

of pension to Michael McNally—to the Committee on Invalid Pensions.

By Mr. MAHON: A bill (H. R. 25766) granting an increase of pension to William Martin—to the Committee on Invalid Pensions.

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: Petition of various organizations in the States and the District of Columbia, against the Littlefield bill—to the Committee on the Judiciary.

Also, petition of the Council of Jewish Women of San Francisco, against strict legislation on immigration—to the Committee on Immigration and Naturalization.

By Mr. ACHESON: Petition of Washington (Pa.) Legion, No. 625, Order of the National Protective Legion, against reclassification of second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Typographical Union No. 456, of Washington, Pa., for bills S. 6330 and H. R. 19853—to the Committee on Patents.

By Mr. BATES: Petition of the California State Federation of Labor, of San Francisco, for bill H. R. 9754 (increase of salaries of postal clerks)—to the Committee on the Post-Office and Post-Roads.

Also, petition of the California State Federation of Labor, against the position of the President relative to the status of the Japanese in San Francisco—to the Committee on Foreign Affairs.

By Mr. BONYNGE: Petition of the Colorado State Commercial Association, against any legislation tending to segregate or classify the plains region of Colorado—to the Committee on the Public Lands.

By Mr. BURKE of Pennsylvania: Petition of Park Avenue Presbyterian Church, of Pittsburg, Pa., for an amendment to the Constitution abolishing polygamy—to the Committee on the Judiciary.

By Mr. CALDER: Petition of the National Institute of Arts and Letters, for a liberal copyright law—to the Committee on Patents.

By Mr. CLARK of Florida: Paper to accompany bill for relief of Adolphus N. Parety—to the Committee on Pensions.

By Mr. DRAPER: Petition of the National Institute of Arts and Letters, for enactment of a liberal copyright law—to the Committee on Patents.

By Mr. DUNWELL: Joint resolutions of the Chamber of Commerce and the Board of Trade of Porto Rico, for deepening of the harbor of San Juan—to the Committee on Rivers and Harbors.

By Mr. FULLER: Petition of the National Institute of Arts and Letters, for enactment of a liberal copyright law—to the Committee on Patents.

Also, petition of the National Convention for the Extension of the Foreign Commerce of the United States, for a dual tariff—to the Committee on Ways and Means.

By Mr. GOULDEN: Paper to accompany bill for relief of Reed B. Granger—to the Committee on Military Affairs.

Also, petition of Cairo Commercial Club and Board of Trade, for an appropriation of \$50,000,000 annually to improve the waterways of the country—to the Committee on Rivers and Harbors.

By Mr. HAMILTON: Petition of J. B. Steedman Post, Grand Army of the Republic, of Billingham, Wash., for bill H. R. 15585 (additional relief to ex-prisoners of war)—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: Petition of the Carpenters' Union of Red Bank, N. J., favoring arbitration of all national difficulties—to the Committee on Foreign Affairs.

By Mr. JAMES: Petition of citizens of the First district of Kentucky, for reciprocal demurrage—to the Committee on Interstate and Foreign Commerce.

By Mr. LEE: Paper to accompany bill for relief of George W. Smith (previously referred to the Committee on War Claims)—to the Committee on Invalid Pensions.

By Mr. McNARY: Petition of the Massachusetts State Association of Master Plumbers, for bill S. 6923, for cheaper postage—to the Committee on the Post-Office and Post-Roads.

By Mr. NORRIS: Resolution of the senate of Nebraska, against the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. PADGETT: Paper to accompany bill for relief of the Lyman Creek Baptist Church, of Gates City, Tenn.—to the Committee on War Claims.

By Mr. REYBURN: Petition of the National Institute of Arts and Letters, for a liberal copyright law—to the Committee on Patents.

Also, petition of William H. Rau (relative to the copyright law), against unjust discrimination touching American photography—to the Committee on Patents.

Also, petition of Post No. 77, Department of Pennsylvania, Grand Army of the Republic, against abolition of pension agencies—to the Committee on Appropriations.

By Mr. SHEPPARD: Paper to accompany bill for relief of Samuel G. Smith (previously referred to the Committee on War Claims)—to the Committee on Claims.

By Mr. RIORDAN: Petition of the National Institute of Arts and Letters, for the enactment of a liberal copyright bill—to the Committee on Patents.

By Mr. SCHNEEBEL: Paper to accompany bill for relief of David Everett—to the Committee on Invalid Pensions.

By Mr. SPERRY: Petition of the Connecticut Oyster Growers' Association, against legislation tending to destroy the oyster industry—to the Committee on Agriculture.

By Mr. SULZER: Petition of the New York Bank Note Company, against bills S. 8190 and H. R. 25133—to the Committee on Patents.

By Mr. THOMAS of North Carolina: Petition of the Engineering Society of the Carolinas, for the Appalachian and White Mountains reservation bill—to the Committee on Agriculture.

By Mr. WASKEY: Petition of citizens of Alaska, for an appropriation to protect the fish in Alaskan waters—to the Committee on the Territories.

Also, petition of citizens of Alaska, for an appropriation for a sawmill and industrial school, and a skilled mechanic for teaching proper methods of building—to the Committee on the Territories.

By Mr. WOOD: Petition of the Trenton (N. J.) Social Turn Verein, against bill H. R. 13655 (the Littlefield bill)—to the Committee on the Judiciary.

Also, petition of Hopewell (N. J.) Council, No. 73, Junior Order United American Mechanics, against the bill to amend and codify the statutes relating to classification of second-class matter—to the Committee on the Post-Office and Post-Roads.

SENATE.

THURSDAY, February 21, 1907.

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

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

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

The VICE-PRESIDENT. The Journal stands approved.

DISTRICT HEALTH DEPARTMENT.

The VICE-PRESIDENT laid before the Senate a communication from the Commissioners of the District of Columbia, transmitting, in response to a resolution of the 18th instant, the names of all employees in the health department of the District of Columbia, their official duties and titles, and the amount of compensation in each case; which, with the accompanying papers, was referred to the Committee on the District of Columbia, and ordered to be printed.

SPECIAL EMPLOYEES OF TREASURY DEPARTMENT.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to resolutions of the 8th instant and 14th instant, statements showing the number and names of persons employed by the Treasury Department during the fiscal year ended June 30, 1906, or who are now so employed as special agents, etc., where no specific appropriation in detail has been made by Congress for such employment; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

LIEU FOREST-RESERVE LANDS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of March 19, 1906, an additional list of names of those who conveyed or relinquished to the United States lands within the forest reserves prior to the act of March 3, 1905, and who failed to select other lands in lieu thereof, etc.; which, with the accompanying paper, was referred to the Committee on Public Lands, and ordered to be printed.

PHILIPPINE TARIFF.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a copy of a cable-

gram from the president of the Economic Association of the Philippines requesting the enactment of legislation with respect to the free entry of sugar and the abolishment of the refundable export duties on hemp; which was referred to the Committee on Finance, and ordered to be printed.

WILLIAM O. BEALL.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 18th instant, certain papers connected with the investigation of the official conduct of William O. Beall, recently secretary to the Commission to the Five Civilized Tribes; which, with the accompanying papers, was referred to the Committee on Indian Affairs.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 1371) to refund to J. Tennant Steeb certain duties erroneously paid by him, without protest, on goods of domestic production shipped from the United States to Hawaii and thereafter returned, with an amendment; in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 24987) to authorize the sale and disposition of a portion of the surplus or unallotted lands in the Rosebud Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. BURKE of South Dakota, and Mr. STEPHENS of Texas managers at the conference on the part of the House.

The message further announced that the House had passed a concurrent resolution requesting the President to return the bill (H. R. 830) granting an increase of pension to Hezekiah Dezarn; in which it requested the concurrence of the Senate.

The message also requested the Secretary of the Senate to furnish the House of Representatives with a duplicate engrossed copy of the bill (S. 7247) to provide for the establishment of an immigration station at New Orleans, in the State of Louisiana, and the erection in said city, on a site to be selected for said station, of a public building, the original copy having been lost.

The message further announced that the House had passed 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; in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of Typographical Union No. 8, American Federation of Labor, of St. Louis, Mo., remonstrating against the manner in which Charles Moyer, William Haywood, and George Pettibone, of the Western Federation of Miners, were brought under the jurisdiction of the courts of Idaho, and praying that these men be granted a fair and impartial trial by jury; which was referred to the Committee on the Judiciary.

Mr. PLATT presented a petition of the Art Metal Work Evening Class of the Pratt Institute, of Brooklyn, N. Y., praying for the enactment of legislation to repeal the duty on works of art; which was ordered to lie on the table.

He also presented a memorial of the executive committee, Department of New York, Grand Army of the Republic, of Rochester, N. Y., remonstrating against the enactment of legislation to abolish the pension agencies throughout the country; which was ordered to lie on the table.

He also presented a petition of sundry citizens of New York City, N. Y., praying for the enactment of legislation to amend and consolidate the acts respecting copyrights; which was ordered to lie on the table.

He also presented petitions of sundry citizens of Newark Valley, Northport, Middleburg, and Crawford, all 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.

He also presented petitions of Local Union No. 4, of Buffalo; of Local Union No. 46, of Buffalo; of Local Union No. 135, of Syracuse, and of Local Union No. 14, of Amsterdam, all of the American Federation of Labor, in the State of New York, praying for the enactment of legislation providing for the protection of labor and industry from competition with convict labor and prison-made goods; which were referred to the Committee on Education and Labor.

He also presented petitions of sundry citizens of New York City, N. Y., praying for the adoption of certain amendments to the present denatured-alcohol law; which were referred to the Committee on Finance.

He also presented a memorial of the Linnæan Society of New York City, N. Y., remonstrating against the enactment of legislation to abolish the Bureau of Biological Survey in the Department of Agriculture; which was ordered to lie on the table.

He also presented memorials of sundry citizens of Fernwood, N. Y., and Washington, D. C., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

Mr. WHYTE presented petitions of sundry citizens of Baltimore and Easton, in the State of Maryland, praying for the adoption of certain amendments to the present denatured-alcohol law; which were referred to the Committee on Finance.

Mr. RAYNER presented petitions of sundry citizens of Easton and Royal Oak, in the State of Maryland, 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 the petition of Sharp & Dohme, of Baltimore, Md., praying for the adoption of certain amendments to the present denatured-alcohol law; which was referred to the Committee on Finance.

Mr. DU PONT presented a petition of the Methodist Ministers' Association of Wilmington, Del., praying for the enactment of legislation to regulate the transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. WETMORE presented a memorial of the Audobon Society of Providence, R. I., remonstrating against the enactment of legislation to abolish the Bureau of Biological Survey in the Department of Agriculture; which was ordered to lie on the table.

He also presented a memorial of the Press Club of Providence, R. I., remonstrating against the enactment of legislation to increase the postage rate on second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the R. Bliss Manufacturing Company, of Pawtucket, R. I., 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 Thomas Perry, of Westerly, R. I., and a petition of the Woman's Christian Temperance Union of Providence, R. I., praying for the passage of the so-called "Lodge resolution," providing for an investigation into the existing conditions in the Kongo Free State; which were ordered to lie on the table.

He also presented a memorial of 20 photographers of Providence, R. I., remonstrating against the enactment of legislation to amend and consolidate the acts respecting copyrights; which were referred to the Committee on Patents.

He also presented petitions of sundry citizens of Coventry, Cumberland, Woonsocket, Warren, North Providence, Phenix, Centerville, Arnold Mills, Middletown, Tiverton, and Diamond Hill, all in the State of Rhode Island, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. SCOTT presented a petition of United Lodge No. 7, Amalgamated Association of Iron, Steel, and Tin Workers, of Benwood, W. Va., praying for the enactment of legislation providing for the protection of labor and industry from competition with convict labor and prison-made goods; which was referred to the Committee on Education and Labor.

He also presented petitions of the Woman's Parliamentary Law Club, of Parkersburg; the Woman's Literary Club, of Parkersburg; the Woman's Club, of Wellsburg; the Virginia Literary Club, of Wheeling; the Federation of Woman's Clubs, of Wheeling; the Woman's Club, of Fairmont, and the Current History Club, of Huntington, all in the State of West Virginia, praying for the enactment of legislation to regulate the employment of child labor; which were ordered to lie on the table.

Mr. KEAN presented a petition of the Woman's Christian Temperance Union of Keyport, N. J., 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 the Edgewater Library Club, of Cliffside, N. J., and a petition of the College Woman's Club of Essex County, N. J., praying for the enactment of legislation

to regulate the employment of child labor; which were ordered to lie on the table.

Mr. McCREARY presented petitions of the congregations of the First Baptist, the Third Street Methodist Episcopal, the Broadway Methodist Episcopal, the Kentucky Avenue Presbyterian, and the Trimble Street Methodist Episcopal churches, all of Paducah, in the State of Kentucky, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. HANSBROUGH presented a petition of the Woman's Christian Temperance Union of Brinsmade, N. Dak., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. LODGE. I present resolutions of the legislature of Massachusetts; which I ask may be printed in the RECORD and referred to the Committee on Agriculture and Forestry.

The resolutions were referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

COMMONWEALTH OF MASSACHUSETTS, 1907.

Resolutions relative to the gypsy and brown-tail moths.

Whereas the work of the United States Department of Agriculture, as directed by the Bureau of Entomology, in the suppression of the gypsy and brown-tail moths in this Commonwealth has been of great assistance to the State authorities engaged in the same work and has been effective in preventing the spread of these dangerous pests to adjoining States; and

Whereas a continuance of said work is necessary for the protection of New England;

Resolved, That the general court heartily commends the aforesaid efforts of the United States Government and urges upon the members of Congress from this Commonwealth the necessity of making liberal appropriations for the further prosecution of the same.

Resolved, That copies of these resolutions be sent by the secretary of the Commonwealth to the presiding officers of both branches of Congress, and also to the Senators and Representatives in Congress for this Commonwealth.

In house of representatives, adopted February 5, 1907.

In senate, adopted in concurrence February 8, 1907.

A true copy.

Attest:

WM. M. OLIN,

Secretary of the Commonwealth.

Mr. PENROSE presented a memorial of 399 citizens of Washington, D. C., 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 petitions of sundry citizens of Philadelphia, Lancaster, New Albany, Pittsburg, and Oil City, and of the Woman's Christian Temperance Union of Octoraro, 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 memorials of the Luzerne County Branch German-American Alliance, of Wilkes-Barre; Third Company, 250 members, of Der Deutschen Militar Verein, of Pittsburg and Allegheny; Armin Lodge, No. 38, of Philadelphia; General Steuben Lodge, No. 578, of Philadelphia; Quartette Club, of Philadelphia; Rising Sun Singing Society, of Philadelphia; Unterstuetzungs Bund, of Philadelphia; Frohsinn Singing Society, of Altoona; the Maennerchor Society of Philadelphia; the Maennerchor Singing Society, of Hazleton; the Arion Gesangverein, of York; the Swabian Beneficial Society, of Pittsburg and Allegheny; the German Odd Fellows Lodge, No. 425, of Wilkes-Barre; the Ost Ungarn Kriegerbund, of Philadelphia; the Veteran Society of Philadelphia; Lessing Lodge, No. 862, Independent Order Odd Fellows, of Hazleton; the German-American Alliance, of Altoona; the Lehigh Saengerbund, of Allentown; the Singing Society of Hazleton; the Turnverein of Jeanette; the Beethoven Maennerchor Singing Society, of Bethlehem; the Turn and Gesangs Verein Eintracht, of Homestead; the Wilkes-Barre Lieder- tafel, of Wilkes-Barre; the Hill Top Section, G. B. N., of Mount Oliver; Bicentennial Unterstuetzungs Verein, No. 1, of Philadelphia; R. C. St. Peter's Beneficial Association, of Lancaster; Tacony Singing Society, of Tacony; Allentown Turn Verein of Pittsburg; St. John's Society, of Luzerne; Arminia Lodge, No. 447, of Pittsburg; German-American Landwehr Benefit Society, of Philadelphia; Fairmount Posten, No. 9, Veterans and Soldiers of the German Army, of Coopersville; Saengerbund of Philadelphia; West Somerset Yearly Beneficial Society, of Philadelphia; Schiller's Glocke Gesang und Turn Verein, of Pittsburg; Seventh Company of the German Military Verein, of Etna; Germania Musical Association, of Tarentum; the German Beneficial Union, District No. 1, of Pittsburg; United Swiss Brothers, of East Pittsburg; German Sunday School Society, of Philadelphia; District No. 146, German Beneficial Union, of Johnstown; Koeniggreutz Post, No. 8, Veteranen und Krieger Deutscher

Armee, of Philadelphia; Barbarossa Castle, No. 85, Knights of the Mystic Chain, of Johnstown, and District No. 97, German Beneficial Union, of Johnstown, all in the State of Pennsylvania, remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented memorials of Sergt. S. W. Lascomb Post, No. 351, of Steelton; George H. Hess Post, No. 571, of Safe Harbor; Admiral Du Pont Post, No. 24, of Philadelphia; Gen. D. B. Birney Post, No. 63, of Philadelphia; E. T. Conner Post, No. 177, of Summit Hill; J. R. Jones Post, No. 158, of Eldred; Lieut. David H. Nissley Post, No. 478, of Mount Joy; John A. Koltes Post, No. 228, of Philadelphia; Post 77, Grand Army of the Republic, of Philadelphia, and Gen. George A. McCall Post, No. 31, of West Chester, all of the State of Pennsylvania, remonstrating against the enactment of legislation to abolish pension agencies throughout the country; which were ordered to lie on the table.

Mr. FULTON. I present a joint memorial of the legislature of the State of Oregon, in favor of the improvement of the Siuslaw River, in that State. I ask that the joint memorial be read, and referred to the Committee on Commerce.

There being no objection, the joint memorial was read and referred to the Committee on Commerce, as follows:

Senate joint memorial No. 6.

Whereas the great natural resources of that vast region lying tributary to the Siuslaw River is of prime importance to Lane County and the State of Oregon; and

Whereas its resources are undeveloped and its progress and prosperity on account of the neglect of the Government to complete the work on the Siuslaw bar are retarded; and

Whereas the money which has already been expended and the work done will be entirely lost unless the project is carried out; and

Whereas the Siuslaw River is one of the great arteries of commerce and is the principal seaport of Lane County; and

Whereas the said commerce of the county is retarded by the neglect of the Government to go forward with the improvements of the bar at the mouth of the Siuslaw River; Now, therefore be it

Resolved, That the Congress of the United States be, and the same is hereby, memorialized to take the necessary steps to carry on and complete the work already begun looking to the improvement of the mouth of the said Siuslaw River, and that the Senators and Representatives in Congress from the State of Oregon be, and they are hereby, memorialized to introduce in the Congress of the United States and endeavor by all honorable means to procure the passage of a bill making appropriations for carrying out and completing the said project at the mouth of the said Siuslaw River and appropriating a sufficient sum of money for that purpose.

Adopted by the house February 12, 1907.

FRANK DAVEY, Speaker.

Attested by the chief clerk of the house of representatives.

W. LAIR THOMPSON, Chief Clerk.

Adopted by the senate February 11, 1907.

E. W. HAINES, President.

Mr. FULTON. I present a joint memorial of the legislature of Oregon, in favor of the enactment of legislation giving to the State of Oregon the net receipts of the Government from all the forest reserves within the State. I ask that the joint memorial be read and referred to the Committee on Public Lands.

The joint memorial was read and referred to the Committee on Public Lands, as follows:

Senate joint memorial No. 5.

Whereas about one-fifth of the entire area of the State of Oregon is included within national forest reserves; and

Whereas such area is thereby excluded from contributing anything by way of taxation to the support of the expenses of the State government or to the support of the educational institutions of the State; and

Whereas the National Government receives large sums annually from the citizens of this State in fees for pasturage within the boundaries of said forest reserves and for timber sold from within said reserves; Therefore, be it

Resolved by the legislative assembly of the State of Oregon, That Congress be, and hereby is, most respectfully memorialized to enact a law giving to the State of Oregon, to become a part of the principal of the irreducible school fund thereof, the net receipts of the Government of the United States from all the forest reserves within the State of Oregon; be it

Further resolved, That the Senators and Representatives of the State of Oregon in Congress be most earnestly requested to use all honorable means and diligence to secure the enactment of such a law.

Adopted by the house February 12, 1907.

FRANK DAVEY, Speaker.

Attested by the chief clerk of the house of representatives.

W. LAIR THOMPSON, Chief Clerk.

Adopted by the senate February 8, 1907.

E. W. HAINES, President.

Mr. FULTON. I present a joint memorial of the legislature of Oregon, in favor of the enactment of legislation relative to the tracts of public lands within the State of Oregon which are claimed and held by the Oregon and California Railway Company, as grantee in succession, under certain acts of Congress. I ask that the joint memorial be read and referred to the Committee on Public Lands.

There being no objection, the joint memorial was read, and referred to the Committee on Public Lands, as follows:

Senate joint memorial No. 3.

To His Excellency the President and honorable Senate and House of Representatives of the United States of America:

Your memorialists, the legislative assembly of the State of Oregon, most respectfully represent:

That vast tracts of public land within Oregon are claimed and held by the Oregon and California Railroad Company, as grantee in succession, under the acts of the Congress of the United States of July 25, 1866, and April 10, 1869.

That said tracts are withdrawn from sale, whereby the development and material prosperity of the State is retarded.

That said railroad company so claiming said lands has not complied with the terms of said act of April 10, 1869, as to the terms of sale and the quantities of land to be sold.

That said conditions are claimed inure only to the United States as grantor to the predecessor in alleged interest of said Oregon and California Railroad Company, and have not been complied with.

Therefore your memorialists most respectfully ask that the Congress of the United States be, and hereby is, requested to enact such laws and take such steps by resolution or otherwise, as may be necessary to compel said grant, and to enact and declare some sufficient penalty for noncompliance therewith, by way of forfeiture of the grant or otherwise, as in the wisdom of Congress may seem best.

That the Senators and Representatives in Congress from the State of Oregon and all other land-grant States be, and hereby are, requested to use their utmost endeavor to procure the needed legislation in the above matter.

That this memorial be forwarded to the President and to Oregon Senators and Representatives in Congress.

Adopted by the House February 8, 1907.

FRANK DAVEY, *Speaker*.

Attested by the chief clerk of the house of representatives.

W. LAIR THOMPSON, *Chief Clerk*.

Adopted by the senate February 4, 1907.

E. W. HAINES, *President*.

Attested by the chief clerk of the senate.

FRANK S. GRANT, *Chief Clerk*.

Mr. PILES. I present a memorial of the legislature of the State of Washington, which I ask may be printed in the RECORD and referred to the Committee on Public Lands.

The memorial was referred to the Committee on Public Lands, and ordered to be printed in the RECORD, as follows:

WASHINGTON LEGISLATURE, TENTH REGULAR SESSION—MEMORIAL.

[In the house. By Mr. Smalley.]

To His Excellency Theodore Roosevelt, President of the United States of America; to the honorable Senate and House of Representatives of the United States; and to the honorable Secretary of Agriculture:

We, your memorialists, the senate and house of representatives of the State of Washington, in legislative session assembled (tenth regular session), most respectfully represent and pray as follows:

Whereas the people of the State of Washington, in common with the people of the other States of the Union, are free and liberty-loving; and

Whereas arbitrary power and despotism are abhorrent to them; and

Whereas the honorable Secretary of Agriculture of the United States of America has usurped the powers, duties, and functions of the law-making power of the Government of the United States of America in issuing an arbitrary edict, or ukase, promulgated as a criminal code for the government of Federal forest reserves; and

Whereas said Secretary of Agriculture, in pursuance of his assumed and usurped autocratic power, has caused to be arrested, prosecuted, humiliated, and disgraced a citizen of the State of Washington for an alleged violation of one of the provisions of said one-man-made criminal code (see United States v. Matthews, 146 Fed. Rep., 306); and

Whereas said Secretary now threatens to criminally prosecute all citizens alleged to have violated his said criminal code; and

Whereas the Congress of the United States has no constitutional power to delegate to any one man the making of criminal laws; and

Whereas the Congress of the United States passed an act entitled "An act to provide for the entry of agricultural land within forest reserves," approved June 11, 1906 (34 Stat. L., 233); and

Whereas said act, while beneficial to a limited extent, the same is wholly inadequate to accomplish the purposes for which it was enacted. Under said act a prospective homesteader (who is generally a man of limited means) coming from the East to the West to make settlement upon lands within the forest reserve, is not permitted to select for himself nonmineral land, such as to him is satisfactory for a permanent home, but is subjected to long delays, lasting months or years, before he can make his settlement, during which time there is an element of uncertainty as to whether or not he will ever be able to select the homestead desired by him; and as to whether or not a given piece of land is suitable for a homestead must be determined by some subordinate of the Agricultural Department, who, perhaps, is wholly ignorant of local needs and necessities. Such intending homesteader is subject to the mere caprice, whim, or lack of knowledge of such inspector as to the adaptability of the land for agricultural purposes; and said prospective settler, rather than be subjected to endless "rules and regulations," intolerable "red tape," and persistent petty exactions and pestering by departmental officers and underlings, is compelled to migrate to Canada in search of a home of his own for himself and family; and

Whereas boards of trade, commercial bodies, "booster" clubs, and railway companies have distributed millions of pages of literature to induce settlers to acquire homes of their own on the public lands of the United States under the homestead laws; and

Whereas in response to said advertising tens of thousands of families have deserted their homes in the East and now find themselves in a new country among strangers, with limited means, and are confronted with the fact that hundreds of thousands of acres of public land suitable to be taken for homesteads have recently been withdrawn from settlement as forest reserves; and

Whereas now the serious question arises, "What shall such citizens and their families do?" and

Whereas it is a gross injustice to make wholesale withdrawals of public lands from homestead settlement under the guise of "temporary withdrawals," with no regard as to whether or not such lands embrace

timber or prairie lands or lands necessary for forest-reserve purposes; and

Whereas large portions of such lands so withdrawn are essentially agricultural lands; and

Whereas the making of forest reserves out of lands less than 4,500 feet in altitude above sea level retards and prevents the settlement and prosperity of the West by reason of the facts, among other things, that home builders in the forest reserve will be isolated, without hope of near school or church privileges, without reasonable expectation of the making of suitable roads or the keeping of them in proper repair without extortionate individual expense and running the gantlet of "red tape;" and

Whereas for like reasons, to a large extent, there is a confiscation of the property of those who have heretofore acquired rights or titles to lands now within the forest reserve, it being a matter of common knowledge that the denser the population in a given community the higher is the price of land; and, conversely, the more isolated, the less valuable; and anything retarding or preventing settlement correspondingly decreases the value of the land; and

Whereas there are large numbers of settlers who for years have resided upon unsurveyed lands who now find themselves within the boundaries of forest reserves, who, if from sickness or other unavoidable casualty are compelled to leave their homestead claims, will virtually lose the results of years of toil and their improvements, for the reason that when they quit their premises before making final proof their lands will revert to the forest reserve, and in most instances no purchaser of the improvements can be found who is willing to become entangled in the meshes of forest-reserve regulations; and

Whereas under the laws of this State the possessor of land must surround it with a lawful fence in order to recover damages to crops by cattle, therefore the farmer or stockman living within or adjacent to a forest reserve, in order to protect his crops and pasturage from forest-reserve cattle, must be to the expense of erecting and maintaining a lawful fence, while a forest reserve is not fenced and is not proposed to be fenced; and the owner of outside cattle must, at his peril, fence or herd his cattle from out the forest reserve or pay such price from year to year as shall suit the varying caprice of forest officers; and

Whereas the making of forest reserves necessitates new and untried procedure, with consequent uncertainties and delays, in order for the settler on unsurveyed land therein to secure the survey of his land, before which he can not acquire title; and

Whereas in 1866 Congress passed an act, a portion of which now exists as section 2477 of the United States Revised Statutes, which grants a free right of way across the public lands for the construction of highways, and which enables citizens and local State authorities to speedily construct roads as the necessities of new and quickly growing communities require (see Okanogan County v. Cheatham, 37 Wash., 682); and

Whereas said section does not apply to forest reserves; and

Whereas communities existing on opposite sides of a forest reserve are subject to intolerable delays in attempting to satisfy the requirements of far-distant officers of the Government in order to obtain a public highway between such communities and across such forest reserve, thereby retarding the development and prosperity of the country thus victimized; and

Whereas it often happens that part of a homesteader's claim, by such indiscriminate withdrawals for forest reserves, is placed partly within and partly without the forest reserve, thereby harassing him with two sets of land laws, a variety of "regulations," and the usual governmental delays; and

Whereas if such lands were in private ownership, they would be subjected to State and local taxation, and thereby contribute to the support of government in new States and new communities where public revenues are generally inadequate to meet present needs; and the present makeshift provided by Congress as an offset for the loss of such just revenues from taxation being wholly inadequate and uncertain for the object intended thereby; and

Whereas it has been the wise policy of the Government for more than half a century to grant free water rights upon the public lands; and

Whereas very recently it has been determined to hamper the acquisition of water rights and rights of way within forest reserves, to the great detriment of the general public; and

Whereas as great protection against the ravages of forest fires can be given outside of forest reserves as within them; and

Whereas the Congress of the United States, in pursuance of a wise and liberal policy, in 1875 (18 Stat., 482) passed an act granting to railroad companies generally rights of way across the public domain, with the right to take from adjacent land material, earth, stone, and timber necessary for the construction of such railroads, etc., which act has aided materially in the upbuilding of the West; and

Whereas the act of Congress of March 3, 1899 (30 Stat., 1233), granting rights of way for railroads across forest reserves does not grant the right to such railroad companies to take material, earth, stone, or timber necessary for the construction of such railroads; and

Whereas the making of a forest reserve segregates the land therein contained from the category of public land; and therefore said act of March 3, 1875 (18 Stat., 482), does not apply thereto; and

Whereas the needs of the people require the speedy building of electric railways; and

Whereas the great source of water power for the operation of such railways and the providing of electric lights and power for cities and towns and for the operation of mines is situated within the limits of forest reserves; and

Whereas the present Federal restrictions tend materially to defeat the accomplishment of these benign purposes, on account of such forest reserves; and

Whereas the stock industry is impeded and discouraged by the creation of forest reserves, among other things by the imposition of a pasturage tax and the uncertainty from year to year as to the amount of such tax, and the arbitrary and petty exactions inflicted by forest officers, high and low; and

Whereas it is the avowed purpose of the Forestry Service to make the same self-supporting without an appropriation from Congress therefor, and to recruit and organize an army of forestry officers, who must be supported and maintained from the income of the reserve, which means that the communities adjacent to such forest reserves must pay the bill; and

Whereas more than \$700,000 were wrested from such communities for such purposes during the last year, as against \$60,000 the year before; and

Whereas it is now proposed to increase such exactions in like ratio from year to year; and

Whereas many hundreds of thousands of acres of land have been placed in forest reserves in a single county in this State, namely, Okanogan County, against the unanimous protest of the citizens of that county, as far as the recent temporary withdrawals are concerned; and Whereas the people of a local community can best be trusted to decide what is for their best interests and those of their children and their children's children:

Therefore we most earnestly and respectfully protest against the making of said temporary withdrawals permanent, and ask that they be immediately set aside and that the lands therein described be at once restored to the public domain.

The secretary of state is hereby directed to immediately transmit a certified copy of this memorial to His Excellency the President of the United States of America, to the President of the Senate, and to the Speaker of the House of Representatives of the United States, to the honorable Secretary of Agriculture, and to each of the Senators and Representatives in Congress from this State.

Mr. PILES presented petitions of sundry citizens of Seattle, Everson, and Bremerton, all in the State of Washington, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. PROCTOR presented a petition of Local Lodge No. 108, United Garment Workers of America, of Burlington, Vt., praying for the enactment of legislation providing for the protection of labor and industries from the competition of convict labor and prison-made goods; which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Montpelier, Vt., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. WARREN presented a memorial of sundry citizens of the States of Wyoming and Colorado, remonstrating against the recently proposed heavy reduction in the post-office appropriation bill carrying the compensation for the transportation of mail by the railway mail service; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Douglas, Wyo., remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

THE HARVESTER TRUST.

Mr. HANSBROUGH. I present a paper containing very interesting information relative to the origin and operation of what is known as the "harvester trust." The paper is very short, and I move that it be printed as a document.

The motion was agreed to.

REPAYMENT ON VOID LAND ENTRIES.

Mr. HANSBROUGH. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 11014) to authorize the receivers of public moneys for land districts to deposit with the Treasurer of the United States certain sums embraced in their accounts of unearned fees and unofficial moneys, to report it with an amendment, and I submit a report thereon. If the bill passes, it will have to go into conference, and I would be glad to have present consideration.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the amendment of the committee, which was to strike out all after the enacting clause and to insert:

That section 2 of the act entitled "An act for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees, purchase money, and commissions paid on void entries of public lands," approved June 16, 1880, be, and is hereby, amended so as to read as follows:

Sec. 2. In all cases where homestead or timber-culture or desert-land entries or other entries of public lands have heretofore or shall hereafter be canceled for conflict, or where from any cause the entry has been erroneously allowed and can not be confirmed, the Secretary of the Interior shall cause to be repaid to the person who made such entry, or to his heirs or assigns, the fees and commissions, amount of purchase money, and excesses paid upon the same, upon the surrender of the duplicate receipt and the execution of a proper relinquishment of all claims to said land, whenever such entry shall have been duly canceled by the Commissioner of the General Land Office, and in all cases where parties have paid double minimum price for land which has afterwards been found not to be within the limits of a railroad land grant the excess of \$1.25 per acre shall in like manner be repaid to the purchaser thereof, or to his heirs or assigns.

Provided, That all moneys heretofore received by the registers and receivers at district land offices, and now carried in the unearned fees and unofficial moneys accounts, and all moneys hereafter received by these officers, from any source whatsoever, except upon advances from the Treasury Department, shall be deposited to the credit of the Treasurer of the United States, and such sums as can not be applied to the purposes for which they were tendered may be returned to the parties who paid them in, upon applications approved by the Secretary of the Interior; but no moneys shall be returned to parties who have applied to make entries on proofs that have been found to be false or fraudulent: *Provided further*, That no entryman shall be required to make payment of the purchase money on any application to make a cash entry until the same shall have been approved by the register and receiver, but such payment shall be made within ten days after notice of such approval.

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

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

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

The title was amended so as to read: "An act to amend section 2 of the act entitled 'An act for the relief of certain settlers on public lands and to provide for the repayment of certain fees, purchase money, and commissions paid on void entries of public lands,' approved June 16, 1880."

WILEY CORBETT.

Mr. HANSBROUGH. From the Committee on Finance, I report back without amendment the bill (H. R. 14464) for the relief of Wiley Corbett. I call the attention of the Senator from North Carolina [Mr. OVERMAN] to the bill.

Mr. OVERMAN. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay \$303.38 to Wiley Corbett on account of unused revenue stamps for whisky produced by Corbett and destroyed by fire before such stamps were issued.

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

Mr. HALE. After this, as the Senator from Vermont desires to go on with the appropriation bill, I shall ask that the regular order be enforced on reports of committees.

REPORTS OF COMMITTEES.

Mr. OVERMAN, from the Committee on Pensions, to whom was referred the bill (H. R. 23198) granting an increase of pension to Lucie A. Allyn, reported it with amendment, and submitted a report thereon.

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

A bill (H. R. 25069) granting an increase of pension to William A. Decker;

A bill (H. R. 25097) granting an increase of pension to Edmund P. Weatherby;

A bill (H. R. 25101) granting an increase of pension to Nancy A. Meredith;

A bill (H. R. 25106) granting an increase of pension to Francis A. Biffar;

A bill (H. R. 25108) granting an increase of pension to William H. Brown;

A bill (H. R. 25112) granting an increase of pension to William Turner;

A bill (H. R. 25113) granting an increase of pension to John H. Hayes;

A bill (H. R. 25120) granting an increase of pension to Charles B. Spring;

A bill (H. R. 25143) granting an increase of pension to Elizabeth Wolfe;

A bill (H. R. 25145) granting an increase of pension to Charles Henry Weatherwax;

A bill (H. R. 25149) granting an increase of pension to Joshua L. Hayes;

A bill (H. R. 25172) granting an increase of pension to Burgess N. Isaacs;

A bill (H. R. 25174) granting an increase of pension to Henry W. Casey;

A bill (H. R. 25176) granting an increase of pension to Gottfried Hafenstein;

A bill (H. R. 25211) granting an increase of pension to Alphonso Brown;

A bill (H. R. 25214) granting an increase of pension to Robert H. Douglas;

A bill (H. R. 25224) granting an increase of pension to David C. Smith;

A bill (H. R. 25247) granting an increase of pension to Warren Onan;

A bill (H. R. 25248) granting an increase of pension to Knute Thompson;

A bill (H. R. 25254) granting an increase of pension to George W. Warfel; and

A bill (H. R. 25229) granting an increase of pension to James T. Blair.

Mr. BURNHAM, from the Committee on Pensions, to whom was referred the bill (H. R. 10574) granting a pension to

Edward W. Hoban, reported it with an amendment, and submitted a report thereon.

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

A bill (H. R. 24100) granting an increase of pension to Henry W. Wilson;

A bill (H. R. 24101) granting an increase of pension to George W. Ashton;

A bill (H. R. 24161) granting an increase of pension to Hugh O'Neal;

A bill (H. R. 24171) granting an increase of pension to Finus M. Wyatt;

A bill (H. R. 24183) granting an increase of pension to Joseph B. Joyce;

A bill (H. R. 24189) granting an increase of pension to Frederick Hoffner;

A bill (H. R. 24197) granting an increase of pension to Mary Ann Foard;

A bill (H. R. 24210) granting an increase of pension to George H. Maddox;

A bill (H. R. 24215) granting an increase of pension to George Hoell;

A bill (H. R. 24225) granting an increase of pension to William Ivans;

A bill (H. R. 24226) granting an increase of pension to Francis J. Eachus;

A bill (H. R. 24269) granting an increase of pension to William L. Stewart;

A bill (H. R. 24288) granting an increase of pension to John Gooding;

A bill (H. R. 24294) granting an increase of pension to Daniel R. Lamoreau;

A bill (H. R. 24299) granting an increase of pension to William B. Doyle;

A bill (H. R. 24300) granting a pension to Sadie E. Hawthorn;

A bill (H. R. 24308) granting an increase of pension to Lyman Thompson;

A bill (H. R. 24334) granting an increase of pension to Emma Case;

A bill (H. R. 24338) granting an increase of pension to James M. Gardner;

A bill (H. R. 24343) granting an increase of pension to James M. Haney;

A bill (H. R. 24344) granting an increase of pension to John H. James;

A bill (H. R. 24355) granting a pension to Mary O. Learned; and

A bill (H. R. 24194) granting an increase of pension to William Davis.

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. 24599) granting an increase of pension to Thomas L. Richardson;

A bill (H. R. 24635) granting a pension to Elizabeth Stuessi;

A bill (H. R. 24638) granting an increase of pension to Bernard Shallow;

A bill (H. R. 24681) granting an increase of pension to Lewis M. Jarvis;

A bill (H. R. 24691) granting an increase of pension to Edward Burtch;

A bill (H. R. 24698) granting an increase of pension to Lydia Hunt;

A bill (H. R. 24707) granting an increase of pension to Peter Campbell;

A bill (H. R. 24726) granting an increase of pension to Seldon R. Sanders;

A bill (H. R. 24733) granting an increase of pension to John H. Morrison;

A bill (H. R. 24740) granting an increase of pension to William E. Chase;

A bill (H. R. 24776) granting an increase of pension to David T. Taylor;

A bill (H. R. 24792) granting an increase of pension to William H. Penfield;

A bill (H. R. 24801) granting an increase of pension to George G. Martin;

A bill (H. R. 24807) granting an increase of pension to Horace E. Heath;

A bill (H. R. 24829) granting an increase of pension to John R. Robbins;

A bill (H. R. 24838) granting an increase of pension to Henry H. A. Walker;

A bill (H. R. 24845) granting an increase of pension to Andrew J. Price;

A bill (H. R. 24846) granting an increase of pension to Robert M. Wolf;

A bill (H. R. 24851) granting an increase of pension to Oren S. Rouse;

A bill (H. R. 25455) granting an increase of pension to Emma Hempler;

A bill (H. R. 24710) granting an increase of pension to Jacob Riner; and

A bill (H. R. 24769) granting an increase of pension to John George.

Mr. WHYTE, from the Committee on the District of Columbia, to whom was referred the bill (S. 8368) to amend an act to authorize the Baltimore and Washington Transit Company of Maryland to enter the District of Columbia, approved June 8, 1896, submitted an adverse report thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. HANSBROUGH (for Mr. DILLINGHAM), from the Committee on the District of Columbia, to whom was referred the bill (S. 7929) to provide a temporary home for ex-Union soldiers and sailors in the District of Columbia, reported it without amendment, and submitted a report thereon.

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

A bill (H. R. 15027) to remove the charge of desertion against Cornelius O'Callaghan; and

A bill (H. R. 1561) authorizing the Secretary of the Navy to grant an honorable discharge to Peter O'Neil.

Mr. LODGE, from the Committee on Military Affairs, to whom was referred the bill (S. 6068) to correct the military record of Conrad Hyne, reported it with an amendment.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (H. R. 25627) to authorize the county of Armstrong, in the State of Pennsylvania, to construct a bridge across the Allegheny River in Armstrong County, Pa., reported it without amendment.

Mr. FULTON, from the Committee on Claims, to whom was referred the bill (H. R. 13605) to satisfy certain claims against the Government arising under the Navy Department, reported it with amendments, and submitted a report thereon.

Mr. TALIAFERRO, from the Committee on Pensions, to whom was referred the bill (H. R. 25005) granting an increase of pension to Emeline H. Hardie, reported it with an amendment, and submitted a report thereon.

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

A bill (H. R. 21413) granting an increase of pension to Mary S. Platt;

A bill (H. R. 24868) granting an increase of pension to John M. Stevens;

A bill (H. R. 24899) granting an increase of pension to Mary W. Lusk;

A bill (H. R. 24902) granting an increase of pension to John W. Rawlings;

A bill (H. R. 24905) granting an increase of pension to Susan E. Davis;

A bill (H. R. 24907) granting an increase of pension to Lloyd Roberts;

A bill (H. R. 24910) granting an increase of pension to William H. Churchill;

A bill (H. R. 24911) granting an increase of pension to James C. Cosgro;

A bill (H. R. 24921) granting an increase of pension to Patrick F. Shevlin, alias Patrick Burns;

A bill (H. R. 24924) granting an increase of pension to William V. Monroe;

A bill (H. R. 24940) granting an increase of pension to Timothy H. Gibson;

A bill (H. R. 24946) granting a pension to Phebe Wright;

A bill (H. R. 24947) granting an increase of pension to Edward Mailey;

A bill (H. R. 24957) granting an increase of pension to Francis H. Ferry;

A bill (H. R. 24958) granting an increase of pension to Henry Kanline;

A bill (H. R. 24961) granting an increase of pension to Augustus H. Hansell;

A bill (H. R. 24965) granting an increase of pension to Jacob Gilbrech;

A bill (H. R. 24968) granting an increase of pension to John Burke;

A bill (H. R. 24960) granting an increase of pension to Charles N. Stafford;

A bill (H. R. 24971) granting an increase of pension to Elijah Devore;

A bill (H. R. 24984) granting an increase of pension to Lauranah J. Hedgepeth;

A bill (H. R. 25020) granting an increase of pension to Cinderella B. McClure;

A bill (H. R. 25023) granting an increase of pension to Virginia C. Galloway;

A bill (H. R. 25025) granting an increase of pension to John Ham; and

A bill (H. R. 24861) granting an increase of pension to Otho E. Culbertson.

