be broken in the march of civilization.

"The throng has crossed over; first by the adventurer in search of the golden harvest of furs, then the bold spirits of missionary fame, to be soon followed by the no less intrepid spirits, the home builders, who go out with all their belongings—their women and children, their cattle to cover a thousand hills, not forgetting nor neglecting to carry their trusty rifles, needed not only for defense, but for sustenance as well.

"THE OREGON TRAIL.

"The throng has disappeared. The generation that then toiled so diligently now sleep beneath the sod; a few only remain to tell the story of the great battle. Twenty thousand graves line the way of the great battlefield, or did, but alas! as like the track they made, have almost all fallen into oblivion. It is of this track, 'The Oregon Trail,' that I am to speak to-night. The converging columns that had crossed the river at various intervening points from Council Bluffs and the mouth of the Kaw River meet some 200 miles out on the banks of the Platte, then a broad river of placid waters, wooded islands, and treacherous quicksands, but now a barren waste of shifting sand, for the water has gone to the land. We find traces of the track on either side of the river until the parting of the waters, known as the North and South Forks. The way leads up the North Fork. The track is worn deeper and wider, for all is concentrated here. The Oregon pioneers have broken the way; the Mormons have followed; then comes the gold hunter, the California exodus, all traveling the one track and jostling the home builders, still pressing onward for the fair land of Oregon.

"We are now on the Sweetwater; past Independence Rock, that great register of the passing throng; past the Devil's Gate, that rift in the mountain a hundred feet wide, with perpendicular walls nearly 500 feet high, through which the water of the Sweetwater roars; past Split Rock, a chasm near by seemingly but a few feet wide and a thousand feet high; still on, up and up, crossing and recrossing the little river, mounting higher and higher, finally leaving it for good and all. In less than 3 miles and with but a few hundred feet ascent we are above the midsummer snow line and on the summit of the South Pass of the Rocky Mountains, 7,450 feet above sea level. Snow-capped, rugged mountains are in sight to the north and to the south 10 or more miles; to the west, through the great break in the mountain known as South Pass, our track leads us on a high plateau for a hundred miles or more. The ancient highway is here in all its primitiveness and solitude, worn deep and wide into the flinty roadbed—12, 20, 70, 90, aye 200 feet wide and 2, 5, and 15 feet deep. Remember, friends, I am giving you actual measurements—where the hoofs of stock and the grind of the wagon wheels had loosened the soil and the fierce winds had carried it away in impalpable dust or coarser sand, to stifle the breath of man or beast or smart the faces of the suffering pioneers.

"STRIKE SNAKE RIVER.

"But we must on; we are yet high up in altitude, five, six, and seven thousand feet for a hundred miles or more, until Bear River is reached; down Bear River a short way, past the sparkling soda springs—past that once famous but now silent Steamboat Springs, spouting at irregular intervals in the air; steadily on, bearing more to the north until we strike Snake River, then down the left bank past American Falls, Twin Falls, Shoshone Falls (well named the Niagara of the West), on down past the two Salmon Falls, upper and lower, and near by, where we follow the track of the decimated throng across the river to the north bank, over to and down Boise River, then back again across the Snake, soon to be left until its waters are encountered mingled with the waters of the Columbia. We are still on the trail that leads us up the Burnt River, the roughest piece of road yet encountered. On and on to the Grand Ronde Valley of pleasant memories, and up the seemingly impossible face of the Blue Mountain and into the welcome glades of the pine-covered forests, and then another stretch of dust and thirst to the broad Columbia, more than a mile wide, but suddenly lost in its grandeur of width and rushing in its greater grandeur of power through that chasm known as The Dalles, with a breadth of channel less than 200 feet—a roaring torrent of unknown depth, a river turned on edge.

"Near by and just below this wonderful gorge our visible track ends. The greater gorge through the Cascade Mountains obstructs the way, and here the all but famished pioneers took to the water, some in boats, some on rafts, some in their wagon boxes, and floated down past the sunken forests, past most awe-inspiring scenery, to the Cascades, where we again for a short distance catch sight of the great trail around to the foot of the falls and to the tidewaters of the great ocean beyond, beating back the almost resistless waters of the Columbia.

"THE BLAZERS OF THE TRAIL.

"Let me now turn our attention to the men and women who made this mighty highway, the longest continued track in the world, and let me say in passing, the trail of the greatest tragedies, not forgetting that trail of sorrow that leads to Siberia.

"The pioneers of that day were stalwarts—stalwarts in strength, in courage, in integrity, in manly and womanly virtue. They were nearly all frontiersmen, as well trained to the rifle as with the plow. Their habits of life were simple; clad, many of them, in homespun, with shoes made of cowhide on the cobbler's bench in the home, hats patched in ways indescribable, small wonder if they did present an uncouth appearance. But under all this a native wit prevailed, and if not schooled in Greek or Latin literature, they had learned their lessons well in the greatest school of all—life experience of industry, frugality, and for lack of a better name, one may call homely virtues.

"As the throng moves out into the Indian country (I now have in mind the movement in which I took a part), there soon developed weak points in the preparation for so great a trip, as well as weak bodies as compared with the stronger. Useless plunder soon began to make its appearance in abandoned piles along the roadside; but little later great piles of flour, bacon, sugar, in fact all sorts of provisions, were abandoned to relieve the overloaded wagons and overburdened teams. This began even before that dreadful scourge of cholera struck our columns. The throng was so great that all could not get into one track, and to this day traces of these parallel trails are to be found. There seemed at first some sort of orderly organization of companies like that of military rule, which, however, it was soon found were held together as like with a rope of sand. When the panic came, one might say that all organization ceased. The struggle for mastery of the road night and day began. The scene may well be likened to the retreat of a defeated and discouraged army pressed by a victorious foe. Small wonder if friends parted and enemies came together in the face of a common danger. I camped four days with a stricken brother to see 1,600 wagons pass. The loss of life was appalling. I have oftentimes refrained from telling the dreadful story, knowing full well that many would believe it incredible.

"Fully 5,000 persons laid down their lives in that one year alone (1852), for the scourge followed us for over a thousand miles and lined the trail with fresh-made graves, one might almost say, from one end to the other. While this was the chief cause of the great loss of life, there were others contributing, such as the lack of proper food, the irregular supply and impurity of water, the stifling dust, the anxiety to wear upon the iron will of the strongest. Enough has been said to justify me to say that the Oregon pioneers fought a veritable battle in their march to the Oregon country and that the 'Oregon Trail' became a great battlefield of history. This recital, my friends, remember, covers but one year, while the growth and use of the trail covers a period of 25 years, in which it is estimated fully 300,000 people passed over it and, as I have said, 20,000 died on the way.

"PRESERVATION OF TRIAL.

"Small wonder that with such an experience and with such memories the generation that has now so nearly passed over to the 'Greater Trail' should yearn to see their track preserved and their history recorded. We know by the records that 40 years ago this thought took possession of many minds. We know that it was not from a morbid craving for notoriety, but from a sincere desire that an important chapter in history should be written. The conquering of the farther West, written in the blood of many martyrs, is a theme not only to fire the imagination, but likewise to bring a second sober thought for the duties of the hour, to preserve the legacy handed down to the present generation, to impel the study of the old-time ways, to compare the present with the past, remembering that all changes are not betterments. To preserve the history of a nation is to perpetuate its existence and build up its righteousness. To teach a lesson of the virtues of the generation that have passed brings to the forefront their shortcomings as well, thereby impelling the younger generation to practice the one and avoid the other. And so with these thoughts in mind, this work to recover the 'Lost Trail' has been undertaken and the efforts made to arouse the Nation to complete the work.

"On the 29th of January, 1906, I left my home in Puyallup, Wash., with one ox and one unbroken steer, and this old-time wagon now in your city, built from the remains of three old wagons that had crossed over with the throng of 1852–53, and drove out in search of the trail and made an attempt to preserve its identity with granite markers. The people turned out almost en masse, but would not contribute to a general fund, but would lend a willing hand to erect memorial monuments in centers of population. I can only give you a very brief account of that trip. My fortune and misfortunes for the nine months required to retrace as best we could the old trail makes quite a story, but I can only here briefly, very briefly, tell it. We could find traces of it here and there, and then lose it. Part had been fenced up, the fields plowed, and all visible signs gone. In other places nature had been at work. The storms of a half century have changed the face of the country, the river crossings and other landmarks, by growth of vegetation and otherwise. Then again, cities have been built over it, great irrigation ditches have been dug, and so it became evident it would be impossible to recover the whole of the old track without more ample means. On that trip, however, 22 granite monuments give evidence of the interest taken, for the people paid for them as I passed along; but when the Missouri River was crossed and a halt made to take account of stock, I then more fully realized the work had failed. To be sure, we had succeeded in getting up 22 monuments, but what was 22 monuments for a trail 2,200 miles long? A monument for every hundred miles. On the way many bowlders had been marked, wooden posts set—but the expedition as planned had failed. But financial success had come from an unexpected sale of my little book.

"A NATIONAL WORK.

"A resolution was formed to go on to Washington, D. C., to ask Congress to make it a national work, and so in 22 months to a day from leaving my home I drove on to the White House Grounds, received instant recognition from the hands of President Roosevelt, followed by the introduction of a bill appropriating $50,000 to complete the work. I can not tarry to tell you of the varied fortunes that beset that measure further than to say that it is now pending in both Houses of Congress, and has been favorably reported by the committee of the House and amended, requiring an accurate estimate of the cost to complete the work before any of the appropriation should become available.

"And so a second trip over the trail became necessary to ascertain the number of monuments required, estimate their cost, and report the findings to the Congress. And that is what I have been doing this season just passed. I left my home the 12th of March, and again have driven over and along near by the trail and have actually re-covered 1,600 miles of the old track."

"And Joshua said unto them: 'Pass over before the ark of the Lord your God in the midst of Jordan, and take you every man of you a stone upon his shoulder according unto the number of the tribes of the children of Israel; that this may be a sign among you that when your children ask their fathers in time to come, saying, What mean you by these stones?

"'Then ye shall answer them: That the water of Jordan were cut off before the ark of the covenant of the Lord when it passed over Jordan, and these stones shall be for a memorial unto the children of Israel forever.'"

"So say we now, take every man of you a stone to cast upon the monument of the Oregon Trail as hallowed ground trod by the men who opened the way for this grand civilization, that their fame shall abide with us and their very tracks shall be preserved as a sign among you that when your children ask their fathers in time to come saying, What mean ye by these stones? Then ye shall answer them, These stones shall be for a memorial unto the pioneers who gave their lives that we might possess this heritage."

[From The History of the Fur Trade of the Far West, by Hiram Martin Chittenden; published by Francis P. Harper, New York.]

"This wonderful highway was in its broadest sense a national road, although not surveyed or built under the auspices of the Government. It was the route of a national movement—the migration of a people seeking to avail itself of opportunities which have come but rarely in the history of the world, and which will never come again. It was a route every mile of which has been the scene of hardship and suffering, yet of high purpose and stern determination. Only on the steppes of Siberia can so long a highway be found over which traffic has moved by a continuous journey from one end to the other. Even in Siberia there are occasional settlements along the route, but on the Oregon Trail in 1843 the traveler saw no evidence of civilized habitation, except four trading posts, between Independence and Fort Vancouver.

"As a highway of travel the Oregon Trail is the most remarkable known to history. Considering the fact that it originated with the spontaneous use of travelers; that no transit ever located a foot of it; that no level established its grade; that no engineer sought out the fords, or built any bridges, or surveyed the mountain passes; that there was no grading to speak of nor any attempt at metaling the roadbed, and the general good quality of this 2,000 miles of highway will seem most extraordinary."

After describing the general good quality of the trail in the early days, Mr. Chittenden continues his narrative: "But not so when the prairies became dry and parched, the road filled with stifling dust, the stream beds mere dry ravines, or carrying only alkaline water, which could not be used; the game all gone to more hospitable sections, and the summer sun pouring down its heat with torrid intensity. It was then the trail became a highway of desolation, strewn with abandoned property, the skeletons of horses, mules, and oxen, and, alas! too often, with freshly made mounds and headboards that told the pitiful tale of suffering too great to be endured. If the trail was the scene of romance, adventure, pleasure, and excitement, so it was marked in every mile of its course by human misery, tragedy, and death."

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, who also informed the House of Representatives that the President of the United States had approved and signed bills and joint resolution of the following titles:

On February 17, 1911:

H. R. 30888. An act providing for the purchase or erection, within certain limits of cost, of embassy, legation, and consular buildings abroad.

On February 18, 1911:

H. R. 2556. An act for the relief of R. A. Sisson;

H. R. 5968. An act to pay Thomas P. Morgan, jr., amount found due him by Court of Claims;

H. R. 6776. An act for the relief of Oliva J. Baker, widow of Julian G. Baker, late quartermaster, United States Navy;

H. R. 13936. An act for the relief of William P. Drummon;

H. R. 17007. An act for the relief of Willard W. Alt;

H. R. 24749. An act revising and amending the statutes relative to trade-marks;

H. R. 25074. An act for the relief of the owners of the schooner *Walter B. Chester;*

H. R. 25234. An act authorizing the issuance of a patent to certain lands to Charles E. Miller;

H. R. 32473. An act for the relief of the sufferers from famine in China;

H. R. 30571. An act permitting the building of a dam across Rock River at Lyndon, Ill.;

H. R. 31662. An act granting five years' extension of time to Charles H. Cornell, his assigns, assignees, successors, and grantees, in which to construct a dam across the Niobrara River, on the Fort Niobrara Military Reservation, and to construct electric light and power wires and telephone line and trolley or electric railway, with telegraph and telephone lines, across said reservation;

H. R. 31860. An act permitting the building of a wagon and trolley-car bridge across the St. Croix River between the States of Wisconsin and Minnesota;

H. R. 31922. An act to authorize the Virginia Iron, Coal & Coke Co. to build a dam across the New River near Foster Falls, Wythe County, Va.;

H. R. 31925. An act authorizing the building of a dam across the Savannah River at Cherokee Shoals;

H. R. 31926. An act permitting the building of a dam across Rock River near Byron, Ill.; and

H. R. 31931. An act authorizing the Ivanhoe Furnace Corporation, of Ivanhoe, Wythe County, Va., to erect a dam across New River.

On February 20, 1911:

H. R. 24123. An act for the relief of the legal representatives of William M. Wightman, deceased;

H. R. 27069. An act to relinquish the title of the United States in New Madrid location and survey No. 2880;

H. R. 29300. An act authorizing the Secretary of the Interior to sell a certain 40-acre tract of land to the Masonic Order in Oklahoma;

H. R. 31066. An act to authorize the Secretary of Commerce and Labor to purchase certain lands for lighthouse purposes;

H. R. 31166. An act to authorize the Secretary of Commerce and Labor to exchange a certain right of way;

H. R. 31600. An act to authorize the erection upon the Crown Point Lighthouse Reservation, N. Y., of a memorial to commemorate the discovery of Lake Champlain;

H. R. 1883. An act for the relief of John G. Stauffer & Son;

H. R. 14729. An act for the relief of Capt. Evan M. Johnson, United States Army;

H. R. 20375. An act to authorize certain changes in the permanent system of highways, District of Columbia;

H. R. 22688. An act to authorize the extension of Thirteenth Street NW. from its present terminus north of Madison Street to Piney Branch Road;

H. R. 25679. An act for the relief of the Sanitary Water-Still Co.; and

H. R. 31353. An act for the relief of F. W. Mueller.

On February 21, 1911:

H. R. 8699. An act for the relief of the relatives of William Mitchell, deceased;

H. R. 21965. An act for the relief of Mary Wind French;

H. R. 26685. An act to authorize E. J. Bomer and S. B. Wilson to construct and operate an electric railway over the National Cemetery Road at Vicksburg, Miss.;

H. R. 26722. An act for the relief of Horace P. Rugg;

H. R. 31056. An act to ratify a certain lease with the Seneca Nation of Indians;

H. R. 31657. An act to authorize United States marshals and their respective chief office deputies to administer certain oaths; and

H. J. Res. 209. Joint resolution for the relief of Thomas Hoyne.

MILITARY ACADEMY APPROPRIATION BILL.

The committee resumed its session.

Mr. SULZER. Mr. Chairman, I yield five minutes to the gentleman from California [Mr. HAYES].

Mr. HAYES. Mr. Chairman, I send a document to the Clerk's desk and ask to have it read in my time.

The Clerk read as follows:

SACRAMENTO, CAL., *February 22, 1911—7.55 p. m.*

Hon. E. A. HAYES,
House of Representatives, Washington, D. C.:

As governor of the State of California, I transmit to you the following preamble and resolutions this day adopted by the Senate of the State of California:

"Resolution by Senator Caminetti.

"Whereas it is reported that the draft of the new treaty between the United States and Japan, sent to the United States Senate the 21st instant by the President of the United States, omits all restrictive features concerning the coming of Japanese laborers to the United States; and

"Whereas the Senate of the State of California, relying in good faith upon the assurance from official sources given to the people of the State during the last four years that the immigration to this country of such laborers was precluded by a 'mutual agreement' between our Government and Japan, and that the latter nation was as anxious to retain as we were to exclude them, patriotically and patiently observed calmness pending negotiations for a new treaty; and

"Whereas this senate notes with sincere regret the reported omission from said treaty of such protective measures as are vitally necessary to the interests of California and the welfare of its citizens, or in lieu thereof of such provisions therein continuing in force the said 'mutual agreement,' which has in the past been referred to by the Federal authorities as our shield and protector; and

"Whereas our people have been led to believe and to hope that there would be no surrender of our rights in the premises: Therefore be it

"Resolved, That the Senate of the State of California earnestly urges the President of the United States to withdraw said treaty from further consideration by the Senate of the United States; be it further

"Resolved, That we appeal to the Senate of the United States in the name of the people of the State of California to withhold and refuse its assent to a compact fraught with so much danger to our citizens, to our industrial development, and to our civilization; be it further

"Resolved, That our Senators in Congress be instructed and our Representatives in Congress requested to use all honorable means to prevent the ratification of said treaty 'unless by proper amendment the rights of our people are fully therein protected;' be it further

"Resolved, That the governor be requested to immediately telegraph a copy of these resolutions to the President, the respective heads of Congress, and to our Senators and Representatives in Congress.

"I do hereby certify the above resolution to be a full and correct copy of the original resolutions as amended in the senate and passed on the 22d day of February, 1911.

"WALTER N. PARRISH, *Secretary of Senate.*"

In accordance with the above, I instruct the secretary of the senate to wire immediately the foregoing resolutions to the President, the respective heads of Congress, and to our Senators and Representatives.

HIRAM W. JOHNSON, *Governor.*

Mr. HAYES. Mr. Chairman, the treaty between this Government and Japan, now in force, contains the following provision:

It is, however, understood that the stipulations contained in this and the preceding article do not in any way affect the laws, ordinances, and regulations with regard to trade, the immigration of laborers, police, and public security which are now in force or which may hereafter be enacted in either of the two countries.

The new treaty just submitted to the Senate, if we may believe the reports in the public press, contains no provision of this character. In negotiating the new treaty, the representatives of the two countries must have had this provision, as well as all other provisions of the old treaty, in mind, and they must have intentionally omitted from the new treaty all mention of the "immigration of laborers."

The fear of our people is that by this omission, under these circumstances, our Government will be held to have yielded to Japan our right to prevent the coming to our shores of her laborers or her coolie classes.

It may be that in the near future—while the proposed treaty may be in force—it will become absolutely necessary to have legislation to protect our people from the hordes of oriental laborers who, if not prevented, will flock to the United States. Under these circumstances, if such legislation should be passed or seriously attempted, the Japanese would certainly charge us, and justly charge us, with bad faith and a breach of her treaty rights.

I am advised that this proposed treaty gives to the citizens of Japan rights of entry, travel, and residence in this country, and without any provision in the new treaty like that in the old one above referred to, permitting us to exclude laborers, clearly we could not exclude them without violating this treaty. But it is claimed that Japanese laborers are now and will continue to be excluded by a sort of gentlemen's agreement between our own officials and the officials of Japan. If such an agreement is in existence, and it is pretended to have the force of law or to be binding in any way upon Japan, why not incorporate such an agreement in the treaty? Binding agreements between civilized nations upon matters of this kind are usually put in the form of treaties.

But if such agreement exists it would have no binding force upon new Japanese officials. Japan has the ministerial form of government, and if to-morrow there should be a change of ministry, what would become of this gentlemen's agreement?

Stripped of all verbiage and subterfuges, it is proposed to do what has never been done by this country for any nation in the world, to give up to Japan the right of determining for us what, if any, of her people shall have the privilege of entering the United States. This is done on the plea that it is necessary in order not to offend the excessive sensibilities of the Japanese people.

The people of California would not unnecessarily offend Japan. They have nothing but feelings of friendship for the Japanese people, but the matter of the immigration of oriental laborers is of such paramount importance to us that we can not permit any danger of such immigration in large numbers without the most violent protest. We can not view with indifference any action on the part of our Government that would make it less able to protect us from this oriental menace than it now is.

I am laboring under the disadvantage in discussing this matter of not having seen a full draft of the treaty, and I am quite well aware, Mr. Chairman, that this body has no voice in the ratification of the treaty in question, but I venture to express the hope that if the interests, not only of the Pacific coast, but, as I believe, of the whole country, and its Caucasian civilization, be not fully protected by this treaty it may not be ratified by the Senate.

Mr. DIES. Mr. Chairman, for many days we have listened to discussions in this Chamber which sounded the loud alarms of war in direful tones. The gentleman from Alabama [Mr. HOBSON] gravely assured the country the other day that in less than 10 months we would be locked in death struggle with the Empire of Japan, and that in less than 12 months we would be undergoing the humiliation of temporary defeat. Just a moment ago the chairman of the Committee on Naval Affairs ventured the hope that the young men of this Republic would be speedily taught to shoot. From every part of this Chamber has been ringing the voices of gentlemen demanding a greater Navy and a larger Army. What does all this portend? Does it mean that we have forever put behind us the Republic of the fathers, and that we have set our faces toward the dazzling standards of military conquest and glory? The Republic of Washington and Jefferson and Madison proclaimed the principle of peace with all nations and entangling alliances with none. They preferred happiness in peace rather than glory in war.

When our form of government was in the process of molding the immortal sages who sat in judgment upon the lessons of history and the experiences of mankind chose for us a Republic of peace in preference to an empire of grandeur. These learned men were profound students of the world's history. They were familiar with the principles of all forms of government. They were not ignorant of the splendor which follows in the wake of great armies, great battles, and great generals; but they preferred peace and happiness in the homes of the people to the splendor of armies and military establishments. These founders knew that militarism would destroy free government, and they were happy in the knowledge that our isolated situation made great armies and great generals unnecessary. Providence rendered us secure from the wars of the Old World. Great oceans lay between us and the tramping soldiery of Europe. We occupied the one spot of earth for the successful establishment of a republic and the pursuit of the arts of peace.

On yesterday, the anniversary of the immortal Washington, we heard the wisdom and the greatness of that revered patriot extolled in eloquent terms by my colleague [Mr. SHEPPARD]. Let me take a sentence from the Farewell Address of Washington and propound it as an interrogatory to the membership of this body:

Why forego the advantages of so peculiar a situation? Why quit our own to stand on foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, honor, or caprice?

But we seem to have forgotten the admonition of the fathers. We are no longer satisfied to stay upon our own shores and pursue the avocations of peace and the enjoyment of liberty. We have planted our flag 8,000 miles in the Pacific, to lord it over an inferior people. In the West Indies we are hated, because we are ever ready to interfere in their affairs. If there is a loan to be made in China, this Government interferes to see that New York bankers get their share of the investment. We are everywhere busy with the affairs of other nations. What must be the result?

The gentleman from Alabama [Mr. HOBSON] prophesies war, swift and terrible; the generals and the admirals shake their heads ominously and hint at war; the heads of the great supply committees that spend the people's money fidget in their seats and cry out in trembling accents for more money with which to purchase powder and shot, guns and ships, arms and armaments. Ah, Mr. Chairman, the great trouble with us is that we are pursuing a policy which we know is likely to bring war. [Applause.] If we were attending strictly to our own business, there would be no excuse for all these mock heroics about war, and there would be no excuse for spending these fabulous sums of money taxed from the labor of the people. History gives ample proof of the fact that military men are prone to exert influence against peace. War is their game, and, naturally enough, they fret and chafe at piping times of peace. There can be no Alexanders and Hannibals without battles, and there can be no battles without war. If we listen to our generals and would-be generals, every appropriation bill will bristle with war preparations, and there will never be an end of it until there is a soldier upon the back of every citizen and the neglected implements of husbandry lie rusting in the fields, while their former users burnish bayonets and black boots in the camps of an army.

A thousand circumstances—

Says De Tocqueville, in his work on Democracy in America—

independent of the will of man concur to facilitate the maintenance of a democratic republic in the United States. Some of these peculiarities are known, the others may easily be pointed out; but I shall confine myself to the most prominent among them. The Americans have no neighbors and, consequently, they have no great wars or financial crises or inroads or conquests to dread; they require neither great taxes nor great armies nor great generals, and they have nothing to fear from a scourge which is more formidable to republics than all these evils combined, namely, military glory.

But these things have changed since this profound student of free government analyzed our institutions. We now have neighbors in abundance, for we have set up shop in the back yard of the Orient and stretched our clothesline across the confines of Europe. We now require great armies, great generals, and great taxes. Where will it all end? Can the liberty of the citizen survive?

I am not a pessimist, Mr. Chairman, but history does not encourage me to hope that our free institutions will long survive the time when the military shall be made paramount to the civil affairs of our Government. When we send great armies away to oppress our neighbors they will return to oppress our own people.

Rome sent Cæsar and his soldiers to conquer the barbarians, but he returned with his army to destroy the last vestige of Roman liberty and seat himself upon a throne. The people of France, in more recent times, employed Napoleon to lead a grand army against the neighboring peoples of Europe, but when the conquering general came back to France he promptly overthrew the young Republic and crowned himself Emperor with his own hands. Your great generals are not Democrats; they are not Republicans. They are autocrats who despise the civil authority and hate the democratic principle of equality.

Mr. Chairman, the principles of liberty and equality can not live in the military atmosphere. If we would go forth to conquer and achieve military renown as the Romans did we must expect the fate which befell the Roman Republic; if we would have a Cæsar to point his sword against our neighbors we may expect that he will at last turn that sword upon us. We can not have the glory of a strong government without paying the penalty in ruined liberties. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SULZER. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. Three minutes.

Mr. SULZER. I yield those three minutes to the gentleman from Texas [Mr. DIES].

Mr. DIES. For one, Mr. Chairman, I prefer to tread in the paths the fathers trod. In my opinion it is not nearly so important that the young men of this country should be taught to shoot as it is that they should be taught the dignity of labor and the duties of citizenship. I had rather see our people happy than illustrious; I had rather behold peace in the home than glory in the camp. I love the flag of my country, and because I love it I would haul it down whenever it floats over a conquered people; I would stay the onrushing flood of undesirable immigration to our shores; I would have this great Republic attend to its own business and cease meddling with the politics of Europe; I would cease spending the millions of the people in the making of great armies and great generals, and give more encouragement to those who labor in the farms, mines, and factories. I would mold fewer bullets and print more books; I would build fewer battleships and erect more schoolhouses. I would spend less money for destruction and more for construction. [Aplause.]

The CHAIRMAN. The time of the gentleman has again expired.

The Clerk read as follows:

For pay of cadets, $300,000.

Mr. HULL of Iowa. Mr. Chairman, there is an error in printing the bill, and I desire to offer an amendment, which I send to the Clerk's desk, to be put in between lines 5 and 6.

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read as follows:

For extra pay of officers of the Army on detached service at the Military Academy:

"For pay of one commandant of cadets (lieutenant colonel), in addition to pay as captain, $1,140."

Mr. HULL of Iowa. Mr. Chairman, in the printed bill the words "for extra pay of officers" is left out, and the officer filling the position of commandant of cadets has been changed to a man of lower rank since the estimates were submitted. Under the law he is entitled to the pay of lieutenant colonel. This simply corrects it, and makes it what is necessary under the law.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HULL of Iowa. Mr. Chairman, I move to strike out the last word, simply to put in a letter of the Secretary of War in regard to the detail of officers, so that Members may have the privilege of reading it in the RECORD. I ask that it simply be inserted in the RECORD without reading.

The CHAIRMAN. Without objection, it will be inserted in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The letter referred to is as follows:

WAR DEPARTMENT,
Washington, February 18, 1911.

SIR: In connection with the statement of the Hon. JAMES HAY, of Virginia, before the House of Representatives, as reported in the CONGRESSIONAL RECORD of February 16, 1911, in which reference is made to the number of officers detailed as instructors at the Army War College, Military Academy, Fort Monroe Artillery School, and other schools as follows:

"I have in my hand a statement furnished to me at my request by the Adjutant General of the Army, showing the officers of the Army who are detached from their regular service and assigned to duty either as instructors or as students at school, as of date January 1, 1911; and I say that there are 22 student officers here at the Army War College and 14 instructors. There are at the Military Academy at West Point 81 officers detailed as instructors. At the Army Service Schools at Leavenworth, Kans., there are 67 student officers and 22 instructors. At the Fort Monroe Artillery School there are 14 instructors and 40 students; and there are at these schools altogether 179 students and 148 instructors, including the officers at West Point."

I have the honor to say that the statement as printed was apparently misleading, as indicated by the debate which followed, and I submit the following memorandum which, in my opinion, more fully presents the facts:

ARMY WAR COLLEGE.

Mr. HAY states that there are at the Army War College 14 instructors and 22 students. The word "college" is used in a broad sense, and the 14 General Staff officers on duty in the War College Division of the General Staff are not instructors in the ordinary sense of the word. If there were no student officers whatever there the services of the 14 General Staff officers would be needed in the work of securing and compiling military information, and preparing plans, maps, etc. If the custom of foreign services were followed there would be a great many more than 14 General Staff officers on duty in the War College Division, even if there were no student officers whatever. Student officers are not a necessary adjunct of the War College Division, but as the officers in this division are a carefully selected body of men and have available an immense amount of information advantage is taken of the opportunity to use them as instructors of a class of carefully selected

officers, who are detailed for a period of one year for advanced military studies in the art of war.

WEST POINT.

Mr. Hay states that there are 81 instructors on duty at West Point. It should be borne in mind that among the 81 detailed officers on duty at the Military Academy are included the superintendent and his staff, the surgeons, quartermasters in charge of construction, etc., and the officers on duty with the troops. Besides the 500 cadets there is on duty at the Military Academy a full battery of Field Artillery (135 enlisted men), the complement of officers for which, under existing law, is five. There is also a full troop of Cavalry, the complement of officers for which, under existing law, would be three. There is a detachment of engineers, which is practically a company of 100 men, and would ordinarily be entitled to a complement of three officers. There is also an Army Service School detachment of 225 men. Altogether there are 700 enlisted men on duty at the Military Academy, almost the equivalent of a regiment, the legal complement of officers for a regiment being 51.

The number of officers at West Point is proportionately high because the Corps of Cadets is only 80 per cent full. A full corps would require very few additional instructors.

COAST ARTILLERY SCHOOL.

It is stated that there are 14 instructors and 40 students at Fort Monroe. There are only 10 officers on duty at Fort Monroe on instruction duty exclusively. The remaining four officers perform duty as instructors in addition to other duty. In mentioning the number of students, omission is made of the students in the department of enlisted specialists, where there are 60 enlisted men under instruction as electricians, engineers, mechanics, etc. A correct statement would be that there are 10 instructors and 100 students, rather than 14 instructors and 40 students.

OTHER SERVICE SCHOOLS.

No detailed reference is made by Mr. Hay to the exact number of officers and students at other schools, but it is stated that, including West Point, there are 148 instructors and only 179 students. As a matter of fact, at the Mounted Service School at Fort Riley, which is apparently included in this, there is also a department for the instruction of enlisted men, known as the School for Cooks and Bakers, and another for the instruction of horseshoers and farriers, with a total of about 440 enlisted men under instruction, all of whom are under the instruction of these officers.

CORRECT STATEMENT.

Based upon the above figures, a more correct statement of the facts would have been that there are 148 officers on detached service as instructors. These officers, in addition to other duties, instruct 1,179 students, of whom 179 are student officers, 500 are cadets, and 500 enlisted men.

CIVILIAN SCHOOLS.

Subsequently, in the course of debate, reference was made to civilian schools. There are 64 officers of the active list detailed as instructors at civilian educational institutions. At these schools there are 19,633 students enrolled, making an average of one officer for every 307 students.

Very respectfully, J. M. DICKINSON, *Secretary of War.*

The CHAIRMAN COMMITTEE ON MILITARY AFFAIRS,
House of Representatives, Washington, D. C.

Mr. HUGHES of New Jersey. Mr. Chairman, I move to strike out the last two words. I notice there is an item here for the pay of the master of the sword, $2,400. The duties of this officer are about similar in character to the duties of the master of the sword at the Naval Academy at Annapolis, are they not?

Mr. HULL of Iowa. The master of the sword has a fixed pay by law; he has the pay of a first lieutenant.

Mr. HUGHES of New Jersey. Are his duties similar in character to the duties of the master of the sword at Annapolis?

Mr. HULL of Iowa. I am not familiar with the duties of the master of the sword at Annapolis, but I can say that the master of the sword at West Point is a very valuable officer. There is a provision of law to the effect that when he dies or retires his place is to be filled by the detail of an Army officer.

Mr. HUGHES of New Jersey. A statement was made during the consideration of the naval bill that when the contest was held for the sword championship of the United States the prize was carried off by the Naval Academy last year. I think that statement was made in debate, and I understand that the instruction there is imparted by a $1,600 a year officer.

Mr. HULL of Iowa. The law fixing this rate of pay was passed several years ago. This is simply carrying out the law.

Mr. HUGHES of New Jersey. I am not attempting to make a point of order on the paragraph. I am simply seeking information.

Mr. HULL of Iowa. I know that all the authorities insist that the man at West Point is an exceedingly valuable man, and I know that at the request of the Academy some six or eight years ago his pay was fixed at that of a first lieutenant. The law at the same time provided that when he died or retired his place should be filled by the detail of an officer of the Army.

Mr. HUGHES of New Jersey. I am simply trying to get some information.

Mr. HULL of Iowa. The contest between these two academies varies from year to year. Sometimes one wins and sometimes the other. We are all proud of both of them.

Mr. HUGHES of New Jersey. I understand that, but I was trying to discover some reason, if there is any, for the disparity in compensation of these two officials, one man getting $1,500 a year, I think, and no rank and no right of retirement, and practically a civilian employee of the Government, whereas the other man gets $2,400 a year, rank, and the privilege of retirement.

Mr. MANN. But the Navy man has an assistant and the Army man has not.

Mr. HUGHES of New Jersey. That is the information I am trying to get.

