By Mr. MAPES: Petition of Local No. 10, Amalgamated Glass Workers International Association, Grand Rapids, Mich., against national prohibition; to the Committee on Rules.

By Mr. O'SHAUNESSY: Petition of 374 citizens of Rhode Island, and Local No. 166, United Brewery Workmen of America, of Providence, R. I., against national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Providence and East Providence, R. I., favoring national prohibition; to the Committee on Rules.

Also, petition of C. G. Abbe, of Providence, R. I., favoring House bill 13305, the Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Mrs. William G. Pierce, of Providence, R. I., favoring additional appropriation for Children's Bureau of the National Child Labor Commission; to the Committee on Appropriations.

Also, petition of Miss Roberta J. Dunbar, of Providence, R. I., favoring House bill 15733, to celebrate half-century anniversary of negro freedom; to the Committee on Industrial Arts and Expositions.

By Mr. PALMER: Petition of sundry citizens of East Stroudsburg, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. PLUMLEY: Petition of sundry citizens of Bellows Falls, Vt., favoring national prohibition; to the Committee on Rules.

By Mr. RAKER: Letter from the California Retail Grocers and Merchants' Association, favoring House bill 13305, the Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

Also, letter from Avis A. King, of Fort Bidwell, Cal., favoring House bill 13305, the Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. J. M. C. SMITH: Petition of A. B. Collins, of Charlotte, Mich., against national prohibition; to the Committee on Rules.

Also, papers to accompany a bill (H. R. 16380) granting a pension to George Zederbaum; to the Committee on Pensions.

By Mr. SMITH of Minnesota: Petition of H. J. Harter and 500 other members of the Federation of Men's Church Clubs of Minneapolis, Minn., favoring national prohibition; to the Committee on Rules.

By Mr. STAFFORD: Petition of the Wisconsin Sunday Rest Day Association, favoring House bill 14895, to create a Federal motion-picture commission; to the Committee on Education.

By Mr. SUTHERLAND: Petition of 75 citizens of Mineral County, W. Va., favoring national prohibition; to the Committee on Rules.

By Mr. TAYLOR of Arkansas (by request): Protest of 13 citizens of McGehee, Desha County, Ark., against national prohibition; to the Committee on Rules.

By Mr. TUTTLE: Petitions of the First Methodist Protestant Church of Elizabeth, N. J., and sundry citizens of Succasuma, N. J., favoring national prohibition; to the Committee on Rules.

SENATE.

FRIDAY, *May 22, 1914.*

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

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

Almighty God, we come to Thee day by day at the beginning of our work in this National Congress in recognition of the unseen empire that lies back of all our organization and our national movements. Back of the surface of things there are forces not less potent because unseen which make for the destiny of mankind and determine finally the issues of government. We pray that our eyes may be opened with visions of the divine order that we may see Thy movement among men and understand Thy way. May we be enabled to apprehend Thy will that we may make it the rule of our own conduct, and through it bring about God's great designs for us as a people. For Christ's sake. Amen.

NAMING A PRESIDING OFFICER.

The Secretary (James M. Baker) read the following communication:

PRESIDENT PRO TEMPORE, UNITED STATES SENATE,
Washington, May 22, 1914.

To the Senate:

Being temporarily absent from the Senate I appoint Hon. GILBERT M. HITCHCOCK, a Senator from the State of Nebraska, to perform the duties of the Chair during my absence.

JAMES P. CLARKE,
President pro tempore.

Mr. HITCHCOCK thereupon took the chair as Presiding Officer for the day.

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

SENATOR FROM ALABAMA.

Mr. BANKHEAD. Mr. President, I present the credentials of Hon. FRANK S. WHITE, recently elected a Senator from the State of Alabama to fill the unexpired term of the late Joseph F. Johnston. I ask that they be read.

The PRESIDING OFFICER. The credentials will be read.

The Secretary read as follows:

A proclamation by the governor.

Whereas it is provided by law that all returns of elections required by law to be sent to the secretary of state must, within 15 days after an election, be opened and counted in the presence of the governor, secretary of state, and attorney general, or two of them, and of the result of the election as thus ascertained the governor must give notice by proclamation; and

Whereas the governor, secretary of state, and attorney general did meet at the capitol, in the city of Montgomery and in the office of the secretary of state on the 20th day of May, 1914, and open and count all the returns which by law are required to be sent to the secretary of state and declared the result as hereinafter stated: Now, therefore,

I, Emmet O'Neal, governor of the State of Alabama, do hereby give notice by this proclamation that at the special election held in this State on the 11th day of May, 1914, Hon. FRANK S. WHITE was elected a United States Senator for the State of Alabama for the unexpired term of the late United States Senator Joseph F. Johnston, and that Hon. C. C. HARRIS was elected a Representative in the Congress of the United States for the eighth Alabama district for the unexpired term of the late William Richardson.

In testimony whereof I have hereunto set my hand and caused the great seal of the State to be affixed at the capitol, in the city of Montgomery, on this the 20th day of May, 1914.

[SEAL.] EMMET O'NEAL, *Governor.*

By the governor:

CYRUS B. BROWN,
Secretary of State.

—

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
OFFICE OF SECRETARY OF STATE.

Whereas an election was held in the several counties of this State on the 11th day of May, 1914, that being the day set for said election by the Hon. Emmet O'Neal, governor of Alabama, in his proclamation calling said election, for the purpose of electing a United States Senator to succeed the late United States Senator Joseph F. Johnston; and

Whereas section 422 of the Code of Alabama, 1907, provides that the returns of election required by law to be sent to the secretary of state must, within 15 days after the election, be opened and counted in the presence of the governor, secretary of state, and attorney general, or two of them:

Now, therefore, this is to certify that we, the undersigned—governor, secretary of state, and attorney general—did meet in the office of the secretary of state on the 20th day of May, 1914, and then and there open the returns of said election as forwarded by the supervising boards of the several counties in this State, and the vote tabulated on the sheet hereto attached, and as follows: Frank S. White received 84,720 votes; J. Damsky received 1 vote; Ray Rushton received 7 votes; A. P. Longshore received 1 vote; W. E. Quinn received 2 votes; G. Caravella received 1 vote; S. S. Pleasants received 40 votes; J. E. Michael received 2 votes; J. A. Bingham received 2 votes; B. F. Reynolds received 1 vote; P. D. Parker received 1 vote, shows the votes received by each candidate voted for at said election for said office and we hereby certify that the vote as set down and as stated above is true and correct according to the certificates of the said supervising boards, and that the persons voted for at said election received the votes set opposite their names.

In testimony whereof we, Emmet O'Neal, governor, Cyrus B. Brown, secretary of state, and Robert C. Brickell, attorney general, of the State of Alabama, have hereunto set our hands and caused the great seal of the State to be affixed at the capitol, in the city of Montgomery, on this 20th day of May, A. D. 1914.

EMMET O'NEAL, *Governor.*
[SEAL.] CYRUS B. BROWN, *Secretary of State.*
ROBERT C. BRICKELL, *Attorney General.*

—

Writ of election.

To the several sheriffs of the State of Alabama, greeting:

Whereas a vacancy now exists in the term of a Senator of the United States from the State of Alabama caused by the death of the late Senator Joseph F. Johnston; and

Whereas the Senate of the United States of America by its action in seating BLAIR LEE as a Senator from the State of Maryland has established a precedent for the guidance of the executive authority of the several States in reference to the filling of vacancies in the Senate of the United States of America: Now, therefore,

I, Emmet O'Neal, governor of the State of Alabama, under and by virtue of the authority and power vested in me by the seventeenth amendment to the Constitution of the United States of America, and by the constitution and laws of the State of Alabama, do hereby issue, publish, and declare this, my writ of election, for a special election to be held throughout the State of Alabama on Monday, 11th day of May, 1914, and I do hereby direct that a special election shall be held on that day in order that there may be chosen at said election a Senator of the United States of America from the State of Alabama to fill said vacancy, and to represent the State of Alabama in the Senate of the United States of America until the end of the term for which said former Senator Joseph Forney Johnston, now deceased, was originally elected; and

I do further, order, declare, and direct that the election hereby ordered by this writ of election shall be conducted in all respects as provided by the laws of the State of Alabama regulating general elections; and

The several sheriffs of the State of Alabama are hereby ordered and directed to give notice of the special election hereby ordered in accordance with the provisions of section 443 of the Code of Alabama.

To this end, and as authority and direction therefor, have you then and there this writ.

In witness whereof I, Emmet O'Neal, governor of the State of Alabama, have hereunto set my hand and caused the great seal of the State to be affixed at the capitol this, the 5th day of March, 1914.

[SEAL.] EMMET O'NEAL, *Governor.*

By the Governor:

CYRUS B. BROWN,
Secretary of State.

DEPARTMENT OF STATE,
Montgomery, Ala.

I, Cyrus B. Brown, secretary of state in, for, and of the State of Alabama, do hereby certify that at a special election held in this State on the 11th day of May, 1914, that being the date set for said election by the proclamation of the governor calling the same, Hon. FRANK S. WHITE was duly and constitutionally elected a Senator from the State of Alabama in the United States Senate for the unexpired term of United States Senator Joseph F. Johnston, deceased. I do further certify that the following is a true and correct statement of the votes cast at said election for parties for said office as shown by the returns made to this department by the county board of supervisors:

Hon. FRANK S. WHITE received 84,720 votes, Hon. J. Damsky received 1 vote, Hon. Ray Rushton received 7 votes, Hon. A. P. Longshore received 1 vote, Hon. W. E. Quinn received 2 votes, Hon. G. Caravella received 1 vote, Hon. S. S. Pleasants received 40 votes, Hon. J. E. Michael received 2 votes, Hon. J. A. Bingham received 2 votes, Hon. B. F. Reynolds received 1 vote, Hon. P. D. Barker received 1 vote.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State at the capitol, in the city of Montgomery, this the 20th day of May, A. D. 1914.

[SEAL.] CYRUS B. BROWN,
Secretary of State of Alabama.

The PRESIDING OFFICER. The credentials will be filed.

Mr. BANKHEAD. Senator WHITE is present and ready to take the oath as a Senator.

The PRESIDING OFFICER. The Senator elect will present himself at the desk and take the oath.

Mr. WHITE was escorted to the Vice President's desk by Mr. BANKHEAD, and the oath prescribed by law having been administered to him, he took his seat in the Senate.

TRANSPORTATION OF CONVICT-MADE GOODS.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of Labor transmitting, in response to resolution of November 10, 1913, a compilation of all Federal and State laws relating to convict labor, setting forth all legislation regulating the sale and transportation of convict-made products in so far as the same relates to interstate commerce and information tending to show the effect upon free labor of the sale of convict-made goods, wares, and merchandise, etc., which, with the accompanying papers, was referred to the Committee on Printing.

PANAMA CANAL TOLLS.

Mr. DU PONT. Mr. President, I desire to give notice that on Thursday, May 28, following the address of the Senator from Pennsylvania [Mr. OLIVER], I shall make a few remarks on the Panama Canal tolls bill.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a bill (H. R. 16508) making appropriations to supply further urgent deficiencies in appropriations for the fiscal year 1914, and for other purposes, in which it requested the concurrence of the Senate.

The message also announced that the House agrees to the amendments of the Senate to the bill (H. R. 12806) authorizing the Secretary of War to grant the use of the Fort McHenry Military Reservation, in the State of Maryland, to the mayor and city council of Baltimore, a municipal corporation of the State of Maryland, making certain provisions in connection therewith, providing access to and from the site of the new immigration station heretofore set aside.

HOUSE BILL REFERRED.

The bill (H. R. 16508) making appropriations to supply further urgent deficiencies in appropriations for the fiscal year 1914, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

PETITIONS AND MEMORIALS.

The PRESIDING OFFICER presented petitions of sundry citizens of Kane, Pittsburgh, and Claysville, in the State of Pennsylvania; of Champaign, Easton, Oakdale, and Argenta, in the State of Illinois; of Monroe and Sioux City, in the State of Iowa; of Cincinnati, Nelsonville, and Mount Gilead, in the State of Ohio; of Artesian and Chamberlain, in the State of South Dakota; of Kimonswick, Mo.; of Englishtown, N. J.; of Newark, Cal.; of Butte, Mont.; of Pratt, Kans.; of Syracuse, N. Y.; of Wheeling, W. Va.; of Lewiston, Minn.; and of Bellevue, Nebr., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Tipton and Goldsmith, in the State of Indiana, and of sundry citizens of Washington, D. C., praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented resolutions of the Confederate Southern Memorial Association, in convention at Jacksonville, Fla., thanking the President, the Congress of the United States and the Secretary of War for action looking to the completion of the work of locating, caring for, registering, and marking the graves of the soldiers and sailors of the Confederate Army and Navy, who died as prisoners in the Northern States, which were referred to the Committee on Military Affairs.

He also presented resolutions of the Merchants' Association of Honolulu, Hawaii, urging the Congress of the United States to reorganize and increase the Regular Army, which were referred to the Committee on Military Affairs.

Mr. THORNTON presented petitions of sundry citizens of Elton, New Orleans, and of the Louisiana State Sunday School Association, of Lake Charles, all in the State of Louisiana, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. NELSON presented memorials of sundry citizens of St. Paul, Minn., remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. KERN presented memorials of sundry citizens of Indianapolis, Indiana Harbor, Clinton, Muncie, and Evansville, all in the State of Indiana, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Bedford and Medora, in the State of Indiana, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. LA FOLLETTE. I present memorials numerously signed by citizens of Milwaukee, Wis., which I ask may be received and appropriately referred.

The PRESIDING OFFICER. The memorials will be referred to the Committee on the Judiciary.

Mr. LA FOLLETTE presented petitions of sundry citizens of Sharon, Delavan, Dodgeville, Platteville, and Milwaukee, all in the State of Wisconsin, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Wisconsin, 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 petitions of sundry citizens of Polk County, of Oxford, and of Westfield, in the State of Wisconsin, praying for the enactment of legislation to provide a compensatory time privilege for post-office employees, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of George LeLand Edgerton Camp, No. 32, Department of Wisconsin, of Beaver Dam, Wis., praying for the enactment of legislation to provide pensions for widows and orphans of veterans of the Spanish-American War, which was referred to the Committee on Pensions.

Mr. BURTON presented petitions of Student Council, Ohio State University, of Columbus, and of the Socialist Party of Steubenville, in the State of Ohio, favoring the pursuance of a policy with reference to Mexico which will render unnecessary armed intervention, which were referred to the Committee on Foreign Relations.

Mr. POMERENE presented memorials of sundry citizens of Columbus, Cleveland, Toledo, and Mount Vernon, all in the State of Ohio, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Bradford, Payne, Mansfield, Warren, Piqua, and London, representing several thousand members of the church and the Woman's Christian Temperance Union, all in the State of Ohio, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. TOWNSEND presented memorials of sundry citizens of Detroit, Bark River, Delta County, all in the State of Michigan, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Spring Arbor and of the Men's Club of the Trinity Methodist Episcopal Church, of Highland Park, in the State of Michigan, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. PAGE presented the memorial of W. M. Buck, of Essex County, Vt., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

Mr. SHIVELY presented memorials of Joe Mallet, Eli Silvermann, A. J. Wolf, Claude Pierson, James H. Howell, William Shatten, and sundry other citizens of Knox, Jackson, Lake, and Vigo Counties, in the State of Indiana, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. CATRON, from the Committee on Military Affairs, to which was referred the bill (S. 4288) to remove the charge of desertion against James B. Smock, reported it with amendments and submitted a report (No. 541) thereon.

Mr. JOHNSON. I am directed by the Committee on Privileges and Elections, to which was referred the bill (S. 2679) providing for a commission to recommend appointments to office, and for other purposes, to submit an adverse report (No. 540) thereon. I ask that the bill may be placed on the calendar.

The PRESIDING OFFICER. The bill will be placed on the calendar.

Mr. BRISTOW, from the Committee on Military Affairs, to which was referred the bill (S. 1377) for the relief of Alfred S. Lewis, reported it without amendment and submitted a report (No. 543) thereon.

Mr. SMITH of Michigan, from the Committee on Commerce, to which was referred the bill (S. 5406) to establish a light and fog-signal station on Michigan Island, Lake Superior, reported it with an amendment and submitted a report (No. 542) thereon.

Mr. LEA of Tennessee, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 6220) for the relief of Hosea Stone (Rept. No. 544); and

A bill (H. R. 5746) for the relief of Marcus L. Pelham (Rept. No. 545).

URGENT DEFICIENCY APPROPRIATIONS.

Mr. MARTIN of Virginia. From the Committee on Appropriations, I report back favorably, without amendment, the bill (H. R. 16508) making appropriations to supply further urgent deficiencies in appropriations for the fiscal year 1914, and for other purposes, and I ask unanimous consent for its present consideration.

I will state for the information of the Senate that this is the small urgent deficiency appropriation bill which passed the other House on yesterday. The moneys appropriated are really, with a few minor exceptions, incident to the troubles in Mexico, and it is important that the bill should be passed immediately. So I ask that it may be considered now. The committee has not reported any amendment to the bill, and I take it that it will probably be disposed of in a few minutes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Virginia?

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

Be it enacted, etc., That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply further urgent deficiencies in appropriations for the fiscal year 1914, and for other purposes, namely:

TREASURY DEPARTMENT.

PUBLIC BUILDINGS.

Washington, D. C., old building, Bureau of Engraving and Printing: For new floors, suspended ceilings, repairs, painting, reinforcing floors, vault equipment, partitions, plumbing, conduit and wiring, and other necessary repairs, to adapt the old building of the Bureau of Engraving and Printing for the accommodation of various Treasury offices, to continue available during the fiscal year 1915, $23,500.

PUBLIC HEALTH SERVICE.

Prevention of epidemics: To enable the President, in case only of threatened or actual epidemic of cholera, typhus fever, yellow fever, smallpox, bubonic plague, Chinese plague or black death, or trachoma, to aid State and local boards, or otherwise, in his discretion, in preventing and suppressing the spread of the same, and in such emergency in the execution of any quarantine laws which may be then in force, to continue available during the fiscal year 1915, $100,000.

Providence (R. I.) Quarantine Station: For quarantine facilities, to continue available during the fiscal year 1915, $25,000.

INTERSTATE COMMERCE COMMISSION.

Valuation of property of carriers: To enable the Interstate Commerce Commission to carry out the objects of the act providing for a valuation of the several classes of property of carriers subject to the act to regulate commerce and amendments thereto and to secure information concerning their stocks, bonds, and other securities, to continue available during the fiscal year 1915, $100,000.

MILITARY ESTABLISHMENT.

Pay: For pay of the Army, including the same objects specified under this head in the Army appropriation act for the fiscal year 1914, $1,828,663.33

Subsistence: For subsistence of the Army, including the same objects specified under this head in the Army appropriation act for the fiscal year 1914, $1,255,538.90.

Regular supplies: For regular supplies, Quartermaster Corps, including the same objects specified under this head in the Army appropriation act for the fiscal year 1914, $306,969.

Transportation: For transportation of the Army and its supplies, including the same objects specified under this head in the Army appropriation act for the fiscal year 1914, $2,429,445.01.

Incidental expenses, Quartermaster Corps: For incidental expenses, Quartermaster Corps, including the same objects specified under this head in the Army appropriation act for the fiscal year 1914, $50,000.

Horses for Cavalry, Artillery, Engineers, etc.: For horses for Cavalry, Artillery, Engineers, etc., including the same objects specified under this head in the Army appropriation act for the fiscal year 1914, $405,825.

Barracks and quarters: For barracks and quarters, including the same objects specified under this head in the Army appropriation act for the fiscal year 1914, $20,000.

Water and sewers at military posts: For water and sewers at military posts, including the same objects specified under this head in the Army appropriation act for the fiscal year 1914, $15,000.

Mileage to officers and contract surgeons: For mileage to officers, acting dental surgeons, veterinarians, contract surgeons, pay clerks, and expert accountant, Inspector General's Department, when authorized by law, $50,000.

Signal Service: For the repair and replacement of equipment and material lost and damaged by fire in the Signal Corps laboratory, Washington, D. C., March 18, 1914, $7,500.

Medical and hospital department: For the purchase of medical and hospital supplies, including the same objects specified under this head in the Army appropriation act for the fiscal year 1914, $50,000.

DEPARTMENT OF COMMERCE.

BUREAU OF FISHERIES.

Alaska Service: For protecting the seal fisheries of Alaska, including the furnishing of food, fuel, clothing, and other necessities of life to the natives of the Pribilof Islands of Alaska, transportation of supplies to and from the islands, expenses of travel of agents and other employees and subsistence while on said islands, purchase, hire, maintenance of, and crews for vessels, and including not exceeding $2,500 for installation of water supply on St. Paul Island, and for all expenses necessary to carry out the provisions of the act approved April 21, 1910, entitled "An act to protect the seal fisheries of Alaska, and for other purposes," and for the protection of the fisheries of Alaska, including travel, hire of boats, employment of temporary labor, and all other necessary expenses, to continue available during the fiscal year 1915, $50,000.

DEPARTMENT OF LABOR.

Bureau of Naturalization: For the purchase of safety paper for certificates of naturalization, $4,200.

LEGISLATIVE.

HOUSE OF REPRESENTATIVES.

For miscellaneous items and expenses of special and select committees, exclusive of salaries and labor, unless specifically ordered by the House of Representatives, $52,000.

For folding speeches, to continue available during the fiscal year 1915, $6,000.

There is authorized to be expended out of the appropriation made in the joint resolution approved October 24, 1913, for furnishing the additional rooms in the House Office Building, not exceeding $1,600 for additional awnings for the windows in said building.

GOVERNMENT PRINTING OFFICE.

For printing and binding for the War Department, $50,000.

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

BILLS INTRODUCED.

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

By Mr. NELSON:

A bill (S. 5637) to amend an act entitled "An act permitting the building of a dam across the Mississippi River in the county of Morrison and State of Minnesota," approved June 4, 1906; to the Committee on Commerce.

By Mr. BRISTOW:

A bill (S. 5638) granting an increase of pension to Whitman M. Colby (with accompanying papers); to the Committee on Pensions.

By Mr. CUMMINS:

A bill (S. 5639) granting a pension to Rhoda L. Goreham; to the Committee on Pensions.

By Mr. THOMPSON:

A bill (S. 5640) granting an increase of pension to Miles G. Lee (with accompanying papers); to the Committee on Pensions.

By Mr. LA FOLLETTE:

A bill (S. 5641) for the relief of John Burrows; to the Committee on Claims.

By Mr. SHERMAN:

A bill (S. 5642) granting a pension to Martha Lance; to the Committee on Pensions.

By Mr. OLIVER (for Mr. PENROSE):

A bill (S. 5643) providing for extended leave of absence to employees in the Postal Service; to the Committee on Post Offices and Post Roads.

By Mr. GORE:

A bill (S. 5644) to provide for the acquisition of a site and the erection of a public building thereon at Sapulpa, Okla.;

A bill (S. 5645) to provide for the acquisition of a site and the erection of a public building thereon at Bartlesville, Okla.;

A bill (S. 5646) to provide for the acquisition of a site and the erection of a public building thereon at Okmulgee, Okla.; and

A bill (S. 5647) to provide for the acquisition of a site and the erection of a public building thereon at Ada, Okla.; to the Committee on Public Buildings and Grounds.

By Mr. SHIVELY:

A bill (S. 5648) granting an increase of pension to James Ohaver (with accompanying papers); and

A bill (S. 5649) granting an increase of pension to Theodore S. Payton (with accompanying papers); to the Committee on Pensions.

By Mr. KERN:

A bill (S. 5650) for the relief of Albert L. Ream; to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CHILTON submitted an amendment proposing to appropriate $20,000 for repairs and improvements to the post office and courthouse at Charleston, W. Va., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to increase the salary of the assistant clerk to the Committee on the Census from $1,440 to $2,000, intended to be proposed by him to the legislative, etc., appropriation bill, which was ordered to lie on the table and be printed.

Mr. WHITE submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

DONATION OF CANNON.

Mr. THOMPSON submitted an amendment intended to be proposed by him to the bill (S. 5495) authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls, which was ordered to lie on the table and be printed.

NAVAL CLAIMS.

Mr. KERN submitted an amendment intended to be proposed by him to the bill (S. 5489) making appropriation for the payment of certain claims in accordance with the findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and Tucker Acts, which was referred to the Committee on Claims and ordered to be printed.

PENSIONS AND INCREASE OF PENSIONS.

Mr. BRISTOW submitted an amendment intended to be proposed by him to the bill (H. R. 15504) 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, which was referred to the Committee on Pensions and ordered to be printed.

Mr. KENYON submitted an amendment intended to be proposed by him to the pension appropriation bill, which was referred to the Committee on Pensions and ordered to be printed.

COMMITTEE ON POST OFFICES AND POST ROADS.

Mr. BANKHEAD submitted the following resolution (S. Res. 370), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Committee on Post Offices and Post Roads, or any subcommittee thereof, be, and the same hereby is, permitted to sit during the sessions of the Senate.

PANAMA CANAL TOLLS.

The PRESIDING OFFICER. The morning business is closed.

Mr. THORNTON. I ask unanimous consent that House bill 14385, the unfinished business, be laid before the Senate for consideration.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14385) to amend section 5 of an act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation of the Canal Zone, approved August 24, 1912.

Mr. CHAMBERLAIN. Mr. President, it would seem to be a work of supererogation that I should attempt to address the Senate on the measure which is now pending. I fully realize that nothing that I can say and, in fact, nothing that any Senator or anyone can say will change the result of the vote which is soon to be had in the Senate on this measure; but I feel that it is a duty which I owe to myself and to the section of the country which I in part represent to state the reasons for the faith that is within me.

Mr. President, I yield to none in my admiration, regard, and respect for the distinguished President of the United States. I recognize, as does everyone, his magnificent intellect, his lofty purposes, and his splendid patriotism. I thoroughly believe in the integrity of his purpose when he advocates the repeal of the exemption clause of the Panama Canal act, and I am convinced that when he expresses it as his opinion that the policy involved in that particular clause of the act was unwise from an economic standpoint, and was and is a violation of our treaty with Great Britain, and asks the ungrudging support of the Congress of the United States in its repeal, that he believes sincerely and conscientiously in the truth of both his contentions. It is because of my belief in him as a man and as one of the most distinguished citizens who ever occupied the presidential chair that I feel he courts the honest opinion of those who differ from him on both positions which he has taken in his message to Congress. In what I have to say, therefore, I expressly disclaim any purpose or intention to say aught in criticism of the President's integrity of purpose or of his patriotism, but I claim the right of every citizen, and particularly of those who are called upon to discharge their high duties as members of a coordinate branch of the Government, to state my views fairly and without regard to what others may think or say or do, for I feel that if Congress yields now and repeals the portion of the act referred to at the demand of any person or any power, or because of the opinion that all the powers may have of this Government, we undermine the very foundations upon which the Republic rests. It is with me, as it is with the President, a matter of conviction and of conscience. So feeling and so believing, I shall discharge my duty as God has given me the light to see it.

I may say, too, that I have no hatred of Great Britain and I do not blame her for the insistence which she makes with reference to a division of jurisdiction, if not of responsibility, over the Panama Canal. This insistence is in line with the policy which has characterized her for centuries, and the fact that her demands have been yielded to more than once by her commercial rivals the world over has encouraged her to assert a right against the United States and over a territory owned by this Government, which, I shall attempt to prove, is without justification or excuse. Her statesmen have at all times acted for the best interest of their Government during the lifetime of their administration, but have never at any time overlooked an opportunity to lay a foundation for her future extension and development. Nobody criticizes them for this, nor shall I.

Mr. President, advocates of the bill which proposes to repeal the tolls-exemption clause of the Panama Canal act of 1912 base their contention upon one or the other or both of the following propositions: First, that the act in question is violative of the stipulations contained in the Hay-Pauncefote treaty, entered into between this country and Great Britain November 18, 1901; second, that the exemption of American coastwise vessels from the payment of tolls is unwise as an economic policy.

I shall discuss these two propositions in their order in an endeavor to show that each of them is without merit and unsound.

And, first, does the act of 1912 violate the terms of any treaty in force between the two countries and is the national honor in any way involved if the act is permitted to remain as a part of the law of the country? If it can be shown that the claims of Great Britain in Central America were baseless; that they were acquired by fraud or force, or in violation of treaty rights with any other nation, and that the Clayton-Bulwer treaty of April 19, 1850, was based upon claims so acquired, it seems to me that the force of this first insistence made by the advocates of repeal is impaired, because the Hay-Pauncefote treaty of November 18, 1901, was grounded entirely upon the treaty of 1850. A stream can not rise higher than its source, and the Hay-Pauncefote treaty can not purge the Clayton-Bulwer treaty of the fraud upon which the British contention is based.

ORIGIN OF GREAT BRITAIN'S CLAIMS IN CENTRAL AMERICA.

Assuming that Great Britain—or if not she, her partisans in this country and in the Congress of the United States—is urging that the act of 1912 is violative of the letter and spirit of the Hay-Pauncefote treaty and reflects upon our national integrity, I deem it proper to show briefly the genesis and gradual evolution of the claim of Great Britain to certain alleged rights in Central America.

Long prior to 1763 the old English buccaneers began to prey upon the Spanish possessions at and about the Isthmus, and the first claim of Great Britain grew out of the depredations of these bold captains of the sea. The usurpations of these men and the rights claimed to have been acquired by them at Belize led to the first treaty between Great Britain and Spain, executed at Paris in 1763, under the terms of which the former agreed, in consideration of being allowed the mere right to cut logwood, to dismantle her fortifications which had been erected in any part of the territory. This treaty she ruthlessly violated, and because of her inability to retain her pretended claims in Belize she entered into another treaty in 1783, agreeing to leave the country and abandon the Isthmus, except Belize, where she was to continue to have the same right to cut logwood. The treaty provided that all the English on the Spanish continent should retire within the territory between the Belize River and the Rio Hondo, the former near the center and the latter the north boundary of what is now known as British Honduras. This treaty was executed by Great Britain with a secret reservation, as the history of the time conclusively proves, that it was later to be violated. It was not her purpose to keep it, nor did she do so when it suited her convenience to repudiate it, and it was later urged by Great Britain that the term "continent of Spain" mentioned in the treaty did not have reference to any portion of Central America, and, as in the case of the former treaty, she ignored its terms. This resulted in negotiations that found expression in another treaty, executed in 1786, in one article of which the parties agreed to observe it sincerely and with bona fides. The title of Spain to Belize was in express terms admitted, with only the permissive right of British subjects to cut logwood and mahogany. (See Parliamentary History, vol. 26, 1786–1788.) Great Britain stipulated in this, as in the former treaties, to dismantle her fortifications in her alleged possessions in Central America and to evacuate the Mosquito country.

I call the Senate's attention to the fact that the language of these treaties of Great Britain with Spain, which were constantly violated, is almost in hæc verba with the language that is used in the Clayton-Bulwer treaty, which she violated with us just as ruthlessly as she violated the treaties which she had with Spain. Note this, Mr. President: A resolution censuring the ministry was offered in Parliament because of the execution of this last treaty of adjustment and renunciation. Lord Chancellor Thurlow, in vindication of the ministry, delivered an address in Parliament and expressly declared that Great Britain never had any valid claim, title, or interest in any portion of the Mosquito Coast, and Mr. Pitt, in the House of Commons, introduced a bill indemnifying those Englishmen who had been induced to go into that country in violation of the terms of the two former treaties with Spain. This bill of indemnification was passed by Parliament, the resolution of censure was defeated, and the action of the ministry in executing the treaty sustained.

In his address referred to Lord Thurlow said, in substance—and I quote from the Parliamentary Register of 1787, volume 22, page 138:

> With regard to settlements, it would have been imagined by those who were strangers to the fact that there had been a regular government, a regular council, and established laws peculiar to the territory, when the fact was there neither existed one nor the other; he went into the history of the settlement, tracing it down from the year 1650 to the year 1777, mentioning Lord Godolphin's treaty and all its circumstances, and deducing arguments from each fact he mentioned to prove that the Mosquito shore never had been fairly to be deemed a British settlement, but that a detachment of soldiers had been landed from the island of Jamaica, who erected fortifications, which were afterwards by order of the Government at home abandoned and withdrawn. He instanced the transactions on the subject at the peace of Paris in 1763, when Gov. Littleton presided at Jamaica, and enlarged upon them to show that this country by the peace of Paris had renounced whatever claim she might before that period have fancied she had a right to maintain, and had given a fresh proof of her having done so in the year 1777, when Lord George Germain, the secretary for the American department, sent out Mr. Lawrie to the Mosquito shore to see that the stipulations of this country with Spain were carried fully into execution. His lordship enlarged on these particulars, and after enforcing and applying them to the arguments urged in defense of the motion proceeded to notice what the Earl of Carlisle had said on the delicacy of questions of that sort, declaring that he had been happy to hear the matter so judiciously observed upon. He should have been extremely glad if the whole grounds of the transactions could with prudence and propriety have been gone into, but as that could not be done he must meet the matter as he found it. With regard to the degradation of the country—

That refers to the Mosquito country—

> that the fourteenth article was pretended to hold out, he denied the fact. The Mosquitos were not our allies; they were not a people whom we were bound by treaty to protect, nor was there anything like the number of British subjects there that had been stated, the number having been, according to the last report from thence, only 120 men and 16 women. The fact was we had procured—by contract, if noble lords pleased—a stipulation that the King of Spain would not punish those British subjects and the Mosquitos who had possessed themselves improperly of the rights belonging to the Spanish Crown, and in consequence of such irregular possession had persisted for a course of time, but with frequent interruption, in the enjoyment of those rights. He repelled the argument that the settlement was a regular and legal settlement; and so far from agreeing, as had been contended, that we had uniformly remained in the quiet and unquestioned possession of our claim to the territory, he called upon the noble viscount (Stormont) to declare as a man of honor whether he did not know to the contrary.

I have read that extract for the purpose of showing that from a British standpoint, at the time the treaty with Spain was executed, there was absolutely a disclaimer by the men who had the authority to disclaim that Great Britain ever had any title, right, or interest along the Spanish-American coast.

Other British supporters of the ministry took the same position in the matter and repudiated the suggestion that Great Britain had any just claims, by settlement or otherwise.

I call particular attention to this because I think it proves conclusively by contemporaneous English history of the highest character that in 1786 Great Britain had no valid claim of title in the Mosquito country, and that between that date and the execution of the Clayton-Bulwer treaty she never acquired or held any higher title in Central America than she had at that early date. It is true that on pretended humanitarian grounds she undertook to set up a protectorate over the Mosquito Indians along the coast, but all of her pretensions in this behalf were violative of the treaty of 1786 as well as of former treaties with Spain; and later, in the separation of the Spanish-American colonies from the mother country she undertook gradually again to extend her claims to the Mosquito Coast by taking the reputed son of a mythical Indian chief to Jamaica, crowning him as king, and again asserting rights to the country in violation of the rights of Nicaragua, within whose territory the Mosquito country then was.

What was the purpose of Great Britain in asserting these claims, as well as others at Tigris on the Pacific side of Nicaragua, if it was not to secure the commercial advantages which would accrue from holding the key to any transisthmian canal, railroad, or other connection between the two oceans? Subsequent events have proven that she had no other purpose or object in view than to acquire a strategic position and to hold it against the world in case a means of transit across the Isthmus ever should be effected. Our Government had from time to time protested that Great Britain by her course in Central America was violating the Monroe doctrine, which had become a settled policy with our people.

This was the condition of things at the conclusion of the war between the United States and the Republic of Mexico, and while negotiations were pending between the two Republics for the adjustment of their differences, which was finally accomplished under the treaty of Guadalupe Hidalgo, proclaimed July 4, 1848. Under the terms of that treaty Texas, Arizona, and California were ceded to the United States, and with this magnificent addition to our territory, separated as it was from the Atlantic seaboard by a then trackless wilderness, Great Britain had a stronger reason for again attempting to acquire a foothold which would give to her an advantage over the United States. To that end, within six days of the ratification of the treaty with Mexico, the governor of Jamaica sent an armed cruiser to the mouth of the San Juan River, seized the town there and named it Greytown, in honor of the governor of Jamaica; and by virtue of this illegal seizure Great Britain claimed rights on the San Juan River and at its mouth, in violation of the settled policy of the United States as declared by President Monroe in 1823.

Close upon the heels of this followed the greatest diplomatic blunder ever committed, namely, the ratification by the Senate of the Clayton-Bulwer treaty. It was under the Democratic administration of James K. Polk that Mr. Hise, chargé of the United States at Guatemala, was sent to Nicaragua on a mission of this Government, and he—it is claimed, without authority—negotiated a treaty with that Republic, under the terms of which the United States was vested with exclusive authority, notwithstanding the pretended claims of Great Britain along the coast, to build a canal through Nicaragua connecting the two oceans, including the right to fortify the canal from one end to the other, to establish towns and free ports at either end thereof, giving to the United States exclusive jurisdiction over the canal when completed. This had the merit at least of a truly American policy.

Before the return of the treaty to Washington the Democratic Party went out of power, and was succeeded by a Whig administration, which sent Mr. Squier as its agent to Nicaragua, who denounced the Hise treaty and negotiated another, in excess, it is claimed, of his authority, with that Republic, placing the proposed canal under the joint protection and control of the United States and Great Britain.

Mr. Clayton had in the meantime become Secretary of State, and it is a little bit remarkable to note the change of circumstances then and the change of circumstances now. There the Democratic administration had practically negotiated a treaty which adopted an American policy, and the Whig administration came in and changed it. Here a Republican administration had adopted an American policy and the Democratic Party comes into power and absolutely overturns that policy. In other words, the Democrats now are taking a position diametrically opposed to the position which they took under the administration of President Polk. Mr. Clayton, without submitting to the Senate either the Hise or Squier treaties, opened negotiations with Sir Henry Bulwer, British minister at Washington, which resulted in the now famous Clayton-Bulwer treaty of April 19, 1850, ratifying the scheme of a joint protectorate over the canal, and assenting in terms to what was practically an abandonment of the Monroe doctrine.

I do not deem it necessary to discuss the terms of this treaty, because it has been so ably analyzed and discussed by Senators who have preceded me. I merely call attention to it and the circumstances which preceded its execution in order to show that at the time of its execution Great Britain had no valid claim in Central America, and, having none, there was no foundation for the Clayton-Bulwer treaty and no consideration to support either it or the Hay-Pauncefote treaty, which is based on it. I am induced to make this showing because it is continually stated here in nearly every speech that is made in favor of repeal that Great Britain can not now be placed in the position which she occupied prior to the execution of the Hay-Pauncefote treaty or the Clayton-Bulwer treaty, because it is claimed she has released valuable rights. I insist that she had no rights and never had any, and, therefore, that the Clayton-Bulwer treaty was absolutely without any consideration at all.

The language of the treaty is in some of its provisions not unlike the treaty between Spain and Great Britain, particularly that portion of it which provides that neither Great Britain nor the United States would ever erect or maintain any fortifications commanding the canal or in the vicinity thereof, or occupy, fortify, or colonize, assume or exercise any dominion over Nicaragua or any part of Central America. Subsequent events have proven that at the time of the execution of the treaty Great Britain intended, as she did with Spain, to violate its terms; and she has, from the date of its execution, continued to ignore its terms, and has never abandoned, but has continued to occupy, a part of the territory which she agreed she would neither occupy, fortify, colonize, nor assume jurisdiction over. From that day to this the constant and repeated violations of the treaty and the unjust demands on the part of Great Britain have led to constant irritation and strife between the two powers.

It was my privilege to deliver an address in the Senate at the time the Panama Canal act was pending, in 1912, in which I recited a great number of protests by all administrations, Democratic and Republican, since 1850, against the repeated violations of the Clayton-Bulwer treaty by Great Britain; and I am not going to refer to them now.

In order to prove that the pretended claim of Great Britain at the mouth of the San Juan River—acquired, as has been stated, by fraud—was the basis of the Clayton-Bulwer treaty, permit me to call attention to the message of President Franklin Pierce to Congress on the 31st of December, 1855, and the proceedings had thereon at the time of its delivery to the Senate of the United States.

I ask to have printed in the RECORD, without reading, the portion of the message which refers to this matter.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The matter referred to is as follows:

Whilst relations of amity continue to exist between the United States and all foreign powers, with some of them grave questions are depending which may require the consideration of Congress.

Of such questions the most important is that which has arisen out of the negotiations with Great Britain in reference to Central America.

By the convention concluded between the two Governments on the 19th of April, 1850, both parties covenanted that "neither will ever occupy or fortify or colonize or assume or exercise any dominion over Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America."

It was the undoubted understanding of the United States in making this treaty that all the present States of the former Republic of Central America and the entire territory of each would thenceforth enjoy complete independence, and that both contracting parties engaged equally and to the same extent for the present and for the future that if either then had any claim of right in Central America such claim and all occupation or authority under it were unreservedly relinquished by the stipulations of the convention, and that no dominion was thereafter to be exercised or assumed in any part of Central America by Great Britain or the United States.

This Government consented to restrictions in regard to a region of country wherein we had specific and peculiar interests only upon the conviction that the like restrictions were in the same sense obligatory on Great Britain. But for this understanding of the force and effect of the convention it would never have been concluded by us.

So clear was this understanding on the part of the United States that in correspondence contemporaneous with the ratification of the convention it was distinctly expressed that the mutual covenants of nonoccupation were not intended to apply to the British establishment at the Balize. This qualification is to be ascribed to the fact that in virtue of successive treaties with previous sovereigns of the country Great Britain had obtained a concession of the right to cut mahogany or dyewoods at the Balize, but with positive exclusion of all domain or sovereignty, and thus it confirms the natural construction and understood import of the treaty as to all the rest of the region to which the stipulations applied.

It, however, became apparent at an early day after entering upon the discharge of my present functions that Great Britain still continued in the exercise or assertion of large authority in all that part of Central America commonly called the Mosquito Coast and covering the entire length of the State of Nicaragua and a part of Costa Rica; that she regarded the Balize as her absolute domain and was gradually extending its limits at the expense of the State of Honduras; and that she had formally colonized a considerable insular group known as the Bay Islands and belonging of right to that State.

All these acts or pretensions of Great Britain, being contrary to the rights of the States of Central America and to the manifest tenor of her stipulations with the United States as understood by this Government, have been made the subject of negotiation through the American minister in London. I transmit herewith the instructions to him on the subject and correspondence between him and the British secretary for foreign affairs, by which you will perceive that the two Governments differ widely and irreconcilably as to the construction of the convention and its effect on their respective relations to Central America.

Great Britain so construes the convention as to maintain unchanged all her previous pretensions over the Mosquito Coast and in different parts of Central America. These pretensions as to the Mosquito Coast are founded on the assumption of political relation between Great Britain and the remnant of a tribe of Indians on that coast, entered into at a time when the whole country was a colonial possession of Spain. It can not be successfully controverted that by the public law of Europe and America no possible act of such Indians or their predecessors could confer on Great Britain any political rights.

Great Britain does not allege the assent of Spain as the origin of her claims on the Mosquito Coast. She has, on the contrary, by repeated and successive treaties renounced and relinquished all pretensions of her own and recognized the full and sovereign rights of Spain in the most unequivocal terms. Yet these pretensions, so without solid foundation in the beginning and thus repeatedly abjured, were at a recent period revived by Great Britain against the Central American States, the legitimate successors to all the ancient jurisdiction of Spain in that region. They were first applied only to a defined part of the coast of Nicaragua, afterwards to the whole of its Atlantic coast, and lastly to a part of the coast of Costa Rica, and they are now reasserted to this extent, notwithstanding engagements to the United States.

On the eastern coast of Nicaragua and Costa Rica the interference of Great Britain, though exerted at one time in the form of military occupation of the port of San Juan del Norte, then in the peaceful possession of the appropriate authorities of the Central American States, is now presented by her as the rightful exercise of a protectorship over the Mosquito Tribe of Indians.

But the establishment at the Belize, now reaching far beyond its treaty limits into the State of Honduras, and that of the Bay Islands, appertaining of right to the same State, are as distinctly colonial governments as those of Jamaica or Canada, and therefore contrary to the very letter as well as the spirit of the convention with the United States as it was at the time of ratification and now is understood by this Government.

