Post, Grand Army of the Republic, against abolition of the Pittsburg pension agency—to the Committee on Appropriations.

Also, petition of General Alexander Hayes Post, Grand Army of the Republic, of Pittsburg, Pa., for bill S. 976—to the Committee on Invalid Pensions.

Also, petition of B. F. Wooding, for an appropriation to test the Wooding railway warning device—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Allegheny County Grand Army Association, for the McCumber pension bill—to the Committee on Invalid Pensions.

Also, petition of the Allegheny County Grand Army Association, against abolition of the Pittsburg pension agency—to the Committee on Appropriations.

Also, petition of citizens of Allegheny County, Pa., for increase of salaries of post-office clerks—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Immigration Restriction League, for an illiteracy-test clause in the immigration bill—to the Committee on Immigration and Naturalization.

By Mr. GROSVENOR: Paper to accompany bill for relief of Robert Fitzgerald—to the Committee on Invalid Pensions.

By Mr. HAMILTON: Petition of citizens of Benton Harbor, Mich., in support of bill H. R. 15585, for the relief of ex-prisoners of war—to the Committee on Invalid Pensions.

By Mr. HAYES: Petition of the Board of Trade of San Francisco, against the Pearre bill and other proposed anti-injunction legislation—to the Committee on the Judiciary.

By Mr. HIGGINS: Petition of Maier Zunder Lodge, Independent Order B'nai Brith, of New Haven, Conn., against further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. KENNEDY of Nebraska: Petition of the Commercial Club of Omaha, for an entire reclassification of second-class matter and indorsing the Penrose bill—to the Committee on the Post-Office and Post-Roads.

By Mr. LAMB: Petition of the E. A. Sanders Sons Company, for enlarged powers for the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. LEGARE: Petition to accompany bill authorizing and empowering Henry E. Young to bring suit in the proper circuit court of the United States for recovery of damages to certain lands in Chatham County, Ga.—to the Committee on Claims.

By Mr. McCALL: Paper to accompany bill for relief of Penrose Forsythe—to the Committee on Invalid Pensions.

By Mr. PATTERSON of South Carolina: Paper to accompany bill for relief of Nehimiah Tildall—to the Committee on Pensions.

By Mr. RHODES: Paper to accompany bill for relief of James I. McCormick—to the Committee on Invalid Pensions.

By Mr. SMITH of California: Petition of Bennington Camp, Spanish War Veterans, of San Bernardino, Cal., for restoration of the Army canteen—to the Committee on Military Affairs.

By Mr. STEENERSON: Joint memorial of the legislature of Minnesota, for an appropriation to construct a canal in Aiken County to prevent overflow of certain lands caused by the building of reservoirs in the Mississippi by the Government—to the Committee on Appropriations.

By Mr. STERLING: Petition of Division No. 302, Brotherhood of Locomotive Engineers, of Chicago, Ill., for bill S. 5133 (the sixteen-hour bill)—to the Committee on Interstate and Foreign Commerce.

Also, papers to accompany bills for relief of Nathan E. Skinner and Job J. Whitman—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: Petition of the legislature of Minnesota, for an appropriation to construct a canal in Aitkin County, Minn.—to the Committee on Rivers and Harbors.

By Mr. SULZER: Petition of the German Baptist Ministers' Conference of New York, to investigate affairs in the Kongo Free State—to the Committee on Foreign Affairs.

Also, petition of the Massachusetts State board of agriculture, for an appropriation to stay the ravages of the gypsy moth—to the Committee on Agriculture.

Also, petition of the national committee on legislation of the United Spanish War Veterans, for restoration of the Army canteen—to the Committee on Military Affairs.

Also, petition of the American Protective Tariff League, for a dual tariff—to the Committee on Ways and Means.

Also, petition of the National German-American Alliance of the United States, against the Littlefield bill (H. R. 13655)—to the Committee on the Judiciary.

Also, petition of the National League of Employees of Navy-Yards, for a liability law and a Saturday half-holiday law for Government employees—to the Committee on Naval Affairs.

Also, petition of the Grand Army Association of Philadelphia and vicinity, against abolition of the pension agencies—to the Committee on Appropriations.

Also, petition of M. & J. Josephson, against anti-immigration bills now pending—to the Committee on Immigration and Naturalization.

Also, petition of Pearson's Magazine, against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of citizens of New York and vicinity, for release for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of the Association of Army Nurses of the Civil War, for the Dalzell bill to place volunteer nurses on an equality with those pensioned under act of 1892—to the Committee on Invalid Pensions.

Also, petition of Chester C. Platt, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. WOOD: Paper to accompany bill for relief of Richard Prost—to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, *February 6, 1907.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CULBERSON, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

REVENUE-CUTTER SERVICE.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 925) for the construction of a steam vessel for the Revenue-Cutter Service for duty in the district of Puget Sound; which were to strike out all after the enacting clause and insert:

That the construction, under the direction of the Secretary of the Treasury, of four steam vessels for the Revenue-Cutter Service is hereby authorized, at a total cost not to exceed $650,000, said vessels to be as follows:

One steam revenue cutter of the first class for duty in Puget Sound and adjacent waters, at a cost not to exceed $225,000.

One steam revenue cutter of the first class for duty at Savannah, Ga., and adjacent waters on the Atlantic coast, at a cost not to exceed $200,000.

One able seagoing tug for the Revenue-Cutter Service for duty at New Bedford, Mass., and adjacent waters on the Atlantic coast, at a cost not to exceed $175,000.

One boarding vessel for the Revenue-Cutter Service for duty at New Orleans, La., and adjacent waters, at a cost not to exceed $50,000.

And to amend the title so as to read: "An act authorizing the construction of four steam vessels for the Revenue-Cutter Service of the United States."

Mr. FRYE. I was about to move that the Senate concur in the House amendments, but I understand the Senator from Texas [Mr. CULBERSON] desires to offer an amendment to the amendment of the House.

Mr. CULBERSON. I offer an amendment to come in at the end of the House amendment. I will state that a bill substantially the amendment I propose was passed by the Senate January 25.

The VICE-PRESIDENT. The amendment proposed by the Senator from Texas to the amendment of the House will be read.

The SECRETARY. Add at the end of the amendment proposed as a substitute the following:

One motor boarding boat for the port of Galveston, Tex., not to cost exceeding $35,000: *Provided*, That the Secretary of the Treasury may use said boat at any other customs port in the United States as the exigencies of the service may require.

The amendment to the amendment was agreed to.

Mr. FRYE. I now move that the amendments of the House as amended be concurred in.

The amendments as amended were concurred in.

REUBEN A. GEORGE.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was read, and, on motion of Mr. MCCUMBER, was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return the bill H. R. 20928, entitled "An act granting an increase of pension to Reuben A. George."

RULES AND REGULATIONS OF DEPARTMENT OF JUSTICE.

The VICE-PRESIDENT laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of the 1st instant, a copy of the rules and regulations governing the Department of Justice and its various branches.

Mr. HEYBURN. I suggest that the communication lie on

the table until the reports from the other Departments of the Government are before the Senate.

The VICE-PRESIDENT. The communication will lie on the table, if there be no objection.

Mr. NELSON. I ask that the report may be printed and referred to the Committee on the Judiciary.

Mr. HEYBURN. It was my intention in presenting the resolution to the Senate calling for reports as to the rules and regulations in force in the various Departments that when they came to the Senate we would treat them together, and I would ask that they be printed as a Senate document. The report from this Department of the Government will be a part of the general consideration of the subject when all the reports are before the Senate. I see no object in having it referred to the Judiciary Committee.

Mr. NELSON. It relates to the rules governing the Department of Justice, and the subject-matter ought to go to that committee. I have no objection to printing them together, if the Senator insists upon it, by and by, when all of the reports come in, but I think the appropriate course now is to have this communication referred to the Committee on the Judiciary and printed.

Mr. HEYBURN. I would be glad to have a suggestion as to the object of sending this communication to the Judiciary Committee. The action contemplated in this matter is of a more general character than that which could possibly come within the jurisdiction or consideration of that committee. I should like to keep the entire matter before the Senate until we have a report from the other Departments. If we were to distribute the reports from the various Departments, we would have them all in different committees and could get no concerted action in reference to them.

Mr. SPOONER. Mr. President——

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

Mr. HEYBURN. In a moment. My purpose in introducing the resolution to which this is a response, which of course became the action of the Senate when it was adopted, was that these reports might be considered as a whole and not separately.

Mr. SPOONER. What was the general scope and purpose of the resolution?

Mr. HEYBURN. The purpose of the resolution was to enable the Senate to determine how much of the law of the land is statute law and how much of it are rules and regulations.

Mr. SPOONER. The Senator's idea is that the reports from all the Departments shall go to one committee?

Mr. HEYBURN. That they shall go to one committee.

Mr. SPOONER. To what committee?

Mr. HEYBURN. I have not given that sufficient consideration to have an ultimate conclusion on the subject. I thought it time enough when they were all in to determine that matter.

Mr. SPOONER. The Senator's proposition is that this communication shall lie upon the table until they are all in?

Mr. HEYBURN. Yes; and that then all shall go to the committee appropriate to the consideration of the subject.

The VICE-PRESIDENT. Does the Senator from Minnesota insist upon his motion to refer the communication to the Committee on the Judiciary?

Mr. NELSON. I think that is where it ought to go.

The VICE-PRESIDENT. The Senator from Minnesota moves that the communication be referred to the Committee on the Judiciary and printed.

Mr. NELSON. If the Senator from Idaho desires to have the communication lie on the table for the time being, I will withdraw my motion.

Mr. HEYBURN. Very well.

The VICE-PRESIDENT. The motion is withdrawn, and the communication will lie on the table.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. McKENNEY, its enrolling clerk, announced that the House had agreed to the concurrent resolution of the Senate requesting the President to return the bill (S. 1160) to correct the military record of John McKinnon, alias John Mack.

The message also announced that the House had passed a bill (H. R. 25123) providing for the construction of a bridge across the Mississippi River; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

H. R. 4300. An act for the relief of A. J. Stinson;

H. R. 5223. An act to reimburse Quong Hong Yick for one case of opium erroneously condemned and sold by the United States;

H. R. 6430. An act authorizing the Secretary of the Treasury to pay to German M. Rouse informer's fees for certain opium seizures;

H. R. 12690. An act to define the term of "registered nurse" and to provide for the registration of nurses in the District of Columbia;

H. R. 16386. An act to fix the time of holding the circuit and district courts for the northern district of West Virginia;

H. R. 16868. An act for the prevention of scarlet fever, diphtheria, measles, whooping cough, chicken pox, epidemic cerebro-spinal meningitis, and typhoid fever in the District of Columbia;

H. R. 17624. An act to amend an act entitled "An act to amend section 4405 of the Revised Statutes of the United States," approved March 3, 1905;

H. R. 19568. An act vacating Alexander place and Poplar street in the subdivision of a part of a tract called Lincoln, District of Columbia, and vesting title in the present owner;

H. R. 23219. An act to authorize Majestic Colleries Company, of Eckman, W. Va., to construct a bridge across Tug Fork of Big Sandy River about 2½ miles west of Devon, W. Va., a station on the Norfolk and Western Railway;

H. R. 23383. An act to amend an act entitled "An act to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River," approved June 25, 1906;

H. R. 23889. An act authorizing the Secretary of the Interior to issue deed of conveyance to Lyman Ballou to certain lands in Custer County, S. Dak.;

H. R. 24361. An act to amend an act entitled "An act to authorize the Mercantile Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of North Charleroi, Washington County, to a point in Rostraver Township, Westmoreland County," approved March 14, 1904;

H. R. 24367. An act to authorize the Interstate Bridge and Terminal Railway Company of Kansas City, Kans., to construct a bridge across the Missouri River at or near Kansas City, Kans.;

H. R. 24603. An act to authorize the Atlanta, Birmingham and Atlantic Railroad Company to construct a bridge across the Coosa River in the State of Alabama; and

H. J. Res. 195. Joint resolution authorizing the Secretary of War to furnish two condemned cannon to the mayor of the town of Preston, Iowa.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of Ibn Gabriol Lodge, No. 114, Independent Order of B'nai B'rith, of Pittsburg, Pa., praying for the appointment of a commission to investigate the restriction of immigration; which was referred to the Committee on Immigration.

He also presented a petition of sundry citizens of Friend, Oreg., praying for the adoption of certain amendments to the present denatured alcohol law; which was referred to the Committee on Finance.

He also presented the petition of George A. Bellamy, of Cleveland, Ohio, praying that an appropriation be made for a scientific investigation into the industrial conditions of woman and child workers in the United States; which was ordered to lie on the table.

He also presented memorials of sundry citizens of Maryland and New York, remonstrating against the enactment of legislation to further restrict immigration; which were referred to the Committee on Immigration.

He also presented memorials of sundry citizens of Rochester, N. Y., remonstrating against any intervention on the part of the United States Government in the affairs in the Kongo Free State; which were ordered to lie on the table.

He also presented a petition of Typographical Union No. 8, American Federation of Labor, of St. Louis, Mo., praying for the adoption of certain amendments to the present postal laws so as to allow court review of fraud orders issued by the Post-Office Department, and to provide for the reinstatement of second-class rates of certain publications heretofore excluded; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens of Minnesota, Illinois, New Jersey, New York, Michigan, and Kansas, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. DOLLIVER presented a memorial of the American National Live Stock Association, remonstrating against the enactment of legislation making any change in the provisions of the

present meat-inspection law; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the American National Live Stock Association, praying for the enactment of legislation providing for a maximum and minimum tariff in relation to our foreign trade; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Western Fruit Jobbers' Association, praying for the adoption of certain amendments to the present interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Christian Citizenship League of Webster City, Iowa, praying for an investigation of the charges made and filed against Hon REED SMOOT, a Senator from the State of Utah; which was ordered to lie on the table.

He also presented petitions of sundry citizens of Creston, Algona, Oakland, Des Moines, Britt, Shenandoah, Adams, and Corning, all in the State of Iowa, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of O'Brien County, Iowa, praying for the adoption of certain amendments to the present denatured-alcohol law; which was referred to the Committee on Finance.

Mr. BERRY presented petitions of sundry citizens of Siloam Springs, Horatio, Camden, and Mowellton, all in the State of Arkansas, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. KEAN presented petitions of sundry citizens of Plainfield, Merchantville, Passaic Junction, Pensauken, Camden, and Bransboro, all in the State of New Jersey, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also (for Mr. DRYDEN) presented a petition of Palisades Lodge, No. 592, Brotherhood of Railroad Trainmen, of Jersey City, N. J., praying for the passage of the so-called "anti-injunction bill;" which was referred to the Committee on the Judiciary.

He also (for Mr. DRYDEN) presented petitions of sundry citizens of Northfield, Camden, Trenton, Collingswood, Little Falls, and Paterson, all in the State of New Jersey, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also (for Mr. DRYDEN) presented a petition of sundry citizens of Camden, N. J., praying for the passage of the so-called "ex-prisoners of war pension bill;" which was referred to the Committee on Pensions.

He also (for Mr. DRYDEN) presented a petition of sundry citizens of Beverly, N. J., praying for the enactment of legislation to increase the efficiency of the Navy; which was referred to the Committee on Naval Affairs.

He also (for Mr. DRYDEN) presented petitions of Washington Camp, No. 23, Patriotic Order Sons of America, of Palmyra, and of sundry citizens of Woodbury, Trenton, Camden, Swedesboro, Hoboken, and Paterson, all in the State of New Jersey, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also (for Mr. DRYDEN) presented a petition of sundry citizens of Camden, N. J., praying for an investigation of the dismissal of the three companies of the Twenty-fifth United States Infantry; which was ordered to lie on the table.

He also (for Mr. DRYDEN) presented petitions of the Woman's Club of East Orange, of the Woman's Club of Orange, and of the New Jersey State Federation of Women's Clubs, of Moorestown, all in the State of New Jersey, praying for the enactment of legislation to regulate the employment of child labor; which were ordered to lie on the table.

He also (for Mr. DRYDEN) presented a petition of the New Jersey State Horticultural Society of Mount Holly, N. J., praying for a continuance of the minimum duty on green and dried apples as now imposed by the German Government; which was referred to the Committee on Finance.

He also (for Mr. DRYDEN) presented sundry memorials of citizens of Summit, N. J., remonstrating against the enactment of legislation to abolish the division of the Biological Survey in the Department of Agriculture; which were referred to the Committee on Agriculture and Forestry.

He also (for Mr. DRYDEN) presented the petition of Nathan Russell, of Glenridge, N. J., praying for the enactment of legislation to create a volunteer retired list; which was referred to the Committee on Military Affairs.

He also (for Mr. DRYDEN) presented the petition of H. W. Foster, of South Orange, N. J., praying for the enactment of legislation to fix the pay of the Army; which was referred to the Committee on Military Affairs.

He also (for Mr. DRYDEN) presented a petition of sundry citizens of Keyport, N. J., and a petition of sundry citizens of Newark, N. J., praying that an appropriation be made for the construction of a 14-foot waterway from the Great Lakes to the Gulf of Mexico; which were referred to the Committee on Commerce.

He also (for Mr. DRYDEN) presented petitions of sundry citizens of Jersey City, Newark, and Atlantic Highlands, all in the State of New Jersey, praying for the adoption of the so-called Lodge resolution to investigate the existing conditions in the Kongo Free State; which were ordered to lie on the table.

He also (for Mr. DRYDEN) presented the petition of A. D. Cochran, of Millville, N. J., and the petition of David Gray Archbald, of Newark, N. J., praying for the enactment of legislation to amend and consolidate the acts respecting copyrights; which were ordered to lie on the table.

He also (for Mr. DRYDEN) presented petitions of sundry citizens of Lakewood, Closter, Frenchtown, Clinton, and Centerville, all in the State of New Jersey, praying for the passage of the so-called "Crumpacker bill" relating to postal fraud orders; which were referred to the Committee on the Judiciary.

Mr. BLACKBURN presented a petition of sundry citizens of Kentucky, praying for the enactment of legislation to regulate the employment of child labor; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Kentucky, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was ordered to lie on the table.

He also presented sundry papers to accompany the bill (S. 5312) for the relief of W. F. Tomlinson, administrator of Samuel Tomlinson, deceased; which were referred to the Committee on Claims.

Mr. ALLEE presented petitions of sundry citizens of Little Creek, Flegler, Wilmington, Dover, Smyrna, and Penn Grove, all in the State of Delaware; of sundry citizens of Baltimore, Md., and Philadelphia, Pa., praying that an appropriation be made for the improvement of Little River, in the State of Delaware; which were referred to the Committee on Commerce.

Mr. BURNHAM presented the petition of Lewis E. Staples, of Portsmouth, N. H., and the petition of Rev. Virgil V. Johnson, of Claremont, N. H., praying for an investigation into the existing conditions in the Kongo Free State; which were ordered to lie on the table.

He also presented the petition of Rev. Samuel Rose, of Merrimack, N. H., praying for the enactment of legislation to regulate the employment of child labor; which was ordered to lie on the table.

He also presented a petition of the Boston Society of Civil Engineers, of Boston, Mass., praying that an increased appropriation be made for gauging the streams and investigating the water resources of the United States; which was referred to the Committee on Appropriations.

Mr. DEPEW presented sundry petitions of citizens of Walden and Cayuga, in the State of New York, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. FRYE presented petitions of sundry citizens of Dexter, Bath, and St. Albans, in the State of Maine, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. PATTERSON presented a petition of sundry citizens of Boulder, Colo., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Denver, Colo., and a memorial of the Belgian Protective Association, of Denver, Colo., remonstrating against any intervention of the Government of the United States in affairs in the Kongo Free State; which were referred to the Committee on Foreign Relations.

Mr. CLAPP presented petitions of sundry citizens of Winnebago, Tracey, and Minneapolis, all in the State of Minnesota, and a petition of sundry citizens of Naperville, Ill., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a memorial of Washington Council, No. 1, Junior Order United American Mechanics, of Minneapolis, Minn.,

remonstrating against the employment of Chinese, Japanese, and all other Asiatic cooly labor in the construction of the Panama Canal; which was referred to the Committee on Immigration.

He also presented a petition of the Federated Trades Assembly, of Duluth, Minn., praying for the enactment of legislation providing for the adjustment of differences between organized labor and employers' associations; which was referred to the Committee on Education and Labor.

He also presented a petition of the legislature of Minnesota, praying that an appropriation be made for the construction of a canal in Aitkin County, Minn.; which was referred to the Committee on Commerce.

Mr. NEWLANDS presented sundry papers to accompany the bill (S. 8321) granting a pension to Noah Miles; which were referred to the Committee on Pensions.

Mr. SPOONER presented a petition of sundry citizens of Dartford, Wis., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

DETAILS OF PROPOSED BATTLE SHIPS.

Mr. HALE. I present a paper containing certain details relating to proposed battle ships. I ask that the paper be printed as a document, printed in the RECORD, and referred to the Committee on Naval Affairs.

There being no objection, the paper was ordered to be printed as a document, and referred to the Committee on Naval Affairs, and to be printed in the RECORD, as follows:

NAVY DEPARTMENT,
Washington, February 4, 1907.

MY DEAR SENATOR HALE: I take pleasure in inclosing herewith the information desired by you relative to the proposed battle ship of which a description was sent to the Congress in my letter of December 12, 1906, and printed as House Document No. 295.

Very respectfully,

V. H. METCALF, *Secretary.*

HON. EUGENE HALE,
United States Senate.

Memorandum concerning the 20,000-ton ship for which the plans and description were submitted to Congress by the Secretary of the Navy, made in reply to an inquiry from Senator HALE, chairman Naval Committee.

Five hundred and ten-foot battle ship No. 28.—Length on L. W. L., 510 feet; length over all, 518 feet 9 inches; beam molded on L. W. L., 84 feet 10¼ inches; beam over all, 85 feet 2⅝ inches; displacement trial, 20,000 tons; displacement fully equipped and manned (everything on board, full), 22,075 tons; draft mean (trial displacement), 27 feet; draft mean, fully equipped and manned (everything on board, full), 29 feet 5 inches.

Armament, main battery, ten 12-inch B. L. R., 45 calibers. Two submerged torpedo tubes. The ten 12-inch B. L. R. are mounted in five electrically controlled turrets on the center line, placed as follows: Two forward above the forecastle deck, the second one firing over the top of the first; two aft on the main deck, on the same level; and one amidships, firing over the two after turrets.

The two torpedo tubes will be located forward below the waterline.

Secondary battery: Fourteen 5-inch R. F. G., four 3-pounder saluting guns, four 1-pounder semiauto guns, two 3-inch field pieces, two machine guns, .30 caliber.

The 5-inch guns are located on the gun deck, forming two broadside batteries of seven guns each, the corner guns having head and stern fire, respectively. The smaller guns are located in commanding positions with large unobstructed arcs of fire.

SPANISH TREATY CLAIMS COMMISSION.

Mr. CULLOM. I present sundry papers relating to the progress and condition of business before the Spanish Treaty Claims Commission, it being the last chapter, as it was called by the chairman of the Commission. I move that the papers be printed as a document.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. LA FOLLETTE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 22079) granting an increase of pension to James D. Grayson;

A bill (H. R. 21740) granting an increase of pension to Maria R. Klindt;

A bill (H. R. 21764) granting an increase of pension to Ment Stannah;

A bill (H. R. 21769) granting a pension to Emma C. Aikin;

A bill (H. R. 21782) granting an increase of pension to Anderson Graham;

A bill (H. R. 21787) granting an increase of pension to Alexander Porter;

A bill (H. R. 21838) granting an increase of pension to Fannie J. Terry;

A bill (H. R. 21853) granting an increase of pension to William A. Whitaker;

A bill (H. P. 21894) granting an increase of pension to Jacob W. Pierce;

A bill (H. R. 21923) granting an increase of pension to Sebastian Fuchs;

A bill (H. R. 21962) granting an increase of pension to Henry Osterheld;

A bill (H. R. 21988) granting a pension to Philip Dieter;

A bill (H. R. 22002) granting an increase of pension to John W. Hall;

A bill (H. R. 22007) granting an increase of pension to Sanford D. Payne;

A bill (H. R. 22017) granting an increase of pension to Adolphus Cooley;

A bill (H. R. 22018) granting an increase of pension to Charles Sells;

A bill (H. R. 22020) granting an increase of pension to Samuel Keller;

A bill (H. R. 22025) granting an increase of pension to Thomas H. Cook;

A bill (H. R. 22034) granting an increase of pension to James A. Wonder;

A bill (H. R. 22035) granting an increase of pension to Benjamin Swayze;

A bill (H. R. 22050) granting an increase of pension to John W. Frost;

A bill (H. R. 22068) granting an increase of pension to John P. Macy;

A bill (S. 8081) granting an increase of pension to William H. Cochran;

A bill (S. 8084) granting an increase of pension to John Hazen;

A bill (S. 8079) granting an increase of pension to Joseph Ickstadt;

A bill (S. 5578) granting an increase of pension to Sheffield L. Sherman, jr.; and

A bill (S. 7872) granting an increase of pension to Gilbert H. Keck.

Mr. LA FOLLETTE, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 7636) granting an increase of pension to Samuel M. Breckenridge; and

A bill (S. 6103) granting an increase of pension to William P. Visgar.

Mr. TALIAFERRO, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 22297) granting an increase of pension to Hugh L. Dicus;

A bill (H. R. 22285) granting an increase of pension to Dennis Remington, alias John Baker;

A bill (H. R. 22284) granting an increase of pension to George Ruhle;

A bill (H. R. 22279) granting an increase of pension to Thomas M. Griffith;

A bill (H. R. 22276) granting an increase of pension to Warren A. Sherwood;

A bill (H. R. 22269) granting an increase of pension to John L. Rosencrans;

A bill (H. R. 22262) granting a pension to Elizabeth S. Osborne;

A bill (H. R. 22252) granting an increase of pension to William W. Tyson;

A bill (H. R. 22240) granting a pension to James M. Ping;

A bill (H. R. 22239) granting an increase of pension to Elizabeth T. Hays;

A bill (H. R. 22223) granting an increase of pension to Uriah Kitchen;

A bill (H. R. 22222) granting an increase of pension to John W. Booth;

A bill (H. R. 22215) granting an increase of pension to Eliza A. Hughes;

A bill (H. R. 22187) granting a pension to Hiram C. Jett;

A bill (H. R. 22153) granting a pension to Antonio Archuleta;

A bill (H. R. 22099) granting an increase of pension to Libbie D. Lowry; and

A bill (H. R. 22089) granting an increase of pension to Adaline G. Bailey.

Mr. BURNHAM, from the Committee on Pensions, to whom was referred the bill (S. 7786) granting an increase of pension to Channing M. Snow, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 7785) granting an increase of pension to Carlo J. Emerson, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 18020) for the relief of the Snare & Triest Company; and

A bill (H. R. 18924) for the relief of George M. Esterly.

Mr. HOPKINS, from the Committee on Fisheries, to whom was referred the bill (S. 8074) to establish a fish-hatching and fish-culture station in the county of Newcastle, Del., reported it with an amendment, and submitted a report thereon.

Mr. CLAPP, from the Committee on Education and Labor, to whom was referred the amendment submitted by Mr. TALIAFERRO on the 22d ultimo, relative to an appropriation to assist in the industrial education of the negro youth of the Southern States, etc., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon.

Mr. TALIAFERRO. I move that the proposed amendment be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. PILES, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 21506) granting an increase of pension to Jacob Howe;

A bill (H. R. 21508) granting an increase of pension to Samuel Barber;

A bill (H. R. 21515) granting an increase of pension to Joseph Wheeler;

A bill (H. R. 21516) granting an increase of pension to James Murtha;

A bill (H. R. 21540) granting an increase of pension to John L. Wilson;

A bill (H. R. 21563) granting an increase of pension to Merritt M. Smart;

A bill (H. R. 21588) granting an increase of pension to Robert Medworth;

A bill (H. R. 21604) granting an increase of pension to William Girdler;

A bill (H. R. 21618) granting an increase of pension to Leonidas W. Reavis;

A bill (H. R. 21621) granting an increase of pension to Minerva A. Mayes;

A bill (H. R. 21718) granting an increase of pension to Franz Z. F. W. Jensen;

A bill (H. R. 21268) granting a pension to Rollin S. Belknap;

A bill (H. R. 21276) granting an increase of pension to Christian Roessler;

A bill (H. R. 21289) granting an increase of pension to Jesse Lewis;

A bill (H. R. 21298) granting an increase of pension to John A. Pence;

A bill (H. R. 21301) granting an increase of pension to John R. Goodier;

A bill (H. R. 21312) granting an increase of pension to Ernst Boger;

A bill (H. R. 21316) granting an increase of pension to Samuel Rhodes;

A bill (H. R. 21356) granting an increase of pension to Edward C. Miller;

A bill (H. R. 21374) granting an increase of pension to Charles H. Homan;

A bill (H. R. 21410) granting an increase of pension to Blanche M. Kell;

A bill (H. R. 21423) granting an increase of pension to Martha E. Wood;

A bill (H. R. 21425) granting an increase of pension to Jasper N. Brown;

A bill (H. R. 21426) granting an increase of pension to John J. Ross;

A bill (H. R. 21433) granting an increase of pension to George W. Lasley;

A bill (H. R. 21461) granting an increase of pension to Henry Huff;

A bill (H. R. 21462) granting an increase of pension to William H. Wickham;

A bill (H. R. 21473) granting an increase of pension to James B. Wood; and

A bill (H. R. 21476) granting an increase of pension to Hiram A. Winslow.

Mr. PATTERSON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 22642) granting an increase of pension to John Gregory;

A bill (H. R. 22635) granting an increase of pension to Catharine Williams;

A bill (H. R. 22634) granting an increase of pension to Helon Wilson;

A bill (H. R. 22623) granting an increase of pension to George W. Willison;

A bill (H. R. 22620) granting an increase of pension to Charles S. Abbott;

A bill (H. R. 22609) granting an increase of pension to Thomas Bayley;

A bill (H. R. 22601) granting an increase of pension to John J. Clark;

A bill (H. R. 22550) granting an increase of pension to Jonathan B. Reber;

A bill (H. R. 22542) granting an increase of pension to Charlotte S. O'Neall;

A bill (H. R. 22522) granting an increase of pension to Susan Harroun;

A bill (H. R. 22462) granting an increase of pension to Aaron Chamberlain;

A bill (H. R. 22440) granting an increase of pension to Daniel Mose;

A bill (H. R. 22434) granting an increase of pension to Peter McCormick;

A bill (H. R. 22428) granting an increase of pension to Dora T. Bristol;

A bill (H. R. 22425) granting an increase of pension to Thomas Sires;

A bill (H. R. 22408) granting an increase of pension to Aaron Preston;

A bill (H. R. 22388) granting an increase of pension to Daniel A. Peabody;

A bill (H. R. 22359) granting an increase of pension to Louisa L. Wood;

A bill (H. R. 22322) granting an increase of pension to Maria Cross; and

A bill (H. R. 22318) granting an increase of pension to James D. Cox.

Mr. SPOONER, from the Committee on Foreign Relations, to whom was referred the message from the President of the United States transmitting a report from the Secretary of State resubmitting the claim for damages by the owners of the British steamship *Eastry*, reported an amendment proposing to appropriate $4,126.73 to pay Sivewright, Bacon & Co., of Manchester, England, for damages sustained by the British steamship *Eastry*, etc., intended to be proposed to the sundry civil appropriation bill, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the message from the President of the United States transmitting a report by the Secretary of State, with accompanying papers, concerning the claim of the British subject William Radcliffe for compensation for destruction of fish hatchery, etc., in Delta, Colo., in 1901, reported an amendment proposing to appropriate $25,000 to pay William Radcliffe for the destruction of his fish hatchery and other property, etc., intended to be proposed to the sundry civil appropriation bill, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. FULTON, from the Committee on Claims, to whom was referred the bill (H. R. 2926) for the relief of the heirs of John Smith, reported it with an amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (S. 8288) authorizing and empowering the Secretary of War to locate a right of way for and granting the same and a right to operate and maintain a line of railroad through the Fort Wright Military Reservation, in the State of Washington, to the Portland and Seattle Railway Company, its successors and assigns, reported it without amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. PLATT introduced a bill (S. 8328) to permit the city of New York or the Hudson County Water Company, or either of them, to lay, maintain, and operate two water-pipe lines across and under the waters of the Kill von Kull from Bayonne, N. J., to Staten Island; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BLACKBURN. I introduce a bill and ask that it, with the accompanying papers, consisting of a letter from the Secretary of the Treasury and certain affidavits, be referred to the Committee on Claims.

The bill (S. 8329) for the relief of Mrs. Helen S. Hogan, was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. STONE introduced a bill (S. 8331) granting a pension to Mary J. Buck; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BERRY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 8332) for the relief of the Methodist Episcopal Church South of Van Buren, Crawford County, Ark.;

A bill (S. 8333) for the relief of the Christian Church near old Austin, Lonoke County, Ark. (with an accompanying paper); and

A bill (S. 8334) for the relief of Eliza J. Haines, widow and legal representative of R. L. Haines (with accompanying papers).

Mr. GAMBLE introduced a bill (S. 8335) granting an increase of pension to Milton H. Barnes; which was read twice by its title, and referred to the Committee on Pensions.

Mr. KEAN (for Mr. DRYDEN) introduced a bill (S. 8336) for the relief of the heirs of Bowman H. Peterson; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. DEPEW introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 8337) granting an increase of pension to Joel T. Comstock; and

A bill (S. 8338) granting an increase of pension to Ella F. Walker.

Mr. DICK introduced a bill (S. 8339) granting an increase of pension to Edward F. Reeves; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CRANE introduced a bill (S. 8340) granting an increase of pension to Maria L. Philbrick; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SMOOT introduced a bill (S. 8341) granting an increase of pension to George Breckenridge; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CLARKE of Arkansas introduced a bill (S. 8342) granting an increase of pension to George W. Walter; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULBERSON (by request) introduced a bill (S. 8343) for the relief of the legal representatives of Samuel Dickins; which was read twice by its title, and referred to the Committee on Claims.

Mr. HOPKINS introduced a bill (S. 8344) for the relief of certain counties in the State of Illinois; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 8345) granting an increase of pension to Frank Holderby; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FORAKER introduced a bill (S. 8346) to increase the salary of the United States district judge for Porto Rico; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. DOLLIVER introduced a joint resolution (S. R. 91) adjusting the status of certain officers of the Army as to their period of service required by the act of Congress approved June 30, 1882, to entitle an Army officer to retirement on his own application; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

DENATURED ALCOHOL.

Mr. HANSBROUGH. Mr. President, on the 18th of December I introduced a bill, which was referred to the Committee on Finance, intended to amend the existing law with respect to the manufacturing and denaturing of alcohol. It is my purpose this morning to introduce another bill on the subject, but before doing so I desire to address the Senate for a few moments.

The bill to which I refer contains the following provision:

> That for the convenience of persons engaged in the distillation of alcohol in quantities that would not justify the additional expense of a distillery warehouse or a bonded warehouse for each establishment, and who employ approved apparatus with suitable alcohol tanks attached designed to be locked and sealed by an authorized Government officer, the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall, under rules prescribed by him, arrange for the proper denaturing of any alcohol of the required proof so distilled, such distillation and denaturing to be under all the terms and conditions of this act applicable to such cases.

A few weeks later, Mr. President, there were several bills introduced in the House of Representatives on this subject. Those bills were referred to the Committee on Ways and Means, and I find that that committee a few days ago agreed to and reported a bill to the House covering the subject. On an examination of the bill I find that section 4 conforms very closely to the bill which I introduced on the 18th of December, and it is my purpose this morning to introduce in the Senate the bill reported from the Committee on Ways and Means for reference to the Committee on Finance of the Senate. I do so for the purpose of giving to Senators an opportunity to examine the bill, as it is an important measure and should be enacted into law before we adjourn. I assume, of course, that the House will pass the bill reported by the Committee on Ways and Means, and that in due time it will come to the Committee on Finance of the Senate, where, if we have the opportunity, and I hope we shall have the opportunity, it will be given due consideration.

The purpose contained in section 4 of this bill is the same as that contained in the bill which I introduced on the 18th of December, to wit, to give authority to small distillers to manufacture denatured alcohol. This can not be done under the existing law.

I find, on an examination of some statistics recently published, that in the year 1905 in Germany there were manufactured 76,000,000 gallons, of alcohol for denaturing purposes, and of this amount only 150,000 gallons were manufactured by what are known as industrial distillers. In other words, almost all of the 76,000,000 gallons were manufactured by farmers, chiefly for their own use for purposes of light, heat, and power. There are nearly 6,000 small stills now in operation in Germany manufacturing denatured alcohol; and the purpose of section 4 of the bill reported by the Committee on Ways and Means of the House, as well as of the bill which I introduced here, is to admit of the same thing being done in the United States.

I now introduce the bill reported by the Committee on Ways and Means of the House and ask that it may be referred to the Committee on Finance.

The bill (S. 8330) to amend an act entitled "An act for the withdrawal from bond tax free of domestic alcohol when rendered unfit for beverage or liquid medicinal uses by mixture with suitable denaturing materials," approved June 7, 1906; was read twice by its title, and referred to the Committee on Finance.

ADDITIONAL AIDS TO NAVIGATION.

Mr. KEAN submitted an amendment intended to be proposed by him to the bill (H. R. 25242) to authorize additional aids to navigation in the Light-House Establishment, and for other purposes; which was referred to the Committee on Commerce, and ordered to be printed.

AMENDMENT TO OMNIBUS CLAIMS BILL.

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

AMENDMENTS TO APPROPRIATION BILLS.

Mr. ALLEE submitted two amendments intended to be proposed by him to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. HALE submitted an amendment proposing to appropriate $150,000 to carry out the provisions of the act directing an investigation and report upon the industrial, social, moral, educational, and physical condition of woman and child workers, 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.

Mr. CLARKE of Arkansas 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.

Mr. HOPKINS submitted an amendment proposing to appropriate $7,580 for the Bureau of Biological Survey, Department of Agriculture, intended to be proposed by him to the agricultural appropriation bill; which was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

Mr. PERKINS submitted an amendment proposing to appropriate $100,000 for the construction of a central light and power plant at the Mare Island Navy-Yard, Cal., intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. GAMBLE submitted an amendment proposing to appropriate $57,000 for the construction and erection of a cavalry drill hall and $16,500 for a band barracks at Fort Meade military post, S. Dak., 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.

Mr. BURKETT submitted an amendment authorizing the President of the United States to establish from time to time, by proclamation, grazing districts upon the unreserved, unap-

propriated public lands, etc., intended to be proposed by him to the agricultural appropriation bill; which was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

He also submitted an amendment relative to the regulation and control by the Secretary of Agriculture of the grazing upon the unappropriated unreserved lands of the United States, etc., intended to be proposed by him to the agricultural appropriation bill; which was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

S. KATE FISHER.

On motion of Mr. CLAPP, it was

Ordered, That the House of Representatives be requested to return to the Senate the bill (H. R. 8080) for the relief of S. Kate Fisher, together with the engrossed copy of the Senate amendment thereto.

RETURN OF ORIGINAL PAPERS TO INTERIOR DEPARTMENT.

On motion of Mr. PERKINS, it was

Ordered, That the original manuscript of the Report of the Commissioner for the Interior for Porto Rico, printed as Senate Document No. 16, Fifty-ninth Congress, second session, and the original manuscript of the Financial Report of the Government Hospital for the Insane, printed as Senate Document No. 15, Fifty-ninth Congress, second session, be taken from the files of the Senate and returned to the Interior Department.

SOLDIERS' ROLL OF THE SENATE.

Mr. DICK submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That the Sergeant-at-Arms of the Senate is hereby directed to place on a special roll the names of all messengers now on his list of employees who are employed about the doors, committee rooms, or elevators of the Senate whose Army record, wounds, and disabilities, and service in the Senate justly entitle them to favorable consideration, to be known and designated as "The soldiers' roll of the Senate," and to continue such persons in such positions and employment until cause for their removal shall have been reported to and approved by the Senate and their removal directed.

THE PHILIPPINE ISLANDS.

Mr. CLAY. I submit a resolution and ask for its immediate consideration.

The resolution was read, as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to send to the Senate the following:

A statement of the amount of money expended by the United States for equipment, supplies, and military operations in the Philippine Islands each year from July 1, 1902, to the present time. Said statement to include the amount of money paid by the United States for and on account of railway transportation for troops to and from the Philippine Islands since July 1, 1902, and the several railway companies to which it was paid and the sums paid each of them. Said statement to include a full and complete account of all our expenditures in the Philippine Islands since July 1, 1902, up to the present time.

The Secretary is also directed to inform the Senate the number of United States soldiers now stationed in the Philippine Islands, and how long, in his judgment, it will be necessary for the United States to maintain an army in the Philippine Islands, and what number of soldiers will be required to maintain law and order in said islands, and what will probably be our annual expenditures in maintaining such army in said islands.

He is also directed to inform the Senate what progress, if any, has been made by the people of the Philippine Islands in qualifying themselves for self-government.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. SPOONER. I think the resolution had better go over until to-morrow.

The VICE-PRESIDENT. The resolution will go over under the rule.

SENATOR FROM UTAH.

Mr. BERRY. Mr. President, I gave notice two or three days ago that this morning I would make some remarks on the right of the Senator from Utah [Mr. SMOOT] to retain his seat in this body. But the Senator from Minnesota [Mr. CLAPP] is very anxious to get through with the Indian appropriation bill, and I do not wish to interfere with that or any other appropriation bill. I will simply state that when the opportunity offers and no appropriation bill is pending I will then ask to be heard, if the Senate will hear me.

INDIAN APPROPRIATION BILL.

Mr. CLAPP. I move that the Senate proceed to the consideration of House bill 22580, making appropriations for the Indian Department, etc.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 22580) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1908.

Mr. CLAPP. I desire to call attention to the amendment on page 47, beginning with line 19 and continuing to and including line 2 on page 48. I ask that the Senate amendment be rejected. I have discovered, in conference with the Commissioners of the Five Civilized Tribes, that it is not necessary.

The VICE-PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 47 of the bill, beginning with line 19 and extending down to and including line 2 on page 48, assigning to the several members of the Creeks, Cherokees, Chickasaws, and Choctaws, respectively, who have not heretofore accepted allotments, 160 acres of lands, etc.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. CLAPP. On page 47——

Mr. LONG. Before leaving page 47, the amendment just above the one rejected was passed over on a point of order made by the senior Senator from Maine [Mr. HALE]. I ask the Senator whether he insists on his point of order?

Mr. HALE. No; it does not come under the scope of the discussion yesterday. I am satisfied that it is a proper and fitting measure, and I withdraw the point of order.

The VICE-PRESIDENT. The point of order is withdrawn. The amendment will be stated by the Secretary.

The SECRETARY. On page 47, beginning with line 4 and ending at line 18, the amendment relative to the issuance of bonds by McAlester, Ind. T.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CLAPP. To come in on page 47, after line 18, I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 47, after the amendment heretofore agreed to, ending in line 18, it is proposed to insert:

That all restrictions as to the sale and encumbrance of the southeast quarter of the northwest quarter of section 13, township 11, range 9 east, in the Indian Territory, the same being the homestead heretofore allotted to Nocus Fixico, Creek allottee No. 603, are hereby removed.

Mr. CLAPP. I want to state, for the benefit of the Senate, that last year we passed this provision, but the name was spelled incorrectly, it being spelled "Nucus" instead of "Nocus," and consequently it was thereby inoperative. The object of this amendment is merely to correct that name, so that the benefits intended to be conferred by the act may be received by this beneficiary.

Mr. SPOONER. Mr. President, I should like to inquire of the Senator who has charge of the bill what is the purpose of this legislation? It removes, as I understand, the restrictions from the alienation of an Indian homestead. Why should that be done?

Mr. CLAPP. This matter is not fresh in my mind; but, as I remember it, last spring we passed a bill with that provision in it, only the name was misspelled. I think the Senator from Kansas [Mr. CURTIS] is acquainted with this matter, and perhaps he can explain it.

Mr. CURTIS. I will say to the Senator from Minnesota that I was merely informed that there had been a mistake in the spelling of the name, which, of course, we ought to correct. I know nothing about the facts in the case.

Mr. SPOONER. We ought to correct the mistake, if the provision ever ought to have been adopted; but I have been told several times here, while opposing the removal of restrictions in a general way upon the power of the Indian to alienate his land, that the homestead was guarded, and that although he might be despoiled by the white man of all the land, the homestead would be saved to the family. This is a proposition, as I heard it read, to remove the restrictions as to a homestead.

Mr. CLAPP. If the Senator will pardon me a moment, my recollection of it, though I am not clear about it, is a town site—a village—sprung up there, and this act was passed to enable this allottee to divide up his allotment and sell it in lots.

Mr. SPOONER. I ask the Senator to let the amendment be passed over until it can be looked into.

Mr. CLAPP. Does the Senator from Wisconsin desire to suggest a point of order against the amendment?

Mr. SPOONER. I do not want to make a point of order if the provision ought to be adopted; but I think the Senate ought to know accurately, before removing restrictions upon the power to alienate the homestead of an Indian, the reasons for it. If it is necessary to make the point of order, I will make it; but if the matter can come up a little later, I will be satisfied.

Mr. CLAPP. I do not care.

The VICE-PRESIDENT. The amendment proposed by the Senator from Minnesota [Mr. CLAPP] will be passed over.

Mr. CLAPP. On page 37, after line 12, I offer the amendment which I send to the desk, and also a letter of the Commissioner of Indian Affairs accompanying it, which I ask to have read.

The VICE-PRESIDENT. The amendment proposed by the Senator from Minnesota will be stated.

The SECRETARY. On page 37, after the amendment already agreed to, ending on line 12, it is proposed to insert the following:

That the Secretary of the Interior be, and he is hereby, authorized to make such contract as in his judgment seems advisable for the care of orphan Indian children at the Whittaker Home, Pryor Creek, Ind. T.; and for the purpose of carrying this provision into effect the sum of $10,000, or so much thereof as is necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The VICE-PRESIDENT. The letter sent to the desk by the Senator from Minnesota [Mr. CLAPP] will now be read.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 4, 1907.

To the Secretary of the Interior.

SIR: I have the honor to acknowledge the receipt, by your reference of to-day, of a bill, H. R. 25183, being a bill to provide for the care of orphan Indian children at the Whittaker Home, Pryor Creek, Ind. T., and reading as follows:

"That the Secretary of the Interior be, and he is hereby, authorized to make such contract as in his judgment seems advisable for the care of orphan Indian children at the Whittaker Home, Pryor Creek, Ind. T., and for the purpose of carrying this provision into effect the sum of $10,000, or so much thereof as is necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated."

As directed, I submit the following report:

The Secretary of the Interior has approved a contract for the care, maintenance, etc., of sixty orphan Indian children in this school during the current fiscal year, payable out of the appropriation made therefor.

This contract was recommended by the United States Indian inspector in Indian Territory and the superintendent of schools in Indian Territory, and in view of these recommendations I respectfully suggest that a measure similar to the one under consideration will be for the best interests of these unfortunate children.

The two papers are herewith returned.

Very respectfully,

F. E. LEUPP, *Commissioner.*

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Minnesota [Mr. CLAPP].

The amendment was agreed to.

Mr. CLAPP. Mr. President, that, I think, completes the Department amendments, but while I have the floor I desire to offer an additional amendment on my own initiative.

The VICE-PRESIDENT. The amendment submitted by the Senator from Minnesota will be stated.

The SECRETARY. On page 68, after line 11, it is proposed to insert:

That all restrictions as to the sale, incumbrance, or taxation for allotments within the White Earth Reservation, in the State of Minnesota, now or hereafter held by adult mixed-blood Indians, are hereby removed, and the trust deeds heretofore or hereafter executed by the Department for such allotments are hereby declared to pass the title in fee simple; or such mixed bloods, upon application, shall be entitled to receive a patent in fee simple for such allotments; and as to full bloods, said restrictions shall be removed when the Secretary of the Interior is satisfied that said adult full-blood Indians are competent to handle their own affairs. And in such case the Secretary of the Interior shall issue to such Indian allottee a patent in fee simple upon application.

Mr. CLAPP. Mr. President, last winter we passed a law which provided that "all restrictions as to the sale, incumbrance, or taxation for allotments within the White Earth Reservation, in the State of Minnesota, now or hereafter held by adult mixed-blood Indians, are hereby removed."

The question has arisen under that act, where an Indian had received an allotment, but had died before the passage of that act, whether it would cover such a case. The Department has proceeded upon the theory that it would, but the difficulty is that it simply throws a question upon the Indian's title and enables him to deal with less advantage than if the question was cleared up. It is for the purpose of clearing it up that I have offered this amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. LONG. Mr. President, before the amendment is acted upon by the Senate, I desire to ask the Senator from Minnesota what has been the effect of that act so far as the removal of restrictions is concerned in relation to Indians upon the reservation?

Mr. CLAPP. Mr. President, its success exceeded my most sanguine expectations. I intend, when we reach the question of the removal of restrictions—and it undoubtedly will come up to-day—to somewhat analyze that case with reference to its bearing upon the question of the removal of restrictions.

Mr. SPOONER. Will the Senator allow me to inquire how many Indians there are who would be affected by that provision?

Mr. CLAPP. There are probably about from ten to eleven hundred, I think, that would be affected by it.

Mr. LONG. It is impossible to hear the colloquy which has been going on between the Senators.

Mr. SPOONER. I was endeavoring vainly, not so far as the Senator was concerned, but the Senate, to learn the number of Indians on the reservation who would be affected by this legislation. The Senator from Minnesota has informed me that he thinks about 1,100. Now, I should like to inquire how many of the 1,100 are full bloods?

Mr. CLAPP. I am not speaking of full bloods in the 1,100. I think there are about 1,700, all told, on the reservation, and there are somewhere from 900 to 1,100 perhaps of mixed bloods who are affected by this removal of restrictions. When I first replied to the Senator from Wisconsin I misunderstood his inquiry.

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Minnesota [Mr. CLAPP].

The amendment was agreed to.

Mr. CLAPP. Mr. President, I have been asked to offer the amendment which I send to the desk on behalf of the Senator from Nebraska [Mr. MILLARD], to come in on page 86, after line 20.

The SECRETARY. On page 86, after line 20, it is proposed to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Omaha National Bank, of Omaha, Nebr., out of any money in the Treasury not otherwise appropriated, the sum of $826.24, for and on account of an United States Indian voucher issued to D. J. McCann and cashed by said Omaha National Bank and refused by the United States Government as nonnegotiable and transferred without authority.

Mr. HALE. Mr. President, that is clearly a private claim and has no place on this bill; but as the amount is so small, I will not make the point of order.

Mr. CLAPP. I supposed the Senator from Nebraska, in whose behalf I offered the amendment, was present.

Mr. SPOONER. I think that claim has been here before.

Mr. ALLISON. Mr. President——

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

Mr. CLAPP. With pleasure.

Mr. ALLISON. I desire to call the attention of the Senator from Minnesota to pages 103 and 104 of the pending bill, where it appears that certain words proposed to be stricken out by the Committee on Indian Affairs were stricken out by the action of the Senate on yesterday, as appears from the CONGRESSIONAL RECORD of February 5.

Mr. CLAPP. I did not so understand.

Mr. ALLISON. It so appears in the CONGRESSIONAL RECORD, on page 2315, from which I read the following:

The next amendment was, under the subhead "Sacs and Foxes of the Mississippi (treaty)," on page 103, after line 24, to strike out:

"For interest on $200,000, at 5 per cent, per second article of treaty of October 21, 1837, $10,000."

The amendment was agreed to.

So that was stricken out. Then there follows:

The next amendment was, on page 104, after line 2, to strike out:

"For interest on $800,000, at 5 per cent, per second article of treaty of October 11, 1842, $40,000: *Provided*, That the sum of $1,500 of this amount shall be used for the pay of a physician and for purchase of medicine."

The amendment was agreed to.

So it appears that that was also stricken out. Then follows:

The next amendment was, on page 104, after line 8, to insert:

"That the Secretary of the Treasury is hereby authorized and directed to place upon the books of the Treasury, to the credit of the Sacs and Foxes of the Mississippi tribe of Indians, the unappropriated sums of $200,000 due under the second article of the treaty of October 21, 1837 (7 Stat. L., p. 540), and $800,000 under second article of treaty of October 11, 1842 (7 Stat. L., p. 596); and the Secretary of the Interior is authorized to pay per capita to the members of the tribe entitled thereto the said sum, under such rules and regulations as he may prescribe, in the same manner as provided by the act of April 21, 1904 (33 Stat. L., p. 201)."

The amendment was agreed to.

This amendment was reported by the committee. Now, Mr. President, as it appears from the RECORD, the House provision was stricken out and the Senate committee provision was agreed to. As I understand, it is just the reverse of that which was done.

Mr. CLAPP. Mr. President, the Senator will observe, by looking further at the RECORD, that just at the close of the session yesterday I made a motion, which I think effectuated the object, to first reconsider the vote by which the amendments of the Senate committee were adopted, and then striking them out; but, to clear the RECORD, I now move that the Senate reconsider its vote on the amendments beginning on line 25, on pages 103, and extending to and including line 8, page 104.

The VICE-PRESIDENT. The Senator from Minnesota moves that the Senate reconsider the vote by which the amendments referred to by him were adopted. Without objection, the respective votes are reconsidered.

Mr. CLAPP. Now, I move, Mr. President, that the amendments referred to may be disagreed to.

The VICE-PRESIDENT. The question is on agreeing to the amendments.

The amendments were rejected.

Mr. ALLISON. The effect of that is to restore the text of the bill as it came from the other House.

The VICE-PRESIDENT. To restore the text of the bill as it came from the House of Representatives.

Mr. CLAPP. Now, I ask the Senate to reconsider the vote by which the Senate amendment, beginning on line 9, page 104, and extending to and including line 24, on the same page, was adopted.

The VICE-PRESIDENT. That amendment reported by the committee was disagreed to by the Senate, according to the record of the Secretary.

Mr. ALLISON. But the CONGRESSIONAL RECORD shows it was agreed to.

The VICE-PRESIDENT. The record of the Secretary shows it was disagreed to.

Mr. ALLISON. I want it to appear in the RECORD to-day that that amendment was disagreed to.

The VICE-PRESIDENT. It was disagreed to.

Mr. ALLISON. As this is a very important matter, I want to be certain, so far as I can be, that the record is as it ought to be.

Mr. CLAPP. The Senator has taken the part of the RECORD that covered the action on the committee amendments earlier in the day; but on page 2327 of the RECORD, I think, he will find that the amendment was disagreed to.

Mr. ALLISON. Very well.

Mr. CLAPP. Is not that correct, Mr. President?

The VICE-PRESIDENT. The RECORD is correct.

Mr. CLAPP. Now, Mr. President, as I have the floor, in behalf of the junior Senator from Ohio [Mr. DICK], I offer the amendment which I send to the desk.

Mr. SPOONER. Mr. President——

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

Mr. CLAPP. With pleasure.

Mr. SPOONER. May I be permitted to inquire what became of the amendment that was offered for the payment of $826.24 to the Omaha National Bank, of Omaha, Nebr.?

The VICE-PRESIDENT. The Chair understands no point of order was made against the amendment; and the question is on agreeing to the amendment.

Mr. SPOONER. I should like to be heard against agreeing to the amendment.

The VICE-PRESIDENT. The Senator from Wisconsin.

Mr. SPOONER. I make the point of order upon the amendment, Mr. President, that it is a private claim. I do that because after looking into the report I am perfectly satisfied that the Government ought not to pay the claim.

The VICE-PRESIDENT. The Chair sustains the point of order.

Mr. CLAPP. Very well. Now, on behalf of the junior Senator from Ohio [Mr. DICK] I offer the amendment which I send to the desk.

Mr. LODGE. I rise to inquire if we have finished all the amendments that were passed over?

Mr. CLAPP. No.

The VICE-PRESIDENT. The amendment submitted by the Senator from Minnesota [Mr. CLAPP] will be stated.

The SECRETARY. On page 83, after line 9, it is proposed to insert the following:

That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to Albert H. Raynolds, or his legal representatives, out of any money in the Treasury not otherwise appropriated, the sum of $2,290.49, for and on account of two United States Indian vouchers in the amount of $1,382.51 and $907.98, issued on the 26th day of March, 1877, to Dwight J. McCann, an Indian freight contractor, and cashed by the said Albert H. Raynolds, and allowed for payment by the United States Government on the 2d day of May, 1877, and afterwards refused.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. SPOONER. What are the facts about that, Mr. President? It looks as if it might be a twin brother of the amendment upon which the Senate has just acted.

Mr. CLAPP. The Senator from Ohio [Mr. DICK] is here and can explain the amendment.

Mr. DICK. Mr. President——

Mr. ALLISON. Will the Senator yield to me for a moment?

Mr. DICK. Certainly.

Mr. ALLISON. I wish to call the attention of the Senate, and of the Senator from Minnesota [Mr. CLAPP] especially, to the status of the amendments to which I called the attention of the Senate a few minutes ago. On yesterday evening, as appears from the RECORD, on motion of the Senator from Minnesota [Mr. CLAPP] the amendment on page 104, between lines 9 and 24, was rejected; and it so appears, as I understand, in the RECORD of yesterday, but that does not quite complete the situation. As a part of that amendment, or as another amendment, certain lines were proposed to be stricken out, and that amendment was agreed to, but, as appears from the RECORD, the Senator from Minnesota this morning has very properly asked for a reconsideration of the vote on the amendments beginning on line 25, page 103, and ending on line 8, page 104. He has moved to reconsider the vote whereby those words were stricken out; and then, after that reconsideration, the amendments were rejected. So that it now appears by the RECORD, as made to-day, that the original text remains in the bill as it came from the House, which is very important, because it is a provision that appropriates for the annuities. I merely wanted to call attention to the matter in order that it may appear in the RECORD.

Mr. HALE. That is, the provision as it came from the House was restored?

Mr. ALLISON. Yes; restored.

Mr. HALE. And the part proposed to be inserted by the committee is stricken out?

Mr. ALLISON. The first amendment of the committee is rejected.

Mr. HALE. The amendment of the committee to strike out from line 25, on page 103, to the end of line 8, on page 104 of the bill as it came from the House, was disagreed to, and so those lines are restored; they are in the text of the bill.

Mr. ALLISON. Yes; they are in the text; exactly.

Mr. HALE. They were proposed to be stricken out by the committee, but they are now left; and the next amendment, to insert from line 9 to line 24, on page 104, was rejected. So those words have been stricken from the bill.

The VICE-PRESIDENT. The Chair calls the attention of the chairman of the committee to the amendment on line 25, page 104, and inquires whether the totals are correct, in view of the amendments which have been made?

Mr. CLAPP. No; the committee amendment there should be rejected and the words "fifty-one thousand dollars" should be restored.

The VICE-PRESIDENT. Without objection, the vote by which the amendment of the committee striking out "fifty-one thousand," on line 25, page 104, and inserting "one million and one thousand" will be reconsidered; and without objection, the amendment is disagreed to.

Mr. CLAPP. That is right.

Mr. ALLISON. That amendment should be disagreed to. Therefore the original text will stand as the bill came from the House of Representatives.

The VICE-PRESIDENT. Without objection, the amendment is disagreed to.

Mr. DICK. Mr. President——

Mr. CLAPP. Has the Senate disposed of the amendment which I submitted on behalf of the Senator from Ohio [Mr. DICK]?

The VICE-PRESIDENT. The question is on agreeing to that amendment.

Mr. SPOONER. I ask for some explanation of the amendment, which I understood was about to be made by the Senator from Ohio.

Mr. DICK. Mr. President, a complete explanation of the reasons for the amendment will be found on page 42 of the report made by the Committee on Indian Affairs at the last session, which I ask may be read.

The VICE-PRESIDENT. The Secretary will read, in the absence of objection, as requested by the Senator from Ohio.

The Secretary read as follows:

ALBERT H. RAYNOLDS.

The facts pertinent to this claim are, in all important parts, matters of public record, which are supplemented in some unimportant details by affidavits on file with the claim, and are as follows:

Albert H. Raynolds was engaged in the banking business in Sidney, Nebr., in the year 1877. On the 26th day of March, in that year, in the regular course of business, in good faith and for the full face value, he cashed and paid two United States Indian vouchers in the sums, respectively, of $907.98 and $1,382.51, making a total of $2,290.49, issued to Dwight J. McCann, a Government contractor, for and on account of transporting Government supplies from Omaha and Sidney and Schuyler, in the State of Nebraska, to the Red Cloud Indian Agency, in said State, as shown by the receipts vouching for the delivery of the goods and the correctness of the amounts stated, signed by Lieut. A. C. Johnson, United States Army, acting Indian agent at Red Cloud and Spotted Tail Indian agencies, in said State of Nebraska.

Thereupon claimant forwarded said vouchers for collection through the Citizens' National Bank, of Washington, in the District of Columbia. Said vouchers were presented to the Commissioner of Indian Affairs for approval and allowance for payment, and the same were, on the 21st day of May, 1877, duly allowed for payment by said Commissioner of Indian Affairs, and were by him referred to the Second Auditor of the Treasury for settlement and charged to the appropriation for the transportation of Indian supplies for the fiscal year 1877. The two vouchers thus approved and allowed for payment were received by the Auditor of the Interior Department in

the due course of official business on the 23d day of October, 1879, but they remained in his office for over two years without being reached for settlement and payment. On the 9th day of December, 1881, the vouchers were recalled by the Commissioner of Indian Affairs, and were, on the 13th day of December, 1881, returned to the Citizens' National Bank, of Washington, and payment refused on the ground that the said Dwight J. McCann was a defaulting contractor and heavily in debt to the United States, and the said vouchers were applied on the account of said Dwight J. McCann with the United States, to the total loss of the claimant.

The said McCann then and there became insolvent and continued so to be up to the time of his death, some seventeen years ago, owing the United States large sums of money, and the claimant was never able to recover from him the sums he advanced on said vouchers. The vouchers themselves were subsequently destroyed in a fire which occurred in the city of Pueblo, Territory of New Mexico, where the claimant was then engaged in business. He cashed the vouchers in the usual course of his banking business, as he had done many times before and as was a common custom with bankers at that time in that country. It was the only method by which Government contractors could obtain the funds necessary to pay the wages of their teamsters and other expenses. That it was absolutely necessary for some person to make these advances in order that contractors could carry on their business with the United States is proved by the fact that these two vouchers, although promptly approved and passed for settlement, remained unpaid for a period of more than four and one-half years thereafter. The claimant took the precaution of seeing that the goods were delivered, figured the amounts, knew that the vouchers were correct, and got the receipt of the acting Indian agent that the goods were actually delivered.