Mr. SCOTT, 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. 23850) granting an increase of pension to William Freeman;

A bill (H. R. 23852) granting an increase of pension to James G. Crozer;

A bill (H. R. 23855) granting a pension to Sarah E. Selders;

A bill (H. R. 23857) granting an increase of pension to Isaac C. Smith;

A bill (H. R. 23864) granting an increase of pension to James A. Miller;

A bill (H. R. 23890) granting an increase of pension to Jacob B. Haslam;

A bill (H. R. 23912) granting an increase of pension to James E. Fitzgerald;

A bill (H. R. 23961) granting an increase of pension to Oscar N. Cowell;

A bill (H. R. 23966) granting an increase of pension to Hugh Stevenson;

A bill (H. R. 23967) granting an increase of pension to Henry Hill;

A bill (H. R. 23968) granting an increase of pension to Alexander McWhorter;

A bill (H. R. 23971) granting an increase of pension to Mary E. C. Butler;

A bill (H. R. 23974) granting an increase of pension to John P. Bennett;

A bill (H. R. 23982) granting an increase of pension to Thomas H. Seed;

A bill (H. R. 23997) granting an increase of pension to Michael M. Field;

A bill (H. R. 23999) granting an increase of pension to John F. Gough;

A bill (H. R. 24000) granting an increase of pension to Mary Holle;

A bill (H. R. 24002) granting an increase of pension to Michael F. Gilrain;

A bill (H. R. 24015) granting an increase of pension to Aaron C. Sanford;

A bill (H. R. 24028) granting an increase of pension to George H. Boney;

A bill (H. R. 24030) granting an increase of pension to Andrew J. Foor;

A bill (H. R. 24031) granting an increase of pension to John Downey;

A bill (H. R. 24034) granting an increase of pension to Mary I. Banta;

A bill (H. R. 24037) granting an increase of pension to Theodore Teeple;

A bill (H. R. 24061) granting an increase of pension to John C. Nelson;

A bill (H. R. 24068) granting an increase of pension to John Maginnis; and

A bill (H. R. 24079) granting an increase of pension to David Jones.

Mr. BURKETT, 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. 24397) granting an increase of pension to David Prunkard;

A bill (H. R. 24404) granting a pension to Lauraette La Fleur;

A bill (H. R. 24405) granting an increase of pension to Mary H. Bishop;

A bill (H. R. 24406) granting an increase of pension to Edmund Johnson;

A bill (H. R. 24413) granting an increase of pension to William Thomas;

A bill (H. R. 24414) granting a pension to Van C. Wilson;

A bill (H. R. 24419) granting a pension to Belle M. Ocker;

A bill (H. R. 24483) granting a pension to Clarence W. Thomas;

A bill (H. R. 24493) granting an increase of pension to Theodor Gage;

A bill (H. R. 24502) granting an increase of pension to A. Judson Conant;

A bill (H. R. 24504) granting an increase of pension to John H. Leiter;

A bill (H. R. 24518) granting an increase of pension to Reuben Nye;

A bill (H. R. 24530) granting an increase of pension to David Miller;

A bill (H. R. 24531) granting an increase of pension to David E. Jefferson;

A bill (H. R. 24553) granting an increase of pension to Sarah J. Reed;

A bill (H. R. 24560) granting an increase of pension to Margaret Lesley;

A bill (H. R. 24577) granting an increase of pension to John L. Flanery;

A bill (H. R. 24586) granting an increase of pension to Jotham A. Vincent;

A bill (H. R. 24700) granting an increase of pension to Joseph Brooks;

A bill (H. R. 25016) granting an increase of pension to Frederick G. Ackerman; and

A bill (H. R. 24532) granting an increase of pension to Absalom R. Shacklett.

Mr. BURKETT, from the Committee on Claims, to whom was referred the bill (S. 5878) for the relief of Phillip Hague, administrator of the estate of Joseph Hague, deceased, reported it with amendments, and submitted a report thereon.

Mr. CLAPP, from the Committee on Claims, to whom was referred the bill (S. 8420) for the relief of the Mille Lac band of Chippewa Indians in the State of Minnesota, and for other purposes, reported it without amendment.

He also, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 23650) to quiet title to lands on Jicarilla Reservation, and to authorize the Secretary of the Interior to cause allotments to be made and to dispose of the merchantable timber, and for other purposes, reported it with amendments, and submitted a report thereon.

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

A bill (H. R. 25440) granting an increase of pension to Catharine Lipes;

A bill (H. R. 21721) granting a pension to John R. Kissinger; and

A bill (H. R. 9767) granting a pension to William J. Crane.

Mr. McCUMBER, from the Committee on Pensions, reported the following bills severally without amendment, and submitted a report thereon:

A bill (H. R. 25445) granting an increase of pension to William E. Webster;

A bill (H. R. 25451) granting an increase of pension to William H. Maxwell;

A bill (H. R. 25511) granting an increase of pension to Hiram Filkins;

A bill (H. R. 24223) granting a pension to Martha A. L. Stephens;

A bill (H. R. 24855) granting a pension to George W. Robins;

A bill (H. R. 15779) granting a pension to Margaret A. Jordan;

A bill (H. R. 12021) granting a pension to James M. Wood;

A bill (H. R. 22283) granting an increase of pension to Stoddard Caswell;

A bill (H. R. 23442) granting an increase of pension to James J. Lawley;

A bill (H. R. 25255) granting an increase of pension to Samuel Loy;

A bill (H. R. 25256) granting an increase of pension to Cyrus W. Scott;

A bill (H. R. 25257) granting an increase of pension to James H. Phillips;

A bill (H. R. 25260) granting an increase of pension to Thomas J. Richie;

A bill (H. R. 25261) granting an increase of pension to William M. Helvy;

A bill (H. R. 25263) granting an increase of pension to Thomas McDermott;

A bill (H. R. 25288) granting an increase of pension to Minna Y. Field;

A bill (H. R. 25303) granting an increase of pension to Adeline Brown;

A bill (H. R. 25305) granting an increase of pension to Edgar A. Stevens;

A bill (H. R. 25309) granting an increase of pension to Joseph Casavaw;

A bill (H. R. 25325) granting an increase of pension to Polly Ann Bowman;

A bill (H. R. 25328) granting an increase of pension to James W. Barr;

A bill (H. R. 25354) granting a pension to Alice House;

A bill (H. R. 25355) granting a pension to William McCraney;

A bill (H. R. 25391) granting an increase of pension to Richard Gogin;

A bill (H. R. 8894) granting an increase of pension to James C. Strong; and

A bill (H. R. 22709) granting a pension to Martha E. Muhlenfeld.

Mr. NEWLANDS. I submit the views of the minority of the Committee on Territories on the bill (H. R. 18891) to aid in the construction of a railroad and telegraph and telephone line in the district of Alaska, which is now on the Calendar. I also present an amendment in the nature of a substitute for that bill, which I ask may be printed.

The VICE-PRESIDENT. The views of the minority presented by the Senator from Nevada will be printed with the majority report, and the amendment will also be printed.

ESTATE OF SAMUEL GARLAND.

Mr. STONE. I am directed by the Committee on Indian Affairs, to whom was referred the bill (S. 8426) authorizing the Court of Claims to hear and adjudicate the claims of Samuel Garland, deceased, against the Choctaw Nation, to report it back favorably. It is a bill of one section and I am directed to ask unanimous consent for its present consideration.

The VICE-PRESIDENT. The Senator from Maine [Mr. HALE] gave notice of opposition to the consideration of bills by unanimous consent.

Mr. HALE. I had already given notice that the Senator from Vermont is waiting to go on with the appropriation bill, and I shall ask for the regular order.

Mr. STONE. If I can not get consideration of the bill at this time, I will withdraw the report and take better chances hereafter.

The VICE-PRESIDENT. The Senator from Missouri withdraws the report.

BILLS INTRODUCED.

Mr. FRYE introduced a bill (S. 8536) granting an increase of pension to Harry G. Morton; which was read twice by its title, and referred to the Committee on Pensions.

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

A bill (S. 8537) for the relief of the heirs and legal representatives of George S. Simon; and

A bill (S. 8538) for the relief of the heirs and legal representatives of Asahel Bliss.

Mr. LONG introduced a bill (S. 8539) relating to proof of signatures and handwriting; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. DEPEW introduced a bill (S. 8540) to ratify a certain lease with the Seneca Nation of Indians; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Indian Affairs.

Mr. WETMORE introduced a bill (S. 8541) granting an increase of pension to George H. Paddock; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PETTUS introduced a bill (S. 8542) to authorize W. D. Clay and others to select lands in lieu of lands purchased by the father of said parties from the United States Government and lost by said heirs; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Public Lands.

Mr. CULBERSON introduced a bill (S. 8543) for the relief of Sarah M. Harrell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. OVERMAN introduced a bill (S. 8544) for the relief of Joseph H. Fesperman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. PENROSE introduced a bill (S. 8545) to amend section 3 of an act entitled "An act to provide for the allotment of land in severalty to Indians on the various reservations and to extend the protection of the laws of the United States over the Indians, and for other purposes," approved February 8, 1901;

which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 8546) to amend section 4756 of the Revised Statutes, relating to half rating to disabled enlisted persons serving twenty years in the Navy or United States Marine Corps; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. LONG introduced a joint resolution (S. R. 94) extending the provisions of the act of June 27, 1890, to include the officers and privates of Capt. David Beaty's company of independent scouts and the widows and minor children of all such persons, also extending the provisions of the act of 1907 to the officers and privates of said company; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. RAYNER submitted an amendment proposing to appropriate \$130,629.67, being for the expenses incurred in the reconstruction of the Providence Hospital buildings, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. SCOTT submitted an amendment proposing to appropriate \$50,000 for continuing the improvement of movable dam No. 9, in the Ohio River, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$50,000 for continuing the improvement of movable Dam No. 10, in the Ohio River, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

CONSTITUTIONAL AMENDMENT AGAINST POLYGAMY.

Mr. DUBOIS submitted the following resolution; which was read:

Resolved, That the Committee on the Judiciary be, and it is hereby, authorized and instructed to prepare and report to the Senate, within thirty days after the beginning of the next session of Congress, a joint resolution of the two Houses of Congress, proposing to the several States amendments to the Constitution of the United States which shall provide, in substance, for the prohibition and punishment of polygamous marriages and plural cohabitation, contracted or practiced within the United States and in every place subject to the jurisdiction of the United States; and which shall, in substance, also require all persons taking office under the Constitution or laws of the United States, or of any State, to take and subscribe an oath that he or she is not, and will not be, a member or adherent of any organization whatever the laws, rules, or nature of which organization require him or her to disregard his or her duty to support and maintain the Constitution and laws of the United States and of the several States.

Mr. DUBOIS. I ask that the resolution may go over until to-morrow, and to-morrow I hope to get a vote of the Senate upon the passage of the resolution.

The VICE-PRESIDENT. The resolution will lie over.

CONFERENCES AND CONFERENCE REPORTS.

Mr. TILLMAN. I ask for the immediate consideration of the resolution I send to the desk.

The resolution was read, as follows:

Resolved, That the Committee on Rules be requested to consider the matter of conference reports and the power of conferees in dealing with the same; to determine what is permissible and what is not, and to report a rule to the Senate covering the subject-matter and providing for the orderly procedure in such cases.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. CULBERSON. I do not know whether the Senator from South Carolina was present or is advised about it, but I invite his attention to the resolution which I introduced some weeks ago—a month ago, probably—directing the Committee on Rules to incorporate in the Senate Manual the rules governing conferences and conference reports, prepared by the clerk of the Committee on Appropriations, which has practically been adopted as the rules of the Senate, I understand. I will ask the Senator from Wisconsin if any action has yet been taken by the Committee on Rules upon that resolution?

Mr. SPOONER. It is expected that the committee will meet to-morrow and act on the resolution. But I do not think, if the committee should act upon it, it would accomplish the purpose which is sought by the Senator from South Carolina. Incorporating them in the Manual as a matter of information would not make them rules of the Senate.

Mr. CULBERSON. I understand that those rules are practically the rules of the Senate now. They would be more effective, it is true, if the Senate should formally adopt them as the rules of the Senate.

Mr. SPOONER. There is no rule of the Senate now which warrants a point of order upon a conference report, I understand. I think the Senator from South Carolina has in view the adoption of a rule which will—

Mr. TILLMAN. Settle it.

Mr. SPOONER. Give power to raise that question. It is done in the House. The resolution does not at all conflict with the matter referred to by the Senator from Texas.

The VICE-PRESIDENT. The question is on agreeing to the resolution submitted by the Senator from South Carolina.

The resolution was agreed to.

ELASTICITY IN THE CURRENCY.

Mr. DEPEW submitted the following resolution; which was ordered to lie on the table and be printed:

Resolved, That the Committee on Finance be authorized to investigate and report what legislation, if any, may be necessary in relation to the deposit of public moneys and the issue of currency to prevent conditions of abnormal and dangerous rates of interest at certain periods of the year and provide such elasticity in the currency that it will be more responsive to the conditions of business.

UNITED STATES MILITIA.

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

Resolved, That there be printed, at the Government Printing Office, for the use of the War Department, 2,500 copies of the report of The Military Secretary of the Army relative to the militia of the United States for the fiscal year ended June 30, 1906.

INCORPORATION OF BANKS IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the House of Representatives be requested to return to the Senate the bill (S. 6906) to provide for the incorporation of banks within the District of Columbia.

AGRICULTURAL APPROPRIATION BILL.

Mr. PROCTOR. I move that the Senate proceed to the consideration of the agricultural appropriation bill.

The motion was agreed to.

BAYOU BARTHOLOMEW BRIDGE, LOUISIANA.

Mr. McENERY. I ask the Senator from Vermont to yield to me for a moment.

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from Louisiana?

Mr. PROCTOR. I yield to the Senator.

Mr. McENERY. I ask unanimous consent for the present consideration of the bill (H. R. 22338) to bridge Bayou Bartholomew, in Louisiana.

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.

INDIAN TRIBAL FUNDS.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 5290) providing for the allotment and distribution of Indian tribal funds, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CLAPP. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice-President appointed Mr. CLAPP, Mr. SUTHERLAND, and Mr. STONE as the conferees on the part of the Senate.

PRESIDENTIAL APPROVALS.

A messenger from the President of the United States, by Mr. M. C. LATTA, one of his secretaries, announced that the President had approved and signed the following acts:

On February 19:

S. 6205. An act granting a pension to Hansford G. Gilkeson;
 S. 6408. An act granting a pension to Mary Louise McLean;
 S. 7337. An act granting a pension to Henry W. Blair;
 S. 7339. An act granting a pension to Julia C. R. Baird;
 S. 7378. An act granting a pension to Giles M. Caton;
 S. 7744. An act granting a pension to Josephine Brackett;
 S. 5699. An act granting an increase of pension to Adelaide D. Merritt;
 S. 5836. An act granting an increase of pension to Daniel Loosley;
 S. 5886. An act granting an increase of pension to Anna E. Hood;
 S. 5912. An act granting an increase of pension to Nathaniel Green;
 S. 5991. An act granting an increase of pension to George F. Ford;
 S. 6050. An act granting an increase of pension to Edward W. Galligan;
 S. 6137. An act granting an increase of pension to Fannie L. Pike;

S. 6139. An act granting an increase of pension to Eliza Brusie;
 S. 6143. An act granting an increase of pension to Thomas J. Northrop;
 S. 6145. An act granting an increase of pension to Enoch Bolles;
 S. 6223. An act granting an increase of pension to William E. Cummin;
 S. 6233. An act granting an increase of pension to George E. Vanderwalker;
 S. 6273. An act granting an increase of pension to William J. Wells;
 S. 6278. An act granting an increase of pension to Henry Humble;
 S. 6325. An act granting an increase of pension to David A. Edwards;
 S. 6350. An act granting an increase of pension to Silas G. Clark;
 S. 6351. An act granting an increase of pension to Andrew J. West;
 S. 6372. An act granting an increase of pension to Marvin Osgood;
 S. 6431. An act granting an increase of pension to R. Smith Coats;
 S. 6436. An act granting an increase of pension to George W. Kelsey;
 S. 6459. An act granting an increase of pension to Ellen Carpenter;
 S. 6532. An act granting an increase of pension to Joseph Daniels;
 S. 6571. An act granting an increase of pension to William I. Ross;
 S. 6573. An act granting an increase of pension to John A. Williams;
 S. 6582. An act granting an increase of pension to Moses Rowell;
 S. 6584. An act granting an increase of pension to John Heath;
 S. 6587. An act granting an increase of pension to Marcus M. Currier;
 S. 6588. An act granting an increase of pension to Arthur Hathorn;
 S. 6589. An act granting an increase of pension to Washington D. Gray;
 S. 6590. An act granting an increase of pension to Theron Hamner;
 S. 6623. An act granting an increase of pension to Mollie J. Mitchell;
 S. 6624. An act granting an increase of pension to Alvin N. D. Kite;
 S. 6625. An act granting an increase of pension to Anderson Henry;
 S. 6633. An act granting an increase of pension to Benjamin F. Wright;
 S. 6637. An act granting an increase of pension to James J. Eubank;
 S. 6656. An act granting an increase of pension to Eli M. Skinner;
 S. 6670. An act granting an increase of pension to Dana H. McDuffee;
 S. 6671. An act granting an increase of pension to Horace P. Marshall;
 S. 6687. An act granting an increase of pension to Henry W. Mahaney;
 S. 6703. An act granting an increase of pension to John H. Niblock;
 S. 6706. An act granting an increase of pension to James T. Stewart;
 S. 6708. An act granting an increase of pension to Columbus B. Mason;
 S. 6710. An act granting an increase of pension to Thomas P. Way;
 S. 6722. An act granting an increase of pension to William Arnold;
 S. 6732. An act granting an increase of pension to John Trefry;
 S. 6733. An act granting an increase of pension to Anna D. Barnes;
 S. 6736. An act granting an increase of pension to Charles H. Tracy;
 S. 6769. An act granting an increase of pension to James T. McReynolds;
 S. 6793. An act granting an increase of pension to Simon Peter Wallerson;

- S. 6800. An act granting an increase of pension to Esther Eldridge;
- S. 6811. An act granting an increase of pension to James Carpenter, jr.;
- S. 6820. An act granting an increase of pension to Henry M. Bullard;
- S. 6823. An act granting an increase of pension to John H. Holsey;
- S. 6827. An act granting an increase of pension to Theodore J. Sweeting;
- S. 6828. An act granting an increase of pension to Walter D. Greene;
- S. 6830. An act granting an increase of pension to Daniel L. Seavey;
- S. 6835. An act granting an increase of pension to George Maybury;
- S. 6875. An act granting an increase of pension to Lemuel T. Williams;
- S. 6876. An act granting an increase of pension to Jesse L. Pritchard;
- S. 6914. An act granting an increase of pension to Albert T. Barr;
- S. 6915. An act granting an increase of pension to Samuel G. Healy;
- S. 6916. An act granting an increase of pension to Nathan E. Stover;
- S. 6933. An act granting an increase of pension to Fredrick Middaugh;
- S. 6935. An act granting an increase of pension to William R. Neil;
- S. 6936. An act granting an increase of pension to Robert Jenkins;
- S. 6937. An act granting an increase of pension to Michael Rosbrugh;
- S. 6943. An act granting an increase of pension to Lewis A. Grant;
- S. 6947. An act granting an increase of pension to Charles M. Brough;
- S. 6948. An act granting an increase of pension to Albert H. Nash;
- S. 6957. An act granting an increase of pension to Hiram Siegfried;
- S. 6958. An act granting an increase of pension to Keziah Walker;
- S. 6960. An act granting an increase of pension to Thomas Ashton;
- S. 6963. An act granting an increase of pension to William B. Sayles;
- S. 6964. An act granting an increase of pension to Silas N. Palmer;
- S. 7025. An act granting an increase of pension to James C. West;
- S. 7053. An act granting an increase of pension to Solomon Draper;
- S. 7056. An act granting an increase of pension to Frederick Carel;
- S. 7060. An act granting an increase of pension to John Hager;
- S. 7062. An act granting an increase of pension to John Monroe;
- S. 7066. An act granting an increase of pension to Timothy Drew;
- S. 7067. An act granting an increase of pension to Edmund Fillio;
- S. 7069. An act granting an increase of pension to Marshall Johnson;
- S. 7074. An act granting an increase of pension to William Jenkins;
- S. 7075. An act granting an increase of pension to John S. Lewis;
- S. 7094. An act granting an increase of pension to George B. Drake;
- S. 7101. An act granting an increase of pension to Catherine Matimore;
- S. 7105. An act granting an increase of pension to Samuel Baker;
- S. 7119. An act granting an increase of pension to Charles Boxmeyer;
- S. 7157. An act granting an increase of pension to Austin S. Dunning;
- S. 7161. An act granting an increase of pension to George A. Tyler;
- S. 7162. An act granting an increase of pension to William H. Sheckler;
- S. 7174. An act granting an increase of pension to Rebecca Faggart;
- S. 7175. An act granting an increase of pension to Adline Mabry;
- S. 7192. An act granting an increase of pension to Noah Jarvis;
- S. 7193. An act granting an increase of pension to David C. Benjamin;
- S. 7220. An act granting an increase of pension to Nancy Bethel;
- S. 7243. An act granting an increase of pension to Justus B. Coomer;
- S. 7246. An act granting an increase of pension to William H. Berry;
- S. 7265. An act granting an increase of pension to John R. McCoy;
- S. 7293. An act granting an increase of pension to John White;
- S. 7294. An act granting an increase of pension to William P. Pattison;
- S. 7295. An act granting an increase of pension to Gabriel Campbell;
- S. 7335. An act granting an increase of pension to Charles C. Burt;
- S. 7349. An act granting an increase of pension to Luke M. Lewis;
- S. 7350. An act granting an increase of pension to Richard Dodge;
- S. 7353. An act granting an increase of pension to Augusta T. Eichholtz;
- S. 7356. An act granting an increase of pension to Henry Schlosser;
- S. 7358. An act granting an increase of pension to David Turner;
- S. 7361. An act granting an increase of pension to George Downing;
- S. 7377. An act granting an increase of pension to Martha J. Collins;
- S. 7384. An act granting an increase of pension to Orson B. Johnson;
- S. 7398. An act granting an increase of pension to Page G. Potter;
- S. 7402. An act granting an increase of pension to Francis H. De Castro;
- S. 7428. An act granting an increase of pension to Helen C. Lettenmayer;
- S. 7445. An act granting an increase of pension to Charles J. Freese;
- S. 7554. An act granting an increase of pension to Amelia R. Randolph;
- S. 7556. An act granting an increase of pension to Thomas Spanton;
- S. 7558. An act granting an increase of pension to Mary Morgan;
- S. 7566. An act granting an increase of pension to John Anslow;
- S. 7617. An act granting an increase of pension to Victor H. Coffman;
- S. 7623. An act granting an increase of pension to Sarah A. Kumler;
- S. 7640. An act granting an increase of pension to Stephen H. S. Cook;
- S. 7672. An act granting an increase of pension to Elvina Adams;
- S. 7673. An act granting an increase of pension to William W. Jordan;
- S. 7724. An act granting an increase of pension to Paul J. Christian;
- S. 7740. An act granting an increase of pension to Dwight Simpson;
- S. 7919. An act granting an increase of pension to John D. Abel;
- S. 7475. An act granting an increase of pension to William D. Hudson;
- S. 7484. An act granting an increase of pension to Samuel E. Coover;
- S. 7486. An act granting an increase of pension to Byron A. Williams;
- S. 7488. An act granting an increase of pension to William W. Putnam;
- S. 7489. An act granting an increase of pension to Albert C. Wagher;
- S. 7505. An act granting an increase of pension to Michael Bogue;

S. 7513. An act granting an increase of pension to Alexander M. Cowgill;

S. 7543. An act granting an increase of pension to Robert B. McCumber; and

S. 7998. An act granting an increase of pension to George N. Julian.

On February 20:

S. 7211. An act 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;

S. 7515. An act to authorize the Missouri River Improvement Company, a Montana corporation, to construct a dam or dams across the Missouri River;

S. 4403. An act to regulate the immigration of aliens into the United States; and

S. 7793. An act to fix the time for holding the circuit and district courts of the United States in and for the northern district of Iowa.

On February 21:

S. 6364. An act to incorporate the National Child Labor Committee; and

S. 8283. An act to extend the time for the completion of the Valdez, Marshall Pass and Northern Railroad, and for other purposes.

ROSEBUD INDIAN RESERVATION LANDS.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 24987) to authorize the sale and disposition of a portion of the surplus or unallotted land in the Rosebud Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GAMBLE. I move that the Senate insist upon its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice-President appointed Mr. GAMBLE, Mr. BRANDEGEE, and Mr. DUBOIS as the conferees on the part of the Senate.

HOUSE BILL REFERRED.

H. R. 25483. An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1908, and for other purposes, was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

AGRICULTURAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 24815) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908.

Mr. CLARK of Wyoming. Mr. President, at the close of the debate on the forestry proposition a couple of days ago the Senator from Wisconsin [Mr. SPOONER] had made some observations regarding the Forest Service. With nearly everything that the Senator said I heartily agreed; but I think it is proper to take this opportunity to state the position of many of those who oppose the extraordinary features of this agricultural appropriation bill. I think it is proper to give a statement of the position which they occupy in regard to the Forestry Service as a service.

Certainly there can be no section of the country that is more interested in the proper conservation of the forests and the proper conservation of the waters of the arid regions than the people who live in those regions. I think there will be found no voice raised against a proper forestry policy by those who are opposing, as I said, these extraordinary provisions. We have complained, and complained bitterly at times, as to the administration and the policy that is pursued in the carrying out of the Forestry Service.

I take occasion here and now also, from a personal acquaintance of a number of years, to bear my testimony to the high character of the man who is at present at the head of that Service. But, Mr. President, I think there is very little conception on the part of the Senate of the United States or the country as to the extent to which the Forest Service has been carried and the power of the Forester increased. The very high character and the earnestness and the single-mindedness of the man who has had charge of that Service has worked to the irreparable injury of the section of the country over which it is extended. He is a man who is single in his aim. He has made forestry the study of his lifetime. Therefore it is not strange that he can not see things in their true relative value. To him the preservation of the forests and forest culture are the high-

est earthly object attainable. But many of us who live near the forests believe that it is better to devote an acre that will support a man to the support of the man, instead of to the support of the trees. It is unfortunate that in viewing matters from his standpoint he can not realize the practical necessities and difficulties that occur to those who have not the Forest Service primarily in mind.

The Senator from Wisconsin in his closing remarks—and I sought a moment then to say a few words, but it was late—said, in reply to a few remarks by the Senator from Indiana, that it was no part of the intention of the Forestry Service to do aught than that for which it was created, to wit, the conservation of the forests and the conservation of the streams; that there was no purpose to create game preserves or breeding grounds for wild animals. The Senator undoubtedly supposed that he was speaking true as to the fact; but I will say to the Senator that one of the declared purposes of the Forestry Service is to make of all the forest reserves game preserves. That is shown from the fact that in hearings before the committees of this body the Forester, Mr. Pinchot, has advocated making game preserves of the forest reserves. It is shown from the fact that there have been introduced and are now upon the Calendar, or perhaps have already passed the Senate, bills containing provisions that in certain States and in certain reserves there shall be game preserves. Mr. President, I have here—

Mr. BEVERIDGE. Mr. President, will the Senator permit me to ask him a question?

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

Mr. CLARK of Wyoming. With pleasure.

Mr. BEVERIDGE. Would the fact that a forest reserve was also a game preserve injure the forests?

Mr. CLARK of Wyoming. Possibly not.

Mr. BEVERIDGE. Then, where is the criticism, assuming what the Senator says to be accurate, in making of the forest the double use of a forest reserve and a game preserve, since the killing off of the animals would not help the forests?

Mr. CLARK of Wyoming. That is not the proposition. The statement was made that there was no intention to create game preserves in the forest reserves. I do not care now to argue the relative value of forest reserves and game preserves. I am merely controverting the statement that there was no such intention.

Mr. BEVERIDGE. I was not here; I was in my committee room; but evidently, from what the Senator says, the observation of the Senator from Wisconsin was made in answer to some sort of a criticism that had been made upon the Department because in its administration of the forests it actually had prevented the killing of animals.

Mr. CLARK of Wyoming. No; no.

Mr. BEVERIDGE. The question that naturally runs through my mind—

Mr. CLARK of Wyoming. The Senator must state it squarely.

Mr. BEVERIDGE. Well, state it squarely, then.

Mr. CLARK of Wyoming. Not as the Senator stated it, but to make game preserves.

Mr. BEVERIDGE. Well, to make game preserves; put it in the Senator's language. But the question which suggested itself to my un instructed mind upon this subject was whether or not, if the forest preserves were a good thing, which the Senator admits, they would be injured by making them at the same time game preserves; and a Senator who sits at my left, who knows all about the subject, tells me that the forests are not only not injured by making them also game preserves, but they are actually benefited.

Mr. CLARK of Wyoming. I expect they would be, because if you make them game preserves you will not find any sheep grazing on them. But my objection is this—and the Senator forces from me, by his very plain question, a statement of my democracy—I do not believe that the General Government of the United States has any authority whatever to establish any police regulations in a sovereign State, and I question the power of the Government to establish a game preserve as against the police power or the game power of a State. But I do not want to enter into the discussion, Mr. President, as to whether that is the law or not. I am discussing the fact as to whether it is the intention of the Forest Service to establish game preserves. Whether it be good or bad is not to the purpose of the argument.

Mr. BEVERIDGE. Will the Senator permit me another question?

Mr. CLARK of Wyoming. Yes.

Mr. BEVERIDGE. I am not going to interrupt the Senator long. But upon the interesting governmental question which

he suggests—and of course we are not going into the debate on that, for it would probably take several sessions to debate it—the Senator must also add to his statement that these forestry reserves are created not out of land belonging to the States, but out of land the title to which is and always has been in the nation.

Mr. CLARK of Wyoming. But the fact that the title is in the nation does not divest the State of jurisdiction over the land, even though it belongs to the nation.

Mr. BEVERIDGE. Furthermore, all of the land that is in the State to which the State has title was given to it by the nation, just as the State itself was created by the nation.

Mr. CLARK of Wyoming. Let me ask the Senator a question on that. I want to get the Senator's view. Does the Senator contend that because this is Government land the State has no jurisdiction over it, police or otherwise, when it is put into a forest reserve?

Mr. BEVERIDGE. I do not think the question is pertinent to the subject. The Senator was criticising and was making a statement of what he declared to be his democracy.

Mr. CLARK of Wyoming. I was not criticising; I was answering the Senator.

Mr. BEVERIDGE. That the National Government, as a fundamental governmental proposition, does not have the right to exercise what he calls the police power within the limits of a sovereign State over land belonging to the Government.

Mr. CARTER. If the Senator from Wyoming will permit me—

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

Mr. CLARK of Wyoming. Certainly.

Mr. CARTER. I think the statement of the Senator from Wyoming, as a matter of law, is sound. The best judicial pronouncement on this question of which I have knowledge is contained in an opinion by Judge Sawyer, of the circuit court of California, in *The Mining Débris case* (*Woodruff v. Mining Company*, 9 Sawy., 441, 491; 18 Fed. Rept., 753, 772). The concluding and pertinent part of the opinion reads as follows:

Thenceforth the only interest of the United States in the public lands was that of a proprietor, like that of any other proprietor, except that the State, under the express terms upon which it was admitted, could pass no laws to interfere with their primary disposal, and they were not subject to taxation. In all other respects the United States stood upon the same footing as private owners of land.

Mr. BEVERIDGE. In other words, Mr. President—and I am sure—

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

Mr. CLARK of Wyoming. Yes.

Mr. BEVERIDGE. I am sure that the whole opinion can not bear out just what a portion of it would seem to imply, and of course we can not take the time for the discussion of that, but I point out to the Senator that what he has read means this, that in a State which the nation itself has created and as to the land which the nation itself owns, the nation—the creator—stands upon no other footing than any other citizen, and is, for the purposes of ownership of the land, merely a citizen of the State. That is absurd.

Mr. CARTER. In the first place, the National Government did not create the States. The people living within a given jurisdiction create a State, which is admitted into the Union on an equal footing with the original thirteen States.

Mr. BEVERIDGE. I think the Senator will agree with me that the people created the material for statehood and the nation created that governmental entity called the "State."

Mr. CARTER. That is a difference of opinion upon the technical statement of the case. But I think it would be well to quote further from the opinion which I read, all that part which is pertinent to this discussion, to the end that the RECORD may disclose the full statement.

Upon the cession of California by Mexico the sovereignty and the proprietorship of all the lands within its borders, in which no private interest had vested, passed to the United States. Upon the admission of California into the Union upon an equal footing with the original States the sovereignty for all internal municipal purposes and for all purposes except such purposes and with such powers as are expressly conferred upon the National Government by the Constitution of the United States passed to the State of California. Thenceforth the only interest of the United States in the public lands was that of a proprietor, like that of any other proprietor, except that the State, under the express terms upon which it was admitted, could pass no laws to interfere with their primary disposal, and they were not subject to taxation. In all other respects the United States stood upon the same footing as private owners of land.

Mr. LODGE. Mr. President—

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

Mr. CLARK of Wyoming. Yes.

Mr. LODGE. If the Senator will allow me to make a state-

ment. I have listened to the decision quoted by the Senator from Montana [Mr. CARTER] and the statement of the Senator from Wyoming [Mr. CLARK] with profound interest, because it appears that there is one law in the East and another law in the West. There happens to be a reservation purchased by the Government for fortification purposes in the little town where I live. Through that reservation passes a town road that has been there for half a century or more, built by the town. We can not even run a street railway-track over that road without the permission of the Government.

Mr. CLARK of Wyoming and Mr. FULTON addressed the Chair.

Mr. LODGE. Wait; let me finish my sentence. We can not enter that Government reservation for police purposes; it is absolutely taken from us.

Mr. BEVERIDGE. Mr. President—

Mr. LODGE. One minute; let me finish. In the West is all this territory, bought or conquered by the old States. We acquired it all. On that territory citizens went and formed a State which we recognized. Part of that State belongs to the Government in the form of public lands, and now we are told here that the United States can not control its own land, the title of which never parted from it. If they can not do it in the West, they can not do it in the East. I have never in my life heard of State rights carried to that extravagant extent.

Mr. BEVERIDGE. Mr. President—

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

Mr. CLARK of Wyoming. Yes.

Mr. BEVERIDGE. And not only that, Mr. President; not only the observation made by the Senator from Massachusetts, but this further deduction from the decision, or the part of it which the Senator from Montana read, is that not only has the Government of the United States, which owns the land and always owned the land, and which created the governmental entity known as the "State"—not only is the nation on the footing of any other citizen or owner, but that it—the nation—over its own land is subject to the local laws of the State which the nation itself created. That is absurd.

Mr. CLARK of Wyoming. I must decline to yield further, because I want a little say in this myself, and I do not propose to be put in the wrong nor have the West put in the wrong.

The statement of the Senator from Massachusetts [Mr. LODGE] I presume is correct, because I think it is the universal practice of the Government of the United States, when it takes a reservation purchased from a State, to compel the State to cede jurisdiction over that reservation. That is the reason the United States and not the State of Wyoming has jurisdiction in the great Yellowstone National Park.

Mr. FULTON. Mr. President—

Mr. CLARK of Wyoming. Just wait until I have finished one sentence and then I will yield. The United States has jurisdiction over the Yellowstone National Park not because it is the property of the United States, but because the legislature of Wyoming specially ceded its jurisdiction over the Yellowstone National Park; and to say that the Government of the United States is not subject to local control of its lands is to say that lawlessness, in so far as State control is concerned, shall prevail over the whole area of the western country, the title to which is in the Government of the United States. It is a proposition that can not stand either in law or good morals. Now I yield to the Senator from Oregon.

Mr. FULTON. I desire to call the attention of the Senator from Wyoming to the provision, with which, of course, he is perfectly familiar, in the Constitution which gives to the General Government exclusive jurisdiction over land ceded to it for military purposes, for the purpose of building forts and arsenals, and buildings of that character. That is where the distinction lies. Under the Constitution the General Government has exclusive jurisdiction in cases of that character.

Mr. CLARK of Wyoming. Mr. President, there is no question as to that, the Senator from Massachusetts to the contrary notwithstanding.

Mr. BEVERIDGE. Mr. President—

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

Mr. BEVERIDGE. I have arranged with the Senator that he would yield to this question, Mr. President. I must press this further question upon the Senator from Wyoming and the Senator from Montana. In view of the position the Senators have taken, I merely ask this question. Do they contend that the United States, as the proprietor of the land within the borders of a State, is subject to the laws of the State with respect to its own property?

Mr. CLARK of Wyoming. Well, the Senator having thought

out the question and asked it with deliberation, I should like to have him repeat it.

Mr. BEVERIDGE. I think I can repeat it almost verbatim. Does the Senator contend that the United States with respect to its own land, located within the limits of a State, is subject to the laws of that State, like any other proprietor of land?

Mr. CLARK of Wyoming. Oh, no. As to taxation and matters of that sort the Government is exempt. But the proposition of the Senator from Wyoming is this, that the power of the State extends over the lands of the Government and the jurisdiction extends over the lands of the Government, the same as over the lands of any other proprietor, except where exclusive jurisdiction is retained in the Government; in other words—and I will content myself with this answer and the Senator must content himself with it, because I do not want to branch out into that discussion—if a crime is committed upon the public land of the United States, the State control covers that land and the crime is triable in the State court and not in the United States court. I do not care, Mr. President, about that, however, and I shall decline to pursue this matter further, because it does not pertain to the question which was raised by the statement of the Senator from Wisconsin that so far as he knew, there was no desire to make game preserves out of the forest reserves.

Mr. SPOONER. Mr. President—

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

Mr. CLARK of Wyoming. Certainly.

Mr. SPOONER. I made that observation because the purposes of the forest reserve, as declared by the law, do not include the establishment of game preserves. That was the sense in which I intended to speak; that it was not considered one of the objects at all, however, it might be considered incidentally. Now, if the Senator will permit me, I doubt if we disagree upon the matter which he is discussing. Of course when a Territory is admitted into the Union, all police power which theretofore had existed in Congress passes to the State. The State, of course, makes its game laws. The title, however, of the Federal Government to its lands in the State is not in the slightest degree affected.

Mr. CLARK of Wyoming. Not in the slightest.

Mr. SPOONER. As an owner or proprietor the Federal Government has the power to do in the States—and the right to do in the States—as to its lands what other proprietors in the States may do. The Senator, I suppose, will not deny that the Government has the right to prevent hunting upon its lands just as individual proprietors may do, if they see fit.

Mr. CLARK of Wyoming. I am inclined to think the Senator is right, although I hesitate to accept the doctrine.

Mr. SPOONER. But the Government, the Senator would contend—and as to that I would not for a moment controvert him—can not establish game laws and game regulations in conflict with the game laws of the State.

Mr. CLARK of Wyoming. That is certainly the position of the Senator from Wyoming.

Mr. SPOONER. But the power of the Government to create upon its land a game preserve in order to preserve the animals the Senator would not deny.

Mr. CLARK of Wyoming. I would not. I am not attempting to deny any power. I am simply leading up to a question which I intended to present to the Senator from Wisconsin and others when we were drawn off by the discussion of this constitutional question.

Mr. BEVERIDGE. May I ask the Senator a question?

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

Mr. CLARK of Wyoming. With pleasure.

Mr. BEVERIDGE. The proprietor of land—the private person—as the Senator from Wisconsin, of course, said, can permit hunting on his land or exclude it.

Mr. SPOONER. Yes.

Mr. BEVERIDGE. Therefore he can prescribe rules by which he will permit you or me or anybody else to go on the land, if he wants to, can he not?

Mr. SPOONER. I think not. That is to say—

Mr. BEVERIDGE. If I own a thousand acres of forest land, I can keep you and everybody else from hunting on it, if I see fit.

Mr. SPOONER. Yes.

Mr. BEVERIDGE. Or I can let you all go on it, if I wish, or I can permit you, as a personal friend, to go on it, if I wish, or I may exclude some person that I do not like.

Mr. SPOONER. Yes.

Mr. BEVERIDGE. Owning this land, having all these rights,

does the Senator mean to say the greater does not include the less, and that so far as this thousand acres is concerned I can not establish rules which shall give the man who manages that land for me the discretion by which the public may go in and hunt or be kept out?

Mr. SPOONER. What I mean to say is this: That if the Senator owns lands, he may permit me to go upon it or he can prohibit me from going upon it.

Mr. BEVERIDGE. Yes.

Mr. SPOONER. He may permit me to go upon it to hunt partridges, if you please, but he can not make it lawful by his permission for me to kill partridges upon his land when the State law provides that in that month no partridges shall be killed in the State.

Mr. BEVERIDGE. Quite so; but the Senator stated that no rules could be established.

Mr. SPOONER. I did not.

Mr. BEVERIDGE. If I can permit the Senator to go on or keep him off, as he states, can I permit him to go on and hunt in the forenoon and not in the afternoon?

Mr. SPOONER. I did not speak of that. I am speaking of the general law.

Mr. BEVERIDGE. So that if the analogy be made between the Government as a proprietor and an individual as a proprietor, then, even on that narrow basis, the Government has the same right to make all the rules that a private proprietor of land would have.

Mr. SPOONER. The Government has the right to permit hunters to go upon forest reservations and hunt during the period that hunting is permitted by the State.

Mr. BEVERIDGE. Yes; and in any way it pleases.

Mr. SPOONER. And no more. But we can not take the time of the Senator from Wyoming [Mr. CLARK].

Mr. BEVERIDGE. Could the Government over its own land prohibit hunting on its own land during the period when the State permits hunting?

Mr. SPOONER. Certainly.

Mr. BEVERIDGE. Very well; that is all. The Government does have some control over its own after all.

Mr. CLARK of Wyoming. Mr. President, I might have realized what a debate would be provoked by consenting to discuss a legal proposition on the floor of the Senate.

Mr. SPOONER. I think the Senator and I do not disagree.

Mr. CLARK of Wyoming. I think not at all.

But what I was directing attention to was the avowed intention of the Forestry Service to establish game preserves, and I was speaking not with the intention of antagonizing game preserves, not with the intention of expressing an opinion whether they were good or bad, but with reference to what has been hinted at by the Senator from Wisconsin, that this was not a matter contemplated by the act of Congress permitting the establishment of forest reserves. But the constant tendency of this Bureau ever since it has been established has been to reach out and cover ground, and more ground, and accumulate to itself power and authority that never was contemplated by the Congress of the United States and which is detrimental and injurious to and almost destructive of the interests of many sections of our country.

Who could have supposed when, in 1891, Congress authorized the President of the United States by Executive proclamation to set aside forest lands that within this brief time 200,000 square miles of land would be set apart from settlement among the lands and mountains of the West? We do not understand the significance of these figures. But if I say to the Senate of the United States that within the last few years there has been withdrawn from settlement, from entry, from useful occupation, from home making, a tract of land, substantially, which, taking a north and south line 200 miles through the city of New York, would extend west to the city of Chicago, a thousand miles, I am not overstating the amount of land. The Bureau of Forestry has withdrawn from the useful service of the people an amount of land which would cover acre for acre the whole of New England; add to New England the State of New York, the magnificent Commonwealth of Pennsylvania, the splendid empire of Ohio, and acre for acre you have covered the lands withdrawn under this forest policy. That is an astounding statement.

Then in some respects this agricultural bill is the most wonderful that has ever been presented to the Congress, because, in addition to 127,000,000 acres already withdrawn, it proposes to withdraw 400,000,000 acres more and put them under the charge of a single bureau chief. Mr. President, this bill gives to one man more power over men and property and money than is now held by any individual king, prince, potentate, or subject in any civilized country on the face of the earth. Against the grant of such a power my face is unalterably set. That seems

a broad statement, but it is true to the fact. On page 71 of this bill it is proposed to take all the grazing lands of the United States in the country where the forest reserves are—the arid region—and, as stated by the Chief of the Bureau, Mr. Pinchot, to put them under his charge to lease and let and permit upon at his will and at his figures.

The Bureau of Forestry is now the greatest lumbering interest on the face of the earth. Talk about your lumber barons; your lumber monopolies! Where is the man, save the Chief of this Bureau, who has under his absolute control 127,000,000 acres of timber, much of it the finest on God's footstool? Where is the man who can use the Government force and the whole power and treasure of the Government in his lumbering operations, selling to whom he pleases, in what amounts he pleases, and at what prices he pleases, and without responsibility to the Congress of the United States or any other body of men or authority? Show me the parallel in this Government or any other, if you can.

