

change in income-tax law relative to collection at the source; to the Committee on Ways and Means.

Also, memorial of the congregation of the Seventh-day Adventists' Church, of Corry, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of citizens of Meadville and Erie, Pa., protesting against passage of Columbus Day bill (H. R. 9836); to the Committee on the Judiciary.

Also, petitions of F. P. Flegeyand, of Erie, and other citizens of the State of Pennsylvania, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. J. M. C. SMITH: Memorial of the Michigan State Grange, favoring woman's suffrage amendment; to the Committee on the Judiciary.

Also, petitions of Dickerson Post, No. 6, of Hillsdale; Williams Corps, No. 18, of Charlotte; Butterworth Corps, No. 31, of Coldwater; and Carlin Corps, No. 25, of Department of Michigan, protesting against change in the flag; to the Committee on the Judiciary.

Also, petitions of 35 citizens of Branch County and 23 citizens of Calhoun County, Mich., protesting against the Sunday observance bill; to the Committee on the District of Columbia.

Also, petition of the Loyal Legion Commandery of Michigan, protesting against any change in the flag; to the Committee on the Judiciary.

By Mr. SUTHERLAND: Petition of banks of West Virginia, favoring amendment to income-tax law; to the Committee on Ways and Means.

SENATE.

WEDNESDAY, February 18, 1914.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Oh Lord our God, Thou didst command Thy people in ancient times to love Thee with all their heart and soul and mind and strength, and in every human heart there is an ability to obey Thy command. But Thou hast come to us with the tender tones of the father. Thou dost win our love with the manifestations of Thy grace and providence and care. Thou dost lure us to this with all the offers of life and all the provisions of grace.

Grant us this day to open our hearts to Thee, to let the influences of Thy grace into our lives, to obey Thy will, and to love Thee out of glad response to all Thy love for us. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

CONVICT LABOR IN FOREIGN COUNTRIES.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of Commerce transmitting, in further response to a resolution of November 10, 1913, certain data in regard to the employment of convicts in foreign countries. The communication and accompanying papers will be referred to the Committee on Printing for consideration.

FINDINGS OF THE COURT OF CLAIMS.

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

The cause of Charles Gibbons, William Gibbons, Eunice G. Bidwell, Elmer Van Wie, William Van Wie, and Burret Van Wie, sole heirs of William E. Gibbons, deceased, *v.* United States (S. Doc. No. 429);

The cause of Nettie M. Patterson, one of the heirs of William Atchison, deceased, *v.* United States (S. Doc. No. 428);

The cause of Walter W. Hicks, son and sole heir of Franklin Z. Hicks, deceased, *v.* United States (S. Doc. No. 427);

The cause of Thomas Hawker, one of the heirs of John Hawker, deceased, *v.* United States (S. Doc. No. 426);

The cause of J. R. Brown, one of the heirs of John Brown, deceased, *v.* United States (S. Doc. No. 425); and

The cause of M. E. Smilie, administrator of Stephen Thomas, *v.* United States (S. Doc. No. 424).

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

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills, each with amendments, in which it requested the concurrence of the Senate:

S. 3439. An act appropriating funds for the purpose of the investigation, treatment, and eradication of hog cholera; and

S. 1346. An act to authorize the Eastern Maine Railroad to construct, maintain, and operate a bridge without a draw across the Penobscot River between the cities of Bangor and Brewer, in the State of Maine.

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

H. R. 122. An act authorizing the State of California to select public lands in lieu of certain lands granted to it in Imperial County, Cal., and for other purposes;

H. R. 4938. An act providing for the issuance of patents to transferees of town lots purchased from the United States at public sale in certain cases;

H. R. 6464. An act for the relief of Charles R. Grant;

H. R. 6750. An act granting to the city of New Orleans right of way for a street across the Jackson Barracks Military Reservation, in the parish of Orleans, State of Louisiana;

H. R. 6831. An act to quiet title to lot 5, section 33, township 14, range 18 east, Noxubee County, Miss.;

H. R. 8683. An act to authorize and direct the Secretary of the Treasury to relinquish the rights of the United States in and to a part of a certain alley in the city of Marshalltown, Iowa;

H. R. 10594. An act granting a pension to the Forsyth Scouts and the widows of the deceased members of the said organization;

H. R. 11102. An act providing that the marriage of a homestead entryman to a homestead entrywoman shall not impair the right of either to a patent, after compliance with the law a year, to apply to existing entries;

H. R. 11331. An act to repeal an act regulating the construction of bridges across the Muskingum River in Ohio;

H. R. 12914. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 13297. 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 of such soldiers and sailors.

ENROLLED BILLS AND JOINT RESOLUTION 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:

S. 1294. An act to regulate the hours of employment and safeguard the health of females employed in the District of Columbia;

H. R. 9848. An act for the relief of the New England Steamship Co.;

H. R. 11283. An act to authorize the construction of a bridge across the navigable waters of St. Andrews Bay; and

S. J. Res. 110. Joint resolution authorizing the President to accept an invitation to participate in an International Commission of Phytopathology.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a memorial of Local Branch No. 397, Jewish Socialist Federation and Workmen's Circle, of Bridgeport, Conn., remonstrating against the enactment of legislation to provide an educational test for immigrants to this country, which was referred to the Committee on Immigration.

He also presented a petition of sundry citizens of Ray, Ind., favoring the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of the National Jewelers' Board of Trade, of New York City, N. Y., praying that hearings be held in different commercial centers of the country relative to the proposed amendment of the Sherman antitrust law, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Overbrook, Kans., praying for the adoption of an amendment to the income-tax law to provide for a method of information at the source, which was referred to the Committee on Finance.

He also presented memorials of sundry citizens of Hartford, Wis.; of the Landwehr Verein, of Norfolk, Nebr.; of Orden Allemania, of New York City, N. Y.; of Unabhaengige Verein, of Helena, Mont.; and of Local Lodge No. 3, of Helena, Mont., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Toledo, Ohio, praying for the adoption of an amendment to the Con-

stitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented a petition of the East Washington Citizens' Association, of the District of Columbia, praying for the enactment of legislation to provide for the election of the Commissioners of the District of Columbia and for a Representative in Congress from the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Georgetown Citizens' Association, of the District of Columbia, praying that an appropriation be made for the improvement of Rock Creek, which was referred to the Committee on the District of Columbia.

He also presented memorials of Patrick Henry Branch, American Continental League, of Washington, D. C.; of Daniel O'Connell Division, No. 9, Ancient Order of Hibernians, of Buffalo, N. Y.; of Abraham Lincoln Branch, American Continental League, of New York City, N. Y.; of Pueblo Branch, American Continental League, of Pueblo, Colo.; of Lafayette Branch, American Continental League, of New York City, N. Y.; of the Allen, Larkin and O'Brien Club, of Philadelphia, Pa.; of John Boyle O'Reilly Club, of Pueblo, Colo.; of the County Mayo Men's Beneficial, Patriotic, and Social Association, of Philadelphia, Pa.; of the County Tipperary Men's Patriotic and Beneficial Association, of Philadelphia, Pa.; and of the Russell Club, of Brockton, Mass., remonstrating against an appropriation for the celebration of the so-called "One hundred years of peace among English-speaking peoples," which were referred to the Committee on Foreign Relations.

Mr. BURTON presented a memorial of sundry citizens of Tallmadge, Wadsworth, Akron, and Barberton, all in the State of Ohio, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of the board of directors of the Reading Bank, of Reading, Ohio, praying for the adoption of an amendment to the income-tax law to provide for a method of information at the source, which was referred to the Committee on Finance.

He also presented petitions of sundry citizens of Steubenville, Ohio, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Ohio, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. SHIVELY presented a memorial of Jasper Packard Post, No. 589, Department of Indiana, Grand Army of the Republic, of La Fayette, Ind., remonstrating against the enactment of legislation authorizing any change being made in the flag of the United States, which was referred to the Committee on the Judiciary.

He also presented a petition of the Lake County Association of Civil Service Employees, of Indiana, praying for the enactment of legislation granting pensions to civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

He also presented a memorial of sundry citizens of Berne, Ind., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented memorials of sundry citizens of Evansville and of Vigo County, in the State of Indiana, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Denver, Ind., favoring the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. BRYAN. On behalf of my colleague [Mr. FLETCHER], who is necessarily absent, I present resolutions adopted by the National League of Commission Merchants in annual convention at Jacksonville, Fla., January, 1914, favoring the adoption of a prepared form or system of rural credits. I move that the resolutions be referred to the Committee on Banking and Currency.

The motion was agreed to.

Mr. BRYAN. I also present for my colleague resolutions adopted by the House of Representatives of the State of Florida, which I ask may be printed in the Record and referred to the Committee on Commerce.

There being no objection, the resolution was referred to the Committee on Commerce and ordered to be printed in the Record, as follows:

COPIES OF RESOLUTION FROM THE JOURNAL OF THE HOUSE OF REPRESENTATIVES OF FLORIDA, FOURTEENTH REGULAR SESSION (APR. 8 TO JUNE 6, 1913).

[By Mr. Wilson, of Manatee. House resolution No. 97.]

Whereas the Myakka River, a stream that courses through Manatee and De Soto Counties, of south Florida, and empties into Charlotte Harbor, flows through some of the most fertile lands in Florida; and Whereas a small outlay, wisely expended, would make said Myakka River navigable to a point where township line dividing township 36 and 37, crosses said river; and Whereas as many thousands of acres of the finest lands in the State of Florida would be thus opened to cultivation; and Whereas the hundreds of farmers and fruit growers of this remote section would be thus supplied with transportation, which is their greatest need: Therefore, be it

Resolved, That our Senators and Members of Congress are severally requested to use their influence to secure a survey of said Myakka River from Charlotte Harbor to the point indicated in the foregoing preamble.

Second. That a copy of these resolutions be forwarded to each of our Senators and Members of the lower House of Congress.

Mr. Wilson moved the adoption of the resolution, which was agreed to.

Mr. BRISTOW presented petitions of sundry citizens of Abilene, Junction City, and Caney, Kans., praying for the adoption of an amendment to the income-tax law, to provide for a method of information at the source, which were referred to the Committee on Finance.

He also presented a petition of sundry citizens of Barton County, Kans., praying for the enactment of legislation to provide for the opening of the hunting season from February 1 to March 31, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Commercial Club of Arkansas City, Kans., remonstrating against the passage of the so-called McKellar cold-storage bill, which was referred to the Committee on Manufactures.

Mr. GRONNA. I present sundry petitions from leading bankers in my State, asking for certain changes in the income-tax law. I ask that the text of one of the petitions be printed in the Record.

There being no objection, the petitions were referred to the Committee on Banking and Currency, and the text of one of the petitions was ordered to be printed in the Record, as follows:

To the Representatives of the United States Congress:

We, the undersigned banks, bankers, and trust companies, hereby petition that the act of October 3, 1913, with respect to the income tax, be amended at the earliest possible date, to provide for a method of "information at the source" in lieu of the present provisions of "collection at the source."

The present method of collection at the source adds many unnecessary complications to bondholders and other investors. It has added enormously to the expenses of banks, bankers, and trust companies, and the labor in investigating and making refunds will yearly cost the Government vast sums of money, all of which can be avoided. The present law provides that the tax shall be collected first and assessed afterwards. The tax is collected on the gross income and is later assessed on the gross income less certain deductions which are allowed, so that refunds will be necessary on a very large proportion of the returns of individuals. Under a plan of information at the source all of these complications and unnecessary expenses, aggregating up into the hundreds of thousands of dollars annually, will be eliminated, and the Government will be in possession of more information for the verification of the returns of individuals and corporations than under the law as it now stands.

We further petition that in the event that the law is not speedily amended as above that an annual appropriation be made by Congress for the reimbursement of banks, bankers, and trust companies for the extra expenses to which they are subjected in acting as agents for the Government in the collection of the income tax.

We also call attention to the fact that we have done everything possible to cooperate with the Government in putting this law into operation without waiting to determine who is to pay this heavy extra expense, and we ask that Congress recognize our efforts and afford us relief as soon as possible.

Mr. WORKS presented a memorial of the Chamber of Commerce of Los Angeles, Cal., remonstrating against the repeal of the free-toll clause of the Panama Canal act, which was referred to the Committee on Inter-oceanic Canals.

He also presented petitions of the boards of directors of sundry banks of Pasadena, San Diego, Oxnard, Wilmington, Redondo Beach, and Escondido, all in the State of California, praying for the adoption of an amendment to the income-tax law providing for a method of information at the source, which were referred to the Committee on Finance.

Mr. BRADLEY presented memorials of Local Union No. 156, Bartenders' International League, of Paducah; of sundry citizens of McCracken County; of the American Mutual Aid So-

ciety, of Covington; of the West End Mutual Aid Association, of Covington; of sundry citizens of Covington; of Local No. 238, Brotherhood of Painters, Decorators, and Paperhangers of America, of Covington; of the Sunny Side Mutual Aid Association, of Covington; of Local Union No. 698, Brotherhood of Carpenters and Joiners of America, of Newport; of the Standard Social Club, of Covington; of the Star Permanent Building Association, of Covington; of the Covington Baer Society, of Covington; and of Local Union No. 234, of Central City, all in the State of Kentucky, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. KERN presented a memorial of Local Union No. 407, of Indianapolis, Ind., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a petition of the Local Switchmen's Union of Buffalo, N. Y., praying for the enactment of legislation to make lawful certain agreements between employers and laborers and persons engaged in agriculture or horticulture and to limit the issuing of injunctions in certain cases, and for other purposes, which was referred to the Committee on the Judiciary.

Mr. GALLINGER presented the petition of H. W. Spokesfield, of Littleton, N. H., praying for the adoption of an amendment to the immigration law permitting the admission to this country of foreign political refugees, which was referred to the Committee on Immigration.

Mr. STERLING presented memorials of sundry citizens of Alexandria, Pennville, and Brandon, all in the State of South Dakota, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a memorial of sundry citizens of Olivet, S. Dak., and a memorial of sundry citizens of Lead, S. Dak., remonstrating against the enactment of legislation to make October 12, Columbus Day, a legal holiday, which were referred to the Committee on the Judiciary.

Mr. DU PONT presented a memorial of Local Union No. 449, Brotherhood of Painters, Decorators, and Paperhangers of America, of Wilmington, Del., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. KENYON presented a memorial of the Local Union of Bartenders of Keokuk, Iowa, and a memorial of sundry citizens of Fort Dodge and Clinton, Iowa, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry members of the American Protective Association, citizens of Council Bluffs, Iowa, praying for the enactment of legislation to provide an educational test for immigrants to this country, which was referred to the Committee on Immigration.

Mr. POINDEXTER presented a memorial of sundry citizens of Mount Vernon, Wash., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. McLEAN presented memorials of sundry citizens of New Haven, Norwalk, and South Norwalk, all in the State of Connecticut, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. RANSDELL presented a petition of the board of directors of the New Iberia National Bank, the Citizens' Bank of New Iberia, and the People's National Bank of New Iberia, all in the State of Louisiana, praying for the adoption of an amendment to the income-tax law to provide for a method of information at the source, which was referred to the Committee on Finance.

Mr. SHEPPARD presented a memorial of sundry citizens of Fort Worth, Tex., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Mansfield and Richland County, Ohio, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

TRANSPORTATION OF INTOXICATING LIQUORS.

Mr. SHEPPARD. I send to the desk a resolution adopted recently by the Board of Trade of Pittsburgh, Pa., in behalf of the proposed constitutional amendment providing for nationwide prohibition. The resolution is short and I ask that it may be read.

There being no objection, the resolution was read and referred to the Committee on the Judiciary, as follows:

Whereas these are days of efficiency. "Stop the leaks" is the watchword of commercial and industrial supremacy. When a commercial organization can effect a saving of such enormous sums through reduction of taxation, when added to that they can bring about a moral condition in the county, State, and Nation, it becomes not alone a commercial question, but a commercial obligation resting upon such organizations as this is to take a stand for efficiency in the elimination of the cause of this ever-increasing taxation upon business: Therefore, be it

Resolved, That this organization, realizing as never before the increasing burden of taxation, caused by the liquor traffic in this county, as so conclusively shown by the figures given by the census of the United States; realizing the great gain morally to the citizenship of our country by a material reduction of our saloons; realizing that it is poor economy to allow the granting of liquor licenses which annually grind out a grist of humanity for which we must increasingly pay an unnecessary tax; realizing the economic loss to the county through the inefficiency of the individual, and recognizing the fact that more than 47,000,000 of the population of our country already live in territory from which liquor has been banished by the sovereign will of the people; be it

Resolved, That this organization place itself on record as favorable to the passage of the bill now before Congress submitting the question of national prohibition to the several State legislatures, that the question may be settled in harmony with the will of the people.

Mr. SHEPPARD. The Philadelphia North American, in publishing the resolution on January 22, 1914, said that never, so far as is known, has so influential a municipal body committed itself officially to such an important national question, and its action is a notable manifestation of the antisaloon sentiment which is now sweeping over the country.

THE CONSTITUTION—PELATIAH WEBSTER.

Mr. BRADLEY. I present the petition of Hon. Hannis Taylor, in regard to perpetuating the memory of Pelatiah Webster, the father of the Constitution. I ask that the petition may be printed in the RECORD and referred to the Committee on the Library for proper action.

There being no objection, the petition was referred to the Committee on the Library and ordered to be printed in the RECORD, as follows:

PETITION TO BE PRESENTED TO THE CONGRESS ON FEBRUARY 16, 1914, THE ONE HUNDRED AND THIRTY-FIRST ANNIVERSARY OF THE PUBLICATION, AT PHILADELPHIA, OF PELATIAH WEBSTER'S EPOCH-MAKING TRACT OF FEBRUARY 16, 1783, CONTAINING THE FIRST DRAFT OF THE EXISTING CONSTITUTION OF THE UNITED STATES.

"History is studied from documents. Documents are the traces which have been left by the thoughts and actions of men of former times. There is no substitute for documents; no documents, no history."—Ch.-V. Langlois.

"Under the shell there was an animal, and behind the document there was a man. The shell and the document are lifeless wrecks, valuable only as a clue to the entire and living existence. We must reach back to this existence, endeavor to re-create it."—Taine.

"Mankind resents nothing so much as the intrusion upon them of a new disturbing truth. The huge, dead weight of stupidity and indolence is always ready to smother audacious inquiries."—Sir Leslie Stephen.

"The world resents any attempt to show that it has fallen into an error."—Herbert Spencer.

"Who does not know that it is the first and fundamental law of history that it should neither dare to say anything that is false, nor fear to say anything that is true, nor give any just suspicion of partiality on the one hand or of personal animosity on the other."—Cicero.

[February 16, 1783—February 16, 1914.]

Petition to be presented to Congress by Hannis Taylor on February 16, 1914, the one hundred and thirty-first anniversary of the publication, at Philadelphia, of Pelatiah Webster's epoch-making tract of February 16, 1783, containing the first draft of the existing Constitution of the United States, the prayer of the petition consisting of a request that Congress take into consideration the erection of a tablet or other appropriate memorial in or near the Capitol.

To the Speaker of the House of Representatives:

Mr. Speaker, the undersigned petitions the House to pause on this day—the real birthday of the second and existing Constitution of the United States—in order to contemplate the marvelous invention which made the existence of that Constitution possible. On February 16, 1783, Pelatiah Webster, the first distinguished member of the famous New England family of that name, a master of the science of economics and finance, who may justly be called the American Adam Smith of that day, published at Philadelphia, as his invention, the "wholly novel theory" of a Federal Government embodied soon thereafter by the Federal convention of 1787 in the existing Constitution of the United States. The invention thus promulgated was elaborated in great detail and spread broadcast in a pamphlet of 47 pages, printed at the well-known press of T. Bradford, only five blocks removed from Independence Hall, in which the Continental Congress was then sitting. An original copy of that epoch-making publication, entitled "A dissertation on the political union and Constitution of the thirteen United States of North America, which is necessary to their preservation and happiness; humbly offered to the public by a citizen of Philadelphia," and just as authentic as the Constitution itself, is on file in the Library of Congress subject to inspection by anyone having the slightest doubt upon the subject. Certainly the time has arrived when the American

people, whose greatest pride should be in their greatest invention, should listen to the admonition of Cicero, who, in the *De Oratore*, has said:

"Who does not know that it is the first and fundamental law of history that it should neither dare to say anything that is false nor fear to say anything that is true, nor give any just suspicion of partiality on the one hand or of personal animosity on the other."

FINANCES OF THE REVOLUTION IN 1783.

No practical mind, free from prejudice and under the sway of common sense, should have the slightest difficulty in grasping the real origin of the invention in question, when the fact is taken into account that it was made by a trained financier at a critical moment when the financial necessities of the country imperiously demanded it. The cessation of hostilities with Great Britain, followed as it was by the signing of the preliminary articles of peace at Paris, January 20, 1783, had brought the financiers of the Revolution, burdened with an unpaid army and a foreign debt, face to face with the mighty problem of providing, without any visible or reliable means, for the obligations that represented the cost of victory. The Continental Congress was fading surely, and not very slowly, into the shadow of a name; it was with difficulty that men of the first class could be induced to sit as members of it. After 2,000 years and more of painful experience the ancient form of a Federal Government, as embodied in our first Constitution, known as the Articles of Confederation, had ended in failure and disappointment. In the midst of the collapse the only real bond of cohesion which held the States together was a man, and that man was Washington. That he was mightier than the Congress appears from a letter written August 4, 1783, to Vergennes, by Luzerne, who said:

"The taxes, so poorly collected during the war, are yet worse collected at this time. * * * Everyone is reduced to the necessity of waiting the result of the letter of Gen. Washington, and more is hoped from the consideration of a single citizen than from the authority of a sovereign body."

PELATIAH WEBSTER A MASTER OF ECONOMICS AND FINANCE.

At that critical moment in our history, when the possibility of beginning a new national life depended upon the creation of a new system of public finance, a genius appeared upon the scene who was equal to the occasion. This daring innovator, whose instincts as a financier made him the first to understand the necessity for an entirely new Federal fabric, was born at Lebanon, Conn., in 1726, and graduated at Yale College in 1746. In 1755 he moved to Philadelphia, where he became a prosperous merchant; and during the British occupation in 1778 he was arrested at night on account of his ardor in the patriot cause and closely confined in prison, a large part of his property being confiscated to the King's stores. As early as 1776 he had begun to write on the currency, and three years later he began the publication of the famous series of *Essays on Free Trade and Finance*. We are told by a high authority that during the war "Members of Congress, especially the Connecticut Delegates, were in the habit of passing the evening with him, to consult him upon financial and political concerns," and when in July, 1782, a petition was to be presented to Congress in behalf of "the deranged officers of the lines of Massachusetts and Connecticut," Webster was appealed to for his influence. In a petition drawn in the noblest style he presented the case, which was finally referred to a special committee, whose report, which survives in the handwriting of Alexander Hamilton, is dated March 6, 1783, just 18 days after the publication of the great paper of February 16 of that year. The late Prof. Sumner, of Yale, in his history of the Finances of the American Revolution, says:

"In February, 1780, Pelatiah Webster urged the appointment of a financier—that is, of a competent single officer—to take charge of the finances in place of the committees or boards who had hitherto been intrusted with them."

Thus it appears that Webster, while attempting to improve the finances of the Confederation, created the office to which Robert Morris was appointed, as our first real Secretary of the Treasury. Madison tells us, with great formality, in his famous papers, that in 1781 Pelatiah Webster, in one of his financial essays published in May of that year, was the first to propose the calling of a Continental Convention for the making of an entirely new Constitution.

CIRCUMSTANCES UNDER WHICH THE EPOCH-MAKING PAPER OF FEBRUARY 16, 1783, WAS WRITTEN.

Just one year and nine months after Webster thus proposed to break with the past—by being the first to suggest the calling of a Continental Convention, to be charged with the duty of making an entirely new Constitution—he published at Philadelphia on February 16, 1783, his path-breaking tract of 47 printed pages, in which he dared to set forth in great detail just what that new Constitution should be. Nothing could be more graphic than the terms in which Webster himself has described the conditions under which his wholly novel and unique plan of Federal Government was formulated. To the republication of his plan, made at Philadelphia in 1791, he appended this note:

"At the time when this dissertation was written (Feb. 16, 1783) the defects and insufficiency of the old Federal Constitution were universally felt and acknowledged. It was manifested, not only that the internal police, justice, security, and peace of the States could never be preserved under it, but the finances and public credit would necessarily become so embarrassed, precarious, and void of support that no public movement which depended on the revenue could be managed with any effectual certainty; but though the public mind was under full conviction of all these mischiefs and was contemplating a remedy, yet the public ideas were not at all concentrated, much less arranged into any new system or form of government which would obviate these evils. Under these circumstances I offered this dissertation to the public. How far the principles of it were adopted or rejected in the new Constitution, which was four years afterwards (Sept. 17, 1787) formed by the general convention and since ratified by all the States, is obvious to everyone."

His own presentation of his case is conclusive. At the time of the publication of his invention "the public ideas were not at all concentrated, much less arranged into any new system or form of government which would obviate these evils." The silly statement often made that about that time (Feb. 16, 1783) such a scheme of government as Webster proposed was "in the air" is simply mendacious. (In the winter of 1784-85 Noah Webster, then a young man of 27, printed over his own name an abridgment of the great paper of Feb. 16, 1783. That barren print, which failed to add a single original suggestion, is contained in his *Sketches of American Policy*.) The spiteful critics who have attempted to rob him of his glory have never been able to find a scintilla of contemporaneous evidence to support such a story. It was years afterwards before any proposals at all like it were made. Prior to Webster's publication there is no trace of any other plan or project

of a new Constitution that can be placed in contrast or rivalry with his "wholly novel theory." The great architect thus stands alone and isolated from all rivals in the solitude of his own originality.

A SUPREME FEDERAL GOVERNMENT WITH THE POWER TO TAX.

The epoch-making document in question is so systematic, so lucid, with every thought worked out in such detail, that it is easy to follow the mental processes through which the "great discovery in modern political science," as Tocqueville has called it, was evolved from the brain of the daring innovator who was at once economist, statesman, and financier. The overshadowing practical difficulty to be removed was that involved in the fact that the one-chamber Congress of the Confederation possessed no power to tax. To use Webster's own words: "They could assess and levy no taxes." No Federal Government that had ever existed had been armed with the power to tax. In this country the entire taxing power was then vested in the States. Webster's dream was to create a self-executing Federal system, armed with the power to tax, and operating directly on the individual—an invention of which no trace or hint is to be found in the constitutions of the Greek or Teutonic Leagues, in the Articles of Confederation patterned after them, or in the prior utterances of any other American.

He said:

"I begin with my first and great principle, viz, that the Constitution must vest powers in every department sufficient to secure and make effectual the ends of it.

"They must therefore of necessity be vested with power of taxation. I know this is a most important and weighty truth, a dreadful engine of oppression, tyranny, and injury when ill used; yet, from the necessity of the case, it must be admitted.

"To make all these payments dependent on the votes of 13 popular assemblies, who will judge of the propriety of every contract and every occasion of money, and grant or withhold supplies, according to their opinions, whilst at the same time the operations of the whole may be stopped by the vote of a single one of them, is absurd. * * * This tax can be laid by the supreme authority much more conveniently than by the particular assemblies, and would in no case be subject to their repeals or modifications, and, of course, the public credit would never be dependent on or liable to bankruptcy by the humors of any particular assembly."

Out of that brilliant and daring proposal to arm a Federal assembly with "the supreme authority" to levy all kinds of Federal taxes, regardless of the "repeals or modifications" of the States composing the Union, arose the existing Constitution of the United States. The moment it was settled that such a supreme Government was to be established it followed that such a Government must be completely organized, with the authority to execute its own laws and decrees directly upon individuals through machinery adequate to that end. From the original concept necessarily resulted a completely organized Government "with the usual branches, legislative, executive, and judicial; with the direct power of taxation and the other usual powers of a Government; with its Army, its Navy, its civil service, and all the usual apparatus of a Government, all bearing directly upon every citizen of the Union without any reference to the governments of the several States."

DIVISION OF A FEDERAL GOVERNMENT INTO THREE DEPARTMENTS.

The moment Webster saw that his new creation must be a strictly organized and self-sustaining government he proposed to divide it into three departments—legislative, executive, and judicial—as that partial division then existed in the State constitutions. There never had been a Federal Government so divided in the world's history. There was no such division in the Government created by the Articles of Confederation. To use again Webster's words: "It [the confederation] blended the legislative and executive powers together in one body" [the Continental Congress]. It follows, therefore, that Webster's second proposal to divide a Federal Government into three departments—legislative, executive, and judicial—was but little less bold than his first, which involved the arming of such a creation with the independent power of taxation. And yet some superficial critics have not had the acumen to draw the distinction between the dividing of the government of a single State, like England or Virginia, into three departments and the dividing of a Federal State into three departments. The division of the government of a single State in that way had long been known. It was Webster who first conceived the idea involved in the application of such a division to a Federal system, an innovation that resulted in momentous consequences.

A FEDERAL PRESIDENT SURROUNDED BY A CABINET.

As the Articles of Confederation did not provide for an Executive of any kind, the people of this country had never heard of a President of the United States, much less of a President surrounded by a Cabinet council. Webster was the first to provide for both. He proposed that the executive power should be vested in a President, surrounded by a Cabinet or council composed of the "great ministers of state," such President to be elected by Congress, as the President of France is now elected. "The financier manages the whole subject of revenues and expenditures, the Secretary of State takes knowledge of the general policy and internal government, the minister of war presides in the whole business of war and defense, and the minister of foreign affairs regards the whole state of the Nation as it stands related to or connected with all foreign powers." Later on he says the "great ministers of state shall superintend all the executive departments and appoint all executive officers, who shall ever be accountable and removable for just cause by them or Congress, i. e., either of them."

A BICAMERAL FEDERAL LEGISLATURE.

Just as the State constitutions admonished Webster to split the new Federal Government into three departments—executive, legislative, and judicial—so the bicameral State legislatures admonished him to split the one-chamber Congress of the Confederation into two chambers, an upper and a lower House. As the draftsman of the Articles of Confederation, Franklin was content to follow a model 2,000 years old. All Federal assemblies down to that time had consisted of a single chamber. Therefore, Franklin made the Continental Congress to consist of only one chamber. In criticizing Franklin's work Webster said: "This body, viz, Congress, consisted of but one House, without any check upon their resolution." As an improvement he proposed "that Congress shall consist of two chambers, an upper and a lower House, or Senate and Commons, with the concurrence of both necessary to every act, and that every State send one or more delegates to each House. This will subject every act to two discussions before two distinct chambers of men equally qualified for the debate, equally masters of the subject, and of equal ambitions in the decision. These two Houses will be governed by the same natural motives and interests, viz, the good of the Commonwealth and the approbation of the people." In comment

upon the manner in which the Members should be chosen, Webster said:

"The delegates which are to form that august body, which are to hold and exercise the supreme authority, ought to be appointed by the States in any manner they please, in which they should not be limited by any restrictions; their own dignity and the weight they will hold in the great public council will always depend on the abilities of the persons they appoint to represent them there."

Finally he said:

"It is necessary that Congress should have all usual and necessary powers of self-preservation and order, e. g., to imprison for contempt, insult, or interruption, etc., and to expel their own Members for due causes, among which I would rank that of nonattendance on the House or partial attendance without such excuse as shall satisfy the House."

In thus defining the Constitution of the American Congress as it exists to-day Webster provided even for details. Never before had the world heard of a Federal assembly of two chambers instead of one. And yet the American Congress thus brought into being has never so far recognized the existence of its creator. It has "carved not a line, it has raised not a stone; it has left him alone in his glory."

A FEDERAL JUDICIAL SYSTEM.

An important count in Webster's indictment against the Articles of Confederation was that "they could institute no general judiciary powers." That difficulty he proposed to remove in his new system by creating a Supreme Court, with jurisdiction original and appellate, and such inferior courts of law and equity as the necessities of the country might require. He outlined the Supreme Court, with jurisdiction both original and appellate, in these terms:

"That the supreme authority should be vested with powers to terminate and finally decide controversies arising between different States, I take it, will be universally admitted, but I humbly apprehend that an appeal from the first instance of trial ought to be admitted in causes of great moment on the same reasons that such appeals are admitted in all the States of Europe. It is well known to all men versed in courts that the first hearing of a cause rather gives an opening to that evidence and reason which ought to decide it than such a full examination and thorough discussion as should always precede a final judgment in causes of national consequence. A detail of reasons might be added, which I deem it unnecessary to enlarge on here."

Thus emerged, for the first time, the splendid conception of the Supreme Court of the United States as it now exists, armed not only with original jurisdiction "to terminate and finally decide controversies arising between different States," but also with an appellate jurisdiction "in causes of great moment on the same reasons that such appeals are admitted in all the States of Europe." As to the inferior Federal courts, he concluded with this declaration:

"To these I would add judges of law and chancery, but I fear they will not be very soon appointed—the one supposes the existence of law, the other of equity—and when we shall be altogether convinced of the absolute necessity of the real and effectual existence of both of these we shall probably appoint proper heads to preside in these departments."

Webster perfectly understood that the supremacy of Federal law would be the necessary result of his proposed judicial system. He said:

"(1) No laws of any State whatever which do not carry in them a force which extends to their effectual and final execution can afford a certain or sufficient security to the subject. This is too plain to need any proof. (2) Laws or ordinances of any kind (especially of august bodies of high dignity and consequence) which fall of execution are much worse than none. * * * (3) To appoint a Congress with powers to do all acts necessary for the support and uses of the Union, and at the same time to leave all the States at liberty to obey them or not with impunity, is, in every view, the greatest absurdity. Further, I propose that if the execution of any act or order of the supreme authority shall be opposed by force in any of the States (which God forbid) it shall be lawful for Congress to send into such State a sufficient force to suppress it. On the whole, I take it that the very existence and use of our Union essentially depends on the full energy and final effect of the laws made to support it, and therefore I sacrifice all other considerations to this energy and effect, and if our Union is not worth this purchase we must give it up—the nature of the thing does not admit of any other alternative."

THE RESERVED RIGHTS OF THE STATE.

Webster was no more eager, however, to arm his new Federal creation with supremacy in the event that its laws or decrees should be defied by the States than he was to guard against intrusion such rights as the States reserved to themselves. Nothing could be more explicit on that subject than these declarations:

"II. But now the great and most difficult part of this weighty subject remains to be considered, viz. how these supreme powers are to be constituted in such manner that they may be able to exercise with full force and effect the vast authorities committed to them for the good and well-being of the United States and yet be so checked and restrained from exercising them to the injury and ruin of the States that we may with safety trust them with a commission of such vast magnitude (the first definition of State rights)—and may Almighty Wisdom direct my pen in this arduous discussion. * * * I propose, further, that the powers of Congress, and all the other departments acting under them, shall be restricted to such matters only of general necessity and utility to all the States as can not come within the jurisdiction of any particular State, or to which the authority of any particular State is not competent, so that each particular State shall enjoy all sovereignty and supreme authority to all intents and purposes, excepting only those high authorities and powers by them delegated to Congress for the purposes of the General Union."

Here we have in advance, and in a more elaborate form, the tenth amendment, which declares that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." Nothing could be more clear and explicit than Webster's declaration that his new Federal fabric was to be one of delegated and strictly limited powers, and yet one absolutely supreme within the limits of its jurisdiction as defined by its own tribunals.

WEBSTER THE FIRST EXPOUNDER AND DEFENDER OF THE NEW CONSTITUTION.

When the existing Constitution of the United States was given to the world, after the adjournment of the Federal Convention on the 17th of September, 1787, Pelatiah Webster, a citizen of Philadelphia, was able to greet and defend the child of his brain with a father's zeal and a father's love. Then it was that he promptly took his place at the side of Washington, who nearly exhausted his moral authority

in a supreme effort to force the States to ratify it. While the jealous Titans were halting between their local self-interests and their fears of a total dissolution of the Union—rendered imminent by a bitter opposition upon the part of many to the commerce clause—the enemies of the new Constitution attempted to strangle it at its birth by inducing Pennsylvania to reject it. With that end in view an unpatriotic minority of the assembly of that State, on September 29—after attempting on the day before to prevent, by breaking a quorum, the reference of the new Constitution to conventions of the States—bitterly denounced it in an address to their constituents. It was at that critical moment that Webster stood forth like Horatius at the gate; in the first assault ever made upon the new Constitution his strong right arm was the first raised to defend it. On October 12, he fell upon the factious secessionists and scourged them in a brilliant response to their address, characterized by all the weightiness of Burke and by the withering scorn of Junius. After answering all of their objections to a Federal assembly of two chambers, very nearly in the language in which he had originally proposed such an assembly, he said: "Vide a 'Dissertation on the political union and Constitution of the Thirteen United States,' published by a citizen of Philadelphia, February 16, 1783, where the subject is taken up at large." The original text of that remarkable, yet almost entirely unknown, paper of October 12, 1787, in which Webster thus refers expressly to his first performance for a more extended statement of his argument, is to be found in the Boston Athenaeum and in the Library of Congress. It is certainly notable as the first popular exposition ever made of the new Constitution after the adjournment of the convention; and, above all, it fixes the fact that the author of the "great discovery in modern political science" was also its first expounder and defender. Under the leadership of Pelatiah Webster was thus fought out, in the streets of Philadelphia, the first battle for the Constitution, resulting on December 12 in the ratification of Pennsylvania by a vote of 46 to 23.

THE DRAFTSMEN OF THE THREE PLANS—MADISON, PINCKNEY, AND HAMILTON.

On the day Webster laid his complete and wholly novel plan of a Federal Government at the door of the Continental Congress, Madison, then 32, and Hamilton, then 26, were in their places in that assembly in which Charles Pinckney, then 25, took his place not long afterwards. Only the blind or infatuated will contend that these vigilant and ambitious young statesmen, intent upon improving conditions then crying out for a remedy, did not read and master the contents of the great document, the first to propose the construction of a new Federal system, published "at the seat of government," under their very eyes on February 16, 1783. As a trained and experienced financier and statesman of 57 Webster was certainly far better equipped to solve a problem, in its essence financial and commercial, than either Madison, Pinckney, or Hamilton could have been at that time. He formulated, in the light of his experience, the novel principles they were to translate into a working system of government. After reflecting for four years upon Webster's startling proposal, the three brilliant young statesmen in question restated it, each from his own point of view, in three plans, carefully formulated long before the meeting of the Federal convention in May, 1787. From his life by Rives we know that Madison was at work on the so-called Virginia plan at least a year beforehand; the elaborate plan or "system" presented by Charles Pinckney was described in his "Observations" months before his departure from Charleston; while the Hamilton plan was worked out so elaborately beforehand as a constitution that it might have gone into effect the next day, as his son tells us, if it had been adopted. (I have demonstrated long ago (see Yale Law Journal for December, 1908) that the so-called "Connecticut plan," of which Bancroft has said so much, existed only in his imagination. The records do not contain it.)

ABSURDITY OF THE "INSPIRATION THEORY."

No popular myth was ever so absurd, so foundationless as that so justly ridiculed and labeled by the great German historian Von Holst the "inspiration theory," which assumes, in the face of all the crushing documentary evidence to the contrary, that the "great discovery in modern political science" emerged, after the doors were closed, through some supernormal process, from the combined brains of the convention which only worked 86 days. The records show that the "great discovery" was taken as a whole into the convention in three plans, prearranged long beforehand, two of which were presented the moment the convention was organized for business. No deliberative body ever had its work so cut out and arranged beforehand as the Federal Convention of 1787. From the time the plans were submitted to the close the single question before the secret conclave was as to the form in which the great invention of February 16, 1783, should be adapted to then existing conditions as a working system of government. The confusion long existing in the public mind on this all-important subject was the natural outcome of the fact that the convention shrouded its proceedings in a secrecy as profound as that which incloses a Masonic lodge, sealed its records at the close and committed them to Washington with the injunction "that he retain the Journal and other papers subject to the order of Congress, if ever formed under the Constitution." Not until 1818 did Congress partially break the seal by ordering the publication of the imperfect fragment known as the "Journal"; and not until 1841, 54 years after the adjournment, was the full record published in the three volumes of priceless "papers" prepared by the semi-official reporter, James Madison. During that half century of mystery and suppression it was that the mythical history of what actually took place in the secret conclave crystallized into a series of misty and misleading impressions so fixed in the minds of the older men of the country that it is now difficult to dislodge them, even with the aid of clear and explicit documentary evidence. "My siege is finished," exclaimed Vertot, when offered new documents which stultified his narrative. In the same spirit many of the devotees of the pitiful "inspiration theory," redolent of the "Faust book," still respond even when the connected documentary history of all that occurred is offered them. Possibly Sir Leslie Stephen was right when he said "Mankind resents nothing so much as the intrusion upon them of a new and disturbing truth"; possibly Herbert Spencer was right when he said: "The world resents any attempt to show that it has fallen into an error."

THE FEDERAL CONVENTION OF 1787 AND ITS WORK.

But let us all remember that perfect justice may be done to the fame of the great architect of our second Constitution without injury to the fame of any of his contemporaries. Neither Madison, Pinckney, nor Hamilton ever claimed to be the author of the "great discovery"; for the best of all reasons—such a claim upon the part of one would have involved him at once in a sharp conflict with the other two. Nothing more can be said than that each failed to state the source from which the fundamentals of his plan were drawn. If the convention had

sat with open doors that omission would have been impossible, because when the three plans as drafted by Madison, Pinckney, and Hamilton are placed in juxtaposition with the original paper of February 16, 1783, a mere comparison settles the fact that the great invention, which is the basis of all of them, was drawn by each from the common source. And yet after that claim has been fully admitted, as it will be by every honest and reasonable mind, the fact remains that the master builders, who transformed under the most difficult circumstances possible the dream—it was only a dream—of the great architect into a working system of government, achieved a result just as remarkable as the invention itself. The philosophers, statesmen, jurists, warriors, experienced men of affairs, who composed the august assembly that wrought at Philadelphia in 1787, may be compared, as to genius and learning, with the master spirits of any age. No assembly so small—it numbered only 55 delegates—was ever dominated by so many men of the highest order. They need not strut in borrowed plumes; they need no fame that belongs to another. The most ardent worshipper of the master builders would only belittle their immortality if he fancied that it could be at all dimmed by the rendition of tardy justice to the great architect, the man of contemplation, who was their natural, perhaps their necessary, forerunner.

All have been rewarded, all have been honored except the great one who made everything possible. While the priceless legacy bequeathed by the immortal document of February 16, 1783, has become the heritage of swelling millions, an humble and neglected grave at Philadelphia has been the only recompense so far received by its author. Every drummer boy, every foreigner who rendered conspicuous service to the patriot cause during the Revolutionary era has been honored by a monument—only the architect of our marvelous Constitution has been forgotten. But he has not been ungenerously forgotten by a noble and grateful people, ever ready to honor all who have served them. For reasons stated already the real facts involved in the life work of Pelatiah Webster have not heretofore been known; it was the fate of this great man of contemplation to work, as it were, behind a curtain which until now has almost concealed him from the view of the world. To the drawing aside of that curtain your humble petitioner has devoted the best efforts of his life. Unbiased by sectional feeling as a southern man, unchilled by the scornful coldness of the leaders of thought in New England, who have done what they could to demonstrate that a prophet is not without honor save in his own country and among his own people, he has moved steadily on, believing, with Langlois, that "History is studied from documents. Documents are the traces which have been left by the thoughts and actions of men of former times. There is no substitute for documents; no documents, no history." By the most explicit and most authentic of all documents Pelatiah Webster's fame has been fixed for all time.

Two years after the new Constitution had gone into effect Webster republished at Philadelphia the great document of February 16, 1783, with important notes, in which he explained with perfect clearness the circumstances under which it had been written. In the notes he says: "I was then pretty much at leisure, and was fully of opinion (though the sentiment at that time would not very well bear) that it would be ten times easier to form a new constitution than to mend the old one. I therefore sat myself down to sketch out the leading principles of that political Constitution which I thought necessary to the preservation and happiness of the United States of America, which are comprised in this dissertation. I hope the reader will please consider that these are the original thoughts of a private individual, dictated by the nature of the subject only, long before the important theme became the great object of discussion in the most dignified and important assembly which ever sat or decided in America." He then says: "I wish here to remark the great particulars of my plan which were rejected by the convention. Among them special prominence is given to the rejection by the convention of his not hobbly involving the creation of a department of commerce in close touch with Congress. I therefore humbly propose, if the merchants in the several States are disposed to send delegates from their body to meet and attend the sittings of Congress, that they shall be permitted to form a chamber of commerce, and their advice to Congress be demanded and admitted concerning all bills before Congress, as far as the same may affect the trade of the States." Thus looking ahead, great merchant as he was, he announced the idea finally embodied a century later in the Department of Commerce recently created.

The last words of the famous paper of February 16, 1783, are these: "I have not the vanity to imagine that my sentiments may be adopted; I shall have all the reward I wish or expect. If my dissertation shall throw any light on the great subject, shall excite an emulation of inquiry and animate some abler genius to form a plan of greater perfection, less objectionable and more useful." The last words of the notes appended to the republication of 1791 are these: "But if any of these questions should in future time become objects of discussion, neither the vast dignity of the convention nor the low, unnoted state of myself will be at all considered in the debates; the merits of the matter and the interests connected with or arising out of it will alone dictate the decision." Such was the appeal made by the architect of our existing Constitution to the tribunal of history for justice. As an epoch-making mind can only be viewed in all its grandeur through the vista of receding years, it is not at all likely that the world of our time, which "resents any attempt to show that it has fallen into an error," will admit the real magnitude of the work achieved by this marvelous American statesman and patriot. And yet there is a disposition to do something. The venerable representative of the family of Pelatiah Webster, Pelatiah Webster Huntington, of Columbus, Ohio, was invited to personate the great architect in the famous "Historical Pageant of 1912" at Philadelphia, where he marched between John Adams and Thomas Jefferson. Your petitioner therefore hopes and believes that the time has arrived when the Congress of the United States, the first two-chamber Federal assembly in all history, will be willing to pause for a moment in order to do honor to the genius who designed it. As to that fact there can be neither civil doubt, nor question. Your petitioner therefore prays the Congress, first, that on February 16, 1914, it will order this petition to be read in each House and then published in the CONGRESSIONAL RECORD, to the end that the people of the United States may better understand the facts involved in the life work of one surely destined to stand out in the time to come as one of the foremost founders of the Republic; second, that this petition be then referred, in each House, to an appropriate committee, who shall be directed to inquire whether a tablet or some other appropriate memorial should be erected in or near the Capitol in commemoration of the services of one who has contributed so much not only to our honor and glory but to the politics of the world. All of which is humbly submitted by

HANNIS TAYLOR, Petitioner.

REPORTS OF COMMITTEES.

Mr. LODGE, from the Committee on Private Land Claims, to which was referred the bill (S. 1361) for the relief of the heirs of Marianne Sainte Ana Schrepper, asked to be discharged from its further consideration and that it be referred to the Committee on Claims, which was agreed to.

Mr. WILLIAMS, from the Committee on Finance, to which was referred the bill (H. R. 6282) to provide for the registration of with collectors of internal revenue and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations, and for other purposes, reported it with amendments and submitted a report (No. 258) thereon.

He also, from the Committee on Public Health and National Quarantine, to which was referred the bill (H. R. 6827) to amend an act entitled "An act to change the name of the Public Health and Marine-Hospital Service to the Public Health Service, to increase the pay of officers of said service, and for other purposes," approved August 14, 1912, reported it with amendments and submitted a report (No. 264) thereon.

Mr. MARTIN of Virginia, from the Committee on Claims, to which was referred the bill (S. 1270) for the relief of Edward William Bailey, reported it without amendment and submitted a report (No. 259) thereon.

Mr. BANKHEAD, from the Committee on Post Offices and Post Roads I report back favorably with amendments the bill (H. R. 11338) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1915, and for other purposes, and I submit a report (No. 260) thereon. I desire to give notice that on next Monday, the 23d instant, I shall ask the Senate to take up the bill for consideration.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. PERKINS, from the Committee on Commerce, to which was referred the bill (S. 686) to restore to the active list First Lieut. of Engineers Henry O. Slayton, retired, United States Revenue-Cutter Service, reported it without amendment and submitted a report (No. 261) thereon.

Mr. SMOOT, from the Committee on Finance, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 1213) to provide for the refunding of certain moneys illegally assessed and collected in the district of Utah (Rept. No. 262); and

A bill (S. 2469) for the relief of the Eldredge Bros. Live Stock Co., a corporation (Rept. No. 263).

Mr. CLAPP, from the Committee on Naval Affairs, to which was referred Senate resolution 262 requesting the Secretary of the Navy to prepare and submit to the Senate a compilation of existing laws relating to the Navy, Navy Department, and Marine Corps, reported it with amendments and submitted a report (No. 265) thereon.

HUDSON RIVER BRIDGE AT TROY, N. Y.

Mr. SHEPPARD, from the Committee on Commerce I report back favorably without amendment the bill (H. R. 11325) to authorize the reconstruction of the existing toll bridge across the Hudson River at Troy, in the State of New York, and the maintenance of the bridge so reconstructed, and I submit a report (No. 257) thereon. I ask for the immediate consideration of the bill.

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

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

BILLS AND JOINT RESOLUTION INTRODUCED.

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

By Mr. BRISTOW:

A bill (S. 4504) granting an increase of pension to Timothy Ellison; and

A bill (S. 4505) granting an increase of pension to Alexander T. Buford (with accompanying papers); to the Committee on Pensions.

By Mr. KERN (for Mr. MARTINE of New Jersey):

A bill (S. 4506) providing for leave of absence of certain employees of the Post Office Department; to the Committee on Post Offices and Post Roads.

A bill (S. 4507) for the relief of the estate of Henry A. V. Post, deceased; to the Committee on Claims.

By Mr. WILLIAMS:

A bill (S. 4508) for the relief of the heirs of Franklin Perin, deceased; and

A bill (S. 4509) for the relief of the estate of Minerva Newman (with accompanying papers); to the Committee on Claims.

By Mr. GRONNA:

A bill (S. 4510) authorizing the Secretary of War, in his discretion, to deliver to the city of Hope, in the State of North Dakota, one condemned cannon, with its carriage and outfit of cannon balls; to the Committee on Military Affairs.

By Mr. CHAMBERLAIN:

A bill (S. 4511) granting an increase of pension to Henry Luch (with accompanying papers); to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 4512) granting an increase of pension to John L. Jones (with accompanying papers); to the Committee on Pensions.

By Mr. WORKS:

A bill (S. 4513) for the relief of Jacob Beekman Rawles; to the Committee on Claims.

By Mr. SHAFROTH:

A bill (S. 4515) to authorize the President to appoint A. C. G. Williams-Foote, late first lieutenant in the Philippine Scouts, to the grade of first lieutenant in the United States Army, and place him on the retired list; to the Committee on Military Affairs.

By Mr. BRADLEY:

A bill (S. 4516) granting an increase of pension to John J. Evans (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 4517) to establish a standard box for apples, and for other purposes; to the Committee on Standards, Weights, and Measures.

A bill (S. 4518) granting an increase of pension to John Campbell;

A bill (S. 4519) granting a pension to William M. Swart;

A bill (S. 4520) granting an increase of pension to Peter Jackson; and

A bill (S. 4521) granting a pension to Elisha Painter; to the Committee on Pensions.

By Mr. CUMMINS:

A bill (S. 4522) to amend an act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June 29, 1906; to the Committee on Interstate Commerce.

By Mr. REED:

A bill (S. 4523) to amend an act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890; to the Committee on the Judiciary.

By Mr. McLEAN:

A bill (S. 4524) granting an increase of pension to Ann Odell (with accompanying papers); to the Committee on Pensions.

By Mr. RANDELL:

A bill (S. 4525) for the relief of Frank Payne Selby; to the Committee on Claims.

By Mr. REED:

A joint resolution (S. J. Res. 111) to forfeit to the United States the Merchants' Bridge across the Mississippi River at St. Louis, to operate said bridge as a free public bridge, directing the Secretary of War to take possession of said bridge, and forfeiting the rights granted to the St. Louis Merchants' Bridge Co. by the acts of February 3, 1887, and September 10, 1888; to the Committee on the Judiciary.

POSTAL SAVINGS FUNDS.

By Mr. BRISTOW:

A bill (S. 4503) to amend the Federal reserve act by repealing the prohibition against deposit of the postal savings funds in any bank not belonging to the system established by said act.

Mr. BRISTOW. I desire to say in regard to this bill that the present practice is to deposit postal savings funds in any bank in the community where the deposits are made. The change in the act would necessitate the making of the deposits only in member banks of the regional reserve association, and that would be a very great inconvenience. I move that the bill be referred to the Committee on Banking and Currency.

The motion was agreed to.

COAL LANDS IN ALASKA.

By Mr. POINDEXTER:

A bill (S. 4514) to authorize the President of the United States to mine coal in Alaska, to reserve from private appropriation or lease certain lands and coal deposits in Alaska owned by the United States, and for other purposes.

The VICE PRESIDENT. The bill will be referred to the Committee on Mines and Mining.

Mr. SMOOT. Mr. President, I will ask the Senator from Washington if he does not think the bill ought to be referred to the Committee on Public Lands? I will say to the Senator that the subject embraced in the bill has been under discussion in that committee for six or seven years. All of the hearings with reference to it have been before that committee, and if the Senator will notice he will find that the same subject is now before the Committee on the Public Lands of the other House. The Secretary of the Interior appeared before that committee yesterday, and the question is now being considered by them. If the Senator has no objection, I think the bill ought to be referred to the Committee on Public Lands.

Mr. POINDEXTER. Mr. President, I have a special reason for desiring that the bill shall be referred to the Committee on Mines and Mining. While that committee has not been considering the subject so long as has been the Committee on Public Lands, it is, nevertheless, about to take action upon bills relating to the same subject which have been pending before it for a short time. I therefore desire this bill to be referred to the Committee on Mines and Mining in order that it may be considered with other bills on which action is about to be taken.

Mr. SMOOT. Mr. President, if the Senator from Montana [Mr. WALSH] were present, I think the question would be discussed in the Senate. I have no objection to the bill going to the Committee on Mines and Mining, but I should like, when the question is discussed here, for the Senator from Washington to be present in order that he may hear what will then be said upon that particular subject.

Mr. POINDEXTER. I desire to be present on that occasion, and am very glad that the Senator has made his suggestion.

Mr. SMITH of Arizona. Mr. President, I desire to say, in this connection, that I understand a bill touching the leasing of coal lands in Alaska has been referred to the Committee on Mines and Mining. The bill should have been referred to the Committee on Public Lands, in the opinion of that committee. The chairman of the Committee on Public Lands [Mr. MYERS] was instructed to make that motion, and he delegated me to move that the Committee on Mines and Mining be discharged from the further consideration of the bill and that it be referred to the Committee on Public Lands. Holding that the coal lands of the country are not subject to the jurisdiction of the Committee on Mines and Mining of the Senate, that motion will be made by me whenever the Senator from Montana [Mr. WALSH] is present.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BRYAN (for Mr. FLETCHER) submitted an amendment to be proposed to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. LANE submitted an amendment relative to the use of the appropriation for the construction of a central high-school building in the city of Washington, D. C., etc., intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. WILLIAMS submitted an amendment intended to be proposed by him to the omnibus claims bill, which was referred to the Committee on Claims and ordered to be printed.

Mr. RANDELL submitted an amendment intended to be proposed by him to the omnibus claims bill, which was referred to the Committee on Claims and ordered to be printed.

HEIRS OF SIMMONS HARRISON, DECEASED.

Mr. WILLIAMS submitted the following resolution (S. Res. 276), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay, out of the miscellaneous items of the contingent fund of the Senate, to James S. Harrison, of Hattiesburg, and Sallie G. Harrison and Annie S. Harrison, of Belzoni, Miss., children and heirs at law of Simmons Harrison, late messenger, Acting Assistant Doorkeeper of the United States Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

TRUCK SOILS.

Mr. SIMMONS. I submit an order and ask that it may be read and referred to the Committee on Printing. There being no objection, the order was read and referred to the Committee on Printing, as follows:

Ordered, That there be printed as a public document an article on "Truck Soils of the Atlantic Coast Region," prepared by Jay A. Boustel, scientist in the Soil Survey, Agricultural Department.

LOUISVILLE & NASHVILLE RAILROAD CO.

Mr. WILLIAMS. I present a letter from the chairman of the Interstate Commerce Commission conveying various correspondence in connection with the so-called Lea resolution relative to the investigation of the Louisville & Nashville Railroad Co. I ask that the letter and accompanying papers may be printed in the RECORD for the use of the Senate.

There being no objection, the letter and accompanying papers were ordered to be printed in the RECORD, as follows:

INTERSTATE COMMERCE COMMISSION,
Washington, February 23, 1914.

Hon. JOHN SHARP WILLIAMS,
Chairman Committee to Audit and Control
the Contingent Expenses of the Senate, United States Senate.

DEAR SIR: In response to your request, I beg to hand you herewith copies of reports received from our examiners who have been in Louisville and Nashville connected with the investigation ordered by Senate resolution No. 153.

Very respectfully, yours,

E. E. CLARK, Chairman.

(Inclosures.)

INTERSTATE COMMERCE COMMISSION,
DIVISION OF CARRIERS' ACCOUNTS,
CHICAGO BRANCH OFFICE, STEGER BUILDING,
Chicago, Ill., January 24, 1914.

Mr. FRED W. SWENEY,
Chief Examiner of Accounts,
Interstate Commerce Commission,
Washington, D. C.

DEAR SIR: I telegraphed you to-day as follows:

"Mapother, first vice president, has refused Carleton inspection card indexes containing reference correspondence files his office. Believed indexes give file reference matter relevant paragraph 12, Senate resolution. Letter follows."

I herewith inclose the letter referred to written by Examiner Carleton giving the full details of the refusal of the card indexes and his reasons for wanting to inspect them. I wish to add that these files are particularly desired, as it is believed that matters relating to politicians and referred to in the twelfth question of the Senate resolution are conducted under the authority of Mr. Mapother, first vice president.

Unless we are allowed free access to the cards we shall find very little reference elsewhere to relevant correspondence.

Will you kindly instruct what further action I shall take in the premises, and oblige.

Yours, very truly,

WALTER V. WILSON,
Examiner in Charge.

(Inclosures.)

[Interstate Commerce Commission, Division of Carriers' Accounts, Chicago branch office, Steger Building, Chicago, Ill.]
LOUISVILLE, KY., January 23, 1914.

Mr. WALTER V. WILSON,
Examiner in Charge, Chicago Branch Office,
Interstate Commerce Commission, Chicago, Ill.

DEAR SIR: As a matter of record and that you may know the extent to which the investigation directed by Senate resolution 153 is being obstructed by the Louisville & Nashville Railroad Co. I wish to inform you of the position taken by the carrier in relation to permitting examiners of the commission to inspect correspondence files.

The requests upon Mr. W. L. Mapother, the first vice president, for passes issued by him are not filed in a single file covering pass requests only, but as part of his regular correspondence files under the name either of the person on whose request the pass was issued or to whom it was issued. The file numbers covering the requests for annual passes are indicated on the record of passes issued, but no such reference is given upon the stubs recording the issuance of trip passes, it being necessary to refer to the index of the files to determine the file number.

A request was made for access to the correspondence files for the purpose of inspecting the pass requests. This was refused by Mr. Mapother, who, however, stated that if we would give him reference, either by number or by name, as in the case of card passes, to the particular files desired he would be pleased to have them drawn and brought in to us for inspection. He objected, however, to turning the files over direct to an examiner prior to their examination either by himself or his chief clerk. He gave as his reason that the files might contain communications of a nature either personal or confidential and privileged as with counsel, which he considered were not subject to inspection by examiners of the commission and which he might wish to remove before submitting the remainder of the files for examination.

A request was then made for permission to inspect the card index to the correspondence files in order that the examiner could determine what files, whether relating either to passes or any other subject which might be deemed relevant, he wished to inspect. Mr. Mapother was of the opinion that to grant such a request would enable the examiner to obtain information concerning the nature of correspondence which was held by the carrier as not subject to inspection, but before making a positive answer to the request desired to consult with the legal department.

Later in the day Mr. Mapother informed me that he had conferred with the general counsel, Mr. H. L. Stone, and had laid before him my request, and that Mr. Stone was of the opinion that to permit such an inspection would not be consistent with the position taken by him in his telegram of December 9, 1913, to Chairman E. E. Clark outlining his reasons for refusing our examiners permission to inspect certain files in his office. Acting upon such advice, Mr. Mapother refused to allow an inspection of the index to the correspondence files in his office. He wished to assure me, however, that there was not the slightest desire or purpose on his part to obstruct or in any way interfere with the progress of the investigation, and that he would be pleased to turn over for inspection any files I might ask for, provided, of course, that it was considered by him as subject to inspection by an examiner of the commission.