The interpretation which the British Government thus, in assertion and act, persists in ascribing to the convention entirely changes its character. While it holds us to all our obligations, it in a great measure releases Great Britain from those which constituted the consideration of this Government for entering into the convention. It is impossible, in my judgment, for the United States to acquiesce in such a construction of the respective relations of the two Governments to Central America.

To a renewed call by this Government upon Great Britain to abide by and carry into effect the stipulations of the convention according to its obvious import by withdrawing from the possession or colonization of portions of the Central American States of Honduras, Nicaragua, and Costa Rica, the British Government has at length replied, affirming that *the operation of the treaty is prospective only and did not require Great Britain to abandon or contract any possessions held by her in Central America at the date of its conclusion.*

This reply substitutes a partial issue in the place of the general one presented by the United States. The British Government passes over the question of the rights of Great Britain, real or supposed, in Central America and assumes that she had such rights at the date of the treaty, and that those rights comprehended the protectorship of the Mosquito Indians, the extended jurisdiction and limits of the Belize, and the colony of the Bay Islands, and thereupon proceed by implication to infer that if the stipulations of the treaty be merely future in effect Great Britain may still continue to hold the contested portions of Central America. The United States can not admit either the inference or the premises. We steadily deny that at the date of the treaty Great Britain had any possessions there other than the limited and peculiar establishment at Belize, and maintain that if she had any they were surrendered by the convention.

This Government, recognizing the obligations of the treaty, has, of course, desired to see it executed in good faith by both parties, and in the discussion, therefore, has not looked to rights which we might assert independently of the treaty in consideration of our geographical position and of other circumstances which create for us relations to the Central American States different from those of any Government of Europe.

The British Government in its last communication, although well knowing the views of the United States, still declares that it sees no reason why a conciliatory spirit may not enable the two Governments to overcome all obstacles to a satisfactory adjustment of the subject.

Assured of the correctness of the construction of the treaty constantly adhered to by this Government and resolved to insist on the rights of the United States, yet actuated also by the same desire which is avowed by the British Government, to remove all causes of serious misunderstanding between two nations associated by so many ties of

interest and kindred, it has appeared to me proper not to consider an amicable solution of the controversy hopeless.

There is, however, reason to apprehend that with Great Britain in the actual occupation of the disputed territories, and the treaty therefore practically null, so far as regards our rights, this international difficulty can not long remain undetermined without involving in serious danger the friendly relations which it is the interest as well as the duty of both countries to cherish and preserve. It will afford me sincere gratification if future efforts shall result in the success anticipated heretofore with more confidence than the aspect of the case permits me now to entertain.

Mr. CHAMBERLAIN. This was a ringing protest as far back as 1855 against the repeated violations of the Clayton-Bulwer treaty by Great Britain. I call your attention to a small portion of it to show you the flimsy pretext upon which Great Britain was asserting her right to remain in possession of the property which she was claiming in Central America:

To a renewed call by this Government upon Great Britain to abide by and carry into effect the stipulations of the convention according to its obvious import by withdrawing from the possession or colonization of portions of the Central American States of Honduras, Nicaragua, and Costa Rica, the British Government has at length replied, affirming that the operation of the treaty is prospective only and did not require Great Britain to abandon or contract any possessions held by her in Central America at the date of its conclusion.

In other words, she claimed that she did not agree to give up anything, and as a matter of fact she did not give up anything, and she never has given up anything, but continues to occupy the same territory now which she occupied then, and which she agreed that she would abandon.

I have set out at length the portion of the President's message which deals with Great Britain's pretensions along the coast of Central America, and I call particular attention to the fact that she scrupulously and purposely avoided the issue which had been raised by our Government that she was violating the terms of the Clayton-Bulwer treaty and set up the palpably dishonest contention that the operation of the treaty was prospective only and did not require Great Britain to abandon or contract any possessions held by her in Central America at the date of its conclusion. What more dishonest, what more preposterous claim could have been made by any Government that wanted to observe the stipulations of a treaty which were plain on their face and impossible of misconstruction? The contention that the treaty with reference to occupation, colonization, fortification, and exercise of dominion was prospective in its operation was so entirely disingenuous and dishonest that when this message of the President was delivered to Congress Mr. Clayton, who had been Secretary of State when the Clayton-Bulwer treaty was negotiated, during the Whig administrations of Presidents Taylor and Fillmore and was serving in the Senate from the State of Delaware, immediately arose and with much heat and feeling denounced the preposterous claims of Great Britain, discussed at length the reasons which led to the execution of the Clayton-Bulwer treaty, and gave the understanding of the parties with reference to its terms and conditions.

In the course of his explanation he candidly admitted that the possession by Great Britain of the Mosquito country and Greytown, with its gradual extension to other adjoining territory, disturbed the administration of which he had been a part; and, as I read what he had to say upon the subject, I am inclined to believe that the timidity of the administration led to this great diplomatic blunder. Can it be that the timidity of a Democratic administration at this time is likely to lead us into the commission of a diplomatic blunder more serious, if possible, than that committed by a Whig administration in the execution of the Clayton-Bulwer treaty?

Mr. Clayton, in the course of his remarks on that portion of the President's message which I have quoted, said in part:

It is a construction put upon the treaty by the British Cabinet for which they are certainly entitled to all the merit of originality and novelty. Prospective in its operation! I never dreamed of such a thing. Merely prospective! Does any man suppose that I, in the possession of my senses, could have entered into a treaty with Great Britain to allow her to remain in possession of the whole of this isthmus and to prohibit my own countrymen from taking possession of it, leaving her there undisturbed? What could we gain by it? What inducement could there have been on our part to enter into such a treaty? What motive could an American statesman have in making such a treaty? What motive could any American Senator have had in voting for the ratification of such an instrument? Is it possible that any man on earth can have his understanding so perverted as to believe for a single moment that that view was in the contemplation of the negotiators? * * * Sir, Great Britain having denied the plain meaning of the treaty, as she has done, we should be perfectly justified in breaking up the treaty on our part if that would place us in any better condition. Now, I ask the attention of the Senate for but a few moments to consider that point. We have the right, *in foro conscientiæ*, to annul the treaty, and we should be justified before the civilized world for annulling it if it be our interest to do so.

Here was a Senator who knew all about the terms of that treaty. He knew just as much about it as it is claimed now that Mr. Choate and Mr. Hay and other distinguished gentlemen knew about the Hay-Pauncefote treaty. If the rule of construction which the distinguished senior Senator from New York [Mr. ROOT] appealed to yesterday is to apply in this case, we appeal to the record as made by Mr. Clayton to show that the ink had hardly gotten dry on the Clayton-Bulwer treaty in 1850 when it was violated, and we too are in foro conscientiæ entitled to denounce it before the eyes of the civilized world. That contention has been made by every administration since that date.

But for the fact that others who have addressed themselves to this subject have gone into the matter fully, I might show that nearly every President since 1850, except during the Civil War, when little attention was paid to it, have repeatedly protested against repeated violations of the Clayton-Bulwer treaty by Great Britain. I therefore deem it unnecessary to call attention in detail to these protests.

The Clayton-Bulwer treaty had hardly been ratified when controversies arose between the signatory powers as to its intent and meaning, and it is interesting to read the discussions which took place in the Senate of the United States in reference to the actions of Great Britain which were violative of the terms of the treaty and the proper construction thereof. There were those in Congress then, as there are those here to-day, who appeared to be more afraid of arousing the antagonism of Great Britain and other foreign powers than they were desirous of protecting the interests of our own country and of our own citizens. But there were patriotic men then who were more interested in the latter than in the former. In March, 1853, Senator Stephen A. Douglas, in discussing this very subject with Senator Clayton, of Delaware, took a very different position from that which many Democrats are taking to-day.

I want to say here, parenthetically, that neither Stephen A. Douglas nor Mr. Clayton were at variance about the fact that Great Britain was violating the treaty. They got into a warm discussion about it, but they were agreed upon the proposition that it was being violated.

Now, note what Mr. Douglas said. I think it is very appropriate to-day:

When was it that Great Britain seized the possession of the terminus of this canal? Just six days after the signing of the treaty which secured to us California? The moment England saw that by the pending negotiations with Mexico California was to be acquired, she collected her fleets and made preparations for the seizure of the port of San Juan, in order that she might be gatekeeper on the public highway to our new possessions on the Pacific. Within six days from the time we signed the treaty England seized by force and violence the very point now in controversy. Is not this fact indicative of her motives? Is it not clear that her object was to obstruct our passage to our new possessions? Hence I do not sympathize with that feeling which the Senator expressed yesterday, that it was a pity to have a difference with a nation so friendly to us as England. Sir, I do not see the evidence of her friendship. It is not in the nature of things that she can be our friend. It is impossible she can love us. I do not blame her for not loving us. Sir, we have wounded her vanity and humbled her pride. She can never forgive us. But for us she would be the first power on the face of the earth. But for us she would have the prospect of maintaining that proud position which she held for so long a period. We are in her way. She is jealous of us, and jealousy forbids the idea of friendship. England does not love us; she can not love us, and we do not love her, either. We have some things in the past to remember that are not agreeable. She has more in the present to humiliate her that she can not forgive.

I do not wish to administer to the feeling of jealousy and rivalry that exists between us and England. I wish to soften and allay it as much as possible. But why close our eyes to the fact that friendship is impossible while jealousy exists? Hence England seizes every island in the sea and rock upon our coast where she can plant a gun to intimidate us or to annoy our commerce. Her policy has been to seize every military and naval station the world over. Why does she pay such enormous sums to keep her post at Gibraltar except to hold it *in terrorem* over the commerce of the Mediterranean? Why her enormous expense to maintain a garrison at the Cape of Good Hope except to command the great passage on the way to the Indies? Why is she at the expense to keep her position on the little barren islands, Bermuda and the miserable Bahamas, and all the other islands along our coast except as sentinels upon our actions? Does England hold Bermuda because of any profit it is to her? Has she any other motive for retaining it except jealousy, which stimulates hostility to us? Is it not the case with all her possessions along our coast? Why, then, talk about the friendly bearing of England toward us when she is extending that policy every day? New treaties of friendship, seizure of islands, and erection of new colonies in violation of her treaties seem to be the order of the day. In view of this state of things, I am in favor of meeting England as we meet a rival—meet her boldly, treat her justly and fairly, but make no humiliating concession even for the sake of peace. She has as much reason to make concessions to us as we have to make them to her. I would not willingly disturb the peace of the world; but, sir, the Bay Island colony must be discontinued. *It violates the treaty.*

And she then had possession of the Bay Islands in distinct violation of the terms of the Clayton-Bulwer treaty.

If the "Little Giant" were alive to-day, he would doubtless call attention to the course of Great Britain in acquiring control of the Suez Canal after its construction by the French, and the strategic positions at each entrance thereof, just as she attempted to secure the Atlantic and Pacific entrances to a Nicaraguan canal, and as she is attempting to secure a voice in the Panama Canal to-day.

On the same subject he said, further—and I will say to the Members on this side of the Chamber that this ought to be pretty good Democratic authority—

> This question of a canal in Nicaragua, when negotiations were pending to give it to us, was so much an American question that the English Government was not entitled to be consulted. England not consent! She will acquiesce in your doing what you may deem right so long as you consent to allow her to hold Canada, the Bermudas, Jamaica, and her other American possessions.

The same contention was made then, Mr. President, that is made to-day—that the powers of the earth are protesting against our violation of the treaty with Great Britain and that Great Britain must consent to our doing this or doing that before we are permitted to do anything. Will the time ever come, as was said by Stephen A. Douglas, when we can determine for ourselves as to what affects our national integrity and purposes without consulting Great Britain or some other foreign power?

> I hope the time has arrived when we will not be told any more that Europe will not consent to this, and England will not consent to that. I heard that argument till I got tired of it when we were discussing the resolutions for the annexation of Texas. I heard it again on the Oregon question, and I heard it on the California question. It has been said on every occasion whenever we had an issue about acquiring territory—that England would not consent; yet she has acquiesced in whatever we had the courage and the justice to do. And why? Because we kept ourselves in the right. England was so situated with her possessions on this continent that she dare not fight in an unjust cause. We would have been in the right to have accepted the privilege of making this canal, and England would never have dared to provoke a controversy with us. I think the time has come when America should perform her duty according to our own judgment and our own sense of justice without regard to what European powers might say with respect to it. I think this Nation is about of age. I think we have a right to judge for ourselves. Let us always do right and put the consequences behind us.

I quote thus at length from a distinguished Democrat to show the difference in the attitude of our party leaders immediately following the ratification of the Clayton-Bulwer treaty and their attitude now with respect to a treaty which has no other foundation whatsoever than a treaty which was executed in 1850 and which was based on force, fraud, and treaty violation.

I say "our party leaders." I do not know but that there is a new Richmond in the field as the leader of the Democracy now, in the person of the distinguished senior Senator from New York [Mr. ROOT], a gentleman whom some seem anxious to follow, but whom I have heard denounced by Democratic spellbinders on many stumps in the East and West. We must concede and give him the credit for having originated this scheme for repeal. There is no question about that. The Taft administration and a Republican Senate and a majority of the Democrats in Congress had settled it beyond any peradventure of a doubt, and the British contention had been practically abandoned when the distinguished senior Senator from New York, in the early days of January, 1913, introduced a resolution to repeal the exemption clause of the Panama Canal act. Then, on the 21st of January, 1913, he made a speech in favor of repeal, although when the Panama Canal act was pending he said that, inasmuch as he differed with the gentlemen of the Senate, he did not like to express his views in a matter which involved our country. He is the author of this proposition to repeal, and I give him credit for it. If he can win over the Democrats to his way of thinking, I commend him all the more highly for it; but we certainly have a new leader of Democracy to-day in the person of the senior Senator from New York [Mr. ROOT].

That speech has gone out to millions of people in this country, sent out by an association—the Carnegie Peace Foundation—which pretends that it has for its purpose the cultivation of peace between the powers of the earth. Knowing, as the men who had that fund in charge knew, that Congress had passed a bill exempting our coastwise vessels from the payment of tolls, they nevertheless were sending out a speech on one side of a question only and educating the people to see that one side, and were not undertaking to have the people reach a correct solution of a great international controversy. I have no patience with such efforts at world peace. Why was that done? Echo answers, Why?

If I were to undertake to use the language which was used by the distinguished Senator from Illinois, Mr. Douglas—and I might say the distinguished Senator from Delaware, Mr. Clayton—I would be charged with demagogy and with jingoism. That is the only answer to the arguments of those who are in favor of an American policy. We are denounced by the press and papers of the country as undertaking to indulge in demagogy.

There are those in Congress who prate about national honor. We heard much of it yesterday, as though there were only a few people in the Senate who have any idea of national honor. I venture to say that my distinguished friends who sit opposite me now, and who honor me by their presence, have just as high a regard for our national honor as the distinguished senior Senator from New York, who addressed the Senate yesterday. Has he a monopoly of national honor? Has any Senator a monopoly of that quality of a good American citizen? I think we have just as much regard for the national honor as anybody; I presume, in fact I prophesy and predict, that in the next 90 days that speech delivered here yesterday will be circulated by the same Carnegie Peace Foundation, in the effort to train the minds of the people of this country, the schools, the colleges, the churches, to one way of looking at this Hay-Pauncefote treaty and our other treaties with Great Britain, which from our standpoint at least is an absolutely incorrect view to take of this whole situation.

I repeat, Mr. President, if I were to use on the floor of the Senate such language as that which I have quoted, I would be charged by those who espouse the cause of Great Britain with jingoism, but the views of Democrats and Whigs who placed national interest above the fear of offense to Great Britain were in line with those of the distinguished Democrat from Illinois.

So it is to-day. There are those in Congress who prate about the national honor instead of boldly assuming a position which will give the world to understand that the United States is to be its own judge as to what affects the national honor as well as those matters which affect the national interest. This was done in 1912, and from that patriotic position we are about to recede, and for reasons which no one has even been candid enough to state.

Mr. President, I want to call the attention of the Senate to the fact that I introduced a resolution here a year or two ago to abrogate the Clayton-Bulwer treaty and the Hay-Pauncefote treaty. It was not necessary to give any notice of the intended abrogation by the United States of either of those treaties. Most treaties usually provide that either party has the right to abrogate them on giving the other contracting party a certain notice, but neither of these treaties required anything of that kind. If I recall it aright, I was denounced as a jingoist here for having introduced that resolution. I meant it in perfect good faith. Indeed, if we had gone on then and abrogated both those treaties we would have been out of a whole lot of trouble that confronts us now and that is likely to confront us more seriously in the future.

To show you that other Democrats have entertained the same view, I call attention to the fact that in 1900—I did not know it until this morning I was looking this matter up a little—the distinguished Senator from Alabama, the late Mr. Morgan, introduced a resolution, No. 392, for the abrogation of the Clayton-Bulwer treaty. This was in the Fifty-sixth Congress, first session. It recites:

> *Resolved by the Senate*, That the treaty known as the Clayton-Bulwer treaty between Great Britain and the United States, which was concluded on the 19th day of April, 1850, is abrogated.

It ought to have been done then. It ought to have been done while Presidents of the United States and Secretaries of State were protesting against the repeated violations of it by Great Britain.

Now, I will call your attention to a further fact in this connection. Some Senators seem to take to the view that the Congress in 1912 was the only Congress we ever had that seemed disposed to annul that treaty or either of those treaties. There was introduced in the House, May 3, 1900, a bill, House bill 2538, to provide for the construction of a canal connecting the waters of the Atlantic and the Pacific Oceans. That was across the very territory that Great Britain was claiming she had some interest in. That was across Nicaragua, through the very route that is covered by the Clayton-Bulwer treaty. That bill passed the House of Representatives by an overwhelming vote. In other words, the Members of the House, Democrats and Republicans, at that time took the position that they had the right to build the canal across the very territory that Great Britain is now claiming some jurisdiction over under the two treaties that we have with her, and they did not deem it incumbent upon them to mention the fact that we had any treaty with Great Britain. They passed the bill, and, so far as the House was concerned, by passing the bill repealed and abrogated the treaty.

In this connection—I mention it now, while I have this resolution and this bill before me—Mr. Morgan, as chairman of the Interoceanic Canals Committee of the Senate, submitted quite a lengthy report on the resolution which I have just read proposing the abrogation of the treaty. Mr. Morgan says, among other things:

> The legislative powers of the Senate are higher and broader than its treaty-making power, and when these functions are appealed to by different departments of the Government, on the same subject and at the same time, and with opposing requests, there can be no doubt that the

highest power should be exerted to settle the question in controversy, thereby relieving the country of all doubt and uncertainty.

The House bill accomplishes this result without attempting to restrain or coerce the treaty-making power of the President and the Senate. It only provides for conditions that are presented and demand the attention of Congress, by resorting to the supreme and paramount law-making power and demanding its exercise in acts of legislation.

It is insisted, however, that when Congress has declared the supreme will of the people in a solemn enactment of law the President and the Senate can not lawfully obstruct or avoid such a declaration by any treaty they can conclude with any foreign power.

In other words, applying the argument which is made at length by Senator Morgan here, and he was a distinguished international lawyer, that Congress had the right to pass the act to which I have called attention, and which in effect operated as a repeal of the Clayton-Bulwer treaty, the act of 1912 had the effect to repeal the Hay-Pauncefote treaty, and if any part of the Clayton-Bulwer treaty remained, it had the effect to repeal that. As a proposition of law I insist that the mere repeal of the act of 1912 or any portion of it will not have the effect to reinstate the Hay-Pauncefote treaty or the Clayton-Bulwer treaty. In other words, the highest constitutional body of this country, namely, the Congress of the United States, has enacted a law which abrogates a treaty, and now can we by repealing that statute make it retroactive in its effect or prospective, if you will, and reinstate a treaty which we have already repealed?

I may be mistaken in that position; but that is the argument of Senator Morgan, and he certainly had much experience in this particular matter, because no man in the United States ever gave the construction of a transisthmian canal so much consideration as did he.

So when we are talking about observing treaty obligations, what is to happen after we repeal the act of 1912? Must we then enter into negotiations again with Great Britain for a treaty governing the very subject which I say is sealed by the act of 1912?

Mr. President, for convenience of reference in what I have to say, I desire to have the Clayton-Bulwer treaty and the Hay-Pauncefote treaty inserted as a part of my remarks.

The PRESIDING OFFICER. Such will be the order, without objection

The matter referred to is as follows:

CLAYTON-BULWER TREATY OF APRIL 19, 1850.

The United States of America and Her Britannic Majesty, being desirous of consolidating the relations of amity which so happily subsist between them, by setting forth and fixing in a convention their views and intentions with reference to any means of communication by ship canal which may be constructed between the Atlantic and Pacific Oceans by the way of the River San Juan de Nicaragua and either or both of the lakes of Nicaragua or Managua, to any port or place on the Pacific Ocean, the President of the United States has conferred full powers on John M. Clayton, Secretary of State of the United States, and Her Britannic Majesty on the Right Hon. Sir Henry Lytton Bulwer, a member of Her Majesty's most honorable privy council, knight commander of the most honorable Order of the Bath, and envoy extraordinary and minister plenipotentiary of Her Britannic Majesty to the United States, for the aforesaid purpose; and the said plenipotentiaries having exchanged their full powers, which were found to be in proper form, have agreed to the following articles:

"ARTICLE 1.

"The Governments of the United States and Great Britain hereby declare that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said ship canal; agreeing that neither will ever erect or maintain any fortifications commanding the same or in the vicinity thereof, or occupy, or fortify, or colonize, or assume, or exercise any dominion over Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America; nor will either make use of any protection which either affords or may afford, or any alliance which either has or may have to or with any State or people, for the purpose of erecting or maintaining any such fortifications, or of occupying, fortifying, or colonizing Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America, or of assuming or exercising dominion over the same; nor will the United States or Great Britain take advantage of any intimacy, or use any alliance, connection, or influence that either may possess with any State or Government through whose territory the said canal may pass, for the purpose of acquiring or holding, directly or indirectly, for the citizens or subjects of the one, any rights or advantages in regard to commerce or navigation through the said canal which shall not be offered on the same terms to the citizens or subjects of the other.

"ARTICLE 2.

"Vessels of the United States or Great Britain traversing the said canal shall, in case of war between the contracting parties, be exempted from blockade, detention, or capture by either of the belligerents; and this provision shall extend to such a distance from the two ends of the said canal as may hereafter be found expedient to establish.

"ARTICLE 3.

"In order to secure the construction of the said canal, the contracting parties engage that if any such canal shall be undertaken upon fair and equitable terms by any parties having the authority of the local government or governments through whose territory the same may pass, then the persons employed in making the said canal, and their property used, or to be used, for that object, shall be protected, from the commencement of the said canal to its completion, by the Governments of the United States and Great Britain, from unjust detention, confiscation, seizure, or any violence whatsoever.

"ARTICLE 4.

"The contracting parties will use whatever influence they respectively exercise with any State, States, or Governments possessing or claiming to possess any jurisdiction or right over the territory which the said canal shall traverse, or which shall be near the waters applicable thereto, in order to induce such States or Governments to facilitate the construction of the said canal by every means in their power. And furthermore, the United States and Great Britain agree to use their good offices, wherever or however it may be most expedient, in order to procure the establishment of two free ports, one at each end of the said canal.

"ARTICLE 5.

"The contracting parties further engage, that when the said canal shall have been completed, they will protect it from interruption, seizure, or unjust confiscation, and that they will guarantee the neutrality thereof, so that the said canal may forever be open and free, and the capital invested therein secure. Nevertheless, the Governments of the United States and Great Britain, in according their protection to the construction of the said canal, and guaranteeing its neutrality and security when completed, always understand that this protection and guarantee are granted conditionally, and may be withdrawn by both Governments, or either Government, if both Governments, or either Government, should deem that the persons or company undertaking or managing the same adopt or establish such regulations concerning the traffic thereupon as are contrary to the spirit and intention of this convention, either by making unfair discriminations in favor of the commerce of one of the contracting parties over the commerce of the other, or by imposing oppressive exactions or unreasonable tolls upon the passengers, vessels, goods, wares, merchandise, or other articles. Neither party, however, shall withdraw the aforesaid protection and guarantee without first giving six months' notice to the other.

"ARTICLE 6.

"The contracting parties in this convention engage to invite every State with which both or either have friendly intercourse to enter into stipulations with them similar to those which they have entered into with each other, to the end that all other States may share in the honor and advantage of having contributed to a work of such general interest and importance as the canal herein contemplated. And the contracting parties likewise agree that each shall enter into treaty stipulations with such of the Central American States as they may deem advisable, for the purpose of more effectually carrying out the great design of this convention, namely, that of constructing and maintaining the said canal as a ship communication between the two oceans for the benefit of mankind, on equal terms to all, and of protecting the same; and they also agree that the good offices of either shall be employed, when requested by the other, in aiding and assisting the negotiation of such treaty stipulations; and should any differences arise as to right or property over the territory through which the said canal shall pass between the States or Governments of Central America, and such differences should in any way impede or obstruct the execution of the said canal, the Governments of the United States and Great Britain will use their good offices to settle such differences in the manner best suited to promote the interests of the said canal and to strengthen the bonds of friendship and alliance which exist between the contracting parties.

"ARTICLE 7.

"It being desirable that no time should be unnecessarily lost in commencing and constructing the said canal, the Governments of the United States and Great Britain determine to give their support and encouragement to such persons or company as may first offer to commence the same, with the necessary capital, the consent of the local authorities, and on such principles as accord with the spirit and intention of this convention; and if any persons or company should already have, with any State through which the proposed ship canal may pass, a contract for the construction of such a canal as that specified in this convention, to the stipulations of which contract neither of the contracting parties in this convention have any just cause to object, and the said persons or company shall moreover have made preparations, and expended time, money, and trouble, on the faith of such contract, it is hereby agreed that such persons or company shall have a priority of claim over every other person, persons, or company to the protection of the Governments of the United States and Great Britain, and be allowed a year from the date of the exchange of the ratifications of this convention for concluding their arrangements, and presenting evidence of sufficient capital subscribed to accomplish the contemplated undertaking; it being understood that if, at the expiration of the aforesaid period, such persons or company be not able to commence and carry out the proposed enterprise, then the Governments of the United States and Great Britain shall be free to afford their protection to any other persons or company that shall be prepared to commence and proceed with the construction of the canal in question.

"ARTICLE 8.

"The Governments of the United States and Great Britain having not only desired, in entering into this convention, to accomplish a particular object, but also to establish a general principle, they hereby agree to extend their protection by treaty stipulations to any other practicable communications, whether by canal or railway, across the isthmus which connects North and South America, and especially to the interoceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by the way of Tehuantepec or Panama. In granting, however, their joint protection to any such canals or railways as are by this article specified, it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

"ARTICLE 9.

"The ratifications of this convention shall be exchanged at Washington within six months from this day, or sooner if possible.

"In faith whereof we, the respective plenipotentiaries, have signed this convention and have hereunto affixed our seals.

"Done at Washington the 19th day of April, anno Domini 1850.

"JOHN M. CLAYTON. [L. S.]

"HENRY LYTTON BULWER. [L. S.]"

HAY-PAUNCEFOTE TREATY OF 1901.

The United States of America and His Majesty Edward the Seventh, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, and Emperor of India, being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, by whatever route may be considered expedient, and to that end to remove any objection which may arise out

of the convention of the 19th April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in article 8 of that convention, have for that purpose appointed as their plenipotentiaries:

The President of the United States, John Hay, Secretary of State of the United States of America;

And His Majesty Edward VII, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, and Emperor of India, the Right Hon. Lord Pauncefote, G. C. B., G. C. M. G., His Majesty's ambassador extraordinary and plenipotentiary to the United States;

Who, having communicated to each other their full powers, which were found to be in due and proper form, have agreed upon the following articles:

"ARTICLE 1.

"The high contracting parties agree that the present treaty shall supersede the afore-mentioned convention of the 19th April, 1850.

"ARTICLE 2.

"It is agreed that the canal may be constructed under the auspices of the Government of the United States either directly at its own cost, or by gift or loan of money to individuals or corporations, or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present treaty, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

"ARTICLE 3.

"The United States adopts, as the basis of the neutralization of such ship canal, the following rules, substantially as embodied in the convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal—that is to say:

"1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

"2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

"3. Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary; and the transit of such vessels through the canal shall be effected with the least possible delay in accordance with the regulations in force, and with only such intermission as may result from the necessities of the service.

"Prizes shall be in all respects subject to the same rules as vessels of war of the belligerents.

"4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal, except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

"5. The provisions of this article shall apply to waters adjacent to the canal, within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any one time, except in case of distress, and in such case shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within 24 hours from the departure of a vessel of war of the other belligerent.

"6. The plant, establishments, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be part thereof, for the purposes of this treaty, and in time of war, as in time of peace, shall enjoy complete immunity from attack or injury by belligerents, and from acts calculated to impair their usefulness as part of the canal.

"ARTICLE 4.

"It is agreed that no change of territorial sovereignty or of international relations of the country or countries traversed by the before-mentioned canal shall affect the general principle of neutralization or the obligation of the high contracting parties under the present treaty.

"ARTICLE 5.

"The present treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty; and the ratifications shall be exchanged at Washington or at London at the earliest possible time within six months from the date hereof.

"In faith whereof the respective plenipotentiaries have signed this treaty and hereunto affixed their seals.

"Done in duplicate at Washington, the 18th day of November, A. D. 1901.

"JOHN HAY. [SEAL.]
"PAUNCEFOTE. [SEAL.]"

Mr. CHAMBERLAIN. The Clayton-Bulwer treaty, it will be observed, had reference to the construction of a canal between the Atlantic and Pacific Oceans across the Isthmus by a particular route, namely, "by way of the River San Juan de Nicaragua and either or both of the lakes of Nicaragua or Managua, to any port or place on the Pacific Ocean." In other words, it had reference to the construction of a canal across territory which was not owned by or under the jurisdiction of either power. While it is true that article 8 of the treaty provided that "the Governments of the United States and Great Britain having not only desired, in entering into this convention, to accomplish a particular object"—that is, the construction of a canal over the route indicated—"but also to establish a general principle"—that is, the principle of neutralization of the canal—"they hereby agree to extend their protection, by treaty stipulations, to any other practicable communications, whether by canal or by railway, across the isthmus which connects North and South America, and especially to the interoceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by way of Tehuantepec or Panama," it must not be forgotten that at the time of the execution of the treaty both Tehuantepec and Panama were under the jurisdiction of other powers than either Great Britain or the United States, and neither country had any jurisdiction or rights of sovereignty over either of the routes named. It had reference to a canal to be constructed by private capital, and neither Government contemplated entering upon such an undertaking at Nicaragua or elsewhere.

At the time of the execution of the Hay-Pauncefote treaty the same conditions prevailed with reference to the status of the parties, and both the signatory powers had in view the construction of a canal over and through territory which was not under the jurisdiction of either.

Mr. President, I think I have shown—and if time permitted, much more testimony could be adduced to sustain my position—both by the highest British authority as well as by contemporaneous history, and particularly by the statements of the Secretary of State who negotiated the Clayton-Bulwer treaty on the part of the United States: First, that Great Britain had no valid title to any possessions along the coast of Nicaragua, either at the Atlantic or Pacific terminus of the then proposed canal; second, that all her claims were fraudulent or were acquired by force, or through the violation of the treaties with Spain, or in contempt of the settled policy of the United States with reference to colonization on the American Continent; third, that from the date of its execution to that of the execution of the last Hay-Pauncefote treaty there was never a day when Great Britain was not flagrantly violating the terms of the Clayton-Bulwer treaty, against the earnest and indignant protests of every party and of every administration; fourth, that the treaty, even if it ever had any force or validity, had been practically abandoned by both the signatory powers; and, fifth, that the Clayton-Bulwer treaty having been without consideration, the Hay-Pauncefote treaty could not have any greater binding force or validity than that upon which it was founded. I think, sir, we should cease prating about violations of national integrity and honor, particularly in view of the fact that a former Congress of the United States after long weeks of discussion placed its own construction upon the Hay-Pauncefote treaty and decided that an act which gave to American vessels engaged in the coastwise traffic the right of passage through the canal without the payment of tolls did not violate, either in letter or in spirit, the terms of this treaty. The same conclusion was reached by President Taft; Mr. Knox, Secretary of State; Mr. Wickersham, Attorney General—all distinguished lawyers, who had given the subject the greatest consideration—not to mention Mr. Olney, Secretary of State under President Cleveland; Mr. Bonaparte, Attorney General under President Roosevelt, and many other distinguished lawyers of the country.

I want to call attention to a statement made by the senior Senator from New York yesterday, and the same statement was made by the Senator from Massachusetts [Mr. LODGE] when he addressed the Senate. Both undertake to link the treaty with Panama made in 1904 with the Hay-Pauncefote treaty of 1901 and claim that the Panama treaty was not any broader than the terms of the Hay-Pauncefote treaty; in other words, that we had no more power under the Panama treaty than we had under the Hay-Pauncefote treaty, because, as was claimed, the Panama treaty refers in terms and is made subject to the stipulations made in the Hay-Pauncefote treaty. But both Senators have omitted one fact that it seems to me was deserving of their notice, and that is the provision in the Panama treaty which provides that we will pass certain ships of Panama through the canal without the payment of tolls.

In other words, a part of the consideration paid by the United States to the Panama Republic for the canal strip was the passage of certain of their ships through the canal without the payment of any tolls. If the insistence of the Senators be correct, we deceived Panama; in other words, we undertook to give something we had no right to give, a part of the consideration for the construction of the Panama Canal fails, and our rights at Panama fall to the ground.

Why did not the Senators explain that? Had we the right, as a matter of fact, as a part of the consideration for the purchase, to grant them certain rights in the Panama Canal? If we had a right to grant it to any power, do we not have the same right to let our own coastwise vessels pass through the Panama Canal without the payment of tolls?

There is another reason which might be urged in favor of the Panama Canal act of 1912. At the time the Hay-Pauncefote treaty was executed, as I have stated, the relations of the signatory powers with respect to the territory through which the Panama Canal has been constructed was practically the same as it was when the Clayton-Bulwer treaty was executed. It had reference therefore to the construction of a canal through foreign territory. At the time the construction of the canal

was entered upon, however, the relation of the parties had entirely changed, for before the construction of the canal commenced the independence of Panama had been recognized as a separate and independent Republic, and on the 25th day of May, 1904, the United States entered into a treaty with this Republic, under the terms of which there was granted to the United States a strip of territory 10 miles wide and other valuable rights to be used in connection with the construction of the canal; and not only did the title pass, but sovereignty was granted, for certain purposes, over the cities at the termini thereof; so that the relations of the parties as well as the locus of the proposed canal had entirely changed. Instead of canal construction through foreign territory the work was to be done on American soil. It was to be done over territory that was absolutely the property of the United States and under its sovereignty and jurisdiction. It is a well-settled principle of international law that where there has been a change in the relation of the parties to a treaty with respect to the subject matter thereof, the treaty is to that extent abrogated and annulled. The maxim "Conventio omnis intelligitur rebus stantibus" is held to apply to all cases in which the reason for a treaty has failed, or there has been such a change of circumstances as to make its performance impracticable except at an unreasonable sacrifice.

From my viewpoint, I feel that in the position which we occupy we not only have the right to pass the coastwise vessels through the canal without the payment of tolls, but we have a right to pass any vessels of the United States through without the payment of tolls. I question if it would be good policy for us to undertake to pass our ships engaged in over-sea commerce through the canal without the payment of tolls, but there is every reason in the world why we should exercise that right in reference to our coastwise vessels.

It is true, as was said by the Senator from Massachusetts [Mr. LODGE] and the Senator from New York [Mr. ROOT], that article 18 of the treaty with Panama, by inference, made the Hay-Pauncefote treaty a part of it, but it is also true that rights were given to Panama under that treaty which it is now claimed the United States can not enjoy herself. Were we deceiving Panama and pretending to give her something we had no power to give in part pay for the territory over which the canal has been built? No other position can consistently be taken by the advocates of repeal.

Not only does a change in the status of the parties and the subject matter of a treaty have the effect to revoke it, but a subsequent act of Congress has the same effect; and the Congress of the United States, if it saw fit to revoke the treaty for the preservation of our national interests, could do so, even if there was a conflict between the national interest and national honor; and that was the effect of the act passed in 1912 when Congress placed its construction upon the treaty in question and practically determined that no question of national honor nor any violation of treaty stipulations was involved in exempting our coastwise shipping from the payment of tolls. That act operated as a repeal of the Hay-Pauncefote treaty. It has been held that a subsequent treaty supersedes an act of Congress with which it is in conflict, as in Ware *v.* Hylton (3 Dall., 199); and, conversely, that a subsequent act of Congress abrogates a treaty although in violation of its terms. (Taylor *v.* Morton, 2 Curtis, C. C., 445; Ropes *v.* Church, 8 Blatch., 304; the Cherokee Tobacco Cases, 11 Wall., 616.)

In this connection I call attention of the Senate to the fact that no treaty can deprive Congress of control over our internal affairs. It will be remembered that the Chinese-exclusion acts were passed notwithstanding treaty stipulations, and the Supreme Court of the United States sustained these laws, on the theory that the preservation of our people must be the paramount law, and that no treaty could have the effect of depriving Congress of the right to legislate for the people of the United States. President Nicholas Murray Butler, of Columbia University, who, I believe, is an advocate of repeal, is quoted by a newspaper correspondent as having stated in a recent article that—

> It is established law in this country that a treaty made between the United States and a foreign nation is subject to such acts as Congress may subsequently pass for its modification or abrogation. It is not even necessary to discuss with the other party to the international contract what it thinks of the proposed action of the Congress of the United States. This means that a treaty made by one constitutional agency may be modified or abrogated by another constitutional agency which is quite distinct from the treaty-making power. This * * * doctrine has been laid down by the most eminent judges in the land. * * * The highest courts have held, therefore, that while a treaty and an act of Congress are both binding upon the courts, the one which is later in point of time takes precedence in respect to authority. Whether a treaty has been violated by our domestic legislation so as to be the proper action of complaint by a foreign Government is held not to be a judicial question. To the courts it is simply a case of conflicting laws, the later modifying or superseding the earlier. * * *

I do not vouch for the accuracy of the quotation, but whether President Butler used the language attributed to him or not, it accurately states the law governing the subject. It is based upon that law and upon the arguments of Senator Morgan that I make my insistence that the act of 1912 was as complete an abrogation of the Hay-Pauncefote treaty and was as complete an abrogation of the Clayton-Bulwer treaty as if they had been expressly named in the terms of the act.

Mr. CUMMINS. Mr. President——

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

Mr. CHAMBERLAIN. I do.

Mr. CUMMINS. In making the statement just made the Senator from Oregon does not intend to assert or to admit that the act of 1912 is in conflict with the Hay-Pauncefote treaty?

Mr. CHAMBERLAIN. Not at all; but the advocates of repeal are insisting that it was.

Mr. CUMMINS. I know, but if it is not in conflict, then, of course, the treaty is not abrogated.

Mr. CHAMBERLAIN. I was only undertaking to answer the argument of those who claim that it was in absolute opposition to the treaty. From my viewpoint—and I think the Senator and I agree on it—it is not in conflict with the treaty, and I think so far as the act is concerned it might stand.

It could not have been in contemplation of the signatory powers when the Hay-Pauncefote treaty was executed that any provision therein could in any way or manner affect our coastwise shipping. It could not have been and was not contemplated that the United States would subsequently acquire title to the territory over which the canal was to be built. It could not have been in the minds of the parties that the land through which the Panama Canal might later be built would ever become a part of the coast line of the United States. Otherwise it must be assumed that some provision would have been inserted therein upon the insistence of Mr. Choate or Mr. Hay, who had much to do with the execution of the treaty, that would have safeguarded beyond any question American coastwise shipping, and would have placed American coastwise vessels at least in as favorable a position as vessels of other countries engaged in their coastwise trade; for, as was clearly shown by the distinguished junior Senator from New York [Mr. O'GORMAN] the word "vessel," as used in the treaties of all nations, has always been interpreted to mean vessels engaged in the over-seas trade. To indulge in any other assumption than this would be to assume that the representatives of the United States were recreant to duty and false to the best interests of their country; and no one, whether on this or the other side of the Chamber, would care to reflect upon the integrity of either of these distinguished men.

If the effect of the act of 1912 was to revoke the Hay-Pauncefote treaty, it is questionable whether the repeal of the statute would have the effect to reinstate the same.

THE ACT OF 1912 VIOLATES NO TREATY.

But is the toll-exemption clause now proposed to be repealed in violation of the Hay-Pauncefote treaty? This treaty in the express terms of article 1 supersedes the Clayton-Bulwer treaty of April 9, 1850. After reciting the desire of the signatory powers of facilitating the construction of a ship canal to connect the Atlantic and Pacific Oceans by whatever route may be considered expedient, and of removing any objection which may arise out of the convention of April 9, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States "without impairing the 'general principle' of neutralization established in article 8 of that convention," each proceeds to name its plenipotentiaries for the purpose of the execution of a treaty. That general principle of neutralization referred to in the preamble, upon which the argument of those who favor repeal is based, is to be found in article 3, subdivision 1, of the Hay-Pauncefote treaty, and is as follows:

> The United States adopts, as the basis of the neutralization of such ship canal, the following rules, substantially as embodied *in the convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal*, that is to say:
>
> 1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

Permit me to observe, in answer to this contention, first, that there has been no neutralization of the Suez Canal under the convention of Constantinople signed October 28, 1888, and the friends of repeal are all the time talking about the neutralization of this canal under the terms of the Hay-Pauncefote treaty quoted; second, we violate no principle of international law or

any treaty obligation in exempting our coastwise ships from the payment of tolls, and we might go even further and exempt our own vessels engaged in foreign commerce without doing violence to the terms of the treaty and without subjecting our country to the charge of disregarding the national honor.

In support of the first proposition, I desire to insert herein an article from the Spectator of December, 1898, and published in London, inclosed by United States Ambassador White to Mr. Hay in a communication dated at London, December 22, 1898.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

[From the Spectator, December 10, 1898.]

THE NICARAGUA CANAL.

We pointed out at the end of last summer that it could not be long before our statesmen would have to bring their minds to bear upon the question of the Nicaragua Canal and the Clayton-Bulwer treaty, and this is exactly what has happened. The assertion by the President of the United States in his message to Congress that "the construction [of the Nicaragua Canal] is now more than ever indispensable, and our policy more imperatively than ever calls for its control by this Government," has at once brought the matter within the region of practical politics. We make no claim to any special prescience in the matter. The Americans have always longed for an interoceanic canal, and it was evident that directly they had acquired possessions in the West Indies opposite the coasts of Central America, and also an island empire in the Pacific, they would desire to link them by water communication. A revival of interest in the Nicaragua Canal was thus an inevitable sequence of the war. But the Americans can not obtain that control over the Nicaragua Canal which they desire unless we are willing to abandon our rights under the Clayton-Bulwer treaty—an instrument under which both powers bound themselves not to obtain an exclusive control over any interoceanic canal. We and the Americans, that is, agreed some 48 years ago that a canal should only be made and controlled by the two powers acting together, and in no case by either power singly. Thus, if we choose we can no doubt veto the making of the canal and prevent the Americans doing what they so very much want to do. The people of this country have, therefore, to consider whether they will or will not veto the canal. We are glad to see already a good many indications that we do not intend to exercise our right of veto. The Times in its leading article on the President's message uses words which will, we believe, be indorsed not only by the Government but by the majority of English people.