And then, if you care to, add to this 400,000,000 acres of land which he has asked us to put under his control, and he wields a power over an empire the like of which is not wielded by any other man beneath the shining sun.

We in the West have had troubles with the Forest Service. We recognize that in the proper administration of the forests and the proper conservation of our water supply lies our salvation. We believe that the forestry proposition is the salvation for our country. But it is being made the damnation of the country, and the time is coming, and coming soon, if this policy is pursued, when a halt will be called to the settlement, the development, the industries, and the future of the western country.

Mr. President, it has been impossible for us who have been under this service to properly place before the East our attitude. A man who nowadays raises his voice against the Forestry Service is at once denominated as a grafter, a timber baron, a robber of the public domain. A man who dares to criticize the administration of our public-land laws falls into the same category and is pilloried—if not in court, at least in the Departments and the public press—as a despoiler of the public domain.

When this question came before the Senate three or four days ago and a little information began to trickle through of the power sought to be taken by this Bureau, I was pleased and gratified to observe that when it reached the good old granite hills of New Hampshire and the senior Senator from New Hampshire [Mr. GALLINGER] found that the object and purpose of this Bureau was to control and sell the waters flowing from any forest reserve, and when he found out that the avowed purpose, as announced by its champion on the floor of the Senate, in the creation of the White Mountain Forest Reserve was to put a tax upon every spindle turning upon the Merrimac River, he began to sit up and take notice.

Mr. President, I want to go back to the matter of game preserves. One thing that we complain of is the improvident way in which these reserves have been created.

Mr. PATTERSON. Mr. President—

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

Mr. CLARK of Wyoming. Certainly.

Mr. PATTERSON. Recurring to the amendment offered by the Senator from New Hampshire to prevent the Forest Reserve Service from charging for water within the reserves, I want to know whether the Senator from Wyoming desires to differentiate between the Government charging for the use of water within the forest reserves and compelling the owners of stock to pay to the Government a tax for grazing on the forest reserves. If the one is wrong, then the other is wrong.

Mr. CLARK of Wyoming. I think they are both wrong.

Mr. PATTERSON. I agree with the Senator, and it is my purpose, before we are through with this discussion, to offer an amendment prohibiting the Forest Reserve Bureau from charging the stockmen of the West for grazing their cattle and other stock within the limits of a reserve.

Mr. CLARK of Wyoming. As at present advised, I shall take pleasure in supporting the amendment to be proposed by the Senator from Colorado.

Mr. WARREN. Mr. President—

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

Mr. CLARK of Wyoming. Certainly.

Mr. WARREN. I should like to appeal to my colleague, and more especially to the Senator from Colorado, to know if they propose to amend the law in a way which would leave the forest reserves locked up against the live stock of the western country, or whether they propose that the cattlemen and sheepmen shall have the right to graze, consistent with the

preservation of the reserve, under some other system which does not tax the live-stock men?

In this connection I will say that if the United States can afford to make no charge for grazing in the forests, I should be very glad to support that view. But, Mr. President, I do not want to be one of those, I do not believe my colleague wants to be one, I do not believe the Senator from Colorado wants to be one who would blot out all of this great domain that is reserved for forest reserves and lock it up against settlers, farmers, and stockmen and from grazing, and turn all of the stock now fed upon those reserves down upon the settlers and other stockmen in other parts of the western country. This to the ruination of stockmen and the destruction of the grasses upon the public domain.

Mr. PATTERSON. Mr. President—

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

Mr. CLARK of Wyoming. Certainly.

Mr. PATTERSON. I will not occupy much of the time of the Senator from Wyoming.

I desire to say, speaking for myself and speaking for others who are not here, but who are deeply interested in the welfare of the country and the preservation of the grazing lands, that I am not one of those who for a moment would think of depriving the stockmen of the West of the grass within the forest reserves. My conviction is that the proceeds from the sale of timber alone will make the Forestry Bureau self-sustaining in a couple of years, and that no necessity exists for, and there is no wisdom in, changing a system that has prevailed up to the present time and ever since the West commenced to be settled.

Mr. President, I believe in forest reserves, but I believe in forest reserves, not in turning great areas of land that contain no forests into the exclusive possession of a bureau under the name of "forest reserves." The cattle and stock men of the West will in the future, as they have in the past, see to it that pasture is not destroyed, that rules and regulations which have always been adopted and enforced, just and equitable, shall continue to exist, but I insist that so far as the stockmen and everybody else in the West are concerned they shall not be deprived of the rights and privileges that every inhabitant of the United States has been enjoying ever since we have had public lands.

Mr. President, there should be forest reserves, but before forest reserves are declared there should be a classification of the lands within the areas which are denominated "forest reserves," and the lands that are agricultural and those that are mineral and which are not valuable for timber should be excluded from the forest reserves. When that is done we will have forest reserves in fact as well as in name, and there will be little or no objection heard from the people of the West when the reserves are instituted.

I beg pardon of the Senator from Wyoming for taking so much of his time.

Mr. BEVERIDGE. Will the Senator from Wyoming yield to me for a question?

Mr. CLARK of Wyoming. Not for a question as long as that of the Senator from Colorado.

Mr. BEVERIDGE. I would not presume to ask the Senator to yield for a question as long as that of the Senator from Colorado.

Mr. CLARK of Wyoming. I cheerfully yield to the Senator from Indiana.

Mr. BEVERIDGE. In answer to the Senator from Colorado, as to his purpose to put in an amendment preventing the Government from charging the stockmen for grazing their cattle on the forest lands, the Senator from Wyoming said he would support the amendment.

Mr. CLARK of Wyoming. As at present advised.

Mr. BEVERIDGE. As at present advised. I trust the Senator will get a little light later on which will change his view.

Mr. CLARK of Wyoming. I will act upon it if I do.

Mr. BEVERIDGE. I am sure the Senator will, and in order that he as well as I may get some light, I feel compelled to ask a question.

The Senator raised the analogy between the proprietorship by the Government of lands and the proprietorship by an individual of lands. The Senator from Colorado has referred to rights—that word has a legal meaning, and he is a lawyer—which the stockmen had in grazing without charge their cattle on the public lands. The question I wish to ask is this: If a private owner of land has the right to charge another person for grazing cattle on his lands and ought to do it, why ought not the Government of the United States to charge stockmen for grazing cattle on its land? Why should the Government of the United States deprive itself of its just revenues for the profit

of men already rolling in millions, that they may graze their cattle free?

Mr. CLARK of Wyoming. I shall not answer the legal question that is propounded. I suppose it was propounded to the Senator from Colorado. But I will say that ever since the English-speaking race existed the right of free common has existed. Ever since we have had a public domain that custom, growing into a right, has prevailed, and never has it been questioned.

Mr. BEVERIDGE. Will the Senator permit me to ask him another question, and I think I shall ask him no more?

Mr. CLARK of Wyoming. Yes.

Mr. BEVERIDGE. Does the Senator rest his position upon the right of common?

Mr. CLARK of Wyoming. I shall not answer a question of that sort, because the Senator is attempting to force me into a position I have not taken. The Senator said that I said I would support the amendment of the Senator from Colorado, as I am at present advised. But I took no position on that subject. I am subject to advice. If called upon to vote now, I should vote for the amendment. But I am not discussing, in this controversy at least, the propriety of the Government charging or not charging, like an individual. I hope the Senator will recognize the difference.

Mr. BEVERIDGE. I do. The question I am now asking the Senator is with reference to his last statement. I ask him whether or not he bases any contention of the right of stockmen to pasture their stock upon Government land free upon the ancient right of common?

Mr. CLARK of Wyoming. Not entirely.

Mr. BEVERIDGE. That is all.

Mr. CLARK of Wyoming. That is one of the reasons, but another reason is because I believe that the Government of the United States never was called into existence to become a merchant, to run a lumber yard, or to sell grass or hay. I believe it never was called into existence in order to make the public lands of the United States yield revenue. The policy of the public-land system ever since it was inaugurated was and has been to give away public lands free and without charge to those who would make their homes on them, and the charging of fees, the selling of water, or the selling of timber is a reversal of the policy of this Government in those particulars from the very first.

Mr. PATTERSON. Mr. President—

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

Mr. CLARK of Wyoming. Certainly.

Mr. PATTERSON. I am somewhat involved in this part of the controversy, and I wish to make a very short suggestion to the Senator from Indiana in reference to this question.

There is a marvelous difference between the private ownership and the public ownership of land, and even though lands are in private ownership, if they are left unfenced they stand open to the use of the public, and the owner of private land is compelled, if he will prevent trespass upon them by cattle, to fence them from cattle and to exercise that character of ownership over them that is a warning to all that they are to be reserved strictly for private use.

Mr. BEVERIDGE. The Senator from Colorado challenges me. He must permit me to ask a question.

Mr. PATTERSON. I am not quite through.

Mr. BEVERIDGE. I did not expect to wait until the Senator got through.

Mr. CLARK of Wyoming. Mr. President, I think I must insist on these interruptions coming to an end.

Mr. PATTERSON. Let us settle this little controversy.

Mr. BEVERIDGE. It is not fair to the Senator from Wyoming to permit the Senator from Colorado—

Mr. CLARK of Wyoming. I will yield to the Senator for his question.

Mr. BEVERIDGE. I must say this to both Senators: The Senator from Wyoming must not permit the Senator from Colorado to directly ask me a question and call my attention to it without permitting me to answer.

Mr. CLARK of Wyoming. I yield to the Senator from Indiana. I hope the time taken for explanation may be usefully employed.

Mr. BEVERIDGE. Does the Senator from Colorado contend as a matter of law that the only way in which a private proprietor could keep the public off his land is by fencing? Would he not have the right to patrol it if he wished, or employ any other method that he wished?

Mr. PATTERSON. I think not. If the private owner of land keeps his land open, it is subject to be occupied by any cattle that are roaming or grazing in the country, and the owner of such stock is not subject to damages. There is a duty

devolving upon the private ownership of land. Public ownership can not be likened unto it. There is no proposition on the part of the Government to fence any of the forest reserves, and the man who has his stock grazing in their locality, if they cross the imaginary line, is supposed to be amenable to the criminal law and to suffer loss in pocket if not in person for permitting his live stock to go upon the public lands, which belong to all the people and which all the people have been occupying and using until this miracle of virtue and excellence made his appearance and so impressed his personality upon the Government that the public lands have been turned over to him to do with as he pleases.

I am a little tired of the adulation which has been moving through this Chamber from the time this discussion commenced and which has been poured out upon the head of the Chief of this Service.

Mr. BEVERIDGE. Mr. President—

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

Mr. CLARK of Wyoming. I will yield to the Senator for a moment.

Mr. BEVERIDGE. That is right. The Senator does it for the reason I have mentioned to him and which he understands.

The Senator from Colorado was not in the Chamber when the comparison was instituted between private proprietorship and Government proprietorship, which it was claimed was identical. That is rather a new and novel proposition to some of us. That part of the discussion the Senator missed. But the Senator from Colorado now makes Government proprietorship even less than private proprietorship in its rights. Pretty soon we will have the Government extinguished altogether in the interests of the cattle growers.

Mr. CLARK of Wyoming. I have never seen the least benefit in a legal discussion on the floor of the United States Senate upon collateral matters. A layman can get more advice on all sides of any subject in the Senate of the United States than in any law office on the face of the earth, and it is generally very unsatisfactory.

Mr. BEVERIDGE. I will say that the Senator himself suggested every legal point.

Mr. CLARK of Wyoming. After having yielded to the Senator for more than three-quarters of an hour to interject into the debate, I think it is hardly courteous for the Senator to make that observation, which was entirely uncalled for by anything that I had said in the way of pleasantry.

Mr. President, the point I started some hour and a half ago to attempt to elucidate was the improvidence with which reserves have been created. Perhaps it will not be uninteresting to recall the inception of the forest-reserve policy. In 1891 in a very small section of a bill we passed a law authorizing the President of the United States to set aside lands for forest reserves, the purpose at that time being to conserve the water supply, primarily. At that time it was thought that the matter was of some importance and that some definite system should be had and some method prescribed by which these lands should be segregated from the great body of the public lands. When that law was passed the Secretary of the Interior, under whose jurisdiction the execution of it passed, provided rules and regulations under which forest reserves should be established; and to see how closely it was in the mind of the Department at that time that the interests of the various localities should be consulted before a forest reserve should be created, it was provided that no forest reserve should be created until advertisement had been made for a number of weeks in the vicinity of the reserve, so that those who were concerned and who lived near by might have an opportunity to come forward and be heard.

Whether or not any forest reserves were established under that method I do not know. But there are Senators in the Chamber who were here with me when President Cleveland's first blanket reserve order was issued. It was a new thing to us. We found upon our desks one morning the proclamation of the President setting apart millions of acres of land without the knowledge, without the advice or the consent of a single Member of Congress or a single individual, so far as known, violating his own rules of procedure, setting aside the rules of the General Land Office and the Department of the Interior, and creating offhand these reserves. Reserves at that time were created upon the report of a commission which was authorized by the Congress of the United States. We had appropriated \$25,000 to pay the expense of the commission, who should travel through the mountain countries, examine the forests, and recommend for forest reserves such sections of land as they thought advisable and expedient. They returned to Washington and made their report. Upon their report President Cleve-

land's proclamation was issued. Upon that report millions of land in Wyoming, Idaho, Utah, Montana, Washington, and Oregon were taken out of the public domain.

It afterwards developed that that commission, in making its report, made no examination of the forests which it had created into reserves. In answer to my own question the chairman of the commission said that he had not been upon the reserves in my own State, although requested so to do, and although transportation facilities had been provided by the people who were interested in the subject-matter. From that day to this the creation of these forest reserves has gone along alike improvidently and often without knowledge beforehand of the citizens of the States where reserves are created.

There seems to be a disposition that wherever a piece of forest is heard of that immediately it shall be made into a forest reserve, whether it is upon the public domain or elsewhere. That has been most forcibly illustrated within the last ninety days, when there has been withdrawn from allotment in the Choctaw and Chickasaw and Cherokee nations of the Indian Territory 4,000,000 acres of Indian land.

Mr. President, the manner in which that reserve is sought to be created is but a fair illustration of the policy that has prevailed in the segregation of these lands. Under the law the Secretary of the Interior was directed to allot the lands to the Indians in Indian ownership. He was given the power after the allotment should have been made, if there was any surplus land, to sell it, in his discretion, for the best price obtainable for the benefit of the Indians.

While the allotment was in process, before the Indians had made all their selection, while selections were being made upon that particular tract of land or in that section of the country, the order went from the Interior Department to the Commissioner of the Five Civilized Tribes to suspend all allotments upon that particular section of the country and to take no action upon any allotments already made.

Protests began to come in, and inquiry was made of the Secretary of the Interior as to his purpose and the legality of his act. He said it was withdrawn at the request of the Secretary of Agriculture for forest-reserve purposes. Inquiry in detail was then made, and the Secretary of the Interior and the Secretary of Agriculture and Mr. Pinchot, the Chief Forester, came before the committee to explain just how it was proposed to make private lands into a Government forest reserve. The explanation was made that the withdrawal was simply tentative and temporary, giving Congress an opportunity to purchase from those Indians the 4,000,000 acres of land and turn them into a forest reserve.

The details of that transaction are interesting, and I think I will recite them as near as I can remember them. One Jack Gordon, a citizen of Texas, doubtless a very estimable man, wrote to the Secretary of the Interior and wanted to purchase a large amount of land in the southeastern part of Indian Territory to make a private game preserve. The Secretary of the Interior, doubting his authority to do that, referred the matter to the Agricultural Department for its opinion. Probably the Department of Agriculture and the Bureau of Forestry thought no man would care to have a private game preserve unless there was some timber upon it, and having had their attention called to the fact that there was timber in the southeastern part of the Indian Territory they at once conceived the idea of putting it into a forest reserve.

Thereupon the Department of Forestry sent its agent, one Mr. William F. Cox, its expert, down to explore the country. According to his statement he was there two weeks. Four million acres is a good bit of land if you try to walk over it in a week. He went down into that country, where probably he had never been before. A week of his time he spent in Muscogee, getting information from Government officials and others. The other week of his time he spent upon the land. At the end of two weeks—I think it was two weeks; it was an insignificant time anyway—he wired and made a written report to the Department here recommending the withdrawal of all the Indian lands from allotment east of the Missouri, Kansas and Texas Railroad, and embracing a section of country comprising 4,000,000 acres of Indian land.

I have his report before me, and I propose to read from it as illustrating the terribly careless manner in which forest reserves are created. The report goes on to state the kind of a country it is, that it is rough, that it is rocky, that some parts of it are good for agriculture, that much of it is not, that some of it has much valuable timber and some not so valuable, and recommends the withdrawal of the 4,000,000 acres.

Now, as to whether there are game preserves intended to be created in this tract, I wish to read and to have go into the

RECORD the concluding parts of the report. After, of course, giving the other standard reasons for a forest reserve, to conserve the waters, stop floods, etc., he says:

As a game refuge the reserve could be made exceedingly valuable, for then the game laws could be enforced.

I should like the attention of the Senator from Wisconsin [Mr. SPOONER] as to this particular matter.

At present deer are being hunted winter and summer, until even in the roughest mountains they are well-nigh exterminated. Two or three years ago turkeys were very abundant, and now they are everywhere scarce. If the enforcement of even very ordinary game laws—

The Senator from Wisconsin will observe that it is the idea to establish Government game laws—

such as a short open season and a reasonable bag for turkeys and prohibiting the use of dogs for hunting deer, the reserve would soon become very attractive to sportsmen and a delightful camping ground for people of the lower Mississippi River Valley.

Mr. SPOONER. From what is the Senator reading?

Mr. CLARK of Wyoming. I am reading a report upon which a forest reserve is sought to be created in the Indian Territory by the Forestry Department as illustrating the improvident manner in which these reserves are created and as further illustrating the fact that in the creation of the reserve something else is looked to beyond the preservation of the timber and the conservation of the waters.

That land, Mr. President, belongs to the Indians; not an acre of it to the United States. The proposition in this report is that the Government shall purchase that 4,000,000 acres of land from the Indians, at its appraised value, as a commercial proposition, and the statement is made that in three years enough revenue will be derived from it to pay the Indians the entire cost of the land.

Mr. President, I did not intend to speak of the merits of this particular proposition, but the iniquity of it is in the fact that of all graft ever attempted in the Indian Territory this is the largest and the most wholesale.

Mr. TILLMAN. Mr. President—

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

Mr. CLARK of Wyoming. With great pleasure.

Mr. TILLMAN. Who makes the appraisement?

Mr. CLARK of Wyoming. I come to that now. The appraisement of that land is made by the Dawes Commission, acting, of course, under the Government of the United States. The Dawes Commission never attempted to appraise land at its true value. The appraisement of land by the Dawes Commission all over the Five Civilized Tribes was on a comparative basis, so as to regulate and approximate the proper amount of land that each individual would get as his share of the great common land of the Indians. So when they say that land is worth 25 cents an acre it does not mean that 25 cents is the value of that land, but it means that an acre of that land is worth only half as much as an acre of land appraised at 50 cents an acre. The consequence is that the value of land in the Indian Territory as appraised by the Dawes Commission does not approximate the true value of the land.

Now, the proposition of this inspector is that the Government shall take that land at its appraised value from the Indian, whether he wants to sell it or not, and that in three years the Government can get enough from the product of the land, buying it so low, to pay the Indians for the land and the Government will own it.

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

Mr. CLARK of Wyoming. Certainly.

Mr. TILLMAN. Does the report the Senator quotes from indicate how the Government would get the money? What would it sell? Does the report indicate?

Mr. CLARK of Wyoming. The proposition is to come before Congress, I suppose, and have Congress authorize the purchase of the land by the Government. I suppose that is the proposition.

Mr. TILLMAN. The report, as I understood the Senator, said that they can get enough from the land in three years to pay for it. How are they going to get anything? What are they going to sell?

Mr. CLARK of Wyoming. They are going to sell timber.

Mr. TILLMAN. And are they going to sell hunting rights?

Mr. CLARK of Wyoming. I do not know what else; but timber, I suppose.

Mr. TILLMAN. Is there any coal under it?

Mr. CLARK of Wyoming. Further on in the report it indicates where some revenue might be derived:

In this connection it is recommended that the patenting of home lots be provided for in the reserve, so that people from the thickly settled States around about may actually own homes here in the hills, where they can breathe in air that is pure and enjoy mountain scenery which compares favorably with the best in the Appalachians.

Mr. TILLMAN. Is there any coal under the land?

Mr. CLARK of Wyoming. I do not know, but I suppose likely there is. There is coal more or less all through that country.

Mr. President, as I said, I am reading this simply for the purpose of calling attention to the improvident way in which these reserves are created or sought to be created.

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. That is a request simply from the field officer of the Bureau of Forestry. I should like the Senator to state what action was taken by the Department on that request.

Mr. CLARK of Wyoming. I will be glad to give it. This was the report and request of Mr. Cox, who had been sent there as an expert from the Bureau of Forestry. Acting upon this report the Department of Agriculture requested the Secretary of the Interior to withdraw the land from allotment, which was done—4,000,000 acres—coming right bang up against the east side of the Missouri, Kansas and Texas road, running north and south through it.

To show further how improvidently this reserve was created, the attention of the Secretary of the Interior was called to the probable fact that by withdrawing this land and centering it in Government ownership a dormant land grant of alternate sections 10 miles on the east side of the Missouri, Kansas and Texas road would immediately attach. It never had entered into the consideration of either of the Departments to look far enough into the status of that land to ascertain whether or not there was a probability that if the land passed into Government ownership that land grant would revive and attach.

The attention of the Secretary of the Interior was called to the fact, and he afterwards modified his order, throwing out of the withdrawal that portion of the land to which the land grant might have attached, and reducing the area of the reserve to 2,000,000 acres; and there it stands to-day, awaiting action by Congress. The inquiry was made, "If Congress fails to act, what will then be your position? Will you then release the land for allotment?" The Secretary declined to answer the question.

Mr. FULTON. Mr. President—

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

Mr. CLARK of Wyoming. With pleasure.

Mr. FULTON. Does the Senator understand that Congress has already directed the Secretary of the Interior to allot these lands to the Indians?

Mr. CLARK of Wyoming. The law providing for the allotment of the lands in the Cherokee and Chickasaw nations directed that as soon as practicable this land shall be allotted until all the allotments shall have been completed.

Mr. FULTON. Does not the allotment then have to stop in order to have the land withdrawn?

Mr. CLARK of Wyoming. He stopped the allotment. He declined to receive any more allotments, and declined to accept the allotments that had already been made, although so far as the allotments that had already been made were concerned he has since rescinded his order. But no new allotments are allowed there to this day.

Mr. President, under these considerations and under an authority administered in this manner, is it any wonder that the people who are interested, who rest under the weight of it, complain, and, as has been said in the Senate, consume three or four days in useless debate? Mr. President, it is not useless debate, if it calls the attention of the Senate to the fact that people are having their political rights hampered, that the welfare of their States is stopped, and if this bill should become a law it would be everlastingly stopped.

Mr. President, I wish to call attention to another fact, and that is the proposition in the bill that there shall be released from the provisions of the public-land laws in effect a great area, more than twice or three times as much as that already in forest reserves. The proposition is to turn three or four hundred million acres of the grazing lands of this Republic in the arid region into the hands of the Bureau of Forestry or the Department of Agriculture, which, of course, is the same, as far as the purposes of this discussion are concerned, and to give the head of it the absolute control over that great area; that he shall say whose cattle shall pasture upon it; that he shall say whether or not they shall fence the public domain; that he shall say how much shall be charged each man for the privilege of grazing upon the public domain; in other words, that he shall be the complete autocrat of all the grazing grounds in the United States west of the one hundredth meridian.

Mr. President, I leave to the imagination of the Senate what

would be the result of that. A saving clause was sought to be put in by the Senator from Kansas by which the rights of the settlers, if anybody should settle there, might be preserved.

AMENDMENT OF NATIONAL BANKING LAW.

The VICE-PRESIDENT. The Senator from Wyoming will kindly suspend. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. Senate resolution 214—

Mr. ALDRICH. Oh, no; House bill 13566 is the unfinished business. It was taken up yesterday by a vote of the Senate, and it was under consideration at the time of adjournment.

The VICE-PRESIDENT. The unfinished business will be stated.

The SECRETARY. A bill (H. R. 13566) to amend sections 6 and 12 of the currency act approved March 14, 1900.

Mr. ALDRICH. I ask that the unfinished business may be informally laid aside.

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

INTERNATIONAL CONGRESS OF HYGIENE AND DEMOGRAPHY.

Mr. LODGE. If the Senator from Vermont [Mr. PROCTOR] will allow me, I wish to call up a joint resolution which has to go to the House.

Mr. PROCTOR. I yield for that purpose if it will give rise to no debate.

Mr. LODGE. I move that the votes by which the joint resolution (H. J. Res. 246) authorizing the President to extend an invitation to the Twelfth International Congress of Hygiene and Demography to hold its thirteenth congress in the city of Washington was ordered to a third reading and passed be reconsidered. I wish to move an amendment.

The motion to reconsider was agreed to.

Mr. LODGE. In line 6 I move to strike out the word "six" and to insert the word "seven," which is to correct a mistake in the date, changing it to 1907; and I also move to add at the end of the joint resolution the words "or 1910."

The amendments were agreed to.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

AGRICULTURAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 24815) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908.

The VICE-PRESIDENT. The Senator from Wyoming will proceed.

Mr. NEWLANDS. Mr. President—

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

Mr. CLARK of Wyoming. Yes; with pleasure.

Mr. NEWLANDS. I should like to ask the Senator a question. Assuming that the stock grazers of the West have right of common over the public domain, and assuming that no charge shall be imposed for grazing, is the Senator of the opinion that the Government should exercise no control whatever over it, with a view of preventing overgrazing and the destruction of foliage, and with a view of preventing conflict between rival stock growers, each endeavoring to take possession of the entire range, and consequent bloodshed? If the Senator thinks such a system of control advisable, I should be glad if he would state what he would regard as the wisest system.

Mr. CLARK of Wyoming. Well, Mr. President, the Senator is propounding a question here which the wise men of the West have been thinking and working on for years and years, and they have not yet reached what all of them believe to be a wise solution. I should not attempt on the spur of the moment to answer a question of that sort with any degree of assurance to myself that it was right or with any degree of assurance to anybody else.

Mr. NEWLANDS. I call the Senator's attention to certain resolutions which I saw some days ago, purporting to have been passed by the Stock Grazers' Association of the West, approving of some system of control and of permit. I do not know that they went so far as to approve the system of a charge for grazing.

Mr. CLARK of Wyoming. Mr. President, in view of the last suggestion, I want to say that I do not want my attitude to be misunderstood. I am not representing the views of the stockmen especially, either the cattlemen or the sheepmen. Their interests, of course, should be fully considered. But what I am trying to say is that irrespective of the good that may accrue

to any particular class of people, great injury would be inflicted upon the country by this proposed grazing law. Some of the stockmen are in favor of it, and some of them are against it. For myself I own not, neither am I interested in an acre of this public domain or in a single animal that could be pastured thereupon; but I am interested, and I have a great and abiding interest, in the future welfare and in the settlement and the development of my State.

There are stockmen in the West who, if this bill should become a law, would hail it with gladdest acclaim. Those are the stockmen who for years have monopolized great bodies of our public lands and have them even now under illegal fences. Word has gone forth that no action will be taken against those illegal fences until the 1st of April—that the fences may be allowed to stand until that time. Word comes from the Bureau of Forestry that the fences will not be interfered with until the 4th of March. What does that mean? It means that when the 4th of March comes and this bill shall become a law, the fences shall remain and the great areas inclosed with them withdrawn from public settlement and used for the benefit of the man who has already illegally fenced them, if he cares to make a lease. That is what it means, and it is a warning to the stockmen that if this bill does not become a law they must take down their fences. What sane man with a fence upon the public domain, with a limited consciousness of the righteousness of public duty, would not favor this bill under those circumstances?

I say I am not chiefly concerned about the stockmen. I am intensely concerned about the future of my State. This amendment, if passed, would absolutely prohibit, in my judgment, the further settlement of men upon the public domain.

As I started to say, the Senator from Kansas [Mr. Long] sought to break the effect of the amendment as much as possible when he insisted that some provision should be put in for the settlement of these lands by homesteaders. Of course, the amendment says that homesteaders, notwithstanding the lease, can go upon the land to make homestead entries.

On that particular point I wish to call the attention of the Senate to the proposition as to whether it would not be a very sultry life that a poor homesteader would lead within the inclosure of a great stock company. He would be an unwelcome guest at most. Would he not have a sort of torrid life even with the lessee acting within the legal limits of his right?

Mr. LONG. Mr. President—

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

Mr. CLARK of Wyoming. I do.

Mr. LONG. I do not understand the position of the Senator in referring to the amendment, which, I understand, is not up for consideration in the Senate. Does the Senator believe that the language is not sufficiently broad to protect the rights of homesteaders or does he take the position that it is impossible by legislation to protect the rights of the homesteaders in such legislation as this?

Mr. CLARK of Wyoming. I think it is impossible that the Government can lease ten or twenty or thirty or forty or fifty or one hundred thousand acres of land to any man to inclose and properly protect a settler within such inclosure. I think it is utterly impossible to say that a settler can maintain himself in opposition to the great landholder under such circumstances. It is a practical impossibility. In this amendment it is indeed provided that he shall have the right, notwithstanding the lease, to graze upon the adjacent land. But to graze what, Mr. President? His work teams and milch cows only—in the language of the amendment, his stock used for domestic purposes.

Mr. LONG. I will say to the Senator from Wyoming that in drawing or in modifying the proviso it was my purpose, so far as legislation could, not to prevent the homesteading of the public lands.

Mr. CLARK of Wyoming. I think the amendment will reach as far as any amendment could on a proposition of this sort, but I believe the practical effect of any leasing proposition such as is proposed, or any other, is to absolutely stop settlement upon the public land by the homesteader or resident. I think, in the very nature of things, it is impossible for a man to make his home under such conditions.

Now, Mr. President, the result of this, if adopted—and I do not believe it will be adopted—will be to put half a continent under the landlordism of a single man.

Mr. SUTHERLAND. Mr. President—

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

Mr. CLARK of Wyoming. With pleasure.

Mr. SUTHERLAND. I thoroughly agree with what the

Senator says on this question. I wish to ask him if he does not think the excluding of the homesteaders would not exclude from the ranges the small cattle owners and the small sheep owners. In other words, would not the result be to put into the hands of great cattle owners a monopoly of the ranges? For example, in my own State there are very large numbers of villages where each inhabitant owns five, ten, or fifteen head of cattle and twenty, twenty-five, or fifty head of sheep. They are in the habit of employing somebody to take charge of their little flocks and take them out upon the public domain and pasture them in that way. It would be impracticable for those people to take leases, and the final result of it would be to create a monopoly in the hands of the big cattle owners and big sheep owners. I ask the Senator if he does not think that would be the result of it?

Mr. CLARK of Wyoming. I think it would. I think it would be the inevitable result of it. I think the inevitable result would be that all grazing privilege would go to the highest bidder in the end.

Mr. WARREN. Mr. President—

The VICE-PRESIDENT. Does the junior Senator from Wyoming yield to his colleague?

Mr. CLARK of Wyoming. With pleasure.

Mr. WARREN. Noting the remarks made by the Senator from Utah, I should like to ask my colleague whether if the plan was carried out according to the letter from the President, which states what should be done, and an amendment of that kind is passed, that the apportionment should be entirely within the control of the local authorities, he thinks that would preclude the small cattleman and the small sheepmen in favor of the large ones.

Mr. CLARK of Wyoming. In answer to my colleague, I will simply say that if I have got to take bad medicine I would rather take it at the hands of my friends than at the hands of strangers; and if there is to be any control of these ranges of course to cause the least harm, it should be by the local people. But, Mr. President, in further answer to the question of the Senator from Utah, the inevitable result under this bill would be to make the man with the longest purse the virtual proprietor of the public domain. And why? Because those who have analyzed the bill will have observed that all the receipts from the forests, from the great lumbering operations, from the herding operations, from the 5 cents on sheep and 25 cents on cattle, whatever they are, go not to the miscellaneous items in the Treasury of the United States, but to a special fund in the Treasury of the United States. All the grazing fees from 400,000,000 acres of land under this bill are to be turned into this special forestry fund.

Mr. President, there is a revenue from an empire going into the Treasury of the United States, not subject to the ordinary course of appropriation by legislation of the Congress, but millions and millions of dollars going into this special fund to be checked out upon the personal request of the Secretary of Agriculture and the director of this Bureau. The purpose of the director of this Bureau or the Forester at all times, of course, would be to swell that fund to the greatest possible amount. If he believed that there existed a necessity for further expenditures, he could—

Mr. BURKETT. Mr. President—

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

Mr. CLARK of Wyoming. Certainly. It was the Senator's bill that I was talking about, I think.

Mr. BURKETT. I thought the Senator was away from the grazing amendment; but I am interested in asking the Senator this question, because so many have been hammering at this Forester for the reason that he collects this money and spends it. He has been assaulted here four or five days because he had been collecting money somewhere and spending it. I got the law and looked it up, and I find that that is exactly what the law tells him to do.

Mr. CLARK of Wyoming. That is exactly what we do not want the law any longer to tell him to do.

Mr. BURKETT. Let me ask the Senator if it is not a fact that he and several other Senators now present were here when that law was passed?

Mr. CLARK of Wyoming. I expect likely I was. I have done very many foolish things in public and private life.

Mr. BURKETT. I do not want to have the Senator take it that way, but what I am trying to get at is that it is a matter which can be changed, and I understand it has been changed by the amendment, by which the money must be turned into the Treasury. Why the Forester should be abused for collecting

money and doing exactly what he has been told by legislation to do I can not understand.

Mr. CLARK of Wyoming. It has been far from my intention to abuse the Forester. On the contrary, I have the highest opinion of that gentleman.

If I have talked to any purpose, it has been to point out the danger to certain parts of the country in giving to any man the power that is vested by this bill in the Forester, and to call attention to the disastrous results to the hoped-for growth of the West if this amendment should become a law.

Mr. BURKETT. Does not the Senator think that the unfortunate, or at least to the Senate unsatisfactory, method of handling this fund has been used rather to hammer the whole Forestry Bureau and to create a prejudice against it in the same spirit that will destroy its effectiveness?

Mr. CLARK of Wyoming. I do not think so. I do not think any intelligent public criticism of the administration of any office is detrimental to the welfare of the office or bureau. It has certainly been far from my notion to antagonize the Bureau of Forestry, because, as I said in the beginning, if there are any people on the face of the earth who are interested in the proper administration of that policy, it is the people of the section of the country which I, in part, on this floor represent.

Mr. BURKETT. Just one question and I will not interrupt further. Since the Senator referred to this amendment, which was originally my bill, I will say that of course that was put in because the Senate or the Congress in its wisdom hitherto had provided that system for the forest reserves in question, and hence this bill was drawn to conform with what the action had been heretofore. Since the Congress has changed its plans—and I am in hearty accord with that—of turning the money into the Treasury and taking it out on specifications and appropriations, then the provision ought to be changed.

Mr. CLARK of Wyoming. Mr. President, I have talked very much longer than I intended on this proposition. In fact, I only intended addressing myself to the observation made by the Senator from Wisconsin on Tuesday evening, I think. But I can not refrain from expressing again, Mr. President, the fear which the people of the West, or at least some of them, have of the result of this legislation.

Under the various withdrawals proposed in this bill there will be substantially no lands left in the public domain upon which a man could enter save only the lands which might be entered for precious metals. In my State there have been untold acres withdrawn for forest reserves. There have been many acres withdrawn for oil lands, and there have been, in addition, withdrawn within the last year 16,000,000 acres of coal lands from private entry. As to the wisdom of these Executive actions it is not my purpose here to speak. Of the result I can speak—that there is a wholesale fear abroad through the State that unless some change is made or some halt called development must stop and irreparable injury may be worked.

Mr. President, to show that the matter is of live consideration I have here, and will ask to insert in the RECORD, a joint resolution recently passed by the legislature of my State, which has now adjourned. I ask to have the joint resolution incorporated in the RECORD.

The VICE-PRESIDENT. In the absence of objection, the resolution referred to by the Senator will be inserted in the RECORD.

The resolution referred to is as follows:

House joint resolution in opposition to any proposed change in the Federal land laws or in the administration of said laws, or to any regulations that will operate to the injury of the State of Wyoming, retard its development, hinder its growth, or interfere with the prosperity of its people. February 8, introduced, read first time, ordered printed, and referred to committee No. 14, on lands and irrigation.

Whereas 60 per cent of the lands of Wyoming are unoccupied except for the grazing of live stock; and

Whereas conditions in Wyoming were never more prosperous than at present, and it should be our aim to maintain same; and

Whereas the relations between the various live-stock interests were never more peaceful and satisfactory than now; and under present methods of conducting the live-stock industry, necessitating, as it does, winter feeding, the irrigable lands are being reclaimed and made to produce their full capacity of hay and small grains, thereby offering inducements to settlers and dry farmers and creating a home market for the fruits of their labors which will grow rapidly under a continuation of these conditions, thereby almost doubling the stock-carrying capacity of the arid ranges, and thus increasing to a marked degree the taxable wealth of the State; and

Whereas the influx of home builders, homesteaders, and settlers under our irrigation system was never greater or as steady as at present and the prospect for the future was never brighter in our young Commonwealth; the Government is constructing two great irrigation systems in this State and soon the farmer and home builder will be invited to come in large numbers and settle the lands under these enterprises; and

Whereas experiments in dry farming have proved conclusively that a large percentage of arid lands heretofore regarded as fit only for the limited grazing of live stock can be reclaimed by the dry-farming methods and made to produce bountiful crops of hay and grains common to this climate, and efforts are now being made to settle these

lands by this plan, which has already proved successful: Therefore, be it

Resolved by the house of representatives of the ninth legislature of the State of Wyoming, the senate concurring. That we view with alarm any proposed change that will in any way injure our prosperity, restrict immigration, keep out the home builder, homesteader, and settler, retard the growth of our young State, handicap work upon the great irrigation enterprises of the Government and private capital, restrict or destroy the home market of the small ranchman, dry farmer, and settler, who depends upon the live-stock industry for an outlet for his hay, small grains, and produce, or that will in any way interfere with the present peaceful relations between stockmen; and

Be it further resolved. That copies of these resolutions be forwarded to the President of the United States, Secretary of the Interior, Secretary of Agriculture, and to Members of the Congress of the United States with the request that same be given careful consideration before entering upon any plan having for its object the leasing or control of the range lands of Wyoming.

Mr. CLARK of Wyoming. Mr. President, in the preamble of the resolution the bill under consideration is specifically referred to. As I am informed by a telegram from the governor, the resolution passed the legislature almost unanimously. But I wish to call attention—

Mr. LONG. Mr. President, if I may be permitted to interrupt the Senator, to what bill does the Senator refer—the agricultural appropriation bill—

Mr. CLARK of Wyoming. The Burkett bill.

Mr. LONG. Or the leasing proposition?

Mr. CLARK of Wyoming. The leasing proposition.

Mr. LONG. The leasing proposition of the Senator from Nebraska?

Mr. CLARK of Wyoming. Yes; and now for a moment I want to call the attention of those who have been interested in the great irrigation legislation to the effect that will inevitably follow if any such plan as his shall finally be adopted. I believe that a few years ago was worked out in the two bodies of Congress the greatest piece of constructive legislation since the close of the war, namely, the reclamation act, whereby the power of the Government was placed behind the great irrigation scheme; whereby they devoted to the building of great reservoirs and canals to turn the water out upon the arid land all the proceeds of public-land sales within the borders of the States except 5 per cent, I believe, which goes to the State.

Mr. President, there is in that fund an insufficient amount at the present time to complete the construction of the works already approved. In my judgment, the leasing of the land, the withdrawal of the coal land, the repeal of the timber and stone act, all taken together, will leave not a dollar in that irrigation fund, and the great constructive piece of legislation that is working great and untold benefit to the western country will become a dead letter, as though it had never been placed upon the statute books of the nation. You are diverting the revenue which should go into the irrigation fund to the Forestry Service for the further extension of its already great power. Mr. President, against the legislation proposed in this leasing amendment, against the enormous power over the prosperity and development of my State given to one man by this bill I now and ever shall most solemnly protest.

Mr. SPOONER. Mr. President, I do not wish to take up much time in this discussion. The Senator from Wyoming [Mr. CLARK] has discussed some propositions in connection with the general subject which, with due deference to him, I think are hardly germane to the real subject of the debate, at least so far as I care to pay attention to it. I know little about the withdrawal of lands by the Secretary of the Interior and the recommendation that a forest reserve be established in the Indian Territory.

I want to say this, however, that I do not believe since the foundation of this Government there has been in its service a man of more unimpeachable integrity or higher devotion to the public service than the Secretary of the Interior, Mr. Hitchcock. He may have made mistakes—we all make mistakes—but his purpose to conserve the interests within his charge, in my mind, can never be subject to any just impeachment. I think he has rendered service to the country in a position, which is a very disagreeable one in many ways, which will not be excelled by any successor and which has not been excelled by any predecessor. As to his power to arrest allotments in the Indian Territory, in my opinion, something may be said on both sides; but I do not care to discuss that. I do not intend, either, to discuss the proposition in this bill which has been so elaborately and eloquently and earnestly discussed by the Senator from Wyoming, to cover into the forest reserves 400,000,000 acres—I think the Senator said that was the amount—

Mr. CLARK of Wyoming. It is so estimated by the Bureau.

Mr. SPOONER. Of grazing land. I suppose it is in the power of any one Senator to eliminate that from the bill. I have not studied that subject and I do not intend to spend any time in discussing it.

Mr. President, at one time, in regard to the forest-reserve pol-

icy, I felt very much as some of the Senators from the far Western States seem to feel. I remember once riding through a part of Wyoming on a hunting expedition, and meeting several wagons filled with people, men, women, and children, with a little bunch of stock, who had traveled all the way from Alabama to occupy and make homes in a valley within 5 miles of where I met them, upon land which when they started from Alabama was subject to homestead entry, but which a few days before they reached the point where I met them had ceased to be subject to such entry, because of an Executive proclamation withdrawing the lands from entry for forest-reserve purposes. So it had passed absolutely beyond their reach. It seemed to me a harsh thing in its operation, not only to those people, but it seemed to me a very great detriment to the people of the West to have arable lands withdrawn permanently from entry, from the reach of the home seeker because of Executive proclamations.

I think nearly everyone here has a higher opinion of the general forest-reserve policy than he entertained at that time. I think some of my colleagues here who were violently opposed to the whole policy at that time have come to see that underlying it is great wisdom, large public interest, not only in its relation to the whole country, but especially to the States within the region in which the forest reserves lie. But, Mr. President, it is not true to-day, as it was in those years, that the forest reserve shuts out the settler, debars the home seeker from land fit for agricultural uses, as I understand the law. The law—and Senators will correct me if it has been changed—the act of June 11, 1906, opens the arable and agricultural lands within forest reservations to homestead entry.

Mr. FULTON. Mr. President, will the Senator allow me to interrupt him?

Mr. SPOONER. Am I wrong about that?

Mr. FULTON. No. I want to make a suggestion in connection with that, if the Senator has no objection.

Mr. SPOONER. I have none.

Mr. FULTON. While it is true that lands which are chiefly valuable for agriculture are permitted to be entered under the homestead law within forest reserves, nevertheless I think the Senator will see this: In the first place, one moving with his family in a forest reserve goes where there can be no real community of association, where there are no roads and no way of getting roads, except such as the Government constructs—the county has not the power to build roads in the reserves—where there is no means of having schools and other facilities as they have outside. So it practically bars a man from going in there unless he is willing to dissociate himself entirely from all community life. Further, the Bureau holds—I do not know what the Agricultural Department holds, but I know what the Forester holds—that land is only chiefly valuable for agricultural purposes when it has no timber on it or practically none. If it has timber on it, then it is chiefly valuable for timber. I know they hold that, because I have applied to them for their construction. The Senator does know, and must know, from experience that some of the very best land in the Middle Western States and some in the Eastern States is land that has been cleared of forests. It is so in the West and is so in the East and Middle West.

