

Also, petition of National Association of Clothiers, against S. 3023 (Aldrich currency bill) and favoring H. R. 12677 (Fowler currency bill)—to the Committee on Banking and Currency.

Also, petition of Philadelphia Board of Trade, against H. R. 17290, to amend an act entitled "An act to protect trade and commerce against unlawful restraints and monopolies"—to the Committee on the Judiciary.

Also, petition of National Guard Association of Illinois, favoring H. R. 14783, amending the act to promote efficiency of the militia—to the Committee on the Militia.

By Mr. NEEDHAM: Petition of W. P. Hoffman and other citizens of District No. 6, California, against the Penrose bill (S. 1518) for an amendment to section 3893 of the Revised Statutes—to the Committee on the Post-Office and Post-Roads.

By Mr. NORRIS: Petition of Farmers' Grain and Live Stock Association of Nebraska, favoring Federal inspection of grain—to the Committee on Interstate and Foreign Commerce.

By Mr. PAYNE: Papers to accompany H. R. 20050, granting an increase of pension to Alfred Gilkey—to the Committee on Invalid Pensions.

By Mr. PETERS: Petition of lumbermen of Massachusetts, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Henry L. Higginson and Richard L. Humphreys, of Boston, Mass., against building four more battle ships—to the Committee on Naval Affairs.

By Mr. PRINCE: Petitions of J. H. Walters and others and R. L. Bollman and others, of Henry County, Ill., for the Burnham parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. SHERLEY: Petition of citizens of Louisville, Ky., asking that the telegraph systems of United States come under the provisions of the Erdman Act—to the Committee on Interstate and Foreign Commerce.

By Mr. SPARKMAN: Petition of the Fernandina Board of Trade, against the Frye joint resolution (S. R. 40), restricting the carrying of material and supplies to the Panama Canal in American bottoms—to the Committee on the Merchant Marine and Fisheries.

By Mr. SULZER: Petition of Emil Liebling, for a copyright law to prevent use of copyrighted melodies by phonograph and automatic piano companies—to the Committee on Patents.

Also, petition of Henry A. Mehdan, against the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of the City Library, of Springfield, Mass., against section 33, S. 2900, to revise the acts relative to copyright—to the Committee on Patents.

Also, petition of California Harbor, No. 15, American Association of Masters, Mates, and Pilots, against H. R. 225 and S. 5787 and in favor of H. R. 14941, all being relative to an amendment of section 4463 of the Revised Statutes of the United States—to the Committee on the Merchant Marine and Fisheries.

By Mr. TIRRELL: Petition of E. R. Ballard and others, for the establishment of a national highways commission—to the Committee on Agriculture.

By Mr. WANGER: Petitions of Marine Engineers' Beneficial Association, No. 35, of San Francisco, Cal., and California Harbor, No. 15, American Association of Masters, Mates, and Pilots, against H. R. 225 and S. 5787 and in favor of H. R. 14941, amending section 4463 of Revised Statutes—to the Committee on the Merchant Marine and Fisheries.

By Mr. WEEKS: Petition of Celtic Literary Association of North Attleboro, against a treaty of arbitration with Great Britain—to the Committee on Foreign Affairs.

By Mr. WOOD: Petition of Newark Association of Credit Men, favoring passage of H. R. 13266, amending the national bankruptcy act—to the Committee on the Judiciary.

Also, petition of Newark Association of Credit Men, of Newark, N. J., opposing passage of Aldrich currency bill—to the Committee on Banking and Currency.

Also, petition of C. R. Burnett, of Newark, N. J., favoring passage of the Fowler bill (H. R. 12677)—to the Committee on Banking and Currency.

Also, petitions of J. B. Anderson and others, of Lebanon; Ringoes Grange, No. 12; Baritan Valley Grange, No. 153; Oak Grove Grange, No. 119, of Pittstown, all in the State of New Jersey, for creation of a national highways commission and making appropriation for construction and improvement of public highways—to the Committee on Agriculture.

Also, papers to accompany bills for relief of Gilbert M. Eversman and Andrew J. Cook—to the Committee on Invalid Pensions.

## SENATE.

TUESDAY, March 31, 1908.

Prayer by the Chaplain, Rev. EDWARD E. HALE.  
The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN and by unanimous consent, the further reading was dispensed with.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the Speaker of the House had signed the enrolled bill S. 5589, an act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, and it was thereupon signed by the Vice-President.

## PROPOSED RAILROAD LEGISLATION.

**THE VICE-PRESIDENT.** The Chair lays before the Senate resolutions of the Brotherhood of Locomotive Firemen and Enginemen of the United States, which, in the absence of objection, will be read by the Secretary.

The Secretary read as follows:

WASHINGTON, D. C., March 31, 1908.

HON. CHARLES W. FAIRBANKS,  
President of the Senate, Washington, D. C.

SIR: The undersigned, a committee representing a union meeting composed of 1,000 delegates representing the Brotherhood of Locomotive Firemen and Enginemen from thirty States, held at Masonic Temple, Washington, D. C., March 30, 1908, respectfully submit for the consideration of the Senate the following memorial adopted by said meeting:

*Resolved*, That we favor the early consideration and passage by Congress of the Hemenway-Graft bill, requiring common carriers to equip their locomotives with automatic self-dumping ash pans, thereby doing away with the necessity of men exposing themselves to danger by being compelled to go under locomotives.

*Resolved*, That we favor the passage by Congress of the La Follette-Sterling employers' liability bill, as against the Knox bill, the former being broad in its application and plain and explicit in its terms, thereby furnishing protection to a greater number of employees and their families, and being capable of intelligent understanding by those who would benefit by its provisions, while the latter bill is limited in its scope, less liberal to the employees, and contains principles which are experimental and untried in legislation and which would not be understood by many affected by it.

*Resolved*, That we are unalterably opposed to the passage of the Townsend bill, entitled "A bill to provide for the investigation of controversies affecting interstate commerce," as we believe said bill aims at Governmental regulation and control of labor disputes, is a step toward compulsory arbitration, and therefore threatens our liberties, both as employees and as citizens.

*Resolved*, That we view with increasing alarm the steady and gradual encroachment upon our liberties by Federal judges through the abuse of the power of injunction in labor disputes, such power having already been extended so as to prevent workmen from striking and from organizing. We protest against this abuse, and demand the passage by Congress of such legislation as will preserve to us our civil rights and prevent the abuse of such power in the future.

Respectfully submitted.

JOHN M. HALL,  
WILLIAM A. CAHOON,  
Committee.

Mr. CULLOM. I have been requested by some portion of the committee in charge of the resolutions to ask that they be printed as a document.

The VICE-PRESIDENT. Without objection, it is so ordered. The resolutions will lie on the table.

## PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the General Federation of Women's Clubs of Denver, Colo., praying for the enactment of legislation providing for investigating and developing the methods of treatment of tuberculosis, which was referred to the Committee on the District of Columbia.

He also presented a memorial of Marine Engineers' Beneficial Association, No. 35, of San Francisco, Cal., remonstrating against the passage of House bill 225, to amend section 4463 of the Revised Statutes relating to the complement of crews of vessels, and for the better protection of life, which was ordered to lie on the table.

Mr. CULLOM presented memorials of sundry citizens of Galesburg, Pontiac, Chicago, and Streator, all in the State of Illinois, remonstrating against the enactment of legislation to prohibit Sunday banking in post-offices in the handling of money orders and registered letters, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE presented a petition of Norland Grange, Patrons of Husbandry, of East Livermore, Me., praying for the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PERKINS presented a petition of the Chamber of Commerce of Stockton, Cal., praying for the enactment of legisla-

tion providing Federal aid in agricultural and industrial instruction in high schools, which was referred to the Committee on Education and Labor.

He also presented a memorial of 1,488 citizens of the State of California, remonstrating against the enactment of legislation to prevent Sunday banking in post-offices in the handling of money orders and registered letters, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CRANE presented the petition of Vincent E. Barnes and sundry other citizens of Westfield and Springfield, in the State of Massachusetts, praying for the adoption of certain amendments to the Constitution of the United States, which was referred to the Committee on the Judiciary.

Mr. GAMBLE presented memorials of sundry citizens of Portland, Imperial, and Montavilla, all in the State of Oregon, and of Orange, Cal., remonstrating against the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. KEAN presented petitions of sundry citizens of Elizabeth, of District Council No. 2, Metal Polishers, Buffers, Platers, and Brass Molders' Union of North America, of Newark, and of Local Union No. 3, National Print Cutters' Association of America, of New Brunswick, all in the State of New Jersey, praying for the enactment of legislation providing for the construction of all battle ships at the Government navy-yards, which were referred to the Committee on Naval Affairs.

He also presented a memorial of sundry citizens of Paterson, N. J., and a memorial of Local Branch No. 5, St. Patrick's Alliance of America, of Passaic, N. J., remonstrating against the ratification of the pending treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Montague, Delaware, Hope, Columbia, Oakland, Allendale, and Midland Park; of Raritan Grange, No. 156, Patrons of Husbandry, of Keyport; of the Board of Trade of Newark, and of Milltown Grange, No. 151, Patrons of Husbandry, of Milltown, all in the State of New Jersey, praying for the passage of the so-called "Burnham rural parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Board of Trade of Jersey City, N. J., praying for the enactment of legislation to establish a national forest reserve in the Southern Appalachian and White Mountains, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. ANKENY presented a petition of Local Union No. 90, International Stereotypers and Electrotypers' Union, of Tacoma, Wash., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented memorials of sundry citizens of Manor, North Yakima, Anacortes, Cheney, Thorp, Nile, Ballard, Dixie, Dusty, Wilcox, Bridgeport, Farmington, and Stevens County, all in the State of Washington, remonstrating against the enactment of legislation to prohibit Sunday banking in post-offices in the handling of money orders and registered letters, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Manor, Wash., remonstrating against the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. TALIAFERRO presented a memorial of sundry citizens of Florida, remonstrating against the passage of the so-called "Penrose bill," to exclude nonmailable periodicals from second-class mail privileges, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. GALLINGER presented a petition of sundry citizens of Richmond, N. H., and the petition of Goodnow and Derby, of Peterboro, N. H., praying for the passage of the so-called "rural parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of sundry citizens of California, Washington, Oregon, and Washington, D. C., remonstrating against the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented sundry petitions of citizens of Washington, D. C., praying for the enactment of legislation to prohibit gambling and bookmaking in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. DEPEW presented a memorial of the Manufacturers' As-

sociation of New York City, N. Y., remonstrating against the passage of the so-called "anti-injunction bill," and also against the enactment of legislation to regulate the employment of child labor, which was referred to the Committee on the Judiciary.

He also presented a petition of Gansevoort Grange, No. 832, Patrons of Husbandry, of Saratoga County, N. Y., praying for the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Central Federation of Labor of Albany, N. Y., remonstrating against the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented memorials of the Clan-na-Gael Club, the Geraldine Club, the Shamrock Club, the Irish-American Athletic Club, the Kerry-men's Benevolent Association, and the John Mitchell Club, all of New York City, in the State of New York, remonstrating against the ratification of the pending treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. WETMORE presented a memorial of the Sarsfield Literary Association, of Phillipsdale, R. I., remonstrating against the ratification of the pending arbitration treaty between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. HOPKINS presented a petition of sundry citizens of Rock Island County, Ill., praying for the passage of the so-called "Burnham rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Marine Engineers' Beneficial Association, No. 35, of San Francisco, Cal., remonstrating against the passage of House bill 225 to amend section 4463 of the Revised Statutes relating to the complement of crews of vessels, and for the better protection of life, which was ordered to lie on the table.

Mr. BROWN presented a petition of sundry citizens of the State of Nebraska, praying for the enactment of legislation to readjust the pay of soldiers who served during the civil war on a gold basis, which was referred to the Committee on Pensions.

He also presented memorials of sundry citizens of Hemingford, Minatare, Furnas, and Red Willow, all in the State of Nebraska, remonstrating against the enactment of legislation to prohibit Sunday banking in post-offices in the handling of money orders and registered letters, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry organizations of Blair, Nebr., praying for the adoption of an amendment to the Constitution to prohibit the disfranchisement of citizens of the United States on account of sex, which were referred to the Select Committee on Woman Suffrage.

He also presented sundry memorials of citizens of Omaha, Nebr., remonstrating against the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

Mr. CLAPP (for Mr. KITTREDGE) presented a memorial of Fennimore Council, No. 249, Brotherhood of American Yeomen, of Mitchell, S. Dak., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CLAPP presented memorials of sundry Grand Army posts of Marshall, Fillmore, Worthington, Brownton, Pelican Rapids, Sleepy Eye, Norwood, Wells, Long Lake, Stewartville, Maple Plain, Minneapolis, Desio, Anoka, Ontonville, Monticello, St. Peter, Lanesboro, Tank Center, Rush City, Duluth, Crookston, Red Wing, Mankato, Elk River, and Waterville, all in the State of Minnesota, remonstrating against the enactment of legislation proposing to abolish certain pension agencies throughout the country, which were referred to the Committee on Pensions.

He also presented petitions of the city council of Stillwater, of the Jobbers and Manufacturers' Association of St. Paul, and of the Commercial Club of St. Paul, all in the State of Minnesota, praying that an annual appropriation of \$2,000,000 be made for the improvement of the upper Mississippi River, which were referred to the Committee on Commerce.

He also presented a petition of the Commercial Club of Fari-bault, Minn., praying for the adoption of the Nelson amendment to the so-called "Aldrich currency bill," which was ordered to lie on the table.

He also presented sundry memorials of citizens of Minneapolis, Minn., remonstrating against the enactment of legislation to prohibit Sunday banking in post-offices in the handling of money orders and registered letters, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. KNOX (for Mr. PENROSE) presented sundry papers to accompany the bill (S. 3911) granting an increase of pension to Robert Morris, which were referred to the Committee on Pensions.

He also (for Mr. PENROSE) presented sundry papers to accompany the bill (S. 1205) for the relief of Annie E. White Shipp and the heirs of Patrick White, which were referred to the Committee on Claims.

He also (for Mr. PENROSE) presented petitions of E. F. Peterson and sundry other citizens of Sugar Grove, J. C. August and sundry other citizens of Diamond, T. J. Orr and sundry other citizens of Wellsboro, R. A. Norris and sundry other citizens of Grafton, W. S. Keller and sundry other citizens of Meadville, P. L. Louley and sundry other citizens of Aurora, C. W. Hess and sundry other citizens of Stillwater, W. H. Ernest and sundry other citizens of Burtville, J. H. Warner and sundry other citizens of Lawsonham, Samuel S. Deer and sundry other citizens of Pottstown, W. L. Lyman and sundry other citizens of Coudersport, G. W. Oster and sundry other citizens of Osterburg, M. M. Cleves and sundry other citizens of McKees Rocks, J. E. Westover and sundry other citizens of St. Lawrence, E. A. Reynolds and sundry other citizens of Welsh Hill, A. B. Sheeman and sundry other citizens of Thompsonstown, Harvey Evans and sundry other citizens of Ebensburg, Edson Williams and sundry other citizens of New Milford, A. L. Smith and sundry other citizens of Burlington, W. R. Diehl and sundry other citizens of Greencastle, R. B. Freese and sundry other citizens of Arcadia, and Grange No. 874, Patrons of Husbandry, of Mansfield, all in the State of Pennsylvania, praying for the enactment of legislation providing additional protection to the dairy interests of the country, which were referred to the Committee on Agriculture and Forestry.

#### REPORTS OF COMMITTEES.

Mr. FRAZIER, from the Committee on Claims, to whom was referred the bill (H. R. 1815) for the relief of the estate of D. S. Phelan, reported it without amendment.

Mr. DILLINGHAM, from the Committee on the Judiciary, to whom was referred the bill (S. 1050) to repeal section 3480 of the Revised Statutes of the United States, reported it without amendment and submitted a report (No. 438) thereon.

#### ROOM FOR COMMITTEE ON REVISION OF LAWS.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported the following resolution, which was considered by unanimous consent and agreed to:

*Resolved*, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay, out of the appropriation for the expenses of the special and select committees of the contingent fund of the Senate, for the room rented by the Committee to Consider the Revision and Codification of the Laws in pursuance of Senate resolution No. 114, the sum of \$25 per month.

#### ADDITIONAL COMMITTEE CLERK.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. WARREN on the 27th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

*Resolved*, That the Committee on Agriculture and Forestry be authorized to employ an additional clerk from April 1, 1908, for the remainder of the present session, who shall be paid at the rate of \$2,220 per annum out of the contingent fund of the Senate.

#### BILLS INTRODUCED.

Mr. LODGE introduced a bill (S. 6410) for the relief of Elizabeth H. Rice, which was read twice by its title and referred to the Committee on Claims.

Mr. TELLER introduced a bill (S. 6411) for the relief of Henry Schaffnit, sr., which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 6412) granting an increase of pension to Hiram E. Turner, which was read twice by its title and referred to the Committee on Pensions.

Mr. GALLINGER introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on the District of Columbia:

A bill (S. 6413) to limit the period for refunding taxes and assessments erroneously paid;

A bill (S. 6414) to regulate the hours of labor on contracts with the District of Columbia, and for other purposes; and

A bill (S. 6415) to amend chapter 55 of the Code of Law for the District of Columbia.

Mr. CULLOM introduced a bill (S. 6416) granting an increase of pension to James White, which was read twice by its title and referred to the Committee on Pensions.

Mr. DEPEW introduced a bill (S. 6417) to amend sections 4467 and 4468 of the Revised Statutes, which was read twice by its title and referred to the Committee on Commerce.

Mr. PILES introduced a bill (S. 6418) authorizing the sale of lands at the head of Cordova Bay, in the Territory of Alaska, and for other purposes, which was read twice by its title and referred to the Committee on Public Lands.

He also introduced a bill (S. 6419) granting an increase of pension to Isaac H. Sprague, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HOPKINS introduced a bill (S. 6420) granting a pension to Luzern D. Hord, which was read twice by its title and referred to the Committee on Pensions.

Mr. NELSON introduced a bill (S. 6421) to increase the limit of cost of the United States post-office, court-house, custom-house, and site at Duluth, Minn., which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

Mr. BURKETT introduced a bill (S. 6422) to amend section 720 of the Revised Statutes, which was read twice by its title and referred to the Committee on the Judiciary.

Mr. TALIAFERRO introduced a bill (S. 6423) granting an increase of pension to Henry Handrop, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 6424) granting a pension to Katharine E. Looker, which was read twice by its title and referred to the Committee on Pensions.

Mr. ANKENY introduced a bill (S. 6425) to authorize the Secretary of the Interior to sell and dispose of the surplus unallotted agricultural lands of the Spokane Indian Reservation, Wash., and to place the timber lands of said reservation in a national forest, which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. BACON introduced a bill (S. 6426) for the relief of the legal representatives of Robert Mitchell, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. CLAPP introduced a bill (S. 6427) to refund to the Territory of Hawaii the amount expended in maintaining light-house service on its coasts from the time of the organization of the Territory until said light-house service was taken over by the Federal Government, which was read twice by its title and referred to the Committee on Claims.

Mr. KNOX introduced a bill (S. 6428) granting an increase of pension to David Coble, which was read twice by its title and referred to the Committee on Pensions.

He also (for Mr. PENROSE) introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 6429) granting an increase of pension to Annie M. Mills;

A bill (S. 6430) granting an increase of pension to Thomas Nelson;

A bill (S. 6431) granting an increase of pension to John J. Fordney;

A bill (S. 6432) granting an increase of pension to William H. Vanatta;

A bill (S. 6433) granting an increase of pension to Charles Rice (with accompanying papers); and

A bill (S. 6434) granting an increase of pension to George W. Payne (with accompanying papers).

Mr. ELKINS introduced a joint resolution (S. R. 74) suspending the commodity clause of the present interstate-commerce law, which was read twice by its title and referred to the Committee on Interstate Commerce.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. BURKETT submitted an amendment relative to the settlement of the account of Noah M. Brooks, late a delegate to the Universal Postal Congress at Rome, Italy, etc., intended to be proposed by him to the post-office appropriation bill, which was referred to the Committee on Post-Offices and Post-Roads and ordered to be printed.

Mr. NELSON submitted an amendment providing that hereafter the judges of the district courts of the United States shall be allowed \$6 per day as expenses for travel, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on the Judiciary and ordered to be printed.

Mr. LODGE. Yesterday I introduced two amendments, which are, as it appears by the title, amendments to the fortifications appropriation bill. They were both sent to the Committee on

Military Affairs. I want to have them go to the Committee on Appropriations, which has charge of that bill.

The VICE-PRESIDENT. It will be so ordered.

LAND FOR MILITARY POST AT FORT SHERIDAN, ILL.

On motion of Mr. FRAZIER, it was

Ordered, That Mrs. W. A. McNeill is authorized to withdraw from the files of the Senate all papers accompanying Senate bill No. 5665, Sixtieth Congress, entitled "A bill for the purchase of land for the use of the military post at Fort Sheridan, Ill.," no adverse report having been made thereon.

FUNERAL EXPENSES OF THE LATE SENATOR WILLIAM JAMES BRYAN.

Mr. TALLAFERRO submitted the following resolution, which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay, from the miscellaneous items of the contingent fund of the Senate, the actual and necessary expenses incurred by the committee appointed by the Vice-President in arranging for and attending the funeral of the late Senator from the State of Florida, Hon. William James Bryan, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. KEAN subsequently, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported favorably the foregoing resolution, and it was considered by unanimous consent and agreed to.

COMMITTEE SERVICE.

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

Resolved, That Mr. STEWART be appointed to fill the vacancies in each of the following committees:

Chairmanship, on Industrial Expositions;  
On Fisheries;  
On Five Civilized Tribes of Indians;  
On Public Health and National Quarantine; and  
On Revision of the Laws of the United States; said appointments to take effect April 1, 1908.

THE UNITED FRUIT COMPANY.

Mr. JOHNSTON. I submit a resolution and ask the indulgence of the Senate to make a brief statement about it.