The Times says, most reasonably, that "if the freedom of the waterway were secured to ships of all nations, as in the case of the Suez Canal, we do not see what object we should have in standing strictly upon claims which originated when the circumstances were altogether different." Not less statesmanlike has been the tone adopted by the St. James Gazette. It has, however, been suggested by the Daily Mail, on the other hand, that we ought not to give up our rights, and that we should insist upon a joint control of the waterway. We do not think, however, that this contention will, if it is carefully examined, find favor here. Joint control, in the first place, means joint guaranties and joint expenditure, and we do not believe that the people of this country are prepared to spend money in Nicaragua. We have plenty of objects nearer home on which to use our spare cash. When we can get all we want out of an interoceanic canal controlled by America, why should we burden ourselves in the matter? The United States, as the power most nearly and vitally interested, may think it worth while to construct or help construct the canal, but our interests do not extend so far. All we want is that the canal shall be made, and that when it is made it shall be open and available to our merchant ships and ships of war as freely as to those of the United States or of other powers. We merely want an open waterway that no one will be able to tamper with. Now, our contention is that we secure this object better through American control than by any other means. Indeed, if America holds the canal, it will be of more use to us in time of war than if we held it ourselves. Supposing the canal ours or merely the property of Nicaragua, a hostile power might block it in the first instance as our property, and in the second, in defiance of a weak State. If, however, it is controlled by America, we need have no fear of being unable to use it, for it will be in hands strong enough to defend it. Take the case of a war with France, Russia, and Germany, and the canal in the hands of the United States. In such a case we might be hard pressed and should find it most convenient to be able to pass our ships through the canal without having to guard its two mouths by protecting squadrons. The canal would be a great neutral harbor with two outlets. Only in the case of war with the United States would American control be anything but a benefit.

But even in that case we doubt whether American control would be worse than joint control. The command of the sea would have to be fought out, and the canal would fall to the victor as the prize. We fail, then, to see why we should make ourselves disagreeable to the Americans by vetoing the canal. Rather, we hold that we ought to look with the greatest possible satisfaction upon its construction. What is meant by "control" is a matter which requires attention. An able American publicist, Prof. Woolsey, of Yale, in his work on America's Foreign Policy, recently published by the Century Co., of New York, has argued, and with considerable force and ingenuity, that America would gain nothing by exclusive control, and that she had much better claim no more rights in the canal than those given to any other power. Possibly he is right in theory, but in practice some one power will always have the control of any piece of territory, and so of every artificial waterway. It was intended, it will be remembered, that the Suez Canal should be neutralized, and Mr. Woolsey, making a most pardonable blunder, imagines that it was neutralized. In reality the neutrality convention was never brought into force, and is now a dead letter, as the Spaniards found when they tried to coal their fleet at Port Said. They claimed to regard the Suez Canal as an international piece of water, but Lord Cromer insisted, and maintained his point, that it was part of the waters of a neutral power. The Suez Canal is not internationalized, but is under the control of the power that controls Egypt. It is this kind of control, we take it, that America intends to exercise. What we suppose will happen is something of this kind: Congress will refuse to vote money to be used anywhere except in United States territory, and accordingly a narrow strip of land on each side of the proposed waterway will be granted by Nicaragua and Costa Rica. If this is the plan ultimately adopted, there will, of course, be no need of a protectorate treaty with Nicaragua. The canal will be made in United States territory.

We come now to the practical side of the question. What answer are we to make to America if, or rather when, she asks us to agree to the abrogation of the Clayton-Bulwer treaty? It has been suggested that we should ask for compensation elsewhere or try to make a bargain for trade facilities. Possibly the plan might succeed, but we confess we dislike such huckstering between nations, especially when they involve demands upon a nation's internal fiscal policy. We hold that it would not only be more dignified, but also more beneficial to us in the long run, to ask for no payment for giving up what has as a matter of fact proved merely a sort of double-barreled agreement by England and America to play dog in the manger to each other. We would rather abrogate the treaty out of good will and good feeling than for any direct quid pro quo. Let us show the world that, though in the case of foreigners, we shall be tenacious of our treaty rights to the last iota, we can in the case of our own kith and kin think of their interests and wishes as well as of our own. The only conditions which we would make should concern the canal itself. We would abrogate the treaty on the following terms:

(1) That within the next 10 years the United States should make or obtain the making of an interoceanic canal; (2) that she and no other power should exercise control over the waterway and banks of the canal; (3) that if the United States ever abandoned her power of control, it should be offered first to Great Britain; (4) that the canal should be open at all times to all nations at peace with the United States; (5) that the dues charged should be the same in the case of American and other vessels. If the United States were to agree, as they believe they would, to such terms as these, we could have no possible ground for refusing to give up our rights under the Clayton-Bulwer treaty. That treaty was, no doubt, sincerely meant on both sides to be an act of friendship. It has turned out to be at the best an instrument of mortmain; at the worst, a troublesome cause of friction; and it should, therefore, be got rid of.

The "force of circumstances" is often the most ironical of goddesses, but sometimes she brings about things which are curiously fitting and appropriate. When one half of the Anglo-Saxon race holds the waterway between the Mediterranean and the Indian Ocean, what could be more appropriate than that the other half should hold that between the Atlantic and Pacific? When the Americans hold Lake Nicaragua as we held Lake Timsah, the wheel will have come full circle. It is not for us to delay, but to hasten, that auspicious hour.

Mr. CHAMBERLAIN. The part I desire to call particular attention to is what the writer had to say in reference to the statement of Prof. Woolsey, of Yale College, in his work America's Foreign Policy. The Spectator says:

It was intended, it will be remembered, that the Suez Canal should be neutralized, and Mr. Woolsey, making a most pardonable blunder, imagines that it was neutralized.

And our distinguished Senators who talk about the neutralization seem to go on the assumption that the Suez Canal was neutralized, and that therefore we must neutralize the Panama Canal in the same way under the Hay-Pauncefote treaty. Continuing, the Spectator says:

In reality the neutrality convention was never brought into force and is now a dead letter, as the Spaniards found when they tried to coal their fleet at Port Said. They claimed to regard the Suez Canal as an international piece of water, but Lord Cromer insisted—and maintained his point—that it was part of the waters of a neutral power. The Suez Canal is not internationalized, but is under the control of the power that controls Egypt. It is this kind of control, we take it, that America intends to exercise.

What we suppose will happen is something of this kind; Congress will refuse to vote money to be used anywhere except in United States territory, and accordingly a narrow strip of land on each side of the proposed waterway will be granted by Nicaragua and Costa Rica.

Mr. O'GORMAN. Mr. President——

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

Mr. CHAMBERLAIN. I do.

Mr. O'GORMAN. I trust the Senator from Oregon will pardon a suggestion at this point to emphasize the point now being made by him. In the Spanish-American War the Spanish fleet was denied passage through the Suez Canal—emphasizing the point that the policy of neutralization was not obligatory upon those who were controlling it.

Mr. CHAMBERLAIN. That is true; and I will show a little later that they not only denied her that right, but they denied vessels of commerce that right, with gunboats at either end of the canal. I will show that by the report made to the United States Government by Admiral Goodrich, who was sent over at the time of the trouble between Great Britain and Egypt.

It is humiliating, Mr. President, to hear distinguished men in the Senate appeal to us to adopt a different policy with reference to the exercise of our rights at Panama from the policy enforced by Great Britain at Suez, when practically the same treaty stipulations govern in both cases. We know, and everybody who knows anything knows, that France and her citizens built the Suez Canal, and that they had hardly gotten their spades out of the ground before Great Britain, by a small investment, got possession of it or practical control of it, for you do not have to have the majority of stock in any institution to control it. The distinguished Senator from Wisconsin [Mr. LA FOLLETTE] knows that less than half of the stock in a big railroad corporation usually gives the control. Why? Because the stockholders are so scattered they never can get their holdings together and vote them as a unit. So it was that Great Britain obtained the absolute control of the Suez Canal and has it now.

Mr. SMITH of Michigan. Mr. President——

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

Mr. CHAMBERLAIN. I do.

Mr. SMITH of Michigan. That would be especially true when England owns 176,602 shares out of 379,421 shares and is the most dominant naval power in the world.

Mr. CHAMBERLAIN. That is true.

Mr. SMITH of Michigan. This fact gives potency to her ownership and to her influence over the Suez Canal.

Mr. CHAMBERLAIN. I agree with the Senator.

Now, let us see what this British authority said. The Spectator continues:

If this is the plan ultimately adopted, there will, of course, be no need of a protectorate treaty with Nicaragua. The canal will be made in United States territory.

We come now to the practical side of the question. What answer are we to make to America if, or rather when, she asks us to agree to the abrogation of the Clayton-Bulwer treaty. It has been suggested that we should ask for compensation elsewhere or try to make a bargain for trade facilities. Possibly the plan might succeed, but we confess we dislike such huckstering between nations, especially when they involve demands upon a nation's internal fiscal policy. We hold that it would not only be more dignified, but also more beneficial to us in the long run, to ask for no payment for giving up what has as a matter of fact proved merely a sort of double-barreled agreement by England and America to play dog in the manger to each other.

Mr. President, was there ever a prediction that came nearer fulfillment than that, except that we did not attempt to acquire the right to construct a canal through Nicaragua or Costa Rica, but we acquired territory of our own through a treaty with Panama?

This was a fair reflection of the views of the British press and public prior to the passage of the Hay-Pauncefote treaty. What the Spectator suggested actually came to pass; to this extent, however, that the United States did acquire a strip of land in Panama over a territory which was not a part of Central America, nor in the minds of any of the parties either to the Clayton-Bulwer treaty or to the Hay-Pauncefote treaty. The canal is, as a matter of fact, built in United States territory and entirely outside the limits of Central America or any part of it, as has been so clearly proven by the distinguished junior Senator from New York [Mr. O'GORMAN] in his address to the Senate.

I am undertaking to prove by British authority that there has never been any neutralization of the Suez Canal. Great Britain controls Egypt, and through Egypt controls that canal and does with it as she pleases, using it for warlike purposes on occasion and hampering the commerce of other nations when she sees fit; and yet we find the advocates of the cause of Great Britain in the Senate of the United States insisting that if we do not accord to the vessels of commerce and of war of all nations the same rights which we exercise ourselves with reference to our coastwise commerce we are violating the provisions of the Hay-Pauncefote treaty, which provides for neutralization along the lines of the convention of Constantinople.

When Arabi Pasha, the Islamite chief, revolted in 1882 he was asked to define his position with reference to the Suez Canal, and he replied:

As I scrupulously respect the neutrality of the canal, especially in consideration of its being so remarkable a work, * * * I have the honor to inform you that the Egyptian Government will not violate that neutrality except at the last extremity, and only in case of the English having committed some act of hostility at Ismailia, Port Said, or some other point of the canal.

He little knew the power or the purposes of Great Britain at that time, Mr. President. He understood what the laws of neutrality meant and was ready to observe the stipulations of the convention with reference to other nations, but in August, 1882, Great Britain took possession of the Suez Canal, tied up the shipping, and put a gunboat at each end, landing her troops and munitions of war from the canal itself, violating in express terms the stipulations as to neutrality. And, Mr. President, she owns now fortifications at either end of this waterway, notwithstanding her profession of an intent to see that that canal was neutralized. Now, see what Admiral C. F. Goodrich, of the United States Navy, has to say on the subject. He was detailed by our Government to go there to watch the progress of events at the canal, and in due course reported to the Secretary of the Navy. If Senators have not read his report they ought to do so. It is quite a large volume, and gives in detail the whole situation as he found it while Great Britain was engaged in her warlike operations in the canal itself. He says:

The English admiral at Suez informs the company's chief traffic agent that in consequence of orders from his Government he forbids, until the receipt of further orders, any ship, large or small, even the company's boats, to enter the canal, and he will resort to force to prevent any attempt to contravene these orders. The admiral, moreover, has placed a gunboat at the mouth of the canal. I have protested against this act of violence and spoliation. * * *

And yet, Mr. President, we have distinguished Senators on this floor insisting that we should neutralize the Panama Canal along the lines laid down in the Constantinople Convention of 1888. That was Great Britain's method of neutralization—stationing a gunboat at the mouth of the canal and ignoring the protests of a distinguished admiral of the United States Navy, who went over there to see the course of operations. Now, note what he further says—and this is his conclusion after having gone into the matter at length and having seen the methods of operation of Great Britain over there:

The inference to Americans is obvious that the neutrality of any canal joining waters of the Atlantic and Pacific Oceans will be maintained, if at all, by the nation which can place and keep the strongest ships at each extremity.

And yet we have Senators in this body and Members in the other branch of Congress who would not have fortified the Panama Canal for its protection. Admiral Goodrich very properly says that its neutrality will be maintained and the canal will be kept open by the Government that has the strongest ships for the purpose of its protection.

Does neutralization provided for in the Hay-Pauncefote treaty mean the same sort of neutralization that is observed by Great Britain in the use of the Suez Canal? Certainly no other neutralization can be inferred or contended for, because the Hay-Pauncefote treaty expressly refers to the convention of Constantinople; and yet we are appealed to by those who plead the cause of Great Britain in the Senate of the United States that our national honor is involved in this alleged violation of treaty stipulations.

As to the second proposition, I call attention to the fact that the treaty of 1815 between the United States and Great Britain provided, amongst other things, that—

No higher or other duties or charges shall be imposed in any of the ports of the United States on British vessels than those payable in the same ports by vessels of the United States; nor in the ports of any of his Britannic Majesty's territories in Europe on the vessels of the United States than shall be payable in the same ports on British vessels.

Mr. CUMMINS. Mr. President——

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

Mr. CHAMBERLAIN. I yield.

Mr. CUMMINS. I have heard it said that Great Britain does not pay the same tolls for her ships through the Suez Canal that are paid by other nations. I should like to know whether the Senator from Oregon has looked into that subject?

Mr. CHAMBERLAIN. I am frank to say that I have not, Mr. President.

Mr. CUMMINS. I shall not interrupt the Senator from Oregon now by going into it; it may not be material, but I think that upon investigation it will be found that she discriminates in favor of herself very markedly.

Mr. GALLINGER. Mr. President——

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

Mr. CHAMBERLAIN. I yield.

Mr. GALLINGER. If the Senator will permit me, it is a fact undisputed and indisputable that Great Britain is paying a subsidy to the chief lines that go through the canal that amounts to at least two-thirds of the canal dues.

Mr. CHAMBERLAIN. Yes; and Russia is doing the same thing.

Mr. GALLINGER. Russia pays the entire canal tolls; so does Sweden; so do one or two other nations; and France, in her recent 25-year contract with the Messageries Maritime Co., guarantees to pay the entire dues.

Mr. CUMMINS. Mr. President, I had not in mind the subsidies that are granted by Great Britain or Russia or any other country to their shipping. I had in mind the terms of the original convention made by Egypt for the building of the Suez Canal. However, I will await another opportunity to discuss that question.

Mr. CHAMBERLAIN. Notwithstanding this provision it has been the settled policy of Great Britain, as well as of the United States and all other maritime powers, to treat the word "vessels" as not including those engaged in the coastwise trade. It is a well-known fact that the United States has discriminated against Great Britain for a hundred years in the matter of the coastwise trade, and does so to-day, and Great Britain has likewise discriminated against the vessels of the United States in matters affecting her coastwise trade for the same length of time, and does so to-day, and this notwithstanding the express terms of the treaty of 1815. Is a different construction now to be placed upon the word "vessels" as used in the treaty of 1815? Are we not to be allowed to discriminate in favor of our coastwise vessels when the same policy is pursued to-day by Great Britain in ref-

erence to her coastwise vessels? What reason or excuse is there for permitting the treaty of 1815 to receive one construction and the Hay-Pauncefote treaty of 1901 another? The Supreme Court of the United States in the case of Olsen *v.* Smith (195 U. S., 332) has expressly held that a law of Texas which permitted a greater rate of pilotage charges to be made against British vessels than was imposed upon American vessels was not in violation of the treaty of 1815, and I have no doubt that the same rule would be applied by the same court with reference to the toll exemption at the Panama Canal, because that canal, built upon American territory, with American money, and by American ingenuity, is a part of our coast line, and the exemption is intended to affect only the domestic commerce of the United States. As a matter of fact, the construction placed upon the word "vessels" as used in all treaty stipulations is an international construction, and the instances are rare where it will be found that any exception has ever been made in favor of coastwise vessels, because it is assumed that all treaties will receive the same construction and the word "vessels" will not be held to apply to any other than those engaged in over-sea traffic.

One remarkable thing about the position which some of the Senators on this side of the Chamber have taken is that they based their vote for toll exemption in 1912 on the decision of the Supreme Court of the United States, relying upon it as laying down the rule that the treaty of 1815 was not violated by the pilotage exemption of American coastwise vessels, and yet they are willing now to reverse their former positions and to claim that notwithstanding that decision the toll-exemption clause of 1912 is a violation of the Hay-Pauncefote treaty. The construction which the Supreme Court of the United States placed upon the rights of this country with reference to coastwise trade in the case of Olsen against Smith is the same construction that has been placed upon the treaty by Great Britain ever since its adoption, and it has been put into actual practice by that country in its treatment of American vessels.

In the November, 1912, issue of the Law Magazine and Review, of London, there are two ably written arguments in favor of the toll-exemption clause in the act of 1912, one written by Mr. Edward S. Cox-Sinclair, in which he sums up his argument by stating:

(a) That the United States can support its action on the precise words of the material articles of the treaty, that its case is strengthened by reference to the preamble and context, and that its case is difficult to challenge on grounds of general justice;

(b) That there is no international obligation to submit the construction of its legislative act to any process of arbitration; and

(c) That any aggrieved party has an appropriate, an impartial, and a competent tribunal in the Supreme Court of the United States.

The other article is by Mr. C. A. Hereshoff Bartlett, in which he says, among other things:

If England's interpretation of the Hay-Pauncefote treaty holds good, then how does she justify, under the language just quoted of the treaty of 1815, her discrimination in tonnage duties in favor of her coasting vessels? And yet this is precisely what she has always done and is doing to-day. No explanation or recrimination can alter the fact that Great Britain has always adhered tenaciously, like other sea-girt nations, to the policy of favoring coastwise vessels, and that wherever Britannia rules they form a class separate and distinct from vessels employed in foreign trade, and that they have always been excepted from the term "vessels" as used in all international agreements. So true is this that it would seem unnecessary to go into details, although abundant proof is at hand.

Take, for instance, the port of Bristol. Every vessel entering from or departing for the east coast of the United States of America, including ports of the United States of America in the Gulf of Mexico, pays 1s. 1½d. per register ton, while every vessel entering or departing for the Channel Islands, Ireland, the Isle of Man, or any part of Great Britain, not including Barry, Penarth, Cardiff, Newport, and other ports to the eastward of the Holmes, pays only 5d. per registered ton.

From a comparison of the foregoing port charges it appears that an American vessel of 5,000 tons on entering or departing from the port of Bristol from or for the east coast of America pays tonnage dues at the rate of 28 cents per ton, or 56 cents for entering and departing, while vessels entering or departing for the Channel Islands, the Isle of Man, or any part of Great Britain, with a few exceptions, pay only 10 cents a ton, or 20 cents for both entering and departing. At these rates an American vessel of 5,000 tons arriving from overseas is compelled to pay at the port of Bristol on entering or departing $90 tonnage dues, or on entering and departing $180, while if no other or higher duties or charges were imposed than those payable in the same ports on British vessels according to the treaty of 1815, then such American vessel would only have to pay $50 on entering or departing, or $100 on entering and departing, making a difference in the first instance of $40 and in the second of $80. This may not be discrimination according to English views, but it looks exceedingly like it from an American standpoint.

The rates and dues exacted at the port of Liverpool (Mersey docks and harbor board) afford some startling illustrations of this discrimination. Dock tonnage rates on vessels are imposed according to the class of voyage; that is to say, the vessel's destination. Those coming within class 6, which includes all ports on the east coast of North America, pay 1s. 4d. per ton, while those under class 2, between the Mull of Galloway and Duncans Bay Head, including the Orkney Isles and all the islands on the western coast of Scotland, and between St. Davids Head and the Lands End, including the Scilly Island and the east coast of Ireland from Cape Clear to Malling Head, pay 4½d. per ton, and those included in class 3, covering all parts of the east and southern coasts of Great Britain between Duncans Bay Head and the Lands End, including the Islands of Shetland and all parts of the west coast of Ireland from Cape Clear to Malling Head, including the islands on that coast, pay 6d. per ton.

Harbor rates on vessels bear out the same discrimination. Those under class 2 pay five-eighths of a penny per ton; those under class 3 pay three-fourths of a penny per ton; while vessels under class 6, embracing the trans-Atlantic trade, have to pay 1½d. per ton, or exactly double. There are also differential dock tonnage rates on vessels in which the same discrimination is carried out as they provide for one-half of the rates specified under classes 2, 3, and 6.

Wharf rates on vessels are as follows: Under class 2, 1½d. per ton; under class 3, 1½d. per ton; and under class 6, 4d. per ton. This is a clear preference in favor of domestic coasting vessels as against vessels engaged in foreign or over-seas trade of 2½d. per ton.

These figures of the port of Liverpool furnish additional examples of the same rigid discrimination in favor of England's coasting vessels. American vessels coming across seas, for entering and leaving port pay harbor rates of 33 cents a ton, while some coasters pay only 9 cents a ton, or 27 cents per ton less than the American vessel.

Tonnage dues at the port of London are as follows: (1) For every vessel trading coastwise or entering inward or clearing outward from or to any place north of latitude 48° 30′ N., and between longitude 12° W. and 65° E. of Greenwich, for every voyage both in and out, 1d. per ton. (2) For every vessel entering inward or clearing outward beyond those limits, 1½d. per ton. (3) For vessels under 100 tons which do not pass beyond the seaward limit of the port, a halfpenny per ton. (4) Coastwise vessels not exceeding 45 tons, vessels bringing corn coastwise, fishing smacks, and lobster and oyster boats are exempt from dues.

This discrimination of 1 cent a ton for entering and clearing port in favor of coastwise vessels and against trans-Atlantic vessels may on first impression seem trifling; but when on calculation it is found that on a vessel of 5,000 tons this additional 1 cent per ton on entering and leaving port amounts to $50, it is evident that all sense of equality between ocean-going vessels and those employed in the home trade only is completely discarded.

If England for a moment believed that the words "British vessels" or "vessels of the United States" as used in the treaty of 1815 included or was ever intended to include coasting vessels, she would not have established and enforced differential rates at her various ports in favor of coasting vessels, for that would then be a flagrant violation of the rights secured to vessels of the United States under the treaty. Not only this, but such an interpretation on the part of England would afford the United States to justly demand that vessels of the United States pay the same dues and charges at British ports as are exacted from British vessels engaged in the coastwise trade, instead of those largely increased and heavier dues and charges that American vessels have to pay.

But, in addition to this, Great Britain, by assent and ratification under circumstances similar to those that have arisen under the Panama Canal act, is not in a position to now insist on an interpretation of the equality clause of the Hay-Pauncefote treaty different from that in accordance with the established interpretation she herself has put upon the treaty of 1815 and of like clauses in other treaties.

The second article of the treaty of 1815 is as follows:

"No higher or other duties or charges shall be imposed in any of the ports of the United States on British vessels than those payable in the same ports by vessels of the United States, nor in the ports of any of His Britannic Majesty's territories in Europe on the vessels of the United States than shall be payable in the same ports on British vessels."

This treaty was to be obligatory for four years from its ratification; but it was extended for 10 years by the convention of October 20, 1818, and indefinitely extended by the convention of August 6, 1827, so that it is a subsisting treaty to-day.

It will be seen that the provision above quoted from the treaty of 1815 is as broad and comprehensive as the equality clause contained in the Hay-Pauncefote treaty and that it embraces all vessels of either country without exception or distinction as to whether they may be engaged in over-seas commerce or the coastwise trade. If, therefore, the expressions "British vessels" and "vessels of the United States" do not embrace vessels employed in the coastwise trade as England has herself interpreted the words for nearly a century, it is incomprehensible that she should now pretend in an outburst of indignation that the words "vessels of commerce of all nations" contained in the Hay-Pauncefote treaty do refer to and include those very vessels that she has always excluded under the terms "British vessels" and "vessels of the United States."

It is an interesting fact not generally known that the provision of the treaty of 1815, to which reference has been made, has been judicially interpreted by the courts of the United States in a litigation ending in a judgment rendered by the Supreme Court of the United States in 1904, which declared that a British vessel engaged in foreign commerce was not entitled under the treaty of 1815 to the exemption from paying pilotage accorded by law to American vessels engaged in the coasting trade. In the course of the judgment rendered by Mr. Justice White, he said:

"Nor is there merit in the contention that as the vessel in question was a British vessel coming from a foreign port the State laws concerning pilotage are in conflict with a treaty between Great Britain and the United States providing that no higher or other duties or charges shall be imposed in any of the ports of the United States on British vessels than those payable in the same ports by vessels of the United States. Neither the exemption of coastwise steam vessels from pilotage resulting from the law of the United States nor any lawful exemption of coastwise vessels created by State law concerns vessels in the foreign trade, and therefore any such exemption does not operate to produce a discrimination against British vessels engaged in such trade. In substance the proposition but asserts that because by the law of the United States steam vessels in the coastwise trade have been exempt from pilotage regulations, therefore there is no power to subject vessels in foreign trade to pilotage regulations, even although such regulations apply without discrimination to all vessels in such foreign trade, whether domestic or foreign." (Olsen *v.* Smith, 195 U. S., 344.)

Not only has this interpretation of the treaty of 1815 been adopted and carried into practice by Great Britain for nearly a century, thus giving it the same validity as though a clause excepting coastwise trade had been therein inserted, but England's continued silence and acquiescence and failure to object to a like interpretation by the Supreme Court of the United States in the case cited is in itself an implied ratification and adoption thereof and is equivalent in its consequences to an express declaration of approval.

If, therefore, the words "British vessels" and "vessels of the United States," as used in the treaty of 1815, do not include vessels engaged

in the coasting trade, as I feel has been sufficiently demonstrated, it is difficult to understand how the words "vessels of commerce of all nations," as used in the Hay-Pauncefote treaty, do include them.

It will be seen that these distinguished English writers fully justify and sustain the position which Congress took in 1912 in the enactment of the law now sought to be repealed.

Not only is the position of this Government sustained by the actual practice of Great Britain and by other maritime powers in the matter of purely domestic trade, but the contention of Great Britain with reference to treaty violations was practically abandoned by the British Government when the whole subject was opened up again, not by any subject of Great Britain but by the distinguished senior Senator from New York [Mr. ROOT], in a speech which was delivered by him on the 21st day of January, 1913, and this, if current rumor be true, to the amazement and surprise of President Taft and the distinguished Secretary of State, Philander C. Knox, both of the Senator's own party. The latter, in a learned and able reply to the contention of Great Britain, had closed the controversy in his presentation of the American side of the controversy on the 17th day of January, 1913. Since that day, except for arguments that have been made in favor of the contention of Great Britain, in and out of Congress, by men who seem to be more solicitous about the cause of Great Britain than they are about the interests of our own people, so far as Congress is advised, neither Great Britain herself, through her ministers or otherwise, nor any other power, has raised its voice in protest against the act of 1912.

If the United States has not the power, without the violation of the terms of the Hay-Pauncefote treaty, to exempt its vessels of war and of commerce from the payment of tolls, what must be said and done with respect to the provision in the treaty with the Republic of Panama of May 25, 1904, article 19, which provides, amongst other things, that "the Government of the Republic of Panama shall have the right to transport over the canal its vessels and its troops and munitions of war in such vessels at all times without paying charges of any kind"? This provision is a part of the consideration paid by the United States for the Canal Zone. Is that a violation of the Hay-Pauncefote treaty? Is it possible for us to grant to Panama, without a violation of the terms of the Hay-Pauncefote treaty, a higher right than that which we claim for ourselves and which it is insisted is in violation of the terms of that treaty? Must that stipulation be disregarded? If so, a part of the consideration for the territory acquired by the United States from the Republic of Panama fails, the treaty falls to the ground, and the immense expenditure made by the United States in the construction of the canal might just as well have been thrown into the sea.

The position of some of my distinguished colleagues on this side of the Chamber in reference to the repeal of the exemption clause in the Panama Canal act is to me most remarkable, in view, not only of the platform adopted at the Baltimore convention, but as well in view of the position which some of them assumed in the discussion of the question after the Baltimore convention and prior to the passage of the act. The following Senators, now Members of this body, were members of the subcommittee of the platform committee at the Baltimore convention, and there may have been other Members of this Senate who were in the convention but who were not on that subcommittee. The State of Arkansas was represented by Senator CLARKE, the State of Indiana by Senator KERN, the State of Mississippi by Senator VARDAMAN, the State of Montana by Senator WALSH, the State of New York by Senator O'GORMAN, the State of Ohio by Senator POMERENE, the State of South Carolina by Senator TILLMAN, the State of Texas by Senator CULBERSON, and the State of Virginia by Senator MARTIN. The resolutions adopted received the unanimous vote of the committee, and all of the resolutions presented to the convention by the committee were unanimously adopted. The Senator from Montana [Mr. WALSH], who acted as secretary of the committee, has recently given a most instructive account of the adoption of the tolls plank. The declaration in that platform was as follows:

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

It must be remembered that this platform pledge was made prior to the enactment of the law in question.

Not a single Democrat who was present in the Chamber at the time the act of 1912 was agreed to voted against it, nor was it charged at any time by any of them in the course of the discussion that the granting of free tolls to American coastwise vessels was in the nature of a subsidy or in violation of treaty obligations. If any of them thought so, not one, as I now recall, made any argument against it on either ground, and I assume that they either believed that such exemption was authorized by the treaty, or if they did not they were disposed to follow the platform declaration and the declared policy of the party, right or wrong, rather than follow their own convictions.

What has caused that change of heart which has induced some of my colleagues to completely change front, ignore the platform of 1912, and reverse the position which was taken by them in the convention as well as that taken when they voted for the exemption clause in the Senate? They are all distinguished and able gentlemen, and I assume were as thoroughly advised then as to what a subsidy really was and as to what "our national honor" demanded of us as they are at this late date, and yet we find some of them giving as a reason for the reversal of their position that the exemption of coastwise vessels from the payment of tolls is a subsidy granted to a shipping monopoly, and are basing their contention for repeal upon the alleged fact that the granting of subsidies is opposed to another clause in the Democratic platform as well as to the general policy of the party.

The senior Senator from Georgia [Mr. SMITH], in an address delivered in the Senate on the 7th day of August, 1912, said, amongst other things:

> I think we may justly insist—I doubt whether it would be successfully controverted—that so far as our coastwise vessels are concerned this treaty does not apply to them. Indeed, in the communication from the Attorney General embodying the views brought to our attention by Great Britain it is stated that upon that subject with proper regulations it is probable that no question by Great Britain would be made. Now, fortifying that view, one that we can logically deduce from article 3, section 1, and the attitude of Great Britain upon it with the decision of the Supreme Court of the United States in the Galveston case, in which they held, in effect, that language of this kind was not applicable to coastwise vessels, that it was no discrimination under language practically similar to the language found in this treaty to extend privileges to coastwise vessels that were not extended to foreign vessels, we can sustain the provision freeing coastwise vessels from tolls. That decision squarely sustains the position that the treaty does not apply to coastwise vessels. I do not express an opinion as to its application to foreign vessels, but if I were engaged in the practice and were about to be employed on one of two sides I would vastly prefer to help the side that it does apply to American vessels engaged in foreign trade. I think, however, we are justified in the conclusion, especially in view of the further fact that nearly every nation handles its coastwise business exclusively in vessels of its own, that this treaty did not mean to apply to coastwise vessels. The language used expresses no discrimination as to nations; it expresses no discrimination as to English vessels or French vessels or German vessels; it simply declares that the coastwise vessels may pass through the canal free. Our statutes, like the laws of most other countries, limit the coastwise trade to American vessels. I think we can safely rely upon this decision and the construction to justify the conclusion that we do not invade the terms of the treaty if we permit coastwise vessels to pass through the canal free. I apprehend that no possible question would be raised upon it, unless it were that the effect under the treaty would be to give coastwise vessels of Canada and British America the same privilege.

The Senator did express some doubt as to certain of our obligations under the Hay-Pauncefote treaty, but notwithstanding the fact that an amendment proposed by him was voted down, he nevertheless voted for the provision as it was finally adopted. The distinguished Senator has completely changed front on the question, as evidenced by an address delivered in the Senate a few days since.

You know, Mr. President, it is not entirely pleasant to put what Senators are saying now in opposition to what they said only a brief two years ago; but you must remember that there are only a few Democrats on this side of the Chamber who are going to be in opposition to this repeal proposition, and we want to use the arguments that our colleagues made two years ago to sustain us in our position. It helps out some before the country, anyhow. What they said then is just as applicable now as when they voted for exemption.

The senior Senator from Mississippi [Mr. WILLIAMS], who now takes the position, if I understand that position correctly, that the act not only violates the Hay-Pauncefote treaty, but is objectionable on the further ground that it is in the nature of a subsidy to shipowners, at the time the act was under consideration in the Senate in 1912, said, amongst other things:

> I shall vote for the exemption of the coastwise vessels of the United States upon the ground laid down by the Supreme Court of the United States in Olsen against Smith, in One hundred and ninety-fifth United States, that ground being, in short, that as foreign vessels never had any standing in the coastwise trade at all, any provisions with regard to the coastwise trade can not be a discrimination. It is clear to anybody who can read English that, whether this treaty ought to do it or ought not to do it, this treaty does forbid us to make any discrimination. The Senator from Iowa tells us that other powers will make discriminations by granting their vessels rebates equal to their tolls. Whenever they do, that moment we have the right, under the treaty itself, to put ourselves upon a ground of equality with them by making an equal rebate.
>
> I agree with the Senator that if we have no right to make a direct discrimination we have no right to make an indirect discrimination by making rebates; but if other nations do it, as he freely predicts that they will, and the Senator from Massachusetts [Mr. LODGE] freely predicts that they will, then in order to reinaugurate the equality itself, which is the object of the treaty, we would have the right to do it.

The senior Senator from Louisiana [Mr. THORNTON], who will now vote for a repeal of the clause, delivered an address at

the time it was under consideration, eloquently pleaded for toll exemption, and on the 6th of August, 1912, said, amongst other things:

As for myself, I had no difficulty in reaching the conclusion that the United States had under the terms of the treaty the undoubted right to exempt from the payment of tolls all American vessels engaged in the coastwise trade.

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Now, it is well known that at the time of this treaty the ships of no other nation were permitted to do business in the coastwise trade of the United States, and that is the law still, and certainly it can not be abrogated by this treaty.

It follows, then, that as no foreign ship can operate in our coastwise trade and compete with us in that trade we are not discriminating against such ships by allowing to our own coastwise ships the free use of the canal.

These were the views I expressed in the committee sessions, as will appear by the printed report of the proceedings, and I voted in accordance with them.

But when it came to the proposition of giving free passage to American ships engaged in the foreign trade a different condition prevailed, for foreign ships using the canal might compete with our own ships in the foreign trade, and free tolls to our own ships might be a discrimination against the ships of other nations.

This view I also expressed during the committee sessions, as will appear by the report, and for that reason I declined to vote on the question, stating to the committee that I wished further time to consider it, a statement in which I was joined, as I now remember, by one other member of the committee, the Senator from North Carolina [Mr. SIMMONS].

And as I was in doubt then, candor to the Senate and to myself as well compels me to say that I am in some doubt still on this particular question, though I am reluctant to admit that I have been unable to come to a positive opinion on the pure question of law presented.

However, I have concluded that I would be justified in resolving my doubt in favor of the interest of the people of the United States, and shall accordingly vote to allow the free passage through the canal of all American ships.

The senior Senator from Missouri [Mr. STONE], who has recently made a speech in favor of repeal, was thoroughly committed both by remarks on the floor of the Senate and by his vote on this particular clause in the act of 1912, and yet he now favors repeal because, as he alleges, we have shown to the world that our construction of the Hay-Pauncefote treaty in 1912 was correct, but that he is now convinced that exemption means a subsidy to a shipping monopoly, and he will vote for repeal. He said, amongst other things in 1912, on this very subject:

I am more concerned about the interpretation to be placed by the Government of Great Britain and other foreign governments upon the action of the Senate as it relates to the right of the United States to control this canal and to exercise absolute sovereign jurisdiction over it, even to the extent of permitting any vessel of American registry to go through without the payment of tolls, than I am about the temporary policy, whether it be of one line or the other. I would dislike to have Congress take such action as would be in effect a congressional interpretation of the treaty to the extent that we ourselves in Congress denied the right of this Government to use the canal in the way indicated if this Government saw proper to do so.

* * * * * * *

Then, to avoid the opposition very likely, indeed almost certain, to arise from the notion that to pay tolls is a form of subsidy and furnishing a precedent, it may be, for additional subsidies in the future, why not provide at once that all American vessels shall go through without the payment of tolls?

The RECORD will disclose that the Senator had a standing pair and changed that pair when a final vote was to be taken in order that he might vote for the exemption clause.

I have only called attention to those of my colleagues who advocated toll exemption in 1912, and who now state that they intend to vote for repeal. I do not intend to pay to my colleagues the poor compliment of saying that at the time they voted for toll exemption they did not understand the meaning of the act as thoroughly as they understand it now, and I shall await with interest the explanations made by other Senators who voted for the exemption clause and who may later determine to vote for its repeal, whether on the ground that the national honor is involved or on the ground that it is the granting of a subsidy to a shipping monopoly.

I do not intend to charge any Senator with insincerity in his present course, but I do charge that our party went to the country in 1912 on this amongst other issues, and our candidates were triumphantly elected, and that the change of front on the part of some of the leaders of the party and the vote of Congress to repeal the toll-exemption clause will rise to plague them in the next campaign; and why should it not, Mr. President?

I am frank to say that I have stood with the administration in some instances when I felt it was measurably against the interests of some of the people of my State to do so; but I did it because the members of all parties had promised to revise the tariff downward, and I could not afford, as a single individual, to stand out and defeat a great measure because some particular interest in my State was involved. Therefore I stood loyally by the administration in everything it attempted to do; but here is a question when no particular individual interest of my State is involved. Our national life, it seems to me, is wrapped up in it. It is a matter of conscience, not a matter of individual interest.

I desire to say that the question was discussed in my State and in the West generally by those who pleaded for Democratic success as well as by those who advocated the cause of the Progressive Republicans. Inasmuch as the position of President Taft's administration was thoroughly understood on the subject, some of the speakers who advocated his election simply explained that the position of the then administration was so thoroughly understood that it was unnecessary even to refer to the matter; and this was true.

The remarkable thing about the situation is that some of the Senators on this side of the Chamber who have been sticklers for the observation of platform pledges, who have, in season and out of season, been ready to denounce those who showed occasionally a disposition to depart from these pledges as traitors to party and people, are ready now themselves to depart from these pledges and to reverse positions which were taken by them less than two years ago on a question which affects the very life of the Republic.

WILL TOLLS EXEMPTION BENEFIT ANY SHIPPING TRUST?

The insistence, Mr. President, that the exemption of American coastwise vessels from the payment of tolls is a violation of any of our treaty stipulations leads to so many absurdities and contradictions it is not to be wondered at that many of our friends on this side of the Chamber, at least, have practically abandoned that insistence and now undertake to justify themselves for taking a position inconsistent with their course in voting for the act of August 24, 1912, by claiming that the exemption provided for by the act in question would result in the establishment of a shipping monopoly or trust; and I desire to address myself briefly to that branch of the subject.

It is a well-known fact that there has been a shipping monopoly on both the Atlantic and Pacific seaboards for years past. The testimony taken before the Interoceanic Canals Committee in 1912 discloses beyond any question that there was. The voluminous report of the Committee on the Merchant Marine and Fisheries of the House of Representatives, made to Congress in 1913, proves conclusively that there was and is such a monopoly.

The evidence before the former committee disclosed not only that there was a monopoly, but that those who were interested in maintaining it had used every means at their command for more than a quarter of a century to defeat the construction of a canal connecting the two oceans, as well as to control the railways across the Isthmus. That monopoly was owned, maintained, and operated under the beneficent influences of the transcontinental railways, whose agents and emissaries have always been on hand to adduce arguments to show the economic unwisdom either of canal construction or tolls exemption. They were before the Interoceanic Canals Committee in force, making all sorts of objections to tolls exemptions and all sorts of promises if such exemptions were not allowed. Having failed in their efforts to defeat the act of 1912, I think it would not be very difficult to discover their fine Italian hand in legislation which looks to the repeal of the exemption clause in the act referred to. Having failed before Congress, they have quietly but, it seems, effectively entered the field of diplomacy. With what success will soon be determined by the vote of the Senate on the proposed repeal.

Admitting, therefore, that there exists to-day a shipping monopoly or trust, and insisting that it is owned and controlled by the transcontinental and other railroads of the country, what is to become of it as soon as the Panama Canal is opened under the act which it is now sought to repeal; and what is to become of any attempted organization of a monopoly or trust on the part of shipowners under the terms of this very act? The answer to those who make this insistence about a shipping trust is contained in the act of 1912 itself, which is the greatest piece of antitrust legislation that has ever been enacted by Congress.

Section 11 of the act absolutely prohibits the passage through the canal of any ship owned or operated by a railroad or in which it has any interest, and the questions involved in such ownership and in the matter of competition are left to the jurisdiction of the Interstate Commerce Commission. This provision of the act completely destroys a shipping monopoly which has been maintained for many years by the transcontinental and other railroads of the country. There could be no more effective destruction of an existing monopoly than is provided by the act in question.

I call attention to what the Senator from New York said yesterday in reference to this. The Senator from New York

said that American coastwise traffic passing through the canal was not entirely coastwise traffic, as I understood him; that it was not coastwise traffic at all; and yet the Congress of the United States has taken issue with the Senator in that respect, and has passed an act which expressly says that it is, and has placed the vessels going through the canal and engaged in this traffic under the control of the Interstate Commerce Commission. Now, who is right?

It may be said, however, that the destruction of the existing monopoly opens the way for the establishment of another, and that is the contention made in some quarters. It assumes that those who may now be considered as independent shipowners will simply take the place that has heretofore been occupied by the steamship lines owned and operated by the transcontinental lines, and that they will add to any fleet that they may now have engaged in the coastwise traffic, and unite to form another shipping monopoly.

The act in question completely answers this contention as well as the first, for it specifically provides that no vessel which is permitted to engage in the coastwise or foreign trade of the United States shall be permitted to use the canal, if it is owned, chartered, operated, or controlled by any person or company doing business in violation of the Sherman Antitrust Act and other statutes which have for their purpose the destruction of monopoly. The Interstate Commerce Commission is given jurisdiction over these vessels, as well as over railroad-owned ships, so that it will be a physical impossibility either for the transcontinental railways to maintain longer a shipping monopoly or that such monopoly shall be established or maintained by any other vessels after the canal is opened, no matter by whom owned.

What more conclusive answer to the contention that the exemption from tolls will result in the establishment of a shipping monopoly engaged in the coastwise trade? I request that section 11 of the Panama Canal act, approved August 24, 1912, may be published as a part of this address.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The matter referred to is as follows:

SEC. 11. That section 5 of the act to regulate commerce, approved February 4, 1887, as heretofore amended, is hereby amended by adding thereto a new paragraph at the end thereof, as follows:

"From and after the 1st day of July, 1914, it shall be unlawful for any railroad company or other common carrier subject to the act to regulate commerce to own, lease, operate, control, or have any interest whatsoever (by stock ownership or otherwise, either directly, indirectly, through any holding company, or by stockholders or directors in common, or in any other manner) in any common carrier by water operated through the Panama Canal or elsewhere with which said railroad or other carrier aforesaid does or may compete for traffic or any vessel carrying freight or passengers upon said water route or elsewhere with which said railroad or other carrier aforesaid does or may compete for traffic; and in case of the violation of this provision each day in which such violation continues shall be deemed a separate offense."

Jurisdiction is hereby conferred on the Interstate Commerce Commission to determine questions of fact as to the competition or possibility of competition, after full hearing, on the application of any railroad company or other carrier. Such application may be filed for the purpose of determining whether any existing service is in violation of this section and pray for an order permitting the continuance of any vessel or vessels already in operation, or for the purpose of asking an order to install new service not in conflict with the provisions of this paragraph. The commission may on its own motion or the application of any shipper institute proceedings to inquire into the operation of any vessel in use by any railroad or other carrier which has not applied to the commission and had the question of competition or the possibility of competition determined as herein provided. In all such cases the order of said commission shall be final.