The Senate, under question 13 of the resolution, has asked for information concerning passes issued "at the request of members of legis-

lative bodies and other public officials." Unless free access is had to the files covering pass requests, it will be impossible to secure full information as to such passes. The request upon which the pass was actually issued may be made by others than members of legislative bodies or other public officials, acting at the request of such parties. This the complete files would doubtless disclose, but if the carrier is allowed to first remove such communications as it may deem as privileged, there is no assurance that the full information will be obtained.

It appears that Mr. Mapother is the officer under whose direction any publicity or other campaigns for the purpose of influencing public opinion through newspaper advertising or otherwise is conducted.

In question 12 of the resolution the Senate has asked, in addition to what amount has been expended or contributed for certain purposes, what amount has been subscribed. To determine any authorized subscriptions not appearing in the accounts, because no payments may have been made as yet, it would be necessary to inspect Mr. Mapother's files. His files would also disclose readily information relating to the matters concerning which the Senate has asked which can hardly be obtained in any other manner, and if at all only by means of exhaustive search through other records and accounts.

You can readily see how the refusal, either to permit a free inspection of the index to the correspondence files or to turn over any file requested without its being first examined and stripped of any and all papers which in the opinion of the carrier are not subject to inspection, impedes the investigation and renders it practically impossible to secure all the information desired, especially if the position assumed in relation to Mr. Mapother's files is maintained in regard to files of the other departments, as it doubtless will be.

Your attention is directed to the fact that Mr. Mapother is first vice president and, so far as I can learn, does not in any way act as counsel or attorney for the Louisville & Nashville Railroad Co. It does not appear that the reason for refusing correspondence assigned by the general counsel, Mr. Stone, in his telegram of December 9 previously referred to, namely, that the communications were confidential and privileged as between attorney and client, applies to the request made to inspect the index to the correspondence files in the office of the first vice president.

Mr. Mapother's secretary took notes during our last interview, and I have just received the copy of their transcription which was promised me. As this gives the exact words in which Mr. Mapother declined my request, I am inclosing for your information a copy of that portion which pertains thereto.

Yours, very truly,

WILL H. CARLETON, Examiner.

(Inclosure.)

[Extract from stenographic report of interview between Mr. W. H. Carleton, examiner, Interstate Commerce Commission, and Mr. W. L. Mapother, first vice president Louisville & Nashville Railroad Co., at Louisville, Ky., January 22, 1914.]

Mr. MAPOTHER. In accordance with my promise, I narrated to Col. H. L. Stone, our general counsel, the interview which I had with you this morning, and, while we don't mean to be obstinate and don't want to be in the attitude of interfering with your investigation in any way, and want you to feel and the commission to feel that we are doing everything within reason to facilitate your investigation, Col. Stone is of the opinion the examination which you propose would be an invasion of such privacy as the law grants to us, and I am obliged to decline your request.

Now, I want to reiterate what I said to you this morning, that I am perfectly willing to aid you in every possible way, and am willing to turn over to you all correspondence of any character, within the scope of your authority, as you may indicate a desire for. For example, if you say you want all the correspondence relating to the issuance of trip passes, say from January 1, 1911, we will get out the correspondence relating to our trip passes; and same as to annuals or relating to any other feature of the Senate resolution or the commission's investigation, independent of any special authority from the Senate. But, as I explained our system of correspondence, it would be impossible for you to go through our card index and registers without gaining a complete record of the privileged communications between officials of the company and counsel, which Col. Stone has regarded as being private and which he has heretofore declined to turn over to the examiners on the demand of Commissioner Clark; and that is the sole reason we have for demurring to your proposition. Now, I thought that you might be interested in seeing the correspondence that passed between Col. Stone and Chairman Clark. I don't know whether you have seen it or not. [Correspondence handed to and read by Mr. Carleton.] The examiners were here for some time. They first came to me and presented the same request as you present now, and I demurred to it, explaining my reasons—that I thought we ought to be entitled to a reasonable supervision of the examiners' work and ought to be permitted to know what investigation was being made, so we might avail of an opportunity to object to the surrender of records and correspondences; and they acquiesced in my views; at least, they dropped the matter, and I heard nothing more of it. They then went to Col. Stone and called for several of his files that related to litigation conducted in Alabama, in connection with the resistance of the statutes down there and the orders of the commission making what we considered unwarranted and unjustifiable reductions in our rates. Naturally, the files contain a great many private and confidential communications between the general counsel and the attorneys that were employed in Alabama, and these were the communications which Col. Stone considered privileged. They did not get to the point of asking for similar correspondence in this office—the executive department has communications of the same character as the law department. When Col. Stone refused, the examiners reported the matter to Washington, which resulted in the matter being submitted to the Senate, and nothing further has been done. The demand that you make is along identically the same lines, and if we permit you to rove at will through all our correspondence for the purpose of discovering just what we have, it will result in our giving you, in a measure, just exactly what Col. Stone declined to surrender.

Mr. CARLETON. Do you take the position that a request for correspondence must be specific—particular file—or general?

Mr. MAPOTHER. Well, either way to suit you; either general or specific. Of course, it will have to be specific to a certain extent in order for us to know what is wanted. I tried to illustrate awhile ago; if you say you want everything about passes on account of newspapers, or on account of charitable, educational, or religious purposes, or of that

sort, we will give you all the correspondence relating to it. As a matter of fact, the annual-pass index, which I presume has been turned over to you, shows the file number and a complete record of the reasons for issuance.

Mr. CARLETON. I was about to ask you for the file of requests for trip passes. Will you turn those over to us?

Mr. MAPOTHER. Yes, sir; but it will take some time to get all of them.

[Postal Telegraph.]

CHICAGO, ILL., February 3, 1914.

JAMES W. CARMALT,
Care Interstate Commerce Commission or Florence Court,
California Street, Washington, D. C.:

Carleton informs me by long-distance phone that he has been refused access to file room president at Louisville; that Clerk John Jenkins is in room evidently engaged removing old records from files. Has valise beneath table on which files are being assembled. Believes they will be removed. Clerk apparently also making list of certain old bound volume. Instructed Carleton to go back, make effort remain in room, and ascertain what is done with files, and remain until he is ejected. Answer.

WILSON.

[Western Union Telegraph Co.—Night letter.]

CHICAGO, ILL., February 3, 1914.

JAMES W. CARMALT,
Florence Court, California Street, Washington, D. C.:

Carleton advises quote placed Lawrence in file room. Notified chief clerk. He was so placed under instructions. Valise previously noted not in evidence. Clerks claimed no knowledge of it. Discovered valise under shelf, containing five files reference numbers. Noted at this juncture first vice president entered. Forcibly ejected both Lawrence and myself. Requested files in valise by numbers. Refused to deliver them to-night. Said he would in morning or advise reasons. Advised Carleton to continue endeavor to get evidence of removal and stripping.

WILSON.

[Postal Telegraph.]

CHICAGO, ILL., February 4, 1914.

SWENEY,
Interstate Commerce Commission, Washington, D. C.:

Supplementing my last telegram to Carmalt last night, the following from Carleton quote request made for permission to allow an examiner to work in the room of the first vice president's suite in which his clerks work and from which the file room opens. Refused permission, first vice president stating if we placed a man therein he would close the office. Stated we had permission to come in and go out of his office rooms freely, but before he would permit a man to be stationed in office rooms for purpose intended would fire him out bodily. Also refused entrance to building after office hours. Wire instructions.

WILSON.

[Postal Telegraph.]

CHICAGO, ILL., February 4, 1914.

Commissioner HARLAN,
Interstate Commerce Commission or Residence,
Washington, D. C.:

Examiner Keene, Hotel Savoy, Nashville, wires:
"Carrier is destroying original vouchers and attachments of dates 1865 to December 1906, inclusive, with the exception of those carrying expenditures made for real estate and equipment. Vouchers for ties, rail, and structures being destroyed. Separation being done inefficiently by inexperienced boys. Destruction at this time seems inconsistent with approaching physical valuation and will no doubt work a hardship on us in securing the information we desire. Answer."

WILSON.

[Special delivery.]

INTERSTATE COMMERCE COMMISSION,
DIVISION OF CARRIERS' ACCOUNTS,
CHICAGO BRANCH OFFICE,
Chicago, Ill., February 4, 1914.

Mr. FRED W. SWENEY,
Chief Examiner of Accounts,
Interstate Commerce Commission, Washington, D. C.

DEAR SIR: On account of the office being closed yesterday evening and not knowing how to get a message to Washington for your attention, I telegraphed Mr. Carmalt concerning the files at Louisville, Ky., and also, at 11 o'clock last night, I wired to Mr. Carmalt for the same reason a telegram from Mr. Carleton stating that he had been ejected from the file room.

I now hand you a copy of letter from Examiner Carleton giving full information regarding the refusal to allow free access to the files, the refusal of files, and his ejection from the file room.

Yours, very truly,

WALTER V. WILSON,
Examiner in Charge.

(Inclosure.)

[Interstate Commerce Commission, Division of Carriers' Accounts, Chicago branch office, Chicago, Ill.]

LOUISVILLE, KY., February 3, 1914.

Mr. WALTER V. WILSON,
Examiner in Charge, Chicago Branch Office,
Interstate Commerce Commission, Chicago, Ill.

DEAR SIR: Your first telegram was received about 1 o'clock this morning, and in the first reading I took it had reference to the offices of the "Nashville" Railroad here. Accordingly I awakened Mr. Lawrence, and we came down to the building and waited around for about half or three-quarters of an hour, but observed no lights on the tenth floor where the offices of the president and first vice president are located. It was not until a second reading that I discovered that it had reference to the city of Nashville. I accordingly went to Mr. Keene's room, awakened him, and instructed him that he would have to start on the first train in the morning, which left at 8.35. I also awakened Mr. Reinhoel and so instructed him, and at the time he said all right. I have written you a separate letter explaining why Mr. Reinhoel did not go.

Mr. Keene got off on the 8.35 train, which was due to reach Nashville at 3.10 this afternoon, this being the first train available. I instructed him to wire both you and myself his address immediately upon his arrival, but as yet I have heard nothing from him. As soon as I do, I will wire instructions contained in your telegrams to me.

This morning I compiled a list of the references to files in the first vice president's office referred to in the pass records. I informed Mr. Weis, Mr. Mapother's chief clerk, that I desired to place Mr. Lawrence in the file room and have him examine there certain files which he would indicate, but wished him to be present at the time the files were "pulled." After so informing him, I, in company with Mr. Lawrence, immediately entered the file room and there observed seated at a large table a clerk of Mr. Mapother's (whose name Mr. Weis gave me as John Jenkins) engaged in going over several bound volumes of correspondence indexes. (Mr. Weis, upon being closely questioned, admitted that prior to the establishment of the card index they maintained the index in bound volume, and that it required both the card index and the bound volumes of indexes to form a complete index to the correspondence files.) The clerk was drawing off on a sheet of paper file references. While standing there I had Mr. Lawrence copy from the list he was making as many numbers as possible.

Piled on the table at which the clerk was working was a large number of files, and from these I managed to take a few reference numbers. I observed as I entered, lying on the floor at the left of the table, a large leather valise, open, apparently empty, partially covered with a sheet of wrapping paper. Later I noticed that the valise had been closed and shoved farther under the table, evidently that it might not be so noticeable. At this juncture Mr. Weis informed me that Mr. Mapother stated that I would have to abide by the decision which he gave me previously as to the manner in which I obtained the files.

In company with Mr. Lawrence I had an interview with Mr. Mapother, in which I asked if I was to understand that he absolutely refused to allow an examiner to be in the file room when the papers which I requested were taken from the files. He said absolutely that he did. I thereupon called you on the long-distance phone and related the facts.

Meanwhile, Mr. Lawrence, upon my instructions, had requested all of the files covered by the numbers which he had taken while in the file room. Two of these files were denied us—No. 34867, which Chief Clerk Weis stated "Refers to lease of W. & A. by N., C. & St. L., and contains privileged communications between counsel and officials, and will not be delivered." "No. 82663 refers to Alabama rate case," and which Mr. Weis stated contain privileged communications, and would not be delivered. The remaining files, with the exception of three which Mr. Weis claimed could not be located, were received about an hour and 20 minutes after they were requested.

Upon my return to the office from telephoning you, acting upon your instructions, I placed Examiner Lawrence in the file room and then went and informed Mr. Weis that, acting under instructions, I had placed Mr. Lawrence in the room, there to remain as long as anyone was working on the files, in order to ascertain what disposition was made thereof. I looked about for the valise which I had previously noted, but could not discover it. I asked three clerks and Mr. Weis what had become of it, and they all pleaded ignorance. One of the clerks (T. B. Toon) stated that possibly it was in the possession of a gentleman (whose name I was unable to catch) in the president's office, and went in ostensibly to see. I followed him; no one was in the office, but there was a valise there somewhat similar to that which I had seen in the file room, but newer. Mr. Toon opened it, but there were no files contained therein. I told him that that was not the valise, and he said he did not know what had become of the other one. I returned to the file room and commenced looking around, and at last discovered a valise under one of the shelves, and also noticed another large valise under another shelf. I drew out from under the shelf the valise previously noted, which, upon my first entrance into the office after my interview with Mr. Mapother, was lying on the floor empty, and found therein a number of files. I ran them over and called out the file references to Mr. Lawrence, who took the numbers down. The numbers which were recorded were as follows: 68082, 67341, 72100, 66375, and 39574.

After hurriedly ascertaining the number of the files, I reclosed the valise and returned it to its place. Mr. Weis, upon seeing me draw the valise out, immediately hurried into Mr. Mapother's private office and returned just after I had closed the valise, and stated rather vehemently, "You are not going to take those files out of here."

Immediately following him came Mr. Mapother, who grabbed me by the shoulders and thrust me out from the file room, exclaiming, "You get out of here," and with an oath, "If you won't act like a gentleman I won't have you in my office." Turning upon Mr. Lawrence, he likewise grabbed him by the shoulders and thrust him out, saying, with the same oath, "You get out of here, too."

I said nothing, but left his office, returning to room No. 1011, the room assigned for our use, where I made a copy of the numbers of the files noted in the valise and had Mr. Lawrence return and make a request upon Mr. Weis for the files. This was just shortly before 5 o'clock, and Mr. Weis stepped into the office of Mr. Mapother and returned, with the statement that the office was closed. Mr. Lawrence then requested an interview with Mr. Mapother, and asked if he was to understand that he was denied the files. Mr. Mapother stated that he had not had time to look them over, but that he would give them to us in the morning or assign a reason for not doing so. I immediately sent you a telegram covering the situation.

I have arranged for Mr. Crandall to leave this evening for Nashville to join Mr. Keene.

For your information I inclose herewith a copy of the memorandum dictated by Mr. Lawrence covering his interview with Mr. Mapother, and also a memorandum covering our previous interview with Mr. Mapother, dictated by him as if written by me, which he did at my request during the time I was engaged in telephoning you.

Yours, very truly,

WILL H. CARLETON, Examiner.

(Inclosures.)

MEMORANDUM OF INTERVIEW WITH FIRST VICE PRESIDENT MAPOTHER AND HIS CHIEF CLERK (MR. WEIS), 5 P. M., FEBRUARY 3, 1914.

Made request on Mr. Weis for files Nos. 68082, 67341, 72100, 66375, and 39574, and he asked if they were the files which we found in the valise, and I told him they were. He immediately went into Vice President Mapother's office, came out, and said, "Mr. Mapother said to tell you the office is closed." I asked Mr. Weis if I might see Mr. Mapother. Mr. Weis said I could.

Went into Mr. Mapother's office and said to Mr. Mapother, "Do you refuse us those files?" Mr. Mapother said, "The files are in use;

I am using them now." I said to Mr. Mapother, "Well, then, do you refuse them to us?" He said, "I will give them to you to-morrow, or a reason for not doing so, as I have not had time to look them over to find out what they are."

Mr. Mapother said that he did not propose to have us going into his file room, as we had done.

PAUL H. LAWRENCE, Examiner.

LOUISVILLE, KY., February 3, 1914.

MEMORANDUM OF INTERVIEW WITH FIRST VICE PRESIDENT MAPOTHER,
210 P. M., FEBRUARY 3, 1914.

Asked Mr. Mapother if he would allow me the privilege of having an examiner work in his file room or place where his correspondence and other files were stored. Mapother said that he would not; that he thought that that matter was settled at a former interview; that he refused to allow us or anyone to dictate how his office should be run. I then asked him if he refused to allow an examiner to work in the file room, the carrier's employee to take out the files and give them to the examiner. Mapother said that he did refuse to allow it; that he did not propose to have an inspector stand over his men while the files were being taken out. He said that the files contained matter which was as between client and legal adviser, and that he would not give them to anyone until he was forced to do so by some higher legal authority. He said the matter he referred to was the same as had been denied to Chairman Clark by Col. Stone. Mapother said that he did not propose to have any of our inspectors act as a police over his men. He said he would be glad to give us any file of correspondence or other record which I might ask for, but he would retain the right to look through it before it was turned over to me.

I then asked if he refused to allow me any access to his file room, and he said, "I do." Asked him if the only way we could get any files from him would be to give him a request for specified ones, and have him bring them out to me, to which he answered that we could have any correspondence I might want and was entitled to, but it would have to be handled in that way.

I then asked Mr. Mapother whether there were any contracts, agreements, or correspondence, or other matter amounting to an agreement, with any railroad, corporation, or individual filed in any place other than the office of the secretary. Mapother said no; that the by-laws of the carrier made the secretary the custodian of all contracts, agreements, or any correspondence or other matter which amounted to an agreement, and that the originals of all such agreements would be in the custody of the secretary.

While waiting for an audience with Mr. Mapother I went into the room where correspondence and other files pertaining to matters relating to the offices of the president and first vice president are filed. In there found one John Jenkins engaged in going through the old book indexes to the files. He was taking down the numbers of various files, the nature of which was not noted. Around him on the table at which he was working was piled a large number of correspondence files and on the floor was an open satchel.

While the work upon which he was engaged is not known, the indications were such as led to the belief that he was listing and extracting files for some ulterior purpose, probably to prevent them from being used in this examination.

WILL H. CARLETON, Examiner.

LOUISVILLE, KY., February 3, 1914.

[Postal Telegraph.]

LOUISVILLE, KY., February 5, 1914.

Commissioner MEYER,

Interstate Commerce Commission, Washington, D. C.:

First vice president expressing opinion on general counsel that commission under act has authority to inspect only such accounts, records, and memoranda as originate subsequent to August 28, 1906. Has it formal letter refused permission to examine such of prior date. Refusal includes any correspondence considered by carrier as of privileged character subsequent that date and all correspondence of whatever nature of prior date. My address Hotel Hermitage.

CARLETON.

THE HERMITAGE HOTEL,
Louisville, Ky., February 5, 1914.

Hon. B. H. MEYER,

Commissioner, Interstate Commerce Commission,
Washington, D. C.

DEAR SIR: In accordance with instructions received from Examiner Walter V. Wilson to wire you all details connected with the situation here subsequent to telegraphic advice to him of the refusal of the first vice president to allow an examiner to be stationed in his office, I wired you this morning as follows:

"First vice president expressing opinion of general counsel that commission under act has authority to inspect only such accounts, records, and memoranda as originate subsequent to August 28, 1906, has in formal letter refused permission to examine such of prior date. Refusal includes any correspondence considered by carrier as of privileged character subsequent that date and all correspondence of whatever nature of prior date. My address Hotel Hermitage."

I inclose herewith a copy of the letter written by the first vice president, Mr. W. L. Mapother, which was delivered to me at the hotel by his chief clerk at 11.45 last evening. I have endeavored to secure an interview with Mr. Mapother this morning in relation to the matter, but have been informed that he was engaged and that I would be notified as soon as he was at liberty to grant me an audience.

In addition to being refused entrance to the building for the purpose of continuing our work in the special room assigned to us after office hours, we have been served notice that we will not even be permitted to remain in the building after office hours.

The file-room door, usually open, has not been open at any time that an examiner has entered the offices of the first vice president since he forcibly ejected Examiner Paul H. Lawrence and myself. The toilet room located on this floor projects slightly from the building, and from a window therein one can obtain an oblique view of a portion of the file room. In the early part of the day following our ejection the curtains of this window were up, but later in the day they were observed to have been drawn and have so remained ever since, thus obstructing any view which might otherwise be obtained. This is not necessary on account of the sun, because the last two days have been very cloudy.

Last evening, shortly after 10 o'clock, in company with two of our examiners, I walked down to the general office building of the L. & N.

and observed a light in the file room and the other offices of the suite occupied by the president and first vice president. We waited in the vicinity of the building until very nearly 11 o'clock, when we observed three of the employees in the executive department leave the building. This information is given you in order that you may have knowledge of the conditions as they exist.

Yours, very respectfully,

WILL H. CARLETON, Examiner.

LOUISVILLE & NASHVILLE RAILROAD CO.,
FIRST VICE PRESIDENT'S OFFICE,
Louisville, Ky., February 4, 1914.

W. L. MAPOTHER, First Vice President.

Mr. WILL H. CARLETON,

Examiner, Interstate Commerce Commission,
Hermitage Hotel, City.

DEAR SIR: In view of our several discussions concerning the extent of the powers of yourself and assistants in the matter of examining the correspondence files and papers of the L. & N. R. R. Co., I deem it desirable that I clearly and definitely state the company's position in order that you may govern yourself accordingly.

It is the opinion of general counsel (1) that the extraordinary inquisitorial powers given to the commission, its agents and examiners, by section 20 of the act to regulate commerce relate only to such "accounts, records, and memoranda" as the commission is empowered by that section to prescribe; and (2) that said section as amended by what is commonly known as the Hepburn Act, approved June 29, 1906, effective August 28, 1906, is not retroactive, but prospective only, and relates exclusively to the particular "accounts, records, and memoranda" which have been kept in pursuance of said act, and hence, necessarily such as came into existence on and after the effective date of said act.

Entertaining these views, we consider that you have no authority at all to examine the correspondence files of the executive department, as you have been permitted to do for some weeks, and no right to examine the "accounts, records, and memoranda" referred to in said section, except those which have been kept on and after August 28, 1906.

We are willing, however, in order to facilitate your work, to allow you to continue your examination of the executive department's correspondence files, as well as any "accounts, records, or memoranda" kept by and still in possession of the company originating on and after the date last mentioned. This permission, it is to be understood, is not to embrace any communications between the representatives of this company and its counsel of a privileged nature as between client and attorney.

Yours, truly,

W. L. MAPOTHER,
First Vice President.

[Telegram.]

CHICAGO, February 6, 1914.

SWENEY,

Interstate Commerce, Washington, D. C.:

Keene, Nashville, advises that demand for indices general access to correspondence files president, vice president, and general manager declined by president of carrier on legal advice.

WILSON.

INTERSTATE COMMERCE COMMISSION,
DIVISION OF CARRIERS' ACCOUNTS,
CHICAGO BRANCH OFFICE, STEGER BUILDING,
Chicago, Ill., February 4, 1914.

Mr. FRED W. SWENEY,

Chief Examiner of Accounts,
Interstate Commerce Commission, Washington, D. C.

DEAR SIR: The following telegram was to-day received from Examiner Keene:

"Full access afforded me to all pass indices, files, and records, which appear to be complete and untampered with. Send me supply stationery."

Yours, very truly,

WALTER V. WILSON,
Examiner in Charge.

INTERSTATE COMMERCE COMMISSION,
DIVISION OF CARRIERS' ACCOUNTS,
CHICAGO BRANCH OFFICE, STEGER BUILDING,
Chicago, Ill., February 5, 1914.

Mr. FRED W. SWENEY,

Chief Examiner of Accounts,
Interstate Commerce Commission, Washington, D. C.

DEAR SIR: I inclose herewith copy of communication from Examiner Will H. Carleton in reference to the status of the controversy relative to the right to inspect the files of the Louisville & Nashville Railroad Co.

Yours, very truly,

WALTER V. WILSON,
Examiner in Charge.

(Inclosure.)

[Interstate Commerce Commission, Division of Carriers' Accounts, Chicago branch office, Steger Building, Chicago, Ill.]
LOUISVILLE, KY., February 4, 1914.

Mr. WALTER V. WILSON,

Examiner in Charge, Chicago Branch Office,
Interstate Commerce Commission, Chicago, Ill.

DEAR SIR: I have your wire stating that you have asked Washington to give instructions in relation to refusal of the first vice president to permit an examiner to be stationed in his office room. There has been no change in the situation here since my wire to you, and consequently I have not communicated with the commissioner.

We have been working in room No. 1011, and made it a point to frequently enter the offices of the first vice president for a few files at a time. It has been noted, however, that the door to the file room has been closed. From the small sink room adjoining the toilet room used by the janitor a diagonal view can be obtained of a portion of the file room. The fore part of the morning the curtains of this room were up, but later in the day they were discovered to have been pulled down, thus obstructing any view of the file room.

It was therefore impossible for us to ascertain what was going on in the file room.

Mr. Bullock has also been denied permission to enter the storage rooms where the old accounting department records of the L. & N. are maintained. The inclosed copies of memorandums dictated by him, covering his interviews with Mr. Pharr, the assistant comptroller, fully explain.

For your information I also inclose a copy of the memorandum of my interview with Mr. Mapother and Mr. Weis this morning, the essentials of which are embodied in my telegram.

Yours, very truly,

WILL H. CARLETON, *Examiner.*

(3 Inclosures.)

MEMORANDUM OF INTERVIEWS WITH MR. A. J. PHARR, ASSISTANT COMPTROLLER, FEBRUARY 3, 1914.

About 10 o'clock this morning I requested Mr. A. J. Pharr, the assistant comptroller, to furnish me with a journal entry charging the cost of road—Evansville, Henderson & Nashville Railroad—with \$188,000, said entry being on page 289 of the journal as of date February, 1880. At the same time I requested Mr. Pharr to allow me to accompany his clerk to the file room when he obtained this document, in order that I might inspect the system of filing old records. Mr. Pharr placed a memorandum on his desk and stated that he would inform me when he had sent the clerk for the document.

No action having been taken at 3.30 p. m., I again approached Mr. Pharr on the subject, and he informed me that while he did not wish to be placed in the position of refusing me the record or access to the record room he would have to delay the matter until he conferred with Col. Stone, the general counsel. He further stated that Mr. Stone had told him some time previously that the commission had no right to demand records prior to the date of the establishment of the commission. He supplemented this by saying that he did not know whether Col. Stone meant the date of the amended act or the date of the original creation of the commission.

Up to 5 p. m. no further information was obtained from Mr. Pharr.

LOUISVILLE, KY., February 3, 1914.

MEMORANDUM OF INTERVIEWS WITH MR. A. J. PHARR, ASSISTANT COMPTROLLER, FEBRUARY 4, 1914.

At 10 o'clock this morning Mr. Pharr furnished me with voucher requested of him yesterday, informing me, however, that Col. Stone, general counsel, had instructed him that the Interstate Commerce Commission had no right to demand records made prior to the creation of the commission, but that after inspecting the documents requested the carrier might, at its pleasure, furnish them for inspection.

In regard to inspecting the file rooms, Mr. Pharr said it would be necessary to take the matter up with Col. Stone again. At 2.30 p. m. Mr. Pharr advised me that he had been instructed by Col. Stone to refuse me permission to inspect any of the storerooms containing records made prior to the date the commission issued its first order covering the destruction of records. Col. Stone stating that there was no reason why representatives of the commission should be allowed to nose around in such records. He reiterated his former statement that specific documents might be furnished us on request, although the carrier reserved the privilege of withholding same.

Mr. Pharr stated that the various officers of the carrier were each responsible for the storing and preservation of their own records. As far as his office is concerned, he stated that he had no knowledge as to the records contained in the various storerooms. When asked how he would know where to obtain a voucher made in 1870, he stated that he and his clerk knew generally about where this voucher would be found, but that it would be necessary to find such document before he could state positively where it was stored.

On account of the inadequate facilities, the old records of this office are stored in various places, as follows:

Vault in connection with the comptroller's office, vault in the secretary's office, station baggage room, and roundhouse.

The first two named storerooms contain records made subsequent to the date the commission issued its first circular covering destruction of records, and examiner has not been denied permission to enter these rooms.

FRED D. BULLOCK, *Examiner.*

LOUISVILLE, KY., February 4, 1914.

MEMORANDUM OF INTERVIEW WITH MR. W. A. MAPOTHER AND MR. C. J. WEIS ABOUT 9.40 A. M., FEBRUARY 4, 1914.

Presented Mr. Weis with a slip containing the names of W. H. Carleton, A. M. Bantzen, F. D. Bullock, A. N. Bean, A. F. Brevillier, P. H. Lawrence, and C. P. Lishawa, and asked if he would kindly secure passes to the building for those named, in order that examiners might return to room No. 1011 after office hours, as it was found that frequently we desire to work a little later in the evening to get out communications or other matters, and desired the privilege of going out to lunch in the meanwhile; that in the evening previous two of our examiners were inconvenienced by having stepped out for lunch, intending to return to the office, where the remainder of us were working, and being refused admission to the building. Mr. Weis stated that the general manager's orders were that no one except those connected with the company should be privileged to enter the building without a pass, and that he would take the matter up and advise me.

I then presented him with a slip containing the following file numbers, which had been asked for the day previous, but which were not delivered, the statement being made by Mr. Weis at that time that they were not in file (these numbers were among those secured hurriedly by Examiner Lawrence and myself from the filing clerk's list of files lying on the table, and there is a possibility of an error having been made in copying them): 78156, 62590, and 73838.

Mr. Weis stated that there were no papers in the file under those numbers; and, upon being asked where they were, he said he did not know. I asked him if they had been destroyed, and he said not to his knowledge, and wished to know the nature of the subject covered by the file numbers and where I got the information. He was informed that it was not considered necessary to disclose from where the information was obtained, and that what I desired was the files themselves.

Mr. Weis was then informed that I would like to have one of our examiners work in the adjoining room, which is the communicating room between the first vice president's private office and the file room and is occupied by his office force. Attached hereto is a diagram showing roughly the manner of arrangement of the offices on the east end

of the tenth floor of the Louisville & Nashville office building, corner Ninth Street and Broadway, Louisville, Ky. The room in which I desired the examiner placed is indicated by "No. 2" on the diagram.

Mr. Weis said he would have to refer the matter to Mr. Mapother. I accompanied him into Mr. Mapother's private office, and upon Mr. Weis stating my request Mr. Mapother replied that he would not grant permission for an examiner to work therein, and that if we placed a man there he would close up the office. He said that we were privileged to come in and out of his office freely whenever we desired, but that he absolutely objected to police surveillance; and that if we attempted to station men in his office he would eject them bodily, and that they would have to "lick" him first before he would permit them to remain; that before he would grant such permission it would have to be decided by the highest court in the land, and emphasized the fact by pounding on the table with his fist.

I then presented the list given Mr. Weis and informed him that Mr. Weis had stated that the papers covered thereby were not in the files and asked where they were. He stated that files Nos. 78156 and 73838 were missing and he had no record of their disposition. Being asked if they were destroyed he said that they had not been. As to No. 62590 he said there never had been a file of that number; that it was a number which our "spies" had obtained from over the shoulder of the file clerk and that we had made a mistake in the number.

I then told him that I desired to verify his statement that this number had never been assigned to any file of papers, and he said it was impossible to do so; that I would have to take his word for it. I told him that I would prefer to see his numerical record covering the correspondence files, to see evidence that the number was skipped and had not been assigned. He stated that he maintained no permanent record of that character; that the information was kept by the file clerk on a memorandum sheet of paper, and as a number was used he checked it off, and in this manner the numerical order was maintained; and that after a sheet was filled the paper on which it was written was destroyed.

Turning to Mr. Weis he asked if that was not the manner in which it was handled, and Mr. Weis replied it was. I then asked to see the file clerk's memorandum slip from which he would obtain the number next to be assigned to a new correspondence file. Mr. Mapother directed Mr. Weis to take me out and show me the file clerk's memorandum. He did so, and the file clerk produced a stenographer's note book (Form 107, Louisville & Nashville Railroad) labeled, "From 88410 to 92229." The book was filled with parallel columns of numbers running in consecutive order one way of the book, commencing with No. 84410 and closing with No. 92229. The book had then been reversed and a series started using the other side of the pages running from No. 92230 and indicating that the last number used was 93301. I then asked where the record was prior thereto, and Mr. Weis replied that I had been told that they have been destroyed. I asked him if he admitted, then, that the prior record of numbers used had been destroyed, and he said yes. It is considered that this is a willful destruction of records, as it is only from this record that it can be determined whether a file is missing or a number skipped.

Just before leaving Mr. Mapother's private office to inspect the previously mentioned record of file numbers, Mr. Weis presented the list of names which I had given him to Mr. Mapother, and stated that I had requested that passes be issued to the gentlemen named therein in order that they might be allowed to enter the building after office hours. Mr. Mapother replied, "They won't get them"; that they would not be allowed entrance to the building after office hours.

WILL H. CARLETON, *Examiner.*

LOUISVILLE, KY., February 4, 1914.

INTERSTATE COMMERCE COMMISSION,
DIVISION OF CARRIERS' ACCOUNTS,
CHICAGO BRANCH OFFICE, STEGER BUILDING,
Chicago, Ill., February 6, 1914.

MR. FRED W. SWENEY,
Chief Examiner of Accounts,
Interstate Commerce Commission, Washington, D. C.

DEAR SIR: I inclose herewith copy of a letter received from Examiner Will H. Carleton, stating that a wire had been received from Commissioner Meyer that Solicitor Farrell would be in Louisville and insist upon access to all records, irrespective of date.

Yours, very truly,

WALTER V. WILSON,
Examiner in Charge.

(Inclosure.)

LOUISVILLE, KY., February 5, 1914.

MR. WALTER V. WILSON,
Examiner in Charge, Chicago Branch Office,
Interstate Commerce Commission, Chicago, Ill.

DEAR SIR: The following wire just received from Commissioner Meyer:

"Telegram received. Solicitor Farrell will be in Louisville, Seelbach Hotel, to-morrow. Commission will insist on access to all records irrespective of date."

Yours, very truly,

WILL H. CARLETON,
Examiner.

INTERSTATE COMMERCE COMMISSION,
DIVISION OF CARRIERS' ACCOUNTS,
CHICAGO BRANCH OFFICE, STEGER BUILDING,
Chicago, Ill., February 6, 1914.

MR. FRED W. SWENEY,
Chief Examiner of Accounts,
Interstate Commerce Commission, Washington, D. C.

DEAR SIR: For your information I inclose copy of my letter to Examiner Will H. Carleton instructing what action to take concerning files and records prior to 1906 which have been refused him.

Yours, very truly,

WALTER V. WILSON,
Examiner in Charge.

(Inclosure.)

FEBRUARY 6, 1914.

MR. WILL H. CARLETON,
Examiner Interstate Commerce Commission,
P. O. Box 653, Louisville, Ky.

DEAR SIR: The memorandum of Mopather refusing you generally the files and records prior to 1906 should not deter you from making re-

quest for any records that are relevant to your investigation, especially in the investigation of the general accounts. Request should be made on the proper official for the documents needed and a proper memorandum recorded for our future information in case we are compelled to show why the details prior to 1906 were necessary.

Please give this information to Mr. Keene and instruct him that my telegram instructing both yourself and him to wire the commissioner direct any relevant information regarding refusal of files had reference to Commissioner Harlan and not Commissioner Meyer.

Yours, very truly,

Examiner in Charge.

INTERSTATE COMMERCE COMMISSION,
DIVISION OF CARRIERS' ACCOUNTS,
CHICAGO BRANCH OFFICE, STEGER BUILDING,
Chicago, Ill., February 6, 1914.

Mr. FRED W. SWENEY,
Chief Examiner of Accounts,
Interstate Commerce Commission, Washington, D. C.

DEAR SIR: I inclose herewith the diagram of the tenth floor of the L. & N. Building, which should have accompanied my letter of the 5th, inclosing communication from Examiner Will H. Carleton, with reference to the status of the controversy as to right to inspect the files of the Louisville & Nashville Railroad Co.

Yours, very truly,

WALTER V. WILSON,
Examiner in Charge.

INTERSTATE COMMERCE COMMISSION,
DIVISION OF CARRIERS' ACCOUNTS,
CHICAGO BRANCH OFFICE, STEGER BUILDING,
Chicago, Ill., February 6, 1914.

Mr. FRED W. SWENEY,
Chief Examiner of Accounts,
Interstate Commerce Commission, Washington, D. C.

DEAR SIR: For the information of Commissioner Harlan: I inclose copy of a letter written yesterday by Examiner Keene to Examiner Carleton respecting the situation at Nashville, which would indicate that there is no disposition on the part of the carrier to deny or evade inspection of its records, and that there has been some carelessness in destroying records up to December, 1906.

However, late this morning I received the following telegram, which would seem to indicate that the carrier has since receded from its former stand:

"Demand for indices and general access to correspondence files of president, vice president, and general manager declined by president of carrier on advice legal department. Advise."

To this I wired Keene reply as follows:

"Am writing you regarding telegram concerning indices and general correspondence files. Ascertain whether we have access accounting and other files prior 1906. Ask carrier defer destruction records until after our investigation."

A copy of my letter written to-day to Mr. Keene is inclosed.

All of the above transpired previous to the time of my receiving from Keene a message advising the desires of Senator LEA, and concerning which I to-day wired you.

Yours, very truly,

WALTER V. WILSON,
Examiner in Charge.

(Inclosures.)

INTERSTATE COMMERCE COMMISSION,
BUREAU OF STATISTICS AND ACCOUNTS,
CHICAGO BRANCH OFFICE, STEGER BUILDING,
Chicago, Ill., February 6, 1914.

Mr. HENRY C. KEENE,
Examiner, Interstate Commerce Commission,
Hotel Savoy, Nashville, Tenn.

DEAR SIR: I wired you to-day:

"Am writing you regarding telegram concerning indices and general correspondence files. Ascertain whether we have access accounting and other files prior 1906. Ask carrier defer destruction records until after our investigation."

I wish you would take every opportunity to ask for files of correspondence relevant to our investigation. If you can not get the indices, ask for every file that your attention is drawn to. Make every effort to get into the file room without infraction of any laws and secure lists of files, which you will demand for inspection. Make a record of all demands for files for future reference.

I have taken the matter up with the Washington office, and you will probably hear from that source about the matter later. In the mean time we must gather all the evidence we can of either the destruction, removal, or stripping of records, as well as the refusal of records which are necessary for this investigation. In case of a Senate inquiry, we will have to show that the records which we demanded were necessary or may be necessary for the success of this investigation.

Yours, very truly,

WALTER V. WILSON,
Examiner in Charge.

Copy to Mr. Fred W. Sweney.

NASHVILLE, TENN., February 5, 1914.

Mr. WILL H. CARLETON,
Examiner, Interstate Commerce Commission,
P. O. box 653, Louisville, Ky.

DEAR SIR: Yesterday morning I called on Senator LUKE LEA, at his office, and was presented to a Mr. Price, an employee of the carrier, from whom the information in respect to the destroyed records was received. Mr. Price stated to me that a great many records had been and were being destroyed by order of the comptroller, the records being taken from the offices of the assistant comptroller and the auditor of disbursements. He informed me where the records were being burned, and I made a personal visit to the furnace, but found that only vouchers of dates 1865 to December, 1906, inclusive, with attachments, were being cremated. It is, of course, proper for vouchers of those dates to be destroyed, provided they do not cover expenditures for construction. The segregation of the vouchers for construction, being made to assure their not being destroyed, was being done very carelessly yesterday by a number of boys, and no effort was made to retain vouchers covering the purchase of rail, ties, and material used in new buildings. I took the matter up of

having a more careful inspection made, and assurance was given me that this would be done.

I made an engagement with Mr. Price at my hotel, so that I might secure more definite information with respect to the records destroyed, with dates. However, he did not keep the engagement; and when I later met him on the street he stated that he thought he had talked enough. He was very guarded in his conversations at that time, evidently fearing that he would lose his position.

On request I was furnished with all the indices, files, and records covering the issuance of passes during the year 1913. The records for year 1912 are open to our inspection and are seemingly intact, but not in as good a condition as those of the subsequent year. The records for 1911 were not fully kept, but those on hand are open for our inspection.

So far I have noted no disposition on the part of the carrier to deny or evade the inspection of its records.

I desire to acknowledge receipt of your letter of the 4th instant, just to hand, the instructions contained in which are understood.

Yours, very truly,

HENRY C. KEENE, Examiner.

[Interstate Commerce Commission, Division of Carriers' Accounts,
Chicago branch office, Steger Building, Chicago, Ill.]

THE HERMITAGE HOTEL,
Louisville, Ky., February 7, 1914.

Hon. B. H. MEYER,
Commissioner, Interstate Commerce Commission,
Washington, D. C.

DEAR SIR: I have your telegram of this date, instructing me to make written memoranda of all details like those mentioned in my special-delivery letter. I have been following the practice of dictating memoranda, dating and signing them, covering all unusual occurrences as they come to my notice.

In accordance with your telegram of February 5 I met Solicitor Farrell yesterday evening and explained to him the conditions here. He did not consider that the evidence was sufficient to ask for a writ of injunction, but instead instituted the necessary mandamus proceedings to enable us to gain access to the accounts, records, and memoranda of the carrier, including correspondence. I understand that Solicitor Farrell will fully inform the commission in regard to the details.

There has been no change in the attitude of the carrier since my letter of February 5, and no unusual conditions have been observed.

I have just received your telegram instructing me to note names of railway employees who seem to destroy or abstract records. Your instructions will be observed.

Yours, very respectfully,

WILL H. CARLETON, Examiner.

Certified copy to Mr. Walter V. Wilson, examiner in charge, Chicago branch office, Interstate Commerce Commission, Chicago, Ill.

[Interstate Commerce Commission, Division of Carriers' Accounts,
Chicago branch office, Steger Building, Chicago, Ill.]

THE HERMITAGE HOTEL,
Louisville, Ky., February 7, 1914.

Mr. FRED W. SWENEY,
Chief Examiner of Accounts,
Interstate Commerce Commission, Washington, D. C.

DEAR SIR: This will acknowledge receipt of Mr. Dakin's telegram of even date, advising that the commissioner instructs that I keep your office advised by mail daily, if possible, of the progress and developments in the investigation here.

In accordance with Commissioner Meyer's telegram of February 5, I met Solicitor Farrell at the Seelbach Hotel about 7 o'clock last evening. Mr. Lawrence accompanying me at the request of Mr. Farrell. I explained to him the circumstances and incidents which had occurred. He stated that he did not consider that, in the absence of any further evidence that records were being destroyed, circumstances would warrant the application for a writ of injunction, as he was confident the judge would not consider it.

About 8 o'clock we met the United States district attorney, George Du Ruelle, by appointment, in his office in the Federal Building, where he and Solicitor Farrell prepared the rough draft of the petition for a writ of mandamus for the purpose of enabling us to have access to all accounts, records, and memoranda, including correspondence, of the carrier, both prior and subsequent to August 28, 1906. This morning the petition was formally executed and filed, and a United States marshal instructed to serve the notice upon Mr. Milton H. Smith, president of the L. & N.

Solicitor Farrell will doubtless communicate to the commission all the information in relation to the legal proceedings. He left for Nashville on the 3 o'clock train, and I advised Mr. Keene by wire to meet him at 10 o'clock to-morrow morning.

So far we have not observed any evidence indicating that the carrier was destroying any of its records. The only evidence that we have is that the clerks are working on the executive department's correspondence files, and the fact that they had placed several of the files in a valise, indicating that they intended to at least remove them from the file room, if not from the office. The files so found, they being refused us until after they had been looked over by Mr. Mapother, were turned over to us the first thing the next morning.

I do not understand from Mr. Dakin's telegram that the commissioner desires daily advice of the amount and nature of the work accomplished, but merely a report in relation to records and files which we are denied, and of any changes in the attitude of the carrier or any new developments.

Yours, very truly,

WILL H. CARLETON, Examiner.

Certified copy to Mr. Walter V. Wilson, examiner in charge, Chicago branch office, Interstate Commerce Commission, Chicago, Ill.

INTERSTATE COMMERCE COMMISSION,
Washington, February 16, 1914.

Hon. JOHN SHARP WILLIAMS,
Chairman Committee to Audit and Control the
Contingent Expenses of the Senate, United States Senate.

DEAR SIR: I beg to hand you herewith copy of a letter addressed to one of our examiners at Louisville, which had not arrived when copies of the other papers in that matter were sent to you.

Very respectfully, yours,

E. E. CLARK, Chairman.

LOUISVILLE & NASHVILLE RAILROAD CO.,
FIRST VICE PRESIDENT'S OFFICE,
Louisville, Ky., February 11, 1914.

MR. WILL H. CARLETON,
Examiner, Interstate Commerce Commission,
Hermitage Hotel, City.

DEAR SIR: Please refer to my letter of the 4th instant, outlining the views and policy of this company relative to your continued investigation of its affairs.

Your right to examine correspondence at all was denied, but, as a matter of grace, we expressed a willingness for you to continue your examination of the correspondence of the executive department on and after August 28, 1906. In view, however, of the fact that the matter has now been taken into the courts, where each side to the controversy will stand upon its legal rights, this permission is withdrawn and you are hereby notified that we will not allow you to examine this correspondence any further, except so much thereof as relates to the issuing of passes on and after January 1, 1911.

Yours, truly,

W. L. MAPOTHER,
First Vice President.

ERADICATION OF HOG CHOLERA.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 3439) appropriating funds for the purpose of the investigation, treatment, and eradication of hog cholera, which were, on page 1, line 4, to strike out "\$500,000" and insert "\$600,000"; on page 1, line 8, after "cholera," to insert "and dourine, including the employment of assistants, clerks, and other persons, and the payment of all other necessary expenses, in the city of Washington and elsewhere"; on page 1, line 8, to strike out "however"; on page 2, line 8, after "thereunder," insert ": And provided further, That not more than \$100,000 of the sum hereinafore provided shall be used for the investigation, treatment, and eradication of the disease known as dourine"; and to amend the title so as to read, "An act appropriating funds for the purpose of the investigation, treatment, and eradication of hog cholera and dourine."

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

The motion was agreed to.

PENOBSCOT RIVER BRIDGE, MAINE.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1346) to authorize the Eastern Maine Railroad to construct, maintain, and operate a bridge without a draw across the Penobscot River between the cities of Bangor and Brewer, in the State of Maine, which was to strike out all after the enacting clause and insert:

That the Eastern Maine Railroad, a corporation organized under the laws of the State of Maine, and its assigns be, and are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Penobscot River at a point suitable to the interests of navigation from some point on the easterly bank of the Penobscot River in the city of Brewer to a point on the westerly bank of said river in the city of Bangor between the present highway bridge connecting said cities and the Bangor waterworks dam, in the county of Penobscot, in the State of Maine, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

And to amend the title so as to read: "An act to authorize the Eastern Maine Railroad to construct a bridge across the Penobscot River between the cities of Bangor and Brewer, in the State of Maine."

Mr. JOHNSON. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

HOUSE BILLS REFERRED.

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

H. R. 122. An act authorizing the State of California to select public lands in lieu of certain lands granted to it in Imperial County, Cal., and for other purposes;

H. R. 4938. An act providing for the issuance of patents to transferees of town lots purchased from the United States at public sale in certain cases;

H. R. 6831. An act to quiet title to lot 5, section 23, township 14, range 18 east, Noxubee County, Miss.; and

H. R. 11102. An act providing that the marriage of a homestead entryman to a homestead entrywoman shall not impair the right of either to a patent, after compliance with the law a year, to apply to existing entries.

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

H. R. 6464. An act for the relief of Charles R. Grant; and
H. R. 6750. An act granting to the city of New Orleans right of way for a street across the Jackson Barracks Military Reservation, in the parish of Orleans, State of Louisiana,

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

H. R. 10594. An act granting a pension to the Forsyth Scouts and the widows of the deceased members of the said organization;

H. R. 12914. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 13297. 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 of such soldiers and sailors.

H. R. 8683. An act to authorize and direct the Secretary of the Treasury to relinquish the rights of the United States in and to a part of a certain alley in the city of Marshalltown, Iowa, was read twice by its title and referred to the Committee on Public Buildings and Grounds.

H. R. 11331. An act to repeal an act regulating the construction of bridges across the Muskingum River in Ohio was read twice by its title and referred to the Committee on Commerce.

WOMAN SUFFRAGE.

The VICE PRESIDENT. Morning business is closed. The calendar under Rule VIII is in order.

Mr. ASHURST. Mr. President, I ask that Senate joint resolution No. 1, being Calendar No. 52, be laid before the Senate. Several Senators have indicated a desire to address the Senate on the joint resolution. Of course I do not purpose to ask for a vote at this time, but merely that the joint resolution may be laid before the Senate.

The VICE PRESIDENT. The joint resolution is the first business on the calendar. The Chair lays before the Senate the joint resolution, which will be stated.

The SECRETARY. A joint resolution (S. J. Res. 1) proposing an amendment to the Constitution of the United States extending the right of suffrage to women.

Mr. BRISTOW. Mr. President, I desire to discuss the joint resolution, but I do not wish to be limited under the five-minute rule, because my remarks will take a longer time. I ask unanimous consent to proceed to its discussion.

The VICE PRESIDENT. The Senator from Kansas asks unanimous consent to proceed with the discussion of Senate joint resolution No. 1, notwithstanding the rule limiting debate to five minutes. Is there objection? The Chair hears none.

WOMAN SUFFRAGE AND THE PRESIDENT.

Mr. BRISTOW. Mr. President, there can be no sound argument advanced against the right of suffrage for women. Woman has the same natural right to the exercise of the ballot as man. When government was largely the enforcement of military authority, there was reason for such function being exercised by man, but that period of the world's history has passed. Intellect and conscience directing the administration of civic affairs are the requisites now for good government. Taxation without representation is the principle against which our ancestors protested. That protest resulted in the establishment of this Republic.

No one would advocate exempting property from taxation because it was owned by a woman, yet the laws in many of our States deprive women of any voice in determining the amount of the tax that is levied upon their property or how it should be collected. The laws compel women to pay the tax, but give them no voice in determining how much it shall be or for what purpose it shall be expended. Such a policy is in conflict with the very fundamental principles upon which every free government is based. Who could have a greater interest in the schools of the country than have our women? Yet in many of the States they are given no voice in their management.

No one can be more interested or more vitally concerned in the moral life and character of the communities in which they live than are the women of those communities, yet they are in many of the States denied a voice in determining what shall be the character of the laws governing such communities or the methods of their administration or enforcement.

There are few who deny that woman has a right to the ballot, though many deny the expediency of her exercising such function. However, I have never heard an argument made against woman suffrage that appears to me to appeal to the judgment of an unbiased and unprejudiced mind. There are those men who have such an egotistical view of the superiority of their own sex that they pretend to believe that man only is mentally fit to exercise the functions of government. These men think that they, and their sex, are intellectually superior to women, yet, if such men ever went through a school or a college attended by the two sexes, I predict that the records of that school, wherever it may be, will disclose that there were female students superior in every line of study to these self-

constituted censors of human intelligence. There is not a Senator in this body who must not admit that in his school life he was excelled in many lines of intellectual efforts by female students. The argument that women are not intellectually capable of making intelligent citizens is without foundation, and will not be urged upon this floor.

On moral questions, and government relates to moral questions as well as economic problems, women are far the superior of men. Their sense of natural justice is more acute and they instinctively resent moral wrong. As a whole, they are on the right side of every moral controversy in every community far more frequently than are the men. Indeed, the progress of the human race is due in a great measure to their superior moral sensibilities.

The women of my State for more than 40 years have enjoyed the right of suffrage in matters relating to the public schools. One of the earliest and most pleasing recollections that I have of school elections was in attending the "school meeting" in the country district where I lived, back in the seventies. There in the schoolhouse, gathered together, were the women and men of the district in a public town meeting, discussing and voting upon all questions relating to the schools; they decided upon the amount of tax levy for their support, and elected the managing board of education. The conduct of this meeting was as sensible and decorous as the most critical could desire. Indeed, it was the most creditable political meeting held in the community.

Years afterwards women were given the privilege of participating in all our municipal elections, and for more than 20 years in Kansas the women have voted in the election for mayors, councilmen, and all municipal officers. Their influence has been the best. The towns and cities of Kansas have been far better governed than they would have been without the elevating influence of the female voters. They have given a moral tone to our municipalities that nothing else could have done. There never has been organized among men cleaner and better local governments than we have in the State of Kansas, and the good women of our State have contributed largely to the excellent administration of our laws. It is a pleasure for me upon this occasion to pay them this tribute which they so richly deserve.

When we hold our city elections husbands may accompany their wives and daughters to the polls, or the women may go alone without the slightest embarrassment. The election places are as orderly and respectable, and as free from anything offensive to the most refined woman, as the place of business of any mercantile establishment in the community. It has been a pleasure for me frequently to accompany my wife to the polls, where we both cast our ballots, and never has there been, upon any occasion, anything causing the slightest embarrassment. So that the argument that politics will degrade woman is utterly without foundation, because when women participate the degrading features, if there are any, that prevail about the booths or voting places will disappear.

After 20 years of effort the women of Kansas at last have secured equal suffrage with the men and hereafter will participate in all of our elections. I know that the same good influence which they have exercised in our municipal affairs will be extended to this larger field of political activity.

I shall most earnestly support this resolution, because I believe its enactment will be for the best interests of my country. The consideration of this amendment has been interesting and useful from an educational point of view, because the more that woman suffrage is discussed and the better its operation is understood the more it will commend itself to the judgment of right-thinking men.

Its consideration has also brought to the attention of the country some interesting characteristics of our Chief Executive and in this respect it has also been educational. Our President was called upon in the early part of December by a delegation of ladies, headed by Dr. Anna Shaw, one of the strong, forceful women of America, and they sought the powerful influence of the President in behalf of their cause. They represented millions of the best women of America and were pleading for the cause of justice for their sex. This delegation of patriotic women were as intensely interested in the welfare of their country as any body of men could possibly be. They realized the powerful influence of the President and sought his aid; they asked his help for their great cause, in which many millions of the best women and men of America are deeply interested. To their earnest appeal the President made the following reply:

I want you ladies, if possible, if I can make it clear to you, to realize just what my present position is. Whenever I walk abroad I realize that I am not a free man; that I am under arrest. I am so carefully and admirably guarded that I have not even the privilege of walking the streets. That is, as it were, typical of my present

transference from being an individual with his mind on any and every subject to being an official of a great government, and incidentally, or so it falls out under our system of government, the spokesman of a party.

I set myself this very strict rule when I was governor of New Jersey and have followed it as President—that I am not at liberty to urge upon Congress in messages policies which have not had the organic consideration of those for whom I am spokesman.

In other words, I have not yet presented any legislature my private views on the subject, and I never shall, because I conceive that to be part of the whole process of government, that I shall be spokesman for somebody, not myself.

I am an individual; when I am spokesman of an organic body I am a representative. For that reason, you see, I am by my own principles shut out, in the language of the street, from "starting anything." I have to confine myself to those things which have been embodied as promises to the people at an election. That is the strict rule I set for myself.

When my private opinion is asked by those who are cooperating with me I am glad to give it, but I am not at liberty until I speak for somebody besides myself to urge legislation upon Congress.

The ladies were very much impressed, as well as depressed, by the party shackles with which our President seemed to be bound hand, foot, and tongue. The platform, politically speaking, to him was sacred. When he spoke, he spoke according to its commands. He said:

I conceive that to be part of the whole process of government, that I shall be spokesman for somebody, not myself.

And again—

I have to confine myself to those things which have been embodied as promises to the people at an election. That is the strict rule I set for myself.

Then, to give more emphasis to this profound and commanding obligation to the party platform, he elaborated as follows:

When my private opinion is asked by those who are cooperating with me, I am glad to give it, but I am not at liberty until I speak for somebody besides myself to urge legislation upon Congress.

After receiving this remarkable address from the Chief Executive, these good women went away sore in spirit and sick at heart. They had read of the fine courage of our President and his manly independence; they had not expected to find such abject servitude to party commands. So they went away, some in sadness and sorrow; others possibly with some symptoms of doubt and irritation. This was December 8 last.

If the platform had declared for suffrage, of course the President would have been bound by it and felt it his duty to force through Congress a measure embodying such declaration in the laws of the country, even if it had taken an extra session of Congress all summer to have accomplished the feat. If it had declared against suffrage, of course he would have seen that no such resolution was given consideration by either branch of Congress. But since it declared neither way, he was not even at liberty to express a private opinion as to its wisdom and desirability.

But in the evolution of human affairs, another question came before the Chief Executive for his consideration. This subject was not brought before him by the good women of the country but by a representative of the English Government, whose action had been instigated by the American and Canadian transcontinental railroads and British shipping interests. The question was in regard to the payment of tolls by ships passing through the Panama Canal, engaged in the coastwise trade of the United States. Whatever toll charges are imposed by the canal on the traffic between the southern, eastern, and western coasts of the United States will be added to the freight rates which the ships will have to charge and will, therefore, increase their rates and enable the transcontinental railroads of the United States and Canada to charge just that much more for their traffic, which is carried on in competition with the ships. So these gigantic corporations, therefore, are intensely interested in this tolls question. Upon this subject the Democratic platform, which is the law that prescribes the official and mental operations and activities of Mr. Wilson, so he says, contains the following declaration:

We favor the exemption from toll of American ships engaged in coastwise trade passing through the canal.

Upon that platform Mr. Wilson stood and was elected. He received most of the votes from those sections of the country vitally interested in the tolls question. The wisdom of such a policy was never questioned during the campaign. The Democratic House of Representatives and a large majority of the Democrats in the Senate voted in harmony with the declarations of the platform. Yet, in the face of this party declaration and the statement of Mr. Wilson to the ladies as to its binding effect upon him, in a communication addressed by the President to Mr. Marbury, of Baltimore, dated February 5, 1914, we find the following:

I have your letter of January 30 * * *. With regard to the question of canal tolls, my opinion is very clear. The exemption constitutes a very mistaken policy from every point of view. It is

economically unjust; as a matter of fact, it benefits for the present, at any rate, only a monopoly; and it seems to me in clear violation of the terms of the Hay-Panncote treaty. There is, of course, much honest difference of opinion as to the last point, as there is, no doubt, as to the others; but it is at least debatable, and if the promises we make in such matters are debatable I for one do not care to debate them. I think the country would prefer to let no question arise as to its whole-hearted purpose to redeem its promises in the light of any reasonable construction of them rather than debate a point of honor.

So it appears in matters in which the Canadian and American transcontinental railroads and the English Government are concerned that the binding effect of the Democratic national platform is not so potent with Mr. Wilson as it was when the good women of the country were appealing to him in behalf of right and justice for their sex. When they asked to be given a chance to protect their homes from vice and to be accorded a wider opportunity for usefulness in serving their country and promoting the welfare of its people, he could express no opinion as to the desirability of such legislation. To use his language, "I conceive that to be part of the whole process of government, that I shall be spokesman for somebody, not myself," and that "I have to confine myself to those things which have been embodied as promises to the people at an election. That is the strict rule I set for myself." This was his answer to the ladies. But when the powerful railroad influences, behind the mask of "English interests," got into action this strict rule, which he set for himself, disappeared, and he declared that "the exemption constitutes a very mistaken policy from every point of view." When the women asked a word from him in behalf of suffrage, he said that he had to confine himself "to those things which have been embodied as promises to the people at an election." When the English interests appealed to him, he forgot the promises made "to the people at an election" and was very willing to speak for somebody besides himself. It is true that we have expended about four hundred millions of our own money in constructing this canal on our own territory, and that the Democratic House of Representatives, a Republican Senate by an overwhelming majority, Mr. Taft, then President of the United States, and the Democratic national convention all thought we had a perfect right to permit our own ships engaged in our domestic commerce to go through free of tolls, if we saw fit to do so. But England claims that this must not be done without her consent, though her ships can not engage in our domestic commerce, and she has not directly or indirectly invested a dollar in the construction of the canal. The greed of the railroads and the audacious claims of Great Britain seem far more potent with our President than the appeal of the womanhood of the Nation.

So, I say, the consideration of this amendment has been educational in more ways than one. It has given us a line upon some of the peculiar and interesting characteristics of our Chief Executive that may be exceedingly useful to the country in the future.

For instance, the Democratic platform contains this declaration: We favor a single presidential term * * * and we pledge the candidate of this convention to this principle.

At the proper time will the President interpret this plank in harmony with his position as to suffrage or as to canal tolls?

I believe it was the peerless Democratic leader, the Hon. William Jennings Bryan, who recently declared that—

A man who violates a party platform is a criminal worse than the man who embezzles money.

In the meantime we shall with interest watch the conflict that now appears to be going on between party promises and evasive political strategy.

Mr. SUTHERLAND. Mr. President, for my part, I wish the President would disregard a good many more of the provisions of the Democratic Party platform than he seems inclined to do.

I wish to say a few words upon this resolution, and as I shall probably occupy more than 5 minutes—perhaps 10 or 15—I should like the permission of the Senate to proceed until I have finished.

Mr. SHAFROTH. Mr. President, I ask—

The VICE PRESIDENT. The five-minute rule has been suspended.