Hon. T. J. Morgan, Indian Commissioner, in a letter under date of January 4, 1893, addressed to Senator Mitchell, of Oregon, says:

"It was never held by this Office that Raynolds did not advance the money or that the service was not rendered, but that the amount was allowed the contractor, McCann, in settlement."

The Commissioner further says in the same letter:

"Copies of the original bills of lading and other papers showing rendition of the service on file at the office of the Second Auditor."

Under date of March 1, 1902, the Acting Secretary of the Interior transmitted to the chairman of the Committee on Indian Affairs, United States Senate, copy of a report from the Commissioner of Indian Affairs, dated February 26, 1902, to whom was referred a similar bill for the relief of the claimant. The main facts set forth in the bill and preamble are admitted, but it is claimed that the claimant violated section 3477, Revised Statutes of the United States, in purchasing said vouchers, and therefore is entitled to no relief. The Court of Claims has held that the transfer of similar vouchers issued to a contractor for the delivery of grain for the use of the Army may be assigned and that they constitute evidences of indebtedness sufficient in themselves to support, prima facie, an action. This was held by the United States Court of Claims in Lawrence *v.* United States, No. 8, Court of Claims Reports.

On page 256 the court says:

"The next question is whether the claim of the contractor was assigned by the sale and transfer of the vouchers. We think this is in effect answered by the Supreme Court in the Floyd Acceptance cases. If a draft drawn by a contractor upon moneys to become due to him can work to the holder an equitable assignment of a claim, or a portion of a claim, much more should the same effect be given to these vouchers which are the lawful, usual, and proper means to the end of liquidating and discharging the debts of the Government. They certainly are not in any sense negotiable paper where the holder, purchasing before maturity, gets a better title than his vendor may have had, and the purchaser will certainly take them subject to all the equities which may exist against the contractor to whom they were issued; but they are, nevertheless, evidences of indebtedness sufficient in themselves to support, prima facie, an action (Parish case, 2 C. Cls. R., p. 341), and while it would be dangerous to attach to them the quality of negotiable paper, it is most desirable for the interests of the Government that they be deemed by the courts transferable, as they always have been by the Departments, so as to enable contractors to avail themselves of ordinary commercial facilities."

There is no reasonable doubt about the facts in the case.

They are correctly set forth in the bill itself, and the only question is as to the right of the Government to withhold from claimant the money due on the two vouchers cashed by him in the due course of his banking business, said vouchers being given for goods actually delivered and services actually rendered to the Government by a contractor, Dwight J. McCann, to offset losses suffered by the Government in their transaction with the same contractor.

It is submitted that after having approved and allowed these two vouchers at their face value and transmitting them for payment in the due course of business, where they were held in another Department of the Government for over four years and a half, the Government had then no right to withhold payment from the claimant of the amount of said vouchers, and that he has a just claim against the United States for their face value.

Mr. SPOONER. Mr. President, it is perfectly obvious that these claims ought not to be in this bill. The Senate ought not to adopt them as amendments to the bill.

McCann was the contractor with the Government on whose account these vouchers were issued. The same thing was true as to the claim which went out on a point of order. I desire to read from a letter of the former Commissioner of Indian Affairs, Mr. Jones, a very able and very honest official, one statement. It will take but a moment:

Under date of September 29, 1876, a contract was awarded to D. J. McCann for Indian supplies for certain agencies of the Indian Service, and on January 17, 1877, he was awarded a contract for 500,000 pounds of flour for Red Cloud and Spotted Tail agencies. He used his transportation contract as a means of robbing the Indian Service of large amounts of beans, corn, and other supplies, diverting them from where they were consigned to other points and there disposing of them for his own personal gain. For such acts he was indicted and sentenced to the penitentiary. On his flour contract he defaulted, having furnished about 100,000 pounds thereof, and the Government had to buy the balance in the open market at greatly advanced rates, paying for most of it at $5.25 and $4.25 per hundredweight against McCann's prices of $3.075 for 200,000 pounds and $2.55 for 300,000 pounds, and, in addition thereto, the regular freight rates by wagon on the same.

The Government lost a very large sum of money through the default of McCann and his robberies—you may call them peculations—under the contract. These vouchers were undoubtedly issued and approved by the Indian agent, but they were disapproved by the accounting officers of the Government.

Mr. McCUMBER. Will the Senator state why they were disapproved?

Mr. SPOONER. They were disapproved because the man had defaulted on his contract and owed large sums of money to the Government.

Mr. McCUMBER. As I understand the statement and the record that was read the vouchers remained there some four years before this default.

Mr. SPOONER. Estoppel does not run against the king.

Mr. McCUMBER. Yes; but I understood they were presented, and I want to have the Senator, if he can, state the reason why they were held up for a period of four years.

Mr. SPOONER. That I do not know. Papers are often held in the Departments. But the pivotal fact is that the contractor on whose account the vouchers were issued was largly indebted to the Government for frauds perpetrated upon the Government in the execution of his contract.

Mr. McCUMBER. Was he indebted at the time these vouchers were issued, or were they valid vouchers, and was there any offset to them at the time they reached the Department? That seems to me to be an important feature.

Mr. SPOONER. I do not undertake to give the dates. I do not know. It is not stated here.

Mr. McCUMBER. The Senator would agree, I think, that if this sum was due at that time and the vouchers were regular at the time they were presented, and it had been the custom of the Department to pay vouchers as they were presented, and there were no offsets at that time, those two or three vouchers ought not to have been mislaid or held until some default happened.

Mr. SPOONER. As to one of the vouchers, the voucher in the other case, it is stated here that the ground for refusing to pay it was that at the time McCann was in default under his contract.

Mr. McCUMBER. Of course that would be an offset.

Mr. SPOONER. It is very probable that the same thing was true as to this.

But this is a private claim, and it ought to be considered as a private claim and not as a part of an appropriation bill, so that every fact in regard to it can be explored and brought to the attention of the Senate.

It has been decided by the Court of Claims, and it is well set forth in that report, that these vouchers were not negotiable paper, and even if the assignment of them was not in contravention of section 3477, which I am inclined to think it was not, nevertheless they could only be assigned subject to all the rights of the Government against the contractor. So, Mr. President, I make the point of order that it is a private claim.

The VICE-PRESIDENT. The Chair sustains the point of order.

Mr. CLARK of Wyoming. I desire to call attention to an amendment that was under consideration, to be found at the bottom of page 36. I should like the attention of the senior Senator from Massachusetts [Mr. LODGE] to the matter. I wish to call attention to the record on this point. The amendment as proposed and reported in the bill was thought to be faulty.

Mr. LODGE. To which amendment does the Senator refer? My attention was diverted for the moment.

Mr. CLARK of Wyoming. The amendment at the bottom of page 36.

Mr. HALE. Beginning in line 20.

Mr. CLARK of Wyoming. I have not the bill before me.

Mr. LODGE. I thought the Senator's amendment was adopted.

Mr. CLARK of Wyoming. It was; but the Senator from Massachusetts thereupon gave notice that he would renew the point of order.

Mr. LODGE. That was before I had examined the amendment. I subsequently examined it at the desk and found that it was entirely satisfactory, and I have no intention of making the point of order.

Mr. HALE. Let us now take up the first amendment which was passed over.

Mr. CLAPP. I suggest that we now proceed to the consideration of the amendments which were passed over.

The VICE-PRESIDENT. The first amendment which was passed over will be stated.

The SECRETARY. On page 26 of the bill, after line 10, it is proposed to insert the following:

That legal and equitable jurisdiction be, and the same is hereby, conferred upon the Court of Claims to hear, determine, and render final

judgment, with right of appeal as in other cases, in a certain cause entitled "The White River Utes, the Southern Utes, the Uncompahgre Utes, the Tabeguache, Muache, Weeminuche, Yampa, Grand River, and Uinta bands of Ute Indians, known also as the Confederated bands of Ute Indians of Colorado, against The United States," being Congressional, No. 11248, pending in said court by reference under Senate resolution dated December 11, 1903; and in rendering said judgment the court shall embrace therein the value of all lands whereof disposition has been made for cash, and also for lands which have been withdrawn from the public domain and set apart as public reservations or for forest or timber-land reserves or for other public uses under existing laws or proclamations of the President of the United States, and for all sums due to the Confederated bands of Ute Indians, the complainants in said cause of action, under the terms of the act of Congress approved June 15, 1880, being "An act to accept and ratify the agreement submitted by the Confederated bands of Ute Indians in Colorado, for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriations for carrying out the same;" said action shall proceed under its present title and pleadings filed, with right of amendment, and shall be conducted by the attorney of record now appearing in said cause or by any attorney by him specifically authorized to appear, and the Attorney-General shall continue to appear and represent the United States, and in rendering final judgment the court shall fix the compensation of the attorneys on behalf of plaintiffs, not exceeding 15 per cent of the amount of said judgment, which compensation shall be awarded for said attorneys who have rendered actual services in conducting the said cause, upon a quantum meruit, in the name of the attorney of record in said cause, or any attorney by him specifically authorized, and shall be paid to him from the proceeds of said judgment by the Secretary of the Treasury out of any money in the Treasury not otherwise appropriated, to be reimbursed to the United States from the funds of the Confederated bands of Ute Indians, said compensation to be distributed by said attorney to the said attorneys: *Provided*, That the court may from time to time further consider and render final judgment under the terms of this act for the value of any lands whereof disposition shall be made subsequent to the date of the approval of this act.

Mr. CLAPP. At the request of the senior Senator from Colorado [Mr. TELLER] I submit an amendment to the amendment.

The VICE-PRESIDENT. The Secretary will state the amendment to the amendment submitted on behalf of the senior Senator from Colorado.

The SECRETARY. On page 27, line 25, after the word "Treasury," it is proposed to strike out the following words:

Out of any money in the Treasury not otherwise appropriated, to be reimbursed to the United States from the funds of the Confederate bands of Ute Indians.

Mr. LODGE. I withheld the point of order on the amendment when it was reached in the reading of the bill at the request of the chairman of the committee. I make the point of order without going into it. The amendment comes clearly under the rulings made by the Chair.

Mr. PATTERSON. Mr. President, I desire to be heard before the point of order is pressed to a decision.

The matter involved in the amendment is one in which my colleague [Mr. TELLER], who is now sick, is very much interested. It relates to Indians who were formerly on reservations in Colorado, and has for its object the effectuation of legislation already on the statute books. I hope that the Senator from Massachusetts will not press the point of order for the reasons that I shall state to him.

I discover, Mr. President, that points of order against items in appropriation bills that are subject to points of order are made and pressed as each item or some particular item may strike the judgment of a Senator. No Senator has yet undertaken to enforce the rule as against all items in appropriation bills that are in the nature of general legislation. If that were done, no one could take exception to the exclusion from an appropriation bill upon points of order of everything improperly there. But it does seem to me that such points should only be pressed under the practice that has arisen in this Chamber, when a Senator is convinced that the object of an amendment or a provision in an appropriation bill is not wise or just, and is liable to inflict some wrong or injury upon the Government.

A very good illustration of what I have suggested is in the present bill. Many items that are subject to points of order have been passed by the Senate. No objections have been urged, or if they have been urged they have been withdrawn as a Senator has become convinced that it would be wise or just to allow the provision to remain.

Mr. President, it is upon that proposition that I desire to address the Senate, hoping that the Senator from Massachusetts will give attention to what I may say upon the subject. I must necessarily do so in an imperfect way, because it is a matter with which my colleague is entirely familiar and one in which I have taken no personal interest and would not have taken any if it had not been for his illness and the special request made of me by him.

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Massachusetts?

Mr. PATTERSON. Certainly.

Mr. LODGE. I will ask the Senator from Colorado if it would be equally agreeable to him to allow this amendment to go over until a somewhat later hour in the afternoon, as I shall have to leave the Senate Chamber in a moment to attend a committee meeting.

Mr. PATTERSON. Certainly. If the Senator will indicate——

Mr. LODGE. If it is equally convenient to the Senator, I will come back later in the afternoon.

Mr. PATTERSON. If the Senator will indicate at what time, it will be entirely agreeable to me to postpone it, because I want to make my remarks at a time convenient to him.

Mr. LODGE. At 3 o'clock I will be back.

Mr. PATTERSON. Very well.

The VICE-PRESIDENT. The Secretary will report the next amendment which was passed over.

The SECRETARY. The committee propose to strike out, on page 34, after line 16, the following:

To enable the Secretary of the Interior to carry out the provisions of the act approved April 21, 1904, for the removal of restrictions upon the alienation of lands of allottees of the Five Civilized Tribes, $25,000: *Provided*, That so much as may be necessary may be used in the employment of clerical force in the office of Commissioner of Indian Affairs.

Mr. SPOONER. Why is that to be stricken out? That, as I understand it, is to carry out the provisions of the law authorizing an investigation by the Secretary of the Interior for the purpose of ascertaining in what cases and from what Indians the restrictions as to alienation should be removed. Is that it?

Mr. McCUMBER. It is evident that the committee intended to do away with this clause and to remove all these restrictions.

Mr. SPOONER. Absolutely?

Mr. McCUMBER. Absolutely, in the next paragraph. It is on that provision I desire to be heard.

Mr. SPOONER. They go together?

Mr. McCUMBER. They go together.

The VICE-PRESIDENT. The remainder of the amendment will be stated.

The SECRETARY. In lieu of the language proposed to be stricken out it is proposed to insert the following:

On and after July 1, 1907, all restrictions upon the alienation, leasing, or encumbering of the lands, except homesteads, of all allottees of Indian blood in the Indian Territory, and all restrictions upon the alienation, leasing, or encumbering of all the lands of allottees not of Indian blood are hereby removed.

Mr. McCUMBER. Mr. President, this brings up again the same question that was discussed during the last session, as to the authority of Congress to extend the restrictions and also as to whether or not it is provident legislation. I do not think it will be necessary to go over the ground then gone over as to the question of our legal right in the premises. It has been stated here—and I will admit that the Heff case seems to support that statement—that Congress has no power to impose further restrictions upon the alienation of lands granted to Indians. I do not think, though, that whatever has been stated in the Heff case or in the Rickert case can be said to be a precedent in a case involving the right or the authority of Congress to still deal with lands, with property, that has not passed out of the Government of the United States and is still in the hands of certain members of Indian tribes.

Mr. President, one of two things is certainly true. Either we have the power to continue these restrictions, to extend them, or to dispose of them entirely or we have no power to deal with 90 per cent of all of the matters that are contained in this bill. Those who claim that Congress has no further authority in the premises over land belonging to the Indians in the matter of continuing restrictions beyond the period already provided by law base their claim upon the assumption that the Indian is a full-fledged citizen of the United States and that the relation of guardian and ward can no longer exist. They cite in support of this proposition the Heff case, where it was held practically that Congress or the Government can at any time it sees fit release the Indian from this condition of tutelage in which he has been for the last hundred years. It was practically assumed in that case, if I understand it aright, that by granting the right of citizenship, by giving the Indian his land, the Government had practically discontinued the relations of guardian and ward.

Mr. President, it was not necessary so to decide in the Heff case, because it could also be sustained upon the proposition that in that particular case the rights which were granted were of a political and civil nature and did not relate to property rights in any way whatever. The court held in that case that having given them all the political rights—the rights, privileges, and immunities of citizens of the several States—we could not then consider them as a particular class not having the privileges and immunities of citizens of the several States. That was the real basis of the decision, and it seems to me that

it was as far as it was necessary to go in deciding that particular case.

So I desire to call the attention of the Senate to another distinction. These people in the Indian Territory are still tribes. Their tribal relation has not been dissolved. We are continuing by law the tribal relations in every tribe in the Indian Territory. We therefore segregate them. We make them a distinct class. If we have a right to continue those tribal relations—and I have no doubt in my mind of our right in that respect—then we have done that upon the assumption that they are still wards of the Government, and we can treat them as such, and continuing the tribal relations is a recognition of their wardship. Otherwise we could no more continue the tribal relations and make them a distinct element in the citizenship of any State than we could have taken this man Heff and declared that he occupied a different civil and political position from other citizens of that particular State.

Mr. STONE. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Missouri?

Mr. McCUMBER. With pleasure.

Mr. STONE. The Senator from North Dakota stated that the tribal relations of the Five Civilized Tribes still existed. Whatever may be said of the other tribes, I ask the Senator if it is not a fact that the tribal government and conditions of the Seminoles have been abolished?

Mr. McCUMBER. I think not. I think we continued the tribal relations of all of those tribes. I do not understand that any one of the tribal relations has been dissolved. If I am in error, those who are better acquainted with the situation can correct me.

Mr. CURTIS. The tribal relations of all the Five Tribes have been continued until the affairs of the tribe are finally settled by the Dawes Commissioner——

Mr. STONE. By what act?

Mr. CURTIS. By the act of Congress of 1906 and by joint resolution which passed the House and the Senate a year ago.

Mr. STONE. But under the operation of a previous act of Congress the time for the absolute dissolution of the Seminole tribal relations was fixed for March 4, 1906.

Mr. CURTIS. That was true as to each of the Five Tribes, but the joint resolution to which I refer was passed before the 4th of March, 1906.

Mr. SPOONER. Was not that done to prevent the attaching of that land grant?

Mr. CURTIS. Of the Missouri, Kansas and Texas grant?

Mr. SPOONER. Yes.

Mr. McCUMBER. Whatever may have been the purpose, we continued the tribal relations.

Mr. SPOONER. Yes; in a technical sense, for the purpose of winding up the business and to prevent the attaching of that land grant. But does the Senator mean to say that the tribal relations continue in the sense that that phrase has been used heretofore?

Mr. McCUMBER. It will continue until it has been changed by Congress, because we have continued all the powers, with the exception of certain ones which we took away from them in specific cases.

Mr. SPOONER. That goes to the ownership and management of property. But does the Senator think the tribal relation which existed twenty years ago continues?

Mr. McCUMBER. I think it does.

Mr. SPOONER. Does the Senator think those Indians are wards of the Government?

Mr. McCUMBER. I think they are as much wards of the Government to-day as they ever were.

Mr. CURTIS. And notwithstanding the act of 1901, making them all citizens of the United States.

Mr. McCUMBER. Certainly. That is just the position I am arguing now, that the mere act of giving them political and civil rights, and the privileges and the immunities that go with those political rights, does not of itself separate them from the control of the Government over their property rights.

Mr. SPOONER. Heretofore they were restricted in their power of contract. Will they still continue to be?

Mr. McCUMBER. They are restricted.

Mr. CURTIS. They are restricted now as to real estate.

Mr. SPOONER. I know. That is a restriction of alienation.

Mr. CURTIS. Contracts of all kinds are by the agreement declared to be void if made prior to expiration of the limitations fixed by the act.

Mr. McCUMBER. Certainly; for a certain period. I am not saying that I am planting myself absolutely upon this ground as being unassailable. I concede that the Heff case and the Rickert case may possibly be considered as being in opposition to the view I am taking, but I want to call the attention of the Senate to the fact that the court seems to have distinguished in cases of this kind, and it does so several times.

Mr. LONG. If the Heff case and the Rickert case are somewhat against the position the Senator is now contending for, I should like to know what cases sustain the view he now takes.

Mr. McCUMBER. Here is the proposition on which the Heff case was decided. I want to show that the courts have made a distinction between the property rights and those which were purely of a civil or political nature, and the parallel I wish to draw is that in these cases nothing but the political rights have been granted, and that the Government has not, according to its own decision, withdrawn all control over the Indians.

If it be true that we have no further control over the Indians, that when they have been granted the right of citizenship and given their allotments they become citizens in every respect, then every line of this bill for expending millions upon millions of dollars for educational purposes must be absolutely void. The Government of the United States has no right to select the blue-eyed people of my State and give them an education and keep out the black-eyed. It has no right to take those who have red skin and educate them and to refuse to educate those who have white skin. If this line is to be drawn at all, there is scarcely a sentence in this whole bill that would not be subject to the objection that we were dealing with matters over which we had no control and for which we ought not to appropriate the moneys of the United States.

Mr. BRANDEGEE. Will the Senator yield to me for a question?

Mr. McCUMBER. With pleasure.

Mr. BRANDEGEE. How does the Senator from North Dakota construe the word "all" in the statute which declares these Indians to be citizens where it says they are entitled to "all the rights, privileges, and immunities of other citizens of the United States?"

Mr. McCUMBER. I have construed it to relate simply to civil rights and to political rights. I wish to call attention right here to the decision in the Heff case, which acknowledges that.

Mr. LONG. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Kansas?

Mr. McCUMBER. Certainly.

Mr. LONG. Does the Senator claim that rights of property are not included in the rights of citizens the same as the right of liberty, a "political right," as he terms it?

Mr. McCUMBER. Property which the Indian has obtained as a citizen, free and clear, over which the Government still has no control, and also admitting that he has ceased to be the ward of the Government, would be property rights and would come within the inhibition.

Mr. CLARK of Wyoming. Will the Senator allow me a question?

Mr. McCUMBER. Certainly.

Mr. CLARK of Wyoming. I have been out of the Chamber and I have not heard all the Senator has said, but I should like to ask him if he has defined in any way what additional rights were conferred by the act making them citizens that they did not already have, if any?

Mr. McCUMBER. The right to hold any political office and the right to vote at elections will be two of them. I could give other rights.

Mr. CLARK of Wyoming. In calling attention to that particular point the Senator will recall, with regard to the Five Civilized Tribes, that none of the rights to hold political office at that time were conferred that they did not already have. There was no right of voting that could be conferred at that time that they did not have. The only right to vote which they then had was the right to vote within their tribes for tribal officers. It could confer no right to vote for county officials, because there were no county officials. It could confer no right to vote for members of the Territorial legislature, because there was no Territorial legislature.

Mr. McCUMBER. I was speaking of the law as applied to all, not only in the Indian Territory, but to those outside the Indian Territory, and my answer was directed, of course, to those cases where they have since exercised the right.

Mr. CLARK of Wyoming. When the Senator reaches the point as to the Indian Territory I should like his view as to whether any rights of any nature were conferred when we conferred citizenship?

Mr. McCUMBER. I can answer now that when we confer the right there may be no occasion for the exercise of that right at that particular time. We might have organized a Territorial form of government there and immediately the natural rights of citizenship would attach. The fact that we granted

them the rights and privileges of all citizens would give them the same right as the white man in the matter of the conduct of the affairs of the State.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from South Carolina?

Mr. McCUMBER. Certainly.

Mr. TILLMAN. In the enabling act which provided for the new State of Oklahoma are not these Indians permitted to vote?

Mr. McCUMBER. They certainly are.

Mr. TILLMAN. Do I understand the Senator is arguing that voters in the State of Oklahoma are still under the guardianship of the United States, and that we must continue perpetually, or for twenty-five years or some other time, to coddle and pet and look after them?

Mr. McCUMBER. That is the holding of the Department; it is the holding of the Senate, and it is the holding of the House. It has been expressed affirmatively time and again in every bill that has passed Congress since the enactment of the law granting them the franchise.

Mr. TILLMAN. Will the Senator give me his own individual view as to the justice and propriety of it?

Mr. McCUMBER. Yes; I certainly will. It is not only just, but certainly it is of the highest degree of propriety. The injustice that has been done has been the injustice of attempting to take away the control of the Government over them. If we had entirely taken it away, then we might as well dispose of this whole Indian appropriation bill, except for the purpose of carrying out the treaties. If we have not taken them away, then we have our duties to perform to protect those Indians; and inasmuch as Congress has declared that it still has the authority and it is still exercising the authority of a guardian, if we exercise it in one direction we certainly ought to exercise it in that direction which best subserves the real interests of the Indian and protects him from the rapacity of the white man.

Mr. TILLMAN. I am just asking for information. Are the Indians upon the reservations in the State from which the Senator comes citizens, and do they vote?

Mr. McCUMBER. They do.

Mr. TILLMAN. Yet their property is held in trust and they have guardians to look after them?

Mr. McCUMBER. Their property is held in trust. They have the guardianship of the Government of the United States. We have been granting them not only annuities but assistance from Congress since that law came into effect. We are taking their children to Carlisle and down here in Virginia and we are educating them. We are doing that on the assumption that they are still wards of the Government, because we would have no authority unless they were.

Mr. TILLMAN. Is it not a matter of fact that the reason we are holding on to those Indians is because they have got a whole lot of money which we are unwilling to turn over to them and let them "root hog or die?" Is is not because somebody in the Indian Department or somewhere else wants to continue to hold office and draw a salary as being guardians of these Indians?

Mr. McCUMBER. On the contrary, we are holding on to them because we know that the moment we let go of them they will be subject to the rapacity of every white settler, and in twenty years every man of them will be a pauper. That is why we are holding on to them. We know that in the struggle for existence they are not able and they will not be able to stand side by side with the white man. We know that they will lose and that the white man will gain. It is with that constant fear in our minds and with that absolute knowledge in our hearts that we are attempting to protect them and to continue their rights just as long as we can.

Mr. TILLMAN. How long will this abnormal and unnatural condition exist? When are we going to get through with it?

Mr. McCUMBER. We will get through with it when there are no more Indians in the United States, and that will probably be within the next twenty years.

Mr. TILLMAN. In the meantime the white man will use up more than half or two-thirds of the Indian's money in taking care of him.

Mr. McCUMBER. The Senator has answered his own question.

Mr. TILLMAN. I am speaking about officials who are required to coddle and pet and watch over them.

Mr. McCUMBER. The proposition amounts simply to this: We allow those Indians to sell their land, to dispose of their property, because it is claimed that that property ought to be subject to taxation. It goes then to the white man, and it becomes subject to taxation. The white settlers have got the Indian's land and they have got the money, and then they have got the paupers to support, if they will support them. It is to protect the Indian against this condition that we are trying to continue this control, if we have not already dispossessed ourselves of the whole Indian question.

Mr. TILLMAN. If the Senator will permit me, in a little trip through Oklahoma and the Indian Territory I met all classes of men—white men, Indians, mixed bloods, and others—and I was told that there were a large number of Indians down there just as competent, and I saw them and they appeared to me in conversation to be just as competent, to take care of themselves as anybody else. Yet they are under these very restrictions. They are not allowed to handle their own estates, and we have got a whole lot of parasites, bloodsuckers, hanging around the Indian agencies and absorbing the property and increment from the Indian's land, and the Indian himself is in a state of starvation or semistarvation. Yet we keep up this infernal humbug philanthropy in caring for people who are just as capable of caring for themselves as they will ever be. I think we should get rid of the incubus and the lobbyists we have here every year who get hold of a lot of claims and try to absorb out of the Treasury the remnant of the Indian's property, and the Indian would be better off.

Mr. McCUMBER. The Senator said in almost his first sentence that he found these Indians as capable as the rest of the population——

Mr. TILLMAN. Some of them.

Mr. McCUMBER. To take care of property rights. Then he closes by saying he finds them in a comparatively starving condition, because they are being robbed. The two statements are certainly not very consistent with each other.

Mr. BRANDEGEE. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Connecticut?

Mr. McCUMBER. Certainly.

Mr. BRANDEGEE. I think the discussion that is now proceeding is going to be of great value to the country and to the Senate. I agree entirely with the Senator from North Dakota that if the law is so that the Government has no longer a legal right to hold these Indians under its guardianship, 90 per cent of the Indian appropriation bill, so called, would not appear in the bill.

I am very glad that the Senator from North Dakota has taken up this question. I do not consider that the propriety of the Government continuing to be the ward of the Indians is so much to be considered as the legality of it. In that connection I should like to ask the Senator from North Dakota if he regards the decision of the Supreme Court in the case of The United States against Rickert as being analogous or of any authority in determining the present position of the Government toward the Indians, at least in the Indian Territory?

Mr. McCUMBER. It is and it is not. In a certain sense the case of The United States against Rickert is. That case was one brought in Roberts County, S. Dak., against a member of the Wahpeton and Sisseton bands, or, rather, for the protection of his rights. The county of Roberts had levied taxes upon the real estate and personal property. The limitation had not yet expired upon the real property. In other words, the restriction of the right to sell had not yet expired, and the court held, and very properly held, that this land was granted to that particular Indian and this restriction was attached to the grant for the protection of the Indian himself, and that therefore the State had no authority to destroy any portion of the grant. So far as that is concerned, it is not parallel and has no application whatever to the question of guardianship; but I think the court went a little further, and it might be construed into a support of this position when it commenced to deal with the personal property.

The VICE-PRESIDENT. The Senator from North Dakota will suspend for a moment. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. Table Calendar No. 26, Senate resolution No. 214, by Mr. CARTER, "that a duly qualified entryman is entitled to a patent for land," etc.

Mr. CARTER. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Montana asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered.

Mr. BRANDEGEE. I should like to ask the Senator from North Dakota if the case of the United States against Rickert did not arise solely out of a contractural relation between the Government and the Indian—a provision in the grant itself? Was it not the fact that the Government allowed the Indian to go on the land with an agreement that after twenty-five years the Government would give the Indian a patent to the land, and

was not the question in the case whether, pending the vesting of the title in the grantee, the land was taxable or not by the State of South Dakota?

Mr. LONG. Before the expiration of the twenty-five-year period.

Mr. McCUMBER. It was a condition that arose on the land. There is no question about it.

Mr. BRANDEGEE. Let me ask the Senator a further question. In that case did the statute of 1901, declaring the Indians to be citizens, come before the court in any way, directly or indirectly, or did the court attempt in any way to construe that statute?

Mr. McCUMBER. I will not be certain as to that. It has been perhaps two years since I have looked at the case; so I do not know. But I want to call attention to the matter so far as it affected the personalty. The man to whom this personal property was granted was a citizen of the United States. There was no restriction in the grant. There is no question, of course, but what the intention of the Government was that the Indian would take the horses and cattle and this personal property that came through purchase of the Government and through funds furnished by the Government and would continue to hold them; but there was no provision whatever that he could not sell them. So that did not correspond with the condition which attached to the land. In order to sustain the Government's position with reference to the personal property it considered the relation of guardian and ward again, in a condition of pupilage, as was stated in that particular case, a condition which could not exist except upon the theory that there was a wardship in the case; and with that assumption it held that the State could not take away property granted to that individual for the purpose of civilizing him and bringing him up to good citizenship.

Mr. LONG. If the Senator from North Dakota will permit me, I think the taxation of the personal property was defeated upon the proposition that the property in fact belonged to the Government and not to the Indian.

Mr. McCUMBER. No; it is stated it was given to the Indian for certain purposes.

Mr. LONG. If the Senator will permit me, I will call his attention to a part of the opinion bearing upon that point:

> The personal property in question was purchased with the money of the Government and was furnished to the Indians in order to maintain them on the land allotted during the period of the trust estate and to induce them to adopt the habits of civilized life. It was, in fact, the property of the United States, and was put into the hands of the Indians to be used in execution of the purpose of the Government in reference to them. The assessment and taxation of the personal property would necessarily have the effect to defeat that purpose.

This shows the reason why the court held that the personal property could not be taxed by the State of South Dakota, because it was, in fact, the property of the United States and not the property of the Indian.

Mr. McCUMBER. The court say, on page 437:

> If, as is undoubtedly the case, these lands are held by the United States in execution of its plans relating to the Indians, without any right in the Indians to make contracts in reference to them or to do more than to occupy and cultivate them until a regular patent conveying the fee was issued to the several allottees, it would follow that there was no power in the State of South Dakota, for State or municipal purposes, to assess and tax the lands in question until at least the fee was conveyed to the Indians.

Mr. LONG. That is in reference to the land.

Mr. McCUMBER. I am just reading a part of the whole.

> These Indians are yet wards of the nation——

Mr. TILLMAN. What is the Senator reading from?

Mr. McCUMBER. I am reading from the decision in the Rickert case:

> These Indians are yet wards of the nation, in a condition of pupilage or dependency, and have not been discharged from that condition.

That is what the court said in that case. That, I admit, was not necessary for the decision in the case; but if that is the view of the court and if the court will stand by that proposition when the question is directly before it, there can be no question but that the mere fact of granting these political rights does not destroy the relation of guardianship.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from South Carolina?

Mr. McCUMBER. With pleasure.

Mr. TILLMAN. Where did the Rickert case arise—in what State?

Mr. McCUMBER. In the State of South Dakota.

Mr. TILLMAN. Does the Senator see no difference between the Five Civilized Tribes of Indians that have been having schools and local self-government and one thing and another for thirty, forty, or fifty years and the blanket Indians out in the State of South Dakota?

Mr. McCUMBER. I see no difference in a provision of law that applies to one the same as it does to the other. We will have to give the same construction to the same law.

Mr. LONG. Does the Senator see any difference between the patents held by the Indians in the Indian Territory to their lands and the patents held by the Indians in South Dakota under which this decision was rendered?

Mr. McCUMBER. I know nothing that would be antagonistic to this theory.

Mr. LONG. Is it not a fact that under this condition——

Mr. McCUMBER. They do not hold exactly the same, but the same principle of law would apply, because if they are wards of the Government, then the Government has authority not only over the person, but over the property. They can not at the same time be wards of the Government and also be free and independent as to their property rights.

Mr. LONG. In the Heff decision did not the court decide that the National Government did not have control over the person of the Indian?

Mr. McCUMBER. It did not decide that. It said that it could release its control. That was the decision. That was not necessary at all to that decision, nor is this mere statement which I read necessary to this decision. I will just finish reading this portion of the decision:

> These Indians are yet wards of the nation, in a condition of pupilage or dependency, and have not been discharged from that condition. They occupy these lands with the consent and authority of the United States, and the holding of them by the United States under the act of 1887 and the agreement of 1889, ratified by the act of 1891, is part of the national policy by which the Indians are to be maintained as well as prepared for assuming the habits of civilized life and ultimately the privileges of citizenship.

While it uses the words "ultimately the privileges of citizenship" it nevertheless calls attention to the law of 1887, which absolutely granted them all the rights, privileges, and immunities of citizens of a State.

Mr. LONG. I will ask the Senator whether it is not a fact that under the decision of the Supreme Court in the Heff case, decided long after the case to which the Senator now refers was decided, it was a disputed point as to whether citizenship of the Indian attached when he took his allotment or at the end of the twenty-five-year period when he was to receive his final patent, and that the Heff case decided that the citizenship attached when he took his allotment and not when the final patent was issued?

Mr. McCUMBER. There is no question about that. The law itself declared that the citizenship should attach when he took his allotment. They did not have to raise a question of that character.

Mr. LONG. But, Mr. President——

Mr. McCUMBER. Because the law itself expressly so provided. Now on what was it decided?

Mr. LONG. If the Senator will permit me, it may not have been necessary to raise the question, but it was raised in the Heff case by the Government, and it was decided in that case that the citizenship attached when the allotment was taken.

Mr. McCUMBER. That, Mr. President, was not the basis of the decision. The grant was the privileges and the immunities of the citizens of the State, and granting those privileges and immunities the court held that we could not segregate a certain class out of that citizenship and say that one of that class would not have the right to purchase intoxicating liquors and one of the other class could not sell to one of that class intoxicating liquors. It was upon the question of the immunities and the privileges from a single standpoint and not from the standpoint of property rights that the case turned.

Now, I want to call attention to something that was said in the Heff case.

Mr. LONG. I hope the Senator will permit me.

Mr. McCUMBER. I always will permit the Senator.

Mr. LONG. I hope the Senator will again refer to the decision and state why the personal property was held exempt from taxation in the Rickert case.

Mr. McCUMBER. I gave that yesterday, and I think I have given it also to-day. I can repeat it. It was held that it was not subject to taxation upon the proposition that it was given to the Indian for a certain purpose, that of fitting him for citizenship, and a gift having been made for a certain purpose, or property turned over to the Indian for a certain purpose, that purpose could not be defeated by the State of South Dakota by taking away the property under any character of law.

Mr. LONG. And that it was, in fact, the property of the United States.

Mr. McCUMBER. I do not think that was the basis of the decision, although those words were used in the decision itself.

Mr. LONG. I call the Senator's attention to the decision in which that is clearly held.

Mr. McCUMBER. I know.

Mr. LONG. But the Senator did not read the whole of it.

Mr. McCUMBER. I read all of it in reference to the taxation of personal property; but I will state again that the decision was based upon the assumption that the property was granted for certain purposes, which purposes could not be defeated by the State. That is what it is in a nutshell.

Now, let us take the Heff case, to which the Senator refers, and we shall get again the sentiment and the view that was taken by the court in that case and which has been taken by the court in all other cases. On page 508 the court uses this language:

> But it is said that the Government has provided that the Indian's title shall not be alienated or encumbered for twenty-five years, and has also stipulated that the grant of citizenship shall not deprive the Indian of his interest in tribal or other property.

Then it goes on to say:

> But these are mere property rights and do not affect the civil or political status of the allottee.

I am trying to draw this distinction between the political and civil rights and mere property rights that the court has recognized in the Heff case and in every case where this question of citizenship has arisen. Again, on page 509, Justice Brewer used the following language:

> But the fact that property is held subject to a condition against alienation does not affect the civil or political status of the holder of the title.

Just there, showing that at all times they had in mind the distinction between political and civil rights.

In the case of Wiggans *v.* Connelly, 163 United States, page 56, the court says:

> The fact that the patent to this allottee had already been issued did not abridge the right of the United States to add, with the consent of the tribe, a new limitation to the power of the individual Indian in respect to alienation. The land and the allottee were both still under the charge and care of the nation and the tribe, and they could agree for still further protection, a protection which no individual was at liberty to challenge.

Those are pretty broad words, and they are directly to the point. The principal difference is this: They qualify this "with the consent of the tribe." It is an individual right, a right that attaches to the individual; and if his relation as a ward has ceased to exist, then the consent of the tribe would not cure the defect or deficiency.

Again, in the case of Ross *v.* Eels, 56 Federal Reports, 855, Justice McKenna says:

> The opinion of the court is along the line of other cases holding that the citizenship of the Indian did not revoke the control of the Government over his property.

I am not claiming, Mr. President, that these cases are not to some extent antagonistic to some of the others; but what I do claim is that in none of these other cases was the issue directly involved as to whether or not the Government could continue its relation over the property interest of the ward. It seems to me that it will very naturally follow that if the wardship continues—and it has always been regarded as a complete wardship, and the guardianship as a complete guardianship, over both the person and the property of the Indian—then, certainly, we can continue to restrict to a greater extent than at the time of the making of the grant. No one else can challenge it; no one but the Government can continue it; no one but the Government can take it away.

This case was appealed to the Supreme Court of the United States, and was dismissed upon motion of the Government's attorney. No opposition to the motion was offered. So it was practically conceded in that case.

Here is another case where the court held:

> The contention in effect ignores the status of the contracting Indians and the relation of dependency they bore and continue to bear toward the Government of the United States. To uphold the claim would be to adjudge that the indirect operation of the treaty was to materially limit and qualify the controlling authority of Congress in respect to the care and protection of the Indians and to deprive Congress in a possible emergency, when the necessity might be urgent for a partition and disposal of the tribal lands, of all power to act if the assent of the Indians could not be obtained.

Mr. President, I can put the same question back to the Senators who are asking these questions, Are these Indians yet the wards of the Government? If they answer in the affirmative, then they are compelled to admit that, notwithstanding any grant that we have made, we have still the right to extend these limitations and also the right to take them away. The fact that they are our wards admits of no other theory than that we have control over both the person and the property, and if the granting them the mere right of citizenship destroys the relation of guardian and ward, then we have no right to pass more than 5 per cent of this entire bill that we are proposing to pass to-day. I think Senators will all agree with me upon that proposition.

Mr. President, assuming that we have a right to enact into law the other provisions of the bill, we have an equal right to enact into law this provision or to continue this provision which we placed in the bill of last year, which continued the limitation for twenty-five years longer.

Is it, then, proper legislation? Is it for the best interest of the Indian himself? I can not recall a single instance in which the right to dispose of his property has been given to a single individual Indian where he has not disposed of it immediately. In most cases where he got the restrictions removed it was done because of his desire to dispose of his property, and it was superinduced by the desire of the white man to get hold of that property. Whether we have taken off the limitation as it applies to the whole community or to a single individual, the result has been exactly the same.

The Senator from Minnesota [Mr. CLAPP] says that it has worked well as to a certain tribe in his State. I think, however, he will find that it has possibly worked well with the white Indian, but with mighty few of the real Indians. I am not trying to look after those white Indians, those who have one-sixteenth or one thirty-second of Indian blood in their veins. I do not regard them really as Indians, although they may have property and other rights.

Mr. BRANDEGEE. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Connecticut?

Mr. McCUMBER. Certainly.

Mr. BRANDEGEE. I should like to ask the Senator from North Dakota if I understand him correctly. Does he claim that the so-called "McCumber amendment," which was added to the appropriation bill last year, if submitted to the Supreme Court, would be sustained by the court?

Mr. McCUMBER. If the utterance of the Supreme Court which I have cited is correct law, then there can be no question but it would be sustained. I have stated to the Senate before that in considering some of these cases there has been a doubt in my mind, and there is a doubt to-day.

Mr. CLAPP. I merely want to call the Senator's attention—it is a matter that he appears to be familiar with—to the fact that the removal of restrictions at White Earth only applied to mixed bloods. It did not apply to the full bloods.

Mr. McCUMBER. I understand that, and I understand further, Mr. President, that the majority of these mixed bloods have very little Indian blood at all; that they are practically white citizens. I do not care for those at all.

Mr. President, it has been urged here again and again that if we allow those Indians to sell their lands they will then be in a position where they will be forced to take care of themselves, and the only way to civilize them, to make good citizens out of them, is to compel them to make their living, the same as any white man. Many years ago I was of that opinion myself, but the longer I have studied this Indian question and the more I have become acquainted with the Indians, the more certain I have become that my first judgment was incorrect. It is incorrect for a fundamental reason. The Indians are not progressive. If they had been of the progressive type of the white race, does any Senator believe that for thousands upon thousands of years the vast opportunities of this continent would have lain dormant without being used in the slightest degree? Had they inherited the natural progressive inclination of the white race, or almost any other race on the face of the earth, can anyone doubt that these plains would have been burned off year after year and the Indians would not have lived only by hunting and fishing? All of these opportunities were before them; they were before their fathers for thousands of years. None of them ever attempted to utilize them because their inheritance was of that character that they could not and did not know or understand how to go to work and accomplish what the great white race has accomplished.

If we now take away the only safeguard of the Indian—that of holding between the one ocean and the other some little spot that he can still call the red man's land; if we fail to care for him to that extent, then, just as surely as the sun rises to-morrow, we will have made him a pauper the moment we let go of the entire control over his interests. No man can deny that, Mr. President, who is acquainted with the Indian character.

We have two conditions before us. Take away these restrictions and the white man will own the Indian's land; the white man will own his property. Then there is but one alternative, either to submit him to the tender mercies of the State and to the poorhouses of the State or to purchase him a home somewhere else. Have we ever taken the land from any Indian that we did not have to purchase him other lands? Have we ever yet bought a single tract and told the Indians to go somewhere

else that we were not compelled to find him another home? Only last year we had to gather up the remnants of an old band scattered over the State of California and make provision for buying them a new home at ten times the cost of the original land that we took from them. There is but one avenue left.

Mexico has dealt more intelligently with the Indian problem than has the United States, for the simple reason that Mexico has left them alone while we have tried to make white people of them. They live there pretty well. I believe that we will sooner or later be compelled to find a home for them in some foreign land.

Mr. CLAPP. I want to put in the RECORD now—it is the only opportunity perhaps—a hearty amen to the suggestion of the Senator as to the different methods of the two countries, and the superiority of the Mexican method.

Mr. McCUMBER. Mr. President, what I have said has been said because of my sincere sympathy for the whole Indian race. We acted right at one time when we selected the beautiful lands of the Indian Territory and said that this shall be henceforth the land of the Indian; it shall be the home of the red man. We have despoiled him of his heritage; we have taken every acre of land of his fathers; we have driven the game from the country. The white man's plow has turned the furrow of civilization from one end of the country to the other. The red man's civilization must necessarily give way to the high-bred culture and civilization of the white man. We despoiled him of every right that he had on earth, and because he can not adapt himself to our conditions our civilization must force his extinction. The Government took the only right step that it ever took when it created the Indian Territory for the red man. Our superior intelligence, however, pressing close upon the Indian, first succeeded in getting him to agree that some white men should go into his territory. That agreement was followed by a great horde of the white race, and in a very short time we had control of the Territory. The Indian was at our mercy, and the great white civilization of the adjacent States, still crying for the Indian's land, forced the Government of the United States to take from the Indian the last heritage he had. Having despoiled him of all of these rights, it is my purpose—although I admit that there may be a question of our constitutional authority—to extend the limitations we have already placed upon his grant so far as we can, and let the Supreme Court determine whether or not it is unconstitutionally done. I am very doubtful if the court will go to that extent. I am exceedingly doubtful if to-day the court would say that the Government of the United States has no authority over its Indian people. If it does say that, then we may as well set aside our Indian Committee and cease to attempt any further control over the Indians.

I hope, Mr. President, that we will continue this as it has been before, and if any man believes that we have not the right to extend these limitations there is a speedy remedy in the courts of the United States, and we should let them pass upon this doubtful question.

Mr. CLAPP. Mr. President, I think the Senate will bear witness that I occupy but very little of its time in making what might be termed an effort at speechmaking, but I am going to vary my usual course and trespass for a little while this morning upon the time of the Senate in the discussion of this question.

As a lawyer, of course, I recognize that even in the discussion of a legal question a person is always seriously handicapped if his position is not in accord with common and popular sentiment. At the outset I want to distinguish between the question of what ought to have been done for the Indians, between the the question of sentiment to-day and what can be done to-day in the light of past legislation and past treaties. There is no use in reviewing the mistakes of the past, except for one purpose, and that is in dealing with this Indian problem we necessarily proceed along experimental lines; and so far as the past has proven a failure it is a guide to the avoidance of mistakes in the future. I undertake to say that the past policy has demonstrated but one thing certainly, and that is that it is an utter failure. From beginning to end the policy of the United States Government toward the Indian has been a mistake, and no human ingenuity can start with a false principle and ever work out a right result.

The Constitution of the United States recognizes the capacity of the Indian to take care of his own affairs. It recognizes the Indians as consisting of nations, and authorizes the United States Government to make treaties with the Indians as nations. But after sitting down and solemnly making a treaty with them, upon the theory that they are competent to transact their affairs and that they are competent to enter into treaties, we turn around and assume the rôle of guardian and relegate them to the position of wards. It is an absolute travesty upon common justice and common honesty to have pursued that course toward the Indian. Either we should have regarded him as a ward, or, if we were right in recognizing his ability to transact his business in making treaties with him, then we should have recognized that relation, and not be put in the position taken by our courts and the position taken by Congress, after solemnly making a treaty upon this theory of equality in ability to contract, of turning around and saying: "This treaty is of no binding force on us, because we occupy the relation of guardian and you are simply our wards." Mr. President, I say again no human ingenuity will be able to devise a system based upon that false principle which would ever work out a right result.

I am willing to concede—and every man who has studied this question must concede—that the arguments which are made embodying the thought that the Indian will in the end suffer in contract relationship with his superior neighbor, the white man, is to be regretted and to be deplored; but the question is, What solution is there for this problem?

I know the Indians of the Indian Territory have certain rights under treaties. Under those treaties and the law, on the 1st day of July, I think, of this year a large proportion of those Indians will have the right of alienation. The details are set forth in the committee's report.

Last winter we proceeded to pass a law which extended those restrictions. If the Senator from North Dakota [Mr. McCUMBER] is correct, and those restrictions can be legally extended, then it becomes a question of policy, and in the solution of that question sentiment is necessarily an important element. But if the rights which the Indians had prior to the passage of the bill of last winter, which, for brevity's sake, I will refer to as the McCumber amendment, can not be interfered with by any legislation, then, no matter how much we may deplore the consequences, they are there, and the only question before us is, What is the best policy to pursue in the light of the legal conditions and the limitations upon our own power?

The discussion of the right of alienation and restriction upon alienation have always ignored one basic principle which the court has not met yet, because it has never been presented to the court. A restriction upon alienation can only rest upon one of two conditions. It must be a limitation placed in the grant at the time of the grant or it must be a limitation resting in the incapacity of the grantee to transact business, as the incapacity of coverture, infancy, or lunacy. If the limitation is placed in that instrument by the grantor at the time the grant is made, clearly the grantee, accepting that instrument with that limitation upon his rights, the right of the grantor to make further limitations must be measured by the terms of that grant, and no one would contend that, after the grantor had made his grant embodying in that grant the limitation, the grantor, at his own sweet will, could add to the force, character, or extent of the limitation.

Turning to the question of incapacity, Congress has passed laws by virtue of which when the Indian took his allotment he became a citizen of the United States as absolutely as any members of this body, with his rights as absolute, except that as to a particular piece of land there was a limitation attached. The moment he became a citizen, carrying the parallel of his capacity further, he attained his majority; and from that moment the guardian could exercise no further authority over him. That is the basic principle upon which this question must rest, and it has got to be met when it is finally presented to the court.

I repeat, there could be no limitation except a limitation resting in the grant made by the grantor and accepted by the grantee, or a limitation resting in the incapacity of the grantee himself; and when that period of incapacity is passed, when he attains his majority, the relation of guardian and ward as to that transaction must cease, and no limitation can then be imposed by the grantor.

We are met—and I am glad the Senator from North Dakota brought this question up, for I want the Senate to understand it—we are met by the proposition that if this be true we are appropriating money here year after year for purposes for which we ought not to appropriate it. I want to say that of all travesties in legislation there is none greater than Congress appropriating money year after year to educate citizens of the United States, when those citizens in many instances have got funds in the United States Treasury with the management of which we are afraid to intrust them—funds that are piled up there which are a menace to these Indians. We do not dare to give them these funds to use, and yet we go on accumulating those funds in the United States Treasury and voting the people's money to educate people who have money which we do not

dare to give them to use. I hope this discussion will at least open the eyes of Congress to that proposition.

It seems from an inquiry made of me by the Senator from Wisconsin [Mr. SPOONER] that this question is not yet quite clear. I want to repeat that down to last year there were certain legal conditions as to these restrictions. Last year, after these people had become citizens of the United States, had taken their lands subject to these conditions and restrictions, Congress went to work and enlarged the restrictions, limiting the power of the party to control and exercise the right of property over his property.

Mr. LONG. Does the Senator refer to section 19 of what is known as the "Five Tribes bill?"

Mr. CLAPP. Yes.

Mr. LONG. In which the period of restriction is extended twenty-five years?

Mr. CLAPP. Twenty-five years, known as the "McCumber amendment." What was the effect of that? There are here to-day Indians from the Indian Territory who are insisting that we shall not remove their restrictions. But the Indian is not the only man interested. The man who wants to acquire this property at less than its value is also perfectly willing that this cloud shall remain upon the title. The fact is simply this: The man who is seeking the Indian's land can go to the Indian to-day and say, "You can not sell, because of the McCumber amendment," while every lawyer in that Territory, I believe (even the author of the amendment himself does not insist upon its validity with any force), knows that that restriction, placed there after the grant had been made, is absolutely worthless and that the restrictions upon those lands will be released from time to time and will exist as they existed under the law prior to the passage of the McCumber amendment last spring.

Mr. SPOONER. Will the Senator allow me to interrupt him for a moment?

Mr. CLAPP. With pleasure.

Mr. SPOONER. I understood the Senator to say that there are Indians here to-day asking that these restrictions be not removed.

Mr. CLAPP. Most certainly there are.

Mr. SPOONER. Upon what ground?

Mr. CLAPP. Upon the ground that they own a great deal of property there, and they do not want the property taxed—the most natural ground on earth.

Mr. McCUMBER. Will the Senator yield to me while I also answer the question of the Senator from Wisconsin?

Mr. CLAPP. Certainly.

Mr. McCUMBER. I have resolutions from the tribes, also many letters, asking that the restrictions be continued, if possible, and be extended, upon the ground that without the restrictions the grafters will soon own their property, and setting out the fact that it is the grafters only who want the repeal of what is called the "McCumber amendment."

Mr. CLAPP. There is no doubt about the fact that many of those Indians—part of them to escape taxation, part of them for the sake of protection—want these restrictions continued. But the question is, What is the effect upon the Indians there of continuing a restriction which confessedly is a very questionable matter so far as its legality is concerned?

Mr. LONG. I hope the Senator does not want us to understand that a majority of the Indians or any considerable portion of the Indians——

Mr. CLAPP. Oh, no.

Mr. LONG. Want these restrictions to remain as they are under the McCumber amendment.

Mr. McCUMBER. If my information is correct, a majority of the real Indians, the full bloods, do wish them to remain.

Mr. SPOONER. Will the Senator from Minnesota allow me another question?

Mr. CLAPP. Certainly.

Mr. SPOONER. If the Indians want these restrictions to continue, and there is doubt as to the legality of the restrictions, ought the Congress not to permit them to continue until the court has passed upon the legality of the restrictions?

Mr. CLAPP. Undoubtedly.

Now, I am not arguing that these restrictions should be removed if the McCumber amendment is a valid enactment or if it comes within a reasonable supposition that it is a valid enactment. But it seems to me it is so absolutely wanting in validity that it simply places the Indians, who will sell under some circumstances or other anyhow, at a disadvantage in dealing with land speculators.

Mr. SPOONER. It is very easy to test its validity. The Indian sells and conveys in violation of the restriction. There is a case in which the court can be called upon to determine the validity of the restriction. My question is whether, if there be doubts as to the validity of the restrictions, we do not owe it to the Indians, who wish a continuance of these restrictions upon their power of alienation, to keep our hands off of the subject until the court, not the Senate or the House, shall have passed upon the validity of the McCumber amendment?

Mr. CLAPP. That would be true if there was any question about it, but I believe the Senator from Wisconsin will agree when he examines the matter that there is no question.

Mr. LONG. Mr. President——

The PRESIDING OFFICER (Mr. CLARK of Wyoming in the chair). Does the Senator from Minnesota yield to the Senator from Kansas?

Mr. CLAPP. Certainly.

Mr. LONG. I will say to the Senator from Wisconsin that there are other provisions in this bill, amendments introduced by the Senator from Wyoming, which will enable a speedy determination to be obtained as to the validity of the provisions in the act of April 26, 1906.

Mr. BACON. I should like to ask the Senator from Minnesota a question to see if my recollection is correct. I am not familiar with the Indian subject. I have an impression that at the time of the adoption of the McCumber amendment, while the provision had been made for the removal of these restrictions, the time at which that provision was to take effect had not arrived.

Mr. CLAPP. That is true.

Mr. BACON. And that the additional restrictions imposed by the McCumber amendment were in fact imposed before these people had arrived at the period which the Senator denominates as "their period of majority."

Mr. CLAPP. No.

Mr. BACON. Before they had been emancipated from the restrictions.

Mr. CLAPP. Oh, before they had been emancipated from the restrictions applied to a particular piece of land, and that only.

Mr. BACON. Not as a general thing.

Mr. CLAPP. The Indian, after he took his allotment and before the restrictions expired, under the decision of the Supreme Court, is a citizen of this country as absolutely as is the Senator from Georgia or I.

Mr. BACON. I did not wish to take issue with the Senator, but my imperfect recollection was, but still an impression, that there was the excuse for the enactment of the McCumber amendment imposing these restrictions that while provision had been made for this emancipation the period had not actually arrived. But I have no doubt the Senator is correct in his statement.

Mr. CLAPP. Take, for instance, the Creeks as a concrete illustration. All restrictions except as to homesteads will expire in five years from June 21, 1902. That will be the 21st day of June, 1907. That was a law, a law which left the citizen as absolutely free as any member of this body except that as to a particular piece of land there was a restriction until June 21, 1907. In the spring of 1906 we pass a law attempting to extend that restriction twenty-one years. It seems to me that it is so absolutely without question void—a mere cloud on the title of that Indian—that it simply operates to defeat the very purpose which every friend of the Indian has, that if the Indian is to sell he shall be permitted to negotiate on a basis of at least legal equality, if not mental equality. But we place him——

Mr. McCUMBER. Will the Senator right here allow me a question?

Mr. CLAPP. Certainly.

Mr. McCUMBER. It will make the Senator's position clear as well.

Mr. CLAPP. Very well.

Mr. McCUMBER. Does the Senator claim that we could not extend the restrictions in case the Indians were still wards of the Government? Does he deny our power if he admits the wardship?

Mr. CLAPP. That question could not be answered yes or no, because it might be proper as to that particular trust which was carved out of that grant to use the word "wardship," when outside of that particular trust, limited to that particular grant, the word "wardship" would have no application whatever.

Mr. McCUMBER. What I want to get at is this: Does the Senator claim that the guardian, having made a contract with his ward, when the wardship is in existence, to the effect that certain property belonging to the ward may be sold when the ward reaches the age of 18, and before that ward has reached the age of 18 the guardian ascertains that the ward is not competent and still is a proper ward, could not continue that restriction for three or five years longer?

Mr. CLAPP. I invite the attention of Senators to the answer to that question, because it is a crucial question.

If it were true that he did not attain his majority until some subsequent time within that period, the guardian would be guardian, but unfortunately under the law and under the decision of the Supreme Court that Indian attains his majority at the moment he receives his allotment, and attaining his majority, passes as to that subject beyond the control of the guardian.

Mr. McCUMBER. But if he attains his majority then the wardship ceases, does it not?

Mr. CLAPP. Absolutely.

Mr. McCUMBER. Then the Senator would have to hold, in order to sustain his position, that the relation of guardian and ward no longer exists between the Government and the Indian.

Mr. CLAPP. As to the United States Government and the allottee who has taken his allotment, there is no guardianship. As to property upon which the Government has held its hand in the creation and execution of a trust, there is a control over that trust, and the mere fact that a court inadvertently calls that "wardship" has no bearing upon the legal question involved in this discussion.

Mr. McCUMBER. I want to say that several cases which I cited here declare that notwithstanding these grants, notwithstanding the declaration of citizenship, the wardship did not become extinct. I admit it was not necessary for the court to make that assertion in the decision, as I view it, of the cases that were decided, but they held it, as a declaration, and held it over and over again in the many cases. The Heff case seems to be absolutely opposite to that theory.

Mr. LONG. Mr. President——

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

Mr. CLAPP. With pleasure.

Mr. LONG. I call the Senator's attention to the fact that all Indians in the Indian Territory were by act of Congress in 1901 made citizens of the United States——

Mr. CLAPP. Unquestionably.

Mr. LONG. Whether they had taken their allotments or not. And that these supplemental agreements were made in 1902, and that the supplemental agreements fixed the periods of alienation.

Mr. CLAPP. Yes; and that citizenship was absolute and complete, so far as the person of the Indian was concerned. From that time on the United States Government was as powerless to interfere, for instance, with the sale of liquor to that Indian as it would be to any white man. That individual has the right of suffrage. He has every right that pertains to a citizen. His property, however, a particular piece, and only a particular piece, is subjected to this trust which the Government imposed at the time of the execution of the trust deed.

Now, while law in the abstract can never change, the expression of law through the court necessarily grows as a subject becomes more and more the subject of judicial consideration, and it is true that the court frequently use the expression "guardian and ward." In the so-called "Rickert case," that came up from South Dakota, the attempt was made there to tax the property of an Indian. Mind you, at the very foundation it was not the effort of the Indian to insist upon his rights as against the Government, but it was the effort of the Government to interpose and protect the rights of the Indian as against taxation. In that case the court held that that property could not be taxed, because it was a trust.

I submit to any lawyer in this Chamber if there is anything in the relation of a trust that in itself would impress the property held in trust with a quality that did not pertain to the trustee, or a right pertaining solely to the trustee impress itself upon property which he held in trust without any beneficial interest. And yet the court never considered that question. Take, for instance, a railroad company which is enjoying an exemption from taxation, and, if you can, imagine it holding some property in trust and not enjoying the beneficial use of that property. No lawyer in Christendom would contend that because the trustee in the capacity of a railroad was exempt from ordinary taxation, the taxation in lieu being a percentage taxation, that that exemption would attach to the property which incidentally the corporation might hold in trust for some one else. And yet the Supreme Court overlooked that principle and said that because we held this land in trust, consequently it could not be taxed.

They went further and in the case of personal property they held that that property was exempt from taxation, and they say that this is practically the property of the United States, and upon that ground it is not subject to taxation.

There was some academic discussion in the Rickert case, but two years later, in 1904, in the Heff case, the Supreme Court stood face to face with this question and not in any academic sense. The court realized that if the control of the Federal Government had ceased as to the right of the Indians, and especially in restraint of his appetite for strong drink, it was a serious problem, and with that confronting them, with that question brought to their attention, with the Rickert case forced upon their consideration by the Solicitor-General, the Supreme Court held in the Heff case that the Indian had become a citizen, and in the most important matter of guardianship which a superior and a higher people, morally developed, could exercise over an inferior people, on the question of their morals and habits as affected by intoxication and the use of intoxicants, the Supreme Court had to admit that the United States Government had no more control over that Indian, because he was a citizen of the United States. They point out in that case the difference between exercising a control over the Indian and the limitation that has been carved out of a grant, and they distinguish between the two.

But in the light of the Heff case, Congress has no more jurisdiction over an Indian in the Indian Territory than it has over any other citizen of the United States. It may still exercise that trust as to the particular property which he Indian holds. It may still exercise its trust as to communal property which has not been disposed of. But as to the right of the Indian to deal with his own property and to exercise his rights there can be no question.

Mr. McCUMBER. Will the Senator from Minnesota allow me?

Mr. CLAPP. With pleasure.

Mr. McCUMBER. It is with reference to the Heff case. The Heff case in substance held that Congress has no power of special legislation to classify citizens, so as to create race or other distinctions and to subject one class or grade to stipulations and regulations not applicable to all citizens and incompatible with the reserve power of the States to enact and enforce valid local laws.

I take that from the decision as being all that was decided in the Heff case. The question of guardianship and the question of property rights were not discussed, but in a certain passage which I read a short time ago the court attempted to differentiate the political power that was obtained by the Indian by reason of his enfranchisement, if I may call it that, from the power of the Government over his property rights. I read before the portion of the opinion which differentiates it.

Mr. CLAPP. Yes; but the Senator would never contend for a moment that Congress could thus classify, and if they could, they had, and the Supreme Court stood face to face with the moral existence of the thousands of Indians in this country, and yet they had to hold that Congress had no authority to prevent the sale of liquor to them. The court held that the Indians are possessed of their political and civil rights, and the possession of political and civil rights includes the possession of property rights. There can be no qualification except as they point out here. When a grant is made the grantor may attach a limitation, and the grantee, accepting it with that limitation, is bound by the limitation.