If the Interstate Commerce Commission shall be of the opinion that any such existing specified service by water other than through the Panama Canal is being operated in the interest of the public and is of advantage to the convenience and commerce of the people, and that such extension will neither exclude, prevent, nor reduce competition on the route by water under consideration, the Interstate Commerce Commission may, by order, extend the time during which such service by water may continue to be operated beyond July 1, 1914. In every case of such extension the rates, schedules, and practices of such water carrier shall be filed with the Interstate Commerce Commission and shall be subject to the act to regulate commerce and all amendments thereto in the same manner and to the same extent as is the railroad or other common carrier controlling such water carrier or interested in any manner in its operation: *Provided*, Any application for extension under the terms of this provision filed with the Interstate Commerce Commission prior to July 1, 1914, but for any reason not heard and disposed of before said date, may be considered and granted thereafter.

No vessel permitted to engage in the coastwise or foreign trade of the United States shall be permitted to enter or pass through said canal if such ship is owned, chartered, operated, or controlled by any person or company which is doing business in violation of the provisions of the act of Congress approved July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," or the provisions of sections 73 to 77, both inclusive, of an act approved August 27, 1894, entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," or the provisions of any other act of Congress amending or supplementing the said act of July 2, 1890, commonly known as the Sherman Antitrust Act, and amendments thereto, or said sections of the act of August 27, 1894. The question of fact may be determined by the judgment of any court of the United States of competent jurisdiction in any cause pending before it to which the owners or operators of such ships are parties. Suit may be brought by any shipper or by the Attorney General of the United States.

That section 6 of said act to regulate commerce, as heretofore amended, is hereby amended by adding a new paragraph at the end thereof, as follows:

"When property may be or is transported from point to point in the United States by rail and water through the Panama Canal or otherwise, the transportation being by a common carrier or carriers, and not entirely within the limits of a single State, the Interstate Commerce Commission shall have jurisdiction of such transportation and of the carriers, both by rail and by water, which may or do engage in the same, in the following particulars, in addition to the jurisdiction given by the act to regulate commerce, as amended June 18, 1910:

"(a) To establish physical connection between the lines of the rail carrier and the dock of the water carrier by directing the rail carrier to make suitable connection between its line and a track or tracks which have been constructed from the dock to the limits of its right of way, or by directing either or both the rail and water carrier, individually or in connection with one another, to construct and connect with the lines of the rail carrier a spur track or tracks to the dock. This provision shall only apply where such connection is reasonably practicable, can be made with safety to the public, and where the amount of business to be handled is sufficient to justify the outlay.

"The commission shall have full authority to determine the terms and conditions upon which these connecting tracks, when constructed, shall be operated, and it may, either in the construction or the operation of such tracks, determine what sum shall be paid to or by either carrier. The provisions of this paragraph shall extend to cases where the dock is owned by other parties than the carrier involved.

"(b) To establish through routes and maximum joint rates between and over such rail and water lines, and to determine all the terms and conditions under which such lines shall be operated in the handling of the traffic embraced.

"(c) To establish maximum proportional rates by rail to and from the ports to which the traffic is brought or from which it is taken by the water carrier and to determine to what traffic and in connection with what vessels and upon what terms and conditions such rates shall apply. By proportional rates are meant those which differ from the corresponding local rates to and from the port and which apply only to traffic which has been brought to the port or is carried from the port by a common carrier by water.

"(d) If any rail carrier subject to the act to regulate commerce enters into arrangements with any water carrier operating from a port in the United States to a foreign country, through the Panama Canal or otherwise, for the handling of through business between interior points of the United States and such foreign country, the Interstate Commerce Commission may require such railway to enter into similar arrangements with any or all other lines of steamships operating from said port to the same foreign country."

The orders of the Interstate Commerce Commission relating to this section shall only be made upon formal complaint or in proceedings instituted by the commission of its own motion and after full hearing. The orders provided for in the two amendments to the act to regulate commerce enacted in this section shall be served in the same manner and enforced by the same penalties and proceedings as are the orders of the commission made under the provisions of section 15 of the act to regulate commerce, as amended June 18, 1910, and they may be conditioned for the payment of any sum or the giving of security for the payment of any sum or the discharge of any obligation which may be required by the terms of said order.

IS THE EXEMPTION FROM TOLLS A SUBSIDY?

Mr. CHAMBERLAIN. The question then arises, Is the exemption of American vessels engaged in the coastwise traffic a subsidy?

Mr. President, if I may indulge, like the Spectator in London, in a little prophecy and prediction, I am going to make one right now.

In all human probability the Panama tolls-exemption clause is going to be repealed. I hope not, but I fear it will be. That is simply the first step toward the creation of a monopoly that will be the greatest that ever existed in this country. I will tell you what the next step will be, and this is the prophecy:

As soon as we repeal this act the same powers and forces that have been at work for a quarter of a century trying to prevent the construction of the canal will be at work undertaking to get the Congress of the United States to repeal the portion of the act of 1912 which refuses to railroad-owned ships access to the canal.

Mr. GALLINGER. Mr. President——

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

Mr. CHAMBERLAIN. Yes.

Mr. GALLINGER. The proposition which the Senator from Oregon has made is an interesting one, and it stands to reason that we shall have to face that situation. The claim will be made that foreign steamships owned by railroads are given access to the canal, but we are preventing our own railroad-owned ships from entering the canal, and the argument will be pretty conclusive in the minds of many people.

Mr. CHAMBERLAIN. Indeed, it will be. There is not any question about that.

Mr. SMITH of Michigan. Mr. President——

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

Mr. CHAMBERLAIN. I yield.

Mr. SMITH of Michigan. Where is the machinery of the American Government located that can investigate or determine the legal status or the ownership of foreign ships? Certainly there is no law here, and we can not make a law, that

would give us the right to enter into any foreign State to inquire into the ownership of her merchant vessels.

The singular anomaly is here presented that we impose an absolute inhibition against railroad-owned ships passing through the canal under the American flag, and yet permit railroad-owned ships operating under the British flag to enjoy that privilege. Anyone in this Chamber who is at all familiar with the commerce and shipping of Canada knows that the large part of her commerce is carried in ships that are owned by subsidiary companies which are controlled by her railroads.

Mr. President, I think that Canada is at the very bottom of this repeal agitation. Her attitude toward that inhibition has stirred up all the trouble we are now encountering in England. The Canadian premier, Mr. Borden, took the ship for London almost immediately after this restriction was placed in the statute, and the moment he arrived in England we could see a new activity among British officials against an exemption of our coastwise ships from tolls and for an official interpretation of the clause against railroad-owned ships being permitted to navigate the canal. In the name of Heaven, who built this canal? Who must sustain and defend it? What Government must maintain its neutrality in time of war or deal out justice to its patrons in time of peace? The United States of America, of course; and its people should have sovereign rights therein for all the future generations of our countrymen.

Mr. CHAMBERLAIN. Mr. President, in answer to the Senator's suggestion, I will say that I suppose if a ship presents herself at the canal, presents a foreign registry and the proper certificates and proofs, she goes through upon payment of the tolls, and that is all there is to it. I do not see how we can stop them. I have my doubts about the jurisdiction of any tribunal in the United States to determine whether or not Canadian-owned ships are railroad owned or not. I do not see how we are going to prevent them from going through the canal, and that is the appeal that is going to be made by the American transcontinental railroads. It will be said that we are permitting their opponents and competitors to go through the canal, and yet are denying the same privilege to them; and that will be the next step without any question of a doubt. A little later on I am going to show what Canada thinks about the situation.

Mr. CLARK of Wyoming. Mr. President——

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

Mr. CHAMBERLAIN. I do.

Mr. CLARK of Wyoming. Does not the very condition of affairs of which the Senator speaks show that, as a matter of fact, if we follow out the theory that this law is in contravention of the treaty, there is already a discrimination against the citizens of the United States and in favor of those of foreign countries?

Mr. CHAMBERLAIN. Yes, sir; there is no question about it.

Mr. CLARK of Wyoming. And therefore we are violating the terms of the treaty in that respect?

Mr. CHAMBERLAIN. Yes, sir. I may say to the Senator that we are violating it in some other ways, too; and yet the partisans of Great Britain are willing to permit those violations. It is all right to violate it sometimes, and it is all wrong to violate it at other times.

Mr. President, is the exemption of American vessels engaged in coastwise traffic a subsidy? The word "subsidy" seems to frighten some Democrats more than any other in the English language. Now, let us see if it is.

It has been the policy of the Government, no matter what political party happened to be in control, for more than a hundred years to exempt from tolls all vessels engaged in domestic commerce. There has been expended in the improvement of our rivers, harbors, and lakes, and in the canalization of such rivers and streams as would not be susceptible of navigation without such canalization, $709,019,093.65 from the establishment of the Government to the close of the fiscal year ended June 30, 1913. This is exclusive of the Panama Canal. The total sum expended is nearly twice as much as has been expended for the Panama Canal. It has been the settled policy of the National as well as State Governments at all times to abolish tolls and do away with the toll keeper wherever it has been possible to do so, and there has not been a session of Congress, I venture to say, in the last hundred years when some bill was not up for consideration which had for its purpose the purchase from private interests, corporate and others, of canals which under their charters were permitted to levy tolls upon the commerce of the country. It has been the settled policy of the Government to purchase these canals and to relieve such commerce from burdens so imposed, just as it has been the policy of the several States of the Union to do away with the earlier policy of permitting tolls to be charged on the public highways.

That has been the Democratic policy too, Mr. President, to abolish the gatekeeper, the tollkeeper, the man who levies tribute upon the commerce of the country.

The reasons for this policy are obvious, for whenever title is acquired and the toll charge removed two things are accomplished: First, commerce is to that extent relieved of a burden; and, second, a competitor is established against traffic by railroad, rates are reduced, and an artificial regulator of rates established. The Panama Canal is a part of the coast line; it is on lands the title to which is just as entirely vested in the United States as is the title to the lands under St. Marys or the Mississippi River. Domestic commerce is to be carried through the canal exempted from the payment of tolls, just as it is to be carried through the Sault Ste. Marie or any other canals along our waterways. Is a different rule to be applied to the Panama Canal from that which has applied to other waterways which have been acquired by the Government and maintained at an enormous annual expense; and if so, what reason can be found for the establishment of a different rule other than the alleged violation of a treaty? Will not the Panama Canal serve just as effectively as a regulator of transcontinental rates and serve to reduce those rates just as effectively as a canal on the Mississippi River will serve to regulate and reduce rail rates along that river? That the improvement of the Mississippi River has that effect nobody questions.

I think the distinguished Senator from Louisiana [Mr. RANSDELL] will know that wherever the Mississippi River comes in competition with rail it has the effect immediately to reduce the rates on cotton and other commodities. It has been established beyond the peradventure of a doubt. Otherwise the Congress of the United States has been most improvident in the expenditure of the people's money.

As reaffirming and effectually establishing the policy of exemption from tolls to vessels engaged in domestic commerce, the river and harbor appropriation act of 1884 provided as follows:

> No tolls or operating charges shall be levied upon or collected from any vessel, dredge, or other water craft for passing through any lock, canal, canalized river, or other work for the use of and benefit of navigation now belonging to the United States or that may be hereafter acquired or constructed.

Why does not that act apply to the Panama Canal? Because that territory was acquired after the passage of the act of 1884? Are we going to repeal the act of 1912, which is in line with the act of 1884? Shall we repeal both?

Exemption has always been a well-established governmental policy. I might call attention in detail to the canals which have been acquired or constructed by the United States, the cost of each, and the amount of traffic that passes annually through each without the payment of tolls, all of which are maintained at the expense of the General Government, but I do not deem it necessary to do so. As an illustration, however, I call attention to the canals and improvements through St. Marys River, connecting Lakes Superior and Huron, which have cost the Government $19,837,441.91, for which an annual maintenance charge is provided by the Government. No tolls are charged on any vessels passing through this canal, and yet, beginning with 1881, when 1,567,741 tons of freight passed through it, there has been a steady annual increase in such freight. During the year ending 1913, 19,165,000 tons net register passed through the Suez Canal, as compared with 57,989,715 tons net register which went through the St. Marys River; in other words, the traffic of the Soo Canal for the year 1913 was almost three times as much as that which went through the Suez Canal. It has been estimated by Prof. Emory Johnson that the probable tonnage of the Panama Canal in 1915 would be 10,500,000 tons net register, and in 1925, 17,000,000 tons net register. It will thus be seen that the tonnage through the Soo Canal is more than three times as much as that which is likely to be the tonnage through the Panama Canal 10 years from the opening of the canal. If only 10 cents per ton net register were charged for freight passing through the Soo Canal it would yield to the Government nearly $5,800,000 annually, and if the same rate as is proposed at the Panama Canal were charged there it would net to the Government $72,500,000 annually.

Senators talk about the toll exemption at Panama being for the benefit of a shipping monopoly! Let us see what has been taking place at the Soo Canal ever since it has been owned and operated by the Government at an enormous expense, which is appropriated annually by the votes of Senators and Representatives who are now so fearful of doing something to benefit the so-called shipping monopoly, and so opposed to granting anything in the nature of a subsidy, whether directly or indirectly, to the Shipping Trust.

The Committee on the Merchant Marine and Fisheries of the House of Representatives in its report, volume 4, page 317,

et seq., after a most exhaustive examination into the subject, find that while there are numerous independent steamship lines operated locally on the Great Lakes, the through traffic from the western gateway on the Lakes, such as Chicago and Duluth, to the eastern seaports via Buffalo, is controlled exclusively by six boat lines owned by the trunk line railroads connecting the East and the Central West. These six lines are the Erie Railroad Transit Line, owned and operated by the Erie Railroad Co.; the Erie and Western Transportation Co., operating between Buffalo and Duluth and Buffalo and Chicago, controlled by the Pennsylvania Railroad and Northern Central Railway Cos.; the Lehigh Valley Transportation Co., operating between Buffalo and Chicago, and owned by the Lehigh Valley Railroad Co.; the Mutual Transit Co., operating between Buffalo and Duluth, and owned by the Mutual Terminal Co. of Buffalo, the stock of which company is owned jointly by the New York Central, the Lehigh Valley, the Erie, and the Delaware, Lackawanna & Western Railroad Cos.; the Rutland Transit Co., operating between Ogdensburg and Buffalo and Chicago, and owned by the Rutland Railroad Co., which is owned by the New York Central and the New York, New Haven & Hartford Railroad Cos.; and the Western Transit Co., operating between Buffalo and Duluth and Buffalo and Chicago, and owned by the New York Central & Hudson River Railroad Co.

The names of the steamship lines, the number of vessels, the tonnage, and the nature of the railroad control is gone into at length in the report referred to, and I invite the attention of the Senate to it in confirmation of what I have to say upon this subject. In other words, the immense tonnage which passes through the Soo Canal, exceeding greatly the total tonnage of the Suez and Panama Canals combined, is controlled entirely by railway lines, many of which, operating the steamship lines in connection with their parallel railway lines, fix the rates to suit themselves, both by water and rail.

This immense tonnage, which is three times as much as the tonnage which goes through the Suez Canal or will go through the Panama Canal in 1925, is carried by ships owned by six railway companies in this country. Yet Senators talk about this exemption from tolls in Panama being in the interests of a shipping monopoly and of a shipping trust. Mr. President, I can explain it in no other way than to express the fear that Senators have not read the report of the distinguished chairman of the Committee on Merchant Marine and Fisheries, or they never would make such a statement as that. If they will refer to that report, they will find that the Northern Pacific Railroad Co. and other transcontinental railway lines not only control a large part of the traffic on the Great Lakes, but they have traffic arrangements with trans-Pacific steamers operating between Japanese ports and Liverpool. There is not any question about that.

Mr. BRISTOW. Mr. President——

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

Mr. CHAMBERLAIN. I do.

Mr. BRISTOW. Is it not true that the influence, at least indirect, of all these railroads that are using this canal, which is being operated at Government expense, is now being exerted against the exemption of tolls on similar traffic through the Panama Canal?

Mr. CHAMBERLAIN. Yes; there is no doubt about it.

Mr. BRISTOW. Is it not a fact that the Panama Canal is the only waterway in the United States that is absolutely protected from monopoly?

Mr. CHAMBERLAIN. Absolutely.

Mr. BRISTOW. It is the only one.

Mr. CHAMBERLAIN. I have undertaken to show that, I will say to the Senator, and I do not think there is any question of doubt about it; and I make this prediction: That if we repeal the act at this session of Congress, the next step would be to permit railroad-owned ships to go through the canal and reestablish a monopoly which is now abolished.

The same situation is disclosed in a report made by Mr. Luther Conant, jr., Commissioner of Corporations, on the 23d of December, 1912, to the Department of Commerce and Labor, and to this I invite the attention of the Senate as showing that the immense expenditures of the Government at the Soo Canal, at which no tolls are charged, is really more of a subsidy to a shipping monopoly than the exemption of tolls at Panama can possibly be, even if section 11 of the act of 1912 did not prevent both railroad-owned ships or ships combining in violation of the terms of the Sherman Antitrust Act from passing through the canal, thus making monopoly an impossibility.

What is said with reference to the Soo Canal is entirely true with practically all of the waterways of this country which are utilized for our domestic commerce. The reports to which I call attention show that the Atlantic and Gulf coasts, the Mississippi River system, the Pacific coast, and the canal systems of the country are practically dominated by the railway systems, enabling them to fix such rates by rail as to practically put the waterway systems out of commission.

It is to be hoped that under the powers which are now conferred under the Interstate Commerce Commission this intolerable situation may soon be terminated.

The reports to which I have called attention disclose that beyond any question of doubt, upon every single waterway upon which the Congress of the United States has been expending money for years past the freight is controlled by railroad companies; that is, the great bulk of the freight which is handled. Not only do they own the transportation facilities on water, but the railroad companies in this country practically own all the terminal facilities, which imposes even a greater hardship. It was disclosed in the Alaska discussion here that certain interests in Alaska had control of the terminal facilities and would not let an independent line land their boats for the purpose of unloading freight without the payment of exorbitant charges, and that the same condition exists everywhere. People in my own city within the last two years have voted a tax on themselves of $500,000 for the purpose of acquiring docking facilities there so that independent vessels might land, because not only transportation is owned by these railroad companies, but the terminal facilities as well, and so they have made it impossible for an independent company to operate economically.

I am going to ask to have inserted as a part of my remarks the number of canals and locks that have been purchased by the United States, the cost of maintenance each year, and the traffic that passes through them, for the year ending June 30, 1913.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The matter referred to is as follows:

Statement showing the cost of operating locks and dams for the fiscal year ending June 30, 1913, and the total tonnage passing through each.

Locality.	Cost of operation fiscal year 1913.	Tonnage passing through lock (short tons).
Congaree River, at Granby, S. C.	$8,921.91	(1)
Coosa River, Ala.:		
Lock No. 1	1,560.00	521
Lock No. 2	1,200.00	696
Lock No. 3	1,800.00	512½
Ouachita River, Ark.:		
Lock No. 6	2,500.00	(2)
Lock No. 8	3,456.03	(2)
White River, Ark.:		
Lock No. 1	9,851.38	4,135
Lock No. 2	15,624.03	13,882
Lock No. 3	7,451.17	5,191
Illinois & Mississippi Canal (33 locks)	204,499.83	51,050
Galena River, Ill.	5,854.04	4,965
Mississippi River:		
Moline Lock	5,908.79	10,408
Keokuk Lock and Des Moines Rapids Canal	26,300.37	41,819
Plaquemine Lock	27,043.83	83,345
Trinity River, Tex.:		
Lock No. 1	1,937.24	(2)
Lock No. 4	355.97	(2)
Lock No. 6	4,190.87	(2)
At Parsons Slough	109.19	(2)
Ohio River:		
Lock No. 1	19,183.41	3,773,782
Lock No. 2	14,491.83	3,215,194
Lock No. 3	13,110.89	2,716,708
Lock No. 4	14,653.00	2,070,122
Lock No. 5	13,149.32	2,187,524
Lock No. 6	13,575.55	2,195,310
Lock No. 8	13,903.12	1,817,487
Lock No. 11	16,299.69	(4)
Lock No. 13	16,307.20	(4)
Lock No. 18	13,703.59	593,001
Lock No. 26	11,638.12	1,137,193
Lock No. 37	31,372.86	1,773,065
Lock No. 41 (L. & P. Canal)	19,991.74	1,455,485
Green River, Ky.:		
Lock No. 1	2,157.00	662,352
Lock No. 2	2,157.00	484,722
Lock No. 3	2,097.00	426,134
Lock No. 4	1,557.00	366,189
Lock No. 5	1,557.00	277,339
Lock No. 6	1,557.00	170,197
Barren River, Ky., at Greencastle	1,557.00	203,684
Rough River, at Leavenworth, Ky.	1,125.00	31,318
Wabash River, at Grand Rapids, Ind.	605.00	10,807
St. Marys River, Sault Ste. Marie, Mich.	151,748.43	36,425,015

[1] Lock and dam out of commission, owing to damage by flood; no commerce passed through during the year.

[2] No commercial tonnage passed through these locks during the fiscal year.

[3] Locks located in upper section of river; no navigation and no commerce passed through them.

[4] Not ascertained.

Statement showing the cost of operating locks and dams, etc.—Contd.

Locality.	Cost of operation fiscal year 1913.	Tonnage passing through lock (short tons).
Illinois River, La Grange Lock	$20,191.66	29,532 / 15,418
Illinois River, at Kampsville, Ill	7,654.44	46,388 / 19,143
Fox River, Wis., at—		
Diepere	426.30	53,561
Little Kaukauna	426.30	53,158
Rapids Croche	426.30	53,551
Kukauna—		
Fifth	284.20	53,432
Fourth	284.20	53,477
Third	284.20	53,630
Second	342.56	53,784
First and guard	584.64	53,784
Little Chute—		
Combined lower	213.15	46,802
Upper	213.15	46,802
Second and guard	426.30	48,715
Cedars	426.30	49,282
Appleton—		
Fourth	426.30	41,618
Third	213.15	41,618
Second	213.15	41,038
First and upper dam	927.21	42,570
Menesha	854.13	42,331
Eureka	395.85	3,153
Berlin	548.10	1,557
White River	395.85	1,009
Princeton	395.85	527
Grand River	395.85	291
Montello	304.50	92
Governor Bend	426.30	.....
Fort Winnebago	376.82	440
Portage	376.82	36
Columbia River, Cascades Canal	11,410.42	33,219
Cumberland River, Tenn.:		
Lock A	10,942.13	56,346
Lock No. 1	3,459.75	71,868
Lock No. 2	9,513.38	101,925
Lock No. 3	35,786.66	83,614
Lock No. 4	2,975.68	80,382
Lock No. 5	2,399.26	73,849
Lock No. 6	2,354.08	75,229
Lock No. 7	2,126.91	62,390
Lock No. 21	3,344.40	33,818
Tennessee River:		
Lock A		
Lock B		
Lock No. 1		
Lock No. 2		
Lock No. 3		
Lock No. 4	(2)	(2)
Lock No. 5		
Lock No. 6		
Lock No. 7		
Lock No. 8		
Lock No. 9		
Muscle Shoals Canal	46,393.14	5,520
Colbert Shoals Canal	38,659.37	31,942
Tombigbee River:		
Lock No. 1	8,947.74	163,111
Lock No. 4	8,588.83	53,743
Warrior River:		
Lock No. 5	8,820.00	56,465
Lock No. 6	9,355.94	41,693
Lock No. 7	24,669.68	21,624
Lock No. 8	23,783.38	22,944
Lock No. 9	15,471.60	24,891
Lock No. 10	4,071.88	23,545
Lock No. 11	3,880.00	23,250
Lock No. 12	3,880.00	23,223
Lock No. 13	4,240.00	3,790
Lock No. 14	3,600.00	3,625
Lock No. 15	2,700.00	2,850
Inland waterway, Franklin to Mermentau, La., Schooner Bayou	774.42	1,700
Bayou Teche, Keystone Lock	(3)	(3)
Yamhill River (Oreg.) lock	1,300.38	588
Big Sandy River, W. Va. and Ky.:		
Lock No. 1	4,002.23	179,762
Lock No. 2	3,595.64	179,057
Lock No. 3	4,047.93	176,755
Lock No. 1, Tug Fork	3,721.57	50,126
Lock No. 1, Levisa Fork	4,036.96	126,811
Muskingum River:		
Lock No. 1	1,382.07	27,351
Lock No. 2	2,809.61	8,093
Lock No. 3	3,254.54	7,387
Lock No. 4	1,191.69	7,863
Lock No. 5	1,397.59	7,703
Lock No. 6	2,832.34	6,603
Lock No. 7	2,249.88	5,925
Lock No. 8	12,844.95	23,560
Lock No. 9	5,011.12	20,204
Lock No. 10	4,404.95	32,129
Lock No. 11	793.15	230
Kentucky River, Ky.:		
Lock No. 1	1,141.60	121,645
Lock No. 2	1,140.00	102,053
Lock No. 3	1,144.80	96,165

[1] Live stock (head).
[2] No dams in operation during fiscal year.
[3] Placed under operating and care July 1, 1913; no expenditures made or record of tonnage prior to that date.

Statement showing the cost of operating locks and dams, etc.—Contd.

Locality.	Cost of operation fiscal year 1913.	Tonnage passing through lock (short tons).
Kentucky River, Ky.—Continued.		
Lock No. 4	$1,549.96	111,308
Lock No. 5	1,150.00	57,915
Lock No. 6	1,162.40	52,027
Lock No. 7	971.50	45,476
Lock No. 8	1,140.00	50,781
Lock No. 9	1,180.20	51,029
Lock No. 10	1,102.90	51,457
Lock No. 11	1,791.60	52,903
Lock No. 12	1,162.40	62,699
Osage River, Mo., Lock No. 1	5,788.88	3,100
Kanawha River, W. Va.:		
Lock No. 2	6,969.27	24,161
Lock No. 3	7,703.61	133,679
Lock No. 4	8,920.65	424,015
Lock No. 5	8,826.63	618,197
Lock No. 6	9,977.34	984,425
Lock No. 7	10,278.09	930,259
Lock No. 8	9,904.89	1,297,018
Lock No. 9	13,225.41	1,479,235
Lock No. 10	9,047.47	1,460,158
Lock No. 11	10,105.59	1,534,038
Little Kanawha, W. Va.:		
Lock No. 1	2,740.02	66,912
Lock No. 2	2,939.08	88,148
Lock No. 3	2,238.58	80,182
Lock No. 4	3,129.52	76,334
Lock No. 5	2,555.17	72,153
Monongahela River, Pa. and W. Va.:		
Lock No. 1	21,247.15	5,674,398
Lock No. 2	25,487.14	9,473,605
Lock No. 3	26,328.30	11,125,238
Lock No. 4	16,545.54	7,923,110
Lock No. 5	13,408.47	1,864,831
Lock No. 6	4,131.82	233,859
Lock No. 7	2,012.42	123,449
Lock No. 8	2,084.81	122,683
Lock No. 9	2,034.95	159,053
Lock No. 10	2,201.97	102,377
Lock No. 11	2,008.33	106,558
Lock No. 12	2,095.62	109,250
Lock No. 13	2,054.51	108,018
Lock No. 14	2,010.12	107,979
Lock No. 15	2,076.95	1,362
Allegheny River, Pa.:		
Lock No. 1	13,722.09	438,393
Lock No. 2	4,974.82	444,770
Lock No. 3	4,224.45	41,954

Mr. CHAMBERLAIN. What I have said in reference to the Soo Canal practically applies to all of those mentioned above.

It has been frequently urged that the report of the House committee, to which I have referred, commonly known as the Alexander report, made a finding that from 95 to 97 per cent of the steamship lines of this country were in combination in one form or another, but the fact is no such finding was made in the report, for it will be ascertained by reference to page 403 of volume 4 of the report that the committee expressly stated that "the foregoing chapters discuss the control of regular line services in the most important divisions of this country's commerce," and I invite the attention of Senators particularly to the discussion which follows this statement in the report, because it is most illuminating and shows in detail how the domestic waterways of the country, which are maintained free of expense by the Government, are dominated and controlled largely by the great railway systems.

What have Senators to say with reference to this situation? Will they contend in the face of the fact that they vote large sums each year for the maintenance of our domestic waterways and exempt railroad-owned and trust-owned ships from the payment of any tolls, that this exemption is in the nature of a subsidy? They must be driven in the last analysis to this admission, or their contention with reference to exemption at Panama on the ground that it is a subsidy falls to the ground, and they must take the other horn of the dilemma, which has been practically abandoned, that there ought to be no exemption of American coastwise vessels from the payment of tolls at Panama because such exemption would be a violation of treaty obligations.

There is no question, Mr. President, that a careful study of the methods adopted by the great transcontinental railways in this country will convince anyone that they not only opposed the construction of the Panama Canal for a quarter of a century and delayed its completion, but that they have been cultivating the sentiment which finds expression in appeals to national honor and in protest against the exemption of coastwise vessels from the payment of tolls. They are the interested parties who are now insisting upon a repeal of the act of 1912. Not only are the American transcontinental railways interested

in this movement, but the Canadian Pacific as well, and they are acting together in insisting upon repeal.

I call to the attention of the Senator from Michigan [Mr. SMITH], who mentioned Canada a while ago, and I am going to ask to have inserted in the RECORD a clipping from the Wall Street Journal of April 27, 1914, which has been publishing recently a series of articles on industrial conditions in Canada.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

CANADA WELCOMES PANAMA CANAL AS A BENEFIT—BIG DITCH EXPECTED TO BE OF GREAT VALUE TO BRITISH COLUMBIA PROVINCE AND THE CANADIAN PACIFIC—CALCULATED TO LESSEN THE NUMBER OF EMPTY FREIGHT CARS HAULED OVER THE PRAIRIES, AFTER CARRYING GRAIN EAST—THE HAUL WEST IS OFFSET BY COAL AND LUMBER TRAFFIC BACK—CANADIAN PACIFIC AND POOLS.

MONTREAL, *April 27, 1914.*

ARTICLE 3.

Completion of the Panama Canal is looked forward to by the Canadian railroads and the Canadian people with great hopes. *They feel grateful to the United States for building the canal, for it seems likely to do Canada more good than the United States. About the only advantage the United States will have over Canada will be in the naval feature. Commercially, it would have paid the Province of British Columbia to have issued bonds to pay for the canal, but instead of that it is not going to cost the Province one cent.*

The Panama Canal is particularly welcomed by the Canadian Pacific, because it will lessen the number of empty freight cars hauled over the prairies. Canada's great crop is wheat, and that is all shipped eastward to market. The things that the prairie Provinces purchase of the east are high-priced and of small bulk, so that they fill but few of the returning cars. Miles of empty cars go thundering westward for more wheat.

But that is only half the story. The prairie Provinces are heavy purchasers of coal and lumber and other bulky forest products produced by British Columbia. The prairies have nothing to sell to British Columbia, and empty freight cars must go from the prairies into the mountains, to come back loaded with what the prairies want.

WORKING CARS BOTH WAYS.

When the Panama Canal is opened those empty cars will carry wheat for London. Enough wheat can be shipped profitably through the canal to pay for the British Columbian products needed on the prairies. The economy resulting from having loaded cars both ways will enable the Canadian Pacific to pick up wheat at least as far east as Calgary for shipment through the canal.

It is for this reason that the Canadian Pacific does not view with alarm completion of the Grank Trunk Pacific this year, and the completion next year of the Canadian Northern to the Pacific coast. Immigrants that will return on the wheat ships by way of Panama will furnish the labor so seriously needed in the Far West, and development will be so much more rapid that it is believed the country will grow up to the railroads as fast as they can handle it. Canada is so big, and the railroads are already competing at so many points, that investors in Canadian Pacific stock need not worry over the dividend.

The Panama Canal is a big question, and responsible men of the Dominion do not pretend that they have figured out the final effect of it. They do feel certain, however, that it is not going to hurt any of the Canadian railroads, and, in fact, is going to prevent them from hurting one another. This immigration will not affect the labor situation in Canada, which is about the same as in the United States.

CANADIAN PACIFIC RAILWAY AND ATLANTIC POOL.

In view of the approaching opening of the canal, the Canadian Pacific is paying serious attention to ocean pools. The matter of joining the new North Atlantic conference is under consideration, but no decision has as yet been reached. The Canadian Pacific is really as great as a steamship proposition as a railroad, for its flag is on every sea. It owns more ships than the Southern Pacific, Union Pacific, Great Northern, and Northern Pacific combined. The Great Lakes are dominated by Canadian Pacific ships. They monopolize the trade of Puget Sound and Alaska. When you land at St. Johns or Sydney or Quebec or Montreal you step on a Canadian Pacific train. The company takes care of you on its trains, in its hotels, sells you newspapers, chewing gum, and picture postal cards while you are in Canada, and its ships take you away to the Orient, if you are going around the world. It takes a generation to develop such a system, and the mere building of so many miles of track does not mean that serious competition has been produced.

EFFECT OF EXEMPTION ON RAIL RATES.

Mr. CHAMBERLAIN. I come now to consider exemption of American coastwise vessels from the payment of tolls as it affects, first, the transcontinental railway rates, and, second, the commerce between Pacific and Atlantic ports. For every reduction in the tolls charged at Panama on freight passing through the canal between American ports on the Atlantic and Pacific coasts there must be a corresponding reduction in the transcontinental rail rates as well as in rail rates from the interior to points where there is water competition; otherwise all freight accessible to water transportation would seek the water route; and for every addition to the rate of toll charged through the canal there is an opportunity given to the transcontinental lines to correspondingly raise the rail rates.

Mr. Prouty, formerly Interstate Commerce Commissioner, one of the most distinguished authorities on the rate question, in the Spokane rate case, reported in Twenty-first Interstate Commerce Reports, page 422, speaking of the effect of water competition upon rates by rail, said, amongst other things:

Carriers maintain the same transcontinental rate from Chicago as from New York, not by reason of the direct effect, but rather as an indirect result of water competition. The reason for this will be best understood by an actual illustration. Assume that a building requiring the use of a large amount of structural steel is to be erected in San Francisco. That steel is manufactured both at the seaboard and in Chicago. That which is made at the seaboard can be taken by water from the point of origin to the point of destination, and the rate at which it can move is therefore determined by water competition.

The cost of producing steel is the same at both points. In order, therefore, that the producers may stand an equal chance in competing for this business it is necessary that the rate from both points should be the same, and the business can not move from Chicago unless the rate from that point is as low as from the seaboard.

The Atchison, Topeka & Santa Fe Railway begins at Chicago. If this steel is bought at Chicago and moves by that line the entire freight money is retained by it. If, upon the other hand, the steel is bought at New York, moved by some line to Chicago, and there delivered to the Santa Fe, that line receives only a part of the through charge. The service performed by it is the same in either case, but the amount of its compensation is larger when the freight originates at Chicago. It is therefore for the interest of that line to name a rate from Chicago which will originate the business at that point instead of allowing it to originate upon the seaboard. The interest of the line from New York to Chicago is that the business should be taken up at New York, and as a compromise it is finally agreed to apply the same rate from both these points. This clearly shows how water competition, if it does not actually extend to the interior point, may and does dictate the rate from that point.

What would be true of the steel entering into the construction of this building is true also of almost every article of commerce which moves between the East and West. The Middle West to-day manufactures nearly everything which is produced upon the Atlantic seaboard, and the effect of this policy of the railroads has been to make the Middle West the almost exclusive market of origin for the intermountain country and largely for the Pacific coast itself.

This statement of the distinguished ex-commissioner is a complete answer to those who contend that the Middle West will not be benefited by the exemption of coastwise vessels from the payment of tolls. The reasons and the illustration given by Mr. Prouty are conclusive upon this subject, as well as upon the subject of the effect of water competition in reducing rail rates.

EFFECT OF REPEAL ON THE WEST.

Mr. President, the charging of tolls upon American vessels engaged in the coastwise trade will impose a very great hardship upon the people of the whole country, in that it will enable the transcontinental railway lines, which now practically control the domestic waterways of the country, to charge to both producers and consumers a higher rate.

The products of the Northwest consist of heavy goods in bulk, which would naturally seek the water route to the East because the present rail rate is prohibitive. Many of the products of the West do not find an eastern market at all, but are left to rot and go to waste in the field.

Our products which would find a ready market in the East with lower rates are lumber, agricultural products of all kinds, salmon, fruit, hops, and wool, and when the resources of Alaska are developed coal ought to find a ready market in competition with eastern coals. In return for these products of the West we would receive large quantities of rice, cotton, structural steel, heavy cotton piece goods, agricultural and mining machinery, and goods of that class which are manufactured almost exclusively in the East.

A toll of $1.20 per ton on lumber, as disclosed by the hearings before the Interoceanic Canals Committee, would make it impossible for the American manufacturer of lumber to compete with the manufacturer in British Columbia, for two reasons: First, it is an undisputed fact that foreign vessels which might load with lumber at Vancouver can be operated at a very much less expense than the American ship loading at Portland, Oreg., with the same commodity, and the result would be our lumber could not compete in the eastern markets with that of British Columbia. Even the remission of tolls at Panama to the American vessel would not equalize the present handicap, but would materially assist in relieving the situation. Second, the foreign Governments, or at least those whose ships are likely to carry the lumber from British Columbia ports through the canal to the East, pay to their vessels by way of subsidy the amount of toll which would be paid by them for passing through the canal.

As tending to show what the effect of a toll charge of $1.20 per ton would be on lumber passing through the Panama Canal, I desire to call attention to the testimony of Mr. J. N. Teal, of Portland, Oreg., who appeared before the Interoceanic Canals Committee, in which he presents a letter from Mr. F. G. Donaldson, the manager of the traffic department of the West Coast Lumber Manufacturers' Association. This letter was addressed to Mr. Teal in response to a request from him for advice as to what the toll would be on 1,000 feet of lumber. He estimates that it would be about $1.66⅔ per thousand feet board measure. I ask to have the letter printed herein as a part of my remarks in order to show just what the effect of the proposed toll of $1.20 per ton would mean to the lumbermen of the West, and, so far as that is concerned, to the South as well, shipping lumber to the Orient or other transisthmian sections.

The letter is as follows:

PORTLAND, OREG., *April 13, 1914.*

Mr. J. N. TEAL, *Spalding Building, City.*

DEAR SIR: Answering your inquiry as to how I arrive at the conclusion that canal toll of $1.20 per registered ton would equal about 6 cents per hundredweight on lumber, wish to advise that this is based upon average weights and average loading capacities of the different kinds of lumber. A ship ton is equivalent to 100 cubic feet. Theoretically 100 cubic feet of space should load 100 cubic feet of lumber. This would be 1,200 feet board measure. However, my experience has convinced me that only about 60 per cent of actual space is available for lumber loading because of unevenness of lengths and thicknesses of the different kinds of lumber. On this basis, instead of 1,200 feet board measure being loaded in 100 cubic feet of ship space, the actual average load would in all probability not exceed 720 feet board measure, and this is the footage used in my computation. On this basis a charge of $1.20 per 100 cubic feet of space should figure $1.66⅔ per thousand feet board measure of all kinds of lumber. To reduce this cost per thousand feet to cents per hundredweight on each kind of lumber, you have to ascertain the average weight of the different kinds of lumber that are likely to be shipped. The estimated weights are as follows:

	Pounds per M feet.
Rough green fir	3,300
Rough dry fir	3,000
Common dimension	2,600
Flooring, rustic, and shiplap	2,000
Ceiling and wainscoting	1,400

Using these weights, 5,000 feet of lumber, consisting of 1,000 feet of each of the different classes of lumber referred to, would make the total weight 12,300 pounds, or an average for each 1,000 feet, 2,460 pounds. Taking a cost of $1.66⅔ per thousand feet board measure, as figured above, and applying it to average lumber, 2,460 pounds per thousand feet, gives you an average cost per hundredweight of actual weight, 6.8 cents.

Mr. CHAMBERLAIN. It will be seen from this that because of the character of a lumber cargo it is not possible to carry much in excess of 720 feet board measure in 100 cubic feet of ship space. This, of course, would compel lumber shipments to pay toll largely in excess of the actual cargo.

The rates from the Pacific coast by rail east to the Mississippi River are very much higher than they are from Philadelphia or New York to the same point. That is due to the density of traffic in the East as well as to the more active competition between the roads. It is disclosed in the statement of Mr. Teal before the committee that if we take a 40-cent water rate on lumber from Pacific coast points to Philadelphia or New York it might be carried as far west by rail as Chicago or St. Louis, or nearly that far, depending somewhat upon circumstances. At least it could be carried west until the rate from the Pacific coast by rail met the eastern rate. He gives an instance of salmon shipped by water to New York from the Pacific coast, then through the Great Lakes to Duluth, thence back as far as the 11-cent car rate would take it until it met Pacific coast rates by rail, and shows that starch and other products from Iowa to New York by rail and thence to Portland by water could be carried cheaper than taking them from the point of initial shipment to the Pacific coast direct by rail.

Take another illustration: Wool is now carried from Australia to San Francisco for 75 cents per hundred, from San Francisco by rail to Boston at 80 cents per hundred, making the through rate from Australia to Boston $1.55 per hundred. It is estimated that when the canal is completed the through rate to Boston will be about $1 per hundred. It may be answered that domestic wool from Montana, Utah, Idaho, and other Western States might be shipped through the canal at the lower rate in competition with Australian wool. This can not be done, for the reason that the railroads maintain such a high rate from intermountain points to the coast that the water route will not be accessible to wool or other intermountain products. Australian wool from San Francisco to Boston, as I have shown, is carried at 80 cents per hundred. From Nevada points, 500 miles nearer Boston, the railroads charge $2 per hundred on domestic wool. From Arizona points, 600 miles nearer Boston, they charge $1.90 per hundred. From Boise, Idaho, 600 miles nearer Boston, they charge $2.05½ per hundred. The freight charge by rail from these intermountain points to the Pacific coast is maintained at such a high rate as to drive the freight eastward by rail.

It will thus be seen that the freight rate on wool from the western country can not possibly compete with imported wools, and it is questionable if this can be done even if coastwise vessels are exempted from the payment of tolls.

It will be remembered that in his first note of protest Chargé d'Affaires Innis stated that the proposal to exempt all American shipping from the payment of tolls would, in the opinion of the British Government, involve an infraction of the treaty; and, further, that there was no difference in principle between charging tolls only to refund them and remitting tolls altogether. In other words, while admitting the application to Panama of the basis of neutralization in force at Suez, permitting other nations the right to refund tolls collected there, it was proposed to deny the United States the right to make the same refund at Panama either in the way of exemption of tolls or by a direct subsidy. It is but fair to say that this protest was practically abandoned, but it shows the injustice of Great Britain in her first note of protest. It is a well-known fact that other nations have made appropriations to cover the tolls paid at Suez by their merchant ships, and steps are being taken by Russia, Spain, Japan, and other powers to grant to their vessels subsidies equivalent to the tolls that are to be charged at Panama.

In this connection I call the attention of the Senate to the report of Mr. George W. Guthrie, American minister to Japan, made to this Government on the 13th ultimo, as showing the policy of the Japanese Government with reference to the Panama Canal. He points out the plan of the Government to which he is accredited of subsidizing a trans-Panama steamship line, which contemplates eight steamers of 9,000 tons or more each. The proposed ports of call are given by him as follows:

Eastern line: Outward voyage—Yokohama, Seattle, Panama, Colon, and New York; inward voyage—New York, New Orleans, Colon, Panama, Seattle, and Yokohama. Western line: Outward voyage—Yokohama, Kobe, Moji, Shanghai, Manila, and Hongkong; inward voyage—Hongkong, Manila, Shanghai, Moji, Kobe, and Yokohama.

The annual amounts of subsidy proposed in aid of the trans-Panama service during a period of five years commencing with 1915, Mr. Guthrie points out are as follows: 1915–16, $718.307; 1916–17, $841,116; 1917–18, $875,447; 1918–19, $875,447; 1919–20, $875,447. Those allotted to the San Francisco line during the same period are as follows: 1915–16, $1,180,924; 1916–17, $1,137,113; 1917–18, $1,071,495; 1918–19, $1,005,877; 1919–20, $940,259.

What Japan proposes to do is in line with the policy which is being adopted by other Governments, so that American vessels engaged in the over-sea trade, as well as those engaged in the coastwise trade, if the present policy of repeal prevails, will be placed upon the same footing so far as tolls are concerned, and in the very nature of things it will be a physical impossibility to restore in whole or in part the American merchant marine to the proud place it once occupied in the ports of the world.