Mr. SUTHERLAND. I do not underestimate the value of tradition, to which we are indebted for a good deal of wisdom; but since tradition rides in an omnibus which carries all sorts of passengers from one generation to another and not in a golden chariot whose seats are reserved exclusively for the righteous, it has been responsible for the perpetuation of a good deal of foolishness as well. On the whole I entertain a profound regard for notions which have long persisted, because, having passed the scrutiny and survived the buffetings of time, they are more likely to be right than wrong, and yet error has a pernicious habit of sometimes clothing itself in such

seemly garb that it is passed along without question from age to age until some doubting hand strips off the disguise and exposes the deception. One of these respectably clothed traditions which we are just now engaged in overhauling is that which teaches that women are either too good or too bad or too weak or too busy in the kitchen to participate in the tribal councils.

Let us inquire by way of cross-examination. If the ballot on the whole elevates man, what particular element of weakness in the character of woman will enable the ballot to pull her down? Have women in the aggregate less native intelligence than men? Have they less desire for social and governmental righteousness? Are they less patriotic? Are they less interested in the common welfare? Have they less at stake? If not, wherein lies the superiority of the male portion of the population? In one respect only is there common agreement as to the inferior condition of womankind, and that is in the matter of physical strength. I am not sure but that in this element of inferiority lies the explanation of the fact that for thousands of years women were not accorded an equality of legal status, an injustice which in civilized communities has been or is in process of being consigned to the limbo of discredited superstitions, and I suspect that it is the survival of a rudimentary bias reaching back for its primal origin to this ancient condition which accounts for the persistence of the obsession which leads so many worthy people to deny her equality of political status in this day of broadened vision. We have many examples of such survivals long after the decay of the root from which they grew. Intelligent men have ceased to believe in the malign influence of sorcery and witchcraft—in spells—in the ill luck inseparably associated with the possession of certain inanimate objects which have received the sinister attentions of the devil—in the malevolence of black cats and cross-eyed gentlemen of color—but a good many of them continue to entertain suspicions respecting the number 13, in spite of its harmless character, and derive more or less mental discomfort from the initiation of any enterprise on Friday, although Friday is in truth as benign a day as any in the calendar. And so in the matter of our objection to woman suffrage are we quite sure that what we regard as twentieth-century wisdom is not the fag end of a medieval superstition?

We are told that if women are given the ballot the household will suffer; that woman's place is the home. The obvious retort is that if the workshop, and the farm, and the mine, and the office, and the countingroom continue in operation, notwithstanding the responsibility which now rests upon the male voter, the household may survive even if the women of the country study politics and take a few minutes off on election day to vote.

It is urged that giving the ballot to woman will destroy her charm and femininity; that she will develop unattractive masculine traits. These are new words set to a very old tune. The same thing was urged against the new woman a hundred years ago when she demanded an equal opportunity for education. She was told that that was exclusively masculine business and solemnly warned to return to her spinning wheel at the peril of losing her womanly sweetness, but girls to-day go to school with their brothers and the brothers of other girls, and young women to-day go to college in brazen disregard of ancient conventionalities, and they are better wives and better mothers and better women and better citizens not in spite of it but in consequence of it. The objection is in a class with the demand for the preservation of the sidesaddle, lest we give verification to the suspicion that the normal tendency of humanity is to accumulate legs in pairs quite irrespective of the accident of sex.

Some people are fearful that if we enfranchise the women the bad women will vote and the good women will refrain from voting. But if the right to vote carries with it the correlative duty to exercise the right in the case of women, as it is supposed to do in the case of men, there is no good reason to expect that good women will shirk in greater proportion than good men do, for women on the average are quite as conscientious as men in faithfully discharging their responsibilities. However that may be, if we are justified in allowing men to vote irrespective of good or bad character, because of our inability to separate them in terms of legislation, how can we justify withholding a similar right from women because of a like unfortunate division among them of good and bad?

Again, it is said by some that the result would simply be to double the vote without changing the result; that the women would generally vote as their husbands do. And it is said by others that it will develop unfortunate antagonism between husband and wife over political differences. I think generally, though not always, in those States which have adopted equal suffrage, that husband and wife vote the same ticket just as generally, though not always, they attend the same church. There is nothing remarkable or sinister in this any more than

there is in the fact that generally, though not always, the male members of the same family agree in their political affiliations. There are, it is true, occasional differences of opinion between husband and wife, but I have not observed that it is followed by anything more serious than generally follows from the occasional differences about other matters or from similar differences among brothers and sisters or between mother and son.

I have no intention of entering upon any affirmative argument in justification of woman suffrage. Indeed, to my own mind, the most convincing argument for the political enfranchisement of women is the absence of any really persuasive argument against it. If it be right to extend the voting privilege to all sorts and conditions of men, I am not quite able to see the justice of denying the same right to all sorts and conditions of women. If we have extended the privilege too broadly in the case of men and wisdom demands that we should eliminate the unfit, the thriftless, and the illiterate, that is a good reason for denying the privilege to these classes of both sexes. It is no reason for denying it to the women who are fit and capable. In other words, the line which should separate the voters from the nonvoters is one of character and not one of sex.

In my view of the matter it is not important to consider whether woman suffrage will result in a betterment of conditions. It is enough for me to be convinced that conditions will certainly be no worse. I do not put my support on the ground of expediency or on the theory that society will be greatly or at all or immediately or ever benefited by the change. I suspect that the human nature of men and women in the aggregate does not materially differ. I would not, therefore, expect the political millennium to be noticeably hastened by the change. Things would probably go on pretty much as they do now. We would continue to move forward more or less slowly, more or less painfully, sometimes slipping backward, as we do now, sometimes falling as we now do, but in the end recovering ourselves, picking ourselves up and going on afresh, and on the whole, I hope, toward wiser and better things.

I give my assent to woman suffrage because, as the matter appeals to me, there is no justification for denying to half our citizens the right to participate in the operations of a government which is as much their government as it is ours upon the sole ground that they happen to be born women instead of men.

Mr. OWEN. Mr. President, I think that no one in public life has had a stronger desire to give the right of suffrage to women than myself. I favor giving them this right from every standpoint of equity and justice. But I was surprised this morning to hear the Senator from Kansas [Mr. BRISTOW] use the question of woman suffrage to assail the President of the United States.

There has not been in that great executive chair a man in the history of this country who has more honored it, who has been more serviceable, or who has been more appreciated by the people of the United States. That the Senator from Kansas should attempt to place him in the light of being an instrument of the Canadian railroads, to put him in the attitude of abject servility to a mere party call, and to put him in the attitude of equivocation and injustice toward the women of the country does the Senator from Kansas but little credit.

Party platforms ought to be binding upon those who represent a party under our present method of conducting government. Yet every man knows that there will creep into a platform some concrete plank, some detailed suggestion, which has not been fully digested by the members of a party, and which I do not think, in a true and high sense, should be regarded as necessarily conclusive of party policy.

We all know how these conventions are conducted. There is not a man on this floor who does not understand how the committee on resolutions is framed, who does not understand how a few select spirits, active, ingenious, strenuous, lay their hands upon a platform and undertake to voice the sentiment of 45,000,000 people, and they probably do the very best they can.

In so far as the question has been digested by the members of a party, in so far as a plank represents fairly and justly the sentiments of a majority of the members of a party, it deserves to be recognized. But in so far as the question of Panama tolls is concerned, I say frankly that that question, to the best of my belief, has not been passed on by the national Democracy, although discussed favorably in some few States. I say that that plank put in the Baltimore platform is not necessarily binding on the conscience of every Democrat, because it does not in truth really represent the sober, deliberate judgment of the majority of the members of the Democratic Party, but perhaps rather represents the ingenious placing in the platform of the opinion of some excellent gentlemen who found themselves in a position to voice what they sincerely thought

was the sentiment of the party. Then, when it passes the subcommittee and in the rush and roar of the convention is not objected to by the committee on resolutions, and the entire platform passes with a huge shout by the convention, it goes into our literature and becomes a plank that may attract or repel many, but which is not observed by millions who look to the spirit of the platform and the great character of the presidential candidate and vote accordingly, with no conception of binding him hard and fast to every item in the platform, much less to bind him or the party itself against new evidence developed, new facts disclosed, or against his conscientious interpretation of foreign treaties or of our national standing with the great nations of the world, or to bind Senators against their conscientious belief of what is constitutional and of what is best for the general welfare.

The Senator from Kansas, who always seems to be strongly in favor of privilege, is quite anxious to have it appear that the President of the United States is serving privilege, that he is serving the interests of the transcontinental railroads, and particularly of the transcontinental railroads of Canada, and that he listens with peculiar favor to the demand of England with regard to excusing our coastwise vessels from paying tolls through the Panama Canal. I say for myself, as a Member of this body, that I am strongly opposed to free tolls through the Panama Canal. I am opposed to it because it is fundamentally unjust to the taxpayers of the United States. I am opposed to it because I do not believe one dollar of privilege granted to the coastwise vessels plying around the American coast will ever find its way into the pockets of the consumers of this country. Whatever the maritime coastwise monopolies do gain they will pocket and use for themselves.

I think, as a matter of common sense and as a matter of common justice, when the American people have taxed themselves to the extent of \$400,000,000 to build the Panama Canal, the vessels that take advantage of it, which go through it, which use that gigantic investment for their private profit, should pay at least enough to maintain that great international highway, and that no vessel should have the right to use that investment of the people of the United States without a measurable contribution to the maintenance of the canal, if not to the payment of some degree of interest upon the investment itself.

We have a national policy to observe, of course, because the building of the canal is intended principally to promote our commerce and protect our shores on both oceans. We can not forget that. Therefore it may be necessary, in order to promote commerce through that canal, to put a very low measure of toll on vessels passing through from one ocean to the other.

Regardless, however, of the treaty between the United States and England, I am fairly of the opinion that every vessel which passes through that canal should pay its proportionate part of the cost of maintenance by a system of tolls that shall be uniform upon all the nations of the world.

I regret that the Senator from Kansas should take occasion in discussing woman suffrage to drag in these other questions in order to assail the President of the United States.

The man who is nominated by a great political party, who is elected by a great political party, does owe an obligation to that party.

When we consider the question of woman suffrage we find that many Democrats are opposed to it. We find that many Democrats are in favor of it. I think it is easily true that far more Democrats favor it than Republicans favor it. But that is immaterial. A Republican President has no right to bind the Republican Party in favor of woman suffrage, because there are many Republicans who are opposed to it. A man elected to the Presidency by the Democratic Party has no right to bind the Democratic Party to woman suffrage.

The Democratic Party was not constructed upon that plan. Democrats are not cohered by a common belief in woman suffrage. The woman suffrage party is a different organization, bound together by their judgment as to the question of woman suffrage. I am for woman suffrage. I have made speech after speech in favor of it, and I favor it not so much because of granting the privilege to women as because of its importance, in my opinion, to the welfare of men.

But the Senator from Kansas uses this question of debating woman suffrage to drag in the question of the Panama Canal, and then tries to put the President in the false attitude of an unfair evasion in replying to the women. The answer quoted by the Senator from Kansas is a just, a fair, and an honorable answer. The President had no right, as the head of the party, to commit the Democracy on this question. He has a right, as the titular leader, to express his private opinion on this question when he discusses it with members of his party or with others, but when he addresses a communication to the Congress of the

United States insisting upon legislation he will do so as the leader elected by the organized Democratic Party. Therefore he is bound to confine himself to those things which will meet the general acquiescence of his Democratic supporters. But in a matter of the Panama Canal, of this serious importance to the Nation, where he is charged by the Constitution with expressing himself upon a matter which affects our relations with a foreign nation so vitally, which affects our commercial affairs, he is justified in expressing himself, and is compelled to express himself, with regard to it as his conscience and judgment may guide him in the light of the latest evidence upon this subject.

I regret to see that the Senator from Kansas should go out of his way to attack the President. I want to say that, in my judgment, no Senator can afford to assail the present occupant of the White House on any such flimsy, unjust charge and expect to strengthen himself in his own State by that assault.

Mr. CHAMBERLAIN. Mr. President, no one regrets more than I the fact that the distinguished Senator from Kansas [Mr. BRISTOW] has united with a brief discussion of the woman-suffrage question a criticism of the President for his views in reference to the Panama Canal.

I am frank to say, however, that I disagree with the views expressed by the President of the United States. I do not attribute to him, as does the Senator from Kansas, any disposition to stand in with the Canadian Pacific Railway Co. or with other transcontinental railway companies. I simply believe that the President stands in the attitude that some of the Senators on this side of the Chamber stand in to-day, entertaining an honest difference of opinion with reference to the propriety of having enacted the so-called Panama Canal act.

As to being a Democratic doctrine, Mr. President, if platforms mean anything, if they are intended to stand on rather than to get in on, then this declaration of free tolls for coastwise vessels is a Democratic doctrine. It was declared for in the Democratic platform in Baltimore. There is no question about that. If it does not bind the Democratic Party, Mr. President, there is not a single declaration in it that does bind the party. Not only that, but if the expression of opinion by Democrats on the floor of the Senate and on the floor of the House of Representatives means anything at all, it means that they have indorsed this declaration in the platform of the Democratic Party, because clearly all the Democrats in the Senate, and I think probably a majority of the Democrats in the House, voted for this clause of the Panama Canal act.

I may say, further, that in the campaign which followed that declaration in the platform at Baltimore Democrats went over the country and declared in favor of it, and it is impossible to know how many votes were influenced by such declarations.

Take it in my own State, if you please. It was made an issue there, and it was discussed not only by myself but by other Democrats on the platform in Oregon and by the press, all taking the position that the salvation of the Pacific coast as well as the Atlantic coast generally demanded this legislation as a regulator of rates charged by transcontinental lines on all transcontinental freight.

Mr. SMOOT. Mr. President—

The PRESIDING OFFICER (Mr. ASHURST in the chair). Does the Senator from Oregon yield to the Senator from Utah?

Mr. CHAMBERLAIN. I yield.

Mr. SMOOT. Is it not true that President Wilson himself discussed that plank in New Jersey before the day of election, and is it not true that he approved of that plank in the Democratic platform?

Mr. CHAMBERLAIN. I have been so informed. I did not hear him, but I have seen the speech in print, and I think possibly its substance is in the Democratic Campaign Textbook for 1912. I am not criticizing the President. He is entitled to his view. And I am frank to say if there was a plank in the platform which my conscience could not approve I would feel disposed to repudiate it just as the President has done the one under consideration. I say again, I am not criticizing the President. I am simply suggesting to my good friend the Senator from Oklahoma [Mr. OWEN] that that plank is a Democratic doctrine if any part of the platform is expressive of the views of the Democratic Party in this country.

Oregon is a strong Republican State, by majorities ranging from twenty-five to thirty-five thousand, and Oregon gave its entire electoral vote to the President of the United States in the last election. Who can say, Mr. President, that many of the voters of my State were not influenced by that declaration in the platform? I for one want to say that I do not propose to stultify myself in reference to this subject now nor at any time in the future. I do not propose to go back to my people and say to them that because the distinguished President of the United States happens to differ from me I am going to yield my convic-

tions, my judgment, my conscience, to his view of this subject; and I say that in all kindness, not intending to criticize him at all in his attitude on the subject. I accord to him the same right that I claim for myself; and that is, not to approve the declaration in any platform unless I can do so conscientiously and as a Senator. I do not know how my friends on this side of the Chamber intend to square themselves with their constituents when they go back to them and say that they have been induced to change their attitude with reference to the Panama-tolls question—I do not mean to say that any of them are going to do so—but I, for one, am not going to do so, Mr. President.

Further than that, I am not going to let the delicacy of the diplomatic situation that has been from time to time appealed to influence my judgment. It seems to me that we ought to stand firm, not only with reference to our rights in regard to the Panama tolls question, but as to every other diplomatic question, and that it is not our province or our duty or our right, under the solemnity of our oaths, to yield to the demands of any power on earth. I would rather be a subject of a conquered nation, Mr. President, if you please, with honor, than to enjoy freedom and feel that I had sacrificed every sense of propriety and honor in my action upon any legislation that comes before Congress.

Mr. SMOOT. Mr. President—

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

Mr. CHAMBERLAIN. With pleasure.

Mr. SMOOT. In that connection I wish to call the Senator's attention to the vote which was cast in the Senate on August 7, 1912.

Mr. CHAMBERLAIN. I should like to have the Senator read it into the Record. I have forgotten what it was.

Mr. SMOOT. The Senator from Ohio [Mr. BURTON] offered the following amendment:

On page 6, lines 13 and 14, to strike out the words:

"No tolls shall be levied upon vessels engaged exclusively in the coastwise trade of the United States."

The vote upon that amendment showed 11 yeas, 44 nays, and 39 not voting. In the list of 11 yeas not one Democratic name is found. For the information of the Senate I will read the names of those who voted "yea":

Brandegee, Burton, Crane, Fall, Gronna, Lodge, Nelson, Oliver, Penrose, Roof, and Wetmore.

Mr. CHAMBERLAIN. Mr. President, that is about as I recollect the vote; and I do not believe it will be found that it will be essentially different when the time comes to vote on the question of the repeal of the free-tolls clause of the Panama Canal act. There is not any question but that every dollar that is remitted to American vessels engaged in the coastwise traffic will be a compelling factor in making the transcontinental railway lines reduce the freights for transcontinental traffic. It will be a freight regulator, if you please, Mr. President, and the American people look upon it in that light. Not only that, but the American people have a right to demand that that canal shall be treated as an American institution, built with American money, designed by American ingenuity, and now to be maintained at an expense to the American people of about \$16,000,000 per annum out of the Treasury of the United States. It is an institution which was not only constructed, as I have suggested, by American ingenuity and American energy and American money, but is an institution built on American soil; and the American people have just as much right to control it, without the violation of any treaty, as they have to operate the canals on the navigable waterways of this country without charging any toll.

If this policy of the Government, which has been recognized for a hundred years, of the maintenance of these canals and their use without the payment of tolls is to be reversed, then we are simply making this reversal at the demand, first, of the Canadian Pacific Railway Co.—I know that that is denied—backed if you please, by the American transcontinental railway systems. We know, Mr. President, that it is a matter of history that the railway companies of this country, and particularly the transcontinental railway companies, prevented the construction of the Panama Canal for years; and when the question of granting coastwise vessels freedom from tolls was under discussion here in the Senate, those of us who knew who the lobbyists of the railway companies were could look up in any of the galleries and recognize the faces of Mr. Schwerin and other men who were lobbying for the railway companies here and opposing this part of the Panama Canal act, just as they had opposed in the past every measure that looked to the construction of such a canal. Having failed to defeat the building of the canal, having failed in thwarting legislation, they now invade the field of diplomacy.

Mr. President, I say—and I feel authorized in saying it here and I think it proper to say it here—that at the time the Clayton-Bulwer treaty was adopted and at the time the Hay-Pauncefote treaty, which superseded it, was adopted, an entirely different situation, and entirely different condition existed in this country from the condition which existed when the Panama Canal was built; in other words, the subject which was then under consideration was the construction of a canal across foreign territory. Through the activity and energy, whether rightly or wrongly exerted, of President Roosevelt a 10-mile strip of territory was acquired by the United States across the Isthmus of Panama, and the canal was constructed on American territory. The question was discussed once before as to whether or not that strip is American territory. I say it is American territory to all intents and purposes, and the United States has the right to construct a canal over it and to maintain it and to use it just exactly as we see fit.

In all this I do not mean to criticize the views of the President; not at all. The President has a right to make this insistence, if he pleases; but, now, if we are going to yield to the demands of anybody with reference to the free-of-tolls clause in the Panama Canal act, where are we going to stop? Are we going to listen to an insistence which may be hereafter made by some foreign power and say that we will allow American railroad-owned ships to pass through this same canal? To prevent that is just as much a violation of the so-called treaty as any other condition that we have insisted on in the past. Are we going to dismantle our forts that are built for the protection of the Panama Canal? Their maintenance is just as much a violation of the treaty as is the exemption of American vessels from tolls. Are we going to say that our naval vessels can not be passed through the canal without the payment of tolls, or at all? Allowing that is just as much a violation of the treaty as this possibly can be.

Mr. President, I have been induced to make these remarks because I do not propose to be placed in the attitude of stultifying myself before the people of this country or before the people of my State. After having gone before them and discussed the situation from one end of the State to the other, I do not propose to come here and, at the behest of anybody, to take the back track on this proposition. For one, I will go down to defeat, if need be, rather than to take any such position as that before the American people and be a party to the violation of pledges that I have made to the people of Oregon and to the people of this entire country.

I hope I may not be misunderstood, Mr. President, when I say that I am not saying this in criticism of anybody, but I am saying it because I think it right to say it; my conscience suggests it, and my duty demands it. I accord to the President the same right, the same privilege, and I insist that it is his duty to maintain his view of the situation, if he feels disposed to do so. I have felt it to be my duty and, in accordance with the suggestions of my own conscience, to say to-day just exactly what I have said, without meaning to criticize the actions or to impugn the motives of anybody in this country, much less the President, for whom I have the highest regard, and in the patriotism of whose purposes I have the greatest confidence.

Mr. McCUMBER. Mr. President, I do not know of anyone who is a more ardent Republican than I am, or one who probably differs so radically with the President of the United States upon the great question of protection, which really divides the Republican Party from the Democratic Party; but I want to say right here, Mr. President, lest it might seem that silence on this side of the Chamber might give a semblance of agreement with the words of the Senator from Kansas [Mr. Baisrow], that I, for one, and as a Republican, repudiate his utterance that the President of the United States is the tool of any transcontinental railway or of any other interest in the world.

Mr. BRISTOW. Mr. President—

Mr. McCUMBER. However we may differ with the President of the United States upon any great question of policy of this Government, I believe he is honest, sincere, and a true patriot; and not only do I believe that the greater number of the Republicans on this side have confidence in his integrity, but I believe that the fact that his purpose is patriotic is generally conceded by the people of the United States, Republican and Democrat as well. It was lest we might seem to join the Senator in a criticism of the integrity of the President of the United States that I desired to speak, at least for myself; and in the sentiment I have expressed I believe that I have voiced the feelings of most of the Senators on this side of the Chamber.

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

Mr. McCUMBER. I am through, Mr. President.

Mr. BRISTOW. Mr. President, I challenge the Senator from North Dakota [Mr. McCUMBER] to point to a statement that I made impugning the integrity of the President of the United States. I quoted declarations of the President of the United States made to the ladies when they called upon him in behalf of the suffrage amendment and quoted declarations from the President of the United States in regard to canal tolls. I made the statement that the offer to repeal the toll-exemption clause was backed by the transcontinental railroads of the United States and Canada. That declaration has been made on this floor for more than two years; I have made it time and again in debate, and I make it now. I can read from the RECORD the declarations of distinguished Democrats, as well as distinguished Republicans, to the same effect. I do not impugn the motives of anybody; and if the President of the United States is placed in an embarrassing position it is not because of what I have said, but because of what he himself has said.

Mr. LODGE. Mr. President, I do not believe that the President of the United States is in the least embarrassed, as the Senator from Kansas [Mr. Bristow] suggests, and I should not undertake to interfere in such a debate as we have been listening to here to-day were it not that the Senator seemed to take a view of the President's attitude in regard to the Panama tolls which I do not share. I listened to all the Senator from Kansas said, and he left with me the impression that, in his opinion, the influence of corporations, both foreign and domestic, had been very strong in determining the attitude of the President with reference to the repeal of what is known as the exemption clause in the Panama Canal act. Whoever else may have changed his mind, I do not think that the President has changed his mind on that question at all. My own impression is that he has held his present view for a long time. Of this I am certain: The President did some of us who are on the Committee on Foreign Relations the honor of consulting with us about this matter, and I am sure that in dealing with it he is guided entirely by what he thinks is for the honor and credit of the United States in our relations with foreign nations. I think he has no other object in view. I think he feels, unless I greatly misunderstand him, as some of the rest of us have felt, that the position we held not very many years ago in the way of prestige and standing among the nations of the world has been lost or greatly impaired. I think he feels that the time has come to retrace some of the steps that have been taken subsequently in late years. I think he has the conviction that in one way or another—and I am laying no blame now at anybody's door—the United States has fallen into an unfortunate and unhappy position, where she has incurred the active dislike of many nations and the distrust of many more, instead of the friendship and respect which she once possessed. The President does not like, in my judgment, to see the United States in the attitude of an outlaw among the nations. He feels that we should have all the prestige, all the influence which is our due and which we have ever had among the nations of the earth. He believes, I think, as I believe, that prestige and influence are not to be obtained by disregarding international obligations or by reversing policies long held by the United States simply to gratify some passing whim or some passion of the moment. I believe also that the President regards the foreign relations of the country as above party.

I do not hold a position in this Chamber which calls upon me or entitles me to be the President's defender, but I can not sit in silence, as a member of the opposition and of the minority, and hear what I consider an injustice done to the President of the United States, in whose hands rests the conduct of all our foreign relations, without making a protest against it simply in my capacity as an American citizen. I have always held very strongly the opinion that in the matter of foreign relations it is our duty always to stand by the President of the United States just so far as it is possible to do so without violating one's own convictions. I have always tried to follow that course in my public life, and therefore I shall not now consent to censure him because he has taken a certain view of our international duties in regard to toll exemption—a view which I think he has probably always held—or charge that he is doing something inconsistent and improper as a party leader which, I confess, seems to me absurd.

I am myself a pretty rigid Republican and party man. Yet I have known things which in some way crept into Republican platforms that I would not have voted for if they had been brought up here as the basis of legislation, because my conscience and my sense of duty would have forbidden it. Cases constantly arise where party conventions in their resolutions travel out of the line of their duty, which is simply to set forth general principles, and not undertake to regulate the details of legislation.

It is entirely within the province of the President, if he chooses, to say that in an act in which he can have no participation—for he does not sign a constitutional amendment—he does not feel justified in injecting a new article into the party creed. I see no inconsistency between his taking that position and saying at the same time that there is another paragraph in that platform to which in duty and in conscience he can not agree. If there were inconsistency, I do not see that that in the least affects the merits of the tolls question upon which the President has taken recently publicly such a decided stand.

I differ as widely as possible from the President of the United States on general political principles, but on the question of foreign relations, speaking, as I have already said, merely as an American citizen, I wanted to make my protest against an injustice being done, as I think has been done this morning, to the purposes and motives of the President of the United States. When he is dealing with foreign relations, in some respects of a most perilous and difficult character, if he says, on his high responsibility, to the Congress of the United States that a certain step in foreign relations is necessary to the good name and possibly to the security of the United States, that it is necessary in order to save the United States perhaps from a situation where serious loss or serious injury might be incurred—if he says all this on his high responsibility, I think it becomes the duty of all men who look upon foreign relations as I do not to try to block his path, but to give him such aid and assistance in our humble way as we are conscientiously able to give.

Mr. CLARK of Wyoming. Mr. President, will the Senator from Massachusetts permit me to ask him a question before he takes his seat?

Mr. LODGE. Certainly.

Mr. CLARK of Wyoming. The Senator's last statement was a little broader than I care to accept. Am I incorrect in my understanding of the Senator's notion that the Senator would aid the President of the United States in carrying out a policy which the President thought was the best policy, or a necessary policy, but which the Senator from Massachusetts, from his own investigation, thought was not a good policy and was a dangerous policy if carried out?

Mr. LODGE. I certainly should not support the President in any policy which I believed to be wrong or which went against my conscience; but where I have no policy to substitute, and he is engaged in a difficult situation, I am ready at least not to throw obstacles in his way, and so far as I honestly and conscientiously can, I am going to give him my support.

Mr. CLARK of Wyoming. I agree with the Senator's last statement, but further than that I decline to go.

Mr. LODGE. I did not mean to suggest that I would support any man whom I believed to be wrong, unpatriotic, or doing something which I thought an injury to the country; but I do say that on a question of foreign relations, where my desire is to support the Executive, if I do not feel that what he is trying to do is wrong, I will go just as far as I conscientiously can in giving him my support, whether he is of my party or of some other party.

I happened to be sitting in the Senate when a President of the United States of the Democratic Party made a declaration in regard to Venezuela which was thought by many persons to bring us to the verge of war with England. I did not happen to agree with the view that it brought us in danger of war, and I thought the President was entirely right in the attitude he took. I thought so then, and I think so now. He was widely and bitterly criticized at the time by many men who belonged to my own party; but I was unable to see my way, for party advantage, to opposing the President when I believed he was doing not only what he honestly thought was best, but that to which I could give conscientious support.

I am anxious to go as far as I can in supporting any President when he is dealing with a difficult and complicated foreign situation, because the great responsibility of initiating and shaping our foreign policy must rest with the Executive and can not rest anywhere else.

Mr. BRISTOW. Mr. President, I can find no ground for criticism of the Senator from Massachusetts in the fact that he is supporting the President, either in regard to his attitude toward woman suffrage or in regard to his attitude toward canal tolls. The Senator from Massachusetts believes just as the President believes in regard to those matters, I understand.

I am not surprised that the Senator from Massachusetts should come to the defense of the President's attitude in regard to canal tolls, because he is one of the Senators who has opposed the exemption of vessels engaged in the coastwise trade from canal tolls and the inhibition against the use of the canal by railroad-owned ships. The Senator from Massachusetts has fought against those provisions from the beginning. In

my opinion the repeal of those provisions would render the canal far less useful to the American people than it otherwise would be, and would continue the monopoly of transcontinental traffic by rail and by sea which has existed for 25 years.

Mr. REED. Mr. President—

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

Mr. BRISTOW. I do.

Mr. REED. I entered the Chamber after the Senator from Kansas had made the remarks which have occasioned, to a large extent, the debate of the last hour. I did hear the Senator from Kansas disclaim having charged the President with being in collusion with the transportation lines; but he added that if the President was in an unfortunate situation it was because he placed himself there by his own words or by his own conduct. Evidently the Senator then was referring to something he had previously said.

I wish to ask the Senator, for my information, to tell me what the words of the President were, or what the conduct of the President was, which placed him in this embarrassing position, and which led the Senator to make the remarks which came so near being a direct charge that they had been so understood by Senators.

Mr. BRISTOW. From the statements of the Senator from Massachusetts [Mr. LODGE] I do not know that the President is in an embarrassing position; but from the remarks that were made by the Senator from North Dakota [Mr. McCUMBER] I was led to believe that he thought the President was in an embarrassing position.

To answer the question of the Senator from Missouri, however, I quoted from the President's address which he delivered to a delegation of ladies who called upon him and solicited his aid in behalf of the constitutional amendment for woman suffrage, which is pending before the Senate, and I also quoted his letter to Mr. Marbury, of Baltimore, in regard to the Panama Canal tolls controversy. In the one he said he could not speak for suffrage because the platform had not declared in favor of suffrage; in the other he said that the platform had declared, but he thought the platform had declared wrongly. My comments upon the two positions taken by the President were what led to the debate here this afternoon.

Mr. REED. Mr. President, if that is all there was to the matter, I have nothing to say. I was interested in knowing whether somebody had discovered the President of the United States "opening his mouth and putting his foot in it," because I had the opinion that that was an accident which happened very much more frequently to the ordinary Senator than it did to the President of the United States, and I was interested in knowing whether he had made a foolish statement. I think the matter has dwindled to so small a point that I do not care to pursue it further.

Mr. CUMMINS. Mr. President—

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

Mr. BRISTOW. I do.

Mr. CUMMINS. I am compelled to leave the Chamber, and I ask, out of order, to introduce a bill.

The PRESIDING OFFICER. Is there objection to the introduction of the bill out of order?

Mr. SMOOT. It is out of order.

The PRESIDING OFFICER. Under the rules it is out of order, and it is the duty of the Chair—

Mr. CUMMINS. I assumed it was out of order as something else was before the Senate.

The PRESIDING OFFICER. Although out of order, it can be introduced by unanimous consent. Is there objection? If not, the bill will be read.

[The bill appears under its appropriate heading.]

Mr. REED. Mr. President, out of order I ask unanimous consent to introduce a bill and a joint resolution.

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

Mr. BRISTOW. I do.

Mr. SMOOT. Mr. President, I am not going to object, but I simply wish to call the attention of the presiding officer to the rule, not with the idea that he shall enforce the rule now, but so that in case of future reference to the RECORD it may appear that the attention of the Senate was at least called to the rule.

The PRESIDING OFFICER. The Secretary will read the rule on the subject.

The SECRETARY. The paragraph of Rule VII at the foot of page 9 reads as follows:

It shall not be in order to interrupt a Senator having the floor for the purpose of introducing any memorial, petition, report of a committee, resolution, or bill. It shall be the duty of the Chair to enforce this rule without any point of order hereunder being made by a Senator.

Mr. REED. Mr. President—

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

Mr. BRISTOW. I do.

Mr. REED. Now, Mr. President, the rule is satisfied. Of course it is not in order to interrupt the Senator from Kansas except with his consent. I now have it, and I ask to have the bill and joint resolution read and referred to the Judiciary Committee.

Mr. SMOOT. Just for the RECORD I wish to say that it is not in order even with the Senator's consent. I shall not object any further, however. The rule has already been read.

The PRESIDING OFFICER. Under the rule, the Chair is unable to do anything except not to permit the bills to be introduced; that is all.

Mr. REED. The Chair has just allowed a bill to be introduced by unanimous consent.

The PRESIDING OFFICER. The Chair was not aware of the rule at that time. It was called to his attention afterwards.

Is there any objection? If not, the bills will be introduced and referred to the appropriate committees. The Secretary will read the titles of the bills.

[The bill and joint resolution appear under their appropriate heading.]

Mr. MYERS. Mr. President, may I ask the Senator from Kansas a question?

Mr. BRISTOW. Certainly.

Mr. MYERS. Before the Senator resumes his argument I wish to ask him a question. The Senator said awhile ago that he charged that the transcontinental railway lines were back of the effort to secure the repeal of the exemption from tolls of coastwise ships in the Panama Canal legislation. To what effort does he refer as being backed by the transcontinental railway lines—the effort which it is understood the President of the United States is making?

Mr. BRISTOW. Why, the Senator from Montana must know that the controversy which has been going on for years here in regard to the canal has been a controversy with the transcontinental railroads. As the Senator from Oregon [Mr. CHAMBERLAIN] pointed out, when this bill was being framed by the committee and when it was before the Senate there was a brigade of railroad lawyers here fighting against the provisions which we put in the bill day after day in our struggle to free the water commerce between the Pacific and the Atlantic coasts of the United States from the monopoly of the transcontinental railroads which has controlled it for 25 years. A part of the time they paid about a million dollars a year for the privilege of fixing rates by way of Panama.

Mr. MYERS. But, Mr. President, does the Senator contend that any effort for repeal which is being made now by the President is backed by the transcontinental railway lines?

Mr. BRISTOW. I claim, and state now, and state again, and have been stating on this floor for two years and more, that the fight against the provision in the bill that prevented railroad-owned ships from passing through the canal and the provision that exempted from tolls ships engaged in the coastwise trade has been engineered and made by the transcontinental railroads of the United States and Canada.

Mr. MYERS. Then I do not see how the Senator from Kansas can escape from the charge that has been made here against him to the effect that he has charged the President with being the tool of the transcontinental railway lines. From his language, either he makes that charge against the President or else he must regard the President as an unsophisticated gentleman who is being hoodwinked by designing people with sinister purposes.

Mr. BRISTOW. If the Senator wishes to attribute that motive to the President, that is his privilege. I have not done it.

Mr. MYERS. I have not attributed anything to the President. I have been trying to find out what the Senator from Kansas attributes to him, but without much success.

Mr. BRISTOW. If the Senator will read to-morrow morning in the RECORD the remarks I made this morning I think he will understand exactly what the Senator from Kansas said. At least, I endeavored to make my statement very clear and specific.

Mr. HUGHES. Mr. President, as I understand the Senator, he simply calls attention to the fact that certain interests are in favor of certain legislation advocated by the President?

Mr. BRISTOW. I have made that statement; yes.

Mr. HUGHES. That is about what the Senator's statement amounts to, as I understand.

Mr. BRISTOW. I have made that statement, and make it again, and have frequently made it.

Mr. HUGHES. I will ask the Senator, for my own information, whether or not the provision with reference to canal tolls has any bearing upon the provision with reference to railroad-owned ships going through the canal?

Mr. BRISTOW. I think it has; yes. I think so. I think this is the first step—

Mr. HUGHES. But there is nothing contemplated now about repealing the act?

Mr. BRISTOW. Well, I think—

Mr. HUGHES. As a matter of legislative fact, there is not anything in the proposed legislation with reference to canal-tolls exemption which repeals the law formerly passed?

Mr. BRISTOW. No; the canal-tolls exemption clause is simply a part of this legislation. That may be repealed. It renders less useful to the American people the other provisions of the bill, in my opinion, as I shall undertake to show when we get to the discussion of the bill. It is legislation along the same line; and I am not certain that it will not break down the inhibition we placed in that bill after the controversy we had here for months. I am afraid it will.

Mr. HUGHES. The Senator called attention a moment ago to the fact that the transcontinental railroads were very much interested in legislation pending before the committee of which he is a member which had for its object the twofold purpose of freeing coastwise vessels from the payment of tolls and preventing railroad-owned ships from using the canal.

Mr. BRISTOW. Yes.

Mr. HUGHES. Their interest might very well have been, and, as I recollect, their great interest was, to prevent the passage of the legislation which prevented railroad-owned ships from using the canal. I can not see, however, how the railroads are going to be particularly interested in the exemption question if their ships can not use the canal.

Mr. BRISTOW. The Senator unfortunately was not present when I made my first remarks this morning. The amount of the toll, whatever it is, is added to every ton of freight that passes through the canal as an additional charge. Free tolls for American ships engaged in the coastwise trade would mean that there would be no additional charge imposed upon those ships for carrying commerce between the eastern coast of the United States and the western coast for passage through the canal. If a toll is charged, the rate will be increased by that amount; and the water rate, if it is a free competitive rate, will determine the transcontinental rates charged by the railroads, for every dollar of toll that is levied upon commerce that passes through that canal between the ports of the United States will, as a practical proposition, not only be added to the water rate but also to the transcontinental freight rates.

Mr. BORAH. Mr. President—

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Idaho?

Mr. BRISTOW. I do.

Mr. BORAH. Is it not true that when Sir Edward Grey filed his protest, the protest was based upon three propositions: First, the provision as to free tolls; second, the provision with reference to railroad-owned ships; and third, the provision with reference to the favor which we granted to the Panama Republic? He linked the two important propositions together; and in my judgment they are not only linked together in Sir Edward Grey's protest, but they are inevitably linked together in the result which it is believed by some will ultimately follow from the first step of repeal.

Mr. BRISTOW. I think so, too. I agree absolutely with the Senator from Idaho. I think the proposed repeal of the free-tolls clause is more than an entering wedge; I am not sure but that it will result in a nullification, in so far as to its practical effect, on the inhibition of railroad-owned ships passing through the canal.

Some of my Republican friends here have apparently become very much incensed at some of the remarks I made, fearing that I was reflecting on the integrity of the President of the United States. They know that nothing—

The VICE PRESIDENT. The Senator from Kansas will suspend. The morning hour having expired, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. Senate resolution 254, to create a special committee of five Senators, to assist the Interstate Commerce Commission in investigating certain facts regarding the methods and practices of the Louisville & Nashville Railroad.

Mr. KERN. On account of the illness of the Senator from Tennessee [Mr. LEA], who is the proponent of the resolution, I ask that it be temporarily laid aside, without prejudice.

The VICE PRESIDENT. Without objection, that action will be taken. The Senator from Kansas will proceed.

Mr. BRISTOW. Mr. President, when I declared that the effort to repeal the exemption of canal tolls was instigated by the transcontinental American and Canadian railroads, that they were behind it and their interests were affected, the Senator from Massachusetts [Mr. LODGE] and the Senator from North Dakota [Mr. McCUMBER] at once felt impelled to arise and criticize severely the statement I had made upon the ground that I was reflecting upon the integrity of the President of the United States.

There is an effort going to be made, as is plainly indicated from the trend of the discussion here this morning, to base the demand for the repeal of the exemption upon some delicate foreign relations. We now must, it is alleged, give the railroads what they want in regard to transcontinental rates or go into a war with Japan, or Mexico, or England, or some other country. There never was a more preposterous and ridiculous proposition made on the floor of the United States Senate. Has the time come when we have got to permit Great Britain or Japan or any other foreign country to dictate to us what shall be our domestic policy in regard to charging tolls for the use of canals that we build with our own money upon our own territory? Have we forfeited all rights of sovereignty over our own investments?

What has been said upon this floor before in regard to this very subject? I will read now from the Record of January 22, 1913, on page 1871, from the speech made by the Senator from New York [Mr. O'GORMAN] to the Senate at that time. He says:

The great remedy which was sought to be accomplished by that law receives very little attention and was scarcely alluded to by those who opposed its passage. It was sought by the proper use of the Panama Canal to place a wholesome restraint upon the transcontinental railroads in the imposition of their charges. It is common knowledge that for many years the transcontinental railroads looked with disfavor upon the building of a Panama Canal, because those interested in the railroads knew that with the opening of the Panama Canal cheap transportation by water would require the railroads to reduce their rates and would deprive them of the monopoly which they sought to obtain.

There was a time when the Southern Pacific Railroad was found in competition with the Pacific Mail Steamship Co. There was a wholesome competition which worked for the benefit of the people of the country. That competition was destroyed as soon as the Southern Pacific Railroad was able to secure 51 per cent of the stock of the Pacific Mail. Rates were then placed so high as in some instances to be prohibitive; and it appeared from the lips of many witnesses, many citizens from different parts of the country who testified before our committee, that the best results to the people of the country from the use of the Panama Canal could be secured only by prohibiting the use of the canal by railroad-controlled boats. The proposal to enact this legislation encountered opposition at every step, and I remember during some remarks I had the honor of making in this body on the 17th of July last that I called attention to what was really within the knowledge of every Member—that no railroad corporation in this country ever secured the control of a competing water line without destroying competition. I called attention to the fact that every foot of rail east of the city of New York, that every foot of rail through New England, was controlled by one railroad system; that every boat on the Sound engaged in water transportation between New York and New England was controlled by the same corporation; and that that corporation, perfecting its monopoly, had sought, and had almost acquired, control of every foot of trolley-line service through that important section of the United States.

When we barred railroad ships from passing through the canal in order to free the canal or Panama from the monopoly which has existed for a quarter of a century, then the question of tolls became a most important subject with the transcontinental railroads.

What does free toll do? It gives the competitors of the transcontinental railroads the free use of this great waterway, the same as we give the free use of the Mississippi River to the boats that ply up and down that waterway. We have expended approximately \$100,000,000 to improve the navigation of the Mississippi River. Is it proposed here to charge tolls to the boats that ply up and down that river, in order to get an interest on that investment? Then why should you charge tolls to the boats that pass through the Panama Canal?

We purchased the Soo Canal, connecting two of the Great Lakes. Do we charge tolls for the use of the Soo Canal because we have large investments in that waterway? Oh, no; that is not suggested. It is only when railroads are prohibited by law from owning ships that ply through the canal that the toll question becomes a matter of vital concern to them; and when a Senator who is interested in the freedom of the transportation of the United States rises on this floor and protests against legislation that would tend again to fasten this monopoly upon the water transportation between our coasts he is at once denounced as making an attack upon the President. When he points out the fact, well known to every intelligent man who has studied the Panama controversy, that it is a railroad question, that it is a transcontinental freight-rate question and nothing else, he is at once attacked as stirring up international troubles.

Continuing, the Senator from New York [Mr. O'GORMAN] said:

We provided in the bill that our coastwise ships should be permitted to use the canal free. We were induced to this course by two considerations: First, to encourage our coastwise shipping, and, second and more important, to secure the cheapest possible transportation by water. Cheap water transportation will compel the competing transcontinental railroads to maintain reasonable rates. The main purpose of the legislation was to reduce the cost of domestic transportation. This clearly presents a question of domestic policy, having no relation to international obligations.

Of course, we hear it said "You have violated the treaty with Great Britain," and we are told from time to time that we must maintain our reputation for national integrity with the countries of the world.

We have heard some of that this morning—

But we have not violated the treaty by exempting our coastwise vessels. England, under a similar act passed in 1815 guaranteeing equality to the ships of the United States in the harbors of Great Britain, has for 98 years discriminated in favor of her local shipping. We have some people in this country who are more English than the English themselves in the consideration of our treaty relations.

I suppose if the Senator from New York [Mr. O'GORMAN] had waited to make that speech until now he would have been denounced in most vehement terms for imputing dishonesty to the President of the United States. Oh, in this attempt to free the transcontinental railroads from the law you can not get behind our foreign relations or use the name of the President of the United States to shield the real purpose. This fight will be made in the open and the country will understand what it is before the controversy is over.

Mr. President, I have other quotations here that I could read, but since the question is not really up for consideration now, except incidentally as growing out of the alarm that seemed to be created by the remarks I made this morning, I will not pursue it any further, but will wait until a more convenient season.

Mr. SHIVELY. Mr. President, the remarks of the senior Senator from Kansas [Mr. BRISTOW] are presumed to be addressed to the first resolution on the calendar under Rule VIII. That resolution relates to the question of suffrage by constitutional amendment. It does not in any sense concern the subject of tolls at the Panama Canal. The question of tolls at the canal is a serious one, to be considered on its own merits. Insinuations about some mysterious and sinister railroad influence will not obscure the real issue. The question of exemption from tolls being a special privilege to a domestic coastwise trade monopoly is in whatever controversy there may be on the subject. But the issue is not before the Senate. Moreover, the President needs no defense. His position on the question of special privilege is well understood by the country. And whether the general question be considered as a purely domestic one or one with an essentially international aspect, the difficulties inherited by the President in relation to it are appreciated by the American people.

Mr. SMOOT. Mr. President—

Mr. SHIVELY. I yield to the Senator from Utah before submitting a motion.

INDIAN IRRIGATION.

Mr. SMOOT. From the Committee on Printing I report back the request of the Senator from Montana [Mr. MYERS] to have printed a brief on irrigation of Indian lands, prepared under the direction of the Board of Indian Commissioners, by F. H. Abbott. I ask that the committee be discharged from the further consideration of the matter, and that it be referred to the Committee on Indian Affairs. I understand that the subject matter of the brief is for the use of that committee, and, under the printing law, they have a perfect right to order the printing of 1,000 copies. Therefore I ask that the Committee on Printing be discharged from its further consideration.

Mr. GRONNA. May I ask the Senator from Utah, if this is the report submitted by the Senator from Arkansas [Mr. ROBINSON] as chairman of the special commission?

Mr. SMOOT. No; this is a brief prepared by Mr. Abbott, in reference to irrigation on Indian lands.

Mr. HITCHCOCK. I should like to inquire of the Senator from Utah whether he can present this business at present under the rule which was cited a few minutes ago?

Mr. SMOOT. The Senator from Indiana [Mr. SHIVELY] yielded the floor to me for the purpose.

Mr. SHIVELY. I yielded to the Senator from Utah.

Mr. HITCHCOCK. I understood from what the Senator from Utah said that it would not be in order at this time.

Mr. SMOOT. If the Senator from Indiana did not yield the floor I withdraw it. I am not going to violate the rules of the body. I do not ask to do that at any time. The Senator from Indiana yielded the floor, as I understood him.

Mr. SHIVELY. I yielded the floor. I was just on the point of making a motion that the Senate proceed to the consideration of executive business.

Mr. SMOOT. That is what I understood.

The VICE PRESIDENT. Without objection, the action requested by the Senator from Utah will be taken.

COST OF OCEAN CARRIAGE (S. DOC. NO. 423).

Mr. SMOOT. I have an article prepared by David Lubin, delegate of the United States to the International Institute of Agriculture, Rome, Italy, on the cost of ocean carriage, its influence on the world's price and the home price of the staples, its bearing on the economic, social, and political life of the nations, and the needs for an international commerce commission. I ask that the article be printed as a public document.

The VICE PRESIDENT. Without objection, that action will be taken.

EXECUTIVE SESSION.

Mr. SHIVELY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 40 minutes spent in executive session the doors were reopened.

INSPECTION AND GRADING OF GRAIN.

Mr. McCUMBER. Mr. President, I ask unanimous consent that Senate bill 120 may be made the unfinished business at 2 o'clock on February 25, which is a week from to-day. I will say that this is the Federal grain-inspection bill. It has been reported now for the third time from the committee, and I wish to get it in a position where we can act upon it in some way.

Mr. SMOOT. I will say to the Senator that there is already one piece of unfinished business on the calendar.

Mr. McCUMBER. Then I will change my request and ask unanimous consent that Senate bill 120 may be made a special order.

Mr. BURTON. Mr. President, I feel compelled to object to that request. I have received very numerous protests against the bill, and I want to examine it somewhat before that is done.

Mr. McCUMBER. Then I move that the bill be made a special order for February 25, at 2 o'clock p. m.

Mr. BURTON. Is that motion in order? I do not understand that it is.

Mr. McCUMBER. Oh, yes; that motion is always in order.

Mr. BURTON. To make a bill a special order for a particular day?

The VICE PRESIDENT. It can be done by a two-thirds vote. The Senator from North Dakota moves that Senate bill 120 be made a special order for February 25.

Mr. BURTON. There is one other feature about the matter which I should like to state. I have to be absent on that day, and while I am entirely unfamiliar with the terms of the bill, I have received very vigorous protests against it from the State of Ohio and other States near at hand. I think similar protests have been received from the State of Maryland. As I understand, the senior Senator from Maryland [Mr. SMITH] is strongly opposed to the bill.

Mr. McCUMBER. The fact that a State or a city where there is a mixing grain happens to be opposed to the bill is certainly no reason why we should not have it before the Senate so that we can vote on it. That is all I am asking for. I am not trying to hurry it. The Senator will remember that a similar bill has been reported to the Senate, I think, three times, at least twice before. I will admit that it has not been reported far enough ahead of the close of the business of the session to secure its consideration. I desire now, however, to bring it up at a time when it may be considered. I do not want to hurry it. I simply want a vote on it.

Mr. BURTON. I think the Senator from North Dakota will find that there are more than two States that are strongly opposed to the bill.

Mr. McCUMBER. Very well.

Mr. BURTON. Another thing, if it comes up, I should like very much to have it come up when I can be here.

Mr. McCUMBER. Very well; then, if the Senator will designate some other day when he will be here, I will change the motion to that date.

Mr. BURTON. I would suggest the 2d of March.

Mr. McCUMBER. That is a good way ahead.

Mr. BURTON. It is not far ahead.

Mr. McCUMBER. It is two weeks ahead. However, to accommodate the Senator, I will move that the bill be taken up as a special order immediately after the close of the routine morning business on Monday, the 2d day of March.

Mr. JAMES. Just a moment, Mr. President. How much time will the bill take?

Mr. SMITH of Maryland. Mr. President, this is a bill of very great importance to my State, as well as to many others. The subject is one that has been before the Senate previously. Without some consideration of this bill, I do not feel disposed to consent that the Senate shall give to it the privilege of the unfinished business.

Mr. McCUMBER. I am not asking the Senator to vote one way or the other on the matter. All I am asking is a fair expression of the Senate at some time upon the bill. I will give notice to Senators right now that, while the bill has been euchred out of its place during two sessions, it will not be euchred out of its place without a fight every day from now on. I purpose to have a vote of the Senate upon the bill, and it is not going to be jockeyed out of existence by any one Senator or any number of Senators.

I have been perfectly fair. I say that I will fix any time within reason when Senators may want to take it up; and if Senators do not like the bill, they are privileged to vote against it.

Mr. SMITH of Maryland. I will say to the Senator from North Dakota that there is no disposition to jockey in the matter in any way, shape, or form. This is a bill, however, that is very obnoxious to a great many interests of this country, and there is great opposition to it. So far as I am concerned, I shall lend every effort in my power to defeat it. I think the bill is wrong, and while there is no disposition to jockey—I do not think this body is inclined to that kind of work—I think it is my duty to my constituents to do what I can to defeat it.

Mr. McCUMBER. I wish to say to the Senator that, while there may be some boards of trade that think the bill will interfere with them—and undoubtedly it will, to some extent—there is a great farming element all over the country that is seeking for justice, and legislatures of States and bodies representing the farming interests of all the northern section of the country have resolved again and again in favor of legislation along this line.

I am not going to argue upon the merits of the proposition now. I only say that as a justification for seeking to fix a time at which I may bring it up, at least. In asking for this particular date I am not asking that it be made the unfinished business, but simply that it be made a special order for that day, not that I may have a day on which to express to the Senate my own views upon the bill, but so that Senators may have notice that it will at least come up for consideration on that day.

Mr. BURTON. Mr. President, a parliamentary inquiry. If the bill is made a special order for the day named, and it is not finished on that day, what will be its status?

Mr. SMOOT. It would go back to the calendar.

Mr. BURTON. I am frank to say that I am entirely unfamiliar with the terms of the bill, but a very vigorous protest against it has come from millers in my own State and from other persons as well. It is claimed that it is entirely unnecessary, and that it will create a great deal of confusion.

Mr. McCUMBER. I will say to the Senator from Ohio that I wish he would give me the resolutions from millers in his State, because both of the great milling papers of the United States are ardently in favor of it, and they represent the milling interests of the country. I have letter after letter from millers in the State of Ohio favoring the bill. I think the Senator is mistaken when he says the millers are opposed to the bill. The millers are in favor of it, because they want to know what they are going to get when they buy a certain grade of grain, and at present they do not know what they are getting. I have not found a single miller who is opposed to it. At all events, not a single one who has ever written me has expressed any objection to the bill. The objection comes from commercial bodies that deal in wheat options, grain options, and so forth, and not from the trade.

Mr. GRONNA. Mr. President—

The VICE PRESIDENT. Does the Senator from North Dakota yield to his colleague?

Mr. McCUMBER. I yield.

Mr. GRONNA. I simply wish to suggest to my colleague that extended hearings have been held on this particular bill at least three or four times, and those hearings are printed. The only opposition to the bill has come from certain boards of trade and chambers of commerce. I recollect very well that the boards of trade from the city of Baltimore were here during the last session of Congress and had an opportunity to be heard. In fact, practically every board of trade in the United States has been heard on this particular bill.

Mr. McCUMBER. I wish to say to my colleague that at the present time boards of trade, like those of Duluth and St. Louis—and I can give him a great number of others—have begun to change their opinions upon the bill and are now becoming strongly in favor of it. Even those that were opposed to it, after viewing the matter over, are in favor of legislation of this character.

That is neither here nor there, however. This is a question of getting the measure before the Senate for a vote. If I can not convince the Senate that the bill is a proper one, I will take the responsibility of having it defeated. I therefore make that motion.

Mr. HITCHCOCK. I should like to inquire what motion is made by the Senator from North Dakota.

The VICE PRESIDENT. The motion is to make Senate bill 120 the special order of business at the conclusion of the morning business on March 2, 1914.

Mr. HITCHCOCK. I should like to inquire of the Senator why this particular matter should be made a special order so far in advance? It is the Senator's privilege at any time to move to take up the bill, and if the Senate consents he can then make his speech. The matter has not been before the Senate at all for discussion as yet. With the appropriation bills coming on, and the urgency of routine matters, I see no reason why the Senate should foreclose the matter and say that upon that day the time shall be given up to the bill which the Senator from North Dakota is urging.

Mr. McCUMBER. I can answer the Senator from Nebraska very briefly. I was trying to accommodate the Senator from Ohio [Mr. BURTON], who said that he would be absent on the day I originally proposed. I judged that he did not want me to bring up the bill during his absence, and I was taking the earliest opportunity to fix a day when it could have a hearing before the Senate, at least. It will have to have a hearing some day. It will have to be upon motion. No one, without disobeying the rules of the Senate, could speak for more than five minutes upon the matter if it should be considered under Rule VIII.

If we are to start in on a system of attempting to prevent a hearing on this bill, we can fight the matter out every day until we have determined the question. I am trying to accommodate myself to the desires of the Senate and not to obstruct the operation of the Senate on other matters every day by attempting to get a hearing upon this bill.

Mr. HITCHCOCK. I am not familiar with the Senator's bill, but from what he says I judge it is a matter of considerable importance, and it is not likely to be passed upon the day which he may now endeavor to set in advance. It probably must be discussed on a number of occasions.

Why is it not possible for the Senator to-morrow to move to take up his bill, and make his speech, and have the matter discussed to some extent? Then, after it has been brought before the Senate and discussed, it will be time enough to set a day either for a vote or for special consideration.

It seems to me unjust to other matters which are pending at this time for the Senate to decide in advance, without knowing anything about the measure, upon what day it shall be made a special order.

Mr. McCUMBER. I will say to the Senate that I would rather take up the bill to-morrow and go on with it; but we have other matters coming up here, and some Senators say they have not read the bill. I want to be prepared, if possible, to go on with the arguments, both for and against the bill, and finish it up at the earliest possible moment. Therefore I thought it would be better, and I am still of that conviction, if we could fix a day certain upon which, at least, it might be made a special order. Then, Senators who are opposed to it would not be uneasy lest it might come up at a time when they were absent.

Mr. SMITH of Maryland. So far as I am concerned, I should prefer to have this bill take its regular course. I see no reason why it should be given any special consideration.

If, as the Senator from North Dakota says, he is going to ask to have the bill taken up day after day, that is a matter for his own consideration and for the consideration of the Senate. So far as I am concerned, however, I see no reason why special favors should be shown this bill.

The Senator himself recognizes that the bill has had no discussion whatever. It has not been before the Senate. I think it is asking a good deal of this body that a bill should be made a special order of which there has been no discussion whatever. I shall therefore oppose a motion for a special order.

Mr. McCUMBER. The Senator says this is a bill that has had no discussion. Why, this bill has been discussed for hours and days before the Senate. I know that the Senate changes,

and that the bill has not been discussed before all the present Members of the Senate; but very lengthy addresses have been made upon the subject, and it has been before the Senate for 10 years.

Mr. SMITH of Maryland. I will say that a bill on this subject has been before the Senate probably for several years; but I know nothing as to what this bill is, and I assume there is hardly a Senator on the floor who has read the bill that has been reported by the committee. Therefore, while this bill is probably similar to some others, this particular bill has never been before the Senate, so far as I have any knowledge.

Mr. McCUMBER. There has not been any change at all in the bill from its form when it was discussed before the Senate on two other occasions when it was reported favorably from the committee.

I will ask that a vote be taken upon the matter now, Mr. President. If the time I have suggested does not suit the convenience of Senators, of course I shall have to bring up the matter day in and day out until we get a decision.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from North Dakota. [Putting the question.] It is impossible, on a viva voce vote, for the Chair to tell whether two-thirds have voted in the affirmative.

Mr. SMITH of Maryland. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

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

Ashurst	Hitchcock	Myers	Smith, S. C.
Borah	Hollis	Norris	Smoot
Brady	Hughes	Ransdell	Sutherland
Bristow	James	Robinson	Thompson
Burton	Jones	Saulsbury	Townsend
Catron	Kenyon	Sheppard	Warren
Clapp	Lane	Shively	
Fall	Lee, Md.	Smith, Ariz.	
Gronna	McCumber	Smith, Md.	

Mr. SHEPPARD. I wish to announce the unavoidable absence of my colleague [Mr. CULBERSON] and to state that he is paired with the senior Senator from Delaware [Mr. DU PONT].

Mr. SMITH of Arizona. The senior Senator from Mississippi [Mr. WILLIAMS] has been called from the Chamber on important business. He is paired with the senior Senator from Pennsylvania [Mr. PENROSE].

Mr. SAULSBURY. I was requested to announce that the senior Senator from West Virginia [Mr. CHILTON] is absent on official business of the Senate.

Mr. RANSDELL. I wish to announce that the senior Senator from Louisiana [Mr. THORNTON] is absent on account of sickness.

Mr. SHEPPARD. The junior Senator from Mississippi [Mr. VARDAMAN] is absent on business of the Senate.

Mr. MYERS. The senior Senator from Missouri [Mr. STONE] is absent on account of sickness.

Mr. HUGHES. I desire to announce that the senior Senator from New Jersey [Mr. MARTINE] is absent on business of the Senate.

The VICE PRESIDENT. Thirty-three Senators have answered to the roll call. There is not a quorum present.

Mr. SHIVELY. I move that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock and 27 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 19, 1914, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 18, 1914.

JUDGES OF THE MUNICIPAL COURT.

Michael M. Doyle, of Washington, D. C., to be a judge of the municipal court of the District of Columbia, vice Luke C. Strider, term expired.

Milton Strasburger, of Washington, D. C., to be a judge of the municipal court of the District of Columbia, vice Thomas H. Callan, term expired.

Robert H. Terrell, of Washington, D. C., to be a judge of the municipal court of the District of Columbia. (A reappointment, his term having expired.)

ASSISTANT ATTORNEY GENERAL.

E. Marvin Underwood, of Atlanta, Ga., to be Assistant Attorney General, vice Winfred T. Denison, resigned.

UNITED STATES MARSHAL.

Clarence E. Smith, of Fairmont, W. Va., to be United States marshal for the northern district of West Virginia, vice James E. Doyle, term expired.

PROMOTION IN THE ARMY.