The Clerk read as follows:

For extra pay of one sergeant of engineers, acting first sergeant, $108: *Provided,* That hereafter the pay and allowances of the acting first sergeant of the United States Military Academy detachment of engineers shall be the same as the pay and allowances of a first sergeant of a company of engineers: *And provided further,* That when an acting first sergeant of the detachment of engineers may hereafter be retired, his retired pay and allowances shall be the same as the pay and allowances of a retired first sergeant of a company of engineers.

Mr. MACON. I reserve a point of order for the purpose of asking the gentleman in charge of the bill the necessity for this provision.

Mr. HULL of Iowa. They have recently added for educational purposes a detachment of engineers to the force at West Point. In place of taking a first sergeant from his company, they have detailed a sergeant, and made him first sergeant of that corps. He performs all the duties of a first sergeant.

Mr. MANN. An acting first sergeant.

Mr. HULL of Iowa. He is an acting first sergeant all the time he is there. There is a bill now before Congress making this detachment of engineers permanent. In that event there would be a permanent first sergeant there, and this law would be of no effect. But we have not acted on that yet, and while I am rather of the opinion that it will come back here on this bill, I do not know that I ought to say that, but I have an intimation that it will be done; and while I think it is good legislation, we have not acted on it yet. As long as this man is acting there and performing all the duties of a first sergeant, there is no excuse for not paying him as a first sergeant.

Mr. MACON. What is the difference in the compensation he is to receive?

Mr. HULL of Iowa. One hundred and eight dollars a year, and we provide for that for this year in this bill. The only difference will be that if he is kept there until he is an old man and retired, his retirement will be as a first sergeant.

Mr. MANN. This makes that the law.

Mr. HULL of Iowa. Yes.

Mr. MANN. Whereas the appropriation would only for the next year.

Mr. HULL of Iowa. Yes; and under this provision it will not be necessary to carry this special appropriation next year.

Mr. MACON. I withdraw the point of order, Mr. Chairman.

The Clerk read as follows:

For clerk to treasurer, $1,800.

Mr. MACON. I reserve a point of order on that paragraph. I notice the committee have increased the compensation of this clerk from $1,600 to $1,800.

Mr. HULL of Iowa. Yes; that is correct.

Mr. MACON. While the salary of the clerk to the adjutant, in the paragraph just above, remains at $1,500. Why should this increase be made?

Mr. HULL of Iowa. This increase is made because of the long service of the man and the very excellent record he has made, and it is urged strongly by the officers of the academy. We believe it is only just that after his long years of service he shall have an increase from $1,600 to $1,800.

Mr. MACON. Are his duties any more tedious or exacting than those of the clerk to the adjutant?

Mr. HULL of Iowa. The adjutant has more help and the duties of this clerk are more arduous. He is a first-class man. He has been there a great many years, and with the cost of living and all we thought this increase only fair. He is getting to be an old man and is so efficient that they regard him as worth even more than that. They have been urging this increase for some time, and the committee believed that in view of all the facts submitted it was a very moderate increase. If he had been in a department here in Washington, I will say to my friend that he would have been up to $2,000 a year long ago as a department clerk. I think this proposition is a very fair one.

Mr. MACON. I do not know; but it appears to me that a clerk of this character, when he gets a salary of $1,600 a year, is getting a little more than the average clerk that performs services in other positions.

Mr. HULL of Iowa. Will the gentleman let me read what is said about him in the Book of Estimates?

NOTE.—This amount is for the cashier and confidential clerk to the treasurer of the Military Academy. He handles and is responsible for all the money transactions of this office. This requires the services of not only a clerk of excellent habits and utmost integrity of character, but one of considerable skill as an accountant. He has been employed by this office in various capacities for 30 years and is entirely worthy of the increase in salary requested. His duties are of such a nature as

to frequently demand his services for additional hours and on Sundays and holidays.

I will say to the gentleman that if this same man had a clerkship in the Treasury Department he would have had $2,000 a year before this. Now, it is as expensive to live at West Point as it is in Washington. It is not like a village or a country town. I know my friend from Arkansas wants to be fair to these people who work for a low salary, and I sincerely hope that he will not make a point of order.

Mr. MACON. In view of what the gentleman from Iowa has said I withdraw the point of order.

The Clerk read as follows:

For pay of chapel organist and choir master, $200.

Mr. OLCOTT. Mr. Chairman, I rise to offer an amendment to strike out, in line 9, page 14, the word "two" and insert the word "seventeen."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 14, line 9, strike out the word "two" and insert the word "seventeen," so as to read "$1,700."

Mr. HULL of Iowa. Mr. Chairman, I want to say that I have no desire to detain the committee with an explanation, but the military school asked for this at seventeen hundred dollars a year. We now pay two. The committee thought that $200 was sufficient at this time.

Mr. OLCOTT. Mr. Chairman, the reason I offer the amendment is that when $200 was paid for an organist it was for services held in the old chapel, where I think there was not even a pipe organ installed. There is now at West Point one of the greatest chapels in the country, and where an organ has been appropriated for to cost $10,000. Now, no one who knows anything about the pay of an organist and a choir master would contend that they could get an organist to play this organ for $200 a year.

Mr. SLAYDEN. Mr. Chairman, I gather the impression that at $200 a year the department would be pretty well satisfied for this next fiscal year, the one for which we are appropriating in this bill. The $10,000 organ has not yet been installed.

Mr. OLCOTT. Will the gentleman yield?

Mr. SLAYDEN. Certainly.

Mr. OLCOTT. Am I not right in saying that it is being erected now?

Mr. SLAYDEN. I do not think so. I was in the chapel the other day. It is a very beautiful building, and, in my judgment, it is one of the most beautiful buildings I ever was in; also, in my judgment, it is one of the most inexcusable pieces of extravagance that the Government ever indulged in. I think to erect a $400,000 chapel for a school was a thing that ought to have made the American people indignant, and I believe that when the knowledge sifts through their minds it will.

Mr. OLCOTT. I do not think that is a question to be considered here now.

Mr. SLAYDEN. No; but, Mr. Chairman, I do not think this $1,700 ought to be appropriated.

Mr. OLCOTT. Well, Mr. Chairman, the organ in this new church will not be played upon by anybody that you can get for $200 a year. Therefore I offer the amendment, and I hope it will pass.

Mr. MACON. Mr. Chairman, I rise to oppose the amendment offered by the gentleman from New York. To increase the compensation that the committee thought was not worth more than $200 to $1,700 strikes me as being inexcusable in the extreme.

Mr. OLCOTT. Will the gentleman from Arkansas yield to me for a moment?

Mr. MACON. Yes.

Mr. OLCOTT. The man who performs the service for $200 and the one who will perform it for $1,700 are not performing a like service at all. You can not get a man to play a large church organ for the same price that you can get one to play the small organ that was in the old chapel.

Mr. MACON. Mr. Chairman, I understand that; but the committee in charge of this bill had all this matter under consideration, and they have reported the bill to the House, and say by that act that they think $200 is enough. They have reported other increases that were in reason, and nobody up to this time has objected to any of them, but if Members are going to ask increases of this character, then I must insist on knocking out every increase that is offered, because it is going too fast, in my judgment, to increase salaries from $200 to $1,700 at a clip. We ought to proceed by degrees in matters of this kind and not by leaps and bounds. I hope the gentleman will not insist on his amendment.

Mr. OLCOTT. Mr. Chairman, I will ask a vote on it, of course. It is only a question of the employment of somebody to play a melodeon or a large pipe organ. If we build a big city organ we ought to have somebody who can play upon it.

Mr. MACON. I think the committee ought to have this matter investigated before we act upon it.

Mr. OLCOTT. If you get some person who will be employed at $200 a year, the chances are that your $10,000 organ would be ruined.

Mr. HAY. I would like to know why the gentleman thinks it is necessary to provide for this $1,700 man until we have the organ.

Mr. OLCOTT. I felt quite certain that it is now in process of erection.

Mr. SLAYDEN. I was all through the building a few days ago, and I found no evidence of any construction in that building for an organ of that kind.

Mr. HAY. As a matter of fact, the superintendent of the academy said it had not been completed, and it is not completed, and the gentleman wants now to appropriate money for a position which can not be filled, and nobody knows when it can be filled.

Mr. OLCOTT. Mr. Chairman, from the statement of the gentleman from Virginia [Mr. HAY] and the statement of the gentleman from Texas [Mr. SLAYDEN] that this will not be necessary for the coming fiscal year and that the organ is not now commenced, I will withdraw my amendment.

The Clerk read as follows:

For pay of one clerk and stenographer in adjutant's office (to be immediately available), $1,000.

Mr. MACON. Mr. Chairman, I reserve the point of order on that. This seems to be the creation of a new office.

Mr. HULL of Iowa. It is, but it is to take the place of one that was abolished, as I remember now. I can tell the gentleman in a minute.

Mr. MACON. It is on page 15, beginning with line 6 and ending with line 7, for one clerk and stenographer in adjutant's office (to be immediately available), $1,000.

Mr. HULL of Iowa. Mr. Chairman, I will say to the gentleman from Arkansas that there is a change in clerks by the ordering away of clerks that have been heretofore employed there. There are some seven or eight clerks, I think, altogether—I can look the matter up and tell the gentleman exactly—that have heretofore served in the Military Academy, but have been paid out of the Army appropriation bill. The Adjutant General of the Army, in pursuance of the orders of his chief, notified the Military Academy before these estimates were submitted that those clerks would all be ordered away from the academy, and that the academy must provide its own clerks. The gentleman will find an increase of clerks here in the academy to make up for those who have been ordered away and that have been paid out of the Army bill. They asked for a larger increase of clerks in the Army bill for departments and headquarters and military posts and we cut that down, and they took these away from the Military Academy. It is an increase in the item, but the same number of clerks practically would be employed at West Point as have heretofore been employed. They have been paid out of the Army bill, and in taking them away they wanted a stenographer to be made immediately available.

Mr. MACON. Is the expense reduced; that is, the appropriation reduced that they have been heretofore paid?

Mr. HULL of Iowa. No; it was not reduced because there was an increase given to the Army, but if there had been no increase given there would have been a decrease here. Heretofore they were paid out of the Army bill.

Mr. MACON. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

For pay of 2 book sewers in bindery, 1 at $24 and 1 at $20 per month, $960.

Mr. HULL of Iowa. Mr. Chairman, there is an error there in the language of the paragraph, and I move to strike out all after the word "bindery," in line 11, down to and including the word "month," in line 12.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 16, line 11, strike out all after the word "bindery" down to and including the word "month," in line 12.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

All the money hereinbefore appropriated for pay of the Military Academy shall be disbursed and accounted for by officers of the Pay Department as pay of the Military Academy and for that purpose shall constitute one fund.

Mr. BORLAND. Mr. Chairman, I move to strike out the last word. I do this for the purpose of asking the chairman of the committee a question. I want to ask the question I asked a

few minutes ago, whether it is true the academy is below its full quota of students.

Mr. HULL of Iowa. Yes; and always is.

Mr. BORLAND. How much below?

Mr. HULL of Iowa. I think about 120 cadets now.

Mr. BORLAND. What is the capacity of the academy?

Mr. HULL of Iowa. I do not know that I can answer that off-hand. It is 391 for Members of Congress, 40 for the President, and 92 for Senators, one for each Territory, and one extra for Members whose cadet is in the senior class—about 600.

Mr. BORLAND. So it is short about 120?

Mr. HULL of Iowa. It is all of that short.

Mr. BORLAND. How long has that condition continued?

Mr. HULL of Iowa. It varies, sometimes more and sometimes less. There have always been cadets going out, occasionally one will die, and a great many fail in their examinations, and sometimes they are discharged for hazing. I think that is what the gentleman wants——

Mr. BORLAND. No; that is not what the gentleman wants, but I will get to that. I want to know this, What is the reason of the shortage of practically 25 per cent in the academy?

Mr. HULL of Iowa. One is, there are none coming in. For instance, I have just received a notice that both of the men I have nominated, the principal and the alternate, had both failed. Besides, at the midwinter examinations, there is always a large number of cadets who are "plucked," as it is called, who have not passed their examinations, and it varies, owing to the ability of the class, and for other reasons.

Mr. SULZER. And in that connection allow me to say to the gentleman one of the reasons the classes at West Point are not up to the maximum in numbers is because the Members of Congress do not make their appointments as regularly and speedily as they should, and another reason is that a great many young men appointed by Members of Congress fail to pass the midwinter examinations, and the consequence is there is never a time, and probably never will be a time, when all the classes at the West Point Military Academy will be full and complete. I ask the gentleman in that connection if his cadet is now in the academy?

Mr. BORLAND. Yes.

Mr. SULZER. Then the gentleman's district is represented. There are many districts, however, that are not represented, and it is urged by the officers at the academy that Members of Congress should do the best they can to keep their districts represented. This will go far to obviate the evil of which the gentleman complains.

Mr. BORLAND. Now, Mr. Chairman, I will say, in view of what the chairman of the committee and a ranking Democrat have said on this subject, that it seems to me that the appropriation of over a million a year to maintain a school is so costly an expenditure that it ought to result in all the practical benefit to the country that is possible from that kind of an institution. Certainly a shortage of 20 to 25 per cent continually is not explained by death, resignation, or dismissal for discipline. It must be explained on some other ground. The gentleman says it is due to the fact that many Members fail to appoint and that many of the men appointed fail in their examinations. If the Members fail to appoint, there must be another way of keeping the academy filled, because surely we can not be running an expensive academy by depending upon the promptness or whim of 391 Members of Congress and 92 Members of the Senate. We must have the Army supplied with officers. It is further a fact, as I understand it, that nearly 60 per cent of the officers were appointed from civil life. Is it possible there are better men of whom to make officers outside of the academy than in it?

Is it possible that the best condition of affairs that can happen is that 60 per cent of the officers must be appointed from civil life? If so, that is an argument against the entire academy, for if the academy is kept up for the sole purpose of training officers and can only result in obtaining from the academy 40 per cent of the officers needed, then clearly the men appointed from civil life can take care of the whole job if necessary.

It is said by the gentleman from New York [Mr. SULZER] that many of the appointees fail, and I know that to be true. I appointed a man who had the advantage of one of the best high schools in the West, the one at Kansas City, which I believe is fully the peer of any high school in the country. I believe that a man that has gone through a good high school should be qualified for the first year's class at either of the academies, especially if he has gone through a high school that is above the average of the ordinary rural, country high school. It seems that that man could not get into the academy until he had gone to some special instructors and taken further tuition in mathematics. In other words, there was a young man who was as thoroughly equipped as any young man could possibly be in this modern day and age of educational advantages, but he could not pass an examination at West Point without, first, a special, and, second, a failure that had to be compensated by restoration and reappointment. Now, I picked out the best qualified man I could find for that purpose. His father is a dignitary in the Episcopal Church. I do not know a thing that would disqualify him physically or mentally for the Military Academy, and yet he could not take that examination without a special training. That being so, there must be something materially wrong about the curriculum of the academy. It seems to me if we go into the open market and get 60 per cent of our officers from civil life, many of whom have not had better than the ordinary high-school training, why could we not take the ordinary high-school boy from the ordinary high schools of the country, from Missouri and Iowa, and the other States, and start them through the Military Academy?

Mr. TILSON. Will the gentleman yield?

Mr. BORLAND. Yes.

The CHAIRMAN. The time of the gentleman from Missouri [Mr. BORLAND] has expired.

Mr. SULZER. Mr. Chairman, I ask unanimous consent that the gentleman's time may be extended for three minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TILSON. May I ask the gentleman a question?

Mr. BORLAND. Yes.

Mr. TILSON. Does he understand that 60 per cent of the officers being appointed now to the Army are from civil life, or that of the officers now in the Army 60 per cent are from civil life?

Mr. BORLAND. I see where my remarks were not clear. I understand about 60 per cent of the present force of officers were appointed from civil life, but I do not understand what the gentleman says I might have been implied to say, that 60 per cent of the appointments to-day are from civil life. I do not understand it that way.

Mr. TILSON. Not more than 25 per cent of the officers to-day are taken from civil life.

Mr. BORLAND. Why should that be so?

Mr. HAY. I would like to call the gentleman's attention, if he will permit me, to the hearings in this case on this very question. Gen. Barry, the Superintendent of the Academy, was being examined as to why the corps of cadets was not full, and he stated, among other things, as the gentleman from New York [Mr. SULZER] has said, that the Members of Congress and Senators do not appoint, and therefore permit vacancies to be created. He also stated that in each class there are failures every year. But he went on and said further, as showing the improvement in that regard, that as the result of the last examination the whole first class got through, the whole second class and the whole third class, and only six of the fourth class were declared inefficient. I think that is a pretty good record.

Mr. BORLAND. Now, is it not true that if a Member of Congress fails to appoint within a certain time the appointment lapses to the President of the United States?

Mr. HAY. It lapses to the Secretary of War.

Mr. BORLAND. That is practically the same thing.

Mr. HAY. But the gentleman will understand they do not exercise that, because they do not wish to take that away from a Member of the House or the Senate, and he is given an opportunity to make the appointment.

Mr. BORLAND. But if the law provides that the appointment shall be made——

Mr. HAY. I do not know that the law is mandatory. I think it is simply in the discretion of the Secretary of War.

Mr. BORLAND. It seems to me it is a discretion that he is expected to exercise, if it is necessary to keep up the full quota of the Academy.

Mr. HAY. The gentleman knows how these matters are. He knows that the Secretary of War or the Secretary of the Navy would not take away from a Senator or a Congressman the right to make an appointment when he was told that a nomination would be sent in in a few days, or some such matter as that.

The CHAIRMAN. The time of the gentleman has expired. The Clerk will read.

The Clerk read as follows:

For maintaining the children's school, the Superintendent of the Military Academy being authorized to employ the necessary teachers, $3,520.

Mr. TILSON. Mr. Chairman, it seems to me there is a mistake here, in the proviso at the bottom of page 27.

Mr. HULL of Iowa. This is the children's school.

Mr. TILSON. Then we have a provision for a chemical fire engine in the next paragraph.

Mr. HULL of Iowa. That does not apply to the school.

Mr. TILSON. It does not apply to the chemical fire engine?

Mr. HULL of Iowa. No.

Mr. TILSON. It seems to follow the chemical fire engine as if it would apply to it.

Mr. HULL of Iowa. The chemical fire-engine item was put in there after the bill was prepared. The proviso applies to all foreign publications, foreign professional books, and so forth. It does not apply to anything except foreign publications, no matter where it goes in.

Mr. TILSON. It seems to me it should go in in connection with the library.

Mr. HULL of Iowa. It has always been at the end of the whole provision, as it is in this bill. It does not make any difference where it is; it only applies to the one provision now. If the gentleman will notice he will see that it has always come in before "Buildings and grounds."

The Clerk read as follows:

For plaster and other models, relief plans, and maps to illustrate the facts of geology, photography, geography, hydrography, the processes and results of the useful arts, of the art of war, fortifications, artillery, and the like, to be displayed on the walls of the buildings of the academy, $5,000.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph just read, for the purpose of getting some information from the chairman of the committee. I will ask the chairman of the committee, Does this item propose to appropriate for some relief work on the exterior of the buildings?

Mr. HULL of Iowa. No; it is intended to put some models and plaster casts inside for the students to study. I do not think the item is subject to a point of order, because it is in line with the subjects decided on for the instruction of the students. It is in accordance with the plan for carrying out the course of instruction.

Mr. STAFFORD. It is for laboratory work and purposes of that kind?

Mr. HULL of Iowa. It is for instruction of cadets.

Mr. STAFFORD. I withdraw the reservation.

The Clerk read as follows:

For continuing the work of increasing the efficiency of the United States Military Academy, West Point, N. Y., and to provide for the enlargement of buildings and for other necessary work of improvement in connection therewith, as authorized in acts of Congress approved June 28, 1902 (Public, 181), April 28, 1904 (Public, 192), March 3, 1905 (Public, 137), and June 28, 1906 (Public, 310), in accordance with the general plan approved by the Secretary of War January 27, 1904, to remain available until expended, $300,000.

Mr. STAFFORD. Mr. Chairman, I reserve the point of order on that paragraph. I notice that the phraseology——

Mr. HULL of Iowa. I hardly think it is subject to a point of order.

Mr. STAFFORD. The gentleman said that a moment ago, but in this case I may be more intent on the point of order. I would like to inquire if it is intended to insert this amount, $300,000, for the enlargement of the academy buildings?

Mr. HULL of Iowa. This is part of what has been authorized, and, as I understand, it completes the amount that has been authorized. They asked us this year to increase the authorization, and we declined. This is for the buildings already authorized, and it is within the limit of cost.

Mr. STAFFORD. I wished to ascertain that information, as to whether it was in addition to the amount heretofore authorized.

Mr. HULL of Iowa. No; it is in addition to the amount heretofore appropriated, but not in addition to the amount authorized.

Mr. STAFFORD. If it is within the amount heretofore authorized it is not subject to a point of order. May I inquire what is the purpose of the appropriation of $300,000?

Mr. HULL of Iowa. We appropriate each year under the authorization. This $300,000 completes the amount authorized by Congress and fixed as the limit of cost and is for continuing the erection and completion of buildings already authorized.

Mr. STAFFORD. There is no new building contemplated by this appropriation?

Mr. HULL of Iowa. No; that is to say, there will be new buildings built out of this appropriation, but buildings that have been approved; the plans have all been made for them. It is for carrying on the work, and with this appropriation stops the construction of new buildings, or the commencement of the construction of buildings, unless Congress authorizes an increase in the limit of cost.

Mr. STAFFORD. Has the gentleman a statement of the total amount that will have been expended under these various enactments, with this $300,000 included?

Mr. HULL of Iowa. Seven million five hundred thousand dollars.

Mr. STAFFORD. In what period of years has that amount been expended?

Mr. HULL of Iowa. I would not like to give that off-hand, but it runs over a period of some 10 years.

Mr. STAFFORD. Not earlier than the first act mentioned here of 1902?

Mr. HULL of Iowa. I should think not.

Mr. STAFFORD. Then it is very likely within the last six or seven years?

Mr. HULL of Iowa. I think it is more than seven years. That is my recollection, but it is off-hand. On page 59 of the hearings the question was asked:

What additional buildings and improvements would be left out if we did not authorize it—

That is the additional $3,000,000 they want. I can read to the gentleman what they say here.

Mr. STAFFORD. They are exercising their propensity for more appropriations to the amount of $3,000,000 only?

Mr. HULL of Iowa. Oh, I will say to the gentleman that the first act we passed limited the total to $5,000,000, as I recollect now. I am not speaking with absolute accuracy. After the plans had been approved, and after some appropriations had been made, Congress increased the limit of cost to $7,500,000. I will say to the gentleman that that is not unusual, because in the case of the Naval Academy—and I am not saying this for the purposes of criticism or comparison, but simply as a fact—they started out with a proposition for less than $8,000,000, and then it was increased to $8,000,000, and finally the limit of cost was increased to $12,000,000.

Mr. STAFFORD. It would not be unusual for them to ask for this additional $3,000,0000 in excess of the authorization.

Mr. HULL of Iowa. They have already done that, but we have not reported it, and so far as the Committee on Military Affairs is concerned, it is not before Congress, because we failed to report it. It would be subject to a point of order if anybody should make it, and we do not believe they ought to have that authorization. But a future Congress may give such authorization.

Mr. STAFFORD. I withdraw the point of order.

Mr. HULL of Iowa. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that the amendments be adopted, and that the bill as amended do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DODDS, 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. 32436) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1912, and for other purposes, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the vote will be taken on the amendments in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. HULL of Iowa, a motion to reconsider the last vote was laid on the table.

RETURN OF A BILL FROM THE PRESIDENT—HELEN S. HOGAN.

The SPEAKER laid before the House the following message from the President, which was read:

To the House of Representatives:

In compliance with the request of the House of Representatives of February 21, 1911 (the Senate concurring), I return herewith House bill No. 25081, entitled "An act for the relief of Helen S. Hogan."

WM. H. TAFT.

THE WHITE HOUSE, *February 23, 1911.*

The SPEAKER. If there be no objection, the message will lie on the Speaker's table.

There was no objection.

CODIFICATION OF LAWS RELATING TO THE JUDICIARY.

Mr. MOON of Pennsylvania. Mr. Speaker, I move to suspend the rules, take from the Speaker's table the bill (S. 7031) to codify and revise the laws relating to the judiciary, and without reading strike out all after the enacting clause and insert in lieu thereof, without reading, the text of the bill (H. R. 23377) to codify, revise, and amend the laws relating to the judiciary, as heretofore amended in the House, and ask a conference with the Senate.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

I move to suspend the rules, take from the Speaker's table the bill (S. 7031) to codify, revise, and amend the laws relating to the judiciary, and, without reading, strike out all after the enacting clause and insert in lieu thereof, without reading, the text of the bill (H. R. 23377) to codify, revise, and amend the laws relating to the judiciary, as heretofore amended in the House, and ask a conference with the Senate.

The SPEAKER. Is a second demanded?

Mr. SHERLEY. I demand a second.

The SPEAKER. The gentleman from Kentucky [Mr. SHERLEY], a member of the committee, demands a second. Under the rule a second is ordered.

Mr. HUGHES of New Jersey. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HUGHES of New Jersey. On the last day on which this bill was discussed in the House—that is, the House bill which it is now proposed to substitute for the Senate bill—there was pending an amendment which had been voted upon and upon which tellers had been demanded and ordered, as I recollect the transaction, but before the vote was taken by tellers the House adjourned.

The SPEAKER. The motion of the gentleman from Pennsylvania [Mr. MOON] would not cover anything except the amendments that had been agreed to. It does not cover anything else.

Mr. HUGHES of New Jersey. That amendment had been defeated by division.

The SPEAKER. It is a question of fact. On the statement of the gentleman from New Jersey the division was going on.

Mr. HUGHES of New Jersey. The amendment was defeated, but the result was not announced, because a demand for tellers was made and tellers were ordered.

The SPEAKER. There is nothing journalized except that which is agreed to; and from the statement of the gentleman from New Jersey the House was dividing.

Mr. MOON of Pennsylvania. I might say in addition that the announcement had been made by the Chair that the amendment was defeated.

The SPEAKER. The Chair does not know anything about it except from the statement of the gentleman.

Mr. MOON of Pennsylvania. Mr. Speaker, I have nothing to say upon this matter unless some gentleman asks me a question. This bill has been before the House for consideration on 9 or 10 different days, and I think everybody understands the attitude of the bill, and I prefer for the present to confine myself to answering questions, which I should be glad to do.

Mr. GARRETT. I would like to ask the gentleman a question. The effect of the motion is to include all amendments that have been agreed to in the House?

Mr. MOON of Pennsylvania. Absolutely; yes. It so states in the motion. The effect is to carry into conference all the amendments that have been adopted by the House.

Mr. GARRETT. Will the gentleman yield me five minutes?

Mr. MOON of Pennsylvania. I will yield the gentleman five minutes.

Mr. GARRETT. Mr. Speaker, I shall vote for the motion made by the gentleman from Pennsylvania for this reason: There are included in the bill now amendments of vital importance, and this Congress can enact good legislation by passing the bill with those amendments. But I think in fairness that it should be said to the gentleman from Pennsylvania that if this bill comes back from conference with these amendments eliminated the pressing necessity for passing it will also be eliminated.

There are involved here amendments that are far-reaching. The amendment offered by the gentleman from Kansas [Mr. MADISON], which was adopted, the amendment offered by myself, which was adopted, the amendment offered by the gentleman from Kentucky [Mr. THOMAS], which was adopted, and the amendments offered by the gentleman from Georgia [Mr. BARTLETT], which were also adopted, improve this bill, improve the law, and make it worthy of passage. But if these amendments are eliminated in conference, then there is no pressing necessity for passing the bill.

I wish to be entirely candid about my position on it. I shall vote to send it to conference because of the valuable amendments that are placed on it. I shall vote against any conference report which does not include the fundamental propositions involved in at least two of these amendments.

Mr. CLARK of Missouri. Mr. Speaker, I wish the gentleman from Tennessee would name those amendments.

Mr. GARRETT. I shall be very glad to do so. The amendment proposed by the gentleman from Kansas [Mr. MADISON] and adopted by the House provides, in substance, that the district Federal courts shall not interfere with the State officers executing a State law, when its constitutionality alone is involved, until that law has been passed upon by the highest court of the State. Then, of course, an appeal can be taken by writ of error from the supreme court of the State to the Supreme Court of the United States.

The amendment proposed by myself and adopted was one which prevents the removal of causes brought in a State court of a State against corporations to a Federal court upon the ground of diversity of citizenship of the corporation. The amendment proposed by the gentleman——

Mr. MANN. The gentleman from Tennessee has not completed his statement. That amendment does not prohibit the removal of causes from a State court to a Federal court on the ground of citizenship. It affects corporations——

Mr. GARRETT. I thank the gentleman. I thought I stated that it prevented removals of suits brought against corporations on the ground of diversity of citizenship of the corporation.

Mr. CLARK of Missouri. It changes the old rule that a corporation is a citizen in the State of its formation.

Mr. MANN. And makes it a citizen in the States in which it does business.

Mr. CLARK of Missouri. It makes it a citizen in every State that it is doing business in.

Mr. GARRETT. Yes; practically, though not in express terms. For jurisdictional purposes it will be so in so far as removals are involved.

Mr. CLARK of Missouri. That ought to have been the law long ago.

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

Mr. MOON of Pennsylvania. I will yield to the gentleman two minutes more.

Mr. GARRETT. The amendment of the gentleman from Kentucky [Mr. THOMAS] was simply to raise the amount from $2,000 to $5,000. As the law now is, a cause may be removed on the ground of diversity of citizenship from the State court to the Federal court where the amount involved is $2,000. The amendment of the gentleman from Kentucky raises the amount from $2,000 to $5,000. The amendment of the gentleman from Indiana [Mr. CULLOP] is upon a question of procedure, upon the question of removing the judge upon the affidavit of——

Mr. MANN. A change of venue.

Mr. GARRETT. Yes; a change of venue. The amendment of the gentleman from Georgia [Mr. BARTLETT] applies to the abandoned property claims; that is his principal amendment. There are a number of other amendments offered by him and adopted, changing the phraseology so as to define the war of secession as the "Civil War," rather than as it has been defined heretofore in the law, the "War of the Rebellion." Those are the five amendments which have been adopted that I regard as of great importance, and in order to secure the adoption of which I am willing to vote for the motion of the gentleman from Pennsylvania.

Mr. MOON of Pennsylvania. Mr. Speaker, unless some gentleman desires to ask further questions, I will reserve the balance of my time and ask the gentleman from Kentucky to employ his time.

Mr. SHERLEY. The gentleman from Tennessee [Mr. GARRETT] has stated very aptly some of the chief amendments that were put upon the bill in committee. As I shall be one of the conferees, it is perhaps not out of place that I should make this statement, in view of what the gentleman has said. As House conferee I should, of course, feel obligated to urge upon the conferees of the Senate the adoption of any amendments that the House has placed on the bill, but I would not be willing to have it understood now that I agree to the gentleman's statements that in the event a conference report came back here not containing everything that the House has seen fit to place in the bill that the bill should be defeated.

The situation is practically this: Without a suspension of the rules and the passage of this bill under suspension there will be no change of law either in the particulars enumerated by the gentleman from Tennessee or in any other particulars which are the result of the labor of the joint committee that reported the bill in the first instance. To my mind the bill, as reported, was a good bill, justifying its enactment—not a perfect bill—and it could and has been perfected by committee amendments, but irrespective of those committee amendments I believe that the bill ought to pass. I desire to make that statement, so that there may be no misunderstanding about my position.

Mr. GARRETT. Will the gentleman yield?

Mr. SHERLEY. For a question.

Mr. GARRETT. This bill of the committee does make a rather fundamental change in the merger of the circuit and the district courts. The reasons have been presented for opposition to that, and I say very candidly to the gentleman that they do not appeal to me sufficiently to induce me to vote against the bill, but that does involve a considerable change in the law.

Mr. SHERLEY. Yes; it changes the law in that respect.

Mr. GARRETT. So that it is not altogether correct to say that this bill contains nothing except existing law.

Mr. SHERLEY. No one has said it except the gentleman.

Mr. GARRETT. Now, may I ask the gentleman if we can be assured of a vote upon these amendments in conference?

Mr. SHERLEY. Mr. Speaker, in the first place the bill has not reached a stage where there is even a conference ordered, and I presume at that time when a conference is ordered by the House the gentleman's question would then be in order. At this time we do not even know that there will be a conference or but what the Senate may accept the House bill. The only reason I made the statement was this: I did not want my side of the House to consider that the passage of this bill under suspension of the rules obligated the conferees to favor the defeat of a conference report unless it had in it an acceptance of the various amendments that the gentleman enumerates.

Mr. GARRETT. No; no; and I hope the gentleman will understand I did not, in anything I said, mean to undertake to bind the conferees. I was speaking for myself and outlining my own course of action.

Mr. PARSONS. Was not this merger of the circuit court with the district court in the report of the commission which was specially referred to the joint committee and had been agreed to both by the Senate and the House?

Mr. SHERLEY. It was; and not only is that true, but this other fact is true. This House has, day after day, on calendar Wednesday, practically considered everything in the bill. There are only a few pages containing matter which, so far as I know, would not be the occasion for any difference of opinion or discussion, and certain amendments pending that are unacted upon, and the proposition now before the House is this, Whether we shall suspend the rules and pass this bill by striking out all after the enacting clause of the Senate bill and substituting the House bill, so as to make it a basis for conference, or whether we shall let the work of several years fall to the ground and have to be gone over again in another Congress? This is all I desire personally to say. I promised to yield the gentleman from Missouri [Mr. BORLAND] five minutes, and I now do so.

Mr. BORLAND. Mr. Speaker, this bill contains so many good features in the condition in which it left the Committee of the Whole that I quite agree with the gentleman from Kentucky that substantial progress has been made. If the bill can come back from the conference in anything like the shape in which it goes from the House, it will be a very desirable step for us to take. There is one feature, though, in view of his remarks, that he will probably as a conferee be obliged to sustain the amendments of the House, to which I should like to call attention, because I believe it has not been adequately discussed in this House. On last Wednesday an amendment was submitted by the gentleman from Illinois providing for the purchase (page 2621 of the RECORD) for the United States circuit and district judge at every place where the circuit and district court is held, and for various other officials of the United States therein enumerated, a set of private reports known as the Federal Reporter. This Federal Reporter, as most of the gentlemen in this House know, and all lawyers know, is a private set of reports published by a private publishing company, containing what they choose to publish of the decisions of the United States circuit and district courts. There is no other set of reports covering that exact ground. Now, I understand the fact is this, that these publishers for years have presented to the circuit and district judges of the United States a set of these reports as they were issued upon the consideration of reviewing the syllabus which was put on them, so that as a matter of fact the judges have a private set of these reports already. Now, it is proposed to spend $150,000 to buy complete sets of these reports from the beginning. This establishes these private reporters as official reporters of these United States district and circuit courts. We do not seem to have undertaken to follow the plan in the Supreme Court report, nor to make the Supreme Court reporter extend his duties over these other courts, but we are going to place the stamp of official approval upon a set of private reports. This amendment was offered by the gentleman from Illinois, who usually is most careful in the amendments and bills which he proposes and sometimes insists upon accuracy in others. Yet there is nothing in there as to the number of volumes these people may publish and send out, how much their volumes shall contain, nor the size of their volumes. They can send out 10 or 12 just as well as one——

Mr. MANN. The gentleman understands, of course, it is all subject to appropriations by the Congress.