Mr. President, I have talked longer than I intended on this question. I have no feeling about it. While I speak with some earnestness, the Senator from North Dakota and I discussed this question in the committee without any feeling, and there is no feeling involved in the earnestness of this discussion. We both seek the same thing. We are now up to the question, What can best be done in the light of existing conditions? If I knew that the Indians would recognize the McCumber amendment and not sell, that would be another question. But we know that down there both the Indian and the white men are ignoring the McCumber amendment. The Indians are selling in spite of the McCumber amendment, and the simple question that confronts us now, with that amendment questioned, is which is the better policy to pursue—to give the white man in the Indian Territory an opportunity to say to the Indian, "I will give you something for this land; you can not give me a good title," and give the white man an opportunity to deal with the Indian in that legal inequality which the law has made, or to repeal that amendment and place the Indian, so far as legal right is concerned, on a plane of equality with the white man. It is a proposition that Congress has to face.

The condition there to-day is one of chaos and confusion, and I believe that, while we may be actuated by the purest motives for the Indian—I have seen it in my own State in the last year—every effort to interfere with the law, with the legal rights of the Indians, has simply been at the cost and expense of the Indians. The white man knows the law; the white man takes his chance with his knowledge of the law; and in dealing with him the Indian is at that disadvantage. While there may be no sentiment in a cold legal proposition, at the same time there is this sentiment. If as a matter of fact the McCumber

amendment is not valid, then we are doing an injustice to the Indian in leaving it upon the statute book. It would be far better, so long as the Indian will sell under some condition, to place him, I say again, upon a plane of equality, at least so far as legal rights are concerned, with the white man.

I have no more interest in this matter than any other Senator in this Chamber. We all have the same common purpose, to pursue a policy that will be for the best interest of the Indian. There is no use to-day, at this late day, in the face of the legislation and the agreements of the past, being swept to one side by sentiment. It is a cold legal question, and if this is the law, if we can not to-day legally enlarge the restrictions, then it does seem to me that we make a serious mistake and do the Indians a great injustice in placing the white man where he can point to a supposed limitation and take advantage of it in getting the best of the Indian in the matter of the alienation of his land and the transaction of business.

Mr. McCUMBER. Before the Senator from Minnesota takes his seat I should like to ask him a question for information.

Mr. CLAPP. Certainly.

Mr. McCUMBER. Are there any of those cases now in which the limitation has already expired?

Mr. CLAPP. No, sir.

Mr. McCUMBER. Then, as a matter of fact——

Mr. CLARK of Wyoming. Except in the Seminole country.

Mr. CLAPP. I beg pardon. I did not think of that.

Mr. McCUMBER. The percentage is small, and it is limited to the Seminole tribe.

Mr. CLARK of Wyoming. To the Seminole tribe.

Mr. McCUMBER. A very small tribe. In the other tribes the limitation has not yet expired. So that these purchases that are being made to-day are absolutely void under the old law, under the old limitation, and they could not be enforced equitably or in any other way. These Indians are selling lands, according to the statement of the Senator and these others, which they have no right to sell under any law, and before the time has expired in which they will be legally entitled to sell the question whether this amendment is constitutional or otherwise can easily be determined by any of the courts.

Mr. CLAPP. That simply illustrates the evil and vice of this confusion. The McCumber amendment provided that the deeds should be void. That amendment is in force to-day, theoretically.

Mr. CURTIS. Mr. President——

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

Mr. CLAPP. Certainly.

Mr. CURTIS. Each of the agreements provided that any contract for sale should be void.

Mr. CLAPP. That is true, but you simply complicate this by that question. An agreement is made to-day under the McCumber amendment. The McCumber amendment theoretically repeals the provision of the agreement, and the agreement is no longer in force. If the court overthrows the McCumber amendment, then the instrument would not be void because of the final finding of the court that the McCumber amendment itself was void, and you would have the matter hung up in the air and involve the question whether an act done under a law while it was in force, not affected ultimately by the decision as to its validity, could then relate back and be declared void under the law which had already been superseded by the second law that was declared void. It simply illustrates the confusion as to title down there under this legislation.

Mr. LONG. Mr. President——

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

Mr. LONG. I wish to call the attention of the Senator to the further fact that in the Chickasaw and Choctaw nations one-fourth of the surplus lands can be alienated in one year from the date of the patent, and some patents were issued in 1905, so one year has elapsed and those lands could now be alienated.

Mr. CURTIS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the junior Senator from Kansas?

Mr. CLAPP. Certainly.

Mr. CURTIS. No patents, as I understand, were delivered to the Chickasaws and Choctaws in 1905. The first were delivered January 1, 1906. I may be mistaken about that, but that is the information I gathered when the Five Tribes bill was being considered.

Mr. LONG. They were made out, but not delivered.

Mr. CURTIS. They do not take effect until delivery.

Mr. CLAPP. On page 22 will be found a telegram. I first took up the matter with the Commissioner of Indian Affairs, and he suggested that we take it up directly with the Commission to the Five Civilized Tribes. In the telegram Mr. Bixby seeks to approximate, not very accurately, of course, the status of the outstanding patents. Take the Choctaws and Chickasaws. They can alienate one-fourth, exclusive of the homestead, in one year from date of patent, one-fourth in three years after date of patent, and the remainder in five years from date of patent. It is a condition of chaos and confusion. That is the situation down there to-day.

Mr. McCUMBER. Does the Senator contend that if the McCumber amendment should be declared unconstitutional, that has repealed the old law of limitation?

Mr. CLAPP. Oh, no; not at all.

Mr. McCUMBER. Very well. Then we are exactly in this position: Under the old law in most of the cases there is yet a limitation, and all sales are absolutely void. If the grafter who is seeking to obtain these lands for little or nothing under any excuse should lose his money, he could not get any equitable right, because the law declares that any contract for the sale shall be absolutely void.

So, if the amendment which was put on last year is declared unconstitutional, of course the other amendment has not been affected. It did not seek to repeal the other amendment. It simply declared a new limitation. If it is good, of course it supersedes the old limitation. If it is not good, the old limitation still stands. In this connection I call the attention of the Senate to the fact that the most that can be said is that inasmuch as the limitation is somewhat longer, the party who is seeking to obtain a title would pay less, but the party gets no right that he can enforce. It may be that the Indian would finally give the deed anyway. If there is anything to sustain it, it would be that possibly he would get a little more just now, but that little more would last him only a few days.

Mr. CLAPP. Mr. President, let us stick right to the concrete case here. For instance, take the Creek Nation. I undertake to say that any deed made after the 21st of June, 1907, by a Creek allottee will be valid, even in case the amendment is declared void.

Mr. McCUMBER. Certainly.

Mr. CLAPP. The McCumber amendment can not be decided until after June under any circumstances.

Mr. McCUMBER. It can be decided, we will say, after June of this year.

Mr. CLAPP. Yes. Now, the moment that these exemptions expire under the old law, if the McCumber amendment is not valid, you have the entire real-estate aggregation of the Indian Territory turned loose on these Indians and the Indians placed at a disadvantage by Congress, in addition to the disadvantage which we all must admit they labor under by reason of racial difference.

Mr. McCUMBER. If one is a disadvantage, the other is. If the additional legislation extending the limitation is a disadvantage, then the old limitation must have been a disadvantage, and a disadvantage to the extent that it was a limitation.

Mr. CLAPP. Not at all. The old limitation was a valid limitation. No land speculator in the Indian Territory would have thought of defying the terms of the old limitation. It is the new limitation which they question. It is the new limitation which clouds the title to the Indian and puts him to this disadvantage, conceding all the time, of course, that that limitation is void. If the limitation is valid, it presents an entirely different question.

Mr. McCUMBER. I think the Senator is in error when he says that no attempt would be made to purchase the land under the old limitation. The same people who are fighting the additional limitation are a class of people who have been securing contracts from these Indians all over the country to sell their land, and on the assumption that the Indian will stand by his bargain when he is able to sell it.

Mr. CLARK of Wyoming. Mr. President——

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

Mr. CLAPP. With pleasure.

Mr. CLARK of Wyoming. I can hardly let the statement of the Senator from North Dakota go unchallenged when he puts in an aggregation an intimation that the only people who are fighting this limitation are those who have dishonest motives.

Mr. McCUMBER. I certainly did not so intend it, any more than I would intend to say that of Senators here.

Mr. CLARK of Wyoming. I think it would so read in the RECORD.

Mr. McCUMBER. No; I am speaking of those people down there who have been trying to buy the Indian's land before his right to sell the land accrued.

Mr. CLARK of Wyoming. I wish to call the attention of the

Senator and of the Senate to the fact that very many others than those engaged in land transactions of any sort believe in this legislation.

Mr. LONG. Mr. President——

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

Mr. CLAPP. Certainly.

Mr. LONG. In regard to the time when the land in the Choctaw and Chickasaw nations becomes alienable under the original supplemental agreement I will state that that agreement provides that the period of alienation for one-fourth of the land shall be one year from the date of the patent. I understand that many of the patents are dated in 1905, and that the one year has expired, and in other cases it will expire within the next few months.

Mr. CLAPP. That is my understanding.

Mr. President, in conclusion I merely want to say that I do not wish to be understood as advocating the removal of these restrictions. I appreciate how a legal question is more or less handicapped by sentiment. I have simply presented to the Senate this matter as it appears to me. It is for the Senate now to decide whether it will allow the McCumber amendment to stand or repeal it. Personally I have no feeling in the matter one way or the other.

Mr. McCUMBER. Mr. President, the last statement made by the Senator from Kansas [Mr. LONG] was to the effect that the right to sell after the expiration of one year after the patent had issued would accrue to many of these Indians—that is, one year from 1905 or 1906 or 1907. That right has accrued. If anyone who has purchased under that right desires to test the amendment he can do so even at the present time, and I would prefer to have the court pass upon it.

Mr. President, without going further into that case at this time, I wish to ask the Secretary to read a letter from the acting chief of one of these tribes with reference to the matter of the removal of restrictions.

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

Mr. McCUMBER. I should like to ask Senators who are interested in the view of the Indians themselves to give attention to the letter.

The Secretary read as follows:

TEMPORARY HEADQUARTERS OF CREEK NATION,
ROOM 24, NATIONAL HOTEL,
Washington, D. C., January 28, 1907.

Hon. PORTER J. MCCUMBER,
United States Senator, Washington, D. C.

SIR: The undersigned delegates, representing the Creek Nation of Indians, earnestly ask your attention to the representations against the adoption of a certain amendment proposed for H. R. No. 22580, designated as the Indian appropriation bill, which, if it becomes law, removes the restrictions on the sale of Indian lands as at present fixed in law.

The Creeks who own allotments of land that will be affected by the proposed legislation are as a body not asking that these restrictions be removed, but, on the contrary, are earnestly opposed to such removal. The measure is urged by people who have come from the surrounding States to our country, known as "grafters," and we regret to say a few of our own people who have joined in the clamor, all of whom expect to enrich themselves by taking advantage of the ignorance of the Indians of land values when they shall be left unprotected, as will be the case should you pass the proposed amendment.

The Creek council sent a committee of its trusted members, headed by its chief, to meet and tell the Senatorial committee at Muscogee to see to it that the restrictions be not removed as urged by the land speculators, and that committee faithfully and unanimously presented the views of the council, as the records will show. Most of the allotments in the Creek Nation are yet in the possession of the full-blood Indians and their minor children, who have no adequate knowledge of transactions in realties or of land values, and in the light of the unscrupulous methods we now see every day unblushingly practiced, by which our people are being fleeced of their allotments by those who are urging you to remove the present restrictions, we have no hesitation in predicting that should the amendment pass the most of our full-blood Creeks will within a very short time become landless. The Creeks know this, and knowing, too, that the removal of restrictions will be urged before Members of Congress by the grafters and others, they have sent us to appear here and present their wishes and earnest prayer that you do not heed the selfish demands of the grafters and, throwing down the barriers, expose them to the merciless greed and rapacity of the grafters already on the ground, whose agents in Washington are impatiently waiting to wire them the news as soon as the amendment becomes a law.

As it has been intimated to us that after the 30th of June next all restrictions imposed on these allotments will terminate by limitation, and as we know that they do in a measure afford some protection, it is the desire of the Creek people that before their termination by a further agreement provision be made for their continuation. The law extending restrictions enacted last winter was eminently satisfactory to the Creeks, and their maintenance is earnestly desired. Should there be any modifications made, it might provide for the sales of land by advertisement by the Indian agent by very aged full-blood Indians and other persons of incurable bodily affliction.

The allotment of lands in the Creek Nation with the equalization in value thereof, as provided in agreements with the Government which the Creeks are exceedingly anxious to have done with, is not yet completed; and to the Creeks who are most vitally concerned it is very clear that the mad rush of the multitudinous land sales that will immediately follow the adoption of the amendment proposed will, in the present incomplete condition of our tribal affairs, bring about expensive litigations and complications of titles and ownership of lands that must result in great injustice and the certain pauperizing of a large number of the Creeks.

The Interior Department of your Government, including the Indian Office, possessing much valuable information respecting our affairs, is in accord and sympathy with the views of the Creeks in relation to the proposed legislation, and we earnestly implore you to use the friendly power and influence of your high station in preventing said amendment from becoming a law.

After surrounding us with conditions we never suggested, much less invited, don't tell us that your laws are such as to render you powerless to afford the simple protection the Creeks are so earnestly begging of you.

Very respectfully,

P. PORTER,
Principal Chief.
G. W. GRAYSON,
S. J. HAYNES,
Delegates, Creek Nation.

Mr. McCUMBER. I have here a letter of February 5, signed by M. L. Mott, attorney for Creek Nation, also by P. Porter, principal chief; G. W. Grayson, delegate for Creek Nation, and Samuel J. Haynes, delegate for Creek Nation, on the same subject, which is very much to the point. I should like to have it read by the Secretary.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

WASHINGTON, D. C., *February 5, 1907.*

Hon. PORTER J. MCCUMBER,
United States Senator, Washington, D. C.

SIR: For information of yourself and other members of the Senate, I most respectfully request to be allowed to submit the following in opposition to that amendment to the Indian appropriation bill which provides for the removal of restrictions upon the land of the Indian and freedman citizen composing the Five Civilized Tribes.

The Creek council, composed of the house of kings and the house of warriors, had before them in their annual meeting last October the question of the removal of restrictions, and by an almost unanimous vote they declared their unyielding opposition to it, and they selected a delegation to come to Washington and instructed them by resolution to use every means in their power to prevent the repeal of the twenty-five-year restriction clause, and thereby keep them out of the power of the land-grabbing "grafters."

The removal of restrictions in the absence of certain rules and regulations on freedman lands in 1904 was a mistake and a calamity. Few of these allotments were sold direct to any settler or one who would cultivate it, but in most cases to men who secured the same by disreputable and dishonest methods and at inadequate and ruinous prices. An allotment bought to-day by the "grafter" would be sold to-morrow at an advanced price many times over. As a result, the adult freedmen's allotments, with few exceptions, are all gone; the little money received from sale of same has long since all gone, and now to remove restrictions upon their homestead would leave the larger number of them paupers and objects of charity, and a great number of them will gravitate to the town, where their time will be spent in idleness and vagrancy.

A large number of the minor freedmen's allotments have been purchased. The record of the Dawes Commission would show the allotee under age, and in many cases several years under age, and to obviate this difficulty the minor was induced to make affidavit that he or she had obtained their majority. Of course the price paid for such deed was a mere pittance. Later, if the minor manifested any disposition to contest the legality of the transaction, his affidavit was held over him, accompanied with the threat that if he made any trouble he would be indicted for perjury and sent to the penitentiary. The threat proves effective in many cases, the minor not knowing that under the Arkansas law such an oath is not perjury, because it is not such an oath as is required by law, nor is it about a material fact at issue in the court. A suit to cancel such deeds is burdensome, and it is difficult to induce them to undertake it.

Before Congress convened and before the special Senatorial committee had left the Territory deeds were being taken for the homesteads of freedmen, and the Creek delegation now in Washington is receiving trustworthy information that the "grafters" are making a horse-race ride and drive from house to house securing the signatures to deeds and contracts for homesteads at such prices as should make even an unscrupulous man ashamed.

The removal of restrictions by the last Congress upon the inherited lands of mixed breeds proved unfortunate and disastrous to a large number of citizens, because it failed to provide for the sale under such rules and regulations as might be prescribed by the Interior Department, and, as in the case of the freedmen, the unsuspecting and unlettered mixed breeds lost their lands, receiving comparatively nothing for them.

Many hundreds of deeds have already been taken for the allotments of full bloods in the Territory; in many cases a small cash payment was made and a contract signed to make an indifferent additional payment after the date of the removal of restrictions. Many of these full-blood grantors assert that such deeds and contracts were interpreted (the interpreter being in the employ of the "grafter") as a mortgage and a note to secure a small loan. The attest of a notary is necessary in proving such conveyances, and in this connection I want to acquaint you with the fact that the profession of notary is the most densely crowded of any in the Territory, every "grafter" having one in his employ on a monthly, if not an annual, salary.

If the amendment referred to becomes a law, then inside of ten days after the date fixed by the amendment for the removal of restrictions every purchasable allotment held by the incapable and ignorant full bloods will be in the hands of the "grafters" at nominal prices, and the settler and honest purchaser will have to pay these "grafters" a fair price, which he would otherwise have paid the Indian.

Every "grafter" in the Territory has insisted and is insisting that the continuation of restrictions is to the disadvantage and injury of the citizens of the Five Civilized Tribes. Their admonitions upon this question should receive just the same weight as the advice of the horse thief to the farmer that a sure way to keep his horse is to leave

the stable door unlocked and unguarded, especially during the nighttime.

Some good people in the Territory are favoring the removal of restrictions upon the idea that taxation and settlers are necessary for the better development of the new State. Ordinarily this would be true, but the other side of this proposition means a landless and homeless number of thousands who would have to be fed and sheltered in the almshouses built in every town and community. Taxes from the land involved would go but a short way toward preventing ruin and bankruptcy of the new State carrying such a burden.

No general in the silent tread of the midnight watch ever prepared for his campaign with more deliberate purpose than has been the organized movement in the Territory looking to the removal of restrictions upon lands of these wards of the Government. Weeks and months before the Senatorial committee reached the Territory meetings were held in every town of any consequence and means and plans devised and matured with the view to impressing most favorably and forcibly the committee. The selection of representatives to present to the committee the contentions of these towns, chambers of commerce, and other interests were, where practicable and judicious, made from among the mixed-breed citizenship; his introduction to the committee was usually with much solemnity, and, to add to the weight, with a title borrowed for the occasion. Every man living in the Territory and familiar with the conditions there and with the methods of the "grafters" knows in his heart that the removal of restrictions means the impoverishing and ruin of the greater number of the full blood Indians and the freedman members of the tribes.

The Creek council and the Creek Nation favor the removal of restrictions upon the allotments of the very aged and infirm and of those afflicted with some fatal malady, but under such rules and regulations as may be prescribed by the Secretary of the Interior.

Very respectfully,

M. L. MOTT,
Attorney for Creek Nation.

We are in accord with and approve the foregoing statement.

P. PORTER,
Principal Chief.
G. W. GRAYSON,
Delegate, Creek Nation.
SAMUEL J. HAYNES,
Delegate, Creek Nation.

Mr. McCUMBER. I desire to call the attention of Senators to the amendment that is attacked. The McCumber amendment applies to full bloods only. All of these letters refer also to the protection of the full bloods. It does not affect the mixed bloods whatever.

Mr. CLAPP. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Minnesota?

Mr. McCUMBER. Certainly.

Mr. CLAPP. I am not doing it in any spirit of criticism, but simply to put the whole matter before the Senate.

Mr. McCUMBER. Certainly; I appreciate that.

Mr. CLAPP. But the Senator will admit that the McCumber amendment, however, did operate to extend the restrictions to full bloods.

Mr. McCUMBER. It affected full bloods only.

Mr. CLAPP. As to them it extended restrictions beyond the former limit.

Mr. McCUMBER. I have a letter here written by Cenhesse mahhe okis ce, who I take to be an Indian by the name, translated Johnson Tiger. I will ask the Secretary to read simply the first page of the letter, as most of the second page refers to other matters. It comes from what I understand to be a full-blood Indian belonging to one of these tribes. The grammatical construction is not perfect, but I think Senators will understand it.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

WETUMKA, IND. T., *January 25, 1907.*

Hon. SAMUEL J. HAYNES,
Room 24, National Hotel, Washington, D. C.

DEAR SIR AND FRIEND: I have received both your letters, one of which was written while on your way and the last bearing date of the 20th instant. I am indeed glad to hear from you while on this your important mission, as I would be even at any other time also. I see by the Territory press that this Congress is likely to enact further legislation to more fully put us in a shape when death, perhaps, would be more desirable than to live and be vexed while living in the event Congress gives us a wholesale restriction. You know that the full bloods to a unit are opposed to the removal of restrictions, and no one that knows anything about the condition of things in our country can hardly censure the position they take in this matter. I find that even at this time that unscrupulous real-estate men have bought from heirs to deceased homesteads, giving them only $10 for 40 acres, and they in turn have refused an offer of $1,000. I know of one man in this town that has done this, but he is only one of a thousand that have done these things, according to all reports. If these things are done at a time when the Indians are under strict regulations of the Department, worse can be expected when the restrictions are removed from all the Indians without any distinction. Let the restrictions be taken off the mixed bloods, but not from the ignorant full bloods. I do not believe that the restriction need to be removed in order that the Indians be taxed to support the new State. The Creek treaty, of course, provides that the lands shall be saleable after five years from its approval by the President; but, undoubtedly, the Creek Nation never expected such a state of affairs to exist—that is, grafting and grafters. I do hope that the Congress will not grant restriction by the wholesale. Then, again, if the restrictions are removed, there will be thousands of acres that are sold to which somebody that is an heir or heirs will be left out, for the reason that it is very hard to locate heirship to the lands that are now being sold.

Mr. McCUMBER. I simply want to call attention to the fact that where the writer of the letter uses the expression "I do hope that the Congress will not grant restriction by the wholesale," he evidently means that he hopes Congress will not remove restrictions by the wholesale.

Mr. CLARK of Wyoming. Mr. President, I had not intended at this time to take any part in this debate, but there seems to be a misapprehension in the minds not only of those from whom the letters just read have been received, but in the minds of Senators as well, as to what this amendment is.

This amendment, Mr. President, proposes no wholesale removal of restrictions. It can not be said to operate as a pauperizing of the Indians. On the contrary, the amendment fixes absolutely the independence of the Indian by giving him a homestead that shall be inalienable. Under no circumstances under the provisions of this amendment can the Indians become paupers or a charge upon the State or county.

Mr. President, a year ago from this time, or a little later——

Mr. LONG. Mr. President——

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

Mr. CLARK of Wyoming. Certainly.

Mr. LONG. I hope the Senator will explain to the Senate what is meant by "homestead" in the Indian Territory.

Mr. CLARK of Wyoming. I shall endeavor to do that, and I will do it now lest I forget it.

A homestead upon the public domain, Mr. President, means 160 acres of land, which must be lived upon and made the residence of the head of the family, except under certain irrigation projects, where it may be fixed at a less amount. The homestead, under the allotment laws that we have passed for the Indian Territory, is a certain percentage of the entire allotment of the Indian. It may be the land upon which he lives, or he may live upon land which is not his homestead. The balance of his allotment, except that designated "homestead," is called "surplus land." The land in the Indian Territory has all been appraised by the Government of the United States, not with a view to its true value, but as a comparative basis upon which allotments shall be made.

An allotment—and I will not go into the details of the different tribes, but state it generally—an allotment consists of so many acres of the average agricultural land, one-half of which shall be homestead and one-half of which shall be what are called "surplus" lands. This homestead and surplus land applies not only to the head of the family, but to every individual upon the tribal roll. So that each member of an Indian family consisting of a husband, wife, and four children receives as an allotment, aside from his or her surplus-land allotment, a homestead ranging in size from 80 acres, I believe, or is it 40 acres?

Mr. CURTIS. Forty acres.

Mr. CLARK of Wyoming. From 40 or 80 acres to 160 acres.

Mr. LONG. One hundred and sixty acres of average land.

Mr. CLARK of Wyoming. One hundred and sixty acres of average land. So that, as the committee report, they may have in a family of six in the Choctaw or Chickasaw Nation a homestead of more than 12,000 acres of land, depending in acreage upon the appraised value, as determined by Government agents, which, under the protection of this amendment, is absolutely inalienable.

Mr. CARTER. Twelve thousand acres?

Mr. CLARK of Wyoming. Twelve thousand acres, averaging as to the price of the land from 25 cents to $6 an acre.

As I started out ot say, Mr. President, a year ago the Senate was in much the same condition that it is now in regard to matters connected with the Indian Territory. I for one felt that I was not competent, with the information then at hand, to deal finally with the matters connected with that Territory. The Senate felt likewise. Matters were bridged over, and a committee was appointed to visit the Indian Territory and gain such knowledge as possible upon the conditions there. That committee, of which I had the honor to be a member, I believe did their work conscientiously. I doubt if a committee has ever been sent from this body that tried, at least, to do more honest work than did that committee. I doubt very much the information contained in one of those letters that that committee was deceived as to real conditions.

The committee gave full and complete hearings, especially calling upon the Indians of the full blood to appear before the committee at public hearings and make their views known upon the subjects-matter in which they were interested. So far as chambers of commerce having influence is concerned, chambers

of commerce were absolutely cut out, the committee proceeding upon the theory that it should see at first hand and hear the exact condition of affairs as they existed; and those conditions are much worse than they have been depicted here, and as different as night is from day.

It is not my purpose, Mr. President, to discuss what has been the cause of the conditions in the Indian Territory; but I can not refrain from saying that, in my judgment, much of the evil results there have been caused by our ignorant legislation. I can say also that much of it has also been caused by ignorant administration of the laws which we have passed.

Mr. President, I only started to correct an erroneous impression that this was a wholesale removal of restrictions. This amendment, which was agreed to by the committee which visited the Indian Territory and afterwards agreed to by the Committee on Indian Affairs of the Senate as the best possible solution of this matter of alienation, provides that after the 1st of July, from the surplus land of the Indians in the Indian Territory, all restrictions shall be removed. In other words, Mr. President, that any man who has an allotment in the Indian Territory consisting of one-half homestead and one-half surplus land shall after the 1st of July be privileged to go into the open market and sell his surplus land for the best price he can obtain, if he cares to sell for that price, retaining unto himself forever the homestead which has been allotted to him as a homestead.

There were many considerations which moved the committee in making that report. One consideration was that under the present system and law the Indian can have his restrictions removed individually, notwithstanding the fact that Congress has passed no general law removing restrictions.

Mr. LONG. Mr. President——

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

Mr. CLARK of Wyoming. Certainly.

Mr. LONG. I wish to correct the Senator in one respect. What the Senator states is true, unless the Indian is a full blood.

Mr. CLARK of Wyoming. Yes; unless he is of full blood.

Mr. LONG. There is no power anywhere to remove the restrictions of a full blood under the present law.

Mr. CLARK of Wyoming. That is true since the passage of the law of 1906.

Mr. LONG. I will call the attention of the Senator to the fact that, under the ruling of the Interior Department, a full-blood Indian who had his restrictions removed by the Secretary of the Interior prior to the act of April 26, 1906, had them reimposed by that act unless he had disposed of his lands before that law took effect.

Mr. CLARK of Wyoming. Both of the statements of the Senator are quite true. But what I wanted to call the attention of the Senate to was this: We were seeking to relieve a situation that now exists. Under the conditions as they now exist, and without reference to the McCumber amendment, the Secretary of the Interior is authorized to remove the restrictions upon the alienation of Indian lands, but this can only be done by personal application in each individual case. The result is what is called "the grafter;" the inevitable result is the grafter.

The Indian who is the subject of his wiles seldom thinks, in the first instance, of having his restrictions removed, but when he is approached by the land speculator, who enters into an agreement with him to present his case to the Secretary of the Interior, or rather to the Indian agent in the Indian Territory, through whom the Secretary acts, and, by a system of wiles and deceits, or whatever may be the course, succeeds in getting an order from the Secretary to remove his restrictions. This is done by the speculator upon the promise that when those restrictions are removed the land shall be sold to him for a specified price, which is far, far below the true value of the land, and far below the price the land would bring if it were sold in the open market by general sale. So we say that the present system is a system that is responsible for the land speculator, who has sought to despoil the Indian.

Under the present operation of the McCumber amendment the committee found this condition: That a family that had five, ten, fifteen, or twenty thousand acres of land had not the wherewithal to buy medicine at the drug store for their sick children. I remember in one case where a physician came before the committee—I think at Ardmore—and stated that he had been called away fifteen or twenty miles into the country—and the other members of the committee who were present will recall the incident—where a family having an allotment, with five or six in the family, every one of whom had an allotment of the value of $5,000, were absolutely unable to provide money to pay the expenses of even a physician to visit them. They were what might be called "land poor."

I remember another case, which, I think, was at Ardmore, where a man had a thousand acres of good land, and that man and his family were obliged to wear gunny sacks in place of shoes, because, having no control of his property, he could get no money and had not the credit wherewith to buy them proper clothing and shoes. Those are some of the conditions, Mr. President, with which we are called upon to deal.

Mr. BURKETT. Could he not obtain a loan upon his land?

Mr. CLARK of Wyoming. No; because under the law he could not encumber it and he could not make a living from it, as he had no means to buy material to work with. He could not buy the seed to put upon his land; he could not buy the machinery with which to work it.

Mr. BURKETT. Then there was no income from the land?

Mr. CLARK of Wyoming. There was no income from the land. Conditions like that, Mr. President, are what forced the conviction upon the committee that something ought to be done, not for the purpose of despoiling the Indian, not for the purpose of making him homeless, but for the purpose of putting him upon a plane so that he could stand side by side with his neighbor, where he could have an even show for his money, where he could have support for himself and his children, so that if he had a thousand acres of land in a homestead and another thousand acres of surplus land, the whole 2,000 acres might not lie idle and fruitless, but that he might sell a portion of the land and buy cattle and horses and seed and other material to make it valuable, and erect buildings and make a home upon his homestead, which by this amendment is made forever inalienable. Those were some of the considerations that moved this amendment.

Mr. LONG. And that he might be permitted to dispose of his allotment under the original agreement that he made with the Government when he took his land in severalty.

Mr. CLARK of Wyoming. Exactly so, Mr. President. I take a moment here to refer to that part of the discussion that has occurred. We lose sight of the fact that these are not Indian lands in the ordinary acceptation of the term. The Senator from North Dakota [Mr. McCUMBER] and other Senators have been dealing with this question as though these were Government lands, as though these were lands on a reservation upon which the Government had placed these Indians. Why, Mr. President, these Indians hold those lands by a title as indefeasible as any fee-simple title in the United States of America. Seventy-five years ago, when the deed passed under the seal of the United States and under the hand of the President, it put those lands in fee simple in those Five Civilized Tribes in the Indian Territory. There was no question of an Indian reservation there, but every acre was paid for dollar for dollar and the fee-simple title granted. Yet we are dealing with those lands and we are dealing with those men as though they were Indians who had been placed upon a reservation and upon Government lands.

The Indians of the Five Civilized Tribes took their way into the Indian Territory reluctantly. They did not want to go. They had homes in the East; but the march of events rendered it necessary that they should move west of the Mississippi River. If some Senators in this body could have heard full-blood Indians, with the eloquence of a Logan, plead before the committee that their ancient rights should be given back to them; if you could have heard them protesting that every line of the legislation that we have written in contravention of the original agreement was unjust; if you could have heard them cite the treaty of 1832 and others, providing that they were to hold the lands within the boundaries of the Indian Territory as communal property as long as the grass should grow, the sun shine, or the water run, you would have wondered if perhaps we had not made some mistake in our Indian legislation.

But, Mr. President, they were happy, as they said before the committee—and I regret that the entire evidence that was taken before that committee has not been printed. Every word of it was taken down; every word of it to-day is in the Printing Office waiting to come here, and I regret that we have not got it—they still were happy under their tribal form of government. They held their property in common; their fields were in common. Wherever a man wanted to go and make a home, he could go and appropriate all the land he wanted, whether it was 1, whether it was 10, or whether it was 100 acres. Under the operation of that tribal system of government, Gen. Pleasant Porter, whose letter has been read here to-day, had, we were informed, a hundred improved farms within the limits of the Creek Nation.

But the Congress of the United States in its wisdom decided that that was not the right way for an Indian to live. Congress decided that there should be no more Indians in the Indian Territory; that they should drop their old civilization.

I pause here to remark that these are not the ignorant Indians that we imagine. I have in my office in this building the printed book presented to that committee containing the written constitution—I was going to say as good as the Constitution of the United States, but I will not say that, but modeled upon the same lines—made seventy years ago. They have a written alphabet; they have upper and lower houses of their legislature. They had a paper published in the Cherokee language, was it not?

Mr. CURTIS. In the Cherokee language.

Mr. CLARK of Wyoming. In the Cherokee language, until a few months ago, when it was suspended by order of the Secretary of the Interior, for what reason heaven only knows.

But, Mr. President, we said that the Indian must no longer be an Indian; that the tribal government should be broken up; that there should be no more communal property; that each Indian should stand as a citizen of the United States, and we entered into treaties and contracts with the Indians of the Five Civilized Tribes. They demurred—and many of them to-day hold those treaties were negotiated and carried through by fraud—they demurred to taking the land in severalty. They were satisfied with the condition of things as it had existed for seventy-five years in that country; but the Government of the United States said, "No; you must enter into these treaties and take your lands in severalty."

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Texas?

Mr. CLARK of Wyoming. With pleasure.

Mr. CULBERSON. Mr. President, I was struck with the statement of the Senator from Wyoming that the publication of the Cherokee newspaper had been suspended by order of the Secretary of the Interior. I ask him if he has that order convenient so that he can read it?

Mr. CLARK of Wyoming. I have not that order; and I have the information only from the statements of those who are interested, and the statements of other interested parties who wanted authority to purchase the material, the Cherokee type, etc., so that they could start the paper again on their own account and have a publication in their own language. I state the fact as I heard it. I know nothing more about it. The simple fact is——

Mr. CLAPP. Mr. President——

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

Mr. CLARK of Wyoming. Yes; certainly.

Mr. CLAPP. It is not germane to this discussion, but it may be of interest to state that the Cherokee Nation voted a medal to Sequoia for his literary work, which, I believe, is the only governmental recognition of literary work in the history of the American people.

Mr. CLARK of Wyoming. Now, Mr. President, resuming the argument, if it can be called an argument historically, the Congress of the United States decided that these Indians must quit their tribal relations. Demurring, they consented. They consented upon condition. They said: "We will give up the community interest which we have in this tribal property. The Government says we have to do it." The Government said to them: "If you will surrender the individual interest which you have in this tribal property, the lands of which have been held in common, we will give you, in your individual name, a certain amount of that land to be carved out and called an allotment; we will give you that allotment free as free can be, except as to certain restrictions which shall cover a few years ahead, during which you shall not dispose of it." That was the contract and agreement between the United States and the Indians.

I care not one whit for all the law that can be cited in the decisions of the Supreme Court, or elsewhere, as to the power of the United States to break that agreement.

Mr. LONG. Mr. President——

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

Mr. CLARK of Wyoming. Certainly.

Mr. LONG. Bearing somewhat upon the statement made by the Senator from North Dakota [Mr. MCCUMBER] some time since, I will ask the Senator if it is not a fact that the Indians of the Indian Territory recognize the binding legal obligation of the restrictions in the supplemental agreements, and that they only object to the McCumber amendment which was enacted last year in violation of all those agreements?

Mr. CLARK of Wyoming. The only Indians in the Indian Territory who do not recognize their binding effect are those who do not recognize the binding effect of any treaties since 1832.

Mr. President, I say I care not one whit for what any court in the world has decided as to the power of the Congress of the United States to break those agreements. I look at the matter in a far broader way. Must we necessarily act in a certain way because the court says we have the power? I would act in a certain way because our pledged and plighted word to the other party to the contract says that we should act in that way. We should not use our power simply because we have it. We should only use the power we have, be it little or much, along the lines of the just construction of the contracts between the Five Tribes and the Government of the United States.

We have said, in our agreements with these Indians, "If you take this land in severalty, you may dispose of it in a certain way in a certain time." That time was fast approaching when the Congress of the United States, a year ago, said, "We will modify that agreement upon which you took your lands in severalty. It is true that you surrendered all your interest in your tribal lands; it is true that you took your individual allotments under our promise that you could dispose of or encumber them after the time stated; it is true that you have kept to the uttermost your part of the contract; but we have got the power, and we will not live up to ours. Instead of saying that you can alienate this land in July or August of this year, or, in the case of the Choctaw or Chickasaw Nation in 1907, 1908, or 1909, we will say that, having induced you to take these allotments, having compelled you to keep your part of the agreement, we will postpone the operation of our part of the agreement for twenty-five years longer."

I say, Mr. President, it makes not one whit of difference to me what the Supreme Court of the United States should decide as to our power in that respect. I say that if we have the power and exercise it it is a breach of faith and good morals which can not be justified.

It is a mistake, as I say, to think that all of these people are unable to look out for themselves. I challenge any man to go to any part of the United States and find a more capable, more honorable, more upright, and better educated set of men and women than he will find in the Indian Territory. How many of the States of this Union send ten or twenty or thirty or forty of their young men per annum at the charge of the State to the highest educational institutions in the land? Is there one? And yet, until we broke up their tribal government and until we ourselves said they should not spend tribal funds for that purpose, there was not a year when the Choctaw Nation did not have its young men, at the expense of the nation, in the eastern colleges and universities. These young men to-day are in that nation engaged in the practice of the law and other professions and in building up communities which would be an honor to any State.

What public school system in the United States is there that has, not only a compulsory-education law, but, in addition, says if the labor of the child is needed at home, the State shall pay the father or the mother the value of that labor? And yet you find that there the tribe pays into the family funds so much per month for the time the child is in attendance upon the public schools. They have the best compulsory-education law, I believe, that is on the statute books of any nation.

I had thought that I had made the question of surplus lands clear, but it has been suggested that I take advantage of this opportunity to clarify it still further. The surplus land is the land aside from the homestead, and is land equal in value to the homestead, but not always equal in acreage.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Montana?

Mr. CLARK of Wyoming. Yes.

Mr. CARTER. In order to make the question I had in mind more explicit, I understood the Senator to say that the land in question was all held as community property.

Mr. CLARK of Wyoming. Originally.

Mr. CARTER. Originally; but a treaty was made by the tribe, whereby this community property was allotted to the Indians in severalty. The Senator has stated that, in making the allotment, a certain portion thereof was homestead and a certain portion so-called "surplus land." I ask if the homestead allotment and the surplus land combined of all the Indians made the aggregate of the original community property?

Mr. CLARK of Wyoming. Not entirely; but it does in some of the nations. In the Choctaw and Chickasaw nations the amount of the allotment is so arranged that there was remaining out of the allotment something like 500,000 acres of coal lands; and I understand after all the allotments have been completed, both of the homestead and surplus lands, there will still

remain of the Choctaw and Chickasaw lands about 2,000,000 acres unallotted.

Mr. CARTER. In whom does the title to those lands rest?

Mr. CLARK of Wyoming. It is still in common. The lands still remain in common and are to be sold after the allotments are all made.

Mr. LONG. Authority has already been given to the Secretary of the Interior to sell the remaining lands.

Mr. CLARK of Wyoming. They are still common lands and all are to be sold, but not until all allotments have been made.

Mr. SUTHERLAND. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Utah?

Mr. CLARK of Wyoming. Certainly.

Mr. SUTHERLAND. Can the Senator state approximately how many acres of these surplus lands there are in the Indian Territory that would be affected by the amendment?

Mr. CLARK of Wyoming. It opens up substantially one-half of the Indian acreage of the Territory, except the 2,500,000 acres referred to.

Mr. SUTHERLAND. So that, if I understand the proposition, if the McCumber amendment stands, then nearly one-half of the total area of the Indian Territory will not be subject to taxation?

Mr. CLARK of Wyoming. No; not that, because the McCumber amendment refers only to the full-blood lands.

Mr. SUTHERLAND. Approximately how many acres of land will be in that condition, where the State can not tax them?

Mr. CLARK of Wyoming. It is impossible to approximate the acreage, but there would be a very large percentage untaxed.

Mr. SUTHERLAND. There would be a vast area of land which the State could not tax.

Mr. CLARK of Wyoming. Yes. I thank the Senator for calling attention to that fact, because that is one of the reasons which entered into the conclusion at which the committee arrived.

Mr. STONE. Will the Senator from Wyoming permit me?

Mr. CLARK of Wyoming. Certainly.

Mr. STONE. I am quite sure it is a fact that there are about 18,000 full-blood Indians in the Indian Territory.

Mr. CLARK of Wyoming. Our information was that there were something over 20,000.

Mr. STONE. Approximately 20,000, then. That would be the number of persons affected and who are now affected by the so-called "McCumber amendment."

Mr. CLARK of Wyoming. Yes.

Mr. McCUMBER. How many?

Mr. CLARK of Wyoming. Something over 20,000.

Mr. McCUMBER. Between twenty-two and twenty-four thousand.

Mr. STONE. I want to ask the Senator if he can state relatively the amount of surplus land as compared with the land covered by homesteads?

Mr. CLARK of Wyoming. It is substantially the same.

Mr. STONE. Half each way?

Mr. CLARK of Wyoming. Yes; about half each way. Of course the lands are divided according to the appraisement that is put on them by the Dawes Commission, which is put on simply for the purpose of comparison and not as indicating at all the true value of the land.

The Senator from Utah [Mr. SUTHERLAND] spoke of a question that had some influence with the committee in forming their conclusions. That was the question of taxation.

While, of course, the first consideration in treating of this matter should be the consideration of the welfare of the Indians themselves, there is another consideration that necessarily enters into this matter, and that is the one of public policy. The Indian Territory, occupied by the Five Civilized Tribes, is about to become a part of the new State of Oklahoma. There is not within the bounds of the Indian Territory a county government, a court district, a road district, a school district, or anything that enters into the modern municipal or county organization. There has been no authority to levy taxes and there is none now except in the towns upon the regularly approved town sites. The consequence is that we have coming into the State, in the eastern half of Oklahoma and the whole of the Indian Territory, a tract of land where there are more than 600,000 people, with very little taxable property outside of the cities and towns, and they have to enter upon the support of county, district, and judicial government, and this in a place where it is a matter of record that the courts are more expensive than in any other place on the face of the earth.

Mr. LONG. Mr. President——

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

Mr. CLARK of Wyoming. Certainly.

Mr. LONG. The Senator referred to the fact that these lands are about to become part of the new State of Oklahoma. Is it not a fact that by the statehood law all these Indians, whether mixed or full bloods, are voters, can participate in all elections in the new State——

Mr. CLARK of Wyoming. Every one of them.

Mr. LONG. Including voting for delegates to the constitutional convention and voting upon the question of the approval of the constitution after it is made?

Mr. CLARK of Wyoming. Every one of them. Every one of them is a citizen of the United States, and a citizen of the State of Oklahoma, and as such citizen having an obligation to assist in the support and maintenance of their State and county and local governments, and yet we have there communities, the whole half of a State, perhaps thirty or forty counties, starting from the ground up without a dollar's worth of public improvements, without a road made, without a court-house built, without a school district established, and two-thirds of the taxable property outside the assessor's power.

In considering the matter of the removal of the restrictions I think that is a proper point to be taken into consideration. The Lord only knows how at the best those people are going to sustain their county and State governments. If all the land were subject to taxation at a reasonable rate, the burden would be hard enough, because never yet in the history of this nation has there been imposed upon any people the necessity of entering upon government without some foundation of taxable property upon which to build. It is hard enough in any Territory being created into a State to assume the additional burdens of State government. But in all the Territories that we have ever admitted there has been a foundation. All the Territories have had their county governments running in shape, and usually with good county buildings and with taxable property. All the school districts have had their schoolhouses. There have been the judicial districts, with taxable property. But here we have to start from the ground up and start out and carve out a system with no foundation of taxable property upon which to rest it.

So, I say, I believe the question of policy is a proper one to be considered in connection with and secondary to the welfare of the Indians themselves.

Mr. BURKETT. Do I understand the Senator to say that all Indians who would be affected by this legislation are citizens and voters in the new State?

Mr. CLARK of Wyoming. No; not all of them; because when I speak of a citizen and voter, of course I do not mean a child 5 years old.

Mr. BURKETT. I did not mean that, either.

Mr. CLARK of Wyoming. I mean only those of proper age. I want the Senator from Nebraska to understand that no matter what the age of the child may be, that child has an allotment equal to the allotment of a citizen.

Mr. BURKETT. I understand; but you would not contemplate making a law to permit that child to alienate any rights to property?

Mr. CLARK of Wyoming. Oh, no.

Mr. BURKETT. Except under due process of law, through a guardian.

Mr. CLARK of Wyoming. Through the courts.

Mr. BURKETT. But I understand the Senator does say that the adults—persons over 21 years of age—who are affected by this legislation, do vote.

Mr. CLARK of Wyoming. I think only the male adults.

Mr. BURKETT. The Senator contends that if they are able to attend to everybody else's business they ought to be able to attend to their own business?

Mr. CLARK of Wyoming. I think if they constitute the Government and vote the taxation, they should be responsible for where a portion of the revenue is to come from.

Mr. President, that is all I care to say. I had not contemplated saying anything, and I should not have said anything except for the fact that I was fearful that a misapprehension of the result and purpose of this amendment might find lodgment in the minds of Senators.

Mr. HEYBURN. I should like to ask the Senator a question before he takes his seat.

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

Mr. CLARK of Wyoming. Certainly.

Mr. HEYBURN. Does the Senator from Wyoming think that these Indians, having exhausted their allotments, whether by sale or by losing them in any way, could, as citizens of the United States, go upon the public domain in other States and take up homesteads?

Mr. CLARK of Wyoming. I think they could if they did not impinge upon that part of the law which says you can not take a homestead if you own so many acres of land elsewhere.

Mr. HEYBURN. The question in my mind arose out of that situation.

Mr. CLARK of Wyoming. I do not think there is any question about it.

Mr. HEYBURN. Then, having parted with their lands and never having exhausted their homestead right, would not they be in position to go into other States and exercise that right?

Mr. CLARK of Wyoming. I think they would be exactly in that position.

Mr. LONG. I think the Senator from Idaho has the impression that under this proposed amendment the homesteads of the Indians in the Indian Territory are affected. The Indians will retain their homesteads, as provided in the supplemental agreements. There is no proposition pending to affect in any respect the homesteads of the Indians by blood.

Mr. CLARK of Wyoming. I think the three of us are right, but I want to make my own answer to the Senator from Idaho, and that is this: I believe that an Indian in the Indian Territory, having eighty acres or a hundred acres of homestead under the allotment law could go upon the public lands of the United States, if that were all the land he had, and take a homestead under the public-land laws of the United States, keeping in mind the idea that "homestead" in the allotment law is an entirely different thing from "homestead" in the general land laws of the United States.

Mr. HEYBURN. That is just what I had in mind, that the quality of the estate which the Indian takes under the allotment law, which we are pleased to term a "homestead," is not a homestead such as is contemplated in the homestead law.

Mr. CLARK of Wyoming. You might as well put in any other name as "homestead." It is merely a distinction.

Mr. HEYBURN. So that if the Indian becomes destitute, as it has been pictured here to-day that he would become destitute, either by his own improvidence or by being imposed upon, he will still have the right to go out on the public domain and take up a homestead.

Mr. CLARK of Wyoming. He does not need to go out, because he has that much land left in the Indian Territory, which under this amendment is made absolutely inalienable. This amendment does not allow the Indian to sell all his land. There is a certain proportion of his land that is allotted to him as a homestead, varying from eighty to a hundred and sixty or more acres of land——

Mr. HEYBURN. But is that a homestead within the meaning of the homestead act?

Mr. CLARK of Wyoming. Not at all; but that so many acres of land this amendment says he shall not dispose of under any conditions.

Mr. HEYBURN. It only goes to constitute an estate that is prohibitory against the exercise of the homestead law.

Mr. CLARK of Wyoming. No. It prohibits him from selling it.

Mr. HEYBURN. It would also prohibit him from locating. A man can not take up a homestead if he owns a certain number of acres of land.

Mr. CLARK of Wyoming. If he had only 80 acres he might.

Mr. HEYBURN. He might take up a homestead to the extent of the difference between that and 160. So the Indian would not be entirely destitute.

Mr. CLARK of Wyoming. It is absolutely impossible.

Mr. SPOONER. The Senator from Wyoming referred to the intellectual capacity of the Indians down there and their ability to take care of their own affairs. Did he have in mind the mixed bloods or the full bloods, or both in equal proportions?

Mr. CLARK of Wyoming. I would not want to have the conclusion reached that when I referred to the intellectual capacity I meant that was an average capacity to which I referred. I simply spoke of those things as illustrations of the capacity of the Indian to reach the higher ground.

Mr. SPOONER. I suppose the average among the mixed bloods is very much higher than the average among the full bloods?

Mr. CLARK of Wyoming. I should be inclined to doubt that somewhat. I think a full-blood Indian is likely to be of as high average intelligence as the half blood.

Mr. SPOONER. And in education?

Mr. CLARK of Wyoming. They all have their schools. It is seldom you can find a full blood who has not attended their schools, and the Indians have some of their own schools that are equal to academies in any of the States and Territories.

Mr. SPOONER. If the Senator will permit me to ask him, to what extent did the representation from the full bloods ask of the committee the removal of the restrictions?

Mr. CLARK of Wyoming. I can not say as to that. I think a majority of them wanted the restrictions kept on their homesteads. The majority, I think, wanted the restrictions removed on their surplus lands. A large representation, or what assumed to represent a large body of full bloods, brought before us in one of the towns, claiming to represent something like a thousand full bloods—Mr. Jackson was his name, was it not?—wanted the restrictions removed upon everything that they had. But that is not pertinent to this discussion, because the reason was that they were not satisfied with the allotting proposition. They wanted to return to their old communal way of living. Consequently they wanted the restrictions removed at once, so that they could sell out everything they had and go somewhere else, as the Senator from North Dakota suggested this afternoon, and purchase land which they could hold in common.

Mr. SPOONER. Did the Senator form any idea as to the relative number of full bloods who desire the removal of the restrictions as proposed here?

Mr. CLARK of Wyoming. Oh, no; I do not think I could. It would be impossible for me to say. There are the two opinions. Governor Porter, who of course is not a full blood, but represented the full bloods before us, and their committee did not seem to be in favor of removing the restrictions, although at the time the committee was before us——

Mr. LONG. Is it not a fact that the full bloods who opposed the removal of restrictions upon their surplus lands did so because they did not want to pay taxes on these lands?

Mr. CLARK of Wyoming. It was almost universal that that was one of the reasons, that they did not want their lands to become subject to taxation.

Mr. SPOONER. They do not differ very much in that respect from the white man.

Mr. CLARK of Wyoming. Not much. That observation was called out several times during our hearings.

Mr. SPOONER. My recollection was that last winter it appeared that while it would seem to be admitted that the restrictions ought not to be removed from the full bloods—there were about 24,000—is that the Senator's understanding——

Mr. CLARK of Wyoming. Twenty to twenty-four thousand, as near as we could ascertain from the rolls.

Mr. SPOONER. Does the Senator understand that Governor Porter, who represented the full bloods before the committee in opposition to the removal of the restrictions as applied to them, represents them in this paper which was read this afternoon in opposition?

Mr. CLARK of Wyoming. The 24,000?

Mr. SPOONER. The full bloods.

Mr. CLARK of Wyoming. Oh, no; he simply represented the Creeks. The 24,000 includes them all.

Mr. SPOONER. How many Creeks are there? How many does he represent—full bloods?

Mr. CLARK of Wyoming. I do not know. I suppose there are about 7,000 of the Creeks.

Mr. CURTIS. There are only 10,000 Indians of blood enrolled in the Creek Nation.

Mr. CLARK of Wyoming. There are about 7,000 full bloods.

Mr. McCUMBER. About one-third of the entire number of full bloods.

Mr. SPOONER. What is there before the Senate or what was there before the committee to show the attitude of the full bloods in the other tribes in relation to the removal?

Mr. CLARK of Wyoming. There was before the committee a variety of opinions by full bloods, not only of the other tribes, but of the very full bloods that Governor Porter was representing.

Mr. SPOONER. Is the Senator from Wyoming able to say that it is the desire of the great body of the full bloods that these restrictions shall be removed?

Mr. CLARK of Wyoming. Oh, no; I can not say that, because I do not know that we had enough information.

Mr. SPOONER. I suppose it is the universal desire of the white men in the country that the restrictions shall be removed.

Mr. CLARK of Wyoming. No; I do not think it is.

Mr. SPOONER. Pretty much so?

Mr. CLARK of Wyoming. I want to remove an impression which seems to exist here. The grafter, notwithstanding the letters of Mr. Mott and of General Porter, is not anxious to have the restrictions removed.

Mr. SPOONER. I did not have in mind the grafter when I spoke of the white men.

Mr. CLARK of Wyoming. Many white men, who are perfectly honest, are anxious to have the restrictions removed.

Mr. SPOONER. So that the land can be taxed.

Mr. CLARK of Wyoming. And they want the opportunity to purchase homes where they can and where they choose. The grafter and the speculator profits by the present laws and condition of affairs, because whatever he buys he buys at a very much reduced price compared to its real value.

Mr. McCUMBER. But after he has bought it and after he has a contract from all the Indians or a great number of them under the present law, would it not be for his interest to have the restrictions removed so that he could obtain immediate title?

Mr. CLARK of Wyoming. Perhaps at some future time. But I am speaking of the present moment.

Mr. SPOONER. I suppose these lands are rapidly advancing in value?

Mr. CLARK of Wyoming. Yes; they have gotten so that now lands in Indian Territory are worth 30 to 50 per cent of what like lands in Kansas are worth.

Mr. SPOONER. And they will probably continue to advance?

Mr. CLARK of Wyoming. They will probably continue to advance.

Mr. LONG. And there will be that difference in the price of lands in the Indian Territory and in Kansas because the titles in the Indian Territory are clouded by the McCumber amendment.

Mr. SPOONER. I doubt if that accounts for the entire difference.

Mr. McCUMBER. I want to ask the Senator from Wyoming a question for information.

Mr. CLARK of Wyoming. Certainly.

Mr. McCUMBER. The Senator has made clear the difficulties of the new State, because of the fact that certain of the land is not subject to taxation. Bearing in mind that this amendment which is attacked covers nothing but the surplus of the full bloods, I would like to ask him what percentage that surplus of the full bloods bears to the entire acreage of the State?

Mr. CLARK of Wyoming. I can not answer that question because the premises are wrong.

Mr. McCUMBER. Would it be even 1 per cent?

Mr. CLARK of Wyoming. Speaking more especially in regard to local taxation, it would be more than 1 per cent. It would be more than 20 per cent, in my judgment. I mean in the counties within the present boundaries of the Indian Territory. Of course the Senator recognizes at once that his first premise was not entirely accurate.

Mr. McCUMBER. What is that? I will stand corrected in any respect if the Senator will point out the error.

Mr. CLARK of Wyoming. The Senator said this amendment affected only the lands of the McCumber amendment—the surplus lands.

Mr. McCUMBER. My amendment affected simply the surplus lands. It continued in some instances upon the homestead.

Mr. CLARK of Wyoming. Yes.

Mr. McCUMBER. I do not know that it affected the homestead at all, but it affected simply the surplus. If it affects only the surplus, then it is a question how much that surplus would add to the taxable property of the State.

Mr. CLARK of Wyoming. It would add very greatly. Of course I am not prepared to say how much.

Mr. McCUMBER. I did not know but that the Senator had an estimate.

Mr. CLARK of Wyoming. I have not the information.

Mr. McCUMBER. I myself do not know.

Mr. CLARK of Wyoming. Mr. President, there are other matters connected with the report of the committee to which I shall wish to call attention at a later time.

Mr. LONG. Before the Senator from Wyoming resumes his seat, I would like to ask him to state the effect of the McCumber amendment in the making of contracts for the sale of lands; that is, contracts for deeds to be made after the 1st of next July, when by the terms of the original agreements the land is alienable.

Mr. CLARK of Wyoming. Whether it is the working of the McCumber amendment or not, whether the parties are justified or not in their contention, I do not know. But I do know it to be the fact that contracts are being largely made to take effect at a future day. Contracts are being made, deeds are being given, to take effect at a future date, and wills are being made. Large amounts of money are being expended, and, to say the least, clouds are being cast upon the title of very much of the Indian land under those conditions. Now, whether or not a man is legally justified in concluding that the McCumber amendment is unconstitutional, or, if it is unconstitutional, that he acquires any right, I am not prepared to say. I can only give the Senate the conditions as they exist, and the result will be, if the Indian is not deprived of his land entirely, that his title will be so clouded that the value of the land will never be what it should be.

Mr. McCUMBER. With the Senator's permission, I want to answer the suggestion of the Senator from Kansas [Mr. LONG] as to whether or not it is because of this amendment that this great effort is being made to buy up the land. If the premises are true as stated by the Senator from Kansas, the very fact that we have extended the restrictions and made it harder to purchase brings more people into the field for the purpose of purchasing. I think that the letter which has been read here is a complete answer to that proposition. An organized effort is being waged for the purpose of securing the abolition of all restrictions upon other than the homesteads. That organized effort emanates from the Territory. Promises have been made, and it comes to me directly, that they will succeed in eliminating restrictions upon all but the homesteads this session, and, acting upon that assumption, a great many people have gone all over that country and are securing deeds with the understanding that they will be able to destroy the safeguard of the Indians in this restriction and obtain a clear title after this Congress has adjourned. That is the reason why, in my opinion, so many are making this house-to-house canvass, with their notaries accompanying them, and hired by the month, in order to get a contract for the deed, hoping to hold the Indian to the contract and before long dispose of these restrictions and then get title.

If there is a failure to secure a removal of the restrictions, and if they believed that they could not remove them in the very near future, I am doubtful if that business would not become very much less in a very short time.

Mr. CLAY. Will the Senator from North Dakota allow me to ask him a question?

Mr. McCUMBER. With pleasure.

Mr. CLAY. Suppose the McCumber amendment is repealed, what restrictions under existing law would prevail preventing the Indians from selling their land, and when would those restrictions expire?

Mr. McCUMBER. The amendment related only to the surplus, and some of the restrictions have already expired—where they are allowed to sell one-fourth in so many years, one-fourth in five years afterwards, and so on. In some instances it would be, I think, about fifteen years before all of the restrictions would be removed.

Mr. CLAY. These were restrictions that were existing at the time the lands were allotted to the Indians?

Mr. McCUMBER. Yes.

Mr. CLAY. And the restrictions probably could be enforced by Congress regardless of the fact that the Indians were made citizens and regardless of the fact that the Territory was organized into a State?

Mr. McCUMBER. That is true.

Mr. CLAY. Now, I ask the Senator this question: Could we impose upon the Indians any other restrictions than those which existed at the time they became citizens of the United States and at the time their lands were allotted to them in severalty?

Mr. McCUMBER. There is the crux of the whole matter, whether we can or whether we can not. If the statement is true that they are still wards of the Government, then my opinion is that we can absolutely. So the question reaches back to the question whether they are still wards of the Government.

We are treating them as such in this bill from beginning to end. There is not a single page of it that does not recognize their condition as being one subservient to and under the control of the Government. If the bill is legal from one end to the other, it must be upon the assumption of the relation of guardian and ward.

Even suppose that we grant them the rights of citizens, I do not think that that of itself releases them from the governing power of Congress over their property, especially where the tribe still exists. The Government can not recognize a tribe of white citizens in the United States. The Government has continued the tribal relations of these Indians, declaring that they shall be recognized as tribes and their chiefs hold their positions. It could not continue them as a tribe, whether it is for the purpose simply of preventing a land grant going to a railway, unless it continued them upon the assumption that they were still subject to control and were still the wards of the Government.

I have a case here that was decided some ten years ago, Wiggans *v.* Connelly. It is a case where the Government made a treaty in 1862 with the Indians, and in that treaty it declared that five years from that date they should become citizens of the

United States with all the rights, privileges, and immunities of citizens. It also provided that when they became citizens they should have the right to alienate their lands. It gave them a deed of their lands, a patent, reciting the fact of this treaty, and giving them the right to sell when they became citizens.

Under the provision of that law they obtained complete title to their property, but before the citizenship had been destroyed entirely, at least on account of the delay in its being ratified by Congress, the Government made another treaty with the Indians in connection with other tribes, and in that treaty it provided that a sale could not be made until after every minor became of age. That was changing the right to sell. The court held that they were still wards of the Government, and that still continuing their tribal relations, while they might be citizens they were still subject to the control of Congress, and it upheld the second provision which continued the limitation. It is not on all fours with and parallel to this case, and yet it is along that line.

Mr. LONG. I will ask whether or not the first treaty was ratified by Congress.

Mr. McCUMBER. The first treaty was ratified by Congress.

Mr. LONG. I thought the Senator said that before the first treaty was ratified a second treaty was made.

Mr. McCUMBER. No; the first treaty was ratified by Congress. The treaty was made in 1862. The citizenship was to commence in 1867. The ratification did not take place for several years after the treaty was made, but it was ratified.

Mr. LONG. What case is that, I ask the Senator?

Mr. McCUMBER. In the case of Wiggans *v.* Connelly.

Mr. LONG. In what report?

Mr. McCUMBER. In 163 United States, page 57.

I am taking up too much time, I know, but I wish to answer just one proposition by the Senator from Wyoming [Mr. CLARK]. The Senator states that irrespective of what the United States Supreme Court may hold in regard to our power to change the contract, nevertheless he considers that we are morally bound to carry into effect the contract and to grant the Indians the right to make a sale in accordance with the terms of the original contract.

Mr. President, there is a moral obligation upon every citizen to comply with his contracts and upon the Government to comply with its contracts. There is a moral obligation which is superior to that, and that is that when a guardian makes a contract for his ward and ascertains that that contract is not for the interest of his ward he should abrogate the contract of his own volition. If we, as a nation, are certain that the contract which we made is not for the interest of our ward, then there is a higher obligation upon our part—of our own motion to cancel and change that agreement.

The VICE-PRESIDENT. The question is on agreeing to the amendment on page 34.

Mr. CURTIS. Mr. President, I desire to make a point of order against the amendment.

The VICE-PRESIDENT. What is the point of order?

Mr. CURTIS. That it is general legislation. It changes existing law.

Mr. CLAPP. I suggest the discussion has revealed that it is simply carrying out treaty stipulations with Indian tribes. It is germane to the title of the bill.

Mr. CURTIS. There is no treaty stipulation with the tribes. The Supreme Court has decided that the only thing we have with the tribes now is an agreement, and the law putting it in force is simply an act of Congress.

Mr. LONG. I will ask my colleague if it will be convenient for him to withhold his point of order for the present. I desire to make some observations on the amendment.

Mr. CURTIS. Certainly.