INFANTRY ARM.

Second Lieut. Thomas M. R. Herron, Twenty-eighth Infantry, to be first lieutenant from February 6, 1914, vice First Lieut. Robert D. Goodwin, Fourth Infantry, who died February 5, 1914.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants in the Medical Reserve Corps, with rank from February 14, 1914.

Robert Du Rant Harden, of Georgia.
Harry Holmes Southwick, of Illinois.
Raymond Ewell Scott, of the District of Columbia.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Lieut. Benjamin G. Barthalow to be a lieutenant commander in the Navy from the 1st day of July, 1913.

Lieut. (Junior Grade) Miles A. Libbey to be a lieutenant in the Navy from the 1st of July, 1913.

Ensign John R. Beardall to be a lieutenant (junior grade) in the Navy from the 6th day of June, 1913.

I nominate the following-named ensigns to be lieutenants (junior grade) in the Navy from the 6th day of June, 1913:

John B. Staley,
John F. McClain,
Ralph G. Walling,
Henry E. Parsons, and
Laurance S. Stewart.

Allen R. Barrow, a citizen of Massachusetts, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 3d day of February, 1914.

Joseph J. Kinyoun, a citizen of Missouri, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 3d day of February, 1914.

POSTMASTERS.

ALABAMA.

Oscar C. Thigpen to be postmaster at Hurtsboro, Ala. Office became presidential October 1, 1912.

ARIZONA.

Ellen M. Dial to be postmaster at Safford, Ariz., in place of Frieda F. Mashbir. Incumbent's commission expired January 24, 1914.

CALIFORNIA.

Kenneth V. Blair to be postmaster at Kennett, Cal., in place of Alva L. Merrill, resigned.

Ivor B. Clark to be postmaster at Susanville, Cal., in place of David V. Hyer, resigned.

John H. Dodson to be postmaster at El Cajon, Cal. Office became presidential January 1, 1914.

Charles O. Dunbar to be postmaster at Santa Rosa, Cal., in place of Hiram L. Tripp. Incumbent's commission expired February 4, 1914.

Wade H. Howell to be postmaster at Modesto, Cal., in place of David W. Morris. Incumbent's commission expired February 4, 1914.

A. G. Smith to be postmaster at Laton, Cal., in place of Frank L. Bostwick. Incumbent's commission expired February 2, 1914.

COLORADO.

Mae C. Cates to be postmaster at Seibert, Colo., in place of Robert W. Wrenn, resigned.

CONNECTICUT.

John T. Downey to be postmaster at Sound Beach, Conn., in place of George D. Carey. Incumbent's commission expired February 1, 1914.

Aaron Smith to be postmaster at Warehouse Point, Conn., in place of Joseph R. Sperry. Incumbent's commission expires March 2, 1914.

DISTRICT OF COLUMBIA.

Otto Praeger to be postmaster at Washington, D. C., in place of Norman A. Merritt, resigned.

FLORIDA.

W. M. Platt to be postmaster at Arcadia, Fla., in place of Andrew Green. Incumbent's commission expired January 17, 1914.

GEORGIA.

Lonnie C. Brown to be postmaster at Elberton, Ga., in place of Charles W. Parker, removed.

IDAHO.

John B. Viley to be postmaster at Bonners Ferry, Idaho, in place of Walter T. James. Incumbent's commission expired February 10, 1914.

ILLINOIS.

A. O. Haines to be postmaster at Atlanta, Ill., in place of Russell W. Folts. Incumbent's commission expired December 21, 1913.

INDIANA.

John J. Nolan to be postmaster at Evansville, Ind., in place of Charles Sihler. Incumbent's commission expires February 22, 1914.

Edward Smith to be postmaster at Newcastle, Ind., in place of John F. Thompson. Incumbent's commission expired February 10, 1914.

George B. Spicer to be postmaster at Gosport, Ind., in place of Clarence W. Neal, resigned.

IOWA.

Jacob H. Bahne to be postmaster at Sibley, Iowa, in place of Harold E. Scott. Incumbent's commission expired February 4, 1914.

J. W. Cannon to be postmaster at Elma, Iowa, in place of Francis Trunkey, resigned.

E. F. Douglass to be postmaster at Dysart, Iowa, in place of Edward Z. Dempsey, deceased.

William A. Keithley to be postmaster at Springville, Iowa, in place of Otho C. McShane, deceased.

Charles E. Lynch to be postmaster at Waucoma, Iowa, in place of John W. Reed, resigned.

John R. Mattes to be postmaster at Odebolt, Iowa, in place of William N. Oursler, resigned.

Arthur O. Reinhardt to be postmaster at Van Horn, Iowa. Office became presidential January 1, 1914.

Henry S. Rosecrans to be postmaster at Oskaloosa, Iowa, in place of George C. True. Incumbent's commission expires February 18, 1914.

P. H. W. Schippmann to be postmaster at Holstein, Iowa, in place of William H. Nolte, resigned.

KENTUCKY.

Goalder Johnson to be postmaster at Hickman, Ky., in place of James L. Stephens. Incumbent's commission expires February 13, 1914.

W. Logan Wood to be postmaster at Danville, Ky., in place of Edwin B. Linney, removed.

LOUISIANA.

P. Otis Broussard to be postmaster at Abbeville, La., in place of Joseph T. Labit, deceased.

Silvio Broussard to be postmaster at New Iberia, La., in place of Thomas R. Morse, deceased.

Ada A. Smart to be postmaster at Leesville, La., in place of Benjamin F. Cowley. Incumbent's commission expires February 28, 1914.

MAINE.

Manley W. Bessey to be postmaster at Hebron, Me., in place of Herbert L. Melcher. Incumbent's commission expired January 31, 1914.

Dwight P. Macartney to be postmaster at Oakland, Me., in place of George W. Goulding. Incumbent's commission expires February 21, 1914.

George H. Weeks to be postmaster at Damariscotta, Me., in place of Edwin F. Metcalf. Incumbent's commission expired December 16, 1913.

MARYLAND.

Andrew Beaston to be postmaster at Chesapeake City, Md., in place of William B. Coleman, deceased.

Winfred E. Berry to be postmaster at Rockville, Md., in place of Willis B. Burdett. Incumbent's commission expired February 10, 1914.

Robert E. Smith to be postmaster at Ridgely, Md., in place of Alfred W. Thompson. Incumbent's commission expired December 21, 1913.

MASSACHUSETTS.

Timothy F. Lynes to be postmaster at Amesbury, Mass., in place of William A. Murphy. Incumbent's commission expired February 1, 1914.

MICHIGAN.

J. W. Budrow to be postmaster at Schoolcraft, Mich., in place of Ramsay Arthur. Incumbent's commission expires February 25, 1914.

John R. Ryan to be postmaster at Calumet, Mich., in place of C. J. Wickstrom, removed.

MINNESOTA.

E. C. Kiley to be postmaster at Grand Rapids, Minn., in place of Frederick A. McVicar. Incumbent's commission expired January 26, 1914.

Joseph Wolf to be postmaster at Staples, Minn., in place of Rowland Arundel. Incumbent's commission expired February 15, 1914.

MISSISSIPPI.

H. M. Sims to be postmaster at Monticello, Miss. Office became presidential January 1, 1914.

MISSOURI.

Wyatt Cannady to be postmaster at Marionville, Mo., in place of Washington D. Turrentine. Incumbent's commission expires February 21, 1914.

John J. Hall to be postmaster at Novinger, Mo., in place of Henry Frankford. Incumbent's commission expired January 19, 1914.

Henry C. Murphy to be postmaster at Richland, Mo., in place of Henry C. Shubert. Incumbent's commission expired February 4, 1914.

Hugh J. Patten to be postmaster at McFall, Mo. Office became presidential January 1, 1914.

MONTANA.

Lee L. Minnick to be postmaster at Saco, Mont. Office became presidential January 1, 1914.

J. A. Tillett to be postmaster at Whitefish, Mont., in place of James C. Bailey, resigned.

NEBRASKA.

O. K. Jones to be postmaster at Lexington, Nebr., in place of H. P. Nielsen. Incumbent's commission expired July 29, 1913.

Benoni S. Keck to be postmaster at Stromsburg, Nebr., in place of Willington A. Post. Incumbent's commission expired January 31, 1914.

NEW HAMPSHIRE.

Louis P. Ladd to be postmaster at Epping, N. H., in place of Walter H. Stickney. Incumbent's commission expires February 22, 1914.

Harris A. Morse to be postmaster at Tilton, N. H., in place of Luther H. Morrill. Incumbent's commission expires February 22, 1914.

NEW JERSEY.

William F. Bodecker to be postmaster at Tenafly, N. J., in place of Alexander B. Roberts. Incumbent's commission expired February 9, 1913.

George M. Ockford to be postmaster at Ridgewood, N. J., in place of Roger M. Bridgman. Incumbent's commission expired January 19, 1914.

NEW YORK.

Irving Barrett to be postmaster at Bedford Hills, N. Y., in place of William B. Adams. Incumbent's commission expired February 11, 1914.

Stewart B. Butler to be postmaster at Croton Falls, N. Y., in place of Frederic A. Purdy, removed.

Thomas F. Connolly to be postmaster at Norfolk, N. Y., in place of Malcolm C. Judson, deceased.

Justus W. Hackett to be postmaster at Wilson, N. Y., in place of Elmer A. Johnson. Incumbent's commission expired January 20, 1914.

Luther Hasbrouck to be postmaster at New Paltz, N. Y., in place of William H. Van Wagenen. Incumbent's commission expires February 21, 1914.

James L. Hutchens to be postmaster at Pulaski, N. Y., in place of James L. More. Incumbent's commission expired January 31, 1914.

James A. McDonald to be postmaster at Mamaroneck, N. Y., in place of William A. Boyd. Incumbent's commission expires February 21, 1914.

NORTH DAKOTA.

Kathleen Kelly to be postmaster at Agricultural College, N. Dak., in place of Louise B. Evans. Incumbent's commission expired February 3, 1914.

OHIO.

J. H. Biddle to be postmaster at St. Paris, Ohio, in place of John J. Leedom. Incumbent's commission expires February 24, 1914.

Charles P. Gabelman to be postmaster at Waverly, Ohio, in place of Orrin C. Andre. Incumbent's commission expired January 24, 1914.

William F. Gordon, to be postmaster at Somerset, Ohio, in place of Nellie F. Sheridan, name changed by marriage.

Ward G. Haviland to be postmaster at Pioneer, Ohio, in place of Emory Sibley, deceased.

A. A. Lathrop to be postmaster at Swanton, Ohio, in place of Orrin W. Curtis. Incumbent's commission expired January 24, 1914.

Charles B. Maier to be postmaster at Covington, Ohio, in place of L. E. Simes, resigned.

Thomas B. Richey to be postmaster at Georgetown, Ohio, in place of Charles L. Thompson. Incumbent's commission expired December 20, 1913.

OKLAHOMA.

John W. Bane to be postmaster at Laverne, Okla. Office became presidential January 1, 1914.

J. D. Crawford to be postmaster at Stonewall, Okla. Office became presidential January 1, 1914.

Floyd L. Swank to be postmaster at Norman, Okla., in place of Floyd J. Burke. Incumbent's commission expired January 25, 1914.

PENNSYLVANIA.

H. W. Faloon to be postmaster at East Brady, Pa., in place of George W. Best. Incumbent's commission expired January 24, 1914.

Reuben E. Gerhart to be postmaster at Souderton, Pa., in place of Henry B. Freed, deceased.

Albert L. Reinhold to be postmaster at Ardmore, Pa., in place of Mary J. Ensign, removed.

Philip F. Roof to be postmaster at Fredonia, Pa. Office became presidential January 1, 1914.

T. B. M. Ward to be postmaster at Laceyville, Pa., in place of Harry L. Johnson. Incumbent's commission expired January 27, 1914.

SOUTH DAKOTA.

Albert P. Monell to be postmaster at Stickney, S. Dak. Office became presidential January 1, 1914.

TENNESSEE.

Frank W. Latta to be postmaster at Dyersburg, Tenn., in place of John L. Sinclair. Incumbent's commission expires February 21, 1914.

T. J. Welch to be postmaster at Savannah, Tenn., in place of Louis K. Freeman. Incumbent's commission expires February 21, 1914.

TEXAS.

L. L. Bradbury to be postmaster at Franklin, Tex., in place of Ferman Carpenter. Incumbent's commission expires February 18, 1914.

Giles Bowers to be postmaster at Tenaha, Tex., in place of Robert E. Burns. Incumbent's commission expires February 18, 1914.

J. M. Diggs to be postmaster at Munday, Tex., in place of R. C. Couch. Incumbent's commission expired February 8, 1914.

E. O. Driskell to be postmaster at Mansfield, Tex., in place of Joseph A. Bowermon. Incumbent's commission expires February 18, 1914.

Thomas H. Haynie to be postmaster at Grand View, Tex., in place of John D. Abney. Incumbent's commission expires February 18, 1914.

John Kelley to be postmaster at San Saba, Tex., in place of Andrew R. Hill. Incumbent's commission expires April 5, 1914.

G. A. Lindemann to be postmaster at Bartlett, Tex., in place of Jefferson D. Bell. Incumbent's commission expired February 8, 1914.

E. M. Quinn to be postmaster at Beeville, Tex., in place of James T. Ballard. Incumbent's commission expired February 8, 1914.

Daniel B. Shrader to be postmaster at Frisco, Tex. Office became presidential January 1, 1914.

H. L. Webster to be postmaster at Whitewright, Tex., in place of T. J. Lilley, resigned.

George T. Wood to be postmaster at Olney, Tex., in place of A. A. Cooper. Incumbent's commission expires February 18, 1914.

UTAH.

D. R. Evans to be postmaster at Castlegate, Utah. Office became presidential October 1, 1913.

Walter W. Morrison to be postmaster at Richfield, Utah, in place of Niels C. Poulson. Incumbent's commission expires February 18, 1914.

VERMONT.

L. H. Crosier to be postmaster at Readsboro, Vt., in place of Frank W. Banister. Incumbent's commission expired July 30, 1913.

VIRGINIA.

A. N. Cocks to be postmaster at Disputanta, Va. Office became presidential January 1, 1914.

G. H. Kinzel to be postmaster at Winchester, Va., in place of Bentley Kern. Incumbent's commission expires February 22, 1914.

Martha L. Lee to be postmaster at Fortress Monroe, Va., in place of John B. Kimberly. Incumbent's commission expired January 10, 1914.

George N. Reed to be postmaster at Reedville, Va. Office became presidential January 1, 1914.

WASHINGTON.

W. P. Connors to be postmaster at Almira, Wash., in place of Joseph B. Furby. Incumbent's commission expired February 7, 1914.

Emma Goodyear to be postmaster at Starbuck, Wash., in place of Charles A. Blackman. Incumbent's commission expired February 15, 1914.

WEST VIRGINIA.

Maurice E. Wentzell to be postmaster at Harpers Ferry, W. Va., in place of William L. Erwin, resigned.

WISCONSIN.

William A. Koch to be postmaster at Brillion, Wis., in place of George Luecker. Incumbent's commission expired January 13, 1914.

F. M. Patterson to be postmaster at Wild Rose, Wis., in place of Frank M. Clark. Incumbent's commission expired January 12, 1914.

J. H. Smith to be postmaster at Elroy, Wis., in place of Jorgen C. Jacobson. Incumbent's commission expired February 18, 1914.

J. J. Voemastek to be postmaster at Rib Lake, Wis., in place of Duncan McLennan, deceased.

WYOMING.

Margaret E. Vines to be postmaster at Gillette, Wyo., in place of Lola Smith, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 18, 1914.

CONSUL GENERAL.

Stuart K. Lupton to be consul general at Guatemala, Guatemala.

CONSUL.

Otis A. Glazebrook to be consul at Jerusalem, Palestine.

UNITED STATES DISTRICT JUDGE.

Thomas G. Haight to be United States district judge for the district of New Jersey.

UNITED STATES ATTORNEY.

Francis H. Weston to be United States attorney, district of South Carolina.

UNITED STATES MARSHAL.

James L. Sims to be United States marshal, district of South Carolina.

JUDGE OF THE MUNICIPAL COURT OF THE DISTRICT OF COLUMBIA.

Edward B. Kimball to be a judge of the municipal court of the District of Columbia.

SUPERVISING INSPECTOR.

George M. Green to be supervising inspector, sixth district, Steamboat-Inspection Service.

REGISTER OF LAND OFFICE.

J. L. Calvert to be register of the land office at Guthrie, Okla.

RECEIVERS OF PUBLIC MONEYS.

George Weaver to be receiver of public moneys at Durango, Colo.

James P. O'Connell to be receiver of public moneys at Crookston, Minn.

Alexander X. Campbell to be receiver of public moneys at Guthrie, Okla.

PROMOTION IN THE ARMY.

CAVALRY ARM.

Charles J. Symmonds to be major.

Jens E. Stedje to be captain.

APPOINTMENT IN THE ARMY.

COAST ARTILLERY CORPS.

Ignatius Fealy to be chaplain.

PROMOTION IN THE NAVY.

MARINE CORPS.

Col. George Barnett to be Major General Commandant.

APPOINTMENTS IN THE PUBLIC HEALTH SERVICE.

Joseph G. Wilson to be assistant surgeon.

Newton Edward Wayson to be assistant surgeon.

Clifford Ellison Waller to be assistant surgeon.

Don Carlos Sutton to be assistant surgeon.

Knox Emerson Miller to be assistant surgeon.

John Henry Linson to be assistant surgeon.

Charles Vivian Akin to be assistant surgeon.

Frank Marie Faget to be assistant surgeon.

Thomas Cyrus Galloway, jr., to be assistant surgeon.

POSTMASTERS.

COLORADO.

Oscar N. Marihugh, Idaho Springs.

ILLINOIS.

Marion C. Cook, Duquoin.

William H. Evans, O'Fallon.

John Jakle, Cissna Park.

J. L. Lampert, Alton.

John A. Lentz, Blue Island.

George B. Marvel, Clinton.

Joseph O. Smith, Manteno.

William H. Stolte, Chicago Heights.

NEW JERSEY.

James A. Cleary, Lambertville.

William E. Maxwell, Somerville.

James Norton, Hackensack.

R. J. Quince, Sussex.

Howard J. Tombleson, Williamstown.

PENNSYLVANIA.

David M. Brown, Mont Alto.

Claude E. Desch, Macungie.

John W. Gardner, Youngwood.

F. M. Newingham, Apollo.

Frederick O. Schreiner, Johnsonburg.

Emma M. Schrock, Garrett.

RHODE ISLAND.

Honoré Archambault, Arctic.

Charles Quinn, Phenix.

TENNESSEE.

W. A. Ghormley, Madisonville.

A. R. Hammer, McMinnville.

VERMONT.

Sanford E. Emery, Proctorsville.

WITHDRAWAL.

Executive nomination withdrawn February 18, 1914.

Christopher Lowney to be postmaster at Calumet, in the State of Michigan.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, February 18, 1914.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

In the midst of a busy life, O God our Father, we pause and turn to Thee for love and sympathy, for wisdom and strength, that we may be cheered, upheld, sustained, and guided on our way; that whatsoever our hands findeth to do we may do it in accordance with our highest conceptions of right and truth and justice, assured that Thou wilt look with favor upon us and bless our earnest endeavors. So we trust, so we hope, so we pray. In His name. Amen.

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

LEAVE OF ABSENCE.

Mr. HELVERING, by unanimous consent, was given leave of absence for 10 days, on account of important business.

RAILROADS IN ALASKA.

The SPEAKER. This is Calendar Wednesday, and the unfinished business is the Alaskan railway bill. The House resolves itself automatically into Committee of the Whole House on the state of the Union, and the gentleman from Mississippi [Mr. HARRISON] will take the chair.

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

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill (S. 48) to authorize the President of the United States to locate, construct, and operate railroads in Alaska, and for other purposes. Just before adjournment on last Wednesday, the gentleman from Iowa [Mr. SCOTT] offered

an amendment, which was then pending and which the Clerk will report.

The Clerk read as follows:

Page 12, after line 15, insert:

"Provided, That if any railroad now in existence shall, with any line which may be designated and located hereunder, constitute a continuous main line of railroad from the interior to tidewater, such existing railroad, with its appurtenances, shall be acquired by purchase or condemnation as hereinafter provided, before construction is entered upon or the line to be constructed hereunder shall be so relocated, as that construction shall begin at tidewater and be carried forward so that in any case the United States will at all times be the owner of a continuous line or lines from tidewater."

Mr. SCOTT was recognized.

Mr. LENROOT. Before the gentleman begins his discussion I want to suggest that the word "hereinafter" in the amendment should read "hereinbefore," because the condemnation proceedings are provided for before.

Mr. SCOTT. Mr. Chairman, that is possibly a typographical error, and I will agree to the substitution. I ask unanimous consent that the correction be made.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the word "hereinbefore" be substituted for the word "hereinafter" in the amendment. Is there objection?

There was no objection.

Mr. SCOTT. Mr. Chairman, on the 21st of January in general debate I addressed the House upon the subject of the pending bill. My remarks at that time were directed to what I believe to be a very vital defect in the bill as introduced. I pointed out that the Wickersham bill embodied essentially the Alaska Railroad Commission plan; that it involved the construction of 733 miles of railroad calculated and intended to continue the existing lines respectively, from Chitina to the Yukon and from Kern Creek to the Kuskokwim; that upon the construction of the line or lines under this plan, the Government would be confronted with these alternatives: First, either to lease and turn over to the owners of the existing lines its roads; or, second, to lease from the owners of the existing roads their lines; or, third, to enter into some traffic arrangements with the owners of the existing lines under which the Government and these respective owners would operate their own portions of the continuous lines thus constituted. I pointed out how, under these various propositions, the owners of the existing lines would be left in the ownership and control of the lower trunks, the mountain passes, the terminals, and the choice harbor locations and facilities at Cordova and Seward. I also showed that the Alaska & Northern was an abandoned and bankrupt project; that the Copper River & Northwestern had discontinued further construction and was being operated at a loss of about \$800 a mile annually, not figuring any interest on the investment; that under present conditions these lines could be condemned for a comparatively small sum; that the Guggenheims and the owners of the Alaska Northern had already sustained a great loss consequent upon the abandonment of their original plan and promise to build to the Yukon River; that to pursue the Alaska Railroad Commission plan under this bill would transfer that loss to the Government of the United States and inject many millions of dollars of value into the existing lines and the pockets of their owners.

On January 23 the Alaska railroad bill was under debate in the Senate, and Senator Bristow offered an amendment calculated to meet the very evil that I had pointed out. The amendment was debated at length and finally adopted with only 12 votes against it. The amendment offered by me on last Wednesday evening, and which is now pending, is identical with the Bristow amendment. It was offered following two votes of the Committee of the Whole of this House upon amendments involving essentially the proposition here presented. The gentleman from North Dakota [Mr. HELGESEN] had offered an amendment to strike out the word "lease" in the second line on page 12. That amendment was agreed to and eliminated the proposed power or discretion of the President to acquire by lease either of the existing lines. In other words, it was a vote against the proposition to acquire those lines, or either of them, in a way that would leave the present owners in the ownership of these lines, terminals, and harbor facilities. Immediately after this a vote was taken on the Mann amendment, which struck out all after the word "Congress," in line 2, page 12, down to and including the word "proper," in line 7. This was a vote squarely against the proposition that the Government should enter into traffic arrangements with the owners of the existing lines, leaving such owners in the ownership and control of the present properties and harbors and the Government to own and operate only the new extensions. Thus this House has declared itself unequivocally upon two of the three alternatives that I have suggested, and there remains only the one that the Government should build these upper extensions for the use and

benefit of the owners of the existing lines and turn the Government-constructed roads over to them under lease, and attempt then to regulate them through the Interstate Commerce Commission.

Mr. Chairman, for over 40 years we have attempted to regulate railroads of the United States through instrumentalities of various commissions, including the Interstate Commerce Commission. We have met with great difficulty in that respect, and we are now most indifferently accomplishing the purpose even in the light of conditions with which we are intimately acquainted and which are quite well settled. What difficulties may we then expect in an attempt to regulate railroads in Alaska under conditions the nature of which we can not even now conjecture, working without precedent and with no known principles to guide our course. Mr. Chairman, I do not believe the people of the United States want to go into partnership with the Guggenheims and the Alaska Syndicate, and I for one do not favor the proposition.

Under all these circumstances, and the House having by two votes already committed itself to the principle, we ought not now to hesitate to meet the responsibility resting upon us as a legislative body. We ought not to reject this amendment now upon the theory that in conference we will be forced to accept it anyway. Why not rise to the level of our own responsibility and do what ought to be done of our own volition.

Mr. Chairman, I think my amendment should be adopted. It has already been essentially agreed to by two votes on two separate occasions. [Applause.]

Mr. MADDEN. Mr. Chairman, I have always been impressed with the idea that the Guggenheims were promoting this legislation in a large measure, and I am more convinced of it now than I ever was before. On the 15th of this month Mr. Guggenheim gave a special interview to a representative of the New York American, which reads as follows:

Daniel Guggenheim, in an exclusive interview given the New York American yesterday, vigorously declared he believed the United States Government could successfully operate the railroads, telephones, and telegraphs.

Mr. Guggenheim is president of the American Smelting & Refining Co., American Smelters Securities Co., Guggenheim Exploration Co., Yukon Gold Co., and a director in several other large enterprises.

"Judging from the apparent success the Government has attained with the parcel post," said Mr. Guggenheim, "I believe our Government will succeed in doing things in which the foreign Governments have failed."

"Ten years ago I did not believe the United States Government could succeed in running the railroads, telephones, or telegraphs. I felt that the American people could do it better than the Government."

"My former prejudice was based on my knowledge of what had been done abroad; but I have been converted, and it is evident to me now that our Government will succeed in operating the railroads, telegraphs, telephones, or parcel post to an extent that I never thought possible."

Regarding the rumor that his brother, former Senator Samuel Guggenheim, would gradually succeed him as the director in general of the Guggenheim companies Mr. Guggenheim said:

"Since the relinquishment of my brother's senatorial duties he has simply taken off his coat and started to help the whole Guggenheim family assist in taking care of the white man's burden. With the great amount of knowledge gleaned from his association with Senators and Government interests, my brother is better equipped to take up the work he left off when he became a Senator."

Now, Mr. Chairman, there is no doubt whatever but that the Guggenheims are anxious to unload the white elephant they have in Alaska in the form of this railroad, and if this bill passes I predict that the Guggenheims will no longer be owners of the railroad through which they have made great losses, but that the losses will be unloaded upon the American people by the purchase of their railroad by the Government. [Applause.]

Mr. HOUSTON. Mr. Chairman, I would like to know if we can not reach some agreement as to the time on this amendment. I suggest that we have 10 minutes on a side.

Mr. TOWNER. Let me suggest to the chairman of the committee that this matter was debated for two days in the Senate. We ought at least to have time enough to consider it in the House with a reasonable degree of debate. I should say that we ought to have one hour.

Mr. LENROOT. Is the gentleman from Tennessee opposed to the amendment?

Mr. HOUSTON. Yes; I am opposed to the amendment. Now, I suggest that debate be closed at the end of 30 minutes.

Mr. MANN. Make it an hour.

Mr. HOUSTON. I am willing to make it 30 minutes, and give 20 minutes to those in favor of the amendment and 10 minutes to those opposed to the amendment.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that debate on this amendment close in 30 minutes, 20 minutes to be occupied in favor of the amendment and 10 minutes to those opposed to the amendment. Is there objection?

Mr. MONDELL. Mr. Chairman, reserving the right to object, it is not entirely clear to me how many gentlemen desire to be heard on the amendment. I think I see at least four standing who desire to be heard in favor of the amendment. There may be others. Before this arrangement is made I would like to know whether it is possible for those of us who desire to speak to have an opportunity to do so.

The CHAIRMAN. Does the gentleman object?

Mr. MONDELL. No; I do not object.

The CHAIRMAN. Is there objection?

Mr. DAVENPORT. Mr. Chairman, I reserve the right to object. I do not think that is sufficient time to discuss this amendment.

The CHAIRMAN. Does the gentleman object?

Mr. DAVENPORT. Yes.

Mr. HOUSTON. Then, Mr. Chairman, I move that all debate on this amendment close in 30 minutes, 10 minutes to go to those opposing the amendment and 20 minutes to those favoring it.

Mr. DAVENPORT. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Oklahoma makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and twenty-three Members present; a quorum, and the point of order is overruled. The question is on the motion of the gentleman from Tennessee [Mr. HOUSTON] that debate on this amendment close in 30 minutes.

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

Mr. TOWNER. Mr. Chairman, again let me call the attention of the committee to the fact that unless we adopt this amendment we shall build only pieces of a road, and not any complete system. We shall be carrying out the idea that this bill was founded upon the recommendations of the Alaskan Commission that contemplated building branches of the Guggenheim road and branches of the Alaskan Syndicate road. It is to make defensible the action that we take here to-day, if we do take action affirmatively with regard to building a railroad in Alaska, that this amendment is urged by those who favor it. It has been said by the gentleman from Illinois [Mr. MADDEN] within our hearing a moment ago that the Guggenheims in all probability favor this legislation. They well might do so, in the form in which the bill is at present before the committee, because it contemplates an extension of their line from Chitina on to Fairbanks, a very considerable and a very profitable feeder for them. It contemplates a branch to the Bering coal fields, built at the expense of the Government, that would be another feeder for their line. It contemplates extensions which will make their line, which is now unprofitable, a profitable line for them. Why should they not favor this legislation? We can not afford to pass any bill here that will compel the Government of the United States to enter into a partnership with the Guggenheims, that will compel us to take such steps as will make it necessary for us to make traffic arrangements with them, and to use their terminal facilities on such terms as we can make. This amendment will prohibit our entering into that kind of an arrangement. It will compel the Government, if it builds a line on this Copper River Valley, to purchase the Guggenheim line. I am not in favor of this, and I hope it will never be done. If a road is to be built I should favor the line which would have for its southern terminus either Seward, Portage Bay, or both.

The building of any line should be a complete act on the part of the Government, and not pieces and parcels of road that will help other properties already built now held in private ownership.

My colleague has well shown that if we take this action we immediately add to the value of the Guggenheim properties and the Alaskan Syndicate properties, and if we afterwards seek to acquire them it will be only at the increased valuation which our action will give to them. Let us make it impossible that we shall take any action that will increase the value of the property that we will be compelled afterwards to purchase.

Mr. WHITE. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. Certainly.

Mr. WHITE. Has the gentleman seen in the newspapers lately, during the last two days, of the partnership about to be entered into between the Standard Oil Co. and China in the production of oil? Would not the wording of this bill, carried to its logical conclusion, mean that the United States would enter into partnership with the Guggenheims?

Mr. TOWNER. This would compel the Government of the United States to do so; but it is to prevent it that this amendment is urged.

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

Mr. OGLESBY. Mr. Chairman, there is nothing in this bill which requires the President to make any such arrangement as the gentleman has suggested. This amendment was very carefully considered by the committee, and there does not seem to me to be any reason why it should be adopted. On the other hand there are very substantial reasons why it should not be adopted. In the first place, this amendment provides that if any purchase is to be made of any other railroad to carry this line through to the coast it must be done before the main line is located, whether it is acquired by private sale or by condemnation. Let us see the position that would leave us in. Let us assume that the Alaska Northern Railroad should be offered to the Government for \$5,000,000. The President might believe that two million and a half is all the property is worth to us. But he would be compelled, if this amendment prevails, to pay the railroad's price, delay the project for a number of years, while condemnation proceedings were being conducted, or entirely abandon all purpose to acquire that road, even if convinced it could be used to good advantage. The position would then be this: The President, having refused to accept the proposition to pay \$5,000,000 for the road, and deciding that the long delay necessarily incurred by condemnation proceedings would be most unfortunate for the people of Alaska—

Mr. DAVENPORT. Mr. Chairman, will the gentleman yield?

Mr. OGLESBY. Yes.

Mr. DAVENPORT. I would like to ask the gentleman if he so understands that in condemnation proceedings the fact that you have to proceed in court delays the taking over of the property or the use of the property after the condemnation proceedings have been begun?

Mr. OGLESBY. Mr. Chairman, I will say in reply to that that in condemnation proceedings, unless the condemnation act itself specifically provides that the title vests upon the filing of the oath of office of the commissioners, or the happening of some other event, the Government or the municipality condemning would get no right to take possession of the property or use it in any way until the value was fixed in the condemnation proceedings and the price paid.

Now, if the President, having determined it was not wise to pay the price demanded, and fearing the value of the property as fixed in condemnation proceedings would be in excess of what it would be wise for the Government to pay, and should proceed to make a location entirely and absolutely independent of any road which is now there, and suppose within two weeks thereafter the proprietor of such road should say, "We will now accept \$2,000,000 for it," the President will be compelled to say, "Unfortunately, while I think it would be in the interest of the country to take it at that price, I am precluded by the terms of the law from now entertaining the proposition."

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, one of the great objections to this legislation lies in the fact that it is dangerously indefinite as to what the President may and should do under it. So far as the President would have any guide at all as to the intent of Congress will be found in the report of the Alaska Railway Commission, for this bill in effect adopts the report of the commission as to mileage and as to expenditure. That report proposes the construction of 350 miles of branches of the Copper River & Northwestern road, the Guggenheim road, at a cost of \$16,000,000, and the construction of approximately 380 miles of branches and extensions of the Alaska Northern road, at an expense of \$18,000,000. The last-named road, it is claimed by some of those supporting the bill, is largely owned by Mr. Morgan; so if the bill passes in its present form the President has before him the proposition of an expenditure the effect of which would be to very greatly enhance the value of the railways heretofore constructed by private enterprise in Alaska.

If we are to build railroads in Alaska, we should do one of two things. We should either build an entirely independent line from the coast to the interior rivers, as proposed by the amendment offered by the gentleman from Iowa [Mr. TOWNER], or we should condemn and take over such portions of the roads already constructed as may be necessary in completing a through line from tidewater to the navigable waters of the interior. We should not under any circumstances do what the Alaskan Railway Commission evidently contemplated—add largely to the value of the property now owned by private interests in Alaska; in fact, reviving values that are now practically extinct, making valuable roads upon which the owners are now receiving no income whatever and from which they can receive

no income except by an additional great expenditure. If we are to keep these railways to be constructed in Alaska free from criticism, we should have them entirely divorced from privately owned railways. In my opinion, the best thing to do would be to build a line from Portage Bay to the Yukon and possibly short branches to the two coal fields. If we adopt the amendment now proposed, we should either do that as an independent proposition, without utilizing any of the lines now constructed, or we should take over one of the lines constructed, buy it, pay for it, and make it part of the Government-owned lines. If we use one of the lines now constructed, or both of them, as part of the Government lines, we shall enhance the value of these lines greatly and make them pay whether the Government road does or not, and eventually it will probably be necessary to take them over at the greatly enhanced values we have created.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LENROOT. Mr. Chairman, I am very sorry, indeed, that the members of the committee have not seen fit to accept this amendment, for it is altogether in the public interest, and if it be adopted the results following it will be exactly contrary to those predicted by the gentleman from New York. Evidently the gentleman from New York is of the opinion that if it shall be determined to build either from the present terminus of the Alaskan Northern to the Yukon or from Chitina to the Yukon this Government should either make joint rates with the Alaska Syndicate or the Guggenheim road or else wait until this white elephant the gentleman from Illinois has spoken of has become very valuable through the action of the Government itself.

The gentleman says that it would delay construction of railroads in Alaska, by reason of delay in condemnation proceedings. Mr. Chairman, exactly the contrary would be the case, and the result would be that we would secure these existing railroads for what they are worth to-day. And why? Because, under this amendment, if these railroads in their present condition are worth \$2,500,000 or \$10,000,000, whereas their owners would like to sell them for \$5,000,000 or \$20,000,000, as the case may be, if this amendment is adopted these existing railroads would accept, and they will be practically forced to accept, such price as the President of the United States may choose to pay them. And why? Because, under the amendment, if they do not choose to accept a fair price for those roads in their present condition, the President will relocate or locate a line of roads from the coast paralleling their roads to the present terminus of their roads; and what becomes of the value of their roads then? So, as a matter of practical result, they will, of course, if this amendment be adopted, accept such price as the President will see fit to give them. And the two roads, as suggested by my friend from Iowa, will bid against each other, because, if the Government will parallel their roads, does anyone believe that those roads, after that parallel is made, will be worth anything like what the President himself would choose to give them before construction is entered upon?

Mr. OGLESBY. Will the gentleman yield?

The CHAIRMAN. Will the gentleman from Wisconsin yield the gentleman from New York?

Mr. LENROOT. I will.

Mr. OGLESBY. Does the gentleman understand that there is any provision in this bill which would prevent the President from taking exactly the course he has suggested, by paralleling the roads, if the other road will not sell at a fair price?

Mr. LENROOT. There is not. But the gentleman's own position is that construction should be entered upon immediately, and that condemnation proceedings would delay construction, and, therefore, if we are going to purchase the roads or condemn them, we shall wait until the Government enters upon this construction, and then the gentleman must see that the price that any jury would award the Alaskan Syndicate or the Guggenheim Syndicate will be very much in excess of the price that they would award them for their roads in their present condition. And the gentleman from Illinois [Mr. MADDEN] suggests that the Guggenheims want this done.

Now, Mr. Chairman, there are two things that the Guggenheim Syndicate would like to see done. First, they would like to see no railroad construction whatever, and they would be satisfied to see Alaska opened to them alone under the old law. If that can not be done, the next thing they would like to do is to see the Government build railroads from Chitina, build railroads from the 72 Mile Post, and connecting with their existing roads, making them valuable, and they control the terminus, control the harbor, and thus control the business.

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

Mr. HOUSTON. Mr. Chairman, I hope that this amendment will not be adopted. One reason is that the President at present, as the bill is framed, can do the very thing this amendment provides he shall do. He has that power and can exercise it. To attempt to harness him up, limit his powers, and force him to buy the road from Cordova Bay up to Chitina, if it was decided that that was the most feasible road, would be very unfair. Suppose the President, after he gets reports from his engineers and others investigating the matter, should decide that the best plan would be to build a road from Chitina to Fairbanks, connecting with the Copper River road? This amendment would force him to buy the Guggenheim road, as the gentleman from Illinois [Mr. MADDEN] calls it, in order that we may have a continuous line from the seaboard up to interior Alaska. We do not want to compel him to do this.

Mr. SCOTT. Mr. Chairman, will the gentleman yield?

Mr. HOUSTON. I can not yield now, as I have not the time.

Now, Mr. Chairman, there can be no good reason for limiting the power of the President. Let him exercise his own discretion. He would make just as good a deal, just as advantageous a trade, with the Guggenheims or with the Alaskan Syndicate or any other road there, without this provision being adopted. By this proposition he has to connect from the southern coast to the interior, and if he happens to think the Copper River Valley is the best line, he has got to buy the railroad. We do not want to force him to buy that railroad. We want to give him the power in this bill to buy that road or not, just as he thinks for the best interests of the country, and we want him and the Interstate Commerce Commission, which will have control of the Guggenheim road, or whatever road it may be, to compel them to deal in fair traffic and fair rates, and we can do that. There is no reason why we should stand out and be afraid of a Guggenheim road there if our road connects with it. They are under authority of law, they are under the control of the Interstate Commerce Commission, and they can be compelled to make fair traffic rates.

So, Mr. Chairman, I hope there will not be any such limitation as this put upon the President. If he thinks the Copper River Road route is the best, and should want to invest these millions of dollars in other lines, then he should have the power to do so. I do not want money invested in a road or a road built unless it is absolutely necessary. I would rather see this \$35,000,000 expended in the construction of new lines of road and that we should get the benefit of the additional lines of roads and then compel these men that have these roads there to let us use their roads on fair terms, as they will have to do, at fair and reasonable rates.

Mr. Chairman, I reserve the balance of my time.

Mr. SCOTT. Mr. Chairman, I ask that the gentleman have sufficient time to reply to a question, if he will yield.

Mr. HOUSTON. I do not want to make any agreement that will extend this time. In fact, I can not do it under the rule of the committee.

Mr. SCOTT. I will not take much of your time.

Mr. HOUSTON. Let the gentleman ask the question in his own time.

Mr. SCOTT. Mr. Chairman, I want to call attention to this error in the gentleman's argument: The gentleman assumes that if the President acts under the bill as it is now framed, he can accomplish all that he can under the amendment. The point of distinction is this: That before the President can determine the question of taking over the existing lines under the bill as now framed he must first locate and designate his routes and lines. Then he must, by independent action thereafter, proceed to condemn or purchase existing lines. The first act will in law establish the status of the Government lines, and will also change the status of the existing lines. And you will have to condemn under the new status, and your values will be fixed under the rules of evidence and under the law, in the light of an established and located Government line, which will make the existing lines part of through lines and will double, treble, and quadruple the value under the law.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Illinois?

Mr. SCOTT. Yes.

Mr. McKENZIE. The gentleman's argument is as to whether we must buy these railroads?

Mr. SCOTT. Not at all. I am arguing on the assumption that if we do desire to occupy these routes and take over these lines we should take them over now, while we can condemn them as unprofitable propositions—not paying, very nearly worthless—rather than after we have by the establishment of Government lines made them parts of through continuous lines

and very valuable. There is the distinction between the Bristol amendment and the bill as now framed.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. SCOTT. Certainly.

Mr. MANN. Under the gentleman's amendment would the Government proceed to buy and condemn these lines before they would attempt to extend them?

Mr. SCOTT. Not at all.

Mr. MANN. I understood the gentleman's argument to be to that effect.

Mr. SCOTT. No. If the amendment passes, then the bill itself gives the status to the Government lines, not the subsequent action of the President. But the bill here and on this floor says that if the President adopts that route, he shall as a part of the same transaction take over the existing lines, thereby fixing the permanent status as the basis under which he shall receive them.

Mr. MANN. But in neither case will he buy the lines now constructed until he has located the route?

Mr. SCOTT. No; certainly not.

Mr. MANN. The gentleman was making an argument on the discretionary power of the President to locate first and then give a value to those lines.

Mr. SCOTT. The gentleman does not understand my distinction between building a road under a law that fixes at the outset the fact that the existing lines must be taken over and a law which makes it necessary first to locate the line over a part of the route, and then to leave it to the discretion of the President as to whether he will take over the constructed part in order to continue the road to the seaboard.

Mr. MANN. I still do not understand the gentleman's position.

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

Mr. GRAHAM of Illinois rose.

The CHAIRMAN. The gentleman from Illinois [Mr. GRAHAM] is recognized for two minutes.

Mr. GRAHAM of Illinois. Mr. Chairman, I hope the amendment will not prevail.

This bill proposes to appropriate \$35,000,000 for the purpose of building railroads in Alaska. There are certain railroads there now. If we use the \$35,000,000 for building additional lines, we shall go much nearer giving to Alaska the amount of trunk lines it must have than if we should use a part of the \$25,000,000 to buy lines that are already in existence. I do not know what it would take to purchase the roads already in existence, and I do not know how much benefit or how much value such new roads would add to the lines now in existence, but I take it that this is not a bill to punish the Guggenheims or to decrease the value of their property or to do injustice to anyone. It is a bill for the purpose of giving better transportation facilities to the people of Alaska. The question is, Which plan will give them better facilities for transportation; whether to add some 700 to 1,000 miles of railroad to what they already have, or to use this money to buy railroads already built? Surely it is better for the development of Alaska to build additional lines rather than to purchase lines now in existence. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired. All time has expired. The question is on agreeing to the amendment offered by the gentleman from Iowa [Mr. Scott].

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. SCOTT. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 38, noes 73.

Mr. SCOTT. Mr. Chairman, I demand tellers.

The CHAIRMAN. The gentleman from Iowa [Mr. Scott] demands tellers. Those in favor of taking the vote by tellers will rise and stand in their places until they are counted.

Mr. SCOTT. Mr. Chairman, I withdraw my demand for tellers.

The CHAIRMAN. The gentleman from Iowa withdraws his demand.

So the amendment was rejected.

Mr. L'ENGLE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Florida [Mr. L'ENGLE] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 10, line 5, after the word "railroad," strike out all of section 1 and insert in lieu thereof the following:
"In the State of Florida, from Jacksonville to Tampa, to be so located as to traverse the counties of Duval, St. John, Volusia, Brevard, St.

Lucie, Palm Beach, and Dade in a general northerly and southerly direction, and thence starting at some point on said railroad in either Palm Beach or Dade County and running in a generally northwesterly direction, and south of Lake Okeechobee, through the counties of Lee, De Soto, Manatee, and Hillsboro, to the city of Tampa; to construct and build a standard-gauge railroad or railroads, with the necessary branch lines, feeders, sidings, switches, and spurs along such route or routes as he may so locate and designate; to purchase or otherwise acquire all real and personal property necessary to carry out the purposes of this act; to exercise the power of eminent domain in acquiring property for such use, which use is hereby declared to be a public use, by condemnation in the courts of Florida in accordance with the laws now or hereafter in force there; to acquire rights of way, terminal grounds, and all other rights; to purchase or otherwise acquire all necessary equipment for the construction and operation of such railroad or railroads for the transportation of freight and passengers; to build or otherwise acquire docks, wharves, terminal facilities, and all structures needed for the equipment and operation of such railroad or railroads; to improve by dredging, constructing jetties, retaining walls, and otherwise, such harbors as may be expedient to increase the tonnage of said railroad or railroads; to fix, change, or modify rates for the transportation of freight and passengers, subject to the supervision of the Interstate Commerce Commission, as hereinafter provided; to receive compensation therefor, and to perform generally all the usual duties of a common carrier for hire; to make and establish rules and regulations not in violation of law for the control and operation of said railroad or railroads; to employ agents and employees for the conduct of the business of said railroad or railroads, and to fix and provide their compensation; to lease the said railroad or railroads after completion upon such terms as he may deem proper, but no lease shall be for a longer period than 10 years, nor to a competing transportation line, or in the event of failure to lease, to operate the same until the further action of Congress; to lease, purchase, condemn, or otherwise acquire any other line or lines of railroad or canals in Florida which may be necessary to complete the construction of or increase the tonnage of the line or lines of railroad designated or located by him in the first instance upon such terms as he may deem proper; to make contracts or agreements with any other railroad or with any steamship company for joint transportation of freight or passengers, and to make such other contracts as may be necessary to carry out any of the purposes of this act; to transfer any tools, equipment, or other property belonging to the United States and used in the construction of the Panama Canal or other Government work for the use of such railroad and railroads in Florida, and no charge shall be made therefor, but credit may be taken for the fair value thereof by the department having them in charge."

Mr. MANN. Mr. Chairman, I make the point of order that the amendment is not in order. The reading of the amendment discloses the fact that the amendment is not in order and is not germane to the bill.

The CHAIRMAN. Does the gentleman make the point of order?

Mr. MANN. Yes; I make the point of order.

The CHAIRMAN. Does the gentleman from Florida want to be heard on the point of order?

Mr. L'ENGLE. I would like the gentleman from Illinois [Mr. MANN] to give his reasons for making the point of order and to state why he says the amendment is not germane to the bill.

Mr. MANN. To a bill for the construction of a railroad in Alaska an amendment to construct a railroad in Florida is not germane. It has no relation to the bill any more than on a bill proposing to pay John Smith a certain sum of money it would be in order to propose to pay John Jones a certain sum of money. That is not in order under the rules.

Mr. L'ENGLE. But the title of the bill, Mr. Chairman, could be amended, if this amendment were adopted, so as to make the title of the bill really read, "A bill to construct a railroad in Florida."

Mr. MANN. Of course the title of the bill would not govern. In any event the amendment clearly is not germane.

The CHAIRMAN. The Chair sustains the point of order.

Mr. SHERLEY. Mr. Chairman, I desire to offer an amendment: On page 10, line 5, to strike out the words "standard gauge."

Mr. MANN. An amendment to that effect has already been voted down.

Mr. HOUSTON. Mr. Chairman, that amendment has already been offered and rejected.

Mr. SHERLEY. I was absent last Wednesday and was not aware of that. I have no desire to reraise a question. I was necessarily absent from the city last Wednesday when this matter probably was considered. I understand, however, it was not considered where it appears in line 17. In order to express my view I make the motion to strike out the words "standard gauge" in line 17 of page 10.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Kentucky.

The Clerk read as follows:

Amend, page 10, in line 17, by striking out the words "standard gauge."

Mr. SHERLEY. Now, Mr. Chairman, what I desire to say to the committee is simply this: There are some things that a legislative body—

Mr. OGLESBY. I make the point of order against that amendment that it has already been offered and rejected.

Mr. SHERLEY. That raises a question of fact. I am informed that it was not.

The CHAIRMAN. The Chair will state that the reading clerk says that the amendment was offered in both instances.

Mr. SHERLEY. I am advised by Members who were present that the reading clerk is mistaken. I should like to know accurately.

Mr. FOWLER. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from Illinois?

Mr. SHERLEY. I understand the gentleman from Illinois desires to speak to the point of order.

Mr. FOWLER. Yes. There was an amendment offered by the gentleman from Oklahoma [Mr. FERRIS] to strike out the words "standard gauge" in lines 5 and 17 of the bill. The words "standard gauge" in line 5 relate to the location of the road. The words "standard gauge" in line 17, to which the gentleman from Kentucky [Mr. SHERLEY] now offers the amendment, relate to the construction of the road, an entirely different proposition.

Mr. STAFFORD. Mr. Chairman, I have the citation in the Record.

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Wisconsin?

Mr. FOWLER. Not now.

Mr. STAFFORD. This is a question of order, and it is in the discretion of the Chair. I will state to the Chair that I have the citation from the Record, and it will expedite the hearing of this proposition to have it read. It is a matter entirely within the control of the Chair.

Mr. FOWLER. I do not yield to the gentleman now.

The CHAIRMAN. It is a matter of discretion with the Chair to get information concerning the point of order. The Chair will be very glad to hear any information that will throw light on the subject.

Mr. FOWLER. That is just what I am trying to do, Mr. Chairman.

The CHAIRMAN. The Chair would like to hear the citation read.

Mr. STAFFORD. On page 3515 of the CONGRESSIONAL RECORD, midway down the second column, appears the following:

Mr. FERRIS. Mr. Chairman, on page 10, line 17, I move to strike out the words "standard gauge."

Mr. MANN. Why does not the gentleman also move to strike out those words in line 5.

Mr. FERRIS. In line 5, also. My first amendment is, on page 10, line 5, I move to strike out the words "standard gauge."

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

"Page 10, line 5, strike out the words 'standard gauge.'"

Mr. FOWLER. Mr. Chairman—

The CHAIRMAN. The Chair would like to hear the citation—

Mr. FOWLER. The gentleman from Wisconsin has no citation that applies to the motion of the gentleman from Kentucky [Mr. SHERLEY].

The CHAIRMAN. The Chair understands that the gentleman from Wisconsin is reading an amendment that was offered last Wednesday. If that is so, the Chair would like to hear it.

Mr. FOWLER. There was an amendment offered, and that is what I am stating, for I was here and was going to offer the amendment that the gentleman from Kentucky [Mr. SHERLEY] has offered, when the gentleman from Oklahoma [Mr. FERRIS] offered an amendment to strike out the words "standard gauge," in the lines to which I have referred—lines 5 and 17.

Mr. STAFFORD. Mr. Chairman, it appears from the Record, on page 3516—

The CHAIRMAN. Does the gentleman yield?

Mr. MANN. If my colleague [Mr. FOWLER] will permit me, I have a citation which sustains him entirely.

Mr. FOWLER. I should like to state my position, for I know I am correct.

Mr. MANN. The Record sustains the gentleman. On page 3516 appears the following:

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Oklahoma.

The amendment was rejected.

Mr. FERRIS. Mr. Chairman, I assume that it is not necessary to offer the same amendment below, but I will offer the following amendment—

which was an entirely different amendment; so that the gentleman from Oklahoma [Mr. FERRIS] did not offer the amendment in both places.

The CHAIRMAN. Is that the understanding of the gentleman from Illinois [Mr. FOWLER]?

Mr. FOWLER. Why, certainly; and that was what I was trying to state all the time.

The CHAIRMAN. Then the Chair overrules the point of order.

Mr. FOWLER. But my genial friend from Wisconsin [Mr. STAFFORD] wanted to take me off my feet on a point on which he was wrong, but he did not know it.

The CHAIRMAN. The point of order is overruled.

Mr. SHERLEY. Mr. Chairman, there are certain things that a legislative body is peculiarly well fitted to determine, and there are other matters that it is just as disqualified to determine. When it comes to a question of policy, the size of a legislative body is an asset, because all angles of a question are presented and you get the wisdom of common counsel. When it comes to the details of a particular work, the very size of the body precludes its judgment amounting to anything of value. Therefore it is always wise in matters of this kind not to undertake to determine with any degree of nicety the details of the work that is to be performed, but simply the policy that shall determine the Executive in the performance of that work. And this bill, aside from the question of policy, will have a virtue only to the degree that it does not attempt to write details of construction into the law.

I have a proper respect for the opinion of men here as to policy. I have not the slightest respect for the judgment of this House as to the engineering propositions involved in the building of a railroad in Alaska. For that reason I believe it is a mistake to compel the President, in the construction of a road, to necessarily construct a standard gauge road. In my judgment—and my judgment in the matter is of no special value—I think it probable that a standard gauge road will and ought to be built; but I am not willing to see a limitation that compels it without voicing a protest. This body should determine a policy and not undertake to write the details of a piece of construction work. [Applause.]

Mr. FOWLER. Mr. Chairman—

Mr. HOUSTON. I ask that all debate on this amendment close in five minutes.

The CHAIRMAN (Mr. BOOHER). The gentleman from Tennessee [Mr. HOUSTON] asks unanimous consent that all debate on this amendment close in five minutes. Is there objection?

There was no objection.

Mr. FOWLER. Mr. Chairman, I heartily agree with the gentleman from Kentucky [Mr. SHERLEY]. When our fathers were writing the Constitution of the United States, they stated in a broad and general way the powers which were to be exercised by this Government. They did not seek to give definitions. This bill seeks to give to the President the power to construct a railroad in the Territory of Alaska. It ought to be left to his wisdom and his judgment to determine the character of the road which he will advise.

Mr. OGLESBY. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from New York?

Mr. FOWLER. I will.

Mr. OGLESBY. Does the gentleman understand that this is a proposition for a trunk line, and that all five roads in Alaska, those that are operated and those that are not operated, are standard gauge?

Mr. FOWLER. Mr. Chairman, I am not questioning what the President will do, but he ought not to be hedged about by definitions and limitations. If we are going to construct a railroad in Alaska, it ought to be done under wise provisions which can be reached by the President. To require him to construct any character of a railroad is to say to him, "We know in advance what kind of a railroad ought to be constructed; we know better than your engineers can find out; we know better than investigation will reveal, and therefore we say to you that you shall construct a railroad of a certain character."

Now, Mr. Chairman, if the amendment offered by the gentleman from Kentucky prevails, it will give the President all the rights that are granted in the bill as it stands now. It will give him more rights than is stipulated in the bill now. It will leave to his judgment and his discretion and his wisdom, based upon evidence revealed by his investigations, as to the character of the road which ought to be built, and, Mr. Chairman, I trust that this amendment will prevail.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky.

The question was taken; and on a division (demanded by Mr. HOUSTON) there were 54 ayes and 27 noes.

So the amendment was agreed to.

Mr. HOUSTON. Mr. Chairman, I want to suggest that the House refused to make the same amendment in line 5, page 10.

I ask unanimous consent that we make the same amendment in line 5, page 10, that we have in line 17.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to strike out the words "standard gauge" in line 5, page 10. Is there objection? [After a pause.] The Chair hears none.

Mr. TOWNER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 10, line 6, strike out "one thousand" and insert in lieu thereof the words "five hundred."

Mr. SIMS. Mr. Chairman, I move to strike out the last word of the amendment.

Mr. TOWNER. Mr. Chairman, this motion is to strike out 1,000 miles of railroad, as contemplated by this bill, and insert in lieu thereof 500 miles. I submit to this committee that we ought not to build or attempt to build more than one system of railroads. We ought not to build more than one line from the coast to the interior. There is no possible justification for any action further than that. If this committee decides, if the President shall decide, to build one line and to build it on the Chitina, Fairbanks, or Bering line, it will only require 483 miles of railroad. If we decide to build the Fairbanks-Seward-Matanuska line, it will only require 493 miles.

If we decide to build to that later-considered southern-coast harbor at Portage Bay, it will only require 441 miles of railroad. So that in any event the number of miles of railroad required to carry out every one of the specified objects of this bill can be brought within 500 miles, and the cost can be reduced from \$35,000,000 down to \$20,000,000. Is it of no consequence to gentlemen here that needlessly we appropriate for two systems when every object we seek to attain in the bill can be carried out by one line? Is it of no importance to gentlemen on the other side who are charged with the responsibility of this legislation that you spend \$35,000,000 when you can carry out every object in the bill by an expenditure of \$20,000,000? Is \$15,000,000 worth saving to the Treasury and to the people? I favor the bill, but I want to see legislation passed which is defensible in the eyes of the world. Gentlemen on the other side who are going out on the stump this fall to defend their party against the charge of extravagance for needlessly expending \$35,000,000 for this project, how are you going to meet the argument that every object that the bill contemplates can be carried out by an expenditure of only \$20,000,000? This is not what you desire or expect. You do not want fragmentary beginnings of systems. You want something completed as a result of your action, and this is what the people expect and will approve. [Applause.]

Mr. SIMS. Mr. Chairman, I rise in opposition to the amendment and ask to have the following telegram read in my time.

The CHAIRMAN. The gentleman from Tennessee asks to have the following telegram read in his time. The Clerk will read.

The Clerk read as follows:

NASHVILLE, TENN., February 17, 1914.

HON. THETUS W. SIMS, M. C.,
Washington, D. C.:

The Board of Trade of Nashville, a union of organizations consisting practically of every business man in the city, by appropriate resolution passed, favors very strongly the building by the General Government of a trunk line of railway in Alaska as the best and only wise means of developing for the benefit of the whole people of the country, the proven wealth of that Territory, and, as far as may be consistent, respectfully urges you to support that measure.

E. S. SHANNON, Secretary.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was rejected.

Mr. LENROOT. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend by inserting, after the word "proper," line 7, page 12, the following: "Provided, That the price to be paid in case of purchase shall in no case exceed the actual physical value of the road based on the cost of reproduction less depreciation."

Mr. LENROOT. Mr. Chairman, the amendment I offer, as the committee probably knows, is taken from the Senate bill verbatim, and the purpose of the amendment is that in case of purchase of these existing roads the price shall be limited to the actual physical value of the road based upon the cost of reproduction less depreciation.

Now, those of the committee who have read the hearings carefully upon this bill are aware of the fact that in the case of the Alaskan Northern Railroad particularly it is not now in operation; that the present owners claim that it cost between five and six million dollars to build it.

Mr. MANN. Will the gentleman yield?

Mr. LENROOT. Certainly.

Mr. MANN. I want to ask the gentleman if that would not be taken as a criterion of the cost of reproduction?

Mr. LENROOT. It is not to exceed that.

Mr. MANN. Would it not be taken by the court as a criterion? Are any of these roads now worth the cost of reproduction?

Mr. LENROOT. No; they are not.

Mr. MANN. We do not want to pay the cost of reproduction, it seems to me. I ask the gentleman's opinion about it. It seemed to me that that might be taken by a jury, if not by the court, as a criterion upon which to base a verdict. Of course it would give the railroads an opportunity to make that claim.

Mr. LENROOT. If I thought the contention of the gentleman were correct, I would not favor the amendment.

Mr. MANN. Of course, I know that; but I ask the gentleman's opinion.

Mr. LENROOT. It is my opinion it does not, and the only thing the amendment does is to fix a maximum beyond which the President will not be authorized to go in making the purchase, and there is this in the situation: There will be equitable considerations urged upon the President with reference to the purchase of these roads as to the amount of money that went into the roads and the very heavy initial cost, and the claim will be made that the Government itself, through the withdrawal of coal lands, very greatly prejudiced these railroad companies and thereby rendered the value of their railroads very much less than they would have been had it not been for such action on the part of the Government. In addition to that, the gentleman from Illinois [Mr. MANN] suggested a short time ago that when we locate a railroad from the terminus of either one of these roads, going on to the Yukon, the danger there is of adding value to the property of the roads, and the railroad companies ought not to be able to make such a claim with reference to the purchase, that not one dollar should be added to the purchase price of these roads by reason of anything that the Government may do in the way of constructing railroads, from either the present terminus of the Alaska Northern or from Chitina.

Mr. MANN. I wondered whether it would be practicable to say that the cost of the road should not exceed the present actual value, or the actual value exclusive of franchises, or something of that sort. I do not think they are worth 50 cents on the dollar on the cost of reproduction.