The resolution was read, as follows:

Resolved, That the Department of Commerce and Labor be, and is hereby, directed to make an investigation into the character and operation and the effect upon interstate and foreign commerce of the combination or organization known as the United Fruit Company and allied concerns engaged in the growing, purchasing, importing, selling, and distributing of bananas and other tropical fruits, with a view to disclosing whether there is any contract, combination in the form of a trust or otherwise, or conspiracy in restraint of trade and of commerce among the several States and Territories or with foreign countries in said industry; also whether the prices of said fruits have been controlled in whole or in part by the United Fruit Company and its allied or absorbed concerns; and if so, to investigate the organization, capitalization, profits, conduct, and management of the business of such corporations, companies, and corporate combinations, and to report thereon at the next session of the Sixtieth Congress according to law; and to report, further, whether or not said United Fruit Company, or its allied concerns, have made any contracts or agreements with any Central American republic in pursuance of any combination or attempted monopoly in said industry, whereby said republic has assisted or is to assist the operations of said combination.

The VICE-PRESIDENT. The Senator from Alabama asks unanimous consent to make a brief statement in regard to the resolution just read. The Chair hears no objection.

Mr. JOHNSTON. I have a statement of facts prepared by Messrs. Wheeler, Curtis & Haight, a reputable firm of attorneys in the city of New York, in regard to this case. I ask the unanimous consent of the Senate that the papers be printed in the RECORD, and referred, with the resolution, to the Committee on Interstate Commerce.

There being no objection, the papers were referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

STATEMENT RELATING TO THE FRUIT INDUSTRY IN THE UNITED STATES.

[Prepared by Wheeler, Curtis & Haight, attorneys, New York.]

The United Fruit Company, a New Jersey corporation, was formed in 1899. Its capital stock is \$20,000,000, of which sum \$18,000,000 have actually been issued. It was the successor of the Boston Fruit Company, a corporation which had previously absorbed a number of independent fruit companies, and which was doing an interstate and foreign business, chiefly to the port of Boston, and chiefly in bananas. Prior to the organization of the United Fruit Company there was a large number of independent importers who carried bananas from the West Indies and Central America into the Atlantic and Gulf ports of the United States, and there sold to jobbers throughout the country, making their shipments by rail to such jobbers. Competition existed between them, both at the points of purchase of fruit abroad and at the various points of sale in the United States.

The United Fruit Company, at the outset, combined, by merger or otherwise, with some ten fruit companies, most of which were large importers. These included the Boston Fruit Company, of Boston, the Buckman Fruit Company, of Baltimore, the American, Dominican, and Monumental fruit companies, together with a number of others. During the years following its organization the United Fruit Company became the owner of a controlling interest in the stock of the principal importers who had not already become associated with the United Fruit Company. Thus it purchased a controlling interest in the Bluefields Steamship Company, which brought bananas from various Central

American ports into New Orleans, and sold them throughout the United States; the Orr-Laubenheimer Company, which conducted a similar business; the Camors-McConnell Company; the Thacker Brothers Steamship Company; and the Belize Royal Mail and Central American Company. In each case the stock held by the United Fruit Company was either one-half or one share more than one-half, with the exception of certain instances in which the whole, or a great majority, of the stock was purchased. In no case did the United Fruit Company for any length of time remain the holder of a minority interest in any company. A great deal of the stock was held in the names of various officers, especially Andrew W. Preston, its president, and Minor C. Keith, its vice-president. Indeed, in the majority of the companies acquired subsequent to 1899 the name of the United Fruit Company does not appear as a stockholder. In some few instances, doubtless, the stock held by its officers was owned by them individually, but in a great majority of instances it has been held for account of the United Fruit Company.

The Boston Fruit Company, prior to the formation of the United Fruit Company, had organized a selling agency known as the Fruit Dispatch Company, and this was retained and its operation greatly extended by the United Fruit Company, which owns all its stock. The Fruit Dispatch Company became the exclusive selling agent of the United Fruit Company in its southern ports, and sold, and still sells, the majority of its fruit in the northern ports. It has also handled the entire importations of the allied companies, with the exception of the Thacker Brothers Steamship Company and the Atlantic Fruit Company. During its existence since 1899 it has had full control of the sales and prices of the fruit imported by all the corporations named, which comprised altogether some 80 to 90 per cent of the importations into the entire country. The Fruit Dispatch Company has two main divisions, the eastern division and the southern division. Prices are fixed for the eastern division by a committee which meets every Friday in New York, and the prices thus fixed are communicated to the various branch offices in New York, Boston, Philadelphia, and Baltimore. The prices for the southern division were formerly fixed by a committee meeting in the same way each week in New Orleans, and consisted of representatives from each of the allied companies. It is understood, however, that latterly the prices for the southern division have been fixed by the New Orleans manager of the Fruit Dispatch Company in consultation with the New Orleans manager of the United Fruit Company. These prices govern sales in New Orleans, Mobile, etc.

From time to time since the existence of the United Fruit Company the Fruit Dispatch Company has deliberately destroyed fruit for the avowed purpose of maintaining the market price which it desired to establish. This has been done even when the fruit destroyed has been in good condition and saleable at a profit, although at a price less than that fixed by the Fruit Dispatch Company's pricing committee. From time to time, too, the amount of fruit to be imported by subsidiary companies has been restricted at the direction of the United Fruit Company, in order to avoid overstocking the market and preventing the competition which ensues from such condition.

The pricing committee at New Orleans has before it regular weekly reports from the Fruit Dispatch managers throughout the country, which are used as a basis for fixing prices. These reports show the number of cars sold in the particular district from which the report comes by the Fruit Dispatch Company during the week, and a similar report as to the fruit sold by each independent operator. The reports state what jobbers buy of the independents, what measures of competition are being adopted to stop independent sales, and in general the advice of the various branch managers is asked with reference to that end, and is given in the reports so laid before the pricing committee. These reports are on regular printed forms. Presumably the New York pricing committee has a similar system of reports.

By this means the two bodies of men meeting, respectively, in New York and New Orleans are able to tell at a glance every car of bananas sold by any independent operator throughout the entire country and are given elaborate data on which prices for the ensuing week are fixed. There have been many instances where jobbers were threatened with loss of their business if they continued to deal with independent importers, and accordingly such independent importers have been forced to lose their fruit for lack of a purchaser. There have also been instances where fruit has been given away by the Fruit Dispatch Company, in order to prevent the independents from selling what they had imported.

After the formation of the combination, there were a number of independent operators left outside it. Practically all of these have been put out of business in one way or another. For example, the firm of Henry Bayer & Co. had carried bananas into the United States for some thirty years, running chiefly to the port of Charleston, S. C. The United Fruit Company began to run its steamers there, the importations being handled by the Fruit Dispatch Company. Jobbers in the vicinity were warned that the Fruit Dispatch Company would not tolerate purchases from Bayer. Each time one of Bayer's ships arrived, the Fruit Dispatch Company would drop its prices far below the margin of profit, and thus compel the sale of the independent fruit at a loss, since owing to its perishable character, it was necessary to dispose of it without delay. When Bayer & Co. had disposed of its cargo, the Fruit Dispatch Company's prices would at once go up to a very high figure, to be held there until the next independent cargo arrived.

While this meant doing business at a loss for the combination as well as for the independent, the large resources of the United Fruit Company, and the large profits which it was able to make at places where there was no competition, enabled it to push competition with independents to an extreme, and to bring about a condition where it was merely a question of which side could stand the loss of money longest. Practically all of the independents, being small concerns, were forced to suspend. Bayer & Co. were successively driven out of Charleston and Galveston. The Alabama Fruit Company was driven, by similar methods, out of Mobile and, like Bayer, forced to go out of business, and the Verley Fruit Company, which ran to Providence, met the same fate. A similar competition was begun by the combination against the Di Giorgio Importing and Steamship Company, which imported through the port of Baltimore. In this case, as in most others, the competition took place at the foreign ports where fruit was purchased and grown, as well as at the domestic ports where it was sold, and the Di Giorgio Company lost money rapidly until it was finally forced to suspend, and the Atlantic Fruit Company was formed as its successor. This company encountered a similar opposition and was practically ruined when the United Fruit Company bought up a majority of its stock at about 30 cents on the dollar. The Atlantic Fruit Company is now doing a large and profitable business as a member of the combination.

The annual reports of the United Fruit Company from year to year show that its investment in the stock of other companies is about a million and a half dollars. Its annual importations, shown by such reports, as compared with the total importations into the country, shown by the official statistics of the Government, indicate that about 90 per cent of the importations of the country are controlled by the United Fruit Company and its associates. The one or two small independent importers who still run to New Orleans are believed to be working under an arrangement with the United Fruit Company, whereby their business is restricted, but of this there is at present no certain proof. The other facts cited above are capable of proof by legal evidence.

In connection with the American Banana Company, it appears that that company acquired and planted a large tract of ground lying along the Sixola River in Panama. There had been a dispute as to boundary between that Republic and Costa Rica, and the boundary had been fixed in the year 1900, several years before the American Banana Company acquired this land, by the arbitral award of the President of France. At the time when the first cargoes of bananas were about to be shipped by the American Banana Company a body of Costa Rican guards took possession of the portion of its plantation which lay upon the northerly side of the river, which portion contained the only port for shipment, and declined to allow the work to continue. It has subsequently appeared that the United Fruit Company has obtained an alleged title to this land from the Government of Costa Rica, which title was acquired subsequent to the acquisition of the land by the American Banana Company, and it further appears that the United Fruit Company has indemnified the Government of Costa Rica against any claims which may be made by the American Banana Company because of its ouster from the plantation. A copy of this agreement is annexed hereto.

Prices of bananas have gone up considerably since the formation of the United Fruit Company, and even in cases where it sells fruit to jobbers direct, without the intervention of the Fruit Dispatch Company, these sales are so safeguarded as to insure the absence of competition with the Fruit Dispatch Company. In Baltimore, for example, each jobber who buys from the United Fruit Company is required to state to what point he expects to send his fruit and where it is to be sold, and sales which conflict with those of the Fruit Dispatch Company are not permitted. The restraint of trade is exercised not only by the fixing of prices through the agency of the Fruit Dispatch Company and the consequent control of sales, but also, in the past at least, by the destruction of fruit at the ports of shipment in foreign countries, as well as at those of entry here.

In addition to the companies above named, the Camors-Weinberger Banana Company became a part of the combination about the year 1899 by a purchase of a majority of its stock by the United Fruit Company. In that company, as well as in the Camors-McConnell Company, the Bluefields Steamship Company, and the Orr-Laubenheimer Company, half, or more than half, of the directors have been representatives of the United Fruit Company, usually employees or officers of it.

#### THE UNITED FRUIT COMPANY.

[Translation of and extracts from "Berichte über Handel und Industrie," March 6, 1906. From a report of the imperial consulate in San Jose, Costa Rica, to the German Government.]

The United Fruit Company occupies in more than one way a peculiar position among American trusts. While almost all others are active in one field of industry and seek to monopolize the manufacture of one article, the United Fruit Company is an agricultural trust. It is engaged mainly in the production and marketing of a natural product, and one, too, that belongs to the Tropics—the banana. The other great staple articles of the Tropics, such as coffee, caoutchouc, and cocoa continue up to the present, even in the United States, in free markets. Up to the present time the banana is the only tropical product that has been monopolized by a trust.

The banana in Germany is as good as unknown, and even in America occupies relatively a minor position. As great as the use of bananas is in the United States, it is, nevertheless, inconsiderable when compared with other provisions and delicacies, such as grain, meat, coffee, sugar, etc. The company has, nevertheless, been able, by continued pursuit of its aim on this relatively small basis, to establish an economic power of the first rank, so that it to-day is the greatest of all purely agricultural enterprises to be found.

The trust was established in the year 1899 by the combination of different small enterprises. Of these the first in importance were the Boston Fruit Company and the Tropical Trading and Transportation Company, which latter company was organized by the American promoter, Keith.

The United Fruit Company controls not only almost the entire export of bananas to the United States, but has recently taken up exportation to England with success.

In the year 1905 the company operated with a capital, in round numbers, of \$4,000,000 marks. Of this amount, 71,500,000 marks were in shares of stock, on which 7 per cent—that is to say, almost 5,000,000 marks—dividends were paid. In addition to this the company owed 10,500,000 marks in 5 per cent obligations, the interest on which amounted to 550,000 marks.

The main business of the company consisted, as already noted, of the cultivation and exportation of bananas. In the fiscal year ending September 30, 1905, the company shipped 30,000,000 bunches to North America and England. If the selling price be reckoned at 2 marks per bunch, the total for bananas alone would be 60,000,000 marks a year.

Further, the company owns extended plantations of sugar cane at Banes, Cuba, and manages a sugar mill there that can turn out 220,000 centner, a production that even now should be doubled.

Other branches of business of the company are the breeding and exporting of cattle, particularly from Costa Rica to Cuba, also the exporting of oranges (about 300,000 boxes annually), coconuts (about 30,000,000), and pineapples to the United States.

The landed property of the company is scattered in six tropical countries; it covers about 130,000 hectares. Its total capital invested in foreign countries is about eighteen to nineteen million dollars, almost half of which is invested in Costa Rica.

Exportation is carried on from seven tropical points: Jamaica (Port Antonio), Santo Domingo (Sanchez), Cuba (Banes), Colombia (Santa Marta), Panama (Bocas del Toro), Costa Rica (Limon), and Honduras (the Republic and British Honduras). There are also three stations in the West Indies, three in Central America, and one in South America. All of the important export points are represented except Nicaragua, which in the year 1904 shipped 1,700,000 bunches to North America. In the division of business in seven different countries there

is a measure of safety against the political, economic, and meteorological disturbances, which are so frequent in this section of the world. In spite of their separation, however, the situation of the various plants is such that they can be conveniently reached from the United States.

As already noticed, the company has the larger part of its capital invested in Costa Rica. Cuba, Jamaica, and Panama follow in order, while its possessions in Santo Domingo, Colombia, and Honduras are relatively inconsiderable. Honduras is the only country where the company is not possessed of any landed interests, but simply buys its bananas.

In the export of bananas Jamaica stands at the head, with Costa Rica, Honduras, and Cuba following, but the Costa Rican bananas are the largest and finest.

The company's methods and facilities for transportation are noteworthy. Where the plantations for the most part lie near the coast, the building of extended railways is not necessary. In 1905 the United Fruit Company had, in round numbers, 260 kilometers of its own railroad in operation, mainly in Bocas del Toro, Panama, and Banes, Cuba. In addition to this, the company controls the entire Atlantic railroad system of Costa Rica, 385 kilometers.

More important than the railways is the company's system of water transportation. Two lines carry the British flag—the Belize Royal Mail and the Central American Steamship Company. Also the Tropical Fruit Steamship Company belongs outright to the company. It is also interested in Reederi, Elders & Fyffes, of Manchester, who bring the bananas to England. These three lines handle, however, only a small part of the necessary tonnage required for the transportation needs of the United Fruit Company. An entire fleet of vessels of various nations is necessary to bring the bananas from their point of shipment to the ports of entry in the United States. In part entire vessels and in part a certain space on vessels are chartered for years. As a measure of safety, the ships handling this company's trade fly various flags and are divided among various countries—Germany, Norway, England, and America. For example, the Atlas Line, formerly English and now German, carries all of Costa Rican bananas for New York.

A characteristic of the shipment of bananas is that they require considerable room and must be transported quickly to avoid loss. The shipping ports of the United Fruit Company have thereby a trade of relatively large, fast vessels and a convenient connection with the United States, which is far from corresponding with its economic importance in other respects. The number of banana ships of the United Fruit Company annually coming to the United States is almost a thousand. During the height of the season as many as forty steamers are sent weekly to North American ports. The cities of Boston, New York, Philadelphia, Baltimore, Mobile, and New Orleans are supplied with fruit directly from the vessels. Shipments for the interior are sent by way of New Orleans and Mobile and thence by rail. For this purpose, the United Fruit Company has organized another company—the Fruit Dispatch Company—that serves the inland consumers in a number of ways, and pushes its activities across the continent to the Pacific Ocean. This company handles annually more than 30,000 carloads. To protect bananas from freezing in winter, it has erected large warehouses in Springfield, Mo., and Cairo, Ill., the first of which can take care of 40 carloads and the second 80 carloads.

In order to utilize its landed estates, the company, in addition to the raising of bananas and sugar cane, also carries on the breeding and exportation of cattle. In the year 1905, the company handled 12,000 head of cattle, and 3,000 horses, mules, and asses. Here, too, Costa Rica takes the lead.

But this does not constitute all of the company's operations. It has large warehouses in Banes, Bocas del Toro, Limon, and Port Antonio. These permit development of imports in small countries, such as Panama and Costa Rica. The company furthermore conducts hotels, hospitals, and telephone lines, among them a 160-kilometer line between Limon and San Jose.

As already repeatedly stated, Costa Rica is headquarters of the company and in it, it has the most capital invested and represented in many branch lines. This position of the United Fruit Company in Costa Rica is the creation of one man, Minor C. Keith. The banana industry of Costa Rica and its development is due to him. He set the first plantation to work. He was manager of the Tropical Trading Company and later the vice-president of the United Fruit Company. He carried his plans through with finished judgment, wide survey, and iron energy. It would take us too far here to describe the gradual development of the company and follow the paths by which it has reached its present status. *It is sufficient to say that it has developed to-day in Costa Rica a mighty unassailable position as the uncontested lord of the land.* The relation of this giant trust to the little Government is readily seen in the fact that the revenue of Costa Rica, in round numbers, is 12,000,000 marks, over against which the receipts of this company for sales of bananas is about 60,000,000 marks annually. The development of the United Fruit Company has operated on the economic life of the countries in the following ways:

The entire export of bananas in Costa Rica is in the hands of this company. Not a single bunch of bananas leaves the country without its assistance. It in part raises the bananas, in part secures them from independent planters, who are required to turn over to the company the entire yield at a fixed price.

In the year 1904 the banana exportation of Costa Rica was 6,000,000 bunches. Costa Rica furnished one-quarter of the total export of the company, and was surpassed in this respect only by Jamaica. Of the total yield, 1,300,000 bunches went to England (by the line of Elders & Fyffes) and the rest went to the United States.

The banana lands of Costa Rica are half in the possession of independent planters and the other half in the possession of this company. The company is steadily increasing its own possessions. That is because the larger establishments are more economical, and to secure its hold for the future existing contracts of the United Fruit Company with the planters run to 1908. By that time the company will have so increased its own possessions in Costa Rica and elsewhere that it will not have to deal with the planters. It will be in a position to lower the price, and under certain conditions to compel them to turn over their properties to the company at cheap rates.

But the United Fruit Company controls not only the raising and exportation of bananas, but also controls the necessary means of transportation therefor. It is one of the principles of the great American trusts to make themselves as far as possible independent from the source of production to the close of consumption, and so bananas remain from their planting in Costa Rica to the point of entry in the United States in the hands of the United Fruit Company or its dependent companies.

The United Fruit Company, in the years 1900 to 1902, built the Northern Railroad in order to thereby develop its banana estates. The old English Ferrocarril de Costa Rica, likewise controlling large banana properties, was interested. After a bitter contest, the Northern Railroad finally leased, in 1905, the entire line of the English company to San Jose and Alajuela, so that at the present time on the Atlantic side of the Republic there is only one railroad system, that of the United Fruit Company. The harbor of Limon, the only port of entry on the Atlantic coast, is in the hands of this company, and it controls piers belonging to the connecting lines of railroads. The Government has contracted not to grant any acquisitions from any other piers and would hardly be able to do so anyhow, as the harbor hardly offers sufficient room.

It is hardly necessary to state that the control of the water transportation is bound up with this. All the vessels of transportation to the United States and a part of those to England—that is to say, approximately three-quarters of the entire means of transportation—are in the service of the company. The transportation from Limon is the creation of the United Fruit Company. With a trade of over 600,000 tons annually, Limon is now the most lively port in all of Central America between Colon and Vera Cruz, and has attained an importance beyond all proportion in comparison with the country back of it, all through the banana industry of the United Fruit Company. Without this the shipping trade of Limon would be as unimportant as that of the other little harbors of Central America, and would have a slight trade only in time of the coffee harvest.

What bananas mean for the water transportation of Limon is seen in the fact that a bunch of bananas occupies about the same space on a vessel as a sack of coffee. Costa Rica ships, in round numbers, about 300,000 sacks of coffee and 6,000,000 bunches of bananas, according to which the bananas require twenty times the amount of space on board vessels as the other leading product of the land. The entire postal service of Costa Rica with the United States and Europe is taken care of by the United Fruit Company. Mail comes and goes once weekly by way of New Orleans or Mobile on the banana ships of the company, and it goes a farther distance on the Atlas steamers to New York with the bananas destined for that market.

Not only the port but the city of Limon and the region beyond can thank this company for their development. Limon, which used to belong to the unhealthiest spots on the coast is now kept in a measure under sanitary conditions. Cases of illness that now occur are taken care of in a hospital constructed and supported by the company. The banana regions, too, that formerly were isolated and uninhabited wilds, are to-day under cultivation and relatively thickly populated. This settlement has been made almost exclusively through immigration, of which nine-tenths has come through the United Fruit Company. The immigrants are mostly Jamaican negroes who work either for the company itself or for the planters. In this influx of negro element lies a great danger for the country.

The company plays an important rôle in the importation of the country, as it carries on its own business for the needs of its own employees, that approximately calls for one-tenth of the total imports of Costa Rica. More important yet is the fact that more than half of all the important goods coming into the country come in the ships of this company. That the United States has secured imports in a greatly preponderating measure over all other countries, together is due in no slight degree to the frequent, convenient, and fast transportation connections with America that the banana ships afford. The goods transported by this company—bananas, oranges, and cattle—are even now a half of the total exports of the country. Inasmuch as for the other leading product of Costa Rica, coffee, has remained stationary for years, this percentage will constantly increase in favor of the United Fruit Company. Costa Rica in early years had a passive balance of trade, as the net receipts from coffee were not sufficient to cover the needs of the country for foreign goods, but now, on account of the huge shipment of bananas, the relation of imports to exports has been reversed.

In close connection with this stands the question of currency. Since 1900 Costa Rica has had the gold standard, and holds it yet. That it has been successful is largely to be ascribed to the United Fruit Company, as it pays the independent planters and negro workers in American gold. The gold import of the company in the year 1904 reached a sum of over two millions.

This account of the fields in which the United Fruit Company operates makes no pretense of being complete. The business operations of the company are so many sided that it is difficult to find the field in which it does not exercise an influence. Thus, for example, the coffee production of the country is due in not the least degree to the United Fruit Company. But, on the other hand, the company controls all means of transportation on the Atlantic side of the country, and by the raising of freight rates is in a position to cut down one of the main products in favor of another product.