Mr. SPOONER. The Senator's argument is an argument altogether against forest reserves.

Mr. FULTON. No, Mr. President.

Mr. SPOONER. Pretty much.

Mr. FULTON. If the Senator will allow me, I do not mean that. I am not opposed to forest reserves under proper restrictions. There is a vast amount of timber land that by reason of the topography of the country in which the timber grows is unsuited for farms. That land, I believe, should be put into forest reserves. I think it is a wise policy to do it. But there is a vast portion of land covered with timber that is, nevertheless, chiefly valuable in the long reach of time for agriculture.

Mr. HEYBURN. rose.

Mr. SPOONER. Does the Senator want to interrupt me?

Mr. HEYBURN. I should like to make a suggestion to the Senator from Wisconsin with regard to the assertion that the land within a forest reserve is open to settlement under the homestead laws. While nominally it is open to homestead, it is not subject to the homestead law at all. The settler has no right to go upon the land until he has first made an application to the Department, representing that he has found a piece of land that is agricultural in character. It is then examined. If upon the report of the examiner the Secretary shall find that that land is of that character, the settler may go upon it, not as a homesteader, because a homesteader goes upon it without having to pay for it—he earns it by living there—but in this case he does not.

Under the provisions of the law—and I have given them close attention—he must first have it surveyed by metes and bounds, if it has not been surveyed according to the rectangular system of public surveys. He must do that at his own expense. That expense amounts to quite a large sum of money. If a settler were to find a piece of ground agricultural in character in the midst of some of our forest reserves, it would probably cost him from three to five hundred dollars to have it surveyed, because there are great distances intervening and expensive conditions. He must have that surveyed, not as a homesteader procures his land, but surveyed upon the ground, and those notes of survey go to the surveyor-general for the State or Territory in which the land is located, and they must be submitted to the surveyor-general for approval. The settler pays all of those expenses. Then, if the survey is approved, he then lives upon that land under the homestead law, but that is in no sense a homestead. He may live there alone, as has been suggested by the Senator from Oregon [Mr. FULTON], a lifetime or for a generation without ever having a neighbor.

So that these areas are not subject to settlement under the homestead laws at all, but under a special law, which is so burdensome that the ordinary immigrant can not take advantage of it.

Mr. SPOONER. I used the word "homestead" from the law, which reads:

That the Secretary of Agriculture may, in his discretion, and he is hereby authorized, upon application or otherwise, to examine and ascertain as to the location and extent of lands within permanent or temporary forest reserves, except the following counties in the State of California, Inyo, Tulare, Kern, San Luis Obispo, Santa Barbara, Ventura, Los Angeles, San Bernardino, Orange, Riverside, and San Diego, which are chiefly valuable for agriculture, and which, in his opinion, may be occupied for agricultural purposes without injury to the forest reserves, and which are not needed for public purposes, and may list and describe the same by metes and bounds, or otherwise, and file the lists and descriptions with the Secretary of the Interior, with the request that the said lands be opened to entry in accordance with the provisions of the homestead laws and this act.

Upon the filing of any such list or description the Secretary of the Interior shall declare the said lands open to homestead settlement and entry in tracts not exceeding 160 acres in area and not exceeding 1 mile in length, at the expiration of sixty days from the filing of the list in the land office of the district within which the lands are located, during which period the said list or description shall be prominently posted in the land office and advertised for a period of not less than four weeks in one newspaper of general circulation published in the county in which the lands are situated.

Provided further, That any entryman desiring to obtain patent to any lands described by metes and bounds entered by him under the provisions of this act shall, within five years of the date of making settlement, file, with the required proof of residence and cultivation, a plat and field notes of the lands entered.

Mr. HEYBURN. Mr. President, that is the correlative of the ordinary provision of the homestead law, that after five years the settler may apply for a patent; but I want to call the Senator's attention to the fact that that law provides that these things may be done subject to the rules and regulations of the Department, and I am speaking with those rules and regulations in my mind. I am reading them into the law. The Senator will find that that law is of no practical value to the immigrant at all. It may be to a class of well-to-do settlers, if they find suitable land and they think they can afford to incur the expense necessary to be incurred in order to avail themselves of it; but to the people who go in the white-covered wagons—and we see trains and trains of them in our country yet, passing through our roads and our cities—to them it has no value whatever. It is a discriminatory law by virtue of its terms.

Mr. SPOONER. A great many people go in white covered wagons and hunt for land who are not paupers by any means.

Mr. HEYBURN. That is true.

Mr. SPOONER. This law can not be very well changed. It was not the intention of this law that lands chiefly valuable for forest purposes should be opened to homestead settlement; it was intended by this law that land not chiefly valuable for forest purposes should be open to homestead settlement.

If the regulations of the Department are unjust, then it is the right of Congress to change them. I am speaking of the policy of the Government. This is a beneficial statute, which ought to be liberally construed to advance the great purposes which led to its enactment, without opening the door to fraud against the policy which led to it.

Mr. HEYBURN. If the Senator will permit me, I will state that it is a beneficial act to the extent that it partially corrects a grave error.

Mr. SPOONER. How would the Senator correct it all?

Mr. HEYBURN. I would allow land fit for home making to be opened for settlement.

Mr. SPOONER. That is to say, wherever there is a tract of land owned by the Government, covered by timber worth

preserving, that should be open to settlement, if after the timber is removed, the land would be capable of agriculture, opened to homesteads? That, Mr. President, is very nearly for all practical purposes hostility to the policy of forest reserves.

Mr. HEYBURN. Mr. President, if the Senator will permit me a further interruption, as was stated by the Senator from Wyoming, one of the difficulties that we have encountered in our effort to seek a proper adjustment of this question is that we are always confronted with the statement that we are hostile to the preservation of the forest. Mr. President, I am not, and I think that is—I do not charge the Senator with being unfair, but I think it is an unfair argument to assume or state that we are antagonistic to a wise system for the preservation of forests merely because we object to the present system.

The law, as Congress originally enacted it, had it been intelligently expressed—which it was not, for it does not mean anything—exempted mineral and agricultural land from its operation. It was the intention then, as the discussion in the record of Congress will show, that forest reserves should be created upon the mountains and at the heads of streams, and out of the way of settlement; but since this Forestry Bureau—and I am not intending to criticize harshly any individual connected with it—but as soon as they found what a grasp of power it gave them, they immediately sought to enlarge that scope of power, and to go down into the valleys, until now they are just as apt to create a forest reserve in a valley as they are on a mountain.

Mr. PATTERSON. Mr. President—

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

Mr. HEYBURN. I do, with the permission of the Senator from Wisconsin.

Mr. SPOONER. Very well.

Mr. PATTERSON. I have prepared an amendment which is apropos of the identical question which the Senator from Idaho and the Senator from Wisconsin are discussing.

Mr. SPOONER. I am not permitted by the rules of the Senate to yield to the Senator to offer his amendment.

Mr. PATTERSON. Try it and see.

Mr. BEVERIDGE. We on this side of the Chamber can not hear what is being said.

Mr. SPOONER. I have stated that I am not permitted by the rules to yield to the Senator from Colorado to offer an amendment. I am, however, permitted to yield to him to state what his amendment is, and I will do so.

Mr. PATTERSON. My amendment is as follows:

Provided, That the Secretary of Agriculture shall cause all lands heretofore set apart as forest reserves to be classified as near as may be into forest lands, agricultural lands, and mineral lands, and that all agricultural and mineral lands that are not also in fact forest lands shall be excluded from forest reserves, and shall be open to settlement and purchase under existing public laws, and hereafter, before a forest reserve shall be made, such classifications of lands shall be made, and only forest lands shall be included within them.

Mr. BEVERIDGE. May I ask the Senator a question for information?

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

Mr. PATTERSON. Yes.

Mr. BEVERIDGE. I merely wanted to ask the Senator from Colorado a question for information as to his amendment, if he is going to discuss it. The question is, Would that amendment exclude from a forest reserve a mountain valley or a mountain meadow which was all surrounded by forests?

Mr. PATTERSON. It would take up too much time for me to now answer the Senator's question. I do not wish to intrude upon the time of the Senator from Wisconsin, who has the floor, but I expect, before the debate closes, to discuss the amendment.

Mr. SPOONER. Mr. President, I should regret if the Senator from Idaho feels I have cast upon him by my observations any unjust imputation. What I intended to say was that the argument of the Senator was hostile to the real, substantial policy of forest reservation.

Mr. HEYBURN. Mr. President, will the Senator—

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

Mr. HEYBURN. I should be glad if the Senator would yield right there.

Mr. SPOONER. I will.

Mr. HEYBURN. I can not conceive that that is a fair deduction to be drawn from anything that I have said. It is a deduction which might be drawn from what others have said I thought and said that I had said, but not from anything that I have said.

Mr. SPOONER. I am drawing it from what the Senator said.

Mr. HEYBURN. I will state in a word, if the Senator will permit me.

Mr. SPOONER. I know what the Senator said.

Mr. HEYBURN. I am not hostile to the preservation of the forests; I am not hostile to a proper policy for the preservation of forests, but I am hostile to the policy of Congress as it has been interpreted by the executive branch of the Government.

Mr. SPOONER. Mr. President, underlying, I suppose, this forest-reserve policy of Congress was the knowledge of the fact that the timber supply of the United States was rapidly disappearing.

Mr. HEYBURN. Where, may I ask the Senator, was it disappearing?

Mr. SPOONER. It was disappearing all over this country—

Mr. HEYBURN. I know, but where was it going?

Mr. SPOONER. As it will disappear—I will get to that—as it will disappear, Mr. President, with very great rapidity in the far West if there should be enacted into law the proposition of the Senator from Idaho.

Mr. HEYBURN. Now, may I ask the Senator—

Mr. SPOONER. If there is to be thrown open to entry all of the land embraced within the forest reservations which when stripped of timber would be susceptible of cultivation, there would not be very much use of a forest-reserve policy, in my opinion.

Mr. HEYBURN. May I ask the Senator a question?

Mr. SPOONER. Yes.

Mr. HEYBURN. The Senator says the timber would disappear. Where would it go?

Mr. SPOONER. I will tell you where I think it would go. I think it would go just as it went in my State, where homesteaders settled upon land which was covered with magnificent timber, land which when stripped of timber could be utilized for farms, and the timber went into the possession, at pretty low prices, of the great lumbering companies which had the capital and the outfit to cut it and log it and run it down the streams.

Mr. HEYBURN. What did the great lumber companies do with the timber?

Mr. SPOONER. Some great lumber companies sold the timber they bought of the homesteaders and sold the timber they cut off Government land, and I will venture the opinion that enough timber has been cut off Government land within the last hundred years to pay the national debt over and over again, and I will venture another opinion, that by reason of the slothful and neglectful cutting enough timber has been destroyed by fire, generated by the carelessness of those lumbermen, to pay the national debt several times over.

Mr. HEYBURN. But will the Senator permit me to ask a question? What did the lumber companies do with the timber they cut in their mills?

Mr. SPOONER. They sold it.

Mr. HEYBURN. For what purpose? Where is it now?

Mr. SPOONER. What do you buy timber for when you buy it?

Mr. HEYBURN. Where is the timber now?

Mr. SPOONER. What they did do and what they would do would be this: They would buy, as long as it was possible to do it, timber from the homesteader, saying their own for higher prices, awaiting the appreciation in value at a later date and there would not be much timber left in the region. It is nearly all gone in my State. It is nearly all gone in Michigan. It is nearly all gone in most of the Eastern States; and I call my State an Eastern State from the Senator's standpoint.

The Government being the proprietor of this land had a perfect right to adopt a policy that would conserve its timber supply, just as the Government has a right to adopt a policy of conserving the coal supply which underlies the surface of land owned by the Government.

Mr. HEYBURN. I should like to ask the Senator a question here as to the right of dominion. Is it the Senator's belief that the Government alone may regulate the use of its lands within a State?

Mr. SPOONER. It is the Senator's belief that when a Territory containing Government land is admitted into the Union the Government's ownership of that land, its power of disposition, its proprietorship over that land, remain absolutely undiminished and unaffected.

Mr. HEYBURN. And the State has no power to regulate its use?

Mr. SPOONER. The State has no power to tax it—

Mr. HEYBURN. I admit that.

Mr. SPOONER. Because the power to tax involves the power to destroy.

Mr. HEYBURN. How about the right to use it?

Mr. SPOONER. It has no right to use it.

Mr. HEYBURN. Or to regulate its use in any way by its citizens?

Mr. SPOONER. Or to regulate its use by the citizens of the State.

Mr. HEYBURN. Will the Senator allow me to call his attention—

Mr. SPOONER. No; the Senator can do that later. I want to get through.

Mr. HEYBURN. I have a decision of the Supreme Court of the United States on that question.

Mr. SPOONER. What is it?

Mr. HEYBURN. I would call the attention of the Senator to the case of Bacon v. Walker et al., decided February 4, this month, by the United States Supreme Court, in which that very question is settled.

Mr. SPOONER. Let me see the case.

Mr. HEYBURN. I have marked portions of it, but the Senator may not, without close attention, be able to—

Mr. SPOONER. What was the nature of the case?

Mr. HEYBURN. The question was as to the right of the legislature of a State to define the rights to the use of the public domain within the State, and it is decided in that case. The court held that the act of the legislature defining the use of the public lands within the State by the citizens of the State is valid legislation, and that it is competent for the legislature of the State to control the use of the public lands within the State. That is the law.

Mr. SPOONER. School lands or State lands or what lands?

Mr. HEYBURN. Government lands—lands of the Government—of any class.

Mr. SPOONER. Who was the plaintiff in error?

Mr. HEYBURN. The Senator has the decision. The court follow the decision of the supreme court of Idaho. It is what is known as the "2-mile-limit law."

Mr. SPOONER (reading):

We think, therefore, that the statutes of Idaho are not open to the objection that they take the property of plaintiff in error—

Mr. HEYBURN. That is only one point involved in the case.

Mr. SPOONER (reading):

Without due process of law—

Mr. HEYBURN. That is not the point.

Mr. SPOONER (reading)—

and pass to the consideration of the charge that they make an unconstitutional discrimination against the sheep industry.

A decision of neither of those questions, I think, would involve the conclusion which the Senator announced.

Mr. HEYBURN. I have tried to direct the Senator's attention to the part of the decision that does cover it.

Mr. SPOONER. I will yield to the Senator to do that.

Mr. HEYBURN. I will do it by and by, unless the Senator wants me to do it now.

Mr. SPOONER. I yield to the Senator to do that.

Mr. HEYBURN. There has been much discussion upon this question this morning—

Mr. SPOONER. I merely yield to the Senator to read from the decision.

Mr. HEYBURN. I am not going to make a speech. I merely wished to direct the attention of Senators who have entered into the discussion of these questions to the decision. After disposing of the legal question arising under the amendment of the Constitution prohibiting the taking of property without just compensation, the court held that the taking of a man's right to participate in the unlimited use of the public domain was not the taking of property in violation of the constitutional amendment. Then comes the question of the right of the public upon the public domain.

Does the herding or grazing of sheep necessarily, and because of its unwarrantable character, work an injury to the public? And, if dangerous in any degree whatever, are the other classes which are omitted and in effect excepted entirely free from such danger, or do such exceptions tend to reduce the general danger?

I am merely leading up to it.

Contemplating the law in the aspect expressed in these questions, counsel are unable to see in it anything but unreasonable and arbitrary discrimination. This view of the power of the State, however, is too narrow. That power is not confined, as we have said, to the suppression of what is offensive, disorderly, or unsanitary. It extends to so dealing with the conditions which exist in the State as to bring out of them the greatest welfare of its people. This is the principle of the cases which we have cited.

But the statutes have justification on the grounds which plaintiff in error urges as determinative, and on those grounds they were sustained by the supreme court of the State. They were deliberate enactments, made necessary by and addressed to the conditions which existed. They first (1875) had application only to three counties, while Idaho was a Territory. They were subsequently extended to two other counties and were made general in 1887. They were continued in force by the State constitution. (Sweet v. Ballentyne, supra.) The court said, in the latter case:

This is what the supreme court of Idaho stated, and it is affirmed by the Supreme Court of the United States:

It is a matter of public history in this State that conflicts between sheep owners and cattlemen and settlers were of frequent occurrence, resulting in violent breaches of the peace. It is also a matter of public history of the State that sheep are not only able to hold their own on the public ranges with other live stock, but will in the end drive other stock off the range, and that the herding of sheep upon certain territory is an appropriation of it almost as fully as if it were actually inclosed by fences, and this is especially true with reference to cattle. The legislature did not deem it necessary to forbid the running at large of sheep altogether, recognizing the fact that there are in the State large areas of land uninhabited where sheep can range without interfering with the health or subsistence of settlers or interrupting the public peace. The fact was also recognized by the legislature that, in order to make the settlement of our small isolated valleys possible, it was necessary to provide some protection to the settler against the innumerable bands of sheep grazing in this State.

That is the decision of the supreme court of Idaho. The Supreme Court of the United States says:

And the court pointed out that it was not the purpose or effect of the statutes to make discrimination between sheep owners and owners of other kinds of stock, but to secure equality of enjoyment and use of the public domain to settlers and cattle owners with sheep owners.

Recognizing the right of the State to govern the public domain within its borders and the use to be made of it. I resume reading:

To defeat the beneficent objects of the statutes, it was said, by holding their provisions unconstitutional would make of the lands of the State "one immense sheep pasture." And further: "The owners of sheep do not permit them to roam at will, but they are under the immediate control of herders, who have shepherd dogs with them, and wherever they graze they take full possession of the range as effectually as if the lands were fenced. * * * It is a matter of common observation and experience that sheep eat the herbage closer to the ground than cattle or horses do, and, their hoofs being sharp, they devastate and kill the growing vegetation wherever they graze for any considerable time. In the language of one of the witnesses in this case: 'Just as soon as a band of sheep passes over everything disappears the same as if fire passing over it.' It is a part of the public history of this State that the industry of raising cattle has been largely destroyed by the encroachments of innumerable bands of sheep. Cattle will not graze, and will not thrive, upon lands where sheep are grazed to any great extent."

That is quoted from the testimony of a witness.

These remarks require no addition. They exhibit the conditions which existed in the State, the cause and purpose of the statutes which are assailed, and vindicate them from the accusation of being an arbitrary and unreasonable discrimination against the sheep industry.

If that is not a recognition of the right of the legislature to control the use of the public domain, it is not anything.

Mr. SPOONER. That was a police regulation of the State of Idaho, operative upon its citizens; and I discover nothing whatever in it—

Mr. HEYBURN. I think the Senator will discover more in it.

Mr. SPOONER. I am perfectly satisfied without reading it that I will not discover anything in it holding that the United States Government as an owner of land in the State of Idaho may not, if it chooses, forbear to sell it, forbear to lease it, or may not, if it chooses, against any power on earth to prevent it, in the State or out, fence it and exclude people and cattle and sheep from it. It is not for one moment to be imputed to the Supreme Court of the United States that they hold that when a Territory is admitted into the Union as a State, in which State the Government of the United States is the owner of a vast tract of land, the Government of the United States has not the same control over that land within certain limitations that it had before the Territory was admitted.

I agree that if the State enacts a game law, that being an exercise of the police power, the Government of the United States may not enact—operative upon its land—a different game law, because that would be two sovereignties possibly coming in conflict over a subject bearing upon the people of the State and within the cognizance and jurisdiction of the State.

But does the Senator from Idaho contend that the Government may not exclude sheep from its lands in Idaho if it chooses?

Mr. HEYBURN. Mr. President—

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

Mr. SPOONER. I do.

Mr. HEYBURN. The Supreme Court specifically divides the question between that which comes within the police regulation and that which is considered under the power of the State to regulate the occupation of public lands.

Mr. SPOONER. Does the Senator contend that the Congress of the United States may not exclude by law cattle and sheep from the Government lands in Idaho?

Mr. HEYBURN. Yes; I so contend, because they have a compact with the State of Idaho which makes it unlawful for them to do it.

Mr. SPOONER. What is the compact?

Mr. HEYBURN. The compact that admitted the State of

Idaho upon the same basis as other States were admitted to the Union.

Mr. SPOONER. No State ever was admitted into the Union in which the United States owned lands where the Government of the United States sank as a proprietor below the citizen proprietor to my knowledge.

Mr. HEYBURN. If the Senator will examine the act admitting the State of Idaho and others, he will find that Congress discriminated between the character of public lands that were open to the public and to settlement and lands that were held by the Government for a specific purpose—

Mr. SPOONER. Oh.

Mr. HEYBURN. And it required us under the enabling act to concede to the Government only the absolute jurisdiction over the lands held for governmental purposes.

Mr. SPOONER. If the Government owns a great range in Idaho and the Congress does not act and the cattle and the sheep of Idaho may wander over it, then an act of Idaho binding upon its citizens goes all over the State, of course. But I am talking about the proprietary power.

Mr. FULTON. Mr. President—

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

Mr. SPOONER. I yield to the Senator.

Mr. FULTON. I do not wish to interfere with the Senator's line of thought.

Mr. SPOONER. I desire to get through; that is all.

Mr. FULTON. I desire to ask a question.

Mr. SPOONER. I yield.

Mr. FULTON. Does the Senator contend that if the State of Oregon, we will say, requires lands to be fenced, in order that it shall be unlawful for stock to range upon the lands of another, the General Government may, as regards its lands, say that stock roaming at large may not trespass upon the Government lands or go upon the Government lands to graze, even though the Government lands are not fenced, thereby changing entirely the policy of the State in that regard? In other words, if other proprietors were required to fence, would not the Government be required to fence?

Mr. SPOONER. Or otherwise the cattle could go over the range.

Mr. FULTON. That is all I contend.

Mr. SPOONER. I have not contended otherwise.

Mr. FULTON. I did not understand the Senator did, but I wanted to understand clearly what he did contend.

Mr. SPOONER. I have not contended otherwise. It is on the same principle as the game law, exactly. The game law of a State which regulates hunting in the State and the killing of game applies to those who are permitted to go on the public land to hunt and in the Government forests to hunt. What I am contending for is that the Government owns its lands just as a citizen in the State owns his lands.

Mr. FULTON. I agree with the Senator.

Mr. SPOONER. It may sell that land or it may keep it—

Mr. FULTON. I fully agree with the Senator.

Mr. SPOONER. According to the judgment of Congress as to the public interest.

Mr. HEYBURN. Mr. President—

Mr. SPOONER. I wish the Senator would pardon me. He will have "his day." I do not want to spend the whole day on this question.

Mr. HEYBURN. But when a statement is made, if it is not answered, it passes out of one's mind.

Mr. SPOONER. Let the Senator make a memorandum of it and speak later, if he will.

Mr. HEYBURN. Very well.

Mr. SPOONER. I like to be interrupted; but I have some mercy for the Senate, when I think of it.

The Government may lease its lands or not, as it chooses. The Government may fence its lands if it chooses. The Government, if it chooses to employ men enough, may keep everybody off its lands, if it chooses; and the Government never, in my opinion, yielded the right to prevent it to the State of Idaho or any other State.

Now, all I started out to say was that the policy of the Government has been, so far as the forestry laws are concerned, exercising the option which it possesses to hold its timber lands in order to conserve the timber supply of the States and of the country rather than to open it, except in a qualified way, to homestead settlement. It would be opening it, as I said a few moments ago, to corporations cutting, manufacturing, and selling lumber, enabling them to save their own timber supply and obtain that for present uses from homesteaders. The average homesteader can not carry on to any large extent lumbering operations. They clear a little piece for agricul-

tural purposes, for the erection of a cabin. They fence a little space, but for many, many years they do not go beyond that. It is a work of years, and many years ordinarily, to clear a forest farm, and, as the Senator from Utah [Mr. SMOOT] says to me, half of it is lost.

Mr. President, that is not all. The Congress had another thing in view in establishing the forest reserves, and that is of the utmost consequence to the people of the West, of some consequence to those States whose forests have been denuded or destroyed, and that was to conserve the water supply. That is of peculiar consequence to all the people living in the semi-arid region of the country. That plays an important part in carrying to successful consummation the splendid irrigation scheme which is upon the statute book and is now being wrought out. The water supply in the far West and its conservation is of the utmost consequence. Congress had a wise purpose expressed in the act for the establishment of these reserves. The act of June 1, 1897, provides—

No public forest reservation shall be established, except to improve and protect the forest within the reservation, or for the purpose of securing favorable conditions of water flows, and to furnish a continuous supply of timber for the use and necessities of citizens of the United States.

Without this forest-reserve policy, leaving the land open to settlement, except upon the mountain tops, where no man could live, it would not be twenty years until the State of Idaho would have supplied the East and the Middle States with her timber, and her own forests would, in the main, be gone.

Mr. HEYBURN. Will the Senator permit me to suggest something?

Mr. SPOONER. Certainly.

Mr. HEYBURN. I looked at the question from that standpoint four years ago and three years ago. It so happened at the last session of Congress that I was ill and unable to be present. I had therefore kept in the law an exception in the interest of Idaho, providing that lumber should not be shipped by the Government out of the State of Idaho, but during my absence last winter that provision was stricken out. I am going to ask that it be inserted this year.

Mr. SPOONER. Why should it not be shipped out of the State of Idaho?

Mr. HEYBURN. Why should the Government ship it out of Idaho if the forests are being conserved for the future uses of the people of Idaho?

Mr. SPOONER. The conservation of the forests requires that some timber shall be cut.

Mr. HEYBURN. But let it be sold in Idaho.

Mr. SPOONER. Dead and down timber must be removed. A hurricane sweeps through the forest. The timber affected should be cut away, and for two reasons. It will otherwise be destroyed by worms, and worse than that, it invites a fire which may devastate the whole region. That is what conservation of the timber supply means. It means to take out those trees which ought to be taken out in the interest of the timber conservation, and it means that all cutting in the forest reserves shall be done in a manner which will not invite fires, and, second, which will not prevent reforestation.

I am not speaking without some personal knowledge of this particular phase of it. I am not speaking of the details. You may have some things to complain of, and no one would be more prompt to aid in correcting them than I. I am speaking—for there has been generalization here without limit on this subject—in support of this great national policy for the benefit of all the people, both as to the conservation of the forests and the conservation of the water supply; and if I am not very, very, very much mistaken no people anywhere have as acute interest in it as the people who occupy these States and those who are yet to occupy these States.

I once spent six weeks in a city in the West, and during all that time I could not see a vast mountain not far away, because it was obscured by the smoke of forest fires which destroyed millions, untold millions, of property and which worked a lasting harm to people who yet are to go into those sections. So it will not do to say the Government has no right to hold its lands, if it chooses, nor will it do to say that the Government is not far-sighted and kindly in the policy which it has adopted to hold its lands and to protect its lands, and so to utilize them as to benefit the people of the localities and benefit the people of the country.

When Senators talk about the Government becoming a lumber merchant, that is incidental. The forests would be swept away by fire, spoliation, and otherwise but for these timber reservations. You would have the same experience we had, and we had forests which, I have been told, could not be exceeded anywhere in beauty—white pine—except in a part of Idaho. I met one man who had years ago ridden through the Bitter Root

Mountains and down along the stream for miles and for days, and he told me that he never had seen such a forest in his life; and he had seen forests. Ten days' fire would have ruined it for miles and miles; and there is no one on earth who hungers more for such trees and who have more money with which to buy them than a great many lumber corporations. It is a legitimate business. I am not reprobating them, but there is no reason, founded in public policy, why the Government of the United States should open to homestead entry every 160-acre tract of timber land which it owns, provided that land when denuded of its trees would be arable. And that doctrine, I repeat, would simply destroy the forests and turn over—not to be too carefully exercised, either, in the public interest as to the manner of cutting and clearing—to corporations and wealthy firms the timber supply of the West.

Thousands of men who have been driven out by the destruction of our forests in Wisconsin have gone to Idaho and to other Western States to purchase timber. They are good men.

Mr. HEYBURN. May I make a suggestion to the Senator from Wisconsin?

Mr. SPOONER. If it pertains to this subject.

Mr. HEYBURN. I should like to suggest that those who got the most of the forests of Wisconsin and realized the benefit of them are now in Idaho. I admit that.

Mr. SPOONER. I do not know anything about that.

Mr. HEYBURN. I do.

Mr. SPOONER. That makes no difference. The lumberman of Wisconsin is, I think, as good as the lumberman from Idaho or anywhere else in the world. There is no distinction to be drawn between people of different States on that basis.

The question is, Shall the Government dispose of these lands, take no care for the future either as to the water supply or the timber supply, or shall it go along in a wise, not extravagant, but liberal prosecution of the work of forest reservations? For myself, I have no doubt about it. I know it has its hardships to the people of Idaho, to the people of Montana, and to the people of other Western States. I know in a way it deters settlement. I know perfectly well the truth of what the Senator from Oregon and the Senator from Idaho say, that a man with a family is loath to settle upon a piece of land to live for years without neighbors, unable to establish schools, and all that.

But, Mr. President, this law, notwithstanding, is a wise and generous law. I have traveled for days in beautiful valleys along the Snake River and other streams in Wyoming, fertile, susceptible of cultivation, which could be entered under this law. The mountains are full of valleys, some of them extensive, others less so, susceptible of cultivation and all open to settlement under existing law.

There has been no conflict, and is none between the Government and the States as to the enforcement of the game laws. I am told that the officials of the Forest-Reserve Service are under instructions to cooperate in the enforcement of the State laws in respect to game, and that they are doing it.

As to coal, we have a bill pending here which without impeding the development from the agricultural standpoint of the State in which there are deposits of coal owned by the Government, the coal can be conserved by disposing of the surface for agricultural purposes and reserving to the Government the coal and under reasonable conditions to permit its being taken out.

There is a wise public policy in that, Mr. President. So taking it by and large I have no doubt that this forest-reserve policy as a policy is of the greatest benefit to the people of this country, and especially to the people of the far West.

Now, take the lumber business. I want to read a few words, better used than I could use them, from a statement which I asked from Mr. Pinchot. The Senator from Colorado spoke of him as a person of miraculous excellence. I am sure he claims no perfection. I am sure he would not ask any man to put him above his fellows. But he is remarkable for his knowledge in a practical and a theoretical way of forestry, of conserving the existing forests and of planting and rearing trees for future forests. He is remarkable for another thing, that being a young man, a man of brains, a man of wealth, a man of education, to whom larger possibilities in politics or business open themselves, he has chosen to devote himself, sacrificially in some respects, to this great work of forest conservation, of perpetuating for the people yet to come, who will inhabit the valleys and the arable lands and the semiarid lands of the West, a water supply without which it is an irreclaimable desert. He does it for the love of it, not for your little pitiful salary. There are not many men within my knowledge who have been willing to do that.

Instead of being criticised he deserves the highest commendation, Mr. President, in my judgment. Of course he may

have made mistakes. This policy began not many years ago. It has made great progress, not simply in the increase in acreage of the forest reserves, but in the system, in the methods adopted, and in the results. It has gone far enough under his supervision to vindicate the policy as one of great public value.

He sent me this statement at my request, and I will read a part of it. It is a statement in which I have the utmost confidence.

In the creation of reserves agricultural land is carefully excluded so far as possible, but since the nature of the country makes it impossible to avoid including occasional small isolated areas, such areas, when shown to be in fact agricultural, are opened to bona fide settlers under the act of June 11, 1906.

All the resources of the reserves—wood, water, and grass—are open to the fullest use and development, the only restriction being that they shall be so used as to be permanently usable.

That is the object and the value of the policy. It looks not simply to to-day, but to long years to come; not simply to the people who are living in the section now, but to the people who are yet to come and who will come.

The mineral laws apply in forest reserves exactly as they do outside, as provided in the act of June 4, 1897.

Timber on the forest reserves which can be cut safely and for which there is actual need is for sale.

It should not be burned, should it? Why should it not be sold and the proceeds used to carry on this work and to support the Bureau instead of a constant appropriation being made from the Treasury?

Applications to purchase are invited. Green timber is for sale except where its removal—

Here is a thought that is worth much, and it is a part of this whole policy—

Green timber is for sale except where its removal makes a second crop doubtful, or reduces the timber supply below the point of safety for local needs, or injures the streams.

Senators who have been accustomed to looking from their homes upon mountains covered with timber think it will last forever. They are mistaken. I know they are mistaken, because I have been mistaken myself in the same way. It needs care and protection. It does not receive it except upon such a plan and system as affords it under the legislation of Congress.

All dead timber is for sale.

So far as the requirements of law for sale after advertisement to the highest bidder will permit sales are made to small men, so as to prevent monopoly by disposing of timber to large corporations. Is this denied?

Timber valued at \$500,945.76 was sold during the last fiscal year. The time allowed for cutting was from one to five years and amount actually received for timber cut and removed amounted to \$242,668.23.

Settlers and residents are given free use of timber in establishing and maintaining their homes.

Is that true? Is that policy worth nothing? Does that deter immigration? It invites it. The man with a prairie farm, with no timber plot upon it, deems himself very unfortunate. It is worth everything to the people who go there to make homes to feel that the timber within their reach shall be perpetuated and still be open to wise use as the years go on.

Settlers and residents are given free use of timber in establishing and maintaining their homes. During the last calendar year 13,575 free-use permits were issued, to the value of \$68,547.41.

I have a list of the States in which these permits were issued.

The grazing industry of the West depends on the forest reserves because the summer range, without which the winter range is useless, lies almost wholly in the mountains. Grazing animals are excluded from cut-over areas to safeguard the reproduction.

The summer range up in the mountains leaves the grass to grow during the summer down in the valley for winter use. It is so with cattle as it is with the elk. During the summer they are up on the mountain ranges. During the winter they are down in the valley regions, and they find food there which they would not find there if there were no mountain ranges.

It would be impossible to exclude all grazing from the western reserves without ruining the live-stock business of the country and raising the price of meat. Under proper regulation the grazing does little or no harm.

He says something further on that subject which I believe is true. Speaking of the old ranges in the Government reserves:

How is the range used when the lands are still unreserved? It is open to all, without restriction or regulation. As a consequence, there is continual warfare between the big stockmen and the little stockmen, between sheep and cattle men, and the range deteriorates constantly from overgrazing.

I have known instances of that myself, and I suppose the Senator from Wyoming [Mr. WARREN] agrees that that statement is an accurate statement.

Mr. WARREN. It is absolutely correct.

Mr. SPOONER. No mere theory is this. It is the result of observation and study not simply of forests and the conservation of the water supply, but of every detail that bears a legitimate relation to the consummation of this policy.

Take almost any part of the West and ask the old settlers how the grass compares with that of former years. In many localities—

That is, the old ranges.

It is almost totally destroyed.

If a forest reserve is made out of this public land, the range is not locked up. It does not cease to benefit the general welfare. It is grazed by cattle and sheep. It is used by the small man and the big man, but with this important difference: Its use is so regulated that the big man and the small man are both assured of the share which rightfully belongs to them through prior use and settlement, and the grazing is so regulated that the range will support the total number of stock allowed without deterioration. It is kept at its highest productive capacity. It is precisely the same with the range as with the timber. A forest reserve makes sure of a better and wiser use and a permanent prosperity. The stockman wants it.

I ask leave to incorporate this statement in my remarks, Mr. President, and I have nearly finished.

The VICE-PRESIDENT. Without objection, permission is granted.

The matter referred to is as follows:

The forest reserves cover mountainous land in the West more valuable for forestry than for any other purposes. The act of June 4, 1897, specifically provides that no forest reserves shall be established except to improve and protect the forest or to secure favorable conditions of water flow, and to furnish a continuous supply of timber for the use of citizens.

In the creation of reserves agricultural land is carefully excluded so far as possible, but since the nature of the country makes it impossible to avoid including occasional small isolated areas, such areas, when shown to be in fact agricultural, are opened to bona fide settlers under the act of June 11, 1906.

All the resources of the reserves—wood, water, and grass—are open to the fullest use and development, the only restriction being that they shall be so used as to be permanently usable.

The mineral laws apply in forest reserves exactly as they do outside, as provided in the act of June 4, 1897.

Timber on the forest reserves which can be cut safely and for which there is actual need is for sale. Applications to purchase are invited. Green timber is for sale except where its removal makes a second crop doubtful or reduces the timber supply below the point of safety for local needs or injures the streams. All dead timber is for sale.

So far as the requirements of law for sale after advertisement to the highest bidder will permit, sales are made to small men, so as to prevent monopoly by disposing of timber to large corporations.

Timber valued at \$500,945.76 was sold during the last fiscal year. The time allowed for cutting was from one to five years, and amount actually received for timber cut and removed amounted to \$242,668.23.

Settlers and residents are given free use of timber in establishing and maintaining their homes. During the last calendar year 13,575 free-use permits were issued, to the value of \$68,547.41.

Living trees to be cut are carefully selected and marked. Careful and effective provision is made for the reproduction and safety of the forests.

The grazing industry of the West depends on the forest reserves, because the summer range, without which the winter range is useless, lies almost wholly in the mountains. Grazing animals are excluded from cut-over areas to safeguard the reproduction.

It would be impossible to exclude all grazing from the western reserves without ruining the live-stock business of the country and raising the price of meat. Under proper regulation the grazing does little or no harm.

Since the transfer of the Forest Service to the Department of Agriculture two years ago the area of the reserves has increased from 58,000,000 to 127,000,000 acres; the personnel has more than doubled; the use of the reserves by the western people has increased many fold, and yet under the estimates the total cost to the Government of forest work during the coming fiscal year will have increased only from \$800,000 to \$900,000.

During the last fiscal year of the administration of the reserves in the Land Office the total expenses of the Government forest work in the Interior and Agricultural Departments were \$800,000 and the receipts were \$60,000, a net charge of \$407,000. During the first full fiscal year of administration by the Forest Service the expenses were \$1,195,000, the receipts \$767,000—a net cost to the Government of \$430,000.

The policy thus inaugurated, if allowed to continue, would have made the Forest Service self-sustaining in five years from the transfer, or three years more, and while vastly increasing the use of the reserves by the western people and the efficiency of their administration over an area more than double.

Protection against fire is very successful, fires having almost disappeared. The last fiscal year they burned over less than one-tenth of 1 per cent of the total area.

Trespass is practically an end.

The best supporters of forest reserves are the people who live in them or immediately about their borders. The great associations of stockmen, lumbermen, miners, and others support the policy.

The following instructions from the Secretary of Agriculture to the Forester outline the policy:

"In the administration of the forest reserves it must be clearly borne in mind that all land is to be devoted to its most productive use for the permanent good of the whole people and not for the temporary benefit of individuals or companies. All the resources of forest reserves are for use, and this must be brought about in a thoroughly prompt and businesslike manner, under such restrictions only as will insure the permanence of these resources. The vital importance of forest reserves to the great industries of the Western States will be largely increased in the near future by the continued steady advance in settlement and development. The permanence of the resources of the reserves is therefore indispensable to continued prosperity, and the policy of this Department for their protection and use will invariably be guided by this fact, always bearing in mind that the conservative use of these resources in no way conflicts with their permanent value.

"You will see to it that the water, wood, and forage of the reserves are conserved and wisely used for the benefit of the home builder first of all, upon whom depends the best permanent use of lands and resources alike. The continued prosperity of the agricultural, lumbering, mining, and live-stock interests is directly dependent upon a permanent and accessible supply of water, wood, and forage, as well as upon

the present and future use of these resources under businesslike regulations, enforced with promptness, effectiveness, and common sense. In the management of each reserve local questions will be decided upon local grounds. The dominant industry will be considered first, but with as little restriction to minor industries as may be possible; sudden changes in industrial conditions will be avoided by gradual adjustment after due notice, and where conflicting interests must be reconciled the question will always be decided from the standpoint of the greatest good to the greatest number in the long run."

In a word, the object of the Forest Service, as the President has declared, is to create and maintain prosperous homes and conserve the natural resources upon which those homes depend.

Just what does it mean when unreserved public lands are proclaimed public forest reserves? Let us get down to simple facts and see what kind of a change really takes place.

We have, to start with, throughout the Rocky Mountains and Pacific coast regions vast areas of high and rocky land, sometimes densely, sometimes sparsely timbered, frequently covered with brush, and usually producing good crops of grass and other herbage; vast areas which contain the sources of innumerable streams, the waters of which are used for irrigation, power, and transportation. These lands are worthless for settlement. If unreserved, they will not be taken up for homes or cultivated for the support of families. Their altitude, their generally poor soil, their very nature makes agriculture impossible or unprofitable. That they are in no sense of the word homestead lands has been determined beyond all doubt through careful examinations on the ground by western men familiar with western conditions; by men who know from practical experience what lands can be cultivated and what lands can not be cultivated with success.

What are these vast areas good for?

The production of timber and wood, for one thing. The production of summer range for cattle and sheep for another thing. And last, but not least, they are the all-important conservers of the water supply for the farms and manufactures of the lowlands. They are the great reservoirs upon which the solid prosperity of the valleys depends.

How are these resources used when the lands are still unreserved?

The timber is rapidly taken up by individuals under several of the land laws. From individuals it passes to companies and corporations, by whom the most valuable portion of it is cut and marketed. That which remains is burned up, and nine times out of ten the land becomes a nonproductive waste, utterly valueless to the county, State, and nation. The large timber owner profits, but only by what he makes on the timber cut. The county and State profit, but only temporarily, while taxes come in and before the land becomes a waste. The wage-earner profits, but also only temporarily. When the timber is gone beyond repair his occupation goes with it. The Government receives at the most but \$2.50 an acre for timber which has an actual market value of from \$5 to \$100 an acre or more.

When this unreserved public land is made into a forest reserve the timber is still available. It is not locked up or withdrawn from market. It is not left to rot from age and be wiped out by fire. It is still ready to assist in the general development of the region concerned. Anybody can buy it—a thousand feet or ten million feet. It is there to be used by the settler, or, if the settler does not need it, by the big corporation; neither is excluded. But with this very important difference—the land must be wisely used—so used that it will continue to produce timber, the greatest possible quantity of it, and forever. The timber is so harvested that future crops are assured, just as with cotton, wheat, or corn. The lands are protected against fire, and millions of dollars' worth of timber are saved to the Government each year which on the unreserved public domain goes up in smoke. The timber resources are made permanent. The lands are kept productive, and the country, State, and nation reap the benefit. The prosperity which use brings is lasting prosperity, not a transitory boom. Present greed is forced to yield to the requirements of future development. Moreover, the nation receives a fair price for its own. If private or corporate timber in the same locality sells for \$50 an acre, the United States can sell its own timber for \$50 an acre—for what it is worth. Is there any reason why it should be given away for \$2.50 an acre, as it must be if the land is unreserved?

So far, then, as timber is concerned, throwing the public lands into forest reserves means simply that their timber resources are better and more wisely used, for the general benefit, now and in the long run. That is all. There is no other difference.

How is the range used when the lands are still unreserved?

STOCKMEN.

It is open to all, without restriction or regulation. As a consequence, there is continual warfare between the big stockmen and the little stockmen, between sheep and cattle men, and the range deteriorates constantly from overgrazing. Take almost any part of the West and ask the old settlers how the grass compares with that of former years. In many localities the range is almost totally destroyed.

If a forest reserve is made out of this public land, the range is not locked up. It does not cease to benefit the general welfare. It is grazed by cattle and sheep. It is used by the small man and the big man. But with this important difference—its use is so regulated that the big man and the small man are both assured of the share which rightfully belongs to them through prior use and settlement; and the grazing is so regulated that the range will support the total number of stock allowed without deterioration. It is kept at its highest productive capacity. It is precisely the same with the range as with the timber. A forest reserve makes sure of a better and wiser use and a permanent prosperity. The stockman wants it.

What happens to these vast areas from the standpoint of water supply when they are still a part of the unreserved public domain?

They are left to the ravages of fire, to destructive lumbering, and destructive grazing. Their cover of forest, brush, and grass is slowly, but surely destroyed. They gradually lose their sponge-like properties as great reservoirs for holding and regulating the waterflow. The rains rush quickly down the slopes, causing floods in the wet season and droughts in the dry seasons.

In forest reserves these lands are systematically protected. The most important protection is from fire. There is an organized force on the ground whose business it is to prevent this destruction. It is not a perfect force at present, but it is all the time becoming more efficient. If anyone doubts the effectiveness of this systematic protection, let him compare the chaotic conditions on the unreserved public domain with those on the forest reserve. The results are there to speak for themselves.