Mr. LENROOT. I agree with the gentleman that they are not worth 50 cents on the dollar on the cost of reproduction, and I think the Government has a perfect right to take those roads at what they are worth to-day, even though they be worth but 25 cents on the dollar of what they cost, because in both cases—the Copper River road and the Alaskan road—they were built as a part of a conspiracy, attempting to secure control of the coal lands in Alaska belonging to the Government of the United States, and, therefore, there are no equitable considerations whatever that should have any bearing on the purchase price of these railroads by the Government.

If the amendment that I have suggested does not reach it, I should favor some other amendment; but my own opinion is that it only fixes a maximum beyond which the President will not be permitted to go. It is a declaration of policy on the part of Congress to the President that he shall not entertain these considerations that will be urged upon him, which under other circumstances might properly appeal to him. It would relieve the President of that and will enable him to stand on a proposition that he will pay for these railroads just exactly what they are worth to-day, regardless of what they may have originally cost.

Mr. OGLESBY. Mr. Chairman, may we have the amendment again reported?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk again reported the amendment.

Mr. OGLESBY. Mr. Chairman, that amendment makes the bill conform to a like provision in the Senate bill. I see no reason why a different rule should be applied to fixing the value of this property than is ordinarily applicable in valuing any property. If the amendment had been made so that it applied to condemnation, it would be clearly unconstitutional, because the United States Supreme Court has passed on that proposition, and the law was settled in the case of the Monongahela Navigation Co. against United States. In that case a bill had been passed which provided for the taking of certain steam-

ships, but which contained a proviso that in valuing those steamships nothing should be allowed for the franchise.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. OGLESBY. Yes.

Mr. LENROOT. I want to ask the gentleman whether if we build on to the Yukon that would not give added value to this road, which would be considered by any jury?

Mr. OGLESBY. I want to say to the gentleman that I do not agree with that proposition at all. If condemnation commissioners were appointed to fix the value of this road, they would have to take into consideration its value now, and whatever there may be of value in the potentiality of the unearned increment, it would have to be considered just the same, whether we have already laid out a line to connect with it or whether we have not. If this amendment prevails, it will mean that the President can not, in negotiating for the purchase of any road, take into consideration items of value which would have to be considered if it were being valued in a court of law.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. OGLESBY. Yes.

Mr. LENROOT. Would the amendment be satisfactory if the latter part were stricken out, limiting it only to physical value, regardless of the cost of reproduction and depreciation?

Mr. OGLESBY. Mr. Chairman, my objection to the provision is that it attempts to set up a rule of value which is not recognized and never has been recognized by the court of the country. The cost of reproduction is not necessarily material. The first cost of the road is admissible as some evidence of value. If this amendment should prevail, here would be the situation: The President would be required to limit the price to the physical valuation of the road, based on the cost of reproduction, less depreciation, which would mean that he would have to have experts giving opinions as to the cost of construction and giving opinions as to the amount of depreciation, and when he got through there is no means of determining their accuracy. It could not be a mathematical calculation. You will have tied the President down to a rule of value which no one could ever say he had exactly complied with. You would leave him in a position where anyone who had the right might bring action to compel cancellation of the contract or to prevent the consummation of the purchase on opinion evidence. One engineer might fix the value as so much and another might say that it would not cost more than half that much. One engineer would say the depreciation was twice what another engineer would estimate such depreciation to be. So you are really fixing here a rule of valuation which the President would be required to follow and which is not capable of being followed with any degree of accuracy.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LENROOT. Mr. Chairman, I ask to modify my amendment by striking out after the words "physical value"; in other words, strike out "based upon cost of reproduction less depreciation."

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin to modify his amendment? [After a pause.] The Chair hears none.

Mr. LENROOT. Mr. Chairman, I ask to have the amendment reported as amended.

The CHAIRMAN. The gentleman asks unanimous consent that the amendment may be reported as amended. Is there objection? [After a pause.] The Chair hears none.

The amendment as amended was reported.

Mr. MANN. Mr. Chairman, I am glad the gentleman from Wisconsin offered the amendment, although I do not feel certain it ought to be adopted. That provision is now in the Senate bill, and in any case will go into conference, where I think, after the expression of opinion in the House, the conferees would endeavor to reach an agreement in some way. Of course, I do not think we ought to pay more than the physical valuation of these railroads. I do not think we ought to pay anything like what the physical valuation is, if it is taken on the basis of what it would cost to reproduce them. If the language is left out of the bill and these railroads have any physical value, it is a matter of speculation by gentlemen who constructed them; they took their chance on the matter. They gambled on the question, and the railroads did not turn out what they thought they would turn out. They say it is the fault of the Government. Well, they gambled on what the Government would do.

If they had had their way about it, the railroads would have been, possibly, very valuable in connection with the mines in Alaska. Now they have lost; they have property up there which is practically worthless as it stands, and I can see no reason in the world why the Government should pay a fancy

value for the property, or even why the Government should pay anything like what it would cost to reproduce the property. I think we all know we will operate those railroads in Alaska for some years, and possibly forever, at a loss. I am in favor of making the experiment, but I am not in favor, under any conditions, of trying to replace the loss which these gentlemen have made by building railroads up in Alaska. I do not think we ought to pay anything more for them than they are really worth—not worth to us, but worth to them—without regard to anything else, and they are not worth much.

Mr. LENROOT. I would like to ask the gentleman from Illinois a question.

Mr. MANN. If I have time, I will yield.

Mr. LENROOT. I desire to ask the gentleman whether he does not think it wise for Congress to declare, so far as it can, the policy that the gentleman has just suggested, which I am heartily in favor of?

Mr. MANN. I think it wise, whether this amendment prevails or not. That provision being in the Senate bill, if it goes into conference, the conferees on the part of the House ought to either accept what is in the Senate bill or arrange the language in such a way as to absolutely protect the Government from paying a fancy price, or from the President being tempted by influences which might surround him, regardless of his incorruptibility, and force him to pay a larger amount than ought to be paid.

Mr. SAUNDERS. Mr. Chairman, I move to strike out the last word. I would like to have the amendment reported.

The CHAIRMAN. Without objection, the amendment will be again reported.

There was no objection, and the amendment was again reported.

Mr. SAUNDERS. Mr. Chairman, I would like to ask the gentleman, the patron of this amendment, what his language means? What is the present physical value of a road that can not now and never will be operated, save with the consent of the Government.

Mr. LENROOT. It means to limit the elements of value that may be taken into consideration. It eliminates from consideration the question of franchise; it eliminates the question of good will, the value of the railroad by reason of its being a going concern and makes it the actual physical value.

Mr. SAUNDERS. What is the present physical value of a road that has been constructed, say at an immense cost, and yet which can not be operated owing to present legislation? What is the physical value of the land in the dumps, and of the excavations on the line of the road? Of course it is the amount that these dumps and excavations, would bring, if put for sale at public auction. Under these conditions of sale, these dumps and cuts are practically valueless.

Mr. LENROOT. The present physical value, in my judgment, is exactly what those physical things are worth laid where they are. Now, that is my judgment about it.

Mr. SAUNDERS. Then the land that has been taken out of the excavations, and put in the dumps has no value? That is what I am trying to bring out. The effect of this amendment, if it is reasonably construed, is to render valueless the railroad proposed to be taken.

Mr. MANN. The gentleman has not seen the Senate amendment. It might throw some light on the subject.

Mr. SAUNDERS. I was asking the gentleman from Wisconsin [Mr. LENROOT] to explain the meaning of his amendment. I have not seen the Senate amendment.

Mr. MANN. It might throw some light on it, because it is exactly the same as the amendment of the gentleman from Wisconsin [Mr. LENROOT], followed by "based on the cost of reproduction less depreciation."

Mr. SAUNDERS. That is not in the gentleman's amendment.

Mr. MANN. It was in the gentleman's amendment, and he struck it out.

Mr. SAUNDERS. It is apparent that an open cut in Alaska, or that dirt removed from that cut and put into a dump, has no physical value. If offered for sale on the ground, these physical elements will bring nothing.

Mr. LENROOT. It is not connected with the railroad itself. Here is a 72-mile railroad, and that dump has value as a part of that railroad.

Mr. SAUNDERS. Yes it has value, with reference to the road in operation. But as I understand your amendment, you have absolutely excluded from consideration every element except the value on the ground of the physical contents of your dumps, and the value of the cuts that were excavated in the process of construction.

Mr. LENROOT. The physical property as a railroad, whatever it may be.

Mr. SAUNDERS. That is not the same thing.

Mr. LEVY. Do you believe it is fair to confiscate the property of these people?

Mr. SAUNDERS. No. I do not. That is exactly what I am trying to point out. This amendment is confiscation.

Mr. LEVY. They went up there and were prevented from improving Alaska by the Government of the United States.

Mr. SAUNDERS. I am trying to point out, Mr. Chairman, to the committee, that according to any rational meaning that may be attributed to this amendment, it practically takes property proposed to be taken without compensation.

Mr. WINGO rose.

The CHAIRMAN. Does the gentleman from Virginia yield to the gentleman from Arkansas?

Mr. SAUNDERS. I do.

Mr. WINGO. What other element of value ought they to take into consideration when they come to pay for these roads?

Mr. SAUNDERS. I am trying to ascertain what the words "physical value," mean, as used in this amendment.

Mr. WINGO. I beg the gentleman's pardon. He did not catch my question. My question was, What do you regard as the elements, other than physical value, that should be taken into consideration and paid for?

Mr. SAUNDERS. The word "value" would carry a very much larger meaning. I am anxious to have some friend of this amendment tell me what physical valuation will mean as applied to the dumps and cuts proposed to be taken.

The CHAIRMAN. The time of the gentleman from Virginia [Mr. SAUNDERS] has expired.

Mr. LENROOT. Mr. Chairman, I ask unanimous consent that the gentleman from Virginia may have five minutes more.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the gentleman from Virginia [Mr. SAUNDERS] may proceed for five minutes more. Is there objection?

Mr. OGLESBY. Mr. Chairman, can we have some agreement as to the time when this amendment can be voted on? I ask unanimous consent that debate on this amendment be closed in 15 minutes.

The CHAIRMAN. The gentleman from New York [Mr. OGLESBY] asks unanimous consent that debate on this amendment be closed in 15 minutes. Is there objection? [After a pause.] The Chair hears none.

Is there objection to the request of the gentleman from Wisconsin [Mr. LENROOT] that the gentleman from Virginia [Mr. SAUNDERS] may proceed for five minutes?

There was no objection.

Mr. SAUNDERS. In response to the request of the gentleman from Arkansas, I will say, that when it is proposed to acquire this road by condemnation, we should consider the use to which it is intended to be put, and its value to the Government. Ought the Government to take a road that may have cost millions, and that may be worth millions to the Government as a part of its system, merely for what the roadbed will bring, if sold at public auction? The physical road, is the open cuts, and the material in the dumps. What is their value, if you eliminate the use to which the road may be put by the United States, when it proceeds to establish a complete system of roads in Alaska, of which this road shall be a part?

Mr. LENROOT. The gentleman is aware that the term "physical value" has been construed by courts a great many times as having several elements. One is the original cost of the property to be considered, another the cost of production as well as construction. There are several of these elements, and all this amendment does is to limit it to the physical value of the railroad.

Mr. SAUNDERS. If that be true, why has the gentleman stricken from his amendment, language that would have included these elements?

Mr. LENROOT. I included only one of them, and the gentleman from Illinois [Mr. MANN] suggested that the physical value of the property might be less than contemplated in the amendment I first offered.

Mr. SAUNDERS. As an offhand proposition, I would not undertake to say to this committee what the various courts of the Union have, or have not declared, as to the meaning of the words "physical value" in this connection, but according to the decisions of my own State, I do not think this language would include these elements. And it was for that reason, and because I attached their ordinary, everyday meaning to the use of the word "physical" in this connection, that I oppose this amendment. It proposes to render this entire property value-

less. The physical elements are, as I have said, the dirt on the dumps, and the open cuts excavated in the progress of the work. I maintain that these things per se, considered without reference to their use as a part of the proposed system of Government roads, have no value.

Mr. LENROOT. Will the gentleman yield?

Mr. SAUNDERS. Yes.

Mr. LENROOT. The gentleman is familiar with the physical valuation bill passed by Congress last year, and that very thing, physical valuation, is one element considered by itself that the commission must find, and in addition there may be franchise values and good-will values, and other elements of value in another division, and the same thing is true with reference to this, but we will cut out the good-will and the franchise values.

Mr. SAUNDERS. Those elements in connection with a going railroad have a very different value. I can understand the physical value of a building in a city, which is in every-day use, but take the same material out of which it is constructed, and transport the same to a mountain top, a thousand miles from civilization, and those materials will practically have no value if offered for sale. This is the distinction that I have been trying to develop in connection with this amendment.

The CHAIRMAN. The time of the gentleman from Virginia [Mr. SAUNDERS] has expired.

Mr. WATSON. Mr. Chairman, this whole discussion has demonstrated the fact that this yardstick which you call "physical value" is a very uncertain standard by which to fix value.

My own information is that the standard is differently construed in different court jurisdictions, and I know of no greater trouble that has been experienced by this Government in recent legislation than in its attempts to have a proper physical valuation of the railroad properties in this country made.

If the amendment offered by the gentleman from Wisconsin [Mr. LENROOT], with its indefinite legal language, is incorporated as a part of this bill, the practical result, in my judgment, will be that the President will be unable to purchase any railroad in Alaska which may be required to carry out the object of this measure, and he will inevitably be forced to condemnation proceedings; and if he be forced to condemnation proceedings because he is unable to purchase in advance the effect will be that the very elements of value which the gentleman from Wisconsin [Mr. LENROOT] does not want to be considered will have to be considered in the courts; and the franchises of the railroads and their good will will have to be computed as component elements of their value in acquiring title to their property.

Mr. Chairman, the principle of this bill is that the President should be unhampered in the power to secure railroad property in Alaska that may seem necessary and advisable. It may be—and the friends of this measure think it is likely—that there will be no concern for the purchase of any other railroad in Alaska except the Alaska Northern, which goes from Seward to a point 72 miles into the interior. That railroad at present, I take it, has little value. While it starts somewhere, it goes nowhere. I think it highly likely that the owners of that property would be very glad to sell it to the United States. I think it may be that the Government will desire to acquire it. If that is so, the President, under the circumstances that exist, ought to be able to negotiate a very satisfactory purchase.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Virginia yield to the gentleman from Ohio?

Mr. WATSON. I do.

Mr. GORDON. The gentleman says this railroad 72 miles long is worthless, as I understood him?

Mr. WATSON. Under present conditions.

Mr. GORDON. Then, would the gentleman see any objection to forbidding the President to pay for any franchise value in the purchase of that road?

Mr. WATSON. Mr. Chairman, if the President could be told in explicit terms what elements he should consider when he contemplated the purchase of this road, I can see no objection to it, from a legal standpoint.

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

Mr. WINGO. Mr. Chairman, I would like to have the attention of the gentleman from Virginia [Mr. SAUNDERS]. I asked a question of the gentleman from Virginia a while ago, and I would be interested in having his answer to it. I would like to ask him if he thinks it would be proper for the President to pay the present owners of those railroads anything for supposed franchise values? Does the gentleman think we should do that?

Mr. SAUNDERS. Well, I could answer that, Mr. Chairman. I think that in these condemnation proceedings you ought to

have reasonable regard for the utility of what these people have done for the United States.

Mr. WINGO. Mr. Chairman, I wanted the gentleman to answer my question as to whether or not he thinks the President should pay them anything for the franchises.

Mr. SAUNDERS. I do not know that I do.

Mr. WINGO. Does the gentleman think he ought to pay them anything for the fact that it is a going concern?

Mr. SAUNDERS. You can not go into the elements of argument here as to condemnation proceedings, but I think the United States ought to have regard reasonably to the utility of this road for its own purposes.

Mr. WINGO. Now, Mr. Chairman, the gentleman has answered my question.

Mr. LEVY. Mr. Chairman, will the gentleman allow me an interruption?

The CHAIRMAN. Does the gentleman yield?

Mr. WINGO. With pleasure.

Mr. LEVY. Does not the gentleman know that it is claimed that the railroads were ruined by the withdrawal of the coal lands by the United States?

Mr. WINGO. O my friend—

Mr. LEVY. Does not the gentleman know the railroads were the forerunners of opening up Alaska, but were ruined by the conservation policy of the Government?

Mr. WINGO. I can not stop to answer that. The gentleman is still "harping upon my daughter," and I do not know anything about the "ruining" proposition he is talking about.

But, Mr. Chairman, I am surprised at the statement of the gentleman from Virginia [Mr. SAUNDERS] that there is not a uniformity in the proceedings of the courts in the different States as to what elements of value are taken into consideration in condemnation cases. If there is any one question on which the different courts of the Union are agreed, it is that one question. The elements are very plain. Most of them have been enumerated by the gentleman from Wisconsin [Mr. LENROO]. If the gentleman wishes to pay something for franchise value, I can not understand his viewpoint. If he wishes to pay something in the way of recognition of its value because it is a going concern, or, as he says, its "utility value," I can not understand his position, for he admits that it is worthless.

Mr. SAUNDERS. Mr. Chairman, will the gentleman yield?

Mr. WINGO. I can not yield now. If he wishes to pay something for its good will when it has no good will, I can not understand the gentleman's viewpoint. If you eliminate those, and one other minor consideration, which will not enter into the valuation of a railroad, then you have left nothing to consider except the element set out by the amendment of the gentleman from Wisconsin. In other words, Mr. Chairman, the amendment that is pending here goes to the crux of the situation, and that is that they shall not unload upon the United States these properties which they say are worthless at any other valuation than their physical value.

The CHAIRMAN. The time of the gentleman from Arkansas has expired. All time has expired.

Mr. LEVY. Mr. Chairman, I offer an amendment.

Mr. OGLESBY. Mr. Chairman, I understood that a minute was left. There is a suggestion I wanted to make.

The CHAIRMAN. All time has expired. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend the amendment by striking out the word "physical," so as to make the amendment as amended read: "Provided, That the price to be paid in case of purchase shall in no case exceed the actual value of the railroad."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. LEVY] to the amendment offered by the gentleman from Wisconsin [Mr. LENROO].

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from Wisconsin [Mr. LENROO].

The question was taken, and the Chairman announced that the "ayes" seemed to have it.

Mr. HOUSTON. A division, Mr. Chairman.

The CHAIRMAN. A division is called for.

The committee divided; and the Chairman announced—ayes 33, noes 23.

Mr. LEVY. No quorum, Mr. Chairman.

The CHAIRMAN. The gentleman from New York makes the point of no quorum. The Chair will count. [After counting.] One hundred and one Members present, a quorum.

Mr. HOUSTON. What was the result, Mr. Chairman? I did not understand the result of the vote.

The CHAIRMAN. The ayes were 33 and the noes were 23, and the amendment is agreed to.

Mr. HOUSTON. I demand tellers, Mr. Chairman.

The CHAIRMAN. The gentleman from Tennessee demands tellers. Those in favor of ordering tellers will rise and stand until they are counted.

Mr. WINGO. Mr. Chairman, is it not too late to demand tellers?

The CHAIRMAN. The Chair thinks it is not. The Chair thinks it had not been announced before.

Mr. WINGO. I submit, if the Chair will recall, that he did announce it, and after he had announced it the gentleman from New York [Mr. LEVY] made the point of no quorum, based upon the announcement of the Chair.

The CHAIRMAN. The Chair had not made the announcement, but the gentleman from New York [Mr. LEVY] made the point of no quorum. The Chair did announce it afterwards, and he thinks technically the gentleman from Arkansas may be correct.

Mr. WINGO. I make the point of order, then, that it is too late.

Mr. HOUSTON. Mr. Chairman, we were trying to hear what the announcement was.

The CHAIRMAN. The Chair thought the gentleman from Tennessee had understood the announcement.

Mr. HOUSTON. I did not understand that there had been an announcement of the result.

Mr. SAUNDERS. Mr. Chairman, I should like to speak to the point of order. In the Committee of the Whole, the Chair does not endeavor by any undue expedition to head off a Member who is in good faith trying to keep up with a situation, and make the appropriate motion. The gentleman from Tennessee [Mr. HOUSTON] was endeavoring to ascertain the precise parliamentary status, intending to make a motion. Because somebody was a little more expeditious on his feet and having secured recognition from the Chair, made a point of no quorum does not, under our usual procedure, deprive the gentleman from Tennessee of the right to make the demand that he has preferred. I submit that the gentleman from Tennessee has not been dilatory. He was in time to make his motion, and the point of order should be overruled.

Mr. SHERLEY. I make the further point that if we are to run on strict technicality the gentleman from Arkansas [Mr. WINGO] did not make his point until after the demand for tellers was had and the House was dividing to see if a sufficient number would second the demand.

Mr. WINGO. Mr. Chairman, I should like to be heard.

Mr. GARRETT of Tennessee. Mr. Chairman—

The CHAIRMAN. The Chair will hear the gentleman from Tennessee.

Mr. GARRETT of Tennessee. Mr. Chairman, the whole matter may very easily rest on the facts. After the vote had been taken by a standing vote, the Chair announced that the ayes were 33 and the noes 23. Then was the time when the gentleman could have demanded tellers; but before he had the opportunity to demand tellers, the gentleman from New York [Mr. LEVY] made the point of order that no quorum was present. The Chair had not said, "The ayes have it." The Chair had said, "The ayes are 33 and the noes are 23." The gentleman from New York [Mr. LEVY] then made the point of no quorum. That stopped everything until the presence or absence of a quorum was determined. Immediately upon the presence of a quorum being determined, the Chair again stated the vote—33 and 23—and thereupon the gentleman from Tennessee [Mr. HOUSTON] demanded tellers. I submit that he was in time.

Mr. MANN. Clearly so.

The CHAIRMAN. Does the gentleman from Arkansas insist on his point of order?

Mr. WINGO. Yes; and I should like to be heard, both upon my point of order and upon the point of order of the gentleman from Kentucky [Mr. SHERLEY]. I will notice that first. He says I was too late because the House was dividing for tellers. I do not understand what he means by that.

Mr. SHERLEY. I did not say that; and that is the reason the gentleman could not understand it.

Mr. WINGO. Immediately upon the gentleman from Tennessee demanding tellers I rose, and had made my point of order before any question had been raised at all. Now, the gentleman from Tennessee [Mr. GARRETT] is wrong in his statement of fact, because I was anticipating exactly the situation that exists and was watching it, and declined to be interrupted by my friend from Virginia. The facts are these: That when the division was had the Chair stated the ayes are so many, the noes are so many, and the amendment is adopted. That is the language the Chair used. Then the gentleman from

New York made the point of no quorum. Afterwards the gentleman from Tennessee [Mr. HOUSTON] arose and inquired of the Chair if he had announced the result. The reason he did so was because his attention was diverted, and he did not hear the Chair announce the result originally. I submit that my point of order should be sustained, and I insist on it.

Mr. SHERLEY. Now, Mr. Chairman, just a word. The point I make is this, that the gentleman from Tennessee [Mr. HOUSTON] requested tellers, and the Chair asked those favoring tellers to rise. Then it was, after the House was dividing to see whether it would order tellers, that the gentleman from Arkansas made his point of order. If he is going to make this whole matter depend on the question of minute divisions of time, I insist he is too late.

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

Mr. SHERLEY. Yes.

Mr. WINGO. Is it not a fact that the gentleman from Kentucky was in the rear of the Hall at the time I rose and made the point of order?

Mr. SHERLEY. Yes; but it is also a fact that I heard from the rear of the Hall.

Mr. WINGO. The gentleman does not undertake to say that I did not immediately rise when the demand for tellers was made and make the point of order?

Mr. SHERLEY. I must say this, that in my judgment the gentleman did not make the point of order until after the Chair was counting to ascertain whether there was a second to the demand for tellers.

Mr. MANN rose.

The CHAIRMAN. Does the gentleman from Illinois [Mr. MANN] desire to be heard?

Mr. MANN. Just a moment. Under the rule of strict practice, which never has been followed, when a vote is announced and a gentleman desires to object to it because of lack of a quorum he would say that he objected to the vote because there was no quorum present; but making the point of no quorum immediately when a vote is announced takes the place of that in the universal practice of the House. In this case the gentleman from New York [Mr. LEVY] made the point of no quorum immediately after the vote was announced, at the time the point is usually made. No other business could be transacted by the House until the Chair had ascertained the presence of a quorum. Thereupon the gentleman from Tennessee [Mr. HOUSTON] asked whether the announcement had been made, and asked for tellers. It is the universal practice of the Chair under such circumstances to take the sense of the House as to ordering tellers.

The CHAIRMAN. The Chair does not think the gentleman from Tennessee [Mr. HOUSTON] was negligent in making his demand. Technically the gentleman from Arkansas [Mr. WINGO] may be correct, but in view of the fact that the Chair wishes to see justice done, he overrules the point of order of the gentleman from Arkansas. Those in favor of ordering tellers will rise and stand until they are counted.

Mr. GARNER. Mr. Chairman, I ask unanimous consent to have the amendment reported. A good many gentlemen do not understand it.

The CHAIRMAN. The gentleman from Texas [Mr. GARNER] asks unanimous consent that the amendment be reported. Is there objection?

There was no objection.

The Clerk read the amendment again, as follows:

Amend, by inserting after the word "proper," in line 7, page 12, the following:
 "Provided, That the price to be paid in case of purchase shall in no case exceed the actual physical value of the railroad."

The CHAIRMAN. Those in favor of ordering tellers will rise. Evidently a sufficient number, and tellers are ordered.

The Chair appointed as tellers Mr. LENROOT and Mr. HOUSTON. The committee again divided; and the tellers reported that there were 56 ayes and 39 noes.

During the division and before the announcement of the vote, Mr. LEVY made the point of no quorum, and then withdrew it. So the amendment was agreed to.

Mr. DAVENPORT. Mr. Chairman, I offer the following amendment, which I send to the desk.

Mr. HOUSTON. Mr. Chairman, before the amendment is read, I desire to ask unanimous consent that all debate on this paragraph and amendments thereto be closed in 40 minutes.

Mr. DAVENPORT. I shall object to that at this time.

The CHAIRMAN. The gentleman from Tennessee asks that all debates on this paragraph and amendments thereto be closed in 40 minutes. Is there objection?

Mr. DAVENPORT. I object.

Mr. HOUSTON. Mr. Chairman, I move that all debate on the pending paragraph and amendments thereto be closed in 30 minutes.

The CHAIRMAN. The gentleman from Tennessee moves that all debate on the pending paragraph and amendments thereto be closed in 30 minutes.

Mr. WINGO. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WINGO. What would be the status of amendments not yet offered?

The CHAIRMAN. They can be offered but not debated.

Mr. WINGO. They could be offered if a Member could get the floor.

The CHAIRMAN. The Chair thinks that amendments can be offered, but they can not be debated after 30 minutes. The question is on the motion of the gentleman from Tennessee.

The motion was agreed to.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Oklahoma [Mr. DAVENPORT].

The Clerk read as follows:

Amend by striking out the period in line 15, page 12, and inserting a colon, and inserting the following as a proviso: "Provided, That in carrying out the provisions of this act no part of the appropriation herein made shall be expended by the President in the construction of a railroad or railroads in Alaska until the Government has acquired and has in operation a line of steamships from the ports on the coast of the United States to tidewater in the Territory of Alaska, so that all tools, machinery, and material used in the construction of said railroad or railroads may be transported to the Territory of Alaska in Government-owned vessels."

Mr. OGLESBY. Mr. Chairman, I make a point of order against the amendment, that a proposition to purchase steamships is not germane to the bill.

Mr. DAVENPORT. Mr. Chairman, upon that proposition I think it would be well for the gentleman to examine the rules. It is germane because it is in aid of the very purpose of this bill. It is absolutely imperative, from the testimony in the hearings, that if a railroad is constructed in Alaska the tools and materials with which it is to be constructed must be transported from tidewater in continental America or some foreign country to the tidewater in the Territory of Alaska. It is germane upon that question; and if that is the only point of order, I say that the point of order, in my judgment, is not well taken, because it is in aid of and amendatory to the method and manner of constructing the road. It is as essential that we have steamships to transport the tools and materials to construct the railroad as it is to construct the railroad, because the Government will have to pay the transportation. We know that privately owned steamship companies plying between continental United States and Alaska are expecting to reap a harvest from the Government in the way of freights to transport this material and machinery.

The CHAIRMAN. The Chair overrules the point of order made by the gentleman from New York.

Mr. DAVENPORT. Mr. Chairman, I have no disposition to take up any great length of time on this amendment. My position is that we are starting out on a great enterprise that is an experiment on behalf of the United States. In constructing this railroad, if this bill becomes a law, all of the material must be transported from the United States to the Territory of Alaska, or we must purchase the material in a foreign country and transport it to the Territory of Alaska. My contention is that the greater part of the tools and machinery that will be used in the construction of that road will be taken from the United States, and that the greater part of the material will be purchased in the United States and taken to the Territory of Alaska.

Under the testimony in the hearings it is 1,000 to 1,400 miles from the nearest port in continental America to tidewater in Alaska. There are privately owned steamship companies plying between the Territory and the United States, and if this provision or some other provision that will so aid the Government in transporting the machinery and material to construct that railroad is not adopted the United States will be the loser. If we had the ships to carry the material, it would materially reduce the expenses of the Government in the construction of this road in Alaska.

Of course I am aware that if a provision of this kind will go into the Record, there will be telegrams coming to different Members of the House from every port in the United States on the Pacific coast by privately owned steamship companies and commercial clubs protesting against this provision, because this bill is expected to aid their friends who have the privately owned steamship to get the pay for transporting the tools and materials. We had an instance of this kind this morning which amused me very much. My friend from Tennessee, Mr. SIMS, introduced a telegram from a commercial body in that beautiful

and elegant city of Nashville, where my friend BYRNS lives, urging that they vote for this bill. I suppose Nashville expects to take part in that celebration.

I believe that an amendment similar to this should be adopted. The Government has ships turned over from the Panama Railroad Co. that have been doing Government work in carrying material for the construction of the Panama Canal. I do not believe we ought to commit ourselves soul and body to the privately owned steamship companies along the Pacific coast.

Mr. BRYAN. Mr. Chairman, if there was anything left to demonstrate the inconsistency of my friend from Oklahoma, he has certainly supplied it. The gentleman from Oklahoma did not want to launch the Government into private enterprise.

We think it is without an economic leg on which to stand—said the gentleman from Oklahoma [Mr. DAVENPORT] in his minority report. That report continues:

We think that it is a dream, beautiful to look upon but unsound at the core; that it does not square with our pledges to the people for economy; that it is unworkable, unreal, and based on false assumption.

The gentleman now comes forward, after having proposed an amendment here to compel the Government to operate the road, and not lease it, which, according to the gentleman from Georgia [Mr. HARDWICK], developed an inconsistency, and he now proposes to launch steamships and transports and big ocean vessels, and turn those vessels into carrying freight up there to the Alaska railroad for its construction, thus negating all that he has ever said and every position that he has ever taken, even to the particular technical term of launching. He is now a thorough advocate of launching. As far as I am concerned, I would like to see the Government own ships up there just as the Government's Panama Railroad Co. owns and operates ships; but I do not believe in putting an amendment on this bill that prohibits any movement or step being taken in connection with the construction of the railroad until the Government builds these ships, and then to transport tools and supplies for the railroad only, and does this launching that the gentleman has so strenuously and earnestly opposed heretofore.

The amendment is not proposed with a view to helping out in the construction of the railroad, but, as its very terms indicate, it seeks to postpone and harass the construction of the railroad. If the gentleman can not kill it, he would like to postpone it. I think that this is not a sincere amendment, and I can cheerfully oppose it, although I would like to see the Government own steamboat transportation from Seattle and Pacific ports to Alaska, and I believe we will own and operate boats out there in time, but that result will be accomplished in spite of the gentleman who really is opposed to the plan.

Mr. SLOAN. Mr. Chairman, replying to the gentleman from Washington [Mr. BRYAN], I do not know whether this is a sincere amendment or not, but I think it is a wise one. We have here a proposition that the Government shall borrow \$35,000,000 and deposit it in a great snow bank up in Alaska and pay 3 per cent per annum cold storage on it. There ought at least to be some means of reaching the bank and using the deposit or withdrawing it. A great many of us would like to vote for this proposition, especially that feature of it which seems to respond to the national demand to develop the coal fields for the Government's use. That the Government may obtain coal on the Pacific coast is the great recommendation for the Alaska railroad, and I am not certain but that it is the only one yet entitled to serious consideration. However, pessimistic reading of American future has not often added to the reputation of prophets—

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. SLOAN. Certainly.

Mr. BUTLER. Has the gentleman made an examination of the test submitted by the department of this coal in Alaska?

Mr. SLOAN. I have read what other gentlemen have said about the tests. Of course, I do not think it is as good coal as the carboniferous ages deposited down in Quakerdom.

Mr. BUTLER. Where is that?

Mr. SLOAN. It is where the gentleman and his ancestors located.

Mr. BUTLER. There is not a pound of coal there except what we buy and pay for. [Laughter.]

Mr. SLOAN. Well, we have paid a very large price for something they said was Pennsylvania coal, and perhaps we have been imposed upon.

Mr. BUTLER. The gentleman got good stuff when he paid for it, too.

Mr. SLOAN. Mr. Chairman, if we now invest an additional \$35,000,000 in Alaska, it means a probable investment later of several times that amount. If we invest that much in Alaska under Government ownership and control, we ought to have means under the Government control and Government owner-

ship to complete the link between our western coast and that Alaska railroad. To do that, I think it is proper at this time to make provision for the establishment of lines of steamships or to utilize those that we have already, so that we may have a unit and not a part of a transportation system for the mineral wealth or the possible agricultural wealth of Alaska.

Mr. LEVY. Mr. Chairman, will the gentleman yield?

Mr. SLOAN. Yes.

Mr. LEVY. Mr. Chairman, is the gentleman aware that the Government vessels that now carry freight to Panama and Colon charge more than private steamships?

Mr. SLOAN. Whether they do or not, they are the Government's property, and the Government may control them and fix the price.

This proposed toy of the President may prove an expensive one to the country. If there were to-day any other fairly good proposition for opening up Alaska and reaching its wealth in the interests of the people and the Government, I should be glad to support it; but with the groove into which Alaskan legislation has been directed and in which it now runs we are obliged to vote not for what would, in our judgment, be wisest, but it means this legislation or nothing for four years.

This might be neither final nor conclusive, but it appears that there are coal deposits in Alaska and practically none elsewhere in our country on the Pacific coast. Our foreign relations are, unfortunately, in such a condition that the appeal of the administration becomes temporarily, at least, almost imperative. I supported in this committee an amendment to confine the present governmental investment into a road reaching from the coast to the coal fields, which would have reduced the costs more than one-half; but \$35,000,000 is to be invested, in the face of a depleting Treasury and increasing appropriations. The general fund of our Treasury is now the lowest it has been in years. As this stands it amounts to an investment of \$35,000,000 to build a railroad into a country containing only 35,000 white people, or an investment of \$1,000 by the Government for every white person in Alaska.

A great deal has been said about the agricultural possibilities of Alaska, which we are obliged to leave as a still open question of debate. The gentleman from Alaska and the Members who reside upon Puget Sound tell racy tales of the agricultural products of our great northern possession. They would endeavor to convince us that the Equator is seized by the warm currents of the Pacific and bent up into the latitude of Alaska, carrying with it almost a tropic clime, with consequent tropic productions, producing cereals, fruits, and forestry in profusion. On the other hand, the Oklahoma group insist that the frost is deeper than the political prejudice of a Georgia Democrat and that the very volcanoes instead of emitting fire and lava belch forth great streams of liquid air.

Perhaps the true condition lies somewhere between. I note an agreement upon the fact that it is in nearly the same latitude and has quite a similar climate to the great Scandinavian peninsula of Europe. I also note and am somewhat swayed in my judgment by the general support given this bill here on the floor of the House by the descendants of that hardy, brave, and enterprising northern race. Their arguments seem to minimize the frigid features of our great American peninsula of the North.

I should feel constrained to favor any bill designed to build up a vigorous and intelligent citizenship in Alaska. If that climate is, though severe at times, of a general temperate character, there is opportunity for our people to build up there a great citizenship. If we should be able to people that vast domain with a race similar to the Scandinavians, who have done so much for the upbuilding of continental America, it should meet with general favor.

Looking over that part of our continental section where snows are deep and winters long; where our greatest water traffic is conducted; where the greatest railroads are; where finest farms have been carved out of treeless plains, congested forests, and forbidding swamps; where great cities and prosperous villages are numerous and schools and universities many; where home comforts are multiplied; where intelligence abounds; where thrift is exemplified; where political independence is most prominent; where God-fearing people with a record for achievement, with faces and ambitions set toward the future live, this is the land where people love liberty, enforce justice, and themselves obey the law. Here we find in the forefront the Swede, Norwegian, and Dane, together with the other great northern European peoples, loyal to American institutions, bent on perpetuating them and making America what it should be, a blessing to all mankind.

Of these many live in my section, State, and district, each of which is the better for that fact. They are the descendants of

the Vikings, the first discoverers of our continent; a people who with the Irish and Germans built our railroads and now own them; who gave us many of our soldiers in the time of war; who gave us Erickson, who in turn gave the North the *Monitor*, which turned the tide of war in favor of the Union. It is a race that gave to modern times its sweetest singer, produced great modern poets and philosophers, and has furnished us many of the leading men of the Nation in Congress and out of it. May not the future again demonstrate that a race living under the stimulus of a severe climate, spurring the energies of all to life, activity, and progress, in the generations to come through strong bodies and clear minds of Alaskan citizenship work important results in the economy of the world and welfare of mankind.

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

Mr. WATSON. Mr. Chairman, the amendment offered by the gentleman from Oklahoma does not propose to secure a line of steamships to engage in general commerce between Alaska and the Pacific coast. It proposes that the Government shall acquire these ships so that all tools, machinery, and material used in the construction of this railroad shall be transported to Alaska by Government-owned vessels. So the amendment is not so ambitious as the plan which has been commended by gentlemen on the other side. It simply proposes that the tools which shall be transported from the Isthmus of Panama to Alaska shall go in Government-owned ships. Gentlemen know full well that the Government already owns, or rather the Panama Railroad Co. owns, two steamships of the character required and leases two more. There are also countless transports belonging to the Government of the United States which can carry this material without encumbering the President with the necessity of acquiring new ships.

Mr. Chairman, the zeal felt for the fate of this measure by the gentleman from Oklahoma [Mr. DAVENPORT] is interesting. He not only desires to apply the principle of Government ownership of transportation lines to the mainland, but wants to extend it to the waters of the sea. When I recall the fact that three weeks ago he was before this committee insisting upon his opposition to the launching of the Federal Government into private enterprise, for the reason that he did not believe it belonged properly to the functions of a republican government, I am disposed to flatter the committee with the suggestion that they must have converted the gentleman from his views in the past, and upon the fact that he is now not only willing to accept the principle of Government ownership of railroads on the mainland, but is ready to go to the uttermost parts of the sea to exploit his new principle.

There is no need for this amendment. The Government already has ships to transport tools, and I sincerely hope that the committee will vote it down.

The CHAIRMAN (Mr. FOWLER). The question is on the adoption of the amendment.

The amendment was rejected.

The Clerk read as follows:

That it is the intent and purpose of Congress through this act to authorize and empower the President of the United States, and he is hereby fully authorized and empowered, through such officers, agents, or agencies as he may appoint or employ, to do all lawful acts and things in addition to those specially authorized in this act necessary to enable him to accomplish the purposes and objects of this act: *Provided*, that the President is hereby authorized to withdraw, locate, and dispose of, under such rules and regulations as he may prescribe, such area or areas of the public domain along the line or lines of such proposed railroad or railroads for town-site purposes as he may from time to time designate.

Mr. DAVENPORT. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, by striking out all after the word "that," in line 7, page 13, down to and including the word "empower," in line 8, page 13, and insert the word "be" between the word "States" and the comma in line 9, so that the paragraph will read as follows:
"That the President of the United States be, and he is hereby, fully authorized and empowered."

Mr. DAVENPORT. Mr. Chairman, the intent of that amendment is to cut out the following language, which now reads as follows:

That it is the intent and purpose of Congress through this act to authorize and empower the President of the United States, and he is hereby fully authorized and empowered.

It will cut out this, "the intent and purpose of Congress through this act to authorize and empower," and therefore it is not necessary to say what is the intent of the act, because if that language should go in as amended it would give him specific power without saying what was the intent of Congress, and we must absolutely judge our intent by our acts. If we empower him to do a thing, there is no necessity of carrying

the language in there, in my judgment, that we intend to do what we empower him to do. That is why I offer the amendment.

Mr. J. M. C. SMITH. Will the gentleman yield for a question?

Mr. DAVENPORT. I will.

Mr. J. M. C. SMITH. Will the gentleman vote for the bill if the amendment is adopted?

Mr. DAVENPORT. I want to say, if the gentleman thinks it will gratify him in any way by my answering the question, that unless there are a great many more amendments to the bill than now, I will not.

Mr. MONDELL. Mr. Chairman, I did not intend to discuss the amendment offered by the gentleman from Oklahoma [Mr. DAVENPORT], but I had intended to offer at this place an amendment providing for the leasing of the coal lands in Alaska; but I have concluded not to do so, first, because I do not care to take up the time of the committee in the discussion of the point of order which would undoubtedly be made, and secondly because I do not think it would be possible at this time to get a fair and unbiased consideration of such an amendment. The Committee on the Public Lands is now considering a bill which is intended to provide for the leasing of coal lands in Alaska. I have been assured by Members of that committee that it is the intention of that committee to press that legislation. I have some doubt whether such legislation will ever be written on the statute books if it is not written on the statute books in connection with this bill, and yet realizing that it would be utterly impossible for me to secure the adoption of an amendment providing for leasing because of the lack of time to consider it I shall not offer it.

I simply want to suggest to gentleman who do not believe in private ownership of coal lands in Alaska that in allowing this bill to become a law or to pass the House without a leasing amendment they are taking pretty desperate chances in securing such legislation in the future. My fear is that after this bill becomes a law it will be impossible to secure such legislation, and that we shall return to private ownership of coal land in Alaska and the very policy which lead to the withdrawals which in turn created the conditions that have been the basis of the excuse for offering this legislation. My belief is that if the bill passes without a leasing provision relative to coal lands that we will ultimately return in Alaska to the same condition of private ownership relative to which there has been so much agitation, largely political, in the last few years. I believe the bituminous and anthracite coal lands of Alaska ought to be leased and ought not to be in private ownership. If there was the slightest hope of securing an amendment to accomplish that result I should offer it at this time, but I do not offer it simply because I feel confident from what has been said here that it would not be adopted now and in this connection.

Mr. GUERNSEY. Mr. Chairman, public confidence in the Taft administration began to crumble early in its existence, due in no small part to the fact that the public lost faith in its Alaska policy as early as the fall of 1909. The public believed that the Secretary of the Interior under that administration was hostile to the Roosevelt conservation policies—the regulation of public lands and natural resources for the public good. This was particularly true of the coal fields and other resources of Alaska.

The public believed that Mr. Taft's Secretary of the Interior favored the turning of the Alaska resources over to private monopolies, and the administration suffered the loss of public confidence as a result; a loss from which, unfortunately, it never recovered. It would have been fortunate, indeed, had the Taft administration had a Secretary of the Interior who stood without question for the Roosevelt conservation policies.

The attitude of the public toward these policies of the Secretary of the Interior under Mr. Taft only gave emphasis to the public wishes.

The public wants something done toward the development, for public benefit, of the great Alaskan domain and its resources. From my five years' service on the Committee on Territories, during which time I have heard testimony as to conditions in Alaska many times over, I am convinced the only practicable way, for the present at least, is for the Government to open up that great country by the construction of a railroad from the ocean to the great valleys and rivers of the interior; that the only method that the people will tolerate is development, under governmental control, of the natural resources of the Territory. Unless it is undertaken, the country is destined to continue to be locked up for the next half century, as it has during our ownership of going on 50 years.

On principle I am opposed to governmental ownership and operation of railroads, but in Alaska special and unusual condi-

tions exist that call for the construction of a Government road at this time, to be operated perhaps later on under a lease to private parties, if it can be so leased as to fully protect and serve the public interests, as provided for under this measure.

Within a few days this House has voted \$25,000,000 to improve the highways in continental United States, ostensibly to improve the public service over these highways, but, in fact, it will result more especially in the enhancement of values of private property along the roads on which the money is expended.

In Alaska we will build a railroad over Government land, and thereby enhance the value of public property along that road. That great estate that the Government acquired from Russia in 1867 is worth developing. It has an area greater than all the New England States, an area nearly equal to one-fifth of the United States. It has a coast line as long as the coast line from Maine to Florida. It has a climate favorable to all conditions of life and all pursuits of mankind, and the appropriation of the sum called for by this measure in all probability will not in the end take from the United States Treasury a single dollar, as the amount that the Government will receive back from lands and resources through the development of the country in connection with this railroad will, under the provisions of this bill, fully repay all moneys called for in the bill.

In connection with the question that has often been raised on this floor as to the prospects for business along the proposed railroad, I call attention to the data that I find taken from the report of the Alaska Railroad Commission and other sources.

I wish to introduce in the record at this time some statistics taken from the report of the Alaska Railroad Commission in regard to the commerce of Alaska.

Comparative statement of tonnage (domestic merchandise) shipped from the United States to principal points in the Yukon Basin, years 1903-1911.

[Based on valuation of \$86.50 per ton.]

Ports.	1903	1904	1905	1906	1907	1908	1909	1910	1911
	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.
Chena.....	325	857	2,520	5,415	5,580	5,890	3,000	1,395	1,392
Circle.....	480	253	595	570	539	961	858	586	364
Eagle.....	1,168	1,132	1,220	913	955	1,472	3,746	869	296
Fairbanks.....	623	4,250	18,150	14,628	19,300	16,830	26,650	12,660	10,330
Hot Springs.....					271	850	630	592	968
Rampart.....	825	444	1,469	477	520	410	410	160	38
St. Michael.....	2,485	5,790	11,840	19,390	10,290	8,450	11,690	17,850	16,850
Tanana.....	789	425	900	1,660	2,040	1,700	2,440	1,975	2,150
All others.....	1,270	729	1,106	847	2,395	3,800	226	4,420	8,150
Total.....	7,095	13,880	37,800	53,900	41,890	40,350	49,750	40,507	40,548

Comparative statement of through freight (in bond) over the White Pass & Yukon Ry. for points in the Yukon Basin, 1908-1912.

Destination.	1908	1909	1910	1911	1912
	Tons.	Tons.	Tons.	Tons.	Tons.
Tanana.....	89	172	57	162	116
Yukon River, above Tanana.....	556	452	309	350	283
Yukon River, below Tanana.....	3	12	199	235	188
Fairbanks and Tanana River.....	1,081	1,833	900	429	630
Total.....	1,729	2,409	1,465	1,176	1,217

As throwing some light on the commerce of Alaska and its bearing as a freight-producing region, I wish to put in the record the last report of the collector of customs for Alaska, i. e., so much as precedes the collector's signature:

COMMERCE AND CUSTOMS BUSINESS OF ALASKA FOR THE CALENDAR YEAR ENDING DECEMBER 31, 1912.

UNITED STATES CUSTOMS SERVICE,
OFFICE OF THE COLLECTOR OF CUSTOMS,
Juneau, Alaska, January 31, 1913.

Although there was no material increase in the population of Alaska during the calendar year 1912, the commerce of the Territory broke all former records in almost every particular.

The total trade, valued at \$72,741,060, is 27 per cent higher than that for any previous year. The balance of trade in favor of Alaska is the largest of record, amounting to almost \$20,000,000.

Gold, which until recent years has constituted the bulk of the Territory's exports, though greater than for the two previous years, was 50 per cent less in value than the total of the other Alaskan products shipped to the United States and was exceeded by the single item of salmon—canned and otherwise preserved.

For the first time both the shipments of merchandise from the United States and from Alaska to the United States passed the twenty-million mark. The shipments to southeastern Alaska show an enormous increase and are more than double those of any one of the other three divisions. This increase was principally due to the establishment of 20 new salmon canneries throughout the division and the extensive development of mining properties in the Juneau district.

The following table shows the value of the real and transit commerce of the Territory. The imports and exports of foreign gold and most of the exports of merchandise to foreign ports represent the trade be-

tween the United States and the Yukon territory which passes through Alaska.

Commerce of Alaska.

	Calendar years.			
	1909	1910	1911	1912
IMPORTS.				
Merchandise from the United States.....	\$17,705,330	\$17,431,588	\$15,169,149	\$21,992,761
Merchandise from foreign ports.....	605,086	669,614	519,221	925,034
Gold and silver from foreign ports.....	4,023,791	3,453,709	3,520,170	3,840,546
Total imports.....	22,334,207	21,554,911	19,208,540	26,758,341
EXPORTS.				
Merchandise to the United States.....	13,522,137	13,699,594	19,318,859	24,798,886
Merchandise to foreign ports.....	1,120,218	1,119,919	1,174,393	1,452,955
Domestic gold and silver to the United States.....	18,278,962	15,195,954	14,699,694	16,031,705
Foreign gold and silver to the United States.....	3,845,705	3,441,834	3,353,361	3,704,173
Total exports.....	36,767,022	33,457,301	38,546,307	45,982,719

The articles enumerated in the following table are all of Alaskan origin, and the comparative figures are indicative of the growth and importance of the various industries of the Territory.

The value of furs shipped during the year includes the products of the Pribilof Islands and shipments by mail—a total of \$300,003—not shown in the bureau's reports for the same period.

Owing to the fact that gold carried on the persons of travelers is not included in the returns made by this office, the value of precious metals reported shipped from the Territory is, as usual, slightly less than the amount shown by the Bureau of the Mint.

Value of domestic merchandise and gold and silver shipped from Alaska to the United States.

Articles.	1909	1910	1911	1912
Copper ore and matte.....	\$205,551	\$230,737	\$2,898,885	\$4,904,715
Fish:				
Salmon, canned.....	10,424,811	10,418,508	13,136,980	15,551,794
Salmon, all other.....	466,722	487,301	502,134	907,242
All other fish and fish products.....	466,894	440,015	478,497	589,529
Fish fertilizers.....	51,212	64,925	63,439	41,662
Fish and whale oil.....	151,161	185,284	170,991	233,330
Furs.....	573,051	468,223	816,850	728,554
Gypsum.....	114,565	151,590	124,200	129,375
Marble.....	45,982	11,286	49,455	77,159
Tin ore and concentrates.....	8,200	6,750	41,830	60,831
Whalebone.....	140,770	113,772	20,551	18,012
Other merchandise.....	758,231	885,634	852,758	1,000,261
Gold and silver.....	18,278,962	15,195,954	14,699,694	16,031,705
Total.....	31,686,112	28,660,279	33,856,264	40,354,178

¹ Gold and silver shipped to the United States.

Judicial divisions.	1910	1911	1912
First.....	\$3,262,083	\$3,730,264	\$4,040,858
Second.....	3,689,674	3,246,498	3,138,881
Third.....	317,872	404,861	734,507
Fourth.....	7,916,325	7,318,071	8,117,459
Total.....	15,195,954	14,699,694	16,031,705

The following table of passenger movement indicates the travel, by regularly established routes, to and from the district and the Yukon territory. Tourists and cannery employees bound for remote places are not included.

The Eagle and Dawson movement shows the local frontier travel, which must not be considered with the general account, as the greater number of those passengers arrived or departed from Ketchikan or St. Michael and have been accounted for in their returns.

Passenger movement.

	1910	1911	1912
Arrivals from the United States and British Columbia in—			
Southeastern, southern, and western Alaska.....	24,780	19,924	20,645
Nome, St. Michael, and Bering Sea.....	2,156	2,203	2,067
Total.....	26,936	22,127	22,712
Departures to the United States and British Columbia from—			
Southeastern, southern, and western Alaska.....	19,905	17,525	18,502
Nome, St. Michael, and Bering Sea.....	4,075	3,741	3,375
Total.....	23,980	21,266	21,877
Arrivals at Eagle from Dawson.....	1,645	1,107	594
Departures from Eagle to Dawson.....	905	808	935
Total.....	2,550	1,915	1,529

All of the four divisions of Alaska show an increase over 1911 in the values of shipments received from the United States. Most of the unprecedented increase, however, was due to the unusual industrial activities in southeastern Alaska, resulting in that division receiving 41 per cent of the entire amount shipped to the district, an advance of 75 per cent over the preceding year.

Comparative statement showing value of merchandise shipped from the United States to the different divisions of Alaska.

Division.	1908	1909	1910	1911	1912
Southeastern Alaska.	\$4,921,232	\$4,415,075	\$5,236,325	\$5,492,416	\$9,760,224
Southern Alaska.....	3,931,002	5,249,516	4,538,225	3,246,464	4,321,689
Bering Sea, etc.....	3,516,659	3,735,736	4,150,679	2,919,456	4,163,934
St. Michael and Yukon River.....	3,493,778	4,305,653	3,506,359	3,510,813	3,732,914
Total.....	15,862,671	17,705,330	17,431,588	15,169,149	21,992,761

The tables following give the value of merchandise shipped to Alaska from the United States for the year 1912, segregated as to place of consignment, with comparative statements for five years, and general customs business transacted by ports.

J. R. WILLIS, Collector of Customs.

I wish also to have printed in the record an extract from Bulletin 442, of the United States Geological Survey, entitled "Mineral Resources of Alaska, 1909, by Alfred H. Brooks and others," and found on page 25 of the bulletin:

"In 1909 about 47,000 tons of freight was received at Nome, including merchandise, coal, lumber, and live stock, at a cost of about \$650,000. The cost of freighting to the mines by coasting vessels and wagons in summer and by sleds in winter in different parts of Seward Peninsula varies from about \$80 to \$200 a ton in summer, and from about \$3 to \$50 a ton in winter. It appears that the average price paid for transportation in the peninsula is about \$20 a ton. On the assumption that half the supplies landed at Nome are for the use of the miners, this will represent an additional freight charge of nearly half a million dollars. The total transportation charge on the supplies of Seward Peninsula will, then, be about \$1,200,000, or nearly 30 per cent of the value of the entire gold output of the year.

"No exact figures are available in regard to the amount of freight annually shipped to the Alaska portion of the Yukon Basin, but it is probably safe to say that this amounts to 30,000 tons and that it costs over \$2,500,000 to land it at the end of steamboat navigation. The mine freight must then be hauled by wagons or sleds, except at Fairbanks, where there is a railway. It is estimated that this haulage from steamers to mines for the Alaska Yukon costs from \$2,000,000 to \$2,500,000 a year. The total annual cost of freight for the Yukon Basin is therefore probably between \$4,500,000 and \$5,000,000, or nearly 50 per cent of the value of the entire gold output. It should be noted that these estimates of the cost of freight do not include any charge for the transportation of fuel, which is included in the similar figures already presented on the commerce of Seward Peninsula. In the Yukon Basin practically only wood is used, whereas Seward Peninsula depends almost entirely on coal brought from a distance."

The following are estimates of expected tonnage on various trunk lines proposed to be built by the pending bills:

CORDOVA-FAIRBANKS ROUTE.

Freight movements from Cordova to Fairbanks will be carried on the Copper River & Northwestern Railway Co.'s tracks for 132 miles to the town of Chitina and over the proposed Chitina-Fairbanks line 313 miles to Fairbanks.

The average freight entering the Rampart-Fairbanks district during the last five years amounted to about 24,000 tons per year of all classes, the maximum in any one year being approximately 33,000 tons and the minimum 15,000 tons. Having in mind the increase in freight movement to be expected and the natural development of new territory following the construction of a railroad, the commission assumes that a line from Cordova to Fairbanks would carry, almost immediately, through freight at the rate of 45,000 tons of general merchandise northbound per year. The through southbound freight in sight is so very little as to be negligible for the purposes of this analysis. In addition to the through freight, it is estimated that coal mines will be operated in the Nenana lignite fields. This will involve the construction of a branch line from 30 to 50 miles in length, although it is at least possible that the Nenana coal may underlie certain territory through which the main line will be run. Without definite data, it is assumed that 30,000 tons of coal will be hauled an average distance of 20 miles on the main line and that 1,000 tons of local freight originating between Chitina and Richardson will be hauled an average of 150 miles. In round numbers, therefore, the annual freight ton-miles would amount to 15,000,000, or the equivalent of 50,000 tons of freight hauled over the entire 313 miles of line. It is assumed that there will be an annual through passenger traffic of about 10,000, or 3,000,000 passenger miles.

VALDEZ-FAIRBANKS ROUTE.

This route involves the use of no part of any existing railroad. Running in a northerly direction for 101 miles it reaches a point on the proposed location of the Chitina-Fairbanks route considered in the foregoing section. From thence to Fairbanks, 279 miles, the two routes would be identical.

The business which a railroad connecting these two termini might reasonably expect would be practically the same as in the case of Chitina and Fairbanks, with a small increase for local freight originating in the immediate vicinity of Valdez. For this study, therefore, the tonnage for the first five years of the road's existence is assumed to be as follows:

Tonnage.

	Tons.	Miles.
Through freight.....	45,000	380
Nenana coal.....	30,000	20
Local freight between Valdez and Richardson.....	2,000	150

In round numbers, 18,000,000 ton-miles, or the equivalent of 47,500 tons of freight, over the entire 380 miles of line. It is further

assumed that there will be 10,000 through passengers annually, or 3,800,000 passenger-miles.

SEWARD-FAIRBANKS ROUTE.

Freight movements from the seacoast to Fairbanks over the Seward-Fairbanks route would be carried for 71.6 miles over the existing tracks of the Alaska Northern Railroad and from thence to Fairbanks, a distance of 391.4 miles, over the proposed Susitna Valley route to Fairbanks.

In the main, the tonnage expectancy of this route would be the same as that of the Cordova-Fairbanks line, previously considered, with an allowance for coal traffic originating in the Matanuska district. Were this road built and operated on a traffic agreement with the Alaska Northern, the opening of the coal fields would result in a coal tonnage from a branch line tapping the Matanuska district. The bulk of this coal movement would go southward to Seward, and therefore become a source of revenue mainly to the Alaska Northern Railroad. A part would undoubtedly be distributed in the Susitna Valley, but as the amount of this which could be counted upon for revenue would necessarily be small during the early part of the road's existence, it is only placed at 1,000 tons annually. The estimate of tonnage to be expected during the first five years following construction is, therefore, as follows:

	Tons.
Through freight, 391 miles.....	45,000
Nenana coal, 20 miles.....	30,000
Local freight, Susitna Valley, 150 miles.....	1,000
Local coal shipment, Susitna Valley, 150 miles.....	1,000

Total movement 18,500,000 ton-miles, or 47,000 tons of through-train haul. The passenger movement is estimated at 10,000 over the entire trackage, or 3,910,000 passenger-miles.

SEWARD-IDITAROD ROUTE.

Freight movements between the Iditarod district and Seward will be carried over the trackage of the Alaska Northern Railroad for 71.6 miles, thence over the proposed new line for approximately 344 miles.

Based upon such information as the commission was able to obtain concerning freight movements in this district in the year 1910-11, the following tonnage assumptions are made:

	Tons.
Through freight between Seward and McGrath, 344 miles new line, 72 miles Alaska Northern.....	15,000
Local freight, 100 miles.....	10,000
Coal, 230 miles.....	10,000
Coal, 120 miles.....	10,000
Coal, 30 miles.....	10,000

A total of 9,960,000 ton-miles, or 29,000 tons through-freight haul. In addition to this, it is assumed that there will be a through passenger traffic of 5,000 annually over the new line of 344 miles, or 1,720,000 passenger miles.

Mr. EDWARDS. Mr. Chairman, I am opposed to this bill. It would no doubt be a desirable, if not, indeed, a good thing, for the 35,000 white people in Alaska if this Government should decide to dump its millions into a railroad project in that frozen and unproductive section. In my opinion it would be an unwise and a wasteful thing so far as the United States is concerned. Those insisting upon this Alaskan railroad legislation are no doubt sincere in their support of the matter. We are equally as sincere in our opposition to it.

After hearing the gentleman from Illinois [Mr. MADDEN] read the interview of Mr. Guggenheim on this subject I am convinced that back of this proposed legislation is a purpose on the part of the Guggenheims to unload their railroad and other poorly paying investments in Alaska onto the United States Government.

I agree with the view which the minority has presented through its report on this subject. It is estimated that to build this road in Alaska will cost the United States \$35,000,000. The proposition in this bill is to issue bonds for \$35,000,000 and to start the work by an initial payment of \$1,000,000. It is the view of the minority report on this subject that it will cost at least a hundred million dollars before the project is completed. Those advocating the plan to commit the Government to this unwise proposition have advanced plausible arguments in its support. They tell us that it will open up the ice fields of frozen Alaska and that wonderful developments will follow. They tell us it will open up the coal fields of that country. It is plainly and ably pointed out in the minority report that we do not need the coal as badly as some seem to think. It is pointed out that the Geological Survey has developed the fact that we have in this country enough coal already located to supply the "Republic, the Navy, and the interior for 7,000 years to come."