Mr. BORLAND. Certainly; but after it is authorized by law——

Mr. MANN. Ah, but if they try to fake any volumes on us, there are plenty of men here to watch that. If they try to force a number of volumes that ought not to be published, there will be no appropriation made for them.

Mr. BORLAND. The gentleman does not mean to say that usual safeguards should be left out of a law because you can put a check on the appropriations to stop it?

Mr. MANN. I do not know what the safeguards would be; I do not remember whether I offered the amendment or not.

Mr. BORLAND. I see by the RECORD he did.

Mr. MANN. If I offered the amendment, I offered a bill as an amendment to the bill after discussion, which bill was proposed and reported upon by the committee.

Mr. SHERLEY. Will the gentleman permit an inquiry? Is he referring to an amendment that is substantially the same as Senate bill 179, concerning which all of us received a letter from the Keefe-Davidson Co.?

Mr. BORLAND. I believe that is the bill.

Mr. SHERLEY. Frankly, I will say to the gentleman, the letter I received rather convinced me of the correctness of the position of this company in complaining of the action of Congress, and I feel that I can say to the gentleman that he need not have any fear on the part of the committee that the conferees will embody in this bill any provision undertaking to give a monopoly to any particular law publishing company, or a provision so loosely drawn as to permit the unnecessary issuing of reports of the decisions of the Federal courts.

Mr. BORLAND. That is the only purpose I had in mind in calling this matter to the attention of the House at this time.

Mr. MANN. The gentleman will recall the amendment that was offered and reported by the Committee on the Judiciary of the House and that it passed the Senate, and that we inserted in the amendment the amendment of the gentleman from Wisconsin [Mr. STAFFORD], so that this would not be limited to one company or to one set of reports.

Mr. BORLAND. I am aware of that.

Mr. STAFFORD. The gentleman calls attention to the amendment I suggested, namely, after the words "Federal Reporter," which was adopted——

Mr. BORLAND. I understand that. Yet, the gentleman will readily see that if we authorize by law the purchase of back volumes of this particular set of books, it is manifest there will be no competition by somebody else, who would have to go to work and get up a complete set of back reports before they could reach the point of competition. That sort of amendment does not cure the situation at all. If the gentleman were proposing to buy reports from now on it would be a different matter.

Mr. STAFFORD. I would suggest to the gentleman, if he will permit me, that the amendment would permit the Department of Justice at any time, if they became dissatisfied with the Federal Reporter, to substitute another set of reports, which could be continued from the time when the Federal Reporter would be continued.

Mr. BORLAND. We could always repeal this law, of course. But after we have made an expenditure of $150,000 on a particular set of reports up to that time, under what circumstances can a new company compete?

Mr. MANN. The old reports and the new ones have no relationship with each other. The Cooperative Report of the Supreme Court reports is just as good as the old reports, and the new reports have nothing to do with the question of the old reports. No lawyer pays attention to the number of the report, but the time of it.

Mr. BORLAND. It is perfectly true, as the gentleman says, that we can refuse appropriations and adopt another system, but why put into the law a provision so loose that it will require the action of executive officers or action of Congress to correct those particular things? If we design to have a system of reports of the circuit and district courts of the United States, why not provide how those reports shall be gotten up, what they shall contain, how much matter shall be in a particular book, and that the copyright or the matrices shall belong to the Government of the United States, so that reproductions can be made after they are out of print, and so on?

Mr. SHERLEY. I yield five minutes to the gentleman from Georgia [Mr. BRANTLEY].

Mr. BRANTLEY. Mr. Speaker, I dislike exceedingly to stand for any delay in giving to the country this codification. We ought to have the codification, for I think there has been much excellent work done on it. We have waited, however, for this codification a great many years, and, for my own part—and I think I speak for the bar of the section of the country from which I come—we are willing to wait a little while longer for it before taking it at the expense of abolishing the circuit courts of the country.

I do not believe it is wise, Mr. Speaker, to uproot and overturn a judicial system that has been in existence since 1789, and do it without hearings, without discussion, and without understanding by this House of the significance of the act. I have heard it said that the bar of the country favor this resolution. I have to receive the first letter from a member of the bar anywhere in the United States in favor of it. I have received letter after letter from some of the best lawyers in the country protesting against it.

I would like to see stricken from this bill all that part of it that destroys and uproots the circuit courts. I do not know, as I have said heretofore, of any way to do that by amendment, because the change that has been made runs through some 50 sections of the codification. The only way I know of to reach it is to defeat the codification now, and then at the next session of Congress let us have a corrected codification, limited purely and simply to a codification. Let us then insist that any changes in substantive law that are deemed desirable shall be proposed in a separate bill or bills and be considered by themselves before the appropriate committees, where they can be properly understood and dissected and a righteous conclusion reached in reference to them.

I do not know whether it is true or not, but some of the able lawyers that sit at the other end of the Capitol have raised the question that this codification not only abolishes the circuit courts but abolishes also the circuit court judges.

Mr. MANN. It would not be a great loss.

Mr. BRANTLEY. It is a very serious proposition.

Mr. MOON of Pennsylvania. Will the gentleman yield for an interruption?

Mr. BRANTLEY. Yes.

Mr. MOON of Pennsylvania. I want to ask the gentleman whether in his judgment that is true—whether he is not convinced as a lawyer that it does not do anything of the kind?

Mr. BRANTLEY. I might be able to answer that question, Mr. Speaker, to the satisfaction of my distinguished friend from Pennsylvania, or I might not; but whatever my opinion might be after careful consideration, it would be but the opinion of one lawyer in opposition to the opinion of far abler lawyers, should I reach the conclusion suggested by my friend from Pennsylvania. The suggestion presents a grave question, and yet this Congress is proposing to settle it, or it is proposed that this Congress shall settle it, without investigating it, without considering it, and without understanding it.

Mr. PARSONS. Will the gentleman yield?

Mr. BRANTLEY. I will.

Mr. PARSONS. Can not that point be covered by a very simple amendment providing that the offices of the circuit court judges be not abolished, inserting same after the first clause of section 274? A very simple amendment would cover it.

Mr. MOON of Pennsylvania. It is covered.

Mr. BRANTLEY. You can, by simple amendment, save the circuit court judges, but you can not by that method save the court itself, and it is the abolishment of the circuit court that I object to.

Mr. SHERLEY. Will the gentleman let me make a suggestion?

Mr. BRANTLEY. Yes.

The SPEAKER. The time of the gentleman has expired.

Mr. SHERLEY. We could not save the circuit court clerks, who are responsible for most of the antagonism that exists against this proposition.

Mr. BRANTLEY. Will the gentleman from Kentucky yield me the time in which to answer him?

Mr. SHERLEY. Yes.

Mr. BRANTLEY. I will state to the gentleman from Kentucky that I am informed that, so far as the circuit court clerks are concerned—and my information comes from high authority—that there is no disposition or purpose or intention on the part of the codifiers to abolish them, except perhaps in name, and that they are not in jeopardy. But I scorn the suggestion, Mr. Speaker, that the great bar of this country is actuated in opposing this revolutionary proposal simply by the consideration that they would like to take care of a few circuit court clerks. For my own part, when the American Bar Association, by a solemn resolution, requests this Congress not to do this thing until it can be investigated and understood, I do not propose to dismiss their resolution upon the supposition that the American Bar Association is simply interested in preserving a few offices for a few men.

Mr. SHERLEY. Mr. Speaker, neither do I. But when the American Bar Association, after an investigation and examination of this subject, has reported in favor of this exact change, I prefer the opinion of that association, the result of that study, rather than a subsequent request to delay in order that another meeting of that association may have time to study the question.

This matter has been thoroughly discussed and understood in this country for several years past. Speaking of my own personal knowledge of the bar of my city, it has been brought formally before them, and I have received no protest from any of the lawyers of my city or State. This committee has received practically no protest from the bar of America.

Now, it is true that this matter has not been considered by the Committee on the Judiciary, but it was considered by a joint committee of the House and the Senate. It was considered by a commission created for the purpose of codifying the laws. It has been considered by the Senate of the United States, and so far there has been no opposition of moment to it. Individual gentlemen have differed with the plan, as the distinguished gentleman from Georgia [Mr. BRANTLEY] has, but this House must not understand that this is some scheme that has been born overnight and has simply the support of the members of this committee that reported it to the House.

Mr. BRANTLEY. Will the gentleman yield for a question?

Mr. SHERLEY. Certainly.

Mr. BRANTLEY. The gentleman does admit that it changes a system which has been in existence since 1789, and that it has never been considered by a legislative committee of this House.

Mr. SHERLEY. In a sense that is true, and yet it is true that the original plan that created the circuit court of appeals contemplated just that which is embodied here; and if any man can state any logical reason for the existence of this condition, save that it has existed in the past, I have yet to hear it. Why should we have a situation where the average lawyer who goes into a Federal court can not tell whether he is in the district court or the circuit court? The logic of the case is to make the district court an exclusive nisi prius court and make of the circuit court an appellate court.

Mr. PARKER. You leave the trial court with a single judge, and if he gets sick or old, you can not replace him except by getting details from other districts.

Mr. SHERLEY. The gentleman is stating a condition that I do not think necessarily exists as the result of this change.

Mr. PARSONS. Did not the House of Representatives in 1891 pass a bill embodying that which we now have in this bill?

Mr. SHERLEY. As to that I have no personal memory.

Mr. MOON of Pennsylvania. Mr. Speaker, I understand the time of the gentleman from Kentucky has expired.

The SPEAKER. The gentleman's time has expired.

Mr. MOON of Pennsylvania. How many minutes have I?

The SPEAKER. Twelve minutes.

Mr. MOON of Pennsylvania. I do not propose to occupy more than five minutes of my time.

It does seem to me, after the extended discussion on the floor of this House respecting this subject, that nothing more need be said about it. I am astonished that the gentleman from Georgia should reiterate statements that have been so conclusively disproved by the facts submitted to this House. The most preposterous suggestion that ever emanated from any body is that which now comes from a segment of the American Bar Association, that we should postpone consideration of this subject until they have had time to examine it.

Why, gentlemen, it has been an acute subject for 12 years. It was introduced upon the floor of the Senate by a bill prepared by the American Bar Association. After the House bill of 1891, providing for the abolition of the circuit court, was so amended by the Senate as to defeat that provision, that association drafted the first bill that ever brought this subject before the country in a separate bill. Nay, more, Mr. Speaker, the man upon whose letter the gentleman from Georgia [Mr. BRANTLEY] to-day relies in part, Mr. Wetmore, was the man who drew the bill. He was then chairman of the committee on Federal legislation of that body, and he was the man who wrote a letter to Senator Hoar, which covered the ground so effectually that Senator Hoar filed his letter as a report to accompany the bill that the Judiciary Committee of the Senate filed in a favorable recommendation of that bill. I read it to this House a few days ago. The gentleman from Georgia knows what he said in that letter, that he had consulted every prominent Federal

judge in the country, that he had consulted all the leading lawyers in the United States whose opinion upon this subject could be obtained, and that the opinion was so absolutely unanimous that it was absurd to consider it an open question. And yet the gentleman comes to-day and attempts to reopen that proposition which has been so effectually closed, and to ask further delay to enable the American Bar Association to examine into the wisdom of this change.

Now, Mr. Speaker, I demand a vote upon the bill.

The question being taken on suspending the rules and agreeing to the motion of Mr. MOON of Pennsylvania, on a division (demanded by Mr. BRANTLEY) there were—ayes 130, noes 11.

Accordingly (two-thirds voting in favor thereof) the rules were suspended and the motion agreed to; and the Speaker announced as conferees on the part of the House Mr. MOON of Pennsylvania, Mr. PARSONS, and Mr. SHERLEY.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. TAWNEY, from the Committee on Appropriations, by direction of that committee reported the bill (H. R. 32909) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1911, which was read a first and second time, and with accompanying papers referred to the Committee of the Whole House on the state of the Union and ordered printed. (H. Rept. No. 2235.)

Mr. FITZGERALD reserved all points of order.

Mr. TAWNEY. Mr. Speaker, I give notice that I shall call this bill up for consideration to-morrow morning.

RIVER AND HARBOR BILL.

Mr. ALEXANDER of New York. Mr. Speaker, I present a unanimous report of the conferees on the river and harbor bill for printing under the rule.

The conference report (No. 2236) and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28632) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 17, 18, 28, 47, 61, 80, 87, 91.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 6, 8, 9, 11, 12, 14, 16, 19, 20, 21, 22, 23, 24, 26, 27, 29, 30, 31, 32, 33, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 48, 49, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 62, 63, 64, 66, 67, 68, 70, 71, 72, 73, 77, 79, 81, 82, 83, 84, 88, 89, 90, 92, 93, 94, 96, 98, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Improving Weymouth Fore River, Mass.: Completing improvement below the Quincy Point Bridge in accordance with report submitted in House Document No. 1334, Sixty-first Congress, third session, $140,000"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "*Provided*, That the project for improvement below said bridge may, in the discretion of the Secretary of War, be so modified as to allow the widening of the channel of the river at bends wherever considered desirable in the interest of commerce and navigation: *Provided further*, That no additional work shall be done under this authority which will increase the total cost of the project given in report submitted in House Document No. 441, Fifty-ninth Congress, second session"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: At the end of the language proposed strike out the words "to the Carolina Beach Pier" and insert in lieu thereof the words: "and the Carolina Beach Pier"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following between lines 22 and 23, page 15, after the provision for the Coosa River: "The Secretary of War is hereby authorized and empowered to enter into contract with the Ragland Water Power Co., its successors or assigns, hereinafter designated 'the contracting party,' to complete the dam heretofore partially constructed by the Government at Lock No. 4 on the Coosa River, the work to be done under his supervision and control, and in accordance with the present adopted project and any modification thereof that he may deem proper: *Provided*, That the contracting party shall furnish all materials, of every character, and pay for all labor required in the construction of said dam, which, upon completion, shall become the property of the United States, free of all costs, claims, or charges of any kind whatsoever: *Provided further*, That the terms of this act and any stipulation which the Secretary of War may deem necessary to safeguard the interests of navigation and other interests of the United States shall be embodied in any contract entered into as aforesaid. The contracting party shall begin the said work within one year from the approval of this act, and shall complete the same within three years from the date of commencing construction; otherwise the authorization hereby conferred shall be void and the rights hereby conferred shall cease and be determined, the Government reserving the right to commence and finish the work, if deemed advisable, at any time before it is commenced by the contracting party; or, if begun and not carried out in strict conformity to the directions of the Secretary of War, the Government may assume the completion of said work at its option, the cost of such completion to be paid by the contracting party: *Provided*, That the Secretary of War shall determine from time to time whether the work is being properly done. In consideration of the completion of said dam free of cost to the Government, the contracting party is hereby granted such rights as the Government possesses to use the water power produced by said dam for manufacturing and other industrial purposes for a period of 50 years: *Provided*, That the plans for the necessary works and structures to utilize said water power shall be approved by the Secretary of War: *Provided further*, That the right is reserved to the United States to construct, maintain, and operate a forebay and lock for navigation purposes in connection with said dam, and nothing shall be done in the use of the water from said dam or otherwise to interfere with or in any way impede or retard the operation of said lock or the proper and complete navigation of the river at all times, nor in any way to interfere with the use and control of the same by the United States or the maintenance of the water surface above the dam at the established pool level; and the Secretary of War is hereby authorized to prescribe regulations to govern the use of the said water power and the operations of the plant and force employed in connection therewith; and no claim shall be made against the United States for any failure of water power, resulting from any cause whatsoever: *Provided further*, That the contracting party shall furnish to the United States, free of cost, such electric current as may be necessary for operating the Government lock and lighting its buildings and grounds: *And provided further*, That the contracting party may have ingress and egress over Government lands in the construction and operation of the plant. The Secretary of War may require the contracting party to execute a bond, with proper securities, before the commencement of the work, in such amount as he may consider necessary, to insure the beginning, prosecution, and completion of the work and compliance with the terms and requirements of this act, and in case of failure to comply with the requirements of said bond the contracting party shall forfeit to the United States the full amount thereof: *Provided*, That a suitable force of inspectors shall be employed on the work by the Secretary of War, at the expense of the contracting party, to see that the plans and specifications and the terms and requirements of the act and the conditions of the contract are strictly carried out. Congress reserves the right to alter, amend, or repeal the rights and privileges hereby conferred, and the United States shall incur no liability because of the alteration, amendment, or repeal thereof: *Provided*, That to insure compliance with the terms of this contract, or to protect the interests of navigation and other interests of the United States, the Secretary of War shall have power, at any time, to order a suspension of all privileges hereby granted, and a compliance with such order may be enforced by an injunction of the court of the United States exercising jurisdiction in the district in which the work is situated, and proper proceedings to this end shall be instituted by the Attorney General upon request of the Secretary of War. Nothing herein shall be construed as in any way abridging the exclusive jurisdiction and control by the United States of the Coosa River, and of any structure therein, or as repealing or modifying any of the provisions or laws now existing for the protection of navigation. The contracting party, in consideration of the privileges granted hereby, must, under such regu-

lations as the Secretary of War may require, obligate and bind itself, its successors or assigns, to raise the height of said dam at Lock No. 4 3 feet, and shall stop the leaks above Dam No. 4 by which water escapes under such dam, so far as the same can be done, and to keep said leaks stopped so far as it is possible so to do. In consideration of making said improvements, the said contracting party shall have the right to raise said dam during low water to such a height as may be necessary to give it a storage basin above the dam, in order that it may develop and operate a water power: *Provided*, That the said storage does not interfere with navigation: *Provided further*, That the said contracting party shall pay all damages incurred by reason of overflowed lands. Beginning with the year 1925, the contracting party shall pay to the United States for the power due to the natural flowage of the river the sum of $1 per 10-hour horsepower per year: *Provided*, That in case the natural flowage of the river is increased at this point by storage reservoirs above this point, the power company shall have the right to lease, for a period not exceeding the life of this authorization, the increased power due to said storage, and shall pay on all power above that due to natural flowage of the river, as increased by local storage at Dam No. 4, the sum of $1 per year for the first five years, $2 per year for the second five years, and thereafter $3 per year for each 10-hour horsepower sold or used, or in lieu of above payment may, in the discretion of the Secretary of War, pay its equitable share toward the construction of said reservoir or reservoirs, such share to be determined by the Secretary of War: *Provided*, That the Secretary of War, in his discretion, may readjust such rate of compensation at periods of 10 years;" and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: Strike out all after the word "appropriated" in the twelfth line of the language proposed and insert in lieu thereof the following: "*Provided further*, That no part of the amount herein appropriated or authorized to be appropriated shall be expended until the Secretary of War shall be satisfied that the interests of the general public are duly protected in the use of said harbor and that no terminal monopoly will be possible: *And provided further*, That the title or easements in any land needed in connection with the construction of the dike proposed as a part of this improvement shall be vested in the United States free of cost"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: After the word "maintenance" insert the words "by dredging and repair of the jetties"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the second paragraph of the language proposed, insert the following:

"Such changes and diversion shall be shown by plans and plats to be prepared by the city of St. Paul which shall be filed with and approved by the Secretary of War and the Chief of Engineers before any work shall be done thereon, and any change therefrom shall be unlawful unless a plan and plat thereof shall have been previously filed with and approved by the Secretary of War and the Chief of Engineers: *Provided*, That the Secretary of War and the Chief of Engineers shall submit to Congress an estimate of the amount, character, and cost of any work deemed proper to be done by the United States in connection with the improvement herein authorized, the expense connected with the preparation of such estimate to be paid from the appropriation for examinations, surveys, and contingencies of rivers and harbors: *Provided further*, That neither this act nor any action taken thereunder by the Secretary of War and the Chief of Engineers shall be construed as in any way committing the United States to any expense or obligation without further direction of Congress."

And the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: At the beginning of the fifth line of the language proposed, omit the words "Siuslaw River, Oregon," and the colon immediately following and insert a quotation mark; and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "New York Harbor, New York, with a view to securing increased width and depth of water from a point at or near Southwest Spit, northwest of Sandy Hook, New Jersey, through Lower New York Bay, Raritan Bay, and the channel between New Jersey and Staten Island, New York, to the channel in Upper New York Bay"; and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: After the word "Creek" insert the words "Craven County"; and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In the fourth line of the language proposed, strike out the word "Ceia" and insert the word "Ceiga"; and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Bayou Lafourche, La., with a view to securing a depth of 20 feet at its mouth"; and the Senate agree to the same.

Amendment numbered 75: That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Mermentau River, La., with a view to the construction of a lock and dam to maintain the level of Grand Lake and the inland waterways of Louisiana"; and the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the word "Guadeloupe" insert the word "Guadalupe"; and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment, as follows: Strike out the comma after the word "Texas" and all the language following, and insert a period; and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment, as follows: Omit the words proposed to be inserted; and the Senate agree to the same.

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment, as follows: In lieu of the words "a harbor of refuge at that point" insert the words "increased harbor facilities"; and the Senate agree to the same.

Amendment numbered 95: That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of the word "Spoon" insert the word "Apoon"; and the Senate agree to the same.

Amendment numbered 97: That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following:

"SEC. 4. That so much of section 7 of the river and harbor act approved March 3, 1909, as provides that the term of the National Waterways Commission shall expire on March 4, 1911, be, and the same is hereby, repealed; and the said commission, with its present membership and as now constituted, shall be continued until November 4, 1911, with the powers and duties prescribed in said act. And the said commission shall make a final report to Congress and file the same with the Secretary of the Senate and the Clerk of the House of Representatives not later than November 4, 1911. Said commission is also authorized to investigate and report upon the advisability and feasibility of proposed artificial waterways and upon proposed plans for the impounding of flood waters in rivers by reservoirs or otherwise, including the following: First, the construction by the United States of the proposed canal from the Ohio River at a point near Pittsburg to Lake Erie, the expense thereof being borne by local interests affected; second, the proposed canal from Lake Erie, by way of the Maumee River and Fort Wayne, or other direct and feasible route, to the southerly end of Lake Michigan; and, third, the proposed canal to connect the Anacostia River at some point near the District of Columbia boundary line with Chesapeake Bay or some tributary thereof. For the obtaining of the necessary engineering data the commission is authorized to call upon the Corps of Engineers, United States

Army, and said corps shall furnish said data upon the request of the commission, and the expense of obtaining the same shall be paid from the appropriation made by said act."

And the Senate agree to the same.

D. S. ALEXANDER,
GEO. P. LAWRENCE,
S. M. SPARKMAN,
Managers on the part of the House.

KNUTE NELSON,
WILLIAM ALDEN SMITH,
THOMAS S. MARTIN,
Managers on the part of the Senate.

STATEMENT.

The House conferees on H. R. 28632, making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, would respectfully report that they have reached an agreement with the Senate conferees, and recommend that the conference report on the bill herewith be adopted.

The total appropriations in the bill as passed by the House amounted to $21,894,861; the amount added in the Senate and finally allowed is $1,960,481, making the total amount carried by the bill in appropriations $23,855,342.

In addition to these cash appropriations, the Senate added $3,587,282 in contract authorizations, making a total of $13,101,645.

The increase of cash appropriations is made up of the following items:

Amendment No.—		
1.	Exeter River, N. H	$9,200
2.	Weymouth Fore River, Mass	140,000
3.	Connecticut River below Hartford, Conn	77,000
6.	Potomac River at Alexandria, Va	56,000
8.	Brunswick Harbor, Ga	25,000
11.	Gulfport Harbor, Miss	60,000
13.	Aransas Pass, Tex	125,000
14.	Sabine-Neches Canal to Beaumont and Orange, Tex	200,000
15.	Mouth of Brazos River, Tex	100,000
16.	Brazos River, Tex., lock and dam at Hidalgo Falls	50,000
19.	Ouachita River, Ark	7,500
20.	Arcadia Harbor, Mich	10,000
23.	Zippel Bay, Minn	27,781
24.	Illinois and Mississippi Canal, Ill	125,000
26.	Reservoirs at headwaters of the Mississippi River	10,000
29.	Humboldt Bay, Cal	170,000
31.	Pinole Shoal, San Pablo Bay, Cal	400,000
32.	Columbia and Lower Willamette Rivers below Portland, Oreg	200,000
35.	Bellingham Harbor, Wash	25,000
36.	Olympia Harbor, Wash	43,000
37.	Willapa River and Harbor, Wash	50,000
39.	Examinations, surveys, and contingencies of rivers and harbors	50,000
	Total	1,960,481

The continuing contract authorizations, amounting to $3,587,232, are made by the following items:

Amendment No.—		
3.	Connecticut River below Hartford, Conn	$100,000
9.	St. Johns River, Fla., between Jacksonville and the ocean	500,000
13.	Aransas Pass, Tex	250,000
14.	Channel to Beaumont and Orange, Tex	371,500
22.	South Haven Harbor, Mich	198,000
27.	Missouri River, between Kansas City and the mouth	600,000
29.	Humboldt Bay, Cal	717,400
31.	Pinole Shoal, San Pablo Bay, Cal	360,000
33.	Columbia and Lower Willamette Rivers, below Portland, Oreg	320,000
35.	Bellingham Bay, Wash	52,250
37.	Willapa River and Harbor, Wash	118,132
	Total	3,587,232

To the list of surveys contained in the bill as it passed the House the Senate made 57 amendments, of which 39 were agreed to by the House conferees, as follows:

40. Rockland Harbor, Me.
41. Kennebec River, Me.
42. Bluehill Inner Harbor, Me.
43. Winter Harbor, Me.
44. Carvers Harbor, Vinalhaven, Me.
45. Providence River and Harbor, R. I.
46. New York Harbor, N. Y., channel to the navy yard.
48. For deepwater connection with the New York State barge canal at North Tonawanda, N. Y.
49. Fort Pond Bay, N. Y.
51. Delaware River, at Morrisville, Pa.
52. Allegheny River, Pa.
53. Leipsic River, Del.
54. Appoquinimink River, Del.
55. Mispillion River, Del.
56. Murderkill River, Del.
57. Little River, Del.
59. Cape Charles City Harbor, Va.
60. Western Branch of Elizabeth River, Va.
62. Potomac River at Colonial Beach, Va.
63. Pamlico River, N. C.
64. Northeast Cape Fear River, N. C.
66. Winyaw Bay, S. C.
67. Darien Harbor and Doboy Bar, Ga.
68. Tugaloo River, Ga. and S. C.
70. St. Johns River at Jacksonville, Fla.
72. Channel between St. Johns River, Fla., and Cumberland Sound, Ga. and Fla.
73. St. Petersburg Harbor, Fla.
77. Colorado River, Tex.
79. Green River, Ky., at Lock 3.
81. Cuyahoga River, Cleveland, Ohio.
82. White Lake Harbor, Mich.
83. Pentwater Harbor, Mich.
84. St. Joseph Harbor, Mich.
88. Crescent City Harbor, Cal.
89. Fremont Channel and McLeoad Lake arms of Stockton Channel, San Joaquin River, Cal.
90. Mokelumne River, Cal.
92. Nehalem Bar and entrance to Nehalem Bay, Oreg.
93. Oregon Slough branch of Columbia River, Oreg.
96. San Juan Harbor, P. R.

Verbal amendments to the following survey items in the House bill were also agreed to:

58. Harbor at Newport News, Va.
94. Yaquina River, Oreg.

The following Senate amendments involving surveys were concurred in after being modified:

50. New York Harbor, N. Y., for increased width and depth in channel between upper and lower bays through Raritan Bay and the channel between Staten Island and New Jersey.
65. Swift Creek, Craven County, N. C.
69. Clearwater Harbor, Fla.
74. Bayou Lafourche, La.
75. Mermentau River, La.
76. Guadalupe River, Tex.
78. Mouth of the Brazos River, Tex.
86. Lake of the Woods, at or near Arnesen, Minn.
95. Apoon mouth of Yukon River, Alaska.

The Senate receded from the following amendments involving surveys:

47. Gowanus Bay, N. Y.
61. Archers Hope River, Va.
80. Cimarron River, Okla.
85. Manitowoc Harbor, Wis.
87. Jordan River, Utah.
91. San Rafael Creek, Cal.

The following miscellaneous amendments were agreed to:

4. Buffalo Harbor, N. Y. This amendment authorizes the application of $15,000 from the appropriation now on hand and available for work of maintenance for the completion of Stony Point Breakwater.

5. Passaic River, N. J. This amendment authorizes the Secretary of War, in his discretion, to modify the existing project for this river so as to allow of the widening of the channel at the bends where considered desirable in the interest of commerce and navigation, subject to the proviso that the estimated cost of completing the project shall not be increased, and the House receded from its objection thereto.

7. Cape Fear River below Wilmington, N. C. This amendment permits the expenditure of $1,000 for increasing the depth of the channel between the main channel of the river and the Carolina Beach Pier, and the House receded from its objection thereto.

10. Dam No. 4, Coosa River, Ala. This amendment authorizes the Secretary of War to permit certain local interests to com-

plete the dam and to use the power created by said dam upon certain conditions involving payment at specified rates for the power so used. This authority was conferred by a special act passed by Congress and approved under date of June 4, 1906, the provisions of which act have since expired by limitation. After amendment, so as to more adequately protect the interests of the United States, the House conferees receded from its disagreement to the amendment and concurred therein.

12. Inland waterway between Franklin and Mermentau, La. This amendment authorizes the Secretary of War to make such changes in the route of this section of this waterway as may be recommended by the Chief of Engineers, subject to the condition that the necessary right of way involved in any such change shall be secured to the United States free of cost. It appearing that this amendment was in the interest of the improvement heretofore authorized, the House receded from its disagreement.

21. Harbor at Holland, Mich. Without increasing the appropriation for maintenance of improvement at this locality, the Senate inserted language which requires that any work of maintenance deemed necessary in the inner harbor should be done, and the House receded from its objection to this amendment.

25. St. Paul Harbor, Minn. This amendment authorizes the city of St. Paul to make provision for the improvement at its own expense of the Mississippi River at that point, including suitable levees, transportation terminals, and landing places for shipping, and also authorizes an estimate to be submitted by the Secretary of War and the Chief of Engineers of such work as may be deemed proper for the United States to do in connection therewith, but it is also specified that this amendment should not be construed as in any way committing the United States to any expense or obligation without the further action and direction of Congress.

34. Siuslaw River, Oreg. This amendment authorizes the Secretary of War to accept certain work being done by local interests under the agreement contemplated in the item of appropriation carried by the river and harbor act of 1910. With a slight verbal amendment, not affecting the import of the original language proposed, the House receded from its disagreement.

38. Hilo Harbor, Hawaii. This amendment contemplates a resurvey of the harbor with a view to determining whether a modification of the adopted project may not be desirable. In the opinion of your conferees such resurvey should be made, and they therefore receded from their disagreement to the amendment proposed.

97. National Waterways Commission. This amendment, as modified, extends the life of the commission to November 4, 1911, to enable it to complete certain work already undertaken and to make a final report as contemplated by existing law.

98. Corps of Engineers. This amendment, increasing the Corps of Engineers, United States Army, has been recommended by the War Department, approved by the President, and passed by the House of Representatives as a separate measure. It adds 5 colonels, 6 lieutenant colonels, 19 majors, 17 captains, and 13 first lieutenants. This increase is absolutely essential for the prosecution of the extensive works of river and harbor improvement heretofore authorized and in contemplation.

All of which is respectfully submitted.

D. S. ALEXANDER,
GEO. P. LAWRENCE,
S. M. SPARKMAN,
Managers on the part of the House.

ORGANIZED MILITIA.

Mr. STEENERSON. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 28436) to further increase the efficiency of the Organized Militia, and for other purposes, with amendments.

The Clerk read the bill as amended, as follows:

Be it enacted, etc., That under such regulations as the Secretary of War and the National Militia Board may prescribe the commissioned officers of the Organized Militia of each State, Territory, and the District of Columbia shall receive in compensation for their services, other than at annual encampments or in case of riot, insurrection, or invasion, certain percentages of the annual rate of pay for officers of like grade in the Army of the United States as is now established by law, as follows: All officers below the grade of general officers, including officers of the Medical Corps serving with troops, 15 per cent, and an additional 5 per cent to the commanding officers of all companies, troops, and batteries; general officers and officers of staff departments serving with general officers, 5 per cent: *Provided*, That each such officer shall have performed at least 75 per cent of the duties prescribed by statutes or in orders by the commander in chief of his State or Territory or the commanding general of the Organized Militia of the District of Columbia, excepting for services hereinbefore excluded: *Provided further*, That no officer shall be entitled to such compensation until he shall have passed such examination as shall be prescribed for officers of that grade by the Secretary of War and the National Militia Board.

SEC. 2. That under such regulations as the Secretary of War and the National Militia Board shall prescribe each enlisted man of the Organized Militia of each State, Territory, and the District of Columbia shall receive in compensation for his services, other than at annual encampments or in case of riot, insurrection, or invasion, 25 per cent of the annual rate of pay for enlisted men of like grade in the Army of the United States as is now established by law for attendance upon 48 drills or equivalent military duty prescribed by statutes or in orders by the commander in chief of his State or Territory or the commanding general of the District of Columbia during any one year, or a proportionate amount for attendance upon any number of drills or equivalent military duty not less than 20: *Provided*, That no compensation shall be paid for attendance at less that 20 such drills or equivalent military duty: *Provided further*, That the compensation provided for herein shall be computed and paid semiannually as proportioned above: *And provided further*, That no compensation hereunder shall be paid to any enlisted man, except noncombatants, in the first year of his enlistment unless and until he shall have made a record score with the prescribed weapon of his arm of the service, nor thereafter unless and until he shall have fired the prescribed course or such equivalent as shall be prescribed by the Secretary of War and the National Militia Board.

SEC. 3. That all disbursements under the provisions of the preceding sections shall be made on or before the 15th day of June and December of each year.

SEC. 4. That stoppage may be made against the compensation payable to any officer or enlisted man hereunder to meet the cost of public property lost or destroyed by and chargeable to such officer or enlisted man.

SEC. 5. That all moneys required to meet the disbursements provided for in this act shall be payable out of any public moneys in the Treasury of the United States not otherwise appropriated: *Provided*, That no money appropriated under the provisions of this act shall be paid to be paid to any person who has not take the oath of allegiance to the standards prescribed by the Secretary of War, nor shall any such money be paid to any person who has not taken the oath of allegiance to the United States, including an agreement to render military service to the United States during any period for which he may be called into such service, providing such period shall not exceed two years; and any officer or enlisted man of the militia who, having received pay under the provisions of this act, neglects or refuses, under any pretext whatsoever, to present himself for muster when called into the service of the United States, shall be subject to trial on the charge of desertion by any court-martial constituted as now provided by law for militia in the service of the United States, and upon conviction shall be punished as such court-martial may direct: *And provided further*, That nothing in this act, or in any other act, shall be construed to require the United States, in time of war, to accept the services of any militia organization or of any person belonging to such organization unless such organization or person has been regularly inspected, reported fit for military service according to the standard prescribed by the Secretary of War, and so carried upon the rolls of the Adjutant General of the Army.