I ask permission, Mr. President, to insert in the RECORD as a part of my remarks a statement made by Mr. Teal in his testimony before the Interoceanic Canals Committee on the fisheries products of the Northwest and certain comparative statements of rates on different classes of commodities in less-than-carload lots by water and by rail. These statements will show in part the commodities which will be shipped by water from the West and a comparison of the rates charged by water and by rail.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

North Pacific salmon pack, 1913.

	Cases.	Value.
Alaska	3,746,493	$13,859,478
Puget Sound	2,583,463	13,329,168
Columbia River	266,479	2,012,387
Sacramento River	950	7,600
Outside, or coast streams	112,161	552,045
British Columbia	1,353,901	8,803,213

Totals, 8,063,447 cases, about 389,170,000 pounds, or 193,585 tons. Total value, $38,563,891.

North Pacific halibut catch.

	Pounds.
1913	55,421,805
1912	53,302,103

The selling price of halibut by fishers at place of landing varies from 2 cents to 9½ cents, the average being about 5 cents a pound, making the 1913 catch worth at landing point about $2,771,000.

Halibut catch for 1913 divided as to nationality of vessels in north Pacific.

	Pounds.
American vessels	42,636,505
Canadian vessels	12,785,300

The immense quantities of halibut to be had in north Pacific waters were until recently available for only a limited population near the Pacific coast shore line. The large companies controlling this trade are now operating solid refrigerator halibut trains across the continent to Chicago, and even to the Atlantic seaboard, delivering the major portion of the entire catch to that territory. As exploration for the halibut banks is proceeding farther out to sea and also out to the north, there is no reason why the annual catch of this fish should not increase for several years.

If this enormous supply of food fish could be handled through the Panama Canal in refrigerator service at a lower figure than is now possible, or if the effect of competition made the rate across the continent less than at present the benefit would be reaped by the consumers of the East. At the present time the wholesale price for halibut delivered to eastern centers runs 15 cents a pound or better,

and the retail ranges as high as 25 cents. It would seem that canal traffic unimpeded by tolls should accomplish a reduction there.

There is a growing trade in fresh salmon, frozen salmon, mild-cured salmon, and pickled salmon. As the catch of salmon in extreme northern waters may be increased rapidly, the possibility of placing on the Atlantic seaboard a large amount of this valuable food fish at a low figure is certainly greater with no tolls through the canal than with them. Siberia last year produced only about 130,000 cases of salmon, and it is conceded that all the streams of that region, as well as those of extreme northern Alaska, have wonderful possibilities in the production of this food fish. There is no greater fish preserve to be found in all the world than in these north Pacific waters. When they are properly explored and developed and proper consideration is given to the hatching of young fry, it would seem like the whole country would of necessity have a profound interest in being kept close to the fishing grounds with the lowest possible rate that may be had through the Panama Canal.

Mr. CHAMBERLAIN. I think the Senator from New Hampshire [Mr. GALLINGER] the other day discussed the refunding of tolls by other countries. I do not recall whether he mentioned Japan or not, but he did mention other powers that were making arrangements now to refund the tolls that might be paid by their vessels to the canal.

Mr. GALLINGER. Mr. President, I did call attention to Japan, as that is an imminent matter. The Diet has not passed finally upon it, but it is expressed by the Japanese officials as certain to come.

Mr. CHAMBERLAIN. I am glad the Senator did. I will not discuss it, then, but simply ask to have inserted in the RECORD the showing that is made with reference to Japan where she is making provision for her ships as far ahead as 1920 in order to meet the tolls they will have to pay to pass through the canal. How in the world can our vessels compete with Japanese vessels, how can we compete with Great Britain, which subsidizes her vessels and will refund to them the amount of tolls?

I ask to have inserted in the RECORD as a part of my address a comparative statement of the rates to Portland on various commodities in carload lots and less than carload lots by water and by rail, showing the difference in favor of water competition.

The PRESIDING OFFICER. It is so ordered, without objection.

The matter referred to is as follows:

MISCELLANEOUS FISH PRODUCTS, ALASKA, 1913.

Codfish, 11,916,900 pounds. Value, about $500,000 at point of delivery.

Pickled salmon, 7,666,400 pounds. Value, about $600,000.

Herring, 10,413,926 pounds. Value, about $500,000 at point of delivery.

Mild-cured salmon (all North Pacific waters), about 30,000 tierces. Each tierce net about 800 pounds, or 24,000,000 pounds. Total value, approximately $2,400,000.

Other miscellaneous fish products in Alaska, 1913, would aggregate more than 500,000 tons. These miscellaneous products consist of fish oil, whale oil, herring fertilizer, whale fertilizer, dry salt fish, etc.

This year the Grand Trunk Pacific is completing its connection to Prince Rupert, the Pacific coast terminal for the road. The first influence upon the United States transportation situation is felt already. Traffic officials of the new Canadian transcontinental line are offering to absorb the local boat haul from any of the adjacent Alaska territory which would mean all of the southeastern district, and give to the salmon product the same transcontinental freight rate that is given by the United States lines. Some of the salmon men believe that unless a materially lower rate is made as a result of the construction of the canal the new Canadian line will be able to dominate that part of the southeastern pack which may move to Europe or any part of the United States beyond the Mississippi River. The southeastern pack runs about 2,000,000 cases a year.

Comparison of rates on canned salmon in carloads from Portland, Oreg., to various points via all-rail direct, ocean and rail, ocean, lake, and rail via New York City; also the all-rail lake and rail rates from New York City to same points.

CANNED SALMON, CARLOADS.

From—	To—							
	Omaha.	St. Paul.	Duluth.	Chicago.	Cleveland.	Cincinnati.	Pittsburgh.	New York.
Portland, all-rail	70	70	70	70	75	75	75	75
New York, all-rail	46	46	46	30	21	26	18	.....
New York, lake and rail	.....	32	28	25	.....	.....	.....	.....
Portland, ocean	.....	.....	.....	.....	.....	.....	.....	45
Portland:								
All-rail	70	70	70	70	75	75	75	75
Ocean and rail	91	91	91	75	66	71	63	.....
Ocean, rail, and lake	.....	77	73	70	.....	.....	.....	.....

FRUIT GROWERS' TRANSPORTATION LEAGUE,
Portland, Oreg., ———.

The understanding is that tolls will base upon ship's registered tonnage at $1.20 per ton of 100 cubic feet.

Have been advised that relation of registered tonnage to dead-weight tonnage, or cubic tonnage, capacity of vessels will range materially, but that in the average cases the tolls will apply upon approximately 60 per cent of the tonnage carried, where the ship is loaded to its capacity.

Where ship is not loaded to its full carrying capacity, the tolls applying against it will increase correspondingly, and to that extent become a higher charge against the freight itself.

To illustrate in the case of apples:

If the registered and cargo tonnage equalizes, $1.20 per 100 cubic feet will mean 48 cents per 40 cubic feet ton, or 2 cents per box per apples. Or, if tonnage of 2,000 pounds at 48 cents per ton, this would mean approximately 1 cent per box.

Apples and other fruits, refrigerated, are handled upon cubic basis. The apple box itself (packed) measures 1.66 feet, or 24.1 boxes per 40 feet cubic measurement. But the sticking and stripping, to enable proper refrigeration and ventilation in cold chambers, adds to displacement of box, and increases it to 2 cubic feet, or 20 boxes per ton, or at 48 cents per cubic 40-foot ton, 2.4 cents per box apples.

The application on this and other Northwest traffic, of canal tolls, will therefore necessitate that the vessels be loaded to fullest capacity in order to get minimum canal-toll application per unit of freight carried. It is manifest that with the tonnage susceptible of immediate development the application of tolls, under this condition, will make service irregular or infrequent.

Only frequent and regular service on fresh fruits will be of any benefit to the industry and enable shipment through canal. The lowest possible rate available by vessel is the only inducement that will attract tonnage to the water movement, and make possible any reduction in freight rates from the present maximum basis which the fruit can not stand.

Apple production (estimated) Northwest States, Oregon, Washington, and Idaho:

1914. Now estimated at 25,000 cars. All fruits at 35,000 cars.

1916. Estimated as 35,000 to 40,000 cars. All fruits, upward of 50,000 cars.

1918. Estimated as 50,000 cars. All fruits, upward of 65,000 cars.

At best, a very nominal tonnage of Northwest fruits can get into Atlantic seaboard markets at the present rail rates. The apple movement must amount to 25 per cent of total annual tonnage in those markets in order to safely balance general distribution. Nothing but the lowest possible rate will enable distribution in large quantity in Atlantic seaboard territory, and only the cheapest water rate will enable that.

Any rate exceeding $8 to $9.60 per cubic 40-foot ton will prevent water movement at this stage of production. It is evident that a lower rate must be anticipated for future years' movement.

The Northwest fruit industry in detail will not survive except at minimum costs of transportation, possible only by water movement. To-day the soft-fruit (outside of apples) industry is in a critical condition. We can not ship those products from Northwest sections annually at the present freight costs profitably. The peach industry has been destroyed by removal of trees to the extent of 40 per cent in different sections because of repeated losses accordingly.

Present freight rate on apples per box Northwest to New York City approximates 50 cents. Box of apples packed and loaded costs 65 to 90 cents; box of apples contains less than 50 pounds. The fruit must be laid down in Atlantic markets at not to exceed 75 cents, including transportation and production costs, to enable distribution, and that will not include any profits.

A greatly reduced rate on other fruits by water will make the industry reasonably profitable, and allow the peach industry to survive, instead of being destroyed.

The canal tolls will severely affect both the producer and the consumer.

Northwest produces 30,000,000 to 35,000,000 pounds of dried fruits annually. This must have an exceedingly low rate.

Comparative statement of rates to Portland on various commodities in carload and less than carload lots, by water and all rail.

[Rates shown are those in effect via the American-Hawaiian Steamship Co. and the transcontinental railroads. Checked to Apr. 17, 1914.]

[Figures in parentheses for 1913.]

Commodity.	Ocean rates.		All-rail rates.	
	L. C. L.	C. L.	L. C. L.	C. L.
Shipbuilding hardware	[1] $1.00	.....	[1] $1.75	.....
Meat cutters	[1] 1.00	.....	[1] 1.90	.....
Paper ware, paper balloons	($3.00) 4.00	($3.00) $4.00	($6.00) [1] 7.40	.....
Fireworks	(3.00) 2.50	(2.00) 2.50	(6.00) 7.40	($3.00) $3.70
Toy torpedoes	(1.00) [1] 1.25	.....	[1] 2.00	.....
Wood cones for same	(1.00) 1.25	(1.00) 1.25	(3.00) [1] 3.70	.....
Slate pencils	(.90) 1.00	(.90) 1.00	[1] 1.60	.....
Crayons	1.00	1.00	[1] 2.20	.....
Scythes, stones	1.00	1.00	[1] 1.75	.....
Brass lamp burners	(1.20) 1.25	(1.20) 1.25	[1] 2.20	.....
Saddlery hardware	1.00	1.00	[1] 1.90	.....
Iron shoemakers' lasts	1.00	1.00	[1] 1.75	.....
Pipe wrenches	1.00	1.00	[1] 1.75	.....
Iron vises	(.80) .90	.60	1.75	1.10
Wire rat traps	1.50	1.50	[1] 2.35	.....
Hardware, not otherwise specified	1.00	1.00	(2.00) [1] 3.20	.....
Clotheslines	(.75) 1.00	(.55) .60	(1.45) 1.60	.....
Wooden rules	(1.25) 1.50	(1.25) 1.50	(2.00) [1] 3.20	.....
Paper labels	(.90) 1.00	(.70) .75	1.75	1.20
Steam pumps	(1.25) 2.00	1.00	(3.00) 2.05	.....
Wood tackle blocks	1.00	.70	(2.00) [2] 3.20 (2.20) [2] 2.65	.....
Iron nails	.85	(.55) .50	[4] 1.30	[5] .85
Iron boilers, range	(1.20) 1.50	(1.00) 1.05	(2.60) 3.20	1.40
Axle grease	(.90) 1.00	.60	1.50	.90
Glassware	1.00	.75	1.85	1.35
Clothespins	(.90) 1.00	(.65) .70	1.50	1.00
Bird cages	(1.50) 2.00	(1.50) 2.00	(3.00) [6] 3.70	.....
Cutlery, not plated	(1.25) 1.50	(1.25) 1.50	(2.60) 3.20	.....
Hairpins	(1.30) 1.25	(1.30) 1.25	2.00	.....
Cotton belting	1.15	.85	1.75	1.20

[1] Any quantity.
[2] In packages.
[3] In boxes or barrels.
[4] 108 pounds per keg.
[5] Hundredweight.
[6] Nested, box.

Comparative statement of rates to Portland on various commodities in carload and less than carload lots, by water and all rail—Continued.

Commodity.	Ocean rates.		All-rail rates.	
	L. C. L.	C. L.	L. C. L.	C. L.
Wrapping paper, not printed	($0.90) 1.00	$0.55	$1.10	$0.75
Wrapping paper, printed	(.90) 1.00	(.70) .75	(1.40) 1.50	(.90) 1.00
Wire sifters	(1.20) 1.25	(.85) 1.00	{(3.00) [1] 3.70 / (6.00) [2] 7.40}	
Canned goods	.85	.60	1.75	1.10
Coffee, roasted	1.00	.70	1.60	[3] 1.10
Coffee, green	1.00	.55	1.40	[4] .80
Looking-glass plates	(1.50) 2.00	(1.00) 2.00	2.20	1.50
Iron toy pistols	1.25	1.25	2.20	1.50
Cotton piece goods	1.00	.70	1.60	1.10
Dressed granite	(.90) 1.00	.65	1.50	1.00
Clothes wringers	1.15	.85	1.75	1.25
Surface-coated book paper	(.90) 1.00	(.55) .60	1.40	.90
Halters, rope	[5] 1.00		1.90	
Ice-cream freezers	(1.20) 1.25	1.00	1.75	(1.40) 1.50
Brass curtain rods	1.10	.85	(1.75) 2.00	(1.25) 1.50
Account books	1.25	.90	1.75	1.25
Blank books	1.00	.75	1.75	1.25
Drugs	1.25	1.00	2.00	1.50
Dyewood	1.00	.85	1.60	1.10
Petroleum lubricating oil	(3.50) [6] 4.50	2.75	1.50	.90
Refrigerators	1.10	.95	1.75	1.35
Scythes	1.25	.85	1.85	1.35
Harness hardware	[5] 1.00		1.90	
Pottery, steins	[5] 1.00		[7] 1.50	
Mustard, prepared	[5] .75		1.50	1.00
Pitch, asphaltum	.90	.65	(1.50) 2.25	.80
Lead pencils	(1.50) [5] 2.00		(3.00) 3.70	
Conf. stoves	1.25	1.00	(2.20) 2.65	
Candy	(1.50) 1.25	1.25	2.50	
Rubber hose	(1.15) 1.20	.85	1.75	1.25
Soap	(1.00) .90	.50	1.30	.80
Stamp ware	(1.20) 1.25	(.90) 1.00	1.70	1.20
Writing paper and envelopes	1.00	.75	1.75	1.20
Barn-door hangers	(.90) 1.00	(.70) .75	1.75	1.10
Copper wash boilers	[5] 1.25		(1.70) 2.00	1.50
Sauce	(.70) [5] .75	(.70) .75	1.50	1.00
Cardboard	1.00	.75	1.25	.75
Pickles	(.80) [4] .75	(.80) .75	1.50	1.00
Writing paper	1.00	.75	{[8] 1.75 / [9] 1.50}	
Letter files	(1.50) 2.00	1.50	(3.00) 3.70	
Sponges	(3.00) [5] 3.50		(4.50) 5.05	
Sadiron	.90	.60	1.30	.85
Printed matter	(1.25) 1.50	.90	2.00	1.40
Hammocks	(1.50) [5] 2.00		(3.00) 3.70	
Canned fish	.85	.60	1.50	.95
Olives, in glass	[5] .80		1.50	1.00
Brushes, paint	[5] 1.00		2.00	
Zinc glaziers' points	1.00	.65	(1.45) 1.75	.95
Cottonseed oil	[10] 4.50	2.75	1.50	.90
Soda ash	1.25	.50		.80
Cloves and nutmegs	[5] 1.00		1.70	1.25
Lampblack	[5] 1.25		2.00	1.50
Horse blankets	[5] 1.50		{[11] 1.60 / [12] 2.40}	1.10
Window shades	[5] 1.25		2.20	1.10
Paper boxes, knocked down flat	1.00	.75	[13] 1.80	1.25
Metal lamps	(1.20) [5] 1.25		[14] 2.20	
Structural iron	.85	.60	1.30	.80
Wire rope	1.00	(.60) .65	1.60	1.10
Iron plate	.85	(.60) .55	1.30	.80
Wire netting	.90	.65	1.75	.90
Dry goods	[5] 2.00		(3.00) 3.70	

[1] Nested, box.
[2] Not nested.
[3] Roasted or ground.
[4] Green in sacks.
[5] Any quantity.
[6] Not nickel plated.
[7] Per barrel.
[8] If folded.
[9] If flat.
[10] Barrel.
[11] If cotton or shoddy.
[12] If wool or other composition.
[13] If knocked down flat.
[14] Value $24 per dozen or less.

Mr. CHAMBERLAIN. Now, Mr. President, take it in my State. When it is remembered, Mr. President, that the Columbia River alone drains an area of more than 250,000 square miles of the most fertile land in the world, comprising a part of British Columbia, Montana, Nevada, Washington, Oregon, Idaho, and Wyoming, and that tributary to the ports of Portland and Astoria there are produced, according to the latest Government reports, about 102,000,000 bushels of wheat, 68,000,000 bushels of oats, 20,000,000 bushels of barley, and 800,000 bushels of rye, and that the stumpage value of timber in Oregon and Washington is $950,000,000, and that the stumpage value of the standing timber in Idaho and Montana is valued at $200,000,000, it can be realized how much the exemption of coastwise vessels from the payment of tolls amounts to to the people of the Northwest, and not only to them but to the consumers who will profit by a reduced rate for these commodities. Nor does it apply alone to these particular commodities, but to the products of the Northwest which are susceptible to shipment in bulk by the Panama Canal.

It will enable us to ship from our part of the country to the East products which now rot in our forests and rot in our fields and on the farm. It not only benefits the lumberman, but it benefits the farmer and benefits every man who produces anything in our section of the country. I have not gone into California, where they have thousands of tons of fruit and other products that could find ready access to the markets of the East if this policy of toll exemption prevails in this country, much of which can not come East if the act is repealed.

In order to show the immense tonnage in and out of Portland, I ask to have printed a statement of the foreign and domestic tonnage for the year 1913.

The PRESIDING OFFICER. Without objection, it is so ordered.

The table is as follows:

Foreign ocean tonnage in and out of Portland, year 1913.

	Tons.		
Exports	492,448	Value	$14,743,117
Imports	38,473	Value	3,339,117
Total	530,921	Total	18,082,234

Domestic ocean tonnage in and out of Portland, year 1913.

	Tons.		
Forwarded	741,317	Value	$18,109,976
Received	1,128,493	Value	23,686,212
Total	1,869,810	Total	41,796,188

Mr. CHAMBERLAIN. This refers to one port alone, and the tonnage of San Francisco is larger and that of Seattle practically as large as that of Portland. All of this immense tonnage will be affected by the policy of this Government with respect to the use of the Panama Canal by vessels engaged in the coastwise traffic.

Although I have endeavored to condense what I have had to say on a subject of immense importance to the people of this country, I feel that I have trespassed too long already upon the patience of the Senate, and in conclusion I appeal to my colleagues on both sides of the Chamber to insist upon retaining upon the statute books the Panama Canal act of 1912 in its entirety. If the exemption clause is repealed it is but an entering wedge, for the same insidious influences that have been cultivating a sentiment for repeal will soon be as industriously at work cultivating an even stronger sentiment in favor of opening the canal to railroad-owned ships. That is the second and most important step to the transcontinental railways.

I appeal to you to insist upon the retention of the act in question upon our statute books as the American construction of the Hay-Pauncefote treaty—a construction which in no way violates that treaty and in no way sullies the national honor.

Mr. GALLINGER. Mr. President, before the Senator takes his seat I will state that I received a letter this morning saying to me that I ought to abandon my contention that our coastwise steamers should pass through the Panama Canal free of tolls for the reason that the Senator from New York [Mr. ROOT] in his very able address yesterday had proved to the satisfaction of my correspondent that the Panama Canal was not in the ordinary sense a waterway through which our coastwise ships should pass. I have turned to the speech of the Senator from New York, and I find this, which I think is rather a remarkable utterance:

> But, Mr. President, the real gist of this discrimination is not the discrimination between coastwise trade, properly so called, and other trade. No real coastwise trade will go through that canal. It is a thousand miles and more away from our coast. The trade that goes through it will be real over-seas trade, carried on by great ships, making long voyages—in its nature the exact antithesis to real coastwise trade.

It occurred to me after reading that that we recognize California, Hawaii, Porto Rico, and Guam as ports to which we can send our coastwise ships around the Horn, which is an infinitely longer voyage than it will be through the canal. So it seems to me that argument has not either force or pertinence.

Mr. CHAMBERLAIN. I am in thorough accord with the Senator from New Hampshire. There is not any doubt about that.

Mr. BRISTOW. Mr. President——

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

Mr. CHAMBERLAIN. I do. I yield the floor.

Mr. BRISTOW. In connection with the statement of the Senator from New Hampshire, is it not true that traffic between the Atlantic and Pacific ports of the United States has always been considered by our laws as coastwise trade?

Mr. GALLINGER. Of course.

Mr. BRISTOW. When that traffic was carried on around Cape Horn or through the Straits of Magellan it was 8,000 miles farther than it will be when it comes through the canal. That never had been questioned until the Senator from New York discovered this new theory. I believe that because

the canal is in competition with the transcontinental railroads an effort is being made to regard this as no longer coastwise.

Mr. CHAMBERLAIN. I will ask the Senator, as he investigated the Panama Canal situation at one time on the ground, is it not a fact that the transcontinental railways at one time controlled the coastwise shipping on the Pacific coast, paying immense sums per annum to prevent water competition?

Mr. BRISTOW. They paid from $75,000 to $90,000 per month, aggregating approximately, for a part of the time, $1,000,000 a year. It was a payment made for the purpose of controlling the rates by way of Panama between Atlantic and Pacific ports of the United States. They cared nothing about the rates between the Central American ports and New York; they paid no attention to that. The Panama Railroad Co. and the Pacific Mail handled all the traffic between the Pacific ports of Central America and Mexico and New York at any rate they saw fit to charge, but when it came to making a rate between San Francisco and New York, then it was a different proposition. To control that rate this transcontinental railroad pool paid for a part of the time $1,000,000 a year.

Mr. BORAH. Mr. President, one would be discouraged to attempt to make what might be called a purely legal argument with reference to the history and the terms used in the Hay-Pauncefote treaty and as to whether or not the terms there preclude the United States from sending through her canal her vessels free of charge. The subject has been so completely covered that there is no virgin soil in that discussion. Not only has the field been thoroughly occupied, but it has been occupied with such ability and covered by such resource of argument that it would be an act of supererogation to undertake to add to it.

The argument presented by the Senator from New York [Mr. O'GORMAN] covered the field most thoroughly, not alone with reference to legal propositions but as to other propositions. The able legal presentation of our rights under the Hay-Pauncefote treaty by the Senator from Montana [Mr. WALSH] has not been answered and will not be answered, and no one will undertake to answer it from a legal standpoint. The argument of the Senator from Utah [Mr. SUTHERLAND], of the Senator from California [Mr. WORKS], of the Senator from Iowa [Mr. CUMMINS], at a former term have covered the subject matter so that one is utterly discouraged to enter upon that field, feeling that he must necessarily quit it without adding anything to the strength of the argument; certainly without adding anything in the way of a new legal principle.

But in the long debate and the many suggestions which have been made by those who are in favor of repeal some things have been presented that I am not quite willing, so far as I am individually concerned, shall go unchallenged. They seem to me to merit attention, and to them I am going to give some consideration. I venture to open my remarks by a quotation from one of the most remarkable speeches ever made in Congress, one of the most effective speeches, so far as results in the way of securing votes are concerned, and upon a kindred subject to that which we are now discussing. Mr. Ames said:

> To expatiate on the value of public faith may pass with some men for declamation. To such men I have nothing to say; to others I will urge, Can any circumstance mark upon a people more turpitude and debasement? Can anything tend more to make men think themselves mean or degrade to a lower point their estimation of virtue and their standard of action? It would not merely demoralize men; it tends to break all the ligaments of society, to dissolve the mysterious charm which attracts individuals to the nation, and to inspire in its stead a repulsive sense of shame and disgust.

Mr. Ames was speaking of a nation's obligations to its treaties. When he arose in the House of Representatives to make his argument in behalf of what was known as the British treaty, he was greeted with manifestations of disapproval. The country was thoroughly aroused in opposition to the treaty. It is said by the historian that nevertheless it was this argument in behalf of that treaty which resulted in the appropriation which was then under consideration for the purpose of carrying it into effect. This address of Mr. Ames does not state too strongly the view of those who are opposed to this repeal as to the question of national honor and national faith. Those who are opposed to this measure go the full length of the most earnest and eloquent in behalf of maintaining the national honor and of preserving a sensitive regard for every reasonable construction of a treaty into which we have entered. National honor requires us to do all our treaty demands we should do, and national honor requires that we do nothing which our treaty does not require us to do. Our conception of national honor does not require a surrender of any right out of a false sentiment or a restless desire to be loosely profligate of our people's interests.

What is the situation here? Two great and powerful nations, friendly, each holding a great respect for the other, have entered into a treaty. England, with her usual power and astuteness, is contending that under that treaty we should exclude from the canal our ships, this decession relating now particularly to our ships engaged in the coastwise trade. That would be a peculiar advantage to the English nation. No one would reap more benefit from that than would the English nation itself.

The advantage to the United States of sending through her canal her coastwise shipping would not be so great as the advantage to the English nation would be to have them excluded. Therefore we must assume that England is not wholly free from that selfish purpose which characterizes nations as well as individuals, and always will until the millennium has set in. She is contending for what she thinks her rights under the treaty. Shall any greater stigma of national dishonor attach to the representatives of the great Republic of the West for contending in a respectful, earnest, and firm way for the rights which it is believed are guaranteed to the American people under the terms of that treaty? Is it a mark of national dishonor for the representatives of a people to guard with jealousy the rights of the Nation and the people?

When did it become an evidence or a manifestation of national dishonor for a people to insist upon a fair construction of a treaty, which treaty involved interests not only of prime concern to the present, but of supreme and immeasurable concern to the distant future of the Nation? I venture to say, Mr. President, that a vast amount of apparent sentiment in regard to national honor is to some extent a false sentiment. It is by reason of that highly attenuated but overcapitalized cosmopolitanism, which seems to apologize for everything that is American and feels more or less the stigma of the crime when charged with that fact before the nations of the earth.

Let it be understood in the beginning, therefore, that those who stand against repeal stand in the position of insisting upon what we deem our rights under the treaty, clearly to our mind evidenced by the terms of the treaty; that we would no more accept a position which would impeach the honor of the United States than would the distinguished gentlemen who are advocating the other side of the proposition.

There has been a remarkable propaganda going on in this country for the last three or four or five months with reference to this question of national honor and national integrity. I do not refer to Senators who occupy seats in this Chamber; but I do say, Mr. President, that never heretofore have the American people supposed that our national honor reposed alone in that peculiar class of people who have been propagating this doctrine throughout the country for the last six months. It is our first knowledge of the fact that they were so extremely sensitive upon this subject.

The sense of national honor, Mr. President, is just as keenly felt and will be as sedulously guarded by the great mass of the American people, one and all, in the future as it has been in the past, and I should like to see eliminated from this debate this peculiar coloring and stripe of Phariseeism which gathers to itself the sole and self-constituted custodianship of the national honor of the people of the United States.

Mr. President, what is the real controlling and the important issue which is presented in this debate? What is the proposition which we shall finally and I am afraid definitely settle, at least settle to such an extent that we shall be much embarrassed in the future if we undertake to counteract or retrace our action here? What is the proposition upon which if we take a stand it will be difficult to recede in the future?

If this were alone a domestic question, we might grant free tolls to-day and take them away to-morrow; we might refuse free tolls to-day and grant them to-morrow; it might be deemed wise at one time or unwise at another time; but it would be solely within the keeping of the American people and of the American Congress; we would not be embarrassed when we came to change our position in regard to the matter; but if we place the construction upon the treaty which we are now asked to place upon it, we could never retrieve our position without a distinct charge of national dishonor and without exceptionable, if not insuperable, embarrassment with other nations of the earth.

The treaty once construed, in view of the President's message, in view of the argument of the Senator from New York [Mr. ROOT], in view of the arguments which have been made by such Senators as the distinguished Senator from Mississippi [Mr. WILLIAMS] and the distinguished Senator from Georgia [Mr. SMITH]—that action once had and this treaty once so construed, the situation will be far more difficult to relieve our-

selves of than we can at this time anticipate. It will be interpreted by the Senate; it will be interepreted by the country; it will be interpreted by the nations of the earth as a construction which is final and conclusive, and will be a limitation upon our power over that canal which will always be raised against us should we undertake to vary our policy in the future. This vote, sir, construes the treaty; all other matters are incidental and we must not permit ourselves to be misled as to the consequences or effect of that construction.

So, Mr. President, the real question which we are settling here is one of construction of the treaty; the real problem which we are to determine and which will have a vital and lasting effect is, What are our rights under its provisions? No more important question than that, Mr. President, has been presented to this Congress for many a year. I think I am only repeating a commonplace when I say that it is the most important question which has engaged the attention of Congress for a quarter of a century. It has been debated, therefore, with the responsibility which men feel when presenting that kind of a question; and I do not want to vary, Mr. President, if I can help it, from the high plane of argument so far as that earnestness and dignity which have characterized the debate throughout are concerned. But I must say in candor that I do not belong in this particular controversy with those who claim a peculiar qualification by reason of a judicial temperament. I think, when the rights of the United States are seriously involved and they are vital and controlling, that after one has made a thorough investigation and has studied the matter to the best of his ability and come to the conclusion that vital interests are involved, he must necessarily feel the gravity of a vote which would possibly take from the American people a matter of supreme concern to them. I shall not therefore in this debate size up the two sides evenly, balancing them as nearly as I can, and then get into the middle and with serene beneficent ubiquity announce a conclusion which is diaphanous with indifference.

I have an earnest and abiding conviction that not only have we a right to pass our ships through the Panama Canal without the payment of tolls, but that if we waive that right such consequences are to follow in the end and such detriment to the American people as years go on, that the powerful and dominant nation which has taken possession of the Suez Canal after it was constructed by France will undoubtedly control the vast commerce which ought to belong to this great and growing Republic. In that proposition is wrapped up not the shipping interest, not the interest of transportation on the railroads of the country, but in it is wrapped up the interest of our entire people, for involved in it is all that goes to make up a strong and puissant nation. Commerce is one of the indispensable elements of our growth and development. If it were merely an economic question, it would be easy for us to modify our views at one time or another as circumstances and conditions might dictate.

Now, what is the proposition? It is whether or not we are going to limit our jurisdiction and our sovereignty and impeach and impair our title to the Panama Canal and the territory over which it is built. That is the proposition which will be settled by this vote; and no Senator need suppose that it will ever be construed in any other light. If we should reject this proposition, we could next year with perfect safety, having put the construction upon the treaty, deal with the question of subsidy, but now the prime question which we are proceeding to determine is the other question, and that overshadows and dominates and controls all other propositions.

I must say, with all due respect, that it seems to me that some of our friends who are advocating repeal have been driven to dire extremities for argument. For the first time within the last few weeks we have heard the doctrine that we have a conditional and imperfect title to the Panama Canal and to the grant of territory over which that canal runs. The ingenuity of Sir Edward Grey did not suggest any such proposition; the wide-roving genius which controls the English press had not discovered any such proposition; with all the genius for diplomacy and with all the legal acumen which the English nation possesses, it did not originate on the other side of the ocean. On the other hand, sir, Sir Edward Grey distinctly stated in his note that our sovereignty over the canal was established, and he admitted it in his letter without any controversy; but it has been brought in here, Mr. President, within the last few days to meet a difficult phase of the argument which was made by the Senator from New York [Mr. O'GORMAN], the Senator from Montana [Mr. WALSH], and the Senator from Utah [Mr. SUTHERLAND].

So it is firmly and, if I may say so, with some intellectual audacity declared that our title to the Panama Canal is a conditional title, and that should we disregard the terms of the Hay-Pauncefote treaty we would imperil and impeach our title to the canal. That must necessarily present a very interesting question; we will not impeach our title if we know it, and it has a tendency to excite some fear in the minds of those who have not access daily to the documents upon which our title is founded. That I may not be charged with being in error, I call attention to some of the statements in regard to this position.

The Senator from Georgia [Mr. SMITH] stated a few days ago that it was a remarkable thing to hear a former member of the Federal bench advocate the possible abrogation of the Hay-Pauncefote treaty, when it could not be done without imperiling our title to the canal. In a colloquy between the distinguished Senator from Mississippi [Mr. WILLIAMS] and myself a few days ago this question arose, and he said:

> We took the very strip of land in Panama by treaty as a conditional grant from Panama, and we can not morally and in good faith use it, and we have no title to it, except subject to the conditions of the grant, and the Panama treaty with us made the Hay-Pauncefote treaty a part of itself.

The clear logic of that position is that a violation of the Hay-Pauncefote treaty would imperil and impeach and break the title of the United States to the Panama Canal and the territory through which it runs. Again, he said:

> But the fallacy is that you insist on treating the Panama Canal as a purely domestic concern, when your very title is international and not national.

As to just what kind of a title an "international title" is, or what it takes to constitute an international title, I am yet seeking for light; but it evidently means, if it means anything, that our title to the Panama Canal rests not in the United States alone, but that we have a partnership; that there is a partnership title, and that a violation of that partnership or a disregard of its terms will result in the impeachment of the title—

> And when the very grant by which you hold this strip is a grant with conditions, and an international grant and international conditions at that.

The Senator from New York [Mr. ROOT] yesterday built his entire argument upon the proposition that we had no other than a conditional title to the Panama Canal. He stated that that was the basis upon which he rested his remarkable presentation as to the necessity of repeal. I therefore take the liberty of quoting his language as I find it in the CONGRESSIONAL RECORD, and I ask Senators to pay particular attention to it. He said:

> That treaty with Panama is the basis of our rights. That treaty lies at the foundation of any question that can be raised as to what we do with the canal which we are constructing, because it is by that treaty, and by that treaty alone, that we get our title. By that treaty the grant of property and jurisdiction upon which we have proceeded, upon which we hold the canal, is subject to the provision that the canal, when constructed, and the entrances thereto, shall be neutral in perpetuity, and shall be opened upon the terms provided for by the treaty between the United States and Great Britain of November 18, 1901.
>
> So the treaty with Great Britain which is referred to here is carried into our title as a limitation upon it.

Mr. President, that language coming from one of the leaders of the American bar, a man of international reputation, will be construed in but one way, and could be construed in but one way, and that is that a violation of the Hay-Pauncefote treaty as he interprets it would impeach and impair the title upon which we have expended our money, and that the only way by which we can maintain a title is to observe the Hay-Pauncefote treaty according to his interpretation.

Let us see what there is to this conditional title. New as it is, unexpected as it is in this debate, born of the dire necessities of the case, it may be that there is something in it. Let us turn with some degree of care and, at the cost perhaps of tediousness, read a few provisions from that treaty:

ARTICLE 2.

> The Republic of Panama grants to the United States in perpetuity the use, occupation, and control of a zone of land and land under water for the construction, maintenance, operation, sanitation, and protection of said canal of the width of 10 miles extending to the distance of 5 miles on each side of the center line of the route of the canal to be constructed.

Furthermore:

> The Republic of Panama further grants to the United States in perpetuity the use, occupation, and control of any other lands and waters outside of the zone above described which may be necessary and convenient for the construction, maintenance, operation, sanitation, and protection of the said canal or of any auxiliary canals or other works necessary and convenient for the construction, maintenance, operation, sanitation, and protection of the said enterprise.
>
> The Republic of Panama further grants in like manner to the United States in perpetuity all islands within the limits of the zone above described and in addition thereto the group of small islands in the Bay of Panama, named Perico, Naos, Culebra, and Flamenco.

Not only the lawyer, but the layman, will at once observe that there are no conditions of that grant other than that it be used as a canal; that it is a grant in perpetuity; that there are

no conditions precedent and no conditions subsequent; that it is a complete grant within itself; and the fair construction of the language, yea, more, the only construction that can be placed upon the language, is that so long as that property is used for a canal the title to it remains in perpetuity in the United States. Furthermore:

ARTICLE 3.

The Republic of Panama grants to the United States all the rights, power, and authority within the zone mentioned and described in article 2 of this agreement and within the limits of all auxiliary lands and waters mentioned and described in said article 2 which the United States would possess and exercise if it were the sovereign of the territory within which said lands and waters are located to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power, or authority.

Senators, those are the terms of the grant. If they were in a deed, you would have no trouble in construing it. You would know that so long as you maintained the property there as a canal and for which it was granted, no one could question it. Let me go further, however; and this is the portion of the treaty to which the Senator from New York [Mr. ROOT] did not feel under the necessity of calling to the attention of the Senate.

The provision of the treaty which settles the terms of the grant and fixes it, whether as an absolute or as a conditional grant, may be found in article 14. The fact that it seems to have been of no concern to the Senator can be based upon no other proposition than that he must have overlooked it.

Now, observe:

As the price or compensation for the rights, powers, and privileges granted in this convention by the Republic of Panama to the United States, the Government of the United States agrees to pay to the Republic of Panama the sum of $10,000,000 in gold coin of the United States on the exchange of the ratification of this convention and also an annual payment during the life of this convention of $250,000 in like gold coin, beginning nine years after the date aforesaid.

There is the consideration for the grant; and when we paid that $10,000,000 upon the exchange of that treaty the title to the Panama Canal, under the terms of the treaty, became as absolute and perfect in the United States, so long as we used it for a canal, as the title to the Territory of Alaska or the title to the District of Columbia, upon which this Capitol stands.

The rights, powers, privileges, and advantages covered by this treaty are paid for, in the language of the treaty, by $10,000,000 and $250,000 annually thereafter. Even if we should fail to pay the $250,000, however, what would be the effect as a legal proposition? Would it impair the title? Certainly not. Panama would have a claim of debt against us for $250,000; but Panama could not raise the question of conditional title by reason of our failing to pay the debt, any more than if I should obtain a deed from you, and give you my promissory note, and I should fail to pay the note, you could go into a court of equity and cancel the deed. Such propositions are so well established that I hesitate to dwell longer upon them before this body.

That is not all, however. The "felicitous appropriateness" of the language hereafter used by Mr. Hay will be apparent. In order that no inference to the contrary should be drawn, what does Mr. Hay say? This is in the consideration paragraph, where they are fixing the question of the title and the consideration:

But no delay or difference of opinion under this article or any other provisions of this treaty shall affect or interrupt the full operation and effect of this convention in all other respects.

Not only is it plain that we paid this consideration for the title and took our grant in perpetuity, which under rules of construction would be conclusive as to its permanence and abiding effect, but they placed in the consideration paragraph a distinct provision that no other provision of the treaty should in any way affect the operation of the convention. Could it be plainer, more positive, and conclusive? And why was it put there?

Sir, I presume it might be argued it was put there to prevent even a reference as to the conditional effect of the title. That is article 14. Over on the next page, after we have passed the terms of the grant and the consideration paid, and passed by the proposition that no other provision in the treaty should affect its operation, we find article 18, upon which the Senator from New York laid stress yesterday. What does it say?

The canal when constructed, and the entrances thereto, shall be neutral in perpetuity, and shall be opened upon the terms provided for by section 1 of article 3 of and in conformity with all the stipulations of the treaty entered into by the Governments of the United States and Great Britain on November 18, 1901.

There is a contract by which, under all laws of morals and treaty obligations, we are bound; but if we had taken a distinct grant of the canal property in a separate instrument, and placed this other in a different and distinct agreement—the agreement with reference to the Hay-Pauncefote treaty—we would be precisely in the same position as a legal proposition that we are now. There is no condition in article 18 as to forfeiture. There is no intimation that there is to be any impairment of title. We are under precisely the same obligation to observe it as if it were a distinct and separate agreement or treaty, but it has no bearing or effect upon it nor does it in any wise condition our title.

I do not argue here that we can violate article 18, because it is a treaty obligation, and we are bound by it the same as any other treaty obligation; but if we did see fit to violate it, that would not affect our title. It would only be an impeachment of our good faith with reference to the observance of treaties, the same as it would be if we should violate the Hay-Pauncefote treaty.

One thing more, Mr. President. How does this particular proposition get into this debate? It is pretty well understood among lawyers that no one can impeach a title or raise a question as to its being a conditional title and insist upon a forfeiture except the man who executes the deed or his successors in interest. Is Panama raising any question about this matter? Is Panama concerned about it? With all due respect to our friends who are insisting upon repeal, why should every far-reaching, far-removed technicality that can be possibly conjured up by an ingenious and fertile brain be brought into this debate for the purpose of using it against the interests of the United States?

It is enough for statesmen and patriots, it would seem, to concede that which the plain terms of the treaty demand. It is no part of the duty of an American citizen to go abroad in search for technicalities which the nationals of England have not seen fit to use, for the purpose of using them against the interests of our people. It is not in the code of national honor to resolve every chimerical doubt against us.

National honor does not go that far. Some sanguine and sentimental people may promote such doctrine, but it is contrary to the first principles of American citizenship, and no man can justify it for a moment. And let me say to the Senate in passing that such arguments will be answered in the end by the tribunal from which there is no appeal. The people will yield what our treaty demands, but they will hold to strict accountability that false patriotism which yields up valuable rights when the treaty calls for no such sacrifice.

What did John Hay say about this matter? When he communicated this treaty to the Senate he used language not inappropriate when we are considering the claim that we have but doubtful title:

The whole theory of the treaty is that the canal is to be an entirely American canal.

I do not know that the fact that Mr. Hay wrote the Pike County Ballads would particularly entitle him to qualify as a man who could write a treaty; but certainly he understood perfectly the effect of the word "entirely" when he said that it was to be an entirely American canal; not an international canal, not an international title, not a conditional title, not a partnership, but entirely an American canal. He goes further, however, and says:

The enormous cost of constructing it is to be borne by the United States alone. When constructed it is to be exclusively the property of the United States, and is to be managed, controlled, and defended by it.

Mr. President, when this matter was first considered, when we were building the canal, this question went to the Supreme Court of the United States, and that court seems to have had a different view as to this title. You will remember that some enterprising citizen came to the conclusion that our title was imperfect; that we ought not to expend millions of dollars upon the canal with an imperfect or conditional title. So he brought an action to restrain Secretary Shaw and others from issuing bonds and expending money for the purpose of building the canal. The Supreme Court took cognizance of the case, and discussed it, and passed upon the subject to some extent. They say:

The "proposition is that the Canal Zone is no part of the territory of the United States, and that therefore the Government is powerless to do anything * * * therein. Article 2 of the treaty heretofore referred to 'grants to the United States in perpetuity the use, occupation, and control of a zone of land and land under water for the construction, maintenance, operation, sanitation, and protection of said canal.' By article 3 Panama 'grants to the United States all the rights, power, and authority within the zone mentioned and described in article 2 of this agreement * * * which the United States would possess and exercise if it were the sovereign of the territory within which said lands and waters are located to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power, or authority.'"

Other provisions of the treaty add to the grants named in these two articles further guaranties of exclusive rights of the United States in the construction and maintenance of this canal. It is hypercritical to contend that the title of the United States is imperfect and that the territory described does not belong to this Nation because of the omission of some technical terms used in ordinary conveyances of real estate.

Mr. SUTHERLAND. Will the Senator give us the reference?

Mr. BORAH. I have read from the case of Wilson v. Shaw (204 U. S., p. 24). It is hypercritical, says the Supreme Court of the United States—that is, far removed; not sound in reason; based upon fallacy; searching for a technicality; a resort to the last chance—even to suggest that the title of the United States is imperfect in any respect.