The movement to build this Alaskan railroad at the expense of the taxpayers of this Government has been referred to as a dream. It is no dream. It is a cold-blooded proposition that will deliberately take anywhere from thirty-five to one hundred million dollars out of the Treasury of the United States, for which the people of the United States will get no substantial returns.

Even if what is claimed for Alaska were true, there is no justification for fastening upon the people of this country a bond issue of \$35,000,000. It is our duty to guard the Treasury against unwise and unjust appropriations.

If the Government has \$35,000,000 to spend, let it be spent for something that will result in great good to the people who will be taxed to pay these bonds. Those of us from sections

of this country where drainage is needed have been pleading for Government aid; except in a limited way we have been denied aid in this important work.

It is a well-known fact that by draining the swamp and wet lands of the country we will serve a "triple purpose." First, it will reclaim millions of acres of fertile lands in our own country for cultivation; second, it will add to our annual productions; and, third, it will help to eliminate malaria and make our country more healthful.

This is only one of many objects to which Government funds could be applied with much greater profit to the people of this country than the Alaskan railroad. We allowed only \$25,000,000 in the bill which we passed a few days ago for building and maintaining public roadways of the country. I believe in profitable internal improvements that make for the development of our country and will add to the happiness and prosperity of our people, such as public-roadway building, education, agricultural extension, and experiment work, such as contemplated in the Smith-Lever bill. These expenditures will make returns to the people who pay the taxes, but to legislate to build a railroad in Alaska will be an act for the "interests" and not for the people.

This Alaskan railroad scheme is a most unwise and unfair one. I raise my protest against it. I shall not consent for the people of this country to have fastened on them an immense bond issue with which to buy and build railroads on the ice fields of nonproductive Alaska. The people are looking to us to safeguard and protect the Treasury. When an expenditure is made the Government should get something in return. The people are entitled to "value received" when their tax money is spent. To pass this bill will mean, in my opinion, a willful and deliberate waste of public funds, for which Senators and Representatives will be held to strict account. I am opposed to this foolish expenditure of public funds and hope this bill will be defeated. [Applause.]

Mr. NEELY of West Virginia. Mr. Chairman, many Members of this House, including myself, have had no sufficient opportunity to make original investigation as to the natural resources of Alaska, or to obtain first-hand information as to the feasibility of building a thousand miles of railroad through a region ordinarily thought of as a wonderland, perpetually wrapped in ice and snow. In these circumstances it became my duty to consider the best available hearsay evidence relevant to the question under consideration, preparatory to voting for or against this bill. To my mind, such evidence is contained in the majority report made by the Committee on Territories to accompany House bill 1739. This report discloses many interesting facts, to some of which I wish briefly to call attention. Alaska has an area of considerably more than half a million square miles—an area the extent of which, it may be observed, is somewhat out of proportion to the 10 minutes' time limit within which I am obliged to confine my remarks. The total cash disbursements made by this Government for Alaska since 1867, including the purchase price of the Territory, amount to less than \$36,000,000; the Treasury of the United States has received in cash from Alaska during the same period of time more than \$17,000,000; thus the United States is shown to have paid out for all purposes pertaining to Alaska less than \$19,000,000 in excess of what has so far been received from this much-neglected domain.

Alaska's gold production from 1867 to 1911, inclusive, amounts to more than \$195,000,000. Its fishery products for the same period of time amount to more than \$147,000,000, and its production of fur-seal skins to more than \$51,000,000. Alaska is preeminently a land of gold and fish and fur. The value of these items, added to the value of its various other productions since 1867, reaches a grand total of more than \$429,000,000. Viewed from a mercenary standpoint, and this is the very lowest point of view, it would seem that an isolated and neglected Territory that has contributed almost half a billion dollars to the world's wealth in less than 50 years, without railways and without adequate means of transportation, deserves the initial expenditure of \$35,000,000 provided in this bill. Does it not deserve the construction of a railroad that will develop almost unlimited resources which are at the present time beyond the reach of man? Alaska is said to have more tin than Wales, fonia and Colorado, and more coal than Ohio, Pennsylvania, more fish than all the rest of America, more gold than California and West Virginia combined. In my judgment, this Government can invest \$35,000,000 in nothing more profitable than a railroad that will make accessible coal fields more vast and valuable than those of West Virginia. It is conceded that this Alaskan coal, when reached by means of transportation, will be a source of prodigious wealth as an article of commerce in time of peace. It is obvious that naval activity would so increase the demand for this coal that it would lose none of its

value in time of war. The only naval coal on the whole Pacific coast is found in the Territory of Alaska.

The only naval coal lands owned by this Government are situated in the Territory of Alaska. In order to make this coal available for use on our battleships and cruisers this railroad must be built to connect the interior with the sea. In order to provide for the naval defense of our thousands of miles of Pacific coast line in the event of an invasion, and in the absence of all other reasons, we would be more than justified in voting for the passage of this bill.

While many are skeptical as to the agricultural possibilities of Alaska, it is nevertheless a fact that European countries in the same latitude, with similar soil and with less than twice Alaska's area, support more than 11,000,000 people, who are engaged almost exclusively in agricultural pursuits.

The CHAIRMAN (Mr. HARRISON). The time of the gentleman has expired.

Mr. HOUSTON. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended three minutes.

The CHAIRMAN. All time has expired on the other motion. The gentleman from Tennessee [Mr. HOUSTON] asks unanimous consent that the gentleman from West Virginia have three minutes more, which will extend the time to 33 minutes on this paragraph and amendment. Is there objection?

Mr. DAVENPORT. Mr. Chairman, I dislike to disagree with the Chair, but I do not think there was any limitation on this paragraph.

The CHAIRMAN. The Chair understood that there was 30 minutes of debate on this paragraph and all amendments thereto. Mr. DAVENPORT. On the preceding paragraph.

The CHAIRMAN. That was done when the present occupant of the chair was absent. Is there objection to the request of the gentleman from Tennessee [Mr. HOUSTON]?

There was no objection.

Mr. NEELY of West Virginia. Mr. Chairman, Sweden, in the same latitude, but with only one-third of Alaska's area, now has a population of about five and one-half millions. In 1907 the Swedes produced more than 1 bushel of wheat, 3 bushels of rye, 13 bushels of oats, and 10 bushels of potatoes per capita. I venture the observation that the obtaining of such favorable results as those just mentioned would be considered fairly successful farming by my distinguished friend, Mr. FERRIS, even in his own fertile State of Oklahoma.

If, in proportion to its area, Alaska shall hereafter be farmed half as successfully as Sweden has been, the freight on its agricultural products alone will, in no unreasonable length of time, reimburse us for our expenditure of public money to build this railroad.

Another cogent reason why Members on this side of the House should support this measure is found in the fact that the last Democratic national platform contains a declaration that is equivalent to a party promise to take some such action as that provided in this bill. Hear what our platform says:

Immediate action should be taken by Congress to make available the vast and valuable coal deposits of Alaska, under conditions that will be a perfect guaranty against their falling into the hands of monopolizing corporations, associations, or interests.

By this declaration we have clearly acknowledged that we owe Alaska the duty of making available its deposits of coal. The best means of discharging our admitted obligation are those specified in this bill. To vote for the pending measure is to vote for the redemption of another Democratic platform pledge.

Last, but by no means least, the President, in his message, delivered in this Chamber on the 2d day of last December, in most happily chosen language, recommended that the Government build and administer a system of railroads in Alaska as the first step toward the development of her tempting resources. Who is better qualified than the President to speak authoritatively on this or any other subject of public concern? Who in all the history of this country has ever been endowed with more profound wisdom or more penetrating and prophetic vision? Who has ever more skillfully and safely led or more faithfully and devotedly served a great people? In turn the people are accepting the words of Woodrow Wilson as the words of an oracle. They are following his footsteps as the Mussulman follows Mohammed. They are approving his official actions as the actions of a political Messiah. I believe that his voice is the people's voice, and I also believe in the good old Democratic doctrine that the people's voice is the voice of God. The President has conclusively proved his right to stand in the foremost rank of the greatest statesmen who have ever lived "in the tide of times." [Applause.]

When he insisted on an honest revision of the tariff, a hostile press predicted that he would destroy his party and ruin his country; but the Underwood tariff bill became a law, and the

country is flourishing and prosperous; plutocracy has been exiled and to-day Democracy rules the land.

When the President demanded currency reform, the same hostile press promptly proclaimed that Democratic currency legislation would be followed by dire disaster and financial frenzy. But the Owen-Glass bill became a law, and the country is safe and sane. We have at last adopted a currency system to which all may point with pride and which all may view without alarm.

When the President alleged that the Capitol had been infested with an insidious lobby his political enemies ridiculed his assertion and mocked in glee and laughed with scorn; but the testimony before the lobby investigating committee proved that the President was right and that the scoffers all were wrong. Recommendations from the other end of the Avenue for anti-trust legislation were awaited with anxiety by many men of affairs, but the President's message on that subject reassured an expectant public and convinced all engaged in legitimate business that the Democratic Party is a friend to every honest enterprise and a foe only to that which stops or stays the progress of a civilization that is marching with rapid strides and steady steps from the old empire of special privilege to the great republic of a new freedom. Mr. Chairman, I purpose to vote for this measure, believing that my action in so doing will meet with the approval of the people of my district, who have commissioned me to fight their fight and defend their faith according to the plans and precepts of Woodrow Wilson, a man who in leadership is a Joshua, in statesmanship a Jefferson, in wisdom a Franklin, in courage a Jackson, and in patriotism a Washington; a man whose mind is a mirror that reflects the possibilities of the future as well as the promises of the present and the prophecies of the past; a man whose judgment is as unerring as the mariner's compass and whose purposes are as constant as the Northern Star. [Applause.]

The CHAIRMAN. The time of the gentleman from West Virginia has expired. The question is on the adoption of the amendment offered by the gentleman from Oklahoma [Mr. DAVENPORT].

Mr. NEELY of West Virginia. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from West Virginia [Mr. NEELY] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, if gentlemen must vote for this bill, I had hoped that at least they would spare us from any further recital of the wearisome and worn fairy tales with regard to the agricultural possibilities of the interior valleys of Alaska.

Mr. Chairman, there may be good arguments in favor of this proposition, but they are not based on agriculture. The only part of Alaska that has a climate such as produces agricultural crops in considerable quantities in any part of the world, to wit, southeastern Alaska, has been settled for 45 or 50 years, and in that entire region below the Coast Range all of the agricultural products of the Territory could be loaded into one handcart.

The part of Alaska that these gentlemen are referring to as being an agricultural Eden are the valleys of the Tanana and the Yukon, in a latitude of about 68° north. Look at the globe out here in the corridor, and where do you find that parallel of latitude runs? In the center of the Great Slave Lake, north of the northernmost boundaries of Labrador; through the center of the southern half of Greenland; north of all the inhabited portions of Sweden, save the portion inhabited by fishing settlements; north of practically all of the agricultural portion of Finland; north of Archangel, which is north of the agricultural portion of Russia; at least 400 miles north of the Siberian Railroad along almost its entire length; 600 miles north of the frozen harbor of Vladivostok, at the end of that railroad.

There is not on the inhabited globe any region anywhere that produces any considerable quantity of agricultural products where the soil is frozen continually and eternally as it is in these central valleys of Alaska, and there is not any part of the inhabited globe that produces any considerable amount of agricultural products nor that has any agricultural population worth mentioning having a climate and a temperature and a soil similar to these interior valleys of Alaska.

And yet, as I said in my speech during the general debate on this bill, I am an agricultural optimist. I know that you can grow hardy vegetables and hardy grains—

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

Mr. MONDELL. I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to proceed for two minutes. Is there objection? There was no objection.

Mr. MONDELL. I know you can grow those hardy vegetables and hardy grains after expensive preparation in some of these interior valleys. I have seen some growing in the upper Yukon, and I have an advantage in that respect over many who claim to know so much about it in that I have seen some of that interior region for a brief season. If you want to develop the agricultural possibilities of the interior of Alaska, do not build any railroads. The only reason why anyone grows grain and hay and potatoes in the interior of Alaska is that the price is so high that they can almost afford to grow those products in a hothouse. They spend large sums for the melting of the surface of the soil, for the thawing of the soil far enough down to produce these hardy crops. They will continue to produce, in a limited way in that interior country, these crops until the railroads come and the price of produce is reduced, and then it will largely cease. Agricultural development in Alaska will be most rapid in those regions where there is no railroad transportation and therefore prices are high.

The CHAIRMAN. The time of the gentleman from Wyoming has again expired.

Mr. HOUSTON. Mr. Chairman, I move that all debate on this paragraph and amendments thereto be closed.

Mr. FALCONER. Mr. Chairman, I desire two minutes. Will the gentleman yield two minutes to me?

Mr. HOUSTON. Yes. I withdraw my suggestion, Mr. Chairman, for the present.

Mr. STAFFORD. Does not the gentleman [Mr. HOUSTON] think he ought to make some explanation of the amendment proposed by the gentleman from Oklahoma [Mr. DAVENPORT], or state his position toward it? I think it is a very meritorious proposition.

Mr. HOUSTON. The gentleman has been heard on that.

The CHAIRMAN. The gentleman from Washington [Mr. FALCONER] is recognized.

Mr. DAVENPORT. Mr. Chairman, I want to ask the gentleman a question.

The CHAIRMAN. Does the gentleman from Washington yield?

Mr. FALCONER. I do.

Mr. DAVENPORT. I do not mean to take the gentleman from Washington off the floor, but the gentleman from Wisconsin [Mr. STAFFORD] asked a question.

Mr. FALCONER. I will yield to the gentleman three minutes if I can have five minutes.

Mr. HOUSTON. Mr. Chairman, I ask unanimous consent that all debate on this section and amendments thereto close in 12 minutes.

The CHAIRMAN. The gentleman from Tennessee [Mr. HOUSTON] asks unanimous consent that all debate on this paragraph and amendments thereto close in 12 minutes. Is there objection?

There was no objection.

Mr. FALCONER. Mr. Chairman, the gentleman from Wyoming is always interesting, and he is particularly interesting when he talks without considering the facts he is using so glibly and easily. [Laughter.] The gentleman suggests that we go out in the corridor and get the reports of the Weather Bureau, and for his information I should like to read from the Weather Bureau reports of the 14th.

Mr. MONDELL. No; I suggested that the gentleman look at the globe.

Mr. FALCONER. For instance, in Yellowstone Park, Wyo., on the 14th, the temperature was 18 above zero. Now, let us see what it was up in the frigid and frozen regions of Alaska, about which we have heard so much. At Dutch Harbor, away out yonder, 2,000 miles west of Wyoming and a great many miles north, the temperature was 36. In Sitka, Alaska, the temperature was 44. In Valdez, Alaska, the temperature was 22 above zero, as compared with 6 above zero in Lander, the State of the gentleman from Wyoming [Mr. MONDELL]. Tanana, which is away up in the northern part of the country which we are considering developing at this time, was down to zero on that day, as it also was at Miles City, Mont. Nome, Alaska, in that portion of the Territory that is said to be frigid and frozen 2,000 feet below the earth's surface, on the day when it was 6° above zero in the gentleman's State was 14° above.

We have heard much about the icebergs and much about the opposition to Government ownership of railroads. I submit that when the gentleman from Oklahoma [Mr. DAVENPORT] reads his speech in the morning he will find he has made a

splendid speech in favor of the Government ownership of public utilities and transportation lines.

Mr. DAVENPORT. Mr. Chairman—

The CHAIRMAN. Does the gentleman yield?

Mr. FALCONER. Yes; I yield.

Mr. DAVENPORT. I want to suggest to the gentleman from Washington that if he will closely observe the language he will see that it is confined to a much smaller proposition than the Government ownership of railroads.

Mr. FALCONER. The gentleman suggested that the Government could save much money by having steamships and transportation lines running from the western coast of the United States to Alaska, rather than to pay the prices demanded by private corporations and steamship companies.

To show the inconsistency of the opposition to the bill, a different position is taken by the gentleman from New York [Mr. LEVY] when he submits the proposition that the Government-owned ships down in the Panama country charge higher freight rates than do private corporations. So I want to say it seems to me that the opposition to this bill are put to the limit for material upon which to base an argument when they refer to temperatures being frigid, which, as a matter of record, are better than those of their own localities, and when the gentlemen who have been opposed to the bill are now willing to concede that Government ownership of transportation lines, when compared to the transportation lines owned by individuals, accrues to the benefit of the whole people of the country.

Mr. MANN. Mr. Chairman, the gentleman from Wyoming [Mr. MONDELL] a moment ago advised us to go out into the corridor and look at the weather map. Having often taken his advice before, I have followed it at this time.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. MONDELL. I think the gentleman misstates my proposition. I advised the gentleman to go out and look at the globe.

Mr. MANN. Very likely I misunderstood the gentleman. He is not always so perfectly clear that I recognize what he means. [Laughter.] I thought that was what he meant from what he said.

The temperature in the District of Columbia this morning was 26 above zero. The temperature in Valdez last night was 28° above zero. The temperature in Nome was 32° above zero, or just at the freezing point. The temperature at Dutch Harbor was 38, and the temperature at Sitka was 44; after all, not quite so cold as the speech of the gentleman from Wyoming.

Mr. WHITE. Has the gentleman a record of the temperature at Fairbanks?

Mr. MANN. I have not.

Mr. WHITE. That would be most interesting.

Mr. MANN. Very likely. I have no doubt there is cold weather at the North Pole and at many places in Alaska, but that does not answer the proposition that there is also some mild weather up there.

Mr. WHITE. We have never contended that the southern coast was not mild. It is the interior that has the unfavorable climate.

Mr. MANN. There is enough coast to make a good deal of space up there.

Mr. MONDELL. Mr. Chairman—

The CHAIRMAN. The gentleman from Wyoming is recognized for three minutes.

Mr. MONDELL. Is that all the time there is left?

The CHAIRMAN. The Chair will state to the gentleman that debate on this paragraph and amendments thereto was to close in 12 minutes. There are three minutes of that time remaining.

Mr. MONDELL. I prefer to speak later, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. DAVENPORT].

The question was taken, and the amendment was rejected.

Mr. LEVY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend page 13, by striking out lines 19, 20, 21, 22, and 23.

Mr. LENROOT. Mr. Chairman, I have a preferential amendment to perfect the text.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by inserting after the word "the," in section 2, line 19, page 13, the following: "act entitled 'An act to regulate commerce,' approved February 4, 1887, and all amendments thereto shall apply to said railroad or railroads and the."

Mr. HOUSTON. Mr. Chairman, I have no objection to that amendment.

Mr. LENROOT. Mr. Chairman—

Mr. STAFFORD. Will the gentleman yield for a question? Mr. LENROOT. I will.

Mr. STAFFORD. As I understand the gentleman's amendment, it is to extend the act of February 8, 1887, and all amendments thereto. Does the gentleman think the phraseology embodied in his amendment will extend to the amendatory acts.

Mr. LENROOT. It so expressly states—all amendments thereto.

Mr. MANN. That covers it.

Mr. STAFFORD. I simply wanted to inquire whether the gentleman thought it would extend to amendatory acts of the original act.

Mr. COOPER. Will the gentleman from Wisconsin yield?

Mr. STAFFORD. I will.

Mr. COOPER. Is not that amendment already covered by language in lines 19 to 23, page 13, which reads as follows:

Sec. 2. That the Interstate Commerce Commission shall have as full power and authority over all matters connected with said railroad or railroads as it has by law over other railroads, and nothing in this act shall in any wise limit its powers or duties in respect to said railroad or railroads.

Mr. LENROOT. There is this distinction: The interstate-commerce act, in addition to giving the Interstate Commerce Commission power, lays down certain mandatory duties and prohibitions on railroads.

Mr. MANN. Like the long-and-short-haul clause.

Mr. LENROOT. Yes; and with reference to passes. The power of the Interstate Commerce Commission over railroads in this respect depends upon the railroads violating the law, and therefore merely giving the Interstate Commerce Commission power over these railroads, as they have over other railroads, would not extend their power over them unless the railroads themselves violated some provision of the interstate-commerce law. If it is desired—and I understand it was the thought of the committee—that the interstate-commerce act should apply to these railroads, then it seems very clear that this amendment should be adopted.

Mr. HOUSTON. Mr. Chairman, I want to say that it was the understanding of the committee and is the understanding of the committee that the language of the bill already covers the provision. The Supreme Court has already decided that the Interstate Commerce Commission has control of all railroad matters in Alaska, the same as anywhere in continental America, and they are now exercising that control. However, I have no objection to the amendment, because the committee thinks it is covered already.

Mr. LENROOT. That might be so if section 2 was not in the bill, but inasmuch as it was found necessary to provide certain things with reference to the power of the Interstate Commerce Commission, it might well be that the court in construing this act would say that it was the intention of Congress to exclude the interstate-commerce act from these railroads.

Mr. MANN. Might it not easily be said that the railroad, if operated by the Government itself, would not be under the interstate-commerce act, although the Supreme Court has provided that the interstate-commerce act extends to Alaska? I doubt very much whether it would apply to a Government owned and operated road without explicit statement.

Mr. LENROOT. If the gentleman will observe, the Senate bill expressly excludes the interstate-commerce act except as to certain of its provisions.

Mr. OGLESBY. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. OGLESBY. I did not catch the purport of the gentleman's amendment. Does it apply to railroads only?

Mr. LENROOT. To railroads only.

Mr. LEVY. Mr. Chairman, I am opposed to extending the power of the Interstate Commerce Commission. We are on the verge of great prosperity, and the only obstacle in the way is this commission. The railroads of this country have asked for an increase of freight rates of 5 per cent, and the evidence was closed on the 15th of last December. The commission again opened the case and submitted 78 questions. Now, the answer to those questions, or the material for the answer, the commission has in its archives. If the railroads have to answer the questions submitted by the commission, it will take 10 years of their time and cost many millions of their money. The Interstate Commerce Commission has at the present time piled upon it too much work. They have investigations into the question of the increase of rates coming up given them by the Senate, and the Louisville & Nashville Railroad, the United States Steel Corporation rebates, and all that, together with everything else, takes up all the time of the commission.

They have extended temporarily the decision of the rate-increase question to September—a question which they can decide now. The people, by the prima facie evidence, have de-

cided that the railroads are entitled to this increase in rates. The commission is holding the country up. In the month of November 478 leading railroads of the country lost in that one month \$15,000,000 net. The railroads have increased the wages of their employees about 20 per cent during the last four years. The Interstate Commerce Commission has done nothing but reduce freight rates.

The railroads carry a ton of freight 6 miles for a postage stamp and carry a ton of freight 400 miles for a dollar. We have the great postal system of the United States, and the railroads of the country are compelled to carry the mail for less than cost. I believe they do it at a loss to themselves of some \$10,000,000 a year. We all know of a railroad which is nearly bankrupt, and they are carrying the mails at an annual loss of about \$500,000. The Interstate Commerce Commission has held up many of its decisions. The Terminal decision was only handed down the other day, and I understand it was pending for a period of two years. Are we going to continue to hold up the entire country?

So much for the Interstate Commerce Commission. I honestly believe that you should adopt the bill recently introduced by me to increase the membership of the commission to 11. You should put on that commission some great railroad man and a financier, as they do in England, on the board of trade. This commission started in its infancy with people who learned their business inside the Interstate Commerce Commission and not outside.

I am opposed to the principle of the Government using the money of the people of this country for the purpose of constructing railroads, but in the case of Alaska the treatment accorded that great Territory of the Northwest by the United States has been so disastrous in destroying private enterprises and preventing its improvement by private capital, thereby bankrupting all corporations that had taken advantage of the mining laws of the United States preempting coal lands under the mineral act, that, in my judgment, it is no more than proper that the Government should construct this railroad and give the people the benefit of the wonderful wealth of Alaska.

I myself, am as firm a believer as anyone in the general principles of conservation, but I do not believe that we should utterly neglect the present in order to care for the future generations. The laws of conservation that prevent the purchasing of coal lands under the existing mineral act should be repealed and the people thus be granted an opportunity to give the United States advantage of the enormous wealth of this young giant of the Northwest. No capitalist can afford to open up coal mines in Alaska, as the cost of undertaking such an enterprise runs into many thousands of dollars, and then the return will be very insignificant for some years to come. The only prospect in the way of return is the possibility of increased value year after year, due to improvements. In the State of Alabama the average leasing price for coal rights is between 7½ cents and 8 cents per ton, while at the junction of Virginia, Maryland, and Pennsylvania during recent years coal lands have been purchased for \$150 per acre. In my judgment, there is no sensible reason why the Government of the United States should not sell these lands of Alaska for \$20 an acre, and this would be a handsome price, even though the lands may be rich in coal.

It is impossible for us even to more than faintly estimate the enormous future possibilities of the Territory of Alaska. This wonderland has been so crippled and hampered in its efforts for progress and industrial development by the restrictions placed upon enterprises by a mistaken policy that its development will not be retarded, but absolutely stopped, unless our policy is changed. Canada within recent years has progressed by leaps and bounds, and it is well to note how our Canadian friends have assisted their railroads during the past few years. Up to the year 1912 Canada spent on railroads approximately \$500,000,000 and on canals about \$140,000,000, and during the same year the Canadian House of Commons appropriated nearly \$40,000,000 toward the building of railroads.

To understand more fully, Mr. Chairman, the opportunities that we have been neglecting, let us examine some of the resources of Alaska. Let us first see how the account of this wonderful Territory of the Northwest stands with the United States from the time of its purchase up to the year 1911:

Statement of Government revenues from Alaska under specified heads during years ended June 30, 1869 to 1911, inclusive.¹

Year.	Internal revenue.	Customs.	Public lands.	Tax on seal-skins.	Rent of seal islands.	Alaska fund. ²	Agricultural experiment station.	Miscellaneous.	Total.
1869		\$18,504.30						\$316.72	\$18,821.02
1870		4,655.22						12,997.82	17,653.04
1871		4,097.47		\$101,080.00				1,159.27	106,336.74
1872		1,019.94		322,863.38				1,800.74	325,984.06
1873				252,181.12	\$55,000.00			671.53	307,852.65
1874		321.93		272,081.25	55,000.00			37,915.78	365,318.96
1875		405.89		262,494.75	55,000.00			1,037.92	318,938.56
1876				262,584.00	55,000.00			366.48	317,950.48
1877		.54		236,155.50	55,000.00			380.55	291,536.59
1878		4,815.75		198,255.75	55,000.00			1,264.63	259,336.13
1879		437.18		262,447.50	55,000.00			403.38	318,288.06
1880		1,950.50		262,400.25	55,000.00			836.31	320,187.06
1881		2,188.63		262,594.50	55,000.00			514.78	320,297.91
1882		1,046.66		261,885.75	55,000.00			741.89	318,674.30
1883		2,856.52		262,295.25	55,000.00			1,587.03	321,738.80
1884		645.40		196,875.00	55,000.00			919.56	253,429.96
1885		298.09		262,400.25	55,000.00			469.98	318,168.32
1886		1,276.42		262,489.50	55,000.00			2,643.74	320,809.66
1887		3,262.56	\$375.00	262,452.75	55,000.00			1,556.73	322,647.04
1888		2,338.44		262,500.00	55,000.00			1,727.50	321,565.94
1889		5,037.36	2,610.00	262,500.00	55,000.00			2,701.29	327,848.65
1890	\$1,961.55	6,926.83	750.00	262,500.00				18,862.32	291,000.70
1891	2,917.33	3,256.17	2,661.00	214,673.88	55,000.00			23,863.77	302,372.15
1892	3,576.00	5,831.03	420.00	46,749.23				3,950.59	60,526.85
1893	2,714.53	6,723.33	515.00	23,972.60				7,301.22	41,226.68
1894	2,111.50	16,322.00	2,730.47	96,159.82	500.00			6,435.59	124,259.38
1895	2,788.00	12,480.68	985.00	163,916.97	700.00			8,647.06	189,517.71
1896	3,682.58	8,335.58	550.00	153,375.00	1,100.00			8,948.44	175,991.60
1897	7,261.68	10,858.80	345.00	306,750.00	1,100.00			9,745.52	326,061.00
1898	15,946.21	35,586.60	135.00	212,332.35	700.00			19,338.20	284,038.36
1899	23,900.60	47,979.86	591.00	184,377.20	900.00			44,546.87	302,295.53
1900	13,601.96	57,623.62	2,376.32	224,476.47	1,200.00			195,658.85	494,937.22
1901	19,725.02	86,593.15	1,889.66	229,755.75	2,900.00			182,759.20	523,622.78
1902	23,281.17	62,682.47	5,819.96	231,821.20				150,720.29	474,325.09
1903	17,494.58	70,938.66	2,286.56	286,133.40	100.00			126,966.92	503,910.12
1904	16,656.86	44,996.52	5,739.82	197,260.70	200.00			200,539.55	525,393.45
1905	18,419.84	133,978.25	9,686.37	134,233.80	200.00	\$40,172.23	\$300.31	122,308.32	459,299.12
1906	18,348.66	77,878.45	13,818.32	146,912.80	100.00	160,660.25	350.70	115,492.64	533,561.85
1907	18,544.16	98,449.46	54,195.21	148,017.10	100.00	164,656.14	4,796.28	91,418.88	580,177.23
1908	15,723.95	70,439.73	17,182.83	153,006.90	100.00	205,773.63	1,446.39	116,032.52	579,705.95
1909	18,217.40	67,025.79	79,116.26	153,375.00	(³)	155,305.26	1,154.84	107,185.81	581,380.36
1910	20,332.93	56,348.23	131,264.05	153,375.00	(³)	260,040.26	866.42	112,374.21	734,601.10
1911	23,035.24	45,016.22	136,657.91	403,946.94		175,490.59	2,536.41	114,561.70	901,166.01
Total	290,241.75	1,081,430.23	472,621.74	8,855,658.61	999,900.00	1,162,098.39	11,451.35	1,919,062.10	14,792,464.17

¹ The Territory of Alaska was attached to the district of Oregon Dec. 27, 1872, and on Sept. 1, 1883, Washington and Oregon were consolidated; again on Sept. 1, 1902, Washington and Alaska were detached from the district of Oregon and made a separate district.
² Act of Jan. 27, 1905.
³ Forfeiture for taking seals unlawfully, included, \$1,000.
⁴ Included under "Tax on seal skins."

regard to which the gentlemen have given figures of temperatures is territory which has been occupied for years, does not to-day produce more agricultural products than you can load in a pushcart. First, because the climate, while mild, is not suitable for the successful growth of a variety of agricultural crops. There is not enough level ground in all that portion of Alaska to grow any considerable product. But gentlemen have given us no temperatures of interior Alaska, with its Arctic climate, and even then those winter temperatures might not on a certain day be very low. The fact, the cold, hard, frozen fact, denied by no one, is that a large portion of these interior valleys, particularly Tanana and the upper Yukon, are frozen eternally to a depth of from 50 to 200 feet. It never thaws out until the tundra or the timber has been removed and opportunity given for the sun to strike the soil unimpeded by this vegetation. That is when you can grow a little something in the three summer months, in spite of its frigid temperature. The cost of producing crops under such conditions is so great that they can not be produced with a profit except when the price is extremely high. Therefore the building of railroads into interior Alaska will not encourage agriculture, but discourage it. I do not claim this is a good reason for not building railroads, but it is a fact to be considered by those who are basing their support of the bill on the idea it will help agricultural development.

The CHAIRMAN. The time of the gentleman has expired. All time has expired.

Mr. LA FOLLETTE. I would like to ask unanimous consent for one minute, in order to give the gentleman from Wyoming a little information in regard to weather conditions in the interior of Alaska. The gentleman said none has been given.

The CHAIRMAN. The gentleman from Washington asks unanimous consent that the time may be extended one minute. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. LA FOLLETTE. Mr. Chairman, on February 13, this year, the Government reports show that in New York City the highest temperature was 10 and the lowest zero. At Tanana, interior of Alaska, of which the gentleman talks so much, the same date, the highest was 6 and the lowest was 2 above zero, and that in this cold, frigid Alaska. [Applause.]

Mr. SIMS. Mr. Chairman, I want to ask unanimous consent to print in the RECORD an editorial from the Commercial Appeal, of Memphis, Tenn.

The CHAIRMAN. The gentleman from Tennessee [Mr. SIMS] asks unanimous consent that he may extend his remarks in the RECORD by inserting the editorial to which he has referred. Is there objection?

There was no objection.

Following is the editorial referred to:

OPENING OF ALASKA.

Along with the announcement that the Government railroad in Alaska will be built according to the outlined plans previously discussed comes the practical plan to develop the Alaskan coal fields.

A bill has been introduced in Congress, with the approval of Secretary Lane, and it is the general understanding that it outlines the administration's policy.

Since the eyes of the country have been directed toward Alaska unexpected resources have been discovered. The wonderful mineral fields are just beginning to be explored. The exhaustless deposits of coal make it a Mecca for the miner. Development of Alaskan resources has been slow on account of the practical inability to reach the markets of the world. There are no railroad lines penetrating the coal fields and rich veins of ore await the pick of the miner. Great fortunes are within the grasp of the people. If the railroad to be built is built by the Government, and is to be controlled by the Government, the land grabber will have but small chance to dominate the situation.

This stand of the administration is said to represent Democratic socialism. If it is a socialistic view—this Government control—it was a socialistic inspiration which prompted this country to purchase Alaska in the beginning.

Some day, if Secretary Bryan's views are confirmed, the Government will own and control all railroads and telegraph lines. This is the situation in Europe. Democrats have at various times leaned more or less favorably toward Government ownership, and both Democrats and Republicans in the House, when the Alaskan bill was voted upon, overwhelmingly leaned toward Government ownership of the proposed Alaska railroad.

The United States having purchased Alaska from Russia it is now the duty of the Government to develop its holdings and give the people the advantage of the acquired territory. The Government should utilize its new possessions for the best interests of the public, and there can be no question that national sentiment to-day, without any consciousness of socialistic taint, is in favor of the Government retaining a controlling power over the Alaskan coal fields. In fact, if a consensus of public opinion were possible on the question, a majority expression might be expected on the taking by the Government of such coal lands as are now in private hands.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. LENROO] to perfect the text of the bill.

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

The CHAIRMAN. The question now is on the amendment offered by the gentleman from New York [Mr. LEVY].

The question was taken, and the amendment was rejected. The CHAIRMAN. The Clerk will read.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GARRETT of Tennessee having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 11325. An act to authorize the reconstruction of the existing toll bridge across the Hudson River at Troy, in the State of New York, and the maintenance of the bridge so reconstructed.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 3439) appropriating funds for the purpose of the investigation, treatment, and eradication of hog cholera.

RAILROADS IN ALASKA.

The committee resumed its session.

The Clerk read as follows:

SEC. 3. That the Secretary of the Treasury, upon the order of the President, is hereby authorized to borrow, on the credit of the United States, from time to time as the proceeds may be required to defray expenditures authorized by this act (such proceeds, when received, to be used only for the purpose of meeting such expenditures), the sum of \$35,000,000, or so much thereof as may be necessary, and to prepare and issue therefor coupon or registered bonds of the United States in such form as he may prescribe in denominations of \$100, or some multiple of that sum, redeemable in gold coin at the pleasure of the United States after 10 years from the date of their issue and payable 30 years from such date, and bearing interest, payable quarterly in gold coin, at a rate not to exceed 3 per cent per annum; and the bonds herein authorized shall be exempt from all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority: *Provided*, That said bonds may be disposed of by the Secretary of the Treasury at not less than par under such regulations as he may prescribe, giving to all the citizens of the United States an equal opportunity to subscribe therefor, but no commission shall be allowed or paid thereon, and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$1,000,000 to be used for carrying out the provisions of this act, including the expense of preparing, advertising, and issuing the bonds herein authorized, to continue available until expended: *Provided*, That so much of the said sum of \$1,000,000 as shall have been expended shall be reimbursed to the Treasury out of the first proceeds of the sale of said bonds: *Provided, however*, That the total amount authorized by this act to be appropriated shall not exceed the sum of \$35,000,000, including any sum in or by this act appropriated.

Mr. FITZGERALD, Mr. HOUSTON, Mr. TOWNER, Mr. LINDBERGH, and Mr. WILLIS rose.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] is recognized.

Mr. FITZGERALD. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 13, by striking out all of the section commencing with the word "that," in line 24, down to and including the word "however," in line 3, page 15.

Mr. HOUSTON. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 30 minutes.

The CHAIRMAN. The gentleman from Tennessee [Mr. HOUSTON] asks unanimous consent that all debate on this amendment be closed in 30 minutes. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. FITZGERALD. Mr. Chairman, the purpose of this amendment is to strike from the bill authority to issue bonds for the reimbursement to the Treasury of the moneys to be appropriated for the construction of the railroad authorized in the bill. As drafted the amendment leaves in the bill the limitation of \$35,000,000 upon the cost of the roads. If the amendment be adopted, I shall offer an amendment to strike out section 4, which is in the nature of a sinking-fund provision, and it would be necessary that the gentleman from Tennessee [Mr. HOUSTON] offer an amendment appropriating the sum of \$1,000,000 to commence the work, which is contained in the language which I propose to strike out.

Mr. Chairman, I suggest the striking out of the authority for the issuance of bonds, because, in my opinion, no justification exists for providing for the bonding of this country for the construction of the proposed railroads. The Treasury condition does not demand it. It is not a part of the fiscal policy of the United States to enter upon its public works and provide for their construction out of the issuance of bonds. It is contrary to the policy of the Democratic Party. If it be done, it will mark the beginning of a policy that is not only new but wholly unnecessary. Its one result will be to stimulate the desire and the activity of those who are seeking aid from the Federal Treasury for various enterprises to have them financed by bond issues, when the condition of the Treasury will not permit their flotation in other ways.

Mr. Chairman, if the \$35,000,000 to be spent upon these railroads be provided from the proceeds of bonds running for 30 years—the maximum time provided in the bill—and if they be issued and be permitted to remain unpaid for the full term of 30 years, with interest rate of 3 per cent, at the expiration of 30 years we will have paid \$31,530,000 in interest charges and still owe the principal debt of the bonds. Who can justify such financing on the part of the United States at this time? The condition of the Treasury does not demand it.

In only one notable instance has the Federal Government provided for the conduct of a great enterprise by the issuance of bonds. I wish to call the attention of the committee to the situation as a result of that legislation. When the Panama Canal was first authorized, Congress wisely, in my judgment, provided for its construction out of the current revenues of the United States, and then for fear, perhaps, that the drain would be too great, it authorized an issuance of \$135,000,000 in bonds for the reimbursement of the Treasury to that extent, to be made as a result of the expenditures for the construction of the canal. Later, when it was ascertained that, despite the investigations by the many commissions that had been authorized, the estimate of \$135,000,000, excluding the \$40,000,000 for payment to the French company, \$10,000,000 to the Republic of Panama, about \$12,000,000 on account of sanitation, and some \$12,000,000 or \$13,000,000 due to the increase in the size of the cut, the size of the locks, and some other incidental and not considered expenses, that the cost of the work had been missed by \$150,000,000, we increase the limit of cost from \$135,000,000 to \$375,000,000. And then, in the Payne-Aldrich Tariff Act the limit on the bond issue was removed and was fixed at \$375,000,000. The experience in the estimate of the cost of the canal, in my opinion, will be repeated. Without detailed surveys and estimates costs can not be adequately computed, and I have reason to believe that instead of an expenditure of \$35,000,000 this legislation will entail an expenditure of a sum double or treble that suggested.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. I ask unanimous consent to proceed for five minutes longer.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FITZGERALD. The limit of cost for the canal is \$375,000,000. It was definitely fixed after Col. Goethals was put in charge of the work. There has been expended to date \$342,286,745.24 on account of the canal construction. There remains to be appropriated but \$32,000,000 additional. For all of the \$342,000,000 expended the Treasury could have been reimbursed by the issuance of bonds. Up to date there have been issued but \$134,000,000 of bonds, and there are still to be issued and still authorized to reimburse the Treasury for the cost of constructing the canal bonds to the amount of \$240,569,000. No necessity has arisen for the issuance of the \$203,000,000 that to-day can be issued in order to reimburse the Treasury. If we reimburse the Treasury to the extent of the appropriations to be made from this time on—\$32,000,000—there will be still \$200,000,000 in bonds that can be issued for the purpose of reimbursing the Treasury for expenditures that have been made on account of the canal.

In view of such a situation, how can we justify increasing the bond authorization on the part of the Government when, in addition to this \$200,000,000 to be issued some time in the future, ostensibly for the reimbursement of the Treasury on account of the Panama Canal—

Mr. LENROOT. Will the gentleman yield?

Mr. FITZGERALD. In just a minute.

The Treasury still has under the law authority to borrow up to \$200,000,000 for the period of one year upon 3 per cent certificates of indebtedness.

Now I yield to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Does the gentleman expect it will be necessary to use some part of that \$200,000,000 to reimburse the Treasury?

Mr. FITZGERALD. Not any more than it has been doing in the past. Some bonds have been issued from time to time, but none recently, as I recall.

Mr. LENROOT. The gentleman expects that that will continue?

Mr. FITZGERALD. Yes; during the current year bonds may be issued as in other years. None have been issued this year, unless I am in error.

Mr. HOUSTON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. FITZGERALD. I will yield to the gentleman.

Mr. HOUSTON. I desire to ask a question of the gentleman from New York [Mr. FITZGERALD] for the purpose of getting his

construction of the language of the bill and his views upon it. The gentleman will notice that this bill, in this section under discussion, provides "That the Secretary of the Treasury, upon the order of the President, is hereby authorized to borrow, on the credit of the United States, from time to time as the proceeds may be required to defray expenditures authorized by this act," and so on. Now, does the gentleman understand that that would go any further than simply to give authority for the issuance of bonds in the event it was necessary to raise money, or in the event that there was not a surplus in the Treasury that might be used? I ask that question now, in order to get the gentleman's views on that proposition.

Mr. FITZGERALD. I am not certain what is intended. If this language be not stricken out, I propose to offer an amendment that will make it clear that the proceeds of these bonds can not be expended for the construction of the roads, but merely to reimburse the Treasury, as for the Panama Canal, and that no money shall be expended except such as is from time to time specifically appropriated by Congress. Those in control of the construction of the roads should be compelled to come to Congress annually with their detailed estimates, just as those who are constructing the Panama Canal are compelled to do, and obtain appropriations, so that Congress may know and may keep its control upon the expenditures to be made.

But that is not the question now. There is not to-day a situation in the Treasury that necessitates the issuance of bonds. We have already authorized the issuance of bonds for the reimbursement of the Treasury on account of the Panama Canal much beyond what is necessary. When the Panama Canal is finished every indication is that there will be \$200,000,000 of unissued bonds in the Treasury which can be issued at some time, ostensibly for the purpose of reimbursing the Treasury for these expenditures. But if these bonds are issued at any time after the canal is finished they will be issued under one guise, but for another and a different purpose.

Mr. MOORE. Mr. Chairman, I move that the time of the gentleman from New York be extended until his statement is finished.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] moves that the time of the gentleman from New York [Mr. FITZGERALD] be extended until he has finished his statement. Is there objection?

Mr. SHERLEY. Mr. Chairman, I want to make an inquiry as to whether or not that comes out of the 30 minutes? Some of us also want to be heard on this proposition.

The CHAIRMAN. The Chair thinks it will come out of the 30 minutes.

Mr. FITZGERALD. I will suggest to the gentleman from Tennessee [Mr. HOUSTON] that perhaps it will be wise to extend the time. This is a very important question.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent that the gentleman from New York be allowed to continue his statement.

Mr. MOORE. That is my request, Mr. Chairman. This is the most important statement that has been made to-day.

The CHAIRMAN. Is there objection to the gentleman's request?

Mr. GOOD. I object, Mr. Chairman.

Mr. HOUSTON. Mr. Chairman, I desire to ask unanimous consent that the 30 minutes be extended to 35 minutes or 40 minutes. Make it 40 minutes. That will give the gentleman from New York [Mr. FITZGERALD] five minutes more.

The CHAIRMAN. The gentleman from Tennessee [Mr. HOUSTON] asks unanimous consent that the time be extended 40 minutes for the discussion of this amendment, and that 5 minutes of that time be given to the gentleman from New York [Mr. FITZGERALD]. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Chairman, the time may come; it may be near at hand; I can not tell; no one can tell, considering the sentiment of the country, when it will be necessary for the Federal Government to embark upon the policy of issuing bonds for the payment of many things that should be paid for out of our current revenues. I hope the time is far distant. I hope it will not come, at least under a Democratic administration. But regardless of that prospect, considering the situation of the Treasury as it is to-day and as it is likely to be for some time to come, the necessity is not at hand. There will be \$200,000,000 of bonds in the Treasury, which can be used to reimburse the Treasury within a year, as a result of the completion of the canal. What necessity or what excuse is there at this time to increase the authorized bond issue of the Government?

I have no sympathy with the suggestion that the question of borrowing money for various governmental purposes should ever be left in the discretion of the administrative officers of the Government. I believe that if the Government is to increase its bonded indebtedness it is a matter of legislative concern. The permanent debt of the country should not be increased merely by act of the Executive. Such questions should be determined by the Congress in the time of necessity. The fiscal policy of the Government should be fixed carefully, wisely, and cautiously by this House, and it should not out of hand provide for large issues of bonds in the discretion of the Executive. If the bonds should be issued, make their issuance imperative; if it be a matter for future determination, then it should be reserved for determination by the Congress when the occasion for decision arises.

I take it that the gentleman is proposing to spend under this bill, by appropriation, a million dollars to commence this work. But, Mr. Chairman, this million dollars will not be an appreciable drain upon the Treasury, considering the rate at which our expenditures are to be made during the next year. We propose to expend more than \$1,000,000,000 during the coming fiscal year; so that \$1,000,000 appropriated in cash or any other number of million dollars during the period to be taken to construct this railroad up to \$35,000,000 will not make an appreciable impression upon the Treasury of the United States. Why, then, authorize the bond issue and pile up in the control of the executive officers of the Government authority to issue bonds?

If the time ever comes when our revenues fall off so as not to provide the necessary money to meet our current expenses, in a time of great political excitement, one political party or another—and one is just as likely to do it as another—instead of facing the situation and revising the revenue laws, so as to produce the revenues necessary to pay the current expenses of the Government, will be resorting to this device of piling up the bonded indebtedness of the Government by reimbursing the Treasury for advances that have been made. Such a situation should not be possible. If it is permitted, it will be because we hand away to others a control of the country's fiscal affairs that should be retained in Congress. Anyone familiar with the tendencies of the times, with the constantly increasing demands for the extension of Federal activities and of Federal expenditures realizes the difficulties that confront us. Initiate this policy, pass up to posterity the burdens which belong to the present and should be borne by current revenues, and the difficulty of obtaining grants from the Federal Treasury will have been solved. I hope, in view of the situation of the Treasury, that this provision will be stricken out, and if an Alaskan railroad is to be constructed it will be constructed as other great works are done and be paid for out of the current revenues of the Treasury.

No one suggested that the \$25,000,000 to be expended annually for good roads should be paid out of the proceeds of bonds. It was suggested a short time since, but the suggestion has been dropped, that we should issue \$500,000,000 of bonds to enable appropriations of \$50,000,000 a year to be expended in the improvement of our rivers and harbors. Do we desire to revitalize that suggestion? It has been proposed that public buildings should be paid for out of the proceeds of bonds. Is that evil not sufficiently great under the present system? Start this policy. Let it be known that we can put upon posterity the expense of these great public works that are considered of such a benefit to the Nation, and the bond issues of the Federal Government and the requirements of the sinking fund to pay the interest and to amortize the principal will become the hideous nightmare that men in control of Government finances will be facing day and night. I hope we will not start now. Let us defer the initiation of such a policy while we may. If these roads are to be authorized and to be built, let them be paid for from the current revenues of the Government. The Treasury is better able to stand the drain proposed to be placed upon it by this bill than can the country the adoption of a fiscal policy the effects of which can not be foreseen. [Applause.]

Mr. LINDBERGH. Mr. Chairman, I shall vote for this bill, but it has some unsatisfactory provisions that should be changed. The people have been striving for general betterment with little success. Each political party promises to bring about the desired result. In so far as any has been tried it has failed, and it has been tried so often that we should know that it can not be done in that way unless the people themselves do their own thinking, form their own party, make their own plans, and put them into execution.

The object of human life can not be interpreted into one for the mere purpose of existence, but the present methods result in that, because happiness for the most of us is confined to our

childhood. The environments that surround us as adults materially control our individual actions. We deal with them sometimes willingly, sometimes gladly, sometimes against our objections, but most of them are so common that we seldom think of them in connection with the plan of government or the way business is done, and some of them some of us never think of in that sense.

The extravagance and waste of the present system has resulted in making the majority of the people industrial slaves. We work to purchase ease, and support in extravagance, the idle families of millionaires. Mothers toil and drudge to rear their children to become the servants of the aristocracy of wealth. That is the result of business as it is now carried on. We need a change. Therefore let us not interpret this bill wholly from the viewpoint of present business demands or methods.

I do not interpret the object of life to be for the purpose of business, but rather that business should be done for the purpose of increasing advantages, and not to burden us as it does now. I do not claim that life gives no pleasure as it now operates. We can be more or less happy even amid the misfortunes that have resulted from diverting the objects of life from the pursuits of the "general welfare" to a purely business or commercial existence. We have the benefit of comparison, and in the diversity of circumstances—the diversity of things that take place—we find actual pleasure in the relief that is offered from the most strained and burdensome things in the more tolerable ones. In a comparative sense, one circumstance measured with another, we really consider the best ones successful because by comparison they are so much better than the worst. In doing so many of us have failed to take into account that there is a prospective condition with which we have made no comparison, and as compared with which, even the most favorable of the present and past experiences, is a dismal failure. I do not wish anyone to brood over past failures, nor to even complain about the present. But since there is an opportunity to make the very best of conditions—better than we have ever had, and to bring about their enjoyment by all—we should proceed to establish them and not waste our time in ceaseless struggle that means "certain failure" for all "but a few." It is to the future that we must look for "real success"—success to all. With the growing intelligence of people generally, there should no longer be danger of the truth being taken as enigma.

A few persons who have seen further ahead than the majority of us have, have taken notice of the enormous waste that has grown out of our old system, and they have organized corporations to overcome some of the most striking disorders of business. But these corporations in most cases are trusts and operate for extremely selfish purposes. The public has derived comparatively little benefit from their existence, but, on the contrary, in some cases has been actually injured.

The trusts have been able to systematize and practice economy in the cost of production and distribution, but since they are monopolies the public has not had a proper advantage from their formation. On the contrary, the trusts have used the monopoly to reduce prices when they buy from the original producers and increase them when they sell to the consumer. Thus they build up colossal fortunes, commonly called vested capital, for the individuals who control them. On these fortunes the public is charged annual compound interest, rent, and dividends. As against these and this system, while in force, there is absolutely no possibility of the general public succeeding. It is a certainty that the public can not succeed.

Experience teaches the managers of the trusts that they may cooperate to their mutual business profit, and therefore there is a community of interest between them, which will not be destroyed by a mere denial of interlocking directorates. But there is not the slightest community of interest between the trusts and the public, except that the trusts wish the people to have at least an existence in order to work for the trusts. It is self-evident that if the trusts can cooperate to support each other at the public expense, the public must, within itself and for itself, profit by making use of the example. The people themselves should and will be compelled to cooperate for the general welfare.

Unfortunately, the most of us have waited for the politicians to correct our present social conditions. We shall soon learn that they fool us every time. The Civil War was the last great act of the American people that has measured up to the grandeur of the people of this Nation. There is not a thing that Congress has done since the Civil War that begins to measure up with the opportunities that have existed. Abraham Lincoln saw the signs and stated them correctly near the close of the war. He then made the following statement:

Yes; we may all congratulate ourselves that this cruel war is nearing its close. It has cost a vast amount of treasure and blood. The best blood of the flower of American youth has been freely offered upon our country's altar that the Nation might live. It has been, indeed, a try-

ing hour for the Republic; but I see in the future a crisis approaching that unnerves me and causes me to tremble for the safety of my country. As a result of the war, corporations have been enthroned and an era of corruption in high places will follow, and the money power of the country will endeavor to prolong its reign by working upon the prejudices of the people until wealth is aggregated in a few hands and the Republic is destroyed. I feel at this moment more anxiety for the safety of my country than ever before, even in the midst of war.

Things have been done by this Congress that within the next six years will be looked upon as an evidence of folly—worse, as positive wrong—yet no one who knows the membership believes that there is any intention to be wrong. It is the intention to be right, but time has not been taken to analyze the conditions so as to come to correct conclusions. Nothing is more plain to an observer than that the public must, before it can profit by the opportunities that are accessible, do its own thinking. Then, and not till then, will we be independent and prosperous in a measure that the material advantages of our country warrants.

Whenever the public is strongly impressed with the necessity of taking a certain course, the professional politicians will not dare to block it. That is why a public knowledge of the conditions is necessary.

Our economic troubles are due to a false economy. I emphasize it as a fact that if farmers and others who work for what they get, and get but a small part of the value of what their work produces, if they would spend half as much time analyzing the economic conditions and planning to properly arrange them as they do in trying to boost the price of their products and wages in dollars, that by giving attention to both instead of to one alone, they would increase their advantages a hundredfold faster.

Do we know that we are not really paid when we receive "money" for our labor or for its products? We really get our pay when we spend the money. It is the party for whom we have worked or who got the products of our labor who has gotten his pay. We get our pay when we spend the money, in the same way that he got his pay in the products of our labor for his money. I make that observation as a basis to show the difference between what our labor produces and what we get for it, because that is what determines the material advantages we obtain if we are not mere parasites.

Do we know that the world's workers pay in advance? They certainly do. The producers, which includes everybody who performs services that are essential, pay by their daily work for its products. Most of us seem not to have taken time to consider that when great buildings, canals, railways, and other construction goes on, which involves expenditures of labor, the workers pay for it at the very time the work is performed. That is why the cost of living is so dear and getting dearer. We are building more and more all the time for speculation and investment instead of regulating the building according to the actual necessities.

The mere fact that a debt is created to be paid in 5, 10, 20, or more years does not do away with the actual payment by labor for the production when the labor is performed. The laboring people pay for it when they do the work. The debt that is contracted is a mere arbitrary burden that the creditors, the industrial slave makers, have devised in order to levy a bounty upon the products of the people's future work. It is this bounty that we are now paying for, namely, the debts that were falsely contracted on the industries of the past. It is being enlarged by the debts that are contracted on industries of the present, and will, until we remove the delusion that debt is a service, be still more enlarged on the industries of the future. What an absurdity that a people producing vastly more than they consume should be irretrievably in debt.

I say, with knowledge of the absolute truth of the assertion, that when the construction is complete the payment is complete, so that when we enter upon any of these great enterprises that employ us to produce for the remote future the cost of production is complete when the work is complete. If the industry of the people of this country was expended on an economic basis and adjusted to the economic needs, there would be no need for a long time to build the railways contemplated by this bill. It is only because of the present false basis on which our industries are expended that it is justified at this time. That is my excuse for voting for the bill. The debt that it is proposed to create on the basis of this enterprise is false. It is as false as the "divine right of kings." The people, for a few years longer, may acquiesce in the debt as they once did in the "divine right of kings," but the delusion will not last much longer.

If we are to have a better living, and have less hours of daily drudgery in order to give us more time to increase our mental, moral, and spiritual understanding, it can best be done by harmonizing and regulating enterprise. Competition is war, and in many cases waste. The time has passed when competition will properly regulate commerce. Those who seek to establish

competition merely for the purpose of solving the cost of living are not only wasting time but are doing actual damage in attempting to make us believe that it will remedy existing social evils. Competition as a means of regulating prices is a step in evolution that we have already passed.

It is a good service to raise two measures of food where one has been produced and both are needed, but no good service is performed by constructing two railways where the service required can be economically performed by one. The construction of the second must be paid for in the labor required to build it, and labor is cheated by it. But as long as we have our present hit-and-miss conglomerate "crazy-quilt" system of having a creditor class to dominate and levy a bounty upon the debtor class—nonproducers to encumber and enslave producers—just that long no economy can be worked out that will relieve the people from their present drudgery. While the present system lasts we shall become more and more dependent.

GOVERNMENT OWNERSHIP.

The "special interests" have carried on a continuous campaign in order to educate the public in opposition to public ownership of the public utilities. The public pays for their construction; why should it not own them? Those opposed to public ownership now "chuckle in their sleeves" because it is proposed that the Government shall embark in the building of railways first in Alaska. Up there the enterprise does not give promise of early success in the sense that success is now commonly figured. On that account the "special interests" believe that it will operate to discourage further Government ownership.

By the time it becomes known that the Alaskan railways will not at first and for a long time pay in the present sense of figuring profits it will also be known that what we now call financial success is not necessarily public success, but, on the contrary, in very many cases is public loss, for whatever profits nonproducers are able to make in excess of the benefits given to the public are a tax upon the public.

If this bill becomes a law, it will establish a policy of Government ownership in a public utility. It is not likely to pay so-called profits immediately. It is likely to incur expenses beyond those contemplated by this bill. I would prefer that the Government's first act would be to own a line of railway extending from the source of the Mississippi southerly to the Gulf of Mexico or some other line or lines extending through well-populated sections of the country. But since the public is first aroused to the point of ownership of Alaskan railways, I welcome that as the beginning of Government ownership. Public ownership of all the public utilities can not be accomplished at one time, but we are rapidly approaching the time for its accomplishment. With each succeeding year the speed will be accelerated. When that is accomplished only such works of public utility will be extended as the demands require. None will be undertaken for the purpose of exploiting the people. The distribution of labor will be such that all will be employed in economic production, for it would be wasteful not to give as much employment as is necessary to make everybody contented.

Mr. Chairman, I agree with the gentleman from New York [Mr. FITZGERALD] that there should be no bond issue on which to tax the people for interest. The provision in the bill for a \$35,000,000 bond issue is unnecessary and objectionable. It will cost the people \$1,050,000 annually if we leave it in. It is based on a false assumption. We have now outstanding \$346,681,016 of United States notes, currency. That is the only absolutely honest money we have to-day. It is supported by the credit of all the people, and they do not and should not pay interest upon it. Why not issue \$35,000,000 more honest money of the same character of the \$346,681,016 now outstanding? My proposition is right unless the \$346,681,016 is wrong. The amendment that I shall offer is that the Secretary of the Treasury, upon order of the President, shall issue new United States currency, which shall be in the form of public-service certificates, substantially the same kind of notes as the \$346,681,016 to which I referred. These would be legal tender and redeemed in the same way as those now outstanding, but ultimately paid out of the proceeds realized from the Alaska resources.

Mr. CALLAWAY. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Minnesota yield to the gentleman from Texas?

Mr. LINDBERGH. I do.

Mr. CALLAWAY. I do not quite get the gentleman's idea. Does he propose to issue certificates like the greenbacks?

Mr. LINDBERGH. My amendment defines what I propose. I propose to issue United States public-service certificates, to be placed in circulation by being earned. They will be the liability of the United States the same as the \$346,681,016 now

outstanding. You can call them what you please. If you will refer to the daily report of the United States Treasury for February 14, 1914, you will observe that the \$346,681,016 is not even included as a liability of the United States; and, strange to say, contrary to the liability idea, on the asset side of the page, \$7,801,999 of these same notes are figured as an asset in favor of the United States. There is a gold reserve of \$150,000,000, with which the Government is pledged to redeem \$476,824,000 silver certificates outstanding and \$2,528,000 Treasury notes outstanding. Therefore the gold reserve of \$150,000,000 is not only serving as a reserve for the silver certificates, the Treasury notes, and the United States notes, the three amounting to \$856,033,016, but also reinforces over seven hundred millions of bank notes. I do not stand committed to the gold standard, but the \$35,000,000 which my amendment offers would as long as that system stands be reinforced by the same gold reserve. It is not the gold reserve that makes all money secure, but it is the credit of the United States. You will get the idea of my purpose by reading my amendment. It reads as follows:

Strike out section 3 as the same now reads and in place thereof insert the following as section 3:

"Sec. 3. That the Secretary of the Treasury is hereby authorized to issue United States currency on the credit of the United States, from time to time as the same may be required to defray expenditures authorized by this act, the sum of \$35,000,000, or so much thereof as may be necessary, which currency shall be in the form of public-service certificates, and these shall state upon their face in substance that the bearer has performed a public service of the value stated in the certificate; that each separately is issued and circulated for value received under the provisions of this act, and the same shall be the lawful money of the United States and shall be receivable at par for all debts, dues, and demands, public and private, within the jurisdiction of the United States, created after the passage of this act; that the same shall be printed and engraved by the Bureau of Printing and Engraving, from plates and dies devised by the fiscal department, and shall, after returning to the Government, be canceled, but in lieu thereof certificates of the same amount in the same form may be reissued from time to time and placed in circulation by being earned in any public service of the United States."