Mr. FLOYD of Arkansas. Mr. Speaker, I demand a second.

The SPEAKER. The gentleman from Arkansas demands a second, and under the rule a second is ordered. The gentleman from Minnesota has 20 minutes and the gentleman from Arkansas 20 minutes.

Mr. STEENERSON. Mr. Speaker, this is the so-called militia pay bill. It provides in the first section that the officers of the militia shall receive as compensation for their services certain percentages of the annual rate of pay for officers of a like grade in the Army of the United States; that all officers below the grade of general officers, including officers of the Medical Corps, 15 per cent, and an additional 5 per cent to the commanding officers of all companies, troops, and batteries; general officers and officers of the staff department, 5 per cent. That is section 1. In section 2 it provides that the enlisted men shall receive a compensation of 25 per cent of the annual rate of pay for enlisted men of a like grade in the Army of the United States, provided they attend 48 drills or the equivalent of military duty during the year. If they do less than 20, they will not get any. If they do more, they will get a like proportion.

The War Department has suggested an amendment, which is printed on page 4 of the bill. I will state for the benefit of Members that I have been unable to get the Committee on the Militia together since the bill was reported, but I have prepared certain amendments which I will try to explain, and those of you who have the bill will understand readily what they are.

On page 1, line 10, I strike out the words "or may be hereafter," so that it will read, "certain percentages of the annual rate of pay for officers of like grade in the Army of the United States as is now established by law."

And I make a like change on page 2, line 22, so that the pay will not change automatically by the change of pay of the Regular Army.

Then I have made an amendment to the amendment printed on page 4, drafted by the War Department, which I think is very important, inserting in line 14, after the word "trial," the words "on the charge of desertion," and then I strike out all of line 16 after the word "conviction." This, I think, will obviate any objection that has been suggested.

Mr. FITZGERALD. Would the gentleman accept an amendment taking out the first three lines in section 5, which make a permanent annual appropriation, and providing that all money required to meet the disbursements provided for in this act shall be estimated for annually?

Mr. STEENERSON. Well, I think so. I will yield to the gentleman from Arkansas [Mr. FLOYD], and ask him—he is a member of the committee—would he be willing to do that in case the bill passes?

Mr. FLOYD of Arkansas. I am going to resist the bill.

Mr. SHERLEY. I would like to ask the gentleman a question. What is meant by the phrase about an officer performing at least 75 per cent of the duties prescribed by statute? How can you measure the performance of duties by percentages?

Mr. STEENERSON. The War Department and the militia board have a way of counting the amount of services rendered, either by drills or marksmanship—shooting at a range—so that its counts up to a maximum.

Mr. SHERLEY. Does it mean 75 per cent of efficiency or 75 per cent of attendance upon duties?

Mr. STEENERSON. Well, it would mean both. You would have efficiency and you would also have to show you did the work.

Mr. SHERLEY. But how can that be measured?

Mr. STEENERSON. They say it can.

Mr. SHERLEY. How can they measure a man's regular performance of duty in percentages? It seems to me impossible.

Mr. DALZELL. If the gentleman will permit, I think the War Department and the militia board have a standard of excellence, a prescribed regulation, whereby they take into account several things measuring the percentage of performance of duties.

Mr. SHERLEY. Of course, if they have such a scheme it is probably workable.

Mr. DALZELL. I understand they have.

Mr. OLCOTT. Will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. OLCOTT. Will the gentleman tell me what is meant by the phrase on line 13, "until he shall fire the prescribed course?" Does it mean fire the prescribed score?

Mr. STEENERSON. That means to fire the prescribed amount.

Mr. OLCOTT. I really am somewhat hazy as to what that phrase means.

Mr. DALZELL. That means target practice.

Mr. STEENERSON. They prescribe a course of firing for rifle practice.

Mr. DALZELL. Target practice.

Mr. WEEKS. The course prescribed for firing at rifle practice would be to attain some percentage. That is to say, a man might qualify as a marksman or a sharpshooter. It must necessarily mean that he must attain some kind of standard.

Mr. OLCOTT. I meant that he shall have made the prescribed firing-record score. I do not want to be captious about it, because I want to see this bill go through, but I really do not know what that means.

Mr. TILSON. It is evident the bill could not mean that a man must keep up the standard of a sharpshooter, for instance, which very few men can attain, but there are a number of different grades through which a man may pass, and he can not have passed through this course, as I understand it, until he shall have passed the lowest one of those standards.

Mr. OLCOTT. Then I do not think the word "fire" ought to be in there.

Mr. TILSON. Oh, certainly; he has to fire so many shots before he shall have passed that course.

Mr. WEEKS. Why should a man fire so many shots if he could qualify as a sharpshooter the first time he went to the range?

Mr. KEIFER. He can not do that under the prescribed rules.

Mr. TILSON. In order to be a sharpshooter he must fire so many shots and maintain a certain percentage of hits, a certain number of points on a certain well-defined scale.

Mr. HUMPHREYS of Mississippi. Will the gentleman yield for a question?

Mr. STEENERSON. I will yield to the gentleman from Mississippi.

Mr. HUMPHREYS of Mississippi. On page 4, line 22, appear the words "regularly inspected, reported fit for military service," and so forth. Does that contemplate that a physical examination will have to be made such as is prescribed for the Regular Army?

Mr. STEENERSON. It says, "According to the standard prescribed by the Secretary of War."

Mr. HUMPHREYS of Mississippi. Does that mean he will have to undergo a physical examination such as required for recruits for the Regular Army?

Mr. STEENERSON. Well, I should think so.

Mr. DALZELL. Mr. Speaker, I would like to call the attention of the gentleman to the fact that that applies to a time of war.

Mr. HUMPHREYS of Mississippi. No.

Mr. DALZELL. Yes; it does.

Mr. HUMPHREYS of Mississippi. Now, under the law as it is written to-day and passed a few years ago guardsmen were exempted from a physical examination, and I think they ought to be subjected to it, because they can be called out in time of war, and if they are called out and have not been subjected to a physical examination the gentleman knows, from the experience we have had in the past 40 years, that it will cost this Nation a great many million dollars for pensions for ailments which were not contracted in the service and for maladies that existed prior to the enlistment.

Mr. TILSON. Will the gentleman from Mississippi yield?

Mr. HUMPHREYS of Mississippi. Yes. How much time does the gentleman wish?

Mr. TILSON. Will the gentleman from Minnesota permit me to interrupt the gentleman from Mississippi and ask him a question?

Mr. STEENERSON. All right.

Mr. TILSON. Will the gentleman from Mississippi undertake to say that in the National Guard of any State of this Nation that the men are admitted without a physical examination?

Mr. HUMPHREYS of Mississippi. I say that under the law of the United States they are not subject to a physical examination; they are especially exempted, and that ought not to be the law; but if it is the law and it remains the law and they are called out, as they may be called, it will cost this Government millions upon millions of dollars for pensions for men who will claim pensions by reason of some physical defects that they had before they ever were called into the Army.

Mr. TILSON. If I may be permitted a moment, I desire to say to the gentleman that the State in which I live has a very rigid requirement in regard to physical examinations, and substantially he receives the same as that required in the Regular Army.

Mr. HUMPHREYS of Mississippi. Well, we have nothing at all in this bill on the subject, and I think it ought not to be dependent alone upon the States to make these regulations.

Mr. CAMPBELL. Mr. Speaker, I would like to ask the gentleman what he estimates the cost of this bill will be to the country annually?

Mr. STEENERSON. The lowest estimate is $4,000,000 per annum, but it is hoped, however, that it will reach $8,000,000 a year.

Mr. CAMPBELL. It is "hoped" it will reach $8,000,000?

Mr. STEENERSON. Yes; because that would indicate that the 120,000 men and officers of the militia had performed the services required and would be in a very efficient state, ready for war, and show that all of them in doing this service had earned the highest amount.

Mr. PARKER. Will the gentleman permit a question?

Mr. STEENERSON. Certainly.

Mr. PARKER. I will say to the gentleman I am troubled about this bill, because I can not quite understand it. Officers of the Army now get a flat pay, and they get 10 per cent increase for every 10 years of service, so that it goes to 40 per cent more. I am not sure here in regard to the flat pay; it does not say flat pay.

Mr. STEENERSON. This is duly graded.

Mr. PARKER. I am speaking of the same thing. Privates also receive various amounts for the number of terms they enlist and for their proficiency in the service, and I see that they shall receive 25 per cent of the annual rate of pay for enlisted men of like grade in the Regular Army. I do not know any flat pay established for men in the Regular Army for attendance—for instance, on 48 drills—nor do I understand what it means by 25 per cent of the whole annual pay. I do not understand what becomes of the allowance for food; I do not know what becomes of their increase for length of service.

Mr. STEENERSON. There is no allowance for anything except for service.

Mr. KEIFER. Will the gentleman allow me to ask a question?

Mr. STEENERSON. I will yield to the gentleman from Ohio.

Mr. KEIFER. What I wanted to know was, how do you expect to put in the amendments that you suggested a moment ago under your motion?

Mr. STEENERSON. I have drafted them as a part of my motion and submitted it to the Speaker.

Mr. KEIFER. You mean your motion does not cover the amendment?

Mr. STEENERSON. Yes; I have reduced them to writing and sent them to the desk as part of my motion.

Mr. KEIFER. They are not to be voted on separately, but as a part of the bill?

Mr. STEENERSON. Yes. Now, I will say to the gentleman further, that this bill was prepared by a committee representing the National Guard and it was very carefully looked into. They came before the Committee on the Militia and we had extended hearings, and we also heard representatives of the War Department. We have estimates of the exact amount that each officer and private would receive under the bill, but I do not know that I will take up the time of the committee by reading those estimates unless there is some one who desires to know the specific amount.

Mr. BUTLER. Mr. Speaker, will the gentleman permit me?

Mr. STEENERSON. I will yield to the gentleman from Pennsylvania.

Mr. BUTLER. I understood the gentleman to say that those who were without hope thought that this bill would tax the Treasury about $4,000,000?

Mr. STEENERSON. Without hope?

Mr. BUTLER. Yes; those who were without hope.

Mr. STEENERSON. I said it was hoped that the militia would earn the maximum amount estimated, which would be $8,000,000, because that would indicate that it had done the work and was in as efficient a state, practically, as the Regular Army would be.

Mr. BUTLER. I am glad, then, that I did not understand the gentleman correctly, because I would be very sorry to have any of those people who were without hope disappointed.

Mr. STEENERSON. No; I did not use any such word at all. The gentleman is disturbed entirely without cause.

Mr. GRAHAM of Pennsylvania. If the gentleman will permit, I just want to state, in reply to an interrogatory made by the gentleman from New Jersey [Mr. PARKER] in reference to the pay that this bill prescribes, that it shall be under such regulations as the Secretary of War and the National Militia Board shall prescribe. The Secretary of War is thoroughly conversant with all the matters of pay connected with the Army, and it is according to instruction from him.

Mr. PARKER. He can not by his regulations reduce the amount of pay under this act. It says they shall receive 25 per cent of the pay, and the pay rises from year to year as the man stays in.

Mr. STEENERSON. It is the pay of the grade. I desire to say further that the reason for this legislation is in the fact that since the enactment of the Dick law in 1903, which made the discipline and organization of the militia the same as that for the Regular Army, a great deal more work has been required of the National Guard than formerly; that the requirements have become so onerous that it is felt we can not maintain the guard in its present strength unless we do allow them some pay for this work. As the law now is, they are only paid when called into the service of the United States in case of war, or riot, or insurrection, and also when they are called out for camps of instruction.

But for the work that is done the balance of the year there is no compensation. And in many cases they are put to considerable expense, and we believe it is but just and fair that these young men throughout the country who are volunteering into the National Guard and rendering this service and preparing themselves for eventual war should be in part compensated by the very small compensation that is called for.

Mr. COLE. Is there any provision in this bill providing that men in the employ of the National Government shall not be entitled to the compensation provided for in this bill? It occurs to me there ought to be some such provision as that.

Mr. WEEKS. Will the gentleman yield? I would like to inquire——

Mr. STEENERSON. How much time have I, Mr. Speaker?

The SPEAKER. The gentleman from Minnesota has two minutes remaining.

Mr. STEENERSON. I decline to yield, then. I reserve the balance of my time.

Mr. FLOYD of Arkansas. Mr. Speaker, I desire to be called down when I have consumed 10 minutes.

Mr. Speaker, I am opposed to the passage of this bill, and I desire to state some of my objections to it. In the first place, I desire to state that I believe in maintaining an Organized Militia in the different States of this Union. In the early history of this country our defense rested largely upon such organizations, but at the same time I desire to maintain such organizations in the control and power of the States and independent of the control of the War Department of the Federal Government.

First, I desire to state my objections to this bill on account of its cost to the Government. We hear a great clamor for economy by the administration and by Members of Congress. We are already, under existing law, paying from the Federal Treasury $4,000,000 a year to the different militia organizations of the several States, but this bill provides for paying the men who serve in the militia organization for attendance and practice. The gentleman from Minnesota [Mr. STEENERSON] says that the lowest estimate is $4,000,000. That is based on the theory that half of the men will not come up to the standard. But I contend that the most reasonable estimate under this bill is that it will cost $8,000,000 in addition to the $4,000,000 that we are already paying to the Organized Militia of the States.

Mr. SHERLEY. Will the gentleman tell us for what purposes the $4,000,000 is now paid as authorized by law?

Mr. FLOYD of Arkansas. It is paid for maintaining the organizations in the States. Part of it is paid out for equipment and uniforms. Part of it is for maneuvers and drills. I could not go into the details as to how the fund is distributed, but it is expended for the purpose of the training and development of the militia organizations and to bring the Organized Militia up to the standard of the Regular Army.

Mr. COLE. Does any part of it go to the compensation of enlisted men?

Mr. FLOYD of Arkansas. Not unless they are engaged in joint maneuvers or something of that kind.

Now, the gentleman from Minnesota says that the reason for the demand for this bill is that under the Dick law, heretofore passed by Congress, so many requirements are imposed upon the National Guard that the men are no longer willing to continue in the work unless we give them some compensation. They ask in this bill a compensation of one-fourth that of soldiers of the Regular Army for the enlisted men, and then the officers are to be paid according to their rank, and so forth. But the gentleman fails to see or to understand that if we pass this bill we put upon the Organized Militia of the different States much more arduous duties than we now impose under the existing law, and according to his own reasoning, it will be only a short time until they will be contending that inasmuch as they are required to undergo all the hardships and submit to all the exacting regulations of the Regular Army, they therefore should have the same pay as the Regular Army, and under the guise of a National Guard we shall have a great standing army in the United States.

Now, another objection, and a more serious objection than the question of economy or the amount of money involved, is this: I believe in maintaining the autonomy of the States. I believe in observing the Constitution of the United States. I believe in time of peace in the States maintaining their own militia organizations for their own purposes, and then, in case of war, under the Constitution, I believe in the right of the President to call them into the service of the United States.

But what does this bill provide? Contained in its provisions is an attempted merger of the National Guard and the Regular Army. If you will take up the different sections of the bill here, you will find that everything that is done under the provisions of this bill must be done as the Secretary of War and the national militia board shall prescribe, and all through it you will find such phrases as this: "Under the regulations of the Secretary of War and the national militia board." Follow section after section and you will find the words "under the regulations of the Secretary of War and the national militia board," thereby giving the Secretary of War control over these regulations, or, at least, giving him the same control that the militia board will have. And the result will be that this militia organization will be subjected to all the requirements of the Regular Army, and these two forces will be completely merged.

But what more? The bill, in my judgment, is in far worse form than it was when it was introduced by the gentleman from Minnesota [Mr. STEENERSON] by request. That was a bill that was prepared by the National Guard organization of the United States; but when it was submitted to the War Department the Secretary of War offered an amendment, and the committee have adopted that amendment. That amendment is embodied in section 5, and I want to call your special attention to it:

SEC. 5. That all moneys required to meet the disbursements provided for in this act shall be payable out of any public moneys in the Treasury of the United States not otherwise appropriated.

Under existing law this money is apportioned and turned over to the authorities of the States, to be paid by the States.

Section 5 contains this further provision:

Provided, That no money appropriated under the provisions of this act shall be paid to any person who is not suited to the military service according to the standards prescribed by the Secretary of War, nor shall any such money be paid to any person who has not taken the oath of

allegiance to the United States, including an agreement to render military service to the United States during any period for which he may be called into such service, providing such period shall not exceed two years.

Have you any such requirement as to enlisted men in the United States Army? Here is a proposition, that if these militia organizations receive pay from the Federal Government the individual enlisted man shall take an oath that he will serve during the continuance of a war, provided it does not continue over two years, ignoring the question of enlistment, compelling him to take an oath in advance that, notwithstanding his period of enlistment may have expired in the meantime, he will serve for at least two years independent of his enlistment. Have you any such regulation as to the men who enlist in the Regular Army? I never heard of it. It is an injustice to the enlisted men in the Organized Militia to put any such harsh provision into the Federal statutes. Yet herein it is proposed to make such requirement a part of the law, and without it the War Department would not indorse the bill.

Mr. TAWNEY. Will the gentleman permit an interruption?

Mr. FLOYD of Arkansas. Certainly.

Mr. TAWNEY. Do I understand the gentleman to say that the money appropriated under this act is apportioned among the States and then paid over to the States?

Mr. FLOYD of Arkansas. No; I said that the money apportioned under the existing law is apportioned to the States. But one of my objections to this bill is that that provision is destroyed in this bill, and the money is paid directly from the Treasury of the United States, thereby merging the two forces in one, so that a man who serves in the National Guard and receives pay gets his pay at the War Department just as an enlisted man in the Regular Army receives his pay.

Mr. TILSON. May I ask the gentleman a question?

Mr. FLOYD of Arkansas. Certainly.

Mr. TILSON. Does the gentleman think that it would be right, after a man had enlisted for three years and the Government had paid him for two years and 10 months and had him properly drilled for service, if then there should come up a war that he should be allowed to get out of it after two months' service, his term of enlistment having expired?

Mr. FLOYD of Arkansas. I will answer that question by asking another. Does not the regular soldier have a right to quit at the end of his enlistment? Why should there be a requirement upon the militiaman that is not upon the regular soldier? The regular soldier receives pay, and full pay, from the Government.

I now yield five minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, I am opposed to this bill. It purports to make more efficient the National Guard by providing pay for their services during time of peace. It is assumed that it is necessary to offer some financial inducement to the men who enter the guard in order to obtain from them the services prescribed by their own States in the performance of their duties in the guard.

This bill provides that the private shall receive 25 per cent of the pay of an enlisted man in the Army, provided he completes 48 drills in one year. The pay of an enlisted man in the Army is $15 per month, and his annual pay is $180. Under the operation of this bill it will be necessary for him to attend 48 drills, or the equivalent military duty prescribed by statute or orders, in order to receive the sum of $45 annually for his services. Some men may imagine that will induce men to enter the National Guard in the States, but anyone familiar with the guard knows that it is preposterous to so assert.

The most peculiar thing about the bill and report is that while there is no estimate of the amount of money required to carry out the provisions of the bill, a permanent annual appropriation is made by the terms of the act of all the money necessary. From the information I have been able to obtain from those somewhat familiar with the subject, I am inclined to conclude that it fastens a permanent annual appropriation of $6,000,000 a year upon the Federal Government upon the pretense that some inducement will be offered to men to enlist in the National Guard.

The truth of it is this bill will be of some financial benefit to the officers of the National Guard, but none whatever to the men of the guard.

Mr. Speaker, the permanent annual appropriations of the Government aggregate about $131,000,000 annually, and it has been the constant effort of those who have given any attention to our financial operations to repeal as fast as possible these permanent appropriations, so that Congress might know what money is being expended and exercise some supervision over it. And if for no other reason I should oppose the bill on this ground alone.

But there is another reason, Mr. Speaker. The real object of this bill is to devise a system by which the men in the National Guard may be coerced into signing the contract mentioned by others in this discussion to agree to serve in case of necessity for a period of two years in the service of the Federal Government. Seldom, if ever, in the history of the country have the men who have been in the militia or the National Guard—have all members of the organizations—enlisted at the time of the war. Many good reasons exist that they should not do so, but this bill is so framed that under its provisions men will be coerced to sign this agreement when they enter the guard on the pretense that they are to receive some financial benefit.

Mr. STEENERSON. Will the gentleman yield?

Mr. FITZGERALD. I have only five minutes.

Mr. STEENERSON. Will the gentleman withdraw his objection to the bill if section 5 was amended?

Mr. FITZGERALD. No; I will not. It seems to me, Mr. Speaker, that since this bill proposes to pay the men in the guard not to exceed $45 a year for services, that that would not be an inducement to engage in the arduous duties now imposed under the Federal law. No State in the Nation is unable to pay such compensation to the men in the guard if it be deemed necessary or desirable to make such payment. But the enactment of this bill will result in the augmentation of the organization existing in the United States for the purpose of extorting money from the Federal Government for services which should be paid for by the various States. Pass this bill and let members of the National Guard sign that agreement and receive 25 per cent of the pay of the enlisted men of the Army, and the demand will shortly be irresistible to give them 100 per cent of the pay of enlisted men, and from a permanent charge of $6,000,000 a year it will speedily grow to a permanent charge of $25,000,000 a year, with no resulting benefits to the Federal Government. [Applause.]

Mr. FLOYD of Arkansas. Mr. Speaker, I yield the remainder of my time to the gentleman from Minnesota.

Mr. TAWNEY. Mr. Speaker, the title of this bill should read, "A bill to further increase the efficiency of the Army for the more successful lobbying in the interest of increasing appropriations for that organization." [Laughter.] Mr. Speaker, I have served in this House for a number of years. I have frequently observed in recent years the growth of the influence and power of the officers of the Army of the United States in their endeavor to secure increased appropriations and increased compensation. It has been under the influence of that organization and of the officers of the Navy that our expenditures in preparation for war have more than tripled in the last decade. Only a few days ago I called attention to the fact that during the last 10 years we had expended in preparation for war $2,192,000,000, or within about $400,000,000 of the bonded debt of the United States at the close of the Civil War.

That included the permanent appropriation for the Militia. This rapid increase in appropriations for preparation for war has been due more to the increased influence and activities on the part of Army and Navy officers than to any other cause that can be assigned.

Mr. Speaker, it is now proposed to add to the influence of these officers the influence of a military organization more powerful, because it will include the rank and file as well as the officers of an organization that numbers anywhere from 150,000 to 200,000 men. An organization whose influence is not confined to Washington, but extends throughout the United States. An organization whose influence will be used for the purpose of aiding the officers of the Regular Army to still further increase their appropriations in the future for war expenditures. The officers of the Army are comparatively few in number. Their influence, the potential, is exerted largely through social channels in the District of Columbia and in the communities in which they are temporarily located.

The rank and file of the Regular Army exerts no influence whatever, because it has no fixed status so far as residence is concerned, but when you have anywhere from one to three regiments in every congressional district, composed of active young men, many of whom are influential politicians, working with the officers of the Regular Army for increased appropriations, that influence will be absolutely invincible, and they will be able to secure all the money their voracious appetites for war regalia, power, and influence may demand. The militia to-day is receiving a permanent appropriation of $4,000,000 a year. It is not 10 years ago, Mr. Speaker, that the permanent appropriation for the militia was less than a million dollars. We increased it to $2,000,000, and then just as soon as the Dick bill passed, which amalgamated the Organized Militia of the United States with the Regular Army and created a Militia

Division in the War Department here at the seat of government, the influence of that organization was sufficiently strong to bring about the enactment of a law giving them two million more of a permanent annual appropriation, making the total of their permanent annual appropriation $4,000,000.

Now, you propose to pay direct to the members of the militia, and as a part of the standing Army of the United States, as compensation for their services in the Organized Militia 25 per cent of the pay of the enlisted men of the Army. I seriously doubt, Mr. Speaker, our constitutional right to do that, because we can not under the Constitution appropriate for the Army for more than two years at a time. But notwithstanding this constitutional provision, it is proposed to fasten perpetually on the Federal Treasury an appropriation for the Army or that part of it known as the militia of at least $8,000,000 a year. [Applause.] Mr. Speaker, when you substitute dollars for patriotism and enthusiasm among the young men who constitute our militia organization you have destroyed that organization or laid the foundation for a standing army at such a high rate of compensation as will bankrupt the Treasury in order to maintain it. [Applause.]

Mr. STEENERSON. Mr. Speaker, that is not the first time that we have heard the cry of militarism on the part of my colleague from Minnesota; but I think he is on the wrong track, so far as that complaint in this case is concerned. Militarism is the giving of undue prominence to military training and military glory. The proposed expenditures obviate the necessity for increasing the Regular Army. It is, in my opinion, the greatest measure of economy that has ever been brought into this House, because it makes a further increase of the Regular Army unnecessary by increasing the efficiency of and giving encouragement to the citizen soldiery of the people in every State in the Union. I am tired of hearing this claim that there is undue pressure for appropriations exerted on the part of the Army. The Army has no vote. We give them what we think wise and proper. We have not been any more liberal in providing for the Army than for any other branch of the Government service. The existing appropriations alluded to are not for the pay of the National Guard. In the appropriation of $4,000,000 there is $2,000,000 allotted to the States, and the other $2,000,000 are for ammunition, for guns, for clothing, for uniforms. Does my colleague contend that the National Guard should pay for their uniforms and for the powder it burns in target practice? Certainly not; and that is what those $2,000,000 are for. I contend that this appropriation, whether it will amount to $4,000,000 or $8,000,000, is a measure of economy, because it will give a full return in the shape of a suitable and proper preparation for war. The man is not a wise statesman who desires to neglect this preparation. We have only 20,000 soldiers of the Regular Army in the United States. The rest of them are scattered throughout the globe. We are a world power, and we have our soldiers in the Philippines, in Porto Rico, in Alaska, and in the Canal Zone, so that we have but a handful left. It is wise and proper to make this appropriation for the National Guard in order that they may to a greater extent than heretofore prepare themselves for war.

The efficiency of the National Guard since the legislation of 1903 and 1908 is recognized by the War Department and by all familiar with military matters in the country. To achieve this degree of training and efficiency has cost both officers and men a great deal of labor and some actual outlay of money over and above what they have received under existing law. The national guardsman of to-day is a man who voluntarily enters the service in order to obtain military training and instruction, so that he can more effectually serve his country in case of war. This training is no holiday affair, but involves actual work. When he enlists now he offers not only his services but his life for his country. This compensation of $48 a year is no inducement to enter the service, but will reimburse him for the extra outlay he will incur on account of the service.

Our fathers inherited a dread and hatred to a standing army, for they feared that it might develop into a military despotism. Although the advance in civilization has, it is believed, rendered such fears at this time groundless, yet we find that this fear of militarism still lingers in some quarters and accounts for this hostility and prejudice that is sometimes met with even to absolutely necessary and proper military preparation such as the development of the efficiency of the militia. Now, why this hostility? Why this vague and unreasonable fear? Is it because military organization in its very nature is the embodiment of despotism and the antithesis of individual liberty?

The organization of an army is the exemplification of despotism. It has its different ranks and orders of superiority distasteful to the ordinary man. The enlisted man is a thing—a tool—to his next in authority; so is the company to the captain, and so on to the one supreme head—the general or commander in chief. It is an organization that is antagonistic to liberty in the individual—it is hostile to freedom. It is an easy step to conclude from this, in times of peace especially, that the less we have of this the better; that it is liable in the future to invade civil government and to create rank, caste, and aristocracy—hostile to democracy, hostile to the principles of individual liberty and equality upon which our Government is founded. In view of the lessons of history it must be admitted that these fears are not without reason, and that in many instances where people have been organized for military purposes, this organization has invaded civil society and formed governments upon the same plan—and despotism has resulted. In fact, sociology teaches that this tendency of the militant type of organization to invade civil government has been almost universal. But notwithstanding all this I do not think this can ever be a real danger in this country, for the reason that we have a greater general intelligence and advance in civilization than has ever existed before, and our democratic institutions are too well grounded in the life and affections of our people to be supplanted by militarism in any form. It has always been one of our cardinal principles of government that the military must always be subordinate to the civil power, except in the theater of actual war. Yet in order for any society to survive, it must at any time be able to organize in a militant form. If it ever loses this power its disruption is inevitable. An industrial society, organized upon democratic principles, for the benefit of individual liberty, is best for the advancement of civilization, but if such a society should become incapable of assuming, so far as necessary, the militant type of organization it will be liable to destruction whenever it comes in contact with a people so organized or capable of such an organization.

In order, therefore, for a society like our own, organized, as we are, upon principles of individual liberty, upon the principle that the Government exists for the individual and not the individual for the benefit of the Government, to be permament and capable of preserving its life it must be capable of adopting, so far as necessary, the very opposite form of organization—the militant type—in virtue of which the individual exists for the benefit of the Government. We must adopt the militant form because it is the form that is efficient in warfare and therefore necessary. But the fact that we, wholly or in part, put on the militant garb and form does not destroy our love of liberty, nor prevent us from again resuming it when the occasion has passed. This is shown by our experience in all our past wars. At the close of the Civil War we had over a million soldiers in arms, but we had no trouble in disbanding them and returning them to civil life. Why? Because they were free American citizens, and loved liberty and peace more than war. They, in fact, appreciated more than ever before in their lives the blessings of liberty. They had had experience with military life and discipline, and could now understand what rank and despotism meant. It is the same to-day. Let our young men have a little military training and discipline; it will do them good; it will increase our safety as a Nation, and it will make each one of them a better citizen, with a fuller realization of the blessings of our freer institutions than he ever had before. Mere love of liberty and free institutions without military organization and training does not make fighting men, but military organization and training will increase the love of liberty in those who have been trained in free institutions. One who has never been sick does not appreciate the blessings of health like one who has, and likewise one who has never experienced the self-abnegation necessary to military life does not appreciate liberty as much as one who has.

I therefore hold that in this day and age the fear of militarism is unfounded, and will gradually disappear as the subject of due military preparation is more generally understood. Mere numbers and wealth and patriotic feeling do not make a nation invincible. There must also be military preparation. The wider the military education and training among a people like ours the greater the security of our continued existence as a nation and of our institutions, founded upon the idea of individual liberty and freedom. [Applause.]

Mr. HUGHES of New Jersey. Mr. Speaker, I desire to submit a request for unanimous consent. I ask unanimous consent that the gentleman from Pennsylvania [Mr. NICHOLLS] be given three minutes to address the House on the subject of this bill.

The SPEAKER. The gentleman from New Jersey asks unanimous consent that the gentleman from Pennsylvania may be permitted to speak for three minutes on this measure.

Mr. MANN. Let him talk on something else.

The SPEAKER. Objection is heard. The question is on suspending the rules and passing the bill.

The question was taken, and the Chair announced that the Chair was in doubt.

The House divided; and there were—ayes 91, noes 49.

Mr. STEENERSON. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 152, nays 106, answered "present" 11, not voting 114, as follows:

YEAS—152.

Alexander, N. Y.	Elvins	Kennedy, Iowa	Parker
Ames	Esch	Kennedy, Ohio	Parsons
Ansberry	Fassett	Kinkaid, Nebr.	Pearre
Anthony	Fish	Knowland	Plumley
Austin	Flood, Va.	Kopp	Poindexter
Barchfeld	Focht	Lawrence	Pou
Barclay	Fornes	Lenroot	Pratt
Bennet, N. Y.	Foss	Longworth	Pray
Bennett, Ky.	Foster, Ill.	Loud	Prince
Borland	Foster, Vt.	Loudenslager	Reeder
Broussard	Fuller	Lowden	Rodenberg
Burke, Pa.	Gaines	McCreary	Scott
Burke, S. Dak.	Gardner, Mass.	McCredie	Simmons
Butler	Gardner, Mich.	McKinlay, Cal.	Slemp
Byrns	Gardner, N. J.	McKinley, Ill.	Smith, Iowa
Calderhead	Gillett	McKinney	Stafford
Cantrill	Good	McLachlan, Cal.	Steenerson
Cary	Graff	McLaughlin, Mich.	Sterling
Cassidy	Graham, Pa.	Madden	Stevens, Minn.
Chapman	Grant	Madison	Sturgiss
Cline	Greene	Malby	Sulloway
Cole	Griest	Mann	Taylor, Ala.
Cooper, Pa.	Hamer	Martin, S. Dak.	Taylor, Ohio
Cowles	Hamilton	Massey	Thistlewood
Creager	Hammond	Miller, Minn.	Tilson
Crow	Haugen	Mondell	Townsend
Cullop	Havens	Moon, Pa.	Turnbull
Dalzell	Hawley	Moore, Pa.	Underwood
Davidson	Hayes	Morgan, Mo.	Volstead
Davis	Heald	Morse	Washburn
Dent	Henry, Conn.	Murphy	Weeks
Diekema	Higgins	Needham	Wheeler
Dodds	Howell, Utah	Nelson	Wiley
Draper	Hubbard, Iowa	Norris	Wilson, Ill.
Driscoll, M. E.	Hubbard, W. Va.	Nye	Woods, Iowa
Durey	Hull, Iowa	Olcott	Woodyard
Dwight	Joyce	Olmsted	Young, Mich.
Ellis	Keifer	Palmer, H. W.	Young, N. Y.

NAYS—106.

Aiken	Gillespie	Korbly	Ransdell, La.
Alexander, Mo.	Godwin	Lamb	Rauch
Bartlett, Ga.	Goldfogle	Lee	Richardson
Beall, Tex.	Gordon	Legare	Robinson
Bell, Ga.	Gregg	Lever	Roddenbery
Boehne	Hamill	Lindbergh	Rothermel
Booher	Hamlin	Livingston	Rucker, Mo.
Brantley	Hardwick	Lloyd	Shackleford
Campbell	Hardy	McCall	Sheppard
Clark, Mo.	Harrison	McHenry	Sherley
Collier	Hay	Macon	Sherwood
Conry	Heflin	Maguire, Nebr.	Sims
Cooper, Wis.	Helm	Martin, Colo.	Sisson
Covington	Henry, Tex.	Mays	Smith, Tex.
Cox, Ind.	Hitchcock	Mitchell	Spight
Crumpacker	Hollingsworth	Moon, Tenn.	Stephens, Tex.
Denver	Houston	Morrison	Sulzer
Dickinson	Howland	Moss	Tawney
Dies	Hughes, Ga.	Nicholls	Taylor, Colo.
Dixon, Ind.	Hughes, N. J.	Oldfield	Thomas, Ky.
Edwards, Ga.	Hull, Tenn.	Padgett	Thomas, N. C.
Ellerbe	Humphreys, Miss.	Page	Tou Velle
Ferris	Johnson, Ky.	Palmer, A. M.	Watkins
Fitzgerald	Johnson, S. C.	Peters	Webb
Floyd, Ark.	Jones	Pujo	Wickliffe
Garner, Tex.	Kellher	Rainey	
Garrett	Kitchin	Randell, Tex.	