All these operations and influences together have made Costa Rica in recent years quite another country. It has been lifted out of stagnation, put in touch with the world's trade, and takes part in the rapid development of the United States. Costa Rica is the only Atlantic State in Central America possessing on its east coast a flourishing harbor connected by rail with its leading (capital) city. All the other Central American independent States face the Pacific Ocean and are only now making attempts to open the door to the eastward.

#### AGREEMENT OF INDEMNITY.

[Translation.]

Juan Francisco Echeverria, secretary of state in the department of the treasury, in pursuance of instructions from the President of the Republic, on the one hand, and on the other, R. J. Schweppe, of lawful age, bachelor, citizen of the United States of North America, as fully empowered agent of the United Fruit Company, whereas they have taken account of the following facts and circumstances:

#### I.

That the judge of "administrative contencioso" of the Republic, by a legal and valid decree of 1 p. m. of January 26 last, dictated in the respective document of denouncement, adjudged to the Northern Railway Company ownership of 5,850 hectares, 5,915 square meters of wild land (unoccupied public land), situated in the jurisdiction of the Comarco of Limon, in the region of Talamanca next to the river Sixola, which, according to the status quo regarding divisional limits between this Republic and that of Panama, and recognized in an explicit manner by both, is under the exclusive jurisdiction and sovereignty of Costa Rica.

#### II.

That H. L. McConnell, citizen of the United States, has attempted to acquire the area in question, without acquiring it by any legal method, suit or title, only by virtue of an occupation, in fact, which implies a penal usurpation, and that the Costa Rican authorities having notified him that he could not exercise possession of these lands or make use of them until he should acquire them in conformity with law, said gentlemen, both by himself (on his own account), and working in the name of a certain company, which he calls the "American Banana Company," has solicited the protection of the Government of the United States, instituting before it, as it appears, a claim for damages and prejudice—i. e., costs and damages—against the government of Costa Rica, which the latter rejects as hasty and unfounded.

#### III.

That the region where the lands denounced by the Northern Railway Company and adjudged to it by the said decree is included in that portion of territory which will pass under the sovereignty of Panama if the treaty relative to its boundaries which both republics are trying to formulate and which is pending ratification by their governments and congresses shall be definitely approved, as is to be expected.

#### IV.

The said decree of adjudgment of these wild lands to the Northern Railway Company has been submitted to the necessary approval of the department of state for treasury, in conformity with article 529 of the Fiscal Code.

#### V.

That although the adjudication is founded on a denouncement presented and carried through in conformity with law with relation to lands belonging to the public domain as wild (unoccupied) lands, and the state by virtue of its jurisdiction and sovereignty denies all right of McConnell in the region in question, it is convenient, by way of extreme precaution against the unforeseen, to take into account the claim of said gentleman, however much it may lack foundation, and so the Government of the Republic has declared it.

Therefore the undersigned secretary of state and the agent of the United Fruit Company have agreed on the following:

1. The United Fruit Company declares that it takes upon itself the pecuniary responsibility of whatever kind and whatever may be the amount which may be collected from the government of Costa Rica, either in the unexpected case of said McConnell or said American Banana Company, of which he is said to be the president, should succeed in the unjustifiable claim aforesaid, or for other unforeseen claims which may be presented in respect to said lands, and in consequence the United Fruit Company agrees, through the exponent, its agent, that it will pay to this government the amount of whatever sum it (the government) may have to pay for such reasons.

2. This department of state by virtue of the agreement set forth in the preceding clause, will approve on this date the decree of adjudication above alluded to, in order that the title of ownership may be executed, which by reason of such judgment has been issued to the Northern Railway Company.

In testimony whereof the executors sign in the city of San Jose on the 10th of the month of March, 1906.

J. F. ECHEVERRIA.  
R. J. SCHWEPPE.

San Jose, March 10, 1906.

Let this contract be approved.  
Signed by the President.

ECHEVERRIA.

Mr. JOHNSTON. Mr. President, I wish to state briefly that the United Fruit Company is a New Jersey corporation, organized in 1899, with a capital of \$20,000,000, of which some \$16,000,000 has been issued in stock. Upon its organization it combined some ten or twelve companies engaged in this business, and since that time it has acquired many of the other companies engaged in the same business, either by the purchase of stock in the names of its various officers or otherwise, so that it now controls 90 per cent of the fruit trade in the United States.

This company has not hesitated to throw overboard cargoes of its fruit in various ports of the United States for the purpose of maintaining prices, and in other cases, according to these papers, it has given away fruit at competing points in order to destroy competition. It is also shown in these papers that the price of fruit is fixed weekly in New York and New Orleans by the agents of this company.

A few years ago an Alabama corporation, the Alabama Banana Company, thinking that it had the right to engage in this business, purchased a large tract of land in Panama, on the Sixola River, and proceeded to clear it and plant it in bananas. Just as the first crop was ripening and ready for shipment to the United States the United Fruit Company, by giving a bond of indemnity, procured the Government of Costa Rica, without any trial of the right of property, without any proceedings in any court, to seize the plantation and absolutely stop the exportation of a single banana from the property of the company. I have sent a copy of this bond to the desk to be printed in the RECORD to show that the United Fruit Company was the real actor in this lawless act.

The Alabama Company brought suit against the United Fruit Company in the circuit court of the United States for the southern district of New York, and upon the hearing of the cause recently the court declared that although the seizure might be unlawful, and although the plaintiff might be greatly damaged by the taking, it appeared upon the proceedings that the Government of Costa Rica had taken possession of this property and no court of the United States could render a decision against a sovereign power.

When it was stated in these papers, as I read them first, that the seizure was illegal, without any warrant of law at all, and at the most opportune time to destroy the business of the Alabama corporation, I had some doubts about it; I did not think it could be possible. But I have since been furnished with a report made by the German consul in San Jose, Costa Rica, to his own Government in regard to this trust. In the course of that report, which has been sent to the desk, speaking of this trust, the United Fruit Company, he says:

It is sufficient to say that it has developed to-day in Costa Rica a mighty, unassailable position as the uncontested lord of the land. The relation of this giant trust to the little Government is readily seen in the fact that the revenue of Costa Rica, in round numbers, is 12,000,000 marks and the receipts of this company for sales of bananas is about 60,000,000 marks annually.

Mr. President, this resolution is intended for our Government to take steps to see whether the laws can be defied, and whether a trust grown rich and powerful, having driven out all competitors down to 10 per cent, can shield itself behind the shadow of some little republic and defy this Government. The purpose of the resolution is to have the Department of Commerce and Labor make this investigation and see whether a trust, grown so great and powerful in this country, can use the agencies of other foreign governments to protect them in their nefarious operations.

The VICE-PRESIDENT. The resolution will be referred to the Committee on Interstate Commerce.

#### PRESIDENTIAL APPROVALS.

A message 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 and joint resolution:

On March 26, 1908:

S. R. 58. Joint resolution authorizing the Secretary of War to establish harbor lines in Wilmington Harbor, California; and

S. 626. An act authorizing and empowering the Secretary of War to locate a right of way for and granting the same and a right to operate and maintain a line of railroad through the Three Tree Point Military Reservation, in the State of Washington, to the Grays Harbor and Columbia River Railway Company, its successors and assigns.

On March 27, 1908:

S. 4922. An act providing for the platting and selling of the south half of section 30, township 2 north, range 11 west of the Indian meridian, in the State of Oklahoma, for town-site purposes;

S. 6135. An act providing for the disposal of the interests of Indian minors in real estate in Yakima Indian Reservation, Wash.; and

S. 3416. An act to amend an act entitled "An act authorizing the extension of Meridian place NW.," approved January 9, 1907.

On March 28, 1908:

S. 4046. An act to authorize the cutting of timber, the manufacture and sale of lumber, and the preservation of the forests on the Menominee Indian Reservation in the State of Wisconsin.

#### CLAIMS OF AMERICAN CITIZENS AGAINST VENEZUELA.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, on motion of Mr. LODGE, was, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate:

In response to a resolution of the Senate, dated February 26, 1908, requesting the President—  
"If not incompatible with the public interest, to communicate to the Senate the correspondence with the Government of Venezuela in relation to pending controversies with that Government concerning wrongs done to American citizens and corporations in that country by said Government"—

I transmit herewith a report by the Secretary of State, with accompanying papers.

Respectfully submitted.

THEODORE ROOSEVELT.

THE WHITE HOUSE, March 31, 1908.

#### SNAKE RIVER DAM, WASHINGTON.

Mr. PILES. I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 7618) to authorize the Benton Water Company, its successors or assigns, to construct a dam across the Snake River, in the State of Washington.

Mr. HEYBURN. Mr. President, some Senators who have announced that they intend to participate in the discussion of the bill to-day are not present in the Chamber this morning. They requested me to see to it that it should not come up for consideration until they could be here. I know one Senator

who has left the Chamber intends to participate at once in the discussion of the bill. I suggest to the Senator from Washington that it had better be deferred, inasmuch as no one expected the bill to come up before 2 o'clock, it being the unfinished business.

Mr. PILES. I am not particular about pressing it now, I will say to the Senator from Idaho.

#### MINING TECHNOLOGY BRANCH.

The VICE-PRESIDENT. The Calendar, under Rule VIII, is in order.

Mr. GALLINGER. Let the first business on the Calendar be announced.

The joint resolution (S. R. 35) to provide for a mining technology branch in the Geological Survey was announced as the first business in order on the Calendar.

The VICE-PRESIDENT. At the request of the Senator from Massachusetts [Mr. LODGE] the joint resolution will go over.

#### FREEDMAN'S SAVINGS AND TRUST COMPANY.

The bill (S. 48) to reimburse depositors of the late Freedman's Savings and Trust Company was considered as in Committee of the Whole.

The bill was reported from the Committee on Education and Labor with an amendment, to strike out all after the enacting clause and insert:

That the commissioner of the Freedman's Savings and Trust Company and his successors in office be, and the same are hereby, authorized and directed to pay, or cause to be paid, under such regulations as said commissioner, with the approval of the Secretary of the Treasury, shall prescribe, to all the depositors of the Freedman's Savings and Trust Company whose accounts have been properly verified and balanced under existing laws, or to their legal representatives, a sum of money equal to the verified balances due said depositors from said company at the time of its failure, less the amount of dividends which may have been paid from the assets of said company; and for this purpose the sum of \$1,000,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, said amount to be placed to the credit of said commissioner by the Secretary of the Treasury, for the purpose of this act specified. That the clerical expense for the settlement of these claims be paid out of the money herein appropriated: *Provided, further,* That any money not called for within two years after the passage of this act shall be used for the education of the colored youth of the South, under such rules and regulations as may be adopted by the Secretary of the Treasury.

Mr. McLAURIN. I ask that there be a division of the question, so that the portion which it is proposed to strike out may be stricken out, and then, by agreement with the Senator in charge of the bill, I desire to offer two amendments to the portion which is to be inserted.

Mr. GALLINGER. Let the Senator offer his amendments now. It will be in order.

Mr. McLAURIN. Very well.

The VICE-PRESIDENT. The Senator from Mississippi proposes an amendment to the amendment reported by the committee, which will be read.

The SECRETARY. On page 2, line 24, after the word "appropriated," insert the following proviso:

*Provided,* That any money not called for within one year after the passage of this act shall be covered into the Treasury of the United States.

The amendment to the amendment was agreed to.

Mr. McLAURIN. There is another amendment which I desire to offer. The Senator in charge of the bill has agreed to accept it.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 2, beginning with line 25, strike out the remainder of the amendment, in the following words:

*Provided further,* That any money not called for within two years after the passage of this act shall be used for the education of the colored youth of the South, under such rules and regulations as may be adopted by the Secretary of the Treasury.

And to insert as an additional section the following:

SEC. 2. It shall be unlawful for any person to directly or indirectly accept or receive from any such depositor, or from any heir or legal representative of any such depositor, or from any beneficiary of this act, any compensation for any service or supposed service rendered or claimed to be or to have been rendered either in the procuring of the passage of this act or in the collection or payment of said deposit. Any person who shall violate this section shall be punished by a fine of double the amount so accepted or received and not more than \$1,000 in addition thereto, or by imprisonment of not more than one year, or both.

The amendment to the amendment was agreed to.

Mr. BACON. Is there a report accompanying the bill?

Mr. FLINT. There is a report accompanying the bill.

The VICE-PRESIDENT. There is a report submitted by the committee.

Mr. BACON. If it is not long I should like to hear it read. If it is long and the Senator from California will state substantially what it is, that will probably serve the purpose.

Mr. CLAY. With the permission of the Senator from California, before he proceeds—

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Georgia?

Mr. FLINT. Certainly.

Mr. CLAY. My impression is that the senior Senator from South Carolina [Mr. TILLMAN] objected to the consideration of this bill, and I am sure he said he desired to be heard when the bill was considered. The Senator from South Carolina is now confined at his home sick. I am not able to say when he will return. Of course I would not ask that the consideration of the bill be postponed for the session, but if the Senator from South Carolina desires to be heard in regard to the measure, I hardly think the Senator from California ought to press it in his absence when he is sick, and when there is any reasonable hope of his returning to the Senate during the session. I am sure he desired to be heard upon the measure, for he so stated in my presence.

Mr. GALLINGER. I introduced the bill and on my motion it went to the committee of which the Senator from California is a member, and it was reported from that committee.

I will say to the Senator from Georgia my recollection is that whenever the bill has been reached on the Calendar the Senator from Mississippi [Mr. McLAURIN] has asked that it should go over, and I do not think that in the Senate the Senator from South Carolina has made a suggestion of that kind. He may have done so privately, but I feel sure that it has been upon the suggestion of the Senator from Mississippi that the bill has gone over, and he wished it to go over for the purpose of offering the amendments he has offered this morning.

Mr. CLAY. I will say to the Senator that I am not absolutely sure the Senator from South Carolina objected on the floor of the Senate to the consideration of this measure. I am inclined to think he did. I know the Senator came to me and asked me to watch it, and he said he desired to be heard when the bill was considered. I know nothing of its merits; I have not looked into it; but I am absolutely sure that the Senator from South Carolina desires to be heard in regard to the measure.

Mr. McLAURIN. Will the Senator from New Hampshire permit me?

Mr. GALLINGER. Certainly; I will yield to the Senator.

Mr. McLAURIN. When the bill was first called on the Calendar I objected to its consideration. I examined the bill afterwards and I then, as now, think it is a bill without merit, but I thought if I could get certain amendments adopted, that would safeguard the bill against what I thought was probably an effort on the part of certain persons who had been for some time urging Senators and Representatives to the passage of the bill, I would raise no further objection to it.

In the first place, there was a provision in the amendment of the committee that the money not called for within a certain period should be turned over to certain authorities for the education of the colored youth of the South. I did not think that that was constitutional. I do not think now that it is under the fourteenth amendment of the Constitution. I do not think that there can be made any discrimination against the white youth of the South any more than there can be against the colored youth of the South. So it was agreed that that be stricken out, because the Senator with whom I consulted agreed with me that there was very great question at least about the constitutionality of that provision.

Then I thought another amendment, which had been adopted, that no person should receive or accept any compensation for any services rendered, or to be rendered, or claimed to be rendered, or supposed to be rendered, in procuring the passage of the act, or in collecting the payment of the claim of any of the depositors, would prevent any grafting by any combination of people who had gotten together for the purpose of getting Congress to pass this law. With these two amendments agreed to, while I do not think the bill is a meritorious one even with those amendments, and I did not intend to vote for the bill, I did not propose to make any further objection to its consideration.

Mr. CLAY. I hope the Senator from California, in charge of the measure, will at least not press it to-day until I can communicate with the Senator from South Carolina. I would prefer, at least, to do so.

Mr. FLINT. I have no objection to the bill going over if the Senator from Georgia insists upon it, but I was not aware that the Senator from South Carolina objected to the bill. The Senator from Mississippi did object to the bill each time it was reached on the Calendar, and it has gone over. After some consultation with him we agreed upon certain amendments, and those amendments have been adopted. I did not know that

there was any further objection to the bill. If, as a matter of fact, the Senator from Georgia insists upon his objection, the bill may go over.

Mr. CLAY. I hope the Senator will agree to let it go over without my insisting upon it.

Mr. FLINT. If the Senator from Georgia desires to communicate with the Senator from South Carolina, I have no objection to the bill going over.

Mr. CLAY. I feel, in justice to myself, that I ought to communicate with him, because he communicated with me in regard to it.

Mr. FLINT. And if the Senator from Georgia thinks the Senator from South Carolina will be here during the present session, I would not like to have the bill go over for the session.

Mr. CLAY. I would not ask to have it go over for the entire session.

The VICE-PRESIDENT. The bill will be passed over without prejudice.

#### EMPLOYMENT OF CHILD LABOR.

The bill (S. 4812) to regulate the employment of child labor in the District of Columbia was announced as next in order.

Mr. GALLINGER. Let the bill go over for the present.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from New Hampshire.

#### J. DE L. LAFITTE.

The bill (S. 5268) for the relief of J. de L. Lafitte was announced as next in order.

Mr. LODGE. I ask that the bill may go over.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from Massachusetts.

#### UNIFORM WAREHOUSE RECEIPTS.

The bill (S. 1474) to make uniform the law of warehouse receipts in the District of Columbia was announced as next in order, and the Senate, as in Committee of the Whole, resumed its consideration.

Mr. GALLINGER. The bill was read yesterday.

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

#### RETIRED MATES, UNITED STATES NAVY.

The bill (S. 5337) for the relief of Mate William Jenney, United States Navy, retired, and the eight other retired mates who have been placed on the retired list with the rank and pay of one grade above that actually held by them at the time of retirement was considered as in Committee of the Whole.

The bill was reported from the Committee on Naval Affairs with amendments, in line 3, after the word "That" to strike out the word "Mate" and insert "Mates;" in the same line, after the name "Jenney," in insert "William W. Beck, Thomas W. Bonsall, William Boyd, John Griffin, James Hill, Frank Holler, Robert Robinson, and Silas T. C. Smith," and in line 6, after the word "retired," to strike out "and the eight other retired mates;" so as to make the bill read:

*Be it enacted, etc.,* That Mates William Jenney, William W. Beck, Thomas W. Bonsall, William Boyd, John Griffin, James Hill, Frank Holler, Robert Robinson, and Silas T. C. Smith, United States Navy, retired, who have been placed on the retired list of the Navy with the rank and pay of one grade above that actually held by them at the time of retirement by reason of their creditable civil war service, under the provisions of the acts of Congress approved March 3, 1899, and June 29, 1906, shall be credited with all their prior actual service, either as officers or enlisted men, in the Army, Navy, and Marine Corps, in computing their pay on the retired list from the date of their advancement under the provisions of said acts.

The amendments were agreed to.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. GALLINGER, the title was amended so as to read: "A bill for the relief of Mates William Jenney, William W. Beck, Thomas W. Bonsall, William Boyd, John Griffin, James Hill, Frank Holler, Robert Robinson, and Silas T. C. Smith, United States Navy, retired, who have been placed on the retired list with the rank and pay of one grade above that actually held by them at the time of retirement."

#### MICAIAH R. EVANS.

The bill (H. R. 13735) to correct the military record of Micaiah R. Evans was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in line 4, after the word "desertion," to insert "from draft;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from draft on the records of the War Department against Micaiah R. Evans, of

Twenty-second Pennsylvania Cavalry Volunteers: *Provided*, That no pay, bounty, or emoluments shall become due or payable by virtue of the passage of this act.

The amendment was agreed to.

Mr. BACON. I should like to ask the Senator from Wyoming [Mr. WARREN] to give us a statement in regard to this matter. I do not think, unless there is some reason for it, that the bill ought to be passed.

Mr. WARREN. The report is not a long one, and it might be read, but I will state the case in just a few words. This is a soldier who enlisted in 1861 and served as a private soldier until honorably discharged. He enlisted a second time, was made a corporal, and while he was absent from home performing his duties as a soldier he was drafted. This occurred one month after his second enlistment and while he was in the field. Later on he entered the service and completed another and third term of enlistment and was honorably discharged. So the sum total of this soldier's service was some four or five years as a volunteer and during almost the entire war, but his record is tarnished with a technical desertion, so called, from the draft. This is to correct his record.

Mr. BACON. I understand, then, from the Senator that the soldier was never actually a deserter?

Mr. WARREN. Oh, no; he was simply serving his country in the field at the time he was drafted. I will say, however, that under the laws and regulations he ought, when he completed his second term, to have reported under his draft, but the officers under whom he was serving at the time told him that there was no reason for it. The fact is that at a later time he enlisted again and served honorably and had honorable discharges from all the other services. This is a technical flaw against his record that should be removed.

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.

#### AMENDMENT TO PURE-FOOD LAW.

The bill (S. 42) to amend an act 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 regulating traffic therein, and for other purposes," was considered as in Committee of the Whole. It proposes to amend an act 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 regulating traffic therein, and for other purposes," as follows:

Section 6, after the words "of National Formulary," insert the words "or in the Homeopathic Pharmacopœia of the United States," so that the section as amended shall read:

Sec. 6. That the term "drug" as used in this act shall include all medicines and preparations recognized in the United States Pharmacopœia or National Formulary or in the Homeopathic Pharmacopœia of the United States for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation, or prevention of disease of either man or other animals.

The term "food" as used herein shall include all articles used for food, drink, confectionery, or condiment by man or other animals, whether simple, mixed, or compound.

Amend section 7, first subdivision, by inserting after the words "or National Formulary," wherever they occur, the words "or in the Homeopathic Pharmacopœia of the United States," so that the section as amended shall read:

Sec. 7. That for the purpose of this act an article shall be deemed to be adulterated:

First, if when a drug is sold by a name recognized in the United States Pharmacopœia or National Formulary or in the Homeopathic Pharmacopœia of the United States it differs from the standard of strength, quality, or purity, as determined by the test laid down in the United States Pharmacopœia or National Formulary or in the Homeopathic Pharmacopœia of the United States, official at the time of investigation: *Provided*, That no drug defined in the United States Pharmacopœia or National Formulary or in the Homeopathic Pharmacopœia of the United States, shall be deemed to be adulterated under this provision if the standard of strength, quality, or purity be plainly stated upon the bottle, box, or other container thereof, although the standard may differ from that determined by the test laid down in the United States Pharmacopœia or National Formulary or in the Homeopathic Pharmacopœia of the United States.