Mr. LONG. If convenient to the Senator from Minnesota that this provision should be passed over for this evening, it can be taken up first in the morning.

Mr. CLAPP. I hardly think so. There are several amendments here that Senators were interested in, and I have advised them that this question would occupy the afternoon. They are not in the Chamber. I think if there is to be any further discussion we had better have it now, if it is convenient for the Senator from Kansas to proceed at this time.

Mr. LONG. Mr. President, the Senator from North Dakota [Mr. MCCUMBER] said that, in his opinion, there was some doubt as to the validity of the amendment which he had incorporated in the Five Civilized Tribes act of last year. I will state that, in the opinion of those who have given consideration to the question in the Indian Territory, there is no doubt of its invalidity. It is believed there that, those Indians being citizens of the United States, Congress could not in 1902 make agreements with them providing that the restrictions on the alienation of their lands would expire in the Cherokee Nation in five years from August 13, 1902; in the Creek Nation in five years from July 1, 1902, and in the Seminole Nation immediately upon the delivery of the patents, and then in 1906, without the consent of the Indians, extend the period of nonalienation for twenty-five years. After the 1st of July next in the Creek Nation, and after August 14 next in the Cherokee Nation, sales will be made notwithstanding the McCumber amendment.

But such sales will not be made for the full market value of the lands, because the persons purchasing the lands will have to litigate in order to clear the title. The courts must determine whether Congress had the power to extend the period. It is a cloud upon the title of all the lands there. The result is that speculators will purchase the lands believing that the amendment will be declared beyond the power of Congress to enact. Without this amendment and under the original agreements they could at the expiration of these periods this year sell their lands in the open market for full value to persons desiring to purchase them, not for speculation, but to make homes for themselves and their families.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. LONG. Certainly.

Mr. SPOONER. Does this cloud which is placed in what is called the "McCumber amendment" lead the Indians to sacrifice their lands?

Mr. LONG. They want to sell their lands.

Mr. SPOONER. Will they sell at some sacrifice?

Mr. LONG. They will.

Mr. SPOONER. At very much less than the land is worth?

Mr. LONG. They will. They have made contracts, which may not be valid, but contracts which they will keep. There was evidence presented to the committee showing that persons have been making these contracts on the theory that the McCumber amendment was invalid and would be declared so by the courts.

Mr. CLARK of Wyoming. Will the Senator from Kansas allow me to interrupt him?

Mr. LONG. Certainly.

Mr. SPOONER. The Indian thinking it valid?

Mr. LONG. The Indian has a homestead sufficient for his purpose and wished to dispose of his surplus land in order to improve his homestead. He will be unable to get full value for the land on account of the cloud cast upon the title by the legislation of 1906.

Mr. SPOONER. Did the Indian sell his land under the circumstances for very much less than its value?

Mr. LONG. The lands have not yet been sold. The committee was not advised as to the nature of the individual contracts.

Mr. SPOONER. The prices were fixed, I suppose.

Mr. LONG. The prices, I suppose, in many instances are fixed. The sales can not take place until the expiration of the periods designated in the supplemental agreements, but after those periods have expired, after the time fixed when the Indians could dispose of their lands under the original agreements, the lands will be sold notwithstanding the McCumber amendment.

Mr. SPOONER. Are payments made now on the contracts by the purchaser?

Mr. LONG. I do not know as to that.

Mr. CLARK of Wyoming. I will say to the Senator that there were abundant statements made before the committee that partial payments were being made.

Mr. DEPEW. Is possession of the land delivered to the purchaser?

Mr. CLARK of Wyoming. Not ordinarily. I think one man spoke of having contracted for 900 pieces of land.

Mr. SPOONER. Was there a substantial payment or a nominal payment?

Mr. CLARK of Wyoming. It was merely a nominal payment, I think.

Mr. SPOONER. Is the Senator able to state whether they were sales with reference to the real value of the land, or whether they were substantially sacrificial sales?

Mr. CLARK of Wyoming. They were substantially sacrificial sales, and, I think, very largely sales that were made with the belief on the part of the grantee that no matter whether the Indian could or could not lawfully conclude not to complete the bargain, yet he would do it, moved by a sense of honor, which is very keen with those people; that while the law might not compel him to make the transfer, still when the time came he would make it in order to perfect the bargain.

Mr. LONG. The Senator from North Dakota has referred to the Heff case. I wish only briefly to refer to it again. It

is the latest expression of the Supreme Court upon this very vexed question of the control and government of the Indians. The general allotment act of 1887 provided:

That upon the completion of said allotments and the patenting of the lands to said allottees each and every member of the respective bands or tribes of Indians to whom allotments have been made shall have the benefit of and be subject to the laws, both civil and criminal, of the State or Territory in which they may reside.

It also further provided that they should be citizens of the United States. In 1897, ten years later, Congress passed an act prohibiting any person from selling or giving away or disposing of malt or spirituous liquors to Indians, providing for prosecution in the United States district court, thus giving power to the National Government to control the Indian, notwithstanding the act of 1887, which subjected him to the jurisdiction of the laws of the State or Territory in which he might reside.

The question in the Heff case was whether Congress, having parted with the control over the Indian in the act of 1887, could reassume control or guardianship over him by the act of 1897, passed ten years later. That was the point decided in the case, and the Supreme Court of the United States, in passing upon that question, said:

It is said that commerce with the Indian tribes includes commerce with the members thereof, and Congress, having power to regulate commerce between the white men and the Indians, continues to retain that power, although it has provided that the Indian shall have the benefit of and be subject to the civil and criminal laws of the State and shall be a citizen of the United States, and therefore a citizen of the State. But the logic of this argument implies that the United States can never release itself from the obligation of guardianship; that so long as an individual is an Indian by descent Congress, although it may have granted all the rights and privileges of national and therefore State citizenship, the benefits and burdens of the laws of the State, may at any time repudiate this action and reassume its guardianship and prevent the Indian from enjoying the benefit of the laws of the State and release him from obligations of obedience thereto. Can it be that because one has Indian, and only Indian, blood in his veins he is to be forever one of a special class over whom the General Government may, in its discretion, assume the rights of guardianship which it has once abandoned, and this whether the State or the individual himself consents? We think the reach to which this argument goes demonstrates that it is unsound.

That is in regard to the personal rights of the Indian, the question being whether Congress, once having given over to the State or to the Territory the control of these Indians, could, ten years later, reassume guardianship over the Indians just like Congress, having provided in the original agreements that the Indians in Indian Territory could sell their lands within certain fixed periods, could, in violation of those agreements, extend the periods without the consent of the Indians, reassume guardianship over him, and modify the original agreements. In this case, called "Matter of Heff" (197 U. S., 508), the court further said:

But it is unnecessary to pursue this discussion further. We are of the opinion that when the United States grants the privileges of citizenship to an Indian, gives to him the benefit of and requires him to be subject to the laws, both civil and criminal, of the State, it places him outside the reach of police regulations on the part of Congress; that the emancipation from Federal control thus created can not be set aside at the instance of the Government without the consent of the individual Indian and the State, and that this emancipation from Federal control is not affected by the fact that the lands it has granted to the Indian are granted subject to a condition against alienation and encumbrance, or the further fact that it guarantees to him an interest in tribal or other property.

Mr. President, I do not contend that because these Indians were made citizens of the United States in 1901 that all agreements made after that time restricting their power of alienation are null and void. I do claim that when they took their allotments in severalty they should have a right to dispose of them according to the contract then made, and that it can not be modified, changed, or abrogated without the consent of the Indians.

There is another case to which I wish to call the attention of the Senate.

Mr. McCUMBER. Let me ask the Senator if the Heff case did not limit it to the police jurisdiction?

Mr. LONG. It did; that was the only point involved in that case.

Mr. McCUMBER. Certainly; and that was all the court had to decide.

Mr. LONG. But the right of liberty guaranteed to a citizen is no more sacred than the right of property guaranteed to a citizen as well. The right of liberty and the right of property are given to the citizen of the United States, and Congress can not take such rights away by subsequent legislation without the consent of the Indians.

Mr. McCUMBER. Let me ask the Senator from Kansas, so that I may have his position clearly, does the Senator contend that the relation of guardian and ward between the Government and the Indian tribes of the Indian Territory has ceased to exist?

Mr. LONG. I do most emphatically.

Mr. McCUMBER. And also that it has ceased to exist as to the Indians of Kansas, the Senator's own State?

Mr. LONG. As to those who have taken their allotments.

Mr. McCUMBER. Practically all of the Indians now in the United States, with the exception of a very few tribes, have been declared citizens of the United States.

Mr. LONG. The tribes in the Indian Territory are different from the others. In the general allotment act there is a trust period of twenty-five years, and not until the end of that trust period does the Indian secure a patent, a real patent, to the land.

Mr. McCUMBER. Then the Indian is declared to be a citizen from the time he takes his allotment. That is what I mean.

Mr. LONG. Yes; that was decided in this case.

Mr. McCUMBER. Yes; from the time he takes his allotment, irrespective of the limitation upon his power to sell. That being the case, does the Senator think the Government has the legal right to appropriate money for the support of Indian schools for those Indians who are absolute citizens of the United States and of the States?

Mr. LONG. That is a different proposition.

Mr. McCUMBER. But I am asking the Senator so as to get his opinion.

Mr. LONG. That is an entirely different proposition.

Mr. McCUMBER. It is the proposition of our power. I am asking the Senator if he so thinks. He does not need to answer if he does not desire to do so.

Mr. LONG. I am in the same position in regard to that power that the Senator is in regard to his amendment. He doubts the validity of his amendment, and I doubt our power in that respect.

Mr. McCUMBER. I do not——

Mr. LONG. I am not convinced that we have not that power. But, so far as these lands are concerned, I am of the opinion that the agreements made with these Indians are valid and that they can not be abrogated or changed by the United States without the consent of the Indians.

Mr. McCUMBER. I doubt the power; I have doubts about the power myself; but I doubt it because I am doubtful as to whether that relation has become extinguished. If the relation is extinguished, then there is not the slightest doubt in my mind that we have no right to appropriate money for educating one class of American citizens differing from another class. There can be no doubt about that.

Mr. LONG. So far as the Indians in the Indian Territory are concerned, that relation has ceased; but the agreements made, by which they agreed to take their lands in severalty, are valid and will be upheld by the courts.

Without going into a discussion of the case, I wish to call the attention of the Senate to the case of Jones *v.* Meehan, 175 United States, page 1, in which it is held that the construction of a treaty made with an Indian tribe is a judicial question, and that, notwithstanding subsequent legislation by Congress, land acquired under a valid treaty that had no restriction as to alienation could not be affected by subsequent legislation by Congress or by the executive department.

I have but little further to say in regard to the general policy covered by this amendment. I believe that it is for the best interest of the Indians in the Indian Territory that the McCumber amendment be repealed. I believe that unless it is repealed it will result in much litigation after the 1st of next July, when, according to the original agreements made with those Indians, the periods of alienation begin to expire. I believe, instead of turning this matter over to the courts to determine, instead of continuing the cloud upon the titles of the land in the Territory, Congress should undo what it did one year ago and repeal that amendment.

Mr. CURTIS. Mr. President, I dislike very much to delay the adjournment to-night, but I should like to detain the Senate about ten minutes in discussing this question.

I believe that the McCumber amendment has been of great benefit to the full-blood Indians in the Indian Territory—I speak only in regard to the full-blood Indians in the Indian Territory. I believe it would be a great mistake to adopt the amendment reported by the Senate committee and repeal the McCumber amendment in the act of 1906. I wish to cite but one or two cases to show that it would be against the interests of the full-blood Indians to adopt the pending amendment.

After very careful consideration, a year ago Congress removed the restrictions upon certain members of the Cherokee tribe of Indians; and I want to call your attention to two cases to show the result. One was the case of Betsey Gallicatcher. She owned 130 acres of land. The restrictions were removed and she sold that land for $2,350. There were twenty-

eight producing wells on it. Eight of them were flowing and twenty were being pumped. Her income from the royalty on those oil wells amounted to $39 a day, or $14,245 a year; and yet she sold that land for $2,350. I cite another case. An Indian woman, Senah Oo yu sut tah, owned 50 acres of land. She sold it for $1,500 after the restrictions were removed. There were eight flowing wells on that 50 acres. Her income was $2,847 a year from the royalty alone; and yet, as I have said, she sold the land for $1,500. I could, if time permitted, cite you to fourteen similar cases in the Cherokee Nation—the very Indians that would be affected by this amendment—whose lands were sold at from one-third to one-eighth of their value. Pass this amendment and you will rob nine-tenths of the full-blood Indians in the Indian Territory of their land.

Mr. BRANDEGEE. Mr. President——

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

Mr. CURTIS. Certainly.

Mr. BRANDEGEE. I should like to ask the Senator from Kansas whether he knows what the facts are in those cases about the contract of sale; that is, whether those cases were cases in which the so-called "grafter" had gone to the Indians in advance and got a contract from them that he should have the privilege of buying that property provided he could get the restrictions removed?

Mr. CURTIS. I understand not. I am informed that the Indians did not know that the restrictions were removed; that persons came to Congress and represented that these people were qualified and got Congress to remove the restrictions; and that then, while the bill was pending for ratification, the people who wanted to secure the land ran some of the Indians down into Arkansas, had deeds executed for the land, and took possession of it, and filed the deeds as soon as the act was approved by the President of the United States.

Mr. BRANDEGEE. I should like to know if the Senator does not think that the parties who were wronged in those transactions could have gotten a better price for their property if there had been no restriction on it, so that everybody could have gone and bid on the land in the open market?

Mr. CURTIS. I do not believe that those people should have been permitted to sell their lands at all.

Now, one more word on the legal proposition. The difficulty with my colleague and with other Senators who have been speaking on this amendment is that they fail to distinguish between the civil and political rights and the property rights of the Indians. It is true that when Congress once loses control of the Indian it can not again assume control of him by any act of Congress; but I maintain here that up to the time we lose control of the land of the Indian we have the right to change the condition and extend the time of the restrictions; That is, Congress in its wisdom at any time before the jurisdiction of the United States has ceased over the lands can increase the restrictions as well as remove them.

Mr. CLARK of Wyoming. Will the Senator from Kansas permit an interruption?

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

Mr. CURTIS. Certainly.

Mr. CLARK of Wyoming. I should like to have the views of the Senator from Kansas as to exactly what additional right was conferred when we conferred by legislative enactment upon the people of the Indian Territory citizenship, including the rights and privileges and immunities of other citizens of the United States?

Mr. CURTIS. I do not think that we conferred one single additional right to them.

Mr. CLARK of Wyoming. Then the Senator holds to the position that when we said in the law they are made citizens of the United States and given all the rights, privileges, and immunities of other citizens, that was an idle line in the law?

Mr. CURTIS. I do, except, perhaps, when Oklahoma becomes a State and the Indians are made a part of that State, they will have the right to vote at general elections, which right they might not have enjoyed but for that amendment to the act of 1887.

Mr. CLARK of Wyoming. One other question only, called out by the answer of the Senator. At the time that citizenship was conferred by express legislation was there any proposition as to the Indian Territory becoming a State, either as a part of the State of Oklahoma or otherwise?

Mr. CURTIS. Oh, I think it had been discussed; yes. I base my contention in regard to the lands of the full bloods upon the decision of the Supreme Court in the Rickert case. This was the case of an Indian to whom an allotment had been made under the act of 1887—the very act that makes the Indians of the Indian Territory citizens of the United States. That act was amended, and under it they were made citizens.

Mr. CLARK of Wyoming. Yes; but the act to which I referred was a later act, in 1901.

Mr. CURTIS. The act of 1901 amended the act of 1887.

Mr. CLARK of Wyoming. And I should like to have the Senator, while he is speaking of the Rickert case, explain, of course in his own way, if he sees any difference between the rights of an Indian as to land to which he has no patent and the rights of an Indian as to land which is patented in the tribe by the United States Government.

Mr. CURTIS. I do not believe there is any difference, for this reason: The patent which was given to the Five Civilized Tribes was issued to them by reason of treaties; and the Supreme Court decided that the patent must conform to the terms of the treaty. The Indians who hold their land by reason of a treaty have just as sacred a title as have the Indians of the Five Civilized Tribes who have patents.

When we entered into agreements with the Five Civilized Tribes we put into such agreements substantially the same conditions and restrictions that are contained in the act of 1887. What were they? That for the period of five years in the Cherokee country, for the period of five years in the Creek country, after the ratification of said agreements, and for the period of one year after the date of the patent in the Choctaw and Chickasaw countries, those Indians could not contract for the sale of or otherwise dispose of or mortgage their land. Congress, by reason of that agreement, held control of the Indian property for five years; and I maintain that under this Rickert decision, up to the expiration of five years, after the ratification of the Cherokee and Creek agreements, if we discover we have made a mistake, we have a right to extend the time of restriction. Why? Because it is the guardian dealing with his ward. There is no vested right of any outside person.

Mr. CLAPP. Will the Senator pardon me for a question?

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

Mr. CURTIS. Certainly.

Mr. CLAPP. As I have said before, I do not interrupt in any spirit of criticism, but to get the Senator's views. What rights, if any, does the Senator contend the Government would have in that property beyond the mere right to extend the restrictions? Would the Government have a right after that to add any other burden, to charge that property with a price which the Indian must pay before he would get his patent?

Mr. CURTIS. No. The Government is the guardian of the Indians and of their property, and that guardianship does not exist, except only until the time fixed in that limitation expires; but up to the time it does expire Congress has full control of that property and may extend the time, if it thinks the interest of the Indian requires it. Congress has the right, it has the power, and it is its duty to fully protect the interest of the Indian.

Mr. CLAPP. Then the Senator contends that anything which the Government felt was in the interest of the Indians as to their rights in that property, whether it was an extension of the time of the restriction or anything else, if it were justified by the plea that it was in the interest of the Indians, after that trust patent was issued within the five years, could be done?

Mr. CURTIS. Yes; because these Indians had no greater rights than those to whom patents had been issued under the act of 1887.

Mr. STONE. I should like to ask the Senator a question.

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

Mr. CURTIS. Certainly.

Mr. STONE. Up to 1904 the restrictions on alienation applied to intermarried white citizens and freedmen——

Mr. CURTIS. Certainly.

Mr. STONE. Exactly as to the citizens of the Indian tribes. By an act passed in the year 1904 restrictions on alienation as to freedmen and intermarried white adults were removed and they were permitted to sell their surplus lands. Does the Senator from Kansas hold that Congress could now impose restrictions upon the alienation of the surplus lands of those Indians?

Mr. CURTIS. No; because we removed the restrictions to take effect upon the passage of that act of Congress.

Mr. STONE. Yes.

Mr. CURTIS. But I maintain if Congress had placed the five-year limitation in the act, and within the five years had discovered that a mistake had been made, then it would have the right, so far as the Indian is concerned, to extend the time, because the Government is the guardian of the Indian and has control of his property.

Mr. STONE. I see; but, pressing the inquiry further, the Senator concedes the Government can not now impose restrictions upon the alienation of land owned by intermarried whites and freedmen because they were removed by the act of 1904. By the same token, how can you enlarge restrictions imposed upon any surplus lands of another class of citizens of the same country?

Mr. CURTIS. Because in the one case Congress lost jurisdiction the minute it released them, while in the other it held jurisdiction of their property for five years; and if it discovered before any outside vested rights attached that it had made a mistake, then it would have a right to correct that mistake.

Mr. CLARK of Wyoming. While the Senator is on that line, will he allow me to ask him a question?

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

Mr. CURTIS. Certainly.

Mr. CLARK of Wyoming. Does the Senator believe that after the removal of the restrictions, but before any outside right had attached, before the property had been sold, the Government could still, in its position as guardian, attach conditions to the land?

Mr. CURTIS. If the period had not expired, yes.

Mr. CLARK of Wyoming. But if the period had expired?

Mr. CURTIS. I doubt it.

Mr. CLARK of Wyoming. I will give this illustration: For instance, to-day the lands of the Indians in the Indian Territory are subject to sale. On the theory of the Senator that Congress is still the guardian of the Indian, and the Indian has not parted with the title to the land, and no outside rights have intervened, could Congress reassume the guardianship of the lands and place restrictions upon them?

Mr. CURTIS. I do not think so, because the limitation would have expired and we would have lost control.

Mr. CLARK of Wyoming. But, under the Senator's theory, would not our duty as guardian of the Indian, if we are his guardian, and having his property unencumbered, compel us to put on those restrictions, and, under the Senator's theory, would we not be authorized to do so?

Mr. CURTIS. I do not go quite that far. I think I am sustained in the position I take by the decisions of the Supreme Court.

Mr. BRANDEGEE. Will the Senator yield to me for a question?

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

Mr. CURTIS. Certainly.

Mr. BRANDEGEE. I should like to ask the Senator from Kansas, Mr. President, in the case of a full-blood Indian, the restrictions as to whose property have been removed by the Secretary of the Interior, can the restrictions be reimposed by the McCumber amendment?

Mr. CURTIS. I think not.

Mr. BRANDEGEE. Well, does the Senator know that the Department has ruled that they can be?

Mr. CURTIS. I think if the Department has so held it was wrong. I think if the Senator will read the act of 1906 he will see that it recognizes the right of the Indian from whom restrictions had already been removed to control his property.

Mr. BRANDEGEE. I will read the decision of the Department, if the Senator cares to listen to it.

Mr. CURTIS. I do not question that the decision has been made, but in my judgment the Department has made several decisions relating to the Indian Territory that are not in accordance with the law.

Mr. BRANDEGEE. I entirely agree with the Senator.

Mr. CURTIS. These Indians are yet the wards of the nation, in a condition of pupilage or dependency, and have not been discharged from that condition. That is what I contend is true of the full-blood Indians of the Five Civilized Tribes, with whom we are now dealing. The Indians who hold lands under the act of 1887 do so with the consent and authority of the United States. So do the Indians in the Indian Territory.

Mr. McCUMBER. I should like to ask the senior Senator from Kansas [Mr. LONG], if the junior Senator from Kansas [Mr. CURTIS] will allow me, if the solemn statement made by the Supreme Court, which he has just quoted, that these people are still wards of the Government is, in his opinion, correct?

Mr. LONG. I am of the opinion that under a later decision of the Supreme Court, in 197 United States Reports, which I cited in my remarks, the Indians of the Indian Territory have been released from the condition which they occupied prior to the passage of the act of 1901.

Mr. SPOONER. That is the whisky case?

Mr. LONG. Yes.

Mr. SPOONER. Is not there some difference between the power of the Government to maintain control over the habits of the Indians and over the property of the Indians?

Mr. LONG. As was stated by the Senator from Minnesota [Mr. CLAPP], if there is an obligation by the Government higher than the control of the Indian as to his appetite, I do not know what it is. Congress evidently recognized this in the act of 1897 when it attempted to reimpose on the Indians restrictions which it had released by the act of 1887. The Supreme Court decided that Congress did not have that power, having once released its control.

Mr. SPOONER. The one is a question of policy and the other is a question of law. I suppose it might be claimed that among the privileges and immunities of other citizens the Indians acquired the indefeasible right to drink.

Mr. LONG. They acquired the indefeasible right, under the act of 1887, to be treated as any other citizens of the United States, and not as a distinct class.

Mr. SPOONER. Does the Senator think it was possible that the Supreme Court could have held that the restrictions involved in the case which his colleague is reading from could have operated as an exemption from State taxation, except upon the theory that the Indian still continued to sustain peculiar relations to the Government which had not been operative as to his property?

Mr. LONG. The exemption from taxation in the Rickert case was due to the fact that title had not yet passed to the Indians—that it was a trust patent. The United States still held the land in trust and would hold it until the end of twenty-five years, and during that period the State of South Dakota had no right to levy taxes upon the property held in trust for the benefit of the Indians. That is all that case decides, as I understand; and the personal property, which was also claimed to be exempt from taxation, was property that belonged to the United States.

Mr. CURTIS. Yet, if the Indian to whom an allotment was made in 1887 died, his land descended to his heirs; and that is exactly the case in the Indian Territory. But I desire to read from this opinion:

> These Indians are yet wards of the nation, in a condition of pupilage or dependency, and have not been discharged from that condition. They occupy these lands with the consent and authority of the United States, and the holding of them by the United States under the act of 1887 and the agreement of 1889, ratified by the act of 1891, is part of the national policy by which the Indians are to be maintained as well as prepared for assuming the habits of civilized life, and ultimately the privileges of citizenship.

In the Heff case the court points out the difference, and it says:

> But it is said that the Government has provided that the Indians' title shall not be alienated or encumbered for twenty-five years, and has also stipulated that the grant of citizenship shall not deprive the Indian of his interest in tribal or other property, but these are mere property rights and do not affect the civil or political status of the allottees.

Mr. CLARK of Wyoming. I should like to interrupt the Senator from Kansas.

Mr. CURTIS. Certainly.

Mr. CLARK of Wyoming. I should like to ask the Senator from Kansas whether there is a difference in the grantors of the patents to the lands to the Five Civilized Tribes and the grantors in a patent to the lands of which he is speaking?

Mr. McCUMBER. The grantee, you mean?

Mr. CLARK of Wyoming. The grantor.

Mr. CURTIS. The same conditions substantially were contained in the agreements made with the Five Tribes, so far as alienation and incumbrance are concerned, that were contained in the patents issued under the act of 1887.

Mr. CLARK of Wyoming. Yes; but my question was not, I think, understood. Does the Government of the United States issue the patents to the lands to the Indians to whom he has been referring, outside——

Mr. CURTIS. They do.

Mr. CLARK of Wyoming. I understand that the Government of the United States is the grantor of all these patents outside of the allotments in the Indian Territory.

Mr. CURTIS. That is true.

Mr. CLARK of Wyoming. But the United States is not the grantor of the patents issued in the Indian Territory; and I should like to ask the Senator——

Mr. CURTIS. But the United States joins in the patents issued in the Indian Territory, and Congress went so far as to authorize the issuing of valid patents by the Secretary of the Interior in case the chief of the nation refused to sign.

Mr. CLARK of Wyoming. Yes; that was to cure a delinquency on the part of the chief of the nation. But the patent is issued from the nation that owns the land in fee to the Indian

who takes it in allotment, and I think perhaps a distinction might be made between the cases.

Mr. CURTIS. Perhaps.

Mr. McCUMBER. I should like to ask the Senator from Wyoming where the chief gets the authority?

Mr. CLARK of Wyoming. It is community property, and the chief is the executor.

Mr. McCUMBER. Yes.

Mr. CLARK of Wyoming. He gets his authority to transfer the property of the tribe the same as the President gets his authority to transfer the property of the nation. But as to where the authority comes from that is not to the question, I think.

Mr. McCUMBER. Could the chief make the deed unless Congress gave him authority?

Mr. CLARK of Wyoming. I think he could without doubt. I think the chief could make the deed if the tribe said that their lands should be so deeded among themselves.

Mr. McCUMBER. Then one must acknowledge, if I may take the time of the Senator from Kansas further——

Mr. CURTIS. Certainly.

Mr. McCUMBER. He must acknowledge that the tribe exists and retains the tribal relation.

Mr. CLARK of Wyoming. I am not speaking of the present moment. I am speaking of when they had their tribal relations.

Mr. McCUMBER. Certainly.

Mr. CLARK of Wyoming. When they agreed to the manner in which the deeds should be made.

Mr. McCUMBER. But they are making deeds that way now.

Mr. CLARK of Wyoming. Only in pursuance of the allotment. I was calling attention to the fact that the Government of the United States is not the grantor in any of these allotment deeds or patents that are made in the Indian Territory. The Government of the United States could not be the grantor, because the Government of the United States has nothing in the land which it can grant, the fee of the land being held in the tribe.

Mr. McCUMBER. But the point I want to make is that the only authority at present, if there is no tribal relation, must be an authority through Congress to an individual, which it declares to be the chief.

Mr. CLARK of Wyoming. Not at all, because that authority was initiated and given before the allotments were taken, in the act providing for the allotments.

Mr. McCUMBER. I understand that, but suppose Congress had said that some other person should execute the deed. Would the Senator say that that would be our authority?

Mr. CLARK of Wyoming. Of course not, because the man who executes the deed is merely acting as the agent of the tribe in making the deed to the individuals of the tribe. He is not acting as the agent of the Government of the United States.

Mr. McCUMBER. But he gets his authority from Congress.

Mr. CLARK of Wyoming. Oh, no; no such thing.

Mr. CURTIS. I will detain the Senate only long enough to call attention to two other decisions of the Supreme Court.

Mr. SCOTT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from West Virginia?

Mr. CURTIS. Certainly.

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

Mr. CLAPP. I hope that motion will not prevail.

Mr. SCOTT. It is evident we can not get through with this matter to-night. Many of us have been delayed two or three days with relation to executive business which is important. It is now 20 minutes of 6.

Mr. CLAPP. I suggest that the Senator from Kansas be allowed to finish his remarks.

Mr. CURTIS. I can conclude in five minutes.

Mr. SCOTT. I withdraw the motion for a few minutes. The Senator from Kansas says he will take but five minutes.

The VICE-PRESIDENT. The Senator from West Virginia withdraws the motion that the Senate proceed to the consideration of executive business.

Mr. SUTHERLAND. Mr. President——

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

Mr. CURTIS. Certainly.

Mr. SUTHERLAND. The Senator spoke of the United States *v.* Rickert. Is it not a fact that in that case it appeared that the title of the land was still held by the United States?

Mr. CURTIS. Certainly.

Mr. SUTHERLAND. Held in trust for the Indians?

Mr. CURTIS. Certainly.

Mr. SUTHERLAND. And the decision of the court proceeded upon the ground that the State had no right to tax lands held by the United States?

Mr. CURTIS. Certainly.

Mr. SUTHERLAND. Owned by the United States.

Mr. CURTIS. Certainly. Neither would the State nor the Territory have the right to tax land in the Indian Territory.

Mr. SUTHERLAND. But in this case the title has passed to the Indian. The fee is in the Indian.

Mr. CURTIS. Only by a patent which carried out the provisions of a treaty.

Mr. SUTHERLAND. The fee is in the Indian in the case we are considering.

Mr. CURTIS. The fee is not yet in the individual Indian and can not be until the limitation fixed has expired.

Now, my colleague referred to these agreements as treaties. The Supreme Court, in a recent case—the Red Bird case—considered them, and in the opinion it says:

> Counsel for claimants speak of the act of 1902 as a treaty, but it is only an act of Congress and can have no greater effect.

Therefore, if it is only an act of Congress, and those are the acts we are talking about, we have a right to amend them.

Then I desire to call the attention of the Senate to the decision of the Supreme Court in the Lone Wolf case. It says:

> That Indians who had not been fully emancipated from the control and protection of the United States are subject, at least so far as the tribal lands were concerned, to be controlled by direct legislation of Congress, is also declared in Choctaw Nation *v.* The United States (119 U. S., 1, 27) and Stephens *v.* Cherokee Nation (174 U. S., 445, 483). (Lone Wolf *v.* Hitchcock, 187 U. S., p. 567.)

While the court does not decide in this case that it would apply to property that had been deeded to an individual Indian, it does hold that it applies to tribal property; and if the McCumber amendment is in the interest of the Indian and does protect the full bloods of the Indian Territory, why not, instead of Congress declaring the act unconstitutional, let it go to the Supreme Court and let it say whether or not it is unconstitutional. That, in my judgment, is the better course to pursue, instead of Congress passing upon the constitutionality of an amendment which was placed in the bill on the motion of one of the Senators.

Mr. HANSBROUGH. I offer an amendment intended to be proposed to the pending bill and ask that it may be printed and lie on the table.

The VICE-PRESIDENT. The amendment will be printed and lie on the table.

Mr. LA FOLLETTE. Without taking any of the time of the Senate, but as bearing upon the amendment which has been under discussion this afternoon, I ask leave to have printed in the RECORD some letters received from the Indian Territory, some written by Indians and some by white people.

The VICE-PRESIDENT. The Senator from Wisconsin asks unanimous consent that the letters submitted may be printed in the RECORD without being read. In the absence of objection, it is so ordered.

The letters referred to are as follows:

TULSA, IND. T., *December 17, 1906.*

Hon. ROBERT M. LA FOLLETTE,
Washington, D. C.

DEAR SENATOR: If the papers have not misquoted you, you support the Hitchcock policy of continuing supervision over the Indians' lands.

I was at South McAlester during the sitting of the Senate committee. The country was ransacked for testimony to decry that policy and to put the friends of the Indians on the defense. There is no wise, no just friend of the Indians who favors the release of Indian allotments, and I do not say this from impulse or from a casual acquaintance with the Indian question.

I have canvassed this Territory from one end to the other the past month getting information from all sorts and conditions of people, and my conclusion is the wiser ones dreading the coming of statehood, with its implied control of them, with a dread as bitter and relentless as when under the leadership of Boudinot and Ross they fought the right of way concessions for the first roads entering the Territory. Rev. J. S. Murrow, who protested so earnestly at the McAlester sitting of the Indian Committee, had less of culture, perhaps, than some of the refined scoundrels who sought to decry his statements, but he spoke for every man in the Territory who is not either ignorant or brutally selfish.

Respectfully,

C. H. COOK.

TISHOMINGO, IND. T., *January 22, 1907.*

Hon. Senator LA FOLLETTE,
Washington, D. C.

DEAR SIR: Knowing that our friends are very few in the United States Congress, and it may be because they do not know our needs and conditions here, I notice that the Senate committee has recommended that the restrictions be removed on all lands. What greater injustice could be done? To illustrate, a grafter has a five-year lease on a piece of land, and most of the full bloods have made such leases. Now the restrictions are removed. Who can or who would wish to buy this land in this condition but the grafter with his lease and at a price named by this same grafter? Dear sir, allow the full blood to go before some court and have his competency established and his lease made void before any sale can be made. I hope you will look into this. I am somewhat alone in this matter. As it is the desire of the whites here

to have restrictions removed so that these lands can be taxed, would it not be better for this to be postponed until after statehood? There are grafters here who are said to have thousands of acres under lease.

If not asking too much, could you have a bill introduced selling our school property, also our capitol building and grounds? Our schools are an outrage as at present conducted, far more costly than before the United States Government took them from us.

Dear sir, I took the liberty of writing you last Congress, and hope I am not intruding now. I am an intermarried Chickasaw citizen.

Most respectfully,

T. K. WITTHOME.

The convention to form a constitution for the State of Oklahoma.

GUTHRIE, OKLA., *January 25, 1907.*

Senator LA FOLLETTE,
Washington, D. C.

DEAR SIR: Since you have in the past demonstrated an interest in fair play for the Five Civilized Tribes in the Indian Territory, I take the liberty of sending you a copy of a resolution which was introduced in the constitutional convention last week and which was referred to a committee the chairman of which is not in sympathy with its purpose. It is destined to die there or be reported after it is too late to accomplish the desired result. Please consider same and bear in mind that every citizen of the Indian Territory—except land sharks—is anxious to see Congress fix a just and equitable limitation on the sale of Indian surplus. There is a single firm in the Chickasaw Nation who have 30,000 acres of Indian surplus under lease, who are waiting for the removal of restrictions, when they expect to make a wholesale purchase at insignificant prices. Land monopolies and a hellish system of tenantry will result unless Congress does not prohibit the wholesale purchase by these land companies and grafters.

See to this, Senator, and the whole of the Indian Territory citizenship will thank you.

Please hand the additional copy inclosed to the chairman of Committee on Indian Affairs.

I am, very truly,

CARLTON WEAVER.

A memorial.

To the Congress of the United States, to the President, Theodore Roosevelt:

Whereas the special Senate Committee on Indian Affairs has recommended the removal of the restrictions upon the alienation of surplus allotments and other lands in the Indian Territory; and

Whereas the material interest of all the people of the Indian Territory, as well as the State at large, depends upon a broad and equitable distribution of the landed interest; and

Whereas a great amount of said lands are at present controlled by land companies and speculators under an obnoxious lease system; and

Whereas unless prohibited by the Congress said land companies and speculators will gain control of a vast amount of Indian lands, which will result in large holdings and land monopolies: Therefore, be it

Resolved, That we, the representatives of the people of the Indian Territory and Oklahoma, in convention assembled, do respectfully pray that the sale of all said alienated lands be restricted so as to prohibit land or lease monopolies and to permit only natural persons to become purchasers or lessees thereof, and then only of such limited amounts as will guarantee a broad and equitable distribution.

Resolved, That a copy of this memorial be forwarded to both Houses of Congress and the President of the United States.

JANUARY *30, 1907.*

Hon. ROBERT M. LA FOLLETTE,
United States Senate, Washington.

MY DEAR SIR: At a meeting of a number of delegates of the commercial clubs of the principal towns of Indian Territory at Muscogee recently it was decided that there would not be recommended for passage a law removing by the wholesale the restrictions on the alienation of lands of full bloods in Indian Territory. Experience has taught that the full blood, as a rule, in the handling of his own business—the difference between a good trade and a bad one—is not yet sensible enough to be trusted. The contemplated removal of restrictions by the wholesale on full-blood allotments may not be the best thing, though the mixed-blood Indian, as a rule, is able to manage his own affairs.

As a substitute for the amendment to the Indian appropriation bill, pardon me for handing you and urging the adoption of the one inclosed. By this means the Indian of the full blood will have his rights protected, and he will not be the subject of wholesale spoliation.

Sincerely,

E. DUNLAP.

On and after thirty days from the approval of this act all restrictions upon the alienation, leasing, or encumbering of lands, except homesteads, of Indian allottees of less than full blood in the Indian Territory, and all the restrictions upon the alienation, leasing, and encumbering of lands of allottees not of Indian blood are removed from and after date of selection of allotment. Jurisdiction is hereby conferred upon the United States courts in Indian Territory, and the judges thereof, and of the United States court for the eastern district of Oklahoma, and the judge thereof, to hear and determine the application for the removal of restrictions upon the alienation, leasing, and encumbering of the lands, exclusive of the homestead, of full-blood Indian allottees in Indian Territory, and the application of such full-blood allottee for the removal of restrictions on the leasing of the homestead; and such court or judge shall, upon proper showing, cause to be entered of record an order removing such restrictions. Such application shall be filed in either district where the applicant resides or in which the whole or any part of his allotment is situated. All the restrictions upon the alienation of inherited lands, from the date of selection, are hereby removed.

ARDMORE, IND. T., *January 21, 1907.*

Hon. ROBERT LA FOLLETTE,
United States Senator, Washington, D. C.

DEAR SIR: I address you regarding this matter because of your apparent friendliness for the Indian, particularly the full blood Indian.

In 1902 Congress enacted that the Choctaw and Chickasaw Indians in Indian Territory may dispose of one-fourth of the allotment within one year from date of patent. In 1906, however, Congress, in the Five Tribes bill, enacted a provision that no full blood may dispose of any portion of his allotment for twenty-five years, unless Congress sooner removed the restrictions. Now, the select Senate committee, in its recent report on affairs in the Indian Territory, declares that the act of 1906 imposing the restrictions without the consent of the Indian to be invalid, and that because of this there is much unfair dealing in Indian Territory. This is true with reference to this one-fourth.

But Senator LONG, of this select Senate committee, in his amendment to the Indian appropriation bill, proposes to remove restrictions by the wholesale after July 1. I submit that I am a member of the Choctaw tribe of Indians; I am familiar with the language; I know in person a few thousand members of the tribe, and I know their characteristics and their ability. After a long experience with these Indians, I feel convinced that the mixed blood Indian is capable of managing his own affairs; but that the full blood is not. Therefore to protect the full blood, repeal the McCumber amendment, I respectfully suggest, so that the old law of 1902 be left in force and effect with reference to the sale of one-fourth of the lands, exclusive of the homestead; remove the restrictions from the mixed blood, but provide that the United States court, or some special tribunal whose judgment could not be appealed from, be authorized or created to hear and determine the application of all full blood Indians to have their restrictions on the alienation of their lands, exclusive of their homestead; and where such full blood can show that he is competent to manage his own affairs or that there are circumstances that justify that the restrictions be removed on all or a portion of his lands, let judgment be rendered accordingly; otherwise not. Let the fee of attorneys for drawing up the papers for the removal of restrictions be fixed at, say, fifty or one hundred dollars, or $25, or any reasonable amount, and make it a misdemeanor for any lawyer to charge more than that. This is the rule with reference to attorney's fees in the procurement of pensions.

The present system of removal of restrictions is too cumbersome.

We suggest that a special tribunal be appointed, composed of a person or persons of unimpeachable integrity, or that the United States court be authorized to hear these matters, or that the matter be turned over the State court, or that the Commissioner to the Five Civilized Tribes hear the matter.

But by all means, I submit, the restrictions should not be removed on the full bloods, for they will be robbed. I submit that if the worst comes to the worst, and you agree with these views, that a point of order be raised against the proposition on the floor of the Senate.

Yours, sincerely,

J. S. MULLEN.

Mr. CLAPP. Mr. President, I wish to state that to-morrow morning after the conclusion of the routine morning business I will move that the Senate resume the consideration of the pending bill.

ST. LOUIS ELECTRIC BRIDGE COMPANY.

The VICE-PRESIDENT laid before the Senate the bill (H. R. 25123) providing for the construction of a bridge across the Mississippi River; which was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That the St. Louis Electric Bridge Company, a corporation organized under the laws of the State of Illinois, be, and is hereby, authorized to construct, maintain, and operate a railroad, wagon, and foot-passenger bridge, and all approaches thereto, across the Mississippi River at St. Louis, Mo., in accordance with the provision of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

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

Mr. HOPKINS. I wish to state that this bill is identical with a bill reported from the Committee on Commerce which is now on the Calendar. It is an important bill and quite short, and I ask unanimous consent that it may be put upon its passage.

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

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

Mr. HOPKINS. I move that the bill (S. 8213) to authorize the St. Louis Electric Bridge Company, a corporation organized under the laws of the State of Illinois, to construct a bridge across the Mississippi River, be indefinitely postponed.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. KEAN. 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 50 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 7, 1907, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 6, 1907.

SURVEYOR OF CUSTOMS.

Winfield S. Boynton, of Colorado, to be surveyor of customs for the port of Denver, in the State of Colorado.

PROMOTIONS IN THE ARMY.

Infantry Arm.

First Lieut. Clyffard Game, Eleventh Infantry, to be captain from January 24, 1907.

Infantry Arm—To be first lieutenants.

Second Lieut. Robert G. Caldwell, Eighteenth Infantry, from July 2, 1906.

Second Lieut. Hugh A. Parker, Twenty-eighth Infantry, from July 2, 1906.
Second Lieut. Charles W. Tillotson, Nineteenth Infantry, from July 3, 1906.
Second Lieut. Will D. Wills, Twenty-eighth Infantry, from July 7, 1906.
Second Lieut. Arthur T. Dalton, Twenty-seventh Infantry, from July 13, 1906.
Second Lieut. Otho E. Michaelis, Fifth Infantry, from July 28, 1906.
Second Lieut. William C. Stoll, Eleventh Infantry, from July 28, 1906.
Second Lieut. Ira A. Smith, Nineteenth Infantry, from August 7, 1906.
Second Lieut. James E. Ware, Fourteenth Infantry, from August 7, 1906.
Second Lieut. Frank W. Dawson, Twenty-ninth Infantry, from August 8, 1906.

Artillery Corps—To be colonels.

Lieut. Col. Medorem Crawford, Artillery Corps, from January 25, 1907.
Lieut. Col. Garland N. Whistler, Artillery Corps, from January 25, 1907.
Lieut. Col. Albert S. Cummins, Artillery Corps, from January 25, 1907.
Lieut. Col. Alexander B. Dyer, detailed military secretary, from January 25, 1907.
Lieut. Col. Leverett H. Walker, Artillery Corps, from January 25, 1907.
Lieut. Col. Henry M. Andrews, Artillery Corps, from January 25, 1907.
Lieut. Col. Charles D. Parkhurst, Artillery Corps, from January 25, 1907.

To be lieutenant-colonels.

Maj. Albert Todd, detailed military secretary, from January 25, 1907.
Maj. Edward T. Brown, Artillery Corps, from January 25, 1907.
Maj. Adam Slaker, Artillery Corps, from January 25, 1907.
Maj. Henry H. Ludlow, Artillery Corps, from January 25, 1907.
Maj. William R. Hamilton, Artillery Corps, from January 25, 1907.
Maj. Charles W. Foster, Artillery Corps, from January 25, 1907.
Maj. Clarence Deems, Artillery Corps, from January 25, 1907.
Maj. John V. White, detailed military secretary, from January 25, 1907.
Maj. Erasmus M. Weaver, Artillery Corps, from January 25, 1907.
Maj. Eli D. Hoyle, Artillery Corps, from January 25, 1907.
Maj. Granger Adams, Artillery Corps, from January 25, 1907.
Maj. Frederick Marsh, Artillery Corps, from January 25, 1907.
Maj. Charles G. Woodward, Artillery Corps, from January 25, 1907.

To be majors.

Capt. Isaac N. Lewis, Artillery Corps, from January 25, 1907.
Capt. Samuel D. Sturgis, Artillery Corps, from January 25, 1907.
Capt. Elisha S. Benton, Artillery Corps, from January 25, 1907.
Capt. Harry L. Hawthorne, Artillery Corps, from January 25, 1907.
Capt. Cornélis De W. Willcox, Artillery Corps, from January 25, 1907.
Capt. John D. Barrette, Artillery Corps, from January 25, 1907.
Capt. Elmer W. Hubbard, Artillery Corps, from January 25, 1907.

To be captains.

First Lieut. Daniel W. Hand, Artillery Corps, from January 25, 1907.
First Lieut. Robert F. Woods, Artillery Corps, from January 25, 1907.
First Lieut. Albert C. Thompson, jr., Artillery Corps, from January 25, 1907.
First Lieut. Theophilus B. Steele, Artillery Corps, from January 25, 1907.
First Lieut. Ellison L. Gilmer, Artillery Corps, from January 25, 1907.
First Lieut. John McBride, jr., Artillery Corps, from January 25, 1907.
First Lieut. Richard K. Cravens, Artillery Corps, from January 25, 1907.

POSTMASTERS.

FLORIDA.

J. P. Schell to be postmaster at Chipley, in the county of Washington and State of Florida.

NEW YORK.

John B. Alexander to be postmaster at Oswego, in the county of Oswego and State of New York.
John A. Raser to be postmaster at Harrison, in the county of Westchester and State of New York.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 6, 1907.*

The House met at 12 o'clock m.
The Clerk read the following communication:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
February 6, 1907.

I hereby designate Hon. JOHN DALZELL, of Pennsylvania, to act as Speaker pro tempore this day.

J. G. CANNON, *Speaker.*

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.
The Journal of yesterday's proceeding was read and approved.

BRIDGE ACROSS MISSISSIPPI RIVER.

Mr. MANN. Mr. Speaker, I ask unanimous consent for immediate consideration of the bill which I send to the Clerk's desk.
The SPEAKER pro tempore (Mr. DALZELL). The gentleman from Illinois asks unanimous consent for the present consideration of the bill, which the Clerk will report.
The Clerk read as follows:

A bill (H. R. 25123) providing for the construction of a bridge across the Mississippi River.

The bill was read at length.
The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.
The bill was ordered to be engrossed and read the third time; was read the third time, and passed.

PRINTING RESOLUTIONS IN RECORD.

Mr. WANGER. Mr. Speaker, I ask unanimous consent that the Clerk may read and there be printed in the RECORD and referred to the Committee on Interstate and Foreign Commerce the following three resolutions by the National Board of Trade recently in session in this city.
The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent for the present reading and printing in the RECORD of the paper which the Clerk will read.
Mr. PAYNE. Mr. Speaker, I am sorry to be obliged to object to that, but I will have to do so.
The SPEAKER pro tempore. The gentleman from New York objects.

RIVER AND HARBOR APPROPRIATION BILL.

On motion of Mr. BURTON of Ohio, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 24991, the river and harbor appropriation bill, Mr. CURRIER in the chair.
The Clerk read as follows:

Improving Anacostia River, District of Columbia: Continuing improvement, $127,000.

Mr. WANGER. Mr. Chairman, I move to strike out the last word.
The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last word.
Mr. WANGER. Mr. Chairman, I certainly hope that this section will be adopted in order that the opportunities for commerce here may be protected and promoted, and as part of my remarks I send to the Clerk's desk and ask to be read in my time the following.
The CHAIRMAN. The gentleman from Pennsylvania offers the following paper, which will be read in his time.
The Clerk read as follows:

[Extract from the minutes of the thirty-seventh annual meeting of the National Board of Trade, held in Washington, D. C., January 15, 16, and 17, 1907.]

INTERSTATE-COMMERCE LAW.

Whereas owing to the enormous increase in the railroad traffic of the United States, involving the congestion of merchandise at points of shipment and expensive delays in transportation; and
Whereas it is the judgment of large commercial bodies interested in more effective and less technical methods that these delays would be less frequent and less burdensome and that the interests of interstate commerce would be better conserved by proper traffic arrangements between the various railroad companies; be it therefore
Resolved, That the National Board of Trade recommends to the Congress of the United States such amendments to the interstate-com-

merce act as will permit proper railroad traffic agreements, such agreements to be inoperative if disapproved by the Interstate Commerce Commission.

GOVERNMENT OWNERSHIP OF RAILWAYS.

Resolved, That the National Board of Trade deems that it would be highly inexpedient for the government, State or Federal, to take under consideration at this time any proposition looking to the acquisition or operation of our railways.

UNIFORM BILL OF LADING.

Resolved, That the National Board of Trade strongly favors a law providing a uniform bill of lading which shall define and affirm the liability of common carriers, and is of the opinion that such a law should be enacted without longer delay than is necessary to obtain full and accurate information on the subject from the thorough investigation now being conducted by the conference of the commissioners on uniform State laws.

True copy.

FRANK D. LAHANNE, *President*.
W. R. TUCKER, *Secretary*.

Mr. WANGER. Mr. Chairman, I hope that the subjects referred to in these resolutions will have the serious consideration of every Member of Congress. I withdraw the pro forma amendment.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. [After a pause.] The Chair hears no objection.

The Clerk read as follows:

Improving Norfolk Harbor, Virginia, and its approaches, from deep water in Hampton Roads to the junction of the eastern and western branches in accordance with House Documents Nos. 373 and 381, Fifty-ninth Congress, first session, including the removal of shoals at the mouth of the eastern branch, $282,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to prosecute such project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $850,000, exclusive of the amounts herein appropriated.

Mr. BURTON of Ohio. Mr. Chairman, I desire to offer a committee amendment in order to correct a clerical error.

The CHAIRMAN. The gentleman from Ohio [Mr. BURTON] offers an amendment, which the Clerk will report.

The Clerk read as follows:

One page 23, strike out the word "western," in line 11, and insert in lieu thereof the word "southern."

The CHAIRMAN. The question is on agreeing to the amendment.

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

The Clerk read as follows:

Improving York, Mattaponi, and Pamunky rivers and Occoquan and Carters creeks: Continuing improvement and for maintenance, $49,000, of which amount $19,000 may be expended for the removal of the bar at the mouth of Occoquan Creek, in accordance with the report submitted in House Document No. 190, Fifty-ninth Congress, first session.

Mr. BURTON of Ohio. Mr. Chairman, I desire to offer a committee amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 24, after the word "creeks," insert a comma and the word "Virginia."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

Improving Blackwater River, Virginia: Continuing improvement and for maintenance, $8,000.

Mr. BURTON of Ohio. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Ohio [Mr. BURTON] offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 25 strike out the word "continuing," in line 6, and all of line 7, and insert in lieu thereof the following:

"Completing improvements in accordance with the report submitted in House Document No. 177, Fifty-ninth Congress, second session, and for maintenance, $8,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

Improving harbor at Brunswick, Ga., in accordance with the report submitted in House Document No. 407, Fifty-ninth Congress, first session, $146,650: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to complete said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $350,000 exclusive of the amounts herein and heretofore appropriated.

Mr. BARTLETT. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Georgia offers an amendment, which the clerk will report.

The Clerk read as follows:

By adding at the end of line 9, page 30, after the word "appropriated:"

"*Provided further*, It shall be the duty of the Chief of Engineers in expending the money and carrying out the contracts in this paragraph authorized for the improvement of the harbor herein named, to ascertain if any person or corporation owning, controlling, or using any wharf or wharfage privileges at said harbor discriminates against any one in the transportation of freight by ship, vessel, or railroad, and whether any such wharf owners or wharfingers refuse to permit any vessels or ships to land at or use said wharves, and make report thereof to Congress."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. BURTON of Ohio. Mr. Chairman, I take it that the gentleman will state the reasons for his amendment, and then, perhaps, I will desire to answer.

Mr. BARTLETT. Mr. Chairman, I do not desire to inject into this bill at this or any other point any legislation or any amendment that will not meet the approval of the gentleman from Ohio, the chairman of the committee. This is a matter of grave concern to the immediate locality that I represent and the city where I reside. The gentleman from Ohio [Mr. BURTON] and the Committee on Rivers and Harbors have been made familiar with the situation which this amendment proposes to correct—not to correct it immediately by legislation upon the bill, but to correct it by having the officer in charge of the work to officially report to the Congress a condition of affairs which is known to exist and admitted to exist at Brunswick Harbor. I would not offer this amendment if I thought it would in the least affect the appropriation so justly given in this bill for the harbor at Brunswick. If I thought it would jeopardize in the least any improvement of that harbor, or any appropriation for it, I would be the last man to make the suggestion or stand in the way of the improvement of the harbor. The condition which this amendment proposes to reach, by having information furnished to the Congress, so that legislation may hereafter be enacted in order to remedy it, is this:

The Government has spent each year, and proposes in this bill to spend, large sums of money to deepen and improve the Brunswick Harbor, which is one of the termini of the Southern Railway Company. That company has possession of and owns and controls the dock front and privileges in Brunswick Harbor, and the Southern Railway Company refuses to do business with only those steamboats or other boats engaged in navigation and transportation in and out of Brunswick Harbor and on the rivers running into the Brunswick Harbor for transportation of freight on the streams who compete with the railroad, and it makes contracts with only those that do not compete with them to permit the use of these wharves at Brunswick. The Southern Railway owns, as a part of its line from Brunswick to Atlanta, a line running from Macon to Brunswick, a distance of 190 miles. The railroad conditions as to freight charges and the delivery of freight at Macon are almost intolerable. The Southern Railway Company owning, as it does—or, rather, I will not state that to be a fact, because I may not be justified in doing so—but it controls all the lines that run from Macon, Ga., to the seaboard and undertakes also to control the competition which we are seeking to gain from Macon to the sea by reason of improving the Ocmulgee River and other Georgia rivers, for which appropriation is made in this bill, by denying to the boats that ply between Macon and Brunswick and to the sea the right to land at or use the docks and wharves of the Southern Railway Company, although just and reasonable compensation was offered to be paid. The railroad has refused to consider any proposition to permit the use of their wharves by any boat or vessel that competes with the railroad in the transportation of freight. In other words, they have a monopoly of the wharfage at Brunswick, and they arbitrarily exclude those boats that may compete with the railroad.

Now, I know of my personal knowledge, from conversations and correspondence that I have had with the president of the Southern Railway Company and with the officials of the Southern Railway Company, that they do and have refused the privilege of using the dock by the boat that runs between Macon and Brunswick. The people of Macon, realizing the advantages that would accrue to that locality and to that section by river competition, during the last year inaugurated a boat line upon the river from Macon to Brunswick, and operated through the months of August and September. It was a success; but we found that when we undertook to land at Brunswick Harbor to meet the Mallory steamship, which plied between Boston, Baltimore, and New York, and which was the connecting line between the ports in the East from which we received our freight, we were denied the privilege and right, even for any compensation

that the Southern Railway officials might fix, to use these wharves or to receive any freight from steamers at these wharves. The Macon boat was excluded therefrom absolutely and arbitrarily.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTLETT. I ask that I may have five minutes more, Mr. Chairman.

There was no objection.

Mr. BARTLETT. We were compelled, in order to receive the freight from the Mallory Steamship Line, to go to the expense of lightering our freight and to transfer it from the Mallory ships to our boat by lighters. I have here a letter, which I will not undertake to read, from President Spencer, then in life, in reference to this matter. It was of so much importance to our people that we insisted that he send a committee of his own officials to Macon in order to discuss the situation. When they arrived we found, instead of discussing the situation, they simply came for the purpose of announcing to us that they would not consider the proposition at all. At this meeting the railroad officials refused for any consideration to permit the use of their wharves by the Macon boat.

Now, the line between Macon and Brunswick was first built by State aid to the railroad corporation which constructed it; then it was sold, and bought by the Southern Railway Company. At that time it was known as the East Tennessee, Virginia and Georgia Railroad Company.

After that, since 1893, the Southern Railway Company, by reason of its control and right to vote the stock of the Central Railway of Georgia Company and the other road leading from Macon to the sea, and by reason of its ownership and control of the other railroads to the seaports, has absolute control over the freight shipped to and from my city and has absolute control of the freight charges. The city of Macon undertook last year and is seeking now to prevent or to ameliorate the intolerable conditions, which I will not undertake to state in detail, but concerning which I have letters from the largest merchants of that city, whose freight would be carried more cheaply if we can secure water transportation. Now, the freight is congested for weeks and weeks in the yards of the railroad at Macon, where it is not delivered and where demurrage is charged to the merchants if they do not send for and receive their freight within forty-eight hours; but where the railroads do not deliver to merchants their freight promptly, so that they will not have it for weeks after it has arrived, no compensation is paid them.

The General Government, in order to relieve the people of these transportation evils, has provided for a deepening of the stream that runs from Macon to the sea in order that we may have water competition with the railroads; and when we put boats on the river and they became a success by reason of the fact that they were carrying all the freight they could, the railroads endeavored to destroy these benefits by monopoly of the wharfinw privileges. This one boat carried nearly 2,000,000 pounds of freight between Macon and the sea in two months, and demonstrated that water transportation was not only a success, but of immense benefit to our people. Now, the merchants had organized this line of boats. They were competing with the railroad for the freight; but we were met at the port of Brunswick by this great railroad corporation, which has control of the water privileges and landing places at the harbor of Brunswick, and they deny us the right, for any price the railroad might fix, to land even simply for the purpose of delivering and receiving our freight from other vessels that land there and that by contract with the railroad can not land anywhere else. I do not make this statement from hearsay, but advisedly. I have a letter from the president of the Southern Railway Company which sustains it, and I know it from personal interviews and conversation with the officials of the company.

One of those officials appeared before the Rivers and Harbors Committee, and this matter was inquired into, and they claimed the right to deny to those people who are competing with them for the freight-carrying business the right to use these wharves, which control this harbor, for which large appropriation is made in this bill.

Now, that is the statement that we make. I simply want by this amendment to provide that the Congress of the United States, through its Representatives, may, from the official statement of the Secretary of War and the Chief of Engineers, know at the next session what are the facts. I would that I could put upon this bill a provision, applicable to all harbors, that wherever a railroad or any other corporation or person undertakes to monopolize and appropriate the wharves of the harbors of this country and to discriminate between the citizens who have right to use these harbors that we spend so much money to deepen and improve for the benefit of the entire people, that it shall be prevented by legislation from so unjustly discriminating against the people; that the people's money shall not be spent solely for the benefit of these railroad corporations, whose chief purpose is to destroy competition. The people demand it, and I think we are ready to answer it by enacting legislation that will protect the people from such unjust exactions. [Loud applause.]

Mr. BURTON of Ohio. I see no special objection to this amendment. It is of the utmost importance that river and harbor expenditures be effective for the benefit of all persons and for all kinds of traffic. In some instances appropriations have been made the benefit of which has inured to certain corporations and individuals to an undue extent. I would suggest, however, that part of the wording of this proposed amendment would look like a detention of the appropriation until a report is made, and on conference with the gentleman from that district [Mr. BRANTLEY] he is of the same opinion.

Mr. BARTLETT. I want to state to the gentleman from Ohio that I have no such purpose. I simply put it on that portion of the bill, because that was a harbor where that condition complained of and with which I am familiar exists, and I did not want to raise the question about all the other harbors provided for in this bill. I want to get the information, and the gentleman knows that I would not for a moment interfere with or detain or restrict the expenditure of money on the Brunswick Harbor.

Mr. BURTON of Ohio. May I suggest to the gentleman that the two lines here, "in expending the money and carrying out the contracts in this paragraph authorized for the improvement of the harbor herein named," contain an intimation that the appropriation is, in a measure, conditional?

Mr. BARTLETT. If the gentleman thinks that striking those words out of the amendment will relieve it of the objection, I will consent to that.

Mr. BURTON of Ohio. Then, by unanimous consent, I ask, Mr. Chairman, that the language beginning with "in" and ending with "named" be stricken out. I should like to hear my friend from Georgia [Mr. BRANTLEY] on this.

Mr. BARTLETT. I will agree to that.

The CHAIRMAN. The gentleman from Ohio [Mr. BURTON] asks unanimous consent that the amendment may be modified as he suggests. Is there objection?

There was no objection.

Mr. BRANTLEY. Mr. Chairman, the amendment as just modified is unobjectionable to me. I represent the Brunswick district and live in the city of Brunswick. Of course we believe that we deserve and need this appropriation, and we are exceedingly anxious for it, and I do not want the appropriation held up or detained in any way by reason of any investigation that is made. I have no objection, however, to any investigation.

Mr. BARTLETT. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield to his colleague?

Mr. BRANTLEY. I have only a moment.

The CHAIRMAN. The gentleman declines to yield.

Mr. BRANTLEY. I have no objection to any investigation looking to the prevention of any improper discrimination in the use of the wharves at Brunswick. The people of Brunswick are as much interested as the people of Macon in the improvement of the Ocmulgee River, and in the free passage of boats from the city of Macon to the city of Brunswick. In this particular matter about which complaint is made I have no personal knowledge. My attention has never been called to the matter either officially or personally, and all that I know concerning it is what I have read in the newspapers. Some time ago I learned in that way that the owners of a boat coming down from Macon to Brunswick demanded the privilege of using without charge the wharves of the Southern Railway at Brunswick. These are not the only wharves there. There are many wharves and wharf owners at the port of Brunswick, and we have available there a water front of 40 miles that can be utilized for wharves. Now, as to whether or not the Southern Railway Company was justified in saying to those people, "We built our wharf and you have no more right to demand the use of it than you have to demand the use of any other wharf," is not for me to say. I am perfectly willing to have the matter investigated. I am willing to have the discriminations removed, if any discriminations exist. I only wish that, in making the investigation, the improvements necessary at the port be not delayed nor the expenditure of this money prevented or held up. As the amendment has been modified so as to remove the probability of this, I have no objection to its being incorporated in the bill.