Let us look at this whole matter from the standpoint of what it really means. In many of the Western States there are very considerable areas of public lands brought together into forest reserves. Maps which show these areas colored in green seem to conjure up

grave fears in the minds of the opponents of the Government's policy, and these green areas are pointed to as if they were huge tracts surrounded by stone walls dropped upon the mountains as a blanket to all future development. The cry goes up that so and so many million acres have been closed to settlement. The truth is that settlement is impossible from the nature of the case. If there were a chance of settlement, these areas would not be in forest reserves. Nobody wants to make forest reserves out of agricultural lands.

Then the cry is raised that the resources are locked up and that the present and future development of the region is crushed beyond hope. This objection is absolutely without foundation for the simple reason that all the resources on each and every forest reserve are *now being used*.

They are being used by those who have the best right to their use. They are being used for the greatest good of the greatest number in the long run. And their use will continue in just this way.

Forest reserve is an unfortunate term. As a matter of fact, the resources of these mountain areas are not reserved, they are conserved. In other words, they are wisely used. The name misleads.

Mr. SPOONER. It is a question which is the wisest and best, to do away with this policy, except up on the mountains where the land never can be utilized for farming purposes, or keep it for the people's use.

Mr. HEYBURN. What people?

Mr. SPOONER. The people who live out there now and the people who are to live out there after the Senator—which I hope will be a great many years—shall have passed to his last sleep. It is not for to-day, and that is where the mistake is. It is in looking upon Idaho purely from the standpoint of to-day. You can pay too much for the too rapid development of a new State. You can pay too much for rapid increase in population in such States. You can lay now a foundation deep and broad and strong for future wealth for all the people of Idaho and the West generally. I think this policy does it. I think Congress ought not to be penurious in carrying it on. I think this notion that no money shall be expended in a work of this kind without estimates is fatal to the work. It is full of vicissitudes. More men may be required to-morrow by a thousand than are required to-day. It depends upon fire; it depends upon whether a whirlwind shall sweep over the timber, as to what will be required to take it out and preserve it. There are many things, Mr. President.

The Senator from Indiana [Mr. HEMENWAY], I think, was mistaken the other day in the figures upon which he based a part of his argument, and I know he is in favor of this policy of forest reserves. It was stated here, as I understood it, that in 1905 the total appropriation for forestry work was \$375,000.

Mr. HEMENWAY. That is right, Mr. President.

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

Mr. SPOONER. Of course.

Mr. HEMENWAY. I said that the whole appropriation for forest reserves was \$375,000. My statement was accurate and correct. The statement the Senator holds in his hand is a misleading statement.

Mr. SPOONER. In what respect?

Mr. HEMENWAY. It includes an appropriation for experiments of different kinds and descriptions to be carried on in the Agricultural Department apart, and that is not a part of the appropriation for forest reserves.

Mr. SPOONER. Was it expended for that purpose?

Mr. HEMENWAY. It was not. It was an appropriation under the control of the Secretary of Agriculture when the forest reserves were under the control of the Secretary of the Interior. If the Senator will permit me, I want to say that there is no man in the Senate who favors forest reserves to a greater extent than I do, and I resent the criticism that the Senator who seeks to have some intelligent idea of what the money is being appropriated for in trying to secure that information is opposing forest reserves.

Mr. SPOONER. I have suggested no such thing of the Senator.

Mr. HEMENWAY. The Senator has not suggested it, but it has come from other Senators. I have gone carefully into the estimates for the fiscal year 1908, and I want to speak of the practical side of this question for just a minute.

We are discussing and have been discussing the benefits of forest reserves. The question pending is a question of appropriation. The Secretary of Agriculture sends in an estimate for the service for the fiscal year ending June 30, 1908. In those estimates he says he wants \$131,460 for the Forestry Service. Then for general expenses, Forestry Service, for experiments of different kinds and descriptions, for testing of timber, and things of like character he wants an appropriation of \$770,060, making altogether \$901,520. He states in these estimates in a note that is added that last year—

Salaries of supervisors, forest rangers, technical assistants, forest guards, etc., paid out of the funds derived from the proceeds of sales of timber, etc., of the national forest reserves.

That is \$863,000, which added to the estimates he has made for this year makes a total of \$1,764,000.

Now, I want to appropriate, and I believe the Senate wants to appropriate, a sufficient sum of money to properly administer the forest reserves, but we want to know, and we have a right to know, how the money is to be expended.

The Secretary of Agriculture, since this discussion has come up, sends in a statement to which my attention has been called, saying that in Idaho it will cost one and two-hundredths cents per acre, and so on—so much per acre. That is not the estimate. They need so many rangers; they need so many superintendents; they need so many men to do this, that, and the other service connected with administering the Forest Service. They know this by reason of their experience in past years. Here is the list. It shows 346 assistant foresters, etc., last year. So they know, by reason of the number of men they have employed heretofore, about the number of men who will be required for the service next year. Why can not the Chief Forester or the Secretary of Agriculture say in plain language: "We want about so many men, and we want to pay them about so much money?" Of course, they can not estimate down to a dozen men, but they can give us an idea of what they propose to do with this money. Then, for one, I am willing to appropriate it.

Mr. PERKINS. I will say, Mr. President, that there are about a thousand rangers and supervisors, averaging about a thousand dollars per annum. That alone would require, say, a million dollars for the rangers for the supervision of the forests.

Mr. HEMENWAY. I am willing that there should be an appropriation for that service.

Mr. BEVERIDGE. I have not the slightest doubt that everybody would be satisfied if there could be a large enough lump sum. I think we are practically agreed on that point. It is of tremendous value, after all, to the service that it shall not be impaired, where the danger is so immense, by too close appropriation.

Mr. HEMENWAY. I am willing, so far as I am concerned, to take that as a basis and appropriate, upon the suggestion of the Senator from California, a million dollars for this service, and then add to it the \$770,000 a year for experiments. But I want to know next year what they do with the \$770,000. The matter is very much confused this year.

Mr. BEVERIDGE. If the Senator will permit me a moment to make a suggestion, I think everybody will agree with the Senator that Congress ought to know what has been done with the money; but as to the definite and accurate detailed items and estimates in advance for a service like this, it must be clear that it would be rather difficult to furnish them. For example, great forest fires occur, and the area of these reserves is immense and they require a great deal of expenditure that can not be anticipated.

Mr. HEMENWAY. But the fact that it is a great service, if the Senator will permit me just a minute, is not going to keep me from inquiring as to how the money of the Government is expended. If you will take this little book—

Mr. BEVERIDGE. Nobody wants to do that.

Mr. HEMENWAY. We find that hundreds of men are employed; we find here for the fiscal year ending June 30, 1906, there was expended for traveling expenses alone the magnificent sum of \$119,000, and this year the traveling expenses are running way beyond that. We find men sent out here at a salary of \$1,100 a year, securing as high as \$1,900 and \$2,000 for traveling expenses. That means over \$6 a day that some of them are receiving for traveling expenses. I do not believe that the Congress of the United States ought to put it in the power of any man to employ hundreds of men, to fix their salaries himself, and to travel expenses himself, and determine all these questions. It is too much power for the Congress of the United States to delegate to any one man in the executive department.

Mr. SPOONER. Mr. President, I have the utmost respect for the ability of the Senator from Indiana, as I have the profoundest confidence in his wisdom and patriotism. No one excels me in that respect. If he thinks I have been criticizing him in the sense that he used that word, I beg to assure him that he was mistaken.

Mr. HEMENWAY. I want to assure the Senator that I do not think he has been criticizing any of my statements; but other Senators have thrown out the intimation that because of an effort to know what is being done with the appropriation and with the receipts from the sale of timber and the receipts from the sale of grazing lands, in some way this forest-reserve system is being opposed.

We talk about making it self-sustaining. With the millions of dollars' worth of timber that we have growing on the forest reserves the Forester can sell a thousand dollars' worth of it or a million dollars' worth of it, or, under the existing law, he can sell \$20,000,000 worth of it in one year. If the Senator wants to preserve our great forest timber, then he had better suggest an amendment to this bill limiting the amount of timber that may be disposed of in any one year by the Forest Bureau, because under existing law they can absolutely sell \$50,000,000 worth of timber or a hundred million dollars' worth of timber in one year.

It would be like my having an estate of 20,000 acres of land and turning it over to the distinguished Senator from Wisconsin to administer for me, and he would come back and say, "I will make it self-supporting; I am selling enough of your timber each year to pay the expense of running the estate; I am renting out your grazing lands to pay the expense of running the estate." These reserves are the property of the Government, and of course the Department can sell enough of the timber each year to pay the expenses, if they want to. But that is not making it self-sustaining; it is selling the property of the Government to pay running expenses.

Mr. SPOONER. Mr. President, I think the Senator is arguing from a false premise. It is not engaging in the lumber business in a strict sense. The object is not to see how much lumber can be manufactured and sold in a year—

Mr. HEMENWAY. I sincerely hope the Senator is right in his statement.

Mr. SPOONER. The purpose is to conserve the forests—that is the primary purpose—and the water supply. How much timber will be sold next year no man can tell. That depends more or less upon nature; that depends upon the condition in which the forests are left by the wind. The theory of selling timber—they do not cut it en bloc, as I understand, as the lumbermen do—

Mr. HEMENWAY. Mr. President, that is the theory that I believe in. But, if the Senator will permit me, the danger is this: Here is a proposition submitted to the House of Representatives to borrow \$6,000,000 in order to construct roads and bridges. Here is a statement in the letter of the Secretary of Agriculture that roads and bridges ought to be constructed. All I fear is that in the anxiety to carry out these great schemes and to progress more rapidly perhaps than is wise there may be more timber sold than ought to be sold, in order to secure a fund with which to carry out these schemes. But I do not criticize anybody for them. I would not give a snap for a man who is not energetic. A man is not worth anything in a Department unless he is an enthusiastic worker in the Department. We have at the head of this Service a wonderfully enthusiastic and brilliant scholar, and he wants to get \$6,000,000 to expend in roads. Congress ought not to give it to him; and I sincerely hope he will not sell the timber in our great forest reserves with which to do that work of construction. One of the objects of my amendment is to prevent just that thing occurring and to provide that our great forest reserves shall be conducted, as the Senator is now suggesting, by selling just such timber as has reached the point where it ought to be sold.

Let us go along taking care of our forest reserves in every way possible. I am willing and anxious to appropriate out of the Treasury of the United States a sufficient sum of money for that purpose. Here are the estimates; here is what they have asked for. If we give it to them, is not that enough?

Mr. SPOONER. Mr. President, I think the Senator is quite right that an accurate report of all expenditures should be made so that the Congress will know—I do not know that it has not been made—how every dollar of the public money in connection with this service has been expended. No one can object to that. I seriously doubt, however, whether you can, without crippling this service, apply to it the same rules as to estimates which are applied to the departmental work and much of the Government work of a different character, because it may develop in a week from now that conserving or subserving the legitimate, necessary part of this work involves the employment of a thousand men—not to cut timber, but to save timber—and the character of the work itself is such that it seems to me impossible to hold the service down to an estimate such as you would have as to the Departments.

Another thing. I do not think there is any foundation whatever for the suspicion or the fear—I will not call it suspicion—expressed by the Senator from Indiana that the head of this Bureau will forget the science with which he is enamored and become a mere lumber merchant; that he will destroy the timber which ought not to be cut simply for the purpose of getting money, rather than to pursue the system, with an underlying principle which has governed him, to cut what ought

to be cut, promoting the great object in view—the conservation of the forests. Down timber ought to be cut, otherwise it will be destroyed. It will not only be destroyed, but it invites fire, which destroys unlimited quantities of timber. The Senator can not tell how much down timber there will be a month from now in excess of the down timber to-day. That depends upon the storms; that depends upon the winds. All I am endeavoring to impress upon the Senator is that this is a service which of necessity must have flexibility.

Mr. HEMENWAY. Do I understand the Senator to say that we ourselves cut and prepare for market dead and down timber, or that we sell it to some one else?

Mr. SPOONER. We sell it. Every tree has got to be marked.

Mr. HEMENWAY. I know; and all we need is the force that does the marking. I suggest to the Senator that our Chief Forester is a man of extraordinary ability, and should be able to lay out his plans for a year and follow them with a reasonable degree of certainty, and make his estimates just as other officers make their estimates.

Of course there has got to be something of a lump-sum appropriation, such as we have in this bill of half a million dollars, which, while intended for improvements, under the language of the bill, can be expended for administration, protection, or any purpose the Secretary sees fit to expend it for. It is well to have a lump sum for this service somewhere, out of which emergencies can be met, and the Committee on Agriculture put in here an appropriation of \$1,000,000. The House appropriated a half million dollars, and the Senate increased it to a million, and we agreed upon half a million, which will be available for administration, for protection, etc.

Mr. SPOONER. Mr. President, it must be borne in mind constantly—and I must yield the floor—that while there has been an increase in expenses there has been a great increase in the area. The forest reserves have increased in area from 57,000,000 to 128,000,000 acres.

I want the Senator to believe, if I can induce him to do it—and I have no thought about it but the public interest and a little knowledge and much faith—that there is every reason to believe that the prophecy of the Chief Forester that in two or three years this Bureau, going along, conserving the timber supply and the water supply with reasonable appropriations from the Treasury will be self-sustaining. Its past earnings demonstrate that. They must cut for the free use of the settler, and all that. I can not go into detail, and I am not antagonizing the Senator—

Mr. HEMENWAY. I understand.

Mr. SPOONER. But I have a conviction that—

Mr. HEMENWAY. The Senator will admit that this is a magnificent estate. The Government owns millions of acres of timber land, many thousands of acres of fine grazing land, and it does seem to me as though any good business man in this country would take that wonderful estate and administer it in such a way, only selecting the dead-and-down timber and only renting our grazing lands for the purposes—

Mr. SPOONER. And the mature timber should be cut.

Mr. HEMENWAY. It seems to me that any good business man could take that wonderful estate and secure from it an income that would go into the Treasury of the United States and more than pay for its administration.

Mr. SPOONER. But he would need some capital.

Mr. HEMENWAY. I want to say, too, that if I could own such a magnificent estate there would be only the dead-and-down timber sold, and the grazing lands rented, at a fair profit, and I would have a wonderful income over and above the cost of administration, as would the Senator from Wisconsin. There is no reason why the agent of the Government can not take that great estate and manage it, as it should be managed, so as to conserve the forests, increase the growth of timber, and yet have a wonderful income to go into the Treasury of the United States, over and above the cost of administration.

Mr. SPOONER. The Senator from Indiana, if we could possibly spare him, would make a magnificent Chief Forester. He might do it; I could not.

Mr. HEMENWAY. I would, out of the receipts, employ Mr. Pinchot, at \$5,000 a year, and all the good foresters of the country and have an ample sum to pay for their advice and their services, and the Senator from Wisconsin would, too. Think of it! One hundred and twenty-seven million acres of land, with no taxes to be paid, with the dead-and-down timber all over it to sell, fine grazing land—the man who could not take that land and get an income out of it over and above administration expenses ought not to be in the service of the Government.

Mr. SPOONER. Mr. President, that is very easily said; but even the Senator from Indiana, able as he is, could not do what

he says he could do. The Senator from Indiana can not make bricks without straw. Mr. Pinchot is not the owner of the estate. He is the agent of the Government, which is the owner. I only want to say in conclusion—

Mr. HEMENWAY. Mr. Pinchot's status borders very closely on ownership.

Mr. SPOONER. Now—

Mr. HEMENWAY. Mr. President—

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

Mr. HEMENWAY. Mr. President, I say the legislation, if the Senator will permit me—

The VICE-PRESIDENT. The Senator from Wisconsin has not yielded.

Mr. SPOONER. I shall soon yield the floor, Mr. President.

I have a conviction that this is one of the best services under the Government; that it is well started on a proper plan; that it is being conducted in a scientific way, and that the Chief Forester ought to have the money which he deems necessary, within fair limits, to enable this plan and this system to be developed and consummated. He can not do it without the money.

The more acres a man has to take care of the more money it requires to enable him to take proper care of them. One hundred and twenty-eight million acres, Mr. President! It is an impossibility for an agent to conserve and protect them without the owner affording him implements with which to work, money with which to hire men, the means with which to meet vicissitudes. It is a work that I for one shall not vote to endanger even. I would make the appropriation, if I had power to do it, just what is asked. I would demand a strict account of expenditures, but I would not stop its development at the present stage of it. I would let it go on for a couple of years, taking the chances, from what has happened, that it will shortly be what the Chief Forester predicts—a service that will take care of itself, without requiring any money raised by taxes among the people at large. That is only my view about it.

Mr. PROCTOR. Mr. President, our action, when this matter was before the Senate day before yesterday, was somewhat hasty—a trifle hasty—and there was only a viva voce vote. In order to bring a definite question before the Senate, I propose, before I leave the floor, to make a motion for action and to ask a vote upon it. I do not propose myself to make any extended remarks. If there are any to be made, they can come with greater force from Senators who are better acquainted with these reserves. I will ask that the letter which I send to the desk, from the Secretary of Agriculture, be read by the Secretary.

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

The Secretary read as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, February 21, 1907.

Hon. REDFIELD PROCTOR,
United States Senate.

MY DEAR SENATOR: The enactment into law of the amendment agreed to would practically cripple the Government forest work. The Forest Service would be left with \$1,500,000 with which to meet a closely estimated and absolutely needed expenditure of \$2,500,000. This \$1,500,000 is made up of \$900,000 proposed to be appropriated and \$600,000, the estimated balance of earnings at the end of the year.

The sum of \$500,000, proposed to be appropriated for working capital, ought not to be included in the appropriation for running expenses. If it should be necessary to use it for current expenses, the loss would be greatest to the poor settlers of the West, who need the roads and trails in the forest reserves which it will provide, but who can not afford to build them for themselves.

To cut almost in half the sum needed for the care and protection of the national forests would strike at every industry in the West. It would endanger the irrigation work of the Government by exposing the forests to fire. Forest fires threaten the mining industry, because it depends on cheap timber. Especially it would threaten the settler and home builder by making it difficult or impossible to see that he gets promptly and easily, and with safety to the forest, the small supplies of timber which the Government gives him without charge, but which are so necessary to him. There is no industry in the West which does not suffer when the forests are destroyed.

Under these circumstances I have had drawn up the inclosed summary of estimates for the Forest Service for the fiscal year 1908. They are based upon detailed records of the actual cost of work done, and they provide only for necessary forest work which the law imposes upon this Department. The inclosed statement shows, per acre by States, the estimated cost for the fiscal year 1908 of the management of the national forest reserves. The differences in cost per acre between individual reserves and consequently for the total reserve area in each state, can not now be estimated closely in advance. New sales of timber, forest fires, and other local developments or emergencies which can not be entirely foreseen so far in advance, may greatly increase the expense for any one reserve or for a group of reserves, and thus for the State in which they lie. I attach this statement merely to show in part the actual detail upon which the total estimate is based.

Under the estimate of cost for general administration I have included not only the administrative work of the Forest Service, but also inspection, and the necessary record and routine work of the Wash-

ington office. You will notice that the total cost of general administration is only 8 per cent of the total cost of the Forest Service. This charge is exceedingly low. We get it by putting the transaction of current business in the hands of the western field officers on the ground instead of conducting it at long range on paper from Washington. To this policy, coupled with the thorough system of inspection enforced by the Forest Service, I believe the vastly increased usefulness of the forest reserves to the western people is directly due.

Study on the ground, for which the third item provides, is needed to handle the practical questions arising in the management of the national forests. A good beginning in this work has been made, but unless it is continued we can not use the forests as we should. The more we know about these forests the better and more fully we can use them. Investigations to find new uses for woods at present valueless or little known yield great returns, as they have done in the case of western hemlock and southern gum.

Through its cooperative studies with private forest owners and users of timber, the Forest Service is getting results which are actually worth many millions of dollars annually in the prevention of forest fires, in the increased yield of timber, in its preservative treatment, and in economy in its use. Through this work and the publication of its results for the benefit of all, the Forest Service is building up an active sentiment for the wise use of the forest among our people. Approximately four-fifths of the forests of the United States are in private hands. It is from them that our timber supply in the future must mainly come.

The estimates inclosed show a cost of 1½ cents per acre for administering the forest reserves. Prussia spends over \$1 per acre, Bavaria about a dollar and a quarter, France about a dollar. We are handling a property worth nearly a billion and a half of dollars for a fraction of 1 per cent of its value, and that property is increasing in value and usefulness at the rate of more than 10 per cent a year.

Very sincerely, yours,

JAMES WILSON, Secretary.

Estimate for the use, maintenance, and protection of the national forest reserves for the fiscal year 1908.

State.	Area of forest reserves.	Cost per acre.	Total cost.
	<i>Acres.</i>	<i>Cents.</i>	
Idaho	19,048,806	1.2	\$228,586
Montana	17,344,883	1.5	260,173
South Dakota	1,283,720	3.2	40,439
Wyoming	8,637,366	1.4	120,923
Oregon	12,500,728	1.6	200,012
Washington	7,785,600	1.5	116,784
California	19,882,487	2.1	416,896
Nevada	766,959	1.8	13,805
Colorado	12,698,825	1.9	241,278
Utah	6,731,306	1.9	127,895
New Mexico	7,024,504	1.8	126,441
Nebraska	556,072	1.1	6,117
Oklahoma	60,800	6.0	3,648
Kansas	97,280	1.7	10,700
Arizona	9,450,825	1.7	160,664
Alaska	4,909,880	4.0	19,639
Minnesota			20,000
Porto Rico	65,950	1.5	1,000
Total	128,825,991	1.6	2,115,000

Mr. PROCTOR. Mr. President, this interest is one of very great importance. I do not believe that any Senator wishes to cripple the appropriation, so that proper care can not be given to these great reserves. They have been increasing rapidly. We have no assurance that there may be other increases. In order to bring before the Senate a question which can be discussed, if necessary—and I will say that I do not propose to discuss it, but will ask for a vote upon it—I move that the vote by which the amendment on page 41, line 13, was adopted be reconsidered for the purpose, after it is reconsidered, of asking for an increased appropriation for the general expenses and care of the forest reserves.

The VICE-PRESIDENT. The Senator from Vermont moves to reconsider the vote by which an amendment, which will be stated, was agreed to.

The SECRETARY. On page 41, line 13, the words "fifty-seven thousand three" were stricken out and the words "fifty-six thousand eight" were inserted; so as to read "\$756,800."

Mr. PATTERSON. I desire to say something both upon the subject of forest reservations and the grazing proposition contained in the bill.

Mr. PROCTOR. I do not understand the Senator.

Mr. PATTERSON. I thought the Senator sent the amendment up to be voted upon; and before the vote is taken I desire to be heard.

Mr. PROCTOR. It is customary, I believe, in a matter of this kind, on a question of reconsideration, to assent to it, and I hope the Senate will agree to it. Then I will move the increase.

Mr. PATTERSON. I make no objection to the reconsideration.

The VICE-PRESIDENT. Without objection, the vote to reconsider is agreed to.

Mr. PROCTOR. I move to insert in line 12, after the word "expenses," the words "one million;" so that it will read "\$1,756,800."

I make this motion because the Secretary shows very clearly

that this amount will be necessary to properly care for the 128,000,000 acres of forest reservations and because I believe that many Senators voted in the haste of a viva voce vote and, considering the matter more fully, think that this addition or some considerable addition should surely be made.

Mr. PATTERSON. Mr. President, I suppose the entire question of forest reserves and the matter of grazing lands will be thrashed out before the grazing proposition is reached. Most of the speeches have been made upon the proposed change affecting the grazing lands of the different States, and I suppose that both propositions may as well be thrashed out now, so that when the grazing proposition is reached the necessity or the provocation for much speaking upon the subject will be avoided.

It was my purpose, Mr. President, and I suppose I will have the right to do it, even though the Senator from Vermont has offered an amendment, to send up two amendments and to have them read, which I propose to ask votes upon.

The VICE-PRESIDENT. The Senator from Colorado proposes two amendments, the first of which will be stated.

The SECRETARY. On page 42, at the end of line 16, after the word "dollars," insert:

Provided, That no charge or license fees shall be imposed for the grazing of live stock within forest reserves.

Mr. HEMENWAY. May I inquire whether the amendment offered by the Senator from Vermont has been agreed to?

The VICE-PRESIDENT. It has not been.

Mr. PATTERSON. It is still pending.

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

The SECRETARY. On page 142, line 7, after the word "available," insert:

Provided, That the Secretary of Agriculture shall cause all lands heretofore set apart as forest reserves to be classified, as near as may be, into forest lands, agricultural lands, and mineral lands, and that all agricultural and mineral lands that are not also in fact forest lands shall be excluded from forest reserves, and shall be open to settlement and purchase under existing public laws, and hereafter, before a forest reserve shall be made, such classification of lands shall be made, and only forest lands shall be included within them.

The VICE-PRESIDENT. The amendment will lie on the table. The Chair will state that under—

Mr. PROCTOR. I understand the question before the Senate is upon the amendment which I have offered.

The VICE-PRESIDENT. It is upon the amendment proposed by the Senator from Vermont. The Chair will state that under the strict letter of the unanimous-consent agreement individual amendments are not in order until after the consideration of the committee amendments.

Mr. PATTERSON. I have not formally offered the amendment. I simply asked to have it read, stating that I intended to offer it after the amendment of the Senator from Vermont had been disposed of.

The VICE-PRESIDENT. The amendment will lie on the table.

Mr. PATTERSON. Mr. President, I desire to make clear the attitude of the people of the part of the West that I in part represent upon the question of forest reserves. There is no enmity to forest reserves in Colorado. The people of Colorado recognize if not their present their future advantage to the country—that is, if they shall be efficiently and wisely administered. But we are opposed to the forest reserves as now declared and defined and as they are administered; and I think I am within the truth when I say that 90 per cent of those in Colorado who have been affected by the management of the reserves are dissatisfied with it and make loud and, I think, well-founded complaints.

Mr. President, a forest reserve does not mean a reserve that includes vast areas of agricultural and mineral lands upon which there are no forests nor upon which it is expected that forests will be grown. If the forest lands only were selected, allowing a fair margin for lands that are not forest to accompany them, there would not be so much complaint; but when, under the power given the President to declare and define forest reserves, they are made to include areas of land larger than States in this Union which are not forests and, so far as the knowledge of man goes, never have been forests and will not be forests, shutting them out from occupation and settlement by the growing population of this country, then they enter their solemn and serious protest.

In addition, Mr. President, when the management of these reserves thrusts itself into the every-day life of those who have to do with them, when they hunt out a man who has taken possession of an abandoned cabin while he is prospecting for valuable minerals, and it threatens to eject him and turn the cabin over to somebody else who will pay the small tribute of five or

ten dollars to the Government, when, if a man's cattle shall range on territory over which they have always ranged since white men occupied the territory, the owner is compelled to pay an additional tax upon his cattle or subject himself to heavy fines and to possible imprisonment; when wherever you go through forest reserves or in their vicinity you are beset with so-called "forest rangers," Mr. President, there is too much government, too much paternalism, too much interference with the private affairs of the people in all of that, and it is to such injustices that the protests are entered.

Mr. President, we had no forest-reserve laws in this country until a very, very few years ago. Indiana, Ohio, Illinois, Wisconsin, Michigan, Kansas, Nebraska, and all the other Western States, and nearly all the Middle and Southern States, were thrown open to settlement, were occupied by agriculturalists and stockmen without let or hindrance.

Mr. BEVERIDGE. Mr. President—

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

Mr. PATTERSON. With pleasure.

Mr. BEVERIDGE. Does the Senator think because at a certain period of history we were without forest reserves therefore we should continue to go without forest reserves?

Mr. PATTERSON. No; I do not. But I do think that after such a State as Indiana, for example, which the Senator in part represents, and such States as Ohio, and Wisconsin, and Michigan, and Kansas, and Nebraska, and other of the great Commonwealths of the country have been populated, and settled, and developed, and civilized, when all of their broad areas have been opened to occupation and settlement by the people without such obstructions as forest reserves; when they undertake to impose a new and a radical and a revolutionary system upon States younger than theirs, they ought to be willing to make it a conservative measure and not demand one that is radical and burdensome.

Mr. BEVERIDGE. Would it interrupt the Senator if I make a suggestion which will occur to him probably, as he comes from one of those States, and we are proud in Indiana that the Senator came from our State. That fact is this: There is no person in any of the States he has named—Indiana, Ohio; and he heard what the Senator from Wisconsin [Mr. SPOONER] said about his own State—who is not sorry that we did not have just such a system of scientific forest preservation where it was needed, instead of having what actually occurred, the ruthless destruction of our woods and the consequent dearth in our streams.

Take the State of Wisconsin, about the destruction of the forests in which the Senator from Wisconsin spoke with so much feeling. I spent a great many weeks in the midst of the heart of what only a few years ago was one of its forest reserves, and that forest had been destroyed by an act of the legislature under the influence, I was informed and believe, of vast lumber interests some years ago. And where those forests, which were preserving the water supply, once stood, showering untold benefits upon the people on both sides of the watershed, is rapidly becoming as denuded as though it had been a sandy plain of rock and desert.

Mr. PATTERSON. Now, Mr. President—

Mr. BEVERIDGE. Does not the Senator think it would have been a good deal better if we had not had the lack of system that we had?

Mr. PATTERSON. I do not object to being interrupted by the Senator from Indiana or by any other Senator for a question or a short statement in order to make his question clear; but if interruptions are to continue, I hope they will not consist of lengthy discussions, even though they contain the valuable information of which the Senator from Indiana is so full.

Mr. BEVERIDGE. Will the Senator permit me a question?

Mr. PATTERSON. Not now, because there is no such thing as continuity of thought under a process of that kind.

Mr. BEVERIDGE. Will the Senator permit a question?

Mr. PATTERSON. Yes; just a question.

Mr. BEVERIDGE. Yes; just a question. I wish to ask the Senator whether he remembers that during the speech of the Senator from Wyoming [Mr. CLARK] the Senator from Colorado interrupted him two or three times, not to ask a question, but to make remarks several times as extended as the remarks I have just made?

Mr. PATTERSON. Yes; but where I have done that thing once, or where any other Senator on this floor has done it once, I think we may safely say that whenever the Senator from Indiana is in his seat he does it a dozen times.

Mr. BEVERIDGE. Mr. President—

Mr. PATTERSON. Mr. President—

Mr. BEVERIDGE. The Senator must permit me to answer that.

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

Mr. PATTERSON. The Senator from Indiana says I must—

Mr. BEVERIDGE. And of course the Senator will.

Mr. PATTERSON. I yield.

Mr. BEVERIDGE. The Senator is always engaging, but particularly so when he essays into the realms of imagination. He will find, upon an examination of the Record, that I have used less of the time of the Senate every session since I have had the felicity to be a colleague of the Senator by at least nine-tenths than the Senator himself. [Laughter.] The Senator has taken at least ten times as much time, and of course has given the Senate a hundred times as much information.

Mr. CLARK of Wyoming. Mr. President—

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

Mr. PATTERSON. Certainly.

Mr. CLARK of Wyoming. I simply wanted to suggest, in view of what has been said of the interruption of the Senator from Wyoming this morning, that they were very welcome, because the Senator from Wyoming knew the time would be better occupied than when he himself held the floor.

Mr. PATTERSON. When I made the criticism upon the Senator from Indiana, it will be noted that I guarded it carefully.

Mr. BEVERIDGE. I thought it was a compliment.

Mr. PATTERSON. I have the floor, and I must be permitted to complete at least a single sentence without interruption by the Senator from Indiana.

I carefully guarded it, and said that when the Senator was in his seat in the Chamber. Of course when he is out of the Chamber—

Mr. BEVERIDGE rose.

Mr. PATTERSON. There, you see. The Senator can not keep his seat.

Mr. BEVERIDGE. Mr. President—

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

Mr. BEVERIDGE. I merely want to say to the Senator that that same criticism can not be made upon the Senator from Colorado, for when he is in the Chamber he is always on his feet. [Laughter.]

Mr. PATTERSON. If I were absolutely sure that the code duello was not in existence in Indiana, I would say concerning this last statement of the Senator from Indiana what the truth is; but if his valor be as great—I was going to say as his loquacity, and I can find no other word now to use—and the code duello were a part of the Hoosier creed, I would not for a moment put myself in the danger that the proper designation of his statement would impend.

Mr. BEVERIDGE. Mr. President—

Mr. PATTERSON. The Senator from Indiana and his action upon the floor in a debate in which he interests himself remind me of a scene I witnessed on the floor of the House of Representatives when I was a Member there, so long ago that the memory of man runneth not to the contrary.

Mr. BEVERIDGE. Very ancient history.

Mr. PATTERSON. The Member from Ohio, Mr. Cox, was making a speech. The present Speaker of the House, Mr. CANNON, then a tyro like I was myself, had been interrupting Mr. Cox, and previously had been interrupting a number of other Members in the speeches they were making. Mr. CANNON found it impossible to speak on any subject without a prodigious arm movement and an aggressive pointing of the index finger that has since helped to make him famous. The Member from Ohio got a little disturbed at the frequent interruptions. When the present Speaker rose again and sought recognition Mr. Cox proposed that if the Member from Illinois would put his hand in his pocket, so that he would not shake his finger at him and the other Members of the House, he would permit him to occupy the floor as long as he did so. [Laughter.] Mr. CANNON agreed to the proposition, and he put his hand in his pocket. He commenced to speak; but he had not spoken three seconds before his hand was out and his finger was pointing at Mr. Cox. [Laughter.] Immediately Mr. Cox called him to order, and Mr. CANNON was compelled to take his seat.

I hope that this little story, which is absolutely true, will find recognition by the Senator from Indiana, so that Senators may occasionally have the benefit of a little noninterference with their arguments.

Mr. BEVERIDGE. The Senator is—

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

Mr. PATTERSON. I must—

Mr. BEVERIDGE. This, I think, is the last time. I am very fond of the Senator and his reminiscences, and he will be courteous enough to permit me also to indulge in a very brief reminiscence concerning something which the Senator himself said a moment ago, to wit, that he would be glad if he could be permitted to finish a sentence.

I remember having heard of a scene, not in the other Chamber, but in this Chamber, where Mr. Evarts, of New York, gave a description of one of his own sentences which I think is applicable to those of the Senator. Mr. Evarts said of his sentences that the trouble was that "they lacked terminal facilities." [Laughter.] So it is hard to let the Senator from Colorado finish a sentence.

Mr. PATTERSON. Whatever may have been the self-admitted faults of the then Senator from New York, if I could only be graced with them, however he or others might have regarded them, I would be proud of my accomplishments and the people of Colorado would be proud of one of their Senators.

Mr. BEVERIDGE. There was no criticism in that. It was merely pointing out to the Senator that it was hard—

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

Mr. BEVERIDGE. That it was hard to let him get through a sentence. Now I will not interrupt the Senator any more.

Mr. PATTERSON. Mr. President, there are some things which are almost incredible, but I believe, under the circumstances, the Senator will do his best to live up to his pledge. [Laughter.]

Mr. President, I want to make plain to the Senate, if I can, the real attitude of the people of Colorado with reference to this grazing proposition and the forest reserves. As I said, we believe in forest reserves, but those who are thrusting them upon us are the representatives of States that have grown into mighty empires, that are studded from north to south and from east to west with great cities and towns and villages and farms and shops. If our mountain States were like unto them, we would not complain. But, like the Senators from States whose limit has perhaps been reached, at least whose prosperity and population have been insured, we might, if we were not too broad for such littleness, attempt to foist an unwelcome and distasteful system upon weaker States.

When I lived in Indiana I recall that the people were engaged in clearing the forests, and they were clearing the forests to make homes, to build upon the lands their houses and barns, and that they might replace the timber with fields of corn and grain and orchards. I put it to the Senators from those States, if some inspired genius had arisen in the early days of their States' history and suggested that the destruction of the forests was a crime, that populating the country was a mistake, that a third of the area of Indiana or Michigan or Ohio should remain untouched and unpopulated in order that forests might grow and wild animals roam in their wilds, and the Government put his vagaries into effect, I have no question but that there would have been trouble in those States, troubles that would have resulted in bloodshed.

Mr. President, let us have forest reserves; let the reserves be guarded, let them be patrolled, let regulations be made to prevent fires occurring and for their extinction; even take steps to preserve the game; but I protest, in common with the people of the State I in part represent, that under the so-called "forest reserve" we do not want more than a fifth of our State taken from the people and turned into a mere game preserve.

I refer to the table that accompanied the letter from the Secretary of Agriculture which was sent to the clerks' desk by the Senator from Vermont [Mr. PROCTOR] to show what this means to some of the States. In Idaho there are 19,000,000 acres taken from settlement and cultivation; in Montana there are 17,000,000 acres and more set apart for silence, to be deprived of population; in Oregon, 12,500,000 acres; in California, 19,000,000 acres; in Colorado there are 12,000,000 acres; and so on down the list of States, until we find that 128,825,921 acres have been, by the edict of a single man, separated from the rest of the country and practically, though not theoretically, shut up so that the settler may not enter it and its wealth may not be developed, and that it may be turned over to game and live stock.

Nearly every Senator who has experience with these reserves has borne the same testimony. It is that while the right of entering lands within the forest reserves as homesteads is given, it is practically a right without power to take advantage of it, for when the home seeker finds that those lands are occu-

pled to their full capacity with the cattle and horses and sheep of those who pay the Government for the right of grazing and that the stock owners thus occupying the lands frown upon those who enter them to divide them into farms and to make permanent homes upon them, not alone because they interfere with the ranges and the fences that inclose their homesteads and may shut out the water front from their cattle, the settler is timid about occupying them and his fears tell him he had better not.

The ordinary homestead seeker is a man of peace. He comes from the East and the West, the North and the South, and he soon learns by an experience which can not be ignored that while under the letter of the law he may enter within the boundaries of a forest reserve and take up a homestead, he is not a welcome visitor and that he will suffer annoyances which are calculated to make life on the reserve uncomfortable.

From this fact alone it is the experience of all the States having these forest reserves that homestead settlements within the reserves have practically ceased; not because good lands are not there, not because the law is not upon the statute books, but because the homesteader in going there enters a hostile atmosphere. Their home is not one of pleasure and comfort. Those who should be their neighbors and friends meet them with a frown. So, preferring not to have neighbors of that kind, they seek their homesteads elsewhere.

With the letter of the law permitting it there are no homesteads taken up within these forest reserves; or, if there are, there are only enough to be an exception to the general rule; there are not enough to form settlements such as we find outside of the reserves.

Therefore, Mr. President, we believe that the first thing which should be done with the forest reserves already made is to have them classified with some degree of care, although it need not be with mathematical accuracy. Let the Agricultural Department, through its proper officials, determine what are agricultural, what mineral, and what are timber lands within the reserves, and then let it segregate from the forest reserves the agricultural lands and the mineral lands; and let the timber lands and the mountain summits that are above the timber line be set apart and regarded as forest reserves; and let the money of the Government be expended in protecting and improving them.

If that should be done, Mr. President, there would be no word of complaint from the Senators representing the States in which these forest reserves have been created. But when we find that this system arrests our States in the race they are making with their sister States for wealth and supremacy, that it sets apart large areas of their agricultural and mineral lands, excluding them from agricultural settlement and turning them over to the wild game and the tame cattle to roam in, we protest, and we will continue to protest as long as such a system exists in our country.

There has been a glamour and romance attempted to be thrown over this whole forest-reserve business. The man at the head, and who perhaps did more than anybody else to produce it, is raised to the attitude of a great benefactor to the human race. I have listened to the eulogies passed upon Mr. Pinchot until I really commenced to feel that Senators were putting a new Richmond in the field, and that perhaps when the national Republican convention met the cry would be "Pinchot and forest reserves" instead of "Roosevelt and the curbing of the trusts."

Mr. Pinchot is a very good man—not much better, however, than a good many others. He is a man who rides a hobby—a hobby that if ridden with judgment might accomplish some good, but I am satisfied Mr. Pinchot is riding his hobby to a fall.

WHY SHOULD STOCKMEN PAY TRIBUTE?

Mr. President, why should the owners of stock be compelled to pay tribute to this new-fangled method of dealing with the public lands? The early settlers in Ohio, Indiana, Illinois, Nebraska, and Kansas had free range for their cattle, their horses, and their sheep. Probably a number of those who are recognized millionaires to-day got their start in life with the free range they got in those States. But after they have used the range, after their States are settled, after their resources are developed, after there has been a free opening to all the world to enter the entire area of their States to take up and occupy every square mile within them, they start a movement, and boost it—that is, I will not say intended to cripple the mountain States, but that does in fact seriously cripple them and shuts them out of the race of prosperity upon equal terms with the other States.

Mr. President, as to these forest reserves, first, they should be

limited. Agricultural and mineral land should be excluded from them. If the system is worth anything, it is worth starting it upon a proper basis, so that it will not be used for eliminating other lands than timber lands from the domain that belongs to the people.

And if it is properly administered, if the area is confined, the cost of administration will be much less than it is now. If it costs \$2,000,000 or \$3,000,000 per annum to administer the forest reserves as they are, and if through the agency of Congress a fourth of their area shall be taken from them and thrown open to settlement and cultivation, the cost of the management of the forests will be cut down in proportion as they are diminished in size.

Mr. President, if these reserves are curtailed there will be no necessity to levy a tax upon stockmen to make this new department self-supporting. The sale of timber—not dead timber, old timber (dead timber has little or no market value) but commercial timber that may be cut from the reserves each year—will within a short time not only furnish all the money necessary to run the forestry department, but will place a handsome surplus in the Treasury.

I know, Mr. President, it is plausible to maintain that these are the lands of the Government and, because they are, the Government should charge for their use. But so were all the lands of the country that heretofore have been settled and occupied. When you speak of the lands of the Government you mean the lands of the people, the lands of all the people. They are lands that heretofore have been opened to the citizens of every State in the mountain region and everywhere else; they have been grazed upon from the Atlantic to the Pacific, but now suddenly they can not be used by stock growers unless they pay a stipulated tax for every head to the Government. And what power has this forestry board to levy taxes? There is not a word in the statute that authorizes such official usurpation. As I suggested in my remarks the other day, the Constitution confers upon Congress, and Congress alone, the power to levy and collect taxes; and I take it unless authority is found in some act of Congress delegating to some other body the right to levy and collect taxes the authority does not exist.

We find that stockmen are now forced to pay a stipulated annual tax upon every head of their live stock within a forest reserve without any statutory authority to require them to do so. The Secretary of Agriculture compels stockmen to pay licenses for the use of the land for grazing purposes. When there is no authority found for acts of that kind, I can safely ask the Senate, What right has been conferred or what authority can be found to justify this imposition of license fees?

As a matter of course this proposition to lease the grazing lands is a necessary part of the forest-reserve system. They are twins in everything but the day of their birth. The wonder is that they were not born at the same time. The grazing proposition has, I suppose, the same inspiration as have the forest reserves. It is the same desire for money getting, or, if not that, of intermeddling, of making the Government felt, of showing the authority and the power of the Government through some ambitious official who has led to this new movement.

I desire at this time to have some dispatches, resolutions, and letters read that bear not upon the matter of forest reserves, but upon the proposed new system of leasing the grazing lands. Here is a dispatch that was sent by the governor to my colleague [Mr. TELLER], and my colleague sent it to me to have it read to the Senate. I ask that the Secretary may read it.

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

The Secretary read as follows:

DENVER, COLO., February 18, 1907.

Hon. HENRY M. TELLER,
United States Senate, Washington, D. C.

Have sent following message to Vice-President FAIRBANKS: "The honorable senate and house of representatives of the State of Colorado join me in most respectfully requesting the honorable Senate and House of Representatives of the United States to postpone until the next session of Congress all consideration of measures which would interfere with our citizens acquiring title to public lands under the homestead law. Postponement of action until the next session of Congress will give the people of the Western States opportunity to be heard. Large districts which would now be classed as grazing lands will become agricultural lands in the near future under the application of scientific methods of farming."

HENRY A. BUCHTEL,
Governor of Colorado.

Mr. PATTERSON. Here is a dispatch from the president of the Denver Chamber of Commerce on the subject, which I ask be read.