ANSWERED "PRESENT"—11.

Adamson	Burnett	Cox, Ohio	Smith, Mich.
Andrus	Candler	Currier	Sparkman
Bradley	Clayton	Hill	

NOT VOTING—114.

Adair	Dawson	Hinshaw	McDermott
Anderson	Denby	Hobson	McGuire, Okla.
Ashbrook	Dickson, Miss.	Howard	McMorran
Barnard	Douglas	Howell, N. J.	Maynard
Barnhart	Driscoll, D. A.	Huff	Miller, Kans.
Bartholdt	Dupre	Hughes, W. Va.	Millington
Bartlett, Nev.	Edwards, Ky.	Humphrey, Wash.	Moore, Tex.
Bates	Englebright	James	Morehead
Bingham	Estopinal	Jamieson	Morgan, Okla.
Boutell	Fairchild	Johnson, Ohio	Moxley
Bowers	Finley	Kahn	Mudd
Burgess	Foelker	Kendall	Murdock
Burleigh	Fordney	Kinkead, N. J.	O'Connell
Burleson	Fowler	Knapp	Patterson
Byrd	Gallagher	Kronmiller	Payne
Calder	Garner, Pa.	Küstermann	Pickett
Capron	Gill, Md.	Lafean	Reid
Carlin	Gill, Mo.	Langham	Rhinock
Carter	Glass	Langley	Riordan
Clark, Fla.	Goebel	Latta	Roberts
Cocks, N. Y.	Goulden	Law	Rucker, Colo.
Coudrey	Graham, Ill.	Lindsay	Sabath
Craig	Guernsey	Lively	Saunders
Cravens	Hanna	Lundin	Sharp
Sheffield	Southwick	Thomas, Ohio	Willett
Slayden	Sperry	Vreeland	Wilson, Pa.
Small	Stanley	Wallace	Wood, N. J.
Smith, Cal.	Swasey	Wanger	
Snapp	Talbott	Weisse	

So (two-thirds not having voted in favor thereof) the motion was rejected.

The Clerk announced the following pairs:

From 3 p. m. to-day until Friday morning:

Mr. KENDALL with Mr. LATTA.

From February 21 until February 23, inclusive:

Mr. SHEFFIELD with Mr. DANIEL A. DRISCOLL.

From 3 p. m. Wednesday until 11 a. m. Friday:

Mr. GUERNSEY with Mr. O'CONNELL.

From 3 p. m. to-day until Friday night:

Mr. BATES with Mr. GRAHAM of Illinois.

From Thursday until Saturday, inclusive:

Mr. HOWELL of New Jersey with Mr. BURNETT.

From Thursday until March 1:

Mr. SPERRY with Mr. MCDERMOTT.

Until further notice:

Mr. GOEBEL with Mr. CLAYTON.

Mr. MORGAN of Oklahoma with Mr. ANDERSON.

Mr. KAHN with Mr. HOWARD.

Mr. MCMORRAN with Mr. SPARKMAN.

Mr. LAFEAN with Mr. GILL of Missouri.

Mr. MILLINGTON with Mr. MAYNARD.

Mr. LAW with Mr. JAMES.

Mr. LANGLEY with Mr. SABATH.

Mr. MURDOCK with Mr. RHINOCK.

Mr. BATES with Mr. BOWERS.

Mr. MCGUIRE of Oklahoma with Mr. LINDSAY.

Mr. WOOD of New Jersey with Mr. PATTERSON.

Mr. SMITH of California with Mr. MOORE of Texas.

Mr. BURLEIGH with Mr. COX of Ohio.

Mr. DENBY with Mr. GALLAGHER.

Mr. BINGHAM with Mr. WALLACE.

Mr. SOUTHWICK with Mr. REID.

Mr. SNAPP with Mr. CANDLER.

Mr. BARNARD with Mr. ADAIR.

Mr. BARTHOLDT with Mr. ASHBROOK.

Mr. BOUTELL with Mr. BARNHART.

Mr. CALDER with Mr. BARTLETT of Nevada.

Mr. CARY with Mr. SMALL.

Mr. COCKS of New York with Mr. CARLIN.

Mr. DAWSON with Mr. CRAIG.

Mr. DOUGLAS with Mr. CRAVENS.

Mr. ENGLEBRIGHT with Mr. DUPRE.

Mr. FAIRCHILD with Mr. ESTOPINAL.

Mr. HANNA with Mr. GILL of Maryland.

Mr. FORDNEY with Mr. HOBSON.

Mr. HINSHAW with Mr. LIVELY.

Mr. HUMPHREY of Washington with Mr. SHARP.

Mr. JOHNSON of Ohio with Mr. SLAYDEN.

Mr. KNAPP with Mr. BURGESS.

Mr. KRONMILLER with Mr. STANLEY.

Mr. KÜSTERMANN with Mr. TALBOTT.

Mr. LANGHAM with Mr. WEISSE.

Mr. LUNDIN with Mr. WILLETT.

Mr. MILLER of Kansas with Mr. WILSON of Pennsylvania.

Mr. MOREHEAD with Mr. CARTER.

Mr. MOXLEY with Mr. DICKSON of Mississippi.

Mr. PAYNE with Mr. JAMIESON.

Mr. PICKETT with Mr. KINKEAD of New Jersey.

Mr. ROBERTS with Mr. RUCKER of Colorado.

Mr. VREELAND with Mr. SAUNDERS.

Mr. HUFF with Mr. BURLESON.

For the session:

Mr. BRADLEY with Mr. GOULDEN.

Mr. HUGHES of West Virginia with Mr. BYRD.

Mr. HILL with Mr. GLASS.

Mr. ANDRUS with Mr. RIORDAN.

Mr. WANGER with Mr. ADAMSON.

Mr. CURRIER with Mr. FINLEY.

From 12 m. Thursday until end of session, excepting on District legislation:

Mr. SMITH of Michigan with Mr. CLARK of Florida.

Mr. CURRIER. Mr. Speaker, I wish to inquire whether the gentleman from South Carolina, Mr. FINLEY, has voted.

The SPEAKER. The gentleman from South Carolina did not vote.

Mr. CURRIER. I voted "aye," and I am paired with him. I wish to withdraw my vote and answer "present."

The SPEAKER. Call the gentleman's name.

Mr. CURRIER's name was called, and he answered "Present."

Mr. CARTER. Mr. Speaker, I would like to know if I am recorded?

The SPEAKER. The gentleman is not.

Mr. CARTER. I was present in the room, Mr. Speaker, when my name was called——

The SPEAKER. Was the gentleman present and giving attention when his name was called and did not hear it?

Mr. CARTER. I was present in the room, but I was not giving very strict attention——

The SPEAKER. The gentleman does not bring himself within the rule.

Mr. ADAMSON. Mr. Speaker, I voted "no," and I want to be recorded as voting "no," but as I am paired with the gentleman from Pennsylvania, Mr. WANGER, I desire to withdraw my vote of "no" and answer "present."

The SPEAKER. Call the gentleman's name.

Mr. ADAMSON's name was called, and he answered "Present."

Mr. CLAYTON. Mr. Speaker, I voted "no" under the impression that the gentleman from Ohio, Mr. GOEBEL, had voted. I find that he did not vote. I therefore withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

LEAVE OF ABSENCE.

Mr. SMITH of California was given leave of absence for the remainder of the session on account of sickness.

BRIDGE ACROSS THE DELAWARE RIVER.

The SPEAKER laid before the House the following resolution from the Senate of the United States:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate Senate bill 10632, to authorize the North Pennsylvania Railroad Co. and the Delaware & Bound Brook Railroad Co. to construct a bridge across the Delaware River.

The request was agreed to.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 16268. An act for the relief of Thomas Seals;

H. R. 32220. An act to authorize the board of supervisors of the town of High Landing, Red Lake County, Minn., to construct a bridge across the Red Lake River;

H. R. 32571. An act to consolidate certain forest lands in the Kansas National Forest;

H. R. 31538. An act to authorize the Pensacola, Mobile & New Orleans Railway Co., a corporation existing under the laws of the State of Alabama, to construct a bridge over and across the Mobile River and its navigable channels above the city of Mobile, Ala.; and

H. R. 32400. An act to authorize the North Pennsylvania Railroad Co. and the Delaware & Bound Brook Railroad Co. to construct a bridge across the Delaware River from Lower Makefield Township, Bucks County, Pa., to Ewing Township, Mercer County, N. J.

The SPEAKER announced his signature to enrolled bill and joint resolutions of the following titles:

S. 10015. An act for rebuilding and improving the present light and fog signal at Lincoln Rock, Alaska, or for building another light and fog-signal station upon a different site near by;

S. J. Res. 132. Joint resolution authorizing the delivering to the commander in chief of the United Spanish War Veterans of one or two dismounted bronze cannon; and

S. J. Res. 145. Joint resolution providing for the filling of a vacancy which will occur on March 1, 1911, in the Board of Regents of the Smithsonian Institution, of the class other than Member of Congress;

AMENDMENT TO INTERNAL-REVENUE LAWS.

Mr. LONGWORTH. Mr. Speaker, I desire to call up the bill (H. R. 28626) to amend the internal-revenue laws relating to distilled spirits, and for other purposes, which is a privileged bill.

The SPEAKER. The gentleman from Ohio [Mr. LONGWORTH] calls up the following privileged bill, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That section 3255 of the Revised Statutes, as amended by act of June 3, 1896 (29 Stat., p. 195), be amended so as to read as follows:

"SEC. 3255. The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may exempt distillers of brandy made exclusively from apples, peaches, grapes, pears, pineapples, oranges, apricots, berries, or prunes from any provision of this title relating to the manufacture of spirits, except as to the tax thereon, when in his judgment it may seem expedient to do so: *Provided*, That where, in the manufacture of wine, artificial sweetening has been used the wine or the fruit pomace residuum may be used in the distillation of brandy, and such use shall not prevent the Commissioner of Internal Revenue from exempting such distiller from any provision of this title relating to the manufacture of spirits, except as to the tax thereon, when in his judgment it may seem expedient to do so."

Also the following committee amendments were read:

Page 1, line 10, after the word "berries," insert "plums, pawpaws, persimmons."

Page 1, line 11, strike out "or" and after the word "prunes" insert ", figs, or cherries."

Page 2, line 3, after the word "Revenue" insert ", with the approval of the Secretary of the Treasury."

Mr. LONGWORTH. Mr. Speaker, I ask unanimous consent that this bill may be considered in the House as in the Committee of the Whole.

Mr. MANN. Mr. Speaker, I think I shall have to object to that.

Mr. LONGWORTH. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 28626.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 28626) to amend the internal-revenue laws relating to distilled spirits, and for other purposes, with Mr. DIEKEMA in the chair.

Mr. LONGWORTH. Mr. Chairman, I send to the Clerk's desk and ask to have read a letter from the Secretary of the Treasury upon this subject.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, January 4, 1911.

SIR: I have the honor to acknowledge receipt of your letter of the 21st ultimo, inclosing copy of bill (H. R. 28626) to amend the internal-revenue laws relating to distilled spirits, and for other purposes, and requesting my views as to whether the same should be enacted into law, and the reasons therefor.

In reply I would say that section 3255, Revised Statutes, as amended by the act of June 3, 1896, and also by the act of February 4, 1901, authorizes the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, to exempt distillers of brandy made exclusively from the fruits enumerated therein from any of the provisions of the title relating to the manufacture of distilled spirits, except as to the tax thereon.

Wine makers in certain sections of the country, in the manufacture of sweet wines, find it necessary to add artificial sweetening in order to perfect such wines. Inasmuch as brandy distilled from wine so made, or from the fruit residuum, is not made exclusively from grapes, or either of the other fruits named in section 3255, its manufacture is not permissible under the exemptions.

The proposed amendment will authorize the Commissioner of Internal Revenue to exempt distillers of brandy from wine or fruit pomace residuum, when in the manufacture of the wine artificial sweetening has been used, from any or all the provisions of law relating to the manufacture of distilled spirits, except as to the tax thereon.

Authority to extend the exemptions to distillers using wine or the fruit residuum where, in the manufacture of the wine, artificial sweetening has been used, seems to be necessary, inasmuch as the use of such fruit charged with sugar or sugar solution is entirely impracticable under the general statutes relating to distilleries, because of the limitations placed thereby upon the fermenting period of each of the recognized classes of distilleries, which period is insufficient for the complete fermentation of such fruit.

I invite attention to certain defects in the bill as drawn. The only amendment to section 3255, Revised Statutes, to which reference is made, is that of the act of June 3, 1896, whereas this section was further amended by the act of February 4, 1901, which provided for two additional fruits, "figs or cherries." Further, the additional proviso authorizes the Commissioner of Internal Revenue alone to exempt this class of distillers without the approval of the Secretary of the Treasury. In my opinion the approval of the Secretary of the Treasury should be required as in the original act and in the other amendments.

With the changes suggested in the bill, I am of the opinion that it should be enacted into law.

Respectfully, FRANKLIN MACVEAGH, *Secretary.*

The CHAIRMAN COMMITTEE ON WAYS AND MEANS,
House of Representatives.

Mr. LONGWORTH. Mr. Chairman, this bill has been amended in accordance with the suggestions made by the Secretary of the Treasury. It was acted upon by the Ways and Means Committee after an exhaustive hearing, at which the Commissioner of Internal Revenue appeared before us. It comes to the House now with the unanimous report of the committee. The letter of the Secretary of the Treasury, it seems to me, explains very fully the necessity for this legislation, and therefore I do not care to occupy the time of the House in a prolonged discussion of it, unless some gentleman may desire to ask some questions.

Mr. BARTLETT of Georgia. May I interrupt the gentleman?

Mr. LONGWORTH. With pleasure.

Mr. BARTLETT of Georgia. The purpose of my inquiry is to ascertain from the gentleman from Ohio [Mr. LONGWORTH] what effect this would have on the distilling of fruit; for instance, peaches, apples, and things of that sort. I notice that he shall have right over certain regulations, except as to the payment of the tax.

Now, distillation from fruit—peaches and other things of that kind—in my country has ceased altogether owing to the restrictions. Men might be willing to pay the tax, but there are other

certain regulations prescribed by the laws or rules of the Internal Revenue Department that they can not comply with. I want to know if this provides for the distillation of fruit—peaches and apples and so forth—where we can not now distill them, and, if so, to what extent?

Mr. LONGWORTH. This bill does not change in any respect the present law of distillation from fruits, except it adds one or two other sorts of fruit than those now authorized by statute. The only change made in the law by this bill is in the proviso which allows the Secretary to include in "fruit distilleries" those distilleries which now make brandy from sweetened grapes. The necessity for the law arises from the following reasons: For nearly 40 years there have been certain districts in this country which make wine from grapes to which sugar has been added. That includes the New York district and the districts of Missouri, Pennsylvania, and Ohio. In all of those districts wine is made from sweetened grapes.

Now, it has been the custom to distill the residue which remains after making wine into brandy; but recently the Internal Revenue Department has been prosecuting certain distillers who used sugar in the distillation of brandy made from fruits generally, which is against the law, the law providing that fruit distilleries are only exempt from the provisions of grain distilleries if they make their distillation from fruit exclusively. The moment you add sugar you thereupon take them out of this exemption.

This law does not change in any respect the distillation from fruits, but will only provide that those who manufacture brandy out of the residuum of sweetened brandy may continue as they have done for about 40 years.

Mr. BARTLETT of Georgia. That would not take away, then, any of the restrictions that are thrown around or the requirements provided for the distillation of brandy from fruit, like peaches and things of that sort?

Mr. LONGWORTH. Not at all. The fact is, there are two kinds of distilleries only, distilleries that use fruit and distilleries that do not use fruit, which means, of course, grain distilleries.

Mr. BARTLETT of Georgia. But different as to the amount of fruit or grain?

Mr. LONGWORTH. Under this section, section 3255, I think it is, the Secretary of the Treasury is allowed to exempt fruit distilleries from all provisions except the tax. Now, the fact is that the reason why the Internal Revenue Department is anxious that this bill should pass is that if it shall not pass at this session of Congress the Government will lose somewhere between $500,000 and $800,000 of revenue. I have heard the amount estimated at as high as $800,000.

Mr. MANN. Does the gentleman yield for a question?

Mr. LONGWORTH. I do.

Mr. MANN. Neither the bill nor the report indicates what is new and what is old, but from an examination of the act referred to in the report it would seem that there are some new fruits added in the bill, and the proviso is entirely new.

Mr. LONGWORTH. The proviso is entirely new, and there are two kinds of fruit added.

Mr. MANN. Peaches and cherries, and——

Mr. LONGWORTH. Peaches and cherries, I think, are in the old law.

Mr. MANN. And pawpaws, and persimmons, and figs——

Mr. LONGWORTH. Those are new, I believe.

Mr. MANN. And cherries and plums are entirely new. However, that is of no importance, I suppose?

Mr. LONGWORTH. No.

Mr. MANN. Has there been a ruling under the present law by the department to the effect that under the law they can not use the pomace resulting from sweetened wines to distill brandies?

Mr. LONGWORTH. Yes.

Mr. MANN. Under what law is that ruling made?

Mr. LONGWORTH. Under the law that provides that the Secretary of the Treasury shall——

Mr. MANN. What law is it?

Mr. LONGWORTH. It is section 3255.

Mr. MANN. But section 3255 does not cover it at all.

Mr. LONGWORTH. It says the Secretary of the Treasury may exempt distillers of brandy made exclusively from fruits, and so forth. Now, under this it is held that this sort of brandy is not made exclusively from fruits, because there is an admixture of sugar in the production of the wines.

Mr. MANN. That is a new ruling?

Mr. LONGWORTH. That is a new ruling, and the effect of it has been postponed until March 15, so that if this bill does not pass at this session of Congress the distillers of this kind of brandy must go out of business, because it is impossible for them to comply with the regulations that apply to grain distillers with respect to the period of fermentation.

Mr. MANN. Of course the gentleman knows, does he not, that there has been more or less controversy over the manufacture of sweetened wines and fruit wines, and so forth, under the pure food law?

Mr. LONGWORTH. The Commissioner of Internal Revenue says this bill will not in any way violate the provisions of the pure-food law.

Mr. MANN. Of course he thinks nothing in the way of liquor violates anything connected with the pure-food law. [Laughter.]

Mr. LONGWORTH. I will say also to the gentleman that Mr. McCabe, the Solicitor of the Department of Agriculture, says that this bill will not violate the provisions of the pure-food law. If we do not pass this bill, the Government will be deprived of something between half a million and three-quarters of a million dollars of revenue.

Mr. MANN. If the gentleman had indicated what the changes were in the report I do not think anybody would have questioned it.

Mr. LONGWORTH. I will ask for the reading of the bill and of the amendments recommended by the committee.

The bill and the committee amendments were again read.

The CHAIRMAN. The question is on agreeing to the amendments.

The amendments were agreed to.

Mr. LONGWORTH. Mr. Chairman, I move that the committee do now rise and recommend to the House that the amendments be agreed to, and that the bill as amended do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DIEKEMA, 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. 28626) to amend the internal-revenue laws relating to distilled spirits, and for other purposes, and directed him to report the same to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the amendments will be voted on in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was read the third time and passed.

On motion of Mr. LONGWORTH, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 288. An act for the creation of the police and firemen's relief fund, to provide for the retirement of members of the police and fire departments, to establish a method of procedure for such retirement, and for other purposes.

The message also announced that the Senate had passed with amendment bills and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 20603. An act for the relief of Henry Halteman;

H. R. 24153. An act for the relief of John Marshall; and

H. J. Res. 276. Joint resolution modifying certain laws relating to the military records of certain soldiers and sailors.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 9693. An act to provide for the payment of the traveling and other expenses of United States circuit and district judges when holding court at places other than where they reside; to the Committee on the Judiciary.

REVISION AND CODIFICATION OF THE LAWS.

The SPEAKER. The Chair finds upon the Speaker's table H. J. Res. 281, to create a joint committee to continue the consideration of the revision and codification of the laws of the United States, which provides for an expenditure of money from the contingent funds of the House and Senate. After examination of the precedents, which are conflicting, the Chair is of opinion that the bill should be on the House Calendar and

not upon the Union Calendar. Without objection, it will be so referred.

There was no objection, and it was so ordered.

LEASING COAL LANDS IN ALASKA.

Mr. MONDELL. Mr. Speaker, I call up the bill (H. R. 32080) to provide for the leasing of coal lands in the District of Alaska, and for other purposes, with committee amendments, and move to suspend the rules and pass the bill as amended.

The SPEAKER. The gentleman from Wyoming [Mr. MONDELL] moves to suspend the rules and pass the bill as amended. The Clerk will read the bill and amendments.

The Clerk read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 14. That the provisions of the act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof or supplemental thereto are hereby extended to and made operative within the District of Alaska. That the Secretary of the Interior is hereby authorized and directed to make all necessary rules and regulations in harmony with the provisions of this act needful and necessary for the administration of the same.

The committee amendments were read, as follows:

Page 2, line 4, strike out after the word "license" the words "or lease."

Page 2, line 5, after the word "acres," insert the following: "and no lease shall pertain to an area of more than 2,560 acres."

Page 2, strike out all after the word "years" in line 9, down to and including the word "year" at the end of line 12, and insert a period in place of the comma after the word "years" in line 9.

Page 2, strike out all after the word "year" in line 16, down to and including the word "license" in line 17, and insert a period in place of the comma after the word "year" in line 16.

Page 4, strike out all after the word "interest" in line 15 and all of line 16 and insert a period in place of the comma after the word "interest" in line 15.

Page 5, after the period following the word "justify," on line 17, insert the following: "That the lessee shall not during the lifetime of the lease receive or hold, directly or indirectly, any other lease under the provisions of this act or interest therein."

Page 7, line 7, strike out the word "all" and insert in lieu thereof the word "the."

Page 8, line 11, after the word "forfeiture," insert the words "and the payment of all rents and royalties due."

Page 10, line 7, strike out all after the word "treasury" and all of lines 8 and 9.

Page 10, strike out all after the word and figures "Sec. 14" down to and including the word "Alaska," on line 3, page 11, and insert in lieu thereof the following:

"That the act of February 4, 1887, entitled 'An act to regulate commerce,' and all acts amendatory thereof, are hereby extended to and made applicable to the District of Alaska in so far as the transportation of coal is concerned. And for the purpose of administering said acts in Alaska with regard to the transportation of coal, the jurisdiction of the Interstate Commerce Commission and of the Commerce Court is hereby extended to the District of Alaska."

The SPEAKER. Is a second demanded?

Mr. MADISON. I demand a second.

The SPEAKER. A second is ordered under the rule. The gentleman from Wyoming [Mr. MONDELL] is entitled to 20 minutes and the gentleman from Kansas [Mr. MADISON] is entitled to 20 minutes.

Mr. MONDELL. Mr. Speaker, the bill before the House is the result of a very earnest, careful, and painstaking effort to meet in a fair way, and a way which we believe is in harmony with the best public sentiment, the coal situation in the District of Alaska. There are three distinct features of the coal situation in Alaska that are at present unsatisfactory. First, the coal land sells for a flat price of $10 an acre, without regard to its value, and it is generally believed that that price is too low. Second, under the law, except under the provisions of the act of 1908, which are difficult to comply with, entries are limited to 160 acres, and it is difficult to acquire legally a sufficient area for a coal operation. Third, under this system of sale in fee there is no control over the coal operations or over the prices that may be charged. The committee set out to remedy this condition along the line of what we considered to be a sound policy, one which will make possible the development of the Alaskan coals and at the same time protect the public and bring a very considerable revenue to the Government.

We provide, first, for a prospecting license which may cover 3,200 acres and which may extend over three years upon the payment of certain rents during that period. We then provide for a lease which may extend as long as 30 years upon the payment of certain royalties, and the maximum area is 2,560 acres. The royalties are fixed at from 3 to 6 cents per ton for the first 10 years and increased so that in the last 10 years of the 30 it runs from 5 to 10 cents a ton on the coal as it comes from the mines, so that, allowing for slack, these royalties per ton of merchantable coal will be from 25 to 40 per cent above the royalty fixed in the bill.

Mr. COOPER of Wisconsin. Will the gentleman yield for a question?

Mr. MONDELL. Yes.

Mr. COOPER of Wisconsin. I notice, in line 7, page 2, that a license for not more than 3,200 acres is provided.

Mr. MONDELL. That is a prospecting license.

Mr. COOPER of Wisconsin. And a lease of not more than 2,560 acres.

Mr. MONDELL. The mining lease is for a smaller area than the prospecting license.

Mr. COOPER of Wisconsin. Under the license would a man have the right to mine coal?

Mr. MONDELL. Oh, no; that is just a prospecting license, to give the prospector the opportunity to prospect the area within which to select the tract upon which he can secure a lease to mine coal.

Mr. COOPER of Wisconsin. The licensee pays 25 cents the first year, 50 cents the second year, and $1 the third year.

Mr. MONDELL. The licensee pays a ground rent. The lessee pays a ground rent, which after the second year may be as high as $4 an acre, and in addition to that he pays his royalties.

Mr. COOPER of Wisconsin. Both of them pay rent.

Mr. MONDELL. They both pay rent.

Mr. COOPER of Wisconsin. The lessee pays rent and royalty.

Mr. MONDELL. He pays rent and royalty.

Mr. WICKERSHAM. Will the gentleman permit a question?

Mr. MONDELL. I have a very brief time in which to complete my statement.

Mr. WICKERSHAM. I think the gentleman has unintentionally made a misstatement. He said the lessee paid not only a rental, but a royalty in addition.

Mr. MONDELL. I did not intend to say in addition. He pays a rental, but after he gets to mining coal the rental is absorbed by the royalties. The rental is for the purpose of preventing him from holding the area without mining coal. In section 6 of the bill are contained all the covenants of the lease and all of the requirements with regard to careful mining, safeguarding the life and limb of miners, in regard to payment of rents and royalties, in regard to the maintenance of the mines, against holding more than one lease, and every prohibition contained in the bill is made a covenant of the lease in section 6, and enforcible by a suit begun by the Secretary of the Interior, or any interested party, in the United States district court for the District of Alaska.

Mr. JAMES. I see the gentleman's bill provides that no one person or corporation shall have the right to more than 2,560 acres. Suppose other persons already have claims which aggregate 5,000 acres. Does this give them that number of acres in addition?

Mr. MONDELL. If the gentleman will read the section, he will see that it provides:

But no persons, association, or corporation, or stockholder therein, shall, during the lifetime of such permit or lease, receive or be permitted to hold, directly or indirectly, any other permit, lease, or license, or any interest therein, to coal land in Alaska under the provisions of this act.

Mr. JAMES. That refers to this bill. That does not refer to other claims outside.

Mr. MONDELL. It does not.

Mr. JAMES. So if the Guggenheim-Morgan syndicate has 5,000 or 6,000 acres of land, they can take up under this bill 2,560 acres in addition.

Mr. MONDELL. So far there have been no patents issued to coal lands in Alaska.

Mr. JAMES. No; but there have been claims filed.

Mr. MONDELL. The committee did not feel that it ought to go further than a limit under the law. The limitations under this law are drastic and readily enforceable.

Mr. COOPER of Wisconsin. Will the gentleman allow me a suggestion?

Mr. MONDELL. Yes.

Mr. COOPER of Wisconsin. Is there any inhibition against the transfer of licenses?

Mr. MONDELL. Yes; you will find that in section 8 of the bill. I believe the bill is very carefully safeguarded. We have gone just as far as we have dared to go in fixing safeguards around the mining of coal in Alaska without absolutely preventing development.

Mr. COOPER of Wisconsin. Does the gentleman call the language in section 8 an inhibition?

Mr. MONDELL. It says that—

No license or lease shall be assigned, mortgaged, or sublet except to a person, association, or corporation qualified to receive and hold an original license or lease under the provisions of this act, and with the written permission and approval of the Secretary of the Interior.

For instance, a party holding a lease and finding it impossible to operate under the lease might transfer to another party who was eligible to take a lease, and it seems to me there could be no objection to that.

Mr. COOPER of Wisconsin. Will the gentleman permit a suggestion?

Mr. MONDELL. Certainly.

Mr. COOPER of Wisconsin. Line 23, in italic, on page 25, says:

That the lessee shall not, during the lifetime of the lease, receive or hold, directly or indirectly, any other lease under the provisions of this act or interest therein.

The same lessee could not get two leases, but another lessee could get a lease and transfer the assignment of his lease to the other man.

Mr. MONDELL. The lease could only be assigned to a person qualified as lessee. This whole matter was thrashed out carefully in the committee, and the bill is perfectly clear. No person who is not qualified as a lessee or a licensee could obtain an assignment or a mortgage of one of these claims.

Mr. JAMES. I notice section 2 of the bill provides:

That the Secretary of the Interior be, and he is hereby, authorized, for and on behalf of the United States, to issue licenses granting the holders thereof the right to prospect and explore for coal on the vacant public lands in the District of Alaska and to execute leases authorizing the lessee to mine and remove coal from such lands.

Is it not true under this bill that you lodge absolutely in the hands of the Secretary of the Interior the right to give one man a license and deny that right to another?

Mr. MONDELL. On the contrary, there is absolutely no ground on which the Secretary can deny an application of a party qualified under the law.

Mr. JAMES. I wish the gentleman would point out in his bill where he provides that the Secretary shall issue to any person a license who demands it. On the contrary, you lodge in the hands of the Secretary the right to give a lease or license to one person and deny it to another.

Mr. MONDELL. The gentleman can have his own time in which he can make his speech.

Mr. JAMES. I made the suggestion to the gentleman because he is the author of this bill, and if he can point out in this bill where that statement is untrue I want him to do it.

Mr. MONDELL. The bill provides in section 3:

That any person over the age of 21 years, who is a citizen of the United States, or any association or corporation composed of such persons, may apply for a permit to prospect for, or lease to mine, coal in the District of Alaska, and upon compliance with the provisions of this act and the rules and regulations promulgated thereunder, shall be granted a license or lease as provided herein.

If the gentleman knows of any expression in the English language that is more definite than that, then I do not know what it could be. That purposely leaves no discretion in the Secretary except where two parties apply for overlapping leases. We leave with him there necessarily a discretion, and he must exercise that discretion in the public interest.

Mr. HAMLIN. Will the gentleman yield for a question?

Mr. MONDELL. Yes.

Mr. HAMLIN. As I understand this bill, any person may apply for not more than 2,560 acres.

Mr. MONDELL. That is true.

Mr. HAMLIN. Would it not be possible for a combination of persons—50 or 100—to each lease that number of acres of land, or a combination of even more people, so that one company might control all of the coal lands of Alaska?

Mr. MONDELL. Well, if there is anything in this bill that would make that possible I can not see where it is, because, first, there is a covenant in the lease that no lessee or association or associated interests on a lease shall own or have any interest in any other lease, and also that the lessee shall not monopolize in whole or in part the trade in coal.

Mr. HAMLIN. They would be issued in the names of different individuals, but may there not be a secret understanding between them, and as a matter of fact they might be controlled by one company or corporation?

Mr. MONDELL. If the gentleman knows of any way by which you can write anything into law, anything that is going to prevent men having secret understandings, I would be glad to have it done here and accept it as an amendment to this bill. I know of no way of doing that. We prohibit any person or association of persons or anybody connected with an association of persons from having any right or interest in more than one lease, and that is a covenant of the lease, and the lease can be canceled and there is a bond given which can be sued upon and the party put entirely out of business and made to pay heavy damages for attempting to do anything of that sort. Certainly no legislation could go further than that.

Mr. HAMLIN. Does not the gentleman know that these combinations are formed every day of the world?

Mr. MONDELL. The gentleman says that the lessees might have a secret understanding. I take it that men may have a secret understanding that you can not reach by law. That seems to me to be something that can not be reached by legislation, unless that secret understanding results in a monopoly or an attempted monopoly; then it can be reached under the terms of the bill.

Mr. JAMES. Suppose, as a matter of fact, that 100 men do get together, and, under the provisions of this act, get two or three thousand acres of land each, and then after that there is no proof that the United States can get that they have a secret understanding, after they have gotten practically all of the land in Alaska, what provision have you in your bill to keep them from associating that land together and under one mammoth concern controlling it all?

Mr. MONDELL. Oh, the gentleman is trying to use my time for an argument.

Mr. JAMES. The gentleman must not conclude that because a man puts questions about his own bill that he is doing it for an ulterior motive. The gentleman owes a duty to the House to explain the bill.

Mr. MONDELL. There is nothing in the bill that will justify such a suggestion, for I have read twice to the House an absolute prohibition against that being done, against anyone acquiring or holding or having at any one time an interest in more than one lease, and that is as plain as the English language can make it.

Mr. MORSE. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. MORSE. In section 4 I see a provision which gives a man in possession preferential rights. Now, whether he is in possession of the land, legally or illegally, fraudulently or honestly, he is given preferential rights. Does not the gentleman think that a newcomer ought to have the same rights as these people who have been squatting on the land waiting for the law to be amended so that they could get it legally?

Mr. MONDELL. It is pretty difficult to provide any method whereby the right to make these applications shall be based, except that on that of priority of application or possession, unless you leave the entire matter in the discretion of the Secretary. The man who makes the first application and the man who is in possession has an equitable right if he is in possession for the purpose of acquiring the lease or of acquiring title to coal lands.

It seems to me that is a very wise provision. It is a provision that runs through all our land laws that the man first in possession has a first right to make application.

Mr. LENROOT. Would the gentleman make that statement in just that way if the possession was for the purpose of securing claims in a fraudulent manner—that is, perpetrating a fraud upon the Government?

Mr. MONDELL. Well, I do not know how we are going to differentiate in a matter of that kind. We must give some one the right to make these applications, and it seems but natural that the party in possession should be given the first opportunity to acquire the right to lease, inasmuch as he pays as much to the Government as any other person would, and he is under all the limitations that any other person would be. I can see no reason why the one in possession should not be given the right to make the application.

Mr. LENROOT. Would not an amendment providing that the possessor had attempted in good faith to acquire title without fraud be perfectly practicable?

Mr. MONDELL. Let me call the gentleman's attention to the fact that no one can be in possession of over 160 acres of this land with a view of obtaining title, and therefore the provision in regard to the prior right of the possessor only gives him prior right to lease 160 acres of land. I am of the opinion that it was in the public interest to encourage the merging of these claims into leases whereby the Government would get not $10 an acre for the land, but in some cases as high as $1,000 or $1,500 an acre for the land under the terms of this bill.

Mr. WICKERSHAM. Will the gentleman yield? Does the gentleman know how many claims in the Katalla field, where the Cunningham claims are, have been proved up on since the 19th of last January?

Mr. MONDELL. There have been no claims passed to patent. There are about 215 claims upon which proof has been offered in all the fields in Alaska, but in no case except in the so-called Cunningham cases has a final receipt been issued.

Mr. WICKERSHAM. Does the gentleman say that to this House?

Mr. MONDELL. That is true; and if the gentleman will kindly read the letter of the Commissioner of the Land Office in the last page of the hearings he will find that what I have said is in harmony with the statement from the Land Office sent to the committee.