Mr. BARTLETT. Mr. Chairman, the statement that the peo-

ple of Macon or the owners of the boat plying between Macon and Brunswick applied to the Southern Railway Company to use its wharves without offering to pay compensation, or free of charge, is not a correct statement. On the contrary, they offered and were willing to pay compensation for the privilege of using them. I hold in my hand the correspondence (which I will put in the RECORD) between myself and President Spencer, of the Southern Railway Company, written at the instance of the people of Macon engaged in operating boats on the Ocmulgee River from Macon to Brunswick, in which we asked for the permission to land at the wharves for the purpose of transferring the freight from the line of steamers known as the "Mallory Line" to our own boat, the Mallory Line steamers having a contract to use the Southern Railway wharves and no other, and such reasonable charge as the Southern Railway might agree upon was offered to be paid. The people of Macon did not ask to use or occupy the wharves without paying reasonable and proper compensation therefor.

I know, further, that the committee of citizens said to the officials of the Southern Railway Company at the depot at Macon during August last, in the private car of the second vice-president, Mr. Culp: "We stand ready to pay you any reasonable charge you make for this service. Understand us, gentlemen, we do not want the use of the wharves free." So my friend and colleague from the Eleventh district of Georgia is mistaken, and he is not warranted in making the statement that the people of Macon asked the use of these wharves without charge. The contrary is true. In refutation of his statement I hold in my hand and will put into the RECORD the correspondence between President Spencer and myself on this subject; and refutation was also made before the River and Harbor Committee by Mr. Culp when summoned, who appeared before that committee. The refusal to permit the use of the wharves was not put upon the ground that compensation was not offered to be paid. I will assure my colleague and his people that I have no desire to delay or hamper the appropriation for the harbor at Brunswick. I shall vote to give them every cent of money that will make it, as it is entitled to be, one of the great export cities of our country. But I am unwilling to vote for the money to improve the harbors of the country and then to turn the wharfage rights and the right to use them over to the great railway corporations of the country to the detriment of the business progress of the section of the country where I live.

I am unwilling to spend the money of the country solely for the benefit of the railroad company that have obtained and own these wharves and exclude from them those who may compete with the railroad and who are endeavoring to cheapen transportation to the people and relieve them from the grasping exactions of a gigantic railroad monopoly. I am not willing to consent that people of Macon and other cities in Georgia shall be deprived of the benefits they are entitled to obtain from the appropriations made to improve the Georgia rivers by the selfish and unreasonable exactions of the railroads.

I call attention to the following correspondence I have referred to. It will demonstrate that the people of Macon were not seeking to obtain the right to use the wharves of the railroad free of charge. On the contrary, the distinct offer is made to pay such reasonable amount as the railroad might agree upon. And that the privilege to use the wharves was denied, not because the railroad was not offered to be paid reasonable charges therefor, but mainly because the boat between Brunswick would compete with the railroad and reduce freight rates to the people of Macon and vicinity.

MACON, GA., *July 18, 1906.*

Mr. SAMUEL SPENCER,
President Southern Railway Company,
1300 Pennsylvania avenue NW., Washington, D. C.

MY DEAR SIR: The citizens of Macon, in conjunction with the chamber of commerce, are very much interested in securing navigation upon the Ocmulgee River from Macon to Brunswick, and especially above Hawkinsville. The Government has already expended a considerable sum of money upon the improvement of the Ocmulgee River, and it is contemplated to ask for additional appropriations; besides, there are many points between Macon and Brunswick that are not reached by any railroad or other means of transportation for freight.

With a view to increasing river navigation and demonstrating to the Government the feasibility of further improving the river, the citizens of Macon have, at considerable expense, arranged to have a boat ply between Macon and Brunswick, Ga., and have made a connection with the Mallory Steamship Line at Brunswick for the carriage of freight from eastern points to Brunswick, and thence to Macon via the boat line operating upon the Ocmulgee River. They anticipated that they would be permitted to have access to the wharves and landing places at Brunswick used by the Mallory Steamship Company upon such reasonable arrangements as to terms as could be made with the Southern Railway Company, which owns the wharves and landing places occupied by the Mallory Steamship Company, in order that freight forwarded by the Mallory Steamship Company to Macon via the boat line operating between Brunswick and Macon may be transferred in transit. They have made an effort to that end, but have been informed by Tupper & Co., agents for the Mallory Line at Brunswick, that they will not be permitted, under the present agreement with the Southern Railway Company, to use the wharves at Brunswick in order to transfer freight from the Mallory Line to the boats plying between Macon and Brunswick. They have also had some correspondence direct with the Mallory Steamship Company in New York, but have failed to secure this privilege. They have also had some correspondence with Mr. L. L. McClesky, division freight agent of the Southern Railway Company, in which he says that his company is not in a position to furnish berth room at the Brunswick docks for steamers plying between Macon and Brunswick on the Ocmulgee River, and declines to permit Macon boats to occupy berth room at the Brunswick docks in order to receive shipments from the Mallory Line or to deliver to that line shipments from Macon via the river boats.

This matter, as I have stated, is one of supreme importance to the city of Macon, and as I do not see how it can materially affect the interests of the Southern Railway Company I have consented, at the request of the Chamber of Commerce and the citizens of Macon, to address you this letter and to ask most earnestly that you will direct the matter taken up by the proper officials of the company in this division, with a view of having a conference between the officials of the Southern Railway Company and the people of Macon in order that the matter may be adjusted if possible.

As the Congressman from this district I am deeply interested in securing appropriations for the continued improvement of the Ocmulgee and am anxious that the money already expended on that work, as well as the money that may be expended in the future, shall result in increased traffic upon the river.

I do not represent anyone as an attorney in this matter, as I am not now practicing law, but I am simply acting on behalf of the people of Macon; and in making this request I feel assured that if, upon inquiry, it shall develop that the request made by the citizens of Macon and the chamber of commerce, to wit, that the boats plying upon the Ocmulgee River between Macon and Brunswick may have access to the docks of the Southern Railway Company at Brunswick for the purpose of having freight transferred to and from the Mallory Line is a reasonable and proper one, it will be granted by the Southern Railway Company, *upon such terms, of course, as are reasonable and proper.*

Asking your early attention to this matter, I beg to remain,

Very sincerely, yours,

C. L. BARTLETT.

SOUTHERN RAILWAY COMPANY,
OFFICE OF THE PRESIDENT,
New York, July 28, 1906.

Hon. C. L. BARTLETT, *Macon, Ga.*

DEAR SIR: I have yours of the 18th, and beg to say that the matter shall have attention.

In this connection I hand you herewith copy of a letter written to the committee of the Chamber of Commerce of Macon, of which Mr. A. E. Campbell is chairman, in response to their communication upon the subject.

I hope that the proposed meeting between the committee and the officers of the Southern can be arranged at an early date and that the equities of the entire situation can be made clear to the satisfaction of both sides.

Yours, very truly,

S. SPENCER, *President.*

SOUTHERN RAILWAY COMPANY,
OFFICE OF THE PRESIDENT, 80 BROADWAY,
New York, July 24, 1906.

Mr. A. N. CHAPPELL, *Chairman;* Messrs. W. E. SMALL, JOHN C. HOLMES, and STEPHEN POPPER,
Committee, Chamber of Commerce, Macon, Ga.

DEAR SIRS: I beg to acknowledge receipt of yours of the 19th, and I will with pleasure have the matter investigated by the proper executive officers of the company, with the view of such a meeting as you suggest between the proper officers of the company and the representatives of the chamber of commerce.

In the meantime, however, I must in candor call your attention to some points which may necessarily govern the company in the matter. As you will doubtless appreciate, the terminals of a transportation line are the most expensive, and, as a rule, the most crowded portions of its property, and where additional ones are needed, the necessary property is always acquired at abnormally high prices. Under these conditions railway companies, of course, can not afford to provide terminals beyond their own needs for traffic passing over their own lines and producing transportation revenue. They can not reasonably allow the use of terminals for mere terminal rental unconnected with the securing of traffic for transportation.

The Southern Railway Company has no desire to obstruct in any way the facilities desired by any community in the matter of transportation or otherwise, but it can not consistently provide property or facilities for other transportation lines in which it has no interest and from which it can derive no benefit.

Yours, very truly,

S. SPENCER, *President.*

The CHAIRMAN. The question is on the amendment as modified.

The question was taken; and the amendment as modified was agreed to.

The Clerk read as follows:

Improving Oklawaha River, Florida: Continuing improvement from the mouth to Leesburg, Fla., including Silver Springs Run, and for maintenance, $15,000.

Mr. BURTON of Ohio. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

On page 34, strike out all after the word "Florida," in line 6, and strike out lines 7, 8, and 9, and insert in lieu thereof "completing the improvement from the mouth to Leesburg, Fla., including Silver Springs Run, according to the report in House Document No. 782, Fifty-ninth Congress, first session, for maintenance, $15,000."

The amendment was agreed to.

The Clerk read as follows:

Improving anchorage basin at Gulfport and channel therefrom to the anchorage or roadstead at Ship Island; also Ship Island Pass between Ship and Cat islands, Mississippi: Continuing improvement and for maintenance, $100,000.

Mr. BURTON of Ohio. Mr. Chairman, I desire to offer the following amendment.

The Clerk read as follows:

On page 38, after the word "dollars," line 18, insert: "And the Secretary of War may annul that portion of the contract entered into February 20, 1901, between Maj. W. T. Rossell, Corps of Engineers, United States Army, on behalf of the United States, and Spencer S. Bullis, relating to maintenance of a channel and anchorage basin in the Mississippi, between Ship Island and Gulfport, Miss., and the amount due to said Spencer S. Bullis, or his assigns, for maintenance shall be reckoned from June 14, 1906, to the date of the annulment at the rate of $10,000 per annum."

The amendment was considered, and agreed to.

The Clerk read as follows:

Improving Inland Waterway Channel from Franklin to Mermentau, La., in accordance with the report submitted in House Document No. 336, Fifty-ninth Congress, second session, $89,292, and the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to complete said project, to be paid for as appropriations may from time to time be made by law, not to exceed $200,000 in excess of the amount herein appropriated.

Mr. BURTON of Ohio. Mr. Chairman, I desire to offer a committee amendment to correct the number. It is a mistake in the number of the document.

The Clerk read as follows:

On page 41 strike out the words "three hundred and thirty-six" and in lieu thereof insert the words "six hundred and forty."

The amendment was agreed to.

Mr. PUJO. Mr. Chairman, I desire to offer the following amendment.

The Clerk read as follows:

On page 42, after line 4, insert the following paragraph:
"Improving Inland Waterway Channel and excavating a canal from the Mermentau River, Louisiana, to the Sabine River, in accordance with the report submitted December 14, 1906, by Maj. Edgar Jadwin (House Document No. 640, Fifty-ninth Congress, second session), $189,715; and the Secretary of War may enter into a contract or contracts for such material and work as may be necessary to complete said project, to be paid for as appropriations may from time to time be made by law, not to exceed $200,000 exclusive of and in excess of the amount herein appropriated."

Mr. PUJO. Mr. Chairman, by the rivers and harbors act of March 3, 1905, a survey was authorized of an inland waterway or inter-coastal canal from the Mississippi River to the Rio Grande, paralleling the Gulf of Mexico, with such an improvement as would afford the people residing along the proposed route additional opportunity of reaching commercial centers with their products.

Pursuant to this authorization Major Jadwin, district officer of that section, made a careful survey of this route, and on the 14th day of December, 1906, submitted his report.

He approved the entire route from Franklin, La., to Corpus Christi, Tex., and disapproved those sections from Donaldsonville to Grand River, Louisiana, and from Corpus Christi to Point Isabel, Tex., the entire length of the waterway being 690 miles. The portion approved or recommended was 582 miles.

This report in due course was referred to the Board of Engineers. After consideration and in passing decision on that report a portion of the reach was approved by the Board, and a portion disapproved. The sections from Franklin, La., to the Mermentau River, Louisiana, from Galveston to the Brazos, and from Aransas Pass to Pass Cavallo were found worthy of improvement. The stretch from the Mermentau River to the Sabine was not found worthy of improvement by the Board of Engineers for the following reasons:

[Extract from House Doc. No. 640, 2d sess., 59th Cong., pp. 32, 33.]

The district officer estimates the cost of the work necessary to connect Mermentau River with Lake Sabine at $389,215, and $20,000 per annum for maintenance.

To a considerable extent the commerce of this section consists of lumber, and while the output is at present large, this industry is one which will probably decrease as the sources of supply in proximity to the waterway becomes exhausted. There are, however, other items of merchandise which would probably give to this portion of the waterway, if constructed, a considerable amount of commerce, but the Board is of the opinion that the prospective commerce is hardly sufficient to justify at the present time the expenditure of the large sum necessary to construct this portion of the waterway. Before recommending such an expenditure the Board thinks it more advisable that the section from Franklin to the Mermentau should be first completed, which would open up a through waterway from the Mississippi to the Mermentau. If the commerce, which will thereupon develop upon the completed portion of the waterway, shall be as great as is now expected, it may then be advisable to extend this waterway from the Mermentau to Sabine.

Summing up its conclusions, the Board recommends the improvement of the following sections of the proposed inland waterway from the Rio Grande to the Mississippi:

	Cost of original work.	Cost of annual maintenance.
Aransas Pass to Pass Cavallo	$65,850.00	$10,000.00
Brazos River to Galveston	141,528.80	20,000.00
Donaldsonville to Franklin (no estimate of cost necessary, as suitable connection with the Mississippi is afforded via Bayou Plaquemine, now under improvement.		
Franklin to Mermentau River	289,292.00	20,000.00
Total	496,670.80	50,000.00

Respectfully submitted.

D. W. LOCKWOOD,
Colonel, Corps of Engineers.
R. L. HOXIE,
Lieut. Col., Corps Engineers.
E. EVELETH WINSLOW,
Major, Corps of Engineers.
CHESTER HARDING,
Major, Corps of Engineers.
W. J. BARDEN,
Captain, Corps of Engineers.

Brig. Gen. A. MACKENZIE,
Chief of Engineers, U. S. A.

The Committee on Rivers and Harbors followed the recommendation of the Board and the bill reported by it carried an appropriation for the excavation of an inland waterway 5 feet deep and 40 feet wide between the points above stated.

In this connection, Mr. Chairman, I want to congratulate the Committee on Rivers and Harbors upon a resumption of the legislative powers supposed to be vested in them by law. In 1902 the rights of the Rivers and Harbors Committee and the rights of the membership of this House were practically taken away from them by the act creating this Board of Engineers.

I recognize that the Rivers and Harbors Committee should have an advisory board of engineers, in so far as engineering problems are concerned, but I do not concede that the board's action should be final in any event as to the commercial advisability of a project.

I want, as I stated, to congratulate the committee upon the fact that they have resumed the legislative prerogative vested in them, in that the unanimous report by the Board of Engineers against the Cold Springs Inlet—Cape May project—was ignored by the committee and an appropriation of $1,200,000 included in this bill for that improvement. I have no doubt that it is a meritorious project and am glad to see that the committee decided this matter for themselves; but I feel that in not pursuing a similar course in the inland waterway project the people of Louisiana have suffered a great loss.

The products of southwest Louisiana between the Mermentau and Sabine are not confined solely to lumber. Half of the rice produced in the United States, practically all of the sulphur in North America, and millions upon millions of barrels of oil constitute a part of the output of that locality, and instead of there being 400,000 tons, the tonnage of originating commercial commodities now being handled by rail will exceed 1,500,000 tons.

Mr. Chairman, I propose to confine my remarks to the section from the Mermentau River, Louisiana, to Sabine Pass, Texas, as this reach extends through my district.

The district officer estimated the cost of the work necessary to connect the Mermentau River with Lake Sabine at $389,215, and $20,000 a year for maintenance. I now wish to incorporate as part of my remarks the report of Major Jadwin on this section, which was not concurred in by the Board of Engineers:

LAKE MISERE TO SABINE.

I was about to inspect this section of the waterway when orders were received to proceed to Washington to appear before the River and Harbor Committee in connection with certain projects in this district. It is therefore not practicable at present to make as accurate and complete a report on these sections as on the rest of the waterway. Still, as there is sufficient data before me to show that construction of the sections is warranted, it seems better to so recommend now, as this will prevent delay in action on the entire project. I expect to inspect the sections after my return from Washington and take up some of the points which are here touched on only generally more in detail. Should the results be such as to indicate that the statements made to-day are too wide of the mark for the purpose of the report I will so report.

To connect this section with the one to the eastward a cut will have to be made through the marsh from Lake Misere to Willow Lake, thence across Willow Lake to a small lake at the head of Bayou Bois Connu, thence to Lake Calcasieu. The interest on the cost of this subsection and the cost of maintenance are estimated to total about $21,000. From Calcasieu Lake westward the waterway will pass up Kelsor Bayou to Black Lake, thence across a marsh to Black Bayou, which empties into the Sabine River. The interest on the cost of this subsection and the cost of maintenance are estimated to total something less than $20,000 for this section. It has already been shown that a saving of nearly $100,000 a year can be properly credited at present to these sections on export oil from Jennings oil field to Port Arthur,

although this amount will probably gradually decrease unless other oil fields are discovered.

Calcasieu River is tributary to the Calcasieu Lake. The entire section is abreast of the enormous lumber country of western Louisiana. This was recently stated by a well-posted man in the lumber business to be the greatest undeveloped pine lumber district in the United States at present. A telegram just received from the Perkins & Miller Lumber Company estimates the output of the milling district at Lake Charles at over 200,000,000 feet. This is 200,000 thousand feet, or 400,000 tons. It is not believed that very much would be saved in freight rates on the portion of this lumber which goes to New Orleans for export. On that portion which is sent to New Orleans for domestic use it is estimated that a saving of 25 per cent can be made in the freight account. The exact amount which goes this way is not known to me.

Lake Charles in 1900 had a population of 6,680, but has grown considerably since that time. Its general merchandise would receive a benefit from the waterway, as the rates on general merchandise from St. Louis to Lake Charles exceed those from St. Louis to New Orleans by an average of about 29 cents per 100 on less than carload lots and about 20 cents per 100 on carload lots, and general merchandise can probably be brought from Plaquemine to Lake Charles for less than the latter amount.

A large sulphur mine has been developed near Lake Charles. The parties owning it recently undertook, at their own expense, the construction of a canal from their lands directly west through the higher land to the Sabine River, intending to lock from the canal to the river. It was understood that they made a contract with the large contractor to put 16 dredges on the work. Several dredges were worked for a time, but the project was later abandoned. It was alleged that the railroads had offered such inducement in the way of reduced freight rates that it would not pay the company to assume the expense of construction of the canal. As definite figures are not at hand as to their present rates and output, the exact saving there would be to that industry can not be indicated. Much pine lumber for the intermediate coast country between Lake Charles and New Orleans would also move by the waterway.

A large percentage of the lumber—probably one-half—from the Lake Charles field goes to Port Arthur for export. If only one-fourth of the 400,000 tons went that way by the canal there would be a saving probably of one-half of the present freight rate, which is 5 cents a hundred, or $1 a ton. This would make a saving to be credited to the reach from Lake Calcasieu to Sabine of $50,000. There should also be credited to this ranch a saving on the general merchandise tonnage of Orange and Beaumont. This tonnage is estimated at 40,000. The rate on carload lots from New Orleans exceeds that direct from St. Louis by an average of 37 cents per 100, or $7.40 a ton. This could be brought from Plaquemine for $4.15. Assuming that 75 per cent of this freight rate is based on St. Louis and that 50 per cent of this amount would be affected to the extent of $3 a ton, we have a saving of $45,000.

There should also be added to the credit of these sections a saving of $25,000 out of the $100,000, which will be saved on general merchandise to Galveston and Houston, as explained later on. (Extracts from House Doc. No. 640, 2d sess., 29th Cong., pp. 13, 14, 15.)

It is to be noted that the conclusion of the Board is expressed in general terms, and no logical reason is given for its decision. They hold that the commerce of this section consists principally of lumber, "and while the output is at present large, it will decrease as the source of supply in proximity to the waterway becomes exhausted."

This finding discloses a lack of information concerning the country through which this waterway is to be constructed. It further demonstrates that the report of the district officer was not given due weight, as it shows conclusively that not only is there a large lumber industry in the section between the Mermentau River and Sabine Pass, but likewise vast agricultural interests. The reach under discussion covers 72 miles. It passes through one of the greatest freight-originating sections of Louisiana. Were this section to be completed between the Mermentau River and Sabine Pass it would enable shippers to reach Calcasieu Pass and Sabine Pass, the latter one of the best ports on the Gulf.

The approximate tonnage of Acadia Parish, tributary to the proposed canal, in rice and rice products, is 100,000 tons; crude oil, 500,000 tons; cotton, 6,000 tons; miscellaneous, 10,000 tons; that from the city of Lake Charles alone exceeding 450,000 tons, not including sulphur. The parish at large probably originates a million tons more. I have not in this estimate included incoming tonnage.

In order that the House may be informed of the freight rates obtaining in our locality, I insert the following table from the Interstate Commerce Commission:

INTERSTATE COMMERCE COMMISSION,
DIVISION OF RATES AND TRANSPORTATION,
February 1, 1907.

Statement showing commodity rates, carload and less than carload, from Lake Charles, La., to New Orleans, La.

[Rates in cents per hundred pounds.]

Commodities.	Carload.	Less than carload.
Cotton	a$1.50	a$1.50
Sugar	.18	.30
Rice (rough)	.12	.14
Rice (clean)	.15½	.17½
Lumber	.12½	.30

a Per bale.

This table shows that to ship a barrel of rough rice of 162 pounds to New Orleans in carload lots costs, in round numbers, 19 cents, or $2.28 a ton.

By the inland waterway rice can be profitably shipped at 8 cents per barrel of 162 pounds, or 96 cents a ton, a clear gain of $1.32 per ton.

Statistics show that in the parishes tributary to this projected canal there has been and will be produced approximately 2,000,000 barrels of rice annually. Estimating that one-half of the rice produced would be shipped by the canal—1,000,000 barrels—$110,000.

Estimating the output of the sulphur mines to be 100,000 tons, which could be carried by water on the same basis as salt, 25 cents per ton, $25,000.

Oil, 40 per cent of which, it is claimed, would be handled by water, estimated 1,000,000 barrels, 10 cents a barrel, $100,000.

To which must be added the savings set forth in Major Jadwin's report, to be credited to this section, general merchandise tonnage of Orange and Beaumont on agricultural products alone from New Orleans, $45,000. Total, $280,000. And yet the Board of Engineers say that present and future commerce does not justify the construction of this canal. It surpasses human understanding how or why the Committee on Rivers and Harbors could recommend an appropriation of $1,200,000 for the Cape May project in the face of an adverse report of the Board of Engineers, and then turn down a proposition approved by the district officer, representing the Government of the United States, after survey in the field and a personal examination of conditions.

I know that the committee must be laboring under some honest error, as the project for southwest Louisiana will be of benefit not only to the agricultural interests of that section, but to that of the Northwest and of the manufacturing sections of the East.

Mr. Chairman, twenty years ago the people of Texas and Louisiana were striving to bring a good citizenship into their States so as to create wealth by the development of the natural advantages and resources of their respective sections. Their efforts have been rewarded beyond their expectations, and now the problem for solution is how to place the products of their enterprise and industry upon foreign and domestic markets at the lowest level of transportation charges for services performed, based upon the capital actually invested in the instrumentalities of transportation.

It is a conceded fact that water transportation is cheaper than all other known methods. Realizing this fact, it has been the constant effort of many of the Representatives of the people in the Congress of the United States to obtain liberal appropriations for the purpose of improving the navigation of the rivers and streams of the respective States of this Union.

Not only has the attention of your national legislators been directed to the improvement of harbors, rivers, and streams, but likewise to the connection of streams and like avenues of commerce, where feasible, in order to facilitate the marketing of the products of the country at the lowest possible cost, so that the charge to the producer for their transportation would not reduce the value of the article produced to a point which would result in the contribution of his labor without compensation for the benefit of others.

The products of our territory and other sections of Louisiana consist principally of sugar, cotton, sulphur, salt, lumber, rice, corn, and fuel oil. The incoming traffic from abroad would be grain, foodstuffs, general merchandise, and coal. We should not rely upon the present supply of oil for fuel purposes, as its continual extraction from the earth will reduce the output until it will be required solely for refining; hence the fuel problem, if we are to encourage the location of manufacturing concerns in the South, is one of prime importance.

As a comparison between railroad rates and water transportation charges one has but to call attention to the fact that Pittsburg coal is brought in barges from that point to the city of New Orleans at a freight charge of 75 cents per ton at the wharves, after having been carried more than 2,000 miles; whereas coal of an inferior quality, mined in the Indian Territory, is shipped only 522 miles to the city of Houston, and the freight charges are $2.50 per ton.

From the outset of my remarks it was apparent that I was opposed to this bill because of its want of legislative logic. I realize that owing to the traditions of the House it is immaterial whether the bill be logical or not, as the committee's report is always adhered to by the membership unless consent is given by the chairman to change the bill. The chairman of the Rivers and Harbors Committee is entitled to the respect of everyone, yet he has his pride of opinion as well as others,

and is in a position to weigh and exercise the great power in his hands. I have no hope of persuading him to change the report of the committee and include an appropriation of $389,215 for the construction of this inland waterway from the Mermentau River to Sabine Pass; although, in justice and fairness, the project appeals to the legislative judgment of anyone familiar with the surrounding conditions.

I have been impelled to raise my voice in protest at the loss sustained by the people of my section because of the nonapproval of this section by the committee. I was told that it was refused because the Board of Engineers declined to approve the report of the district officer. Yet this record discloses the fact that the Board of Engineers refused to approve the Cold Spring Inlet project, Cape May.

Mr. Chairman, although the matter under discussion is not such as appeals to the majority, yet I was a witness to what might be termed an exhibition of "legislative powerlessness" connected with the discussion of this proposed improvement. After considerable persistence the Rivers and Harbors Committee was induced to refer to the Board of Engineers for further hearing their original findings on this inland waterway. Upon this hearing I participated in the presentation of the argument for the reversal of its original action. The legislative anomaly was presented of Members of Congress—prominent members of the Rivers and Harbors Committee too—begging the Board of Engineers to reconsider their former findings and hold that the project was commercially advisable.

For the information of those who may read these remarks, and to show the trend of the times to concentrate power, I insert the act creating this Board:

That there shall be organized in the Office of the Chief of Engineers, United States Army, by detail from time to time from the Corps of Engineers, a board of five engineer officers, whose duties shall be fixed by the Chief of Engineers, and to whom shall be referred for consideration and recommendation, in addition to any other duties assigned, so far as in the opinion of the Chief of Engineers may be necessary, all reports upon examinations and surveys provided for by Congress, and all projects or changes in projects for works of river and harbor improvement heretofore or hereafter provided for. And the board shall submit to the Chief of Engineers recommendations as to the desirability of commencing or continuing any and all improvements upon which reports are required. And in the consideration of such works and projects the board shall have in view the amount and character of commerce existing or reasonably prospective which will be benefited by the improvement, and the relation of the ultimate cost of such work, both as to cost of construction and maintenance, to the public commercial interests involved, and the public necessity for the work, and propriety of its construction, continuance, or maintenance at the expense of the United States. And such consideration shall be given as time permits to such works as have heretofore been provided for by Congress, the same as in the case of new works proposed. The board shall, when it considers the same necessary, and with the sanction and under orders from the Chief of Engineers, make as a board or through its members, personal examinations of localities. And all facts, information, and arguments which are presented to the board for its consideration in connection with any matter referred to it by the Chief of Engineers shall be reduced to and submitted in writing, and made a part of the records of the Office of the Chief of Engineers. It shall further be the duty of said board, upon a request transmitted to the Chief of Engineers by the Committee on Rivers and Harbors of the House of Representatives, or the Committee on Commerce of the Senate, in the same manner to examine and report through the Chief of Engineers upon any projects heretofore adopted by the Government or upon which appropriations have been made, and report upon the desirability of continuing the same or upon any modifications thereof which may be deemed desirable.

The Board shall have authority, with the approval of the Chief of Engineers, to rent quarters, if necessary, for the proper transaction of its business, and to employ such civil employees as may, in the opinion of the Chief of Engineers, be required for properly transacting the business assigned to it, and the necessary expenses of the Board shall be paid from allotments made by the Chief of Engineers from any appropriations made by Congress for the work or works to which the duties of the Board pertain.

The section was again amended by the act of March 3, 1905—the river and harbor bill of that year—and the provisions of the section were extended by the latter act so as to require the Board to examine the review surveys as well as projects provided for by acts and resolutions prior to the river and harbor act of June 13, 1902.

There seems to be a disposition on the part of the representatives of the people to delegate their power to commissions and bureaus, and thereafter they awaken to the sad realization that the creature has become greater than the creator.

From the action of the committee in rejecting all amendments of substance to this bill, I take it that the one offered by me might meet a similar fate, and not desiring to place this meritorious project in the position of having been disapproved by the vote of the House, I withdraw it.

I do not desire to leave the impression on the minds of any of the Members that I have abandoned hope of securing the incorporation of this amendment in the bill at some future time. I believe that the rightfulness of the claims of the people that I have the honor to represent will be recognized, and that this amendment will yet become the law of the land. [Applause.]

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

The Clerk read as follows:

Improving Galveston channel, Texas: Continuing improvement, $150,000: *Provided*, That no part of said sum shall be expended until a bond with proper sureties, satisfactory to the Secretary of War, in such amount as he may deem necessary, shall have been furnished, to insure that the city of Galveston will, on or before June 30, 1909, convey to the United States a good and sufficient title to the point of land known as Pelican Spit and the land adjacent thereto.

Mr. BURTON of Ohio. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 45, insert after the word "thereto," line 11, the following: "As described in the resolution of the board of commissioners of the city of Galveston, Tex., dated April 1, 1905."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

Improving Cumberland River, Tenn., below Nashville: The Secretary of War may cause a survey to be made with a view to the improvement by locks and dams of that portion of the river heretofore surveyed in which no locks and dams have been constructed.

Mr. BURTON of Ohio. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read. This is made necessary by the fact that a part of this improvement is in Kentucky, which seems to have been omitted.

The Clerk read as follows:

Page 51, after the word "Tennessee," in line 5, insert the following: "and Kentucky."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. STERLING having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 8080) for the relief of S. Kate Fisher, with accompanying engrossed copy of Senate amendment thereto.

The message also announced that the Senate had passed without amendment the following resolution:

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return the bill (H. R. 20928) entitled "An act granting an increase of pension to Reuben A. George."

The message also announced that the Senate had passed with amendments the bill (H. R. 23394) to provide for an additional district judge for the northern and southern districts of California.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill of the Senate (S. 925) entitled "An act for the construction of a steam vessel for the Revenue-Cutter Service, for duty in the district of Puget Sound," with an amendment as follows:

Page 2, after line 3 of said amendments, insert: "One motor boarding boat for the port of Galveston, Tex., not to cost exceeding $35,000: *Provided*, The Secretary of the Treasury may use said boat at any other customs port in the United States as the exigencies of the service may require."

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 8040. An act for the relief of Elizabeth R. Gordon.

RIVER AND HARBOR APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Improving Tennessee River, Tennessee and Alabama, from Chattanooga, Tenn., to Riverton, Ala.: Continuing improvement by open-channel work, $205,000, of which amount $15,000 may, if required, be expended in that portion between Hobbs Island and Guntersville.

Mr. BURTON of Ohio. Mr. Chairman, I desire to offer an amendment to that paragraph.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 52, insert after the words "open-channel work," in line 7, the following: "To secure a depth of 5 feet at low water, in accordance with the project submitted in House Document No. 50, Fifty-seventh Congress, first session."

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

Improving harbor at Cleveland, Ohio: Continuing improvement and for maintenance, $223,000, of which amount $98,000 may be expended for wharf room for the storage of material and plant or other Government property, in accordance with the recommendation contained in

the report submitted in House Document No. 270, Fifty-ninth Congress, second session: *Provided*, That no part of said sum of $98,000 shall be expended for such wharf room unless terms can be made with the Cleveland Yacht Club in accordance with the recommendations of the Board of Engineers for Rivers and Harbors as set forth in said document: *Provided further*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary for the prosecution of the project submitted in House Document No. 118, Fifty-sixth Congress, second session, and heretofore adopted, to be paid for as appropriations may from time to time be made by law, to an amount not exceeding $900,000 in addition to the amounts heretofore appropriated or authorized.

Mr. GILL. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The gentleman from Maryland offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 55, line 4, after the word "exceeding," insert the following: "One million and."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Maryland.

Mr. BURTON of Ohio. Mr. Chairman, I would like to know just what this is.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The amendment was again reported.

Mr. BURTON of Ohio. Mr. Chairman, I trust the House will not do that, although it pertains to my own harbor.

Mr. GILL. Mr. Chairman, I desire to say a few words as to the reason why I have offered this amendment. The chairman and the Committee on Rivers and Harbors in dealing with the various questions on this subject that have been before them have, in my judgment and in the judgment of the people whom I represent, dealt with them with knowledge and with judgment and with honest purpose and with fair dealing to every part of the country in framing the bill which is now before us. I heard in the general debate which took place here on this bill one gentleman charging that the chairman of this committee dominated the committee. Now, Mr. Chairman, I want to say that from what I have observed on this bill while before the House that he could have made an additional charge. He could have charged that the chairman of this committee dominated the House of Representatives as he has dominated the committee, and he has dominated the House of Representatives because I believe that the Members on this side and the Members on the other side of this Chamber believe that he has the best knowledge on this subject; that he has the best judgment on this subject; that his purposes with regard to these appropriations are honest to the utmost, and he endeavors with all the people throughout this broad land to deal in a fair manner with every part of this country.

Now, Mr. Chairman, I ask the Members on this side of the House and the Members on the other side of the House to unite in the passage of the amendment which I have offered, Mr. Chairman, if for no other reason, to demonstrate to the people of this country that while the chairman of this committee dominates the House of Representatives sometimes, and while he dominates the House of Representatives on this subject most times, that he does not dominate it all the time, and that therefore we should not permit him to protest against this amendment, but insist in giving to the harbor of Cleveland the sum of money that will be sufficient to place the city of Cleveland in the same class with my city, the city of Baltimore, the city of New York, and the city of Boston. Now, Mr. Chairman, there are no politics in this bill nor any in the discussion thereof, but I desire now to inject a political suggestion in expressing the hope, Mr. Chairman, that our Republican friends will not nominate THEODORE BURTON to succeed our President, Theodore Roosevelt. We have been defeated by "Teddy" the first, and we do not desire to encounter "Teddy" the second.

The question was taken; and the Chair announced that the "noes" appeared to have it.

Mr. GILL. Division, Mr. Chairman.

The committee divided; and there were—ayes 22, noes 56.

So the amendment was rejected.

The Clerk read as follows:

Improving Ohio River: General improvement, $450,000: *Provided*, That so much of this amount as may be necessary may, in the discretion of the Secretary of War, be expended in the construction of a dredging plant.

Mr. SHERLEY. Mr. Chairman, I move to strike out the last word. I desire to ask the chairman of the committee in regard to this paragraph, "General improvement, $450,000." I presume that is intended to cover the expense of both dredging and snagging operations on the whole river.

Mr. BURTON of Ohio. I would say to the gentleman there is a continuing annual expenditure for snagging on the river, an amount that is supplied without any appropriation. It is expected that this amount, $450,000, will furnish an additional dredging boat, and one dredging boat is now under construction with the funds already appropriated.

Mr. SHERLEY. Of course it is not intended that the whole amount shall be expended in providing a dredging plant.

Mr. BURTON of Ohio. Oh, no; the general improvement of the river itself, which involves a number of things.

Mr. SHERLEY. I understand that what may be in excess of the cost of the dredging plant will go to dredging the whole river without any regard to any particular section?

Mr. BURTON of Ohio. Certainly; to other kinds of improvements. I would say to the gentleman I think that the provision is as ample as has been made in any bill for the general improvement of the Ohio River; that is, for open-channel work.

I presume he is especially interested in the lower portion. There was an attempt to amend the bill two years ago by making specific provision for the lower portion. That was opposed by the committee and defeated, and it is not thought best to separate the river into different stretches or reaches, but it is thought that this will be sufficient for the lower portion.

Mr. SHERLEY. My own view is in accord with the gentleman. The point of my inquiry was not in the way of criticism, but simply to bring out the fact that this was intended for dredging on the whole Ohio, and that the particular locality to be dredged would be left to the exigencies of the case as they appeared to the War Department.

Mr. BURTON of Ohio. That is correct.

Mr. SHERLEY. Mr. Chairman, I withdraw my pro forma amendment.

The Clerk read as follows:

Improving Ohio River, in the State of Pennsylvania, by the lowering of the sill of Lock No. 6, so as to give a navigable passageway of 9 feet through said lock, $70,000.

Mr. DALZELL. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. DALZELL] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert after line 23, page 55, the following:

"Improving Ohio River, Pennsylvania: For building Lock and Dam No. 7 in the Ohio River, Pennsylvania, in accordance with the report of Maj. William H. Bixby, as printed in House Document No. 122, Fifty-fifth Congress, third session, $294,800: *Provided*, That the Secretary of War may enter into a contract or contracts for such material and labor as may be necessary for the completion of said lock and dam, to be paid for as provisions may, from time to time, be made by law, to an amount not exceeding $800,000 in excess of the amount herein or heretofore appropriated or heretofore authorized: *And provided further*, That the said lock and dam will be constructed with a view to a navigable depth of 9 feet."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. DALZELL. Mr. Chairman, I did not occupy any of the time of the House when the general debate was in progress, and I now ask unanimous consent that I may proceed for fifteen minutes.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. DALZELL] asks unanimous consent that he may proceed for fifteen minutes. Is there objection?

There was no objection.

Mr. DALZELL. Mr. Chairman, the purpose of this amendment is to secure appropriation for the construction of Dam No. 7 in the Ohio River. The paragraphs immediately following those which have already been read provide for the construction of Dams Nos. 8, 11, 13, 26, and 37 in that river, but they omit Dam No. 7. And as I am in entire earnest in this proposition, Mr. Chairman, I trust I may have the attention of the committee for a few moments as I seek to demonstrate to them on the merits of the case that this amendment ought to prevail.

The people of western Pennsylvania, whom I have the honor with others to represent, have a very great and vital interest in this amendment. They believe that its success will tend to continue the industrial prosperity that they are now enjoying, and that its failure will go a long ways toward calling a halt in that prosperity. They believe, furthermore, that the failure of this amendment will render to a large degree unavailable the advantages to be derived from the expenditures already made in the Ohio River.

They are in deep earnest about this matter. They are so much impressed with the justice of what they ask that they are unable to understand why an immediate and favorable response is not given to their demands at the hands of the Congress. They wonder why their Representatives on this floor, if they have any influence at all, are unable to secure for them that which they consider a matter of justice.

Now, Mr. Chairman, I am not going to make light of the difficulties surrounding the Committee on Rivers and Harbors in the construction of their bill, and of the numerous appeals that are

made to them, and of the embarrassments under which they must necessarily labor in making wise choice as between various conflicting interests. And I am going to omit the customary eulogy upon the chairman of the Committee on Rivers and Harbors, who is not yet dead, because I have never yet heard anybody assail his integrity, doubt his ability or the wonderful knowledge that he possesses of the subjects with which he deals. But now, Mr. Chairman, neither the chairman of the Committee on Rivers and Harbors nor the Committee on Rivers and Harbors itself is infallible. In the rush of a short session, when no hearings could be had before the Committee on Rivers and Harbors, it may very well be thought that that committee has unconsciously omitted one or more worthy projects, and I want to say to the committee now, in all earnestness, that the people whom I represent have had no opportunity to appear before that committee and submit their claim to have this improvement made. This is the first time that the people I have the honor to represent have had a chance to be heard by the Members of this House, and all that I ask is that when I have concluded the Members of the House will vote in accordance with the merits of this proposition as I have made them to appear or as I have failed to make them appear, without regard as to whether or not the item was included in the original river and harbor bill.

Now, I am not going to stop and discuss the general policy of the improvement of the Ohio River. It is too late for that. That policy has already been inaugurated and its execution entered upon. In my judgment no other policy could have been adopted than the policy that was adopted.

I shall not stop, either, to discuss the relation of water carriage to the regulation and cheapening of freight rates. That question, too, was considered before this great improvement was entered upon, and that also is a closed chapter. I shall address myself, briefly as I can, asking your patience, to my amendment.

The Ohio River in its course to the Gulf washes the shores of six great Commonwealths. It drains 210,000 square miles of territory, in which there are 13,000,000 people, and it flows through as fair and fertile fields as ever met the smile of day. Along its banks are numerous cities and growing towns. At its headwaters is the greatest manufacturing district in all the world, a district whose industrial developments are phenomenal. Let me tell you something of the Pittsburg district. It produces annually more coal than either France, Belgium, or Russia. It is built upon a bituminous coal bed, where there is visible to-day a supply of coal amounting to 3,000,000,000 tons. The Pittsburg district produces more iron and steel than either Great Britain, Russia, France, Austria-Hungary, or Belgium. The Pittsburg district produces more steel rails than either Germany, Russia, or France. The Pittsburg district produces more petroleum than Austria, Sumatra, Canada, and Java combined; *more than* all countries combined save only the rest of the United States and Russia. Pennsylvania makes 60 per cent of all the coke produced in the United States. Almost every ton of that coke comes from the Pittsburg district. Pittsburg manufacturers make substantially all the plate glass that is made in the United States. They have invested in that great industry over $30,000,000. Pittsburg makes more structural shapes than all the rest of the United States put together. It makes more tubing than all the rest of the United States; it makes more tin plate than all the rest of the United States; it makes more crucible steel than all the rest of the United States. Let me tell you what that amounts to. The tonnage of Pittsburg last year exceeded the total combined tonnage of five of the world's great ports—New York, London, Liverpool, Hamburg, and Antwerp. It reached last year the amazing figure of 123,000,000 tons.

Now, my friends, the question is how to distribute that great tonnage.

Mr. SHACKLEFORD. Will the gentleman allow me to ask him a question?

Mr. DALZELL. Certainly.

Mr. SHACKLEFORD. From where does the district the gentleman refers to in Pennsylvania get its iron ore?

Mr. DALZELL. The iron ore comes from Lake Superior.

Mr. SHACKLEFORD. Is it not because of the favorable transportation facilities already given to Pittsburg that it does get to Pittsburg?

Mr. DALZELL. We built our own railroads to bring it in. Pittsburg enjoys some favorable facilities for transportation, it is true, but that is no reason why it should not have all adequate transportation facilities so far as human ingenuity can make them.

Mr. SHACKLEFORD. Would not the same thing exist at St. Louis if the Government should give us the same advantages?

Mr. DALZELL. The gentleman should not try to drive me away from my argument by talking about St. Louis. I shall be glad to aid in giving to St. Louis what St. Louis is entitled to. I have nothing against St. Louis. I am as anxious to see St. Louis prosper as any other citizen of the United States can be. But I am trying to prove to you that there ought to be an appropriation in this bill that is not now in it, and I want you to decide that question from my statement upon the merits of the question and not upon the fact that it is not in the appropriation bill.

Now, to resume where I left off when I was interrupted. How shall that great tonnage be taken to market? Pittsburg has seven railroads. The topography of western Pennsylvania is such that the possible multiplication of these railroads does not exist. These seven railroads, like all the railroads everywhere throughout the United States, are to-day congested to the very point of disaster. Where shall we go for relief? To the Ohio River. It was to get rid of this great tonnage, to send this great tonnage, produced in that district, to market that the improvement of the Ohio River in the first place was inaugurated.

In 1885 Davis Island dam was constructed 5 miles below Pittsburg. The construction of that dam gave us Pittsburg Harbor. It was originally intended that it should have a 6-foot channel. It has since been changed so as to make it a 9-foot channel, as will be the improvement of the Ohio River, if the Chief Engineer's report is carried out, all the way from Pittsburg to Cairo.

I have not time to stop, nor is it necessary that I should, to detail the history of the building of those other dams in the neighborhood of Pittsburg. We started with No. 1, Davis Island dam. Then five more were built, until we have now six dams in the immediate vicinity of Pittsburg, from No. 1 to No. 6, the last one 28.75 miles from the city of Pittsburg. The river and harbor act of 1896 provided for a survey from Marietta to Pittsburg to ascertain the feasibility of filling in that stretch of river with movable dams, to ascertain their number, their location, and their cost, and in January, 1899, a final report was made, and the Government engineers located twelve additional dams. That would make eighteen dams from Pittsburg, twelve additional. No. 6, as I have told you, is 28¾ miles from Pittsburg. No. 7 Dam, the one proposed in this amendment, is 36.44 miles from Pittsburg. No. 8 Dam, provided for in the next paragraph of this bill, is 46.8 miles from Pittsburg. Now, here is the present situation: We have six dams constructed. No. 7 ought to be constructed next, but the River and Harbor Committee skipped No. 7 and have gone to No. 8. With what result? What are the consequences? I say, in the first place, the omission of that dam is illogical. Where the freight is produced at the headwaters of the river, and the river is improved for the purpose of carrying off that freight, the improvements ought to be continuous from the headwaters; and, in the second place, the failure to construct No. 7 renders comparatively useless the original six dams that are there now, and I am going to prove that to you. I do not ask you to take my word for it. I will give you the facts.

Colonel Stickney, the Government engineer, in his report upon these dams, said that they were useful for two purposes—first, for navigation, and, secondly, and largely at certain seasons of the year, more important for the purpose of harborage. Between Dam No. 1 and Dam No. 6 in the Ohio River there is not a single, solitary pool that is fit for the harboring of boats. No fleet could be gathered in any one of those six pools. It can be gathered in the pool at the city of Pittsburg, in the harbor of Pittsburg; and I want to call your attention to some very important facts in that connection as illustrating the importance of this question of harborage.

[The time of Mr. DALZELL having expired, by unanimous consent, at the request of Mr. GRAHAM, it was extended ten minutes.]

Mr. DALZELL. In June, 1895, there were collected in the Pittsburg Harbor 1,200,000 tons of coal, loaded on about 2,500 vessels, awaiting the water to move down the Ohio River, the largest tonnage ever assembled in any harbor in the world at any one time. The rise did not come until November 27. The cost of freight and vessels engaged in the service was estimated at $6,310,000. It cost $2,000 per day to keep the tonnage afloat and $1,000 per day interest on the investment; total, $3,000 per day. This tonnage was kept waiting in Pittsburg Harbor for water in the Ohio River an average time of five months, or one hundred and fifty days, at a loss of $450,000, which is 5 per cent on $9,000,000. You can appreciate now what Colonel Stickney meant when he said that one of the great purposes

of this improvement was to furnish harborage in the pools on the Ohio River between the dams for these great freight cargoes that originate in the Pittsburg district.

Now I come back to what I said a moment ago. Between Dam No. 1 and Dam No. 6 there is not a solitary place in the Ohio River where a great freight fleet can be harbored. Why? Because of the conformation of the shores and the river bed of the Ohio River in its first 30 miles southward from Pittsburg.

Let me show you. The watershed is declivitous always, and erosion results, and that explains the physical condition of the first 30 miles of the Ohio River below Pittsburg. Davis Island Dam, or Dam No. 1, is 5 miles below Pittsburg and forms Pittsburg Harbor, as I have shown you, a good harbor for storage.

Dam No. 2 is about 9 miles below Pittsburg, and in the pool above it are Horsetail Ripple, Neville or Sevenmile Island, Lowrie Ripple, Duffs bar, and Merriam bar. Here is a pool in which no harborage can possibly be secured at any time, high or low water.

Dam No. 3 is scant 11 miles below Pittsburg, and in its short pool of less than 2 miles are Whites Towhead, Whites Ripple, and the trap. The fall in the river in this pool is about 4 feet to the mile, making a current almost like a mill race.

Dam No. 4 is about 18 miles below Pittsburg, and in its pool are Deadmans Island, Sewickley bar, and Logstown bar. There is no harbor here.

Dam No. 5 is about 25 miles below Pittsburg, and in its pool are Crow Island, Hog Island, Wallory bar and ripple, and Lacock bar. There is no harbor in this pool.

Dam No. 6 is about 29½ miles below Pittsburg, and includes in its pool two long shoals—Beaver shoal and Raccoon shoal.

Now I have shown you up to this time that what I have stated about the harbors in the first six pools is absolutely true.

Now we come to Dam No. 7, the dam that ought to be constructed. Between No. 6 and the site of Dam No. 7 is 8 miles of natural harborage. The shore lines form a harborage without a shoal, without a ripple, without a bar. I ask you whether or not it is good business judgment to omit Dam No. 7 and go to Dam No. 8?

Mr. BURTON of Ohio. Will the gentleman from Pennsylvania yield for a question?

Mr. DALZELL. Certainly.

Mr. BURTON of Ohio. Do I understand the gentleman to say that when these dams are up there is not ample anchorage provided in them?

Mr. DALZELL. I do say so.

Mr. BURTON of Ohio. Does the gentleman mean that there is not?

Mr. DALZELL. I do say so. I do not say so from my own personal knowledge, but upon reliable information.

Mr. BURTON of Ohio. Why should there be lack of anchorage in 29 miles of water supported by dams?

Mr. DALZELL. I have given you the reason—because of obstructions in the pools. I can not testify to that of my own knowledge, but that is the consensus of opinion of those who are familiar with the subject.

Mr. BURTON of Ohio. Does not the gentleman know that the sole object of the improvement is to provide 9 feet, and when the dams are up, every pool for every mile of the 29 miles is 9 feet, and that is the minimum?

Mr. DALZELL. I do not know any such thing. I have quoted to you your own engineer, Colonel Stickney, who says that the prime object of this improvement is not simply for navigation but for harborage, and I have illustrated by a concrete proposition the truth of Colonel Stickney's assertion. The gentleman from Ohio, the chairman of the Committee on Rivers and Harbors, does not fully understand the facts in this case. I may say here without violating any confidence that I have been informed within the last twenty-four hours by more than one member of the Committee on Rivers and Harbors that these facts have never been laid before them.

Mr. BURTON of Ohio. The gentleman from Pennsylvania will pardon me, but the question is whether they are facts or not.

Mr. DALZELL. As between the gentleman from Ohio and myself I shall have to trust that to the committee. Now, then, that is not all. You not only have 8 miles of harborage between Dam No. 6 and the site of Dam No. 7, but you have until you get to Dam No. 8, which is provided for in this bill, 10 miles more. So that you have, below Dam No. 6, 18 miles of dry river when the water is low, all of which could be avoided by the construction of Dam No. 7.

Now, mind you, the site for Dam No. 7 was bought two years ago. It belongs to the United States Government to-day. All the drillings in the river bed have been made and the tests have been made. The expense has been estimated, the Chief of Engineers tells us that the plans for its construction are now ready, and all they are waiting for is an appropriation to proceed with the work. Now, I do not want to say anything offensive, but it does seem to me that to provide for the construction of Dam No. 8 and leave Dam No. 7 unprovided for is idiotic.

I appeal to you as business men. Is this a good business proposition? What is No. 8 worth without No. 7? What are Nos. 11 and 13 below worth without No. 7? East Liverpool, the greatest pottery city in the United States, is between No. 7 and No. 8. It had a tonnage last year of 3,777,400. It can neither go up the Ohio River nor go down the Ohio River without the construction of Dam No. 7.

Mr. BURTON of Ohio. But the gentleman will allow me to correct him. That tonnage can go down, because No. 8 is below. The gentleman is entirely mistaken.

Mr. DALZELL. Between 7 and 8, yes.

Mr. BURTON of Ohio. It can go down.

Mr. DALZELL. There is no pool between 7 and 8, and No. 6 is 18 miles off. The gentleman, I fear, has not had these facts thoroughly explained to him. Now, gentlemen of the committee, if I have made a case, I want your votes, whether the Committee on Rivers and Harbors and its chairman are for it or not. I have not attacked any project in this river and harbor bill. I am willing they should all stay in it. I am willing to concede they are all good projects. I have nothing to say against any of them. I seek to introduce into this bill no new project. I seek to introduce into it a dam the site for which is already purchased, the plans for which are already made, and which the Government is now ready to go on with and execute if the money is furnished. I do not seek to introduce into this bill any great project that will ultimately take a large sum of money. All that is asked is the same appropriation that is made for these other dams, a little $240,000 of cash in the first instance. In a bill of this character carrying $83,000,000 it is a mere bagatelle to the United States Government. It is a great boon and aid to my people who contribute so much to the general prosperity of the country, and upon whose prosperity depends the contentment and material well-being of hundreds of thousands of wage-earners. All I ask is that this Committee of the Whole will exercise the function for which it was constituted, of revising in the interests of justice the bill reported by the Committee on Rivers and Harbors, that does not but ought to have included Dam No. 7. I want nothing but fair play. Let me have it. [Applause.]

Mr. BURTON of Ohio. Mr. Chairman, I can not at all criticise the gentleman from Pennsylvania [Mr. DALZELL] for his earnestness, but I desire to say to the Committee of the Whole that to pass the amendment which he has proposed would be a gross injustice. Let us survey for a moment the situation in the Ohio River. It is about 967 miles long. Originally no improvement was made except by open-channel work. Then a second plan was partially adopted and rather haltingly prosecuted, under which it was proposed to erect dams here and there, with the double purpose of providing harbors, or mooring places, below cities and of raising the level of the water so as to facilitate through navigation. It is upon that project that we are working now. There has been a survey and a partial report, which must still be reviewed by the Board of Review and Engineers, which contemplates the construction of fifty-four dams at a cost of $62,000,000. Clearly we could not undertake these dams now, or any considerable number of them. And so we have been pursuing the policy recommended by the earlier reports and heretofore pursued by Congress.

I would state that appeals, though not made with the same eloquence as that for Dam No. 7, have nevertheless been made with the same insistence. I received a telegram from Parkersburg yesterday to the effect that it was an outrage that no provision was made for their dam there. I received one from Wheeling of a similar tenor relating to improvements elsewhere in the Ohio. It but added to my distractions at this present time, for what I most love just now is a contented community and a contented man, and even though this river and harbor bill is so very large there are comparatively few who seem to be contented. Now, then, what shall we do next? I read from the report of a survey of the Ohio River from Marietta to the mouth of the Little Miami. It is in accordance with this report that we are now acting. The engineer officer says (and his report is approved by the Chief of Engineers):

I therefore recommend strongly that the next dam to be built in the Ohio River be built below Cincinnati—

For that provision was made in 1902—

The next one below Point Pleasant and Gallipolis at the mouth of the Kanawha River.

For that dam below Gallipolis, No. 26, we have made provision in this bill, and when provision is made for it the aggregate appropriations in this bill for the Ohio River are over $4,000,000, an amount very much in excess of what it has received before, an amount so large that, as gentlemen on this floor know, it has caused bitter criticism of the chairman of the Committee on Rivers and Harbors. Each of these dams cost approximately $1,200,000. Only one could be provided in the Ohio—that is, only one new dam—without disturbing the equitable division of funds which should be made in the bill. Now we are asked to provide for dams below Gallipolis, below Parkersburg, below Pittsburg, near to Wheeling, and in two or three other places we were asked to put in dams. What are the claims of Pittsburg? Bear in mind that the recommendation of the engineers is to locate these dams at places in the river where they will act for the benefit of navigation and where they will serve as harbors.

Mr. DALZELL. Will the gentleman allow me to ask him a question?

Mr. BURTON of Ohio. Certainly.

Mr. DALZELL. Does the gentleman mean to say that he has any report from engineers advising the omission of Dam No. 7 and the building of Dam No. 8?

Mr. BURTON of Ohio. I have said nothing of the kind, nor do I intend to.

Mr. DALZELL. But the gentleman stopped after he read only a part.

Mr. BURTON of Ohio. Very well. I will read what comes next after 26:

The next three below Parkersburg, mouth of the Little Kanawha; Catlettsburg, mouth of the Big Sandy, and Portsmouth, mouth of the Scioto River.

I am very much obliged to the gentleman.

Mr. DALZELL. But the gentleman has not answered what I asked him.

Mr. BURTON of Ohio. Oh, there is no report against that. That is in a separate part of the river, and I am coming to that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURTON of Ohio. Mr. Chairman, I ask unanimous consent that I may be permitted to proceed for ten minutes.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to proceed for ten minutes. Is there objection?

There was no objection.

Mr. BURTON of Ohio. What has been done? Six dams have been finished in the 29 miles below Pittsburg, and there are five incomplete dams in all the rest of the river. Now, the State of Ohio, the State of Kentucky, and other States deserve no better treatment from the Rivers and Harbors Committee than the State of Pennsylvania, but in all the other 940 miles, or 938 miles, of the river there are only five incomplete dams, while six dams have been completed in a section of only 29 miles below Pittsburg; and I want to say to you, gentlemen, after the first one below Pittsburg was constructed these dams in the lower portions of the river, of which I have read, confer as much benefit under the plan adopted as any dam just below Pittsburg. But a few interested parties there are able to complain louder. It is not quite correct to say they have not had any hearings, for they appeared before me and one or two other members of the committee a few weeks ago. I asked one of them this question: "There is a dam below Cincinnati that is only half built. Would you advise us to abandon that dam and go on and build Dam No. 7 below Pittsburg, leaving the other incomplete?" It was a perfectly easy question for the gentleman. He answered, "Why, certainly we would."

Another gentleman said, "The chairman is foolish, because he is not in favor of Dam No. 7." Certainly; why should not these men be competent to judge when they owned some hundreds or thousands of acres of land in the pool to be benefited by the dam? Another man said, "You are crippling industry." "Crippling industry," when here with less than $25,000,000 a year the Rivers and Harbors Committee has been struggling to provide for all portions of the country. The absurdity, the brutal ignorance, to come in saying because a certain project is not adopted therefore you "cripple industry." [Applause.] I want to read some figures in regard to the amounts appropriated around the city of Pittsburg and the amounts contributed by that city as compared with other communities. I will add it under leave to print.

RIVERS AND HARBORS—COMPARISON OF EXPENDITURES.

Statement of appropriations by the United States Government at leading points from January 1, 1896, to June 30, 1902, and of expenditures to date by municipalities for improvement of rivers and harbors.

	United States Government.	Municipalities.
Pittsburg and vicinity, including Allegheny and Monongahela rivers in Pennsylvania and Ohio River to the State line	$7,902,834.36	$6,000.00
Same, including Monongahela River in West Virginia	9,032,834.36	6,000.00
New York and vicinity, including all harbors within a radius of 50 miles to Greenwich and Norwalk, Conn.; Hudson River to Albany; all harbors on the Hudson, and improvements in New Jersey within a radius of 50 miles	5,297,160.00	(a)
Galveston and vicinity	5,103,500.00	100,000.00
Philadelphia and vicinity	3,787,896.00	1,343,652.86
Buffalo and vicinity, including Dunkirk and the Niagara	3,449,153.25	(a)
Cleveland and vicinity, including the harbors at Ashtabula, Fairport, Huron, Lorain, Port Clinton, Sandusky, and Vermilion	3,429,434.72	2,723,865.00
Cleveland alone	1,706,000.00	2,277,765.00
Chicago and vicinity, including Calumet and harbors to Kenosha, Wis., on one side, and Michigan City, Ind., on the other	2,781,807.00	(b)
Baltimore and vicinity	2,354,665.00	2,397,408.25
Ohio River	6,152,581.00	.....

[a] Large sum expended; amount not ascertainable.
[b] Large sum expended by cities and the Chicago Drainage Canal Commission; amount not ascertainable.

This statement was made after the bill of 1902 was passed, and the figures were prepared at the War Department. Nine million dollars was appropriated around that city and $5,200,000 around New York, which was next largest sum. What amount has Pittsburg contributed in the way of improvements to its own harbor or in that locality? The munificent sum of $6,000, as against between two and three millions, and I must say, gentlemen of the committee, that when I look on the situation there below Pittsburg I question very much the propriety of these dams being constructed by the United States Government without local contributions. What was the condition? When you get 23 miles below Pittsburg there are farming lands worth $50 to $100 an acre, and the putting in of a dam makes them worth a thousand dollars an acre. Is it not fair that the locality should contribute some part of the expense of building the dam? We already have built these six dams, and it was asserted when they were advocated that they would provide anchorage ground. What need do you have for anchorage ground for more than 29 miles, and besides that, you have three dams finished or under way in the Allegheny, and dams in the Monongahela?

Do you need to continue dams clear down the Ohio on the assertion that they are needed for anchorage ground for Pittsburg? I do not think it is quite right to leave the impression with this committee that this enormous tonnage of Pittsburg is seeking outlet on that river—116,000,000 tons, or something of that kind. The total amount that went through this Davis Island dam, the first below Pittsburg, was only 3,247,000 tons last year, only one-fourth of the traffic of the Ohio River. Is not the rest of the Ohio entitled to something? Ought I to say when the choice came up between Dams 26 and 27 that I would turn my back upon the report of the engineers that 26 was the next to be built? Ought I to have turned my back upon the recommendation of the Ohio Valley Improvement Association, which followed that report and said 26 was the next to be built? Ought I to have ignored the fact that we have only five incomplete dams in the remaining 940 miles of the river and six completed dams in the 29 miles below Pittsburg and recommended to the committee the construction of this Dam No. 7? Why, it outrages every idea of fairness and equality; and if there is one principle that we should observe in the Rivers and Harbors Committee it is this, not to yield because of clamor, not to yield because of criticism, but to do justice to the whole country. I know very well several trust magnates and others came down with the thought that they would overawe the Rivers and Harbors Committee——

Mr. DALZELL. I say that is not so; I deny it.

Mr. BURTON of Ohio. You can only tell what their intent is——

Mr. DALZELL. That is pure demagogy.

Mr. BURTON of Ohio. Oh, I think the gentleman——

Mr. DALZELL. That is exactly what it is.

Mr. BURTON of Ohio. The gentleman is going a little far. I can only tell what the intent was by the action. They were a little more discourteous in their words than any delegation which ever came before the committee——

Mr. DALZELL. Because the chairman at once assaulted them as soon as they came in.

Mr. BURTON of Ohio. I think the gentleman from Pennsylvania is in error about that, and I think the House will stand by me on the proposition that I did not assault them. I am not that violent in my manner.

Mr. DALZELL. The gentleman was pretty violent that day.

Mr. BURTON of Ohio. Of course, when men say that a person is foolish, and all that sort of thing, it is but natural that the suggestion would be made that their time could be more usefully spent at home than in the River and Harbor Committee room. [Laughter and applause.]

Mr. GARDNER of Michigan. May I ask the gentleman a question?

Mr. BURTON of Ohio. Certainly.

Mr. GARDNER of Michigan. I want to say that I have observed this discussion with a great deal of interest, the argument of the gentleman from Pennsylvania [Mr. DALZELL] and the answer by the gentleman from Ohio [Mr. BURTON]. I may be unable to get the whole of the gentleman's statement right, but I have not yet heard any answer to the contention made by the gentleman from Pennsylvania [Mr. DALZELL] that other expensive improvements already made in the Ohio River are rendered comparatively worthless without the building of Dam No. 7. I would like to have that answered.