No, Mr. President. The title of the United States to the Panama Canal is just as perfect, I repeat, as its title to the territory upon which are sitting to-day. Sir, if all other arguments have been demolished, if every one of them has been answered by the distinguished lawyers of the Senate heretofore, what shall we say when the last one is that our obligation to the Hay-Pauncefote treaty must be fulfilled in the mind of the English view or our title passes from us or becomes an impeachable title? It is on a par with the other proposition that the United States by not observing the five rules, from 2 to 6, would forfeit its title to its own canal. What a flimsy, fortuitous, hazardous, uncertain title they would have us believe it to be upon which we have expended uncounted millions, supposing all the time, sir, it to be ours—"entirely" ours, "exclusively" ours, "in perpetuity." Oh, Mr. President, let us not convict Hay and Roosevelt of a stupendous blunder and the whole of the American people as accessories after the fact.

Mr. President, look at it from another view, not from a merely legal point of view, not according to the construction which all courts would place upon grants and titles; but what have we done?

We paid $10,000,000 for this property. We agreed to pay $250,000 a year thereafter. We paid $40,000,000 for the rights of the citizens of France in the property. We have expended $400,000,000 for its improvement. We are putting millions of dollars into fortifications. We regard it as vital to the strategic defense of our Nation. We boast of it as the greatest engineering feat of civilization—ours, built and owned, controlled, paid for—and the highest judicial tribunal of the United States and the greatest judicial tribunal in the world says that the title is perfect. No American citizen would want a better title to his home.

Mr. President, if the Senator from Georgia [Mr. SMITH], the Senator from Mississippi [Mr. WILLIAMS], and the Senator from New York [Mr. ROOT] had said that the effect of giving to the treaty the construction which is contended for would be to make our title a conditional one regardless of the Panama Canal treaty, there would have been some reason for their arguments. If they had said that what we are seeking to do here is to impose a permanent servitude, a permanent easement, upon a most vital portion of our own territory, and in that respect and to that extent make it a conditional title or an international title, and that their construction of the treaty would have that effect, there would have been something in the contention. You remember that Sir Edward Grey says, in his note, that the Hay-Pauncefote treaty imposes limitations upon the freedom of action of the United States. In other words, the sovereign powers are to be limited and circumscribed. What we would do if we did not have the treaty we can not now do. There is to be an impairment, a cutting off, a slicing down of our power of sovereignty over the canal, and that is the construction he would put upon the treaty. Our title now is perfect, exclusive, and unconditional, but their plan is to give England an interest in the title.

Mr. Richard Olney, former Secretary of State, and, needless for me to say, one of the great lawyers of this country, in his article upon this subject states the matter far more explicitly, and, of course, with greater authority, than I can state it; and I read it:

> The claim of Great Britain is, in effect, a territorial claim. The United States possesses no more costly, and, perhaps, no more valuable, piece of territory than the Panama Canal, and Great Britain's claim is that the Hay-Pauncefote treaty not only encumbers that territory with equal rights of use by all other nations but impresses upon it a servitude by which the United States loses the free use of its own canal for its own vessels.

It is just the same legal proposition as if you should come to me and say: "I want a right of way over your 160 acres of land, a permanent servitude, a perpetual easement." It is a territorial claim, and that is the effect of their proposed construction of this treaty.

All questions of domestic concern and of subsidies sink into insignificance, in view of the fact that we may settle those questions at our will. Mr. President, our control over our domestic commerce, our right to build up in our own way and as we choose our merchant marine, the vital importance of keeping alive competition between the great transcontinental railways and water transportation, these are vital questions of immediate, lasting, and everlasting concern to the people of the United States. Their disposition involves the highest exercise of sovereignty. Their disposition enters into the prosperity and the welfare of the entire American people. What we may do with reference to them may be wise or unwise. If wise, it will be continued. If unwise, we will discontinue it.

That, however, is not the question here. The question is whether we shall preserve untrammeled our right to deal with those questions as we would. The question is whether we shall be free in the future, should we change our minds and come to the conclusion that we wanted to change our policy, to do so; or shall we impose a servitude and an easement upon this property, a condition upon this title, which in the future will prevent our exercising the freedom of action which otherwise we might enjoy? Others can view it as they may, but to me to barter the sovereign power to absolutely control according to our free will and discretion our commerce, to encourage it, to turn it in this channel or that, to preserve untrammeled competition, is a stupendous and a most shortsighted, almost treasonable thing to do. But, sir, I flatter myself that no such bargain can stand; difficult as it may be, embarrassing as the act will make our task in the future, when the American people get a hearing they will right this wrong.

Mr. NORRIS. Mr. President——

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

Mr. BORAH. I do.

Mr. NORRIS. I agree, I think, with the Senator in his desire that we shall do nothing that will take away any right which we may possess, but this question occurs to me, on which I should like to hear the Senator: Why will we not be up against the same proposition at any time in the future if we undertake to repeal this law giving exemption to American coastwise vessels? If we should refuse to repeal now, and then should decide in the future that we wanted to levy a toll on American coastwise vessels, why would it not be said then, the same as the Senator is saying now, that by repealing the law we were practically doing what the Senator believes we are doing now?

Mr. BORAH. If we repeal the law we place a construction upon it which limits our power. If we repeal the law we place upon it, as these distinguished gentlemen say, the construction that it is an international title, a conditional title; or we place a construction upon the Hay-Pauncefote treaty that we have not the right to send our vessels through without the payment of tolls, because the statement of the President in his message, and the strong arguments made here, are to the effect that it must be repealed because it is in violation of the treaty. Having repealed it and placed upon it the construction that it is in violation of the treaty, I think we would be considerably embarrassed in the future to say that it was not in violation of the treaty. On the other hand, if we place upon it the construction that it is not in violation of the treaty; that we have the right to do so, that question is at an end; and if we can encourage some of our friends upon this side of the water to subside until England settles down on the proposition, it will not be raised again. It was not raised by England at this time. I have no doubt, had it not been raised here in this country, the matter would now be a closed incident. And when we reject this demand, the action will be forever interpreted as the deliberate and final judgment of the United States that we may send our ships through free or under charge as in our wisdom seems proper.

Mr. NORRIS. This question arises in my mind: Suppose we should be of the opinion that we had a right to pass the law that we have already passed—that is, to exempt our shipping from tolls—but we felt as an economic proposition that that was not good policy, how could we bring that about without subjecting ourselves to the criticism to which the Senator, I think, intimates we will be subject if we repeal this law now?

Mr. BORAH. The Senator from Nebraska does not want to place upon the treaty a construction which will embarrass us in the future?

Mr. NORRIS. No, I do not.

Mr. BORAH. There is just one way in which we can prevent that. We can either vote down this proposition and announce once and for all that this is the proper construction of the treaty as contended for by those who are against repeal, and make it a domestic affair; or, if you want to test upon this proposition those who are urging repeal, ask them to accept, instead of the amendment of the Senator from North Carolina [Mr. SIMMONS], the amendment offered by the Senator from California [Mr. WORKS]. If they will accept the amendment offered by the Senator from California, in my judgment there will not be any consolation left to those who are in favor of the British view of the construction of the treaty; but the amend-

ment offered by the Senator from North Carolina will not have that effect.

Mr. SUTHERLAND. Mr. President——

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

Mr. BORAH. Just one word, and then I will yield to the Senator. I want to finish reading Mr. Olney's statement. I think it is entitled to exceptional consideration here.

After saying that this treaty encumbers that territory with equal rights of use by all other nations and impresses upon it a servitude, he says:

It is rights of that nature as to which both countries are especially sensitive and which both countries have been peculiarly careful to safeguard.

That is the construction which was placed upon this treaty, and if the President of the United States and those who advocate this proposition as contained in the messages and debates would put into the repeal bill such a provision as the Senator from California has offered in this matter, the Senator from Nebraska would not be in a position to take the position which I understand he desires to take in regard to it; but you are up against a case which another man made for you—you are going into another gentleman's parlor to be entertained according to the views of another.

Mr. NORRIS. Mr. President——

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

Mr. BORAH. I yield.

Mr. NORRIS. I do not believe that I am going into the other man's parlor.

Mr. BORAH. That is what the fly thought.

Mr. NORRIS. But there were a good many flies that did not get into it. It may be that I will be fooled like the fly, but it seems to me that those of us who believe that the exemption of American vessels from tolls at Panama is wrong economically can vote for the repeal of the law without subjecting ourselves to the criticism that we are voting for the bill on the ground the President gives in his message. I will say to the Senator that one of the first things I did when the bill came to the Senate was to introduce an amendment, which I expect to offer, that sets forth my views upon the question. I recognize the embarrassing position we are in—that is, that we may vote for it for one reason and be criticized for voting for it for an entirely different reason.

Mr. BORAH. The Senator from Nebraska would not care about the criticism?

Mr. NORRIS. No.

Mr. BORAH. I know the Senator from Nebraska, and the Senator from Nebraska would not care about criticism if he was voting according to his convictions. But that is not the point. It is not the fact that you will be criticized——

Mr. NORRIS. I understand.

Mr. BORAH. But it is the fact that you put a certain legal construction upon the treaty which we can not hereafter without much embarrassment get away from.

Mr. NORRIS. I understand the position the Senator takes, and I think there is a great deal in it, but it seems to me that when an amendment is offered like the one I have presented or the one presented by the Senator from California, though I do not think he goes quite as far as I do in the one that I presented, we put ourselves then on record as voting for the repeal on the ground that we believe it is the proper economic policy for our country to follow.

Mr. BORAH. The Senator from Nebraska protects his own vote upon that proposition, but the Senator from Nebraska does not prevent the legal effect of that vote in the construction of the treaty.

Mr. NORRIS. Now, assume——

Mr. BORAH. The Senator from Nebraska can not in the future say, "I individually voted against that; I had in mind the proposition that I was voting upon the economic question," because this vote will be judged by the vote of the United States Senate and the Congress as a whole, as a body, and we will have put that construction upon it and the individual identity of the Senator will be lost in the proposition. It is just the same as if you were sitting upon the bench, where you have had the honor to sit, with two other judges, and where you would have your view upon the matter, and the other judges decided it not according to your contention and your view of the law but according to the majority, and the majority decision was the law.

Mr. NORRIS. But that does not do away with the proposition, in my judgment, if we should amend this bill.

Mr. BORAH. Oh, yes.

Mr. NORRIS. That is what a number of us are trying to do, and I hope we will have the assistance of the Senator.

Mr. BORAH. I will just simply say that I am very fond, in this kind of a proposition, of taking mine straight. [Laughter.]

Mr. NORRIS. It will be a good way to take it straight. The fact is that if you do not amend it you have got a two-edged sword. You can say we voted for this amendment because of the international aspect; some other man can vote for it because of the economical aspect. It seems to me that those who believe like the Senator from Idaho—and I think, in the main, I agree with him on the proposition he has presented—ought to put the proposition up to the world so that there can be no doubt about it. If we pass this bill with the limitation I suggested on it, there can be no doubt then in the mind of anybody why it was passed.

Mr. BORAH. I think I would be willing to have an interview with the Senator to this effect: If an amendment is presented which eliminates beyond all question the English interpretation of it, I should be willing to vote for it on condition that if we did not adopt it the Senator would be willing to vote against the bill.

Mr. NORRIS. Let us make the agreement right now. That is just where I want to get. I am willing to make an agreement if the Senator has no objection.

Mr. BORAH. I have no objection to hearing the agreement.

Mr. NORRIS. In the place of the Simmons substitute, and in the place of the committee amendment, put in this proviso:

Provided, That the passage of this act shall not be construed as a surrender of the right claimed by the United States Government to regulate the traffic passing through the Panama Canal, by giving to vessels engaged in the coastwise trade of the United States, and other vessels of the United States and its citizens, either partial or total exemption from the payment of tolls when passing through said canal. The protest heretofore filed with the Government of the United States by the Government of Great Britain against such a construction of the treaty of November 18, 1901, between said Governments, commonly known as the Hay-Pauncefote treaty, is hereby recognized as presenting an international question suitable and proper for settlement by arbitration.

Mr. BORAH. If the Senator leaves out the question of arbitration, I would vote, I think, for the other proposition. But permit me to say that I will not vote to arbitrate any question under any treaty we have which in my judgment involves the question of the sovereign powers of our Government.

Mr. NORRIS. I am trying to reach an agreement with the Senator. Suppose we limit the amendment to the first paragraph I read and say nothing about arbitration. Would that amendment be satisfactory?

Mr. BORAH. I think it would.

Mr. CUMMINS. Mr. President——

Mr. BORAH. I only want to say that I am listening to the Senator reading and, of course, can not pass entirely upon the effect, but I would vote for any amendment if the amendment eliminates the British construction of the treaty if the Senator would join the American forces and vote against the repeal of the act. I will vote for any amendment which will eliminate beyond all question the contention that the Hay-Pauncefote treaty in any way interferes with our right to pass our ships through the canal.

Mr. NORRIS. I will be glad to vote for that amendment.

Mr. CUMMINS. May I make a suggestion?

Mr. BORAH. And if that fails, will the Senator vote against the bill?

Mr. NORRIS. I will agree to furnish several votes to do that, providing the Senator will agree to furnish the same number of votes that will vote for the bill in case we adopt the amendment.

Mr. BORAH. I think that is perfectly safe.

Mr. SMITH of Michigan. Let a call be made for volunteers.

Mr. BORAH. I yield to the Senator from Iowa.

Mr. CUMMINS. Before that agreement is made, the Senator from Nebraska has incorporated in his amendment one phase of this controversy. He has proposed that this legislation shall not have the effect, if adopted, of putting a construction upon the treaty with regard to our coastwise trade.

Mr. BORAH. The Senator from Iowa will observe that I did not put that limitation on it.

Mr. CUMMINS. I did not hear it.

Mr. NORRIS. Let me read it again:

Provided, That the passage of this act shall not be construed as a surrender of the right claimed by the United States Government to regulate the traffic passing through the Panama Canal by giving to vessels engaged in the coastwise trade of the United States and other vessels of the United States and its citizens either partial or total exemption from the payment of tolls when passing through said canal.

Mr. CUMMINS. I did not hear the last part of it.

Mr. NORRIS. I recognize that in this law we are seeking to repeal the exemption of tolls on the coastwise trade, and that is only one of the features that is involved, and that has taken up most of the discussion.

Mr. BORAH. I am very glad to have the view of the Senator from Nebraska, and I apologize to the Senator from Utah [Mr. SUTHERLAND] that I have kept him waiting. I yield to that Senator.

Mr. SUTHERLAND. Mr. President, we have rather gotten away from the point I had in mind. I wanted to suggest to the Senator from Idaho that this question would not have been here at all, at any rate not now, except for the British claim as to the construction of the treaty. That is why the question is here. The President very emphatically in his address concludes by saying:

> I ask this of you in support of the foreign policy of the administration. I shall not know how to deal with other matters of even greater delicacy and nearer consequence if you do not grant it to me in ungrudging measure.

Therefore, the appeal of the President is to repeal this law because we had no right to pass it, and if we accede to that request on the part of the President I for one do not see how we can contend in another year or two years that we have the right, because that would be manifestly to adopt a mere temporary expedient for an escape, real or fancied, from some diplomatic difficulty which now confronts the administration.

Mr. NORRIS. We would have to go to the bill for the reason——

Mr. SUTHERLAND. My point is, if we vote for it we vote in the estimation of the world and in the estimation of Great Britain that we are without rightful power to make the exemption, and Great Britain can say to us with justice if we undertake to reimpose this exemption that we have not been candid.

Mr. NORRIS. Perhaps we could put some limitation in the bill.

Mr. SUTHERLAND. Great Britain could say with justice you have at the behest of your President accepted our view of it. We have done something in consideration of your yielding that point, and you can not now turn about and repeal it and adopt another construction.

Pardon me a word further. I would prefer the amendment which the Senator offers if it were put in an affirmative form; that is, not only that nothing herein is to be construed as surrendering the right, but that on the contrary we affirmatively assert the right.

Mr. NORRIS. I would be very glad to do that. The only object I have is to reach the same point, and I can modify it to meet the very difficulty the Senator suggests.

Mr. CUMMINS. Mr. President——

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

Mr. BORAH. I do.

Mr. CUMMINS. Just a moment. In this very friendly understanding, how will the Senator from Nebraska take care of those of us who believe that we ought not to allow our own ships to go through free, but who do not believe that we ought to charge our own ships as much as we charge foreign ships? So far as I am concerned, while I doubt the economic policy of allowing commerce to pass through the canal free, it is to me in the highest degree unjust to burden that commerce with the same charge that we have put upon foreign commerce.

Mr. BORAH. I think the Senator's amendment would leave that entirely at our discretion.

Mr. NORRIS. I will simply say that I think the Senator from Iowa can be assured on that proposition.

Mr. CUMMINS. But, together with the amendment proposed by the Senator from Nebraska, we repeal the exemption provision and we also repeal the authority given to the President to charge less upon American ships belonging to American citizens than is charged to foreign ships belonging to foreign citizens.

Mr. BORAH. But it does leave to us entirely in future the proposition of a readjustment.

Mr. CUMMINS. Undoubtedly; but as an economic policy I am not in favor of repealing the exemption and repealing the exception, although I am in favor of putting some burden upon the coastwise commerce and upon foreign commerce carried in American ships.

Mr. BORAH. I desire to pass from the subject of the title with this observation in conclusion, that in my opinion there is no condition in this title whatever by reason of the fact that there is found in the Panama treaty, article 18, with reference to its being opened in accordance with the Hay-Pauncefote treaty. That does not inhere in the title and attach to it or impose any condition. If conditions should arise by which we should violate that treaty justly, or if we should, out of our own purpose—it would be a dishonorable and unjustifiable thing to do, and a thing which we never would do—it would not affect the title to the canal.

Mr. POINDEXTER. Mr. President——

Mr. BORAH. I yield to the Senator from Washington.

Mr. POINDEXTER. I should like to ask the Senator from Idaho for his opinion as to whether the clause in the Panama treaty that the canal shall be opened in accordance with the Hay-Pauncefote treaty, whatever force is given to it, would give any additional right or set up any terms or establish any condition with reference to the operation of the canal which Great Britain could, by virtue of our treaty with Panama, insist upon.

Mr. BORAH. Certainly not.

Mr. POINDEXTER. Making my question a little clearer, I want to get the opinion of the Senator in the RECORD on that point. Conceding, for the sake of argument, that the Hay-Pauncefote treaty, although by its terms it includes the United States with the other nations to be affected by these rules—and I am inclined to think when it specifies the conditions applying to belligerents such language used there necessarily includes the United States—it seems to be so absurd in its practical working that it has been abandoned by Great Britain herself, and that abandonment is based upon the proposition that the conditions have changed from those which were contemplated at the time the Hay-Pauncefote treaty was negotiated, that having acquired sovereignty over the Canal Zone, these rules, for that reason, do not include the United States. Now, if we have been relieved of any obligation or any burden which might have been imposed by the Hay-Pauncefote treaty because of that change of position in the acquirement of the sovereignty, are those conditions reimposed?

Mr. BORAH. Certainly not. It is a condition no one could take advantage of by forfeiture, and that has no place in this debate so long as the only party that could complain is not complaining.

Now, Mr. President, one other matter, briefly, before I sit down. There has been in this debate from the beginning what is called a question of good faith, or, rather, the proposition of bad faith upon the part of the United States generally toward its treaties. It has been quite freely circulated throughout the country, it has been stated here upon the floor of the Senate directly, indirectly, by suggestion, and by innuendo that the United States is noted for its disregard of treaties; that it stands quite the pariah among the Nations of the earth as unwilling to abide by any contract which it makes; and that it has justly acquired the reputation of being a bad, dishonest merchant, as it were, making contracts which it does not propose to fulfill.

This proposition, Mr. President, was first taken up by the English press. I do not want to be understood as assailing the great English nation or of doing that which would be considered as attacking Great Britain in mere virulence or feeling or passion, but I do want to call attention, Mr. President, to a few facts not for the purpose of criticizing Great Britain, but that we may know something of the reputation, the history, and the character of the United States for its assiduous regard for its treaty obligations.

Early in this controversy the Saturday Review, a very able paper published in England, said:

> We can not expect "to find President Taft acting like a gentleman." "To imagine," it says, "that American politicians would be bound by any feeling of honor or respect for treaties, if it would pay to violate them, was to delude ourselves. The whole course of history proves this."

The Morning Post, another paper, says, speaking of various infractions of treaties:

> This is surely a record even in American foreign policy, but the whole treatment of this matter serves to remind us that we had a long series of similar incidents in our relations with the United States. Americans might ask themselves if it is really good foreign policy to lower the value of their written word in such a way as to make negotiations with other powers difficult or impossible. The ultimate loss may be greater than the immediate gain. There might come a time when the United States might desire to establish a certain position by treaty, and might find her past conduct a serious difficulty in the way.

An English author, with more of deliberation and more of reflection than possibly might be attached to an editorial, said:

> Treaties, in fact, only bind the polity of the United States as long as they are convenient. They are not really worth the labor their negotiation entails or the paper they are written on. It is as well that this position should be realized, as it may save a great deal of fuss and disappointment in the future.

I would not call attention to those articles, Mr. President, if it were not for the fact that they have been taken up in this country by the press, stated practically in the same terms and sometimes in a more modified way, sometimes by innuendo and

insinuation, but the atmosphere is permeated with the theory that the United States disregards its treaties.

Mr. LA FOLLETTE. Mr. President——

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

Mr. BORAH. Certainly.

Mr. LA FOLLETTE. Will the Senator give us the authorities which he quotes?

Mr. BORAH. The last authority I quoted from?

Mr. LA FOLLETTE. Both.

Mr. BORAH. The first authority was from the Saturday Review; the second authority was from the Morning Post, and the third was from a book by Sir Harry Johnston, entitled "Common Sense in Foreign Policy," page 89.

I say, Mr. President, that I would not call up these matters if they were mere expressions of the English nation. We all understand the diplomacy and the astuteness and the far-seeing genius of England in accomplishing what she desires to accomplish. She is a great, powerful, dominant nation. We owe much to her for our institutions, for our original conceptions of personal liberty. We take a vast amount of pride in her literature, and we are in no sense approaching England at this time, nor shall we approach her in the future, with a desire of estranging any real friendly relation which exists between us.

But these matters, Mr. President, have been taken up in this country. They have been circulated throughout the United States. The literature has been sent broadcast, and thousands and millions of our fellow countrymen who are personally honest and most regardful of their contracts and their personal honor, who attach the same rule to their Nation and would see the same rule observed for their Nation, believe that hidden away in the chambers of our State Department and ensconced in our archives there is an amount of evidence as to our national disregard for our treaty obligations. I have heard Senators here say, with a good deal of feeling—and, in fact, I have studied their emotions to see whether it was for the stage or really came from the heart—that we must reverse our position with reference to our regard for treaties. I heard a distinguished Senator a few days ago, with a good deal of emotion, say that unless we changed our policy with reference to regard for our treaties the United States was entering upon a perilous destiny.

I would be glad, Mr. President, if these distinguished Senators or others would arise now, while I am upon the floor, and give to me the instances in which the United States has disregarded her solemn treaties. I would be glad to have a specification of this gratuitous insult to the people of the United States.

On the other hand, Mr. President, I stand here to assert—and if any man arises to challenge my position I have undertaken to bring the facts to the desk—that Great Britain has never had an important treaty with us that she has not repeatedly violated, and that the difficulty and embarrassment of the United States at the present time arises out of the fact that she has forgiven violations and overlooked obsolete treaties and accepted too often treaties after they have been disregarded.

Mr. President, I am not going to go into any detail, but begin away back in 1783, the first treaty that we made with that nation. It was violated with such insolence and persistence that the United States, a weak and struggling Republic, was compelled out of self-respect to withdraw the elder Adams from St. James, and for 13 years upon the great northwest border she maintained her posts in violation of the treaty, to the loss of hundreds of lives of our citizens, encouraged depredations of Indians, dealing in our fur trade, and taking advantage of our commerce, and refusing to account for the property which was carried off in violation of the treaty.

I quote here a letter from Benjamin Franklin, written to the President of the American Congress:

SIR: With respect to the British court, we should, I think, be constantly upon our guard, and impress strongly upon our minds that, though it has made peace with us, it is not in truth reconciled either to us or to its loss of us, but still flatters itself with hopes that some change in the affairs of Europe, or some disunion among ourselves, may afford them an opportunity of recovering their dominion, punishing those who have most offended, and securing our future dependence. * * * In these circumstances we can not be too careful to preserve the friendships we have acquired abroad and the Union we have established at home, to secure our credit by a punctual discharge of our obligations of every kind, and our reputation by the wisdom of our councils, since we know not how soon we may have a fresh occasion for friends, for credit, and for reputation.

Thomas Jefferson, in a letter to George Hammond, minister plenipotentiary to Great Britain, under date of December 15, 1793, said:

The provisional and definitive treaties, in their seventh article, stipulated that "His Britannic Majesty should, with all convenient speed, and without causing any destruction or carrying away any negroes or other property of the American inhabitants, withdraw all his armies, garrisons, and fleets from the said United States and from every port, place, and harbor within the same."

But the British garrisons were not withdrawn with all convenient speed, nor have ever yet been withdrawn. * * *

The British officers have undertaken to exercise a jurisdiction over the country and inhabitants in the vicinities of those forts. And they have excluded the citizens of the United States from navigating, even on our side of the middle line, of the rivers and lakes established as a boundary between two nations.

By these proceedings we have been intercepted entirely from the commerce of furs with the Indian nations to the northward—a commerce which had ever been of great importance to the United States, not only for its intrinsic value, but as it was the means of cherishing peace with those Indians and of superseding the necessity of that expensive warfare we have been obliged to carry on with them during the time that these posts have been in other hands.

By this treaty of 1783 England was to withdraw with all convenient speed, and without carrying away any negroes or other property, her armies and garrisons from the United States. She deliberately resolved not to carry out these stipulations. She found the Northwest posts convenient for trade, and thereafter, in flagrant violation of the treaty, refused to give them up. She also refused to make compensation for the negroes which her armies, in violation of treaty, had carried away. In addition to this and in order to make it less difficult to violate the treaties, she contemptuously refused to send a minister to this country. We had the self-respect to recall our minister, John Adams, and were compelled to witness her exercise of sovereignty over the Northwest and see her continue to stir up the Indians without a word of explanation. Gouverneur Morris, who was in London at this time, wrote to Washington that "they intend to keep the posts and without payment for negroes." England procrastinated and dallied and acted with the greatest disregard of our rights and never did live up to the treaty and in accordance with it. These things were in a measure elements in bringing on the War of 1812.

The action of the United States under such treatment was dignified but determined, and finally she secured her rights.

Mr. NELSON. Mr. President——

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

Mr. BORAH. I yield.

Mr. NELSON. What I desire to say to the Senator from Idaho is that exactly the same thing which the Senator describes as to the northwestern territory occurred on the line of the Great Lakes and the St. Lawrence. The English never surrendered their military posts nor withdrew their commercial agents from that territory until after the peace which resulted from the War of 1812.

Mr. BORAH. Take the treaty of 1815. Mr. Gallatin informs us that at the time of the making of this treaty the English commissioners handed us a statement to the following effect:

We do not admit Bonaparte's construction of the law of nations. We can not accept it in relation to any subject matter before us.

The effect of this note was not appreciated at the time. But Mr. Pitt, Mr. Grenville, Lord Liverpool, and others had denied at all times the right of Napoleon to sell Louisiana to us, and had it not been, as it now clearly appears, that Jackson defeated so signally Packenham at New Orleans we would, through this deceptive note, have been compelled to deal with the question of our title to Louisiana. In addition to that, this treaty was violated in other respects for a number of years. The United States dealt with the matter as becomes a nation regardful of its honor and anxious to abide by its contract even when the other contracting party is derelict. In fact, sir, the War of 1812 was brought on through treaty violation.

Take the treaty of 1850, which I am not going to discuss today, but I am going to discuss it a little later with reference to its violation by Great Britain and with reference to the United States nevertheless dealing with it as having vitality when it came to take up the Hay-Pauncefote negotiation.

Take the treaty of 1871 with reference to the Welland Canal. For 21 years England insisted upon such an interpretation of that treaty as would enable her to favor her coastwise trade, notwithstanding the language of the treaty; and never until this day has she conceded the rights of the United States as a treaty obligation. Every single treaty that we have ever had with that great nation has undergone the same treatment at the hands of the United States. I can not recall a single instance in which the United States took advantage of those violations or disregarded its treaty obligations because of them.

I undertake to say, Mr. President, that there is no justification and no warrant for the charge that the United States is disregardful of its treaty obligations. There is not to be found in our history from the beginning anything which could give rise to such a charge. I do not contend that there have not been differences about treaties such as will necessarily arise between nations under any circumstances, but in no instance

have those disagreements or misunderstandings arisen other than in a friendly way in interpreting the treaties as we are seeking to do to-day. The United States to-day—and I venture to say it without fear of successful contradiction—stands before the nations of the earth more sensitive with regard to her treaty obligations—I will not say "more sensitive," because that would perhaps be considered an invidious comparison—but as regardful of her treaty obligations as any other nation upon the face of the earth. It is a vicious, cowardly, pharisaical charge to lay at her door the indictment which has been made by her own citizens in this controversy. They belong to that class of citizens who feel the exhilarating effect or are swayed by the scintillating flavor of English notice; they add neither respect at home nor give standing abroad, for no man respects another who dishonors his home, and no nation or people respects one who impeaches without cause his own nation.

Mr. President, in justification of the defense of my own country and the honor of my own Government, let me call attention to another matter. In all of our treaties there is a clause of amity, of peace, and friendship.

In 1795 we ratified a treaty of amity, the first article of which declared:

> There shall be firm, inviolable, and universal peace and a true and sincere friendship between His Britannic Majesty, his heirs and successors, and the United States of America, and between their respective countries, territories, cities, towns, and people of every degree without exception of persons and places.

Article 1 of the treaty which closes the War of 1812 reads as follows:

> There shall be a firm and universal peace between His Britannic Majesty and the United States and between their respective countries, territories, cities, towns, and people of every degree without exception of places or persons.

Notwithstanding these provisions, who will not recall in these days of unjust and unwarranted charges against the honor and integrity of this Government the fact that when it was dissevered and broken, when we were struggling with a terrific civic strife, when the question was whether or not the Republic would live, under the protection of the British flag ships were constructed and let loose to prey upon American commerce. Who will forget the moderation, the tolerance, the patience with which the sainted Lincoln observed the treacherous and duplicitous action of this great and powerful nation when we were upon the verge of destruction? And who can recall the history of this duplicitous transaction without passing an encomium upon the great Republic of the West?

Mr. President, England is a great, proud, strong, dominant nation. She is masterful in her resources, in her industrial wealth, in her intellectual power and her statesmanship. Her public men elicit our pride and engage our constant study. Her wealth of literature and the growth of her institutions are a never-ending source of pleasure and instruction to all men—she is English, but nevertheless England has never in all her virile history yielded a right or forfeited an advantage out of mere courtesy or consideration or in behalf of the so-called theory of international peace. We, of course, want no quarrel or strained relation with her or with any other power. But I protest most respectfully but most earnestly against this constant profession upon our part of shame and contrition for things which we are supposed to have done, but which as a people we have not done. Why this self-abasement, this vaunting humility, this constant bowing obsequiousness, this perennial, never-ending intimation of self-disparagement? Why is it necessary to stand before all nations on the earth lacerated with our own lashes? It is weak, it is cowardly, it elicits respect from no nation whose respect is worth while. It does not insure peace. It is not calculated to enhance friendly relations with other powers. We want to be just and honorable, but we want to retain our own self-respect. We are bound in good conscience and in all decency to be upright, but we are bound also to protect American property and American interests. Whatever is justly due under the contract made should be given, but I refuse to accept the proposition that we should sacrifice the rights of 90,000,000 of people out of a question of supposed courtesy to another nation.

But in a discussion where the subject of violation of treaties are concerned England should approach the bar in modesty and humility. Her record will not permit her to be imperious or critical—she should hesitate to lay charges of misconduct at the feet of other powers.

Now we stand here to-day not with a purpose to disregard a treaty, but contending for what we think is the right of the American people with reference to this canal. Such action can only be interpreted as a disregard for treaty obligations by those who would induce us to yield up something which the treaty does not call for.

Mr. President, I had intended to-day to go into particular detail with reference to the Clayton-Bulwer treaty upon this particular subject, but the lateness of the hour and the contention which has been had with reference to discussing other matters rather persuades me that I ought not to do so. But if the occasion presents itself, I am going at some time to present to the Senate the history of the Clayton-Bulwer treaty from two standpoints—first, to show how sedulously the United States adheres to every obligation which she makes in a treaty regardless of the manner in which that treaty is dealt with by the other signatory powers. The history of the Clayton-Bulwer treaty itself is an interesting history; and it is the highest compliment that could be paid to the United States for its sensitive regard for national honor. Secondly, I shall present the history of that treaty for the purpose of showing what consideration passed into the Hay-Pauncefote treaty upon the part of Great Britain. What did she have to put into that transaction? She had an obsolete and thrice-violated treaty.

Mr. THORNTON. Mr. President, if no other Senator desires at this time to address the Senate on the pending question, I ask that the unfinished business be temporarily laid aside.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the unfinished business is temporarily laid aside.

AGRICULTURAL APPROPRIATIONS.

Mr. GORE. Mr. President, I ask that the agricultural appropriation bill be laid before the Senate.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13679) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1915.

The VICE PRESIDENT. The pending amendment is the amendment offered by the Senator from Nevada [Mr. PITTMAN], which will be stated.

The SECRETARY. On page 30, it is proposed to strike out line 25, in the following words:

> Chugach National Forest, Alaska, $16,330.

Mr. PITTMAN. Mr. President, the reason for the offering of this amendment is that there has been a bill favorably reported to this body from the Committee on Territories for the abolition of this reserve. The same facts will be presented to the Senate on this question as would be presented on the question of the consideration of the bill providing for the abolition of the reserve. If in the opinion of the Senate the facts justify the abolition of this reserve, then Senators will vote for this amendment and subsequently vote for the passage of that bill. If those facts do not justify the subsequent passage of the bill abolishing the reserve, the Senate will vote against this amendment and will undoubtedly subsequently vote against the passage of that bill. It is therefore considered advisable to present this question at this time, when there is an appropriation provided for the upkeep of this reservation. In this behalf I ask that the bill for the abolition of this forest reserve be read, together with the report of the Committee on Territories thereon.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read the bill (S. 1887) to annul the proclamation creating the Chugach National Forest and to restore certain lands to the public domain, as follows:

> *Be it enacted, etc.*, That the proclamation of the President of the United States made upon the 18th day of September, in the year 1907, withdrawing from the public domain certain lands and creating the Chugach National Forest shall be annulled.
>
> SEC. 2. That the lands contained in said Chugach National Forest, and not embraced in any other withdrawals, reservations, or appropriations, shall be and are hereby, restored to the public domain and become subject to settlement, appropriation, and disposition under the provisions, conditions, and restrictions applicable to such lands on such date and after such notice, by publication, as the Secretary of the Interior may prescribe; and no person shall be permitted to gain or exercise any right whatever on any occupation or settlement begun prior to such date, and all such occupations and settlements are hereby forbidden.
>
> SEC. 3. That this act shall in no way affect lands withdrawn for the conservation of coal.
>
> SEC. 4. That the present officers and agents of the Forest Service in charge of said Chugach National Forest shall be authorized to complete any contracts and settle up any unfinished business relative thereto.

The Secretary also read report No. 508 of the Committee on Territories, submitted May 12, 1914, as follows:

> Mr. PITTMAN, from the Committee on Territories, to whom was referred the bill (S. 1887) to annul the proclamation of the President of the United States made upon the 18th day of September, in the year 1907, withdrawing from the public domain certain lands and creating the Chugach National Forest, begs leave to report it back with the recommendation that it do pass.
>
> The committee had a complete hearing on the matter involved in this bill during the hearings on the Alaska railroad bill. Mr. Henry S. Graves, Forester and Chief of the Forest Service, testified fully with

regard to the matter. From such testimony the committee finds the following facts:

The reserve contains 11,000,000 acres and blankets the whole coast of Alaska from Cook Inlet to Controller Bay. It contains only 8,483,000,000 feet of timber, which amounts to only 771 feet per acre. The timber is of an inferior grade, is unfit for export, and can not compete with the timbers of the United States. The only demand for such timber is for purely local use by prospectors, miners, and farmers in the development of the Territory. The amount of such timber annually used for such purposes will have little effect in diminishing the quantity of such timbers. The total amount sold by the Government during the last year for which we have report was only $4,037.18. The Forest Service seeks an appropriation of $16,000 in the pending agricultural appropriation bill for the maintenance of such reserve. The forest serves no purpose for the protection of watersheds, as the watersheds consist of eternal glaciers. The services of the Forest Service are not required to prevent the destruction of the forests by fire, because of the excessive rainfall prevalent in this region.

By reason of such facts, the committee believes that the maintenance of the said forest reserve conserves no good public purpose, while it is an interference with the proper administration of the other land laws of the United States, with the development of the Territory, and is an unnecessary expense to the Government.

Mr. PITTMAN. Mr. President, I realize that in asking for the abolition of this forest reserve and in seeking to prevent an appropriation for its upkeep, I will be subjected to the suspicion of attacking a well-known conservation policy. I therefore feel that I am in duty bound to explain that I am not opposed to conservation; that I am not opposed to the conservation of our timber for the various purposes for which such timber is supposed to be conserved.

I want to impress upon the Senate that the conditions existing in this forest reserve are entirely different from those existing in most of the forest reserves of the United States. The forest reserve in Alaska does not serve the purpose of protecting a watershed for agricultural purposes, because those watersheds are covered with glaciers, which furnish an absolute supply of water practically at all times of the year. In Alaska forest reserves are not necessary for the protection of the watershed for another reason, namely, that there is such a great rainfall in that portion of Alaska that irrigation is never used in connection with agricultural pursuits; in fact, the problem will be to get away from an excess of water.

I believe that it will enlighten the Senate better to read a little of the testimony given by the Chief Forester of the United States with regard to the quantity and the character of the timber. I read from page 421 of the hearings, the testimony of Mr. Graves. The question was asked by Senator JONES:

Senator JONES. While those reasons, I can readily understand, might apply as the general policy, as to the particular situation those reasons might not apply. As I say, the committee was attracted by the statement made by Mr. Baldwin, who claims to know what he is speaking about, and who lives within the limits of this reserve. He says this—

Mind you, the attention of the Chief Forester is called to this statement of Mr. Baldwin:

This reserve covers thousands of square miles along the southern coast, more than 90 per cent of which is utterly destitute of timber, being barren slopes, glaciers, and mountains above timber line. Less than 10 per cent is covered with a scattering growth of spruce, hemlock, and cottonwood of inferior quality, practically all mature and largely supermature. Not a foot of this timber will ever be exported. In fact, a large part of the lumber used within the limits of this reserve is shipped from Puget Sound.

Mr. WARREN. Will the Senator allow me there?

Mr. PITTMAN. Pardon me, until I finish reading this.

Mr. WARREN. I thought the Senator was going to read from the testimony of Mr. Graves.

Mr. PITTMAN. I am reading from the testimony of Mr. Graves at page 421.

Mr. WARREN. The Senator is reading a statement from another party altogether.

Mr. PITTMAN. If the Senator will kindly let me proceed, he will see that I am reading from the testimony of Mr. Graves.

Mr. WARREN. I have a copy of the testimony here, from which it appears that the Senator is reading from Mr. Baldwin's report.

Mr. PITTMAN. I beg to differ with the Senator. This is a statement that is being submitted to Mr. Graves for his answer; it is a part of the question of Senator JONES:

"It is only useful for local needs, and should be used by our people without undue restriction.

"Forest reserves are supposed to be created to provide timber for future generations, to attract rainfalls, to regulate stream flow, to prevent forest fires, and provide Government revenue.

"Let us take up these propositions in turn.

"First. What is the use of preserving timber that is falling down and rotting of old age for future generations?

"Second. As to rainfall, the area embraced within the limits of this forest reserve receives a rainfall of from 70 to 120 inches per annum. As over 90 per cent of this reserve is destitute of timber and the treeless Aleutian Islands to the west of us receive more rains than we do, the idea that the cutting of the timber needed by our people will have any effect upon rainfall is utterly absurd, etc."

I would just like to hear what you have to say in reference to that statement and suggestions made there by Mr. Baldwin.

Then comes the answer of Mr. Graves to that question:

Mr. GRAVES. That is a question of fact in regard to the extent and condition of the forest. As to the extent, I can only tell you what our reports show in the matter of the acreage it covers. There are 4,000,000 acres; a considerable portion of that undoubtedly is timber more or less patchy; it is not in a solid, compact body. As to the question of this all being matured, or overmatured, our records show that that is not the fact, but that there is a good deal of immature younger trees coming on. It has occurred to me that it might be of interest to the committee to see some photographs which were submitted with the report recommending the western addition.

Such was the answer made by the Chief Forester to the charge made by Mr. Baldwin, a resident for many years of the Chugach Forest Reserve.

Now, let us see further what Mr. Graves has to say on page 438 of the hearings. This is as to the character and amount of the timber:

Senator CHAMBERLAIN. Could you make an estimate or have you ever made an estimate in round numbers as to the amount of merchantable timber within that reserve?

Mr. GRAVES. The latest figures—I have not got the report on which that is based—show that there are about 3,000,000,000 feet of mature and overmature timber reasonably accessible.

Mind you, only "about 3,000,000,000 feet of mature and overmature timber reasonably accessible."

Senator CHAMBERLAIN. On the 11,000,000 acres within the reserve?

Mr. GRAVES. Yes; and that the less accessible timber, including the timber which is classed as immature, but which is big enough for use, there is somewhere between 20,000,000,000 and 30,000,000,000 feet.

Senator JONES. I think Mr. Greeley said the other day that there was about 28,000,000,000 feet, estimating an average of 7,000 feet an acre for 4,000,000 acres.

Mr. GRAVES. About 3,000,000,000 feet of that is what would be classed as reasonably accessible. I have not the reports on which those figures were given. They came in connection with another official report which we have called for, looking to the estimates of all the timber in the national forests.

Now, let me call attention to this: Mr. Graves, in giving this testimony, places the total timber, including that which is accessible and that which is not accessible, that which is mature and overmature and not mature, between 20,000,000,000 and 30,000,000,000 feet. Mr. Graves has gone to Alaska since that time for the purpose of investigating conditions and reporting to this committee. The committee, under date of December 20, 1913, received a letter from Mr. Graves, after he had returned from Alaska. Unfortunately I have left that letter either at my office or at my house, but I will introduce it in the RECORD later. That letter, which is addressed to the committee, asks leave to correct his testimony as given in the hearings which I have just read. In this letter, which is written after a personal examination by him of this forest reserve, he states that he was in error in testifying that there was between twenty and thirty billion feet upon that forest reserve, and that a careful estimate makes it only 8,000,000,000 feet; in other words, his testimony that I have just read was an exaggeration of nearly four times the actual facts. If he states 3,000,000,000 feet out of 30,000,000,000 feet as accessible—in other words, practically one-third of it—we would have one-third of 8,000,000,000 feet as the accessible timber in all that 11,000,000 acres of forest reserve.

Does it not occur to Senators how absurd it is to attempt to protect that straggly little timber on over 11,000,000 acres of land, covering a barren coast of Alaska, which can never have any commercial value? It means less than a thousand feet of board measure to the acre; in fact, it means less than 500 feet of board measure to the acre. There is no inducement to anyone to go in there and attempt to gobble up that timberland, even if there were a law permitting such a thing; but I may state here, in passing, that there is no law in Alaska permitting a man to enter timberlands for timber.

Now, let us see what Mr. Langille, who made a report on this same territory for the Forestry Bureau, says. Here is what Mr. Langille says about that timber up in that country:

In a region so remote from the centers of civilization, its resources undeveloped, its inhabitants scattered throughout an almost untrammeled wilderness, wrestling with untoward circumstances in an effort to reduce to the needs of mankind a land which offers so little and demands so much, the question of creating a forest reserve does not present the arguments usually brought up where the preservation of watersheds and the conservation of the water supply is so vital to the interests of all the people, and it seems a far-fetched idea to seriously contemplate forest preservation where there is so little apparent need of it and so little to preserve.