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

The Secretary read as follows:

Hon. THOMAS M. PATTERSON,
Washington, D. C.:

You are urgently requested to use your best efforts to prevent the passage of the so-called land-leasing bill at this session of Congress.
THE DENVER CHAMBER OF COMMERCE,
MEYER FRIEDMEN, President.

Mr. PATTERSON. The Senator from Nevada [Mr. NEWLANDS] spoke of the action of a convention of cattlemen out his way; stating that they favor this new leasing system. That convention sent several representatives to Washington. Whether they were invited to come I do not know; but those who came professed to represent a national convention of all classes of cattlemen, and doubtless had much to do with stiffening the backbone of the President in pushing the change now that we have reason to believe he did not think about until very lately. The writer of this dispatch is one of the first men of the State, and is as well acquainted with cattle interests and the desires of cattlemen as any man who lives in the great West. I ask that the dispatch be read.

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

The Secretary read as follows:

Hon. T. M. PATTERSON,
United States Senate, Washington, D. C.:

The men who appeared before the Senate Committee on Agriculture not authorized to represent stockmen of this State and do not represent their sentiments.

E. M. AMMONS.

Mr. WARREN. The dispatches which the Senator from Colorado is presenting are from gentlemen of high standing who are entitled to great consideration. Of course the dispatch just read comes from an individual who claims that a certain committee did not have authority. The committee appeared here with proper credentials from known associations.

At this point, if the Senator will pardon me just a moment, I wish to say that the President in moving in this matter did so upon the request of live-stock men and others. The idea of renting the grazing land did not originate with the President nor with the Forestry Department, but is the result of various prayers, letters, dispatches, etc., that have come from time to time to the President and the Departments the past three or four years.

The committee which the President appointed was appointed in obedience to a demand made upon him by the duly accredited associations of live-stock men, sheep, horse, and cattle men, at their association meetings, and they appointed committees to meet with the committee appointed by the President to consider the question. I will not say more now, although later I will pursue this thread a little further.

Mr. PATTERSON. Mr. President, everybody who has any knowledge of this leasing controversy knows that it did not originate with the President, and I do not question his motives. I have no doubt but that he is impressed with the belief that a movement of this kind is a wise one. But, Mr. President, this is a question that has been before the people of the West now for more than twenty years, and there has been an irrepressible conflict between what may be called the great cattlemen and great cattle companies of the West and those who own live stock in smaller numbers.

I have endeavored to represent the views of the people of my State upon this question intelligently and faithfully. It is a matter that has been discussed in every county and town of Colorado, and I can truthfully say that almost without an exception those who favor the leasing of the grazing lands, and have been urging it for twenty years, have done so against the most urgent protest and the strongest opposition that the mass of the stockmen of the State could make manifest.

Here, Mr. President, is a dispatch from the secretary of the Colorado Cattle and Horse Growers' Association, an association that, it is understood, represents the live-stock interests of the State. I ask that it may be read.

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

The Secretary read as follows:

Hon. T. M. PATTERSON,
United States Senate, Washington, D. C.:

Local organizations of cattlemen and farmers all over State greatly excited over amendment to agricultural bill reported in press to-day. Regarded as most dangerous to prosperity of State. Am asked to urge you and Colorado delegation in Congress to fight it. Nine-tenths of people of State opposed to any amendment to land laws at this time.

FRED P. JOHNSON,
Secretary Colorado Cattle and Horse Growers' Association.

Mr. PATTERSON. Mr. President, I have here a dispatch from the officers of a mass meeting held at the very center of the

cattle-grazing districts of Colorado that are within the reserves, at the town of Rifle, on the line of the Denver and Rio Grande Railroad. I ask that it may be read.

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

The Secretary read as follows:

Hon. T. M. PATTERSON, Washington, D. C.:

Mass meeting over 500 stockmen, farmers, and citizens western slope adopted strong resolutions of protest against proposed amendment agricultural bill of placing grazing public lands in control of Secretary. All forest-reserve users sign agreement refusing to pay fees for grazing. You are asked to oppose any amendment to land laws at this time. White River stockmen at Meeker also held meeting and join our request. Resolution coming by mail.

FRANK D. SQUIER, President.
M. E. MORROW, Secretary.

Mr. PATTERSON. Mr. President, I have here resolutions adopted by the Cattle and Horse Protective Association of several districts in Colorado—district 9 and portions of districts 7, 8, and 10—on the subject of Government control of the public grazing lands. These resolutions favor the leasing system, but I also ask to have that read.

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

The Secretary read as follows:

Whereas President Roosevelt has declared his intentions of having all fences removed that inclose Government land by April 1, unless such fencing can become legalized; and

Whereas in many sections of the country it is impracticable for the small settler and cattleman to run cattle successfully without inclosing a certain amount of land to preserve the grass for winter use; and

Whereas the present indiscriminate method of using the public range is detrimental to the country at large and destructive almost to annihilation of the grasses and very unsatisfactory to the occupants of the public lands:

Be it resolved, That this association is in favor of Government control of the ranges and public grazing lands under a system of individual control where practicable; where not, by the permit system, the same to be administered by the Department of Agriculture, and regulated by rules best adapted to the various localities along the lines as outlined in Bulletin No. 62—"Grazing on the Public Domain."

Be it further resolved, That our honorable members in the Senate and House of Representatives at Washington be earnestly petitioned to actively support any legislation having above desired results, and that we are in favor of such legislation being enacted without further delay.

JOHN E. PAINTER, President.
L. K. WATKINS, Secretary.
C. L. WAITE,
T. L. MONSON,
JOHN E. PAINTER,
Land Committee.

Mr. PATTERSON. I presented that, Mr. President, because it is the only one—

Mr. BURKETT. Mr. President—

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

Mr. PATTERSON. With pleasure.

Mr. BURKETT. I wish to ask the Senator from Colorado now, inasmuch as this resolution instructs him to vote for the proposition and the other resolution instructs him to vote against it, if he noticed the tenor of it?

Mr. PATTERSON. I presented that because I have presented everything that came to me in connection with my duty as a Senator from Colorado. I want to say that that is the only letter or resolution or suggestion of any kind that has reached me that is not condemnatory of the entire proposition. I desire to have read a letter received from Mr. Ammons, which gives a very intelligent view of the question and cogent reasons why this system should not be tolerated.

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

The Secretary read as follows:

Hon. T. M. PATTERSON, Washington, D. C.:

DEAR SIR: I see by the papers that the Administration is trying to force through the Government control of the public ranges as a rider on the agricultural appropriation bill. If this scheme succeeds it will put half of this State under Federal jurisdiction, the Government will go into the permanent land business, lands will be classified and reclassified as being fit only for pasturage, and new settlements will be prohibited. If not interfered with most of the public lands of this State will be speedily settled up, go into private ownership, be improved, and contribute their share toward the maintenance of our State and local institutions. The bills before Congress are being pushed in the name of the small stockman and ranchman, but they are being pushed by the big stockmen, not only without the consent, but even without the knowledge of most of the little fellows. If this new policy succeeds it will, in my judgment, greatly hinder the further development of the State, and that, too, at a time when there is a very great demand for land by actual home seekers. The selfish wishes of a few great cattle companies ought not to stop nor hinder the further settlement of the public lands. We have not reached the limit of our development. I can not believe that Colorado will welcome two systems of government, whereby one half of the State only will be governed by its people, while the other half will be under the absolute rule of some bureau in Washington. And it is not only that Uncle Sam is to become a permanent landlord, but he claims to be on

a more favored plane than are other landowners in this State. For instance, he says he does not have to fence his land against trespass of live stock as others must do, but insists on fining and sending to jail citizens of this State whose live stock wander upon his unfenced land. No matter how much rental he may collect, he pays no taxes for the maintenance of our State and local governments. There is no reason for the passage of this measure except special privileges for a favored few against the welfare of the many.

I assure you that the business men and the small stockmen and ranchmen and the home seeker are against this scheme, and those who have heard of it are alarmed because the power of the administration seems to be behind it. I sincerely hope that our western Members will be able to at least postpone this matter until the people and communities most affected can be heard. Surely the attempt to change the entire policy of the Government in this hurried and unusual way can not be claimed to be in keeping with the much-vaunted "square deal," of which we have heard so much.

Isn't it possible to get concerted action by our western delegations?

Yours, very truly,

E. M. AMMONS.

Mr. PATTERSON. Mr. President, there is one other communication I desire read. It is a series of resolutions by the Colorado State Commercial Association.

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

The Secretary read as follows:

Resolutions of the Colorado State Commercial Association.

Whereas measures are now being considered in the Congress of the United States and by the Departments of the Interior and of Agriculture looking to the segregation of the unclaimed public domain in the State of Colorado under systems either of range leases by the acre or by assignment of range and head tax on stock grazed; and

Whereas the essential point in the establishment of any such system is the classification of the lands to be leased or apportioned as grazing lands or as agricultural lands; and

Whereas the developments of the last few years have placed in the class of agricultural lands large areas which have been considered hitherto as valuable only as grazing lands, and it is now impossible to determine with any degree of accuracy whether any of the land in the plains region of Colorado can or can not be made regularly productive as agricultural land; and

Whereas the withdrawal from unrestricted and undelayed homestead entry through classification as grazing land of any considerable area which may be shown to be agricultural land would be greatly and permanently detrimental to the progress and interests of the State of Colorado; be it

Resolved by the Colorado State Commercial Association. That any steps toward the segregation or classification of the plains region of Colorado which would prevent or delay the occupancy and settlement of any lands by bona fide settlers during the present period of experiment in so-called dry farming would be of great injury to Colorado.

Resolved. That the State authorities and our Representatives in Congress are urged to make representations to the Federal authorities looking to the delay of action until this State shall have had further opportunity to work out its destinies.

Resolved. That copies of these resolutions be forwarded to the President of the United States, the governor of Colorado, our Senators and Congressmen at large in Washington.

Unanimously adopted February 13, 1907.

Mr. PATTERSON. Mr. President, I have here, of like import, resolutions adopted by the Grand River Stock Growers' Association, strongly opposing this proposed change in our land laws; resolutions adopted at a public meeting of citizens of Rio Blanco County, Colo., to the same effect, and an additional set of resolutions adopted by the Grand River Stock Growers' Association, all of which I ask to have printed in the RECORD without reading.

The VICE-PRESIDENT. Without objection, permission to do so is granted.

[The documents mentioned are printed at the end of Mr. PATTERSON'S speech as an appendix.]

Mr. PATTERSON. I have in my hand, Mr. President, a private letter to me touching upon other subjects in addition to that of the land laws. I have erased the portions that do not refer to this subject in hand, and also the name of the writer, as it is a private letter. I ask also to have it printed as a part of my remarks.

The VICE-PRESIDENT. Without objection, the permission requested by the Senator from Colorado is granted.

[The letter referred to is printed in the Appendix.]

Mr. PATTERSON. Mr. President, I desire now to call the Senate's attention to a revolution in agriculture that is going on in the so-called "arid States." Until within five or six years ago it was believed that little or no land west of the one hundredth meridian of longitude could be made to grow crops without irrigation. But a man with greater knowledge of agricultural possibilities of the arid region than is possessed by most commenced experimenting a few years ago with these arid lands, with the result that he has made it clear that millions of acres of lands in the dry region, hitherto considered arid, may be farmed at great profit without the artificial use of water at all. In section after section of the plains where the water fall does not amount to more than 9, 10, or 11 inches per annum they are raising by intense cultivation crops of wheat and beets and of domestic vegetables and oats that almost rival the crops that are raised on irrigated lands. The process is known as the Campbell system of dry farming. In brief,

the method is that of plowing deeply in the fall, harrowing the land plowed until it is practically pulverized, so that none of the winter's rain or snows as they melt will run off, but will all be received into the bosom of the earth and there retained to nourish the growing crops. Then comes the plowing and re-harrowing immediately before the crops are planted, and, where the nature of the crops will permit, to continue harrowing to keep the clods broken and pulverized until the crops have been gathered. Under this process it has been demonstrated that lands in the arid regions will produce the character of crops that I have mentioned. With what result, Mr. President?

There was in Denver a little over a month ago a great convention of what is known as "dry farmers." The men who have taken up lands out on the plains and cultivate them for crops without irrigation met in convention to relate experiences, give and receive suggestions, and to bear testimony not only to the great possibilities of agriculture without water in the arid region, but to the certainty of great and profitable crops.

Mr. President, I was present at a great fair in the State of the Senator from Wyoming [Mr. WARREN] two or three years ago, and I saw there some wonderful exhibits of grain, vegetables, and other ranch products that were raised by this new system of cultivation.

Mr. BURKETT. Mr. President—

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

Mr. PATTERSON. Certainly.

Mr. BURKETT. Does not the Senator admit, however, that all this dry-land farming has developed in the last three or four years, since they have been having more rain out there than they had in the years previous?

Mr. PATTERSON. By what authority does the Senator from Nebraska claim that we have been having much more rain out there than we had previously?

Mr. BURKETT. I have been living out there; that is my authority. I simply know we have had a flood pretty nearly all over Nebraska and in as much of Colorado as I know anything about every year for about four years, and where we have been irrigating the crops have been drowned in some places. This dry-land farming has developed within these four years almost entirely, and I think it was discovered down in my State.

Mr. PATTERSON. No, Mr. President, it was developed much longer than three or four years ago; but it has been brought to general public knowledge within the past five or six years. Journals are published now at different points in the West to advance the interests of this dry-land farming system; schools have been organized that are sending out instructors to the several parts of the arid region to teach the kind of cultivation that is necessary without irrigation to grow bountiful crops.

Mr. BURKETT. Does not the Senator—

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

Mr. PATTERSON. Yes, sir.

Mr. BURKETT. Does the Senator not think, however, that the bringing in of macaroni wheat and alfalfa, and, perhaps, one or two other crops that can be raised in dry weather sections has pushed agriculture a great deal farther west than any development of the dry-land farming?

Mr. PATTERSON. Oh, Mr. President, the Senator, I am inclined to think, is getting beyond his depth. I do not know of the raising of alfalfa without irrigation, nor of the character of wheat that he describes as macaroni wheat. I have heard nothing of the wheat he mentions being raised, except by the usual methods of the country, and I have no knowledge of the growth of alfalfa except through irrigation.

But, Mr. President, I know that I am safe in claiming that there are several thousand acres of land under cultivation in my State, in the arid part of it, that are producing splendid crops of wheat, potatoes, melons, some corn, oats, and many kinds of vegetables without irrigation and with no more than the average rainfall of that section. It is the result of what we call "intense cultivation"—the conservation of every drop of water that falls, its absorption into the cultivated soil, its retention there during the winter until its fructifying influences are needed to push forward the crops.

Apropos of that, there is a plow used, I am told, which, while it turns up the soil, rolls or presses the land at the bottom of the furrow. The business at the land offices in Colorado within the past four or five years has increased four and five fold. Land seekers and home seekers are pouring into the State as they have not come into it for a good many years. The fame of the system and its possibilities have spread abroad, and sturdy farmers are flocking to the State to make homes upon

this new body of land which has been opened up to agriculture under this system.

Mr. President, it is not a case of delusion growing out of a few exceptionally wet years, for we have had these crops in dry years and in wet years, and we of Colorado are looking forward to a vast increase of our farming population under this new dry-farming method. We know as we know that we are in existence that if these lands are taken up and leased to the great stock raisers under ten-year leases, or for any other considerable length of time, the advance of the State in agriculture will be nearly ended, except as the area of cultivated lands may be increased through irrigation, and the possibilities in that direction are limited. Therefore our people protest as a body against this proposed leasing of the public lands. We want them kept open for years to come. We want this new system developed. We want its possibilities understood. We want it improved. Instead of the lands of our plains being roamed over only by live stock and occupied by the jack rabbit, the coyote, and the lizard, we want them populated by tens of thousands of men and women—good, patriotic, and prosperous American citizens.

I have suggested that there is an irrepressible conflict between the cattle growers themselves upon this subject in my State. Wherever you find a person who counts his cattle by the thousands and tens of thousands, there you find a man who wants a large area of the public domain fenced and over which he will be the absolute lord. He desires to have his fences continued, and if he has no fences up, he wants to put them up. He wants water fronts. It is almost incredible, when you consider the very few streams and the little water that is carried in them, how it will be possible to subdivide the public lands and fence them so as to give access to any considerable number of cattle to water. And there will be excluded from the range every head of stock which can not readily reach water. It is not every acre that can be grazed. If lands are shut off from water, if they are so far removed that the cattle or horses or sheep can not comfortably reach water, then the lands removed from water are utterly worthless.

Mr. BURKETT. Does the Senator from Colorado pretend to say that there is any water front in his State which is not privately owned right now?

Mr. PATTERSON. The Senator from Nebraska asks me to answer yes or no a question which it would be utterly impossible for either the Senator or for me to have accurate knowledge of.

Mr. BURKETT. No; I would not want to put the Senator in the attitude of answering a question that he did not know about, and I would not want to ask a question I did not think I knew something about, as it affected my State. I have been investigating this matter, so far as my own State is concerned, and I thought probably the Senator had with reference to his State. The fact is, that every single foot of land in our State that is on the water front has been taken up, and if there is one thing that makes this bill of more benefit than another it is this. As the Senator said, back, away from the water front is the land that belongs to the United States. It is absolutely useless without some way of getting to the water. If you do not put some kind of control over that public land, the great cattlemen who own the water front are the only men who can use the public domain. If you put a man in control of the Government domain, he can go to the men owning the water front and say, "You can not use a portion of the public domain without you give us permission to send the other people down to the water front," and that is one of the good objects to be accomplished by this bill.

If the Senator's State is not that way, it is certainly a surprise, because there have been enough people go into his State to take up all the water front, and the Senator knows that the very first acre that is taken up is always the water front. It always has been. That was true when they settled Iowa and Illinois and eastern Nebraska, or any other State. They always get along the water front, along the streams. That is the very first acre taken up, and every such acre is taken in Nebraska right now and is in private hands.

Mr. PATTERSON. What may be effected under the squeezing process suggested by the Senator from Nebraska I do not know. It is not suggested in the bill that the authority to be given to the Secretary of Agriculture under its terms is to be used as an instrument of compulsion to coerce the landowner whose holdings are on the water front to open them up so that cattle grazing on lands beyond them may have access to the water. That is a new development, and I thank the Senator from Nebraska for making known the purpose. The officers of the Government are expected to go to those who hold title to

land along the water fronts and say to them: "Unless you allow the Government to use your land for the benefit of some one else we will arbitrarily deprive you of the use of any lands except those you happen to own." That may be a splendid way for private individuals to deal, but I take it it does not comport with the dignity nor the duties of a great nation.

Mr. BURKETT. Mr. President—

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

Mr. BURKETT. I do not want to bother the Senator if he does not care to yield.

Mr. PATTERSON. Go ahead.

Mr. BURKETT. I want the Senator to feel perfectly free about it.

The plan under this amendment, as it is very largely carried out in the leasing of land in forest reserves, is not so much per acre as per head, although it is a question which is the better method in each instance. There is not going to be any force or any undue or improper method used, as the Senator, in going to extremes, intimates. But if there is a great tract of land in private hands upon the water front and they turn on this great tract of land so many head of cattle, the Government simply takes a strip of country 40 or 50 miles square and, after investigation, says it will feed and take care of so many head of cattle. It lets Mr. Man, who owns the land privately, turn on so many head. It also allows on the same domain so many head belonging to some one else, and they all share in that water front. It is a sort of give-and-take process, but it enables the Government to permit others who have not a water front to pass through that same land and to have the same access to the water front. In short, it is a method of working out one of the most difficult problems for getting water for all the land there is in the West.

Mr. PATTERSON. There is a scheme, then, in the mind of the Department which is not hinted at in this bill. I have no doubt the Senator from Nebraska speaks by authority, but here is a bill which provides for leasing to individuals or to companies areas of land, as it may be agreed upon, for ten years or less. No suggestion is made of any doubling up by owners in the use of the leased lands. There is no suggestion that if a man owns within an inclosure forty or fifty thousand acres along the water front the Government officer is to go to him and say—I care not how mild his tone—"You must allow cattle within your inclosure, or to reach water through your inclosure, and if you do not, you will be treated as an enemy by the Agricultural Department and will receive no favors from the Government."

Mr. BURKETT. Does the Senator think it wrong, if a man owns forty or fifty thousand acres and controls the entire water front, for the Government to deal with him in order to secure from him for the benefit of the cattle that pasture on the hills behind and away from the water front the right to come down to the water? Is there anything wrong about it?

Mr. PATTERSON. I think when a function of that kind is undertaken by the Government it is not only wrong, but an outrage. Whenever by law you give to a Government officer the right to go to a landowner and say to him, in whatever tone he may use, "Unless you will agree to the terms of the Government in the use of your land you will not be in favor with the Government and you will be deprived of privileges that will be granted to others," it is an act of tyranny, liable to be abused at any moment, and it is an authority that does not comport with the duties of the servants of a free people. I care not how you sugar coat a proposition of that kind, it is in direct conflict with every theory and practice of a free government and has no association and should have no association with a government of the people and for the people.

Mr. BURKETT. The Senator may not agree with it, but nevertheless it has been very painfully proven to a whole lot of people that the Government just now is doing that exact thing with a great number of people who have tried to corral about half or two-thirds of the universe. I do not care whether it is the men who are trying to gobble up the coal lands of the country, or whether it is a lot of other financial interests that have gobbled up the financial and commercial affairs of the country, or whether it is the great cattle kings who have gone west and through one method and another gobbled up all of the water fronts of the western country, the Administration at present is trying to do in all these particulars what the Senator says it ought not to do, and that is to break up every trust and every combination and every sort of oppression by these gigantic concerns and organizations from one end of the country to the other.

I said this, and I do not want the Senator to misinterpret my

statement. I do not speak "with authority" or "by the card." I have not talked with any of the gentlemen of the Bureau since we have had the matter up. I do not know what the plan is. I simply said that this bill will provide a means, when somebody is put in control of the grazing lands, to break up these great cattle combinations that to-day have absolute control of all that grazing country by having control of the water fronts of the grazing country. That is why I think that this Congress and this Government ought to put somebody somewhere, either in this Department or in some other Department, in control of this land out there to look after it, so that all mankind, the little man and the big man and all kinds of men out there, may have the same opportunity and chance at the grazing privileges of the country.

Mr. PATTERSON. The Senator from Nebraska is quite unintentionally libeling the Government.

Mr. BURKETT. I do not want to do that.

Mr. PATTERSON. And quite unintentionally libeling those who are attempting to carry out the aims of the Administration. What the Administration is doing with the great trusts is to bring the law of the country to bear upon them. What it is doing it is doing through district attorneys and through juries and through courts. What it is doing it is attempting to do through Congress in a perfectly lawful manner, and not with a strong arm, not with force or threats or lawless power, but through legal avenues and those alone; and when the Senator from Nebraska undertakes to place the acts of the Administration upon the low level of that which consists of giving authority to a minor or other public official to coerce the man with his fee-simple title to his farm as complete as the Senator may have to the house in which he lives, to use his land as the official will demand, or, if he does not, punish him with the disfavor of the Government, you are demeaning the Government beyond measure.

Of course what is done in the kitchen of the Administration I can have no knowledge of. What plans may be arrived at in private consultations between members of Congress and members of the Cabinet I can have no knowledge of; but I do insist that if it is the purpose under this bill to permit officials to go over the country and use threats upon those who hold land to coerce them to permit the use of their land in such manner as the governing power may demand, it is a gross abuse of the powers and authority of government and should be frowned upon, no matter what good results may be expected to flow from it.

But, Mr. President, it is a fact, to which every owner of cattle will bear witness, that live stock will only go a certain distance for water. When they are back from water so far that they can not with comfort and without distress travel to and from the watering place each day, then the cattle business upon that part of the public domain is a money-losing proposition, and it is soon abandoned; and any system that contemplates the fencing of the public domain, I care not whether under private or public ownership, any system which changes the present methods of caring for cattle on the public lands must work incalculable injury to the industry, because in a very short time you will have the land along streams fenced in so far back that cattle behind the fenced areas can not travel the distance to water and return to the grazing ground each day, and cattle must do that if the business is to be conducted at all. Where on the public grazing lands the cattle may roam untrammelled by fences, they find the water holes and the little running streams which it would be impossible for them to use if this proposed system shall be put in force.

So for the benefit of stockmen—I do not mean the great stockmen alone, I do not mean the citizens of Nebraska, the Senator's constituents, who with strong hand have fenced in millions of acres of Government lands and have been in constant conflict with the General Government over them—but I mean for the benefit of ranchmen, small stock growers and great ones I urge the abandonment of this entire leasing scheme and to let the good old system continue. It has its defects and there are troubles at times connected with it, but after all it is the best way that has yet been devised.

Mr. BURKETT. I suggest to the Senator that most of those people with whom the Government has had trouble have been residents of the Senator's State or of one or another State adjoining.

Mr. PATTERSON. I do not blame the Senator from Nebraska for making an effort to get rid of the disgrace of citizenship such as that, but I do protest against his foisting them upon Colorado. We have had enough trouble with lawbreakers and lawlessness, and we do not want to have shouldered upon us the lawbreakers, especially the lawbreaking cattle barons of the State the Senator represents.

Mr. President, I have occupied more time than I should have and in a very unsatisfactory manner to myself, but I hope I have not spent the time in vain. I do not believe there is the possibility of a favorable vote upon what is proposed. This discussion has, I think, opened the eyes of the Senate as to the injustice it will work, and knowledge of the evils it will inflict is certain to result in its defeat.

APPENDIX.

Whereas an amendment has been prepared to the agricultural appropriation bill now pending in Congress providing for leasing of the public lands for grazing purposes, or to put in effect upon said public lands the same permit system now in effect upon the forest reserves; and

Whereas at the present time settlers are pouring into this State and by the application of scientific methods are redeeming and cultivating lands that a few years ago were considered valueless; and

Whereas while this evolution is going on any change in the laws affecting the administration of these public lands is likely to prove disastrous and a hindrance to development; and

Whereas we believe that it is to the best interests of this State to have the said public lands pass into the hands of settlers at the earliest possible time, and any change in the land laws that would hinder the taking up of said lands by private owners would be a serious menace to the prosperity of the State: Therefore, be it

Resolved by the Grand River Stock Growers' Association, stockmen, farmers, and citizens of the western slope in mass meeting assembled at Rifle, Colo., this 11th day of February, A. D. 1907. That we earnestly protest against any amendment to the laws at this time, and we urge our Senators and Representatives in Congress to oppose the passage of the said amendment to the agricultural bill; and in doing so we assert that we represent the sentiment of a great majority of the stockmen, farmers, and citizens of the western slope of Colorado.

Resolved, That while the present evolution in the development of our State is in progress we are opposed to any change in the land laws until the proposed changes have been carefully considered by the people of the State and have been approved by at least a majority of the citizens.

F. D. SQUIER, President.
M. E. MORROW, Secretary.

Resolutions concerning certain pending legislation adopted at a public meeting of citizens of Rio Blanco County, Colo., held February 11, 1907.

Whereas there are now pending in Congress certain proposed changes in the land laws of the United States which we deem unwise and unjust; and

Whereas certain Executive and bureaucratic orders and rulings have lately been promulgated in relation to the use, occupancy, and acquisition of public lands which are oppressive, unfair, and contrary to the letter and spirit of the land laws now in force; and

Whereas a public meeting of the citizens of Rio Blanco County, Colo., has been called to consider the matters above stated and to protest against said unjust and oppressive laws, orders, and rulings: Now, therefore, be it

Resolved by the farmers, stockmen, business men, and citizens generally of Rio Blanco County, Colo., in public assemblage. That the farmers, small stockmen, and all residents and citizens in the county of Rio Blanco, in the State of Colorado, are unanimously and strenuously opposed to any change in the existing land laws tending toward further Government control, centralization, and paternalism, and as ground for their said opposition we assert that any contemplated change in the existing laws will totally destroy the growth and development of the West; for it is apparent now that the late unfair and ill-advised rulings in relation to our public lands have done incalculable damage to our Western States and have driven thousands of home seekers from our country to Canada; and be it

Further resolved, That experience teaches that the most potent agency in the marvelous growth and development of our arid States and Territories has been the liberal land laws administered in a spirit of generous liberality, and we firmly believe it to be ill-advised to abolish that which time shows to be beneficial and to substitute in its place untried, visionary, and unjust laws and regulations such as are now advocated by the Administration at Washington; and be it

Further resolved, That we are unalterably opposed to the proposed leasing of coal lands, for the reason that such a practice would result in the coal lands ultimately coming into the sole control of large corporations, who would reap all the benefits from such lands and at the same time would escape from any proper or adequate contribution to local governments by the payment of a just proportion of local taxes, although their wealth would be drawn from lands situate under the jurisdiction and protection of local communities; and be it

Further resolved, That for similar reasons we are utterly opposed to the leasing of oil lands, and in addition to such reasons would call attention to the fact that the marketing of the products of oil lands is practically in the hands of one corporation in the United States; hence, by well-known methods of modern finance, poor men would be unable to obtain any benefit from an oil lease and would be compelled to dispose of any lease they might obtain to such corporation on any terms it saw fit, and thus ordinary citizens would cease to prospect for oil, and in a very short time a worse monopoly of the oil trade than now existing would spring up—a monopoly fostered and strengthened by the very laws designed to curtail and prevent it; and be it

Further resolved, That we oppose any system of leasing or governmental supervision of grazing lands on the public domain; while the proposed laws to that end theoretically preserve the right of all citizens to "homestead" such lands, it is apparent on its face that no man would homestead land where the surrounding public land was closed to his use, and the result of any such scheme must inevitably be the landlord system of Europe, and would be a denial of all the principles of individual independence which has been our boast as a nation for one hundred and forty years; and be it

Further resolved, That we demand the withdrawal of the late Executive order which brands every honest home seeker of the West as a land thief by imputing perjury to the sworn statements of all settlers and their witnesses, and we declare that the order forbidding any patent to issue until the provisions of said order are complied with is illegal, without warrant of law, and an insult to the western people. Statistics show that less than 1 per cent of all entries have any taint of fraud connected with them, and it is an unwarranted imputation

on the honesty of American citizens to brand all settlers as perjurers and land thieves; and be it

Further resolved, That we believe firmly and unalterably that each and every one of the proposed changes in the present land system, while ostensibly framed to be in the interests of the poor man, would inevitably result in giving the use and control of all unoccupied lands, whether mineral, agricultural, or grazing, into the hands of corporations and the wealthy, to the absolute exclusion of the poor man; and be it

Further resolved, That we earnestly protest against the attempt to attach the proposed laws in reference to leasing as a rider to any appropriation bill, for the reason that the proposed revision of the land laws is of too important a nature and requires so much careful thought and consideration that no hasty or immature changes should be tolerated; and it is self-evident that no proper debate or consideration of the proposed changes can or will be had if the law be enacted in the method contemplated.

In conclusion, and as illustrative of the effect of recent orders upon western communities, we give the following statement as to actual conditions in our own county at the present time:

Rio Blanco County contains 107 townships.
Withdrawn from settlement for White River Forest Reserve, 26 townships.

Withdrawn on account of coal, 53 townships.
Withdrawn under reclamation act (exclusive of above coal land, part of the coal land having been included in this withdrawal), about 2 townships.

There remains, therefore, about 26 townships, mostly farming and oil lands, open to settlement and mining claims, from which it can readily be seen how the Administration has closed the door to progress in Rio Blanco County; be it

Further resolved, That copies of these resolutions be transmitted to all our Congressmen and Senators, to the Public Lands Committees of both Houses of Congress, to our State senator and representative, and to the Denver News, Republican, and Post, with the request that each do all in his or their power to defeat any and all of the proposed measures above referred to.

THOS. KILDEFF,
*Chairman of the Meeting and
Chairman of the Board of County Commissioners.*
T. B. SCOTT,
Secretary, and County Clerk and Recorder.

Whereas, after a year's experience with the permit system on the forest reserves of the western slope of Colorado, the cattle owners and farmers who have been paying fees for grazing their stock upon said reserves have been unable to find that they have received any benefit in return for the money they have paid the Government; and

Whereas said reserves are unfenced and cattle drift upon the reserves whether they have paid fees or not; and

Whereas the payment of fees for grazing upon the reserves is in effect an additional tax upon our industry without any adequate return therefor, and we deny the right of the Government to exact a fee under the present law: Therefore, be it

Resolved by the Grand River Stock Growers' Association, delegates from the Roaring Fork and Eagle River Stock Growers' Association, and other stockmen and farmers in mass meeting assembled at Rifle, Colo., this 11th day of February, A. D. 1907, That until the United States Forest Service shall fence the reserves or until the Federal courts shall render a decision to the effect that we have no recourse but to pay said fees we shall decline to take out any permits or to pay any fees for our stock upon said reserves.

Resolved, That the Colorado Cattle and Horse Growers' Association be asked to at once take steps to have our rights protected in regard to grazing upon said reserves in the Federal courts.

Dated at Rifle, Colo., this 11th day of February, 1907.

F. D. SQUIER, *President.*
M. E. MORROW, *Secretary.*

DENVER, COLO., February 7, 1907.

Hon. T. M. PATTERSON,
United States Senate, Washington.

MY DEAR SIR: I see by the papers that the President is making a determined effort to have some legislation pass this session to modify the public-land laws. At the convention of the State Cattle Growers' Association last month an effort was made to have this movement indorsed by the stockmen, but the whole matter was finally laid on the table, with no action being taken. Since the convention there is a steadily increasing sentiment against having anything done at this time. The great fear of our people is that something will be done to suspend the operation of the homestead act. With the development now going on in Colorado, any plan looking toward the cultivation of the public lands as "agricultural" or "grazing" would have the effect, we believe, of putting an absolute period to the development now under way. Five years ago it was the general opinion that practically all lands in this State that could legitimately be taken up for homestead purposes had been disposed of, but with the application of scientific methods to these semiarid lands such a change has taken place that it is impossible at this time for anyone to say that any of these lands are not capable of being cultivated. There is also a very strong feeling against permitting the Government to step in and actually administer the public lands of the State so as to produce a revenue therefrom, as it is believed that this would result in one-half of the State being under the State Government and paying all the taxes, with the other one-half under the administration of the National Government and paying no taxes. Such a condition would have a very serious effect upon development. The administration of the various reserves in the State has been an object lesson that has not encouraged our people to favor any further extension of Government control. I find a very strong sentiment in favor of having the public lands conceded to the States if possible. I do not know that such a result could be obtained, but it would solve very many of the questions that the West has been struggling with in relation to these lands.

I write this letter to you for your personal information, and not in an official way. It may be reported to you that the stockmen in Colorado are in favor of the legislation proposed by the President, but the truth is that very few of the people know anything about it, and of those who do know I think the great majority are absolutely opposed to any change at this time. The action of the President in insisting upon special agents investigating each homestead before patent is

issued has resulted in tying up our land offices in a hard knot. There would be no objection to this if there were sufficient agents to attend to this business, but as it is it simply means more delay and red tape.

Mr. WARREN. Mr. President, I am a member of the Committee on Agriculture and Forestry, and I am very desirous of seeing the finish of the appropriation bill that has been before us for some days. I notice a disposition to jump forward from the place in the bill which is properly under consideration and to take up matters and subjects not yet reached and to proceed to the discussion of them.

Regarding the grazing-control proposition I have been informed that there will be a point of order made against that amendment. In fact, I have been quite numerously advised of it and that several Senators will make the suggestion. I had therefore made up my mind to say nothing about the matter, hoping that thereby we might in the last hours of the session pass from the consideration of this bill to other pressing business.

I merely wish to say a few words now to cover some of the mistaken ground or erroneous ideas that have been expressed, and I shall occupy only a few moments. I will admit that the amendment is open to the raising of a point of order, and I would not be fair if I did not admit that there can scarcely be any doubt as to how the President of the Senate will rule upon such point of order. The committee knew that when they placed this amendment in the bill. They placed it there so that it might be considered and, if there was unanimity of opinion, that it might be indorsed, and if not it could pass out and come up again later for consideration in a future Congress.

We hardly need to apologize after having swallowed a year ago here in the Senate, in the agricultural bill, a matter of many pages of legislation embodying inspection of meat products that was not objected to by a single person, for at least bringing this grazing amendment before the Senate. And having brought it out, if a point of order is made against it I have no disposition to contest the point of order or to continue this debate.

I recall that some years ago I came into this body imbued with the idea that the nation ought to do something about irrigation. Having been made chairman of the Committee on Irrigation and Reclamation of Arid Lands, I prepared a bill, made a speech, and was at the next election promptly retired from the Senate on that bill and that speech. I have never felt called upon to apologize to myself or to my near friends for so early espousing the cause of national aid for irrigation, because years afterwards the subject was taken up under the leadership of Theodore Roosevelt, and we were able to work out elaborate successful legislation. There was just as much difference of opinion and opposition then to national irrigation as there is here to-day or was yesterday to the forestry and grazing propositions, but those interested in it had the good sense finally to go into a volunteer committee, composed of representatives from all the arid-land States, and to thrash it out among themselves to a harmonious ending, spending more than a month in the process, and then coming before this body and the other body with a particular and definite policy. This policy was promptly indorsed, and it is being proceeded under now to the great benefit of this country.

The question as to grazing control on the public domain is, in my opinion, just as sure to come before this body and require some kind of a settlement as was that of irrigation. It will not down. The purely grazing land must be sold or apportioned, by rental or otherwise, or the range will be destroyed and wars of occupation will ensue. It is misunderstood at the present time as to what is proposed to be done, and this is evidenced not only by what we see in the press and current in the newspapers, but by the letters that are brought in here by Senators and, indeed, by the remarks of Senators themselves.

The letters which have been written by the President and read before the Agricultural Committee, and which have in a way shaped the language of the amendment, are in favor of the settler against the stockman all the way through. In fact, there is not a single lease that could be made under this law, should it pass, but what would be subject to all kinds of settlement by any settler under any of the several existing land laws. Again, even though the man who makes a home there is within an inclosure, and even if a lessee is paying by the acre or by the head for the use of his inclosure, the settler gets free grazing instantly and continuously for all the stock that he has and needs for domestic use. Furthermore, he has an opportunity to enlarge his possessions and graze more stock by leasing that which naturally belongs to him, by annexing the land nearest to his settlement and renting it as against the first tenant.

Now, this proposition is not one that is attempted to be forced in here by the Forester or by the President of the United

States, although, in truth, it might seem just at this time as if we were moving a little bit fast in proposing such legislation in an appropriation bill. But there are some reasons why the President and those interested in the management of the Interior Department ought to ask Congress to settle the question.

For instance, there is a large part of the State I in part represent—and there are other States similarly situated—where Congress provided railroad land grant subsidy to the Union Pacific, Central Pacific, and other railroads, alternate sections of land in a strip 40 miles wide, 20 miles on each side of the railroad. The railroads did not ask to have it in checkerboard form. The Congress granted it and forced them to accept it in that way. It has been largely sold to settlers and grazers. Much of it will never be available for anything but grazing. It was sold many years ago. There are innumerable inclosures on that land in which half of the land belongs to the men who bought of the railroad and the other half belongs to the Government. These men fenced the land when there was no law against fencing. They are prepared, and always have been, to exchange; they are prepared to rent; they are prepared to do anything that will put an end to the confusion and the depressing and distressing circumstances existing. It is an anomalous condition.

When Congress passed the antifencing law, it took no notice of this peculiar situation, and the executive department has since been struggling with it. There have been lawsuits; there have been wrongs; there have been bankruptcies and no end of grief and trouble. Nevertheless, the law remaining unrepented, it has come to a pass where the Interior Department and the President believe that the law must now be even more rigidly enforced, and without further delay, unless relief be afforded by Congress.

A proclamation or order has been issued which provides that after April 1, 1907, there will be no further notices to the owners of these fences, and that fences must come down instantaneously or the owners will be held liable both civilly and criminally on and after that date. It therefore occurred to those administering the affairs of the Government that if the Congress were ready to pass upon the question of grazing-land control, it would relieve those settlers in these checkerboard belts—mostly small stockmen with thoroughbred or high-bred stock, who are carrying on their business in inclosures, feeding over a part of the land in winter and the other part in summer. In this way the grasses are allowed to grow to maturity and scatter their seed, and reseed and reenforce the range in alternating years. If it were not the desire to afford them some early relief, this question might as well go over to another year as to receive consideration now.

Mr. President, this question, like every question, has at least two sides, and sometimes many more. It is a question broad enough to discuss not for hours, but for days. I would not like to undertake to discuss this question and bring out all there is to say in and about it in the time that we have left of this week or at our disposal before the closing hour of the present Congress. Therefore I dislike to go into it at all, except to say that the President and the Forester have been brought to the condition of mind in which they now are, in my own judgment, by the demands made upon them by different parties, settlers upon public lands, individual, corporate, and otherwise, from time to time in the last five years. The President has said to the committee over his signature that if they shall give him the authority he will, first, protect any and all settlers as against the grazers, whoever and wherever they may be.

Mr. PATTERSON. Mr. President—

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

Mr. WARREN. Certainly.

Mr. PATTERSON. Let me ask the Senator from Wyoming if the men who have been importuning the President to favor a law of this character are not chiefly those who have fenced unlawfully great areas of the public domain and doing so in violation of the law, and if they have not been moved to the tremendous recent effort they have been making by notice from the President that their fences will have to be removed within a certain time? Is not that the impelling power that has brought this question so prominently before Congress?

Mr. WARREN. I am glad the Senator has asked me that question. I desire to say to him that he never was farther away in his life from the true state of affairs than he is if he supposes that the fact is as indicated by his question and that it is the great fences of illegal holders for which protection is sought.

Mr. PATTERSON. I know that Murdo McKenzie and others of the great stock growers were here.

Mr. WARREN. Murdo McKenzie was not here before the Committee on Agriculture, I beg to say.

Mr. PATTERSON. Murdo McKenzie called upon me personally.

Mr. WARREN. He was not present surely at any of the meetings.

Mr. PATTERSON. No; but he had just left the powers that be.

Mr. WARREN. I do not know anything about that.

Mr. PATTERSON. He came to see me to induce me to give my influence toward putting through this particular scheme, and he assured me at the time that not only were the great stock owners behind it, but that the small ones were. I tried to find out what the facts were so far as that was concerned, and all the information that I got was that a general and almost intense feeling has been created among the average stock growers of the States in contemplation of that which they are attempting to impose.

Mr. WARREN. But the Senator now speaks of great stockmen and small stockmen, while a moment ago the question was whether the proposition was not confined to those men who had great areas illegally fenced in.

Mr. PATTERSON. It was Murdo McKenzie who represented that to me; but I found he was mistaken, greatly mistaken, and that he himself misrepresented the fact to me.

Mr. ALDRICH. Mr. President—

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

Mr. WARREN. I do.

Mr. ALDRICH. The Senator from Colorado alluded to the "powers that be" about this legislation. Who are they?

Mr. PATTERSON. Well, I am not required to furnish a bill of particulars.

Mr. WARREN. Now, Mr. President, I think it is due to Senators that I should say that there has been a disposition all through this land the past few years to assume that if a man had more than a milch cow and a horse he was a thief and a rascal and generally a lawbreaker. There have been bruited about throughout the press—and some of this yellow-journal news has originated in and been given out from one of the great Departments of this Government—charges against men in this body that they were lawbreakers because of fencing, etc.

Now, Mr. President, I think it is due to Senators that I should say that there has been a disposition all through this land the past few years to assume that if a man had more than a milch cow and a horse he was a thief and a rascal and generally a lawbreaker. There have been bruited about throughout the press—and some of this yellow-journal news has originated in and been given out from one of the great Departments of this Government—charges against men in this body that they were lawbreakers because of fencing, etc.

Mr. President, so far as I am concerned, let me say that my own private interests are such that this legislation is exactly contrary to those interests, and to do nothing would best facilitate the interests that I have in the live-stock business. But I plead for the greatest good to the greatest number. We need more settlers and better protection for all. Let me say further that, as for myself, I have not directly or indirectly one foot of Government land illegally inclosed, nor have I one foot of illegal fence.