Mr. BACON. I should like to have the report in that case read. The bill might affect very important interests, although I presume it is all right.

Mr. GALLINGER and Mr. LODGE. Let the report be read.

Mr. BACON. I have asked for the reading of the report.

The VICE-PRESIDENT. The report will be read at the request of the Senator from Georgia.

The Secretary read the report submitted by Mr. HEYBURN March 30, 1908, as follows:

The Committee on Manufactures, to whom was referred the bill (S. 42) to amend an act 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 regulating traffic therein, and for other purposes," have considered the same and recommend its passage.

The purpose of the bill is to include the Homeopathic Pharmacopœia of the United States as a work of reference in determining the character or standard of certain articles mentioned in sections 6 and 7 of the pure-food act. In view of the fact that the school of homeopathic medical science is of such wide and general recognition the justness of this legislation is apparent.

Mr. HEYBURN. Mr. President, I will add just a word to the report. When the pure-food bill was enacted, it was provided that the National Formulary of Pharmacopœia, which is recognized by the allopathic school of medicine, should be the standard for determining certain definitions, and the homeopathic school was not included. As the report states, it was found that the Homeopathic Pharmacopœia contains a number of articles that are not included in the other pharmacopœia or formulary. So the necessity of including the Homeopathic Pharmacopœia is obvious.

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

#### GOVERNMENT GUARANTIES OF FOODS AND MEDICINES.

The bill (S. 3043) to prevent fraudulent representations as to Government guaranties of foods and medicines, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Manufactures with an amendment, in section 1, page 1, line 7, after the word "guaranteed," to insert "by the Government of the United States," so as to make the section read:

That it shall be unlawful for any person, association of persons, or corporation to place any mark, sign, or insignia upon any package, label, covering, or wrapping of any article of food or medicine stating in words or effect that the contents of such package are guaranteed by the Government of the United States under the pure food and drug act of June 30, 1906, or are guaranteed or recommended in any manner by the Government of the United States.

The amendment was agreed to.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### ENLARGED HOMESTEAD.

The bill (S. 6155) to provide for an enlarged homestead was announced as next in order.

Mr. LODGE. That seems to be a pretty important measure. As I do not see the Senator from Utah [Mr. SMOOT], who reported the bill, in the Chamber at this moment, I think it had better go over, especially as there is no printed report accompanying the bill.

The VICE-PRESIDENT. The bill will go over without prejudice. This completes the Calendar under Rule VIII.

#### PACIFIC PEARL MULLETT.

Mr. BACON. Mr. President, if the Calendar, under Rule VIII, has been completed, I ask that a bill which was reached on the Calendar and passed over some days since upon the request of the Senator from Nebraska [Mr. BURKETT] be now taken up. It is Calendar No. 235. I do not know whether it now is on the Calendar under Rule VIII or Rule IX.

Mr. GALLINGER. It is under Rule IX.

The VICE-PRESIDENT. The bill referred to by the Senator from Georgia will be stated.

The SECRETARY. A bill (S. 1517) for the relief of Pacific Pearl Mullett, administratrix of the estate of the late Alfred B. Mullett.

Mr. BACON. I ask unanimous consent that that bill may now be taken up and acted upon. It has previously passed the Senate several times.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to Pacific Pearl Mullett, administratrix of the estate of the late Alfred B. Mullett, \$2,062.06, in full for the balance due her husband, on account of compensation and his actual expenses incurred as commissioner appointed from civil life on the Navy-Yard Commission under the provisions of the act of August 5, 1882, making appropriations for the naval service, the balance being based upon vouchers heretofore issued and approved by the Secretary of the Navy.

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

## PUBLIC LAND ACCOUNTS WITH STATES.

The VICE-PRESIDENT. The Calendar, under Rule IX, is in order. The Secretary will state the first bill.

The SECRETARY. A bill (S. 415) regulating the settlement of the accounts between the United States and the several States relative to the disposition of the public lands, and for other purposes.

Mr. KEAN. Mr. President, that is a very important bill, and I do not think it ought to be taken up at the present time.

The VICE-PRESIDENT. The bill will be passed over, at the request of the Senator from New Jersey.

## PUBLIC BUILDINGS IN WASHINGTON CITY.

The bill (S. 122) authorizing the purchase of grounds for the accommodation of public buildings for the use of the Government of the United States in the District of Columbia, and for other purposes, was announced as next in order.

The VICE-PRESIDENT. The bill has been heretofore read.

Mr. CLAY. Let the bill be again read.

The VICE-PRESIDENT. The Secretary will again read the bill.

The Secretary proceeded to read the bill.

Mr. NELSON. Mr. President, I think there is objection to that bill.

Mr. GALLINGER. Mr. President—

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

Mr. NELSON. Certainly.

Mr. GALLINGER. Mr. President, I did not observe that this bill had been reached. I thought it was another that was under consideration. It will be recalled that I introduced a resolution a little time ago directing the Commissioners of the District of Columbia to ascertain the purchase price of these various blocks of land. I have information that the Commissioners have taken that work up diligently and that they will soon report to the Senate the result of their labors. I trust the bill will go over and await that report.

The VICE-PRESIDENT. The bill will be passed over at the request of the Senator from New Hampshire.

## SCHOOL OF FORESTRY IN NORTH DAKOTA.

The bill (S. 560) granting the State of North Dakota 30,000 acres of land to aid in the maintenance of a school of forestry was announced as next in order.

Mr. NELSON. Mr. President, the Senator from Montana [Mr. CARTER], who is not in his seat, is opposed to the consideration of that bill. Therefore I ask that its consideration be postponed.

The VICE-PRESIDENT. Without objection, it is so ordered.

## SNAKE RIVER DAM, WASHINGTON.

Mr. TELLER. Mr. President, I ask what has become of Order of Business No. 74, being House bill 7618?

The VICE-PRESIDENT. That bill has been made the unfinished business and will come up at 2 o'clock.

Mr. TELLER. I understand the Senator from Washington [Mr. PILES], who has the bill in charge, desires to have it taken up. I want to submit some remarks on it, and I ask to have it taken up now.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7618) to authorize the Benton Water Company, its successors or assigns, to construct a dam across the Snake River, in the State of Washington.

Mr. TELLER. Mr. President, I should like to submit some remarks on this bill, or on the law touching this proposition, and I will do so now, with the indulgence of the Senate.

The bill involves, directly and indirectly—perhaps more indirectly than otherwise—a very important constitutional question. It is a question that, to my mind, is very clear, and it has been disposed of by the Supreme Court of the United States on sundry occasions, some of the decisions being at least 65 years old.

Recently there has grown up a new idea in this country—and it has been very prevalent in the last few years—that whatever might be suggested to be for the public interest should be carried on by the General Government without reference to whether there was authority to do it or not. I am inclined to make some remarks that I would not make, perhaps, on this bill or any other, if it were not for the repeated assertion that has been made in high public circles that whatever ought to be done we should find a method of doing.

Not long since the Secretary of State—and I am going to send to the desk and have read his remarks, as I have taken them from the public press and I have no doubt they appear therein correctly—in an address called attention to the fact that the

States were not exercising the powers conferred upon them by their constitutions and recognized by the National Government as pertaining to them, and he said when they did not do so they must not complain if the Congress should assume the right to do what they had failed to do. As that spirit seems to be a very general one now, and is very prevalent, I want to say a few words about it. I want, in the first place, to have read at the desk an extract from the public press.

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

The Secretary read as follows:

Extracts from the speech of Hon. Elihu Root, Secretary of State, delivered at a banquet given by the Pennsylvania Society, in New York City, on December 12, 1906.

Mr. Root said in part:

"If any State is maintaining laws which afford opportunity and authority for practices condemned by the public sense of the whole country, or laws which through the operation of our modern system of communications and business are injurious to the interests of the whole country, that State is violating the conditions upon which alone can its power be preserved. If any State maintains laws which promote and foster the enormous overcapitalization of corporations condemned by the people of the country generally, if any State maintains laws designed to make easy the formation of trusts and the creation of monopolies, if any State maintains laws which permit conditions of child labor revolting to the sense of mankind, if any State maintains laws of marriage and divorce so far inconsistent with the general standards of the nation as to violently derange the domestic relations which the majority of the States desire to preserve, that State is promoting the tendency of the people of the country to seek relief through the National Government and to press forward the movement for national control and the extinction of local control.

## "STATES NOT ALIVE TO DUTY.

"The intervention of the National Government in many of the matters which it has recently undertaken would have been wholly unnecessary if the States themselves had been alive to their duty toward the general body of the country. It is useless for the advocates of State rights to inveigh against the supremacy of the constitutional laws of the United States or against the extension of national authority in the fields of necessary control where the States themselves fail in the performance of their duty.

"The instinct for self-government among the people of the United States is too strong to permit them long to respect anyone's right to exercise a power which he fails to exercise. The governmental control which they deem just and necessary they will have. It may be that such control could better be exercised in particular instances by the governments of the States, but the people will have the control they need either from the States or from the National Government, and if the States fail to furnish it in due measure, sooner or later construction of the Constitution will be found to vest the power where it will be exercised, in the National Government."

Mr. TELLER. The words "United States of America" describe to the world the nation known as the United States.

It has a written Constitution, the preamble of which provides:

We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

It is a Government of delegated, limited, and enumerated powers.

And every exercise of power by the nation must find its authority in the Constitution of the United States as originally adopted or in the amendments thereto.

When I speak of the Government as one of delegated, limited, and enumerated powers, I do not in any way deprecate it or deny to it such powers as are provided for in the Constitution or that must follow such enumerated power in order that there may be an efficient exercise of the power specifically declared.

But I can not agree to the doctrine, now somewhat popular, that by legislative or judicial construction powers certainly withheld may be exercised, because such exercise may be beneficial, or because powers withheld to the people or to the State may not be exercised, or if attempted to be exercised, may not be so exercised as to meet the approval of the executive, legislative, or judicial departments of the Government.

I do not stand for any hair-splitting theory, but for a fair and honest determination. What did the framers and makers of the Constitution intend to authorize to be done?

However desirable it may appear to me that certain powers ought to have been given to the Executive or Congress, the question is, What did the creators of the Constitution, that is, "We the people" \* \* \* do ordain and establish the Constitution"—what did they mean to do? And the only way to determine what they meant to do was by what they did do.

We can never consider the question properly unless we consider the conditions at the time the Convention was held to form the Constitution, and what defects in the then existing Government were to be cured by the change in the character of the Government.

It may seem to be a waste of time to detain the Senate with a statement of the conditions of the United States at the time of the assembly of the Constitutional Convention, and it may

appear to be a reflection on the intelligence of the Senate to call attention to what ought to be and doubtless is well known to us all.

But, Mr. President, we have reached a period in our country's history unlike any other period to which we can point.

We are met with the declaration not once, but many times, from those whose duty it is to discharge high and important public duties, that their efforts are obstructed by a lack of administrative power. Evils are pointed out that ought to be suppressed, but the inquiry is, Where is the authority to do it. And if we point to the powers of the States, we are told the State will not do it. Evils have been pointed out that should be remedied. Congress has been admonished to find some way by which such evils can be remedied or checked, and we have been told that Congress ought to find out some way to do it, some way not apparent to our advisers, nor to us.

Mr. President, it will be noticed that the Secretary of State does not indicate that there is any proposition to amend the Constitution. The last utterance read would indicate that he expected this change to be made by construction, and whether that construction is to be given by the legislative department, the executive department, or the judicial department is somewhat uncertain from his words.

I do not think that to a body which is composed largely of lawyers I need say that it is not possible, either legally or morally, to change the Constitution of the United States by construction. We may differ as to what the Constitution means. The Supreme Court may one day say that it means one thing and another day that it means another thing; but there has never been any court yet that has attempted to construe the Constitution except to construe it according to its meaning. No court has ever said "it ought to mean this, and therefore we will hold that it does." That is the theory upon which of late appeals are made to us to act.

The President of the United States not long since in addressing Congress said there were certain evils that Congress ought to find a way to remedy. The duties and the powers of Congress are carefully delineated in the Constitution of the United States; and if we have sometimes, perhaps, proceeded contrary to that delineation, we could rely upon the courts to determine whether we kept within the constitutional limit or whether we exceeded it.

The Secretary of State is one of the most illustrious lawyers in the United States, and I have no doubt, if the question were put to him, he would say frankly "you must proceed according to the Constitution to make any change in the general theory of the Government." But, in accordance with the general idea that we have not time to amend the Constitution when it needs it, you must find your remedy now, right away, and you can possibly find it by the enactment of some law here, subject of course to the supervision of the Supreme Court of the United States, or it is possible that the Supreme Court of the United States might determine also that they had power to construe the Constitution differently from what their predecessors had done or differently from what it means; but up to this time that never has taken place, and I do not suppose the time will ever come when the Constitution of the United States will be construed by the Supreme Court except in accordance with its terms and its original meaning.

It would seem to be unnecessary for me to say that the powers of the General Government are limited and restricted by the Constitution of the United States, and that no power can be exercised by the General Government unless the authority for its exercise can be found positively in the Constitution, or properly inferred from what is in the Constitution. There is a pretty general rule of law among lawyers—and it has been sanctioned by the Supreme Court on more than one occasion—that a statute absolutely clear in its meaning can not be construed otherwise than in strict accordance with its language, and statutes that do not admit of any controversy need no construction whatever.

Mr. President, I want now to approach this question of the power of the General Government over the States. I know that State rights is not a very popular idea; I know very well that when you speak of State rights you array against you an old prejudice which has existed for many years, and which culminated in its intensity during the great civil war and immediately thereafter; and yet the hope and the expectation of this country must be in the preservation of the State governments. I will not take much of the time of the Senate to go into that. I only want to say that the forty-six sovereignties who come, each of them, nearer to the people of their respective jurisdictions than does the General Government are better calculated and better qualified to maintain order and peace within their respective boundaries—and that is the great purpose of State

governments—than is the General Government. When the time comes that the people in New England shall determine what the people of Oregon and of Washington shall do locally, and when the people of Oregon and Washington shall determine what the people of New England shall do locally, we shall be practically at the end of this Government of ours.

We ought to pay some heed to the lessons of the past. There has never been in the history of the world such a confederation of sovereignties as that which exists in this Government of ours; but, Mr. President, there have been innumerable confederacies of a different character that have existed and flourished for years and then have fallen. I venture to say now—and history will bear me out—that in practically every case where there has been such a confederacy and it has been ultimately dissolved, it has been dissolved because of a failure to respect the rights of each individual member of the confederation.

No people in the world probably were better qualified at one time for self-government than were the Greeks. They organized a confederacy that lasted for a few years, and when it disappeared it disappeared because Athens, the great city of intellectual culture and of art, became the oppressor of the other members of the confederacy, who no longer felt that they were allies, but subjects. So, when the Persian power came down on Greece, those who were dissatisfied with the ruling power of their own confederacy either withheld their assistance from Athens or took the other side. Then the confederacy of Delos, perhaps the most remarkable in all history, disappeared simply because there was not that cohesion which is necessary to maintain, and always has been necessary to maintain, different confederacies or different national associations.

I am not particularly careful, perhaps, about the word "confederacy." It is quite immaterial whether we are a confederacy in the strict sense of the term. We have retained for the States the right to do certain things. We speak of these frequently as the police powers. There are certain things that we can not take away from the States, and we can not increase their rights. That is one of the things that is settled and distinctly understood.

I am not one of those who would minimize in the slightest degree the national power. I have believed for many years that in all questions appertaining to national affairs this Government of ours is as supreme as any other government in the world in times of war and in times of peace.

Mr. President, I remember a few weeks ago a distinguished member of the Supreme Court of the United States made a speech in the city of New York in which he said that the National Government is supreme in all things appertaining to nationality and the States are supreme in all things appertaining to the States. I intended to present that as an epitome of the real theory of this Government, but I mislaid my copy. It was the justice from Kentucky, Mr. Harlan, long on the bench, and who by his devotion to duty and his well-known patriotism has shown himself the peer of any man who has sat on the bench, in modern times at least. That ought to be the watchword. The Federal Government should exercise all of the powers necessary for the General Government; the State should exercise all the powers necessary for local administration and local affairs.

The proposition before us here to-day is to build a dam on a navigable river. I do not deny the power of Congress to authorize the building of a dam on a navigable river, with locks and canal so as not to obstruct navigation. It has been done on several occasions. It has been done in a number of cases recently. That is not the question. Should the Government of the United States authorize the building on its rivers of dams that in any way might interfere or disturb its constitutional right to control the navigation of the stream? We have fallen into an idea that if the lower waters of a river are navigable the river is navigable to its source. In other words, we have fallen into the idea that if the Government has control over the first 400 miles of a river, it ought to have control over the upper and farther end. That is not the law. Under the English rule, the civil law, rivers are navigable as far as the tide ebbs and flows and no farther. Our rivers are navigable just as long as a boat can traverse them, and the Supreme Court has so held.

Nobody in any of the States or in any section of the country denies the right of the Government of the United States to control the commerce of the rivers and the Great Lakes. The question is, Under what conditions must it be controlled? The Government may control them in every possible way that is necessary for commerce. In other words, the Government may control the agencies of commerce, but the Government has not any control over the river, nor has the Government any control of the land under the river.

I assert that as having been decided by the Supreme Court more than sixty years ago and repeated at least thirty times since, and I have here, and shall present before I get through, the law on the subject. How it happens that anybody in these days should suppose that the Government of the United States owns the waters and the rivers, navigable or nonnavigable, I can not conceive, in view of the fact that the courts have held for so long, and every law writer of any consequence in this country, taking Story, taking Kent, and all that class of men, have asserted the doctrine that the waters of a river and the waters of arms of the sea belong to the State and do not belong to the General Government. The Supreme Court very early determined that the right to fish, to plant clams and to gather them was to be controlled by the States and not by the General Government.

I wish to make another statement for which the authorities will bear me out. The Government of the United States can not obstruct a national river. I mean by a "national" river a river that is entitled to be called a "navigable" river. It has no more power to do that than a private citizen—not a particle. Whether I shall present authorities for that or not I am not certain, in the multiplicity of cases that I am going to call attention to, but it can be found in the decisions of the court and in the early law writers upon the subject.

Mr. President, I do not want to spend too much time, yet I must take a minute to call the attention of the Senate to the adjudications that have been made by the court. One of the last cases decided by the Supreme Court was that of the State of Kansas against the State of Colorado. It was not a very satisfactory decision in some particulars, but it decided some things positively. This is what is decided in that case: That the State may determine whether the old doctrine of the common law as to streams shall prevail or another and different rule; that this is a Government that can claim no powers not granted to it by the Constitution; the Government of the United States is one of delegated and limited and enumerated power. (See p. 13 of the opinion in pamphlet.)

It is still true that no independent and unmentioned power can pass to the National Government or can be rightly exercised by Congress. (P. 13 of pamphlet.)

Referring to the second paragraph of section 3 of Article VIII, which gives Congress power to dispose and make all needful regulations respecting territory and other property of the United States, the court says:

But clearly it does not grant to Congress any legislative control over the States, and must, so far as they are concerned, be limited to authority over property belonging to the United States within their limits. (See p. 14.)

But the proposition that there are legislative powers affecting the nation as a whole, which belong to although not expressed in the grant of powers, is in direct conflict with the doctrine that this is a Government of enumerated powers (p. 14).

#### RECLAMATION.

The court sustains the reclamation laws because the Government is the owner of large areas of land within the States where the system is to be applied, and specifically declares that this system could not be applied to States where the Government did not own land (p. 16). But did not declare the water belonged to the United States and said nothing that can authorize its control by the Government as against the State.

But in sustaining the law of reclamation, the court says:

We do not mean that its legislation can override State laws in respect to the general subject of reclamation (p. 16).

That the land under the streams navigable both above and below high tide belongs to the States, and, speaking of such lands, the court says:

It properly belongs to the State by their inherent sovereignty. Such title being in the State, the lands are subject to State regulation and control, under the condition, however, of not interfering with national regulations concerning public navigation and commerce (p. 17).

Again, the court says:

It (the State) may determine for itself whether the common-law rule in respect to riparian rights or that doctrine which obtains in the West of the appropriation of water for the purpose of irrigation shall control (p. 17).

Congress can not enforce either rule upon any State (p. 17).

The court in *Kansas v. Colorado* decided that the States owned their own waters, and it decided also that if a State did not choose to recognize the old common-law riparian rights the State had the power to change the law. Perhaps I need not dwell on that, but it is important in determining what are the rights of our Western States when it comes to the question of irrigation. We have abolished in most of the Western States the doctrine of riparian rights. The constitution of Colorado and that of some other States, although I will not undertake to say now of which States, provide that the water of the State

belongs to the people of the State, and is under the control of the State and is not under the control of the people owning the land abutting on the rivers or streams.

The Supreme Court in the Colorado-Kansas case say that that is a right which belongs to the States to determine. We determined that. Wisconsin determined in 1846, if I recollect correctly, that the water belonged to that State. I think every State in the Western country where the question has ever been presented has so declared. Wisconsin declared it by statute. I think I could quote some others, but I am not going to try it.

Mr. President, there is another thing that I want to call attention to, which I think is very essential for us to understand. The Western States which are now young in years are sometimes supposed to have come into the Union on conditions different from those attaching to the original thirteen States. The Supreme Court has declared again and again that every State is the equal of every other State under the law, just as we say here that every Senator is the equal of every other Senator under the law. It may be a new State; it may be the last State; it may be the smallest in population or it may be the greatest; it has no other rights than any other State, and it rests under no burden that every other State in the Union does not rest under.

When a State is admitted to the Union it is on an equal footing with the original States. This is usually, if not always, so declared in the act of admission, but if that is not done, the situation or relation of the new State is the same as the other States, and the Supreme Court of the United States has repeatedly so declared.

I believe that every State that has been admitted—certainly all that have been admitted since I have had any knowledge of the matter—has come into the Union with a declaration that it came in on an equal footing with the other States. The Supreme Court in 1842 declared that Alabama was admitted exactly like and had the same power and was under the same obligations as the other States which came in under the original compact—the thirteen original States. An effort was made to show that there were some reasons why Alabama might have come in on different conditions and might stand on a different footing from the others. The court laid it down squarely in a case I shall cite later that Alabama had the same rights, not because there was a difference in the condition, not because she had been ceded by Georgia to the United States, but because of the fact that all the States were to come in on equal footing when they came in, and every State should stand alike in power and in right.