That is the report of Will Langille, upon which the Chugach Forest Reserve was created.

Take that in connection with the testimony of the Chief Forester, that on that whole 11,000,000 acres of forest reserve there are only 8,000,000,000 feet of lumber. On 11,000,000 acres there are only 8,000,000,000 feet of lumber, including mature, overmature, and undermature timber—less than 500 feet of board measure per acre.

Now, let us take the testimony of Mr. Steele, a resident of Alaska, which was given in the presence of the representatives of the Forestry Department. It will be found at page 334. Here is what Mr. Steele says, questioned by Judge WICKERSHAM:

Mr. WICKERSHAM. Do you know what proportion of lumber in that country is imported, brought up from the south?

Mr. STEELE. I can only relate my own experience. In the past seven years I have used up there approximately three-quarters of a million feet of lumber in all kinds of buildings, in the construction of wharves, etc., and I have used of that three-quarters million feet less than 10,000 feet of domestic lumber, because we found it had no value to us. We could not use it.

Mr. WICKERSHAM. Why? Because it has no substance or strength to it?

Mr. STEELE. No substance and no tensile strength. Even for our sidewalks and for interior finish and for rough lumber we use outside lumber.

Senator JONES. In other words, this timber is not suitable for building purposes?

Mr. STEELE. I would not give you 5 cents a thousand for it for building purposes. Our experience, Senator, was this: We first put up a little powder house at Prince William Sound, constructed of boards, doubling the boards, leaving cracks about 4 inches in width between the first tier of boards, then battening these cracks with 12-inch boards, and whenever we would get a driving rainstorm the rain would go right through those boards.

The next testimony on the subject of the character and amount of timber there is found at page 339 of the hearings. This is the testimony of Mr. Greeley, who was sent by the Forestry Department to testify as to the reasons for the creation and the continuance of this forest reserve. He was sitting there at the time Mr. Steele gave the testimony I have just read, and Mr. Greeley was then interrogated by Senator JONES, of the committee, as follows:

Senator JONES. You heard the statements of Mr. Steele with reference to that, did you not?

Mr. GREELEY. Yes.

Senator JONES. Do you think his statement was substantially correct?

Mr. GREELEY. I think it is substantially correct that it is not as strong as the timber in the Pacific Coast States, but I do not admit it is not usable for a good many purposes for construction.

Now, I want to give you the testimony of Dr. Brooks, in charge of the Geological Survey for Alaska, a man who has been in that country for years and who probably knows more about it than any other man in the Government service to-day. His testimony will be found at page 527. Senator WALSH, of the committee, is interrogating Dr. Brooks:

Senator WALSH. I should like to know whether it is so abundant and so placed as to invite the appropriation of the lands for the timber that there is on it, with a view to manufacturing and selling it?

Mr. BROOKS. No, sir; there is no timber in the Bering River field that has any value whatever except for the local use.

Senator WALSH. You could not manufacture it and export it?

Mr. BROOKS. No; I speak without reserve on that point. The only danger that I foresee there on the question of timber in that coal field is that some man—I do not know under what law—might take up certain tracts of timber and thus come close to monopolizing the supply that was needed for mining.

Next I want to refer to the testimony of Mr. Piper, the representative of the Department of Agriculture, who was sent to Alaska for the very purpose of examining the Chugach Forest Reserve, and who testified before the committee. His testimony is found at page 554. Here is what Mr. Piper has to say about the Chugach Forest Reserve:

The CHAIRMAN. Mr. Piper, do you know anything as to the grass land in the interior of the Kuskokwim Valley?

Prof. PIPER. I have no information about that valley.

Senator WALSH. You are familiar with the region covered by the Chugach Forest Reserve, are you not?

Prof. PIPER. I have been over the western portion of it pretty thoroughly and have been at various parts along the coast of the southern and eastern portions.

Senator WALSH. Describe for us the timber in the western portion of the Kenai Peninsula. You have told us about the timber on the eastern shore of Cook Inlet.

Prof. PIPER. The only timber I have seen along this eastern side [indicating] is a little timber along the shore. I am sure all that exists is close to the shore, except in the neighborhood of Seward. The timber about Seward is, I think, about the best timber that I saw north of Yakutat.

Senator JONES. That is not in the reserve, is it?

Prof. PIPER. No; Yakutat is not.

Senator JONES. I mean about Seward?

Prof. PIPER. Seward is not in the reserve. My recollection is that the amount of timber along the southern coast of the Kenai Peninsula is very small.

Senator WALSH. That is the southern portion of the Kenai Peninsula?

Prof. PIPER. That is the southern portion of the Kenai Peninsula. In the interior it is composed of fairly high mountains covered with snow and glaciers.

Senator WALSH. Our information is that it is not in the reserve.

Prof. PIPER. This portion [indicating]?

Senator WALSH. Yes.

Prof. PIPER. I am not familiar with the boundaries of the reserve.

Senator WALSH. Will you go on and tell us about the remainder of it?

Prof. PIPER. My recollection is that there is more or less timber—usually less—on most of these islands in Prince William Sound. I do not remember any timber about Valdez—a very small quantity surely, at most. In fact, my recollection of the whole south coast of the reserve is that there is a thin fringe of timber which does not extend any distance back from the shore line.

Mr. WICKERSHAM. The mountains approach very near to the sea?

Prof. PIPER. The mountains approach very closely.

The CHAIRMAN. What is the character of that timber?

Prof. PIPER. It is a spruce timber, mostly, and some hemlock. I would consider none of the timber fit for saw timber, although perhaps my criterion is not a fair one. I am thinking of Puget Sound timber as a criterion. Certainly there is no timber in the Chugach Reserve region which I saw which could be compared to the Puget Sound timber, except some of it about Seward. I doubt if anywhere, unless timber were very scarce, that it would pay to cut those logs into boards.

That is the opinion of the representative of the Agricultural Department sent there for the purpose of examining into this forest reserve.

From those witnesses we have gained an idea of this forest reserve. In the first place, there is not sufficient forest there to warrant the Government in attempting to preserve it. Now, let us see what the uses were with regard to this.

On page 431 Mr. Graves testifies as to the reason of the creation of this forest reserve:

The CHAIRMAN. And the miner in seeking stulls, or "props," as you term them, would naturally want to pick the strongest timber he could get for that purpose, would he not?

Mr. GRAVES. Yes, sir.

The CHAIRMAN. And a railroad company in construction work would want to get strong, heavy ties?

Mr. GRAVES. Yes, sir.

The CHAIRMAN. That would be more apt to be the matured timber, would it not?

Mr. GRAVES. Yes, sir. In some cases it might be the matured timber and in some cases it might not. It might be in some cases the matured timber would be larger than the actual requirements and middle-sized timber would be used.

Mr. POINDEXTER. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Washington?

Mr. PITTMAN. I do.

Mr. POINDEXTER. Will the Senator kindly inform us from what page of the hearings he is reading?

Mr. PITTMAN. Page 431.

Mr. LANE. I beg the Senator's pardon. In what year was this statement made?

Mr. PITTMAN. Last year. This hearing was held at the time we were having the hearings about railroads in Alaska.

The CHAIRMAN. If the immature timber, being a few years younger than some of the others, was apparently the same size——

Mr. GRAVES. It would probably be mostly classed as matured timber. I was thinking more of the size.

The CHAIRMAN. You have no objections to the railroad company using this timber for ties in the advancement of its line through that reserve?

Mr. GRAVES. No, sir; I think it would be an admirable thing to do. I think it would be a broad point of view for the Government to take, to assist in that direction.

The CHAIRMAN. You have no objection to the miner using that timber for props and stulls?

Mr. GRAVES. No, sir.

The CHAIRMAN. Who else uses it up there?

Mr. GRAVES. Not many people are using it up there. It is more for the future than local use.

Now we turn to Mr. Graves's testimony at page 429. So far the testimony shows that the only use of the timber up there is local use by people who are attempting to develop that territory. It shows that the only timber that would naturally be cut is the large, matured timber, such as he, as Chief Forester, is willing to sell them and does sell them. Consequently the character of cutting would be the same whether there was a forest reserve or whether there was no forest reserve.

Now let us turn to page 429 of the hearings. Mr. Graves is still giving his testimony. Senator WALSH is asking the questions.

Senator WALSH. And you would favor the amending of the forest-reserves act so as to permit railroads to exercise their right to take timber within the forest reserve free for construction purposes, just the same as——

Mr. GRAVES. I think that would be very proper in Alaska, because it is in line with the general feeling of everybody that the Government ought to assist in the development there in every way possible.

On page 465 Mr. Graves testifies further with regard to this matter, as follows:

The CHAIRMAN. Let us put it another way, then. There are a great many additional restrictions which do not exist with regard to the public domain under the general law. Is that not true?

Mr. GRAVES. There are some restrictions which do not exist under the public-land law, and which I think, in the main, ought to exist.

The CHAIRMAN. I am calling your attention to those, because the testimony shows what those restrictions are, and you have admitted them. You have the forest reserves; you have a reserve in which the timber has been used and is being used, and the only demand for the use of it is such as you yourself would permit. And I assume that would be the case all the time. As a general thing, the danger to a forest is that it will be gobbled up by the big institutions. Is that not true?

Mr. GRAVES. That is true in a great many cases.

The CHAIRMAN. If in Alaska the area of the timberland was simply withdrawn for location and just left open to general use by the public

generally there, that would avoid that danger, would it not? In other words, in the next two years you do not imagine that there will be enough people in Alaska utilizing that for local use to materially affect it, do you?

Mr. GRAVES. I do not think this is a question of a year or two years, Senator.

The CHAIRMAN. I am asking you about it. I am getting at it.

Mr. GRAVES. I do not think that in the next year or in the next two years the cuttings that will be made in there will be of any material, permanent harm to the forest.

The CHAIRMAN. It has not been very extensive since you have been there?

Mr. GRAVES. Not since that.

The CHAIRMAN. And yet you have granted all of that they wanted, have you not?

Mr. GRAVES. Timber?

The CHAIRMAN. Yes.

Mr. GRAVES. Yes.

So we find that the cutting there has not been extensive. We find that he has sold them all the timber they have asked for, and the result has been simply that the timber that would have been cut had there been no forest reserve there was cut under a forest reserve. There was just as much destruction to the forest, as far as the cutting was concerned, as if there had been no forest reserve there. The difference was that it was a useless expense to the poor prospector and miner who were trying to develop that country, and it was a useless expense to the Government that has constantly to appropriate money to cover the deficiency for the mismanagement of that reserve.

Now, let us take the testimony of Mr. Greeley with regard to that reserve at page 329. I repeat that Mr. Greeley was sent before the committee on the first occasion to represent the Chief Forester. Here is the testimony of Mr. Greeley with regard to the uses of that forest, on page 329. Senator WALSH is asking the questions:

Senator WALSH. Yes; but we seem to work at cross-purposes here. Of course, I conceive that the purpose of making a forest reserve of this was to preserve the timber, lest it should be uneconomically and wastefully destroyed. The danger of destruction by fire is evidently negligible. There is not any proposition to preserve the moisture that falls. That does not seem to be very much of a factor.

Mr. GREELEY. I think not.

Senator WALSH. What I wanted to know of you, was there any fear or dread of anybody going in there for commercial purposes, and, in the immediate future, cutting down large areas of that timber and carrying it away for export; and if there was not, why a reserve was ever created there?

Mr. GREELEY. I should much prefer to have the general question of policy, as to why that reserve was created, answered by the head of the department or head of the Forest Service.

Senator WALSH. That is what we hoped to get from you.

I wish to say that Mr. Greeley came before the committee as the representative of the Chief Forester; that it was by reason of an invitation by the committee to Mr. Graves, the Chief Forester, to come before the committee and tell the committee why that forest reserve ever had been created and the reasons for its continued existence. He wrote a letter to the committee introducing Mr. Greeley and stating that he was familiar with all of the facts, and that he would give the facts to the committee; and yet when the question is asked, Mr. Greeley avoids such question by saying that he would rather have it answered by the head of the department.

Now, let us take the testimony of Dr. Brooks, in charge of the geological department of Alaska. You will find it at page 529. You will recollect that Dr. Brooks knows more about the physical conditions of Alaska, about the land in this forest reserve, about its timber, about the rainfall, about all of the conditions surrounding that country than probably any other man in the department. Here is his final testimony:

Senator WALSH. Dismissing for a moment the possibility of owners appropriating the timber in the neighborhood of the Bering coal fields, or at any other point in this region where it might be valuable locally—eliminating that feature, what public purpose do you find to be subserved by the creation of that forest reserve?

Mr. BROOKS. I must confess that I have asked that question myself for a good many years, and I have yet to find a reply to that. I say this reluctantly, because I know there are those that were charged with not being conservationists because they objected to the Chugach Forest Reserve. I realize I should be careful in my statement.

Senator JONES. And you think you are a conservationist?

Mr. BROOKS. Yes.

There is the opinion of another member of the department. Following that I want to get the opinion of the representative of the Agricultural Department who was sent to Alaska to examine the Chugach Forest Reserve and see what his opinion is on the subject. I will refer you to Mr. Piper's testimony on page 555. Senator WALSH is asking the questions:

Senator WALSH. Mr. Piper, from your familiarity with the country, can you tell us of any public service that would be subserved, in your opinion, by the continuance of that forest reserve?

Prof. PIPER. I doubt if I can think of any, Senator. On account of the large amount of lignite coal which can be picked up on the beach about the Kenai Peninsula, there is no serious fuel problem. I should think there might be some reason for maintaining the reserve so as to protect the timber.

From the hearings so far it must be apparent that the usual reasons that urge the creation of forest reserves do not exist in the case of this reserve. There is no danger of a monopoly of the timber, for several reasons. In the first place, it is too scattered to be of value for commercial purposes. In the second place, it can not be exported, because the law of Alaska prohibits its exportation. In the third place, it is not fit for exportation, because it can not compete with the higher grade timber farther to the south. Again, the forests that are used for commercial purposes on the public domain of Alaska are subject to the jurisdiction of the Department of the Interior, and can be used only by being purchased through the Department of the Interior; and the sale of the timber, mind you, is entirely within the discretion of the Secretary of the Interior. There is no danger, then, of monopolization of those forests.

You may say, "Why, then, throw it back into the public domain?" Throw it back into the public domain, for the reason that there are restrictions placed on people who are inside of a forest reserve, who are passing through a forest reserve, who are trying to live in a forest reserve, that do not exist on the public domain. That is the reason of it. The only use of that timber, according to the testimony of all of the witnesses, is a local use. The only use for that timber is by the miners and by the prospectors and by the farmers and by the people who are attempting to build roads, either railroads or wagon roads or trails, throughout that great country. Now is the time they need it.

As far as the high-grade timber is concerned, it is imported into that country to-day, and always will be imported there. The man who needs the timber is the man who is forging ahead. It is the man with nothing but his hands and possibly a grubstake who is trying to develop a little mine on those hills; the man who is trying to build a short tramway from his mine to some river; the man who is trying to build a home in that country; the man who is trying to establish a little merchandise store in the vicinity of some mining camp—those are the men who need it, and those are the men we want in Alaska, and that is the work we want done in Alaska.

Why, we are appropriating $35,000,000 to-day for the development of those things in Alaska, and yet we hesitate to give to the people who are going to develop that country the timber that stands at their hands to help them develop that country when the timber is not fit for anything else.

The Government does not desire to make a profit out of this timber. The Chief Forester himself testifies that they do not desire to make a profit out of it. He testifies that they sell all the timber to the very people that would use it if they were not there.

Mr. GRONNA. Mr. President——

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

Mr. PITTMAN. I do.

Mr. GRONNA. This is now recognized as a national forest reserve, is it not?

Mr. PITTMAN. Yes, sir.

Mr. GRONNA. Is it the intention of the Senator from Nevada to amend the bill so as to restore it to entry or restore it to the public land?

Mr. PITTMAN. It is.

Mr. GRONNA. I wish to say to the Senator from Nevada that it will be a long time before such legislation will go on this appropriation bill.

Mr. PITTMAN. I am very sorry the Senator objects to it.

Mr. GRONNA. Yes; the Senator will object to it, because it is certainly legislation on an appropriation bill.

Mr. PITTMAN. It occurs to me that the Senator misunderstands my position. I am not attempting to engraft the bill in regard to a forest reserve on this appropriation bill. I will state to the Senator that there is in the bill an appropriation of $16,500 for the upkeep of this reserve. I have offered an amendment to strike out that appropriation, in view of the fact that the Committee on Territories, which has investigated that forest reserve, believe that it will conserve no good public purpose to continue it. That committee has reported favorably a bill to abolish the reserve. If the Senate is willing to abolish the reserve, the Senate will also be willing to strike out this appropriation. If the Senate is not willing to abolish the reserve, it will certainly not strike out this appropriation; so it seems that the question might just as well be decided now as at any subsequent time.

Now let us see. We have gotten down to the question that the timber is only used locally; that only such part of the timber as would be sold will actually be used if the reservation is abolished; that there is no danger of monopoly; that it can not be entered at all; that if restored to the public domain, under the public-land laws it will still be subject to the jurisdiction of the Secretary of the Interior; and now we come

down to the question, Why should the timber be in a forest reserve?

The only answer that you can come back to is, to protect it from destruction. The only destruction that the Chief Forester could find or imagine was destruction by fire. He admits there is no danger of destruction by usage, that there is no danger of destruction by insects, and so we come down to it, that the only danger of destruction is from fire.

Now, then, I want the Senate to determine whether or not there is any danger of destruction of that timber by fire. On page 422 Mr. Graves testifies with regard to this subject, and here is his testimony:

Senator JONES. Is there any serious danger from fire?
Mr. GRAVES. There have been very extensive fires there in the past, and there is more or less fire there every year.
Senator JONES. Within the limits of this reserve?
Mr. GRAVES. Yes; but that is confined to the western portion. The eastern portion and the central portion has a very heavy rainfall, and we might practically say there is no fire danger there.

Now, then, when we come down to the testimony of Mr. Graves, the only danger from fire at all is along the extreme western fringe on Cook Inlet. Senators who are familiar with the map of Alaska and the lay of the Chugach Forest Reserve, which extends three or four hundred miles to the east of Cook Inlet, know that this little fringe of timber along Cook Inlet is infinitesimal in regard to the area of the whole reserve. Yet it is only along the border of Cook Inlet that there is any danger of fire.

Now, then, where is the necessity of protection from fire? Why should the Government go to the expense of appropriating from $11,000 to $16,000 for the upkeep of that forest, when there is only a little fringe on Cook Inlet where there is any danger of fire at all?

Let me tell you further that if there were danger of fire it would not be the forest rangers who would protect it against fire but it would be the inhabitants of the country. The forest rangers have recognized that as a fact in Alaska, and they say that they would be powerless to protect it against fire except by the support of the people themselves.

Now, let us see further about the fires in that country. I turn to page 425 of Mr. Graves's testimony, and let us see what he has further to say:

Senator WALSH. Where did those fires occur?
Mr. GRAVES. Those are on the western portion. That is, the western portion over here [indicating].
Senator WALSH. That is, adjacent to Cooks Inlet?
Mr. GRAVES. Yes, sir. That is the portion where there is any danger from fire. As I understand it, east of that there is not.

There we have the testimony showing the only danger of fire is right on the immediate coast of Cooks Inlet.

Now, take the testimony of Mr. Greeley, representing the Forestry Department, found at page 329. Here is Mr. Greeley's testimony:

Senator WALSH. Yes; but we seem to work at cross-purposes here. Of course I conceive that the purpose of making a forest reserve of this was to preserve the timber, lest it should be uneconomically and wastefully destroyed. The danger of destruction by fire is evidently negligible. There is not any proposition to preserve the moisture that falls. That does not seem to be very much of a factor.
Mr. GREELEY. I think not.

Again, take the testimony of Mr. Greeley at page 338:

Senator JONES. The only public interest, I gather from your testimony, that has been subserved up there has been to hold the title in the Government thus far?
Mr. GREELEY. I think that is the main thing. There is a small fire danger in that forest, but it does not amount to much.
Senator JONES. That amounts to nothing. That was not the purpose of it, to protect from fires, was it?
Mr. GREELEY. No, sir.

Mr. President, I think the testimony of the Chief Forester, of Mr. Greeley, and of Mr. Steele clearly demonstrates that there is no danger of forest fires in the Chugach Forest Reserve, and that the maintenance of the reserve is not essential to the protection of that forest against fire; that it is an extremely wet country, and that the rainfall is from 70 to 120 inches a year; that the watersheds are covered with eternal glaciers; that in summer time there are pouring down torrents of water through every gulch in all that country, and that on account of these torrential streams that are falling from every gulch there is no danger from fire.

Then why have a forest reserve there? What purpose does it serve? There is no doubt that the forest reserve must impose some restrictions upon the people within its borders. There is no doubt that it is necessary to go to a ranger to get a permit to cut any timber whatever to use for a commercial purpose. There is no doubt that every settlement within that reserve, every squatting upon the land, the mere pitching of a tent in the absence of a permit, are all trespasses against the Government. There is no doubt that whenever a little town springs up at the mouth of one of these gulches adjacent to a mining camp every man who settles there and builds his home and builds a store and goes into business is a trespasser against the United States Government until he obtains a permit from the Government.

I know you might say the Government would be lenient in those matters; that the Forestry Department wants to be lenient in those matters. I want to show that the facts are that time and again the Forestry Department has interfered with settlements in the District of Alaska that were started and were growing in natural places for settlements. The very history of that forest reserve for the last seven yea. is full of injustice and oppression to the people who have been trying to develop that country.

Mr. POINDEXTER. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Washington?

Mr. PITTMAN. I do.

Mr. POINDEXTER. Is the Senator prepared to furnish specific instances at this time of those acts of oppression and injustice?

Mr. PITTMAN. Yes, sir; I would be glad to do so, but I really did not consider——

Mr. POINDEXTER. I should like very much that the Senate might be informed, if the Senator would do that.

Mr. PITTMAN. I will furnish them to the Senator. I do not desire to make it a part of my remarks for the reason that it is only incidentally bearing on this subject.

Mr. POINDEXTER. I suppose it is bearing on the subject, otherwise the Senator would not be discussing it.

Mr. PITTMAN. I want to say to the Senator that I would not consider the inconvenience nor the mistreatment even of people by a ranger as sufficient justification for abolishing a forest reserve, but I do say that the inconveniences and the obstructions that are offered and the mistreatment of people in a reserve that is unnecessary is an element to be taken into consideration, and in a few minutes I want to read testimony bearing on that subject.

I will take up a few of those subjects with the Senator from Washington, although I did not intend to go into that matter, because, as I said, I do no consider that it is entirely material to this subject. In fact, it has been a matter testified to before the committee, and I believe there are letters before the committee; but there is some testimony which I will read as I go along.

On page 444 Mr. Graves testifies as follows:

Mr. WICKERSHAM. Suppose a man wanted to go in there where it is reasonably good agricultural land to take a homestead. What is the modus operandi of getting a homestead in a forestry reserve?
Mr. GRAVES. He would make an application for it—for the area—and it would be finally given to him under our forest-homestead act.
Mr. WICKERSHAM. He could not make a legal settlement until that is done, could he?
Mr. GRAVES. He could not get a title to the land.
Mr. WICKERSHAM. No; I did not ask you that. I asked you a plain, straight question—if he could make a legal settlement under the homestead law until after he had your permission?
Mr. GRAVES. His occupancy as a law proposition would not be legalized until he had been given the permission from us.
Mr. WICKERSHAM. So that to that extent the homestead law has been annulled, has it not? He has not free permission to go on the public lands any more to make a settlement?
Mr. GRAVES. Not without permission.
Mr. WICKERSHAM. There is such a thing as a squatter's right—a possessor's right. He would not have that at all, would he?
Mr. GRAVES. No, sir.
Mr. WICKERSHAM. He would be a trespasser if he went out and cut some of these little trees to build a hut? Is that not correct?
Mr. GRAVES. If you wanted to make him out that way.
Mr. WICKERSHAM. Is not that what you would make him out under the law?
Mr. GRAVES. I think we could make him out that under the law if that was our disposition.
Mr. WICKERSHAM. If you complied with the law as you understand it, you would do that?
Mr. GRAVES. I do not believe that would happen.
Mr. WICKERSHAM. If he wants to take a homestead he can not first make a settlement, but he has got to apply to the Forestry Service? Is that correct?
Mr. GRAVES. Yes.
Mr. WICKERSHAM. You have blanks for him to do that on?
Mr. GRAVES. Yes, sir.
Mr. WICKERSHAM. How long does that take?
Mr. GRAVES. Depending a good deal on circumstances and what season he makes his application.
Mr. WICKERSHAM. Yes.
Mr. GRAVES. All he has got to do is to send it in to the supervisor by mail.
Mr. WICKERSHAM. Where does he get his application?
Mr. GRAVES. From the rangers.
Mr. WICKERSHAM. How does he get a description of the land that he wants?
Mr. GRAVES. The ranger goes out and looks it over with him, lays it out with him, and makes a preliminary survey. He can take the land by metes and bounds that way, and that constitutes his location.
Mr. WICKERSHAM. The whole thing, practically, is under the charge of the ranger that goes with him?

Mr. GRAVES. Yes, sir.
Mr. WICKERSHAM. Then he sends his application where?
Mr. GRAVES. He sends that in to the supervisor.
Mr. WICKERSHAM. Where is the supervisor?
Mr. GRAVES. The supervisor of the forest is at Ketchikan. That is the headquarters.
Mr. WICKERSHAM. The supervisor gets that application. What does he do with it?
Mr. GRAVES. Then he receives the ranger's report on it, and sends it to the district forester for recommendation as to listing or not.
Mr. WICKERSHAM. Where is the district forester?
Mr. GRAVES. At Portland. He passes his recommendation on to me; and a request is made to the Secretary of the Interior to open this land to entry.
Mr. WICKERSHAM. Suppose there is some little question as to whether the lines run north, east, south, or west, or some question arises, so that it has to go back?
Mr. GRAVES. There might be a delay on that.

Here is further testimony on this subject on page 447—Mr. Graves still on the stand:

Senator WALSH. Just a moment before you pass that. Mr. Graves, take a man who feels as if he would like to go out on one of these rivers or creeks, we will say, 8, 10, 15, or 20 miles from the coast at Cook Inlet. About how long would it be in the ordinary course of events before he would be able to get the ranger to come and look the ground over, and the ranger would go back and report to the forest supervisor, and the forest supervisor would be able to report to the district supervisor, and the district supervisor would be able to report to the office at Washington, and the office at Washington would send the report back through these various channels until it reached the man?
Mr. GRAVES. That would depend upon the season of the year when he made his application as to whether he could get in and look at the land. But if he made an application in early summer, during the field season, our men could get out. Our aim is to reduce the time of the application. The time until the papers are in the hands of the Interior Department is aimed to be within 60 days. Sometimes there are delays on that.
Senator WALSH. You are speaking about Cook Inlet region?
Mr GRAVES. No; I am speaking in general. On the Cook Inlet region—I am afraid I can not give you a time answer on that. I do not know how long it would take.
Senator WALSH. About what time in the year would the forest ranger be able to get into that region in view of the fact that it is covered with snow in order to make an examination of the land?
Mr. GRAVES. Just as soon as the snow is off the land—from the middle of May on. Would not that be about the time that the country opened up there?
Mr. WICKERSHAM. Yes; on the lower levels.
Senator WALSH. Say about the middle of May. About what time in the fall would it be ordinarily covered again?
Mr. GRAVES. I suppose in the middle of November or early in December. A good deal of this lower land corresponds a great deal in climate, so far as I understand, with a good deal of our northern climate—say, our northern New England climate.
Senator WALSH. In the first instance, suppose he went up Kanai River 15 or 20 miles, and found a place there that he thought would be eligible to him to make a home for himself and where he could rear a family, about how far would he have to go to find one of these five forest rangers in the forest reserve?
Mr GRAVES. He could write to the forest ranger.
Senator WALSH. Where would he be stationed?
Mr. GRAVES. I do not know where all the stations are there. I have not got the record of all the stations.
Senator WALSH. You do not know?
Mr. GRAVES. No.
Senator WALSH. And considering the extent of this forest reserve, with five forest rangers on it, 100 miles of travel would perhaps be a moderate estimate as to the distance?
Mr. GRAVES. By water?
Senator WALSH. Any way.
Mr. GRAVES. If it included travel by water, I think that might possibly be the case.
Senator WALSH. His letter would have to go 100 miles to the forest ranger, and the forest ranger would have to go 100 miles, we will say, to make the examination. He could not possibly, starting in the month of May, with the means of transportation, get any filing in that year, could he, Mr. Graves?
Mr. GRAVES. I think it is quite possible that the land might not be actually opened to entry that year.
Senator JONES. If it resulted in any wrong or the ranger's report was not entirely satisfactory, it would have to be corrected the next year, and then probably run over another year?
Mr. GRAVES. Yes, sir.

Mr. WILLIAMS. Mr. President——
The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Mississippi?
Mr. PITTMAN. I do.
Mr. WILLIAMS. I should like to ask the Senator from Nevada, for my own information, is it not the upshot and the long shot of this entire business to this effect, that no American citizen can obtain a homestead in Alaska? Is not that about what it comes to?
Mr. PITTMAN. That is about the condition it is in. As I have said, I have been reading from the testimony of Mr. Graves to show practically how impossible it is for a homesteader to get any action on a homestead anywhere in that part of the world.
Mr. WILLIAMS. By the way, if the Senator will pardon me, I will add that it has been the American policy from 1862 down to now to give American citizens homesteads in the public lands.
Mr. PITTMAN. I wanted to read in this connection the testimony of Judge WICKERSHAM, Delegate from Alaska, who has lived 18 years right in that section. I can not place my hand on it just at present, but he substantiates what I have already claimed about the difficulties of a homesteader, the difficulties of a settler in that forest reserve under any and all conditions. Judge Wickersham states that the experience in Alaska has been that it is always impossible to obtain a settlement in those forest reserves.
In part Mr. WICKERSHAM said:

Mr. WICKERSHAM. As the representative of Alaska, I say to the committee that the people in those forest reservations in Alaska have long since learned that it is a question of years to secure any result in the way of action on applications for homesteads, with the probability that they will be refused; it has resulted in keeping many people away from these great forest reservations and has practically depopulated that part of the country, except in the towns. And as to this particular reservation, the Chugach Forest Reservation, I want to say to this committee and to Mr. Greeley, as the representative of the forestry reserve, that it is a shame that such a reservation should be maintained there. It is a fraud upon the people and a fraud upon the forestry reservation, for there is not anything there that is worthy the forestry reservation maintaining it as a forest reservation, and it lowers the forest service in the opinion of the people, who really favor proper forest conservation.

Mr. WARREN. Mr. President, I think the Senator will admit that the process is exactly the same in Alaska as on any other timber reserve. They have the same trouble with them all.
Mr. PITTMAN. I am satisfied that the Senator is correct in that; they have the same troubles; and I want to ask the Senator if he does not know those same troubles that I have spoken of exist in the western part of the United States?
Mr. SMITH of Arizona. And in Wyoming.
Mr. PITTMAN. In Wyoming; in the Senator's own State.
Mr. WARREN. Do I understand the Senator from Nevada to refer to me?
Mr. PITTMAN. Yes, sir; I asked the Senator if the same obstruction to settlement and the same administration of the forests do not exist within portions of the Western States?
Mr. WARREN. The entire argument which the Senator from Nevada has so ably presented applies to all of us alike, with certain reservations as to a rainy season of greater length in one part than in another. Of course, when the Senator is through—I do not want to interrupt him—I may have a few words to say only as to this argument. I think this argument would be very pertinent on the bill which the Senator from Nevada has reported from his committee; but, like "the flowers that bloom in the spring" referred to in the Mikado, it has "nothing to do with the case," as to this proposed amendment to an appropriation bill.
Mr. PITTMAN. I understand that the Senator from Wyoming, having been so long a member of the Appropriations Committee, does not desire any attack on the report of the committee. But we are faced with this situation. I will state to the Senator: At this time the Government is asking for an appropriation of $16,330 for the upkeep of this forest reserve, and the Senate committee having jurisdiction over the question has already reported to the Senate a bill providing for the abolition of this forest reserve. It seems to me that under such circumstances the Senate would take notice of the act of that committee and would not proceed to appropriate more money for that purpose on this Agricultural appropriation bill.
Mr. SHAFROTH. I ask the Senator from Nevada whether or not there is a unanimous report on the bill to which he refers?
Mr. PITTMAN. The report was approved by every member of the committee who was then present. There were some of the members of the committee not present, though I will state that there was a quorum present.
Mr. WARREN. Mr. President, I assume that the Senator from Nevada has suffered in his committee as has every other chairman of a committee. He did not have a full committee at any time.
Mr. PITTMAN. I do not know that we ever had a full committee.
Mr. WARREN. Now, I will ask the Senator, a little out of the line of his argument, where would we be in passing these various appropriation bills if every Senator present who had introduced a bill and hoped to have it passed, changing the law, asked us to take cognizance of that fact when he simply had a report from his committee to shape the appropriation bill beforehand for it? He will see at once that we would be in a condition of chaos. The Senator can not possibly get his bill passed for a month yet, and by that time the estimates may be made up for another year, and, of course, we could then take care of it in a general way by having the law repealed and the appropriation ended from the date of the passage of the bill.
Mr. PITTMAN. I want to state that whether the bill abolishing the Chugach Forest Reserve is ever passed or not, the forest reserve will be just as well off with those four rangers out of it as it is with them there; and it is costing the Government $16,330

to give those four rangers a job there, when they serve no other purpose than to interfere with people who are trying to develop that territory. That is my theory about it. This action is not entirely dependent on whether we pass the bill abolishing the forest reserve or not, but the time has come to cease appropriating money for useless purposes.

I have attempted to show that the existence of that forest reserve is not justified upon any theory of conservation whatever. If they can show me one theory in favor of maintaining those rangers in that forest reserve, from the facts in this case, I shall immediately cease my argument in the matter; but, as I have said before, we can not find any. I have never heard anyone give a reason for their continuance there. The Chief Forester was asked to give a reason. A letter was written to him telling him that it had been charged that there was no reason for the creation of this forest reserve and no reason for its continued existence. We wanted him to come before us and tell us why it was created and why it should continue to exist. Instead of doing so, he sent to us one of his clerks, who, he said, knew all of the facts. Then, after we had taken his testimony, this clerk said, in answer to the question why had this forest reserve been created, "I would rather have you ask those above me." Then, when we asked the representative of the Agricultural Department who was sent to Alaska to investigate this forest reserve what good purpose this forest reserve conserved, he said, "I do not know." When we placed upon the stand Dr. Brooks, the geologist in charge of Alaska, who knows every foot of that forest reserve, a man who is a conservationist, and a man who does understand his business, and asked him what good purpose this forest reserve would conserve, he said, "I have asked that same question many a time, and I have never had an answer to it. I do not know."

The Chief Forester went to Alaska, after he had been examined before the committee, after he was chided by the committee for not giving the facts to the committee in defense of that forest reserve, for the purpose of securing facts to justify the creation and continuance of such reserve. On his return he gave no further reason for the continuance of the reserve, but in a letter to the committee was compelled to admit that there is only 8,000,000,000 feet of timber on the reserve instead of 28,000,000,000 as testified to by him.

I have said there is not any excuse whatever for that reservation; it is a farce; it is a reflection on the whole conservation policy; and it is breaking down the conservation policy of this country. As a conservationist, I am opposed to it, and I am opposed to letting it stand.

The testimony of the Chief Forester shows that there are no watersheds upon which it is necessary to conserve the water, because there is no agricultural land to be irrigated and the hills are covered with eternal glaciers. His testimony shows that that condition protects the reservation from fire; that there is no danger of fire anywhere in those 11,000,000 acres of land, which extend along the coast for 400 or 500 miles, except on the extreme west of the fringe of Cook Inlet. The fires there occurring, according to his testimony, have been inconsequential.

Then why are those forest rangers there? What do they do? What purpose do they serve? You could take four or five men out of that forest reserve and the only people who would ever miss them would be the people on whom they have been imposing, and they would be glad to miss them. That is the condition. Read this record here when you get time and see the treatment which the railroads that have been trying to build up that country have been receiving. By act of Congress they were granted the timber necessary to make ties on which to lay the rails. That statute was violated by the Forestry Department. They confiscated the ties which the railroad people had cut, and then they did not sufficiently care for them to prevent their being swept into the streams and absolutely lost. It caused the loss of thousands of dollars' worth of property there in violation of the statutes of this country. The representatives of the Forest Service were questioned on that subject and asked if they did not know they were violating the statute of the United States, and they replied that that was an open quesion to be determined by the courts, and yet they took no steps to determine that question.

How much timber are they selling? They sold $2,500 worth last year, and the expense of maintaining and protecting it was over $13,000.

Mr. SMITH of Arizona. And, if the Senator will permit me, it was sold probably to men who in all equity and justice ought to be entitled to possession of it for nothing.

Mr. PITTMAN. There is no question about that; in fact, Mr. Graves himself testified——

Mr. SMITH of Arizona. That was an imposition.

Mr. PITTMAN. That he would like to see those very men get that timber for nothing.

There was no reason for the creation of this forest reserve and there is no reason for its continuance. I am sorry to hear my distinguished friend from Wyoming really making an argument which may defeat this proposition simply because of some of his theories of legislation. I believe that he wants to see that land restored to the public domain. I know that he knows just as well as I do how those who are traveling over and settling upon the public domain are interfered with by forest reserves; I know that he knows that there should be good cause for such interference or it should be removed; and I am sorry to have him say at this time, "Let this appropriation be made; let us waive this question as to whether there is necessity for it and at some future time take up the question as to whether or not we will abolish that forest reserve." I want to beg him to cut off this expense; I want to beg him to take those useless men out of that reserve as the first start toward giving an opportunity for the development of Alaska. If he does that, the passage of the bill reported by the Committee on Territories will follow. If he kills this amendment, the chances are that the passage of the bill will never be accomplished; and I know he wants to see the bill passed.

The whole country is trying to develop Alaska. We have appropriated $35,000,000 for the purpose of building railroads there. We want people to go in there and develop its mines and develop whatever agricultural lands can be developed; we want people to establish homes there, to live there, and settle the country; we want them to come out of our congested cities and go up into that country and add to the production of the necessities of life, and by that means reduce the cost of living. I want to say that, in conformity with that policy, we should remove every restriction—at least every unnecessary restriction—from the people who go to that country for that purpose.

Mr. SHAFROTH. Mr. President, I will ask the Senator to state to the Senate what are the obstructions thrown around the location of mining claims within forest reserves in continental United States and in Alaska?

Mr. PITTMAN. Mr. President, I will state that when you locate a mining claim within a forest reserve and you attempt to cut timber on your own mining claim for the purpose of developing your own mine, you will be in danger of having a forest ranger come to you and say, "Stop cutting that timber," and when you ask him why, he will say, "Because that is not a mining claim"; in other words, the ordinary ranger constitutes himself the judge as to whether or not there is a sufficient discovery of ore to warrant the location of a mining claim.

Mr. SHAFROTH. And is not that true even though the full amount of $500 has been expended upon the claim?

Mr. PITTMAN. It does not make any difference how much has been expended; those rangers arrogate to themselves the right of judging those questions.

Mr. SMITH of Arizona. Mr. President, if the Senator will permit me a suggestion, we have appropriated $35,000,000 for the purpose of developing Alaska's resources, and we are now proceeding to appropriate $16,000 to prevent that development.

Mr. PITTMAN. The statement of the Senator from Arizona is concise and absolutely correct. We are inviting homesteaders to go to Alaska, and yet we are placing a blanket 300 or 400 miles along the coast to prevent them from finding a place at which they can settle or even squat. We are inviting miners to go to Alaska, and yet we are withholding all of the facilities of settlement and transportation. The whole thing seems to be absolutely opposed to the policy of the Government in regard to settlement at the present time; and I can not conceive for one moment why this body should appropriate money for the upkeep of rangers in the Chugach Forest when there is absolutely no necessity for them.

I know that it comes down solely to the question as to whether this matter shall be contested at the present time in this form or whether it shall be contested on the passage of the bill itself reported by the Committee on Territories.

All the facts are before the Senate just as they would be if that bill were up for passage. If the facts presented are sufficient when that bill comes up to pass it, they are sufficient at the present time to prevent the appropriation of useless money. If that forest reserve can serve no beneficial purpose, then the Senate should not do any affirmative act toward its upkeep.

I want to say to you that those who are presenting this matter are presenting it sincerely and earnestly. We have studied the question for years; we have given it careful investigation before the Committee on Territories; we know that this forest reserve does blanket all of that portion of Alaska which to-day we are starting to develop; that we are taking out of the hands of the Government and placing in the hands of the forest re-

serve the very territory we are trying to develop. That is what we are doing.

There is no danger of that forest being destroyed. That land can not be entered as timberland; that timber can not be purchased except from the Secretary of the Interior, and it is entirely within his discretion to determine to whom he shall sell it. All we want is to give a fair opportunity to the people who go into that country, and we want to prevent this Government from appropriating useless sums of money for forest reserves that should have no existence.

Mr. WARREN obtained the floor.

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. Does the Senator from Wyoming yield to the Senator from Mississippi?

Mr. WARREN. I yield to the Senator.

Mr. WILLIAMS. I merely want to say, if the Senator will yield to me for a few moments, that I have listened with a great deal of interest to what the Senator from Nevada [Mr. PITTMAN] has said. I have also listened with a great deal of interest to the remarks of a number of Senators from the far West and the Northwest in connection with this question. It seems to me that it reduces itself about to this: That there are a lot of men "drest" as bureaucrats "in a little brief authority," most proud of what they are most ignorant, their own glassy essence, who are cutting fantastic capers in the face of high heaven, to quote, with some variation, the words of the Bard of Avon, while they construe law as they please and override it when they will.

It seems to me that there are a whole lot of people in the United States who imagine that conservation means reservation, when very frequently conservation does not mean reservation at all, and it seems to me that this is one of the cases where it does not.

Of course, I am in favor, and I think every patriotic man is in favor, of reversing to a certain extent the past policy of the United States Government by means of which the public resources were wasted. We are in favor of conserving those resources, but we are not in favor of reserving them whether their reservation conserves or not, and it seems to me this is a case where a reservation does not conserve. I wanted to say that much.

Mr. WARREN. Mr. President, I want to beg the pardon of the chairman of the Agricultural Committee for saying anything at this juncture, for he has been long suffering, and he has been, I might almost say, tormented day after day and week after week in engineering through his great supply bill, and about everything on earth has been aired here on the Senate floor in extenso in connection with the Agricultural appropriation bill.

I want to say to my good friend from Nevada that he has made a splendid argument against conservation, an argument that he can use when his bill comes up for its passage; but it strikes me that he has both proved too much and too little. He has proved in his remarks that this forest is not worth a copper, and yet he has proved that it is indispensable to the settlers, and that it is being wickedly reserved from the deservin; people who stand ready to use it.

I agree with the Senator, so far as this: I am for conservation where there is real forest timber or a chance to grow it. I am against this whole forest-reserve system, so far as including mile after mile that has no timber now and no promise of any is concerned.

I do not discover from the testimony anything that differentiates that forest from the others. We have a forest reserve laid out in Alaska that is totally and wholly in the possession of the United States. The laws of the United States prevail there. Appointees from the United States execute them. It is public domain. These reservations are made. Coal is reserved, and other minerals. The United States ought not in any way to suffer from its own acts. If it is best for the United States to throw open that reserve, all that has to be done is to knock at the door of the President and ask him to order that reserve opened. The law provides that the President of the United States can create forest reserves and can set aside forest reserves. Congress has nothing to do with it. On the other hand, if we should repeal this act, if the Senator should have his proposed law passed and it should be signed, the very next month or the next year the same reservation could be made by a President of the United States. You have got to go deeper than that in the legislation.