Mr. BURTON of Ohio. I will state that that assertion is not based upon the facts at all. The argument was made to us that the completion of Dam No. 6 and the other dams would increase by 50 per cent the navigable period in the Ohio. The completion of Dam No. 7 will no doubt somewhat further increase the navigable period, but so will every other dam on the river increase the navigable period in the Ohio and will give benefit to a local traffic. Why, the coal traffic out of the Kanawha River, clear below this, compares in magnitude with that out of the Monongahela, and we have included in this a provision for a dam below the Big Kanawha River, which is the one recommended by the engineers as the next to be constructed. The gentleman from Michigan [Mr. GARDNER] will, of course, understand this, that we can not construct all of the fifty-four, and must select those which will be of the greatest benefit in the improvement of the river. There is but one new dam provided for in this bill and that is the one below—26.

Mr. GARDNER of Michigan. That does not quite answer the point. If I understood the gentleman from Pennsylvania right, it was that these other dams for the purposes for which they were constructed are comparatively valueless without completing Dam No. 7.

Mr. BURTON of Ohio, I would say in answer that there is no basis for that argument. There are 29 miles of anchorage which is available nine months of the year. When the water is low there is a pool of 9 feet in depth in each, and through navigation for 9 feet is provided in every one of them. Otherwise you can not have any navigation on the river at all. It is true that when those dams are down they can not anchor their boats, but during the times when the dams are up, when the plan of canalization is made effective by the raising of the dams, it is possible.

Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania [Mr. DALZELL].

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. DALZELL. Division, Mr. Chairman.

The committee divided; and there were—ayes 56, noes 120.

So the amendment was rejected.

The Clerk read as follows:

Improving Lock and Dam No. 26 in the Ohio River, in the States of Ohio and West Virginia, $100,000, and the provisions of the river and harbor act approved March 3, 1905, appropriating $135,000 in the aggregate for Locks and Dams Nos. 19 and 26 are hereby repealed, and the said amount is made available for the construction of said Lock and Dam No. 26: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to complete said lock and dam, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $965,000, in addition to the amounts herein appropriated or made available: *Provided*, That said lock and dam shall be constructed with a view to a navigable depth of 9 feet.

Mr. GAINES of West Virginia. I move to strike out the last word.

Mr. Chairman, I regretted very much not to vote for the proposed dam, No. 7, below Pittsburg. My only reason for not doing it is I recognize the fact that the Ohio River can not have more money for improvements at this time and because I know and think I can demonstrate that other projects for improvement of the Ohio River provided for in this bill are more meritorious and more deserving at this time than the proposed Dam No. 7.

The committee has just recently heard read by the chairman of the Committee on Rivers and Harbors that portion of the report of the Chief of Engineers recommending the construction first of the dam below Cincinnati, already provided for, then the dam below Point Pleasant, W. Va., and Gallipolis, Ohio, which is Dam No. 26, provided for in the paragraph just read. The reasons, it seems to me, Mr. Chairman, might well be set out to the committee why Dam 26 was preferred by the Chief of Engineers in his report and the reasons which moved the Committee on Rivers and Harbors to give preference to that dam in this bill. On page 8 of the same report from which the chairman of the Rivers and Harbors Committee read, that of the Chief of Engineers, the report by Major Bixby, of the Engineer Corps, is quoted as follows:

I am decidedly of the opinion that specially advantageous results to commerce, obtained with special quickness, will follow the construction of dams across the Ohio River whenever these dams are built a short distance below large tributaries and large cities, partly because the large harborages thus obtained in the Ohio River will afford fine places for the loading and unloading of coal fleets and other tows, and for the stoppage and assemblage of such fleets and tows while waiting favorable stages for departure up and down both the main river and its tributaries, and partly because such increased harborage will be most advantageously placed by being at the already established centers of population and freight communications, thus giving special stimulus to commerce and related business interests.

Now, Mr. Chairman, this Dam No. 26, constructed, as it will be, a short distance below Gallipolis, Ohio, a distance of about 9 miles below the mouth of the Great Kanawha River, will give a pool 18 miles long in the Ohio River, at a point halfway, practically, between Pittsburg and Louisville, for the assembly of the great coal fleets destined to the lower portion of the river. The Kanawha, which flows into the Ohio River 9 miles above where this dam will be constructed, was locked and dammed by the Government some years ago for a distance of 90 miles. It flows through a country whose coal resources are practically inexhaustible. A few years ago the Government engineer who was in charge of that improvement, a gentleman of the highest ability and character, a citizen of my own town—Mr. Addison M. Scott—devised and tried the plan of letting the water out from one lock to another in the Kanawha, until all the water contained in the ten locks had gone into the Ohio, and in that way, upon the head of water thus artificially created, it has been possible frequently, on a very slight rise in the Ohio, to take Kanawha coal to Cincinnati and even to Louisville. With this improvement—with this Dam 26—now provided for in this bill, with its 18-mile pool in the Ohio River and a considerable pool, as well as harborage, in the mouth of the Kanawha, it will be possible at any time, with occasional exceptions on account of ice in the Ohio, to float coal to Cincinnati and to Louisville, and not only at those cities, but at many other points, reach available and important railroads for interior transportation. This would prevent famine prices for coal not only at Cincinnati and Louisville and other river points, but at points in the great Northwest and elsewhere, to be reached by rail from the Ohio River points.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of West Virginia. Mr. Chairman, I ask that I may have three minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. GAINES of West Virginia. These are the reasons, Mr. Chairman and gentlemen of the committee, why Dam 26 has been preferred to some other projects in the Ohio River which have been submitted by the gentleman from Pennsylvania and others. And it does seem to me that instead of criticising the chairman and the committee for the method in which they have apportioned the money available at this time for rivers and harbors, it would be wiser for us to have the courage to provide, by some bonding system or otherwise, to secure a sufficient amount of money to give speedy completion to all these projects which gentlemen are so earnest in behalf of, and whose importance to commerce has been developed and proven beyond doubt. There was a time when the Rivers and Harbors Committee was besought to appropriate for improvements of rivers and harbors, not because the improvements were demanded by commerce already in existence and already developed, but in the hope that some time in the future commerce might be developed by the improvement. But that time has gone by. Conditions have changed. There is already developed a traffic way beyond the present means of transportation. The railroads of the country are unable to handle the low-grade freight of the country, and various portions of the country are suffering because there is no adequate supply of coal for domestic and manufacturing purposes.

It seems to me that it would be wisdom to provide in the very near future some means which would relieve the railroads of the congestion of low-grade freight, which would relieve the manufacturing sections of the country from undue scarcity and high price of their coal supply, and which would enable this low-grade traffic to move with something like the rapidity with which the business interests of the country and the general prosperity of the country demand. I feel confident, Mr. Chairman, that so far as the Ohio River appropriations are concerned, the items contained in this bill, as it is reported from the Committee on Rivers and Harbors, will be shown by careful and dispassionate examination to be a proof not only of what we all admit, that the chairman and the committee have been fair and honest in this matter, but that the committee have used the very best judgment in the selection of the items. The committee has been fair, too, in the amount appropriated for the Ohio.

[Here the hammer fell.]

The Clerk read as follows:

Improving the Ohio River at Louisville, Ky.: By the removal of rocks in the channel of said river near to the falls, $43,000.

Mr. SHERLEY. Mr. Chairman, I move to strike out the last word.

Any quarrel between the advocates of river improvement is unfortunate; but unfortunate though it may be generally, it sometimes serves to clear the atmosphere. I am glad to second somewhat what was said by the chairman of the Rivers and Harbors Committee and by the gentleman from West Virginia [Mr. GAINES] touching the Ohio River. I am glad that there has grown up a realization on the part of the House and the committee that the Ohio River does not stop as well as begin at Pittsburg. Now, I say that with all kindness; but it is manifest that when an advocacy is made of a particular project on the ground that all other projects on the river are more or less useless unless that one project is attended to, we have a condition of civic pride, to put it mildly, that is altogether out of keeping with the facts. This bill, for instance, provides, by an expenditure of a third of what it will cost to build a dam on any other part of the river, for one at Louisville. That dam will give a 9-foot stage of water for 50 miles, a pool longer than anywhere else. It not only does that, but it gives 6 feet to the Kentucky River, which is now locked and dammed most of its way, and which, by virtue of other provisions of this bill, will be improved up to the coal fields at and near Beattyville, Ky., opening up that coal region, as the coal region of West Virginia is opened up by the provision for Lock No. 26, thus putting both these fields in competition with Pennsylvania, a consummation devoutly to be wished.

There is a stretch of river between Louisville and Evansville, many miles in length, where a limited amount of dredging will give the necessary depth of water most of the year round. Yet we have had a hard time getting appropriations and getting the War Department to do that dredge work, usually because that portion of the appropriation that went to the Ohio River was being taken by the upper part of the river. Now, the gentleman from Pennsylvania [Mr. DALZELL] makes the startling statement that because commerce exists in large measure at the head of the river therefore the river ought to be improved downward instead of upward—the natural way. Every dam that is built below the city of Pittsburg is of just as much importance to the navigation of that river, and more so, than those built at and near Pittsburg. They all serve only to establish a certain pool along the river, and none of them will have their complete utility realized until all the dams are completed. But to say that we, on the lower Ohio, must wait until all the dams around Pittsburg, which because of the declivity of the river have to be at closer distances, are finished before the lower part of the Ohio River is to be considered is, to my mind, a proposition without merit. Now, there is not a man on the Ohio but would like to have every dam provided for that is desirable and would like to have seen the dam provided for in this bill as suggested by the gentleman from Pennsylvania [Mr. DALZELL]; but there also is not a man here but what knows that of necessity there is only a certain amount of money that can go to the Ohio River and that this increase could not be made in accord with the general plan of the bill and of the treatment of the Ohio, and therefore its affirmative consideration by the committee would have resulted in denying the lower-river projects that are infinitely more pressing and important.

The fact that this debate has taken place will be a very valuable one if it serves to show to Pittsburg that she should cooperate with all portions of the river rather than gather to herself all of the appropriations made for the Ohio River. I believe I can say with due modesty that I know as many river men on the Ohio River as any man in this House, and have been in as intimate contact with them. I know that at my city there is now needed an improvement that any river man will tell you will do more for the whole river than any other improvement involving the same expenditure, and I refer not to the dam there, but to the enlargement of the canal. The falls of the Ohio are a natural obstruction to commerce, and Pittsburg in particular is interested in having every possible thing done to remove that natural obstruction. Now, we have got to have there an enlargement of the canal. It was built years ago, and is utterly inadequate to handle the freight that now passes down the river, because these boats, carrying immense tows, have to be broken up to pass through the canal, and by the time they get through and reassemble the fleet, the crest of the wave is gone, and they frequently have to lay just below Louisville for days waiting for another rise to continue their journey down the river. Pittsburg river men know that the improvement would be of more value to the river as a whole, and more valuable to Pittsburg than the improvement suggested by the gentleman from Pennsylvania. Yet I have not sought to provide for this work in this bill, because I know the necessary limitations upon the bill, but I gladly take the occasion not to criticise the zeal of the gentleman from Pennsylvania, but to call attention to the facts in the hope that it will be impressed upon the minds of some that the Ohio River does not stop with the State of Pennsylvania. [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

Mr. SMITH of Kentucky. Mr. Chairman, I desire to offer the following amendment.

The Clerk read as follows:

Insert a new paragraph to read:
"Improving Green River, Kentucky, between Mammoth Cave and Munfordville in accordance with the report of Capt. Harry Burgess, Corps of Engineers, of date June 8, 1905, contained in House Document No. 377, first session Fifty-ninth Congress, for the construction of additional locks and dams so as to afford slack-water navigation to Munfordville, Ky., $550,000."

Mr. SMITH of Kentucky. Mr. Chairman, I will not detain the committee long in advocacy of the adoption of this amendment. I would not propose the amendment if I had any doubt about the merits of the proposition involved. Green River at the point mentioned in the amendment at low-water mark is a stream of about 200 feet in width, and I do not believe there is another stream in the whole country of that width that will average the depth of that stream. It passes through a country that is very rich in its timber and mineral resources. By the report of the engineer who made the survey, Captain Burgess, it is stated that there are, in this short stretch on either side of the river, at least 100,000 acres of timber that can not reach a market for the lack of transportation.

There are filed and printed with the report also the report made by the State geologist of Kentucky, giving the mineral resources adjacent to this splendid stream. I can do no better, Mr. Chairman, than to read a few extracts from these reports. I read from the report of Captain Burgess, in which he says:

On the lower part of this stretch timber lands lie on both sides of the stream. It is estimated that there are over 100,000 acres of good timber land bordering on this stretch of the river. The timber on this land includes oak, beech, ash, hickory, elm, and some excellent poplar, which timber is practically excluded from market, there being no means of transportation except by rafting during freshets, which is uncertain, involves a large loss of timber, and is apparently unprofitable. The land on the south bank at a little distance from the river is good farming land, but on the north the land is not particularly well adapted to agriculture. The river bottoms are generally narrow, the hills approaching the stream from both sides. These hills contain excellent oolitic limestone, suitable for building purposes and situated under the most favorable conditions for quarrying if to be transported by the river. There are deposits of iron which were worked somewhat in the past, but the coal and asphalt probably do not extend much above the cave. There are some deposits of excellent plastic clays near the river, among them a white china clay of unsurpassed quality.

I may state in this connection, Mr. Chairman, that early in the last century there were iron furnaces established along this river, perhaps the first furnaces of this kind that were ever constructed west of the Allegheny Mountains. They were established, successfully operated for years, and were only abandoned when railroads were built into other mineral districts, affording a cheaper transportation than could be had by the furnaces along this stream. Concerning the mineral deposits, Mr. Chairman, I desire to read a few extracts from the report of the State geologist:

The hills are of limestone, the capping beds being a very light-gray, almost white, oolitic limestone. Included in the oolitic beds is a band of blue limestone 2½ to 3 feet thick, which serves as a "parting" for the oolitic beds. Excepting one small opening at Munfordville, no quarries have been opened in this oolite. The stone is under a light covering of soil; hence there is but little overburden to remove. Large areas of it could be uncovered at convenient points to the river with very little stripping, and the drainage of quarries in it would be good.

At no point was the exposure such as to enable the making of a perfectly accurate section of the oolitic beds, but at Munfordville the following measurements were obtained:

	Inches.
1. Top ledge of gray oolitic limestone	38
2. Second ledge, blue limestone	29
3. Third ledge, light-gray oolitic limestone	46
4. Fourth ledge, light-gray oolitic limestone	29
5. Fifth ledge, light-gray oolitic limestone	(?)

It will be noted that a thickness of 11 feet 10 inches is exposed. The top of the fifth ledge only is exposed at the point where the section was made, but the croppings in the vicinity show it to be about 9 feet thick, giving a total thickness of about 21 feet, including the blue limestone.

On the farm of Eli Bradley, 15 miles down the river from Munfordville, the following section was obtained in the river bluff:

	Feet.
Top ledge, light-gray oolitic limestone	16
Second ledge, blue limestone	3
Third ledge, light-gray oolitic limestone	20

Beneath the third ledge blue limestone comes in. There are distinct seams, but no shaly partings between the ledges. The blue limestone forming the second ledge is subdivided into four layers of good thickness for curbing, paving, and rubblework. It is also excellent for ballast and macadam, and not too hard to crush readily for such purpose. The oolitic stone breaks well to line with wedge and feather or under hammer. It is soft enough to be cut or sawed to dimensions with great ease. The supply of this stone on Green River in Hart County is almost without limit.

Reading also from a further report of another one of the geologists upon the question of stone, I find the following:

On either side of Green River the moderate elevations and the flat country along the river are capped with oolitic limestone of good quality. It is in 18 and 20 foot strata; the upper 20-foot stratum is overlain with residuary clay and breccia; the 18 and 20 foot strata are divided by a 2½-foot stratum of compact blue limestone.

The oolitic limestone being a building stone of standard value, and being in this instance advantageously located, would, provided the river is opened to traffic, suggest quarrying and dressing on a large scale for what would prove its uncontested market, namely, the river towns from point of production to New Orleans.

Its favorable location, known and unequaled value in the manufacture of Portland cement, combined with the abundance of marls in same locality, thereby supplying all raw material for making cement immediately on the banks of the river, which would be sent down inclines to barges or boats for transportation, thereby supplying several ideal locations for such a factory between Munfordville and Mammoth Cave.

Large beds of rock asphalt of good quality occur along the river for several miles.

It is a matter of history that Hart County in the past produced good pig iron from deposits along the bank of Green River. Above Munfordville, on the farm now owned by Gen. Simon Bolivar Buckner, is a deposit of limonite of good quality and known quantity. Should Green River be made navigable it is possible this industry may be revived, as cheap transportation would then be furnished for fuel and refined products.

There are also, Mr. Chairman, near this stream, some of the most excellent clays that can be found anywhere in the United States. I myself, sir, saw a sample of chinaware made from the clay by a firm in Trenton, N. J., I think, which sent a man down to take out a sample of the clay and manufacture it. I think it was as pretty china as I have ever seen in my life. The State geologist says concerning these clays:

Some of the white-china clays of this county, as to color and the production of beautiful translucent wares, are unsurpassed. In the various exhibits of the Louisiana Purchase Exposition no clays produced a better showing than the samples of kaolin from Hart County, Ky., now on exhibition in the State museum at Lexington.

Besides the kaolins, or china clays, there are plastic clays in almost unlimited quantities. These clays contain no large percentage of impurities, but are found possessing practically every shade of yellow, brown, drab, and red. The deposits range from 10 to 40 feet in thickness, and occur at various points over the entire area of the county north of the river.

Mr. Chairman, I can not express how intense has been my anxiety to see provision made by this honorable body for the improvement of this splendid stream to the point named in the amendment, and I sincerely regret that the committee did not include it in the bill now under consideration. That the opening up this stream for navigation to Munfordville would save thousands of dollars in transportation charges to the people in that section and result in the development of much valuable mineral and the marketing of millions of feet of lumber, hitherto untouched for the lack of facilities for reaching markets, there can be no doubt.

Mr. Chairman, I believe that this improvement is of sufficient importance, not only to that locality but to the commercial world in general, to justify the appropriation of the amount named in my amendment. I therefore ask the House in its wisdom to adopt the amendment I have offered.

Mr. BURTON of Ohio. Mr. Chairman, just a word about that. I have no doubt that there are very considerable mineral resources in that locality, and that it is a country which on development will assume very great prominence in furnishing its share of the resources of the country; but this is a very large country, and we have to provide transportation facilities for it as best we can. I think we should adopt the policy of improving the main streams first. The Ohio is not yet developed to a high degree of efficiency for navigation, and I trust the gentleman and his constituents may patiently wait until their turn comes.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kentucky.

The question was taken; and the amendment was rejected.

Mr. EDWARDS. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The gentleman from Kentucky offers the amendment, which the Clerk will report.

The Clerk read as follows:

After the word "dollars," in line 21, page 58, add the following paragraph:

"Cumberland River, Kentucky: Continuing improvement by the construction of Locks and Dams No. 19 and 20, $200,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to complete the work of constructing said locks and dams, to be paid for as appropriations may from time to time be made by law, not exceeding in the aggregate $400,000, exclusive of the amounts herein appropriated."

Mr. EDWARDS. Mr. Chairman, the Government has undertaken the improvement of the Cumberland River, and has divided that work into what is known as the upper Cumberland and the lower Cumberland, the upper Cumberland being designated as all that part of the Cumberland River above Nashville, Tenn., and the lower Cumberland being designated as that part below Nashville, Tenn. Under the present bill, with what has already been done, seven locks and dams are to be completed above Nashville. In the act of 1905 the policy was adopted to begin improving the Cumberland River at the head of the present navigation, and in that act was provided for the construction of Lock and Dam No. 21, which is 29 miles below Burnside, Ky., which is at present the head of navigation on the Cumberland River. Now, in this bill before the House the committee has seen fit to appropriate something like a half million dollars for the improvement of the river in and around Nashville, Tenn., but has not appropriated or provided for one dollar at the upper end of the river. Above Nashville, and in the portion which we are seeking to improve in Kentucky, a stretch of a hundred and ten miles below Burnside, there is no railroad, no means of transportation except the Cumberland River. Seven counties in the State of Kentucky are dependent upon this river, and if we could have the provision put in which I have offered, to continue the improvement from the upper end, as well as from the lower end, it would be of greater benefit, in my opinion, not only to the country at large, but to the local people there, than the improvement on the lower part. For this reason, Mr. Chairman, at Burnside, Ky., at the head of the present navigation in the Cumberland River, we tap the coal fields of Kentucky, and only 40 miles below there coal brings the enormous price of 30 cents a bushel, while it can be put on the cars at and near Burnside at 6 cents a bushel. One of the most important things, it seems to me, to the country to-day is to obtain cheap fuel, and while the Kentucky hills are full of coal and while they are tapped by the Cumberland and Kentucky rivers, the State of Kentucky, and especially the city of Louisville, have been purchasing their coal from Pittsburg, Pa., for the last quarter of a century, waiting for the improvement of the Cumberland and Kentucky rivers. I therefore hope that the committee will give my amendment favorable consideration. [Applause.]

Mr. BURTON of Ohio. Do I understand this amendment is for the Cumberland River, No. 19?

Mr. EDWARDS. Yes, sir.

Mr. BURTON of Ohio. I would state we have made what seems to me very generous provision for the Cumberland River in the line that is most rational and helpful. We have provided for the completion of five locks and dams and we provided in the last bill for Lock and Dam 21. The board of engineers made a very exhaustive examination of this locality afterwards and reported adversely upon the dams between 7 and 21, and for the present those certainly ought not to be undertaken. As regards the Kentucky, the committee has recommended provision for the completion of the locks and dams to and including 13. Those will open up a very large part of country where there is a large quantity of coal; also raising the crest of the dam at Louisville will raise the water of the Kentucky at the mouth, making it so that the locality tributary to the river will receive very substantial benefit from this bill. As for the Cumberland, I do not think anything should be undertaken at the present time beyond that which is appropriated for, namely, the completion of these five locks and dams above Nashville, continuing slack-water navigation to Carthage and beyond. I trust the amendment will be voted down.

The question was taken; and the amendment was rejected.

The Clerk read as follows:

Improving harbor at Marquette, Mich.: For maintenance, $30,000.

Mr. BURTON of Ohio. One minute, Mr. Chairman. I desire to offer an amendment in line 24.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 58 strike out the word "For," in line 24, and insert in lieu thereof the following:
"Continuing improvement and for."

The amendment was agreed to.

The Clerk read as follows:

Improving Grand River, Michigan: Continuing improvement and for maintenance, $80,000.

Mr. BURTON of Ohio. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Ohio [Mr. BURTON] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Add after the word "dollars," in line 10, page 52, the following:
"And the Secretary of War may cause an examination of the river to be made by a board of engineer officers with a view to the regulation of the floods in the interest of navigation."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

Improving Chicago Harbor, Illinois: Continuing improvement and for maintenance, $250,000.

Mr. MADDEN. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert after line 2, page 69, the following:
"Toward the construction of a navigable waterway 14 feet in depth, the locks, however, to be so constructed as to permit of a depth of water of 20 feet over the miter sills, from the south end of the channel of the Sanitary District of Chicago near Lockport, Ill., by way of the Des Plaines and Illinois rivers, to the mouth of said Illinois River, and from the mouth of the Illinois River by way of the Mississippi River to St. Louis, Mo., in accordance with the report submitted in House Document No. 263, Fifty-ninth Congress, first session, $3,000,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete said navigable waterway, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $28,000,000 exclusive of the amount herein appropriated."

Mr. MADDEN. Mr. Chairman, the State of Illinois, through its legislature, passed an act some time ago which provides:

When such channel shall be completed and the water turned therein to the amount of 300,000 cubic feet of water per minute, the same is hereby declared a navigable stream, and whenever the General Government shall improve the Desplaines and Illinois rivers for navigation to connect with this channel, the said General Government shall have full control over the same for navigation purposes, but not to interfere with its control for sanitary or drainage purposes.

The Congress of the United States some years ago appropriated $200,000 for the purpose of making a survey to ascertain whether or not the proposition of constructing a ship canal from the Great Lakes to the Gulf of Mexico was feasible. The survey under the appropriation made was conducted from Chicago to St. Louis.

The commission appointed to make that survey reported the feasibility of the plan. This commission reported also the cost of the improvement to be $31,000,000. The city of Chicago, through its sanitary district board, has already constructed the most expensive portion of this waterway, running from the city of Chicago, on the Great Lakes, to the city of Joliet, a distance of 40 miles. That part of the channel already constructed is 160 feet wide, 36 feet deep, and capable of carrying ships drawing 24 feet of water. Since this survey was completed the Sanitary District of Chicago has expended, in the further extension of the project, $3,000,000, so that, as a matter of fact, the $3,000,000 thus expended should be deducted from the $31,000,000, thus making the cost of the improvement $28,000,000. That such an improvement would aid greatly in the movement of the commerce of the Mississippi Valley everybody in the country will agree. Chicago, having expended $50,000,000 out of the pockets of its own people for the commencement of this great improvement, argues in favor of the further extension of the project by the Government of the United States.

The proposition to postpone the construction of this waterway until a survey is made of the Mississippi River, in order to ascertain whether or not that part of the project is feasible, seems to me to be unworthy of consideration.

If all the country is to profit by the opportunities which are to be created by the construction of the Panama Canal, we ought to be at work on this improvement now, so that when a survey is reported of the Mississippi River from St. Louis to New Orleans, we will have proceeded so far with the work as to save much valuable time and be prepared to take advantage of the situation thus created several years earlier than we will otherwise be able to do.

It seems to me that no project presented for the consideration of the House has more merit in it that the one proposed in this amendment. The Mississippi Valley is bountiful in the products of its farms, its forests, its mines, and its mills.

Its commerce can be developed beyond that of any similar territory in the nation if the needed facilities are but afforded, and I believe that we ought not to delay the favorable consideration of this question beyond the present session of Congress.

Objection is often made to this as but a part of the project. But it is such an important part of an important project that it ought to be given immediate and favorable consideration. [Loud applause.]

Mr. LORIMER. Mr. Chairman, I have been unable to be present during the consideration of this bill in the committee, and I would like to make a few remarks that will take more than the time allotted to me under the rule. I therefore ask unanimous consent that I be given fifteen minutes to discuss this subject.

The CHAIRMAN (Mr. OLMSTED). The gentleman from Illinois asks unanimous consent to proceed for fifteen minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. LORIMER. Mr. Chairman, I only intend to occupy the time of the House long enough to discuss a few erroneous and misleading statements and reports that have been made to the Congress of the United States. Under the law passed a few years ago a commission was authorized to investigate the projects proposed by the Congress. They were instructed to report not only on the feasibility of the projects, but the desirability and their value to the commerce of the country.

In reviewing the deep waterway or the 14-foot channel between Chicago and St. Louis they report unfavorably, the principal contention being that the amount of commerce existing between the city of Chicago and the city of St. Louis does not justify this appropriation, and they make the statement to Congress that only 1,000,000 tons originate between the city of Chicago and the city of St. Louis annually. Had I been here during the discussion of this bill in the committee I am quite sure that I could have convinced the committee that it was a very incorrect statement, and in order to give this House an idea of how incorrect that statement is I will read to you the amount of tonnage of three articles that originate on the banks of the proposed waterway and pass between the city of Chicago and the city of St. Louis annually. From a point 60 miles below the city of Chicago, along the lines of the proposed waterway, there is originated annually and carried to the great city of Chicago 3,500,000 tons of stone. In the city of Chicago there is originated annually and carried to a point on the Des Plaines River, 40 miles below the city of Chicago, 1,000,000 tons of iron ore. There is mined along the banks of the Illinois River coal that is tributary to this waterway annually more than 8,000,000 tons. In 1904 there were 8,500,000 tons of coal mined tributary to the Illinois River. The total of these three items that are tributary to and would be carried on the 14-foot waterway between the city of St. Louis and the city of Chicago (all of this tonnage is in addition to the report made by the engineer board, because they gathered their statistics from miscellaneous sources) is in all 13,000,000 tons, instead of 1,000,000 tons annually, as reported by the board of engineers. If I had been able to attend the sessions of the committee during the past month, I am confident that I could have satisfied its members that between the city of St. Louis and the city of Chicago there originates annually more than 50,000,000 tons, and all tributary to the Chicago River, Chicago Drainage Canal, the Des Plaines River, and the Illinois River.

My colleague [Mr. DAVIDSON], a member of the committee, yesterday gave his reasons why this improvement should be postponed. He seemed to me, while he was discussing it, not to express his full sentiments. I am convinced, from what I know of the sound judgment of the gentleman from Wisconsin, that when the time comes that we shall have all the data he requires, he will be in the forefront of the men who shall be advocating the construction of this waterway. But he expressed some fear yesterday that the Chicago Drainage Canal might reduce the levels of the Lakes at least 6 inches. Whether that be so or not, Mr. Chairman, I can not answer, but I know that the records of the levels of the Lakes prove that since the day the drainage canal was opened until to-day the Lakes have been higher than they were the day before the opening of the Chicago Drainage Canal, and the best engineers of the country, such men as Isham Randolph, the man who constructed the

Chicago Drainage Canal, and Lyman Cooley, one of the most celebrated engineers of this country, contend that the water diverted from the Lakes by the way of the Chicago Drainage Canal will never affect the levels of the Lakes. The gentleman said that Chicago is now only diverting a portion of the water that will be required, which will be 10,000 or 14,000 cubic feet per second. Chicago has been permitted to divert the water. He said if the 10,000 or the 14,000 cubic feet are taken from the Great Lakes, the damages that the National Government will be liable for, should it take over the Chicago Drainage Canal, would be enormously greater than the $4,000,000 in damage suits that are now instituted against the drainage canal.

Mr. Chairman, whether it be a fact or not that the damages will be greater when the 10,000 cubic feet are diverted, 10,000 cubic feet per second is not essential for a ship canal. We are now taking from the lake, through the Chicago River and the drainage canal, 4,200 cubic feet per second, and the largest boats that sail upon the Great Lakes are traveling up and down the Chicago River every day, which is evidence that for the purposes of a ship canal much less than 10,000 cubic feet will be required. But for sanitary purposes 10,000 or more cubic feet will be required. And while the gentleman said that the Secretary of War was investigating to determine whether or not the required amount of water should be allowed to go through the drainage canal I am quite confident, should the question ever be presented to Congress to stop the diversion of water from Lake Michigan into the drainage canal, Congress will never agree that more than 160,000 cubic feet per second shall go by the way of the St. Lawrence River, to the detriment of 2,000,000 people requiring ten or fifteen thousand cubic feet per second for the preservation of the life and health in the great city of Chicago. [Applause.]

So I have no fear, Mr. Chairman, of the decision of the Secretary of War, because I have confidence in the Congress of the United States; and I know, too, Mr. Chairman, when that question comes up before the Congress of the United States, the gentleman from Wisconsin [Mr. DAVIDSON] will stand with Chicago for pure water and for the preservation of the life and health of its people. The gentleman suggested that under our State law the Government would be compelled to assume obligations for damages caused by the construction of the drainage channel.

It has never been the intention of any Representative from the city of Chicago or from Illinois to burden the people of the United States with any such obligations. If I had been present during the sessions of the committee, I should have proposed that certain money be appropriated to begin this work, I should have proposed an appropriation to make a survey from the city of St. Louis to the city of Cairo, and I should also have proposed that this waterway built by the people of Chicago, costing up to date more than $53,000,000, should be turned over to the Federal Government without any possible obligation, and in making such propositions I should only have been expressing the sentiments of the people of the State of Illinois.

The gentleman from Mississippi [Mr. WILLIAMS] suggested yesterday in his remarks that if we can not have 14 feet from St. Louis to New Orleans it would be impossible to maintain a 14-foot channel from the city of Chicago to the city of St. Louis. Now, I know that the gentleman is mistaken, and I know, with the many things that he has to look after in the House, he has not given this project such attention as it is entitled to. If a 14-foot channel is constructed from Chicago to St. Louis, no high stage of water will ever affect this depth. It is not a silt-bearing stream above the Missouri River. In other words, the channel does not come in contact with the Mississippi River below the mouth of the Missouri River until it empties into St. Louis Bay. This bay always has a deep pool, even in periods when there is only 5 feet from St. Louis to Cairo. It is a well-known fact that all the trouble in the Mississippi River, the shifting of bars, is caused by the water from the Missouri. It is therefore obvious that there is no danger of filling the channel from Chicago to St. Louis, even though there is only 5 feet of water from St. Louis to Cairo. I agree with the gentleman when he says if we can not have the 14-foot waterway from Chicago to the Gulf of Mexico the waterway loses more than half its value. When I began discussing this project in this House twelve years ago the only thought that I had in mind was that we might begin at the Great Lakes and end at the Gulf of Mexico, and that the waterway might be so deep as to make it possible to carry ships of from two to four thousand tons burden. But if this project should stop at St. Louis—if it got no farther than St. Louis with 14 feet—there would be many days in each year when there would be 14 feet of water between the city of St. Louis and the city of Cairo without any sort of improvement on the Mississippi River.

There is a project now for which Congress has been appropriating, looking toward an 8-foot channel between St. Louis and Cairo, and an Army engineer before the Committee on Rivers and Harbors two years ago said that it would not be difficult to maintain a 10-foot channel under the present project and that 9 feet was as easily obtained as 8 feet, proposed in the project.

The low-water stage between these two points is about 5 feet. With a 10-foot channel between these points, it would be 5 feet deeper in the very lowest possible stage than it is at this time, and would mean, Mr. Chairman, that, with the improvement of the river as proposed now, there would be more days in the year when there would be a 14-foot channel between the city of St. Louis and the city of Cairo than days when there would be less than that depth.

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

Mr. MADDEN. I ask that the gentleman's time be extended ten minutes.

The CHAIRMAN. The gentleman from Illinois asks that the time of his colleague be extended ten minutes. Is there objection?

There was no objection.

Mr. LORIMER. Mr. Chairman, as to the Mississippi River between the city of Cairo and the city of New Orleans, I have been informed by the engineers who have surveyed on the Mississippi River for many years that they always dredge for 12 feet, and that 14 feet has frequently been obtained, and once obtained is as easily maintained as 9 feet. So there is no difficulty in operating a ship of 14 feet draft between the city of Cairo and the city of New Orleans. Thus it is obvious that there are more days in the year when there will be 14 feet under the present projects than days when there will be less than 14 feet from Chicago to New Orleans. The proposed waterway from Chicago to the city of St. Louis means that we are to have 14 feet of water every day in the year, and if that is not meritorious, Mr. Chairman, then I know of no meritorious project that has ever been presented to this Congress during my service.

I read a statement a few days ago in a newspaper made by a Member from Iowa with reference to this project, in which he said if this improvement is made it will be all right going downstream, but the velocity will be so great that it will be impossible to come upstream. This is a return of the ghost of twelve years ago. Twelve years ago I began discussing this project. Many Members said that it would be impossible to construct and maintain a 14-foot channel between the city of Grafton and the mouth of the Missouri River, because, they said, in order to have a 14-foot channel that would clean itself the Mississippi would have to be confined to a channel so narrow as to make the velocity so great that it would be impossible to manage a ship up or down stream the few miles from Grafton to the Missouri River. But I continued pleading with Congress for the survey, and $200,000 was appropriated. A survey has been made. What is the report of the board of engineers? They report that the proper thing to do is to build a dam at Alton, thus creating from Alton to the Illinois River slack-water navigation 14 feet every day in the year, with the very minimum of dredging to maintain it, instead of a velocity so great as to render navigation impossible on the reach from Grafton to Alton.

So, Mr. Chairman, it is the old argument back again; it is the old ghost that was with us twelve years ago. During that time those of us who favored the survey answered in this wise: I do not know whether your statement is correct or not, but let us turn it over to a board of engineers, have them investigate, order them to report to the Congress of the United States, and if they report that a navigable channel can not be constructed and maintained then we will stop talking about it. The survey has been made; it has been demonstrated that the channel can be made navigable, and it does seem to me that this is rather a late day to come back with that old ghost.

Since I have served on the Committee on Rivers and Harbors I have become well acquainted with every member of the committee, and I know each member probably as well as any other member of the committee. With the members of the committee I have not the slightest complaint. I have confidence that every man acted on this project as his judgment dictated. I have no complaint with any man who disagrees with me on any proposition. All I ask is a fair, frank statement, an opportunity to make my case, and if I can not convince I do not expect to succeed. I do not think, Mr. Chairman, that the mem-

bers of that committee should be criticised for any part of this bill that they have reported to Congress. I have so much confidence in the committee that I am satisfied to vote for the bill notwithstanding the fact that I have not participated in its preparation. If I have any complaint at all it is that the committee has not recommended appropriations enough. I am very glad to have an opportunity to discuss this subject on the floor of the House, and whether it wins to-day or not, much good has been accomplished in the discussion that has been going on for the last few days; more has been done to advance this project and to cause an appropriation to be made in the near future for it than all the work that has been done in the last ten years. So I think the gentlemen that have been advocating it here for the last six days are to be congratulated on calling the attention of the country to the value and the merits of this great project.

Will we begin this work to-day? I can not answer that question. Will there be constructed a waterway from the Great Lakes to the Gulf? Yes. Just as sure as God reigns above. [Applause.] Gentlemen of the committee, if that be true, it will be constructed because it is a meritorious project, and because it will be of value to the people of the Mississippi Valley. It has been talked about for a hundred years. Why delay longer? Let it be said that the waterway the people have discussed for a hundred years has been acted upon by this Congress. Let it be said from to-day that the beautiful dream of over a hundred years is now to become an accomplished fact. Why not give to the people of the Mississippi Valley an opportunity to place the product of that valley in Europe and in the Orient more cheaply than it can be placed there in any other way. The difference between the cost of transportation of grain by water from Chicago to New Orleans as against the cost of transporting by rail to the seaboard is from 7 to 9 cents a bushel; in other words, it costs from 9 to 11 cents a bushel by rail to seaboard against 2 cents by this waterway, and that means more to the farmers of the Mississippi Valley, many times more, than would pay the interest on the money required to do the work. [Applause.]

Mr. BARTHOLDT. Mr. Chairman, I hold in my hand a list of Members of this House who have been reported to me as favoring the deep waterway from the Lakes to the Gulf. Their position has been ascertained through letters written to them by their constituents and through their replies to those letters. They evidently hold, as we do, that the time for this great undertaking has come—that we should not defer until to-morrow what can be done to-day. No doubt they will be surprised to learn, as will James J. Hill, Theodore P. Shonts, and other great men of the nation who regard this project as the most urgent of all river-improvement projects, that under a new rule adopted by the Committee on Rivers and Harbors this undertaking can never be even considered, survey or no survey. And yet this is the case. The rule I refer to is to the effect that no project, large or small, shall be undertaken unless an amount sufficient for its completion can be appropriated at one time. It is patent to every thinking man on this floor that, if strictly adhered to, this rule will forever bar that great project from the committee room and the House, unless the Members take the bit in their teeth and run away from or run over the rule. The reasons for this are twofold: First, there never will be a river and harbor bill large enough to carry a sufficient appropriation for the completion of the deep waterway, because the revenues of the Government will not permit such an outlay at any one session; and, secondly, even if they did, even if we had the ready cash in the Treasury, such a bill could never pass through Congress, for the simple reason that it would mean the exclusion of every other project in the country, for the time being at least, which would be both impossible and wrong.

What, then, is the only alternative under these circumstances? Let us do as Alexander the Great did when he solved the Gordian knot—cut it with the sword which our constituents have placed in our hands. To-day this rule is being enforced against the Mississippi Valley. To-morrow it will be invoked against another section that may be interested in some great project, just as the committee or its chairman may see fit to make use of it. And, Mr. Chairman, what we find fault with is that, even in this bill, with a brand new rule staring its framers in the face, it has not been enforced indiscriminately—or will anyone claim that $450,000 will suffice to complete the improvement of the Ohio or $300,000 that of the Missouri? Why, ten or a hundred times those amounts would barely do for these purposes.

I call attention to this situation so that the Members of the House may understand that, under the rule referred to, no great projects can be considered in the future at all unless either bonds are issued to provide for them at one time or they override the committee rule and make appropriations on the installment plan, as has been done heretofore.

The Members in favor of the deep waterway, in view of this situation, have but one alternative, if they are in earnest in their support of that project, and that is to vote now for the amendment offered by the gentleman from Illinois, which will dispose of the rule and insure the beginning of actual work on that great enterprise.

[Here the hammer fell.]

Mr. WHARTON. Mr. Chairman, I would like to ask the gentleman a question, and that is if he would have any objections to reading the names on that list he has of those who are in favor of the deep-waterway project?

Mr. BURTON of Ohio. Oh, Mr. Chairman, I think we had better make a test of that when the matter comes to a vote. Mr. Chairman, this is a most magnificent conception, this thought of a deep waterway from Chicago to the Gulf. I do not think we should regard our action here to-day, which I believe will be against it, as conclusive that it will not be adopted at some time. But we should give to it mature consideration before we begin. We should know the facts. There has been presented to the committee a statement of a so-called "expert" to the effect that the tonnage between St. Louis and Chicago amounted to 35,000,000 tons per year. An official report limiting the amount to three railways and that which is unloaded at the respective termini makes it, instead of 35,000,000, but 1,082,000 tons. At the instance of a St. Louis commercial organization an expert in this traffic appeared before the committee and stated that the total tonnage between St. Louis and Chicago was 4,500,000 tons. This is but an illustration, this variation in the estimates of tonnage, of the immature and imperfect consideration given to this project. I have listened to the figures given by my colleague on the committee from Illinois. He speaks of 8,000,000 tons of coal that might be handled. Does the gentleman realize that with the most economical means of transporting coal the total amount that is carried through the Louisville Canal and the main channel of the Ohio at Louisville to the lower Mississippi is but a million and a half tons, and does he expect that on this waterway the through traffic on that article would amount to 8,000,000 tons?

I stated briefly the other day the objections to this. First, that we should not undertake any projects unless we provide for completion. The committee desires to stand or fall in this bill upon that proposition, because it is the businesslike way in which to do things. We are providing in this bill for the construction of five dams in the Cumberland River, and the locks were constructed on an average of twenty years ago and have stayed there since, without one particle of benefit. There is a lock and dam in the Columbia River that lingered nearly thirty years before it was completed, and not one iota of benefit could be obtained until its completion. We desire to abolish that, and desire to ask the approval of Congress in that course. The gentleman from Missouri [Mr. BARTHOLDT], who has just preceded me, says that policy makes it impossible that this project should ever be adopted, because so large an amount will never be put upon a river and harbor bill. I am not sure of that. It would of course mean very much larger appropriations than we are making now for this purpose. I further stated the other day that projects very worthy, very much pressed, have been pending before the committee for five years, ten years, and, in fact, for a longer time, and have not yet been provided for. Shall we take up this project which was not brought to the attention of the committee, at least with any degree of insistence, until the beginning of the month of December? There is a certain zeal in new converts which is very earnest and sometimes very amusing, and there has been a most splendid illustration of this zeal of the new convert in the advocacy of this project. The last session I do not recall that but one Member of this House spoke to me on behalf of this deep inland waterway.

Mr. MADDEN. That was because——

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

Mr. BURTON of Ohio. Mr. Chairman, I ask unanimous consent that I may proceed for ten minutes more.

The CHAIRMAN. Is there objection to the gentleman's request? [After a pause.] The Chair hears no objection.

Mr. MADDEN. Will the gentleman yield?

Mr. BURTON of Ohio. I will if you will ask a question.

Mr. MADDEN. The chairman of the committee just stated that in the report made to the committee on the number of railroads running between Chicago and St. Louis that the information was there were three.

Mr. BURTON of Ohio. There are more than that. I said even the three railroads——

Mr. MADDEN. I want to say there are six.

Mr. BURTON of Ohio. But the bulk of the traffic is by those three.

Mr. MADDEN. And I was just going to suggest if the rest of the information of the tonnage was as reliable as that it was not worth basing an opinion upon.

Mr. BURTON of Ohio. I will state to the gentleman the man who appeared before us and stated the traffic was four and a half millions laid special stress on the six railroads and included them all.

Another thing. This is but a part of a great plan, a waterway from the Lakes to the Gulf. We now know nothing on which we could base our action except on the canal from Chicago to St. Louis.

Mr. MADDEN. Would the chairman be willing to state——

Mr. BURTON of Ohio. I must decline to yield at this point.

Mr. MADDEN. Will the gentleman let me ask him this question?

Mr. BURTON of Ohio. Certainly.

Mr. MADDEN. Would the chairman of the committee be willing to say that, in the event the survey which it is proposed to make of the Mississippi River proved the adequacy or feasibility of the plan for the deep waterway proposed from the Lakes to the Gulf, he would favor it at some future time?

Mr. BURTON of Ohio. That question had best be answered when we know the amount of benefit that would be conferred by the undertaking. I certainly should have a very favorable disposition toward an improvement of this kind if it could be accomplished within reasonable limit of cost.

I also stated the other day that we have been saying "no" to every project which has been presented to us which did not have the favorable opinion of the board of review. This has been made practically a hard and fast rule as to projects whether they would cost $5,000 or $500,000, and now you say that in a case like this, so recently brought to our attention, we should violate that rule and bring in a project that would cost $31,000,000. I think gentlemen who have argued so long on this subject have omitted one prominent or, indeed, two prominent, incidental features relating to this waterway, and I will ask the Clerk to read from extracts from the message of the governor of Illinois delivered last month.

The CHAIRMAN. The Clerk will read the extracts referred to.

The Clerk read as follows:

Under the law enacted by the last general assembly an internal improvement commission was appointed to investigate the various problems connected with the projected deep waterway from Lake Michigan to the Gulf of Mexico and with the reclamation of lands along the Illinois River subject to inundation and overflow.

The most prominent subject considered by the commission is the proposed extension by the National Government of deep-waterway navigation from Lockport, Ill., to St. Louis, Mo.

* * * * * * *

In connection with this most prominent feature of the commission's work the report of the commission shows many incidental advantages which will accrue to our own State from the construction of the proposed waterway. Among these are the creation of 120,000 electrical horsepower, which can be secured without in any way affecting the use of the waterway as a navigable channel. At the minimum estimate of $25 per horsepower this electrical power would afford an annual income of $3,000,000.

The reclamation of overflowed lands is another important advantage. In the Illinois River Valley 350,000 acres of land are subject to overflow. Much of this would be relieved from this hazard as a result of the building of the proposed waterway.

Mr. BURTON of Ohio. So it seems, Mr. Chairman, that there is an incidental benefit worth $3,000,000 a year that would arise from the building of this waterway, which, capitalized at 4 per cent, would mean a value of $75,000,000. Would it not be well for us, before the money is appropriated from the National Treasury to build this waterway, to find out who will have the benefit of that $75,000,000, besides 350,000 acres of land, not of very great value, a large share of which will be reclaimed by this waterway. How can we tell what share of this agitation comes from the desire for navigation of this waterway and what share comes from a desire to use that water power, worth $3,000,000 a year, or what share of it is due to the desire to reclaim a large share of 350,000 acres of land. On this subject I want to read some correspondence which has gone through the War Department. The chief engineer of the Sanitary Canal, Mr. Isham Randolph, wrote a letter to the governor of Illinois on the 17th of December last, in which he said:

THE SANITARY DISTRICT OF CHICAGO,
AMERICAN TRUST BUILDING,
Chicago, December 17, 1906.

Hon. CHARLES S. DENEEN, *Governor.*

MY DEAR GOVERNOR: I am advised that the combination which has lately been formed for the development of water power south of Joliet has sent representatives to Washington to get permission from the Secretary of War to carry through the plans which they have outlined. Now, the development of this Illinois valley water power should be on systematic lines which would yield the greatest possible return of power consistent with a navigable waterway.

The plans proposed by the United States engineers for this river improvement ignore the water-power phase of the question, and these plans should be revised so that the best possible results may be obtained in the interest of both commerce and manufactures.

Would it be consistent for you to address a communication to the Secretary of War, asking him to withhold all permission for the development of water power in the Illinois and Des Plaines rivers pending a thorough study of the question, and would it be proper for you to state that the commission appointed by you and authorized by the State legislature had this whole question under advisement?

It is of the greatest importance that no vested rights should become intrenched in this valley which would hamper the waterway and the highest interest of the State.

Yours, with respect and esteem,

ISHAM RANDOLPH, *Chief Engineer.*

Then he asked the governor to write to the Secretary of War. The Secretary of War called upon the Engineer Department to make a report upon it, and this is what is said. At the same time I will insert a copy of H. R. 24271 and the report of the engineer office in regard to it, all relating to this subject of water power:

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
Springfield, Ill., December 19, 1906.

SIR: I inclose herewith a letter addressed to me by Mr. Isham Randolph, chief engineer of the Sanitary District of Chicago, in reference to the development of water power south of Joliet in this State. It is self-explanatory.

The last legislature directed me to appoint an internal improvement commission, with a view "to investigate the various problems associated with a projected waterway from Lake Michigan to the Gulf of Mexico, etc." The members of that commission are Mr. Isham Randolph, Chicago, president; Mr. Henry M. Schmidt, of Beardstown; Mr. Henry W. Johnson, of Ottawa; Mr. Lyman E. Cooley, of Chicago, secretary.

Mr. Randolph and Mr. Cooley are eminent engineers, and, with their associates, have studied the development of Illinois Valley water power on systematic lines.

I should be pleased to have them accorded an opportunity to present to you their views before you finally determine upon any action in regard to the matters referred to. In the event you can accord them a hearing they will appear before you at your convenience. I consider this matter of very great importance to our State.

With high respect, I am, yours, truly,

CHARLES S. DENEEN, *Governor.*

Hon. WILLIAM H. TAFT,
Secretary of War, Washington, D. C.

[Second indorsement.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, December 28, 1906.

Respectfully referred to Maj. C. S. Riché for remark.

By command of Brigadier-General Mackenzie:

H. F. HODGES,
Major, Corps of Engineers,

[Third indorsement.]

UNITED STATES ENGINEER OFFICE,
Chicago, Ill., January 2, 1907.

1. Respectfully returned to the Chief of Engineers, United States Army.

2. I am of opinion that the questions herein raised merit most careful consideration.

3. The United States is being asked to spend $30,097,462 to create a navigable waterway between Lockport and St. Louis, and thus connect the Great Lakes with the Mississippi. (House Doc. No. 263, 59th Cong., 1st sess.)

4. Of this amount $15,355,900 is asked for between Lockport and Utica, which is that part of the line where water-power development is possible and which is the locality covered by the within correspondence.

5. I am of opinion that the improvement of this portion of the line can be made in such manner as to give practically a full power development without the sacrifice of any requirements necessary for navigation.

6. The total fall from Lockport to Utica is 136 feet. Of this, 39 feet is at Lockport. The power resulting from this latter properly belongs to the Sanitary District of Chicago and is now being developed by it.

7. Below Lockport and between there and Utica the fall is 97 feet; allowing for slopes in the pools, probably 91 feet of this is available for power.

8. One cubic foot of water per second falling 91 feet will give practically 10 horsepower; 10,000 cubic feet per second will give 100,000 horsepower; 14,000 cubic feet per second will give 140,000 horsepower.

9. Whatever flow is permitted to the Sanitary District of Chicago will, when all the works are finished, be maintained steadily, day and night, winter and summer.

10. The great and growing population of Chicago and vicinity, its advantages as a manufacturing center, its facilities for transportation, both by rail and water, especially with this proposed waterway connecting the Lakes and the Mississippi, make it unlikely that there would be any difficulty in marketing this full amount of power as rapidly as it could be developed.

11. The value of this water power is very great. Fifteen dollars per horsepower per annum is a conservative figure.

12. At this figure the fall of 10,000 cubic feet per second through the 91 feet between Lockport and Utica would be worth $1,500,000 per annum, which if capitalized at 5 per cent would equal $30,000,000.

13. Similarly the flow of 14,000 cubic feet per second would be worth $2,100,000 per annum, or capitalized $42,000,000.

14. There can be no question but that the value of this power is such that for its control a suitable navigable waterway from Lockport to St. Louis could be built at a profit to the builder by reason of the water power thus incidentally developed.

15. I am of opinion that power privileges and power rights such as these should not be ignored, nor should they be presented gratis to pri-

vate parties. The public should either own and develop them or else sell them for a suitable price to the highest bidder.

16. There are three instrumentalities apparent through which the public can act in handling the matter:

First. The Sanitary District of Chicago.

Second. The State of Illinois.

Third. The United States.

17. Which of the three should properly take charge of the matter is perhaps a debatable question. The waterway, in any event, should be free of tolls; and it is believed that its building and control by the United States would be more satisfactory to the public and to the country at large.

18. I believe, however, that the control of this valuable power should be vested in that one of the three which developed it in creating the waterway from the Lakes to the Mississippi, and, conversely, that one of the three that should be deemed best to control this power should build the waterway.

19. It does not seem equitable that one of the three should be expected to spend a great sum of money on the waterway and that one or both of the others should then control and profit by the water power thus developed.

20. It would also seem reasonable that that one of the three that finally undertook the work should be given by the other two all the necessary legal rights in the locality now held by them.

21. Until the policy of the United States in the matter is finally decided it is recommended that the within request of Mr. Randolph be complied with and that no permit be issued and no rights be granted contemplating water-power developments in Illinois or Des Plaines rivers between Lockport and Utica.

C. S. RICHÉ,
Major, Corps of Engineers.

NOTE.—Governor Deneen in his annual message to the general assembly, January 9, 1907, estimates that 120,000 electrical horsepower would be secured and states: "At the minimum estimate of $25 per horsepower this electrical power will afford an annual income of $3,000,000."

(Capitalized value, $60,000,000.) Also speaks of relief of much of 350,000 acres of land from overflow.

DECEMBER 22, 1906.

MY DEAR SIR: I have your letter of December 19, with inclosures, and beg to advise you that I shall have pleasure in giving the commission to which you refer full opportunity for a hearing should they apply directly to me. I am to have a hearing with respect to the Drainage Canal on the 14th of January, and it is quite possible that they might wish to be present upon that occasion. The question there presented is as to whether I can grant permission to take 4,000 cubic feet a second from Lake Michigan for the Calumet River, and the projected drainage improvement in Chicago.

Very respectfully, yours,

W. H. TAFT.

Hon. CHARLES S. DENEEN,
Governor of Illinois, Springfield, Ill.

[H. R. 24271, 59th Cong., 2d sess., House of Representatives, Jan. 14, 1907.]

Mr. WILSON introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce and ordered to be printed:

A bill in relation to the Illinois and Michigan Canal and granting to the State of Illinois all rights, easements, and title of the United States, in, to, and into that portion of said canal lying between the upper basin, situated in the city of Joliet, and Lake Michigan.

Whereas heretofore the United States, by act of Congress passed on, to wit, March 30, 1822, authorized the State of Illinois to survey a route for a canal connecting the Illinois River and the southern bend of Lake Michigan, and reserving 90 feet of land on each side of said canal from sale and vesting the same in said State for canal purposes upon certain conditions, reserving certain rights to the United States; and

Whereas in order to assist the State of Illinois in the construction of said canal the United States, by act of Congress passed on, to wit, March 2, 1827, granting to said State a quantity of land equal to one-half of five sections in width on either side of said canal from one end thereof to the other, to be disposed of by said State as it saw fit, for the purpose of constructing said canal; and

Whereas said State of Illinois, by act of legislature in 1829, duly accepted the grants of Congress aforesaid and surveyed, laid out, and constructed the canal as by said grants proposed, which said canal connected Lake Michigan with the navigable waters of the Illinois River by a channel leading from a point near Utica, Ill., to a point on the south branch of the Chicago River, about 4 miles from where said river empties into Lake Michigan, said canal having been constructed and maintained of a size sufficient for canal-boat navigation; and

Whereas said State of Illinois, by act of its legislature passed in 1899, provided for the incorporation of the Sanitary District of Chicago, a municipal corporation, and authorized said corporation, for the purpose of providing an outlet for the drainage and sewage of the city of Chicago and contiguous territory, to construct a channel whereby the sewage and drainage of said district was to be carried into the Des Plaines River by water from Lake Michigan, said channel to be of such dimensions and so constructed as to be navigable by the vessels of the Great Lakes and upon its completion to be a navigable stream; and

Whereas the said Sanitary District of Chicago, pursuant to its said authority, has constructed a channel parallel and adjacent to the Illinois and Michigan Canal from the latter's connection with the Chicago River to the said upper basin at Joliet; and

Whereas said channel of said district is of sufficient size and dimensions to accommodate not only canal-boat navigation, but also navigation of the vessels of the Great Lakes, and is completed to within a short distance of said upper basin, and will within a few months be connected with said upper basin and will then afford all the accommodation for commerce heretofore afforded by the said Illinois and Michigan Canal between said upper basin and Chicago and much more; and

Whereas said channel of said Sanitary District of Chicago has been constructed by said district at an expense of nearly $5,000,000, and forms the first section of the deep waterway from Lake Michigan to the Mississippi River; and

Whereas the State of Illinois has authorized said district, upon connecting its channel with the upper basin at Joliet, to cut across and destroy the Illinois and Michigan Canal between said points; and

Whereas in the judgment of Congress the old right of way of said Illinois and Michigan Canal between said upper basin and said Chicago River, being adjacent to said right of way of said sanitary district of Chicago, will be of more service and benefit to the people of that community and of the State of Illinois by being made a part of the said right of way of the sanitary district of Chicago: Therefore,

Be it enacted etc., That there be, and is hereby, granted to the State of Illinois all the rights, easements, interest, and title of every kind and nature now owned or possessed by the United States in, to, and into that portion of the Illinois and Michigan Canal lying and situated between the upper basin, in the city of Joliet, Ill., and Lake Michigan, it being the intention of Congress by this act to give to said State a clear title to the bed, banks, towpath, and reserved lands on either side of said canal, and to all the appurtenances and appliances appertaining and belonging to said canal, including all locks, basins, water rights, water privileges, and water power heretofore possessed and enjoyed by said canal: *Provided, however*, That this grant is made on the express condition that said State will, within six months after the passage of this act, grant unto the sanitary district of Chicago all the rights, titles, easements, and privileges hereby granted to it, together with all other property rights, title, interest, and easements which said State has in said portion of said Illinois and Michigan Canal, and in case of the failure of the State of Illinois to comply with the provision of this proviso by granting over to the sanitary district of Chicago, then this act to be null and void.

[First indorsement.]

WAR DEPARTMENT, OFFICE OF THE CHIEF OF ENGINEERS,
Washington, January 18, 1907.

1. Respectfully referred to Maj. C. S. Riché for early report.

2. If Major Riché desires to suggest any amendments, he will please indicate them on the within copy of H. R. 24271.

By command of Brigadier-General Mackenzie.

H. F. HODGES,
Major, Corps of Engineers.

[Second indorsement.]

UNITED STATES ENGINEER OFFICE,
Chicago, Ill., January 24, 1907.

Respectfully returned to the Chief of Engineers, inviting attention to my report of this date.

C. S. RICHÉ,
Major, Corps of Engineers.

UNITED STATES ENGINEER OFFICE,
Chicago, Ill., January 24, 1907.

Brig. Gen. A. MACKENZIE,
Chief of Engineers, United States Army, Washington, D. C.

GENERAL: 1. In response to first indorsement, dated January 18, 1907 (C. of E. 62076), on wrapper of H. R. 24271, Fifty-ninth Congress, second session, I have the honor to submit the following:

2. This is a bill to quitclaim to the State of Illinois the right of way of part of the old Illinois and Michigan Canal, with the proviso that within six months the State transfer said right of way to the Sanitary District of Chicago. The strip of land which it is thus proposed to quitclaim is some 260 feet wide and 33 miles long and extends from the city of Joliet to a point close to the center of the city of Chicago.

3. This right of way is valuable and could be sold to one or more railway companies for a handsome sum.

4. It follows what appears to have been an old lake outlet, is of good alignment, and is practically level for the entire distance. A single-track railway could probably be laid on each bank of the old canal with little or no grading.

5. This right of way contains some 1,040 acres, which, at $1,000 per acre, would be worth $1,040,000. This valuation is based upon the cost of the right of way of the Sanitary Canal through the same territory, and is not believed to be excessive, especially in view of the ease and economy with which the line could be rendered available for railway purposes.

6. As recited in the preamble of the bill, the proceeds of the sale of public lands granted to the State of Illinois by the United States were used by said State in building this Illinois and Michigan Canal.

7. This canal in its day was a factor in the upbuilding of the Middle West. It has been useful in a national sense. Locally its usefulness to the State of Illinois and the city of Chicago has been very great. It has had much to do with the commercial growth of Chicago. Nor is its usefulness ended. Inadequate as it is for modern transportation requirements, it still exerts a regulating influence on freight rates on adjacent railways, and until a more efficient waterway is provided it is to the public interest that this canal be not abandoned. Such as it is, it is to-day the best waterway connecting the Great Lakes with the Mississippi and its tributaries.

8. It has not been a burden to the State of Illinois. Chief Justice Hand, of the State, and Justice Wilkin, in 1904, stated:

"The fact should not be lost sight of that the canal thus far has not been a burden to the State, and the evidence in this record does not show that it ever will be burdensome to the State. The original cost of the canal, which was approximately $5,000,000, was paid for from the sale of lands donated to the State by the General Government for canal purposes, with the express understanding that the canal should be forever maintained by the State. From the time of its construction to the time of the filing of this bill the canal had earned more than $6,500,000, and there now remains in the State treasury, after paying all its expenses and after refunding to the State all moneys appropriated for the use, the sum of $338,695.76." (Burke *v.* Snively et al., Supreme Court of Illinois, 1904; Ill. Repts., Vol. 208; Philips. Full copy inclosed with my report of the 10th inst., 33152/14.)

9. Nor, under the decision of the supreme court of Illinois in the above case, can the canal ever become a burden to the State, as the State constitution was held to prohibit an appropriation by the legislature in aid of this canal and to limit the power of the legislature, in the matter of such aid, to directing the use of the surplus earnings of the canal for its enlargement or extension.

10. In so far as this canal has been a burden the burden has been wholly borne by the United States, by reason of the land grant for its original construction. It would seem that any assets remaining in case of the abandonment of the canal, or any part of it, should properly and equitably revert to the United States and not to the State

of Illinois nor to the Sanitary District of Chicago, which is a creation of the State of Illinois.

11. The preamble of the within bill implies that the main purpose of the channel, created at an expense of nearly $50,000,000 by the Sanitary District of Chicago, has been to form the first section of a deep waterway from Lake Michigan to the Mississippi River.