Now, of course, in the original States there was no Government land. The old original States owned the land, or if they did not, the people inside the States owned the land. There was no public land in the old original thirteen States. Virginia had a very large tract of land that was ceded to the United States; Connecticut ceded; Massachusetts ceded some land to the United States. That was mainly or perhaps entirely in Ohio.

Mr. President, the United States became a great landowner, and that is what I want to call attention to for a few minutes. It became a great land proprietor. I find that a good many of our people in these days suppose the Government of the United States holds this land as a sovereign. The Supreme Court has said and repeated it again and again that this nation holds its land not as a sovereign, but as a proprietor. We do not tax the public land. We do not tax it because we stipulated that we would not tax it. Both Judge Sawyer and Judge Field, who were both Federal judges, but prior to being Federal judges were California judges, have declared that but for that provision saying we would not tax the land, the Government of the United States would be compelled by law to pay taxes on the land, because the land was not held to perform a Government function. If it had been, there would have been a different ruling on that subject. The Supreme Court has said it so often that it is hardly worth while for me to cite what they have said about it. I want to read just what was said in the California case by Judge Sawyer, who is now dead, but who, I think, we all recognize as one of the great lawyers of this country. Judge Sawyer, in the case of *People v. Shearer* (30 California, p. 658), said:

If it had not been for the stipulation to the contrary in the act of admission, the United States might have been required to pay taxes on the land owned by it situate within the limits of California, like any other proprietor of land. The relation of the United States to the public lands since the admission of California into the Union is simply proprietary—that of an owner of the lands, like any citizen who owns land, and not that of a municipal sovereignty.

See also 5 Minnesota, *State v. Batchelder*, page 234; 2 Minnesota, *Camp v. Smith*, page 155; and 12 Iowa, *Stockdale v. Treasurer of Webster County*, page 538.

Judge Field declared it when he was on the State bench, and he reiterated it from the Federal bench.

If it is asserted that the United States as the proprietor of the public lands becomes the owner of the water of the non-navigable streams flowing over or along its land, the Government has by its legislation authorized the appropriation and use of the water of such streams; and the courts of California and the United States have treated the prior appropriation of water on the public lands of the United States as having the better right than the subsequent appropriator, on the theory that the appropriation was allowed by license of the United States, and after 1866 by statutes of the United States. (*Lux v. Hagan*, 10 Pacific Reporter, p. 721.)

And if the State does not own the water of the nonnavigable streams, the United States, as owner of the public lands, must, under the common-law rule of riparian ownership, when it conveys its right to the soil, conveys its right to the water, and the holder of the patent becomes the owner, and the Government has by such patent ceased to be the owner of such water. (10 Pacific Reporter, supra, 722.)

Unless running water (not navigable) is reserved, it passes by grant or patent, supra.

Of course there has been an argument made and frequently made that because the King of Great Britain held all of the lands and the title was in the King, it must be that the Government of the United States, being the sovereign, held the land as the sovereign. It has been so often declared by the court to be otherwise, in accordance with the decisions I have just read, that contention must be abandoned. We can not draw any inference from the fact that the King of Great Britain could parcel out the land and even sell the land under the rivers and bays. That can not be done by the United States. Neither can it be done by the States, according to the rulings of the court. I want to read from Angell on Tide Water. This is an authority which at least in former times was considered entitled to credit. I do not know whether it is now or not, but it was fifty years ago when I was a law student.

These inherent privileges are those of navigation and fishery, privileges which are classed among those public rights denominated "jura publica" or "jura communia." These are contradistinguished from "jura coronæ" or the rights of the Crown. They are said to exist of common right, which, according to Sir Edward Coke, is only another epithet for common law. The common law of England is known by the various appellations of "right," "common right," "public right," and "communis justitia." When, therefore, it is said a man has a thing by common right, it is understood that he has it by common law. The common law is furthermore denominated common right because it is the common birthright or inheritance which people have for the protection and safeguard of their privileges. "And it is the excellency," says Sir Edward Coke, "of common law that the receding from the true institutions thereof introduces many inconveniences, and that the observation of it is always accompanied by peace and quiet, the end and center of all human laws." (Angell on Tide Water, pp. 22 and 23.)

The right of property in tide waters, and in the soil and shores thereof, is "prima facie" vested in the King, to a great extent at least, as the representative of the public. To such an extent that to the right of navigation and fishery he has no other claim than such as he has as protector, guardian, or trustee of the common and public rights. Hence, the King has no authority, and since "magna charta" has never had, to obstruct navigation or to grant exclusive rights of fishing in an arm of the sea. (Angell on Tide Water, p. 22.)

And by the law of nations the use of the shore is also public, and in the same manner as the sea itself, and for this reason any person is at liberty to place a cabin there, in which he may harbor himself, and for the like reason to dry nets and draw them from the sea. By the common law, the waters of the sea and the shores of the same are as much subject to public use as they are by the civil law; but the essential difference above referred to between the two relates to what is just mentioned as the doctrine of the civilian, viz, that such waters are the property of no one. The policy of the common law is to assign to everything capable of occupancy and susceptible of ownership a legal and certain proprietor, and accordingly make those things which from their nature can not be exclusively occupied and enjoyed the property of the sovereign. The King in England is regarded as the universal occupant, and the presumption is that all property was originally in the Crown. Hence, it is said that all lands are holden mediately or immediately from the Crown, and that the King has the "absolutum et directum dominium"—a fiction of law adopted not for the aggrandizement of the throne, but for the benefit of the subject. (Angell on Tide Water, p. 22.)

Every reader of history knows that the King was not the original owner of the soil. The original owner of the soil in Great Britain and for a thousand years after the Romans settled in it were the people who occupied it and used it.

In the case of *Smith v. Maryland* (18 Howard, p. 74), Justice Curtis said:

Whatever soil below low-water mark is the subject of exclusive property and ownership belongs to the State on whose maritime border and within whose territory it lies, subject to any lawful grants of that soil by the State or the sovereign power which governed its territory before the Declaration of Independence.

But this soil is held by the State not only subject to, but in some sense in trust for the enjoyment of certain rights, among which is the common liberty of taking fish, as well shellfish as floating fish.

While the State may own and does own the lands under these tide waters, it can not part with them in such a way as to interfere with the navigation of the waters.

In the case of *United States v. William G. Cornell* (2 Mason, p. 60), opinion by Justice Story, is found the following:

The purchase of lands by the United States for public purposes within the territorial limits of a State does not of itself oust the jurisdiction or sovereignty of such State over such lands so purchased.

Mr. President, I want to show before I get through that the withholding of land from sale does not give the Government of the United States any right over it except that of a proprietor, except under that provision of the Constitution which authorizes Congress to dispose of and make all needful regulations.

Justice Story says further:

Exclusive jurisdiction is the necessary attendant upon exclusive legislation. The Constitution of the United States declares that Congress shall have the power to exercise "exclusive legislation" in all cases whatsoever "over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings."

There is not a man here who does not know that the fact that the Government has the title to the soil does not give it exclusive rights to govern it and does not deprive the State of its jurisdiction over it, because the courts have settled that often, as I shall show before I get through.

Justice Story continues:

When, therefore, a purchase of land for any of these purposes is made by the National Government, and the State legislature has given its consent to the purchase, the land so purchased, by the very terms of the Constitution, ipso facto, falls within the exclusive legislation of Congress, and the State jurisdiction is completely ousted.

The United States may build a building, putting in any amount of money it may choose, and the State jurisdiction is not lessened or impaired in the slightest degree unless the State so declares it shall be. Justice Story also said—this is a declaration which I have no doubt some of our friends would question, but I believe it is the law, and I believe it can be supported—

For it may well be doubted whether Congress are, by the terms of the Constitution, at liberty to purchase lands for forts, dockyards, etc., with the consent of a State legislature where such consent is so qualified that it will not justify the "exclusive legislation" of Congress there.

We have taken some land, you know, the State reserving to itself a quasi jurisdiction over it, and Story says in this very case I have cited that it is doubtful whether the Government can hold it under that quasi relation, but the Supreme Court, in what I shall call the "Leavenworth case," which I will cite later, held that such could be done.

Mr. President, fifty years ago Chancellor Kent was supposed to be good authority for almost any proposition of law. I myself doubt whether there has been any man in the United States since his death who was better qualified, or as well qualified, to determine questions of this character. In his lecture on real property he says:

The sovereign is trustee for the public, and the use of navigable waters are inalienable. But the shores of navigable waters and the soil under them belong to the States in which they are situated as sovereigns. (3d vol. Kent, 13th ed., p. 427; *Pollard v. Hagan*, 3 Howard, 212; *Canal appraisers*, 17 Wendell, 571; *Gavit v. Chambers*, 3 Ohio, p. 496.)

Mr. President, I do not want to take up the question and distinguish very much our condition in those States from some others. I am speaking now of the arid West. Our condition is different from what it is in other parts of the country. There are some sections in the State of Colorado that were under irrigation before Columbus discovered America. There are plenty of lands in the Territory of New Mexico and some in the Territory of Arizona that had been watered and cultivated under the laws then existing, crude as they may have been, long before Columbus sighted land in his famous voyage.

The use of water for irrigation in the arid region is a natural want, and the supreme court of the State of Illinois, in the case of *Evans v. Merriweather* (3 Scammon, 495), where irrigation has never been very practical, says:

In a hot and arid climate water, doubtless, is absolutely indispensable to the cultivation of the soil, and there water for irrigation would be a natural want.

I want Senators to keep that in mind. There is not a Western State that has not thousands of acres which, while the climate may not be torrid, fall under that description, and the use of water there for irrigation is a natural want.

In *Evans v. Merriweather* (3 Scammon, p. 495), the court said as I have read. Then the court adds, on page 496:

From these premises would result this conclusion: That an individual owning a spring on his land, from which water flows in a current through his neighbor's land, would have the right to use the whole of it, if necessary, to satisfy his natural wants. He may conserve all the water for his domestic purpose, including water for his stock.

So far, then, as natural wants are concerned, there is no difficulty in finding a rule by which riparian proprietors may use flowing waters to supply such natural wants.

Mr. President, that is the law in a country where the riparian doctrine is in force.

Mr. PILES. Will the Senator permit me to interrupt him for a moment?

Mr. TELLER. Certainly.

Mr. PILES. I would just like to ask the Senator if I am understanding him correctly. I understand the Senator to make the point, or he is leading up to the point, that it is not within the power of Congress to charge for water taken out of the navigable rivers of the United States for irrigation purposes.

Mr. TELLER. I will say that that is my position, and I will demonstrate before I get through that it is absolutely absurd for Congress to claim the right to charge for water.

Mr. PILES. I am not antagonizing the Senator's position. I just wanted to get his line of thought as I thought I had it in my mind.

Mr. TELLER. I understand. I am going even further, for I am going to say it is absolutely not in the power of this Government of ours to prevent a citizen of my State from using the water for his natural wants, and that is irrigation. The Government might control it when we were a Territory, as they attempted to do, and did do. The Government may control how the water shall be carried across its lands; but when it comes to the beneficial use, the State only can determine how it shall be used and what use shall be made of it.

Mr. PILES. Then, as I understand the Senator, he takes the position that it is not within the power of Congress to exact a charge for water taken out of a navigable river for either power or irrigation, or, in fact, for any other purpose; he contends that that power belongs solely to the State.

Mr. TELLER. The Government has not the slightest interest in the water, not even in the navigable waters.

Mr. PILES. I get the Senator's position.

Mr. TELLER. The court has said that all the Government has in navigable water is an easement, the right to run a ship or a boat over it, the right to see that it is not obstructed. Of course that follows its right to regulate commerce.

Mr. PERKINS. Mr. President—

The PRESIDING OFFICER (Mr. DILLINGHAM in the chair). Does the Senator from Colorado yield to the Senator from California?

Mr. TELLER. I do.

Mr. PERKINS. May I ask the Senator from Colorado his construction of the law or if the courts have decided it in a case where the source of a stream is in one State and it flows through that State into another State or another Territory? Has the first State a right to appropriate the water and to deprive the second State through which the stream passes of the water?

Mr. TELLER. The court has held the right of the people of the State to use the water. There has not been a case, I will admit, where all the water has been appropriated, but the case that I cited from 3 Scammon, Evans v. Merriweather, holds that the man who has a running stream through his farm may use it all and let his neighbor go dry.

In England and in Massachusetts a man may, by appropriation, which is supposed to mean a grant originally, take out the water of a stream and absolutely control it to the extent that nobody else has anything to do with it. He can build a mill race, and if he has held it twenty-one years in New England and twenty-one years in England he becomes the absolute controller of that water.

Mr. President, much more is that the case in a country where the whole question depends as much upon water as upon air. You could no more live on thousands and thousands of square miles belonging to the United States unless you could put water on it than you could live if the air should be taken away. To take away the water would be equivalent to taking away your life.

Mr. PILES. I should like to ask the Senator from Colorado if he contends that it would be within the power of a neighboring State, subject to the paramount right of navigation, to dispose of the waters of a river flowing through the State to such an extent that there would remain no water in the adjoining State which might be used or disposed of by that State for irrigation or power purposes, because there would not be sufficient water, we will say, remaining in the river for that purpose without disturbing the navigation of the river?

Mr. TELLER. If the use of water for irrigation is a natural want, then the first appropriator may use it all, even to the

destruction of those differently situated persons, just as you may save your life even at the expense of another.

That brings me to the question of what Congress has a right to do and what Congress would do if such a thing occurred. That question has never yet arisen. It probably never will arise.

Mr. PILES. I merely want to get the Senator's view on that point.

Mr. TELLER. I will take the Arkansas River. It runs a couple of hundred miles in Colorado; it runs down into Kansas, then it runs into Arkansas, and then it runs into the Mississippi and into the sea. That is not a navigable river until you get into lower Arkansas and in the Indian Territory. Then it becomes a navigable river.

This question might be presented, Mr. President. I want to be fair about it. Suppose that was a navigable river on which there was a great commerce up near Oklahoma, say, in the Indian Territory, and suppose Kansas and upper Arkansas and Colorado should use all the water so that there was no water along in that river. Then it would be a question as to what, under the power to preserve commerce, the Government could do. What do you suppose, Mr. President, a government would do? You must presume that whenever you legislate in Congress you legislate with respect to the interests of the whole people—the greatest good to the greatest number. If you have a million people in Kansas, a million people in Colorado, and a half million more perhaps in Arkansas using this water, would anybody suppose that the United States, unless there was a tremendous necessity for it, would intervene and say you could not use that water? Would you make it a desert? That is the question the Supreme Court put the other day in the Colorado case. They did not decide it; they only said that is where it might go. We have not got there because we have never used all the water of that river; it has run across into Kansas. We have minimized it, they say, somewhat; we have not destroyed it; but in ten years after the irrigation begins the river where it crosses the line will be a larger river than it was before, except in flood time.

Mr. President, I will be diverted a moment just to mention one thing that has happened in my part of the country. We have an irrigating country. We have irrigated there for forty-five years. I do not like to bring myself particularly into evidence in a matter of this kind, but I have had absolute, actual, positive knowledge of irrigation for almost fifty years. I have seen water spread out on the land, and I have seen the desert where there was not grass enough to keep a goat on an acre selling for \$200 an acre because of its fertility by the use of water. This is in the State of Colorado. Our farmers this year had \$11,000,000 paid to them for beets that they have raised on irrigated land. Twenty million dollars will be paid in Colorado this year, and not a beet would have been raised, not a pound of sugar would have been made, except for the fact that we were allowed to use the water that flows down eventually into the Mississippi River and thus goes into the sea.

Could a better use be made of it, Mr. President? We have built up there a civilization that has no superior on the American continent. From Denver to Fort Collins, 75 miles, there is an unbroken farm. I doubt whether there is to-day another equal area in the United States that would sell for as much money or that will produce as much to the men who till it. Without water, I repeat, it would be a desert. I have seen it when it would not produce anything but the wild grass, and not much of that.

I am not going to be anxious as to what will happen when we have used up all the water, because we know that Congress will never make a desert of a country like that in order that a few boats may run on the lower Arkansas River. I do not know but the Government could do it, but a government that would do that would not last very long, in my opinion.

Mr. President, I did not intend to take up the irrigating question, but I am brought into it by the suggestion made by the Senator from Washington, which is one that has presented itself to me many times. I prepared an article on that subject. I said when we have destroyed the commerce on any river, then it will be time enough for the Government to complain, and then the question will be, What will the Government do? I assume that it would do what an individual would do. If an individual owned the whole property, he would preserve that which was the most beneficial to the human race.

Mr. President, we are met now by the claim that the Government of the United States owns the water in the State of Colorado; that the Rio Grande River, a river running into the Gulf of Mexico, is under the control of the United States. I deny that. I deny that the Government of the United States has any control over the water that is in the State. It has of

course absolute control over the water of the Territory of New Mexico, and that question probably will be presented some day. There is a little boat down on the lower Rio Grande River running up 70 miles from the Gulf once a week. Mr. President, there is more for human happiness in a square mile of irrigated land in New Mexico than there is in running a boat once a month or once a week or once a day on that river. The great interest of the agriculturists will give way when the time comes, if it ever does come, not while the people are sane, but only when power shall simply desire to exercise itself to show what it can do. That time will never come, in my opinion, in the Congress of the United States.

Mr. President, I have been somewhat diverted, but I do not know that I care; it gives me at least an excuse for saying some things that perhaps I would not otherwise say. I appeal to some Senators who hear me. I know that they have seen the same things that I have. I know that the California Senators have seen it. I know that they have seen a country made a garden where it was a desert. I have been in the Territory of Arizona and I have seen where there was no more grass on an acre than there is on this floor to-day, and yet I have seen in ten or twelve years the country blossom. I have seen fine roses; I have seen lemons, oranges, figs, grapes, and dates growing where a few years ago there was an absolute desert.

Mr. President, one-third of this whole country must be irrigated, and when it is irrigated that third will produce more that goes to make life endurable in the country than the remaining two-thirds. In the country west of the Mississippi River, not all arid, but more than three-fourths of it arid, we produce more than one-half of the wheat of the United States. We produce more cattle than any other section of the country. We produce more sheep. We produce nine-tenths of the wool that is produced. Are you going to dedicate a country like that to silence and solitude because the Government of the United States has control of the waters? I deny that the Government has control, and I deny, too, that you would do it even if the Government had control. Our safety lies, and we intend to stand by it, in holding that the water belongs to the State and that we mean to keep it.

Mr. President, I want to cite another authority as to the proprietorship of the United States simply in its lands. If the Government of the United States is the sovereign and holds it by sovereign power, then we are the serfs of the General Government. We are not.

I have another California case. I cite this, for that was the first section of the country where irrigation began in earnest, except the little that was in New Mexico, Arizona, and in southern Colorado, which was exceedingly small and of little value. As I said, undoubtedly that had been in existence long before the discovery of America.

Mr. SUTHERLAND. Mr. President, I call the attention of the Senator from Colorado to the fact that irrigation in the Western country began in my own State before it did in any other State, before it did in California. As early as 1847 the people of Utah were successfully irrigating their land.

Mr. TELLER. Mr. President, I overlooked that, because the Utah people did not make quite as much noise over it as our friends from California did.

Mr. SUTHERLAND. We never do.

Mr. TELLER. But, Mr. President, I can testify in support of my friend from Utah. I saw almost fifty years ago the irrigation of Utah. It was the first large irrigation I had ever seen, or which, I think, perhaps, at that time, any American had seen, because California was really a cattle country for many years and not an agricultural country.

What I have said about Colorado as to prosperity may be said about some parts of Utah, and many parts of it, too, for that matter.

Judge Sawyer, in the case of *Woodruff v. North Bloomfield Gravel Mining Company* (18 Federal Reporter, p. 772) said:

Upon the cession of California by Mexico—

Mr. President, I cite this because some people will say, as I have heard it said:

Why, of course there is a difference between the land that was ceded by Virginia to the Government and the land that the Government got from Mexico.

I want to show that the doctrine is the same:

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. President, that has been the law repeatedly declared in other cases. Again, it was said in the same State, but in the Federal court, by the Supreme Court of the United States:

This is a Government by law and not by men.

By this it is meant that the Government must be administered by laws enacted by the proper authority—that is, by the legislative department.

This means that no man, whatever his position may be, can substitute his will or his opinion for the law. If he is an executive officer he must be governed by law. He must act in accordance with the law as declared by the legislative department.

The ninth circuit court has said:

As to nonnavigable waters, Congress has nothing to do with them beyond the rights of the United States as a riparian proprietor, which are the same as the rights of other riparian proprietors, except it might limit the right of purchase from the Government of lands owned by it and sold subsequent to the passage of the act under which such land sales were made. (*Woodruff v. The Bloomfield Gravel Co.*, 18 Fed., p. 772.)

Speaking of the admission of California as a State, the judge said:

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 stands upon the same footing as private owners of land.

The United States, in the disposal of its lands, acts as a proprietor and not as a sovereign.

In the case of *Pollard's Lessees v. Hagan*, which I have before cited, the Supreme Court said, speaking then of this provision, but in the State of Alabama, that they would not interfere with the primary disposal of the soil by the Government and would not tax. That has since been put in all the States, I guess, where there was any public land, at least. The court says:

This authorized the passage of all laws necessary to secure the rights of the United States to the public lands and to provide for the sale and to protect them from taxation. (3 Howard, 225, or 15 U. S., 397.)

With the admission of a State the navigable waters of the State and the land under them became the property of the State, and also the nonnavigable water became subject to the sovereignty of the State and not that of the nation. The General Government can only exercise sovereignty when the Constitution provides it may or it follows logically from provisions of the Constitution.

The Supreme Court, in the case heretofore cited of *Pollard v. Hagan*, declared that—

The National Government does not hold the public lands by municipal sovereignty it may be supposed to possess or have reserved by compact with the new State for that purpose. (3 Howard, 227, or 15 U. S., 396.)

It may be claimed that the case of *Pollard v. Hagan* is not in point, because Georgia had made a cession of part of its territory for the purpose of creating the State of Alabama, but the United States had claimed the lands of Alabama by virtue of the purchase from France in 1803.