Here is the condition, however: The Forestry Department have asked for an appropriation. It has come up in the regular way. It has been ingrafted into the bill by the House, and it is before us, one of perhaps one hundred and thirty-odd forest reserves. There is no more reason why that one reserve should be cut out—not as much, in my mind—than there is why all of them and every one of them should be cut out.

What is the effect of cutting the appropriation out? You have not changed the law a particle. The reservation exists just the same. The difference is that if we fail to appropriate for this reserve if a man wants to homestead he has got to come to Washington in order to reach the forestry officials, where in the other case he would have representatives from the Forestry Division there on the ground. It is putting the cart before the horse to withdraw the appropriation before a bill has passed annulling the reservation.

The Senator has made a report on behalf of his committee, and he is honest enough to say that it is unanimous as far as he was able to get at members of his committee, which of course does not include all. It is embodied here in a calendar that is in a more congested state than I have ever seen the Senate Calendar in my service in this body. If we go on in the manner we have been doing, we have no possible chance of reaching that bill at this session, even though the session may run until the 30th day of November.

Should we pass it, however, what then? It then goes to the House, and there goes to another calendar, a Union Calendar, which may be reached in the short session, but there is hardly a chance in a thousand that the bill could pass in the present Congress. In the meantime you have withdrawn the only method you have of allowing people to take some part in that forest reservation in the way of homesteads or in cutting timber, because you have denied them the money for upkeep and management.

You say there are no trails there. We are appropriating this money to construct trails so that men can get in there. The law provides that a man, in order to make a home or to do any mining, can get all the free timber he wants for the purpose, but he has to go through the formula of applying or reporting to the forestry department. So I say if we go to work and take off the appropriation we remove the only guard and ready relief there is. We absolutely tie it up, just as coal is now tied up. A man may stand on his claim where the vein of coal is 60 feet deep lying under his claim and not be allowed under the law to get enough of it to make a camp fire. We are importing coal from Australia and other countries for our war vessels when we have tried in ships of the Navy the coal of Alaska and find it efficient. We have not the legislation yet to open up this coal. Why should we trifle with forest reserves when far greater questions are begging for settlement?

Mr. WILLIAMS. Mr. President, may I interrupt the Senator long enough to ask a question for my own information?

Mr. WARREN. I yield to the Senator.

Mr. WILLIAMS. I confess with due humility my ignorance to a large extent regarding these matters; but suppose the motion of the Senator from Nevada is agreed to, does not that necessitate a proclamation upon the part of the President restoring this given area to the public domain, and does not that immediately result in entitling everybody to make a homestead entry upon this part of the public domain?

Mr. WARREN. The Senator from Mississippi is laboring under the same mistake that I presume a great many other Senators are, and into which the Senator from Nevada has very ingeniously led them. The matter before the Senate, and the only matter that can be decided now, is, Shall we allow the regular appropriation for the care of that forest reserve? If the Senator had taken his bill and presented it here as an amendment to this appropriation bill, then the whole matter would have been before us.

Mr. WILLIAMS. But, if the Senator will pardon me one moment longer, if the appropriation to take care of this given area as a part of the forest reserve is defeated, then does not that area become a part of the public domain?

Mr. WARREN. Not at all. It still remains a reservation either until legislation opens it or until the President makes a proclamation.

Mr. WILLIAMS. Then the Senator from Nevada ought to strengthen his motion by adding to it the words that it shall become a part of the public domain.

Mr. WARREN. Ah, but the Senator is wise enough to know that that would be general legislation and would be subject to a point of order. The Senator seeks to use the Senate at the present time as a lever to reach under and pry out his bill later on. He says those of us who vote against this amendment would vote against his bill. That is an assertion that does not look reasonable to me. There are many men here who will vote against the proposition of establishing forest reserves who will not undertake to set the example that when an appropriation bill comes in here every bill on the calendar must be considered as if it were going to pass, and cut out here and add there in

the appropriation bill accordingly, regardless of existing statutes.

Mr. WILLIAMS. But if the Senator will pardon me, practically, if we cut off this appropriation, will not that necessitate a proclamation by the President treating this given area in a different manner?

Mr. WARREN. Why, Mr. President, it would not have the slightest effect.

Mr. WILLIAMS. I thought it would.

Mr. SMOOT. I will suggest to the Senator that if the President of the United States desired that forest reserve to be eliminated and thrown back into the public domain, he could do so to-morrow without any action on the part of Congress.

Mr. WILLIAMS. If the Senator from Utah will pardon me, I understand that fully; and I believe that if we adopt this amendment, whereby we refuse to make the appropriation, the President of the United States will take it as an indication of the will of the Congress that this given area should be put back subject to homestead preemption, and that he will obey the will of Congress in that respect thus indicated.

Mr. WARREN. If the Senator and his friends would go to the President and ask him to annul this reservation, very likely he would do it; but the fact of not appropriating for it has no such effect. If we are going to begin a system of liberating these reserves in whole, let us do it in the regular way by law. Let us not undertake to debauch our appropriation bills in this way to reach it indirectly. Let us not bring about the scandals we have had already out of remote sections as to forestry, and so forth. We have had rattled around this Chamber the names of Weyerhaeuser and Guggenheim and others because of alleged scandalous proceedings in land. If you deny this proposed appropriation and undertake to open up 11,000,000 acres of land and throw it out to the despoilers to exploit it in any way they choose, thousands of millions of dollars' worth of it, you will not even have a forestry man there to say them nay or report to you what they do.

Mr. PITTMAN. Mr. President——

Mr. WILLIAMS. I think the Senator is going too far.

Mr. WARREN. I am going just as far as others have gone before me, and no further.

Mr. WILLIAMS. If it is to be exploited in any way at all, it would be exploited by homestead claim.

Mr. WARREN. Possibly.

Mr. WILLIAMS. That is not really exploiting public lands at all. That is exploiting them only in a way that is consonant with a confirmed policy of the United States—these United States, not this United States.

Mr. WARREN. All of the argument of the Senator from Nevada [Mr. PITTMAN] has been directed to the general system of conservation, and of course to all of the forest reserves. I am not willing to take it up in an appropriation bill. I am ready to conclude now the few remarks I have made, with the hope that we are about ready to vote, and that we may get out of this prolonged delay in consideration of the Agricultural bill.

Mr. PITTMAN. Mr. President, I simply want to answer the Senator from Wyoming. I want to state to him that he is mistaken in saying that I made an argument against conservation. I do not like to have the statement rest in that way. I think the statements I have made show the contrary.

Mr. WARREN. I am willing to withdraw any remark that the Senator does not like and let it rest on what he said.

Mr. PITTMAN. I understand that; but I simply wanted to contradict the Senator's conclusion.

As I stated in my opening remarks, I am very much in favor of the conservation of forests and the conservation of other natural resources. It is simply a question whether there is a natural resource to be conserved and whether or not the reasons for conservation exist in each particular case.

The Senator from Wyoming is trying to apply the reasoning used with regard to this particular forest reserve to all forest reserves throughout the United States, and I will not personally be a party to any such agreement. He says that the same conditions that apply to this reserve apply to other reserves throughout the United States. I differ with him in regard to some of them.

I know magnificent forests in the Cascade Mountains that are in forest reserves, and that should be there. I know great forests in the Sierra Nevada Range that are in forest reserves, and should be there. I know that they conserve a good public purpose. There may be some particular forest reserves in the West that never should have been created. That is a question of evidence in the particular case. I am not prepared to discuss that question. I am simply stating that the evidence discloses the fact that the continuation of the Chugach Forest Reserve does not conserve any good purpose. That is what I am arguing now.

I wish to say to the Senator that when he states that we are throwing this land back into the public domain to become ground for more scandals, such as have occurred throughout that country, he is evidently making a thoughtless statement, or a statement without knowledge of the existing laws governing Alaska. If that land is thrown back into the national domain, it is subject to the laws covering the public domain in Alaska, and under the law covering the public domain in Alaska no timber can be acquired except by purchase from the Department of the Interior, at the discretion of the Department of the Interior, solely for domestic use or local use in Alaska, and not for export. That is where it would lodge. As to the homestead law, it would only be subjected to such laws as may be made for homesteads in Alaska. There is no chance of gobbling up any public domain that we do not want gobbled up under the homestead law of Alaska. Those are things that the Senator must know.

The Senator says that if we pass this bill we will not accomplish anything by it. I want to state——

Mr. WARREN. No; I beg the Senator's pardon. I stated that by adopting this proposed amendment you absolutely tie it up. It is a reservation now, with somebody there to take your applications; and the Senator proposes to tie it up and leave it without anybody there to do that.

Mr. PITTMAN. Then, if we adopt this amendment, we find ourselves in this position: We find that we have saved the Government $16,500. We find that the supervisor who grants the permits for settlement in the Chugach Forest Reserve is still at Ketchikan, where he always was. It simply means that anyone who desires to get a permit will have to go to Ketchikan instead of to Valdez. That is the only difference.

Mr. POINDEXTER. Where will he have to go if we abolish the forest reserve?

Mr. PITTMAN. I did not understand the Senator's question.

Mr. POINDEXTER. The Senator is complaining that under the present law he will have to go to Ketchikan to get a permit of entry. Where would he have to go if we abolished the forest reserve if he wanted to enter this land?

Mr. PITTMAN. I regret that I can not hear the Senator.

Mr. POINDEXTER. I will just state the point that I desired to make by the question which I asked the Senator; and that is that whether you abolished the forest reserve or kept it, the same difficulties about which the Senator is complaining would exist. He would still have to go a long way to a public-land office in order to make an entry.

Mr. PITTMAN. Not entirely, I will say to the Senator, for this reason: Under the public-land laws you can acquire a possessory right on public domain by settlement with an intention of initiating a homestead. On a forest reserve you do not acquire any possessory right, but you become a trespasser, and it does not inure to your benefit. That is the distinction. In one case you become a squatter, and in the other case you become a trespasser.

As far as getting a permit is concerned, if this appropriation is not made and the reserve is continued, you get your permit from the same supervisor at Ketchikan, because this appropriation is not for the support of the supervisor at Ketchikan; and even if this forest reserve should not be ultimately abolished, you would be in just as good a position as you are now, and you would save $16,500.

I wish to say to the Senator that if we should go to the President of the United States to-morrow and ask him to use his power by proclamation to abolish this reserve, he would not do it unless all of the facts that are being presented here were presented to him there, and I am satisfied that he has not the time to hear those facts presented to him. Although I know he has the power by Executive order to restore that forest reserve to the public domain, he would rather be advised by the Congress of the United States as to his course. The Senate and the House of Representatives are having presented to them now the facts which justify either the abolition or the continuance of that reserve. The vote of the Senate on this amendment will bespeak the sentiment of the Senate on that question.

Mr. WARREN. I do not propose that the Senator shall take me into that list, and I do not believe he ought to take others into it, because, if the Senator will excuse me——

Mr. PITTMAN. Certainly.

Mr. WARREN. It is not a proper statement to make simply because a Senator will not debauch an appropriation bill by loading every kind of a thing on it and working against law, instead of with it. It is our duty to appropriate money under the law, and if laws are later passed which render this appro-

priation unnecessary and it is not needed it will not be expended. I might with perfect consistency support the bill which the Senator has reported from his committee when I could not consistently or with any reason support this amendment. There are other Senators the same way, and the Senator must not draw that distinction.

Mr. PITTMAN. I do not believe that view is generally taken, although it may be. Of course, if a Senator feels any hesitation in voting on this question by virtue of any amendment to an appropriation bill, it would not in any way reflect his sentiment on the main question, but personally I can not conceive of the distinction in this particular case. Here is an appropriation of $16,330 for the employment of men, principally rangers, and the support of those rangers in a forest reserve, which the evidence discloses serves no good public purpose and, on the contrary, is an obstruction to the policy we are now pursuing in Alaska.

Mr. WILLIAMS. Development.

Mr. PITTMAN. When that appears from the evidence, and that is what I am contending, I think the time to act is when this appropriation is up. I do not believe it is the duty of a Senator to vote for an appropriation that he does not approve of because at some subsequent time he can destroy the work for which the appropriation is made. The Senator from Wyoming believes in destroying the Chugach Forest Reserve. According to his own statement, he agreed with me on the bill. The forest reserve is not only useless but is an obstruction.

Mr. WARREN. I will have to ask the Senator to change that a little. I believe that all reserve in forests where there are no forests should be excluded, but no man is any stronger for conservation than I where there are really useful growing forests. I have heard the same story about the forests of Colorado, Wyoming, and other places, that there was nothing in them but a few whipstocks of aspen and in some places scrub pine; that they were worthless, and so forth; but I am satisfied that in portions of Alaska, from information which I have, that, just like a portion of Wyoming and other States, there is very valuable timber. We had the argument here when you wanted to build a railroad that you wanted to go in and develop the lumber with other interests.

Mr. PITTMAN. The Senator, however, has stated, and I am satisfied his mind is made up on that subject, that when the bill for the abolition of the forest reserve comes before the Senate he will vote for it. I can not imagine that he would vote for it if it conserved any good public purpose, and yet he is willing to vote an appropriation to maintain something that does not conserve a good public purpose and to take the chances of the future for its being destroyed. That is inconceivable to me.

Mr. LANE. Mr. President, I wish to make a short statement in relation to the country where this reserve is located. I happened at one time to walk through a portion of it in the winter and I know something about it from personal experience. The portion of Alaska that is contained in this reservation is a very rough country.

I do not understand the Senator from Nevada [Mr. PITTMAN] when he states that there is a great demand for this land for agricultural purposes. It contains a larger number of most interesting glaciers than any other portion of Alaska, and is a very rough country, with very little possibility for agricultural development, unless it may be in some portion of it near Cook Inlet. That portion of it which lies near Prince William Sound and the major portion to the east of this reserve is not agricultural land. It is even marked on the map here, the Government map, as being a rugged, snow-clad, mountainous country five to eight thousand feet high within a few miles of the coast line.

About Cook Inlet, I think, the character of the country is better, but the agricultural land of which we were speaking when we were trying to get the appropriation for the Alaskan railway is the country lying to the north. Over this first coastal range of mountains there is a country which has level land upon it, and in the country still farther north, over the next range, there can be raised large quantities of good vegetables. This land is rich enough where you can find valleys, but it is cut into deep ravines. It pains me to disagree with the Senator by saying that it contains a great deal of fine timber, if I am any judge of it, along the coast line. It contains some of the best timber in Alaska. The same condition, of course, prevails on down the coast. There is some very fine cedar there, or near there. There is some very fine spruce. There is a very fine quality of white birch, and there is some fir.

The Indians who live along that coast, as will be certified to by my friend the Senator from Washington [Mr. POINDEXTER], who has also been in that country, make large canoes of a single log of cedar, which will hold some 40 to 80 siwashes, in which they go out to sea. The fine lines of those canoes were adopted by the whites for the fastest vessels in the world at one time. They built the finest canoes to be found anywhere, and burned and steamed them from a single stick of the cedar timber that grows along that coast. Of course, farther up the coast there is not such good timber. It is testified to, I think, by the department itself that to the west of this reserve there have been forest fires. I have traveled day after day through burns where the timber had been burned on it. It was a smaller and poorer quality of timber than this on the coast.

I should like to see this timber thrown open for the use of people who will go in there to develop that country, with proper safeguards thrown around it so that it would not be picked up by such fellows as the German, whose name I do not now recall.

Mr. WARREN. Weyerhaeuser.

Mr. LANE. Weyerhaeuser, who bought all the timber in Oregon, Washington, Idaho, Montana, and other States. I am suspicious that that is about what will happen if we throw this reserve open without proper protection. The people who go up in Alaska have a saying among themselves that they do not go there for their health.

Mr. PITTMAN. May I interrupt the Senator?

Mr. LANE. Certainly.

Mr. PITTMAN. Could the Senator suggest some provision to prevent that timber from being taken up?

Mr. LANE. I will try in a few minutes.

Mr. PITTMAN. I suppose the Senator knows that there is a law now on the statute books to the effect that no timber on the public domain of Alaska can be located.

Mr. LANE. I did not know that that was the law. They cut off a great deal of it in Alaska.

Mr. PITTMAN. That is the law now.

Mr. LANE. How long has it been the law?

Mr. PITTMAN. For about 10 years.

Mr. LANE. I have seen them cut large quantities of it.

Mr. PITTMAN. No timberland on the public domain of Alaska is subject to acquisition.

Mr. LANE. They acquire it; I have seen them do it, and they can get lots of it. I have seen sawmills running full head of steam 24 hours out of 24 hours cutting it and selling it for a hundred dollars a thousand feet for rough lumber. Up in the country north of it they cut spruce by the millions on millions of feet, and they build houses and everything else with it.

Mr. PITTMAN. On the Chugach Forest Reserve?

Mr. LANE. Yes, sir. I have been through the Chugach, and I was going to call——

Mr. PITTMAN. The Forestry Department fails to say that there is very much timber cut on that reserve. I presume their records are incorrect.

Mr. LANE. They have cut it, and they have built log houses all through there. I have seen them. They built a city at Valdez. I was not talking particularly about this reserve, for that is a rough country, and there are not a great many people who live on this reservation outside of the towns located on tidewater.

Mr. PITTMAN. The Senator is speaking about timber in the Chugach Forest Reserve?

Mr. LANE. No, sir; I was talking about the Tanana, Government land, spruce timber. It is not of such good quality as there is in the Chugach Reserve. I do not think that land in this reserve will develop into an agricultural country. It is too rough. Mines will be opened there—low-grade copper ore. There is no gold mined that I know of in that district. There are mines north of there. Most of the mines are on the Kuskokwim or over toward the Tanana and up the Susitna and those rivers outside of this reserve.

Just what the object of opening this timber is now I do not know. The time is coming with the opening of the railroad to open up that country. This timber will be needed for legitimate use in the development of the country, and I should like to see it get into the hands of those people who will use it for that purpose. If it can be safeguarded in that way, I would be glad to have it thrown open and take it out of the reserve. If this is to be thrown open to be grabbed up by a lot of sharpers who have marked it down as they have pretty nearly all the resources of that country, I am opposed to it. They have been busy for two or three years getting ready for this railway in order, by some hocus-pocus, to get possession of them and hold up the people who come in there to develop the country. I would not like to see that happen. I have wondered at it——

Mr. WILLIAMS. No one can get over 160 acres without violating the law.

Mr. LANE. They never could without violating the law, but some way or other they always did. That was the law, but by subornation of perjury they hired roustabouts off the wharves and from the dives and had them go out and perjure themselves, and they bought up mile after mile.

Mr. WILLIAMS. Does not the Senator think that time has passed?

Mr. LANE. I do not know whether it has or not. I hope so.

Mr. WILLIAMS. Speaking for myself, I do not believe any man will take that risk again under the Government as it is at present administered.

Mr. LANE. I do not know; I was acquainted with more than one fellow who acquired a large fortune that way; they became rich and never suffered any penalty. In fact, they became quite smug and respectable citizens afterwards and had a voice in legislation in our State and also in national legislation.

Mr. PITTMAN. I will ask the Senator from Oregon if he would not just as leave have that timber under the absolute control of the Secretary of the Interior as under the control of the Forestry Department?

Mr. LANE. I do not care who controls it as long as it is protected.

Mr. PITTMAN. Then if you abolish this reserve under the existing laws covering the public domain it will be under the absolute discretionary control of the Secretary of the Interior, who, I think, would be just as careful of its conservation as the Forestry Department.

Mr. LANE. The point which I wish to make is this: I think the Senator from Nevada is mistaken if he thinks that throwing this open is going to benefit the farmer. There will not be many farmers there. They will go north of it. There may be a few, but they will be very few. There will be some mines, and the miners should be allowed to use it. There is good timber in there, I think, and it is valuable. It is going to be worth money, but it will never be shipped out of there. It will not be exported for the reason that it would go down the coast, and going down the coast for a thousand miles it would pass equally good and even better timber. It would be like carrying coals to Newcastle. You would not have a market for it outside. You could not sell it to the Puget Sound people or the people in Oregon, because they have plenty of timber of their own. Naturally the people will use it right there. The hardwood they will have to import; there is no doubt about that. I should like to see this guarded if it could be done. I would not like to make the prophecy, but I would be willing to make a small bet that if you throw this open to the public at this time some very enterprising gentlemen will grab up the principal portion of it. I have been in that country.

Mr. WILLIAMS. Does not that assertion assume that the Interior Department is not going to attend to its duties?

Mr. LANE. The Interior Department or anyone else may or may not attend to their duties. We have had an Interior Department ever since about 1850, and they have been in charge of the affairs of all our reserves, both the white man's and the Indian's. The Indians have gone broke on it and our resources have mostly gone into the hands of private persons.

Mr. WILLIAMS. I understand, if the Senator from Oregon will pardon me, that a different creed has come into existence in the last 10 or 15 years, and that men who were formerly treated with leniency in the violation of the land laws will be treated hereafter and are now treated with stringency. I do not believe that the Interior Department as at present constituted will permit open and flagrant violation of the public-land laws of the United States. Of course I know, as the Senator does, that it has happened in the past; but the Senator must be aware, as I am, of the reawakening of the public conscience in the United States in connection with the resources of the United States.

Mr. POINDEXTER. Mr. President——

Mr. LANE. If I may make an answer to this, I will say to the Senator from Mississippi that I perhaps would not have paid so much attention to it were it not for the fact that I received a letter a short time ago from an old friend of mine in Alaska, familiar with that country, who had been all through this country, and who wrote down to me and said, "The bunch are getting ready to grab up all the resources of Alaska as soon as you pass the railway bill. Put the Secretary of the Interior onto it and get him posted. They are getting busy."

Mr. WILLIAMS. Does not the Senator think that Franklin K. Lane is getting ready to keep them from doing it?

Mr. LANE. I do not know. I sent the letter to him. He said the matter belonged to some other department, the War Department, I think, when he returned it to me.

Mr. POINDEXTER. Mr. President, I only desire to say a very few words with reference to the objections which the Senator from Nevada [Mr. PITTMAN] has made to the Forestry Service controlling this reserve.

It seems to me that the arguments which he makes could be urged against almost any of our land laws, and if we were to abolish the forest-reserve system because of the faults of administration which the Senator from Nevada pointed out it could be urged with equal force that we ought to abolish the homestead law because of certain faults in administration.

Mr. PITTMAN. Mr. President——

Mr. POINDEXTER. I will yield in a moment, if the Senator please. I decline to yield just now.

I agree with the criticism made by the Senator from Nevada and many others, both on this occasion and many other occasions, as to what is called bureaucracy in government, but I am not in favor of abolishing the Government because there are faults in bureaus.

It seems to be the logic of his proposition that because there are faults in administration of the forest-reserve law we are to abolish the forest-reserve system. They have a very bad, an intolerable, practice in the General Land Office, at least in some of the Western States, in the administration of the homestead law. I only mention it to illustrate the nature of the objections here to this forestry law. That practice is to file what might be called a blanket protest against the final proof of homesteaders. It is obnoxious. They have agents in the field who are drawing a salary, and I suppose in many instances make these protests in order to make a showing of doing something to justify their retention in office. They file a protest against a man's homestead proof without knowing anything whatever about his proof. The poor homesteader is scared to death. The land agent goes on his easy way; he does not bother himself about investigating the matter. It may be six months or it may be a year before he ever goes on the homestead or makes any inquiry to ascertain whether or not the homesteader has really complied with the law. Finally, after the lapse of a long time, he comes in and waives his protest. That is a bad practice; but nobody has proposed that we should abolish the homestead law because of that abuse. Rather, we are in favor of removing the abuse and perfecting the administration of the homestead law. That would be the logical and businesslike way to proceed against the existence of any abuses as to forest reserves.

Mr. PITTMAN. Mr. President——

Mr. POINDEXTER. Just a moment. I asked the Senator from Nevada a while ago to state some specific instance of hardship and oppression which he said had resulted in this Chugach reserve from its being a reserve. What I meant by that was that he should point out some individual cases where men, for instance, have made application for homestead and had had difficulty; but, instead, while he said that he would proceed to give some specific instances, he then proceeded to read from the hearings before the Committee on Territories along general discussion of the abuses of the forest-reserve system and a cross-examination of Chief Forester Graves. There were not any specific cases included in that, of course. There was one specific instance which the Senator from Nevada mentioned, I think, on yesterday, and I listened to it with a great deal of interest, and to the graphic description which he gave of the hardships of a poor homesteader in the Kuskokwim who had been oppressed by the existence of the Chugach Forest Reserve. The Senator told about the long journey of this poor man, whose rights had been interfered with by the establishment of this reserve, in order to find a forest agent so as to make his application for a homestead. That would be very cogent if we did not know that the Chugach Forest Reserve is at least 150 miles from the Kuskokwim and is separated by the Mount McKinley range, so that it could not possibly have had any effect upon the difficulties which this homesteader, to whom the Senator referred yesterday, had in making his entry.

What is the criticism of the Chugach Forest Reserve? It is said that there is but a small amount of timber per acre there, and the Senator from Colorado [Mr. SHAFROTH] asked on yesterday what was the average altitude of the land. Well, what is desired to be proved by that? There might be a peak of barren granite and snow 12,000 feet high, which did not have a stick of timber on its sides above 2,000 feet altitude. That would increase the average altitude of this forest reserve, but what has that got to do with the proposition? That would not affect in any way the merits of the Forest Service upon the

lowlands along the sea where these forests actually exist; and the main resources which seem to be in view to be reached by some one by the abolishment of this forest reserve are the barren lands where there are no forests. Those are the Chugach range of mountains; they are the great Alaskan Alpine range of granite and black shale and glaciers and snows; and people imagine that there are precious mines in them, and there are minerals in some of them.

I do not suppose there is a Senator in this body who would oppose the Senator from Nevada if he came here with a proposition to eliminate those mineral lands where there are no forests from this reservation. It may be of interest to the Senator from Nevada to know that this administration, with which he is identified, and to whose party he belongs, has already taken steps to do that very thing, and that in the middle of this month the Secretary of Agriculture, in whose department the forest reserves are, filed a written recommendation that four and a half million acres out of this 11,000,000 acres, which the Senator from Nevada speaks of, be eliminated. That will remove the objection which the Senator, at least, has to that part of the reserve.

Mr. PITTMAN. Mr. President——

Mr. POINDEXTER. Just one moment. The Senator speaks of this great area of 11,000,000 acres with a scope of gesture and a comprehensiveness of language that would create the impression that it covered all that part of the world. As a matter of fact, it is a mere dot in the 364,000,000 acres that compose Alaska.

The Senator from Mississippi [Mr. WILLIAMS], my friend for whose opinions I have great respect, standing by me, asks why should not this timber go to the people. I am glad that he has asked me that question, for that is a part of the argument which has been made. I am very glad to say that it does go to the people; and I know that the Senator from Mississippi, with the sincerity with which he acts upon these questions, will be glad to know that this question which we are discussing, which has been presented here by the proponents of this amendment on the basis of allowing the homesteaders and the miners to get timber—that under the law as it now exists they get timber, and they do not have to go through any formal process whatever in order to get it; they do not have to ask any formal permit; all they have to do, if they want timber for their own use in mining and in homesteading, is to go and take the timber. They are allowed to do it under the law, and they are allowed to do it in the administration of the law.

Mr. PITTMAN. How can they do it in homesteading when they can not homestead?

Mr. POINDEXTER. What we were discussing was homesteads, and the Senator from Nevada now assumes that there are no homesteads. In response to that, I will say that there are homesteads, and that, according to the testimony of the Director of the Forestry Service, upon whose testimony the Senator from Nevada has based his main argument, not a single application for a homestead in this reservation during the last year was denied; every one of them was granted.

Mr. PITTMAN. Were any of them granted during last year?

Mr. POINDEXTER. Yes.

Mr. PITTMAN. How many?

Mr. POINDEXTER. I am not prepared to say how many.

Mr. PITTMAN. I have no record of that in the testimony.

Mr. POINDEXTER. But I have here on page 446 in the testimony of the witness from whom the Senator from Nevada has read at such great length, this statement:

> Mr. WICKERSHAM. Upon what grounds do you refuse a homestead entry on these lands?
> Mr. GRAVES. We have applications for homesteads sometimes on heavily timbered areas.
> Mr. WICKERSHAM. I mean in the Chugach Forest.
> Mr. GRAVES. I know. The last year there were not any rejections, so I do not know that we had grounds for refusal.

That is the testimony to which I refer.

Mr. PITTMAN. But he does not testify that there were any granted.

Mr. POINDEXTER. Of course, Mr. President, if there were no applications, there would not be any entries; but that is on a line with the argument which the Senator himself has made, that this forest ought to be thrown open, so that people can use it, following that up by the statement that it was useless to keep it there, because there was just as much of it used now as there would be if it were thrown open.

The Senator said in his argument that every application for timber had been granted. The same thing applies to homesteads; every application for a homestead has been granted; every application for a mineral claim where there was any mineral has been granted. There is no record of any rejection of any application for a mineral claim.

Mr. PITTMAN. If the Senator will look on page 446, from which he is reading, he will see a record of denial and of rejection, which he did not read.

Mr. POINDEXTER. I want to read, in view of the emphasis which the Senator from Nevada has placed upon the statements of Mr. Graves, the Chief Forester, a statement which I just have from Mr. Graves himself, which is somewhat in conflict with the deductions which the Senator from Nevada has made from his testimony before the Committee on Territories. It throws some light upon his views as to the importance of this reserve and the purposes for which it was created.

The Senator from Nevada has asked a great many times why is a forest reserve maintained there, and he has stated that nobody could give any good reason for its being there. I can give the same reasons for having a reserve there that can be given for having forest reserves anywhere else. The very argument the Senator makes that timber is scarce in that country, that there are great areas of untimbered lands, make it more important that such timber as there is should be conserved. The purpose of having a forest reserve and having it administered according to forestry principles is to make it a perpetual resource, instead of allowing it to be used immediately and destroyed. Conserving the timber means so cutting the timber and so using it that the forest will be continually renewing itself, and that the same amount can be cut from year to year indefinitely. That is the purpose of having a forest reserve there; but if you turn it over to the horde of speculators and exploiters who will follow the line of the new railroad into Alaska, you will find it swept of its resources and as barren as the battle field of the Wilderness was after the war had laid its desolating touch upon it.

Mr. PITTMAN. What would the people do with it?

Mr. POINDEXTER. You will find it just as barren as the timberlands of Minnesota and Michigan, which the great lumber barons have stripped of their resources in order to acquire sudden wealth, without any regard to the future.

The Senator says we want to care for the present generation. We want to care for the present generation and allow them to use this timber, and we can do that by a proper system of forestry, and at the same time keep the forests so that future generations can use them. Mr. Graves says:

> There are two national forests in Alaska—the Tongass, situated in the Panhandle and extending south from Skagway, and the Chugach, surrounding Prince William Sound and extending from Cook Inlet on the west to a short distance beyond Bering River on the east. The net area of the Tongass National Forest is nearly 15,500,000 acres, and that of the Chugach slightly in excess of 11,000,000 acres.
> The forests were created under the act of Congress which specifies that "no public forest reservation shall be established except to improve and protect the forest within the reservation, or for the purpose of securing favorable conditions of water flows, and to furnish a continuous supply of timber for the use and necessities of the citizens of the United States."
> It was necessary to retain in the United States the title to these valuable timberlands. Continuous timber production on privately owned lands is out of the question.

I think that is a most significant statement, and it is corroborated by the observation of everybody who has given attention to it:

> Continuous timber production on privately owned lands is out of the question.

And I will interpolate here that that is another way of expressing the object of having a forest reserve—to provide for continuous timber production.

> It was believed that the fullest development in the future of all local industries and lasting prosperity in Alaska depend upon a permanent future timber supply. This is possible only with the protection of the forest from fire where there is fire danger and reasonably close utilization of the existing supply under conservative forest management. Furthermore, the greatest possible surplus production over local needs will fall far short of the future demand from this source for lumber and pulp in the United States.
> The best available estimates show, and these estimates are intended to be conservative, that the total stand of timber in the Tongass National Forest, with its 12,000 miles of forested shore line, reaches a total of 70,000,000,000 feet b. m., while that on the Chugach, situated much farther to the north and under more adverse climatic conditions, totals approximately 8,000,000,000 feet. For these forests together I have limited the annual cut to the enormous amount of nearly 800,000,000 feet, and this figure represents the amount of timber which can be cut from these forests for all time under conservative management.

And yet they say that these forests are not worth the snap of your finger. It reminds me of the propaganda of depreciation of the coal lands of Alaska about the time we had the Ballinger case pending, when the more eager they were to obtain them the fiercer was the argument that they were worthless.

> The boundary lines of these forests, and particularly of the Chugach, were broadly drawn—

I desire to call the Senator's particular attention to this—

and for descriptive purposes, and in order to avoid the necessity for extensive surveys, the Chugach was made to include large areas of treeless but comparatively inaccessible lands. Subsequent and more detailed examinations of the Chugach boundaries show the possibility of extensive eliminations. I am prepared, therefore, to recommend to the President the elimination of approximately 5,000,000 acres from the Chugach National Forest, reducing its limits very nearly to the forest-bearing area.

Mr. PITTMAN. Mr. President——

Mr. POINDEXTER. I yield to the Senator.

Mr. PITTMAN. I merely want to interpolate a suggestion there. The Senator called my attention to a matter which I was unable to answer without disturbing him, which I did not desire to do; but with regard to the elimination by the Forestry Bureau of a portion of the Chugach Forest, it does not in any way change the facts before the Senate, for the reason that the Forester testified, as the Senator will recollect, that of the 11,000,000 acres in that reserve there were only 4,000,000 that had timber on them, and on those 4,000,000 acres of timber there were 8,000,000,000 feet. Now, on the land that is still retained there are only 8,000,000,000 feet, and of that there is not over a third that is mature timber; consequently there is on the land retained in the reserve less than a thousand board feet to the acre.

Now, let me correct one other statement while I am on my feet. The Senator says that on yesterday I said "Kuskokwim River" in referring to the difficulties of a homesteader in the Chugach Reserve. It is possible I said the Kuskokwim River, but I did not mean the Kuskokwim River, because I am perfectly familiar with that map. I meant Resurrection Bay.

Just at this point, so as not to interrupt the Senator any further, let me read a few brief remarks——

Mr. POINDEXTER. Mr. President, I think I will have to decline to yield to the Senator to read from the hearings. I will yield the floor in a moment. I want to say in regard to the Senator's remark that the fact that the Forestry Bureau is about to eliminate one-half of the area of the Chugach Forest Reserve, which does not contain timber, does not, as he says, change the question in any way, that it seems to me to weaken the force of his argument about 50 per cent, because he was arguing that there was a certain amount of timber per acre on 11,000,000 acres. Reading further from this statement, Mr. Graves says:

The area to be eliminated is situated along practically the entire northern boundary of the forest, and includes a large portion of the treeless area of the Kenai Peninsula.

The national forests have not in the slightest degree interfered with mining or any other legitimate development in Alaska.

I think this is entitled to weight, because the Senator from Nevada has relied upon the statements of this same man for the support of his amendment.

In fact—

He says—

it is common knowledge that within the areas embraced within these forests in southern and southeastern Alaska the permanent mining and other development has been far greater during the latter part of the last decade than in any other section.

The Alaskan forests are not a drain upon the resources of the United States, as is sometimes believed. For these forests the surplus of receipts over expenditures during the last fiscal year was more than $12,000, and during the preceding year more than $10,000. Furthermore, this surplus occurs at a time when only a very small part of the resources of the forests are being used. Sales of timber to the present time are supplying only a comparatively small local demand. This demand in both forests will certainly increase in the future, but there will continue to be a large surplus for use as pulp and lumber in the United States over local needs which may be removed under conservative management.

Tentative applications have already been received in both forests for large sales of pulp material, and the consummation of these sales is dependent only upon the ability of the applicants to secure proper financial backing. Capital should certainly be available for development when it is known that the great bulk of the material suitable for pulp is situated within a very short distance of tidewater, making possible the transportation of the manufactured product in seagoing ships from the place of manufacture; and, furthermore, that water power far in excess of any possible needs can be developed at almost any situation suitable for the erection of pulp and paper mills.

The plan to abolish the national forests in Alaska is a destructive one. It would result in the passing of title to timber lands of great value into private hands, speculative increases in stumpage and lumber values, and greatly increased costs to the ultimate consumer, to say nothing of the difficulties which would be placed in the way of development. All protection would be withdrawn and wasteful methods of utilization would be the rule. But, most serious of all, there would be no provision for the continuous production of the large amounts of timber which will in the future be essential for the welfare of Alaska and the United States. Such a policy, furthermore, would be absolutely inconsistent with the splendid plan which is now being advocated of large expenditures by the Federal Government for the construction of railroads and other methods of transportation needed for the development of the resources of Alaska.

I only wish to add that the maintenance of this forest reserve is in the interest of the small landholder, the poor homesteader, and the small miner, who under the forest-reserve law has free access to this timber without even the difficulty of making an application for a permit. On the other hand, if it is thrown open, although the Senator from Nevada says there is no law under which it could be acquired and exploited, there very soon would be a strong movement for the passage of some law under which it could be acquired by private parties as has been the case in the western part of the State of Washington and the State of Idaho, where most of the timber is held by a very few private parties; and then the small miner and the homesteader would not be able to acquire from these great private landholders the timber needed for his entry which he now can acquire free from the Government.

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

Mr. SHIVELY. I hope the Senator will not do that. I wish to submit several conference reports.

Mr. WILLIAMS. If the Senator from Indiana has any objection to the motion, of course I will withdraw it.

PENSIONS AND INCREASE OF PENSIONS.

Mr. SHIVELY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4168) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same.

That the House recede from its amendments numbered 1 and 3.

That the Senate recede from its disagreement to the amendment of the House numbered 4, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20"; and the Senate agree to the same.

BENJ. F. SHIVELY,
CHARLES F. JOHNSON,
REED SMOOT,
Managers on the part of the Senate.

J. A. M. ADAIR,
JOE J. RUSSELL,
Managers on the part of the House.

The report was agreed to.

Mr. SHIVELY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4352) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 1, 2, and 3.

BENJ. F. SHIVELY,
CHARLES F. JOHNSON,
REED SMOOT,
Managers on the part of the Senate.

J. A. M. ADAIR,
JOE J. RUSSELL,
Managers on the part of the House.

The report was agreed to.

Mr. SHIVELY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4552) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1 and 7, and agree to the same.

That the House recede from its amendments numbered 2, 3, 4, 6, and 8.

That the Senate recede from its disagreement to the amendment of the House numbered 5, and agree to the same with an

amendment as follows: In lieu of the sum proposed insert "$30"; and the Senate agree to the same.

BENJ. F. SHIVELY,
CHARLES F. JOHNSON,
REED SMOOT,
Managers on the part of the Senate.
J. A. M. ADAIR,
JOE J. RUSSELL,
Managers on the part of the House.

The report was agreed to.

NATIONAL PROHIBITION.

Mr. OVERMAN. I submit a resolution, for which I ask present consideration.

The resolution (S. Res. 371) was read, as follows:

Resolved, That the Committee on the Judiciary be, and they are hereby, authorized to have printed for their use 1,000 copies, or as many thereof as they may deem necessary, of the hearings held by a subcommittee of that committee under Senate joint resolution 88 and Senate joint resolution 50.

Mr. WILLIAMS. Out of what fund is that payable?

Mr. OVERMAN. Out of the contingent fund, I suppose. Under the general authority that the committee has to pay for printing, it will be paid out of the contingent fund. I suppose that is the only way it can be paid.

Mr. WILLIAMS. Is it payable out of a general appropriation or out of the contingent fund?

Mr. OVERMAN. I suppose the only way to pay it is out of the contingent fund.

Mr. WILLIAMS. Then it ought to be sent to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. SMOOT. No; it is not paid out of the contingent fund.

Mr. OVERMAN. I understand it is paid out of the printing fund.

Mr. SMOOT. It is charged up to the printing of the Senate. Therefore the resolution will not have to go to the Committee on Contingent Expenses.

Mr. WILLIAMS. I merely wanted to determine the fact. If it is to be paid out of the contingent fund, it must be sent to the Committee to Audit and Control the Contingent Expenses of the Senate. If not, it need not be.

Mr. SMOOT. Oh, it is not.

Mr. OVERMAN. This is the exception. It is not payable from the contingent fund.

Mr. WILLIAMS. Very well.

The resolution was agreed to.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 4096. An act to amend the act authorizing the National Academy of Sciences to receive and hold trust funds for the promotion of science, and for other purposes;

S. 4632. An act for the relief of settlers on the Fort Berthold, Cheyenne River, Standing Rock, Rosebud, and Pine Ridge Indian Reservations, in the States of North and South Dakota;

S. 5289. An act to provide for warning signals on vessels working on wrecks or engaged in dredging or other submarine work, and to amend section 2 of the act approved June 7, 1897, entitled "An act to adopt regulations for preventing collisions upon certain harbors, rivers, and inland waters of the United States";

H. R. 12806. An act authorizing the Secretary of War to grant the use of the Fort McHenry Military Reservation, in the State of Maryland, to the mayor and city council of Baltimore, a municipal corporation of the State of Maryland, making certain provisions in connection therewith, providing access to and from the site of the new immigration station heretofore set aside; and

H. R. 16508. An act making appropriations to supply further urgent deficiencies in appropriations for the fiscal year 1914, and for other purposes.

AGRICULTURAL APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13679) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1915.

Mr. LA FOLLETTE. Mr. President, I do not desire to prolong the debate upon the pending amendment, and will yield to the chairman of the committee.

Mr. GORE. Mr. President, it is not my purpose to discuss the amendment presented by the Senator from Nevada [Mr. PITTMAN]. I have listened with a great deal of interest to his address on his amendment. He presented to the Senate a strong array of facts. I am not certain whether or not he made out a prima facie case. I may say, however, that this is not the proper way nor is this the proper time to abandon or abolish the forest reservation in question.

If the Senator's bill should pass the Congress and become a law, the present appropriation would lapse. It does not become operative until the first of the fiscal year. If, on the other hand, the Senator's bill should fail to pass and the Congress should fail to make this appropriation, the situation of the home seeker in Alaska would be even worse, if possible, than it is at present. There would be no one in charge of the reserve. It would be liable to forest fires or other ravages, and, it seems to me, it would be extremely unwise to set a precedent of this character.

I may say to the Senator that while I favor conservation I favor a conservation which not only permits but promotes development. I do not favor a conservation which is synonymous with paralysis or with stagnation.

I am extremely anxious to take the sense of the Senate upon this amendment. There are Senators present to-day who will be absent to-morrow and who are anxious to register their views upon the pending amendment.

I therefore move to lay the amendment on the table.

The VICE PRESIDENT. The question is upon agreeing to the motion of the Senator from Oklahoma to lay the amendment on the table.

The motion was agreed to.

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 five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Saturday, May 23, 1914, at 11 o'clock a. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 22, 1914.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Arthur Bailly-Blanchard to be envoy extraordinary and minister plenipotentiary to Haiti.

SECRETARIES OF EMBASSIES.

Charles B. Curtis to be second secretary of the embassy at Rio de Janeiro, Brazil.

Louis A. Sussdorff, jr., to be third secretary of the embassy at Paris, France.

Hallett Johnson to be third secretary of the embassy at Constantinople, Turkey.

Elbridge Gerry Greene to be third secretary of the embassy at London, England.

SECRETARIES OF LEGATIONS.

Frederic Ogden de Billier to be secretary of the legation at La Paz, Bolivia.

Warren D. Robbins to be secretary of the legation at Guatemala, Guatemala.

SECRETARIES OF LEGATIONS AND CONSULS GENERAL.

William Walker Smith to be secretary of the legation and consul general of Bangkok, Siam.

John C. White to be secretary of the legation and consul general at Santo Domingo, Dominican Republic.

ASSISTANT SECRETARY OF THE INTERIOR.

Bo Sweeney to be Assistant Secretary of the Interior.

ASSISTANT ATTORNEY GENERAL.

Bert Hanson to be Assistant Attorney General (conduct of customs cases).

REGISTER OF THE LAND OFFICE.

John A. Ross to be register of the land office at Bellefourche, S. Dak.

POSTMASTERS.

MINNESOTA.

Michael J. Daly, Perham.
F. J. Reimers, Stewart.
H. M. Wheelock, Fergus Falls.