12. For this implied reason, and to aid the Sanitary District in bearing this implied burden, the enactment of the bill appears to be sought.

13. If the channel created by the Sanitary District were actually a burden to the people within the limits of that district, it might be proper policy, in view of its possibilities as a link in a waterway of such national importance, for the people of the United States at large to help these people bear the burden in so far as this bill proposes.

14. But I am of the opinion that this channel has not been a burden to the people in the Sanitary District, and that, in means of sewage disposal, in the acquirement of sites for factories, in the accumulation of broken rock which can be sold for construction purposes, and last but not least, in the development of a great water power at or near Lockport, these people have had a return of more than dollar for dollar from the money expended by the district in its great work, and this irrespective of the possibilities of the channel as a line in a deep waterway from Lake Michigan to the Mississippi River.

15. I am of opinion that such a waterway should be built; I believe that it will be built. Its building may be postponed, but can not be prevented. Its depth and the size of its locks are matters that are perhaps open to discussion, but the advantages to the nation at large of an efficient waterway connecting the Great Lakes with the internal navigation system, composed of the Mississippi and its tributaries, are too important to be much longer neglected.

16. As the national interest in such a waterway is large, it should preferably be built by the United States. In any event it should be free from tolls.

17. But if the United States is to build such a waterway, the United States should have ownership and control of everything that properly goes with it, and by this is meant specifically the right of way of the Illinois and Michigan Canal when the latter becomes no longer needed for navigation purposes, and also the water power below Lockport that would be developed by the construction of this waterway.

18. With regard to this water power I beg to invite attention to my third indorsement of the 2d instant on Governor Deneen's letter of the 19th ultimo (58726/21). To the presentation therein made I will add that in the governor's annual message to the general assembly of Illinois, on the 9th instant, he estimated that from the building of this waterway 120,000 electrical horsepower would be secured for the State of Illinois, and said that "at the minimum estimate of $25 per horsepower this electrical power will afford an annual income of $3,000,000."

19. The governor also spoke of the effect of the waterway in relieving much of 350,000 acres of land within the State from overflow.

20. The subject covered by the within bill and the water-power question are both matters directly connected with a determination of the question as to whether this waterway is to be built by the State of Illinois or by the United States.

21. Were the State of Illinois itself, directly, or through the Sanitary District of Chicago, proposing to build this waterway, it would seem proper that the United States should facilitate the work in every legitimate way; but that is not the case. A very strong effort is being made to induce Congress to appropriate some $31,000,000 for the building of the waterway, and so strong is this effort that threats are reported to have been made that all legislation for river and harbor improvements would be blocked if this waterway were not provided for. (It is possible that this matter has not come to the knowledge of the Committee on Interstate and Foreign Commerce, as estimates, reports, etc., regarding this waterway have been referred to the Committee on Rivers and Harbors.)

22. As the matter stands, the United States is being asked to build this waterway at an expense of some $31,000,000, in order that the State of Illinois may not only secure the great benefits that will legitimately come to it from the resulting increase in means of economical transportation, but also that the State of Illinois may secure an additional income of $3,000,000 a year from the water power thus incidentally developed by the United States.

23. In addition, the United States, which has borne the burden of the Illinois and Michigan Canal in the past, is now being asked to quit-claim to the State the valuable right of way of this canal, as it becomes no longer necessary for navigation.

24. The proposition seems jug handled. If the State of Illinois is to build the waterway, the power developed and the right of way of this old canal should go to the State. Otherwise, not.

25. While it may seem to the immediate and narrow interest of the State that the United States should be committed to the building of this waterway, and that meanwhile the State should appropriate to itself all available assets that should properly go with the waterway, I can not but believe that in the larger sense it would be to the State's ultimate interest to lend itself to an equitable adjustment of these matters. The great State of Illinois can afford to do the square thing in a matter of such local and national importance.

26. The legitimate local benefits to the State of Illinois and to Chicago resulting from the building of this waterway will be enormous not alone in relieving bottom lands from overflow, as pointed out by the governor, but also in reduced transportation charges and in increased transportation facilities. If the State could show the United States that it wanted no direct and selfish profit in the matter, and that it would quitclaim to the United States the valuable right of way of the old Illinois and Michigan Canal, and would aid the United States in securing rights to the power that would be developed by the waterway, so that the building of the waterway need be no real burden to the United States, I am of opinion that, by reason of its national importance, the waterway would be built by the United States at an early date, and its undoubted advantages to the people of Illinois, as well as to the people of the United States, would be had without further delay.

27. As matters stand, I am of opinion that unless it be definitely and finally determined that the State of Illinois or its creation—the Sanitary District of Chicago—is to build this waterway, the within bill (H. R. 24271, 59th Cong., 2d sess.) is contrary to the interests of the people of the United States at large, and I recommend that it be not passed.

28. If, however, the pressure for its passage be too strong to be resisted, then I am of opinion that the provision of the act of March 2, 1827, applicable to the Illinois and Michigan Canal should be made applicable to the channel created by the Sanitary District of Chicago, to wit:

"That it shall be and forever remain a public highway for the use of the Government of the United States, free from any toll or other charge whatever, for any property of the United States or persons in their service passing through the same."

Very respectfully, your obedient servant,

C. S. RICHÉ,
Major, Corps of Engineers.

Now, the State of New York has built, or is building, without calling on the National Government, a barge canal, which will be of great benefit to the whole country, at a cost of $101,000,000. A canal is projected from Lake Erie to the Ohio River, which private enterprise proposes to build. The terminus of it was erroneously given as at Cleveland, but it is, in fact, 54 miles east of Cleveland. Now, there is the strongest ground of them all in this case for construction by a State or other agency, because there is right in sight, created by it, water power which, according to the estimate of the governor of the great Commonwealth of Illinois, is worth $3,000,000 a year. Shall we go on blindly and appropriate $31,000,000 here? Why, gentlemen, the folly of such action would bring upon us condemnation for our carelessness and our wastefulness, and we could not stay that condemnation or relieve ourselves from the blame which would rest upon us.

See how easy it would be to build this to St. Louis and say then: "Oh, we don't care about the rest of it down to the Gulf. We have got what we want. We have not only the waterway, but we have our water power." So we should find out what it is going to cost and whether it should be undertaken in its entirety, and we should, again, as guardians of the public treasury and the public weal, refuse, and refuse peremptorily and decidedly, to make a gift such as will be made by the passing of this amendment and the adoption of this waterway.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the gentleman has eloquently stated his side of this case. He is an expert at stating propositions coming from his committee. He says there is great danger that somebody will be benefited by the creation of 120,000 horsepower of water power if this waterway is constructed by the Federal Government. If there should be any water power created by the construction of the waterway, personally I feel that it should belong to the Federal Government if it constructs the waterway. If by any chance the waterway can be constructed more economically by the creation of water power, then there should be no objection to the creation of water power in the construction of the waterway.

The agitation of which the gentleman speaks is widespread and disinterested. This agitation is not only from the people of the State of Illinois, but from every other State bordering upon the Mississippi Valley. We make no apology because the legislature of Illinois passed resolutions requesting an appropriation for this great project. We believe that the legislature of Illinois, in its official capacity, had the right to voice the sentiment of the people who give it power. No question has ever been raised by any one who advocated this project about any charge to be made for tolls. It would undoubtedly be a channel in which free transportation would be allowed. It would be under the jurisdiction of the Federal Government, and the Federal Government, as I understand it, allows no charge for toll on any waterway which it controls. The people of the Middle West feel, notwithstanding the fear expressed by the distinguished chairman of the Committee on Rivers and Harbors, that the creation of this waterway is not only wise, but that it is a good business proposition for the nation.

And I do not agree with the gentleman when he says that we would not be conserving the rights of the people of the nation should we vote for the expenditure provided in this amendment. We believe that the Federal Government owes it as one of its paramount duties to the people of the nation to expend the money to create the necessary facilities for the movement of the nation's products at the cheapest possible cost, and we believe, too, that in the creation of this waterway and the expenditure of the money proposed in this amendment that the Government would be doing one of the most beneficial things, not only for the commerce of the nation but for the development of the agricultural, mining, and manufacturing interests of the great Mississippi Valley.

Mr. LORIMER. Mr. Chairman, I move to strike out the last two words.

Mr. MADDEN. I withdraw the pro forma amendment.

The CHAIRMAN. The gentleman from Illinois withdraws the pro forma amendment, and the gentleman from Illinois [Mr. LORIMER] moves to strike out the last two words.

Mr. LORIMER. Mr. Chairman, I have no objections to men differing with me in opinion as to whether or not the projects proposed to Congress are good or bad, and I do not impugn the

motives of the gentlemen who oppose the 14-foot channel from Chicago to the Gulf of Mexico, nor do I regard it as fair to the men who are now advocating this project that the chairman of the committee should insinuate to this Congress that when the waterway is constructed from Chicago to St. Louis, Chicago and St. Louis will say to the people of the lower Mississippi, "We have got what we want; now you look out for yourselves." The people in Chicago (the city which I have the honor, in part, to represent) and the people in Illinois are not discussing a waterway from St. Louis to Chicago; the only voice that is heard in reference to this project is a 14-foot channel from the Great Lakes to the Gulf of Mexico, and when they make this statement, Mr. Chairman, they are just as sincere as any gentleman in this House who makes a statement and claims to express his true sentiments or the sentiments of the people he represents.

Now, with reference to whether or not this shall be a toll canal. There is every reason why the people of Illinois should want a free waterway. Just a short distance from the city of Chicago, not over 60 miles, and running down through the valley, almost to the Mississippi, are found the most magnificent coal fields upon the face of the earth. By establishing this waterway iron ore and coal can be assembled in the Illinois Valley more cheaply than they can be assembled in any other part of this country, and not only can they be assembled in the Illinois Valley more cheaply than they can be assembled elsewhere, but they can be assembled in the Mississippi Valley. Ships may go down through the Illinois into the Mississippi, down the Mississipi and turn at Cairo, back all the way up to the city of Pittsburg, on the Ohio, and thus assemble iron ore and coal in the magnificent coal fields of Pennsylvania more cheaply than they can be assembled in that State to-day. Our people, looking to the progress and prosperity of their State and to the advancement of the people of our State, are not thinking of impeding the commerce of this waterway by placing a tariff upon the boats that may traverse this great channel. There is no thought of a toll upon this waterway, in so far as the people of the State of Illinois are concerned, and it is within the power of the Congress of the United States now and here, to-day, in making the appropriation, to provide that all the water power below the city of Joliet shall go to the Government of the United States when it begins or completes the construction of this waterway.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURTON of Ohio. Mr. Chairman, I will only take time to correct one statement made just now. I think the gentleman was perhaps unduly sensitive in regard to any remarks I made about abandoning the plan from St. Louis to the Gulf. I made no aspersion upon him. It is often the agitation that is heard, and it was in connection with the agitation that I spoke.

The gentleman is in error about the plain business and legal proposition of our ability to provide that this water power shall belong to the United States. The water-power privilege is an incident belonging to the abutting owner of the property, and we could frame no provision in this bill, or in any bill, which would reserve the right to the United States. It means, if you pass this amendment, to confer a gift, estimated by the governor of Illinois at $3,000,000 per annum, on some one, and that some one is not the United States.

Mr. MADDEN. Do you admit that the improvement of the Ohio River created water power?

Mr. BURTON of Ohio. Not of any great importance.

Mr. MADDEN. Who does that belong to?

Mr. BURTON of Ohio (continuing). It is nothing such as you are contemplating. The structures in the Ohio are movable dams and in high water are let down. I ask for a vote.

Mr. SNAPP. Mr. Chairman, I ask unanimous consent to address the House for three minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to address the House for three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SNAPP. I desire to correct any impression that the chairman of this committee may have produced upon this House in regard to this water power, and I take it that every member of this committee understands that these statements are made for the purpose of prejudicing this House against this enterprise. I am not content to sit here in silence and permit this thing to be done. Let me call the attention of this committee to the fact that the sanitary district channel, 30 miles long, terminates at Lockport, where the great fall in the Des Plaines River begins.

From there to the mouth of the Kankakee River the fall is 75 feet, and every member of this committee will understand, without the statement of the chairman or of any engineers, that this falling water between those points necessarily creates water power, and that water power, if properly developed, will, as has been said by the chairman, be of enormous value. But let me call your attention to these facts: The Sanitary District of Chicago has spent $75,000,000, or will have spent that when this project is completed, toward the development of this waterway and the incidental development of this water power. Private parties also interested in this river are about, as I said in my remarks the other day, to expend several million dollars to develop this water power from the end of the Sanitary District Canal—20 miles—to the Kankakee River. That development will produce a navigable waterway 14 feet deep from Lake Michigan to the Kankakee River.

The estimated cost of the extension of this channel from the Sanitary District Canal to the Kankakee River is only $7,800,000. The Sanitary District of Chicago and private parties will develop within the next two years that entire stretch, costing something like $3,500,000. All that the Government is asked to spend to extend this channel from the end of the Chicago Ship Canal to the Kankakee River, the end of the possible development in this water-power enterprise, is about $3,500,000. Will anybody contend that the Sanitary District of Chicago and the people of Illinois, who have spent and are about to spend $75,000,000, three-quarters of the entire expense of this waterway from Chicago to St. Louis, should not have the benefit of this great expenditure and the value of the water power that they create?

The development of this power is incidental to the development of the waterway. The waterway can not be developed without developing this power, and the people of the State of Illinois, I say, have contributed or will contribute $75,000,000 to this project. Without the water power there can be no waterway, because anyone can understand, without the help of engineering experts, that the waterway can not be built unless the water is allowed to fall downhill, thereby creating the power.

The State of Illinois has been sincere in this matter. The people of Chicago have been sincere. At an expense of $75,000,000 to them, they offer to this country an almost completed project. There is no water power in the river below the Kankakee, where most of the money we want must be spent. Will anybody, in good faith, contend for a moment that the people of the State of Illinois should abandon this water power, even to the General Government, when they only ask this Government to contribute $25,000,000 to complete a $100,000,000 project?

I say that the statement was made in order to appeal to the prejudice of this House. I want to appeal to your reason. Is there a man here in this House who will contend that, after this enormous expenditure by the State of Illinois, they should be requested to turn over to the General Government or to anybody the water power created incidental to this waterway? [Applause.]

Mr. BURTON of Ohio. Mr. Chairman——

The CHAIRMAN. If there be no objection, the gentleman from Ohio will be recognized.

Mr. BURTON of Ohio. I should not have said a word, except that the gentleman from Illinois [Mr. SNAPP] has stated that I have been seeking to prejudice the House. That is an accusation so common, though usually made outside of these walls, that I think I ought to give it a passing reference. I take it to be the duty of a Member of this body, when the interests of the United States are involved, to state here the facts as he knows them, to make such arguments from those facts as are necessary and proper, and I propose to make such statements of facts and arguments—you may call it prejudice or whatever you please.

I should certainly have been lacking in my duty to this House if, after this long discussion by the advocates of the waterway, I had let this vital fact go unknown. I have not said that the gentlemen were unfair. The most I would say in regard to them would be that they are not gifted in the diffusion of that essential information which is necessary to a full understanding of the subject under discussion. [Laughter.] They certainly have not told you all the facts in regard to this proposition. Is it not a little unfortunate for the advocates of this waterway that the statement has just been made that it needs only a few million dollars to build this waterway over the section where water power is developed? The first proposition that was made to us was to appropriate just about the amount that the gentleman from Illinois has said is necessary to utilize the section in which this water power is. I do not accuse him or any of these gentlemen, but why was the proposition brought in to expend $5,000,000 when it is just the amount required, not to create the waterway, not to create a waterway even to St. Louis, but to create one which will utilize this very valuable water power of which mention has been made? Mr. Chairman, I move that debate on the paragraph be now closed.

Mr. MADDEN. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Ohio has moved to close debate on the paragraph and all amendments thereto.

Mr. MADDEN. I wish to say this, with the permission of the Chairman. [Cries of "Regular order!" "Regular order!"]

Mr. MADDEN. Mr. Chairman, I think it is only fair——

Mr. BURTON of Ohio. I think, Mr. Chairman, that, as far as I am concerned, I will not press the motion, because I want a full and free discussion. I want to state that it is generally understood that the chairman or the person in charge of the bill shall have the closing of the debate. Gentlemen seem to feel extreme anxiety to have the last word of this discussion, an anxiety which is not in accord with the most orderly methods of discussion.

Mr. KEIFER. Mr. Chairman, I do not want to get into this controversy, but I want to ask this question of the chairman: I understood the gentleman to say that the Federal Government could not, in acquiring the right of this waterway through the canal, acquire the water power?

Mr. BURTON of Ohio. Unless, of course, they condemn all the land at the sides, and I know of no authority to do that.

Mr. KEIFER. The gentleman does not mean to say that they would have to condemn all the land at the sides to do that, because in the State of Ohio we have water for the canal and the water power when leased all the time. In the condemnation proceedings you condemn all the adjacent proprietary rights that would include the power.

Mr. BURTON of Ohio. I take it that a general statute might be framed that would give the United States Government control of the water power, but the error of my colleague lies in this: The original act under which the Ohio Canal was constructed gave to the State the absolute fee-simple title in the lands upon which the canal is located and about it, and gave it such a title that they could sell a portion of the canal itself for a blacksmith's shop if they wanted to. Then, again, I question whether the Federal Government would want to go into such an enterprise as that merely for a water power. Now, Mr. Chairman, I desire that the motion for closing debate be pending. I move that all debate on the pending paragraph and amendments thereto close in ten minutes. How much time does the gentleman from Illinois [Mr. LORIMER] desire?

Mr. LORIMER. Two minutes.

Mr. BURTON of Ohio. How much time does the gentleman from Illinois, his colleague [Mr. MADDEN], desire?

Mr. MADDEN. Five minutes.

The CHAIRMAN. The gentleman from Ohio moves that all debate on the paragraph and amendments thereto be closed in ten minutes.

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

Mr. BURTON of Ohio. Mr. Chairman, I understand that two minutes of that time will be consumed by the gentleman from Illinois [Mr. LORIMER] and five minutes by the gentleman from Illinois [Mr. MADDEN].

The CHAIRMAN. That can be done by unanimous consent. Is there objection?

There was no objection.

Mr. LORIMER. Mr. Chairman, I have no desire to prevent the chairman of the committee from having the closing words in this argument, but I want to call attention to the fact that more than 100,000 horsepower can be developed along the Des Plaines River. To my suggestion that we might appropriate and provide that the water power accrue to the Government, the chairman responded that legal propositions would then intervene. I am not a lawyer and I do not know whether that is so or not, but if it is true, and lawyers know whether it is true or not, the property owners along the bank of the river have control of the power and the State has no control at all.

I can not for the life of me understand how either Congress or the State can compel people owning rights along the river to relinquish them either to the State or to the Federal Government, and if that is true, then, Mr. Chairman, there was no excuse for interjecting that proposition into this argument. As to whether or not $5,000,000 was requested in order to develop water power I wish just to make this statement: It will cost somewhere in the neighborhood of $1,200,000 to build the first lock at the Chicago Drainage Canal 80 feet wide and long enough to receive a ship 600 feet over all. During my absence—and I represented the sentiments of the Illinois delegation when I made this request—I requested the committee, through its chairman, to appropriate not $5,000,000 to carry this waterway down to a point where water power could be developed, but to appropriate $1,200,000 to build the first lock.

It was understood by every member of the Illinois delegation that discussed this matter before we adjourned for the holidays that money enough was to be requested to build the first lock and to make the survey between St. Louis and Cairo. So there was no thought in the mind of any member of the Illinois delegation of getting money enough to create a water power below the city of Joliet. The chairman of the committee received my telegram, and he knew, if he knew anything, that the request represented the sentiments of myself at least, and I say to the House that it represents the wishes of the Illinois delegation.

Mr. MADDEN. Mr. Chairman, the distinguished gentleman from Ohio [Mr. BURTON], the chairman of the Committee on Rivers and Harbors, has made a statement that this amendment seeks to secure just enough money from the Federal Treasury to build such water power as can be created by its expenditure without reference to the construction of a navigable waterway.

Mr. BURTON of Ohio. If the gentleman will just excuse a moment's interruption, I desire to say that I stated that as it was first presented it was that. The amendment at present provides for the whole amount.

Mr. MADDEN. Personally I consider that the statement of the gentleman impugns the motives of the introducer of this amendment. The gentleman from Ohio says that we have been covering up the information which ought to have been given to the House, and in reply to that statement I wish to read from a speech made by my colleague [Mr. SNAPP] on the 31st of January of this year. It is published on page 2044 of the RECORD, and it reads as follows:

> The estimated cost from Lockport to the mouth of the Des Plaines River is $7,822,000, more than half of which will be saved to the Government by the extension of the channel of the Chicago ship canal to Joliet, and the development of the water-power rights from Lockport to the Kankakee River by the construction of dams, equally necessary in the development of the waterway. It can be safely stated, therefore, that the cost of the entire project will not exceed over $26,000,000 to $28,000,000.

Now, I wish to submit to the consideration of the House whether the Members of this House from the State of Illinois have endeavored by any sort of subterfuge to secure this appropriation. The only thing we desire is the advancement of the interest of the commerce of the nation and the development of facilities by which the products of the Mississippi Valley can be moved more cheaply than they are moved now, and incidentally and forever to create the means by which the freight rates throughout the country may be reduced to a proper figure. I submit, Mr. Chairman, that the statement of the distinguished chairman of the Committee on Rivers and Harbors was not only unfair, but misleading.

Mr. BURTON of Ohio. Mr. Chairman, I yield the balance of my time and ask for a vote.

The CHAIRMAN. The pro forma amendment offered by the gentleman from Illinois will be withdrawn, without objection; and the question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. MADDEN].

The question was taken; and on a division (demanded by Mr. MADDEN) there were—ayes 43, noes 145.

So the amendment was rejected.

The Clerk began reading.

Mr. BURTON of Ohio. One moment, Mr. Chairman. I desire to ask unanimous consent to postpone, without prejudice, until the completion of the reading of section 1 two items here—"Improving Chicago River, Illinois," and "Improving Calumet River, Illinois and Indiana."

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the two paragraphs to which he has referred may be passed without prejudice until the reading of section 1 is completed. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

> Improving Illinois River, Illinois: Continuing improvement and for maintenance, $50,000, of which amount such portion as may be necessary may be expended for snagging and maintenance: *Provided*, That the annual appropriation for operating snag boats on the upper Mississippi River, made by section 7 of the act of August 11, 1898, entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," is hereby made available for similar purposes on the Illinois River, from its mouth to Copperas Creek.

Mr. BURTON of Ohio. Mr. Chairman, I desire to introduce an amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

> Page 69 strike out the word "ninety-eight," in line 16, and insert in lieu thereof the word "eighty-eight."

The question was taken; and the amendment was agreed to.

Mr. LORIMER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

FOX RIVER, ILL.

Permission is hereby given to the Fox River Navigable Water Way Association to construct a dam across said river at or about 14,600 feet below the highway bridge at McHenry, in McHenry County, Ill.: *Provided, however*, That the right is hereby reserved to alter, change, amend, or repeal this provision at the pleasure of Congress: *And provided further*, That nothing contained in this paragraph shall be construed as relieving the Fox River Navigable Water Way Association from liability for any damage inflicted upon private property by reason of the construction of the dam as aforesaid.

The permission granted to the Fox River Navigable Water Way Association under river and harbor act approved June 13, 1902, to construct a dam across said river in the northwest quarter of section 36, in township 45, in range 8 east of the third principal meridian, same being about 3,000 feet below the highway bridge at McHenry, in McHenry County, Ill., is hereby repealed.

Mr. BURTON of Ohio. Mr. Chairman, I will state I have no objection to the amendment. As I understand, it is a mere change in the location of a dam, provision for which was made in the act of 1902.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

The Secretary of War is authorized to permit the Sterling Hydraulic Company, of Sterling, Ill., to erect, own, and operate a power station in connection with the dam built or to be built by the United States in Rock River at or near Sterling, Ill., in connection with the construction of the Illinois and Mississippi Canal: *Provided*, That the location and plans of said power station shall be subject to the approval of the Secretary of War: *Provided further*, That the navigation of Rock River and of the Illinois and Mississippi Canal and the operation and maintenance of said dam shall be in no way obstructed thereby: *And provided further*, That prior to the issue of said permit the Sterling Hydraulic Company shall waive any and all claims that it may have against the United States by reason of the construction, operation, and maintenance of the Illinois and Mississippi Canal, except such claims as it may have for the abstraction from Rock River of more than 300 cubic feet of water per second when the flow of Rock River immediately above is less than 1,000 cubic feet of water per second.

Mr. MACON. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee a question.

The CHAIRMAN. The gentleman from Arkansas moves to strike out the last word.

Mr. MACON. Mr. Chairman, I desire to ask the chairman of the committee if in making the appropriation for the improvement of the Mississippi River which appears in the next paragraph it was contemplated that any part of it was to be used for the construction of a levee north of the St. Francis levee district, covering the lowland between that point and the highlands at or near Cape Girardeau, Mo.

Mr. BURTON of Ohio. It does not as framed. I have no objection to the amendment. The statute passed by the last session of this Congress extended the jurisdiction up to Cape Girardeau.

Mr. MACON. That is the place I want a levee constructed to, so as to prevent the water from the river from passing through the lowlands just mentioned and running down behind the St. Francis levee into the basin in Arkansas and flooding much of our land that would not be overflowed at every high water if this levee was constructed.

Mr. BURTON of Ohio. By the time that paragraph is completed we will have an opportunity to take that up, or has the gentleman an amendment which he proposes to offer?

Mr. MACON. I will offer an amendment then; yes, sir.

Mr. BURTON of Ohio. I want to call the attention of the Chair to an error in regard to the two paragraphs which were postponed until the end of the reading of section 1. I am informed that the error is already corrected, so I will withdraw the request. I thought the two paragraphs were erroneously placed. Now I will ask the Clerk to continue the reading.

The CHAIRMAN. The gentleman from Arkansas still has the floor.

Mr. MACON. Mr. Chairman, I withdraw my pro forma amendment.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn.

The Clerk read as follows:

Improving Mississippi River, from Head of the Passes to the mouth of the Ohio River, including salaries, clerical, official, traveling, and miscellaneous expenses of the Mississippi River Commission: Continuing improvement, $3,000,000, which shall be expended under the direction of the Secretary of War in accordance with the plans, specifications and recommendations of the Mississippi River Commission as approved by the Chief of Engineers for the general improvement of the river, for the building of levees, and for surveys, including the survey from the Head of the Passes to the headwaters of the river, in such manner as in their opinion shall best improve navigation and promote the interests of commerce at all stages of the river: *Provided*, That on and after the passage of this act the Secretary of War may enter into additional contracts for such materials and work as may be necessary to carry on continuously the plans of the Mississippi River Commission as aforesaid, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $6,000,000, exclusive of the amounts herein and heretofore appropriated: *Provided further*, That the authorized sum last named shall be used in prosecuting the improvement for not less than three years, beginning July 1, 1908, the work thus done each year to cost approximately $2,000,000: *And provided further*, That the money hereby appropriated and authorized to be expended, in pursuance of contracts or otherwise, or so much thereof as may be necessary, shall be expended in the construction of suitable and necessary dredge boats and other devices and appliances and in the maintenance and operation of the same, with the view of ultimately obtaining and maintaining a navigable channel from Cairo down not less than 250 feet in width and 9 feet in depth at all periods of the year, except when navigation is closed by ice: *And provided further*, That the water courses connected with said river, and the harbors upon it, now under the control of the Mississippi River Commission and under improvement, may, in the discretion of said Commission, upon approval by the Chief of Engineers, receive allotments for improvements now under way or hereafter to be undertaken, to be paid for from the amounts herein appropriated or authorized.

Mr. MACON. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Arkansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

That any funds herein appropriated for improving the Mississippi River between the Head of the Passes and the mouth of the Ohio River, and which may be allotted to levees, may be expended, under the direction of the Secretary of War, in accordance with the plans, specifications, and recommendations of the Mississippi River Commission, as approved by the Chief of Engineers, for levees upon any part of said river between the Head of the Passes and Cape Girardeau, Mo.

Mr. BURTON of Ohio. I think a very much briefer amendment will cover the case. I will ask if the gentleman from Arkansas will be satisfied with this amendment:

Insert, on page 70, after the word "levees," in line 24, the following:

"Between the Head of the Passes and Cape Girardeau, Mo."

Another thing. I would like to hear from the gentlemen who represent the lower Mississippi if they desire to be heard in regard to this.

Mr. MACON. Mr. Chairman, I will accept that in lieu of the other amendment.

Mr. HUMPHREYS of Mississippi rose.

Mr. BURTON of Ohio. Does the gentleman from Mississippi desire to be heard on this?

Mr. HUMPHREYS of Mississippi. Not on this particular amendment.

Mr. MACON. Mr. Chairman, I withdraw my amendment and accept the one offered by the gentleman from Ohio.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from Arkansas [Mr. MACON] will be considered as withdrawn. The gentleman from Ohio [Mr. BURTON] offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 70, line 24, after the word "levees," insert:
"Between the Head of the Passes and Cape Girardeau, Missouri."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I would like to be heard on this paragraph for a few minutes.

Mr. BURTON of Ohio. Does the gentleman from Mississippi object to the amendment?

Mr. HUMPHREYS of Mississippi. No; not at all. I simply desire to make a few observations on the paragraph as amended. I think the amendment a very proper one. There is an increase carried in the paragraph for the lower Mississippi for the ensuing year, the amount, as you will observe, being $3,000,000 instead of $2,000,000, which is usually provided. While the wording of the paragraph is identical with that heretofore employed, it is the intention of the Mississippi River Commission to spend this extra million in the further prosecution of bank revetment.

The policy of revetting the banks, primarily to prevent levee lines from caving into the river, has not been favored by the commission. This policy, in fact, was definitely rejected a number of years ago, and a resolution to that effect was formally adopted by the commission. Time and experience, however, have convinced the engineers that a hard and fast rule could not be adhered to, and there has been of late some relaxation. It is not the intention of the commission now to embark upon the general policy of revetting the banks of the entire Mississippi, nor is it the desire or expectation of this committee that this appropriation be expended to that end. There is, however, a middle ground to which events have forced the advocates of both extremes, and this extra million will be expended in furtherance of this resultant plan.

The Government has spent a good deal of money in the building of levees on the lower Mississippi. We have proceeded upon the thought that the riparian owners of the overflowed lands, which were thus protected from devastating floods, would contribute in fair proportion to the expense of the work. This has been done in the particular district which I represent. We have,

under State law, organized taxing districts for the purpose, and in the past twenty-five years we have paid into our levee boards more than $15,000,000. During the same period the Government has expended less than $10,000,000 along the same reach of the river. Of course when we began the building of levees after the series of destructive floods of 1882, 1883, and 1884 we did not realize the tremendous proportions of the system we were to undertake. If we had known then what the ultimate grade and section would have to be, perhaps there would have been more shrinking from the task which has since proven herculean indeed. To get an idea of our situation, let me relate an incident: In the lower Yazoo district, which has a frontage along the river of 189 miles, after paying the most burdensome taxes for thirteen years, and each high water demonstrating that the levees must be built still higher, we cast up accounts immediately after the flood of 1897, and ascertained then that we had approximately 20,000,000 yards of dirt in the levee line. It was painfully apparent, however, that we were not out of the woods, and as the levees grew higher the cost of dumping a yard of dirt on top of them likewise grew higher. When that flood subsided we went at it again, and in the next six years we put another 20,000,000 yards of dirt on them. In other words, we did in the next six years as much as we had done in the previous thirteen. Then the flood of 1903 came—in many respects the biggest of them all—and when it had come and gone with its lessons our engineer made another report in which he announced that it could be fairly accurately told then what the ultimate grade and section would have to be, and that estimate was that still another 20,000,000 yards would be required. That was an appalling announcement, Mr. Chairman, and one that would have broken the spirit of a people less determined. More than 60 per cent of all our taxes had gone into those levees for twenty years, and still the end seemed no nearer than before. There was no high-sounding motto of Nulla Vestigia Retrorsum on our arms for the very practical and prosy reason that ours was a battle of shovels, not shields. But the situation was there, full of ominous meaning, and we knew our only pathway lay in front of us. The legislature authorized us to issue a million more bonds, which we did at once.

As I have said before, Mr. Chairman, we have proceeded upon the theory of contributions by local interests in the building of our levees, and this particular district has certainly kept the faith. We have contributed more, in fact, than our just share. Few people had ever taxed themselves as we had for the conquests of peace, and we had found that her victories were not only no less renowned than war's, but were also hardly less costly.

At this juncture, Mr. Chairman, it developed that the Mississippi River, pursuant to its own sweet and fickle will, had begun to cave its banks to such an extent that the levee at Longwood was about to go into the river. This was one of the largest sections in the entire line of the system, and if it were lost, a new line would have to be built at a cost, including rights of way, of $750,000. As I remarked a moment ago, in the matter of local participation we had done our part. We had kept the faith; we had fought the good fight; but, Mr. Chairman, we had also, as regards our ability to raise money, finished the course. There was but one alternative, and that was to induce the Mississippi River Commission to revet the banks and stop the caving. And this was contrary to their declared purpose and in violation of their expressed opinion as to the proper treatment of the river. Our engineers went before them, however, and pitted our condition against their theory, and being wise men, the Commission subjected their theory to the force of this ponderous fact and made the allotment, and the levee was saved.

Mr. SHACKLEFORD. What did it cost the Government to put in this revetment work you speak of to save the Longwood levee?

Mr. HUMPHREYS of Mississippi. It cost a little more than $150,000.

Mr. SHACKLEFORD. Has there ever been any estimate by the engineers of the cost of revetting the banks on a large scale, so as to preserve the regimen of the river and also to protect your levee lines?

Mr. HUMPHREYS of Mississippi. There have been numerous estimates. Mr. Nolty, who is an engineer of considerable learning and experience, has estimated that the cost of revetment, including cost of plant, administration, and engineering charges—in fact, everything—will be $200,000 a mile. He says, also, that there are 500 miles of caving bank between Cairo and the mouth of Red River. In other words, that it would cost $100,000,000 to revet all the caving banks along that reach of the river, which is about the only part of the river where there is any considerable caving. It is the opinion of our engineers, however, that it would not be necessary to revet more than one-half of the caving banks; in other words, not more than 250 miles. And it is also their opinion, and in this Mr. Nolty concurs, that if the work were done on a large scale—that is, if the Government should go at it in a businesslike way—the cost per mile could be cut almost, if not quite, in half, so that the revetment, instead of costing $100,000,000, would probably cost not more than $25,000,000.

Of course, the protection of levees is not the only—in fact, is not the principal object in view in doing this revetment work. It is very necessary, in the first place, to prevent the bends from being cut off. I think all the engineers are agreed on this, because you can readily see what disastrous consequences would follow in the wake of a cut-off where the bend, let us suppose, is 15 miles around and only 1 mile across. The fall in the river is about 6 inches to the mile, and when the cut-off is made we would therefore have a fall of 7½ feet in 1 mile. This would upset existing conditions for 40 or 50 miles above and below the cut-off, and, in addition, experience has demonstrated that this shortening of the river would be only temporary. It would at once begin to eat into the opposite shore, and in a very few years it would restore the length lost by the cut-off. The amount of silt dumped into the river by reason of these caving banks is astounding. In an article written by Chief Engineer West, of the Mississippi Levee Board, he says that in his district alone, embracing only one side of the river for a distance of 189 miles, "67 square miles of land, most of which was highly improved, have been abandoned by the retirement of the levee line from caving banks since 1882, and but for the limited revetment that has been done this would have been considerably more." Assuming that an equal amount of caving occurs on both sides along this reach of the river, enough land is caved in in this 189 miles annually to fill the river to the level of its banks for a distance of 12 miles. While on this point I will read another passage from Mr. Nolty. He says.

> If the revetment work is systematically prosecuted, there will eventually be such a small amount of sediment carried out that the necessity of dredging in the pass and seaward extension of the jetties will be removed.

But let me return, Mr. Chairman, to the Longwood levee. Since this allotment was made by the Commission, they have made others for similar purposes. It is intended to relax still further the old rule, and this additional $1,000,000 which this paragraph carries will be expended in that way.

In the annual report of C. H. West, chief engineer of this levee district, he makes this startling statement:

> Since 1882 there have been 172 miles of levee abandoned, or 91 per cent of the total length of the controlling line.
>
> During the three years since the high water of 1903 there have been 31.45 miles of levee abandoned, or nearly 17 per cent of the total length of the controlling line.
>
> As the levee grows in volume the loss per mile from caving banks becomes more and more serious, and if the same rate continues the time will soon come when the annual revenues will not be sufficient to build the new levees required to replace those that cave into the river.

There is no more competent authority than this officer. No man understands the problem of this great river more thoroughly than he and no man has brought to its study more patriotic zeal or more intelligent energy, and I quote his opinion therefore with some degree of assurance.

I believe, Mr. Chairman, that this appropriation marks the beginning of the end of what at some times in the past has appeared to be an endless, if not a hopeless, fight.

The upper Yazoo district has demonstrated beyond cavil the possibility of holding the Mississippi River within its channel in flood time. It has withstood all the floods of recent years, and if the Federal Government will see to it that the levee lines as they are to-day will not be permitted to cave into the river the problem there is solved. What is there accomplished is simply a demonstration of what can be done everywhere.

We have proceeded thus far, Mr. Chairman, on the theory that there was a dual responsibility along the lower Mississippi. That it was as much the duty of the Federal Government to improve the navigation of its rivers by building levees which incidentally protect the property of the riparian owners as it was the duty of the riparian owners to build levees to protect their property which incidentally improve the navigation of the rivers. The burden, therefore, has been borne by both.

Right here let me read again from Mr. West's report:

> But for the enormous loss of levee due to the extensive caving of the river banks the entire levee line would by now be as high and strong as it is estimated it will ever have to be to control the highest floods that may be expected.

When we remember that this revetment work is permanent—engineers estimate that a mattress properly placed will last one hundred years—and that but for caving banks the levees would

likewise be permanent, I say, when we recall these facts, I believe we can at last see the light breaking in the east, the light which I confidently believe will usher in the day wherein shall be seen the consummation of our hearts' desire, the subjection of the world's greatest and most unruly water course to the will and the purposes of man.

The Clerk read as follows:

Improving the Mississippi River from the mouth of the Ohio River to and including the mouth of the Missouri River: Continuing improvement, $250,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to prosecute the improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $750,000, exclusive of the amounts herein and heretofore appropriated: *Provided further*, That the authorized sum last named shall be used in prosecuting the improvement for not less than three years, beginning July 1, 1908, the work thus done each year to cost approximately $250,000: *And provided further*, That the sums herein appropriated and authorized shall be expended in the operation and maintenance of the dredging plant already constructed and authorized for the improvement, and in temporary expedients of channel regulation connected with such operation, and in the maintenance and repair of the permanent works already constructed, except that such portion of the authorized annual expenditure as shall not be necessary for the accomplishment of the above-named purposes may be expended in the construction of permanent works of channel regulation.

Mr. BARTHOLDT. Mr. Chairman, I desire to offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Missouri [Mr. BARTHOLDT] offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 72, line 9, after the word "improvement," strike out "two hundred and fifty thousand" and insert "one million."

In line 14, after the word "aggregate," strike out the words "seven hundred and fifty" and insert "three million."

Lines 19 and 20, after the word "approximately," strike out "two hundred and fifty thousand" and insert "one million."

Lines 24 and 25, after the word "and," strike out the words "in temporary expedience of" and insert "in permanent;" and after the word "regulation" strike out "connected with such operation."

On page 73, line 1, after the word "constructed," strike out "except that" and also lines 2, 3, and 4 and insert the words "and in further improvement of the river in accordance with the plans of the Engineering Corps of the War Department of 1881;" so that the paragraph will read:

"Improving the Mississippi River from the mouth of the Ohio River to and including the mouth of the Missouri River: Continuing improvement, $1,000,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to prosecute the improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $3,000,000, exclusive of the amounts herein and heretofore appropriated: *Provided further*, That the authorized sum last named shall be used in prosecuting the improvement for not less than three years beginning July 1, 1908, the work thus done each year to cost approximately $1,000,000: *And provided further*, That the sums herein appropriated and authorized shall be expended in the operation and maintenance of the dredging plant already constructed and authorized for the improvement in permanent channel regulation and in the maintenance and repair of the permanent works already constructed and in the further improvement of the river in accordance with the plans of the Engineering Corps of the War Department of 1881."

Mr. BARTHOLDT. Mr. Chairman, though the edict has gone forth from the Committee on Rivers and Harbors that every amendment to this bill, however meritorious, shall be voted down, and though the Committee of the Whole seems to religiously observe this injunction, I yet venture to offer what has been read to the careful consideration of the House.

If adopted, this amendment will, in the judgment of many of the friends of the Mississippi River, vastly improve this bill. It will result in reviving navigation on the Mississippi River and grant to the people what they believe themselves to be justly entitled to. Consequently the amendment aims at fair dealing and equal justice to all.

Briefly stated, the amendment increases the amount for that stretch of the Mississippi lying between the mouth of the Missouri and the mouth of the Ohio rivers from $250,000 to $1,000,000 annually for a period of four years, and it provides a continuation of the permanent improvement of that part of the river in accordance with the plans of the United States engineers of 1881.

During the general debate not a single argument, not a single valid reason, has been advanced why that plan for the permanent improvement of that stretch of the river should be abandoned. If the river can not be improved, then the $26,000,000 heretofore expended on that stretch have been thrown away and the committees and the Congresses which appropriated this enormous amount of money and the engineers of the War Department who made the plans stand convicted before the country and the world of having been guilty of an egregious blunder, and this is exactly what the bill in its present state means. If, on the other hand, such improvement is possible, and I venture to say that every member of the committee will concede that it is, then we ask why our necessities have not been met at a time when the bounty of the committee has been extended to everything and everybody else? There is not a constituent of a Member representing a Mississippi Valley district on this floor who is not vitally interested in the improvement of that part of the Mississippi River, because it needs improvement more than any other part.

And so I ask, Why will these Members allow the river to be abandoned and the work there to be reduced to mere dredging at a time when all the constituencies have made common cause to demand the recognition to which they are entitled? It is stated on behalf of the committee that the tonnage does not justify the outlay, but in other sections the same committee has made appropriations on the theory that commerce will follow the improvement. If this is true in other sections, why should it not be true in ours? Do you doubt for one moment that we will have either the freight or the bottoms to carry it in if you make the river safe and navigable?

Another argument used against us is the alleged necessity of a lateral canal between St. Louis and Cairo to secure the required depth. This is an idea which has been brought forward by the so-called "reviewing board," that appendix of the committee by which the committee shapes its engineer reports as well as its own action. But that idea, Mr. Chairman, is scorned by nearly all the competent engineers whom I have consulted on the subject.

Mr. BURTON of Ohio. Right in that connection——

Mr. BARTHOLDT. I will yield to the gentleman if my time can be extended.

Mr. BURTON of Ohio. I am asking now for information, and in no way to embarrass the gentleman.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURTON of Ohio. Mr. Chairman, I ask that the gentleman's time be extended five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio? [After a pause.] The Chair hears none.

Mr. BURTON of Ohio. I want to ask this question: The gentleman stated in his remarks the other day that all the Army engineers with whom he had talked said that it was possible, by contraction work, to develop 14 feet in the Mississippi River from St. Louis to Cairo. The committee desires to know if anyone who is an Army engineer has said that, and would like to have anyone making that assertion before them.

Mr. BARTHOLDT. No.

Mr. BURTON of Ohio. I would like to know what Army engineer stated that.

Mr. BARTHOLDT. That statement, I will say, in answer to the gentleman's question, was made by me in reply to a question by the gentleman from Iowa [Mr. HEPBURN], who asked me to describe the plan according to which the river between St. Louis and Cairo was to be improved. I answered that according to the judgment of the Army engineers with whom I had conferred this improvement could be made by contraction or the narrowing of the river, by revetment work, riprapping, and so forth; but I did not state in this connection that that would secure 14 feet. I did not state that.

Mr. BURTON of Ohio. Then I understand the gentleman to say that that entire statement that such results could be accomplished by contraction work is to be qualified so as not to mean 14 feet could be obtained in that way?

Mr. BARTHOLDT. As a layman I can not tell. I have not the authority of an engineer to say that 14 feet could be secured in that way.

Mr. BURTON of Ohio. What I desire to know is if there was any engineer who said that 14 feet could be obtained in that way.

Mr. BARTHOLDT. In connection with the 14-foot proposition?

Mr. BURTON of Ohio. Or in any connection.

Mr. BARTHOLDT. It is in connection with the general improvement of the Mississippi River that is to secure the depth which we want for our purposes—8, 9, 10, or 12 feet. I believe that for that Col. Amos Stickney will be an authority which the gentleman will recognize. He has stated it, and Major Burr has stated it, and other Army officers whom the business men of St. Louis have consulted on this subject have stated the same thing; but you simply abandon the whole plan of improvement.

Mr. BURTON of Ohio. Does the gentleman state of his own authority or from any conversation that either of these Army officers has ever stated to him that a depth of 12 feet could be obtained by contraction work?

Mr. BARTHOLDT. Well, I will at least go as far as 10 feet. I do not remember that they stated 12 feet, but they stated 10 feet could be secured, which would be sufficient for all practical purposes.

Mr. Chairman, I was stating that the river engineers, competent river engineers, scorned the idea of a lateral canal, and hold, as we do to-day, that the best canal to be constructed there should be in the channel of the river itself.

Mr. BURTON of Ohio. May I ask the gentleman another question?

Mr. BARTHOLDT. Yes, sir.

Mr. BURTON of Ohio. This assumes a good deal of importance. We have provided here for a survey for a 14-foot waterway from St. Louis to the Gulf. The gentleman from Missouri says that competent engineers scorn the idea that a lateral canal will be required for any part of this distance. Is the gentleman from Missouri willing that a clause be placed in this section for a survey: "*Provided*, That no part of this shall be expended, nor shall any survey be made, in case it shall appear that a lateral canal is required?"

Mr. BARTHOLDT. Mr. Chairman, in answer to that I will say we have not asked for a survey for a lateral canal. That idea has been injected into the proposition by the so-called "reviewing board" and by the Committee on Rivers and Harbors; so that, in order to be consistent, you, the committee, and the distinguished chairman of the committee must provide for the survey for a lateral canal.

Mr. BURTON of Ohio. I will say to the gentleman from Missouri that somebody else should be consistent besides the committee and the chairman. The gentleman from Missouri states that everybody derides this idea of a lateral canal. Is he willing that a clause be inserted in this provision for a survey that the survey shall not be made in case a lateral canal is a necessity? That is a direct question, and one that assumes a great deal of importance.

Mr. BARTHOLDT. I must leave that entirely to the committee, because we have not considered it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURTON of Ohio. Mr. Chairman, I ask unanimous consent that the gentleman from Missouri have five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SHACKLEFORD. Before the gentleman takes his seat I want, with the permission of my colleague [Mr. BARTHOLDT], to inform the gentleman from Ohio, chairman of this committee, that there are some people interested in the improvement of the Mississippi River beside those who live in St. Louis; and notwithstanding the gentleman from St. Louis might be willing to waive the provision in that bill, I should prefer for one, representing another constituency equally interested in that stretch of the river, to insist that the provision remain as it is, pending that survey.

Mr. BURTON of Ohio. I think we ought to have a distinct understanding about it. The gentleman from Missouri [Mr. BARTHOLDT] says that everyone derides the idea of a lateral canal, and perhaps it is not improper to say that attacks have been made upon the committee because they suggested such a canal. Now, let us have what is called a "show down" on this. Are you willing to have it provided in the section for a survey that one shall not be made if a lateral canal is found to be necessary?

Mr. BARTHOLDT. Mr. Chairman, the committee have drafted this bill. They have seen fit to inject into it the proposition of the possible necessity of a lateral canal along that stretch of the river. When that proposition was first suggested in the committee room it was entirely new to us. It was the first we heard of a lateral canal being necessary along the 200 miles of the river between St. Louis and Cairo. Consequently I can not assume the responsibility here, on the spur of the moment, of advising the Committee on Rivers and Harbors as to whether that survey should extend to the proposition of a lateral canal or not.

Mr. BURTON of Ohio. But does not the gentleman think he is hardly justifiable in saying here that every competent engineer derides the lateral canal, and then declining to carry that opinion into effect by providing for a survey that shall exclude it?

Mr. BARTHOLDT. Mr. Chairman, I have made this statement partly from information which I have received from engineers personally, not recently, but years ago, but mainly upon the authority of a letter which I have received, an official letter, from the manager of the Business Men's League of St. Louis.

Mr. BURTON of Ohio. Oh, it comes from the Business Men's League, does it?

Mr. BARTHOLDT. Do not speak of the Business Men's League in derisive tones, because it is the greatest business organization in the country.

Mr. BURTON of Ohio. Oh, yes.

Mr. BARTHOLDT. And that gentleman states that the members of the Business Men's League who are interested in river improvement have made it their business to inquire of Army engineers whether they thought a lateral canal along that stretch was necessary or not, and the engineers invariably answered, I am informed, that such a canal was not necessary and that they never heard of it. I was then requested to officially ask the chairman of the committee, on the floor of this House, what Army engineer has advised him of the necessity of such a canal.

Mr. BURTON of Ohio. Then I will ask another question. Is the gentleman willing to telegraph to this Business Men's League and find out from them whether they are willing to have such a clause as that go in—that the lateral canal shall prevent the making of a survey?

Mr. BARTHOLDT. I have no objection to that. As I said before, we have no interest in a lateral canal. We believe that the Mississippi River can be deepened.

Mr. BURTON of Ohio. That is, you have no interest in a lateral canal even if it is required for a waterway from St. Louis to the Gulf?

Mr. BARTHOLDT. No, sir; I will not go to that extent. We want the 14-foot channel, but we are advised upon competent authority that the Mississippi River can be deepened sufficiently without the necessity of a lateral canal.

Mr. BURTON of Ohio. Again, I want to ask the gentleman who is the competent authority that says that below St. Louis it can be improved to 14 feet without canalization—that is, without locks and dams or without a lateral canal? Who has said anything of that kind? I am asking for individuals. I am asking for names.

Mr. BARTHOLDT. I will answer it. I take it that when an organization like the business men's league makes a statement to a Member of Congress in an official letter, which they know might be used before this House and before the country, they know what they are talking about and are careful in making any statement.

Mr. BURTON of Ohio. Then I trust the gentleman will telegraph to them and ask if they are willing—that is, if they are the actuating force behind the gentleman.

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

Mr. CLARK of Missouri. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman from Missouri asks that his colleague's time be extended five minutes. Is there objection?

There was no objection.

Mr. LLOYD. Mr. Chairman, I would like to ask the gentleman from Missouri, my colleague, a question. Is the Business Men's League of St. Louis responsible for the resolutions passed by the legislature of Missouri and the legislature of Illinois?

Mr. BARTHOLDT. I want to say to my colleague that I don't know a thing about those resolutions, nor have I wired the legislature to reconsider or rescind them. I have no connection with it whatever.

Mr. LLOYD. I understood a few moments ago, as I came into the Hall, the gentleman to say that he had the letters that may have been written by individuals in Missouri to Members of Congress and their answers.

Mr. BARTHOLDT. I have not.

Mr. LLOYD. What was it that the gentleman said?

Mr. BARTHOLDT. I made the statement that I have a list of Members who, in response to letters from their constituents, expressed themselves in favor of the deep waterway, which is an entirely different proposition from the one we are now discussing.

Mr. LLOYD. I beg the gentleman's pardon; I understood him to say that he had the letters.

Mr. HUMPHREYS of Mississippi. I would like to ask the gentleman a question.

Mr. BARTHOLDT. Certainly.

Mr. HUMPHREYS of Mississippi. Are the letters which Congressmen have written to their constituents in which they say they are in favor of this particular project, in favor of the 14-foot project from the Lakes to the Gulf?

Mr. BARTHOLDT. Yes. Now, Mr. Chairman, in the minute remaining let me say that I not only favor every improvement and every appropriation contained in this bill, but I also resent the insinuation as if I or any of my friends had made an attack on the personal character of the distinguished chairman of the Committee on Rivers and Harbors. Hence I regard all the remarks made in defense of the gentleman, as far as we are concerned, as gratuitous and unnecessary, if not an attempt to injure our just cause by impugning our motives instead of answering our arguments. All we ask, Mr. Chairman, is a square deal, and as an argument in favor of our proposition I say in the language of the St. Louis Globe-Democrat, "Argument for improvements of the Mississippi River are like the river

itself, on a large scale, and the biggest of them all is that written by nature on the map." [Applause.]

Mr. DAVIDSON. I would like to ask the gentleman a question. Does the gentleman from Missouri take the position of some of the leading papers, that unless this project is adopted they would kill the bill?

Mr. BARTHOLDT. I do not indorse that statement and will say right here that no matter what disposition the House may make of the amendment I offer I shall vote for the bill. But since my friend from Wisconsin has asked me a question, I would like to revert for a minute to a statement he made on the floor yesterday, namely, that there was not a single steamboat on the Mississippi River owned by St. Louis capital. I have a telegraphic reply to a question which I asked in regard to this subject, and it states:

The following lines owned almost exclusively by St. Louis interests operate on the Mississippi: St. Louis and Tennessee River Packet Company, eight boats; Eagle Packet Company, five; Chester Line Steamers, two; St. Louis and Cape Girardeau Transportation Company, one; Columbia Excursion Company, one; New Union Sand Company, two; Wiggins Ferry Company, ten; Interstate Car and Transfer Company, four; Madison Ferry Company, three; Venice and Carondelet Transportation Company, two; Ivory Transfer Company, two; and many similar boats and a number of barges.

W. F. SAUNDERS.

Mr. DAVIDSON. Let me ask the gentleman if those are ferryboats?

Mr. BARTHOLDT. No; only the last three, but there are nineteen other boats besides those engaged in the ferry business.

Mr. Chairman, I will print in the RECORD an extract from the Waterways Journal of February 2, 1907:

REAL CONDITIONS OF THE ST. LOUIS CHANNEL—IDEAS OF A PRACTICAL STEAMBOAT MAN ON THE IMPROVEMENT OF THE MISSISSIPPI.

In view of the present agitation for a deep waterway from the Lakes to the Gulf, it seems strange that our St. Louis delegates to the waterways convention at Washington, D. C., some weeks ago were not better posted in regard to conditions of the navigable channel at present and during the past five or six years, so that they could have answered Speaker CANNON and Chairman BURTON more correctly when asked why there were not more boats plying on the Mississippi. Mr. BURTON stated to Congressman BARTHOLDT recently that for years the Mississippi, between the mouths of the Missouri and Ohio rivers, had shown a depth of from 7 to 8 feet.

Our Congressmen and even our St. Louis 14-feet-through-the-valley boosters, who should be better informed, seem to be laboring under the impression that Mr. BURTON was right. No doubt in Washington they take it for granted that the reports sent in from the United States Engineer Department from St. Louis are correct, as they have no other way of knowing, but I beg to differ from them and hope to show in this article that even United States engineers are sometimes mistaken.

I have steamboated on the Mississippi River continuously, except when blocked by ice, from 1870 to September, 1905, and was employed by the Dolphin Transportation Company for the past thirty-two years; have held pilot and master's license twenty-eight years. I merely state this to show that I have had an opportunity to know whereof I speak. Since 1880 I have been in charge of towboats, but always stood my watch at the wheel. During all these years I employed the best of pilots, such as Dean, Burbach, Miller, McCullough, Townsend, Shinkle, and Donahue, all veterans who served in the famous Anchor Line and the St. Louis and Mississippi Valley Transportation Company. No doubt Capts. H. Haarstick and J. M. Mason can testify as to their good piloting.

Now, I contend, and without fear of contradiction by any pilot in service—except those in the Government service—that in the past five or six years the United States Engineer Department has not maintained between St. Louis and Cairo an 8-foot channel by 2 or 3 feet, and I venture to say that if they had kept open an 8-foot navigable channel for towboats the once famous Valley Line and Anchor Line would be in existence to-day.

It is a well-known fact among river men that pilots in the Government service nearly always report 2 or 3 feet more water than other pilots can find running the same marks, and to show that they are sometimes mistaken I will state an instance, and can prove it if called upon. On September 16, 1904, we came up to a crossing called "Hamburg Towhead," or "Bainbridge," and there found a dredge boat two-thirds of the way across the river from where she had dredged and buoyed a channel. In trying to get between the buoys, which we found were not far enough apart to permit the passage of our tow of three loaded barges, we lost some little time, and the captain of the dredge boat came down to us and stated that he had a 9-foot channel there. We went ahead slowly and found only 5½ on one side and 6 feet on the other, right between his buoys, which said captain witnessed for himself. When I asked him where his 9 feet of water was he answered: "Well, by gosh, I had it here yesterday evening."

The same season, a little later on, a dredge boat lay tied to the bank at Hacker Towhead for a week or two with steam up and a crew aboard, and never even tried to improve the channel just below there at Sliding Towhead and Stanard bar, while steamboats were pounding away at those places on 5 and 6 feet of water, and before the close of navigation, on November 24, it got down to 4½ feet.

That winter Major Casey stated in Congress that he had maintained an 8-foot channel between St. Louis and Cairo. It seems to me our St. Louis delegates should have known these facts when they went to Washington to plead for larger appropriations.

Following I will give only a few of the soundings as we found them:

In August, 1900, 4½ feet at Bainbridge. United States survey boats were there, and they could not find any more. Six feet at Sulphur Springs; 6½ feet at Stanton, Daniels, and Buffalo Island; in September, 6 feet at Stanton, 6 and 7 feet at Rattlesnake, Bainbridge, Dickys, and Cape Girardeau; in October, 6½ feet and 7 feet at Birds Point; in November, 7½ feet at Ste. Genevieve; in March, 1901, 5½ and 6 feet at Brewers Point, Philadelphia, and foot of Ste. Genevieve; in May, 7 and 8 feet at Ste. Genevieve; in July 7½ feet at Okaw and Herculaneum; in August, 5 feet at Rattlesnake and Herculaneum, 6½ feet at a half dozen other crossings; in September, 4½ feet at Manskers and Flemings, 5 and 6 feet at lots of other places, and remained practically so until the close of the season.

In 1902, August 6, we had 7 and 8 feet at Orleans Piling; in September, 1902, 6½ feet at Michaels, Griffeths, Scudders, and Crawford; in October, 6 feet at head of Okaw; in November; 7½ feet at Daniels, Prices, and Danbys; in May, 1903, 7½ feet at Swiftsure and Hamburg; in July, 1903, 7½ and 8 feet at Brewers Point; in August, 1903, 8 feet at Bainbridge; in September, 6 and 7 feet at Okaw; in October, 8 feet at Okaw, Mansker, and Scudder; in November, 1903, 4½ and 5 feet at Crawfords and Manskers; in August, 1904, 6 feet at Birds Point, Incline, Hempstedt, Bainbridge, and Danbys; in September, 1904, 6½ feet at Lillys; in October, 1904, 6½ feet at Birds Point, 6 and 7 feet at Stanard, Sliden, and Buffalo; in November, 1904, 4½ and 5 feet at Stanard, 5½ and 6 feet at Sliden and Hamburg; in March, 1905, 7½ and 8 feet at Calica; in May, 1905, 7½ and 9 feet at Lilly; had a fair stage up to September, when I quit running on the river, but am told by pilots that were in service that it got down to 5 feet at White House, Bainbridge, and other places later in the season. For 1906 I examined reports sent in to the Pilots' Association and found reported on September 6, 6 feet at Bee Bluff; in October, U. S. S. *King* reports 6 and 6½ at Pulitight, 7 feet at Kennets Castle, 7.6 at Beech Bluff and Bainbridge.

About the same time the steamer *Beaver*, Captain Farnsley and George Clark, pilots, both of whom have no superiors in their profession, reported 5 feet at Bee Bluff, 5½ below the cape, 6 feet at Cliffdale and Bainbridge, 7 feet at Blocks, Wagoners, and Brooks Point; in November 6 feet at Stanard and Ste. Genevieve, 6½ below the cape, and 7 feet at Shepards. If this is maintaining an 8-foot channel, I fail to see it, and I am willing to wager that nine-tenths, if not all, pilots will agree with me.

I read with interest some of the ideas advanced on the improvement project. Some one suggested that the dredges be put to work at once and dig a 14-foot channel to Cairo, which showed how little he knew about the peculiarities of the Mississippi River. The idea is simply preposterous. Were it possible, which, of course, it is not, to dig such a channel in a few days, what would be its condition a week later? Any river man will tell you that we would have just as many shoal places as before the dredging.

The problem of river improvement is easily solved. All that is required is practical common sense and an unlimited amount of money. Most all pilots will agree with me that to improve navigation on the Mississippi the caving banks along the Missouri River should first be revetted, as the sand from that river is deposited in the Mississippi and is the principal cause of our shoal water from here to Cairo. While said work would be going on the same method should be pursued from here all the way down the river, and when that should have been accomplished, then, where the river is very wide between the banks, it should be contracted to a certain width by building hurdles or dikes. All this work should be done in a substantial manner, so it would last for ages. There would then be no need of dredges. Except in a very few instances dredges have been of very little benefit to navigation. However, I do not condemn dredges altogether.

In 1897, when the Mississippi River Commission dredge crews below Cairo didn't understand dredging as well as they do now, we had only about 5 feet in the channel at Point Pleasant. Their largest dredge boat at work there during September, October, and part of November never improved the channel. She finally dredged herself so hard aground that they had to get another dredge to relieve and float her again, but in the last five or six years they have maintained a good depth of water from Cairo down. I am sorry that I can not say that for the United States Engineer Department here in St. Louis.

A large amount of the money that has been spent on the river between St. Louis and Cairo has been wasted, first, on account of the limited appropriations. Some of the work undertaken was only half completed when the money gave out, and before another appropriation was made available said work had gone to Davy Jones's locker; second, most of the work that has been done in the past twenty-eight or twenty-nine years from here to Cairo was not done properly and had to be repaired repeatedly. Some of the work done would hardly stand the test of one year before it was entirely destroyed by the action of the river. Forty-five miles below our city at Kids Landing the United States Engineer Department has put in work again the past season for the fourth or fifth time, and all because it was not done right at first, and some of the material that was put in at this place the first or second time on the Illinois shore is now clear across on the Missouri side of the channel. Hurdles have been built at numerous places and allowed to be washed out or destroyed again, simply because there wasn't material enough put in them to stand the wear, and so much cheap stone right on the banks of the river to be had. I could point out just such errors along the whole 200-mile stretch from here to the mouth of the Ohio, and commence right here in the harbor and find something wrong or missing at each place.