The Supreme Court of the United States, after considering the question of the right of the Government of the United States to the lands in Alabama, says, in the case of *Frank v. Neilson* (2 Peters, 309; 15 U. S., 116):

So that Alabama was admitted to the Union as an independent State in virtue of the title under the treaty of April, 1803.

The court declared that the Government held the lands just as it held other lands, and there was no exception, and the court declared also, over and over again, that the United States held them in trust for the public. I call attention to the summary in this case. It is a very long case. This is the case of *Pollard's Lessee v. Hagan et al.*, decided in 1845 by the Supreme Court of the United States, which will be found in 3 Howard, page 230. The court says, after a considerable discussion and argument:

By the preceding course of reasoning we have arrived at these general conclusions: First, the shores of navigable waters and the soils under them were not granted by the Constitution to the United States, but were reserved to the States respectively. Second, the new States have the same rights, sovereignty, and jurisdiction over this subject as the original States.

This was the original declaration of the supreme court of Alabama, which the United States court took up and approved:

Third, the right of the United States to the public lands and the power of Congress to make all needful rules and regulations for the sale and disposition thereof conferred no power to grant to the plaintiffs the land in controversy in this case. The judgment of the supreme court of the State of Alabama is therefore affirmed.

Mr. President, I have here a good deal of material that I am going to skip. I shall be glad if any Senator would like to look over it any time to furnish him a list of authorities I have not time to read. I have furnished it to some of my acquaintances.

Mr. PILES. I suggest that the Senator put them in the RECORD, anyway.

Mr. TELLER. I will put in enough of them. I can cite, I think, at least forty decisions of the Supreme Court practically to the same effect. The courts have spent a good deal of time determining what was a shore and what were the rights of the abutting landowners, and so forth. I do not care to go into that, because while I believe California still maintains the riparian doctrine, that is, I think, the only Western community that does. I do not know about Washington, but I know that Montana and Idaho and some other States do not.

I have tried to select a few of these, so as to show that it was not the same judge making the same decisions, but that different judges were passing upon this question, all coming out at the same place.

Chief Justice Waite, in the case of *McCready v. Virginia* (94 U. S., p. 394), said:

The precise question to be determined in this case is whether the State of Virginia can prohibit the citizens of other States from planting oysters in Ware River, a stream in that State where the tide ebbs and flows, when its own citizens have that privilege.

This is a navigable water.

The principle has long been settled in this court that each State owns the beds of all tide waters within its jurisdiction, unless they have been granted away. (*Pollard's Lessee v. Hagan*, 3 How., 212; *Smith v. Maryland*, 18 How., 74; *Mumford v. Wardwell*, 6 Wall., 436; *Weber v. Harbor Commissioners*, 18 id., 66.) In like manner, the States own the tide waters themselves, and the fish in them, so far as they are capable of ownership while running. For this purpose the State represents its people, and the ownership is that of the people in their united sovereignty. (*Martin v. Waddell*, 16 Peters, 410.)

This is taken from the decision:

The title thus held is subject to the paramount right of navigation, the regulation of which, in respect to foreign and interstate commerce, has been granted to the United States. There has been, however, no such grant of power over the fisheries. These remain under the exclusive control of the State, which has consequently the right, in its discretion, to appropriate its tide waters and their beds to be used by its people as a common for taking and cultivating fish, so far as it may be done without obstructing navigation.

Mr. Justice Field, speaking of the condition of California, in the case of *Weber v. Harbor Commissioners* (18 Wallace, p. 65), said:

Although the title to the soil under the tide waters of the bay was acquired by the United States by cession from Mexico, equally with the title to the upland, they held it only in trust for the future State. Upon the admission of California into the Union upon equal footing with the original States, absolute property in and dominion and sovereignty over all soils under the tide waters within her limits passed to the State, with the consequent right to dispose of the title to any part of said soils in such manner as she might deem proper, subject only to the paramount right of navigation over the waters, so far as such navigation might be required by the necessities of commerce with foreign nations or among the several States, the regulation of which was vested in the General Government.

Not many members of the Senate were born when this decision I am going to read was made. In the case of *Corfield v. Coriel*, reported in the Fourth Washington Circuit Reports, opinion by Justice Washington, the court says (p. 379):

The grant to Congress to regulate commerce on the navigable waters belonging to the several States renders those waters the public property of the United States, for all the purposes of navigation and commercial intercourse, subject only to Congressional regulation. But this grant contains no cession, either express or implied, of territory or of public or private property. The "jus privatum" which a State has in the soil covered by its waters is totally distinct from the "jus publicum" with which it is clothed. The former, such as fisheries of all description, remain common to all the citizens of the State to which it belongs, to be used by them according to their necessities or according to the law which regulates their use.

In the case of *Mumford v. Wardwell*, in 1867 (6 Wallace, 435 and 436), the Supreme Court held, in a case that came from California, as follows:

California was admitted into the Union September 9, 1850, and the act of Congress admitting her declares that she is so admitted on equal footing, in all respects, with the original States.

I think that is found in every act of admission—

The settled rule of law in this court is, that the shores of navigable waters and the soils under the same in the original States were not granted by the Constitution to the United States, but were reserved to the several States, and that the new States since admitted have the same rights, sovereignty, and jurisdiction in that behalf as the original States possess within their respective borders.

When the Revolution took place the people of each State became themselves sovereign—

Mr. President, you want to keep in mind that there was no sovereign that had the power over all these colonies. The court continues—

and in that character hold the absolute right to all their navigable waters and the soils under them, subject only to the rights since surrendered by the Constitution.

Necessary conclusion is, that the ownership of the lot in question— which was under water—

when the State was admitted into the Union, became vested in the State as the absolute owner, subject only to the paramount right of navigation. (6 Wallace, pp. 435-436.)

That is the Alabama case, where they had filled up the river and made the land.

Mr. PERKINS. Mr. President—

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

Mr. TELLER. I do.

Mr. PERKINS. I would state to the Senator from Colorado the fact, which he will remember, that in making appropriations—and I have been associated with him upon committees—that he has always insisted in every case of a proposed improvement bordering on tide lands or overflowed lands, that there should be an easement granted by the State to the General Government.

The Navy Department of the Government especially has declined in numerous instances in California to make an expenditure for a naval station, as has the Treasury Department, for light-house stations and other fortifications in California, until the easement of the State to the overflowed or tide lands is ceded to the General Government.

Mr. TELLER. Mr. President, that is a fact, because we have been of the opinion that the State had control over those waters, of course subject to the right to pass over the navigable waters; but that the land adjoining those waters, which was necessary for the use of the Government in connection with its work, belonged to the States and must be ceded by the States.

As I have said, Mr. President, the court has held in two or three cases—and one of those I shall probably cite if I do not overlook it—that the only authority the Government has got is to regulate the agencies of commerce on the rivers—that they have no title in the water; in other words, the courts say the Government has an easement on the water; and that is all there is of it.

Mr. President, I ask leave to put in some of this matter without reading it, if no one objects.

The VICE-PRESIDENT. Without objection permission is granted.

The matter referred to is as follows:

By the English common law a river is navigable as far as the tide flows, upon the theory that it is a part of the sea.

This doctrine was all right in England, where the rivers are short and where the tides flow even above where they are navigable in fact. But in the United States rivers are navigable in law as far as they are navigable in fact, and no attention is paid to whether the tide flows or not.

By the English common law the Crown owns the land covered by the water of navigable streams in trust for the public use.

According to the English common law every river is navigable as far as the tide ebbs and flows and it is a royal river and belongs to the King by virtue of his prerogative, but in every other river, even if navigable in fact, there the King's prerogative does not attach, but the right of public use does attach. They are, as the authorities declare, "under the servitude of the public interest," to be used as water highways. They are public rivers, not as to their shores or the land under them, for these are in the riparian proprietors, but only in reference to public use.

At common law land bounded by a river extends to the center of the stream. In Alabama the streams that are navigable in fact the owners of land bound upon it can not assert their right to the soil under the stream.

The right of navigation under both civil and common law is a paramount right. This right is so important that even the sovereign can not obstruct it, nor can the United States.

The King of England can not assert his prerogative to obstruct navigation.

What is the shore?

A piece of land bounded on the shore of the sea or a river.

By the civil law the shore is where the highest tide comes or where the greatest wave extends during the winters.

By the common law the shore is the point where the ordinary tide stops. The shore of a river is at common law the point of ordinary flow.

In Massachusetts the shore is where the sea stands at ordinary times. In the United States admiralty jurisdiction extends to water in fact navigable.

It is a well-established principle of law that nothing passes as incident to an easement but that which is requisite to a fair enjoyment of the right. (5 Mason, 195, 3 Kent Commentaries, 432; *Commissioners of the Canal Fund v. Kemshall*, 26 Wendell, 414.)

Chief Justice Shaw said: "We can not doubt that navigable streams may cease to be such by appropriation of the soil under legislative authority to other purposes." (*Commonwealth v. Charlestown*, 1 Pickens, R. 180.)

The General Government has the right to regulate commerce, and so forth, as provided in paragraph 3 of section 8 of the Constitution, but this does not give Congress any title to the agencies of commerce, rivers and lakes, any more than it does to the railroads of the country.

All that Congress is authorized to do is to regulate commerce, and the control of Congress is limited to the exercise of such powers as are necessary to regulate commerce. The State owns the lands under navigable waters.

The Supreme Court of the United States in the case of the *City of Mobile v. Eslava* (16 Peters, p. 277) says:

The United States then may be said to claim for the public an easement for the transportation of merchandise, etc., in the navigable waters of the original States, while the right of property remains in the States.

The original States possessing this interest in the waters within their jurisdictional limits, the new States can not stand upon an equal footing with them as members of the Union if the United States still retain over their navigable waters any other right than is necessary to the exercise of its constitutional powers. To recapitulate, we are of opinion: First, that the navigable waters within this State have been dedicated to the use of the citizens of the United States, so that it is not competent for Congress to grant a right of property in the same. \* \* \*

In *Martin et al. v. Waddell*, the court said:

When the Revolution took place the people of the Eastern States became themselves the sovereign, and in that character hold the absolute right to all the navigable waters and the soil under them for their own common use, subject only to the right since surrendered by the Constitution of the United States to the General Government. (16 Peters, 411.)

In the act of Congress providing for the admission of Alabama as a State Congress provided that certain things should be included in the Constitution, as follows:

That the people of Alabama forever disclaims all right and title to the waste or unappropriated lands lying within the State, and that the same shall remain at the sale and disposition of the United States.

Also, that all navigable waters within the State shall forever remain public highways, free to the citizens of that State and the United States, without any tax, duty, impost, or toll thereon imposed by that State.

These provisions were inserted in the constitution of Alabama, which was approved by Congress by a resolution adopted December 14, 1819, in words as follows:

*Resolved*, That the State of Alabama shall be one, and is hereby declared to be one, of the United States of America, and admitted into the Union on an equal footing with the original States in all respects whatsoever.

Mr. TELLER. Speaking of the compact which was made that Alabama should not tax the land, and so forth, the court continues:

This supposed compact is therefore nothing more than a regulation of commerce to that extent among the several States and can have no controlling influence in the decision of the case before us. *This right of eminent domain over the shores and the soils under the navigable waters for all municipal purposes belongs exclusively to the States within their respective territorial jurisdictions, and they, and they only, have the constitutional power to exercise it.* To give to the United States the right to transfer to a citizen the title to the shores and the soils under the navigable waters would be placing in their hands a weapon which might be wielded greatly to the injury of State sovereignty and deprive the States of the power to exercise a numerous and important class of police powers. (See p. 230.)

And the court concludes as follows:

By the preceding course of reasoning we have arrived at these general conclusions: First, the shores of navigable waters and the soils under them were not granted by the Constitution to the United States, but were reserved to the States, respectively. Second, the new States have the same rights, sovereignty, and jurisdiction over this subject as the original States. Third, the right of the United States to the public lands, and the power of Congress to make all needful rules and regulations for the sale and disposition thereof, conferred no power to grant to the plaintiffs the land in controversy in this case.

The Supreme Court of the United States said in 1842, in the case of *Martin v. Waddell* (16 Peters, p. 411; 14 U. S. Repts., p. 349):

When the Revolution took place, the people of each State became themselves sovereign, and in that character hold the absolute right to all their navigable waters and the soil under them for their common use, subject only to the rights since surrendered by their constitutions to the General Government.

If the States took the absolute title to the navigable waters, they certainly did to the nonnavigable waters.

Congress can not interfere with waters of a State, except it may be necessary to protect the navigability of a navigable stream, and the courts have held that that provision of the Constitution did not give the Government any title to or control over the waters of the rivers in the States.

I do not care to enter into any discussion here, but I think that will be admitted. If the Government did not have any title to waters upon which it runs its ships, it certainly did not over trout streams that run into and make up the river.

The Supreme Court of the United States, in 16 Peters, said:

The United States may be said to claim for the public an easement for the transportation of merchandise, and so forth, in the navigable waters of the original States, while the right of property remains in the States. (See *Mobile v. Eslava*, 16 Peters, 253; 14 U. S. Repts., p. 277.)

The court in the last-cited case says:

The original States possessing this interest in the waters within their jurisdictional limit, the new States can not stand upon an equal

footing with them as members of the Union if the United States still retain over their navigable waters any other right than is necessary to the exercise of its constitutional powers.

Mr. PILES. Will the Senator permit me to call his attention to one fact?

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

Mr. TELLER. I do.

Mr. PILES. In that connection I should just like to call the attention of the Senator from Colorado to the fact that the State of Washington, at the time it adopted its constitution, did not take any chance on its ownership in the beds, shores, and so forth, of the navigable streams of that State.

Mr. TELLER. I shall be glad to have the Senator read the provision.

Mr. PILES. The provision of the constitution of the State of Washington is as follows:

SECTION 1. The State of Washington asserts its ownership to the beds and shores of all navigable waters in the State up to and including the tide of ordinary high tide, in waters where the tide ebbs and flows, and up to and including the line of ordinary high water within the banks of all navigable rivers and lakes.

That is along the idea which the Senator from Colorado has been discussing.

Mr. TELLER. The court also stated in the case I have just cited—that of the city of *Mobile v. Eslava*:

That such rivers (navigable rivers) are common for navigation and commerce in the widest sense is free from doubt—that Alabama has jurisdiction and power over them the same as the original States have over their navigable waters is equally clear. (*Mobile v. Eslava*, U. S. Rept. 14, p. 279.)

In the same case, on page 259, the court said:

That each and all of the States have sovereign power over their navigable waters above and below the tide no one doubts. (282 U. S., 14.)

The State may bridge and dam navigable streams if Congress has not declared them navigable waters. This the State is not likely to do if such bridge or dam destroys the navigability of the stream. (See *Wilson v. Blackbird Creek*, 2 Peters, p. 245; *Gilman v. Philadelphia*, 3 Wall., p. 713, and *Pound v. Turk*, 95 U. S., p. 459.)

The courts have held that the exercise of such power by the State is not inconsistent with the object for which the Federal Government was established.

Mr. President, it may be inquired how the original States got these rights. Some of them got them by virtue of their charters. Some of them assumed such rights simply as sovereign States, and you can not trace them back—at least I have not been able to do so—to any authority in some of the colonies that became States. Some of the old colonies asserted that right because there seemed to be a notion that it belonged to the sovereign in England; that it belonged to the King. Take Connecticut. It did not have a charter at all. If it did, I do not remember what it was.

Mr. BACON. Oh, yes.

Mr. TELLER. I think Connecticut had a charter that was taken away.

Mr. BACON. The Senator will recall the story of the Charter Oak.

Mr. TELLER. Mr. President, Rhode Island did not have a charter. Rhode Island was settled by a lot of tramps, who went there carrying with them their notions of free government and all that. When the trouble came Rhode Island, although small in extent, was just as big in law as any of the other States.

In the case of *Mobile v. Eslava* (16 Peters, p. 253) the Supreme Court says:

That the original States by their colonial charter had the right of property in bays and arms of the sea. This they retained, and it can only be interfered with by the Federal Government under their right to regulate commerce so far as to furnish a free navigation. The United States, then, may claim for the public an easement for transportation of merchandise, etc., in the navigable waters of the original States, while the right of property remains in the States.

The court also says in the *Mobile* case:

That each and all the States have sovereign power over the navigable waters above and below the tide, no one doubts. (See p. 259.)

If sovereign over navigable waters, is there any reason to say the States are not sovereign over the nonnavigable waters? How did the States retain their right? They retained it by withholding it from the General Government.

Mr. SUTHERLAND. Mr. President—

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

Mr. TELLER. I do.

Mr. SUTHERLAND. I do not want to interrupt the course of the Senator's argument.

Mr. TELLER. You will not interrupt me at all; it will not interfere with me.

Mr. SUTHERLAND. If the Senator's argument that far is sound—and, personally, I want to say to the Senator that I am in entire sympathy with him—I want to ask whether it does not inevitably lead to the final conclusion that the only authority which the General Government has in the matter of granting the right to build dams, bridges, and so on, across navigable rivers is simply to see that the right of navigation is protected, and that the General Government has absolutely no authority or power whatever to charge a fee to any person or corporation either for the use of the water for irrigation or for the generation of power or for any other purpose?

Mr. TELLER. Certainly. The Government can not control the water of the Mississippi River, for instance.

Mr. SUTHERLAND. I want to ask the Senator further, if that is so with reference to navigable streams, whether or not his argument will not apply all the stronger to the case of non-navigable waters, such as exist in the irrigation States?

Mr. TELLER. Undoubtedly. There is not a provision in the Constitution anywhere that would indicate that anybody supposed the General Government would have anything to do with such waters or their shores or the land under them. All the Government can do is to regulate the commerce on the streams. The Constitution does not say "commerce on the streams," but at that time there was no commerce at all except what was on the water, the rivers, lakes, etc.

Mr. President, I will not stop to read the decision, but the Supreme Court of the United States has declared that the soil in front of Chicago under the navigable waters of Lake Michigan is the property of the State of Illinois, and not of the United States.

The Senator from Utah calls my attention to the difference between nonnavigable and navigable streams. As I said, under the English law waters are navigable just to the extent that the tide ebbs and flows. The Supreme Court of the United States settled that question many years ago.

They said that doctrine would not answer our purposes; that it was a question of fact; that if, for instance, the Mississippi River was navigable to St. Paul the river would still be under the control of the Government under the commerce clause; in other words, that the admiralty jurisdiction of the United States attached to matters arising in those waters. But the Supreme Court has repeatedly held—the most recent case is the case of *Escanaba v. City of Chicago*, decided in 107 United States, although there is another case in 3 Wallace, the case of *Philadelphia v. Gilman*, of the same general character. This was a Pennsylvania case. In the *Escanaba* case the court went into the question pretty extensively, and held that until Congress had declared that the river was navigable the State might bridge it. They made that decision largely on what was called the "Blackbird Creek case," which was decided at least sixty-five years ago, the decision being rendered by Chief Justice Marshall. In that case a town in Delaware, or the State of Delaware, had put a bridge across Blackbird Creek. It was a navigable stream, but it had never been declared by the United States to be navigable, and the attempt to take the bridge down was resisted. The court held that until Congress had declared that that was a navigable stream they would not interfere.

Afterwards in the State of Wisconsin some people built a bridge over the Chippewa River. It was a navigable river. There was not any question about that at all. They were indicted and brought into court, but the Supreme Court of the United States held that they had committed no offense; that inasmuch as the State authorized them to build the bridge, they could build it, unless Congress had intervened and said they should not build it.

Mr. President, if I should attempt to read all of these cases I think I should be here until to-morrow morning, and I do not want to do that. I desire, however, to cite the case of the Illinois Central Railroad Company v. Illinois, decided in 1892 by the Supreme Court of the United States, and reported in 146 United States, page 435. The court says:

It is the settled law of this country that the ownership of and dominion and sovereignty over lands covered by tide waters, within the limits of the several States, belong to the respective States within which they are found, with the consequent right to use or dispose of any portion thereof, when that can be done without substantial impairment of the interest of the public in the waters, and subject always to the paramount right of Congress to control their navigation so far as may be necessary for the regulation of commerce with foreign nations and among the States. This doctrine has been often announced by this court, and is not questioned by counsel of any of the parties. (*Pollard's Lessee v. Hagan*, 3 How., 212; *Weber v. Harbor Commissioners*, 18 Wall., 57.)

This case arose with reference to the lake front at Chicago, and they held that it belonged to the State. The court also states, on page 452:

That the State holds the title to the lands under the navigable waters of Lake Michigan within its limits, in the same manner that the State

holds title to soils under tide water, by common law, we have already shown, and that title necessarily carries with it control over the waters above them whenever the lands are subjected to use. But it is a title different in character from that which the State holds in lands intended for sale. It is different from the title which the United States hold in the public lands which are open to preemption and sale. It is a title held in trust for the people of the State that they may enjoy the navigation of the waters, carry on commerce over them, and have liberty of fishing therein, freed from the obstruction of interference of private parties.

That is the language of the court. Again, on page 454, the court holds that while the State holds the land under the rivers and lakes, and control over the same, yet the State can not part with its title to such an extent as to prevent the public use of such property. The court says:

The harbor of Chicago is of immense value to the people of the State of Illinois in the facilities it affords to its vast and constantly increasing commerce; and the idea that its legislature can deprive the State of control over its bed and waters and place the same in the hands of a private corporation—

That is what the State undertook to do—

created for a different purpose, one limited to transportation of passengers and freight between distant points and the city, is a proposition that can not be defended.

Again, on page 459, the court say:

The soil under navigable waters being held by the people of the State in trust for the common use and a portion of their inherent sovereignty, any act of legislation concerning their use affects the public welfare. It is therefore appropriately within the exercise of the police power of the State.

On page 434 the court say:

The State of Illinois was admitted into the Union in 1818 on an equal footing with the original States in all respects. Such was one of the conditions of the cession from Virginia of the territory northwest of the Ohio River, out of which the State was formed. But the equality prescribed would have existed if it had not been thus stipulated. There can be no distinction between the several States of the Union in the character of the jurisdiction, sovereignty, and dominion which they may possess and exercise over persons and subjects within their respective limits.