Now, as to the charges against men who have large inclosures, there is no one who has any sympathy for men who have large illegal inclosures out on the open public domain erected lately and since there was law against it; but when the Senate and House of Representatives have deliberately invited forces and placed a railroad grant 40 miles wide and 500 miles in length in a checkerboard form across a State, and then say to the men who have bought the odd or railroad sections in the country where there is nothing of value but grazing, "You shall pay the taxes upon the alternate sections—those black checks in that checkerboard—and still you shall keep it open for everybody to use and share equally with you, the owner," somebody is wronged. The Government has the other alternate sections—the white checks—and pays no tax. The man who owns nothing, who comes in like the grasshopper pest with his great flocks of sheep and cattle, thus has the benefit of what has cost the buyers of railroad land vast sums of money, and upon which they are daily paying taxes, while the interloper neither misses a meal nor pays a penny.

This is where the unfortunate situation comes in as to fencing; and you might as well cut out of this whole proposition the fact that there may be a few great illegally fenced areas in the United States. There is not one of them that I or anybody else but the owners themselves wish to protect. But when

you come down to the man who has bought two, four, or more sections of railroad land which he can not fence without fencing in two, three or more alternating sections of Government land, and you say that he shall open up the whole mass of broad prairie, his purchased land with the balance; that he can not keep his own stock upon his own land, but must contribute his all to the roving, pirate bands of vicious owners, who pay taxes nowhere and rob ranges everywhere; that an owner can not get any benefit from his own land that others do not get, and still he shall pay the taxes year after year, do you not place upon him a hardship?

Again, in this checkerboard belt, it matters not how a man undertakes to fence in his own land, if he has 4 miles square, 2 of the Government's and 2 of the railroads, and he fences them, a settler has only to go through one fence to settle upon that inclosed Government land; but you let a man who has, say, 10 miles square of such land, and he fences the railroad land, each black or alternate section by itself, and you have not only fenced every Government section, but you have put the Government sections where an incoming settler has to go through four or five fences to get into the center sections, and you have benefited nobody, but have brought illimitable harm to the man who is a true settler and who has his money invested and who ought to be protected.

Mr. TILLMAN. Will the Senator allow me to ask him a question?

Mr. WARREN. In just a moment. Again, in this checkerboard belt, it matters not how a man undertakes to fence in his own land, if he has 4 miles square, 2 of the Government's and 2 of the railroads, and he fences them, a settler has only to go through one fence to settle upon that inclosed Government land; but you let a man who has, say, 10 miles square of such land, and he fences the railroad land, each black or alternate section by itself, and you have not only fenced every Government section, but you have put the Government sections where an incoming settler has to go through four or five fences to get into the center sections, and you have benefited nobody, but have brought illimitable harm to the man who is a true settler and who has his money invested and who ought to be protected.

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

Mr. WARREN. Certainly.

Mr. TILLMAN. I wish to ask a question for information, because I am entirely ignorant on the subject. I just want to get at the status in the regions in the West where these land-grant roads were run and where there are the odd sections in checkerboard fashion the Senator has just spoken about. Of course as I get it now—I do not know, and I want the Senator to correct me if I am wrong—they are in about this condition: The railroads owning alternate sections, we will say, and having sold twenty or fifty of them consecutively to one man, the Government sections being between these, lying scattered and mixed up with it, are of course open to entry, if anybody wants to go in and enter that land; but owing to the fact that water is scarce and that it has probably all been preempted by somebody, are they not in a condition out there where a man who has bought the railroad land has practically confiscated the Government land, and there is no chance under the sun of anybody to utilize or to buy or to enter upon and get the Government land at all?

Mr. WARREN. May I ask the Senator from South Carolina a question? What would be the condition if there were no fences?

Mr. TILLMAN. That is not the point. I want the Senator to answer my question, and then I will answer any question he chooses to ask me.

Mr. WARREN. Let me answer the question. The man who has bought the railroad land and fenced it is flat on his back, figuratively speaking.

Mr. TILLMAN. I do not mean the Government land, but the railroad land.

Mr. WARREN. The man who has bought the railroad land stands respectfully aside while any man on earth can come along with any kind or amount of live stock and open the fences and turn his stock inside on the railroad and Government lands, and he can say to the owner, "Order me off, if you dare; you have some Government land fenced in, and I will report you." Thus the outsider has the best protection in the world, be he either honest settler or scalawag.

The real facts are that settlers who want to make claims inside such fences come in and make claims, and each one of such settlers gets the benefit of his own land and his land-owning neighbor's land and his neighbor's fences and his neighbor's water, as well. If you go out there in that country now

you will find more settlers who do not own anything but their homesteads, who are trying to have something of this kind done, to provide for grazing privileges, than of any other class. Then they can go on as they are now doing with their neighbors, who own the railroad land, and continue to enjoy the privileges, the fences, and the water of their neighbors.

Mr. TILLMAN. Mind you, I am not advocating this proposed legislation, and I am inclined to think that when we get through it will not go in. I hope we will get at some adjustment relative to the rights of the people that will be fair and honest to all concerned. I should like to get the Senator to illuminate and illustrate the situation as to the Government land. If the owner of the railroad land, the alternate sections, is fencing in the Government land along with his and is enjoying it all, there is no chance for anybody else, of course.

Mr. WARREN. What does the Senator mean by saying that there is no chance? Everybody who comes along has just as much right in there under the present condition as the man who owns the land.

Mr. TILLMAN. Do I understand the Senator is advocating that the system proposed in this bill shall become a law?

Mr. WARREN. I am stating what was the reason of its being put in here at this time; and if the Senator asks me whether I am advocating it, I want to say to him with all the emphasis I have that I am advocating it.

Mr. TILLMAN. The Senator then wants the man who owns the railroad land to pay the Government some little pittance for the privilege of fencing and pasturing the Government land. Is that it?

Mr. WARREN. I want the land rented to anybody who wants to rent it, and to the settler first. That is what this bill proposes.

Mr. TILLMAN. But what is the use of talking about somebody settling on these odd sections that are fenced if there is no chance for him to get water, and you can not make a living there unless you can get water?

Mr. WARREN. Does the Senator suppose the water is all in the railroad sections?

Mr. TILLMAN. No, indeed; but I will gamble that every particle of that water has been preempted and you can not get to it with your stock. If you attempt to take your cattle in there they will not allow you to get to the water, because the sections along the streams have already been taken up.

Mr. WARREN. It is always well when one contends against a system to have something to propose in place of it. What would the Senator propose to do?

Mr. TILLMAN. I am not proposing to do anything. I am trying to get information, so that I may be able to vote intelligently.

Mr. WARREN. If the Senator will desist for a moment and let me finish what I was saying when interrupted by the Senator from Colorado, then perhaps he will understand some of these points I am trying to make.

Mr. TILLMAN. I am not trying to make any point at all. I am trying to get some light. I want to understand.

Mr. WARREN. As the Senator is doing all the talking, he must be getting light in the matter.

Mr. TILLMAN. If you have got any, please give me a little, then. [Laughter.]

Mr. WARREN. Is the Senator through?

Mr. TILLMAN. Yes; I will sit down. Then the Senator may illuminate the matter.

Mr. ALDRICH. I was about to appeal to the Senator from Wyoming to let this bill be read through. We have been discussing three days a proposition which everybody in the Senate knows will go out upon a point of order as soon as it is raised.

Mr. WARREN. The Senator will understand that I rose to facilitate just what he asks. I desire to state the reason why this provision was inserted in the shape it is. I hope to do it, unless there is some reason why I should not occupy the floor. If there is, of course I will yield.

Mr. ALDRICH. The Senator from Vermont, in charge of the bill, I am sure is very anxious to get action on it.

Mr. WARREN. Is he more anxious to get action when I am speaking on it than when anybody else is?

Mr. ALDRICH. No. I thought the Senator was only going to speak a few moments.

Mr. WARREN. The Senator knows I have been interrupted. The proposition, as it came to the committee, was that there would be a plan adopted, first, to protect every settler under every one of the laws now upon the statute books and on any part of the land upon which he saw fit to settle; that if he came where there happened to be an inclosure, he had the benefit of grazing his domestic stock free, and had the first chance to rent the land around him; second, the Government would

only organize such grazing districts as it seemed necessary to organize from time to time, the other land remaining just as it now is, open public domain; third, the division of the ranges between different settlers was to be accomplished by local men interested and responsible to their neighbors; fourth, the charges were to be nominal—a fraction of a cent an acre in some cases, and from that up to a few cents an acre in the most favored spots—so that the amount collected presumably would cover only the expenses of administration; that if there were any surplus funds they should go to the States in which the amount was earned.

Mr. President, I am not going further into this, except to say again that the Forester, Mr. Pinchot, is in nowise responsible nor is the President as to the condition I have described; and it is their wish to aid the settlers in overcoming these difficulties and to prevent indiscriminate stamping out and ruination of the ranges. They are simply undertaking to disentangle a difficult and complicated condition, if it may meet the views of those interested in it to have them do so.

I want to say of the Forester that there has been nothing said here to his credit that I do not indorse. I want also to indorse in strongest terms Mr. Wilson, Secretary of Agriculture. I want to say, furthermore, that as to the amount appropriated for forestry we must increase it before we finish consideration of this bill, unless it is our desire to do away with our system of forestry. Having said this much, I will yield the floor.

Mr. PROCTOR. Mr. President, in the interest of progress, I ask that this amendment go over until to-morrow. It is very evident that a vote can not be reached on it to-night. I hope to go on with the reading of the bill and to dispose of most of the amendments to-night.

The VICE-PRESIDENT. The amendment will be passed over.

Mr. DUBOIS. Mr. President, I simply desire to say that what the Senator from Wyoming [Mr. WARREN] has said in regard to the amendment about grazing, and giving the reasons why it was put in, induces me to make a few remarks, though I do not care particularly to make them now. He says that it was put in in order to provoke discussion. Everyone knows that it is going out on a point of order; but he wanted to get the opinion of Senators with regard to it. Before the bill is disposed of I want to give my opinion in regard to the grazing proposition.

Mr. PROCTOR. Mr. President, if the Senator will allow me, I can assure him that he will have an opportunity to-morrow when that matter is reached. It will be passed over to-night. I think the point of order will be raised; but the amendment will be held over until there is a reasonable opportunity given Senators who desire to speak upon it.

Mr. WARREN. Either the Senator from Idaho misunderstood me or I did not state myself clearly. The proposition put by me was that if there were a unanimity of feeling about this amendment, then it would go in, but if it were to provoke discussion, it would of course have to go out on a point of order, which any one Senator could effectually make.

Mr. DUBOIS. He wanted to get the views of Senators. This proposition is very different from the irrigation proposition to which the Senator from Wyoming has referred. Almost all the western Senators introduced bills in regard to irrigation, and finally the eastern and middle western Senators came to us and said, "If you will unite on a bill, we will be glad to pass a national bill for you." We were all pressing for this one thing, a national irrigation act, which would be effective. The Senator from Wyoming used a very poor comparison, indeed.

I have been in the House and in the Senate practically for twenty years, and for twenty years the western representatives, with the exception, I think, of the Senator from Wyoming—I may do him an injustice, but my recollection is that he always favored the putting of these lands in the West in the hands of the Government, in order that they might be leased and to take them out of the hands of our people there—I think that the western Senators will express themselves with the same unanimity in regard to this grazing proposition that they always have for the last twenty years, and that they will not come to an agreement in favor of it, as they did to an agreement in favor of the act in regard to national irrigation.

Mr. WARREN. Mr. President—

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

Mr. DUBOIS. Yes.

Mr. WARREN. The Senator again misstates me, because the RECORD will show that my early contention was that the States themselves should control the grazing lands. The first speech that I ever made here in the Senate was upon that side of the subject. The Senator is again mistaken when he assumes that

I stand alone in this contention of the urgent necessity of some kind of regulation for grazing lands.

Mr. DUBOIS. I have always been a strong advocate, Mr. President, of forestry and of the forest reserves. I have advocated that policy on the floor of the Senate. I have defended the head of the Forestry Division. I am a strong advocate of the forestry-reserve policy now. In the western country irrigation, in my judgment, can not continue successfully unless the forests are preserved at the heads of the streams. In my own State, for instance, there are some 2,000,000 acres of land now, under the Carey Act and the national reclamation act, and being made ready for settlers. We have to store water, and all the water is being utilized. There is scarcely any unused water left in any of the Western States. We must utilize every drop possible. We must resort to storage reservoirs as we are doing in the great Jackson Lake just below the Yellowstone Park. At this junction between Wyoming and Idaho and Montana we have built a reservoir which has been partially completed within the last three or four weeks. It adds, as it is now built, 800,000 acre-feet of water to the Snake River. This will supply the Minidoka project in Idaho with sufficient water and leave a surplus which is much needed for other lands already under cultivation.

We shall store eventually in that lake the water to irrigate 1,500,000 acres of additional land. All that region is in a forest reserve. It should be, in order to preserve those waters. It is so in regard to the other States.

The northern part of my State, where my colleague lives, has the finest timber land left in the United States. The only great belt of white-pine timber now standing is in north Idaho. One syndicate alone owns 500,000 acres of that white-pine timber. Without forest reserves, in my judgment, the syndicate would soon own it all. It is not a sufficient answer to say that when they cut this timber it goes into buildings and is made use of by the people of the United States, who enjoy its benefits. That is not a sufficient answer. When these syndicates get through cutting the timber, that is the end of it; the timber is destroyed. Under the forest-reserve policy, after they cut the timber the land is reforested and the timber will be there for the generations which are to come after us. The Government culls out what timber shall be cut, reserving the remainder, so that there is a constant and continuous growth, which will go on for years to come.

The benefits of forestry reserves need no defense, but unfortunately the Forestry Service have gone too fast. They have put too much land into forest reserves. In my own State, in one of their recent reservations they have taken large tracts of grazing land where there is no forest at all. They are stirring up the animosity of the West. Unless they call a halt, they will have the West almost opposed to the policy of forest reserves. They are not using good judgment. They should go slower. Forest reserves is a new enterprise in our country.

The Forester now has over 100,000,000 acres under his control. He has to patrol them; he has all this force to look after, and it requires great executive ability. He ought to learn by experience. He ought not to add to his responsibilities. I am quite clear that unless a halt is called there will be a storm of protest around his ears from the home seekers, the homesteaders, and the settlers which may injure the whole policy of forest reserves, if not destroy it.

Much less, Mr. President, ought he to attempt to add to his other cares and responsibilities all the grazing land of the West. There are many, many objections to it, in addition to that of putting this added responsibility on the head of the Forestry Bureau. Our people are opposed to it. We think we know if the Government has charge of those grazing lands they will quickly fall into the hands of the large stock owners. As my friend from South Carolina [Mr. TILLMAN] said a moment ago, after confessing that he knew nothing about it and was asking for light, they will get control of the water, and thereby control over all the land. Our own people in the different States can take care of these grazing lands better than the United States Government can.

The cattlemen and sheepmen ought not to be compelled to go to the employees of the Forestry Bureau in order to get permits to graze their herds on these lands. It is well enough for the Forester to regulate the grazing lands in forest reserves, but that Bureau ought to stop the creation of these needless forest reserves. When they create proper forest reserves, it is well for the Forester to regulate the grazing land within them in order to protect them from fire, in order to see that the timber is not destroyed, in order to provide pasturage properly; for a great many reasons it is well that he should take charge of it. I hardly think, however, that he should charge cattle and sheep men for the privilege of grazing on those lands.

Mr. President, I shall not discuss this subject any longer, as it is going out on a point of order; but I wanted to add my protest, as one of the representatives of the Western States, against this attempt which has been continuous in one form and another for twenty years, to get the privilege of leasing and controlling our lands in the West in the hands of the Department at Washington.

The VICE-PRESIDENT. The Secretary will resume the reading of the bill.

The reading of the bill was resumed, beginning on page 42, line 17. The next amendment of the Committee on Agriculture and Forestry was, under the head of "Bureau of Chemistry," on page 42, line 19, to increase the appropriation for the salary of one chemist, who shall be Chief of Bureau, from \$3,500 to \$5,000.

The amendment was agreed to.

The next amendment was, on page 43, line 13, to increase the total appropriation for salaries, Bureau of Chemistry, from \$46,420 to \$47,920.

The amendment was agreed to.

The next amendment was, on page 44, line 13, after the word "foods," to insert "to enable the Secretary of Agriculture to investigate the character of food preservatives, coloring matters, and other substances added to foods, to determine their relation to digestion and to health, and to establish the principles which should guide their use, and to publish the results of such investigations when thought advisable: *Provided*, That before any adverse publication is made notice shall be given to the owner or manufacturer of the articles in question, who shall have the right to be heard and to introduce testimony before the Secretary of Agriculture, or his representative, either in person or by agent, concerning the suitability of such articles for food, or as to false labeling or branding;" so as to read:

To investigate the composition, adulteration, and false labeling or false branding of foods, drugs, beverages, condiments, and ingredients of such articles, when deemed by the Secretary of Agriculture advisable, and also the effect of cold storage upon the healthfulness of foods, to enable the Secretary of Agriculture to investigate the character of food preservatives, coloring matters, and other substances added to foods, to determine their relation to digestion and to health, and to establish the principles which should guide their use, and to publish the results of such investigations when thought advisable: *Provided*, That before any adverse publication is made notice shall be given to the owner or manufacturer of the articles in question, who shall have the right to be heard and to introduce testimony before the Secretary of Agriculture, or his representative, either in person or by agent, concerning the suitability of such articles for food, or as to false labeling or branding.

Mr. PROCTOR. Let that amendment be passed over, Mr. President.

The VICE-PRESIDENT. The amendment will be passed over.

The next amendment was, on page 45, line 9, after the word "countries," to insert "to enable the Secretary of Agriculture, in collaboration with the Association of Official Agricultural Chemists, and such other experts as he may deem necessary, to ascertain the purity of food products and determine what are regarded as adulterations therein, and to establish standards therefor;" so as to read:

To enable the Secretary of Agriculture to investigate the character of the chemical and physical tests which are applied to American food products in foreign countries, and to inspect before shipment, when desired by the shippers or owners of these food products, American food products intended for countries where chemical and physical tests are required before said food products are allowed to be sold in the countries mentioned, and for all necessary expenses connected with such inspection and studies of methods of analysis in foreign countries to enable the Secretary of Agriculture, in collaboration with the Association of Official Agricultural Chemists, and such other experts as he may deem necessary, to ascertain the purity of food products and determine what are regarded as adulterations therein, and to establish standards therefor.

Mr. PROCTOR. I ask also that that amendment go over. I wish to state that the committee proposes to modify that amendment by striking out the last five words, "and to establish standards therefor."

Mr. KEAN. That does not cure it. It is still subject to the point of order.

Mr. LODGE. That does not alter it. I do not think we ought to insert a provision of this sort on an appropriation bill. It is a matter of very great importance and ought to be embodied in a separate measure. Of course, if the Senator from Vermont wants to debate it, I shall not make a point of order; but the point of order is going to be made, and it will save time to take the amendment out.

Mr. PROCTOR. I wish to say something about it. Let the amendment go over.

The VICE-PRESIDENT. The modification of the proposed amendment will be stated.

The SECRETARY. On page 45, line 13, after the word "therein," it is proposed to strike out the words "and to establish standards therefor."

The VICE-PRESIDENT. At the request of the Senator from Vermont, the amendment as modified will be passed over.

The reading of the bill was resumed. The next amendment was, on page 46, line 14, after the word "elsewhere," to strike out the period and the word "Employing" and insert a semicolon and the word "employing;" and in line 17, after the word "named," to strike out the period and the word "And" and insert a semicolon and the word "and;" so as to read:

For all expenses necessary to carry into effect the provisions of the act of Congress of June 30, 1906, entitled "An act for preventing the manufacture, sale, or transportation of adulterated, or misbranded, or poisonous, or deleterious foods, drugs, medicines, and liquors, and for other purposes," including rent and the employment of labor in the city of Washington and elsewhere; employing such assistants, clerks, and other persons as the Secretary of Agriculture may consider necessary for the purposes named; and the employees of the Bureau of Chemistry outside the city of Washington may, in the discretion of the Secretary of Agriculture, without additional expense to the Government, be granted leave of absence not to exceed fifteen days in any one year, which leave may, in exceptional and meritorious cases where such an employee is ill, be extended, in the discretion of the Secretary of Agriculture, not to exceed fifteen days additional in any one year, \$650,000.

The amendment was agreed to.

The next amendment was on page 46, line 25, after the word "Provided," to strike out "That no part of this sum shall be used for the payment of compensation or expenses to any officer or other person employed by any State, county, or municipal government" and insert "That any part of this sum used for compensation of or payment of expenses to any officer or other person employed by any State, county, or municipal government, shall be reported to Congress in detail, on the first Monday of December, 1908;" so as to make the proviso read:

Provided, That any part of this sum used for compensation of or payment of expenses to any officer or other person employed by any State, county, or municipal government, shall be reported to Congress in detail, on the first Monday of December, 1908.

Mr. PROCTOR. I wish to say that the committee modify that amendment by leaving out of line 3, on page 47, the words "part of this;" so that it will read: "That any sum used," etc.; and by striking out the words "nineteen hundred and eight," on page 47, line 7, and inserting the words "in each and every year." If there is to be any discussion in regard to that amendment, I will ask that it also may be passed over, as I wish to submit a statement of what has already been done in regard to that and what is likely to be done.

Mr. LODGE. There will be a good deal of discussion on that, for I think the House provision was a wise one, and ought not to be taken out.

The VICE-PRESIDENT. The modification of the amendment proposed by the Senator from Vermont will be stated.

The SECRETARY. On page 47, line 3, after the word "any," it is proposed to strike out the words "part of this;" and on page 47, line 7, after the word "December," it is proposed to strike out "1908" and to insert "in each and every year."

The VICE-PRESIDENT. The amendment as modified will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, on page 47, line 8, to increase the total appropriation for the maintenance of the Bureau of Chemistry from \$696,420 to \$697,920.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Soils," on page 48, line 24, after the word "buildings," to strike out "not to exceed \$4,000 per annum" and insert "in the District of Columbia;" so as to read:

To investigate the soils and conditions of tobacco growth in Cuba, Sumatra, and other tobacco-competing countries; to investigate, in cooperation with the Bureau of Plant Industry, the methods of curing, with particular reference to fermentation; to investigate, with the view of improving, the conditions relating to the supply and sale of domestic tobacco to any foreign country or countries where the business of buying and selling tobacco is conducted by the government; the location of the stations; rent of buildings in the District of Columbia for office and laboratory purposes.

The amendment was agreed to.

The next amendment was, on page 49, line 10, to increase the appropriation for soil investigations from \$170,000 to \$200,000.

The amendment was agreed to.

The next amendment was, on page 49, line 12, to increase the total appropriation for the maintenance of the Bureau of Soils from \$206,980 to \$236,980.

The amendment was agreed to.

Mr. SIMMONS. Mr. President, I should like to inquire whether it is now in order to offer an amendment.

The VICE-PRESIDENT. It is in order to offer an amendment to a committee amendment; but unless the amendment is to a committee amendment it is not in order until after the committee amendments are disposed of.

Mr. SIMMONS. It is not an amendment to a committee amendment; but I think the committee will accept it, and I should like to suggest it to the Senator from Vermont.

The VICE-PRESIDENT. The amendment will be in order after the committee amendments are disposed of.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, under the head of "Bureau of Entomology," on page 50, line 10, before the word "domestic," to insert "men and;" so as to read:

Entomological investigations: General expenses, Bureau of Entomology; Promotion of economic entomology; investigating the history and habits of insects injurious and beneficial to agriculture, horticulture, and arboriculture; ascertaining the best means of destroying those found to be injurious, including an investigation into the ravages of insects affecting field crops; investigations of the insects affecting small fruit, shade trees, and truck crops, forests and forest products and stored products; investigation of insects in relation to diseases of men and domestic animals, and as animal parasites.

The amendment was agreed to.

The next amendment was, in the item of appropriation for "entomological investigations," on page 51, line 4, after the word "dollars," to insert "of which sum \$10,000, or so much thereof as may be necessary, may be used to enable the Secretary of Agriculture to continue the experiments looking to the eradication of the pest known as the 'white fly;'" so as to read:

Preparing, illustrating, and publishing the results of the work of the Bureau, \$113,800, of which sum \$10,000, or so much thereof as may be necessary, may be used to enable the Secretary of Agriculture to continue the experiments looking to the eradication of the pest known as the "white fly."

The amendment was agreed to.

The next amendment was, on page 51, after line 10, to insert:

BUREAU OF BIOLOGICAL SURVEY.

Salaries, Bureau of Biological Survey: One Biologist, who shall be Chief of Bureau, \$3,000; two clerks, class 1, \$2,400; three clerks, at \$1,000 each, \$3,000; one clerk, \$900; one messenger or laborer, \$480; in all, \$9,780.

Mr. HEMENWAY. I should like to ask the Senator in charge of the bill whether this creates a new bureau in the Department of Agriculture?

Mr. LODGE. No.

Mr. PROCTOR. Certainly not. It was omitted for some reason. It has been the law for some years—just the same precisely.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, on page 52, line 8, after the word "the," to strike out "department" and insert "Bureau;" so as to read:

For preparation and publication of reports, and for illustrations, field work, and traveling and other expenses in the practical work of the Bureau.

The amendment was agreed to.

The next amendment was, in the item of appropriation for biological investigations, on page 52, line 15, before the word "hundred," to strike out "forty-four thousand four" and insert "fifty-five thousand nine;" and in line 19, after the word "of," to strike out "Biology" and insert "Biological Survey;" so as to read:

And to enable the Secretary of Agriculture to carry into effect the provisions of an act approved May 25, 1900, entitled "An act to enlarge the powers of the Department of Agriculture, prohibiting the transportation by interstate commerce of game killed in violation of local laws, and for other purposes," \$55,920. And the Secretary of Agriculture is hereby directed to investigate and report to the next session of Congress to what extent, if any, the work now being done by the Bureau of Biological Survey is duplicated by any other Department of the Government, and to what extent the work of this Bureau is of practical value to the agricultural interests of the country.

The amendment was agreed to.

The next amendment was, on page 52, after line 22, to insert:

Total for Bureau of Biological Survey, \$65,700.

The amendment was agreed to.

The next amendment was, under the head of "Division of accounts and disbursements," on page 53, line 6, after the word "cashier," to insert "and chief clerk;" and in line 7, before the word "dollars," to strike out "one thousand eight hundred" and insert "two thousand;" so as to read:

Salaries, Division of Accounts and Disbursements: Chief of division and disbursing clerk, \$2,750; one assistant chief of division, \$2,500; one auditor, \$2,000; one cashier and chief clerk, \$2,000.

The amendment was agreed to.

The next amendment was, on page 53, line 20, to increase the total appropriation for the maintenance of the Division of Accounts and Disbursements from \$41,590 to \$41,790.

The amendment was agreed to.

The next amendment was, on page 56, line 11, to increase the appropriation for general expenses, Division of Publications, from \$35,000 to \$40,000.

The amendment was agreed to.

The next amendment was, on page 56, line 12, to increase the total appropriation for the maintenance of the Division of Publications from \$161,550 to \$166,550.

The amendment was agreed to.

The next amendment was, on page 59, line 19, after the word "series," to strike out "for binding periodicals;" and in line 23, before the word "dollars," to strike out "ten thousand" and insert "twelve thousand five hundred;" so as to read:

Library, Department of Agriculture: General expenses, library: Purchase of technical books of reference, technical papers, and technical periodicals necessary for the work of the Department, and for expenses incurred in completing imperfect series, and for the employment of additional assistance in the city of Washington and elsewhere, when necessary; for traveling expenses, and for library fixtures, shelving, library cards, and other material, \$12,500.

The amendment was agreed to.

The next amendment was, on page 60, line 10, after the word "copies," to strike out "and he is hereby authorized to apply the money received toward the expense of the preparation of the index;" so as to make the proviso read:

And the Secretary of Agriculture is hereby authorized to furnish to such institutions or individuals as may care to buy them, copies of the card index of the publications of the Department and of other agricultural literature prepared by the library, and charge for the same a price covering the additional expense involved in the preparation of these copies.

The amendment was agreed to.

The next amendment was, on page 60, line 12, to increase the total appropriation for the maintenance of the library, Department of Agriculture, from \$25,880 to \$28,380.

The amendment was agreed to.

The next amendment was, on page 62, line 15, to increase the appropriation for agricultural experiment stations under the act approved July 2, 1862, and of the acts supplementary thereto, from \$827,000 to \$842,000.

The amendment was agreed to.

The next amendment was, on page 63, line 12, after the word "above," to strike out "act" and insert "acts;" so as to read:

And the Secretary of Agriculture is hereby authorized to rent offices and to employ such assistants, clerks, and other persons as he may deem necessary, in the city of Washington and elsewhere, and to incur such other expenses for office fixtures and supplies, stationery, traveling, freight, and express charges, illustration of the Experiment Station Record, bulletins, and reports as he may find essential in carrying out the objects of the above acts.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the maintenance of agricultural experiment stations, on page 64, line 11, before the word "thousand," to strike out "twenty-seven" and insert "forty-two;" so as to make the proviso read:

The Secretary of Agriculture is authorized to sell such products as are obtained on the land belonging to the agricultural experiment stations in Alaska, Hawaii, and Porto Rico and to apply the money received from the sale of such products to the maintenance of said stations, and this fund shall be available until used; in all, \$842,000.

The amendment was agreed to.

The next amendment was, on page 64, line 11, before the word "thousand," to strike out "five" and insert "twenty;" and in line 12, after the word "sum," to strike out "shall" and insert "may;" so as to make the proviso read:

Provided, That \$20,000 of this sum may be used by the Secretary of Agriculture to investigate and report upon the organization and progress of farmers' institutes and agricultural schools in the several States and Territories, etc.

The amendment was agreed to.

The next amendment was, on page 65, after line 3, to insert:

Nutrition investigations: To enable the Secretary of Agriculture to investigate and report upon the nutritive value of the various articles and commodities used for human food, with special suggestions of full, wholesome, and edible rations less wasteful and more economical than those in common use, including special investigations on the nutritive value and economy of the diet in public institutions; and the Secretary of Agriculture is hereby authorized to employ such assistants, clerks, and other persons as he may deem necessary in the city of Washington and elsewhere; and the agricultural experiment stations are authorized and directed to cooperate with the Secretary of Agriculture in carrying out said investigations in such manner and to such extent as may be warranted by a due regard to the varying conditions and needs of the respective States and Territories, and as may be mutually agreed upon; and the Secretary of Agriculture is hereby authorized to require said stations to report to him the results of any such investigations which they may carry out, whether in cooperation with the said Secretary of Agriculture or otherwise, \$20,000.

The amendment was agreed to.

The next amendment was, on page 66, line 14, to increase the total appropriation for the maintenance of the Office of Experiment Stations from \$1,008,220 to \$1,043,220.

The amendment was agreed to.

The next amendment was, under the head of "Office of Public Roads," on page 66, line 18, to increase the appropriation for the salary of one Director, who shall be a scientist and have charge of all scientific and technical work, from \$2,500 to \$2,750.

The amendment was agreed to.

The next amendment was, in the item of appropriation for salaries, Office of Public Roads, on page 66, line 22, before the word "clerks," to strike out "three" and insert "four;" in

the same line, before the word "thousand," to strike out "three" and insert "four;" and in line 23, after the word "dollars," to insert "one clerk, \$900;" so as to read:

Two clerks, class 1, \$2,400; four clerks, at \$1,000 each, \$4,000; one clerk, \$900.

The amendment was agreed to.

The next amendment was, on page 67, line 1, to increase the total appropriation for the maintenance of the Office of Public Roads from \$12,140 to \$14,290.

The amendment was agreed to.

The next amendment was, on page 67, line 20, to increase the total appropriation for the maintenance of public-road inquiries from \$57,660 to \$86,460.

The amendment was agreed to.

The next amendment was, on page 67, line 22, to increase the total appropriation for the maintenance of the Office of Public Roads from \$69,800 to \$100,750.

The amendment was agreed to.

The next amendment was, on page 68, line 2, to increase the total appropriation for the maintenance of the Department of Agriculture, for routine and ordinary work, from \$7,573,590 to \$8,302,190.

The amendment was agreed to.

The next amendment was, on page 68, line 5, before the word "the," to insert "hereafter;" so as to read:

And hereafter the Secretary of Agriculture is hereby authorized to make such appointments, promotions, and changes in salaries, to be paid out of the lump funds of the several bureaus, divisions, and offices of the Department, as may be for the best interests of the service.

The amendment was agreed to.

The next amendment was, on page 68, line 12, before the word "dollars," to insert "five hundred;" so as to make the proviso read:

Provided, That the maximum salary of any classified scientific investigator in the city of Washington, or other employee engaged in scientific work, shall not exceed \$3,500 per annum.

The amendment was agreed to.

The next amendment was, on page 69, line 9, after the word "necessary," to insert "of which sum \$40,000 shall be immediately available;" so as to make the clause read:

Cotton boll weevil investigations: For the Bureau of Plant Industry: To enable the Secretary of Agriculture to meet the emergency caused by the continued spread of the Mexican cotton boll weevil in the Southern States by encouraging the diversification of crops, improved methods, breeding of new cottons, and to study the diseases of cotton, \$150,000, or so much thereof as may be necessary, of which sum \$40,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, on page 70, line 3, after the word "appropriated," to insert "and made immediately available;" so as to make the clause read:

Prevention of spread of moths: To enable the Secretary of Agriculture to meet the emergency caused by the continued spread of the gypsy and brown-tail moths, \$150,000, or so much thereof as may be necessary, is hereby appropriated and made immediately available.

The amendment was agreed to.

The next amendment was, on page 70, line 14, after the word "dollars," to insert "of which sum \$25,000 shall be immediately available;" so as to make the clause read:

Eradicating cattle ticks: For Bureau of Animal Industry: To enable the Secretary of Agriculture to undertake experimental work in cooperation with State authorities in eradicating the ticks transmitting southern cattle fever, \$150,000, of which sum \$25,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, on page 70, after line 17, to insert:

Survey of and report on Appalachian and White Mountain watersheds: To enable the Secretary of Agriculture to examine, survey, and ascertain the natural conditions of the watersheds at and near the sources of the various rivers having their sources in the Southern Appalachian Mountains and the White Mountains, and to report to Congress the area and natural conditions of said watersheds, the price at which the same can be purchased by the Government, and the advisability of the Government's purchasing and setting apart the same as a natural forest reserve for the purpose of conserving and regulating the water supply and flow of said streams in the interest of agriculture, water power, and navigation, \$25,000, to be immediately available.

Mr. PROCTOR. In line 2, page 71, I move to strike out "national" and insert "national."

The amendment to the amendment was agreed to.

Mr. PROCTOR. I ask that the next amendment may be passed over.

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

Mr. HEMENWAY. What has become of the amendment just read?

Mr. LODGE. It is open.

The VICE-PRESIDENT. The amendment is open.

Mr. HEMENWAY. I think the amendment had better go over.

Mr. PATTERSON. Does the amendment that it is asked shall be passed over relate to grazing lands?

The VICE-PRESIDENT. That has not yet been reached.

Mr. LODGE. We have not reached the grazing-land amendment. This is an amendment for the survey of the White Mountain and the Appalachian Mountain watersheds, \$25,000. It is a matter of great importance to both of those regions. I can not conceive of any objection to it.

Mr. HEMENWAY. There are very serious objections.

Mr. LODGE. If there is objection, let the amendment go over.

Mr. PROCTOR. Let both of the amendments be passed over.

The VICE-PRESIDENT. The amendment which has just been reported will be passed over, and the amendment beginning in line 7 on page 71 and ending in line 7 on page 73 will likewise be passed over.

Mr. PATTERSON. I desire to offer and have pending a point of order to the paragraph which has just been passed over, commencing in line 7 on page 71.

Mr. CARTER. That has been passed over for the evening, and I trust the Senator will not interpose a point of order at this time.

Mr. PATTERSON. I want to have the point of order pending, not to interfere with any discussion of the matter at all. The point of order I make is that it is new legislation.

The VICE-PRESIDENT. To what does the Senator from Colorado address his point of order?

Mr. PATTERSON. To the committee amendment on page 71, commencing in line 7, and extending to line 7 on page 73.

Mr. CARTER. As I understand, the Senator from Colorado merely gives notice that at the proper time he will make the point of order against it.

The VICE-PRESIDENT. The Chair so understands.

Mr. PATTERSON. Let it be considered as pending, not to interfere with the discussion.

Mr. CLARK of Wyoming. I desire to add to the point of order suggested by the Senator from Colorado that the amendment also proposes general legislation.

Mr. PATTERSON. General and new legislation.

The reading of the bill was resumed, commencing in line 8 on page 73. The next amendment of the Committee on Agriculture and Forestry was, on page 73, after line 14, to insert:

And hereafter the Secretary of Agriculture is authorized to sell as waste paper, or otherwise to dispose of the accumulation of Department files which do not constitute permanent records, and all other documents and publications which have become obsolete or worthless.

Mr. PROCTOR. In line 16 the word "waste" is repeated. I move to strike it out where it occurs the first time.

Mr. CARTER. I submit to the chairman that the word should be retained. The word "waste" as used designates the class of property which may be sold in a given manner, and the repetition of the word "waste" is, I think, proper. It reads, "sell as waste, waste paper."

Mr. PROCTOR. It is my mistake. Seeing the word twice, I thought it a repetition. I withdraw the amendment to the amendment.

The amendment was agreed to.

Mr. PROCTOR. I have a committee amendment to come in at the bottom of page 73, but at the request of the senior Senator from Iowa [Mr. ALLISON] I will simply offer it now and ask that it be printed and passed over.

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

The SECRETARY. It is proposed to add at the bottom of page 73 the following:

That hereafter, on or before the 1st day of January of each year, the Secretary of Agriculture shall submit to Congress, in addition to the estimates now required by law, classified and detailed estimates of every subject of expenditure intended for the Agricultural Department for the next fiscal year and detailed reports of all expenditures under any appropriation for such service during the preceding fiscal year.

Mr. PROCTOR. I will say that that is designed to take the place of the amendment agreed to on page 42, at the close of the Forest Service provisions, and makes it apply to all bureaus.

Mr. President, returning to the first page of the bill, I move to strike out in line 11 the words "four thousand five hundred" and insert "five thousand." That is the salary of the Assistant Secretary. It has been discussed and understood that it should be the same as the others.

The amendment was agreed to.

Mr. PROCTOR. At the bottom of page 63, in line 24, I move to strike out the words "the Territories of." It now reads, "in the Territories of Alaska, Hawaii, and Porto Rico." They are not all strictly Territories. I move to strike out those words, and it will then read: "In Alaska, Hawaii, and Porto Rico."

The amendment was agreed to.

Mr. HANSBROUGH. I desire to have inserted in the RECORD, for the use of the conferees in case of any controversy, a letter from the Secretary of Agriculture with respect to a provision in this bill relating to grain inspection.

The VICE-PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, December 8, 1906.

Hon. H. C. HANSBROUGH,
United States Senate.

DEAR SENATOR HANSBROUGH: I have yours of December 4, asking for information as to the work that has been done by this Department under the item inserted by you last year in our appropriation bill, giving me authority to establish laboratories for the purpose of testing, weighing, sampling, and inspecting any samples of grain that might be submitted.

Recognizing the importance of this work, the Chief of the Bureau of Plant Industry inaugurated a number of lines before the appropriation actually became available, so that by the 1st of July everything was in readiness to go ahead with the establishment of the laboratories. Owing to the many complaints which had been received from foreign buyers of the bad condition of our grain arriving at European ports, a critical study was made of grain cargoes at a number of European ports by an expert. This work was inaugurated early last winter and continued through the spring; in fact, during the entire shipping season. The expert had submitted an exceedingly interesting report, in which he sets forth, on a percentage basis, the condition of the grain reaching European ports. The principal work was done with corn, but there was also a number of cargoes of other grain inspected. In all cases a record was made of the point of shipment and the conditions under which the grain was inspected and handled on this side. The data thus secured, you will see, will be useful in giving us information as to the value of the inspection service at different Atlantic and Gulf ports in the United States. This work is still being continued, and we now have an expert abroad going over practically the same ground, following up and tracing the cargoes as they reach the European ports.

Prior to the 1st of July a careful study of the grain situation with reference to the establishment of the laboratories was made by the officers of the Bureau of Plant Industry. The funds at hand were only sufficient to enable me to establish two laboratories, and after careful consideration it was deemed best to place these at Baltimore and New Orleans, respectively. Baltimore has special advantages in that it is close to Washington and can be kept constantly under the eye of our chief workers in the cereal investigations.

While no authority was given me by Congress to secure samples of grain, other than by the consent of those submitting the samples, no difficulty was met in this matter, as the Department has been able to secure at both Baltimore and New Orleans the full and hearty cooperation of the chambers of commerce and the inspection service. This is exceedingly interesting and valuable to the Department, as it places us in touch at once with the commercial aspect of the situation and enables us to do a great deal of good.

A definite system of receiving, handling, and certifying samples was developed by the Chief of the Bureau of Plant Industry and submitted to me and approved. I send you herewith a copy of the recommendations and the forms of certificates now being used. Recognizing the fact that the handling of grain, the inspection of grain, and the general trading in grain was a complicated question, an effort was made to secure early in the work a thoroughly competent expert who had been associated with grain inspection and understood the business from all sides. We have been fortunate in securing the services of Mr. John D. Shanahan, chief inspector at Buffalo, who has for twenty years been engaged in this work. Mr. Shanahan knows the methods of inspection and handling grain thoroughly in all parts of the United States, and is proving to be a valuable addition to our force in guiding our scientific experts in the matter of working out details for the establishment of standards.

Recognizing further the necessity of securing as complete data as possible in regard to the methods of inspection and handling of grain at various interior points, the Chief of the Bureau of Plant Industry directed one of his experienced men to visit Chicago, Milwaukee, Superior, Duluth, Minneapolis, and St. Paul last season to make a thorough study of the systems of inspection, methods of handling grain, cost of inspection, etc. Mr. Estabrook has prepared and submitted a very valuable report, giving full details in regard to all these matters and setting forth the various systems followed, both where there is State inspection and where the inspection is otherwise.

As a further aid to the work several experts of the Bureau of Plant Industry have been engaged in devising apparatus which could be used in inspecting grain and the standardization of the same.

I wish to emphasize at this point the absolute necessity for some system of standardization in all this work. At present there is practically no standard. It has been well said that we are practically in the position, so far as our grain is concerned, that the cloth merchant would be if there were no yardstick or suitable device for measuring. Inspection is now largely a matter of personal judgment, and until it can be placed upon a more precise basis the difficulties arising will continue. It has been found impracticable for inspectors at various places to hold to any definite system for any length of time. Our energies, therefore, have been exerted in the direction of securing apparatus and devices, as already indicated, which would eliminate, to as great an extent as possible, the element of error in judgment.

One of the most important factors in connection with the inspecting and handling of grain is that of the moisture content. The carrying quality of the grain and many other things depend upon the amount of moisture present. Inspectors, in the main, determine moisture by the feel of the grain. The only laboratory method available for the purpose heretofore has been one which required six or seven hours to determine the moisture of a given sample. This is too slow to be of any practical use; hence during the past year our officers have been endeavoring to perfect something better.

I am gratified to say that we now have a device which will enable us to determine moisture in twenty minutes, and we hope to still further perfect devices which will even shorten the time. We have this apparatus in use in both of our laboratories and it has met the approval of our own experts and that of the practical grain inspectors wherever we have exhibited and use it. I am satisfied that the plan of establishing these laboratories will prove effective in educating the grain trade as to what is necessary and essential in the matter of standards. I

believe it would be highly desirable to extend this work to interior points, as you suggest, establishing four or five more of such laboratories next year. No one recognizes more fully than I do the great importance of this subject, especially to the people of the Northwestern States, and I am anxious to do everything that can be done to help them.

It should be borne in mind, however, that we still have much to do in the way of establishing standards and that this is the first thing toward which our energies should be directed. The establishment of standards and the acceptance of the same by the grain trade will result in uniformity, and uniformity is bound to go away with a great many of the complaints that have arisen. You realize, of course, that in such a complicated question as this we must go forward with caution and conservatism. It would be unwise at this time for the Government to attempt to establish arbitrary standards which would not stand the test of actual practice. In fact, the Government would be placed in the same position as the State inspection service in many of the States is now placed, owing to the entire lack of anything like uniformity.