Would it not be better to start at the head and fix, say, a 50-mile stretch permanently, so it will stand for ages (there is no question that it can be done), than to put a dab here and there, let it wash out again, and never get through with it?

I hope from now on Congress will appropriate yearly $20,000,000 or $30,000,000 for the improvement of the Missouri, Mississippi, and Ohio rivers; fix those three streams first and then take up the tributaries. It will be money well spent and worth every dollar of it if applied in an intelligent, practical way. There is no doubt but that a 14-foot channel can be made. Then the grand old Mississippi will regain its lost laurels and be a blessing to the whole country.

The motto, "River regulation is rate regulation," selected by the Deep Water from the Lakes to the Gulf Association, is so well known and understood by all merchants and shippers that it needs no further comment. Still, it might interest some of your readers if I relate an experience a company with which I am connected had with a railroad. This company owns a tract of timber land through which a trunk line runs, and 14 miles beyond it touches the banks of the Mississippi River. A few years ago we wanted to cut some of our timber and have it hauled to the river. When we went to the railroad company for a rate on this hauling for a distance of 14 miles, we almost had to beg for an audience. After repeated calls we were finally admitted and after stating our wants they asked (although I don't see as it was any of their business) what we intended to do with this timber after we got it to the river. When told that we intended to forward it to its destination by river they didn't care about making us a rate at all. We were told to call again. We did call time and again, and after about three

months they made us a rate of $25 per car, which, of course, was out of all reason, and we couldn't stand for it.

No doubt this railroad company thought, as theirs was the only road from there to the river, they would charge what they pleased. We afterwards made an agreement with a private party to construct a railroad from the river to our land and do our hauling. When the trunk line people discovered this road heading toward our land they came to see us, and haven't quit coming yet. They now offer a rate of $35 per car through for a distance of nearly 300 miles and assume switching charges besides. This seems to be a pretty good argument that river regulation is rate regulation. As soon as we had an opening to the river, down came rail rates with a vengeance.—John E. Luebben.

Mr. CLARK of Missouri. Mr. Chairman, I am not desirous of making a speech at this late hour in the day, especially on a thing that has been spoken about so much. One thing I am dead sure of, however, and that is that if the chairman of the Committee on Rivers and Harbors, the distinguished gentleman from Ohio [Mr. BURTON], were to happen to die during this session, which God forbid, all we would have to do to get up a book of eulogies would be to reproduce this debate. [Laughter and applause.]

Having said that, I want to say that I am most heartily in favor of the amendment offered by the gentleman from Missouri [Mr. BARTHOLDT]. If we are going to undertake to improve the Mississippi River at all, his proposition contains the essence of good sense. If we are not going to have deep water from St. Louis to the Gulf, all of these other propositions go by the board. I don't care a straw whether the channel is the bed of the Mississippi or a lateral canal, except, of course, that common sense, economy, and prudence dictate that if it can be made in the bed of the river, the bed of the river ought to be utilized, but if it can not be made in the bed of the river, then I am in favor of the lateral canal. What every man in the Mississippi Valley wants—I don't care whether he is a farmer or a mechanic or a merchant or a lawyer or a doctor or what he is—if he has half sense, is deep water, in the first place, from St. Louis to the Gulf, and then these other propositions follow in order and as consequences of that.

Under the leave to print I insert an article which is more or less pertinent to this discussion, which article I recently wrote for The Associated Sunday Magazines, of New York, and which was published last Sunday in their magazine supplement furnished to several great metropolitan dailies. Here is the article, headlines and all:

WHEN THE MISSISSIPPI VALLEY RULES THE NATION—WITHIN FIVE YEARS ITS VOTERS WILL BE ABLE TO ELECT THE PRESIDENT AND HOUSE OF REPRESENTATIVES.

If the population of the Mississippi Valley increases as rapidly, when compared with the population of the rest of the country, from 1900 to 1910 as it did from 1890 to 1900, the valley States could, if voting solidly, elect a President and House of Representatives in 1912. They could do it easily in 1922 and for all time thereafter. The Senate will be the only possible obstacle to their complete supremacy, and eventually the Senate must on every important question yield to the public sentiment voiced by the House of Representatives fresh from the people, just as the British House of Lords yields to the British House of Commons.

With an area of 1,250,000 square miles, or 800,000,000 acres, much of it richer than the valley of the Ganges or the Delta of the Nile, drained by 16,900 miles of navigable rivers capable of bearing upon their broad bosoms the commerce of the world, possessing an ideal climate—cold enough for virtue, warm enough for comfort—situated in the heart of the continent, the Mississippi basin is the most delectable place for human habitation beneath the stars, and constitutes an empire more valuable than that over which the Roman eagles flew or that over which Napoleon ruled when in the plentitude of his imperial power.

THE VALLEY'S MEN AND WOMEN.

Acre for acre, there is more tillable land, more fertile, and more bountifully stocked with minerals, building stones, and timber in the great valley than in any other considerable portion of the Republic. Rich land and a bracing climate nurture the flower of the human race—big, strapping, sinewy men, handsome, healthy, high-spirited women, fit to be the fathers and mothers of the future rulers, not of our own country only, but of the whole world. The valley was first populated by the very cream of the original thirteen States and by the elite of every European country. Speaking of the pioneers, President Roosevelt, in his life of Col. Thomas H. Benton, says:

"Physically they were, and are, especially in Kentucky, the finest members of our race; an examination of the statistics relating to the volunteers in the civil war shows that the natives of no other State and the men from no foreign country whatsoever came up to them in bodily development."

The descendants of these pioneers are in every way worthy of their ancestors, and there are no evidences of degeneracy, mental or physical, among them.

Of course, I would not be understood as contending for one moment—neither, I assume, would President Roosevelt—that a man must be big physically in order to be a good, valuable, influential, or even great citizen; for everybody knows that some of the foremost men of all this world were small in body, among them Napoleon, the Duke of Luxembourg, Alexander Hamilton, Aaron Burr, James Madison, and Alexander H. Stephens. In many instances activity and muscular compactness compensate for build and height. It is generally known that there is a minimum stature fixed for our soldiers, but it will surprise many to learn that there is also a maximum stature fixed for privates in the regular Army, and that it is 5 feet 10 inches, the theory being that they can stand the hardships of military life better than taller ones. Evidently the authors of that maximum did not take their lesson out of the book of that King of Prussia who ransacked the earth to find recruits for his brigade of giants, and who would pay more for a 7-footer than he paid an ambassador to a foreign court.

A foreign critic of everything American once declared that we were prone to mistake mere bigness for greatness; and I fear that in many cases we must plead guilty to the soft impeachment; but usually bigness counts for, other things being equal, increased strength. Large bodies generally support large heads, and large heads generally contain large brains. I was told by a man who was told by a New England hat manufacturer that hats for the trade east of the Alleghenies ran from No. 6 to No. 7; in the Mississippi Valley, from No. 7 to No. 7½, and in Texas, from No. 7 to No. 8. Perhaps the brains of the wearers of the hats from No. 6 to No. 7 may make up in fineness of texture for what they lack in size and weight, on the principle that precious articles are made up in small packages.

James Wilson, of Iowa, Secretary of Agriculture, who in his person and career demonstrates what a Scotchman may come to, provided he is caught young enough and brought to this country, and my friend Walter Williams, the savant who edits the Columbia, Mo., Herald, agree that 1 acre of ground in this country is sufficient to support one human being.

ITS VALUE IN NEW ENGLAND.

It is only fair to assume that these philosophers were influenced by local environment and were basing their inspiring calculations on the wondrous fertility of Missouri and Iowa soils, which is a marvel to dwellers in less favored regions even in our highly favored country. It is said that when that brilliant and masterful man, Thomas Brackett Reed, first traveled through my Congressional district and observed the fatness of the land, he threw up his hands in an ecstasy of astonishment and exclaimed, "My God! that soil is so rich that if they had it back in New England they would sell it by the peck for seed!" And this man from Maine was correct.

While the average acre fertility of the Mississippi Valley is less than that of Missouri and Iowa, it is clear as crystal that it is greater than in the country at large. The Wilson-Williams ratio of persons to the acre would place the valley population potentiality at 800,000,000 souls, nearly one-half of the present population of the globe—most assuredly a triumphant answer to the Malthusian pessimists, and an indisputable argument in favor of the antirace suicide theory so much exploited by President Roosevelt and so enthusiastically practiced by divers Americans (one of whom in my district was the proud father of twenty-one children, which, if he had not been a Democrat, would have entitled him to the London consul-generalship under the present Administration). Statisticians tell us that the birth rate is diminishing everywhere; but while that is true of this country in general as well as of others, it is also true that it diminishes more slowly in the Mississippi Valley than east of the Alleghenies. The people of the great valley obey with alacrity the primal command of God to Adam and Eve: "Be fruitful, and multiply, and replenish the earth, and subdue it." Mirabile dictu! Of all the multitudinous speeches I have heard, I have never known but one man to enlarge upon the debt of gratitude a government owes to fathers and mothers as such. Most assuredly this is not what Bismarck was wont to call "a dying nation," especially that portion of it known as the "Mississippi Valley." When the stream of immigration is cut off or substantially decreased, as it surely will be, the importance of the fecundity of the people of the Mississippi Valley will be duly appreciated.

Doctor Boteler was wont to say, "Doubtless God could have made a better berry than the strawberry; but doubtless He never did." Varying the good doctor's dictum to suit the exigencies of the case, I say, "Doubtless God could have made a better body of land than the Mississippi Valley; but doubtless He never did."

THE WORLD'S ASPARAGUS BED.

In an exuberant moment, Thomas F. Marshall, of witty and therefore of blessed memory, characterized Woodford County, Ky., as "the asparagus bed of the garden spot of the world." To a gourmet that is the ne plus ultra of compliment. Woodford is indeed a goodly land and, like Zion of old, beautiful for situation; but in the Mississippi Valley are many such asparagus beds in many such garden spots. For instance, in the ten counties of my Congressional district I can find enough land rich as the richest acre in Woodford and as fair to look upon to make ten counties the size of Woodford, and then have enough good land left to make twenty more counties of the same dimensions.

Build another Chinese wall about the Mississippi Valley, cut us off from all communion with our kind, and inside that wall we can produce all the necessaries and most of the luxuries of human life.

Political parties may come and go; all sorts of empirics may try all kinds of experiments on the body politic; pseudo statesmen may produce panics terrible in their results; sordid greed may, by legislation, levy tribute upon the country till the iniquity cries to Heaven for redress; but one thing cocksure, so long as summer and winter, seedtime and harvest, do not fail, the denizens of the Mississippi Valley can not be starved. If the departed spirits of ancient worthies take any interest in the affairs of this lower world, Epicurus and Lucullus must regret that their lives were not cast in the pleasant places of the great valley—the granary of a mighty nation, the storehouse of the world.

All this talk of good cheer may not appeal to the esthetic; but nevertheless the average man and woman will agree with Charles Lamb as to the beatific frame of mind in which one finds himself, having dined well. Napoleon said that an army travels upon its stomach, and the colossal Corsican might have extended his remark to nations as well as to armies.

In the grand stand of the Missouri State fair at Sedalia last fall Speaker CANNON, scanning the splendid landscape with the eye of a connoisseur, rapturously shouted. "This is God's country!" a remark which he might have made without exaggeration or bad taste about almost any plat of land in that magnificent Commonwealth and about hundreds of plats between Lake Itaska and the jetties and betwixt Olean, N. Y., and Fort Benton, Mont.

At the election of 1788 there was no State lying wholly in the Mississippi Valley, consequently no valley Representative in Congress. This increase of representation is, of course, an accurate gauge of the growth of population, the center of which constantly moves westward, being now in Indiana.

When the apportionment for Representatives in Congress under the census of 1900 was made, the number was increased from 357 to 386, a gain of 29. Of the 29, only 7 went to States lying wholly outside the Mississippi Valley—to California, Connecticut, Florida, Massachusetts, and Washington 1 each, and to New Jersey 2—while 22 went to States wholly or partly in the Mississippi Valley—to Arkansas, Colorado, Louisiana, Mississippi, Missouri, North Carolina, North Dakota, West Virginia, and Wisconsin 1 each; to Minnesota and Pennsylvania

2 each; to Illinois, Texas, and New York 3 each. Prior to the apportionment under the census of 1900 the States lying wholly or in part in the Mississippi Valley had 286 Representatives in Congress, representing two hundred and eighty-six three-hundred-and-fifty-sevenths of the population of the United States. Under the census of 1900 they gained 22 Representatives out of 386, showing a gain of twenty-two three-hundred-and-eighty-sixths of the entire population of the country. Prior to the census of 1900 the States lying entirely outside the valley had 71 Representatives out of 357 in Congress, and therefore had seventy-one three-hundred-and-fifty-sevenths of the population of the entire country. Under the census of 1900 they gained only seven three-hundred-and-eighty-sixths in Congressional representation, and therefore in population.

That statement shows that the States outside the valley made a greater percentage of gains in Representatives and population in the census period from 1890 to 1900 than did those lying in the valley; but that calculation is misleading, for in the foregoing statement New York with 34 Representatives, Pennsylvania with 30, Virginia with 10, North Carolina with 9, South Carolina with 7, Georgia with 11, Alabama with 9, and Texas with 13, a total of 123 (under the census of 1890) are counted in the valley, though only very small portions of them are in it Counting these as nonvalley States, the statement is: Under the census of 1890 the valley States, containing one hundred and sixty-three three-hundred-and-fifty-sevenths of our population, gained 16 Representatives out of a total increase of 29; while the nonvalley States, with one hundred and ninety-four three-hundred-and-fifty-sevenths of our entire population, gained only 13 Representatives out of a total of 29. That is, while the population of the valley States in 1890 was only 45 per cent of our entire population, in 1900 it had risen to 55 per cent, while the population of the nonvalley States fell from 55 per cent of our entire population in 1890 to 45 per cent in 1900.

PITTSBURG'S APPORTIONMENT.

Even this latter statement does not present the case exactly, for, while only infinitesimal portions of New York, Virginia, North Carolina, South Carolina, Georgia, Alabama, and Texas lie in the valley, a large slice of Pennsylvania—the region around Pittsburg, which is growing at a phenomenal rate and whose actual and potential wealth staggers the imagination—is in the valley and bound to it closely by the ties of commerce, constantly growing stronger; and for every essential purpose Texas is an integral part of the valley. Oklahoma will soon have 5 Representatives in Congress, and, in justice, should have 8. Add to the last statement of the valley's strength in Representatives and population, all of Texas and Oklahoma, together with one-fourth of Pennsylvania, and it makes the valley's increase in population relatively much greater, once more illustrating the truth of Bishop Berkeley's famous line, "Westward the course of empire takes its way."

That JOSEPH G. CANNON—"Uncle Joe"—will be elected Speaker of the House in the Sixtieth Congress, if he lives, is among the certainties of the future. That Congress expires March 4, 1909. Between that date and March 4, 1861, are twenty-four Congresses. To fill the Speakership in them—the second most powerful office in our governmental system—valley men (counting Uncle Joe as already elected) have been elected for thirteen terms: Schuyler Colfax, of Indiana, three; Michael C. Kerr, of Indiana, one; J. WARREN KEIFER, of Ohio, one; John Griffin Carlisle, of Kentucky, three; David Bremner Henderson, of Iowa, two; JOSEPH G. CANNON, of Illinois, three; while nonvalley men have been elected for eleven terms: Galusha A. Grow, of Pennsylvania, one; James Gillespie Blaine, of Maine, three; Samuel Jackson Randall, of Pennsylvania, two; Thomas Brackett Reed, of Maine, three, and Charles Frederick Crisp, of Georgia, two.

WITH OKLAHOMA'S HELP.

With Oklahoma in the Union, we shall have 92 Senators, 391 Representatives, and 483 votes in the electoral college. Of the forty-six States, twenty-one are wholly or almost wholly in the Mississippi Valley—Montana, Wyoming, Colorado, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Wisconsin, Illinois, Kentucky, Tennessee, Indiana, Ohio, West Virginia, and Mississippi. These have 42 Senators, or 5 less than a majority; 188 Representatives, or 8 less than a majority; 230 Presidential electors, or 12 less than a majority. It will be observed that this leaves both Pennsylvania and Texas entirely out of the valley. There can be no doubt that the next census will give the twenty-one valley States control of both the House of Representatives and the electoral college; but the majority of the Senate will still come from the twenty-five States wholly or mostly outside the valley. In all human probability that will be the status of the Senate for all time—42 from the valley States and 50 from the nonvalley States, unless we finally conclude to make States out of Arizona, New Mexico, Alaska, and our colonial possessions, or unless we annex the British North American possessions and cut them up into States, or unless Texas should avail herself of the extraordinary privilege of dividing herself into five States, a right which she has by the treaty and resolution of annexation. My prediction is that she will never so divide herself. State pride is too strong, and the Texan who would advocate such a proposition would run the risk of being mobbed. Who can blame that magnificent and mammoth Commonwealth for her pride in herself and her faith in her destiny?

BEGAN TO FEEL THEIR OATS.

In 1824, at the close of "the era of good feeling," the valley States began politically to feel their oats, to borrow a strong horsy phrase, and made their initial effort to achieve national supremacy by running two candidates for the Presidency, Andrew Jackson, of Tennessee, and Henry Clay, of Kentucky, who were destined to keep the country in a turmoil for a quarter of a century with their rival ambitions and personal animosities. Old Capulet and Old Montague did not hate each other more cordially than did "The Great Commoner" and "The Iron Soldier of the Hermitage," and this personal hatred of these masterful valley men constituted the line of demarcation between political parties in the United States for a score of years, just as certainly as Frederick the Great in the Seven Years' war brought the French and Russian armies about his ears by his sarcastic mots about the Czarina and Madam Pompadour. It will be remembered that the Presidential fight in 1824 was a quadrangular performance, John Quincy Adams, of Massachusetts, and William Henry Crawford, of Georgia, being the other two competitors. Really it was a sectional contest rather than political, for all four claimed to be of the same political faith. It was the Southwest in general and the Mississippi Valley in particular against the rest of the country; for let it not be forgotten in this connection that a portion of Georgia lies within the Mississippi Valley.

COLONEL BENTON'S CONDUCT.

How thoroughly it was a sectional fight is shown by the conduct of that immortal Missourian, Col. Thomas Hart Benton. In the preliminary contest he was for Clay, largely by reason of the fact that they were kinsmen by marriage, but chiefly because Clay was a valley man. Clay not being able to bring his candidacy into Congress, because he stood fourth in the electoral college, Benton transferred his support to Crawford in preference to Jackson, because he and Jackson had once fought each other almost to death in a pistol duel at Nashville, and as a consequence were not on speaking terms, though they lived to rival the loves of Jonathan and David and of Damon and Pythias. Crawford being removed from the consideration of Congress by a stroke of paralysis at the psychological moment, Benton, sectional feeling prevailing over private hate, promptly transferred his support to the hero of New Orleans, and from that day till the hour of his death was more Jacksonian than Jackson himself.

If Henry Clay had stood firmly by his section the valley men would have won, and won easily, in the contest in the House of Representatives; but in the nick of time he went over to Adams, thereby electing the New Englander, induced to such action, no doubt, by personal jealousy of Jackson. This jealousy grew out of the fact that they lived in neighboring States and the further fact that he did not believe that both he and the Tennessean could reach the Presidency. Perhaps if Clay had supported and elected Jackson he would have reached the Presidency himself. It is clear that his opposition to Jackson prevented his realizing that lifelong ambition.

JACKSON'S ULTIMATE TRIUMPH.

Though Adams became President, the moral victory was with the valley men, and in 1828 they sent Jackson over the mountains to Washington, not only as a full-fledged President, but as the avant courier of the valley statesmen destined to control the Government of the Republic. Jackson's election was epoch maker in our affairs and marked the beginning of the end of seaboard domination. It is of vastly more importance in its sectional than in its political aspect and influence.

During the forty years prior to that event all our Presidents had come from the sunrise side of the Appalachians, thirty-two years' service of the four decades falling to Virginians and eight to Massachusetts men. Since that, counting President Roosevelt's present term as finished by himself, eighty years have elapsed—twenty Presidential terms. Valley men have been selected to fill fourteen of these: Jackson, two; the elder Harrison, one; Polk, one; Taylor, one; Lincoln, two; Grant, two; Hayes, one; Garfield, one; the younger Harrison, one; McKinley, two—leaving only six to nonvalley men; Van Buren, one; Pierce, one; Buchanan, one; Cleveland, two; Roosevelt, one. True, the death of William Henry Harrison, Taylor, Lincoln, Garfield, and McKinley, all valley men, reduced the actual service of the valley men and increased that of the nonvalley men by about seventeen and a half years; for it is an interesting fact that every President who has died in office was a valley man and every time the Vice-President who succeeded by reason of the death of his chief was a nonvalley man.

It is also apropos to state that while in the first thirty-six years two New Englanders—the Adamses, father and son—were elected for one term each, in the last eighty-four years only one New Englander—Franklin Pierce—was elected, and he for only one term, while only one other—James Gillespie Blaine—was nominated. No New Englander has been elected since 1852, and at the present writing New England has no favorite son who seems to have any reasonable prospect of reaching that high station, notwithstanding the fact that Senator HENRY CABOT LODGE, of Massachusetts, receives sporadic mention in that connection, and that a wee bit of Presidential boomlet was started for Senator WINTHROP MURRAY CRANE, also of Massachusetts, by a Congregational minister at a preachers' meeting during the Christmas festivities. It is safe to say that neither of these eminent statesmen lies awake nights inducing insomnia by pestering his head to count his delegates to a national convention or his votes in the electoral college. From the foregoing figures it is easy to see that the influence of the valley in electing Presidents increases quadrennially.

STILL MORE PROSPERITY COMING.

The systematic movement now on foot adequately to improve the Mississippi Valley's vast system of waterways will add immensely to the valley's wealth, prosperity, prestige, and political influence. The people of the great valley are just waking up to the fact that God, in his infinite wisdom and beneficence, never vouchsafed to any other people such a magnificent system of waterways as He has given to them, and that no people ever so signally failed to improve them for all they were worth. In his great speech before the St. Louis river and harbor convention HENRY T. RAINEY, of Illinois, predicted that men would before long behold the amazing spectacle of an American battle ship going from the Gulf to Chicago by way of the Mississippi River, the Illinois River, and the Chicago Drainage Canal. He also confidently predicted 9 feet of water from Pittsburg to Cairo, 9 feet on the upper Mississippi, and 14 feet from St. Louis to the Gulf. Add to these the improvement of the Missouri and other great rivers, together with the building of the Lake Erie and Pittsburg Canal, and there will come such an impetus to commerce in the Mississippi Valley and such a cheapening of freight rates as will multiply both the population and wealth of that vast region many fold before this new century is old.

From the earliest settlements west of the Alleghenies the Mississippi River has been a potent factor in our affairs. The invincible determination of the western frontiersman to have free-water access to the Gulf was what induced Thomas Jefferson to make the Louisiana purchase, the most stupendous transaction in real estate suggested on earth since the devil took the Savior to the top of a high mountain and offered Him the dominion of the world to fall down and worship him. Even at this late day it makes a patriot's blood run faster to read Jefferson's sentence, "The Mississippi must flow unvexed and unfettered to the sea." It was the determination of the people of the upper valley that the lower Mississippi should not be owned by another nation which consolidated them in favor of the Union far more than any other cause. They proposed that the great river, like the Union, should forever remain one and indivisible.

In the centuries yet to be America will dominate the world and the Mississippi Valley will dominate America.

Mr. LLOYD. Mr. Chairman, it is not my purpose to make a speech on this particular proposition. I rise for the purpose of saying that I am in full sympathy with the motion that is made by my colleague, Doctor BARTHOLDT, and I would be very

glad indeed if every Member on this floor would give his support to the measure. The engineers in charge of that part of the river have said in their report that $650,000 is necessary for the maintenance of that part of the stream during the next year. If this appropriation of $1,000,000 per year is made, it is only $350,000 that would go to a permanent improvement. This, with the $190,000 for a survey, will give encouragement to our Lake-to-the-Gulf proposition, which is dear to the heart of many Missourians, and a project well worthy the attention of the American people. It gives encouragement to the upper Mississippi River resident, because it will show that there is no purpose to abandon any part of that great river.

Mr. COUDREY. Mr. Chairman, I want to preface my remarks by stating that we do not question the integrity of the members of the Rivers and Harbors Committee, but it does look like they are biased, not prejudiced. The twenty millions of people in the Middle West have been slighted. They are entitled to every consideration, and certainly the Mississippi River between St. Louis and Cairo, like all other meritorious projects, should have its proportion of the total appropriation of over $83,000,000 carried by the bill presented to this House, and I again appeal to the gentleman from Ohio and the other members of his committee and the whole House to vote for the amendment—give us the money we should have for this most important stretch of the great Mississippi. I am quite sure that the members of this committee will agree with me that they are not infallible; I know that they have overlooked a most important project, and it is not too late to remedy this matter, and I again appeal to them on behalf of the people of the great Mississippi Valley. Why should we not start the great midcontinental waterway uniting the Lakes and the Gulf? Why permit this portion of the great Mississippi River to be neglected? And as nearly one-fourth of the entire population of the United States live in the territory drained by this great river, their claims should be answered. We come to you because the country is suffering from inadequate transportation facilities. Daily we read articles in the newspapers of the millions of dollars that are lost annually to our people by the failure of the National Government to provide the assistance which is within their grasp. I differ with some of my colleagues from Missouri and Illinois on the subject or question as to whether the members of the State legislatures should petition us to do something in behalf of the people we have the honor to represent. I think they do a wise thing in again calling the particular attention of the Members of Congress to this matter. I hope their appeals will not be in vain. We could very easily appropriate a few millions of dollars, which would start our project on its way, and I want to ask the chairman of this committee if he won't reconsider this matter. Our people represent millions of tons of tonnage, and I do say without hesitation that our section has been discriminated against, and I know that they have not received what they are entitled to, and according to the present rules of the Rivers and Harbors Committee the Mississippi River during our lifetime will continue to be neglected. I am certainly in favor and will vote for the amendment.

Mr. RHODES. Mr. Chairman, I desire to ask the chairman of the Committee on Rivers and Harbors one question. I should like to know whether or not the amount of money carried in this appropriation providing for the improvement of this stretch of the river between the mouth of the Ohio and the mouth of the Missouri can be used for improvement purposes other than dredging?

Mr. BURTON of Ohio. Mr. Chairman, I will state to the gentleman that the engineer having the work in charge was here and his statement was taken. He also made a further statement in writing, in which he said that $150,000 per annum would take care of the dredging, $85,000 per annum would be needed to take care of existing works, revetment, etc., in the river, and that there would be a balance of $15,000 per annum for use in case of emergency on new works. This is in addition to the balance on hand after paying for dredges under construction.

Mr. RODENBERG. Is is not a fact, however, that the local engineers at St. Louis specifically recommended $650,000 for the work this year?

Mr. BURTON of Ohio. I do not recall the exact amount.

Mr. RODENBERG. That is the statement in their report.

Mr. BURTON of Ohio. I only know indirectly, because the estimates of the local engineers are not given this year in the reports of the chief, unless they be given by accident.

Mr. RODENBERG. In the Book of Estimates for this year it was $650,000.

Mr. BURTON of Ohio. I know it was more than $250,000 a year.

Mr. RHODES. Mr. Chairman, it is refreshing for me to know that there are methods of improvement provided and contemplated by those in charge of that stretch of the river for improving it by methods other than that of dredging.

I am here reminded of the fact that a year ago now this question came up under a little controversy which took place on the floor of this House. At that time I asked the distinguished chairman of this committee whether or not under existing law money could be expended for improvement purposes other than dredging, and the reply was that under existing law not one dollar of the appropriation carried in the river and harbor act of 1905 could be expended for purposes other than dredging. At that time I remember of having expressed my opinion that the method of improving this stretch of the river by dredging was and had not been a success. I gave it as my opinion a few days ago on the floor of this House that the method of improving this stretch of the river by dredging had not been a success, and, Mr. Chairman, I give it now as my opinion dredging is not a success. For two reasons I most heartily indorse the amendment offered by my colleague from the city of St. Louis [Mr. BARTHOLDT]. I am for the amendment, first, because it contemplates improvements other than by dredging, and I am for the amendment, in the second place, because a larger sum of money is provided for in the amendment than is carried in the bill. The meager sum of $250,000 for the improvement of this stretch of the river between the mouth of the Ohio and the mouth of the Missouri is not what we ought to have and is not what we are entitled to. It has been somewhat discouraging to me as a citizen of the great Mississippi Valley to sit here and listen to speech after speech and see that the Ohio River, which is but one of the tributaries of the great Mississippi, has been converted into a series of dams and locks from source to mouth.

Of the total volume of water that flows toward the sea through the Mississippi, the great father of waters, the amount which flows into it from the Ohio is a very small per cent, and yet the Mississippi River from the mouth of the Missouri to the Gulf of Mexico is provided for to the extent only of about $5,000,000, a distance of 1,200 miles. I am informed that the greatest length of the Ohio River is only about 900 miles. Yet that stream, which has had in the past expended upon it millions of dollars, gets $4,000,000 under the provision of this bill. Mr. Chairman, I know, as a matter of fact; I know, as a matter of observation, that the improvement by dredging of this part of the Mississippi River is not, and never will be, a success. As I explained a few days ago, the alluvial banks of this stream are such that it can not contain the great volume of water it must necessarily contain.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RHODES. Mr. Chairman, I ask unanimous consent for two more minutes.

The CHAIRMAN. Is there objection?

Mr. BURTON of Ohio. How much time does the gentleman want?

Mr. RHODES. Two minutes.

Mr. BURTON of Ohio. I ask unanimous consent, Mr. Chairman, that the gentleman may have two minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. RHODES. I was about to say, gentlemen, I know, as a matter of observation, that good, substantial improvements heretofore begun have actually gone to waste and into decay as a result of the abandonment of well-fixed methods of bank improvement, by which the river was formerly improved. I know that by fencing, by revetment, and by other means of bank improvement greater results and better results will come to that stretch of the river than by the method of dredging; I know, too, we need more money; therefore I hope the amendment offered by my colleague from St. Louis will prevail. It is right and it is just. [Applause.]

Mr. SMITH of Illinois. Mr. Chairman, representing a district bordering on the Mississippi River, living in the State of Illinois, knowing something about that stretch of the river between Cairo and St. Louis, having traveled up and down the same many times, knowing that the amount of money which is provided in this river and harbor bill for the next year to enable the Engineer Corps to do the work that ought to be done there is absolutely insufficient, I rise to say that I heartily indorse the amendment of the gentleman from Missouri [Mr. BARTHOLDT] and indorse the statements made upon the amendment by the other gentlemen who have spoken. My district reaches from the mouth of the Ohio River away beyond the mid line between Cairo and St. Louis. I know that work is needed at many places in my district. Work has been done time and time again. Much of it has been wasted by reason of there not having been a sufficient amount appropriated to do the work as it ought to have been done to make it a permanent improvement. I know that in addition to the work that has been done I have

been called on by my constituency time and again to urge the Department to do more work, stating the absolute necessity for same. Responding to those calls, I have gone to the Engineer Department when Congress was not in session and presented the cases specially. Every time I have presented such cases as made out to me by my people, and as I knew the facts to be myself, I have asked that an engineer be sent specially to make examinations at the points indicated by my people and by myself and report to the Engineer Corps at Washington whether the statements made by me to the department were correct or not and whether or not the work we asked for was necessary. In each of those cases an engineer has been sent, and in almost every case the report of the engineer has been an absolute confirmation, not only of the statements made by my people but the statements made from my own personal knowledge to the department. And so long, Mr. Chairman and gentlemen of this committee, as there was any money remaining of the funds appropriated for that stretch of the river the Engineer Corps has been doing the work. But I have reports in my possession today, made recently, after I had made the same request that I have stated before——

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMITH of Illinois. Mr. Chairman, I ask unanimous consent for five minutes more.

Mr. BURTON of Ohio. Mr. Chairman, before very long I shall make a motion to close debate. However, I ask unanimous consent that the gentleman from Illinois [Mr. SMITH] have five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SMITH of Illinois. I thank the committee and the chairman of the Committee on Rivers and Harbors for their courtesy. I was saying that I have in my possession reports made by the engineer in charge after the Department had ordered him to make the examinations at those various places in my district and report whether the work was necessary or not, and those reports show that the work is necessary, and "very necessary" is the language in some of them. And then when I called upon the War Department and asked them that in compliance with the report of the engineer in charge they would order this work done, the reply was simply that they had no money with which to do the work. And the reports of the engineer making the examination in each one of them stated that while the work at those points was necessary, and in one or two instances they stated it was "very necessary," yet he says: "There are no funds remaining out of which I can do the work."

Now, gentlemen of the committee, those statements are absolutely true. They are borne out by the report of the engineer and the statements of the Engineer Department. That being the case, it is necessary that we have more money than is provided for in this bill if we intend to provide means to do anything to protect and preserve that channel from Cairo up to St. Louis. I heartily indorse the amendment offered by the gentleman from St. Louis and earnestly ask the membership of this committee to vote with us and give us this amount, which is justly deserved and absolutely needed. [Applause.]

Mr. BURTON of Ohio. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. DALZELL, Speaker pro tempore, having assumed the chair, Mr. CURRIER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 24991, the river and harbor bill, and had come to no resolution thereon.

POST-OFFICE APPROPRIATION BILL.

Mr. OVERSTREET of Indiana, chairman of the Committee on the Post-Office and Post-Roads, reported the bill (H. R. 25483; Report No. 7312) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1908, and for other purposes; which was ordered to be printed, and referred to the Committee of the Whole House on the state of the Union.

Mr. WILLIAMS. Mr. Speaker, I desire to reserve all points of order.

Mr. OVERSTREET of Indiana. Mr. Speaker, I ask unanimous consent that any member of the Committee on the Post-Office and Post-Roads may have the privilege to file minority views any time within the next five legislative days.

The SPEAKER pro tempore. The gentleman from Indiana [Mr. OVERSTREET] asks unanimous consent that any member of the Committee on the Post-Office and Post-Roads may have liberty to file minority views within the next five legislative days. Is there objection?

There was no objection.

GALEN E. GREEN.

The SPEAKER pro tempore laid before the House the bill (H. R. 3393) granting an honorable discharge to Galen E. Green, with a Senate amendment, which was read.

Mr. CAPRON. Mr. Speaker, I move to concur in the Senate amendment.

The motion was agreed to.

S. KATE FISHER.

The SPEAKER pro tempore also laid before the House the following Senate resolution; which was read, considered, and agreed to:

IN THE SENATE OF THE UNITED STATES,
February 6, 1907.

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 8080) for the relief of S. Kate Fisher, with accompanying engrossed copy of Senate amendment thereto.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills and joint resolution:

H. R. 6430. An act authorizing the Secretary of the Treasury to pay to German M. Rouse informer's fees for certain opium seizures;

H. R. 16386. An act to fix the time of holding the circuit and district courts for the northern district of West Virginia;

H. R. 5223. An act to reimburse Quong Hong Yick for one case of opium erroneously condemned and sold by the United States;

H. R. 12690. An act to define the term of "registered nurse" and to provide for the registration of nurses in the District of Columbia;

H. J. Res. 195. Joint resolution authorizing the Secretary of War to furnish two condemned cannon to the mayor of the town of Preston, Iowa;

H. R. 4300. An act for the relief of A. J. Stinson;

H. R. 17624. An act to amend an act entitled "An act to amend section 4405 of the Revised Statutes of the United States," approved March 3, 1905;

H. R. 19568. An act vacating Alexander place and Poplar street, in the subdivision of a part of a tract called "Lincoln," District of Columbia, and vesting title in the present owner;

H. R. 16868. An act for the prevention of scarlet fever, diphtheria, measles, whooping cough, chicken pox, epidemic cerebrospinal meningitis, and typhoid fever in the District of Columbia;

H. R. 23383. An act to amend an act entitled "An act to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River," approved June 25, 1906;

H. R. 24361. An act to amend an act entitled "An act to authorize the borough of North Charleroi, Washington County, to a point over the Monongahela River, Pennsylvania, from a point in in Rostraver Township, Westmoreland County," approved March 14, 1904;

H. R. 24367. An act to authorize the Inter-State Bridge and Terminal Railway Company, of Kansas City, Kans., to construct a bridge across the Missouri River at or near Kansas City, Kans.;

H. R. 23219. An act to authorize Majestic Collieries Company, of Eckman, W. Va., to construct a bridge across the Tug Fork of Big Sandy River about 2½ miles west of Devon, W. Va., a station on the Norfolk and Western Railway;

H. R. 24603. An act to authorize the Atlanta, Birmingham and Atlantic Railroad Company to construct a bridge across the Coosa River, in the State of Alabama; and

H. R. 23889. An act authorizing the Secretary of the Interior to issue deed of conveyance to Lyman Ballou to certain lands in Custer County, S. Dak.

BILLS REFERRED.

Under clause 2 of Rule XXIV, House bill 23394, entitled "An act to provide for an additional district judge for the northern and southern districts of California," with Senate amendments, was taken from the Speaker's table and referred to the Committee on the Judiciary.

S. 8040. An act for the relief of Elizabeth R. Gordon was referred to the Committee on Claims.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. FASSETT, for four days, on account of death in family.

WITHDRAWAL OF PAPERS.

Mr. HUMPHREY of Washington, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of J. M. Darling (H. R.

8631, Fifty-ninth Congress), no adverse report having been made thereon.

Mr. BURTON of Ohio. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 33 minutes p. m.), the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolution of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 24755) to encourage private salmon hatcheries in Alaska, reported the same with amendment, accompanied by a report (No. 7306); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BOUTELL, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 25056) to provide for the transfer to the State of South Carolina of certain school funds for the use of free schools in the parishes of St. Helena and St. Luke, in said State, reported the same with amendment, accompanied by a report (No. 7309); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CLAYTON, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 24887) providing for a United States judge for the northern district of Alabama, reported the same without amendment, accompanied by a report (No. 7310); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MORRELL, from the Committee on Militia, to which was referred the bill of the House (H. R. 25408) to amend an act entitled "An act to provide for the organization of the militia of the District of Columbia, and for other purposes," approved March 1, 1889, reported the same without amendment, accompanied by a report (No. 7311); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GOULDEN, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 21204) to amend section 4446 of the Revised Statutes, relating to licensed masters, mates, engineers, and pilots, reported the same with amendment, accompanied by a report (No. 7301); which said bill and report were referred to the House Calendar.

Mr. BURKE of South Dakota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 6872) to amend an act entitled "An act authorizing the Winnipeg, Yankton and Gulf Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, S. Dak.," reported the same without amendment, accompanied by a report (No. 7302); which said bill and report were referred to the House Calendar.

Mr. BARTLETT, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 7515) to authorize the Missouri River Improvement Company, a Montana corporation, to construct a dam or dams across the Missouri River, reported the same with amendment, accompanied by a report (No. 7303); which said bill and report were referred to the House Calendar.

Mr. JENKINS, from the Committee on the Judiciary, to which was referred the resolution of the House (H. Res. 807) to authorize the Secretary of Commerce and Labor to investigate and report upon the industrial, social, moral, educational, and physical condition of women and children in the United States, submitted a report (No. 7304); which said report was ordered to be printed.

Mr. ESCH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 7211) to amend an act entitled "An act to amend an act to construct a bridge across the Missouri River at a point between Kansas City and Sibley, in Jackson County, Mo.," approved March 19, 1904, reported the same with amendment, accompanied by a report (No. 7305); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. BEALL of Texas, from the Committee on Claims, to which was referred the bill of the House (H. R. 13718) for the relief of the Richmond Locomotive Works, successor of the Richmond Locomotive and Machine Works, reported the same without amendment, accompanied by a report (No. 7307); which said bill and report were referred to the Private Calendar.

Mr. GRAHAM, from the Committee on Claims, to which was referred the bill of the House (H. R. 10453) for the relief of John H. Lohman, reported the same without amendment, accompanied by a report (No. 7308); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. RHODES: A bill (H. R. 25466) increasing salaries of rural free-delivery letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. FLOOD: A bill (H. R. 25467) to distribute the surplus in the Treasury of the United States to the several States, Territories, and the District of Columbia for the sole purpose of improving the roads therein—to the Committee on Ways and Means.

By Mr. AMES: A bill (H. R. 25468) to regulate the business of insurance within the District of Columbia—to the Committee on the Judiciary.

By Mr. GREGG: A bill (H. R. 25469) to provide for the establishment of an immigration station at Galveston, Tex., and the erection in said city, on a site to be selected for said station, of a public building—to the Committee on Immigration and Naturalization.

By Mr. JENKINS: A bill (H. R. 25470) to amend an act entitled "An act to expedite the hearing and determination of suits in equity, etc.," approved February 11, 1903, by adding a new section, to be called section 3—to the Committee on the Judiciary.

By Mr. COUDREY: A bill (H. R. 25471) prohibiting and providing penalties for false, fraudulent, or misleading advertisements—to the Committee on the Judiciary.

By Mr. DE ARMOND: A bill (H. R. 25472) to fix the limitation applicable in certain cases—to the Committee on the Judiciary.

By Mr. THOMAS of North Carolina: A bill (H. R. 25473) authorizing a survey to be made of Queens Creek, North Carolina—to the Committee on Rivers and Harbors.

By Mr. BRICK: A bill (H. R. 25474) to amend sections 5 and 6 of an act entitled "An act to authorize the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same"—to the Committee on Patents.

By Mr. BABCOCK: A bill (H. R. 25475) to amend an act entitled "An act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes," approved May 7, 1906—to the Committee on the District of Columbia.

Also, a bill (H. R. 25476) making personal taxes in arrears a personal claim against the person owing such tax to the District of Columbia—to the Committee on the District of Columbia.

By Mr. SOUTHWICK: A bill (H. R. 25477) to protect the rights of any owner of letters patent for an invention—to the Committee on Patents.

By Mr. OLCOTT: A bill (H. R. 25478) to amend section 2745 of the Revised Statutes of the United States, relating to compensation of examiners at the port of New York—to the Committee on Ways and Means.

By Mr. NORRIS: A bill (H. R. 25479) to divide the judicial district of Nebraska into divisions and to provide for an additional district judge in said district—to the Committee on the Judiciary.

By Mr. PARSONS: A bill (H. R. 25480) to permit the city of New York or the Hudson County Water Company, or either of them, to lay, maintain, and operate two water-pipe lines across and under the waters of the Kill von Kull from Bayonne, N. J., to Staten Island—to the Committee on Interstate and Foreign Commerce.

By Mr. HUGHES of West Virginia: A bill (H. R. 25481) for the relief of the depositors of the Freedman's Savings and Trust Company—to the Committee on Banking and Currency.

By Mr. HULL: A bill (H. R. 25482) to amend section 878 of the Code of Law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. OVERSTREET of Indiana, from the Committee on the Post-Office and Post-Roads: A bill (H. R. 25483) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1908, and for other purposes—to the Union Calendar.

By Mr. LAMB: A joint resolution (H. J. Res. 236) authorizing the Secretary of the Navy to furnish metal for a bell—to the Committee on Naval Affairs.

By Mr. PARSONS: A concurrent resolution (H. C. Res. 53) concerning claims existing between the citizens of the United States and the Government of Nicaragua—to the Committee on Foreign Affairs.

By Mr. SHEPPARD: A resolution (H. Res. 817) creating a Committee on Levees and Improvements of the Rivers of the United States not Tributary to the Mississippi River—to the Committee on Rules.

Also, a resolution (H. Res. 818) creating a Committee on Levees and Improvements of the Rivers Tributary to the Mississippi River—to the Committee on Rules.

By Mr. SULLOWAY: A resolution (H. Res. 819) to pay the principal examiner by detail to the Committee on Invalid Pensions—to the Committee on Accounts.

By Mr. MORRELL: A resolution (H. Res. 820) requesting the Bureau of Corporations to investigate and report upon the methods of ascertaining land values in the District of Columbia—to the Committee on the District of Columbia.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills of the following titles were introduced and severally referred as follows:

By Mr. BARTLETT: A bill (H. R. 25484) granting a pension to John A. Cherry—to the Committee on Pensions.

By Mr. BATES: A bill (H. R. 25485) for the relief of John M. Devereaux—to the Committee on Military Affairs.

By Mr. BINGHAM: A bill (H. R. 25486) granting an increase of pension to Joseph Umsted—to the Committee on Pensions.

By Mr. BROOKS of Colorado: A bill (H. R. 25487) for the relief of Andrew B. Baird and James S. Baird, and to confirm all sales and dispositions heretofore made by the United States out of the confiscated land of the late Spruce M. Baird, their father, known as Baird's ranch, in the Territory of New Mexico—to the Committee on War Claims.

By Mr. COUDREY: A bill (H. R. 25488) granting an increase of pension to David F. Fox—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25489) granting an increase of pension to Louisa Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25490) granting an increase of pension to Mary A. McDonough—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 25491) granting an increase of pension to William Ogan—to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 25492) for the relief of James A. Watson—to the Committee on Military Affairs.

By Mr. FLOYD: A bill (H. R. 25493) granting an increase of pension to John W. Hughs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25494) granting an increase of pension to Berry W. Hudson—to the Committee on Pensions.

Also, a bill (H. R. 25495) granting an increase of pension to Andrew J. Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25496) granting an increase of pension to John F. D. Gerall—to the Committee on Invalid Pensions.

By Mr. GARDNER of Massachusetts: A bill (H. R. 25497) granting an increase of pension to James S. Walsh—to the Committee on Invalid Pensions.

By Mr. GARRETT: A bill (H. R. 25498) for the relief of the trustees of the Christian Church of Union City, Tenn.—to the Committee on War Claims.

By Mr. GUDGER: A bill (H. R. 25499) granting an increase of pension to James Doyle—to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 25500) for the relief of Daniel B. Miller, United States Army, retired—to the Committee on Military Affairs.

By Mr. LEWIS: A bill (H. R. 25501) granting an increase of pension to Robert S. Rose—to the Committee on Pensions.

Also, a bill (H. R. 25502) granting a pension to Claricy B. Dunaway—to the Committee on Pensions.

Also, a bill (H. R. 25503) granting a pension to Susie Dixon—to the Committee on Pensions.

By Mr. McGAVIN: A bill (H. R. 25504) for the relief of George W. Sheldon & Co.—to the Committee on Claims.

By Mr. McNARY: A bill (H. R. 25505) for the relief of John J. Kane—to the Committee on Claims.

By Mr. OLMSTED: A bill (H. R. 25506) granting an increase of pension to Irwin J. Crane—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25507) granting an increase of pension to A. S. Smith—to the Committee on Invalid Pensions.

By Mr. PUJO: A bill (H. R. 25508) granting a pension to Fannie L. McVey—to the Committee on Invalid Pensions.

By Mr. REID (by request): A bill (H. R. 25509) for the relief of W. H. Hicks, administrator of the estate of John Diehl, deceased—to the Committee on War Claims.

By Mr. STEPHENS of Texas: A bill (H. R. 25510) granting an increase of pension to Henry E. Schoppmeyer—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 4606) for the relief of Gilbert E. L. Falls—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 7256) for the relief of Mary A. Coulson, executrix of Sewell Coulson, deceased—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 15400) for the relief of Fred F. B. Coffin—Committee on Military Affairs discharged, and referred to the Committee on Claims.

PETITIONS, ETC.

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

By the SPEAKER: Paper from Admiral George Dewey Naval Camp, inviting Members of House of Representatives to attend a reception to be given Richmond Hobson—to the Committee on Naval Affairs.

Also, petition of the Colored American Colonization Society, asking that a tract of land be set aside for a home for colored citizens who feel that their rights and privileges are invaded in their existing homes—to the Committee on the Public Lands.

Also, petition of the National Board of Trade, for the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Nicholas R. Klug and 40 others, for an amendment to the free-alcohol law—to the Committee on Ways and Means.

Also, petition of the legislature of Minnesota, for an appropriation to construct a canal in Aitkin County as an aid to the reservoir system of the Mississippi River, and for the further purpose of reclaiming public lands—to the Committee on Rivers and Harbors.

By Mr. ACHESON: Petition of the Academy of Natural Sciences of Philadelphia, against destruction of the Bureau of Biology in the Agricultural Department—to the Committee on Agriculture.

By Mr. ALEXANDER: Petition of Chapin Post, No. 2, Grand Army of the Republic, of Buffalo, N. Y., for the McCumber pension bill—to the Committee on Invalid Pensions.

Also, petition of the executive committee of the Grand Army of the Republic of Buffalo, N. Y., for retention of United States pension agency—to the Committee on Appropriations.

By Mr. BATES: Paper to accompany bill for relief of Francis M. Devereaux—to the Committee on Invalid Pensions.

By Mr. BARCHFELD: Petition of citizens of Adams, Wash.; East St. Louis, Ill.; McKinney, Tex.; Springfield, Ill., and Easbey, S. C., against bill S. 5221, to regulate the practice of osteopathy in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BIRDSALL: Petition of the Order of Railway Conductors, No. 164, of Eagle Grove, Iowa, for bill S. 5133 (the sixteen-hour bill)—to the Committee on Interstate and Foreign Commerce.

Also, petition of Thomas E. Mathews et al., for pensions for soldiers and sailors who were confined in rebel prisons—to the Committee on Invalid Pensions.

By Mr. BONYNGE: Petition of the Herald-Democrat, of Leadville, Colo., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BURNETT: Petition of the Alabama legislature, for legislation prorating to the cotton-growing States whatever cotton-tax money there may be in the Treasury—to the Committee on Ways and Means.

By Mr. BUTLER of Pennsylvania: Petition of General W. S.

Hancock Post, Grand Army of the Republic, No. 255, Department of Pennsylvania, against abolition of pension agencies—to the Committee on Appropriations.

By Mr. CURRIER: Petition of Herbert R. Bailey and other Spanish and civil war veterans, for restoration of the Army canteen—to the Committee on Military Affairs.

By Mr. DALE: Petition of the Immigration Restriction League, against further immigration legislation—to the Committee on Immigration and Naturalization.

Also, petition of the Academy of Natural Sciences, of Philadelphia, Pa., against destruction of the Bureau of Biology, Department of Agriculture—to the Committee on Agriculture.

Also, petition of Lieutenant Ezra S. Griffin Post, No. 139, against abolition of the pension agencies—to the Committee on Appropriations.

Also, petition of the Central Labor Union of Scranton and vicinity, for a general arbitration treaty between nations—to the Committee on Foreign Affairs.

By Mr. DAVIS of Minnesota: Joint memorial of the legisture of Minnesota, for an appropriation to construct a canal in Aiken County, Minn.—to the Committee on Rivers and Harbors.

By Mr. DOVENER: Papers to accompany bills for relief of Benjamin T. Dunlap and John M. Null—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of the Merchants' Association of New York City, for an appropriation for a post-office building on the Pennsylvania Central Railway site in New York City—to the Committee on Public Buildings and Grounds.

By Mr. FLETCHER: Petition of the Minnesota legislature, for a canal in Aiken County, Minn.—to the Committee on Rivers and Harbors.

By Mr. FLOYD: Papers to accompany bills for relief of Robert H. Hawkins and Robert McFarland—to the Committee on Invalid Pensions.

By Mr. FRENCH: Petition of E. L. Lockwood and others of the railway orders of the Oregon Short Line at Glenns Ferry, Idaho, favoring bill S. 5133 (the sixteen-hour bill)—to the Committee on Interstate and Foreign Commerce.

By Mr. FULKERSON: Paper to accompany bill for relief of Lafayette Hagin—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of the American Musical Copyright League, against certain portions of the copyright bill—to the Committee on Patents.

Also, petition of the National Private Commercial School Managers' Association, for revision of the postal laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Bankers' Club of Chicago, for a bank-note issue as recommended by the American Bankers' Association—to the Committee on Banking and Currency.

Also, petition of D. Heenan, of Streator, Ill., for an appropriation of $50,000,000 annually for improvement of waterways—to the Committee on Rivers and Harbors.

By Mr. GRAHAM: Petition of the Academy of Natural Sciences of Philadelphia, Pa., against destruction of the Bureau of Biology in the Department of Agriculture—to the Committee on Agriculture.

Also, petition of citizens of Allegheny County, Pa., for increasing the salaries of postal clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. HENRY of Connecticut: Petition of the Farmers' Association of the Connecticut General Assembly, for maintenance of the Bureau of Biology in the Department of Agriculture—to the Committee on Agriculture.

By Mr. HUNT: Petition of the joint committee of the Affiliated Business Men's Association, for legislation to build a waterway from the Lakes to the Gulf—to the Committee on Rivers and Harbors.

By Mr. LAFEAN: Paper to accompany bill for relief of Daniel Miller—to the Committee on Claims.

Also, petition of the State Seal Cigar Company, of Yoe, Pa., for removal of the tariff on Sumatra tobacco—to the Committee on Ways and Means.

By Mr. LAMB: Petition of T. S. Laurence, secretary of the Portsmouth Retail Merchants' Association, for increase of salaries of postal clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. LEWIS: Paper to accompany bill for relief of Claricy B. Dunaway—to the Committee on Pensions.

By Mr. McCARTHY: Resolution of the senate of Nebraska, against the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the women's clubs of Falls City, Nebr., for enactment of the Beveridge bill on child labor—to the Committee on Labor.

By Mr. McKINLEY of Illinois: Petition of the Woman's Christian Temperance Union of Tuscola, Ill., for the Littlefield bill (H. R. 13655)—to the Committee on the Judiciary.

By Mr. MARTIN: Paper to accompany bill for relief of Fred F. B. Coffin—to the Committee on Military Affairs.

By Mr. MILLER: Petition of the legislature of Kansas, for an appropriation of $75,000 to improve the Missouri River on the Kansas side at Elwood City—to the Committee on Rivers and Harbors.

By Mr. MOORE of Pennsylvania: Petition of the Academy of Natural Sciences of Philadelphia, against the destruction of the Bureau of Biology in the Department of Agriculture—to the Committee on Agriculture.

Also, petition of Howard H. Pallatt, for passage of bill S. 4403, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. MORRELL: Petition of the National Board of Trade of Philadelphia, for $50,000,000 appropriation annually for improvement of waterways—to the Committee on Rivers and Harbors.

Also, petition of the National Board of Trade of Philadelphia, for a law to enforce treaty obligations—to the Committee on Foreign Affairs.

By Mr. NEEDHAM: Petition of the Chamber of Commerce of Stockton, Cal., for improvement of the waterways in the United States—to the Committee on Rivers and Harbors.

By Mr. OLCOTT: Petition of John Timmermann, of New York City, against interference in Kongo Free State affairs—to the Committee on Foreign Affairs.

By Mr. OTJEN: Petition of the Journal, against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the United Spanish War Veterans of Milwaukee, Wis., for restoration of the Army canteen—to the Committee on Military Affairs.

By Mr. OVERSTREET of Indiana: Petition of the International Association of Machinists of Indianapolis, against cooly labor on the canal—to the Committee on Foreign Affairs.

By Mr. PADGETT: Paper to accompany bill for relief of Jonathan Mills—to the Committee on War Claims.

By Mr. PAYNE: Paper to accompany bill for relief of William E. Webster—to the Committee on Invalid Pensions.

By Mr. REEDER: Concurrent house resolution No. 11 of the Kansas assembly, for an appropriation of $75,000 for improvement of the Missouri River on the Kansas side at Elwood City—to the Committee on Rivers and Harbors.

By Mr. REYBURN: Petition of the National Board of Trade, for free admission to the United States of Philippine products except sugar and tobacco—to the Committee on Ways and Means.

Also, petition of the Academy of Natural Sciences of Philadelphia, against destruction of the Bureau of Biology of the Agricultural Department—to the Committee on Agriculture.

Also, petition of Anna M. Ross Post, No. 94, Grand Army of the Republic, of Philadelphia, Pa., against abolishing the pension agencies—to the Committee on Appropriations.

By Mr. REYNOLDS: Paper to accompany bill for relief of William H. McClellan—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Arkansas: Paper to accompany bill for relief of Mrs. Mattie C. Fisher—to the Committee on Invalid Pensions.

By Mr. RYAN: Petition of the Merchants' Association of New York City, for early construction of a post-office for New York—to the Committee on Public Buildings and Grounds.

By Mr. STEPHENS of Texas: Petition of the Oklahoma constitutional convention, against passage of bill H. R. 12710, permitting the St. Louis and San Francisco Railway Company to purchase and consolidate with certain other railways in Oklahoma, and asking that the legislature of the State of Oklahoma be permitted to legislate on said subject—to the Committee on Indian Affairs.

By Mr. SULZER: Petition of A. Parlett Lloyd, against the no-attorney-fee clause of the McCumber bill—to the Committee on Invalid Pensions.

Also, petition of the Merchants' Association of New York, for bill (H. R. 22678) providing increased facilities for the United States Patent Office—to the Committee on Patents.

By Mr. TALBOTT: Petition of citizens of Maryland, for reciprocal demurrage in railway-rate transactions—to the Committee on Interstate and Foreign Commerce.

By Mr. TOWNSEND: Petition of various organizations of Ypsilanti, Mich., for the Littlefield bill (H. R. 13655)—to the Committee on the Judiciary.

By Mr. WANGER: Petition of Lodge No. 610, Brotherhood of Railway Trainmen, for bill S. 5133 (the sixteen-hour bill)—to the Committee on Interstate and Foreign Commerce.

Also, petition of George Smith Post, No. 79, Grand Army of

the Republic, Department of Pennsylvania, against the abolition of the pension agencies—to the Committee on Appropriations.

Also, petition of the National Board of Trade, held in Washington, D. C., for such amendments to the interstate-commerce act as will permit proper railway traffic agreements, such agreements to be inoperative if disapproved by the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. WHARTON: Petition of the National German-American Alliance of the United States, against bill H. R. 13655 (the Littlefield bill)—to the Committee on the Judiciary.

SENATE.

THURSDAY, *February 7, 1907.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. BURROWS, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

FINDINGS BY THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Henry J. Brown, administrator of the estate of Elmyra Brown, deceased, et al. *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, returned to the Senate, in compliance with its request, the bill (H. R. 8080) for the relief of S. Kate Fisher, with the accompanying engrossed copy of the Senate amendment thereto.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 3393) granting an honorable discharge to Galen E. Green.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented sundry memorials of citizens of Moline, Ill., remonstrating against any intervention on the part of the United States Government in the affairs of the Kongo Free State; which were ordered to lie on the table.

He also presented a petition of sundry citizens of Rockford, Minn., praying for the enactment of legislation to permit the manufacture by consumers of denatured alcohol in small quantities; which was referred to the Committee on Finance.

He also presented a petition of the congregation of the Kingsley Methodist Episcopal Church, of New York City, N. Y., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented petitions of the Woman's Christian Temperance Unions of Broad Ripple, Gosport, Castleton, Hamilton, Hartford City, Barbersville, Fort Wayne, Goshen, Liberty, Hillsboro, Oakland, Marshall, Bluffton, Jonesboro, North Vernon, Markle, Nottingham, and Sheridan, all in the State of Indiana, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were ordered to lie on the table.

Mr. BURKETT presented the petition of A. P. Tilley, of Osceola, Nebr., praying for the passage of the so-called "Crumpacker bill," relating to postal fraud orders; which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Clay Center, Nebr., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. PERKINS presented a petition of the Merchants' Exchange of Oakland, Cal., praying for the enactment of legislation providing for the reclassification and increase in the salaries of postal clerks in all first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Fruit Growers' Association of Hanford, Cal., praying for a modification of the present Chinese-exclusion law, so as to permit the immigration of laborers irrespective of nationality; which was referred to the Committee on Immigration.

Mr. FLINT presented a petition of sundry citizens of Los Angeles, Cal., and a petition of the congregation of the Central Presbyterian Church, of Los Angeles, Cal., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Los Angeles, Cal., praying for the enactment of legislation providing for the removal of duty on works of art; which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Needles, Cal., praying for the enactment of legislation to protect that city against the encroachment of the Colorado River; which was referred to the Committee on Commerce.

Mr. MILLARD presented a petition of sundry citizens of Fremont, Nebr., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Falls City, Nebr., praying for the enactment of legislation to regulate the employment of child labor; which was ordered to lie on the table.

Mr. NELSON presented a memorial of the Press Association of Goodhue County, Minn., remonstrating against the enactment of legislation to exclude from the mails newspaper publications classed as second-class matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BLACKBURN presented a memorial of the Axton Fishers Tobacco Company, of Louisville, Ky., remonstrating against the passage of the so-called "free leaf tobacco bill;" which was referred to the Committee on Finance.

Mr. OVERMAN presented a memorial of Bailey Brothers, of Winston-Salem, N. C., and a memorial of the Ozburn Hill Company, of Winston-Salem, N. C., remonstrating against the passage of the so-called "free leaf tobacco bill;" which were referred to the Committee on Finance.

Mr. LATIMER presented a petition of the executive committee of the Interchurch Conference on Federation, of New York City, N. Y., praying for an investigation into the existing conditions in the Kongo Free State; which was ordered to lie on the table.

Mr. CLARKE of Arkansas presented petitions of sundry citizens of Heber, Magazine, Prescott, and Pocahontas, all in the State of Arkansas, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. PENROSE presented petitions of the congregation of the Church of Christ of Sayre, of the Christian Endeavor Society of Landisville, of the Woman's Christian Temperance Union of Reading, of sundry citizens of New Holland, of the congregations of the Methodist Episcopal and First United Presbyterian churches of Kittanning, of the Woman's Christian Temperance Union of Athens, of the congregation of the Methodist Episcopal Church of Athens, and of the Christian Woman's Board of Missions of the Church of Christ of Sayre, all in the State of Pennsylvania, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented sundry papers to accompany the bill (S. 7848) for the relief of the Corn Exchange National Bank, of Philadelphia, Pa.; which were referred to the Committee on Claims.

Mr. SCOTT presented a petition of the State Board of Agriculture, of Charleston, W. Va., praying for the enactment of legislation to prohibit newspaper publishers from sending their publications through the mails after their paid subscriptions have expired; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BEVERIDGE presented petitions of sundry citizens of Hoagland, Rush County, Hamilton, Elkhart, Brazil, South Union, Marion, Connersville, Amboy, Monroeville, Richmond, Auburn, Valparaiso, Markle, Hartford City, Bedford, Fountain City, Williamsburg, and Huntington, all in the State of Indiana, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of the executive committee of the Interchurch Conference on Federation of New York City, N. Y., praying for an investigation into the existing conditions in the Kongo Free State; which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Goshen, Ind., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

He also presented a petition of Iron Molders' Union No. 56, of Indianapolis, Ind., praying for the enactment of legislation to regulate the employment of child labor; which was ordered to lie on the table.