In the case of *New Orleans v. United States*, in 10 Peters, 317, the court say:

The Government of the United States, as was observed in the argument, is one of limited powers—

I do not think, Mr. President, you can repeat that too often—

The Government of the United States, as was observed in the argument, is one of limited powers. It can exercise authority over no subjects except those which have been delegated to it. Congress can not by legislation enlarge the Federal jurisdiction, nor can it be enlarged under the treaty-making power.

Vattel says:

It is the universal rule that water can not be diverted from a public navigable river without the consent of the State within which it lies. (See Vattel, chap. 2, p. 249.)

In the case of *Pollard's Lessee v. Hagan* (3 Howard) the court said, on page 224:

The right of Alabama and every other new State to exercise all the powers of government which belong to and may be exercised by the original States of the Union must be admitted and remain unquestioned, except so far as they are temporarily deprived of control over the public lands.

The court also said:

Every nation acquiring territory, by treaty or otherwise, must hold it subject to the constitution and laws of its own government and not according to those of the government ceding it. (Vat. Law of Nations, b. 1, c. 19, secs. 210, 214, 245, and b. 2, c. 7, sec. 80.)

The Supreme Court, in the *Pollard* case, said:

Then to Alabama belong the navigable waters and soils under them in controversy in this case, subject to the rights surrendered by the Constitution to the United States, and no compact that might be made between her and the United States could diminish or enlarge these rights. (*Pollard's Lessee v. Hagan*, 3 Howard, p. 229, 15 U. S., 402.)

In the case of the *City of Mobile v. Eslava*, reported in 1842 (16 Peters, p. 254), the court says, in speaking of the reservations of public lands which are found in all new States:

The clause inserted into the constitution of Alabama reserving the rights of property to the United States as a compact with them embraces lands under water as emphatically as those not covered with water. But if no stipulation, saving the interest of the United States had been made, they would have had just as much right to their private property as an individual had to his. They hold, as a corporation, an individual title. \* \* \* The United States, as owner, can do no act to obstruct the free public use of the waters more than a private owner of the soil under water could obstruct the navigation.

But in 1845 the court, in the case of *Pollard's Lessee v. Hagan*, determined that the fee of land under the navigable waters was the property of the State, and this has been the decision of the court in repeated cases ever since. (See *Pollard's Lessee v. Hagan*, 3 Howard.)

It is needless to say if no right of property exists in the United States in navigable rivers there is none in the non-navigable waters. (See 3 Howard, *Ohio Repts.*, Gov't v. Chambers, 498.)

The water of navigable rivers can not be obstructed by the State or individuals, if Congress declares that it is a navigable river, not because the United States owns the river, but because

as an agency of commerce Congress can prevent its obstruction to navigation in the protection of interstate commerce.

In one case the court has said, "That the navigable rivers are the public property of the nation" (*Gilman v. Philadelphia*, 3 Wall., 725), but in many other cases it has been held that the United States has no property in the river and *only an easement* on the right, and the States own the river, subject to the right of commerce, which the Government of the United States must regulate and protect, and the State can not interfere with such regulation.

Again, the court quotes from the case of *Pollard's Lessee v. Hagan* (3 Howard, p. 230):

The right of eminent domain over the shores and soil under the navigable waters for all municipal purposes belongs exclusively to the States within their respective territorial jurisdiction, and they, and they only, have the constitutional power to exercise it.

It is evident the court did not in the *Gilman* case intend to assert a property right to their rivers in the usual sense in which we speak of property right. A mere easement is not a property right, and the court in the *Gilman* case holds that pilot laws are a regulation of commerce, but if enacted in the interest of commerce they are not in conflict with the power of Congress to regulate commerce. (See 727.)

But if Congress has passed no law with reference to commerce on a river the State may authorize a dam across a navigable stream. (See *Wilson v. Black Bird Creek Marsh*, 2 Peters, 250.)

In the case of *Pennsylvania v. Whitney and Belmont Bridge Company* (18 Howard, p. 432) the court says:

The purely internal streams of a State which are navigable belong to the riparian owners to the thread of the stream and, as such, they have the right to use the waters and bed beneath for their private emolument, subject only to the public right of navigation, and may construct wharves or dams or canals, etc., subject to this public easement. In respect to these purely internal streams of a State, the right of public navigation is exclusively under the control and regulation of the State legislature, and a structure, although it may be a real obstruction to navigation, if authorized by the legislature, it is lawful.

Chief Justice Taney, in delivering the opinion in the case of *John Den v. Jersey Company*, to be found in 15 Howard, 432, said:

It is not necessary to state particularly the charters and grounds under which they claim—

This was in New Jersey—

It is not necessary to state particularly the charters and grants under which they claim. They are all set out in the special verdict in the case of *Martin v. Waddell*, reported in 16 Peters, 367. The title claimed on behalf of the proprietors in that case was the same with the title upon which the plaintiff now relies. And upon very full argument and consideration in the case referred to, the court were of opinion that the soil under the public navigable waters of east New Jersey belonged to the State and not to the proprietors; and upon that ground gave judgment for the defendant. The decision in that case must govern this.

The counsel for the plaintiff, however, endeavor to distinguish the case before us from the former one, upon the ground that nothing but the right of fishery was decided in *Martin v. Waddell*, and not the right to the soil. But they would seem to have overlooked the circumstance that it was an action of ejectment for the land covered with water. It was not an action for disturbing the plaintiff in a right of fishery, but an action to recover possession of the soil itself. And in giving judgment for the defendant the court necessarily decided upon the title to the soil.

Mr. President, I want to spend a few moments, and only a few moments, on the question of forest reserves. I am not going into that question except as to the matter of title. I am not going to enter into a discussion whether the forest reserves are beneficial to the country or injurious, but I want to call attention to some decisions of the courts. In the case of *United States v. Cornell* (Mason's Cir. Ct. Repts., vol. 12, p. 63), it was held:

But although the United States may well purchase and hold lands for public purposes, within the territorial limits of a State, this does not of itself oust the jurisdiction or sovereignty of such State over the lands so purchased. It remains until the State has relinquished its authority over the land either expressly or by necessary implication.

Another important case in this connection is the case of the *Fort Leavenworth Railroad Company v. Lowe* (114 U. S., p. 525). I will make a brief statement in regard to that case.

Before there was an organized government in what is now the State of Kansas the Government of the United States took possession of a piece of ground for military purposes, now known as Fort Leavenworth, occupied it, and has occupied it ever since. I suppose the Government took possession of it seventy or seventy-five years ago. At all events, when the State of Kansas was admitted to the Union there was no reference made to Fort Leavenworth. The Government did not reserve anything. Kansas did not promise anything. Afterwards it was asserted that that property, being for the use of the Government of the United States, fell within the provision of the law that a State can not tax Government property. The question did not arise with reference to the fort and buildings, but arose with reference to the land of the railroad that crossed

over the reservation, and the railroad company asserted the right to be independent of taxes. The matter came into the court. The court decided that Kansas had absolute jurisdiction of it. Mind you, this was a piece of land which the Government had appropriated years and years before Kansas was settled, and then Kansas was admitted without reference being made to the military reservation. The Supreme Court of the United States held that Kansas had jurisdiction; but subsequently Kansas was prevailed upon by the Government to cede its jurisdiction over that reservation. Until that time Kansas had absolute jurisdiction.

I do not propose to occupy the Senate much longer, although I have a great deal of manuscript here to which I intended to call attention. I do want to call attention, however, to one thing that I think is pertinent to be considered, particularly in connection with the pending case. I complained yesterday that I did not think the Government of the United States should allow any individual to control navigable waters; that I thought the United States was rich enough and strong enough when rivers were not navigable and it wanted to make them navigable to do so itself. I think in 1846 the Territory of Wisconsin was anxious to have the Fox River utilized for commerce. You will remember that was before railroads were common. It came to Congress, and Congress granted to the Territory, the title to be in the State when it became a State, a certain amount of land to build locks and dams that were necessary on Fox River. The State government, when it came into existence, promptly accepted the act:

The State accepted said grant of land for said purposes, and by an act of its legislature, approved August 8, 1848—

That was immediately after their admission—

undertook the improvement of said rivers, and enacted, among other things, that "Whenever a water power shall be created by reason of any dam erected or other improvements made on any of said rivers, such water power shall belong to the State, subject to the future action of the legislature.

They went on with that, and not finding themselves able to carry out the work, they finally incorporated a company called the Fox and Wisconsin Improvement Company. They went on and spent some money on it, and finally failed, just as other concerns have failed in doing these things, and then the Government found itself in a bad situation. The company could not go on, and they went into bankruptcy. Subsequently the Government bought them out, paid them off, and got rid of them. I believe we have had one other case of the same kind, where parties have gone out and got the permission from the Government, and they have not been able to comply, and the Government has had to buy them out. But I want to read a little thing here. This matter came to the Supreme Court of the United States in 1898. There was a question whether the canal company had any rights there or not, and the court said:

Upon the undisputed facts contained in the record we think it clear that the canal company is possessed of whatever rights to the use of this incidental water power that could be validly granted by the United States.

Now, it had a State concession and it had some kind of a concession from the General Government through the State. The litigation arose from the fact that one of the riparian owners claimed the right to some part of this water and undertook to interfere. This is another case, and it is cited by Judge Shiras:

The value of this water power created by the dam was much greater than that of the river in its unimproved state in the hands of the riparian proprietors, who had not the means to make it available. Those proprietors lost nothing that was useful to them except the technical right to have the water flow as it had been accustomed and the possibility of their being able some time to improve it. If the State could condemn this use of the water, with the other property of the riparian owner, it might raise a revenue from it sufficient to complete the work, which might otherwise fail. There was every reason why a water power thus created should belong to the public rather than to the riparian owners. Indeed, it seems to have been the practice, not only in New York, but in Ohio, in Wisconsin, and perhaps in other States, in authorizing the erection of dams for the purpose of navigation, or, rather, public improvement, to reserve the surplus of water thereby created to be leased to private parties under authority of the State.

I read that because I want to show that has been the rule, and there are several cases that I could cite from the State of New York as to the rights of the States. The States always control the water, or claim to control it, at least. I do not know that there has ever been a controversy between a State and the General Government as to who owned the water.

After stating this, the court says:

The learned judge then proceeds to cite decisions to that effect rendered in several of the State supreme courts.

I want to say here now that in a careful examination of the authorities, running over months, I have never found a case where the Government of the United States has asserted its right to waters that I assert belong to the State. Some of the executive officers and some of its subordinates may have

been confident that the Government of the United States could control the water absolutely, but no Federal or State court has so held.

I have one other matter I wish to call attention to of about the same general character. Mr. President, I have asserted, and I want to assert it now, that the United States has not any right to go into business. The United States can not legally go into a mercantile business, in my judgment. It can, of course, by its officials, if it sets up a store and puts somebody in it, do it until the question is raised in some proper manner. It can not go into the lumber business, but it is in the lumber business now.

It has in Colorado a large number of sawmills located on forest reserves. It is cutting timber for public use and selling it at very much higher prices than we were in the habit of paying, and where we have had one sawmill cutting timber we have in one single forest reserve six sawmills; and yet they tell us that the very purpose and object of the reserve is to protect the timber. They have traversed the mining region of my State and the building region and solicited parties to buy lumber of them. There is not a miner in some sections of the State who does not pay tribute to them. A hundred and some-odd thousand dollars was paid in Colorado last year. A miner can not go out in the forest and cut a stick to put in his mine but he must get the permission of some man or pay for it.

Mr. President, I am one of those who believe in the protection of forests, but I believe in their protection in a proper way, and I know there has been practically no waste of timber in the country in which I live. I was brought up in a timber country. I remember when more than half of western New York was covered with timber. I can remember when all of southern Pennsylvania was covered with timber—the finest timber in the world. There is not any left. I heard a Senator say one day we have wasted our timber; but I want to dissent from that. In the section in New York in which I lived until I was old enough to go West I saw the timber destroyed. I saw the farmer cut down the timber and roll it in a heap and burn it. Why did he do that? In order to make a place for a home. He wanted a place to build a house and make a farm. He could not do it in the woods, and he cut down the timber and burned it up; and I have seen fine timber burned up. It was followed by a flourishing farming community.

Mr. President, I am one of those who believe that civilization, a country settled by intelligent people, is a great deal better than a forest, however beautiful it may be, or however profitable it would have been if left. But seventy years ago and more, eighty years ago, the people cut up these trees and turned them into ashes that they might make a better condition, and they did make it. Would the State of New York have been better if that whole country had been kept in timber until to-day? It is possible that the owners of the land if they could have lived until this time would have made some money by selling the timber, but the community would not have been so well off.

I would rather see people living on land than to see timber on it, no matter how beautiful it is or how fine. We have destroyed some timber in Colorado, but we have added to the sum of human happiness by so doing. We have put into the commerce of the world a billion dollars of gold and silver, and we have made homes for thousands and thousands of men, and we have built up a civilization that can not be beaten in any part of the world. Suppose we have not so much timber; suppose there is a bare hill here and there. Mr. President, we have something better than timber to show for it. We have schools and colleges and churches and hospitals and all the appliances of civilization; and I can show you on that land where the timber has of course become scarcer, well-educated men and women—and when I say educated I mean those who have college diplomas—I can show you more men and women with that kind of an education than you can find in any New England city of the same size. I can show it not in one city alone, but in a dozen. I can show you that some good has come out of the destruction of the forests.

The superintendent of a street-car line in Denver said to me one day, "I have 200 college graduates running on my street-car line." You can not find that anywhere else in the world. Why do we have them? Because we have made a settlement there that is desirable for the people and we have a climate which is health giving, which makes it desirable for those who have fallen into ill health to come there and live.

We have economized and utilized our advantages, such advantages as we have had. We have had some trouble. I went there when the Indian was rife. I went there when every pound of freight that was brought in paid 25 cents a pound. Whether it was machinery for our mills or woolen goods that

the women wore, it cost at least 25 cents a pound to land it in Denver. Why should we not use the timber?

I heard a prosecution once there for cutting timber on the public lands. The judge, sitting at his desk, said: "I mean to dismiss this case. The desk at which I am sitting, the church next door have been built out of timber cut on the public land. Congress said to us: 'This is a country open for settlement,' and we came here. Have we not a right to make ourselves comfortable? Can we carry on civilization here unless we have the opportunity to do that?" To-day they will tell you we have blasted the hills because we have cut off the pine. If we have cut off the pine, we have made a hundred orchards where we have made a bare hill.

Mr. President, this question to us is a live one. Are the State of Colorado and the State of Idaho and other States to be refused the opportunity of filling up with settlers? One-fifth of the State of Colorado is in a forest reserve; more than that in the State of Idaho. We passed a law that would open up every acre of that to the prospector. The Department has put on such rules and regulations that a prospector dare not go into a forest reserve. We passed a law that a homesteader could go into a reserve if he saw fit. They have passed such regulations that no homesteader can go in. If he does at the bidding of some cheap Jack, he will be told, "You can not make a living here. Get out." In my State I can show not simply a notice to quit, but cite cases where they have absolutely moved him off the homestead, which he could hold according to law.

Mr. FLINT. May I interrupt the Senator from Colorado?

Mr. TELLER. You may.

Mr. FLINT. I want to ask the Senator what is his authority for making the statement that a homesteader can go into a forest reserve?

Mr. TELLER. We have a law.

Mr. FLINT. What law?

Mr. TELLER. A statute.

Mr. FLINT. I do not understand—

Mr. TELLER. Yes; there is a statute.

Mr. FLINT. I do not understand that a homesteader can go into a forest reserve.

Mr. TELLER. He can under the statute, but it is absolutely ignored by the Department.

Mr. FLINT. The only statute which permits a person to enter a forest reserve—

Mr. TELLER. If the Senator from California does not know he can find out by looking at the statute. There is a law of the United States which allows a man to go into a forest reserve and make a homestead.

Mr. FLINT. Without the land being set apart as agricultural land by the Forester?

Mr. TELLER. There is nothing said about that.

Mr. FLINT. I should like to have the Senator refer to the statute.

Mr. TELLER. It was intended by Congress that a man should determine for himself whether he could make a living on the land. He should not have to ask a subordinate of the Government. Now, under the regulations, he must first get consent before he can get in, and then if the officials do not think it is all right they can put him out.

Mr. FLINT. I am trying to get the Senator to refer me to the statute. The only statute—

Mr. TELLER. I do not think there is such a law.

Mr. FLINT. I think I had something to do with drawing the law.

Mr. TELLER. Then you ought to know what it is.

Mr. FLINT. As I understand the law, no land within a forest reserve is subject to homestead entry unless after an investigation by the Secretary of Agriculture he determines that the land is more valuable for agriculture than it is for forestry.

Mr. TELLER. That was not in the original law.

Mr. CLARK of Wyoming. Mr. President—

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

Mr. TELLER. Certainly.

Mr. CLARK of Wyoming. I wish to ask the Senator from Colorado whether it is not a fact that, notwithstanding the statute which he has mentioned, as well as the statute mentioned by the Senator from California [Mr. FLINT], each one of these proclamations for a forest reserve ends with warning all people not to make settlement within the reserve.

Mr. TELLER. In all the forest reserves you will find a card saying "Keep out of here; this is Government property." And that was so soon after the law passed it was ignored by the Department at once.

I want to say another thing about which we in the West complain. I did not intend to touch upon it at all, but I will. In 1873, for the first time, Congress provided for the appropriation of coal lands. Up to that time there never had been any difference between coal land and agricultural land, so far as the Government was concerned. In 1873 Congress provided that all land that was coal land should be selected and certified by the public officials as coal land, and then that nobody could take any of that land without paying not less than \$10 an acre if it was within a certain distance of a railroad and not less than \$20 an acre if it was nearer. We supposed that that meant \$10 an acre. We knew that way back, years ago, there was a statute which provided that the public lands should be sold for not less than \$1.25 an acre, and they had always been sold for \$1.25, except as sometimes changed, for instance, when land grants were made, and so forth.

The Executive Department within the last two years has determined that that gave them the power to determine that they could ask just as much more for the coal lands as they wanted, and they have raised the price in my State from \$10 an acre, in that district where under the law it should be \$10, to \$25, and where it should be \$20 they have raised it to \$50. Does anybody suppose that Congress ever intended to pass a law disposing of the public lands and leaving it to the Executive Department to say the lands should not be sold for less than \$50 an acre? Why could they not just as well say a hundred dollars?

What we complain of in the West more than anything else, in connection with forest reserves, are these unfair things that are being done—bad administration of the law. We know, whether the Department does or not, that we are entitled to have the settlers come there and make a home, and we know that they are retarding the settlement and hindering the growth of these great Western States without advantage to anyone.

Mr. President, before I forget it I wish to call attention to a suggestion I nearly forgot. This is leaving the matter that we are speaking of.

When we were providing for the settlement of the great Northwest Territory in 1787 and 1788 and so on we made some provisions, and this is one which will be found in the First Statutes at Large, page 468:

*And be it further enacted, That all navigable rivers within the territory to be disposed of by virtue of this act—*

*That meant all the five States—Ohio, Indiana, Illinois, Minnesota, and Wisconsin—*

*SEC. 9. And be it further enacted, That all navigable rivers within the territory to be disposed of by virtue of this act shall be deemed to be and remain public highways, and that in all cases where the opposite banks of any stream not navigable shall belong to different persons the stream and the bed thereof shall become common to both.*

Then again, later, they reiterated that, particularly as to Indiana, as to which the statement was made:

*And be it further enacted, That all navigable rivers, creeks, and waters within the Indiana Territory shall be deemed to be and remain public highways.*

I want to call attention to that. It has been the policy of this Government to keep the streams open wherever they were navigable and not attempt to control them where they were nonnavigable.

I have detained the Senate too long, and I have not said all I intended to say. I shall take up this matter again some day and add some things that I would have said to-day if time would permit, even at the risk of imposing on the patience of the Senate.

[Remarks of Mr. Justice Harlan at the banquet given in his honor by "The Kentuckians," in New York, on December 23, 1907, at the Hotel New Plaza.]

TOAST: "KENTUCKY: UNITED, WE STAND; DIVIDED, WE FALL."

Mr. President, fellow-Kentuckians, and guests, I count myself most happy to be surrounded on the present occasion by so many representative men of my native State. Every true man has a peculiar affection for the State in which he first saw the light of day and for the people among whom he passed his early life. But it has seemed to me—indeed, the fact has been often commented upon by others—that there is an unusual feeling of brotherhood among Kentuckians. I am far enough advanced in years, fellow-Kentuckians, to have known personally even the grandfathers of many members of this club. At a memorable period in the country's history I stood with the fathers of some of you under the flag of the Union, while the fathers of others of your number rallied under another flag—each man, whether under the one flag or the other, resolutely contending for what in his conscience he deemed to be right. But I rejoice to say that we who then were opposed are no longer estranged, but with hands clasped in friendship stand together under the same flag, now recognized throughout the world as the emblem of the great Republic. We may differ about political questions, but, apart from such differences, when Kentuckians meet, whether in their own country or in foreign lands, they warm toward each other because they are fellow-Kentuckians.

We are, however, something far more than Kentuckians. We are Americans. Trite as that phrase may sound, the older I grow the more priceless to me is the fact it expresses. We may well be proud of the State that gave birth to Abraham Lincoln, that sent Henry Clay

and John J. Crittenden to the Senate, and nurtured such men as Zachary Taylor, Isaac Shelby, George Nicholas, the Breckenridges, the Marshalls, John Boyle, George Robertson, Samuel F. Miller, Joseph R. Underwood, Charles S. Morehead, James Guthrie, John L. Helm, Madison C. Johnson, Lazarus W. Powell, Archibald Dixon, Joshua F. Bell, Richard H. Menefee, and many others distinguished in every walk of life and too numerous to be mentioned on this occasion. But what would it mean to us to be Kentuckians if we were not also, or rather first of all, Americans, whose allegiance to the nation in matters of general concern is above allegiance to any State, just as the Constitution of the United States, with respect to all national objects, is above the constitution of any State.