The SPEAKER pro tempore (Mr. OLMSTED). The time of the gentleman from Wyoming has expired.

Mr. HAMLIN. Mr. Speaker, I ask that the gentleman be allowed a little more time.

Mr. MONDELL. I would like to have a little time, as I have been interrupted so often. Most of my time has been taken up in answering questions.

Mr. MADISON. Mr. Speaker, I shall certainly not object if an equal amount of time is granted to this side. I think it but fair that an equal amount of time should be granted this side.

The SPEAKER pro tempore. Is there a request submitted?

Mr. MADISON. Mr. Speaker, I request that the gentleman be given five minutes' additional time and equal amount of time be granted to those in opposition.

The SPEAKER pro tempore. The gentleman from Kansas asks unanimous consent that 10 minutes' additional time be given, five minutes to be used by the gentleman from Wyoming and five miutes by the gentleman from Kansas.

Mr. MONDELL. I do not care to use additional time at this time.

The SPEAKER pro tempore. The time of the gentleman from Wyoming has expired. Now, the gentleman from Kansas asks unanimous consent that each side may be given five minutes' additional time. Is there objection? [After a pause.] The Chair hears none.

Does the gentleman from Wyoming reserve the balance of his time?

Mr. MONDELL. Mr. Speaker, I reserve the balance of my time.

Mr. MADISON. Mr. Speaker, if I should take as long as seven minutes, I wish the Chair to notify me at the end of that time. Mr. Speaker, this bill ought not to pass under suspension of the rules. There has been some important legislation submitted to this House during this session of Congress, but there has been no legislation that is more important than this, and yet it is proposed to pass this bill after only 50 minutes' discussion, without reading the bill under the five-minute rule, or giving any opportunity to offer amendments. No bill of the importance of this should be passed under suspension.

Mr. MONDELL. Will the gentleman yield to me for a question?

Mr. MADISON. No; I have only seven minutes.

Mr. MONDELL. It is not our fault that we have to do that.

Mr. MADISON. There has been a great deal of discussion throughout this country with regard to Alaska and the Alaskan coal fields, and there is a general consensus of opinion that those lands should not be permitted to go into private ownership, but that title should be retained in the Government and the lands leased, or the privilege of working the mines leased. It is estimated that there are 15,000,000,000 tons of coal in Alaska, some of it as fine coal as can be found anywhere on the face of the earth. The finest kind of anthracite coal exists in those fields and in veins so thick that it causes every man to wonder if the stories with regard to them can be true, and that coal, except that which has passed already into the hands of private owners, is the property of all the people of the United States. Alaska is the last great national storehouse of natural resources, and you are asked by this bill to give a large portion of its wealth away after a discussion of only 50 minutes, and without any opportunity to amend this bill.

I call upon every man within the sound of my voice to-day, who would protect the interests of the American people, to stand here and voice his protest by his vote against this bill.

I have only a few minutes, and I need but few. There is one great enormity in this bill that should defeat it. The testimony before the Ballinger-Pinchot committee was that the Guggenheims agreed to pay what in effect amounted to a royalty of 50 cents a ton on run-of-mine coal for every ton of coal taken from the Cunningham mines.

The gentleman from Wyoming [Mr. MONDELL] shakes his head in the negative. I sat too long in that case and have read it too many times not to know what the evidence is. It is there, and any man who wants to read it can find it. They formed their own corporation, then they entered into an option for the purchase of the coal lands, and agreed that for every bit of that coal that was mined and went into the general market they would pay 50 cents royalty. That is what it amounted to.

Mr. MONDELL. Will the gentleman yield to me for a question?

Mr. MADISON. Yes.

Mr. MONDELL. As a matter of fact, is it not true that they agreed to pay so much per ton for the coal, and that some one estimated that that meant a margin of 50 cents a ton? They agreed to pay $2.25 a ton, and it was estimated it could be mined at $1.75 per ton. That is a fact, is it not?

Mr. MADISON. True.

Mr. MONDELL. That is not a royalty; that is a profit.

Mr. MADISON. Who gave the figures? The manager of the Morgan-Guggenheim syndicate. He testified it would cost $1.75 a ton to mine the coal, and he did not put an estimate upon it that he believed was giving the Guggenheims the worst of it, and then he said they agreed to pay for the coal as it came from the mines $2.25 a ton.

Mr. COOPER of Wisconsin. What did he say it would net them?

Mr. MADISON. It is a matter of computation. That meant, in substance, a royalty of 50 cents a ton, and any man who can add two and two understands beyond any question that that is what it means. The Guggenheims and the Cunningham claimants owned the corporation which intended to mine the coal, and the Guggenheims allowed it a profit of 50 cents a ton and then would have sold the coal on the general market at an additional profit, thus, in effect, allowing a royalty of 50 cents a ton. The Government expert, a man by the name of Kennedy, and a man as honest as any man that appeared before that committee and who impressed the committee with his ability as an expert, testified that there were 90,000,000 tons of coal in sight on the Cunningham claims. They were willing to pay a royalty or profit, if they got all the coal, of $45,000,000. Of course those figures are large and may be said to be an exaggeration, if you please, but cut it in two and say that they would have gotten out only half of the coal estimated by Kennedy, then they were willing to pay twenty-two and one-half million dollars for that coal in the way of royalty at 50 cents a ton. This bill fixes the maximum for the first period of 10 years at 6 cents a ton.

Mr. JAMES. From three to six.

Mr. MADISON. The maximum at 6 cents a ton. Gentlemen, no leasing bill that is ever passed by the Government of the United States should have a maximum royalty.

Mr. WEEKS. Will the gentleman yield?

Mr. MADISON. Yes.

Mr. WEEKS. Is this hard coal or soft coal?

Mr. MADISON. All kinds.

Mr. WEEKS. How much of it is hard and how much of it is soft?

Mr. MADISON. I am unable to state, but millions of tons of it is hard coal, and as good coal as could be found anywhere on the face of the earth.

Mr. WEEKS. There is no reasonable deduction to be drawn from the statement, unless the statement can be confirmed, as to whether it is hard or soft coal.

Mr. MADISON. Much of it is equal to the best grade of Pennsylvania anthracite coal, and there are good bituminous coals in the same region, or in the immediate vicinity.

Mr. Speaker, has my time expired?

The SPEAKER pro tempore. The time of the gentleman has not expired.

Mr. MADISON. How long, Mr. Speaker, have I talked?

The SPEAKER pro tempore. The gentleman has talked for seven minutes.

Mr. MADISON. Mr. Speaker, I will just say this in conclusion, using just one minute more.

This bill as it stands, as a leasing bill, is a mockery. If this is what the Government of the United States has to offer the people as a conservation measure, as a leasing bill, then I say, God save us from this kind of a conservation measure. [Applause.]

Now, Mr. Speaker, I yield five minutes to the gentleman from Alaska [Mr. WICKERSHAM].

Mr. WICKERSHAM. Mr. Speaker, the gentleman in charge of the bill said awhile ago that no coal lands in Alaska had been patented. That is true, but it is equally true that more than 268 of those coal claims have been sold by the Government of the United States, the final proofs have been made in the local land office, the proofs have been approved, the final receiver's receipt has been issued, and the equitable title of the United States has been conveyed to the purchaser.

The gentleman need not look at the report from the Secretary of the Interior at the back of his report, because it is incorrect. And I will say to the Members of this House that if you want to care for the best interests of the Territory of Alaska every one of you should vote against this bill. No gentleman ought to vote for it who is not sure from the testimony before him that it is right. I say it is wrong; it is all wrong. [Applause.]

Mr. MONDELL. The gentleman wants the coal lands of Alaska sold for $10 flat?

Mr. WICKERSHAM. Does the gentleman desire that this bill should apply to the State of Wyoming?

Mr. MONDELL. I did not say that.

Mr. WICKERSHAM. If the gentleman were to advocate that, and were to go back to Wyoming, I feel confident his action would be disapproved there.

Mr. MONDELL. The gentleman says he wants inserted here a $10-an-acre clause.

Mr. WICKERSHAM. The gentleman from Wyoming said at the time of the passage of that bill that it was the best bill ever passed for Alaska, and the gentleman was urging its passage then, just as he is urging the passage of this bill. Now the gentleman says the former bill is wrong.

Mr. MONDELL. Is the gentleman sure that I said that that was the best bill that could be passed?

Mr. WICKERSHAM. I am quite sure that the gentleman said that—at least in substance.

Mr. MONDELL. I do not recollect that I said a word about the passage of that bill. But did not the gentleman tell our committee that he wanted the sale price of coal land in Alaska to be $10 flat?

Mr. WICKERSHAM. Yes; but, Mr. Speaker, I desire the passage of a bill that will give the people of the United States and the people of Alaska some little show, and not a bill of this kind. This bill does not give the people of Alaska a fair opportunity.

Mr. Speaker, since the Ballinger-Pinchot investigation committee was appointed on the 19th of January of last year there has been much talk of conservation and of saving the coal in Alaska, and a great deal of talk about a Government leasing bill for Alaska. But at the back door, before the local land

office in Alaska, where you do not know what is being done, they have been issuing patents on final proofs of these coal claims and final receipts just as fast as it could be done. More than 120 of those claims in the Katalla field alone have been proved up since the 19th of January of last year, and yet no one in Washington seems to know anything about it.

Mr. STAFFORD. Can the gentleman tell us who has issued those local certificates that he refers to?

Mr. WICKERSHAM. They have been issued by the local land office at Juneau, Alaska, and that fact is known to the Department of the Interior.

Mr. STAFFORD. It was our impression that all of those claims had been withdrawn.

Mr. WICKERSHAM. I have a list here that shows that more than 24,000 acres in the Katalla field have been sold since that time, and Mr. Brooks has testified that there were not more than about 25,000 acres in the entire field.

Mr. MADISON. Then they have practically all been sold?

Mr. WICKERSHAM. Yes; they have all been sold.

There is nothing in either the Katalla coal field or the Matanuska coal field to lease; and if I had had an opportunity to appear before the committee and advise them of that fact, I would have been pleased to do so.

Mr. MONDELL. Will the gentleman yield to me for an interruption?

Mr. WICKERSHAM. Certainly.

Mr. MONDELL. The committee has a list of every entry which has been made in Alaska, with the name of the entryman and the area of the land. There have been no final receipts issued whatever; there have been receipts issued for money, but nothing known as a final receipt, except in the so-called Cunningham cases.

Mr. WICKERSHAM. The gentleman is mistaken in his facts. That shows how little the gentleman knows about the true situation in Alaska.

Mr. MONDELL. I am taking the statement of the Interior Department.

Mr. WICKERSHAM. There are two reports, then, issued by the Interior Department.

Mr. MONDELL. That does not affect the situation.

Mr. WEEKS. I should like to ask the gentleman from Alaska if it is not true that in these cases the people who have invested their money and developed these lands can not get final receipts.

Mr. WICKERSHAM. No, sir; that is not true. I have a letter here which I will read:

DEPARTMENT OF THE INTERIOR,
Washington, January 21, 1911.

Hon. JAMES WICKERSHAM,
House of Representatives.

SIR: In response to your inquiry of the 13th instant, you are informed that reports from United States land offices in Alaska show that they have received payments under 118 coal locations upon which no final certificates have been issued, but these reports do not indicate the number of locations under which payments have been tendered but not received. The locations mentioned by you as Cunningham and Whorf cases are not included in the 118 mentioned above.

Very respectfully, R. A. BALLINGER, *Secretary.*

But the final receipt is issued in every case, and that is equivalent, under the decision of the Supreme Court, to a patent for the title.

Mr. MONDELL (from his seat). He is a liar; that is all.

Mr. WICKERSHAM. You are a liar, if you say that; that is all.

[Menacing actions took place between Mr. WICKERSHAM and Mr. MONDELL.]

The SPEAKER pro tempore. The Sergeant at Arms will preserve order.

[The Sergeant at Arms, bearing the mace, appeared.]

Mr. WICKERSHAM. Mr. Speaker, I want the RECORD to show that I apologize to the House. I was called a liar.

The SPEAKER pro tempore. The House will be in order. All gentlemen will be seated.

Mr. TAWNEY. I move that the words occurring in the colloquy between the gentleman from Alaska and the gentleman from Wyoming be reported from the desk to the House, for the future action of the House.

The SPEAKER pro tempore. What is the gentleman's motion?

Mr. TAWNEY. That the words be taken down and reported from the desk to the House.

Mr. JAMES. About taking the words down, I do not know that any of the reporters heard the words.

The SPEAKER pro tempore. The gentleman from Minnesota moves that the words be reported from the desk to the House.

The motion was agreed to.

The SPEAKER pro tempore. The words will be reported from the desk by the Official Reporter.

The Official Reporter read as follows:

Mr. WICKERSHAM (after reading the letter from the Secretary of the Interior continued). The final receipt is issued in every case, and that is equivalent under the decision of the Supreme Court of the United States to a patent for the title.

Mr. MONDELL. He is a liar; that is all.

Mr. WICKERSHAM. You are a liar, if you say that; that is all.

Mr. TAWNEY. Mr. Speaker, the language used by both gentlemen is in violation of the rules of the House, and I think they both ought to be required to apologize to the House.

Mr. WICKERSHAM. Mr. Speaker, I do desire on my part to apologize to the House; I lost my temper. [Applause.]

Mr. KEIFER. If the Chair will allow me, I think the apology must go a little further than that connected with the words; it should go to the unseemly incident that followed.

Mr. WICKERSHAM. Mr. Speaker, I want my apology to be just as broad as any gentleman in the House desires it to be. [Applause.]

Mr. MONDELL. Mr. Speaker, I desire to say that I made no such statement in debate as was read from the Speaker's desk. Listening to the reading of the statement by the gentleman from Alaska, which I did not hear very clearly, I turned to the gentleman from South Dakota in answer to a suggestion from him as to whether that were true or that was different from the statement that was in the record, and said, if I recollect rightly, "Then he must be a liar."

My reference was to the fact that in the letter which we have received and which is in the hearings there is nothing to indicate that the final receipts were issued, constituting the equivalent of a patent. On the contrary, in the letter of the Commissioner of the General Land Office, which is in the hearings, the statement was made that the only final receipts that had been issued were on the Cunningham claims and that the other receipts that had been issued were simply receipts for money paid. It is well known that a receipt for money paid is not a final receipt.

The statement, on the one hand, that final receipts had been issued which were equivalent to a patent and the statement in the letter that no final receipts had been issued except in one case constitute at least a direct contradiction one of the other. Hence the statement I made, which was not directed to the gentleman from Alaska at all, and it was not in debate, but was a word spoken to a gentleman who stood before me.

I realize, Mr. Speaker, however, that I should not have used the word at all with regard to anyone here or elsewhere. I appreciate that fact, and I apologize to the House for having used it out of debate. I certainly should not have used it in debate. I used it as a chance word to a Member standing beside me with reference to the two statements containing, if I understand them rightly, two directly opposite statements as to the receipts which have been issued.

I greatly regret, gentlemen, that anything I have said here has caused a disturbance or led to any unparliamentary action. If I have been unparliamentary, I desire to apologize to the House for having been so. [Applause.]

Mr. TAWNEY. Mr. Speaker, I move that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. TAWNEY) there were 86 ayes and 71 noes.

Mr. MADISON. I demand tellers.

Tellers were ordered.

The Chair appointed as tellers Mr. TAWNEY and Mr. MADISON.

The House again divided, and the tellers reported that there were 84 in the affirmative and 72 in the negative.

Mr. JAMES. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 93, nays 113, answered "present" 7, not voting 170, as follows:

YEAS—93.

Anthony	Grant	Loud	Simmons
Austin	Greene	McCreary	Smith, Tex.
Barchfeld	Griest	McCredie	Southwick
Bennet, N. Y.	Hamer	McKinney	Stafford
Burke, Pa.	Hamilton	McLachlan, Cal.	Steenerson
Burke, S. Dak.	Hammond	McLaughlin, Mich.	Sterling
Calder	Hanna	Mann	Stevens, Minn.
Cassidy	Hawley	Massey	Sturgiss
Chapman	Hayes	Miller, Kans.	Sulloway
Cocks, N. Y.	Heald	Mondell	Tawney
Cole	Higgins	Moore, Pa.	Taylor, Colo.
Cravens	Hollingsworth	Morgan, Mo.	Tilson
Diekema	Howell, Utah	Moxley	Townsend
Dodds	Howland	Murphy	Volstead
Dwight	Hubbard, W. Va.	Needham	Washburn
Fordney	Hughes, Ga.	Olmsted	Weeks
Foss	Hull, Iowa	Parker	Wheeler
Foster, Vt.	Keifer	Parsons	Wiley
Gaines	Kennedy, Iowa	Pickett	Woods, Iowa
Gardner, Mass.	Kennedy, Ohio	Plumley	Young, Mich.
Gardner, N. J.	Knowland	Pratt	Young, N. Y.
Gillett	Kronmiller	Pray	
Good	Lawrence	Roberts	
Graham, Pa.	Longworth	Robinson	

NAYS—113.

Adair	Dies	Johnson, S. C.	Rainey
Aiken	Dixon, Ind.	Jones	Randell, Tex.
Alexander, Mo.	Edwards, Ga.	Kitchin	Ransdell, La.
Ansberry	Esch	Kopp	Rauch
Beall, Tex.	Fish	Korbly	Reeder
Bell, Ga.	Fitzgerald	Lamb	Roddenbery
Boehne	Flood, Va.	Lee	Rothermel
Booher	Floyd, Ark.	Lenroot	Rucker, Mo.
Borland	Fornes	Lindbergh	Saunders
Brantley	Foster, Ill.	Lloyd	Shackleford
Burleson	Garner, Tex.	McHenry	Sharp
Byrns	Garrett	Macon	Sheppard
Campbell	Gillespie	Madison	Sherley
Candler	Godwin	Maguire, Nebr.	Sherwood
Carter	Goldfogle	Martin, Colo.	Sims
Clark, Mo.	Gordon	Mays	Sisson
Cline	Hamill	Mitchell	Stanley
Collier	Hamlin	Morrison	Stephens, Tex.
Conry	Hardy	Morse	Thomas, Ky.
Cooper, Wis.	Hay	Moss	Thomas, N. C.
Covington	Heflin	Nelson	Tou Velle
Cox, Ind.	Helm	Nicholls	Turnbull
Cox, Ohio	Houston	Norris	Underwood
Cullop	Hubbard, Iowa	Nye	Watkins
Davis	Hughes, N. J.	Oldfield	Webb
Dent	Hull, Tenn.	Padgett	Wickliffe
Denver	Humphreys, Miss.	Page	
Dickinson	James	Palmer, A. M.	
Dickson, Miss.	Johnson, Ky.	Poindexter	

ANSWERED "PRESENT"—7.

Adamson	Driscoll, M. E.	Hardwick	McMorran
Burnett	Ferris	Hill	

NOT VOTING—170.

Alexander, N. Y.	Driscoll, D. A.	Joyce	Payne
Ames	Dupre	Kahn	Pearre
Anderson	Durey	Keliher	Peters
Andrus	Edwards, Ky.	Kendall	Pou
Ashbrook	Ellerbe	Kinkaid, Nebr.	Prince
Barclay	Ellis	Kinkead, N. J.	Pujo
Barnard	Elvins	Knapp	Reid
Barnhart	Englebright	Küstermann	Rhinock
Bartholdt	Estopinal	Lafean	Richardson
Bartlett, Ga.	Fairchild	Langham	Riordan
Bartlett, Nev.	Fassett	Langley	Rodenberg
Bates	Finley	Latta	Rucker, Colo.
Bennett, Ky.	Focht	Law	Sabath
Bingham	Foelker	Legare	Scott
Boutell	Fowler	Lever	Sheffield
Bowers	Fuller	Lindsay	Slayden
Bradley	Gallagher	Lively	Slemp
Broussard	Gardner, Mich.	Livingston	Small
Burgess	Garner, Pa.	Loudenslager	Smith, Cal.
Burleigh	Gill, Md.	Lowden	Smith, Iowa
Butler	Gill, Mo.	Lundin	Smith, Mich.
Byrd	Glass	McCall	Snapp
Calderhead	Goebel	McDermott	Sparkman
Cantrill	Goulden	McGuire, Okla.	Sperry
Capron	Graff	McKinlay, Cal.	Spight
Carlin	Graham, Ill.	McKinley, Ill.	Sulzer
Cary	Gregg	Madden	Swasey
Clark, Fla.	Guernsey	Malby	Talbott
Clayton	Harrison	Martin, S. Dak.	Taylor, Ala.
Cooper, Pa.	Haugen	Maynard	Taylor, Ohio
Coudrey	Havens	Miller, Minn.	Thistlewood
Cowles	Henry, Conn.	Millington	Thomas, Ohio
Craig	Henry, Tex.	Moon, Pa.	Vreeland
Creager	Hinshaw	Moon, Tenn.	Wallace
Crow	Hitchcock	Moore, Tex.	Wanger
Crumpacker	Hobson	Morehead	Weisse
Currier	Howard	Morgan, Okla.	Willett
Dalzell	Howell, N. J.	Mudd	Wilson, Ill.
Davidson	Huff	Murdock	Wilson, Pa.
Dawson	Hughes, W. Va.	O'Connell	Wood, N. J.
Denby	Humphrey, Wash.	Olcott	Woodyard
Douglas	Jamieson	Palmer, H. W.	
Draper	Johnson, Ohio	Patterson	

So the motion to adjourn was rejected.

The Clerk announced the following pairs:

For balance of day:

Mr. TAYLOR of Ohio with Mr. BROUSSARD.

Mr. MALBY with Mr. MOON of Tennessee.

Mr. PEARRE with Mr. RUCKER of Colorado.

For the session:

Mr. WOODYARD with Mr. HARDWICK.

Mr. SLEMP with Mr. FLOOD of Virginia.

Mr. BUTLER with Mr. BARTLETT of Georgia.

Until further notice:

Mr. GARDNER of Michigan with Mr. LEVER.

Mr. SMITH of Iowa with Mr. HARRISON.

Mr. RODENBERG with Mr. ANDERSON.

Mr. PRINCE with Mr. GREGG.

Mr. MOON of Pennsylvania with Mr. TAYLOR of Alabama.

Mr. MARTIN of South Dakota with Mr. LEGARE.

Mr. MADDEN with Mr. CARTER.

Mr. MCKINLEY of Illinois with Mr. REID.

Mr. LOWDEN with Mr. SPIGHT.

Mr. LOUDENSLAGER with Mr. RICHARDSON.

Mr. LAW with Mr. SPARKMAN.

Mr. HUMPHREY of Washington with Mr. PETERS.

Mr. HENRY of Connecticut with Mr. LIVINGSTON.

Mr. FOCHT with Mr. KELIHER.

Mr. DRAPER with Mr HITCHCOCK.

Mr. DAVIDSON with Mr. HENRY of Texas.

Mr. DALZELL with Mr. HAVENS.

Mr. HENRY W. PALMER with Mr. CARLIN.

Mr. BURLEIGH with Mr. ELLERBE.

Mr. AMES with Mr. CANTRILL.

Mr. ALEXANDER of New York with Mr. BARTLETT of Nevada.

Mr. MCMORRAN with Mr. PUJO.

Mr. MOREHEAD with Mr. POU.

Mr. OLCOTT with Mr. SULZER.

Mr. ADAMSON. Mr. Speaker, has the gentleman from Pennsylvania, Mr. WANGER, voted?

The Speaker pro tempore. He has not.

Mr. ADAMSON. Then I withdraw my vote of "no," and desire to be recorded as "present."

Mr. HARDWICK. Mr. Speaker, I desire to inquire if the gentleman from West Virginia, Mr. WOODYARD, voted.

The SPEAKER pro tempore. He did not.

Mr. HARDWICK. Mr. Speaker, I voted "no." I desire to withdraw my vote and answer "present."

The SPEAKER pro tempore. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. HARDWICK, and he answered "Present."

The result of the vote was announced as above recorded.

Mr. JAMES. Mr. Speaker, I agree with Judge MADISON, of Kansas, that this is one of the most important bills that has been or will be considered by this Congress. Alaska, beyond all question, is the greatest storehouse of the people's resources in the United States for coal and all minerals. The value of these minerals can not be overestimated. It leaps into untold millions of dollars. Experts tell us that the finest coal in the world is to be found there; anthracite of the best character, steaming coal of the greatest value, minerals of all sorts and kinds are in this wonderful storehouse, which is now the property of the people. This bill, Mr. Speaker, will soon dispose of this valuable property; but it will go into the possession of a few men who have had their hands at the throat of Alaska until the exposures made by Gifford Pinchot and Louis R. Glavis and the investigation precipitated by them called a halt. [Applause.] This bill brought in here to-day will lodge, if passed, in the hands of the Secretary of the Interior, Richard A. Ballinger, the right to lease the most valuable resources owned by the people of the United States, lease to whom he pleases, deny to whom he desires; for section 2 of the bill provides:

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized, for and on behalf of the United States, to issue licenses granting the holders thereof the right to prospect and explore for coal on the vacant public lands in the District of Alaska and to execute leases authorizing the lessee to mine and remove coal from such lands.

The amount that can be leased to one person or corporation is 2,560 acres. The disposition of this valuable property is to be placed in the hands of the Secretary of the Interior, when right in this House to-day there is a report signed by three Members of this House out of six who represented this body in the investigation of the Interior Department, finding that Secretary Ballinger is an unfaithful public official, and that the interests of the people of the United States are not safe in his hands. [Applause.] And yet we are called upon, with this report unacted upon, and you gentlemen upon the other side will not dare to allow it to come up to be acted upon, because you know if it is permitted to come up for consideration the findings made by this committee will be adopted, and yet we are told that this property of immeasurable value should be turned into the hands of an official who to-day is under a solemn finding of three Members of this House to this effect. This report holds that Secretary Ballinger's acts in connection with these very coal fields of Alaska were unfaithful to the people of the United States, finding that he was an attorney for the Cunningham claimants, who with the Morgan-Guggenheim syndicate undertook to exploit and own Alaska, holding that he had patented lands without authority of law to the Cunningham claimants, who had sold and optioned their land in advance to the Morgan-Guggenheim syndicate. This bill lodges in this Secretary of the Interior's hands the right to say to whom he will give prospecting rights, the right to say to whom he will give the privilege of going into Alaska and prospecting for coal, virtually turning over to him the whole of the people's property in Alaska.

It is provided further in this bill that before any lease shall have been authorized, before any right to go forward and search for coal lands upon which a lease is desired, that the person applying for the lease must go to Alaska and, in the language of the bill—

No license or lease shall be issued until after the publication of the application therefor for 30 days in some newspaper of general circulation in the land district in which the land is located and an opportunity has been given for the hearing of any protests which may be made during the period of publication against the issuance of such license or

lease, and no lease covering unsurveyed lands shall be issued until a survey shall have been executed, etc.

Here is the further extraordinary power given into the hands of Secretary Ballinger of hearing protests which may be made against the issuance of such license or such lease, lodging in his hands the right to say whether, if a person goes under a permit to prospect and locates the land, it shall be leased to him or not. The protest can be made by any person, and the decision is in the hands of the Secretary of the Interior. And what is the amount under the provisions of this bill that we are told must be paid to the United States Government as royalty upon each ton of coal? Three cents a ton is the royalty, notwithstanding the Morgan-Guggenheim syndicate, in their testimony before the Ballinger-Pinchot committee, stated that the profit upon each ton of coal mined was not less than 50 cents per ton. Yet under the provisions of this bill coal is to be given away at the rate of 3 cents a ton as royalty to the Government of the United States. And it gives the power to the Secretary of the Interior to grant this lease for a term of 30 years, and in addition to the 30 years given, which is at the option of the lessee, it is also provided that there shall be a preferential right to extend the lease for a period of not more than 20 years, which means throwing the Alaska coal fields and mineral fields over to the favorites of Secretary Ballinger for half a century.

This bill further lodges in the hands of Secretary Ballinger, under section 8, power as follows:

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

This is a nice provision that will allow corporations to send forth various individuals and get interests in Alaska and have them transferred to them after they obtain the written permission and approval of the Secretary of the Interior. Yet, under the law as it now stands, no person can go to Alaska with the purpose or intention, either express or implied, and take any land for the purpose of selling it to another.

The real joker in this bill, however, and it is virtually all jokers, is section 4, which provides as follows:

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

This section would at once validate the fraudulent Cunningham coal claims. The brief filed with President Taft by Gifford Pinchot and Amos Pinchot to my mind shows without doubt that these Cunningham claims are fraudulent. This brief is unanswerable in reasoning and conclusion, and a great public service has been performed by these gentlemen upon this question—the Cunningham claims, which are now the joint property of these claimants and the Morgan-Guggenheim syndicate, the claims which Clarence Cunningham swore had not been optioned to the Morgan-Guggenheim syndicate and, with this affidavit, sent Mr. Ballinger to Mentor, Ohio, to Secretary Garfield to have patented and deeded to the Cunningham claimants, and yet we now know that the Cunningham claims had been optioned by Clarence Cunningham and others at this very time he was attempting to have them patented by Mr. Garfield.

Mr. Speaker, I believe that this valuable Alaskan property should be leased, but it should be under safeguards and protection that would give to the American people equal rights. This rich coal field, sufficient when developed to warm the world for generations, ought not to be turned over to the tender mercies of those who have been attempting to seize it, but have been beaten back for awhile by the white light of publicity. If it is to be leased, it should be done under safeguards as strong as bands of steel, under royalty commensurate with its rich value, under conditions that will reserve to the people some of the proportionate value of the rich fields we are now asked to give away.

Mark my words, Mr. Speaker, if this bill becomes a law, Alaska is gone. [Loud applause.] These valuable resources of the people of the United States will be gobbled up, and it will be but a short while until the richest coal fields in all the world will be owned by a few men who happen to be favorites of the Secretary of the Interior. [Loud applause.] This is not our property to give away; it is the people's property, and if it is to be leased, let us take the time to consider well, to investigate thoroughly, to examine carefully every sentence in the bill that undertakes that task. Let us not in the last days of an expiring session, under suspension of the rules and with most limited debate, take such action that will subject us to severest, yet most merited, criticism for dealing out public property to those who would exploit and grow great fortunes out of it. [Loud applause.]

Mr. MADISON. Mr. Speaker, I yield three minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Speaker, this bill, one of the most important that has been before this Congress, ought not to pass under suspension of the rules, without opportunity for amendment, and with only 50 minutes of debate. If this bill becomes a law, section 4 will give a preference to every man now in possession fraudulently attempting to gain coal lands in Alaska. It will give preference to every one of the Cunningham claimants if the President shall find that their patents should be denied because of fraud. It gives a preference to a fraudulent claimant over that of an honest man. It is unthinkable that this Congress will enact legislation of that character. It seems to me that the committee could not have considered the effect of the terms of section 4 in this regard. It reads:

Preference shall be given to the qualified applicant who shall show prior possession with a view of acquiring title—

And so forth.

The gentleman from Wyoming [Mr. MONDELL], when I questioned him in regard to this section, made the statement that it might be true as to 160 acres only, but it would go no further than that.

Now, I submit, Mr. Speaker, the construction of that section is this, that if a man is in possession of a single 160-acre tract, he will be given preference under section 4 to the entire tract of 2,560 acres applied for under his lease, and that means that every one of the Cunningham claimants will be included in the leases that the Secretary of the Interior will be compelled to grant.

This Congress, if this bill passes, will order the Secretary of the Interior to give preference to the Cunningham claimants, no matter how fraudulent their attempts may have been to acquire title to these coal lands in the past.

And, Mr. Speaker, with reference to sections 3 and 6, the gentleman from Wyoming [Mr. MONDELL] stated—and I do not question but that he stated it in good faith—that the conditions prescribed in section 6, the conditions of the lease, were coextensive with the prohibitions of the bill.

Section 3 provides that no person, association, or corporation applying for a lease of these coal lands, or a stockholder therein, shall during the lifetime of such permit or lease receive or be permitted to hold, directly or indirectly, any other permit, lease, or license, or any interest therein, to coal lands in Alaska under the provisions of the act. This is a prohibition broad in terms, but it will be observed that there is no penalty whatever prescribed for a violation of the terms of this section, nor is there any method prescribed for compelling observance of its requirements.

Section 6 prescribes that all leases issued under the provisions of the act shall be upon certain conditions, and one of the conditions is—

That the lessee shall not during the lifetime of the lease receive or hold, directly or indirectly, any other lease under the provisions of this act, or interest therein.

Upon a breach of the conditions of the lease the same may be forfeited and canceled by a suit instituted in the United States district court of Alaska. The most casual examination of this condition, however, will show that it is not coextensive with the prohibition in section 3. The condition is that the lessee shall not hold, directly or indirectly, any other lease. Section 3 prohibits not only the lessee but any stockholder therein to hold any other lease or permit. We therefore have this situation: That under the terms of the bill a corporation may become a lessee of coal lands in Alaska.

The stockholders of that corporation may form another corporation and take another lease of coal lands, and they might go on indefinitely doing this, and, while it is prohibited in section 3, there is no penalty prescribed for its violation, and each of the leases would be absolutely valid, not subject to cancellation or forfeiture, because there would be no breach in the conditions of the lease, as defined in section 6. Neither would there be any violation of the act, so far as the lessees were concerned. A casual reading of the bill would give one the impression that the spirit of it was to prevent the common ownership or control of coal lands in Alaska in excess of 2,560 acres. The bill itself utterly fails to accomplish this.

The provision in section 6 that is intended to guard against monopoly will be ineffectual not only from a practical standpoint but under the very terms of the bill itself. The section provides that the lessee shall at all times sell the coal extracted from the leased premises at just, fair, and reasonable rates, without the giving of rebates or drawbacks, and without discrimination in price or otherwise, as between persons or places for a like product delivered "under similar terms and conditions." The House well remembers how the long-and-short-haul clause of the interstate-commerce law was for a great many years rendered absolutely nugatory through the use of the terms "under substantially similar circumstances and conditions," and yet, notwithstanding the many decisions of the Supreme Court of the United States holding that this language will permit of widely different rates in transportation, we are expected to believe that this language will tend to secure uniformity in price of coal.

It seems to me that there ought to be an absolute requirement that an absolute price should be made to all in carload lots; and, more than that, there should be reserved in some proper department of the Government the right to control and fix the prices to be charged for the coal mined.

I have only the time, Mr. Speaker, to refer to one other section of the bill, and that very briefly. Section 10 gives to the lessee the exclusive use of the surface of the leased lands, with the exception of roads and highways granted by the Secretary of the Interior and rights of way across the same. Under this language it would be possible for the lessee, if there was any coal upon a tract of 2,560 acres, to reserve and control a town site, a forest, or large water powers. This section should be amended so as to provide that the exclusive use to be enjoyed by the lessee should be so far as necessary for the purposes of mining, and it should go no further than that.