In my discussion of the currency bill I stated, and I now repeat the statement, that it is an absurdity for the Government to borrow money to defray its operating expenses, because they are a tax upon the people, and therefore, if the Government issues United States notes—currency, if you prefer that name—in payment of such expenses, they will be in demand for the payment of taxes and canceled when paid in for that purpose. There would be no redundancy, because they would be destroyed as fast as the taxes were paid. Neither will there be any danger of an overissue, because the people would know that every dollar paid out by the Government would be drawn back in taxes. They would not tolerate an issue for unnecessary things. They would be the currency of the people for current business—not for hoarding. Of course, they would be the liability of the Government. There would be no use of their issue if they were not. The bonds are a liability and they carry interest, which interest when paid is something for which the people get no return. They do get value in full for the principal, the same as they would for United States notes, if there is no fraud or cheat.

Mr. CALLAWAY. If these notes are assets, why not issue a billion of them instead of \$35,000,000?

Mr. LINDBERGH. You can not postpone the physical payment for building by the issue of bonds. You simply force an arbitrary debt that is paid by labor and otherwise, when the work is complete, and repaid in the future. I have shown how that is in another part of my remarks. We shall keep going deeper and deeper in debt by the issue of bonds. If there is an actual necessity for a billion dollars to defray the expenses of the Government of the United States, the people of necessity are to be taxed for that amount, and there is the best of reason for the issue of certificates in payment of the expenses which would be returnable in payment of the taxes and canceled. It is a rank absurdity, as well as a fraud upon the people, to extend the credit of the United States to the money loaners, and then pay an annual premium interest to buy it back. The credit is all supported by the people themselves, and no one else adds any value to it. Why should they buy what they already own? It is because of that principle, which I have detailed more fully in another part of my remarks, that I have offered the amendment.

Mr. CALLAWAY. I thought the gentleman suggested that we build this railroad by certificates issued by the Government, which would, like those we have already issued, prove to be an asset instead of a liability.

Mr. LINDBERGH. I have not said that these certificates would be an asset. Notwithstanding that the Treasury statement places \$7,801,999 of United States notes in the asset column and fails to note as a liability the \$346,681,016, I, of course, know that these notes, as well as the ones that I propose if they were issued, is, and the ones I suggest would be,

a liability of the United States. But we can not get rid of such a liability by issuing bonds, because the bonds are not payment, but simply another promise to pay a still larger sum; and if the Government is not good for the principal, I do not see how it can be good for the principal plus interest.

Ten years ago a proposition for the United States to construct a railway would have been considered a crazy proposition. The Government ought to own all the roads, and will. I am absolutely certain that in less than a decade the people of this country will realize that it is an absurdity for the Government of the United States to issue the bonds of the United States for any executory enterprise. Debt and the impossibility of the general public ever paying, under our present system, will soon get through to the understanding of the people. Until it does, we shall have a mighty lot of people who barely exist on the remnants left after wealth gets its interest, dividend, and rent toll.

Mr. CALLAWAY. But if we can issue certificates, and they are an asset, why should we stop issuing at \$35,000,000? Why not build the Alaska railroad, dig the Panama Canal, improve the roads of the country, and do other things by issuing certificates to pay for them?

Mr. LINDBERGH. I repeat, I do not claim they are an asset. On the contrary, they are a liability; but I said this statement of the Treasury of the United States places them as an asset.

Mr. CALLAWAY. Oh, then the gentleman claims that the Treasury statement is a farce?

Mr. LINDBERGH. I do claim that it is a farce, so far as it places the \$7,801,999 of United States notes as an asset and makes no liability account of the \$346,681,016; and that is why I called attention to that part of the statement as being a farce.

I repeat, we are going deeper and deeper in the hole all the time under this system of ours. I pointed out four years ago that the cost of living would get higher because of that system, and I then pointed out the reasons; and I repeat now, while the same system is in operation, my former prediction having come true, that the cost of living is going to be still higher. There may be temporary let up occasionally, but that will be only temporary, for things will grow worse and worse for the plain people as long as we keep piling on the interest. When people understand that they pay for the construction of a thing when it is constructed, and again when they go in debt for it, they will construct only what is reasonably required to keep up an efficient system. Then we shall have no more complaint, nor will we think of building a railroad until it is needed in an economic system. Now, I vote for this Alaska railway because I think it is needed, because of our lack of an economic system.

Mr. LENROOT. Mr. Chairman, I am opposed to the amendment offered by the gentleman from New York [Mr. FITZGERALD]. I would be in favor of it if there was the slightest probability that the current revenues of this Government would be sufficient to take care of the appropriations to be made by Congress, including this \$35,000,000, but it is absolutely certain that that is not so. The gentleman from New York [Mr. FITZGERALD] admits, very properly, that it will be necessary to issue Panama bonds, which the President now is authorized to issue, not for this purpose, but to reimburse the Treasury.

Mr. FITZGERALD. I said probably in the same ratio that they have been issued in the past. We have already issued \$138,000,000, and still have over \$200,000,000 unissued.

Mr. LENROOT. I understand; we have been issuing them in the past, Mr. Chairman, and have been compelled to issue them to reimburse the Treasury, and it is morally certain that under present conditions we will have to continue to issue them in the future.

So, Mr. Chairman, it resolves itself simply into this question, Shall we issue Panama bonds to build this Alaska railroad, or shall we issue Alaskan bonds to do so? So far as the Treasury is concerned, I admit that it will make no difference whether we issue Panama bonds or Alaskan bonds for this purpose; but it does make a difference when it comes to paying the interest and principal of this \$35,000,000, in my judgment, because if we issue Alaskan bonds we can, and we ought, and I am satisfied we will, pay not only the interest but the principal out of the proceeds of our resources in Alaska. On the other hand, if we take the money out of the Treasury, take it out of the proceeds of Panama bonds issued to reimburse the Treasury, then this \$35,000,000 will be gone. It will not be considered an indebtedness of Alaska at all, and in the making of coal-land leases, which will soon be done under legislation that we will pass, we will not take into consideration this \$35,000,000 as it will be considered if we issue Alaskan bonds.

In other words, if this \$35,000,000 be outstanding as an Alaskan indebtedness it will be taken care of by Alaskan re-

sources, while if it is taken care of by the issue of Panama bonds or is taken care of out of the current revenues of the Treasury it will not, in all probability, be taken care of by the proceeds of the sales of land and other things in Alaska.

Now, it may be said that it makes no difference if the money we get in Alaska goes into the General Treasury, whether we put it into a fund or not, but it does make a difference in making the coal-land leases, for instance, whether we consider only the development of Alaska and receive what would be a reasonable price, or whether when the Secretary of the Treasury makes his coal-land leases he has in mind that it is his business and his duty to obtain such royalties as will take care of this Alaskan indebtedness. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERLEY. Mr. Chairman, I thoroughly agree with the amendment offered by the gentleman from New York [Mr. FITZGERALD]. If there is any practice prevalent of late, and fraught with danger to the people of America, it is that of constantly postponing the payment for things we authorize to be done. One of the striking things in connection with the public finances in America has been the tremendous increase in municipal, county, and State indebtedness, an increase that has become so great as to imperil the credit of many of the Commonwealths of this country.

Now it is proposed, on the theory that we may have to borrow money, to make provision in advance of the need. The amount of money carried in this bill for the building of railroads in Alaska, which will necessarily take several years and can be distributed over that period of time, can be carried in the sundry civil bill without any appreciable effect on the budget of the country.

When we spend nearly \$1,100,000,000 annually to carry over a period of three or five or six years forty or fifty million dollars is no great burden. But, as pointed out by the gentleman from New York, the authorization of these bonds is simply embarking upon the road so frequently traveled with disastrous results by municipalities and States, of postponing for others to pay the debts we incur. It is a standing invitation to extravagance, and breeds the worst sort of public finances. This is the only country on the globe that to-day makes appropriations without the slightest regard to income. Every other country has a system whereby it can measure the income and the outgo, but we have been so rich that, like a youth, we can get drunk without a headache the next day, and think that nothing matters so long as it is postponed until the next day.

There is no reason why now we should burden the Government with additional bonded indebtedness and invite a continuation of the policy. The gentleman says that we must have the money. There is nothing in the present statement of the finances of the Government that shows that we will need to borrow this sum in order to meet expenses. There is no reason, except his own assumption, for believing that it will be necessary to sell any great proportion of the Panama bonds in order to finance the expenses of the Government. The whole purpose of it is to blind ourselves and try to cheat ourselves and cheat the ledger with obligations that we, by our votes, are imposing upon the people of America. Five millions, six millions, or even ten millions, add to the annual expense no insupportable burden, and it certainly would not require more than that annually to take care of these expenses in Alaska, and, I repeat, it will be no appreciable burden on the Government.

Why, the gentleman says, we must not do it, because it will change the program of getting the money out of Alaska to reimburse the United States. There is nothing in that. Whatever revenues come from Alaska can be covered into the Treasury. Oh, but, he says, it makes a difference in regard to the leasing condition of the coal lands. How? Does the gentleman want to burden this coal that he proposes to open up for the people of America, not only with the cost of the railroad but with 30 years' interest? Because in the building of these railroads by bond issue you are nearly doubling the amount that will have to be taken care of in the royalties you get on the coal properties that are mined. If we were faced with a condition where we could not pay our debts, we might be warranted in borrowing. But there is no advantage to the Government in borrowing with its ability to tax and with an income sufficient to take care of its legitimate expenses. I hope the amendment will prevail. [Applause.]

Mr. HARDY. Mr. Chairman, I fear that this amendment of our friend from New York [Mr. FITZGERALD] that we are asked to adopt is a Trojan horse about to be brought into the camp of the friends of this bill. The argument made by the gentleman from New York appeals to many of us. But I want to say that it seemed to me he gave himself away when he was opposing the issuance of bonds for building this road and inti-

mated that the Panama bonds might be availed of in case of necessity, or that we have Panama bonds issued for the Panama Railroad that we might use to supply deficiencies in the general revenues after we had used the general revenues to build this road. It does not make any difference how the bonds were issued, whether as Panama or Alaskan bonds. His general argument, then, against bond issuing is abandoned by his proposal to issue and use Panama bonds, practically, to build the Alaska road.

I want to answer the suggestion of the gentleman from Kentucky [Mr. SHERLEY]. He says we are the only country in the world that contracts indebtedness without reference to our revenue or the source from whence we are going to get the money to pay for it. Then he advocates, in this matter, a policy that would saddle the Government of the United States with an indebtedness of \$35,000,000 over and above our ordinary current expenses without having made any arrangement to pay the indebtedness.

Mr. SHERLEY. And you only make provision by postponing the payment.

Mr. HARDY. We make provision for it by providing a mortgage which shall be paid out of the proceeds of the sale or lease of the Alaskan land. When you change that policy you have on the back of the bill men who have been criticizing it from the beginning, because they said it was an effort to saddle the people of the whole country with a debt and take out of the General Treasury \$35,000,000 for the benefit of one locality. We have replied that that is not so; that we are going to issue bonds on that particular property; and that property, the lands of Alaska, will be used to pay the indebtedness. [Applause.] We are covering the condition cited by the gentleman from Kentucky; we are providing a source of revenue to meet the expenditure; we are meeting the criticism made so frequently here on this floor that we are burdening the whole people for the benefit of one locality. When you strike out this provision in this bill you will add 40 enemies to the bill on its final passage.

The gentleman from Kentucky says we must not create a debt for future generations to pay. Is it not wise when you build a courthouse for future generations to issue county bonds in order that the present generation may not be required to pay all the expenditures for the benefit of future generations?

Mr. SHERLEY. In my country that has bankrupted many a county.

Mr. HARDY. Yes; and the gentleman says this railroad will probably not pay for a while. It may not. What equity is there in this generation bearing the expenditure for a future generation's improvement and benefit, and for a future development of a country, when you can by the established process of creating a mortgage upon the assets of that country make it bear its own expenses?

Mr. CALLAWAY. Mr. Chairman, will the gentleman yield?

Mr. HARDY. If I can get more time I will be very glad to submit to an interruption; otherwise the gentleman will have to excuse me. I do not doubt for one moment that the proceeds of the sales of the Alaskan lands and the coal and gold leases will pay this indebtedness, both interest and principal, within the 30 years the bonds run, and I do not believe it would be right to improve that locality up there wholly at the expense of the present generation. It has been said that you are spending all of this money for the benefit of 30,000 white people up there. We are taking the property of the Government and providing a means to meet this expenditure of the Government by placing a mortgage upon this property of the Government so it will bear its own improvement expenses and pay its way into an improved condition, where it will benefit all of the people of the United States, and no more insidious amendment has been offered to this bill than the one to strike out this clause. [Applause.]

Mr. HOUSTON. Mr. Chairman, I believe that the adoption of this amendment would be about the same thing as to allow the section to remain as it now stands, so far as the ultimate effect is concerned. This bill is predicated and framed upon the idea that we want to make Alaska pay for this railroad, and we propose to collect the money there to pay for it. We might do this without issuing the bonds just the same as though we were to issue the bonds; but by issuing the bonds and providing for their payment by Alaska, we provide a means of liquidation without cost to the people of the States, but by the Territory of Alaska. I for one firmly believe that we can collect that money there and that Alaska will pay for this railroad, and for that reason I think it better that this section remain as it is.

Mr. CALLAWAY. Mr. Chairman, will the gentleman yield?
Mr. HOUSTON. I have not much time.

Mr. CALLAWAY. If the Treasury is able to bear this expenditure, as it will be demanded year after year, what objection would there be to allowing the Treasury to do this without a specific character of bonds issued for that purpose, and so providing that whatever returns come from Alaska because of the building of this railroad shall be turned into the Federal Treasury; and if it amounts, as the claimants—

Mr. HOUSTON. Mr. Chairman, the gentleman will have to put his question in a shorter way, or he will consume all of my time.

Mr. CALLAWAY. If it amounts, as the claimants of this railroad claim it will, to ten times what it costs to make the railroad, then let it all go into the Federal Treasury.

Mr. HOUSTON. Mr. Chairman, I will answer that in this way. Although this bill was predicated on the idea that we would hypothecate the resources of Alaska for the payment of this debt, yet when you come to consider the real language of the bill it does not go further than to provide that the Secretary of the Treasury, upon the order of the President, shall issue bonds as it may become necessary to raise funds to defray this expenditure. I think that is a fair and legitimate construction of this language just as it now stands, and there is no need to issue \$35,000,000 of bonds on the start to commence paying interest on and to pay, as the gentleman from New York says, interest on \$35,000,000 for 31 years and double the amount. Not at all. There would be but a small proportion of this amount needed at first to issue bonds for, and perhaps none, and in that event the trouble of interest can be avoided, and we will still have this in such shape that Alaska will pay for this railroad. That is principally why I favor the bond issue. Let it stand intact. Let us have the object lesson demonstrated. The advocates of this bill believe that the resources there will justify this expenditure. We believe that the revenue that will be produced there will pay the money required to make this outlay, and we would like to have it in such shape as to make the object lesson plain, and let the people of the country understand that we have just stood Alaska on her feet to enable her to pay for this improvement herself, which I firmly believe she will do.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. FITZGERALD.]

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were—ayes 61, noes 74.

Mr. FITZGERALD. Mr. Chairman, I demand tellers.

Tellers were ordered, and the gentleman from New York, Mr. FITZGERALD, and the gentleman from Tennessee, Mr. HOUSTON, were appointed to act as tellers.

The committee again divided; and the tellers reported—ayes 73, noes 73.

Mr. HOUSTON. Mr. Chairman, I have made a mistake in the announcement. I should have said that the negative was 76, and then one more would make it 77.

Mr. FITZGERALD. Mr. Chairman, I do not know, I can not recall, but I do not think the gentleman has the right to reverse his count.

The CHAIRMAN. If there is any question about the vote, it should be taken over again, and the Chair will so direct.

The committee again divided.

Mr. ANSBERRY (before the announcement of the vote). Mr. Chairman, I voted under a misapprehension, and I desire to change my vote. I voted "aye," and I desire to vote "no."

The CHAIRMAN. The vote of the gentleman from Ohio will be so recorded. He changes his vote from aye to no.

The tellers then announced the vote—ayes 88, noes 87.

So the amendment was agreed to.

Mr. GOOD. Mr. Chairman, I offer the following amendment.

Mr. MANN. There is nothing to amend.

Mr. GOOD. After the word "appropriated," in line 6, page 15, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 15, by inserting at the end of line 6, after the word "appropriated," the following: "That there is hereby appropriated out of any moneys in the Treasury not otherwise appropriated the sum of \$1,000,000, to be used for carrying out the provisions of this act, including the expense of preparing, advertising, and issuing the bonds herein authorized, to continue available until expended."

Mr. FITZGERALD. I make the point of order that that language has been stricken out of the bill.

Mr. GOOD. Mr. Chairman, the amendment that I have offered is entirely different from the provision which was stricken out by the adoption of the amendment of the gentleman from New York [Mr. FITZGERALD]. While it contains some of the same language, it does not contain all the language that was stricken out. The language that was stricken out related to the

issuance of bonds by the Government, and in striking that out there was also stricken out the \$1,000,000 to be appropriated which is provided for in the section. For that million dollars the Treasury was to be reimbursed from the proceeds of a sale of Government bonds, and the provision I have offered does not provide for any reimbursement, but for a plain payment by the Treasury of the United States.

Mr. FITZGERALD. If the gentleman will change his amendment so as to eliminate the cost of preparing and issuing bonds, I have no objection to it.

Mr. GOOD. I do not think the Clerk read that.

Mr. FITZGERALD. Oh, yes; he read that. I have no objection to the million-dollar appropriation.

Mr. GOOD. If the Clerk did so, I think he inadvertently read more than I intended in my amendment. I did not intend to have in the provision in regard to the cost in issuing the bonds. I thought I had crossed that part out. I ask unanimous consent to modify my amendment in that particular.

The CHAIRMAN. The gentleman asks unanimous consent to modify his amendment. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Stop at the word "act."

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

That there shall be appropriated, out of any moneys in the Treasury—

Mr. HOUSTON. Where does that come in?

The Clerk read as follows:

Amend, page 15, by adding, at the end of line 6, the following:

"That there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of \$1,000,000, to be used for carrying out the provisions of this act, to continue available until expended."

Mr. HOUSTON. Mr. Chairman, I want to state to the gentleman from Iowa I have an amendment I desire to offer which will take the place of the last three lines of this section, and then the gentleman's amendment would be more in order and would follow in natural sequence; and I would be glad if the gentleman will allow me to offer my amendment at this point.

The CHAIRMAN. The gentleman will send up his amendment.

Mr. HOUSTON. This section has all been stricken out down to line 3, page 15, including the word "however," and the balance of the section is left in. Now, I desire to strike out that and insert the following, which is in better form and a decided improvement: "That in executing the authority granted by this act the President shall not expend nor obligate the United States to expend more than the sum of \$35,000,000."

Mr. GOOD. I withhold my amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 15, line 3, after the word "bonds," strike out the proviso down to and including line 6 and insert in lieu thereof the following: "Provided, That in executing the authority granted by this act the President"

Mr. HOUSTON. The word "provided" is stricken out. I ask unanimous consent that the amendment be modified so as to exclude the word "provided."

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee? [After a pause.] The Chair hears none.

The Clerk read as follows:

That in executing the authority granted by this act the President shall not expend nor obligate the United States to expend more than the sum of \$35,000,000.

Mr. HOUSTON. Now, Mr. Chairman, I move the adoption of this amendment. I do not believe any gentleman could object to it, as that makes a specific limitation—

Mr. MANN. I question whether it does.

Mr. HOUSTON. What is the question of the gentleman from Illinois?

Mr. MANN. I somewhat question whether it is an explicit limitation, whatever the intent, and I have understood all the time that the limit of authority to appropriate to carry out the provisions of this act was put at \$35,000,000.

Mr. HOUSTON. Yes, sir.

Mr. MANN. But that limitation does not do that.

Mr. HOUSTON. Well, I think it does. I would like to have the gentleman point out wherein it does not.

Mr. MANN. Well, of course, the limitation of authority to appropriate is only important because of the rules of the House. If it were not for the rules of the House, no limitation would amount to anything one way or the other. Now, that provision would not, under the rules of the House, permit

a proposition to appropriate a much larger sum than \$35,000,000, and if appropriated, the appropriation would take the place of the limitation which the gentleman has proposed, and the President would have authority to expend the money. Morally, it might have that effect, although I do not doubt before we are through the proposition would come up to spend a larger sum of money without additional legislation. I do not see why the gentleman can not combine both propositions.

Mr. LENROOT. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Wisconsin?

Mr. HOUSTON. Mr. Chairman, it has been suggested that the amendment I offered be amended by adding the following just before:

That the cost of the work authorized by this act shall be \$35,000,000, and that the President, in executing the authority granted him, shall not expend or obligate—

And so on.

The CHAIRMAN. The gentleman from Tennessee [Mr. HOUSTON] asks unanimous consent to modify his amendment.

Mr. HOUSTON. We will prepare the modification if you will give us a moment.

Mr. MANN. The gentleman can make his amendment to read:

That the total amount authorized by this act to be appropriated shall not exceed the sum of \$35,000,000; nor shall the President obligate the United States in any event to pay more than that sum under the provisions of this act.

Mr. HOUSTON. Now, Mr. Chairman, that is exactly what I have just done. I am perfectly willing to accept the language of the gentleman from Illinois [Mr. MANN].

Mr. MANN. I thought possibly the Clerk had taken it down. I was reading from the bill most of the time.

Mr. HOUSTON. Now, "That the cost of the work authorized by this act shall not exceed \$35,000,000; and that in executing the authority granted by this act the President shall not expend or obligate the United States to expend a sum of more than \$35,000,000."

The CHAIRMAN. The gentleman from Tennessee [Mr. HOUSTON] asks unanimous consent to withdraw his former amendment and offer the following in lieu thereof, which the Clerk will report.

Mr. HOUSTON. Now, Mr. Chairman, with the permission of the committee, I would be perfectly willing to include the amendment of the gentleman from Iowa [Mr. GOOD] at the end of that and put it all in one amendment.

The CHAIRMAN. The Clerk will report first the amendment offered by the gentleman from Tennessee [Mr. HOUSTON].

The Clerk read as follows:

On page 15, line 3, after the word "bonds," strike out the proviso down to and including line 6, and insert in lieu thereof the following: "And in executing the authority granted by this act the President shall not expend nor obligate the United States to expend more than the sum of \$35,000,000."

Mr. HOUSTON. I think the Clerk left off the first part of the amendment.

The CHAIRMAN. The Clerk will report the first part of the amendment.

The Clerk read as follows:

That the cost of the work authorized by this act shall not exceed \$35,000,000, and that in executing the authority granted by this act the President shall not expend nor obligate the United States to expend more than the sum of \$35,000,000.

Mr. MILLER. May I call the attention of the gentleman from Tennessee [Mr. HOUSTON] to the fact that the word "Provided" now will not be in the bill?

Mr. MANN. It does not belong in the bill.

Mr. HOUSTON. That is left out of the bill properly.

Mr. GARRETT of Tennessee. Mr. Chairman, I ask unanimous consent that the amendment may be again reported.

The CHAIRMAN. The gentleman from Tennessee [Mr. GARRETT] asks unanimous consent that the amendment be again reported. Is there objection?

There was no objection.

The amendment was again read.

Mr. GARRETT of Tennessee. Mr. Chairman, I suggest to the gentleman that since the word "Provided" has gone out of the amendment that the word "That" should be left out.

Mr. MANN. This is a new section—a section by itself. The word "That" is either in or out. In the rest of the bill every section usually begins with the word "That."

Mr. HOUSTON. Now, I ask, Mr. Chairman, that the amendment of the gentleman from Iowa [Mr. GOOD] be added at the close of that.

The CHAIRMAN. Without objection, the Clerk will report the amendment of the gentleman from Iowa [Mr. GOOD].

The Clerk read as follows:

That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$1,000,000, to be used for carrying out the provisions of this act, to continue available until expended.

Mr. MADDEN. It seems to me, Mr. Chairman, that the word "That" in this case ought to be stricken out and the word "and" be substituted.

Mr. HOUSTON. I think that would be an improvement on the language.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] asks unanimous consent that the amendment be modified as suggested by him. The gentleman from Tennessee [Mr. HOUSTON] asks unanimous consent that the amendment offered by the gentleman from Iowa [Mr. GOOD] be adopted as an amendment to his amendment. Is there objection?

There was no objection.

The CHAIRMAN. The question now is on the amendment of the gentleman from Tennessee [Mr. HOUSTON]. The Clerk will read the amendment as amended.

The Clerk read as follows:

That in executing the authority granted by this act the President shall not expend nor obligate—

Mr. MADDEN. Mr. Chairman, the Clerk is not reading the amendment. He is reading only a part of it.

Mr. DAVENPORT. I think it would be wise to wait for a minute and get the amendment properly drafted.

The CHAIRMAN. The Clerk will report the amendment as amended.

The Clerk read as follows:

That the cost of the work authorized by this act shall not exceed \$35,000,000, and that in executing the authority granted by this act the President shall not expend nor obligate the United States to expend more than the sum of \$35,000,000.

Mr. HOUSTON. Mr. Chairman, I ask unanimous consent to amend it right there by not repeating "\$35,000,000" but by inserting in lieu thereof the words "said sum."

The CHAIRMAN. The gentleman from Tennessee [Mr. HOUSTON] asks unanimous consent to amend as signified by him. The Clerk will now report the amendment of the gentleman from Tennessee as amended by the amendment of the gentleman from Iowa [Mr. GOOD].

The Clerk read as follows:

And there is appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$1,000,000, to be used for carrying out the provisions of this act, to continue available until expended.

Mr. FOWLER. Mr. Chairman, as the Clerk read the amendment, it appeared to be "thirty-five million of dollars," and I think the word "of" ought to be stricken out.

The CHAIRMAN. The gentleman from Illinois [Mr. FOWLER] asks unanimous consent that the word "of" be stricken out. Is there objection? The Clerk states that it is not there. [Laughter.] The question is on agreeing to the amendment offered by the gentleman from Tennessee [Mr. HOUSTON].

The amendment was agreed to.

Mr. TOWNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Iowa [Mr. TOWNER] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. TOWNER moves to amend by striking out, on page 14, line 5, the amount therein stated, to wit, "\$35,000,000," and insert in lieu thereof the amount "\$20,000,000."

Mr. FITZGERALD. Mr. Chairman, that is already out.

Mr. TOWNER. I think not.

Mr. HOUSTON. That part is out.

Mr. FITZGERALD. That language is not in the bill.

Mr. TOWNER. Where does the amendment commence?

The CHAIRMAN. The Chair will state that the amendment of the gentleman from Iowa—

Mr. TOWNER. Mr. Chairman, I ask unanimous consent that the latter part of the amendment may be read, and that the amendment should be applied to the amendment adopted where the limit of expenditure is placed at \$35,000,000.

Mr. FITZGERALD. No amendment to that is in order. The committee has just adopted an amendment fixing the limit of cost at \$35,000,000. No amendment to that is in order.

Mr. MANN. It is in order for the House to add something more to it. It is not in order for the House to change the language.

The CHAIRMAN. Does the gentleman from New York make the point of order?

Mr. MANN. We have not had the entire amendment reported yet.

The CHAIRMAN. The Clerk will report the remainder of the amendment offered by the gentleman from Iowa [Mr. TOWNER].

The Clerk read as follows:

Also to strike out, on page 15, line 5, the amount therein stated, to wit, "\$35,000,000," and insert in lieu thereof the amount "\$20,000,000."

Mr. MANN. Mr. Chairman, I make a point of order on that. The House has just adopted that amendment, and the gentleman now proposes to change that amendment and to strike out "\$35,000,000" as the limit of cost and insert "\$20,000,000."

The CHAIRMAN. Does the gentleman from Iowa wish to discuss the point of order?

Mr. TOWNER. I do not.

The CHAIRMAN. The point of order is sustained.

Mr. LINDBERGH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Minnesota [Mr. LINDBERGH].

The Clerk read as follows:

Strike out section 3 as the same now reads and in place thereof insert the following as section 3—

Mr. HOUSTON. Mr. Chairman, I make the point of order that that has just been passed upon and determined and the amendment is out of order.

Mr. LINDBERGH. Will not the gentleman wait to see whether it is or not? It has not been reported yet. Will the gentleman yield? Will the gentleman let it be reported?

The CHAIRMAN. The Clerk will report the amendment.

Mr. LINDBERGH. Is not the gentleman willing to have it reported?

Mr. HOUSTON. Yes; let it be reported, then, Mr. Chairman.

The Clerk read as follows:

Strike out section 3 as the same now reads and in place thereof insert the following as section 3:

"Sec. 3. That the Secretary of the Treasury is hereby authorized to issue United States currency on the credit of the United States, from time to time as the same may be required to defray expenditures authorized by this act, the sum of \$35,000,000, or so much thereof as may be necessary, which currency shall be in the form of public-service certificates, and these shall state upon their face in substance that the bearer has performed a public service of the value stated in the certificate; that each separately is issued and circulated for value received under the provisions of this act, and the same shall be the lawful money of the United States and shall be receivable at par for all debts, dues, and demands, public and private, within the jurisdiction of the United States, created after the passage of this act; that the same shall be printed and engraved by the Bureau of Printing and Engraving, from plates and dies devised by the fiscal department, and shall, after returning to the Government, be canceled, but in lieu thereof certificates of the same amount in the same form may be reissued from time to time and placed in circulation by being earned in any public service of the United States."

Mr. FITZGERALD. Mr. Chairman, I make the point of order that the House having already stricken out and inserted, it is not now in order to strike out a provision and insert.

The CHAIRMAN. Does the gentleman from Minnesota care to be heard on the point of order?

Mr. LINDBERGH. I do not care to be heard on the point of order.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

Sec. 4. That there is hereby created a redemption fund in the United States Treasury to be known as "The Alaska Railway Redemption Fund," into which shall be paid 50 per cent of all moneys derived from the sale or disposal of any of the public lands, including town sites in Alaska or the coal or mineral therein contained, or the timber thereon, and into which fund shall be paid the net earnings of said railroad or railroads above maintenance charges and operating expenses; the said redemption fund, or any part thereof, shall be used from time to time, upon the order of the President, to pay the interest on the bonds authorized and issued under the provisions of this act, and to redeem, cancel, and retire said bonds under such rules and regulations as the President may establish in accordance with the provisions of this act.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The Clerk read as follows:

On page 15 strike out section 4 and insert in lieu thereof the following:

"Sec. 4. That all moneys derived from the sale or disposal of any of the public lands, including town sites, in Alaska, or the coal or mineral therein contained, or the timber thereon, and the net earnings of said railroad or railroads above maintenance charges and operating expenses, shall be paid into the Treasury of the United States as other miscellaneous receipts are paid, and a separate account thereof shall be kept and annually reported to Congress."

Mr. LENROOT. Mr. Chairman, I have a preferential amendment. I desire to perfect the amendment.

The CHAIRMAN. The gentleman from Wisconsin [Mr. LENROOT] offers an amendment.

Mr. BAILEY. Mr. Chairman, I offer an amendment which I think has the preference.

Mr. FITZGERALD. A motion to strike out and insert does not preclude a subsequent amendment; but, having been recognized and having offered my amendment, I am entitled to discuss it.

Mr. LENROOT. But the gentleman's amendment is a substitute.

Mr. FITZGERALD. A motion to strike out and insert is in the nature of an amendment. No gentleman has a preferential right over that. If the matter is stricken out and new matter is inserted, that ends the other matter. If the matter is not stricken out, it does not preclude, under the rule, another motion.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BAILEY] offers an amendment, which the Clerk will report for information.

Mr. LENROOT. Will the gentleman from Tennessee permit that my amendment be reported?

Mr. HOUSTON. I have no objection to that.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BAILEY] and the gentleman from Wisconsin [Mr. LENROOT] have amendments that they desire to have considered as pending.

Mr. MANN. Let it be reported for information.

The CHAIRMAN. The Clerk will report the amendment reported by the gentleman from Pennsylvania [Mr. BAILEY].

The Clerk read as follows:

Strike out all of section 4, page 15, and insert the following in lieu thereof:

"Sec. 4. That for the purpose of defraying the construction cost of the railway or railroads hereinbefore authorized, the Secretary of the Treasury, under regulations to be approved by the President, shall cause to be assessed every two years the value accruing as benefits to any land in Alaska by reason of the construction of said railway or railroads, and shall cause to be levied thereon and collected from the owners thereof an annual tax, not exceeding 5 per cent of the value of such benefits as assessed from time to time; and the proceeds of said tax, together with the net earnings of said railway or railroads, shall be deposited in the Treasury of the United States."

The CHAIRMAN. The Clerk will now report the amendment offered by the gentleman from Wisconsin [Mr. LENROOT].

The Clerk read as follows:

Page 15, line 16, strike out the paragraph after the word "President" and insert in lieu thereof the following:

"To reimburse the Treasury for disbursements made under the authority of this act."

Mr. FITZGERALD. Mr. Chairman, this amendment in the language of the bill as reported by the committee provides that the receipts from the sale of public lands, including town sites, coal or minerals contained therein, or timber thereon, and the net earnings of the railroad or railroads above maintenance charges and operating expenses shall be paid into the Treasury as miscellaneous receipts; and it is required that a separate account shall be kept of those moneys, and an annual report thereof made to Congress. The result will be that all of the moneys obtained from the sale or disposal of the public lands, town sites, minerals, and timber will be covered into the Treasury as miscellaneous receipts, which is the manner in which most of the revenues, outside of certain special funds, are turned into the Treasury. Then, in order that Congress may have easily accessible a statement showing what are the receipts, and what moneys are obtained from the transactions of the Government in its property in Alaska, the Treasury Department is required to keep a separate account and to report annually to Congress.

The gentleman from Wisconsin [Mr. LENROOT], in the amendment which he offers, proposes a plan which, I believe, is unwise. His suggestion is that these moneys be paid into the Treasury and kept as a separate fund, and that from time to time the Treasury be reimbursed for the expenditures made on account of the construction of the railroad. That is unwise, because one of the arguments frequently urged for public improvements in various places is that the governmental receipts from that particular locality amount to a certain sum, and it is urged and believed in many places that there is never any legitimate objection to governmental expenses for a particular purpose equaling the receipts obtained from that source. Under the bill as it now is the cost of these railroads is to be paid out of the Federal Treasury, regardless of the receipts from Alaska. If it be determined that these railroads shall be built, they should not be dependent upon the receipts obtained from the sale of Alaskan public lands, or minerals, or coal, or town sites, because it is just possible that the first cost of construction and the cost of operation of the railroads may for many years be much in excess of the receipts from the development of the Territory; and yet those who are best informed and most earnest in the advocacy of this bill do not look to full returns from the building of these railroads in the first few years, but they are looking to the future, and they believe that the development will be gradual, and that in time these receipts will be very great. There is no reason, though, that the receipts from these public lands and the sales of timber and town sites should be set aside and dedicated forever to the development and improvement of Alaska.

If Alaska is to be developed, if we are to obtain the returns from the wonderful resources pictured so graphically by many gentlemen, I believe Alaska should be a great source of revenue and benefit to the United States, and that the Government of the United States should have the benefit of the moneys derived from it, and that it is a wrong and unwise policy to embark upon this enterprise with any suggestion or any plan that will segregate the receipts, and so make them the basis of an argument in the future in favor of dedicating them to that one portion of the United States, regardless of the needs of the rest of the country.

Mr. Chairman, our true fiscal policy should be to have one general fund in the Treasury of the United States, against which will be charged the cost of conducting all governmental operations. Whenever it is deemed wise to embark on any enterprise let the Treasury stand the burden, regardless of the source of the receipts. There should not be any intimation or belief that the enterprise has a prior right or a mortgage or a claim upon the receipts derived from the enterprise.

Mr. BAILEY. Mr. Chairman, the amendment I have offered is one which proposes to apply to the development of Alaska the very familiar principle which has been in operation in this country—

Mr. HOUSTON. Mr. Chairman, I rise to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HOUSTON. Which amendment is pending before the committee now?

The CHAIRMAN. The amendment of the gentleman from New York. The other two amendments were read for the information of the House.

Mr. HOUSTON. I understood that the amendment offered by the gentleman from New York [Mr. FITZGERALD] was the pending amendment, and that the others had been read for information.

The CHAIRMAN. It is true that they were read for the information of Members. There is only one amendment really pending.

Mr. HOUSTON. I ask unanimous consent that debate on all the amendments now pending and the paragraph itself close in 20 minutes.

Mr. LEWIS of Maryland. Reserving the right to object, I respectfully suggest that this topic now under consideration, involving, as I believe, the whole subject of conservation, can not be adequately treated, nor can the views of Members be adequately presented, in 20 minutes. I myself would like 10 minutes. I have used no time in the Alaska discussion so far.

Mr. HOUSTON. Mr. Chairman, I amend my request and make it 30 minutes.

Mr. MANN. Why not have all these amendments offered, so that they will all be in order?

Mr. HOUSTON. Three amendments have been read. I do not know that there are any other amendments that are desired to be offered to this paragraph.

Mr. MANN. I was going to suggest to the gentleman from Maryland [Mr. LEWIS] that he offer his amendment as an amendment to that of the gentleman from New York, and that the gentleman from Wisconsin offer his as a substitute, so that they may all be pending.

Mr. HOUSTON. Has the gentleman from Maryland [Mr. LEWIS] an amendment?

Mr. LEWIS of Maryland. No. I merely desire recognition.

Mr. HOUSTON. The gentleman from Maryland has no amendment to offer.

Mr. MANN. I thought he was going to offer an amendment.

Mr. LEWIS of Maryland. I am going to speak on the Bailey amendment, and I will ask the gentleman from Tennessee [Mr. HOUSTON] whether he will yield me time for its discussion.

Mr. HOUSTON. I will include in my request that 10 minutes of the time be allowed to the gentleman from Maryland [Mr. LEWIS].

Mr. MANN. The gentleman's request does not touch the amendments.

The CHAIRMAN. Does the gentleman from Maryland [Mr. LEWIS] ask unanimous consent that all the amendments be pending?

Mr. LEWIS of Maryland. Yes.

The CHAIRMAN. The gentleman from Maryland [Mr. LEWIS] asks unanimous consent that all the amendments that have been read be now pending. Is there objection?

Mr. KEATING. Reserving the right to object, suppose the House adopts the Fitzgerald amendment, will it be in order to vote on the Bailey amendment? Will not the adoption of the Fitzgerald amendment render unnecessary a vote on the Bailey amendment?

The CHAIRMAN. The Chair thinks it will.

Mr. LEWIS of Maryland. Mr. Chairman, I do not think they are irreconcilable; they might be made complementary.

The CHAIRMAN. The amendment offered by the gentleman from Pennsylvania [Mr. BAILEY] and the amendment offered by the gentleman from Wisconsin [Mr. LENROOT] are not pending. The gentleman from Maryland asks unanimous consent that the amendments offered by the gentleman from Pennsylvania and the gentleman from Wisconsin may be pending and voted upon.

Mr. FITZGERALD. I object.

Mr. THOMSON of Illinois. Mr. Chairman, I wish to offer an amendment to the amendment of the gentleman from New York, by inserting the word "lease," with a comma, before the word "sale."

Mr. GOOD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GOOD. What became of the request of the gentleman from Tennessee to limit debate?

The CHAIRMAN. The Chair was about to put the question. The gentleman from Tennessee moves that all debate on this paragraph and amendments thereto be closed in 30 minutes.

The motion was agreed to.

Mr. THOMSON of Illinois. Mr. Chairman, is the amendment I offered pending?

The CHAIRMAN. No; the gentleman from Pennsylvania [Mr. BAILEY] has the floor.

Mr. BAILEY. Mr. Chairman, I am opposed to the amendment offered by the gentleman from New York. I am opposed to the spirit of it. I believe the resources of Alaska ought to be used for the benefit and development of Alaska. That is the principle for which I stand, and I submit that the amendment now pending is against that principle. I believe if these railways are built they will create values which ought properly to be appropriated for the carrying on of the expenses of the building.

Mr. OGLESBY. Will the gentleman yield?

Mr. BAILEY. I will.

Mr. OGLESBY. Does the gentleman understand that 90 per cent of all the property in Alaska belongs to the United States?

Mr. BAILEY. I understand that quite well, and I hope that condition will rapidly pass away.

Mr. OGLESBY. Of whom would you collect the assessment?

Mr. BAILEY. Of those to whom the property belongs after it is created. That is the position I assume, and I think it is absolutely defensible. I hope that the amendment now pending will be voted down and an opportunity be given to support the amendment I have offered, one that I believe should appeal to every man, one providing that the cost of the improvements shall be taken out of the benefits thereby created.

Now, there is nothing new or strange in that proposal. It is one that we have followed in the redemption of swamp lands, it is one that we have followed in the irrigation of arid lands—

Mr. SHERLEY. And that is one of the reasons why the Reclamation Service is subject to all the protests that are made.

Mr. BAILEY. I understand that there have been administrative errors in the matter of the irrigation of arid land.

Mr. SHERLEY. Why? Because they had control of the money instead of Congress having control of it.

Mr. BAILEY. That is mere detail; that does not affect the principle. I stand for the principle and not for any misconception of it. I believe that there will be values created by this proposed improvement. If I did not believe that, I would oppose the bill with all my might. I favor the bill with the amendment that I have proposed, an amendment that I believe will lead to the development of Alaska.

Now, we know what will happen if the plan embodied in the bill is allowed to stand as at present. The resources will be sold at a low price, sold to those who get there first, will be grabbed up by forestallers, and then the people when they come will have to pay a royal tribute to those who got there first. That is what happened in Oklahoma; that is what has happened everywhere that development has been made under the old system. The system proposed in my amendment will largely discourage forestallers. I hope there will be an opportunity given for discussion of this amendment, and I protest with all my might against the proposition offered by the gentleman from New York.

Mr. LEWIS of Maryland. Mr. Chairman, I ask the attention of the House to what I conceive to be a matter of principle and the most important feature of this Alaskan legislation. There are many of us here to-day who realize that we are putting the hard-earned money of our workers here temporarily into a hole

in Alaska. But I feel that the conservation policy, the purpose, and the determination of our people to prevent plutocratic ownership in Alaska requires this sacrifice on our part.

There are many here, including myself, who would not consent to build a railroad in that bleak region, with its insufficient promises of traffic to pay returns. But in this connection I want to make this proposition to the House. There probably never has been builded a railroad anywhere that, incidentally, has not created values in the surrounding land greater than its own cost of construction. If we put \$35,000,000 into a railway in Alaska, we are practically sure of creating \$35,000,000 of values in the environing land.

Now, the proposition embraced in the Bailey amendment is that these values are like street openings—benefits, so to speak. The building of this railroad through Alaska differs not in principle from the opening of a street in this city, in which case there would be levied on the adjoining owners the benefits accruing to their properties. This amendment merely means that we will treat the property of Alaska as we would treat the property owners of the city of Washington. It is suggested that the land is not yet sold. No; there is the trouble with this matter. As soon as the railroad is assured of being built the Government will open up these lands for sale, and speculators with a few dollars in their pockets will go to Alaska and capture all of the lands of prime value, it may be at a small per cent of their real ultimate value.

Now, when these sales take place, and they must take place, they should be coupled with the condition that the values created by the Government through this railway should be an asset from which might be recovered, so far as possible, the cost of this construction. And the amendment proposes to reach that object by providing for, first, an assessment of what those benefits amount to from time to time, and then a levy on the assessments not exceeding 5 per cent per annum. If we are simply to throw the \$35,000,000 into Alaska without any protective measure of this character to bring the resulting land-increment values back to the Treasury that made them, we will be subsidizing Alaska, not for the benefit of its people but for the benefit of a lot of schemers, not settlers, who will go there to capture these values.

I now yield to the gentleman from Kentucky.

Mr. SHERLEY. Mr. Chairman, are we not in the situation of a man who owns a tract of land and who runs a street through it to develop it, and then gets the benefit of the street by the increased value of the lots that he sells?

Mr. LEWIS of Maryland. No. He is a private owner and knows the value of every lot, and usually holds that lot until he gets its real value. The Government is impersonal and is not in Alaska in such a personal way, and will not know what the value of the lands may be.

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

Mr. LEWIS of Maryland. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LEWIS of Maryland. Mr. Chairman, this conservation is not an irrational sentiment, springing merely from emotional persons and without logic and sound philosophy to support it. We have acted on it well enough to conserve our waterfalls, to conserve territory within the domain of the Republic proper, and we should take proper measures to realize it as well in Alaska. We should realize that when building a railroad through Alaska we are producing a result in value creation comparable with those tremendous deposits of coal, and there is not any more reason why we should endeavor to conserve those coal values for the people than that we should try to conserve the value springing directly from the construction of this proposed railroad. If you add this amendment to this measure, your conservation policy will be complete. You undertake this perilous investment because you feel we should keep faith with the conservation sentiment of the country. That is one step; but the consequential and objective essential is that the values you make by this construction shall, at least in part, be conserved to the taxpayers of the country, whose money goes into this railroad.

I thank the committee for its patient attention.

Mr. WINGO. Mr. Chairman, will the gentleman yield for a question?

Mr. LEWIS of Maryland. Yes.

Mr. WINGO. As I understand it, the gentleman is in favor of conserving the coal supply of Alaska. Is that his position?

Mr. LEWIS of Maryland. Surely.

Mr. WINGO. I thought the object of this bill was to open up and exploit the gold supply of Alaska?

Mr. LEWIS of Maryland. Oh, well, I mean conserving the values of the coal for the public, because the coal has no value in the mountains. It is only when it is used and burned that it is of value.

Mr. WINGO. The gentleman is a conservationist. Does he not think that the same rule would apply to the 889,000 acres of the richest land in the country in my district that has been bottled up to conserve its value?

Mr. LEWIS of Maryland. That is another subject which I would like to hear the gentleman discuss in his own time. This is a distinct subject that is before us to-day. We are taking this money from the taxpayers, who have earned it, and when we see it is going to produce some money on its own account, as an incident, perhaps enough ultimately to repay the whole investment, it is our duty, as a matter of loyalty to our paymasters, to conserve it for them instead of letting it drift into the hands of the schemers of this country.

Mr. WINGO. Mr. Chairman, will the gentleman yield further?

Mr. LEWIS of Maryland. Yes.

Mr. WINGO. Here is the point, and I want to get the gentleman's view upon it. I do not understand the conservationists, of which the gentleman is one, when they contend that they want to build a railroad in Alaska to open up the natural resources of Alaska, and yet want to bottle up the natural resources of my district by withdrawing them from entry. What is the distinction?

Mr. LEWIS of Maryland. The gentleman is mistaken and will have to guess again. I never before heard about the lands in his district.

The CHAIRMAN. The time of the gentleman from Maryland has again expired.

Mr. SHERLEY. Mr. Chairman, the position taken by the two gentlemen who have just spoken seems to my mind to be predicated upon two errors. One is that the Government of the United States of necessity is going to be a fool, and the other is that there is no way of getting values from the improvement made except by an assessment on the property. What is the fact? The fact is that the Government of the United States owns Alaska, for the amount it does not own is so small as to be negligible. It is in the exact position of a private landowner who undertakes to open up his property by development, by building streets and sewers, and bringing light and water there for the prospective owners of the land. The value immediately goes into the land and can be reflected in the price for which the land is sold. There is another proposition that I desire to suggest to some of my extreme conservationist friends, and that is that the most valuable asset in America is not the value of the mineral land or of the timberland, but the value of self-supporting individuals who create and maintain American homes and raise American families. [Applause.] That has been the thing that has made America great—the fact that we have used the public domain, sometimes loosely, sometimes with error, but always with the main proposition of making it the basis for homes for American citizens. We are developing Alaska with the ultimate purpose of making there homes for the people of this Republic. What I want to see is this railroad built, and then the lands sold for a proper value, and sold so as to bring them to the use of individuals rather than to the corporate and extreme use of monopoly.

If we do that, we do not need to worry so much as to whether we get every dollar of value into the Treasury of the United States or not. The program that the gentleman suggests, to my mind, is totally impracticable. We are undertaking to mortgage the future in a way that can not be worked out. Let the improvement come to the lands, and then in the disposition of them safeguard them so that they can go to the individual citizens of America. Ask a fair price, not a prohibitive one, and make it the medium for more American homes for Americans. [Loud applause.]

Mr. COOPER. Mr. Chairman, I regret that I did not have opportunity to offer an amendment which seems to me to be important. The gentleman from Illinois [Mr. THOMSON] has suggested a part of it, but his amendment does not reach what I conceive to be a serious defect in this particular paragraph. I say this because of my understanding, from reading the public press, that it is the policy of the present administration hereafter to lease coal and mineral lands as other great nations do, and not to transfer the absolute title in fee in such lands to private ownership. But the pending paragraph plainly implies that Government coal and mineral lands in Alaska are to be sold outright. This is clearly so, because, in line 9, page 15, it provides for a redemption fund "into which shall be paid 50 per cent of all moneys derived from the sale or disposal of any of the public lands." That expression, "any of the public lands," includes, of course, coal and mineral lands; and there-

fore here is a provision expressly declaring what shall be done with 50 per cent of moneys derived from the sale of Alaskan coal and mineral lands.

The word "disposal" does not include lease or leasing. "Disposal" of land means some sort of transfer or conveyance. So that, as I have said, this provision inferentially is for the transfer of Government coal and mineral lands in Alaska to private ownership.

Mr. FITZGERALD. Will the gentleman yield?

Mr. COOPER. Yes.

Mr. FITZGERALD. The gentleman from Illinois suggested the word "lease."

Mr. COOPER. I understood that, and referred to his amendment a moment ago; but it is not broad enough to cover this defect. In order to make the language of the bill accurate, it should, after the words "50 per cent," in line 10, page 15, read as follows, "50 per cent of all moneys derived from the lease of coal or mineral lands in Alaska and from the lease, sale, or disposal of any other public lands therein, or the timber thereon, including town sites." The administration may want to lease public lands in Alaska that are not coal and mineral lands, or to sell such lands outright, but it does not, we are informed, want to do but one thing with the coal and mineral lands in that Territory. It wants to do as all the countries of continental Europe do, lease coal and mineral lands—the royalty may be small—but to retain the title in the Government. But this bill directs what shall be done with moneys derived from the sale of coal and mineral lands, and ought to be amended.

Mr. LENROOT. Mr. Chairman, I desire to discuss the amendment proposed by the gentleman from New York—

Mr. COOPER. Mr. Chairman, I will add that I was cut off from offering an amendment by the motion which was put and carried to limit debate.

Mr. LENROOT. I have a similar amendment, and the gentleman will have an opportunity to offer his amendment.

Mr. COOPER. I understood that debate was closed on the paragraph and all amendments thereto.

The CHAIRMAN. Debate was limited to 30 minutes.

Mr. COOPER. Then I will offer an amendment later.

Mr. LENROOT. Mr. Chairman, I wish to discuss the amendment proposed by the gentleman from New York and the one proposed by myself. There is only one difference between his amendment and my amendment, and that is if my amendment be adopted it will, in so far as we can do so, place a mortgage upon the resources of Alaska for the payment of the cost of this railroad. If his amendment be adopted, it will be treated as a general expenditure of the Treasury to be paid by all the people of the United States. Now, my amendment provides for an Alaskan fund into which shall be paid these moneys, and upon the order of the President from time to time they may be transferred into the general fund of the Treasury and reimburse it for expenditures that have been made under the authority of this act. Now, Mr. Chairman, it seems to me—

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

Mr. LENROOT. I do.

Mr. FITZGERALD. What is to be done with the receipts of this fund if it should be sufficient to reimburse the Treasury up to the \$35,000,000 and there happens to be a surplus?

Mr. LENROOT. I frankly admit that so far as that is concerned it would require additional legislation thereafter to take the moneys out of that fund and place them in the Treasury.

Mr. FITZGERALD. Under the provision I offer it would be in the Treasury.

Mr. LENROOT. And yet the gentleman knows it would be a great many years before the fund would equal the amount of the expenditure, and whenever it does equal it the gentleman knows there will be no difficulty whatever in appropriating the money and doing away with that special fund when this expenditure is made. But with the gentleman's amendment we will pay no regard to the resources of Alaska, so far as paying for this work is concerned. With my amendment we will treat the resources of Alaska as something to reimburse this Government for the expenditures which it makes under this act. And every gentleman who is not in favor of the country as a whole paying for this expenditure ought to vote for my amendment and against the amendment of the gentleman from New York [Mr. FITZGERALD].

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. LENROOT] has expired.

Mr. LLOYD. Mr. Chairman, I ask unanimous consent for the privilege of extending my remarks in the RECORD.

The CHAIRMAN. The gentleman from Missouri [Mr. LLOYD] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. KEATING. Mr. Chairman, I hope the Bailey amendment will be adopted by this House. As the author of it suggested, there is nothing extraordinary or new about the proposition. We try it out almost every day in the municipalities of the United States. The amendment provides that the values created by the construction of this railroad shall be assessed to the extent of 5 per cent per year for the creation of a fund with which to meet the expenses of constructing this railroad. As a matter of fact, in a great many of our cities, when we create civic centers and park districts and similar public improvements, we assess the cost of the improvement on the property benefited. The method adopted is not always the method suggested in the pending amendment, but the principle is the same.

Now, our friend from Kentucky [Mr. SHERLEY] imagines that this would retard development. He says that the Government of the United States will not throw away its Alaskan lands; that it will sell the lands for a reasonable price. What does the gentleman propose to do? Does he propose to amend the land laws of the United States? There is no proposition before this House looking to such an amendment. The lands of Alaska will be settled as the lands in the United States have been settled, under the general land law.

Mr. SHERLEY. Will the gentleman yield?

Mr. KEATING. Yes.

Mr. SHERLEY. Under the present situation there are to be taken out of the area public lands for settlement. We do propose to pass laws just for the purpose of opening them.

Mr. KEATING. This amendment would not interfere with that.

Mr. CALLAWAY. Will the gentleman yield?

Mr. KEATING. I will.

Mr. CALLAWAY. If the gentleman was going to provide it, what kind of machinery would he provide in order to determine the value of land as affected by the railroads?

Mr. KEATING. Any intelligent county assessor down in the State of Texas could perform the task.

Mr. CALLAWAY. I can not imagine how it would be possible.

Mr. KEATING. It is being done every day.

Mr. CALLAWAY. This proposition is to assess on all of the property affected by the railroad 5 per cent of the increased value each year, which shall be turned into the Federal Treasury to pay for this proposition.

Mr. KEATING. Just so. The assessor is expected to determine how much the value of each piece of land is increased by the construction of this road, and the Government will take 5 per cent of that value each year. If the Government—in other words, the people—creates the value, why should not it take a part, in order that it may be reimbursed for building the road?

Mr. HOUSTON. Mr. Chairman, I merely want to say that, so far as the proposition involved in the amendments offered by the gentleman from New York [Mr. FITZGERALD] and the gentleman from Wisconsin [Mr. LENROOT] is concerned, I do not think either one of those amendments especially change the general purpose of the bill, inasmuch as the former section has been stricken out. Individually, I believe I prefer the amendment offered by the gentleman from Wisconsin [Mr. LENROOT]. So far as the other amendment is concerned, to tax the values that have been created by the building of this road, to say nothing of any other feature of it, it seems to me the impracticability of it is enough to deter us from anything of that sort. The levying of a tax at 5 per cent on the values that are created by the building of these roads is an impossible one to determine. It is like dropping a stone into the ocean. The waves extend clear across it. Where does the boundary line lie where benefits will accrue from this? I think it is impracticable.

Mr. LEWIS of Maryland. Will the gentleman yield?

Mr. HOUSTON. Yes; I yield.

Mr. LEWIS of Maryland. How does the proposition differ from the benefits arising to adjoining owners by the opening of a street?

Mr. HOUSTON. Because there it is definite. You can levy a tax on adjacent property just as you can levy a tax on abutting property for certain improvements. But here it is not definite, it is vague, and you can not tell where it extends.

Mr. CALLAWAY. Is it not a fact that it is absolutely impossible, and no municipality ever attempted, to assess 5 per cent, or any per cent, on increased value, and that we only assess the property so much to build the improvement?

Mr. LEWIS of Maryland. Oh, no.

Mr. HOUSTON. I think the gentleman is correct. It would be impossible to put that in operation.

Mr. LEWIS of Maryland. Some values are improved to a certain extent, and others to another extent. It is a very com-

plex subject, but any man who is competent to assess the value of lands here can assess the value of those lands.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOUSTON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HOUSTON. What is the amendment pending for a vote before the House first?

The CHAIRMAN. There is one amendment pending for a vote, and that is the one offered by the gentleman from New York [Mr. FITZGERALD]. The other amendment was offered for information.

Mr. COOPER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COOPER. Will it be in order now to offer an amendment? Will there be an opportunity afforded to offer an amendment before the debate closes?

The CHAIRMAN. The Chair thinks so.

Mr. THOMSON of Illinois. Mr. Chairman, I wish to offer an amendment to the amendment offered by the gentleman from New York [Mr. FITZGERALD] by adding the word "lease," with a comma, before the word "sale."

Mr. FITZGERALD. I think that ought to be in, Mr. Chairman. I will modify my amendment to that extent.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent that the amendment offered by him be amended as he suggests. Is there objection?

There was no objection.

Mr. COOPER. Mr. Chairman, I offer this amendment.

The CHAIRMAN. The gentleman from Wisconsin [Mr. COOPER] offers an amendment, which the Clerk will report.

Mr. HOUSTON. Mr. Chairman, is not the amendment offered by the gentleman from New York [Mr. FITZGERALD] in order for a vote now?

The CHAIRMAN. It is unless there are some amendments offered to it. The Chair will ask the gentleman from Wisconsin how his amendment is offered?

Mr. COOPER. I offer it as an amendment to the paragraph.

The CHAIRMAN. The gentleman from Wisconsin [Mr. COOPER] offers his amendment as an amendment to the paragraph. The Clerk will report the amendment.

The Clerk read as follows:

Amend by striking out all after the word "the" in line 10—

Mr. FITZGERALD. That amendment, Mr. Chairman, is not in order now, pending a motion to strike out and insert.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] makes the point of order that the amendment of the gentleman from Wisconsin [Mr. COOPER] is not in order. The Chair sustains it.

Mr. BAILEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BAILEY] offers an amendment to the amendment offered by the gentleman from New York [Mr. FITZGERALD]. The Clerk will read the amendment.

The Clerk read as follows:

Strike out all of section 4, page 15, and insert the following in lieu thereof.

Mr. FITZGERALD. Mr. Chairman, that is not an amendment.

The CHAIRMAN. Is that what the gentleman from Pennsylvania intended?

Mr. BAILEY. It is to be added to the amendment of the gentleman from New York.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BAILEY] says he adds it to the amendment offered by the gentleman from New York [Mr. FITZGERALD] as an amendment to the amendment. The Clerk will report the amendment offered by the gentleman from Pennsylvania.

The Clerk read as follows:

Add to the Fitzgerald amendment, after the word "Congress," in the last line, the following: "The Secretary of the Treasury, under regulations to be approved by the President, shall cause to be assessed every two years the value accruing as benefits to any land in Alaska by reason of the construction of said railway or railways, and shall cause to be levied thereon and collected from the owners thereof an annual tax, not exceeding 5 per cent of the value of such benefits as assessed from time to time, and the proceeds of said tax shall be covered into the general revenues."

Mr. FITZGERALD. Mr. Chairman, I make a point of order that the amendment is not germane to the pending motion.

The CHAIRMAN. The gentleman from New York makes the point of order that it is not germane. Does the gentleman from Pennsylvania [Mr. BAILEY] desire to be heard on the point of order?

Mr. LEWIS of Maryland. Oh, it is germane. It deals with the same subject.

Mr. BAILEY. Mr. Chairman, I yield to the gentleman from Maryland.

Mr. LEWIS of Maryland. It deals with the same subject.

Mr. FITZGERALD. It is not the same subject.

Mr. LEWIS of Maryland. It is the same subject, to wit, the lands affected by this railroad, and the sales of the lands and the values attaching to those lands; and it provides that the tax shall be paid into the Treasury of the United States. It relates to the subject matter, and relates to it in a supplementary way, and not in an irreconcilable way.

Mr. FITZGERALD. If the gentleman wishes to obtain a vote on the proposition I will withdraw the point of order.

The CHAIRMAN. The gentleman from New York withdraws the point of order.

Mr. LENROOT. Mr. Chairman, I desire to have a ruling from the Chair on the priority of my amendment, and I would like to say a word in reference to it.

The CHAIRMAN. Has the gentleman offered his amendment?

Mr. LENROOT. I will offer it now as a preferential amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wisconsin [Mr. LENROOT].

The Clerk read as follows:

Page 15, line 16, strike out the paragraph after the word "President" and insert in lieu thereof the following: "To reimburse the Treasury for disbursements made under the authority of this act."

Mr. FITZGERALD. Mr. Chairman, I make the point of order that the amendment is not preferential.

The CHAIRMAN. The point of order is sustained.

Mr. LENROOT. Mr. Chairman, will the Chair hear me for a moment on that?

The CHAIRMAN. Yes.