The gradual establishment of laboratories working along the lines indicated will result in uniformity of grades, and this very uniformity will lift the handling and inspection of grain from its present very unsatisfactory state to one that will have the confidence of both producers and handlers of grain.

If I can furnish any additional information along the lines set forth, please command me.

Very sincerely,

JAMES WILSON, Secretary.

Mr. PENROSE obtained the floor.

Mr. NELSON. Mr. President—

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

Mr. PENROSE. I was about to move that the Senate proceed to the consideration of executive business, but I will withhold the motion.

Mr. BEVERIDGE. I hope the Senator will press it.

Mr. PROCTOR. There are some amendments which will not lead to discussion, and I should be glad to have them disposed of to-night. It will take but a few minutes.

The VICE-PRESIDENT. The Chair will recognize the Senator from Pennsylvania when this matter shall have been disposed of.

Mr. NELSON. I offer an amendment to come in at the end of page 73.

The VICE-PRESIDENT. The Senator from Minnesota proposes an amendment, which will be stated.

The SECRETARY. At the bottom of page 73, it is proposed to insert:

That there shall be, and hereby is, annually appropriated out of any money in the Treasury not otherwise appropriated, to be paid as hereinafter provided, to each State and Territory for the more complete endowment and maintenance of agricultural colleges now established, or which may hereafter be established, in accordance with the act of Congress approved July 2, 1862, and the act of Congress approved August 30, 1890, the sum of \$5,000, in addition to the sums named in the said act, for the fiscal year ending June 30, 1908, and an annual increase of the amount of such appropriation thereafter for four years by an additional sum of \$5,000 over the preceding year, and the annual sum to be paid thereafter to each State and Territory shall be \$50,000, to be applied only for the purposes of the agricultural colleges as defined and limited in the act of Congress approved July 2, 1862, and the act of Congress approved August 30, 1890.

That the sum hereby appropriated to the States and Territories for the further endowment and support of the colleges shall be paid by, to, and in the manner prescribed by the act of Congress approved August 30, 1890, entitled "An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts established under the provisions of the act of Congress approved July 2, 1862," and the expenditure of the said money shall be governed in all respects by the provisions of the said act of Congress approved July 2, 1862, and the said act of Congress approved August 30, 1890: *Provided*, That said colleges may use a portion of this money for providing courses for the special preparation of instructors for teaching the elements of agriculture and the mechanic arts.

Mr. LODGE. I should like to ask the Senator from Minnesota how much the amendment carries?

Mr. NELSON. Under existing law the agricultural colleges in each of the States and Territories are entitled to an annual appropriation, and are receiving it, of \$30,000.

Mr. PROCTOR. That is under the Morrill law.

Mr. NELSON. This amendment proposes to add \$5,000 each year for four years, until the whole amount comes to \$50,000, and after the end of four years the appropriation is to remain at \$50,000. What induces me to present the amendment is that in a great many of the States, especially in the South, they are now establishing county and rural agricultural schools, and the object of the amendment is to enlarge the scope of our agricultural colleges so that they can fit teachers for these local agricultural schools. It amounts to \$5,000 each year for four years, and every agricultural college and experimental station that I have been in communication with highly favors it.

Mr. BACON. I wish to suggest to the Senator from Minnesota, in view of the very great importance of the matter proposed, that the amount indicated by him is scarcely enough, and without detaining the Senate I want to state one fact.

In the State of Georgia there have been established within the past year eleven of these district colleges, supported in the manner indicated, not simply by this fund, but by local contri-

butions; and while I have not had time to make the calculation, I am sure that the amount indicated by the Senator will not be sufficient to be of material benefit.

Mr. NELSON. I will state to the Senator from Georgia that I entirely concur with him, and I should be glad to make it more; but I feel satisfied that that is impossible. This will be a little help, and we had better take this if we can get it.

Mr. BACON. If the Senator is satisfied that that is all we can get, of course I concur with him.

Mr. PROCTOR. I wish to say there has been no addition to the appropriation for agricultural colleges since the original act established them, under the bill introduced by Senator Morrill; and I happen to know that it was the Senator's intention the last year of his life to propose an amendment substantially like that of the Senator from Minnesota.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Minnesota.

The amendment was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 24925) making appropriations for the naval service for the fiscal year ending June 30, 1908, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FOSS, Mr. LOUDENSLAGER, and Mr. MEYER managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 24991) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BURTON of Ohio, Mr. DOVENER, and Mr. BANKHEAD managers at the conference on the part of the House.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. 22334) to amend an act to regulate the sitting of the United States courts within the district of South Carolina.

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

H. R. 25190. An act to amend sections 1, 2, and 3 of an act entitled "An act to prohibit shanghaiing in the United States," approved June 28, 1906;

H. R. 25513. An act extending the time for making final proof in certain desert-land entries;

H. R. 25629. An act to repeal the act of February 27, 1901, granting authority to the East St. Louis and St. Louis Bridge and Construction Company, of the city of East St. Louis, Ill., to build, own, operate, and maintain a bridge across the Mississippi River;

H. R. 25672. An act to amend an act entitled "An act to authorize the Ox Bow Power Company, of South Dakota, to construct a dam across the Missouri River;" and

H. R. 25691. An act to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Liberty Bridge Company.

RIVER AND HARBOR APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 24991) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. FRYE. I move that the Senate insist upon its amendments and agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice-President appointed Mr. FRYE, Mr. ELKINS, and Mr. BERRY as the conferees on the part of the Senate.

AIDS TO NAVIGATION.

Mr. PERKINS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 25242) to authorize additional aids to navigation in the Light-House Establishment, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 4, 5, 6, 7, 8, 10, 13, and 14.

That the House recede from its disagreement to the amendments of the Senate numbered 11 and 12, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows. In lieu of the language proposed insert the following:

"A tender for use in Hawaiian waters and elsewhere as may be directed, at a cost not to exceed two hundred and fifteen thousand dollars."

And the Senate agree to the same.

S. B. ELKINS,
GEO. C. PERKINS,
LEE S. OVERMAN,

Managers on the part of the Senate.

JAMES R. MANN,
F. C. STEVENS,
W. C. ADAMSON,

Managers on the part of the House.

The report was agreed to.

LEGAL REPRESENTATIVES OF JOHN SMITH, DECEASED.

Mr. BEVERIDGE obtained the floor.

Mr. CARTER. Mr. President—

Mr. BEVERIDGE. I yield to the Senator from Montana. I rose to move that the Senate proceed to the consideration of executive business, but before—

The VICE-PRESIDENT. The Chair announced that he would recognize the Senator from Pennsylvania [Mr. PENROSE] for that purpose.

Mr. PENROSE. I am content to have the Senator from Indiana make the motion—

Mr. BEVERIDGE. We had an understanding.

Mr. PENROSE. If I can get the result.

Mr. CARTER. I ask the Senator to yield to me for a moment.

Mr. BEVERIDGE. I withhold the motion for the moment.

Mr. CARTER. During a recent evening session I objected to the passage of a bill because it proposed to determine the heirs at law of a certain deceased person. The bill is very meritorious. I regret that necessity compelled me to check its passage at that time. It is the bill (H. R. 2926) for the relief of the heirs of John Smith. There are certain amendments which I desire to propose. I ask unanimous consent for its present consideration.

Mr. BEVERIDGE. If it will not cause any discussion, I will yield.

Mr. CARTER. The bill will lead to no discussion.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The VICE-PRESIDENT. The amendments proposed by the Senator from Montana will be stated.

The SECRETARY. On page 2, line 5, strike out the words "Charley J. Smith, Mary Ann Smith Carey, of 432 Backus street, Jackson, Mich., and Catherine Smith Schillings, of Valley City, N. Dak.," and insert in lieu thereof the words "the legal representatives of the estate of John Smith, deceased, late of the Soldiers' Home in Washington, D. C.;" in line 10, before the word "money," to strike out the word "said;" after the word "money," to strike out the word "so;" and at the end of the bill to strike out the words "and the use thereof" and insert "by said John Smith, deceased, during his lifetime;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal representatives of the estate of John Smith, deceased, late of the Soldiers' Home, in Washington, D. C., in equal proportions, the sum of \$1,998.50, in full for money deposited with said Home and officers thereof by said John Smith, deceased, during his lifetime.

The amendments were agreed to.

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

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. CARTER. I move to strike out the preamble.

The motion was agreed to.

SAC AND FOX INDIAN CLAIMS.

Mr. WARNER. I am directed by the Committee on Indian Affairs, to whom was referred the bill (S. 8533) to authorize the Court of Claims to hear, determine, and adjudicate the claims of the Sac and Fox Indians of the Mississippi in Iowa against the Sac and Fox Indians of the Mississippi in Oklahoma, and the United States, and for other purposes, to report it favorably without amendment, and I submit a report thereon. I call the attention of the junior Senator from Iowa to the bill.

Mr. DOLLIVER. I ask unanimous consent that the bill may be considered at this time.

Mr. BEVERIDGE. If there is to be no discussion upon it, I will agree to its consideration.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

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

ARMY AND NAVY UNION OF THE UNITED STATES.

Mr. BULKELEY. I am directed by the Committee on Military Affairs, to whom was referred the joint resolution (H. J. Res. 31) recognizing the change of name of the Regular Army and Navy Union of the United States to the Army and Navy Union of the United States of America, to report it favorably with an amendment. It will lead to no discussion, and I ask for its immediate consideration.

Mr. BEVERIDGE. The Senator does not ask to have it considered now?

Mr. BULKELEY. The amendment is a substitute comprising only four lines, and it will lead to no discussion whatever.

Mr. KEAN. Let it be read.

The VICE-PRESIDENT. The joint resolution will be read for the information of the Senate, if there be no objection.

The Secretary read the amendment, which was to strike out all after the enacting clause and insert:

That the distinctive badge adopted by the Army and Navy Union of the United States may be worn, in their own right, upon all public occasions of ceremony by officers and enlisted men of the Army and Navy of the United States who are members of said organization.

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

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

The amendment was agreed to.

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

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

Mr. SPOONER. I should like to hear the title read.

The VICE-PRESIDENT. The title will be read.

The SECRETARY. "A joint resolution recognizing the change of name of the Regular Army and Navy Union of the United States to the Army and Navy Union of the United States of America."

Mr. SPOONER. Is it organized under an act of Congress?

Mr. BULKELEY. I think so.

Mr. SPOONER. If Congress has anything to do with it it ought to read "legalizing" in lieu of "recognizing."

Mr. BULKELEY. I think the title should be changed.

On motion of Mr. SPOONER, the title was amended so as to read:

A joint resolution legalizing the change of name of the Regular Army and Navy Union of the United States to the Army and Navy Union of the United States of America.

SUPREME LODGE OF KNIGHTS OF PYTHIAS.

Mr. NELSON. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 17212) to amend an act to incorporate the Supreme Lodge of the Knights of Pythias, to report it favorably without amendment.

Mr. HEMENWAY. I ask for the present consideration of the bill just reported by the Senator from Minnesota.

Mr. BEVERIDGE. If it requires any discussion I shall insist on my motion to proceed to the consideration of executive business.

Mr. HEMENWAY. It will not lead to discussion. It is the unanimous report of the committee.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

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

IMMIGRATION STATION AT NEW ORLEANS.

The VICE-PRESIDENT laid before the Senate the request of the House of Representatives to furnish a duplicate engrossed copy of the bill (S. 7247) to provide for the establishment of an immigration station at New Orleans, in the State of Louisiana, and the erection in said city, on a site to be

selected for said station, of a public building; and, on motion of Mr. LODGE, the request was ordered to be complied with.

HEZEKIAH DEZARN.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which 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. 830) entitled "An act granting an increase of pension to Hezekiah Dezarn."

TWIN CITY POWER COMPANY.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 8182) authorizing the Twin City Power Company to build two dams across the Savannah River above the city of Augusta, in the State of Georgia; which was to strike out all after the enacting clause and insert:

That the Twin City Power Company, a corporation organized under the laws of the State of South Carolina, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a dam across the Savannah River, at or near where Dortons Creek, in the county of Edgefield, State of South Carolina, empties into the Savannah River, and also a dam across the said river at or near the southern end of Prices Island, in said river, and about 5 miles from the mouth of Dortons Creek, in the State of South Carolina, in accordance with the provisions of the act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906: *Provided*, That one of said dams shall be completed within three years, and the other within five years from the passage of this act.

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

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

The motion was agreed to.

J. TENNANT STEEB.

The VICE-PRESIDENT laid before the Senate the amendment of the House to the amendment of the Senate to the bill (H. R. 1371) to refund to J. Tennant Steeb certain duties erroneously paid by him, without protest, on goods of domestic production shipped from the United States to Hawaii and thereafter returned; which was to strike out "thirty" and insert "thirty-six."

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

The motion was agreed to.

HOUSE BILLS REFERRED.

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

H. R. 25190. An act to amend sections 1, 2, and 3 of an act entitled "An act to prohibit shanghaiing in the United States," approved June 28, 1906;

H. R. 25629. An act to repeal the act of February 27, 1901, granting authority to the East St. Louis and St. Louis Bridge and Construction Company, of the city of East St. Louis, Ill., to build, own, operate, and maintain a bridge across the Mississippi River;

H. R. 25672. An act to amend an act entitled "An act to authorize the Ox Bow Power Company, of South Dakota, to construct a dam across the Missouri River;" and

H. R. 25691. An act to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Liberty Bridge Company.

H. R. 25513. An act extending the time for making final proof in certain desert-land entries, was read twice by its title, and referred to the Committee on Public Lands.

ADDITIONAL REPORTS OF COMMITTEES.

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

A bill (H. R. 11279) to remove the charge of absence without leave from the military record of Oscar O. Bowen; and

A bill (H. R. 22210) to correct the military record of Homer Quick.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the joint resolution (H. J. Res. 223) relating to the holders of medals of honor, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 19932) for the relief of John Lavine, reported it without amendment, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on Finance, to whom was referred the bill (H. R. 16085) for the relief of Gordon, Ironsides & Fares Company (Limited), reported it without amendment.

He also, from the Committee on Public Lands, to whom was referred the bill (H. R. 21944) relating to the entry and dispo-

sition of certain lands in the State of Nebraska, reported it without amendment, and submitted a report thereon.

EXECUTIVE SESSION.

Mr. BEVERIDGE. 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 eight minutes spent in executive session the doors were reopened, and (at 6 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 22, 1907, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate February 21, 1907.

COLLECTORS OF CUSTOMS.

William H. Lucas, of Florida, to be collector of customs for the district of St. Johns, in the State of Florida. (Reappointment.)

Peter Dippel, of New York, to be collector of customs for the district of Sag Harbor, in the State of New York. (Reappointment.)

PROMOTIONS IN THE ARMY—INFANTRY ARM.

To be captains.

First Lieut. George W. Stuart, Seventh Infantry, from January 31, 1907, vice O'Neil, Twenty-fifth Infantry, promoted.

First Lieut. William T. Patten, Thirteenth Infantry, from February 1, 1907, vice Cabell, unassigned, detailed as quartermaster.

First Lieut. Duncan K. Major, jr., Fourteenth Infantry, from February 16, 1907, vice Keller, Twenty-seventh Infantry, resigned.

PROMOTIONS IN THE NAVY.

Commander Frank E. Sawyer to be a captain in the Navy from the 18th day of February, 1907, vice Capt. George H. Kearny, deceased.

Lieut. Commander Thomas Snowden to be a commander in the Navy from the 8th day of February, 1907, vice Commander Vincendon L. Cottman, promoted.

RECEIVER OF PUBLIC MONEY.

Harold Hurd, of Roswell, N. Mex., to be receiver of public moneys at Roswell, N. Mex., vice David L. Geyer, whose term will expire March 10, 1907.

REGISTERS OF LAND OFFICES.

Wesley F. Brittain, of Sheridan, Wyo., to be register of the land office at Buffalo, Wyo., vice Frederick W. Daniels, resigned.

M. H. Brennan, of Devils Lake, N. Dak., to be register of the land office at Devils Lake, N. Dak., vice Ole Serungard, term expired.

POSTMASTERS.

ARKANSAS.

Wells F. Smith to be postmaster at Hartford, in the county of Sebastian and State of Arkansas, in place of James M. Hill jr., removed.

CALIFORNIA.

Frank B. Mackinder to be postmaster at St. Helena, in the county of Napa and State of California, in place of Frank B. Mackinder. Incumbent's commission expired February 9, 1907.

CONNECTICUT.

William B. Bristol to be postmaster at Stratford, in the county of Fairfield and State of Connecticut, in place of William B. Bristol. Incumbent's commission expired February 13, 1907.

Leopold J. Curtis to be postmaster at Norfolk, in the county of Litchfield and State of Connecticut, in place of Leopold J. Curtis. Incumbent's commission expired February 4, 1907.

Charles C. Georgia to be postmaster at Unionville, in the county of Hartford and State of Connecticut, in place of Charles C. Georgia. Incumbent's commission expired February 11, 1907.

Charles N. Hatch to be postmaster at Bridgewater, in the county of Litchfield and State of Connecticut, in place of Charles N. Hatch. Incumbent's commission expired February 11, 1907.

Willis W. Mildrum to be postmaster at East Berlin, in the county of Hartford and State of Connecticut, in place of Willis W. Mildrum. Incumbent's commission expired January 26, 1907.

Edwin F. Tomlinson to be postmaster at Plainville, in the county of Hartford and State of Connecticut, in place of Edwin F. Tomlinson. Incumbent's commission expired January 19, 1907.

FLORIDA.

John M. Jolley to be postmaster at Daytona, in the county of Volusia and State of Florida, in place of John M. Jolley. Incumbent's commission expired February 7, 1907.

GEORGIA.

William E. Dunham to be postmaster at Cochran, in the county of Pulaski and State of Georgia, in place of Anna P. Grimsley, resigned.

IDAHO.

Burt Venable to be postmaster at Payette, in the county of Canyon and State of Idaho, in place of Burt Venable. Incumbent's commission expires February 26, 1907.

ILLINOIS.

John C. Beever to be postmaster at Coulterville, in the county of Randolph and State of Illinois, in place of Rufus East, deceased.

John W. Church to be postmaster at Marissa, in the county of St. Clair and State of Illinois, in place of John W. Church. Incumbent's commission expired January 23, 1907.

John Culbertson to be postmaster at Sumner, in the county of Lawrence and State of Illinois, in place of John Culbertson. Incumbent's commission expired May 21, 1906.

Lester B. Knickerbocker to be postmaster at Bradley, in the county of Kankakee and State of Illinois, in place of Lester B. Knickerbocker. Incumbent's commission expires March 11, 1907.

James McClintock to be postmaster at Hinsdale, in the county of Dupage and State of Illinois, in place of Welby B. Carleton, deceased.

Thomas H. Stokes to be postmaster at Lincoln, in the county of Logan and State of Illinois, in place of Lewis B. Davis. Incumbent's commission expires March 3, 1907.

INDIANA.

Alva M. Newcomer to be postmaster at Elwood, in the county of Madison and State of Indiana, in place of Weldon A. Finch, resigned.

INDIAN TERRITORY.

David C. Blossom to be postmaster at Atoka, District 23, Indian Territory, in place of David C. Blossom. Incumbent's commission expired February 12, 1907.

Samuel S. Cobb to be postmaster at Wagoner, District 7, Indian Territory, in place of Samuel S. Cobb. Incumbent's commission expired February 12, 1907.

Charles B. Ramsey to be postmaster at Davis, District 21, Indian Territory, in place of Charles B. Ramsey. Incumbent's commission expired February 12, 1907.

IOWA.

Albert J. Enbody to be postmaster at Dunlap, in the county of Harrison and State of Iowa, in place of Albert J. Enbody. Incumbent's commission expired February 11, 1907.

C. H. Mendenhall to be postmaster at Buxton, in the county of Monroe and State of Iowa, in place of William Morgan, resigned.

George W. Metcalf to be postmaster at Lansing, in the county of Allamakee and State of Iowa, in place of George W. Metcalf. Incumbent's commission expired February 9, 1907.

William N. Oursler to be postmaster at Odebolt, in the county of Sac and State of Iowa, in place of William N. Oursler. Incumbent's commission expired February 9, 1907.

Benjamin H. Tamplin to be postmaster at Hull, in the county of Sioux and State of Iowa, in place of Benjamin H. Tamplin. Incumbent's commission expired February 9, 1907.

KENTUCKY.

William H. Turner to be postmaster at Middlesboro, in the county of Bell and State of Kentucky, in place of George W. Albrecht. Incumbent's commission expires March 11, 1907.

KANSAS.

Fred Hazleton to be postmaster at Norton, in the county of Norton and State of Kansas, in place of Elhanan V. Peterson. Incumbent's commission expires February 28, 1907.

W. P. Heichert to be postmaster at Howard, in the county of Elk and State of Kansas, in place of Thomas E. Thompson. Incumbent's commission expired February 12, 1907.

Walter L. Stocking to be postmaster at Goff, in the county of Nemaha and State of Kansas. Office became Presidential January 1, 1907.

LOUISIANA.

Henry C. Edwards to be postmaster at Marksville, in the parish of Avoyelles and State of Louisiana, in place of Henry C. Edwards. Incumbent's commission expires February 26, 1907.

Charlton Fort to be postmaster at Minden, in the parish of Webster and State of Louisiana, in place of Edward E. Fitzgerald, resigned.

Bernard Isaacs to be postmaster at Gueydan, in the parish of Vermilion and State of Louisiana, in place of Bernard Isaacs. Incumbent's commission expires February 26, 1907.

MAINE.

Will I. Burrill to be postmaster at Corinna, in the county of Penobscot and State of Maine. Office became Presidential January 1, 1907.

MARYLAND.

Ulysses Hanna to be postmaster at Frostburg, in the county of Allegany and State of Maryland, in place of Ulysses Hanna. Incumbent's commission expired January 23, 1907.

William Pearre to be postmaster at Cumberland, in the county of Allegany and State of Maryland, in place of William Pearre. Incumbent's commission expires March 18, 1907.

MASSACHUSETTS.

Samuel R. Mosely to be postmaster at Hyde Park, in the county of Norfolk and State of Massachusetts, in place of Samuel R. Mosely. Incumbent's commission expired January 22, 1907.

Charles L. Scranton to be postmaster at Oak Bluffs (late Cottage City), in the county of Dukes and State of Massachusetts, in place of Charles L. Scranton, to change name of office.

John W. Sproul to be postmaster at Abington, in the county of Plymouth and State of Massachusetts, in place of John W. Sproul. Incumbent's commission expired February 4, 1907.

William H. Twiss to be postmaster at Ashland, in the county of Middlesex and State of Massachusetts, in place of William H. Twiss. Incumbent's commission expired February 11, 1907.

MICHIGAN.

Charles H. Bostick to be postmaster at Manton, in the county of Wexford and State of Michigan, in place of Victor F. Huntley. Incumbent's commission expired February 11, 1907.

Charles B. Collingwood to be postmaster at Agricultural College, in the county of Ingham and State of Michigan, in place of Charles B. Collingwood. Incumbent's commission expired April 1, 1906.

Roland Franklin to be postmaster at Clio, in the county of Genesee and State of Michigan, in place of Roland Franklin. Incumbent's commission expired February 7, 1907.

George W. Freese to be postmaster at Clinton, in the county of Lenawee and State of Michigan, in place of Herbert E. Lindsley. Incumbent's commission expired February 19, 1907.

Flora MacLachlan to be postmaster at Grand Marais, in the county of Alger and State of Michigan, in place of John F. Chisholm, resigned.

Archie R. McKinnon to be postmaster at Shelby, in the county of Oceana and State of Michigan, in place of Archie R. McKinnon. Incumbent's commission expired February 11, 1907.

Benjamin F. Oakes to be postmaster at East Tawas, in the county of Iosco and State of Michigan, in place of Benjamin F. Oakes. Incumbent's commission expired February 2, 1907.

Luther E. Sherman to be postmaster at Bessemer, in the county of Gogebic and State of Michigan, in place of Richard J. Bawden, removed.

MINNESOTA.

Samuel D. Dower to be postmaster at Wadena, in the county of Wadena and State of Minnesota, in place of Charles C. Eastman, removed.

George W. Kaupp to be postmaster at Blue Earth, in the county of Faribault and State of Minnesota, in place of George W. Buswell. Incumbent's commission expired April 5, 1906.

Albert E. Joslyn to be postmaster at Royalton, in the county of Morrison and State of Minnesota, in place of Albert W. Swanson, resigned.

Augustus Parish to be postmaster at Sandstone, in the county of Pine and State of Minnesota, in place of Angus Gunn. Incumbent's commission expires March 3, 1907.

Christian A. Rasmussen to be postmaster at Red Wing, in the county of Goodhue and State of Minnesota, in place of Christian A. Rasmussen. Incumbent's commission expired February 4, 1907.

Emma C. Taylor to be postmaster at Chaska, in the county of Carver and State of Minnesota, in place of Emma C. Taylor. Incumbent's commission expires March 2, 1907.

Adolph J. Veigel to be postmaster at Mankato, in the county of Blue Earth and State of Minnesota, in place of Clifford L. Benedict. Incumbent's commission expired December 10, 1906.

MISSISSIPPI.

Robert Burns to be postmaster at Brandon, in the county of Rankin and State of Mississippi. Office became Presidential January 1, 1907.

MISSOURI.

Thomas J. C. Fagg to be postmaster at Louisiana, in the county of Pike and State of Missouri, in place of Thomas J. C. Fagg. Incumbent's commission expires February 24, 1907.

Charles L. Harris to be postmaster at Harrisonville, in the county of Cass and State of Missouri, in place of Charles L. Harris. Incumbent's commission expired May 19, 1906.

Archie T. Hollenbeck to be postmaster at West Plains, in the county of Howell and State of Missouri, in place of Archie T. Hollenbeck. Incumbent's commission expired January 22, 1907.

Leo W. McDavitt to be postmaster at La Plata, in the county of Macon and State of Missouri, in place of Leo W. McDavitt. Incumbent's commission expired January 13, 1907.

David B. Ormiston to be postmaster at Linneus, in the county of Linn and State of Missouri, in place of David B. Ormiston. Incumbent's commission expired February 11, 1907.

James Tait, sr., to be postmaster at Polo, in the county of Caldwell and State of Missouri. Office became Presidential January 1, 1907.

NEBRASKA.

James N. Brooks to be postmaster at Rushville, in the county of Sheridan and State of Nebraska, in place of James N. Brooks. Incumbent's commission expired February 4, 1907.

Edward G. Hall to be postmaster at David City, in the county of Butler and State of Nebraska, in place of Edward G. Hall. Incumbent's commission expires March 19, 1907.

Lew E. Shelley to be postmaster at Fairbury, in the county of Jefferson and State of Nebraska, in place of Benjamin McLucas. Incumbent's commission expired February 13, 1907.

George W. Shreck to be postmaster at York, in the county of York and State of Nebraska, in place of Theron E. Sedgwick. Incumbent's commission expired April 10, 1906.

Chester H. Smith to be postmaster at Plattsmouth, in the county of Cass and State of Nebraska, in place of Chester H. Smith. Incumbent's commission expired June 12, 1906.

NEW JERSEY.

Walter Ball to be postmaster at Merchantville, in the county of Camden and State of New Jersey, in place of Maurice B. Rudderow, removed.

Joseph E. Fulper to be postmaster at Washington, in the county of Warren and State of New Jersey, in place of Oscar Jeffery. Incumbent's commission expires March 2, 1907.

Alfred M. Jones to be postmaster at Summit, in the county of Union and State of New Jersey, in place of Alfred M. Jones. Incumbent's commission expires March 13, 1907.

Frank D. Pedrick to be postmaster at Woodbury, in the county of Gloucester and State of New Jersey, in place of Charles Walton. Incumbent's commission expires February 26, 1907.

NEW YORK.

Charles B. Ball, to be postmaster at Montour Falls, in the county of Schuyler and State of New York, in place of Charles B. Ball. Incumbent's commission expires February 26, 1907.

George R. Cornwell to be postmaster at Penn Yan, in the county of Yates and State of New York, in place of George R. Cornwell. Incumbent's commission expired February 12, 1907.

George N. Deyoe to be postmaster at Johnstown, in the county of Fulton and State of New York, in place of Cyrus Durey. Incumbent's commission expired January 7, 1907.

John L. Kyne to be postmaster at East Syracuse, in the county of Onondaga and State of New York, in place of John L. Kyne. Incumbent's commission expired February 4, 1907.

Adolph Lienhardt to be postmaster at Stapleton, in the county of Richmond and State of New York, in place of Charles Schmeiser. Incumbent's commission expired February 4, 1907.

NORTH DAKOTA.

Roy P. Hubbard to be postmaster at Glen Ullin, in the county of Morton and State of North Dakota. Office became Presidential October 1, 1906.

Donald G. McIntosh to be postmaster at St. Thomas, in the county of Pembina and State of North Dakota, in place of Donald G. McIntosh. Incumbent's commission expired December 10, 1906.

Gustave B. Metzger to be postmaster at Williston, in the county of Williams and State of North Dakota, in place of Gustave B. Metzger. Incumbent's commission expired February 12, 1907.

OHIO.

Charles E. Albright to be postmaster at Eaton, in the county of Preble and State of Ohio, in place of John W. Ammerman. Incumbent's commission expired February 2, 1907.

C. W. Coe to be postmaster at Centerburg, in the county of Knox and State of Ohio, in place of Clayton H. Bishop. Incumbent's commission expired January 14, 1907.

Ezra L. Gill to be postmaster at Sunbury, in the county of Delaware and State of Ohio, in place of Ezra L. Gill. Incumbent's commission expired January 19, 1907.

Walter B. Johnson to be postmaster at Fredericktown, in the county of Knox and State of Ohio, in place of Walter B. Johnson. Incumbent's commission expired February 4, 1907.

Otis T. Locke to be postmaster at Tiffin, in the county of Seneca and State of Ohio, in place of Otis T. Locke. Incumbent's commission expires February 26, 1907.

William H. Surlles to be postmaster at East Liverpool, in the

county of Columbiana and State of Ohio, in place of William H. Surlis. Incumbent's commission expired February 4, 1907.

Cary A. Watts to be postmaster at Peebles, in the county of Adams and State of Ohio, in place of Edward L. Watts, resigned.

Henry B. Wisner to be postmaster at Berea, in the county of Cuyahoga and State of Ohio, in place of Henry B. Wisner. Incumbent's commission expired February 19, 1907.

OREGON.

John R. Casey to be postmaster at Ashland, in the county of Jackson and State of Oregon, in place of John R. Casey. Incumbent's commission expires March 18, 1907.

PENNSYLVANIA.

Samuel F. Booher to be postmaster at Kittanning, in the county of Armstrong and State of Pennsylvania, in place of Frank A. Moesta. Incumbent's commission expires March 2, 1907.

Joseph H. Denning to be postmaster at St. Clair, in the county of Schuylkill and State of Pennsylvania, in place of Charles L. Ferree. Incumbent's commission expired January 26, 1907.

Samuel J. Evans to be postmaster at Slatington, in the county of Lehigh and State of Pennsylvania, in place of William W. Morgan. Incumbent's commission expired January 26, 1907.

Augustus M. High to be postmaster at Reading, in the county of Berks and State of Pennsylvania, in place of Augustus M. High. Incumbent's commission expires March 3, 1907.

William W. Kemble to be postmaster at Tidioute, in the county of Warren and State of Pennsylvania, in place of William W. Kemble. Incumbent's commission expired February 19, 1907.

Joseph I. Latimer to be postmaster at New Bethlehem, in the county of Clarion and State of Pennsylvania, in place of Joseph I. Latimer. Incumbent's commission expires February 26, 1907.

William D. McHenry to be postmaster at Big Run, in the county of Jefferson and State of Pennsylvania. Office became Presidential January 1, 1907.

John S. Weaver to be postmaster at Mechanicsburg, in the county of Cumberland and State of Pennsylvania, in place of John S. Weaver. Incumbent's commission expires March 2, 1907.

Alfred E. Williams to be postmaster at Plymouth, in the county of Luzerne and State of Pennsylvania, in place of Alfred E. Williams. Incumbent's commission expires March 2, 1907.

William W. Wren to be postmaster at Boyertown, in the county of Berks and State of Pennsylvania, in place of William W. Wren. Incumbent's commission expired February 19, 1907.

RHODE ISLAND.

James E. Bowen to be postmaster at Central Falls, in the county of Providence and State of Rhode Island, in place of James E. Bowen. Incumbent's commission expires February 28, 1907.

James T. Caswell to be postmaster at Narragansett Pier, in the county of Washington and State of Rhode Island, in place of James T. Caswell. Incumbent's commission expired February 11, 1907.

SOUTH CAROLINA.

Susan E. Morton to be postmaster at Due West, in the county of Abbeville and State of South Carolina. Office became Presidential January 1, 1907.

Landrum Padgett to be postmaster at Pelzer, in the county of Anderson and State of South Carolina, in place of Landrum Padgett. Incumbent's commission expires March 18, 1907.

Alonzo D. Webster to be postmaster at Orangeburg, in the county of Orangeburg and State of South Carolina, in place of Alonzo D. Webster. Incumbent's commission expired February 12, 1907.

Dalton A. Brosius to be postmaster at Vermilion, in the county of Clay and State of South Dakota, in place of Dalton A. Brosius. Incumbent's commission expired June 25, 1906.

Thomas A. Crisman to be postmaster at Redfield, in the county of Spink and State of South Dakota, in place of Frank S. Myers. Incumbent's commission expired June 30, 1906.

William T. Dale to be postmaster at Mellette, in the county of Spink and State of South Dakota. Office became Presidential January 1, 1907.

William W. Downie to be postmaster at Milbank, in the county of Grant and State of South Dakota, in place of William W. Downie. Incumbent's commission expired February 19, 1907.

George Reed to be postmaster at Arlington, in the county of Kingsbury and State of South Dakota, in place of George Reed. Incumbent's commission expired January 20, 1906.

Frank E. Saltmarsh to be postmaster at Miller, in the county of Hand and State of South Dakota, in place of John A. Bushfield. Incumbent's commission expired January 13, 1907.

Delbert W. Wilmarth to be postmaster at De Smet, in the county of Kingsbury and State of South Dakota, in place of Delbert W. Wilmarth. Incumbent's commission expired May 21, 1906.

TEXAS.

J. D. Anderson to be postmaster at Miles Station, in the county of Runnels and State of Texas. Office became Presidential January 1, 1906.

Francis M. Barton to be postmaster at Terrell, in the county of Kaufman and State of Texas, in place of Francis M. Barton. Incumbent's commission expired June 27, 1906.

Charles W. Burr to be postmaster at Eagle Pass, in the county of Maverick and State of Texas, in place of Erwin W. Owen. Incumbent's commission expires February 28, 1907.

W. H. Hoffman to be postmaster at Waco, in the county of McLennan and State of Texas, in place of William A. Stoner. Incumbent's commission expired February 18, 1907.

Evert Johnson to be postmaster at Jacksboro, in the county of Jack and State of Texas, in place of Jeannette D. McConnell. Incumbent's commission expired January 23, 1904.

Allen Mills to be postmaster at Jewett, in the county of Leon and State of Texas. Office became Presidential January 1, 1907.

VERMONT.

Stanley R. Bryant to be postmaster at Windsor, in the county of Windsor and State of Vermont, in place of Stanley R. Bryant. Incumbent's commission expired February 12, 1907.

B. J. Derby to be postmaster at Burlington, in the county of Chittenden and State of Vermont, in place of B. J. Derby. Incumbent's commission expires March 2, 1907.

L. D. Hazen to be postmaster at St. Johnsbury, in the county of Caledonia and State of Vermont, in place of L. D. Hazen. Incumbent's commission expired February 19, 1907.

WASHINGTON.

Dan W. Bush to be postmaster at Chehalis, in the county of Lewis and State of Washington, in place of Dan W. Bush. Incumbent's commission expired February 2, 1907.

WYOMING.

Cameron W. Garbutt to be postmaster at Sheridan, in the county of Sheridan and State of Wyoming, in place of William F. Brittain, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 21, 1907.

MARSHAL.

Charles K. Darling, of Massachusetts, to be United States marshal for the district of Massachusetts.

REGISTERS OF THE LAND OFFICE.

Wesley F. Brittain, of Sheridan, to be register of the land office at Buffalo, in the State of Wyoming.

William W. Wood, of Rushville, Nebr., to be register of the land office at Alliance, Nebr.

PROMOTIONS IN THE NAVY.

Asst. Surg. Harry Shaw to be a passed assistant surgeon in the Navy from the 28th day of October, 1906, upon the completion of three years' service.

Asst. Surg. Burt F. Jenness to be a passed assistant surgeon in the Navy from the 11th day of November, 1906, upon the completion of three years' service.

POSTMASTERS.

CALIFORNIA.

W. H. Edwards to be postmaster at Vacaville, in the county of Solano and State of California.

HAWAII.

Frank Crawford to be postmaster at Lihue, in the county of Kauai and Territory of Hawaii.

NEW YORK.

Horace L. Burrill to be postmaster at Weedsport, in the county of Cayuga and State of New York.

David G. Montross to be postmaster at Peekskill, in the county of Westchester and State of New York.

George P. Nickels to be postmaster at Rye, in the county of Westchester and State of New York.

OHIO.

Edmund F. Moore to be postmaster at Lisbon, in the county of Columbiana and State of Ohio.

Tanner R. Snowden to be postmaster at Wellsville, in the county of Columbiana and State of Ohio.

PENNSYLVANIA.

Samuel J. Evans to be postmaster at Slatington, in the county of Lehigh and State of Pennsylvania.

Allen C. W. Mathues to be postmaster at Media, in the county of Delaware and State of Pennsylvania.

Nathaniel B. Miller to be postmaster at North Clarendon, in the county of Warren and State of Pennsylvania.

James H. Wells to be postmaster at Wilcox, in the county of Elk and State of Pennsylvania.

G. Clinton Williams to be postmaster at Spring City, in the county of Chester and State of Pennsylvania.

TEXAS.

Edward Blanchard to be postmaster at San Angelo, in the county of Tom Green and State of Texas.

George W. Burkitt, jr., to be postmaster at Palestine, in the county of Anderson and State of Texas.

J. J. Cypert to be postmaster at Hillsboro, in the county of Hill and State of Texas.

Harry Harris to be postmaster at Gatesville, in the county of Coryell and State of Texas.

W. H. Ingerton to be postmaster at Amarillo, in the county of Potter and State of Texas.

Johnnie J. Kelly to be postmaster at Eastland, in the county of Eastland and State of Texas.

J. A. Smith to be postmaster at El Paso, in the county of El Paso and State of Texas.

WYOMING.

Cameron W. Garbutt to be postmaster at Sheridan, in the State of Wyoming.

HOUSE OF REPRESENTATIVES.

THURSDAY, February 21, 1907.

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

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

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

UNALLOTTED LANDS IN ROSEBUD RESERVATION.

The SPEAKER laid before the House the bill (H. R. 24987) to authorize the sale and disposition of a portion of the surplus or unallotted lands in the Rosebud Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect, with Senate amendments.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent to nonconcur in the Senate amendments and ask for a conference.

Mr. WILLIAMS. What are the amendments?

Mr. SHERMAN. There are two main amendments. One is changing the rate of interest the United States is to pay on the fund which is to be put into the Treasury. The House fixes the rate of interest on such fund at 3 per cent. The Senate changed it to 5 per cent.

The other provision is an appropriation for \$15,000, which should be made reimbursable, but the Senate did not make it so.

The SPEAKER. Does the gentleman from New York offer an amendment?

Mr. SHERMAN. No; I ask unanimous consent to nonconcur and go to conference.

The SPEAKER. The gentleman from New York asks unanimous consent to nonconcur in the Senate amendments and ask for a conference. Is there objection?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. SHERMAN, Mr. BURKE of South Dakota, and Mr. STEPHENS of Texas.

HEZEKIAH DEZARN.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution, which I send to the Clerk's desk.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return the bill H. R. 830, entitled "An act granting an increase of pension to Hezekiah Dezarn."

The resolution was agreed to.

MAKING FINAL PROOF IN DESERT-LAND ENTRIES.

Mr. JONES of Washington. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 25513) extending the time for making final proof in certain desert-land entries.

The Clerk read the bill, as follows:

Be it enacted, etc., That all desert-land entrymen, under the Benton Water Company's canal, in Benton County, State of Washington, who would be required under existing law to make final proof during the year 1907, are hereby given an additional year in which to make such final proof.

The Clerk read the following amendment recommended by the committee:

Add at the end of the bill the following:
Provided, That each entryman claiming the benefits of this act shall, within ninety days after its passage and approval, file in the local land office of the district in which the lands embraced in his entry are located an affidavit describing his lands and stating that he expects to irrigate the same with water from the canal of said company."

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendment was agreed to.

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

On motion of Mr. JONES of Washington, a motion to reconsider the vote whereby the bill was passed was laid on the table.

LOBBYING AT NATIONAL CAPITOL.

Mr. LAMAR. Mr. Speaker, on the 12th day of February I introduced the bill H. R. 25617, a bill to prohibit lobbying at the National Capitol. I think the terms of the bill are more comprehensive than I intended; that they include a class or classes that I did not intend to include. The bill was almost literally from the Georgia statute and aimed at railway lobbying at the Georgia State capitol. It was my intent that the bill should effect that object here. If it is a proper parliamentary procedure, I should like, by unanimous consent, to withdraw the bill from the files of the House. If that is not correct, I would like to ask that the Committee on the Judiciary be discharged from the consideration of the bill and that the bill lie on the table. I will then reintroduce it.

The SPEAKER. The gentleman from Florida asks unanimous consent that the Committee on the Judiciary be discharged from further consideration of the bill indicated and that the same do lie on the table.

Mr. GARRETT. Is it the desire of the gentleman from Florida simply to confine the provision of the bill against lobbying railroad companies?

Mr. LAMAR. It is. I will read the amendment.

Mr. MANN. Mr. Speaker, this does not seem to me to be a matter for debate.

The SPEAKER. Well, the gentleman asked unanimous consent, and, as usual, there is a little play to see whether he is going to get it or not. [Laughter.]

Mr. LAMAR. I will make the bill express what I intended in the first instance, and that is a bill to prohibit lobbying at the National Capitol in behalf of railroads or railway companies engaged in interstate commerce.

Mr. GARRETT. Why not forbid lobbying in regard to other things?

Mr. LAMAR. I am introducing my own bill. I haven't the slightest objection to the gentleman introducing one.

Mr. GARRETT. But the gentleman introduced his own bill in the first instance.

Mr. LAMAR. I am asking to withdraw my own bill and substitute that which I intended and desired.

Mr. GARRETT. Well, it is a personal matter, and I do not object.

The SPEAKER. If the Chair understands the request of the gentleman from Florida, it is to discharge the Committee on the Judiciary from the further consideration of the bill indicated and that the bill do lie on the table. Is that correct?

Mr. LAMAR. That is correct.

The SPEAKER. Is there objection?

There was no objection.

Mr. LAMAR. Now I will reintroduce the bill as amended.

The SPEAKER. That will have to be done through the box.

BRIDGE ACROSS MONONGAHELA RIVER AT PITTSBURG, PA.

Mr. BARCHFELD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 25691) to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Liberty Bridge Company, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Liberty Bridge Company, a corporation created and organized under the laws of the State of Pennsylvania, its successors and assigns, be, and it is hereby, authorized to construct and maintain a bridge and approaches thereto over the Monongahela River, in the State of Pennsylvania, from a point of intersection by the center line of South Third street, in the city of Pittsburgh, projected to and intersecting the United States harbor line at the south shore of said river, thence by a right line coincident with the center line of said street and being the proposed center line of said bridge, to a point of intersection with the United States harbor line at the north shore of said river.

Sec. 2. That said bridge shall be constructed for the passage of railway trains and for the use of the public as a highway bridge for vehicle and foot passengers, and shall be a lawful structure, and shall be recognized and known as a post route, upon which no higher charge shall be made for the transportation over the same of the mails, the