I am in hearty sympathy with the general purposes of the bill, and if the House had an opportunity to amend it I believe that a bill would be passed by the House that would mean much for the development of Alaska and for true conservation of our natural resources. This bill, however, is not a conservation bill. It is a bill that if enacted will practically give away a large part of our national domain to men who have for years been attempting to defraud the Government out of these coal lands.

Mr. WICKERSHAM. Mr. Speaker, the first section of the bill before the House reserves all lands in the District of Alaska which contain workable coal from all forms of entry, appropriation, and disposal, except under the provisions of this bill. I have no doubt that those who read the bill without knowing the facts will imagine that the valuable coal lands in Alaska, about which we have heard so much in the last few years, are reserved by that section. Such is not the fact. It reserves everything which ought not to be reserved in Alaska, while the proviso following it specifically excludes everything from reservation which the people of the United States think ought to be reserved. That proviso reads as follows:

Provided, That nothing herein contained shall in any manner affect any claims or rights to any such coal lands heretofore asserted or established under the land laws of the United States, and all such claims and rights shall be treated, passed upon, and disposed of as though this act had not been passed.

That proviso is practically a curative act. Every claim or right to any coal lands in Alaska "heretofore asserted or established" is excluded from the reservation. It is important, then, to know how many claims in Alaska and how many rights to coal lands have been heretofore asserted or establishd.

I can only advise the House that I am informed that about 900 claims have been asserted, but herewith I exhibit to the House a list of claims, beginning with the Cunningham claims, which have been established by final proof in the local land office at Juneau, Alaska.

In addition to the claims set out in the table following, I am informed that the Pittsburg and Cleveland groups in the Katalla field have also been proved up on and paid for and the title of the United States thus equitably conveyed to the purchasers. This would make a total of about 268 claims, of 160 acres each, 32 of which are in and command the Matanuska field, and the others are in and constitute practically the whole of the Katalla field.

List of coal claims in Alaska upon which final payment or purchase price has been made and final receipt issued.

Date of receipt.	Serial No.	Receipt No.	Survey No.	Area (acres).	Purchase price.	Claim name.	Name of claimant.
Feb. 28, 1907		1	50	159.161	$1,591.61	Newgate	Andrew L. Scofield.
Do		2	58	159.241	1,592.41	Lucky Baldwin	Francis Jenkins.
Do		3	71	155.447	1,554.47	Lyons	Charles J. Smith.
Do		4	62	159.001	1,590.01	Wabash	Horace C. Henry.
Mar. 13, 1907		5	41	159.201	1,592.01	Lobster	Ignatius Mullen.
Do		6	44	159.161	1,591.61	Socorro	Henry White.
Do		7	51	159.041	1,590.41	Tenino	H. W. Collins.
Do		8	53	159.041	1,590.41	Albion	F. C. Davidson.
Do		9	54	159.241	1,592.41	Ansonia	Michael Doneen.
Do		10	59	159.400	1,594.00	Plutocrat	Frank F. Johnson.
Mar. 20, 1907		11	42	159.201	1,592.01	Octopus	J. G. Cunningham.
Do		12	46	159.241	1,592.41	Maxine	Clarence Cunningham.
Mar. 29, 1907		13	49	159.320	1,593.20	Collier	A. B. Campbell.
Do		14	48	159.241	1,592.41	Candelaria	Henry Wick.
Do		15	47	159.281	1,592.81	Agnes	Hugh B. Wick.
Apr. 11, 1907		16	56	159.161	1,591.61	Adrian	Fred H. Mason.
Do		17	61	159.241	1,592.41	Tulare	Wm. E. Miller.
Do		18	40	159.201	1,592.01	Cunningham	Charles Sweeney.
Do		19	68	159.201	1,592.01	Clear	B. C. Riblett.
Do		20	55	159.281	1,592.81	Adams	Fred C. Moore.
Do		21	64	158.762	1,587.62	Boston	Alfred Page.
Apr. 23, 1907		22	38	159.201	1,592.01	Victor	W. W. Baker.
Do		23	43	159.161	1,591.61	Deposit	Frederick Burbidge.
Do		24	45	159.241	1,592.41	Carlsbad	R. K. Neill.
Do		25	52	159.320	1,593.20	Rutland	Joseph H. Neill.
Do		26	60	159.400	1,594.00	Ludlow	Miles C. Moore.
Do		27	67	158.882	1,588.82	Bozeman	John R. Finch.
Do		28	69	159.201	1,592.01	Bedford	Walter B. Moore.
Do		29	70	159.121	1,591.21	Calais	Arthur B. Jones.
Do		30	57	159.201	1,592.01	Avon	Orville D. Jones.
Oct. 25, 1907		31	66	159.121	1,591.21	Tampa	W. H. Warner.
Do		32	39	159.041	1,590.41	Syndicate	Frank A. Moore.
Do		33	37	159.121	1,591.21	Frick	Nelson B. Nelson.
May 18, 1908	0136	34	149	159.840	1,598.40	Butte	Harry White.
May 23, 1908	0144	35	161	159.680	1,596.80	Tacoma	Mrs. J. F. Watson.
June 15, 1908	0143	36	162	159.640	1,596.40	Wheeler	Georgianna B. Prescott, executrix; deed to C. E. Meers.
Do	0142	37	163	159.720	1,597.20	Josephine	Mrs. Anna White.
June 27, 1908		38	88	79.620	796.20	Senora	Geo. M. Seward.
July 10, 1908	09	4009	190	159.720	1,597.20	Valdez	A. K. Tiernan.
Aug. 17, 1908	053	4043	167	159.640	1,596.40	Chicago	Watson Allen.
Aug. 25, 1908	054	4044	185	159.680	1,596.80	Black Bear	Chas. J. Kinnear.
Do	055	4045	155	159.680	1,596.80	Brown Bear	Roy J. Kinnear.
Aug. 26, 1908	060	4046	164	159.600	1,596.00	Iowa	J. E. Chilberg.
Do	061	4047	184	159.760	1,597.60	Chilberg	Anna M. Chilberg.
Do	062	4048	154	159.720	1,597.20	Blue Bear	H. O. Hollenbock.
Do	063	4049	179	159.720	1,597.20	Virginia	W. V. Rinehart.
Do	064	4050	158	159.600	1,596.00	Washington	Geo. W. H. White.
Do	065	4051	182	159.760	1,597.60	Oregon	M. A. Green.
Aug. 27, 1908	068	4054	156	159.800	1,598.00	Portland	Robt. A. White.
Sept. 14, 1908	080	4072	180	159.760	1,597.60	Rossland	John W. Wood.
Sept. 26, 1908	096	4087	189	159.720	1,597.20	Deming	W. H. Hurlburt.
Oct. 20, 1908	0108	4101	188	157.177	1,571.77	Seattle	Morris A. Arnold.
Nov. 24, 1908	0145	4124	153	159.640	1,596.40	California	E. B. McFarland.
Dec. 19, 1908	0155	4143	86	79.441	794.41	Santa Rita	Geo. W. Miller.
Do	0158	4144	90	79.441	794.41	Santa Rosa	F. R. Thompson.

List of coal claims in Alaska upon which final payment or purchase price has been made and final receipt issued—Continued.

Date of receipt.	Serial No.	Receipt No.	Survey No.	Area (acres).	Purchase price.	Claim name.	Name of claimant.
Dec. 22, 1908	0164	4146	102	106.574	$1,065.74	Gopher	L. F. Seward.
Do	0161	4147	93	159.241	1,592.41	San Marciol	Horace S. Oakley.
Dec. 24, 1908	0153	4148	135	159.760	1,597.60	Highland	R. L. M. Strickland.
Do	0140	4149	168	89.549	895.49	Butler	Fannie T. Wheeler.
Do	0182	4150	121	143.123	1,431.23	Elk	Wm. C. Cook.
Do	0166	4151	108	159.041	1,590.41	Pachuca	W. F. Wandtke.
Do	0167	4152	109	159.201	1,592.01	Orizaba	E. A. Turpin.
Do	0170	4153	112	102.876	1,028.76	San Miguel	A. L. Drum.
Do	0154	4154	144	159.680	1,596.80	Ruby	Harvey S. Moore.
Dec. 26, 1908	0160	4155	92	103.007	1,030.07	Tacuba	W. O. Kilman.
Do	0168	4156	110	159.360	1,593.60	Oaxaca	C. E. Thompson.
Do	0174	4157	143	159.640	1,596.40	Diamond	Elzer C. Noe.
Do	0175	4158	145	129.388	1,293.88	Garnet	Wm. V. Griffin.
Do	0169	4159	111	159.440	1,594.40	Lynn	E. L. Des Jardines.
Do	0189	4162	98	143.679	1,436.79	Caribou	K. L. Geraghty.
Do	0162	4160	97	158.882	1,588.82	Le Roi	E. S. Gall.
Do	0186	4161	134	119.820	1,198.20	Racine	A. C. Frost.
Dec. 28, 1908	0187	4163	137	159.440	1,594.40	Rondout	Jos. W. Fitzgerald.
Do	0196	4164	113	65.538	655.38	Alpena	H. E. Horrocks.
Do	0193	4165	105	158.960	1,589.60	Homestake	Jos. E. McCabe.
Do	0180	4166	103	106.964	1,069.64	Rabbit	C. W. Merrilies.
Do	0157	4167	89	102.796	1,027.96	San Jose	E. H. Vivian.
Mar. 26, 1909	0115	4236	160	159.800	1,598.00	Lebo	E. House.
Do	0116	4237	157	159.880	1,598.80	Neva	J. G. Mack.
Do	0117	4238	159	159.760	1,597.60	Rosa	J. R. Rogers.
Do	0118	4239	156	159.880	1,598.80	Rova	S. J. Barber.
Apr. 28, 1909	022	4253	248	159.920	1,599.20	Georgia	James Campbell.
July 8, 1909	0122	4300	192	39.646	396.46	California	Frank D. Derby.
Do	0123	4301	187	159.840	1,598.40	Everett	August H. Borth.
July 17, 1909	0492	4312	312	132.670	1,326.70	Harkrader	George Harkrader.
Aug. 10, 1909	019	4318	245	159.760	1,597.60	Utah	C. T. Lindsley.
Oct. 11, 1909	021	4348	247	159.880	1,598.80	North Dakota	C. W. Cornelius.
Oct. 13, 1909	020	4350	246	85.997	859.97	Portland	Matilda Burke.
Oct. 16, 1909	0294	4351	315	65.101	651.01	Port Graham	Wm. G. Whorf.
Oct. 29, 1909	0227	4374	200	142.320	1,423.20	Moose	Benj. B. Ball.
Do	0228	4375	201	129.080	1,290.80	Elk	Allan H. McDougall.
Nov. 9, 1909	0308	4379	.....	1,639.300	16,393.00	Consol. sur 203 to 214	Alaska Petroleum & Coal Co.
Nov. 24, 1909	0838	4386	.....	576.725	5,767.25	Consol. sur 249 to 254	Bering River Alaska Coal Co.
Jan. 3, 1910	0146	4400	314	159.880	1,598.80	Blaine	Mary A. Rosene.
Do	0229	4401	202	115.620	1,156.20	Faun	Agnes Gould.
Do	0223	4402	195	137.440	1,374.40	Francis	Francis Gzella.
Do	0224	4403	196	145.350	1,453.50	Herman	Herman Roehm.
Do	0225	4404	197	149.850	1,498.50	Katinka	K. McD. Ross.
Do	0226	4405	198	155.500	1,555.00	Estella	Estella C. Snell.
Feb. 25, 1910	0102	4424	318	160.000	1,600.00	No. 1	Lila A. Olds.
Mar. 8, 1910	028	4434	310	159.613	1,596.13	New York	H. W. Young.
Mar. 21, 1910	098	4437	255	159.960	1,599.60	L. W. Haller	L. W. Haller.
Do	0450	4438	256	159.960	1,599.60	R. C. Johnston	Heirs of R. C. Johnston.
Do	090	4439	257	159.900	1,599.00	W. R. Johnston	W. R. Johnston.
Do	083	4440	258	159.960	1,599.60	S. R. Davidson	S. R. Davidson.
Do	085	4441	270	159.880	1,598.80	S. Calhoun	Scott Calhoun.
Do	094	4442	269	159.920	1,599.20	R. S. Barber	R. S. Barber.
Do	084	4443	263	159.880	1,598.80	J. Gardner	J. D. Gardner.
Do	0109	4444	264	159.860	1,598.60	W. S. Fulton	W. S. Fulton.
Do	0124	4445	277	157.270	1,572.70	F. K. Munday	F. K. Munday.
Do	0150	4446	276	159.820	1,598.20	J. Hamilton	J. M. Hamilton.
Do	0299	4447	274	58.740	587.40	I. V. Fry	Izora V. Fry.
Do	0298	4448	273	144.010	1,440.10	J. M. Stuver	J. M. Stuver.
Do	0297	4449	272	159.780	1,597.80	M. Siegley	M. A. Siegley.
Do	0311	4450	75	159.860	1,598.60	Minnesota	H. R. Simpson.
Do	095	4451	271	159.840	1,598.40	A. C. Miller	A. C. Miller.
Do	093	4452	268	159.840	1,598.40	F. H. Baxter	F. H. Baxter.
Do	0452	4453	267	159.920	1,599.20	J. P. Conway	J. P. Conway's heirs.
Do	092	4454	265	159.840	1,598.40	J. H. Yeates	J. H. Yeates.
Do	091	4455	262	159.900	1,599.00	L. E. Barber	L. E. Barber.
Do	082	4456	261	159.900	1,599.00	S. B. Emmens	S. B. Emmens.
Do	0296	4457	260	159.720	1,597.20	M. F. Wight	M. F. Wight.
Do	0100	4458	259	159.800	1,598.00	H. M. Hill	Homer M. Hill.
Do	0451	4459	275	159.840	1,598.40	J. F. Trowbridge	Heirs of J. F. Trowbridge.
Do	0112	4460	288	159.800	1,598.00	A. Hamilton	Almira Hamilton.
Do	0113	4461	290	159.920	1,599.20	G. Calhoun	Grant Calhoun.
Do	0306	4462	292	153.110	1,531.10	A. C. Fry	A. C. Fry.
Do	0310	4463	73	112.540	1,125.40	Kentucky	C. A. MacGregor.
Do	0300	4464	278	122.279	1,222.70	C. Stuver	Chas. Stuver.
Do	0301	4465	279	128.440	1,284.40	H. Middaugh	Horace Middaugh.
Do	0304	4466	287	138.090	1,380.90	P. A. Heney	P. A. Heney.
Do	0219	4467	286	147.240	1,472.40	J. Loughary	J. B. Loughary.
Do	0125	4468	289	152.340	1,523.40	E. Ratcliffe	E. M. Ratcliffe.
Do	0285	4469	281	157.340	1,573.40	A. L. Cohen	A. L. Cohen.
Do	0119	4470	282	155.780	1,557.80	R. S. Cox, jr	R. S. Cox, jr.
Do	0309	4471	283	159.800	1,598.00	Mascot	A. W. Shiels.
Do	0302	4472	284	159.920	1,599.20	E. Siegley	E. E. Siegley.
Do	0303	4473	285	159.960	1,599.60	G. M. Rice	Geo. M. Rice.
Do	0305	4474	291	160.000	1,600.00	P. A. Purdy	P. A. Purdy.
May 9, 1910	0495	4495	.....	1,758.000	17,580.00	Consol. sur. 300 to 309 and 316	Northern Improvement Co.
Aug. 9, 1910	0159	4535	91	159.320	1,593.20	Santa Anita	J. P. Naumes.
Do	0215	4536	142	159.560	1,595.60	Opal	M. A. Doran.
Do	0213	4537	139	159.161	1,591.61	Sheridan	Chas. F. Lincoln.
Do	0216	4538	94	158.882	1,588.82	Kenosha	W. C. Ball.
Do	0211	4539	141	159.560	1,595.60	Emerald	Lee Scott.
Do	0214	4540	140	159.760	1,597.60	Pearl	W. S. Richey.
Do	0163	4541	96	159.560	1,595.60	Anaconda	J. M. Ver Mehr.
Do	0165	4542	104	106.662	1,066.62	Deer	Frank H. Just.
Sept. 8, 1910	0837	4548	.....	799.080	7,990.80	Consol. sur. 170, 171, 173, 177, 178, 179, 180, 181, 375.	Alaska Anthracite Coal Co.
Sept. 26, 1910	0374	4555	330	160.000	1,600.00	Hamlin	P. D. Hamlin.
Sept. 29, 1910	0382	4559	380	160.000	1,600.00	Pittock	H. L. Pittock.
Oct. 18, 1910	0490	4569	.....	990.574	9,905.74	Consol. sur. 293 to 299 and 311	Alaska Smokeless Coal Co.
Do	0837	4570	.....	319.600	3,196.00	Consol. sur. 170, 171, 173, 177, 178, 179, 180, 181, 375.	Alaska Anthracite Coal Co. (see Rect. 4548, Sept. 8, 10, above).
Oct. 28, 1910	0840	4571	.....	1,759.000	17,590.00	Consol. sur. 174, 175, 176, 327, 328, 329, 331, 332, 333, 334, 335, 336, 339, 376, and 378.	Seattle-Alaska Anthracite Coal Co.
Oct. 29, 1910	0852	4572	420	89.500	895.00	Martin	G. C. Britton.
Nov. 1, 1910	0855	4576	417	2,528.800	25,288.00	Consolidated	Youngstown Coal Co.
Total				32,329.176	323,291.76		

I now say to this House that all of the valuable coal lands about which we have had so much controversy, especially the Katalla field—the most valuable, and in which the Cunningham claims are located—have been sold by the United States and the equitable title conveyed to the purchaser.

Alfred H. Brooks, Chief of the Alaska Division of the Geological Survey, stated before the Committee on the Public Lands that there were but 40 square miles in each field—in the Matanuska and Katalla fields. More than that area has now been located in the Katalla field, while the Matanuska field has been located so far that it is controlled thereby.

Since the Ballinger-Pinchot investigation began last January at least 100, or possibly 150, coal claims have been proved up on, the proofs approved, and the receipts issued conveying the equitable title in the Katalla field alone. The Government has nothing left to lease in either of these valuable fields.

Mr. Speaker, I object to the whole of section 2 of this bill. The first provision in it gives the Secretary of the Interior the right to grant licenses by favor. The second sentence authorizes him to grant a license to prospect 3,200 acres and the right to lease 2,560 acres. These areas are too great and are too easily granted by favor to whomsoever the Secretary wishes. The section also permits the issuance of a prospecting permit for three years, upon the payment of 25 cents per acre for the first year, 50 cents per acre for the second year, and $1 per acre for the third year, while it does not compel this favored licensee of the Secretary to perform any labor whatever. Upon the payment of these small nominal fees he may reserve the lands without doing a stroke of work for three years. This matter was called to the attention of the committee, and I am now permitted to assume that they now approve this defect. It would place it in the power of the favored licensee of the Secretary, be he an Alaska syndicate agent or that of any other interest, to withhold this land from mining for three years under the license.

The bill then provides that this favored licensee may take a lease from the Government, paying a rental of 25 cents per acre for the first year, 50 cents for the second year, and not less than $1 and not more than $4 per acre for each succeeding year. He may reserve the lands by paying this rental for years thereafter and until the Secretary shall bring a lawsuit to compel him to perform the covenants of the lease.

If any interest—not charging that the Coal Trust would do anything of the kind, of course—should desire to reserve these lands from actual development, it could be done in this way at nominal rates. Under this bill the Government surrenders the control of its coal lands to the favored licensee of the Secretary.

Section 2 provides that "all leases shall be granted for such period as the lessee shall designate, but in no event for more than 30 years." This clause gives the power to the lessee and robs the Government of the control over its own property. I quote it to show that the whole purpose of this bill is to put the coal lands in Alaska in the hands of the favored licensee of the Secretary and to tie the hands of the Government in their management and disposal.

The real joker in this bill, however, is contained in those clauses fixing the rates of royalty. They read as follows:

All lessees shall pay a royalty on each ton, of 2,000 pounds, of coal mined, as follows: From the passage of this act until the end of the calendar year 1920, not less than 3 cents nor more than 6 cents per ton; for the succeeding 10 years, not less than 5 cents nor more than 8 cents per ton; for the succeeding 10 years, not less than 5 cents nor more than 10 cents per ton; and thereafter as Congress may provide.

It will be noticed that there is no power referred to which shall fix the exact royalty to be paid. Suppose the Guggenheims take a lease, shall they pay 3 cents or 6 cents per ton? Here, again, the Secretary is able to favor his friends. I do not say that he will, but under this clause he may demand 6 cents per ton from me, while he may grant a lease to a favored licensee at 3 cents.

This may not seem at first glance to be very important, but I call your attention to this fact: In the optional contract made by the Cunningham claimants to Daniel Guggenheim on July 20, 1907, and thereafter accepted by the said Guggenheim, it is provided that the Cunningham claimants will sell to Guggenheim coal for his railroad use at $1.75 per ton. Mr. Stephen Birch, the managing director of the Alaska syndicate, testified that the coal could be mined for that price. The contract further provides that for all the run-of-mine coal extracted by the Cunningham claimants for 25 years Guggenheim would pay $2.25 per ton. Call this a profit or royalty, whichever you will, it shows clearly that the Cunninghams were to get 50 cents per ton for the coal over the cost price.

The bill in question provides that the Government shall not charge more than 6 cents per ton, and the Secretary may lease it at 3 cents per ton. Let us call it 5 cents per ton on a fair compromise.

Mr. Andrew Kennedy, the Government expert who examined the Cunningham claims, testified that there were 90,000,000 tons of coal in the Cunningham group, for which Guggenheim agreed to pay the Cunninghams 50 cents per ton profit or royalty. That would amount to $45,000,000 under that actual contract. Under the bill before the House the Secretary may lease it to a favored licensee for a royalty of 3 cents per ton, or $2,700,000.

Here is an actual difference of $42,300,000. In short, this bill proposes to lease these very lands, possibly to the Alaska syndicate, or to its representatives, at $42,300,000 less than the syndicate actually agreed to pay the Cunninghams for it.

It is not surprising that great interest is taken in this bill. But, it is replied, we do not want to demand a high royalty, because the consumer of the coal must eventually pay the price, and that leads to an inquiry: What is there in this bill which will enable the Government of the United States to give the consumer of the coal relief against extortionate prices and monopoly? In my judgment, nothing.

True, section 6 provides "that he shall not monopolize in whole or in part the trade in coal. That he will at all times sell the coal extracted from the leased premises at just, fair, and reasonable rates," etc.

But there is no forfeiture clause. There is no penalty which can be inflicted upon him if he shall not obey this kindly suggestion to be good. The old law of supply and demand will be appealed to, and the consumer in Washington, Oregon, or California will pay a price equal to that which other coal can be bought for in the market. The consumer will get nothing, while the lessee and the transportation companies will get the balance of the royalty over the 3 cents that Guggenheim agreed to pay the Cunninghams.

I can not help but call the attention of the House to that clause in section 4, which provides that in the issuance of licenses and leases by the Secretary, "preference shall be given to the qualified applicant who shall show prior possession, with a view of acquiring title to coal lands." This is an insurance clause in favor of every fraudulent claim in Alaska. It gives to every fraudulent claimant a preference right over an honest applicant. With this clause in the bill every thief of coal lands in Alaska may get his patent from the Government if he can, and a license and a lease under the bill if he is caught in his thievery. This section gives a premium to the dishonest coal claimant and condemns the bill thereby.

Of course, Mr. Speaker, I am opposed to this bill upon principle. Alaska has been in a state of reservation and has had its most valuable resources reserved and leased since the first great Russian lease in 1799.

It was leased to the Russian American Co. until 1867, when we purchased it. In 1870 the United States again leased its only known resource for 40 years, during the last 20 years of which the Government made losses on that leasing of more than $2,500,000. I am opposed to the national landlord leasing scheme for Alaska.

It is proposed by the bill now under discussion to turn 75 per cent of the royalty obtained from these leases over to the Alaska fund for use in building roads in Alaska; but since there is nothing to lease, the fund will get very little from that source.

This bill is in the interest of the speculator and coal baron. The laboring man in Alaska who wants to prospect for coal will not be able to manage 3,200 acres of land, even if he could get a favored license from the Secretary upon payment of the fees. Such men will be excluded from developing Alaska. If the bill shall pass, coal speculators will have charge of the exploitation of Alaska coal lands and the real prospector and pathfinder in Alaska will be driven into new regions.

The bill before the House is in direct opposition to the recommendations of the President contained in his last message to the Congress. The President specifically recommended a coal-leasing plan for Alaska, as follows:

Second, that the coal deposits of the Government be leased after advertisement inviting competitive bids for terms not exceeding 50 years, with a minimum rental and royalties upon the coal mined, to be readjusted every 10 or 12 years, and with conditions as to maintenance which will secure proper mining, and as to assignment which will prevent combinations to monopolize control of the coal in any one district or market. I do not think that coal measures under 2,500 acres of surface would be too large an amount to lease to any one lessee.

In my statement, presented to the committee which prepared this bill, I made the following suggestions for amendment, in case the committee determined to report a coal-leasing bill:

If Congress concludes that it will pass a leasing bill, then amend the bill in accordance with President Taft's message.

While I am opposed to a leasing system on principle, it is my judgment that the President's recommendations are the best made and will come nearest doing justice. Let the bill provide for—

1. Minimum royalty rates.
2. But not maximum rates.
3. Then let the lease be offered to competitive bidding.

4. And sold to the highest and best bidder.
5. The lease to provide for readjusted rates every 10 years, so that the Government may secure the benefit of the increase in prices.
6. Extend the interstate-commerce laws to Alaska.
7. Control rates of transportation to ports of the United States and to foreign ports.
8. Reserve the right in the patent to control monopoly and excessive selling prices of coal mined in Alaska.
9. Control the rates of storage on coal mined in Alaska.
10. Adopt an official standard of classification of coals.
11. Charge a graduated royalty based on the character and value of the coal, assuming as the minimum for the highest grades the price agreed upon by Guggenheim-Cunningham contract of July 7, 1906, viz, 50 cents per ton.
12. Pay all money received from rental and royalty into an "Alaska coal fund" and appropriate it to the development of Alaska, as follows: One-fifth to the building of wagon roads, one-fifth to the support of common schools, two-fifths to the building and maintenance of a university or college at some suitable place in the Territory, and the other one-fifth to the establishment and maintenance of a home for aged, disabled, and dependent prospectors, and the care of aged, sick, disabled, or indigent persons in the Territory.

I was asked by the committee to state my view upon what ought to be done in respect to coal lands in Alaska. I replied that they ought to report for passage the bill H. R. 30293, introduced by me on January 5, 1911, with an amendment.

The bill is as follows:

A bill to reserve to the United States the right and power to fix, control, and regulate the rates, prices, and profits to be charged upon coal mined in Alaska, and for other purposes.

Be it enacted, etc., That the United States reserves the right and power to fix, control, and regulate the rates, prices, and profits which any person, corporation, mine owner, or coal dealer, and any and all other persons or corporations, shall charge or demand upon the sale, exchange, dealing in, storage, or transportation of coal mined in Alaska; and that the United States reserves the right to regulate, control, suppress, and punish monopolies, conspiracies, and combinations in buying, selling, dealing in, storing, transporting, or otherwise handling such coal; the United States may authorize any State created out of any part of Alaska to exercise the rights and powers herein reserved for all such lands as lie within the boundaries of such State; that every patent issued by the United States for coal lands in Alaska, whether for lands located or entered prior to the passage and approval of this act or subsequent thereto, shall expressly recite the terms and conditions contained in this section.

SEC. 2. That upon the passage and approval of this act every Executive or other withdrawal or reservation of coal lands in Alaska, for any purpose whatever, shall be void and of no effect.

The proposed amendment was the insertion of the following language:

That the right to control the rate of transportation shall extend to carriage by sea from any port in Alaska to any port in the United States or in any foreign country.

That bill, as thus amended, taken in connection with the Alaska coal act of May 28, 1908, would give the United States control of the rates at which the consumer got the coal. It was my judgment, and is now, that the United States has authority to control the coal until it gets to the consumer, although patent may issue to the purchaser of the land.

Mr. Speaker, I am opposed to the United States assuming to act as a national landlord. I am opposed to the people of Alaska being degraded to the status of tenants upon the estate of the coal-baron lessee. The Territory of Alaska would have no right to tax this immense wealth, the tenant would have no home, and would be a mere renter upon the landlord's estate. Even if this bill were fair, which it is not, I am opposed to any system which takes from the people the lands which they ought to have for the purpose of the development of the Territory.

Certainly, Congress will not admit that it is powerless to make and enforce good, wholesome, and righteous laws for the disposal of coal lands in Alaska.

What we need in Alaska is enforcement, and not enactment. We have good laws, but they are not enforced. For more than two years there has been law, and power, and appropriation, and Alaska coal cases at issue, and evidence, and a Secretary of the Interior whose duty it was to decide those cases under his oath of office—but not a decision.

The Constitution declares that the President "shall take care that the laws be faithfully executed." What Alaska needs is "execution," not enactment.

Mr. MONDELL. Mr. Speaker, is the time exhausted on the other side?

The SPEAKER pro tempore. There are five minutes remaining.

Mr. MADISON. Mr. Speaker, I yield two minutes to the gentleman from Washington [Mr. POINDEXTER].

Mr. POINDEXTER. It is manifestly impossible, Mr. Speaker, to discuss this bill in two minutes or in the entire time permitted under suspension of the rules.

The objection which the people of this country have had to the manner of disposal of the coal lands can not be as to the character of the law, because a law was enacted under the influence of Mr. Roosevelt, assisted by certain Members of this House, which was generally regarded as a wise law and satisfactory for all purposes as to preventing monopoly. What the people of this country do object to and the cause of the demand to-day for a leasing system of coal lands in Alaska, is the attempt which has been made to evade the law and to establish a monopoly of the coal lands in Alaska. The people are little concerned whether the lands are disposed of by patents of a fee-simple title or whether they are disposed of under a lease, unless there are such restrictions in either case or under either system which will prevent these deposits of coal—which the people of the Northwest especially must rely upon—from being controlled by a few people or by a single corporation. The present situation, Mr. Speaker, in regard to the coal lands of Alaska arises out of a denial that the Secretary of the Interior has been fair in dealing with this matter. It grows out of the assertion that the Secretary of the Interior during the interval between his term of office as Commissioner of the General Land Office and his term as Secretary of the Interior was attorney for the principal claimants for coal lands in Alaska, and that ought to be sufficient to defeat the bill. Instead of taking authority away from him, it leaves the Secretary of the Interior absolute discretion to say who shall lease and shall not lease the coal lands of Alaska.

Mr. MADISON. Mr. Speaker, I yield the balance of my time to the gentleman from Wisconsin [Mr. MORSE].

Mr. MORSE. Mr. Speaker, I dislike very much to take up the time of the House at this time, and I am only going to speak for a moment or two. If this bill had been brought in under the ordinary rules of the House and had been subject to amendment, we could by a very few amendments have perfected it and passed it in this House.

I disagree with many of the gentlemen who have spoken against this bill in regard to the amount charged for this coal. The higher you raise the price the more will the people who use the coal have to pay for it. If you raise the royalty up to 50 cents or $1 a ton, you are charging that royalty against the people who are going to use the coal.

Mr. MANN. They have lots of money out there in the far West and they can afford it. [Laughter.]

Mr. MORSE. I do not believe it. I believe that the royalties provided in this bill are high enough. I do not believe they should be high. I believe that the Government should supervise the sale of the coal from the beginning away down to the last limit—to the ultimate consumer.

Mr. JAMES. Then that argument, carried to its last analysis, means that we ought to give the coal fields away.

Mr. MORSE. No. There is not so much objection to giving the coal fields away if you can give them to the people of the country.

Mr. JAMES. To what people?

Mr. MORSE. If you are going to give the coal fields of the country to two or three, there is an objection. If you are going to give them to the ultimate consumers, the men who burn the coal, then the objection is not so serious.

Mr. JAMES. Is it the experience of the gentleman that where you give to an individual something like a body of coal lands that he is generous enough to allot them out to the people who buy the coal?

Mr. MORSE. No; and that is the objection I find to this bill. You will find in section 6 the most serious difficulty in the whole bill. It says that this coal shall be sold to the people and delivered, and then it says "under like conditions," or "under similar terms and conditions." There is one of the great difficulties of the bill. If one man goes there and buys 100,000 or 500,000 tons of coal, and another man does not want as much as that, he naturally will not be able to meet the terms and conditions accorded to the large purchaser, and he may not be able to buy.

I agree in general with what is proposed to be accomplished by this bill, but it does not accomplish what it attempts to do on its face. The trouble with the bill is that the supervision does not go far enough. That is the trouble with the bill. I believe in leasing. I believe that is the proper method. I do not believe there is any use in charging too much for it, but it has been the middle man who heretofore has gotten the advantage of the ultimate consumer.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MONDELL. Mr. Speaker, I very much regret that, owing to the fact that I answered a good many questions at the beginning of the debate, I have no time left to give to the members of the committee who desire to speak in defense of the bill. The bill represents a great deal of earnest work and earnest endeavor to settle the coal situation in Alaska, to provide leasing legislation that will bring good returns to the people, and which will retain under the control of the people the sale and the disposition of the products of the coal lands.

Somebody has suggested that it is giving away the coal fields. Gentlemen, if this bill is defeated, the $10 per acre price

remains and the Matanuska and Katalla fields would be sold for about $560,000. If the bill passes, under the average royalty of 5 cents and the estimated tonnage of those fields by the Geological Survey of 6,000,000,000 tons, the Government will receive $30,000,000 under this bill. Mr. Chairman, this bill makes the difference between $560,000 and from $30,000,000 to $60,000,000 in those two fields. And yet some gentlemen have suggested that we are proposing to give away these coal fields.

Mr. HITCHCOCK. How does the gentleman——

Mr. MONDELL. It is provided that the Government shall have the right to take this coal wherever it is found for the use of the Army and the Navy of the United States, and to pay such a price for it as the Government deems to be fair.

Mr. MADISON. Will the gentleman yield to me for a moment?

Mr. MONDELL. I have only five minutes.

Mr. MADISON. I yielded to the gentleman.

Mr. MONDELL. I will be glad to.

Mr. MADISON. Is it not true that every foot of coal land in Alaska is now withdrawn from entry?

Mr. MONDELL. The gentleman from Alaska estimated in his statement before the committee that there were 60,000 square miles of coal-bearing lands in Alaska—that is, nearly 40,000,000 acres—and all of the entries made up to this time cover only an area of 32,000 acres; and if they were, all of them, held to be legal and all of them went to patent it would be but an insignificant fraction of the enormous fields of that great area. We have attempted in good faith to provide for the disposition of these coal lands. We have placed no discretion whatever in the hands of the Secretary of the Interior, except as we must, to adjust between rival, or, rather, overlapping applicants. We have plainly stated in the bill what are the rights of American citizens there, and those rights must be respected by the Secretary, and they must be granted.