Mr. LENROOT. The general rule is, of course, that it is within the right of the committee to perfect the original text before a motion to strike out an entire section or an entire bill and substitute another is in order. That, in effect, is the motion of the gentleman from New York [Mr. FITZGERALD], to strike out an entire section and insert another. My amendment merely perfects the original text, strikes out certain words of it and inserts other words, and therefore I insist that my amendment has priority over the amendment offered by the gentleman from New York.

Mr. FITZGERALD. Mr. Chairman, I think it is easy to get the rule of parliamentary procedure accurately before the committee. The customary practice is that when a motion to strike a paragraph out is offered it is in order to perfect the paragraph in order that the committee may determine whether the paragraph as finally perfected shall remain in the bill or go out of it. But there is an express provision in the rules that a motion to strike out a paragraph or certain language and to insert something in its place is not divisible. It is treated in its entirety, and if the motion fail it does not preclude an amendment of the text or a motion to strike out the text without suggesting that something be inserted. So that it becomes merely a question not of priority because of the privilege of the amendment but of priority of recognition. The amendment offered by me to strike out and insert is the one first to be submitted to the committee. If that amendment be adopted, it is immaterial whether the text be perfected. The committee would determine to insert something in lieu of the text. If that motion fails, however, then it is in order to perfect the text. Rule XVI, paragraph 7, specially provides that—

A motion to strike out and insert is indivisible, but a motion to strike out being lost shall neither preclude amendment nor motion to strike out and insert.

Without that particular rule making the motion to strike out and insert indivisible, the motion could be divided.

If the question were whether the language should be stricken out, an amendment to perfect that language would then first be in order; but as we have this special rule to facilitate the transaction of business, the question on a motion to strike out and insert is, Does the committee wish to insert the particular matter suggested? If it does, it saves considerable time to insert it without wasting the time of the committee in perfecting the matter that is to go out eventually. So that unless gentlemen can show some decision or rule, it seems to me clear, from an examination of the rules and practice, that the question is one of priority of recognition.

Mr. LENROOT. Neither the gentleman from New York [Mr. FITZGERALD] nor myself has been able, I think, to find any decision touching this question; but the same principle that the gentleman urges with reference to perfecting the text prior to a motion to strike out applies, I insist, with reference to a motion to strike out and insert, because the committee has a right to get the original text in as perfect form as possible, to enable it to decide whether it will agree to the motion to strike out and insert. So the reasoning applies equally to both cases.

The CHAIRMAN. The Chair desires to state that if this was a motion merely to strike out, then the amendment of the gentleman from Wisconsin would have priority, under paragraph 449 of the Manual, which says:

Another exception to the rule of priority is when a motion has been made to strike out or agree to a paragraph. Motions to amend it are to be put to the question before a vote is taken on striking out or agreeing to the whole paragraph.

But in this instance the amendment offered by the gentleman from New York is a motion to strike out and insert, and, under paragraph 776—

A motion to strike out and insert is indivisible, but a motion to strike out being lost shall neither preclude amendment nor motion to strike out and insert.

The Chair thinks that in view of the fact that the amendment of the gentleman from New York [Mr. FITZGERALD] is a motion to strike out and insert, the amendment offered by the gentleman from Wisconsin [Mr. LENROOT] has no priority. Therefore the Chair sustains the point of order made by the gentleman from New York.

Mr. COOPER. Mr. Chairman, I offer the amendment which I send to the Clerk's desk as an amendment to the amendment of the gentleman from New York [Mr. FITZGERALD].

The CHAIRMAN. The Chair will state that there is already pending an amendment to the amendment offered by the gentleman from New York. The amendment offered by the gentleman from Pennsylvania [Mr. BAILEY] is now pending. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. BAILEY] to the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The question being taken, on a division (demanded by Mr. BAILEY) there were—ayes 27, noes 126.

Accordingly the amendment to the amendment was rejected.

Mr. COOPER. Mr. Chairman, I now offer the amendment which I have sent to the Clerk's desk as an amendment to the amendment of the gentleman from New York [Mr. FITZGERALD].

The CHAIRMAN. The gentleman from Wisconsin offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amend by striking out all after the word "the," in line 10, on page 15, down to and including the word "thereon," in line 12, on the same page, and insert the following:

"Lease of coal and mineral lands in Alaska, and from the sale, lease, or disposal of any other public lands therein, or the timber thereon, including town sites."

Mr. FITZGERALD. Mr. Chairman, so that the amendment may be in proper form, I ask the Clerk to modify it so as to describe accurately the language in the amendment submitted by me. The gentleman refers to a line and page of the bill, while I have submitted an amendment to which his proposition is an amendment.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the amendment may be so modified as to conform to the amendment of the gentleman from New York.

Mr. COOPER. So as to have it correspond with the amendment of the gentleman from New York.

The CHAIRMAN. The Chair will ask the gentleman to modify it in such a way that it will come in at the proper place in the amendment of the gentleman from New York.

Mr. FITZGERALD. I understand that the purpose of this amendment is so to modify the language as to make it clear that the proceeds of leases as well as sales shall be covered into the Treasury.

Mr. COOPER. Not only that, but—

Mr. FITZGERALD. I wish to say to the gentleman that the amendment provides only that the proceeds of leases of coal and mineral lands shall be covered into the Treasury. Suppose some of these coal or mineral lands are released, so that they become subject to entry under the homestead laws. Then, under the amendment proposed by the gentleman from Wisconsin [Mr. COOPER], such proceeds would not be covered by this amendment, unless the amendment provides that coal and mineral lands can only be leased and not otherwise disposed of. Is that correct?

Mr. LENROOT. Under the gentleman's amendment it already goes into the Treasury, anyway. There is no other place for it to go.

Mr. COOPER. If the gentleman from New York will turn to line 7, on page 13, he will see there this unusual language:

That it is the intent and purpose of Congress through this act to authorize and empower the President of the United States, and he is hereby fully authorized and empowered, through such officers, agents, or agencies as he may appoint or employ, to do all lawful acts and things in addition to those specially authorized in this act necessary to enable him to accomplish the purposes and objects of this act.

Then, turning to section 4, he will observe that it establishes a redemption fund, and then goes on to provide that 50 per cent of all moneys derived from the sale or disposal of any of the

public lands in Alaska shall be paid into that redemption fund, which, inferentially at least, would convey the impression—

Mr. FITZGERALD. The amendment offered by myself provides that all of the proceeds from the sale or disposal of the public lands, including town sites and coal and mineral lands, shall be covered into the Treasury as miscellaneous receipts. It makes no difference whether those proceeds be from sales or leases.

Mr. COOPER. But the gentleman does not catch my point— The CHAIRMAN. Debate on this amendment is exhausted.

Mr. COOPER. I ask unanimous consent that we have five minutes, which I will divide with the gentleman from New York.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the time be extended five minutes. Is there objection?

There was no objection.

Mr. COOPER. Mr. Chairman, the point I make is that the amendment of the gentleman from New York [Mr. FITZGERALD] does provide for or impliedly permits the sale of coal and mineral lands, because the bill directs what shall be done with the proceeds of the "sale of all lands"; and the "sale of all lands" would include mineral lands, gold lands, copper lands, and everything else.

The turning of the proceeds into the Treasury has nothing to do with the sale and transfer of title in fee in lands to private ownership. As I understand, it is to be the policy of this administration not hereafter to convey indiscriminately to private corporations or individuals the title in fee to mineral lands, but retain such lands for lease as other countries do.

Mr. FITZGERALD. Under the amendment I have offered no authority is conferred on anyone to sell or to lease the lands. The only thing it does is to provide that all revenue shall go into the Treasury as miscellaneous receipts. It does not change the law as it exists. If it is the purpose of the gentleman to make it impossible to sell mineral lands, the way to do it is to offer an express provision to that effect in the nature of an amendment. His amendment provides that the proceeds of leasing of the coal and mineral lands only shall be covered into the Treasury as miscellaneous receipts and accounted for and reported as provided in the amendment which I have proposed, and if coal and mineral lands should be sold and not leased the proceeds would not be accounted for.

Mr. COOPER. The gentleman proposes inferentially to give our consent to the sale of coal lands to private ownership.

Mr. FITZGERALD. The amendment proposed by me does not authorize any sale. It does not modify the law as it now exists. It is designed only to affect receipts under the law as now existing or as hereafter changed. The effect of the gentleman's amendment would be to take the proceeds, if coal or mineral lands are sold, from out the provisions of the section and keep them out of the account which it is designed shall be kept for the information of Congress.

Mr. COOPER. But the paragraph under discussion directs what shall be done with moneys derived from the sale of coal and mineral lands in Alaska, although, under the present law, such lands in Alaska are not permitted to be sold.

Mr. FITZGERALD. And there is nothing in the amendment which I have offered that authorizes their sale. The only thing it provides is that the money, however it comes, shall be turned into the Treasury and an account kept of it.

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The question is on the amendment offered by the gentleman from Wisconsin to the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. COOPER) there were—ayes 35, noes 95.

So the amendment to the amendment was lost.

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The question was taken; and on a division (demanded by Mr. LENROOT) there were—ayes 111, noes 57.

So the amendment was agreed to.

The Clerk completed the reading of the bill, as follows:

SEC. 5. That the officers, agents, or agencies placed in charge of the work by the President shall make to the President annually, and at such other periods as may be required by the President or by either House of Congress, full and complete reports of all their acts and doings and of all moneys received and expended in the construction of said work and in the operation of said work or works and in the performance of their duties in connection therewith. The annual reports herein provided for shall be by the President transmitted to Congress.

Mr. LENROOT. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend by adding a new section, to be known and numbered as section 8, which shall read as follows:

"That the jurisdiction of the District Court of Alaska shall extend to any and all controversies which may arise between the United States

and any person, association, or corporation growing out of any acts done or threatened, or contracts entered into under or pursuant to this act. All causes against the United States brought and tried under the provisions of this section shall be tried in the same manner and under the same rules as controversies between citizens. The venue in any case involving such a controversy shall be in the division in which the cause of action arose, if it arose in Alaska. If it arose elsewhere than in Alaska, the venue shall be within the division in which is the capital of the Territory. Process in any such case against the United States may be served upon the district attorney assigned to the division in which the action is brought: *Provided*, That in actions for the personal injury or death of employees the liability of the Government shall be determined by the rules and subject to the limitations respecting defenses that are provided in the case of common carriers by the act of April 22, 1908, entitled 'An act relating to the liability of common carriers by railroad to their employees in certain cases.'

Mr. LENROOT. Mr. Chairman, I shall not take any time on this amendment other than to say that its purpose is to extend the jurisdiction of the Federal Court in Alaska to controversies against the Government arising out of the construction of this railroad. For instance, an employee is injured in the operation of this road; he ought to have the same right to go into the courts of Alaska in an action against the Government that an employee of any other railroad would have, and that anyone who has a grievance or a legal right to enforce against the Government in the construction of this railroad ought to have a forum near at hand in which to enforce it.

Mr. FITZGERALD. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. FITZGERALD. Would this give an employee a right to bring an action for a personal injury against the Government?

Mr. LENROOT. It would.

Mr. FITZGERALD. Does the gentleman think that in building these railroads employees should be put on a plane different from that of the employees engaged in the construction of the Panama Canal?

Mr. LENROOT. I think they should be placed on the same basis, so far as the Government is concerned, with any private employee.

Mr. FITZGERALD. Does the gentleman believe we should differentiate between the employees in the construction of these railroads and the employees in the construction of the Panama Canal?

Mr. LENROOT. If we have not gone far enough in the construction of the Panama Canal, that is no reason why we should not do justice to the employees in the construction of a railroad in Alaska.

Mr. FITZGERALD. I do not know that we have not gone far enough with the employees of the Panama Canal.

Mr. HOUSTON. Mr. Chairman, the Committee on Territories did not think it wise to include this provision embraced in the amendment offered by the gentleman from Wisconsin. There was not much objection to some features of it, but it was considered that it would be best not to encumber the bill with a provision of this kind; we thought it ought to stand on the clean proposition to construct the railroad and not be encumbered with these matters.

Mr. BOOHER. Mr. Chairman, under the leave granted to extend my remarks in the RECORD on the pending measure I desire to include a bill introduced in the Senate of the United States by Senator Thomas H. Benton, of Missouri, December 16, 1850, providing for the location and construction of a central national highway from the Mississippi River, at St. Louis, to the Bay of San Francisco, on the Pacific Ocean.

I invite the careful attention of the Members of the House to the provisions of the bill, and especially I commend it to those of the Democratic faith who are so badly frightened at the ghost of Government ownership of railroads.

Senator Benton was a great statesman and a great Democrat, and none of that political faith will go far astray in following closely his ideas of the powers of the Government to build railroads and own and operate them. My own opinion is that many worse evils can inflict this country than Government ownership of public utilities, but that question is not now before us for consideration.

When the people's representatives shall be called upon to determine that question, I have no doubt of their ability and patriotism to settle it and settle it right.

Let us pass the pending measure—keep all our party pledges and aid in the development of the great natural resources of Alaska and provide homes for Americans on American soil.

The bill introduced by Senator Benton in the United States Senate on December 16, 1850, is as follows:

A bill to provide for the location and construction of a central national highway from the Mississippi River at St. Louis to the Bay of San Francisco on the Pacific Ocean.

Be it enacted, etc., That a district of territory 100 miles wide and extending from the western frontier of Missouri to the Pacific Ocean

and corresponding as nearly as may be to the central latitudes of the United States, together with the revenue from the lands and customs in California, Oregon, New Mexico, and Arizona, so far as not required for expenditures therein, shall be set apart and reserved for opening communications with California, Oregon, New Mexico, and Utah by means of a central national highway from St. Louis to the Bay of San Francisco, to connect with ocean navigation in that bay; with a branch of said highway to Santa Fe, in New Mexico; and a branch to the tidewater region of the Columbia River, so as to connect with ocean navigation at that point; and also a branch to the city of the Great Salt Lake, if said central highway should not in its purpose course pass that city; and a branch of 50 miles shall be set apart and reserved for the location and construction of said branch roads, respectively.

SEC. 2. *And be it further enacted*, That the said central national highway shall consist of a system of parallel roads adapted to different modes of travel and transportation and a margin for lines of electro-telegraph wires, whereof one common road and one iron railroad shall be immediately opened and constructed; and such other roads shall be hereafter opened and constructed as Congress from time to time may authorize. And in order that the said national central highway may be constructed on a scale commensurate to its importance and adapted to the wants of present and future time, and in order to allow convenient space for all parallel lines of road which commerce and travel may require thereon, a breadth of 1 mile shall be allowed through the reserve of 100 miles; and the said branch road shall equally consist of a common road and a railway and such other roads as Congress may from time to time authorize and direct, with a margin for a line of electrotelegraph wires; and a breadth of 1,000 feet shall be allowed through the reserve of 50 miles for such branch roads each, respectively, and each track of road shall be entitled to a space of 100 feet wide, and the telegraph line to a space of 100 feet wide; and when finished the said iron railway or ways shall never be subjected to any toll or tax beyond that which may be necessary to provide repairs; and the said common roads shall be forever free from any toll or tax, and shall be kept in traveling order by the care and expense of the Federal Government.

SEC. 3. *And be it further enacted*, That the President be authorized and requested to cause all the authentic information in possession of the Government, or in its power to procure, necessary to show the practicability of a route for said central highway, to be collected and digested into brief memoirs, illustrated by topographical and profile maps, to be laid before Congress as soon as possible; also that he be authorized and requested to cause surveys and examinations to be made and the results to be laid before Congress as soon as possible, and for that purpose to employ as many citizen civil engineers as may be necessary.

SEC. 4. *And be it further enacted*, That as soon as Congress shall fix upon the route for said central highway and branches the President shall be, and is hereby, authorized and requested to cause the Indian title to be extinguished upon a breadth of 100 miles to cover the route of said central highway; and also to extinguish the Indian title upon suitable breadths of 50 miles each, covering the said branch roads; and the location and construction of the central highway shall immediately be commenced, both for the common road and the railway, and with a force calculated to finish the common road in 1 year, so as to be passable for wagons and carriages, and the railway in 10 years.

SEC. 5. *And be it further enacted*, That as soon as the said common road is finished the same shall be a post road, and a daily mail carried thereon in wagons or coaches or sleighs, when necessary, at the rate of at least 100 miles in 24 hours; and a daily horse mail for light letters and printed slips at the rate of at least 200 miles in 24 hours.

SEC. 6. *And be it further enacted*, That as soon as said railway, or any sufficient part thereof, shall be completed and fit for use, the use thereof shall be granted for a limited time to such individuals or companies as shall, by contract with the Government, agree to transport persons, mails, munitions of war, and freight of all kinds, public and private, in vehicles furnished by themselves, over the same at such reasonable rates as shall be agreed upon; *Provided*, That if other roads shall hereafter be constructed on the ground reserved for roads by this act, the same company or persons shall not be allowed to have the contract for transportation or any interest in more than one road at the same time.

SEC. 7. *And be it further enacted*, That military stations shall be established on the line of the central highway and its branches, at such places as the President shall direct.

SEC. 8. *And be it further enacted*, That donations of land, to the extent of 160 acres, shall be made to each head of a family, widow, or single man over 18 years of age, who shall be settled on the line of said central highway and branches, and within the bounds of the extinguished Indian claims, within 12 months after the time of such extinction of title, and preemption rights to the same extent shall be allowed to all similar settlers after 12 months, and the residue of said reserve districts, except gold mines and placers and private claims, or donations or preemption rights, shall be sold, and the proceeds applied to the construction of the roads.

SEC. 9. *And be it further enacted*, That the sum of \$300,000 out of any money in the Treasury not otherwise appropriated, shall be, and the same is hereby, appropriated and placed at the disposition of the President to defray the expenses of carrying into effect the third and fourth sections of this act, for the collection and preparation of information and the extinction of Indian titles necessary to the selection and location of the route for the said central national highway and branches.

SEC. 10. *And be it further enacted*, That it shall and may be lawful for the President of the United States to contract with the Mississippi & Pacific Railroad Co. for their interest in so much of said road as shall be within the State of Missouri, and to purchase the same at a price not exceeding their actual expenditures, the said purchase to be subject to the ratification of Congress.

Mr. FITZGERALD. Mr. Chairman, the amendment of the gentleman from Wisconsin proposes a distinct step backward in the progressiveness of the country. Everyone agrees that instead of putting an employee in any enterprise at his peril by requiring him to enter the courts in order to obtain redress because of personal injury, or in case of his death for the relief of his relatives, some certain and sure provision should be made for him under the provisions of a wise employers' liability act. Yet it is proposed in the construction of this Alaskan railway

that employees shall not be placed on the same plane as the employees of the Panama Canal, who are entitled to definite compensation in case of injury, and certain payments to relatives in case of death, but that they shall be relegated to the courts in case of injury or death.

Without having time to examine the amendment carefully, it seems to me that it puts everybody that does business with the Government in connection with the Alaskan railway upon an entirely different footing than persons enjoy doing business in other enterprises.

The Court of Claims exists with certain well-defined jurisdiction. We have certain other restrictions and regulations to protect the Government, but under the amendment offered by the gentleman from Wisconsin all the safeguards to protect the Federal Treasury, the result of years of experience, are cast aside, and the Government is placed in the same category as a private citizen and relegated to the jurisdiction of a single court in Alaska.

Mr. LENROOT. Would the gentleman state what relief any employee of this railroad would have under this law without this amendment?

Mr. FITZGERALD. Without referring to the statute, I am unable to say. If he does not have it under the statute, which should give him the same relief that every other employee of the Government—every artisan and mechanic—has, then this bill should be amended, or, as soon as that question is ascertained, the law should be extended to the employees to be engaged in Alaska. These men will not be employed in the field within the immediate future. There will be ample time to make provision, and adequate provision, for them; but to adopt an amendment like the one proposed, and to put the Government in a position where anyone with a grievance in connection with the construction of this railroad can take it into the district court of Alaska, regardless of what the situation may be, would be to put the Government in a situation in which its interest will not be adequately safeguarded.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MANN rose.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. HOUSTON. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, when the Panama Canal bill was before the House in the last Congress I offered an amendment, which was agreed to, authorizing the President to make regulations and provisions for payment on behalf of all employees who were injured or killed upon the work down there. The amendment now offered by the gentleman from Wisconsin [Mr. LENROOT] is in the Senate bill. It will go into conference if this bill passes the House, I assume. I believe that in the conference the House conferees might do well to take that provision which was in the Panama Canal law providing that the President may make provision for the payment for the loss by death of employees or for the injury of employees. The President has not yet made those regulations upon the Panama Canal, although I was informed a short time ago by the Secretary of War that it was expected they would be made soon. I assume, in my ignorance, that when the President gets time, apart from trying to repudiate the Democratic platform on the toll question, he will take up the question of making compensation to the injured employees on the Panama Canal, which is of vital importance.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wisconsin.

The amendment was rejected.

(By unanimous consent, leave was granted to Mr. FARR, Mr. BAILEY, Mr. REILLY of Connecticut, Mr. MAHAN, Mr. FITZHENRY, Mr. WEAVER, Mr. MURRAY of Oklahoma, and Mr. LINTHICUM to extend their remarks in the RECORD.)

Mr. HOUSTON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HARRISON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 48, the Alaska railroad bill, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. HOUSTON. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

Mr. DAVENPORT. Mr. Speaker, I move that further consideration of this bill be postponed until next Calendar Wednesday.

Mr. MANN. Mr. Speaker, is that motion in order, the previous question having been ordered?

The SPEAKER. The previous question has been ordered on the bill and amendments to final passage, and the motion of the gentleman from Oklahoma is out of order.

Mr. DAVENPORT. Mr. Speaker, I move that the House do now adjourn, and on that I demand the yeas and nays.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. If the House should adjourn now, would this bill, the previous question having been ordered, come up the first thing to-morrow?

The SPEAKER. It would not come up until next Calendar Wednesday. The question is on the motion of the gentleman from Oklahoma that the House do now adjourn, and on that motion he demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Eighteen gentlemen have risen, not a sufficient number. The yeas and nays are refused. The question is on the motion of the gentleman from Oklahoma that the House do now adjourn.

The motion was rejected.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. LEVY. Mr. Speaker, I demand a separate vote on the Fitzgerald amendment to section 3.

The SPEAKER. Is a separate vote demanded on any other amendment? [After a pause.] If not, the Chair will put them in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question now is on agreeing to the Fitzgerald amendment.

Mr. BUCHANAN of Illinois. Mr. Speaker, I would like to have the amendment again reported.

The SPEAKER. Without objection, the Clerk will again report the amendment.

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The question is on the Fitzgerald amendment.

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

The SPEAKER. The question now is on the third reading of the Senate bill.

The bill was ordered to be read a third time.

The SPEAKER. The question now is on the passage of the bill.

Mr. WHITE. Mr. Speaker, I have a motion to recommit the bill to the Committee on Territories, with instructions to report it back with the following amendment, which I send to the desk and ask to have read.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. WHITE moves to recommit the bill to the Committee on Territories with instructions to report it back with the following amendments:

"That the authority of the President be limited to the construction of a railroad to the Bering or the Matanuska coal fields and the construction of highways leading into the interior from the railroad so authorized.

"That the limit of cost for the construction of the railroad referred to be, and is hereby, fixed at \$8,000,000, and the cost of the highways at \$2,000,000."

The SPEAKER. The question is on the motion to recommit. The question was taken, and the motion to recommit was rejected.

The SPEAKER. The question now is on the passage of the bill.

The question was taken, and the Speaker announced that the ayes seemed to have it, the ayes have it—

Mr. DAVENPORT. Mr. Speaker, I demand the yeas and nays. [Cries of "Too late!"]

The SPEAKER. The gentleman from Oklahoma demands the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 232, nays 86, answered "present" 7, not voting 106, as follows:

YEAS—232.

Ainey	Barchfeld	Brown, W. Va.	Campbell
Alexander	Barton	Browne, Wis.	Cantor
Allen	Bathrick	Bruckner	Cantrill
Anderson	Bell, Cal.	Brumbaugh	Carew
Ansberry	Booher	Bryan	Carr
Anthony	Borchers	Buchanan, Ill.	Cary
Bailey	Borland	Bulkley	Chandler, N. Y.
Baker	Brodbeck	Burke, Wis.	Church
Baltz	Brown, N. Y.	Butler	Coady

Connelly, Kans.	Hamilton, N. Y.	Logue	Rupley
Cannolly, Iowa	Hamlin	Loneragan	Sabath
Cooper	Hardy	McAndrews	Scott
Copley	Hart	McCoy	Scully
Covington	Haugen	McDermott	Seidomridge
Crosser	Hawley	McGillcuddy	Shackelford
Cullopp	Hayden	McKellar	Sharp
Curry	Hayes	McKenzie	Sherley
Dale	Hedin	MacDonald	Shreve
Decker	Helgesen	Maguire, Nebr.	Sims
Deltrick	Henry	Mahan	Sinnett
Dickinson	Hinds	Maher	Slemp
Dillon	Hinebaugh	Manahan	Sloan
Dixon	Houston	Mann	Smith, Idaho
Donohoe	Hulings	Mapes	Smith, J. M. C.
Donovan	Humphrey, Wash.	Miller	Smith, Minn.
Doolittle	Humphreys, Miss.	Mitchell	Smith, Tex.
Doremus	Igoe	Montague	Sparkman
Driscoll	Johnson, S. C.	Morgan, La.	Stafford
Dupré	Johnson, Utah	Morgan, Okla.	Stephens, Cal.
Eagan	Johnson, Wash.	Morrison	Stephens, Nebr.
Eagle	Kahn	Moss, Ind.	Stephens, Tex.
Esch	Keating	Mott	Stevens, N. H.
Falconer	Kelley, Mich.	Murray, Mass.	Stone
Farr	Kelly, Pa.	Murray, Okla.	Stout
Fergusson	Kennedy, Conn.	Neeley, Kans.	Stringer
Fess	Kennedy, Iowa	Neely, W. Va.	Talbot, Md.
FitzHenry	Kent	Nelson	Talcott, N. Y.
Flood, Va.	Kettner	Norton	Tavener
Fowler	Key, Ohio	O'Brien	Taylor, N. Y.
Frear	Kiess, Pa.	Oglesby	Temple
French	Kinkaide, Nebr.	Oldfield	Ten Eyck
Gard	Kinkead, N. J.	O'Leary	Thompson, Okla.
Gardner	Kirkpatrick	O'Shaunessy	Thomson, Ill.
Garrett, Tex.	Kitchin	Padgett	Towner
George	Knowland, J. R.	Palmer	Tuttle
Gerry	Konop	Patten, N. Y.	Underhill
Gilmore	Lafferty	Patton, Pa.	Underwood
Godwin, N. C.	La Follette	Peters, Mass.	Vaughan
Goeke	Langham	Peterson	Volstead
Good	Lec, Pa.	Phelan	Wallin
Gordon	Lenroot	Pou	Walsh
Graham, Ill.	Lesher	Quin	Watkins
Graham, Pa.	Levy	Rainey	Watson
Greene, Vt.	Lewis, Md.	Raker	Williams
Gregg	Lewis, Pa.	Rauch	Willis
Gudger	Lindbergh	Reilly, Conn.	Woodruff
Guernsey	Linthicum	Reilly, Wis.	Woods
Hamilton, Mich.	Lobeck	Rogers	Young, Tex.

NAYS—86.

Abercrombie	Davenport	Hull	Rouse
Alken	Dent	Jacoway	Rubey
Aswell	Dies	Johnson, Ky.	Rucker
Barkley	Difenderfer	Keister	Russell
Barnhart	Doughton	Kennedy, R. I.	Saunders
Beall, Tex.	Dunn	Korbly	Sells
Britten	Edwards	Lazaro	Sisson
Brockson	Elder	Lever	Small
Broussard	Falchild	Lieb	Stedman
Browning	Fields	Lloyd	Stephens, Miss.
Buchanan, Tex.	Finley	Madden	Thomas
Byrns, Tenn.	Fitzgerald	Mondell	Townsend
Callaway	Floyd, Ark.	Moon	Weaver
Candler, Miss.	Garner	Moore	Whaley
Caraway	Garrett, Tenn.	Paige, Mass.	Whitacre
Clark, Fla.	Gillett	Parker	White
Claypool	Greene, Mass.	Payne	Wilson, Fla.
Clayton	Griest	Peters, Me.	Wingo
Cline	Hay	Platt	Winslow
Collier	Helm	Post	Witherspoon
Cox	Hensley	Rayburn	
Danforth	Holland	Reed	

ANSWERED "PRESENT"—7.

Carter	Goulden	Kreider	Treadway
Fordney	Harrison	Stevens, Minn.	

NOT VOTING—106.

Adair	Edmonds	Jones	Roberts, Mass.
Adamson	Estopinal	Kindel	Roberts, Nev.
Ashbrook	Evans	Langley	Rothermel
Austin	Faison	Lee, Ga.	Sherwood
Avis	Ferris	L'Engle	Slayden
Bartlett	Foster	Lindquist	Smith, Md.
Beakes	Francis	Loft	Smith, N. Y.
Bell, Ga.	Gallagher	McClellan	Smith, Saml. W.
Blackmon	Gittins	McGuire, Okla.	Stanley
Bowdle	Glass	McLaughlin	Steenerson
Burgess	Goldfogle	Martin	Sumners
Burke, Pa.	Goodwin, Ark.	Merritt	Sutherland
Burke, S. Dak.	Gorman	Metz	Switzer
Burnett	Gray	Morin	Taggart
Byrnes, S. C.	Green, Iowa	Moss, W. Va.	Taylor, Ala.
Calder	Griffin	Murdock	Taylor, Ark.
Carlin	Hamill	Nolan, J. I.	Taylor, Colo.
Casey	Hammond	O'Hair	Thacher
Clancy	Hardwick	Page, N. C.	Trible
Conry	Helvering	Park	Vare
Cramton	Hill	Plumley	Walker
Crisp	Hobson	Porter	Walters
Curley	Howard	Powers	Webb
Davis	Howell	Prouty	Wilson, N. Y.
Dershem	Hoxworth	Ragsdale	Young, N. Dak.
Dooling	Hughes, Ga.	Richardson	
Dyer	Hughes, W. Va.	Riordan	

So the bill was passed.
 The Clerk announced the following vote:
 On this vote:
 Mr. PORTER (for Alaska bill) with Mr. BLACKMON (against).
 Mr. HOWELL (for Alaska bill) with Mr. BARTLETT (against).

Mr. CALDER (for Alaska bill) with Mr. BELL of Georgia (against).
 Mr. PROUTY (against Alaska bill) with Mr. DYER (in favor).
 Mr. METZ (for Alaska bill) with Mr. GOULDEN (against).
 Mr. ADAIR (for Alaska bill) with Mr. WALKER (against).
 Mr. GLASS (for Alaska bill) with Mr. CARTER (against).
 Mr. TAYLOR of Colorado (for Alaska bill) with Mr. FERRIS (against).
 Mr. THACHER (for Alaska bill) with Mr. HUGHES of Georgia (against).
 Mr. EDMONDS (for Alaska bill) with Mr. KREIDER (against).
 Mr. HELVERING (for Alaska bill) with Mr. SHERWOOD (against).
 Mr. CRAMTON (for Alaska bill) with Mr. SLAYDEN (against).
 Mr. TAYLOR of Arkansas (against) with Mr. PLUMLEY (for Alaska bill).
 Mr. McLAUGHLIN (for Alaska bill) with Mr. FAISON (against).
 Mr. HOWARD (against Alaska bill) with Mr. STEENERSON (in favor).
 Mr. PAGE of North Carolina (against Alaska bill) with Mr. DAVIS (in favor).
 Mr. HARRISON (for Alaska bill) with Mr. HARDWICK (against).
 Mr. FORDNEY (against Alaska bill) with Mr. S. W. SMITH (in favor).
 Commencing February 18 for 10 days:
 Mr. BURGESS (for Alaska bill) with Mr. TREADWAY (against).
 Until return from Colorado:
 Mr. BYRNES of South Carolina with Mr. SUTHERLAND.
 Commencing February 6 until return from Colorado:
 Mr. FOSTER with Mr. AUSTIN.
 Until further notice:
 Mr. ASHBROOK with Mr. BURKE of Pennsylvania.
 Mr. CARLIN with Mr. AVIS.
 Mr. CASEY with Mr. BURKE of South Dakota.
 Mr. CLANCY with Mr. GREEN of Iowa.
 Mr. CONRY with Mr. HUGHES of West Virginia.
 Mr. DERSHEM with Mr. LANGLEY.
 Mr. EVANS with Mr. LINDQUIST.
 Mr. FRANCIS with Mr. McGUIRE of Oklahoma.
 Mr. GOLDFOGLE with Mr. MARTIN.
 Mr. GOODWIN of Arkansas with Mr. MERRITT.
 Mr. ESTOPINAL with Mr. MORIN.
 Mr. HAMILL with Mr. MOSS of West Virginia.
 Mr. HOBSON with Mr. J. I. NOLAN.
 Mr. LEE of Georgia with Mr. ROBERTS of Massachusetts.
 Mr. McCLELLAN with Mr. POWERS.
 Mr. PARK with Mr. ROBERTS of Nevada.
 Mr. STANLEY with Mr. SWITZER.
 Mr. TAYLOR of Alabama with Mr. MURDOCK.
 Mr. SMITH of Maryland with Mr. WALTERS.
 Mr. WEBB and Mr. VARE.
 Mr. TAGGART with Mr. YOUNG of North Dakota.
 For the session:
 Mr. ADAMSON with Mr. STEVENS of Minnesota.
 Mr. TREADWAY. Mr. Speaker, I am paired with Mr. BURGESS, and I desire to withdraw my vote and answer "present."
 The name of Mr. TREADWAY was called, and he answered "Present."
 Mr. FORDNEY. Mr. Speaker, I am paired with Mr. SAMUEL W. SMITH, who would vote for the bill if he were here. I wish to withdraw my vote of "no" and answer "present."
 The name of Mr. FORDNEY was called, and he answered "Present."
 Mr. HARRISON. Mr. Speaker, I am paired with the gentleman from Georgia [Mr. HARDWICK]. I desire to withdraw my vote of "aye" and answer "present."
 The name of Mr. HARRISON was called, and he answered "Present."
 Mr. BEAKES. Mr. Speaker, I desire to vote.
 The SPEAKER. Was the gentleman in the Hall listening?
 Mr. BEAKES. I do not know whether I was or not; I am not sure whether I was or not.
 The SPEAKER. The gentleman does not qualify.
 The result of the vote was announced as above recorded.
 On motion of Mr. HOUSTON, a motion to reconsider the vote by which the bill was passed was laid on the table.
 By unanimous consent Mr. SLOAN, Mr. FIELDS, Mr. O'BRIEN, and Mr. BRUMBAUGH were granted leave to extend their remarks in the RECORD.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.
 Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:
 H. R. 11283. An act to authorize the construction of a bridge across the navigable waters of St. Andrews Bay; and

H. R. 9848. An act for the relief of the New England Steamship Co.

ADJOURNMENT.

Mr. HOUSTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 43 minutes p. m.) the House adjourned to meet to-morrow, Thursday, February 19, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, submitting supplementary estimate of appropriation for "Salaries, office of the Life-Saving Service," item for one civil engineer at a salary of \$1,800 per annum, increased to \$3,000 per annum (H. Doc. No. 747); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting an estimate of appropriation in the sum of \$250,000 for the purpose of beginning the construction of the Arlington memorial amphitheater (H. Doc. No. 748); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior submitting an estimate of appropriation in the sum of \$200,000 for the completion of the buildings for the Columbia Hospital for Women and Lying-in Asylum, Washington, D. C. (H. Doc. No. 749); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Acting Secretary of the Treasury, transmitting a communication from the Secretary of the Interior submitting an estimate of deficiency in the appropriation required by the Department of the Interior to provide for the care and custody of the insane of Alaska during the remainder of the fiscal year ending June 30, 1914 (H. Doc. No. 750); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Acting Secretary of the Treasury, submitting an estimate of a deficiency in the appropriation for the Life-Saving Service for the fiscal year 1914 (H. Doc. No. 751); to the Committee on Appropriations and ordered to be printed.

6. A letter from the Acting Secretary of the Treasury, transmitting copy of communication from the Acting Secretary of the Navy reporting that the Navy Department has considered, ascertained, adjusted, and determined the respective amounts due claimants therein specified on account of damages for which the vessels of the Navy were found to be responsible (H. Doc. No. 752); to the Committee on Naval Affairs and ordered to be printed.

7. A letter from the Secretary of War, transmitting letter from the Chief of Engineers, accompanied by statement showing the name of each civilian engineer employed between July 1, 1912, and June 30, 1913, in the work of improving rivers and harbors, time so employed, compensation paid, and place at and works on which employed (H. Doc. No. 753); to the Committee on Expenditures in War Department 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. HAY, from the Committee on Military Affairs, to which was referred the bill (H. R. 5303) to amend section 3 of an act entitled "An act to provide for the examination of certain officers of the Army and to regulate promotions therein," approved October 1, 1890, reported the same without amendment, accompanied by a report (No. 281), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. KEY of Ohio, from the Committee on Pensions, to which was referred the bill (H. R. 13044) to pension widow and minor children of any officer or enlisted man who served in the War with Spain or Philippine insurrection, reported the same with amendment, accompanied by a report (No. 282), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURKE of Wisconsin, from the Committee on the Merchant Marine and Fisheries, to which was referred the joint resolution (H. J. Res. 217) to convey the thanks of Congress to the captain of the American steamer *Kroonland*, of the Red Star Line, and through him to the officers and crew of said steamer,

for the prompt and heroic service rendered by them in rescuing 89 lives from the burning steamer *Volturmo* in the North Atlantic Ocean, reported the same with amendment, accompanied by a report (No. 283), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

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. BURKE of Wisconsin, from the Committee on Invalid Pensions, to which was referred the bill (H. R. 13542) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, reported the same without amendment, accompanied by a report (No. 280), which said bill and report were referred to the Private Calendar.

Mr. GARD, from the Committee on Military Affairs, to which was referred the bill (H. R. 4492) to restore Capt. Harold L. Jackson, retired, to the active list of the Army, reported the same without amendment, accompanied by a report (No. 284), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 4744) to authorize the appointment of John W. Hyatt to the grade of second lieutenant in the Army, reported the same without amendment, accompanied by a report (No. 285), 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. SINNOTT: A bill (H. R. 13543) to amend an act entitled, "An act to provide for an enlarged homestead"; to the Committee on the Public Lands.

By Mr. DILLON: A bill (H. R. 13544) for the disposition of the proceeds arising from the sale of lots in Government town sites on reclamation projects; to the Committee on Irrigation of Arid Lands.

By Mr. LINDBERGH: A bill (H. R. 13545) to authorize the construction of a bridge across the Mississippi River at the town site of Sartell, Minn.; to the Committee on Interstate and Foreign Commerce.

By Mr. NEELY of West Virginia: A bill (H. R. 13546) authorizing the Secretary of War to donate to the town of New Cumberland, W. Va., two brass cannon or fieldpieces and a suitable outfit of cannon balls for the use of the W. A. Atkinson Post, No. 18, Grand Army of the Republic; to the Committee on Military Affairs.

By Mr. MURRAY of Massachusetts: A bill (H. R. 13547) to reappropriate \$148,000 for use in equipping the Charlestown Navy Yard for shipbuilding; to the Committee on Naval Affairs.

By Mr. SELLS: A bill (H. R. 13548) to provide for the erection of a public building at Newport, Tenn.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 13549) to provide for the erection of a public building at Elizabethton, Tenn.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 13550) to provide for the erection of a public building at Sevierville, Tenn.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 13551) to provide for the erection of a public building at Rogersville, Tenn.; to the Committee on Public Buildings and Grounds.

By Mr. BYRNS of Tennessee: A bill (H. R. 13552) to amend section 162 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. KELLY of Pennsylvania: A bill (H. R. 13553) providing for the improvement of the Youghiogheny River; to the Committee on Rivers and Harbors.

By Mr. DIFENDERFER: A bill (H. R. 13554) to provide for the purchase of a site and the erection of a public building thereon at Doylestown, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. BRYAN: Resolution (H. Res. 423) concerning the equipment of the Puget Sound Naval Station for the manufacture of cars and railway equipment for the Alaska railroad; to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURKE of Wisconsin: A bill (H. R. 13542) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; to the Committee of the Whole House.

By Mr. CARR: A bill (H. R. 13555) granting a pension to Amanda Drake; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13556) granting an increase of pension to John W. Stirling; to the Committee on Invalid Pensions.

By Mr. CLINE: A bill (H. R. 13557) granting an increase of pension to Minerva Wood; to the Committee on Invalid Pensions.

By Mr. CONRY: A bill (H. R. 13558) granting an honorable discharge to John Costen; to the Committee on Military Affairs.

By Mr. CULLOP: A bill (H. R. 13559) granting an increase of pension to Charles T. P. Bass; to the Committee on Invalid Pensions.

By Mr. DILLON: A bill (H. R. 13560) granting a pension to Martha Davenport; to the Committee on Invalid Pensions.

By Mr. ESTOPINAL: A bill (H. R. 13561) granting a pension to Henry Boesen; to the Committee on Pensions.

By Mr. FALCONER: A bill (H. R. 13562) for the relief of Thomas McArthur Anderson, United States Army, retired; to the Committee on Military Affairs.

By Mr. FIELDS: A bill (H. R. 13563) granting an increase of pension to Charles Duerson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13564) granting an increase of pension to John M. Tyree; to the Committee on Invalid Pensions.

By Mr. FREAR: A bill (H. R. 13565) granting an increase of pension to Dighton S. Grilley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13566) for the relief of John F. Kase; to the Committee on Military Affairs.

By Mr. GARRETT of Tennessee: A bill (H. R. 13567) granting an increase of pension to John P. Tomlinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13568) granting an increase of pension to Henry Mooneyham; to the Committee on Invalid Pensions.

By Mr. GRAHAM of Pennsylvania: A bill (H. R. 13569) providing for the refund to the Colonial Realty Co. certain corporation tax paid in excess; to the Committee on Claims.

By Mr. GRIEST: A bill (H. R. 13570) to correct the military record of John S. Rhoads; to the Committee on Invalid Pensions.

By Mr. HULINGS: A bill (H. R. 13571) granting an increase of pension to Martha Wynn; to the Committee on Invalid Pensions.

By Mr. IGOE: A bill (H. R. 13572) granting an increase of pension to Charlotte Gent; to the Committee on Invalid Pensions.

By Mr. LIEB: A bill (H. R. 13573) granting a pension to Nancy A. Aydelott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13574) granting an increase of pension to John M. Hammond; to the Committee on Invalid Pensions.

By Mr. LINDBERGH: A bill (H. R. 13575) granting an increase of pension to Abigail Hunter; to the Committee on Invalid Pensions.

By Mr. LONERGAN: A bill (H. R. 13576) granting an increase of pension to Catherine Allen; to the Committee on Invalid Pensions.

By Mr. MAGUIRE of Nebraska: A bill (H. R. 13577) granting an increase of pension to Nathaniel H. Isbell; to the Committee on Invalid Pensions.

By Mr. MERRITT: A bill (H. R. 13578) for the relief of the Daly & Hannan Dredging Co.; to the Committee on Claims.

By Mr. OLDFIELD: A bill (H. R. 13579) granting a pension to Ione I. Bell; to the Committee on Pensions.

By Mr. POST: A bill (H. R. 13580) granting a pension to Fannie F. Clark; to the Committee on Invalid Pensions.

By Mr. QUIN: A bill (H. R. 13581) for the relief of the landowners on the east bank of the Mississippi River in the counties of Warren, Claiborne, Jefferson, Adams, and Wilkinson, in the State of Mississippi, and in the Parish of West Feliciana, State of Louisiana; to the Committee on Claims.

By Mr. RUSSELL: A bill (H. R. 13582) granting a pension to Tillie Bucklin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13583) granting a pension to Elizabeth R. Horton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13584) granting a pension to Tolver Roberts; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 13585) granting an increase of pension to George Scruggs; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 13586) granting an increase of pension to Josiah J. Waffle; to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 13587) granting a pension to Martin Dalgetty; to the Committee on Pensions.

By Mr. TAVENNER: A bill (H. R. 13588) granting an increase of pension to Samuel W. Roney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13589) for the relief of Francis M. Jennings; to the Committee on Military Affairs.

By Mr. TEN EYCK: A bill (H. R. 13590) granting a pension to Mary Elizabeth Hiltson and Albert D. Hiltson; to the Committee on Pensions.

Also, a bill (H. R. 13591) for the relief of John P. Ehrmann; to the Committee on Claims.

By Mr. THOMAS: A bill (H. R. 13592) granting a pension to William H. Jones; to the Committee on Pensions.

Also, a bill (H. R. 13593) granting a pension to Ulysses G. Hunt; to the Committee on Pensions.

Also, a bill (H. R. 13594) granting a pension to Anna Coffman; to the Committee on Pensions.

Also, a bill (H. R. 13595) granting a pension to Oliver Freeman; to the Committee on Pensions.

Also, a bill (H. R. 13596) granting an increase of pension to McHenry Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13597) granting an increase of pension to John K. Caldwell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13598) granting an increase of pension to C. A. Edwards; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13599) granting an increase of pension to J. W. Grubb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13600) granting an increase of pension to John W. Gillum; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13601) granting an increase of pension to William Jesse; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13602) granting an increase of pension to Abner J. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13603) granting a pension to Margaret Ann Carr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13604) to extend the provisions of H. R. 13839, Fifty-seventh Congress, granting an increase of pension to John W. B. Huntsman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13605) for the relief of W. H. Denham; to the Committee on Military Affairs.

By Mr. WHITACRE: A bill (H. R. 13606) to pay a bounty to William A. Badger; to the Committee on War Claims.

By Mr. CLAYPOOL: A bill (H. R. 13607) granting an increase of pension to Mary C. Jones; 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 the SPEAKER (by request): Petition of the Provincetown Board of Trade, Provincetown, Mass., protesting against the passage of the seamen's bill in its present form; to the Committee on the Merchant Marine and Fisheries.

Also (by request), petition of the National Civil Service Reform League, protesting against section of House bill 12923 relative to taking assistant postmasters from under civil service; to the Committee on the Post Office and Post Roads.

Also (by request), petition of the Georgetown Citizens' Association, of Washington, D. C., favoring act for the improvement of Rock Creek Park; to the Committee on Public Buildings and Grounds.

Also (by request), petitions of the Curran Club, of the Irish-American Societies, and the Lafayette Branch of the American Continental League of New York City, protesting against the "One hundred years of peace celebration"; to the Committee on Foreign Affairs.

By Mr. ALLEN: Petitions of Fred Welmink and 150 other citizens of Cincinnati, Ohio, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of Elmer A. Schaefera and 26 other citizens of Cincinnati, Ohio, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. ANTHONY: Petition signed by C. D. Lamme and other bankers of Hiawatha, Kans., suggesting an amendment to the income-tax law; to the Committee on Ways and Means.

By Mr. ASHBROOK: Petition of George F. Wilcox and 5 other merchants of Wooster, Ohio, favoring passage of House bill 5308, relative to mail-order houses; to the Committee on Ways and Means.

Also, petition of the Carpenters and Joiners' Union of Newark, Ohio, favoring investigation of the Moyer case, connected with the copper-mine strike in Michigan; to the Committee on Rules.

By Mr. BALTZ: Petition of banks of Illinois, favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. BARCHFELD: Petition of the Monessen German Beneficial Union, District No. 17, of Pennsylvania, and citizens of Pittsburgh, Pa., against national prohibition; to the Committee on the Judiciary.

By Mr. BRUCKNER: Petition of David Wilson Camp, No. 59, United Spanish War Veterans, favoring House bill 7374, providing pensions for widows and orphans of Spanish War soldiers; to the Committee on Pensions.

Also, petition of J. McMahon, of Bronx County, N. Y., against national prohibition; to the Committee on the Judiciary.

By Mr. BURKE of Wisconsin: Petition of the Tailors' Industrial Local Union, No. 384, of Watertown, Wis., against national prohibition; to the Committee on the Judiciary.

By Mr. CALDER: Petition of the Flatbush Unitarian Church, favoring amendment prohibiting polygamy in the United States; to the Committee on the Judiciary.

By Mr. CARR: Petition of the First National Bank of Carmichaels, Pa., favoring amendment to income-tax law relative to collection at the source; to the Committee on Ways and Means.

Also, petition of the First National Bank at Connellsville, Pa., favoring amendment to income-tax law, relative to collection at the source; to the Committee on Ways and Means.

By Mr. CARY: Petition of F. V. Marden Post, No. 126, Department of Wisconsin, Grand Army of the Republic, protesting against any change in the American flag; to the Committee on the Judiciary.

Also, petition of the Waiters' Union, Local No. 59, of Milwaukee, Wis., protesting against House joint resolution 168 and Senate joint resolutions 88 and 50, or any other prohibition measures which will interfere with the rights of American citizens; to the Committee on the Judiciary.

Also, petition of citizens of Milwaukee, Wis., protesting against the passage of House joint resolution 168 and Senate joint resolutions 88 and 50, or any other prohibition measures which will interfere with the rights of American citizens; to the Committee on the Judiciary.

By Mr. DALE: Petition of Abraham Lincoln Camp, No. 90, United Spanish War Veterans, of New York City, favoring passage of House bill 7374, relative to pensions for widows and orphans of Spanish War veterans; to the Committee on Pensions.

Also, petition of Barnhart Bros. & Spindler, of New York City, favoring passage of House bill 10310, for protection of foreign exhibits at Panama Exposition; to the Committee on Patents.

By Mr. DYER: Petition of the Stone Hill Wine Co., of Hermann, Mo., favoring Ransdell-Humphreys bill, relative to flood control; to the Committee on Rivers and Harbors.

By Mr. EAGAN: Petition of the Lady Washington Lodge, No. 414, Knights and Ladies of Honor, of Hoboken, N. J., favoring increase in pay of letter carriers; to the Committee on the Post Office and Post Roads.

By Mr. ESCH: Petition of F. A. Marden Post, No. 126, Department of Wisconsin, Grand Army of the Republic (Wisconsin Veterans' Home), protesting against any change in the American flag; to the Committee on the Judiciary.

By Mr. ESTOPINAL: Memorial of New Orleans (La.) Board of Trade, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. GILMORE: Petition of the Russell Club Branch of the American Continental League, of Brockton, Mass., protesting against "One hundred years of peace celebration"; to the Committee on Foreign Affairs.

By Mr. GRAHAM of Pennsylvania: Petition of bankers of Pennsylvania favoring amendment to income-tax law; to the Committee on Ways and Means.

Also, petitions of citizens and organizations of the second congressional district of the State of Pennsylvania, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the Philadelphia Bourse, protesting against passage of House bill 12121, relative to corporations; to the Committee on the Judiciary.

Also, petition of the Philadelphia Bourse, protesting against passage of House bills 11757 and 9592, relative to monopolies in business; to the Committee on the Judiciary.

Also, petition of the board of supervisors of Del Norte County, Cal., favoring improvements to harbor at Del Norte, Cal.; to the Committee on Rivers and Harbors.

Also, petition of the Philadelphia (Pa.) Stock Exchange, protesting against a bill "To prevent the use of the mails and of the telegraph and telephone in furtherance of fraudulent and harmful transactions on stock exchanges"; to the Committee on Banking and Currency.

Also, petition of Henry & West, of Philadelphia, Pa., favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. GREENE of Vermont: Petition of M. H. McFarland and other residents of the first congressional district of Vermont to amend act of October 3, 1913, with respect to the income tax; to the Committee on Ways and Means.

By Mr. GRIEST: Petition of the Philadelphia Stock Exchange, against the passage of Senate bill 3895, relating to the incorporation of stock exchanges, etc.; to the Committee on Banking and Currency.

By Mr. HAYES: Petition of banks of California, asking amendment to income-tax law; to the Committee on Ways and Means.

Also, petition of citizens of California, favoring House bill 9687, relative to bettering the condition of headquarters clerks in the War Department; to the Committee on Military Affairs.

Also, petition of citizens of California, favoring the La Follette seamen's bill; to the Committee on the Merchant Marine and Fisheries.

By Mr. HELVERING: Petition of the Farmers & Merchants Bank, of Scandia, Kans., favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. HULINGS: Petitions of banks of Franklin, Pa., and other banks of the State of Pennsylvania, favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. HUMPHREY of Washington: Petitions of the First National Bank of Seattle, Wash., and other banks of the State of Washington, favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

Also, petitions of citizens of first district of Washington, favoring the Lindquist pure fabric and leather bill; to the Committee on Interstate and Foreign Commerce.

By Mr. IGOE: Petition of bankers of St. Louis, Mo., favoring amendment to income-tax law; to the Committee on Ways and Means.

Also, petition of banks and organizations of Missouri, favoring an inquiry by Congress into the working of grain exchanges; to the Committee on Rules.

Also, petition of E. J. O'Neill, of St. Louis, Mo., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the Lambert Pharmacal Co., of St. Louis, favoring passage of House bill 12674, relative to drawback of internal-revenue tax on exports to Porto Rico; to the Committee on Ways and Means.

By Mr. JOHNSON of Washington: Petition of the First National Bank of Hoquiam, Wash., and other banks of the State of Washington, favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. KIESS of Pennsylvania: Papers to accompany a bill (H. R. 11425) for the relief of Catherine Webb; to the Committee on Invalid Pensions.

Also, petition of the First National Bank and the Coudersport Trust Co., of Coudersport, Pa., favoring change in income-tax law; to the Committee on Ways and Means.

By Mr. KEISTER: Petitions of members of the German Beneficial Union of the Allegheny Valley, District No. 24, New Kensington, and sundry German citizens of Pennsylvania, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Petition of Cigarmakers' Union No. 10, of Providence, R. I., against national prohibition; to the Committee on the Judiciary.

Also, petition of the Cigarmakers' International Union of America, of Pawtucket, R. I., favoring passage of the Bartlett-Bacon anti-injunction bill; to the Committee on the Judiciary.

Also, memorial of the Department of Rhode Island, Spanish War Veterans, favoring passage of House bill 7374, relative to pensions for widows and orphans of Spanish War veterans; to the Committee on Pensions.

By Mr. KINKAID of Nebraska: Petition by residents of Lincoln and McPherson Counties, Nebr., in opposition to Hobson, Sheppard, and Works resolutions, known, respectively, as House

Joint resolution 168, Senate joint resolution 88, and Senate joint resolution 50, and providing for Nation-wide prohibition of the manufacture, sale, and importation of alcoholic beverages; to the Committee on the Judiciary.

Also, petitions of citizens of Chadron, Nebr., favoring passage of House bill 8947, relative to extension of free delivery to towns of 1,000 population or more; to the committee on the Post Office and Post Roads.

Also, petition of citizens of Garden County, Nebr., protesting against passage of the Sabbath observance bill; to the Committee on the District of Columbia.

By Mr. KONOP: Memorial of F. A. Marden Post, No. 126, Wisconsin Veterans' Home, protesting against any change in the American flag; to the Committee on the Judiciary.

By Mr. LIEB: Petitions of F. M. Petersheim and others, of Evansville, Ind., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. LONERGAN: Petition of Adam Jabs and 16 other citizens of Bristol, Conn., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the Board of Supervisors of Del Norte County, Cal., favoring Government aid in providing a harbor for said county on the Pacific coast; to the Committee on Rivers and Harbors.

Also, petition of the Keasbey & Mattison Co., of Ambler, Pa., favoring amendment of the national banking act in the interest of minority stockholders; to the Committee on Banking and Currency.

By Mr. MAPES: Petitions of citizens of fifth congressional district of the State of Michigan, protesting against passage of national prohibition bills; to the Committee on the Judiciary.

By Mr. MERRITT: Petitions of business men of Waddington and Hammond, N. Y., favoring passage of House bill 5308, relative to mail-order houses; to the Committee on Ways and Means.

By Mr. MOORE: Memorial of board of supervisors of Del Norte County, Cal., favoring construction and improvement of harbors on the seacoast of Del Norte County, Cal.; to the Committee on Rivers and Harbors.

By Mr. NEELEY of Kansas: Petitions of various banks in the seventh Kansas district, favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. NORTON: Petitions of Minot bankers, of Minot, N. Dak., and other banks of the State of North Dakota, favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

Also, petition of S. Burt and other citizens of Fargo, N. Dak., favoring the passage of the seamen's bill (S. 136); to the Committee on the Merchant Marine and Fisheries.

Also, petition of J. H. McLeod and other citizens of Flasher, N. Dak., favoring passage of House bill 9687, for betterment of the condition of headquarters clerks of the Army; to the Committee on Military Affairs.

Also, petition of supervisors of Del Norte County, Cal., relative to construction and improvement of harbors on the seacoast of Del Norte County, Cal.; to the Committee on Rivers and Harbors.

By Mr. O'SHAUNESSY: Petition of United Spanish War Veterans of Rhode Island, favoring House bill 7374, relative to pensions for widows of Spanish War veterans; to the Committee on Pensions.

Also, petition of H. L. Koopman, of Providence, R. I., favoring House bill 11813, to establish a library post; to the Committee on the Post Office and Post Roads.

Also, petition of the Cigar Makers' Union, Local No. 94, of Pawtucket, R. I., favoring Senate bill 927, being the Bartlett-Bacon anti-injunction bill; to the Committee on the Judiciary.

Also, petition of City of Newport (R. I.) Lodge, No. 255, Independent Order of B'rith Sholem, against Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of S. W. Herbert, of Providence, R. I., against national prohibition; to the Committee on the Judiciary.

Also, petition of J. L. Bourne, of Providence, R. I., favoring House bill 10080, being the pure-fabric law; to the Committee on Interstate and Foreign Commerce.

By Mr. PLATT: Petitions of banks of Millbrook, N. Y., and other banks of the State of New York, favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. POST: Petitions of the London Exchange Bank Co., of London, Ohio, and other banks of the State of Ohio, favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. REILLY of Connecticut: Petition of supervisors of Del Norte County, Cal., favoring construction and improvement

of harbors on seacoast of Del Norte County, Cal.; to the Committee on Rivers and Harbors.

Also, petition of J. C. Chapman, of Brooklyn, N. Y., against national prohibition; to the Committee on the Judiciary.

By Mr. ROGERS: Petition of the executive committee of the Massachusetts Real Estate Exchange, favoring 1-cent postage for letters; to the Committee on the Post Office and Post Roads.

By Mr. SCULLY: Petitions of sundry citizens of Monmouth County, N. J., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. SELDOMRIDGE: Petition of the Denver Convention Association, against national prohibition; to the Committee on the Judiciary.

Also, petition of bankers of Colorado, favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. SHARP: Petition of the First National Bank of Ashland, Ohio, and other banks of the State of Ohio, favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. SLOAN: Petition of banks of Nebraska, favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. J. M. C. SMITH: Petitions of Elmer Losecy and 56 other citizens of Waldron, Mich., favoring passage of the immigration bill (H. R. 6060); to the Committee on Immigration and Naturalization.

Also, petitions of A. P. Harper and 14 other citizens of Kalamazoo, Mich., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. SPARKMAN: Petitions of the Bank of Fort Myers, Fla., and other banks of the State of Florida, favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. TAYLOR of Alabama: Petition of citizens of Alabama, against the Sabbath observance bill; to the Committee on the District of Columbia.

By Mr. TEN EYCK: Petitions of various banks and trust companies of Albany and Troy, N. Y., favoring amendment to the income-tax law relative to collection at the source; to the Committee on Ways and Means.

By Mr. UNDERHILL: Petition of the board of supervisors of Del Norte County, Cal., relative to harbor sites in Del Norte County; to the Committee on Rivers and Harbors.

By Mr. VARE: Memorial of the Philadelphia (Pa.) Bourse, protesting against passage of all bills defining restraint of trade and regulating corporations, etc.; to the Committee on the Judiciary.

Also, memorial of the Philadelphia (Pa.) Bourse, protesting against passage of House bills 12120 and 12123, to create interstate trade commission, etc.; to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIS: Petition of the Philadelphia (Pa.) Bourse, against the passage of House bill 12120 to create an interstate trade commission, and against the passage of House bill 12123, relative to interstate commerce; to the Committee on Interstate and Foreign Commerce.

Also, petitions of Farmers' Institute of Tiro, Ohio; North-western Ohio Swine Breeders' Association; and Farmers' Institute of Lewis Center, Ohio, in favor of governmental action for the extermination of hog cholera; to the Committee on Agriculture.

By Mr. WILSON of New York: Petition of voters of New York, against national prohibition; to the Committee on the Judiciary.

SENATE.

THURSDAY, February 19, 1914.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, the changeless order of Thy providence is the guaranty of Thy continued thought and care for the creatures of Thy hand. Thou hast given to us a great life and a great world—a world in which we find ample room and opportunity for the development of all our powers. Thou dost call us into fields of usefulness and into spheres of endeavor for the common good. Thou dost pledge to us Thy continued leadership and care by every day unfolding to us more and more of Thine own divine plan for human life.

Grant us grace to come into complete submission to the divine will and to feel the honor to which Thou hast called us of being coworkers together with God in the great work of bringing the world into harmony with the divine will. For Christ's sake. Amen.