It is true that we have placed what some people believe to be a low royalty, and yet it is a higher royalty than prevails generally anywhere in America, and it is a royalty which, in the aggregate, if the estimates of these two fields are correct, would bring to the Government, at an average of 5 cents a ton, $30,000,000, or at the maximum $60,000,000; and every one of those leases can be canceled upon a showing that the lessee is attempting to monopolize the trade in coal in whole or in part; that he is charging an unfair or an unreasonable price; that he is attempting in anyway to discriminate between persons or places. There never was a law brought into this House that so safeguarded the rights and interests of the American people as this bill. I regret that we could not bring it in with an opportunity for amendment. The committee would greatly prefer that it should be open to amendment, but the only opportunity offered us was to bring it in in this way, and I want to say to the membership of the House that I have no pride of opinion in this bill, although I drafted it originally, and gave a good deal of thought and time and attention to it; that our committee does not insist that the House shall take this bill, but we present it as an honest, conscientious, earnest effort at true conservation, an effort to make it possible to develop those great coal fields for the use of the people of the Pacific coast, for the use of the Army and the Navy and the people of the United States; to make it possible to obtain from these fields large incomes for the development of Alaska, and to retain those fields for all time to come under the control of the Government of the United States under conditions that will maintain fair prices and will prevent monopoly. [Applause.]

Mr. STEPHENS of Texas. Will the gentleman from Kansas [Mr. MADISON] yield me a moment to explain that the gentleman from Wyoming [Mr. MONDELL] is wrong in stating that 5 cents a ton on coal is a higher royalty than is paid elsewhere in America? The Indians of Oklahoma are receiving a royalty of 8 cents a ton and $900 for each lease in advance and $300 per annum thereafter, and their leases are limited to 960 acres.

The SPEAKER pro tempore. The question is on the motion to suspend the rules and pass the bill.

Mr. JAMES. Mr. Speaker, I demand the yeas and nays to save time.

The yeas and nays were ordered.

The question was taken; and there were—yeas 32, nays 151, answered "present" 10, not voting 191, as follows:

YEAS—32.

Barchfeld	Gardner, N. J.	Mondell	Steenerson
Bennet, N. Y.	Grant	Morgan, Mo.	Sterling
Burke, Pa.	Hamer	Parker	Sulloway
Calderhead	Howell, Utah	Parsons	Taylor, Colo.
Creager	Hughes, Ga.	Pickett	Volstead
Dwight	Keifer	Robinson	Washburn
Fordney	Mann	Simmons	Weeks
Gaines	Massey	Southwick	The Speaker

NAYS—151.

Adair	Dixon, Ind.	Humphreys, Miss.	Oldfield
Aiken	Dodds	James	Padgett
Alexander, Mo.	Driscoll, M. E.	Jamieson	Page
Anderson	Edwards, Ga.	Johnson, Ky.	Palmer, A. M.
Ansberry	Elvins	Johnson, S. C.	Poindexter
Anthony	Esch	Jones	Rainey
Austin	Fish	Kennedy, Iowa	Randell, Tex.
Beall, Tex.	Fitzgerald	Kitchin	Ransdell, La.
Bell, Ga.	Flood, Va.	Kopp	Rauch
Boehne	Floyd, Ark.	Korbly	Reeder
Booher	Fornes	Küstermann	Roddenbery
Brantley	Foster, Ill.	Lamb	Rodenberg
Burke, S. Dak.	Gardner, Mass.	Lee	Rothermel
Byrns	Garner, Tex.	Lenroot	Rucker, Mo.
Calder	Garrett	Lindbergh	Saunders
Campbell	Gillespie	Lloyd	Shackleford
Candler	Godwin	Longworth	Sharp
Carter	Good	Loud	Sheppard
Cassidy	Gordon	McCreary	Sherley
Chapman	Griest	McHenry	Sherwood
Clark, Mo.	Hamill	McKinney	Sims
Cline	Hamilton	McLaughlin, Mich.	Sisson
Cocks, N. Y.	Hamlin	Macon	Smith, Tex.
Cole	Hammond	Madison	Stafford
Collier	Hanna	Maguire, Nebr.	Stanley
Conry	Hardy	Martin, Colo.	Stephens, Tex.
Cooper, Wis.	Hay	Mays	Sturgiss
Covington	Heald	Miller, Kans.	Thomas, Ky.
Cox, Ind.	Heflin	Mitchell	Thomas, N. C.
Cox, Ohio	Helm	Moore, Pa.	Tou Velle
Cravens	Henry, Tex.	Morrison	Townsend
Cullop	Hitchcock	Morse	Turnbull
Davis	Hollingsworth	Moss	Underwood
Dent	Houston	Murphy	Watkins
Denver	Howland	Nelson	Wickliffe
Dickinson	Hubbard, Iowa	Nicholls	Woods, Iowa
Dickson, Miss.	Hubbard, W. Va.	Norris	Young, N. Y.
Dies	Hughes, N. J.	Nye	

ANSWERED "PRESENT"—10.

Adamson	Hardwick	McLachlan, Cal.	Pou
Burnett	Hill	McMorran	
Ferris	Lever	Olmsted	

NOT VOTING—191.

Alexander, N. Y.	Ellis	Kendall	Plumley
Ames	Englebright	Kennedy, Ohio	Pratt
Andrus	Estopinal	Kinkaid, Nebr.	Pray
Ashbrook	Fairchild	Kinkead, N. J.	Prince
Barclay	Fassett	Knapp	Pujo
Barnard	Finley	Knowland	Reid
Barnhart	Focht	Kronmiller	Rhinock
Bartholdt	Foelker	Lafean	Richardson
Bartlett, Ga.	Foss	Langham	Riordan
Bartlett, Nev.	Foster, Vt.	Langley	Roberts
Bates	Fowler	Latta	Rucker, Colo.
Bennett, Ky.	Fuller	Law	Sabath
Bingham	Gallagher	Lawrence	Scott
Borland	Gardner, Mich.	Legare	Sheffield
Boutell	Garner, Pa.	Lindsay	Slayden
Bowers	Gill, Md.	Lively	Slemp
Bradley	Gill, Mo.	Livingston	Small
Broussard	Gillett	Loudenslager	Smith, Cal.
Burgess	Glass	Lowden	Smith, Iowa
Burleigh	Goebel	Lundin	Smith, Mich.
Burleson	Goldfogle	McCall	Snapp
Butler	Goulden	McCredie	Sparkman
Byrd	Graff	McDermott	Sperry
Cantrill	Graham, Ill.	McGuire, Okla.	Spight
Capron	Graham, Pa.	McKinlay, Cal.	Stevens, Minn.
Carlin	Greene	McKinley, Ill.	Sulzer
Cary	Gregg	Madden	Swasey
Clark, Fla.	Guernsey	Malby	Talbott
Clayton	Harrison	Martin, S. Dak.	Tawney
Cooper, Pa.	Haugen	Maynard	Taylor, Ala.
Coudrey	Havens	Miller, Minn.	Taylor, Ohio
Cowles	Hawley	Millington	Thistlewood
Craig	Hayes	Moon, Pa.	Thomas, Ohio
Crow	Henry, Conn.	Moon, Tenn.	Tilson
Crumpacker	Higgins	Moore, Tex.	Vreeland
Currier	Hinshaw	Morehead	Wallace
Dalzell	Hobson	Morgan, Okla.	Wanger
Davidson	Howard	Moxley	Webb
Dawson	Howell, N. J.	Mudd	Weisse
Denby	Huff	Murdock	Wheeler
Diekema	Hughes, W. Va.	Needham	Wiley
Douglas	Hull, Iowa	O'Connell	Willett
Draper	Hull, Tenn.	Olcott	Wilson, Ill.
Driscoll, D. A.	Humphrey, Wash.	Palmer, H. W.	Wilson, Pa.
Dupre	Johnson, Ohio	Patterson	Wood, N. J.
Durey	Joyce	Payne	Woodyard
Edwards, Ky.	Kahn	Pearre	Young, Mich.
Ellerbe	Keliher	Peters	

So (two-thirds having failed to vote therefor) the motion to suspend the rules and pass the bill was lost.

The following additional pairs were announced:

Until further notice:

Mr. BARTHOLDT with Mr. BORLAND.

Mr. HAYES with Mr. GOLDFOGLE.

Mr. DRAPER with Mr. WEBB.

Mr. MOXLEY with Mr. BARNHART.

For the balance of the day:

Mr. NEEDHAM with Mr. HULL of Tennessee.

Mr. BOUTELL with Mr. HENRY of Texas.

Mr. PRATT with Mr. BURLESON.

From February 21 to February 28, inclusive:

Mr. MORGAN of Oklahoma with Mr. FERRIS.

The SPEAKER pro tempore noted the presence of Mr. CANNON, Mr. DICKSON of Mississippi, Mr. JAMIESON, and Mr. MOORE of Pennsylvania, and they voted as above recorded.

The SPEAKER pro tempore. Upon this yea-and-nay vote the roll was called and then the names of those failing to respond were again called in alphabetical order. Less than a quorum having answered, the Chair is authorized by clause 3 of Rule XV to cause Members in the Hall who did not vote to be noted as "present." Under clause 1 of the same rule a Member whose name has thus been noted under clause 3 may then vote.

The result of the vote was then announced as above recorded.

ADJOURNMENT.

Mr. MANN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 2 minutes p. m.) the House adjourned until to-morrow, Friday, February 24, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War, submitting a recommendation of credits to the accounts of Lieut. Col. D. E. McCarthy and Capt. F. A. Grant (H. Doc. No. 1406), was taken from the Speaker's table, referred 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. HAMER, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 10791) to eliminate from forest and other reserves certain lands included therein for which the State of Idaho had, prior to the creation of said reserves, made application to the Secretary of the Interior under its grants that such lands be surveyed, reported the same with amendment, accompanied by a report (No. 2227), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CLARK of Missouri, from the Committee on Ways and Means, to which was referred the bill of the Senate (S. 10559) to designate St. Andrews, Fla., as a subport of entry, reported the same without amendment, accompanied by a report (No. 2233), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DENT, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 10638) to authorize the Secretary of War to sell certain lands owned by the United States and situated on Dauphin Island, in Mobile County, Ala., reported the same without amendment, accompanied by a report (No. 2234), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GAINES, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 32533) to amend the revenue laws so as to provide for furnishing certified copies of certain records to officers and other persons, reported the same without amendment, accompanied by a report (No. 2238), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 9698) granting permission to the city of Miles City, Mont., to operate a pumping station on the Fort Keogh Military Reservation, Mont., reported the same with amendment, accompanied by a report (No. 2242), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the Senate (S. 1531) to grant medals to survivors and heirs of volunteers of the Port Hudson forlorn-hope storming party, reported the same without amendment, accompanied by a report (No. 2243), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Michigan, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 8774) to change the name of Messmore Place to Mozart Place, reported the same without amendment, accompanied by a report (No. 2225), which said bill and report were referred to the House Calendar.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 10274) to authorize construction of the Broadway Bridge across the Willamette River at Portland, Oreg., reported the same with amendment, accompanied by a report (No. 2226), 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 Senate (S. 10822) to extend the time for the completion of a bridge across the Missouri River at or near Yankton, S. Dak., by the Winnipeg, Yankton & Gulf Railroad Co., reported the same without amendment, accompanied by a report (No. 2228), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 32721) to amend an act entitled "An act permitting the building of a dam across the Mississippi River in the county of Morrison, State of Minnesota," approved June 4, 1906, reported the same with amendment, accompanied by a report (No. 2229), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 32756) to authorize the Greeley-Arizona Irrigation Co. to build a dam across the Colorado River at or near Head Gate Rock, near Parker, in Yuma County, Ariz., reported the same with amendment, accompanied by a report (No. 2230), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 32824) to authorize the city of Shreveport to construct a bridge across Red River, reported the same with amendment, accompanied by a report (No. 2231), which said bill and report were referred to the House Calendar.

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 10275) relative to joint operations of the Army, Navy, and Marine Corps, reported the same without amendment, accompanied by a report (No. 2244), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SLAYDEN, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 22270) for the relief of Amos M. Barbin, reported the same without amendment, accompanied by a report (No. 2237), which said bill and report were referred to the Private Calendar.

Mr. PRINCE, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 608) for the relief of Charles T. Gallagher and Samuel H. Proctor, reported the same without amendment, accompanied by a report (No. 2239), which said bill and report were referred to the Private Calendar.

Mr. HAY, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 7640) for the relief of James M. Sweat, reported the same without amendment, accompanied by a report (No. 2240), which said bill and report were referred to the Private Calendar.

Mr. KAHN, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 7804) for the relief of David Jay Jennings, reported the same without amendment, accompanied by a report (No. 2241), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

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

By Mr. HUGHES of New Jersey: A bill (H. R. 32906) to authorize the construction of a canal to connect the Hackensack River with Berrys Creek, at Berrys Creek, in the State of New Jersey, and for other purposes; to the Committee on Railways and Canals.

By Mr. THOMAS of Ohio: A bill (H. R. 32907) to incorporate the National McKinley Birthplace Memorial Association; to the Committee on the Library.

By Mr. MACON: A bill (H. R. 32908) to authorize Ouachita County, Ark., to construct a bridge across the Ouachita River; to the Committee on Interstate and Foreign Commerce.

By Mr. HUGHES of New Jersey: A bill (H. R. 32910) to authorize the construction of a canal connecting the Hackensack River with Berrys Creek at Rutherford, in the State of New Jersey; to the Committee on Railways and Canals.

By Mr. CALDERHEAD (by request): A bill (H. R. 32911) granting additional pensions to those persons who, while serving

in the militia or naval service of the United States of America during the Civil War of 1861 to 1866, and who are or who shall hereafter be pensioned for loss of a hand or arm and who shall, in addition to such loss of hand or arm, have incurred additional disability or disabilities in such service and in line of duty; to the Committee on Invalid Pensions.

By Mr. NORRIS: Resolution (H. Res. 993) requesting certain information from the Attorney General of the United States; to the Committee on the Judiciary.

Also, resolution (H. Res. 994) requesting certain information of the President of the United States; to the Committee on Ways and Means.

By Mr. KINKAID of Nebraska: Memorial of the Legislature of Nebraska, indorsing House bill 30799, introduced by Mr. KINKAID of Nebraska, for an extension of time for payment of water rights; to the Committee on Irrigation of Arid Lands.

By Mr. HAMER: Memorial of the Idaho State Legislature relating to the elimination of townships 46 and 47 north, range 3 east of Boise meridian from the Cœur d'Alene National Forest Reserve and that they be made available for homestead entry; to the Committee on the Public Lands.

Also, memorial of Idaho State Legislature relating to changing the term of residence upon homestead lands of the State of Idaho from five to three years; to the Committee on the Public Lands.

Also, memorial by the Idaho State Legislature relating to abolishing all rules of Forest Service governing the removal of dead timber by the settlers; to the Committee on the Public Lands.

By Mr. BURLEIGH: Memorial of the Legislature of Maine in favor of a monument at Annapolis in memory of the late Commodore John Paul Jones; to the Committee on Naval Affairs.

Also, memorial of the Legislature of Maine to promote the efficiency of the Life-Saving Service; to the Committee on Interstate and Foreign Commerce.

By Mr. SWASEY: Memorial of the Legislature of Maine in favor of a monument at Annapolis in memory of the late Commodore John Paul Jones; to the Committee on Naval Affairs.

Also, memorial of the Legislature of Maine to promote the efficiency of the Life-Saving Service; to the Committee on Interstate and Foreign Commerce.

By Mr. AUSTIN: A memorial of the Legislature of Tennessee, requesting action on the report of the Immigration Commission, etc.; to the Committee on Immigration and Naturalization.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON: A bill (H. R. 32912) granting an increase of pension to Christina Younkman; to the Committee on Invalid Pensions.

By Mr. ANTHONY: A bill (H. R. 32913) for the relief of James Stanton; to the Committee on Claims.

By Mr. BARNARD: A bill (H. R. 32914) granting an increase of pension to Isaac H. Earl; to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 32915) for the relief of Timothy Donahoe; to the Committee on Military Affairs.

By Mr. CREAGER: A bill (H. R. 32916) for the relief of the Turner Hardware Co.; to the Committee on Indian Affairs.

By Mr. DICKINSON: A bill (H. R. 32917) granting a pension to Joel Harreford; to the Committee on Invalid Pensions.

By Mr. FLOOD of Virginia: A bill (H. R. 32918) for the relief of Henry C. Adams and others; to the Committee on Claims.

By Mr. FOCHT: A bill (H. R. 32919) granting an increase of pension to Arthur V. B. Sonders; to the Committee on Invalid Pensions.

By Mr. JAMES: A bill (H. R. 32920) granting an increase of pension to David H. Johnson; to the Committee on Invalid Pensions.

By Mr. KINKAID of Nebraska: A bill (H. R. 32921) granting an increase of pension to Otis Long; to the Committee on Invalid Pensions.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 32922) for the relief of the estate of Elizabeth B. Sullivan; to the Committee on War Claims.

By Mr. MONDELL: A bill (H. R. 32923) for the relief of J. L. Baird; to the Committee on the Public Lands.

By Mr. TAYLOR of Alabama: A bill (H. R. 32924) granting an increase of pension to Pamelia J. Harvey; to the Committee on pensions.

By Mr. WATKINS: A bill (H. R. 32925) granting a pension to Edwin A. Prothro; to the Committee on Pensions.

Also, a bill (H. R. 32926) granting a pension to David H. Johnson; to the Committee on Pensions.

PETITIONS, ETC.

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

By Mr. ANDERSON: Paper to accompany bill for relief of William England; to the Committee on Invalid Pensions.

By Mr. ANSBERRY: Petition of business firms of Delphos, Ohio, against a local rural parcels-post service; to the Committee on the Post Office and Post Roads.

Also, petition of the Farmers' Institute, Farmer, Ohio, for election of Senators by popular vote; to the Committee on the Judiciary.

By Mr. ASHBROOK: Petition of the Polish National Alliance Association, against further restriction of the immigration laws; to the Committee on Immigration and Naturalization.

By Mr. BURLEIGH: Petition of Kennebec Valley Grange, Anson, Me.; Manchester Grange, Manchester, Me.; and Harvest Home Grange and others, against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. BURLESON: Petitions, resolutions, etc., urging Congress to repeal the 10-cent tax on colored oleomargarine, etc., also to investigate and endeavor to check spread of tuberculosis and other diseases communicated to human beings through dairy products, etc., as follows: The Emerson Five-Foot Study Club, of Brookland, D. C.; the San Diego (Cal.) Society for the Prevention and Study of Tuberculosis; Woman's Literary Union, Auburn, Me.; Civic Improvement Club, Troy, Ala.; Woman's Club, Owensboro, Ky.; Edelweis Club, Saginaw, Mich.; Federation of Women's Clubs, Toledo, Ohio; Division No. 17, Brotherhood of Locomotive Engineers, Stanley, Mo.; Twentieth Century Club, Gilman, Iowa; Woman's Club of Guthrie Center, Iowa; to the Committee on Agriculture.

By Mr. CARY: Resolutions adopted by the Polish National Alliance, protesting against the proposed illiteracy test in the immigration laws; to the Committee on Immgiration and Naturalization.

Also, communication from Milwaukee Mechanics Insurance Co., Milwaukee, Wis., favoring the Esch phosphorus bill; to the Committee on Interstate and Foreign Commerce.

By Mr. CHAPMAN: Petition of citizens of the twenty-fourth congressional district of Illinois, against a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. DICKINSON: Petition of J. C. Sims and 21 other citizens of Urich, Mo., against the establishment of a parcels post; to the Committee on the Post Office and Post Roads.

By Mr. DODDS: Petition of John B. Carter and nine other citizens of Roscommon County, Mich., for a parcels-post service; to the Committee on Post Offices and Post Roads.

Also, petitions of Forest Grange, No. 362; Farmers' Union Grange, No. 814; North Branch Grange, No. 952; and W. H. Bush and 26 others citizens of Antrim County, Mich., against the passage of the Canadian reciprocity bill; to the Committee on Ways and Means.

By Mr. DRAPER: Petition of Polish National Alliance, against further restrictive immigration; to the Committee on Immigration and Naturalization.

Also, petition of Kingsbury Grange, No. 1085, against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. DUREY: Resolutions adopted by Mapletown Grange, No. 613; Minaville Grange, No. 668; and Mayfield Grange, No. 683, Patrons of Husbandry, all of New York State, protesting against the adoption of the Canadian reciprocity treaty; to the Committee on Ways and Means.

Also, petition of the Allied Printing Trades of Greater New York, against increase of postage on second-class matter; to the Committee on the Post Office and Post Roads.

Also, petition of the Brooklyn League, insisting that the battleship *New York* be built in a Government navy yard in compliance with the law of 1910; to the Committee on Naval Affairs.

By Mr. ESCH: Petition of Polish National Alliance, against further restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. FITZGERALD: Petitions of Niagara Council, No. 8, Junior Order United American Mechanics; Spring Bed Makers' Protective Union, No. 12103, American Federation of Labor, of New York; National Lodge, No. 556, International Association of Machinists of Brooklyn, N. Y., for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. FISH: Petition of E. D. Gildersleeve and other members of Friends Society, against fortifying the canal; to the Committee on Military Affairs.

By Mr. FORNES: Petition of National Association of Merchant Tailors, against increase of postage on second-class matter; to the Committee on the Post Office and Post Roads.

Also, petition of Maritime Association of New York City, for appointment of Thomas J. Scully as a member of the Committee on the Merchant Marine and Fisheries; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the American Scenic and Historic Preservation Society, for House bill 2258; to the Committee on the Public Lands.

Also, petition of the Standard Pneumatic Action Co., the Kohler & Campbell Co., and the Autopican Co., in favor of a proper mail and steamship service between the United States and South America; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Art Color Printing Co., against increase of postal rates on second-class matter; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petition of John H. Batten, president of Hamilton Club; John W. Lowe, president of Society of War of 1812, Illinois branch; and John D. Vandercook, president of Sons of the American Revolution, of Chicago, for appropriation for Perry memorial; to the Committee on the Library.

Also, petition of citizens of Shabbona, the Chicago Allied Printing Trades Council, and the American Pulp & Paper Association, against increase of postage on magazines; to the Committee on the Post Office and Post Roads.

Also, petition of Mrs. Ella Zacher, demanding hearing on claim of E. G. Lewis, of University City; to the Committee on Claims.

Also, petition of directors of the Milk Producers' Association, against the Canadian reciprocity bill; to the Committee on Ways and Means.

By Mr. GARDNER of Massachusetts: Petitions of George W. Field, chairman of the Massachusetts fish and game commission, showing amount Canada pays in subsidies to her fishermen; from A. B. Gifford, boat builder, Gloucester, stating that the free-fish item in proposed tariff agreement with Canada would result in driving his plant out of the city; from Golden & Crawley, Gloucester, calkers, opposing free-fish item in proposed tariff agreement with Canada; from Gloucester National Bank, Gloucester, stating that proposed tariff agreement with Canada would result in driving many fish concerns to Nova Scotia; from vice president of Gloucester (Mass.) Board of Trade, stating that 140 out of total of 174 resident members of his organization have declared themselves against proposed tariff agreement with Canada; from Capt. Lemuel E. Spinney, individual vessel owner, asking to be protected from free fish as proposed in tariff agreement with Canada; from Gloucester Safe Deposit & Trust Co., stating that proposed reciprocity treaty would result in driving part of their business to Canada; from John Chisholm, Gloucester, owner of 10 vessels and wharf property, stating that he would be driven out of business if proposed tariff agreement is ratified; from Capt. Carl J. Young, Gloucester, individual owner, stating proposed tariff agreement would cause him to lose his vessel; from Hugh Parkhurst & Co., owners of eight vessels, Gloucester; from Burnham Bros., Gloucester marine railways, stating proposed free fish would mean ruin to Gloucester; from Perkins Box Co., Gloucester; from E. L. Rowe & Sons (Inc.), sailmakers, Gloucester; from W. H. Wonson & Son, Gloucester, fish business; from Henry E. Pinkham, fish business, Gloucester; from Fernald & Co., Boston, fish business; from Manuel Simmons, sailmaker and vessel owner; from Arthur D. Story, shipbuilder, Essex; from Master Mariners Towboat Co., Gloucester; from James E. Bradley, fish business, Gloucester; from Atlantic Maritime Co.; from Capt. Jerome McDonald, Gloucester, individual vessel owner; from M. Walen & Sons, Gloucester; from Capt. Charles L. Nickerson and 44 other captains of fishing sailing vessels; from T. Wharf, Boston, all in the State of Massachusetts, against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. GOULDEN: Petition of J. M. Huber, New York City; Photo-Engravers' Union, No. 1, New York City, and R. Magel, against increase of postal rates on second-class matter; to the Committee on the Post Office and Post Roads.

Also, petition of F. C. Hirleman, of New York City; W. B. Driscoll, of New York City; the Heights Taxpayers' Association of New York City, and Bronx Property Owners' Association, favoring a pneumatic mail-tube service; to the Committee on the Post Office and Post Roads.

Also, petition of the Pneumatic Action Co., of New York City, favoring a proper mail and steamship service; to the Committee on the Merchant Marine and Fisheries.

By Mr. HEALD: Resolutions advocating the enactment of legislation excluding undesirable immigration, from the Central Labor Union, Wilmington, Del.; Council No. 28, Junior Order United American Mechanics, Newark, Del.; and Camp No. 18, Viola, Del.; Camp No. 17, Leipsic, Del., and Camp No. 12, Port Penn, Del., Partiotic Order Sons of America; to the Committee on Immigration and Naturalization.

By Mr. HIGGINS: Petition of Konomoc Grange, Colchester (Conn.) Grange, and Montville (Conn.) Grange, against parcels post as recommended by the Postmaster General; to the Committee on the Post Office and Post Roads.

Also, petition of Natchaug (Conn.) Grange and Mystic (Conn.) Grange, Patrons of Husbandry, against a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. HILL: Petition of J. G. Blaine Council, Junior Order United American Mechanics, of Stamford, Conn., for House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of Hallenbeck Grange, No. 125, Canaan, Conn., favoring a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. HUMPHREY of Washington: Petition of citizens of Washington, against the establishment of a parcels post; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of Washington, insisting that the battleship *New York* be built in a Government navy yard in compliance with the law of 1910; to the Committee on Naval Affairs.

Also, petition of Spokane Council, No. 17, and Seattle Council, No. 2, Junior Order United American Mechanics, for the immediate passage of House bill 15413, to amend the immigration act; to the Committee on Immigration and Naturalization.

Also, petition of George P. Campbell, representing 50 members of the Grange and the Happy Valley Grange, No. 322, against the passage of the Canadian reciprocity bill; to the Committee on Ways and Means.

By Mr. JOYCE: Petition of General Assembly of Ohio, favoring election of Senators by popular vote; to the Committee on the Judiciary.

Also, petition of Q. R. Lane, of the Franklin County Bar Association, against two terms of circuit and district court of the southern district of Ohio; to the Committee on the Judiciary.

By Mr. KORBLY: Petition of Washington Camp No. 34, Patriotic Order Sons of America, for House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of Milk Producers' Association, against reciprocity with Canada; to the Committee on Ways and Means.

By Mr. LATTA: Petition of William Halst and others, of Decatur; I. B. Saunders, of Basile Mills; C. A. Blakeley and others, of Norfolk; R. B. Knapp and others, of Nacora; M. B. Wheeler and others, of Laurel; Joseph Nike and others, of Jelen; F. A. Kirch and others, of Beemer; A. L. Fletcher and others, of Dixon; Frank J. Stewart and others, of Randolph; and A. B. Strube and others, of Concord, all in the State of Nebraska, against a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. LONGWORTH: Petition of Harry H. Shulte and other citizens of Cincinnati, Ohio, against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. McDERMOTT: Petition of citizens of fourth Illinois congressional district, for building of battleship *New York* in a Government navy yard; to the Committee on Naval Affairs.

By Mr. McMORRAN: Petition of 48 residents of Almont, Mich., and members of the Central Woman's Christian Temperance Union, of Port Huron, Mich., for the Miller-Curtis bill; to the Committee on Interstate and Foreign Commerce.

By Mr. MOORE of Pennsylvania: Petition of Philadelphia Board of Trade, favoring construction of embassy buildings abroad; to the Committee on Foreign Affairs.

Also, petitions of Golden Star Council, No. 640; Carlisle Council, No. 574; West Hazelton Council, No. 943; Bellevue Council, No. 692; Lieutenant Cushing Council, No. 839; Coal Dale Council, No. 29; State Council of Pennsylvania, Order of Independent Americans, urging enactment of illiteracy test; to the Committee on Immigration and Naturalization.

Also, petitions of Washington Camps Nos. 113, 635, and 170, urging enactment of illiteracy test; to the Committee on Immigration and Naturalization.

Also, petitions of Winona Council, No. 63; Milford Square Council, No. 4; Walnut Bottom Council, No. 864; Bartram Council, No. 999; Active Council, No. 617; Greensboro Council,

No. 355; True American Council, No. 196; Lumber City Council, No. 831; Haverford Council, No. 592; Allen Council, No. 753; Audenreid Council, No. 775; Llewellyn Council, No. 222, Order of Independent Americans, and Washington Camps Nos. 630 and 483, Patriotic Order Sons of America, urging the enactment of an illiteracy test; to the Committee on Immigration and Naturalization.

By Mr. SMITH of Michigan: Petitions of Edward Robins and others, of Lenawee County; J. P. Swayze and 17 others, of Oakland County; William Fulton and 30 others, of Calhoun County; H. A. Parry and 48 others, of Isabella County; Edwin Soneral and 30 others, of Mason County; A. Grawn and 26 others, of Kent County; F. L. Dunning and 12 others, of Menominee County; Edward and 17 others, J. D. Sherbrook and 12 others, of Mackinaw County; Charles A. May and 40 others, of Allegan County; D. B. Averill and 37 others, of Wexford County; S. N. Richardson and 26 others, of Kalamazoo County; William Rupright and 56 others, of Missaukee County; Alvin Bever and 32 others, of Ionia County; and George W. Carr and 32 others, of Huron County, all in the State of Michigan, for parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. STERLING: Petition of Bloomington Trades and Labor Assembly, for House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of Bloomington Trades and Labor Assembly, for repealing oleomargarine tax; to the Committee on Agriculture.

Also, petition of Bloomington Trades and Labor Assembly, for building of battleship *New York* in a Government navy yard; to the Committee on Naval Affairs.

By Mr. SULZER: Petition of Tacoma Commercial Club, for an appropriation of $50,000 for roads in Rainier National Park; to the Committee on the Public Lands.

Also, petition of John McGarity, of New York City, against increase of postal rates on second-class matter; to the Committee on the Post Office and Post Roads.

By Mr. TAYLOR of Ohio: Petition of citizens of twelfth Ohio congressional district, against Sunday legislation for the District of Columbia; to the Committee on the District of Columbia.

SENATE.

FRIDAY, *February 24, 1911.*

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

THE JOURNAL.

The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. BURROWS. I ask unanimous consent that the further reading of the Journal be dispensed with.

The VICE PRESIDENT. Is there objection?

Mr. BEVERIDGE. I do not intend to object, but I wish to call attention at this time to an omission. I do not know that it would appear in the Journal anyway, but yesterday I gave notice, as the RECORD shows, that I would conclude my remarks this morning immediately after the morning business. I perceive that the notice is not on the calendar, and before the reading of the Journal is dispensed with, I merely call attention to it.

The VICE PRESIDENT. The Chair will take the responsibility for its not appearing on the calendar. Is there objection to dispensing with the further reading of the Journal? The Chair hears none. Without objection, the Journal will stand approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had passed the following bills:

S. 608. An act for the relief of Charles T. Gallagher and Samuel H. Proctor;

S. 7640. An act for the relief of James M. Sweat;

S. 7804. An act for the relief of David Jay Jennings;

S. 10817. 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; and

S. 10818. 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.

The message also announced that the House had agreed to the amendments of the Senate to the following bill and resolution:

H. R. 20603. An act for the relief of Henry Halteman; and

H. J. Res. 276. Joint resolution modifying certain laws relating to the military records of certain soldiers and sailors.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28632) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The message also announced that the House had agreed to the amendment of the Senate to the amendment of the House of Representatives to the bill (S. 10318) authorizing the Commissioner of the General Land Office to grant further extensions of time within which to make proof on desert-land entries.

The message further announced that the House had passed the bill (S. 7031) to codify, revise, and amend the laws relating to the judiciary, with an amendment, asks a conference with the Senate on the disagreeing votes of the two Houses on the bill and amendment, and had appointed Mr. MOON of Pennsylvania, Mr. PARSONS, and Mr. SHERLEY managers at the conference on the part of the House.

The message also announced that the House had passed the bill (S. 5432) to authorize the city of Seattle, Wash., to purchase certain lands for the protection of the source of its water supply, with amendments, in which it requested the concurrence of the Senate.

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

H. R. 28626. An act to amend the internal-revenue laws relating to distilled spirits, and for other purposes; and

H. R. 32436. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1912, and for other purposes.

The message also announced that the House had agreed to a concurrent resolution directing the Speaker of the House and the President of the Senate to erase their signatures to the bill (H. R. 25081) for the relief of Helen S. Hogan, etc., in which it requested the concurrence of the Senate.

The message further returned to the Senate, in compliance with its request, the bill (S. 10632) to authorize the North Pennsylvania Railroad Co. and the Delaware & Bound Brook Railroad Co. to construct a bridge across the Delaware River, from Lower Makefield Township, Bucks County, Pa., to Ewing Township, Mercer County, N. J.

The message also requested the Senate to return to the House the joint resolution (S. J. Res. 145) providing for the filling of a vacancy which will occur on March 1, 1911, in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress.

ENROLLED BILLS SIGNED.

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

H. R. 16268. An act for the relief of Thomas Seals;

H. R. 18542. An act for the relief of Thomas C. Clark;

H. R. 26290. An act providing for the validation of certain homestead entries;

H. R. 31538. An act to authorize the Pensacola, Mobile & New Orleans Railway Co., a corporation existing under the laws of the State of Alabama, to construct a bridge over and across the Mobile River and its navigable channels above the city of Mobile, Ala.;

H. R. 32220. An act to authorize the board of supervisors of the town of High Landing, Red Lake County, Minn., to construct a bridge across the Red Lake River;

H. R. 32400. An act to authorize the North Pennsylvania Railroad Co. and the Delaware & Bound Brook Railroad Co. to construct a bridge across the Delaware River from Lower Makefield Township, Bucks County, Pa., to Ewing Township, Mercer County, N. J.;

H. R. 32571. An act to consolidate certain forest lands in the Kansas National Forest;

S. 10015. An act for rebuilding and improving the present light and fog signal at Lincoln Rock, Alaska, or for building another light and fog-signal station upon a different site near by; and

S. J. Res. 132. Joint resolution authorizing the delivering to the commander in chief of the United Spanish War Veterans of one or two dismounted bronze cannon.

COMPANIES B, C, AND D, TWENTY-FIFTH INFANTRY.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War transmitting, in response to a resolution of the 21st instant, a list of names of soldiers of Companies B, C, and D of the Twenty-fifth Infantry recommended as eligible for reenlistment by the court of inquiry rela-