The toast assigned to me suggests, Mr. President, many interesting thoughts about the early days of our Commonwealth and its relations to the National Government. Going back for a moment to the beginnings of Kentucky's history, we recall the interesting fact that very shortly after the close of the war for independence and after the acceptance of the Constitution by the requisite number of States a scheme was devised by foreign conspirators and domestic malcontents to detach the people of Kentucky from all connection with the original States, and thus make the Alleghenies the southwestern limit of the United States. This scheme found no favor with the indomitable pioneers who, surrounded by hostile Indian tribes in the wilds of an unsettled country, established a government with a constitution modeled after the Federal Constitution and more than a century ago applied to Congress for the admission of Kentucky into the Union as a State. Thus our fathers, resisting all appeals made to them to establish an independent State in the West, placed themselves by the side of their brethren of the older States, and caused to be inscribed upon Kentucky's coat of arms the suggestive and memorable words, "United, we stand; divided, we fall." There comes to my mind, Mr. President, a personal letter of the great Chief Justice, in which his use of that motto was so striking that it is peculiarly appropriate upon this occasion to quote his words. He said: "I am disposed to ascribe my devotion to the Union, and to a government competent to its preservation, at least as much to casual circumstances as to judgment. I had grown up at a time when the maxim, 'United, we stand; divided, we fall,' was the maxim of every orthodox American, and I had imbibed these sentiments so thoroughly that they constituted a part of my being. I carried them with me into the Army, where I found myself associated with brave men from different States who were risking life and everything valuable in a common cause believed by all to be most precious. \* \* \* and where I was confirmed in the habit of considering America as my country and Congress as my government." The habit of considering America as his country was the keynote of the life and work of the incomparable jurist whose profound and lucid judgments on behalf of the court of which he was the head built the broad highway upon which the nation has advanced to its present position of power and strength and unity.

There are some, Mr. President, who think they see dark clouds upon the horizon of our future, and express grave apprehension as to the stability of the Government ordained by the people of the United States and established by the Constitution. In a population of 90,000,000 of people we must expect to find some who indulge in gloomy forebodings as to the future of the country, and who seem to cultivate the habit of predicting disaster. Such persons are quite unhappy when the facts do not justify them in believing that everything is going wrong. But there is no occasion for alarm. The American people, knowing that eternal vigilance is the price of liberty, will take care that no harm comes to the country. At all times since the organization of the Government they have shown themselves equal to every emergency, however sudden or startling, which involved the safety of our institutions. They may seem at times to tolerate false, visionary, and mischievous views, but in the end they will surely recognize the dangers of the situation, whatever they may be, and will do what prudence and patriotism require at their hands. Their final, deliberate judgment upon public questions is quite certain to be the best for all concerned.

What, let me ask, are some of the grounds upon which the pessimist of these days bases his fears for the safety of our institutions? He persuades himself to believe that the trend in public affairs is toward the centralization of all governmental power in the nation and the destruction of the rights of the States. If this were really the case, the duty of every American would be to resist such a tendency by every means in his power. A National Government for national affairs and State governments for State affairs is the foundation rock upon which our institutions rest. Any serious departure from that principle would bring disaster upon the American system of free government.

But the fact is not as the pessimist alleges it to be. The American people are more determined than at any time in their history to maintain both national and States rights, as those rights exist under the Union ordained by the Constitution. I say the people of the United States, for although the Constitution was accepted by the separate action of the people in their respective States, they moved together, in a collective capacity, as one people, in creating a nation for certain specified objects of general concern. They will not patiently consider any suggestion or scheme that involves a Union upon any other basis. They will maintain, at whatever cost and in all their integrity, both national and States rights.

The best friends of States rights, permit me to say, are not those who habitually denounce as illegal everything done by the General Government, but those who recognize the Government of the Union as possessing all the powers granted to it in the Constitution, either expressly or by necessary implication; for, without a General Government possessing controlling power in relation to matters of national concern, the States would have no prestige before the world and would be in perpetual conflict with one another. With equal truth it may be said that the best friends of the Union are those who hold that the States possess all governmental powers not granted to the General Government and that are not inconsistent with their own constitutions or with the Constitution of the United States, or with a republican form of government. The people of the United States cherish, and will compel adherence to, the fundamental doctrine that the States are vital parts of the American system of government; and they will insist with no less determination upon the recognition of the just powers of the States—to be exerted always in subordination to the supreme law of the land—as essential to the preservation of our liberties. The Supreme Court of the United States has again and again declared, upon full consideration, that a close and firm Union is necessary for the happiness of the American people, and that "without the States in union there could be no such political body as the United States."

If, then, the matchless Government devised by the fathers and ordained by the people of the United States is to be preserved and handed down intact to posterity, national power and State power must go hand

in hand in harmony with the Constitution. If those powers clash, the paramount authority of the Union within its prescribed sphere of action must prevail. Such is the express mandate of the Constitution, and such our common sense and experience tell us must always be the case, if liberty, regulated by law is not to perish from our land. The nation being supreme within the sphere of its action as defined by the Constitution, its authority, when legally exerted, binds every State as well as all individuals within the territory of the United States. The glory of the Republic is that its affairs are regulated by a written Constitution—the fundamental law which distributes the powers of government among three separate, coequal, and coordinate departments, each exerting the authority, and only the authority, conferred upon it—and which Constitution, until amended in the mode prescribed by itself, must be deemed supreme over the Congress, over the President, over the courts, over the States, and over the people themselves.

The pessimist is misled by the declaration of some, happily few in number, who hold that, whatever the words of the Constitution, that instrument should be so construed as to make it mean what a majority of the people think, at a given time, it should mean. He is also misled by the theory advanced by those who hold that Congress must be permitted to exert any governmental power whatsoever, not expressly denied to it, if that body deems that its exercise will promote "the general welfare." But such theories of constitutional construction find no support in judicial decisions or in sound reason, least of all in the final judgments of that tribunal whose greatest function it is to declare the meaning and scope of the fundamental law. The National Government, it should ever be remembered, is one of limited, delegated powers, and is not a pure democracy, in which the will of a popular majority, as expressed at the polls at a particular time becomes immediately the supreme law. It is a representative Republic, in which the will of the people is to be ascertained in a prescribed mode, and carried into effect only by appointed agents designated by the people themselves, in the manner indicated by law. It would be a calamity unspeakable if our institutions and the sacred rights of life, liberty, and property should be put at the mercy of a majority unrestrained by a written supreme law binding every department of government, even the people themselves. The pessimist—indeed all—may take courage in the fact that it has become a recognized rule of construction that the Constitution is to be taken as meaning what its words in their natural, obvious sense import, and, if the people desire it to mean something different, that instrument must be amended in the manner, and only in the manner, prescribed by itself. The dispute among statesmen has not been so much in reference to the general principles that should govern constitutional construction as to the application of those principles in determining the extent of the powers granted to the National Government. Early in the history of the nation some insisted upon a narrow, literal interpretation of the Constitution which, had it been approved, would have made the General Government a rope of sand, wholly inadequate to the great purposes for which it was established. But long ago that view was rejected by the Supreme Court of the United States, and its rejection has been universally approved.

There are some who would deny to Congress all powers that are not, in words, specified in the Constitution as belonging to the legislative branch of the Government. They would eliminate altogether from our jurisprudence the long-established doctrine that Congress may exercise powers that are plainly incidental to those expressly granted and not prohibited by the Constitution—that is, powers necessarily implied because embraced by those enumerated, and without which the Government would be unequal to the objects for which it was avowedly established and would become, to use the words of Marshall, "a splendid bauble." If the views of the latter class of constitutional critics should gain the approval of the American people, the country would be carried back to that period of its history when distinguished politicians gravely argued that the Supreme Court of the United States could not, without violating the Constitution, review the action of a State court which, by its final judgment, denied or destroyed rights plainly secured to the citizen by the supreme law of the land. Such critics are politically of kin to those who affirm that the courts may not declare a legislative enactment void, even when it is in plain violation of the Constitution.

It is true that national power, as now exerted, covers a wider field of action than it did in the early days of the Republic, but that does not prove, as the pessimist would have us think, that the Government has usurped powers that do not belong to it and has entered the domain reserved by and for the States. It proves only that the nation has from time to time, as the public interests demanded, brought into active operation powers which Congress had not previously chosen to exert. So vast has been the increase in our population and so diversified and extended have become our industrial interests, that occasions must necessarily arise from time to time for a more intimate connection between the Government of the Union and the commercial and other affairs of the people than perhaps the fathers ever dreamed of. Hence, if modern problems, as connected with the operations of government, are to be solved in the interest and for the benefit of the people, and if the nation is to keep abreast with advancing civilization, new fields of legislation must be occupied. While new legislation must always be closely scrutinized and care be taken that it is not inconsistent with the Constitution, we must not be so unwise or suspicious or timid as to reject a new policy or a new law simply because it is new or simply because it may cover areas not consciously within the mental vision or the thoughts of the framers of the Constitution. That wonderful instrument, the Supreme Court has said, was intended "to be adapted to the various crises of human affairs."

The wise men of the constitutional period deemed it unnecessary to go further than to specify the general objects to be accomplished by the National Government and to enumerate the powers that may be exerted by it, leaving to Congress—under its responsibility to the people and under its authority to pass such laws as were necessary and proper to carry into effect the powers enumerated and granted—to employ such means not expressly or impliedly prohibited as are appropriate to the particular object designed to be accomplished. The supreme judicial tribunal of the nation has spoken with distinctness upon this point. Its words, in a great case—all its members concurring—are: "The Constitution unavoidably dealt in general language. It did not suit the purposes of the people, in framing this great charter of our liberties, to provide for minute specifications of its powers or to declare the means by which those powers should be carried into execution. It was foreseen that this would be a perilous and difficult if not an impracticable task. The instrument was not intended to provide merely for the exigencies of a few years, but was to endure through a long lapse of ages, the events of which were locked up in the inscrutable purposes of Providence. It could not be foreseen what new changes and modifications of power might be in-

dispensable to effectuate the general objects of the charter; and restrictions and specifications which at the present might seem salutary might in the end prove the overthrow of the system itself. Hence its powers are expressed in general terms, leaving to the Legislature, from time to time, to adopt its own means to effectuate legitimate objects and to mold and model the exercise of its powers as its own wisdom and the public interests should require." Thus, Mr. President, was the nation armed with authority to meet new conditions that might arise and which permitted or required governmental action. Is a proposed new law embraced by any general power granted? Has it any reasonable connection with the specified objects, or any of them, to which, under the Constitution, the power of the nation extends? If these questions be answered in the affirmative, then it will only remain for the lawmaking department of the Government to determine whether the proposed law will be conducive to the public welfare. And that determination will not be one of law, but simply one of policy. Granted the power to legislate in reference to a particular matter, Congress can employ any means, not forbidden nor inconsistent with the Constitution, that may be germane to the end proposed to be accomplished.

Therefore let the country gather up all the strength that comes from the patriotism and loyalty of the American people and go forward in its marvelous career, holding to the confident belief, justified by the words of the Constitution and by judicial decisions, that the checks in our governmental system will suffice in the future, as they have sufficed in the past, to guard our institutions against insidious attacks upon the fundamental principles of free government or against the exercise of arbitrary or usurped power. Keeping within the scope and broad lines of the Constitution, we may walk safely and without fear. We need not hesitate to build on the foundations laid by the forefathers. Those foundations are broad and deep, and so long as new measures and policies are tested by the plumb line of the Constitution and we keep well within its wise limitations, we may safely rear whatever superstructure our welfare and greatness as a nation may require.

Let us, then, move on in the "old paths, where is the good way" marked out by the fathers. Let us not give our approval to any interpretation of the Constitution that will either cripple the nation's authority or prostrate the nation at the feet of the States, or that will deprive the States of their just powers. Let us hold fast to the broad and liberal, and yet safe, rules of constitutional construction approved by the fathers and established by judicial decisions. In so doing we will sustain our dual system, under which the Government of the Union is forbidden to exercise any power not granted to it expressly or by necessary implication, while the States will not be hindered or fettered in the exercise of powers that have not been surrendered by them to the Union and are not inconsistent with the Constitution.

Mr. President, I owe an apology for saying this much. There are other speakers to follow, whom I know you are eager to hear. But I can not take my seat without thanking the Kentuckians now residing in this imperial city for the high honor they have done me on the occasion of this magnificent banquet. The memory of your cordial greeting will abide with me to my life's end and will be a sweet heritage for my children. During all the years of a life now quite extended—much of which has been passed in the nation's service, away from my native State—there has never been a moment when I did not have an abiding affection for the great-hearted, high-minded, chivalrous people of my Kentucky home, which has been the home of my people since the days before the Revolution. Our old Commonwealth, Mr. President, is indeed a goodly land, "a land of brooks of water, of fountains and depths that spring out of valleys and hills," a land wherein "thou shalt eat bread without scarceness" and "shalt not lack anything in it." And yet, well-nigh inexhaustible as are its natural resources, Kentucky's richest possession is in its people. The brave men who first settled the State and made its Constitution and laws and guided its affairs during the formative years of its earlier history were worthy scions of a sturdy stock. They were great lovers of liberty and were devoted to the Union. And many of their sons in other States have shed honor upon this Commonwealth and upon the country.

In closing, Mr. President, I must again express my deep satisfaction in the thought that upon all questions affecting the existence of the Union the Kentuckians of 1907 are as thoroughly united as were their fathers when, in 1792, our Commonwealth became, to use the words of Congress, "a new and entire member of the United States of America." Her people, we are glad to know, have outgrown the feelings of distrust and animosity that divided them in the perilous times of 1861, and their faces are now turned steadily and hopefully to the future, determined that Kentucky shall play her full part in the building up of our beloved country in all that makes for true national greatness.

And if, to-night, it were possible for me to send a message to the young men of my native State—of whatever political parties they are members—it would be this: Forget the things that are behind save only the noble deeds of the mighty dead who gave Kentucky its large place in the early history of the nation. Quench whatever remains, in both parties, of the baleful fires of narrow partisanship and mere faction. Crush the monster of lawlessness in whatever way its evil deeds are manifested. Maintain the rights of all. While remaining loyal to whatever may be your various political affiliations, strive after large, generous, and broad policies and lift the State steadily toward higher levels. Work shoulder to shoulder in the effort to build up our grand old Commonwealth in all things that will contribute to its moral, intellectual, and material welfare. Thus you will help most effectively in giving Kentucky a worthy place among those States that shall lead the nation in its noble mission of commending to the world the priceless blessings of institutions that rest upon the consent of the governed and recognize the inherent rights of man as man.

#### EXECUTIVE SESSION.

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

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

#### ACCOUNTS OF WILLIAM R. LITTLE.

Mr. STONE. Mr. President, some time since the bill (S. 819) authorizing the Secretary of the Interior to examine and adjust the accounts of William R. Little, or his heirs, with the Sac and Fox Indians was passed by the Senate. The day following the senior Senator from Nebraska [Mr. BURKETT] moved to recon-

sider the vote by which the bill was passed. I desire now to make the point that as the Senator from Nebraska did not vote for the passage of the bill he was not competent to make the motion.

The VICE-PRESIDENT. The Chair understands that there was no ye-and-nay vote taken upon the passage of the bill.

Mr. STONE. There was not.

The VICE-PRESIDENT. The Chair understands that in the absence of such a vote a Senator, in making a motion to reconsider, is presumed to be within the rules. The Chair therefore overrules the point of order.

Mr. STONE. Then I suppose a motion to lay the motion to reconsider on the table will be in order.

The VICE-PRESIDENT. It will be in order.

Mr. STONE. I make that motion.

The VICE-PRESIDENT. The Senator from Missouri moves to lay the motion to reconsider on the table.

The motion was agreed to.

The VICE-PRESIDENT. The bill stands passed.

Snake River Dam, Washington.

Mr. PILES. I should like to proceed with the consideration of House bill 7618.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7618) to authorize the Benton Water Company, its successors or assigns, to construct a dam across the Snake River, in the State of Washington.

Mr. HEYBURN. I move that the bill be referred back to the Committee on Commerce, from which it was reported.

The VICE-PRESIDENT. The Senator from Idaho moves to recommit the bill to the Committee on Commerce.

Mr. HEYBURN. I ask for the yeas and nays on the motion. The yeas and nays were not ordered.

Mr. PILES. I should like to ask the Senator from Idaho what object he has?

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Idaho.

Mr. HEYBURN. I suggest the absence of a quorum.

The VICE-PRESIDENT. The Senator from Idaho suggests the absence of a quorum. The Secretary will call the roll.

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

Ankeny	Clay	Gary	Scott
Bacon	Crane	Heyburn	Simmons
Bankhead	Culberson	Hopkins	Stephenson
Borah	Cullom	Kean	Stewart
Brandegee	Curtis	Knox	Stone
Briggs	Dick	Lodge	Sutherland
Brown	Dillingham	McCreary	Tallaferro
Bulkeley	Dolliver	McEnery	Teller
Burkett	du Pont	Nelson	Warner
Burnham	Elkins	Nixon	Warren
Burrows	Flint	Overman	Wetmore
Carter	Foraker	Perkins	
Clapp	Foster	Piles	
Clark, Wyo.	Frye	Richardson	

The VICE-PRESIDENT. Fifty-three Senators have answered to their names. A quorum of the Senate is present. The Senator from Idaho moves that the pending bill be recommitted to the Committee on Commerce.

Mr. HEYBURN. Is it in order to state the reason for the motion?

The VICE-PRESIDENT. It is in order.

Mr. HEYBURN. Mr. President, if I can have the attention of the members of the Senate I know that I can give a good reason for the position which I have taken in regard to this bill. I know that I can not reach them unless they are present, and it was for that reason that I asked their presence on this occasion. It is one of more than passing importance.

The Government of the United States is asked to enter upon a new departure and to do something that it has not done before. It is asked to permit private individuals to place a dam in a navigable river. If any Senator here can point to an instance where the Government or Congress has taken action of that kind heretofore I would be glad to have my attention called to it.

Mr. DOLLIVER. Mr. President—

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

Mr. HEYBURN. With pleasure.

Mr. DOLLIVER. At the last session of Congress authority was given to a private corporation to put a dam across the Mississippi River at Keokuk, which they are now engaged in building, the act reserving to the Government the right to furnish specifications for a lock around the dam to facilitate navigation.

Mr. HEYBURN. Was that the act of June 21, 1906?

Mr. DOLLIVER. I presume it was.

Mr. HEYBURN. At that time Congress started out to do a wrong. The wrong has not yet been consummated, and I am here to call attention to the fact in time to prevent this class of bad legislation. I have in my hand a copy of the act of June 21, 1906, by which Congress in an hour of forgetfulness undertook to delegate its powers to the administrative branch of the Government in order that we might be saved some trouble and time in considering measures in this body and another.

Mr. President, I am not advised so as to be able to say what actuated or moved the committee in reporting this bill.

Mr. NELSON. Mr. President—

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

Mr. HEYBURN. Certainly.

Mr. NELSON. I can not speak for the committee by authority. I will only say to the Senator from Idaho that I have been a member of the Committee on Commerce ever since I became a member of this body, and we have during that time at every session of Congress reported numerous bills for the construction of dams, and they have been passed. I have had at least a dozen bills of that kind passed, and they have become laws, in reference to the upper Mississippi river; and I think the Senators on the other side of the Chamber will bear witness to the fact that at nearly every session of Congress we have passed bills for the construction of dams across navigable rivers in the Southern States. It is a common thing, and I have never heard the contention made against any of those bills that has been made against this measure.

Mr. HEYBURN. Mr. President, I have given some attention to the class of legislation that Congress has indulged in upon this question, and if there has been any bill passed by Congress authorizing the construction of a dam in a navigable river, such as is proposed by the pending bill, my attention has not been called to it.

Mr. PILES. Mr. President, I should like to say for the benefit of the Senator that the pending bill is in the exact form of all other bills passed on this subject. Practically every such bill I have ever reported out of the committee has been in this form.

Mr. HEYBURN. The form or language of the bill is not the question; I am speaking of the purposes and the circumstances represented by the bill. It is right and proper under some circumstances for the Government to either build dams in rivers or to permit it to be done under proper regulations by the Government. There is nothing in the pending bill that brings it within the class of bills to which the Senators have referred.

Yesterday, in discussing this question, I presented to the Senate, in a measure, the facts with reference to the proposed construction of this dam. I read, and it is in the Record, the articles of incorporation, stating the purposes for which the dam is proposed to be constructed. I read a statement of the financial condition of this corporation and the purposes for which the corporation was formed, advising the Senate of the scope and the power and the effect of this legislation.

I say again that unless I have overlooked some legislation Congress has not passed any act authorizing the construction of a dam in any navigable river for the purposes and under the conditions that surround this proposed legislation; and it will be a day of danger to the navigation of rivers and to the people and the establishment of a bad principle when Congress does take such action.

The Snake River is a great river, rising up in the Yellowstone Park and flowing down through the State of Idaho and through the State of Washington and through the State of Oregon into the Pacific Ocean. It is one of the most magnificent rivers on the American continent. Lewiston is at the head of navigation upon the river. It is on the extreme western boundary line of the State of Idaho. It has been the boast of the State of Idaho that it was a seaboard State by virtue of the fact of navigation upon the river from Lewiston to the sea.

Now it is proposed to allow this private enterprise, with \$25,000 capital behind it, to come in here and obtain the consent of Congress that it may enter upon the construction of a dam for the purpose of making power to sell and creating water for the irrigation of land that they do not own, but hope to own.

Mr. KNOX. Mr. President—

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

Mr. HEYBURN. Certainly.

Mr. KNOX. I wish to ask a question. I want to know if it is proposed to construct this dam between Lewiston and the sea?

Mr. HEYBURN. Yes. Now, it will make no difference to me or to the people of Idaho whether the dam is constructed

down at the mouth of the river, at Astoria, or farther up, at the mouth of the Willamette, or at any other intermediate point. It would be as detrimental to the State of Idaho were it constructed anywhere below the head of navigation.

The river has been navigated since 1861. The boat that plied upon the river was named *Idaho* before the Territory was named Idaho. The first seal of the Territory of Idaho bears upon it the impress of the steamboat coming up the Snake River to Lewiston, which was then the first settlement within what is now Idaho. With all the romance which has been thrown around the name of Idaho, the fact is that it took its name from the steamboat and the steamboat brought the name there from Colorado. Idaho Springs in Colorado were named before Idaho Territory; and the name in Indian is one of exclamation, as at the sunrise, Idaho! That is the name, and Idaho stands there at the head of the navigation of the Snake River, demanding that she shall have always an open river to the sea.

Mr. PILES. I should like to ask the Senator a question.

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

Mr. HEYBURN. Certainly.

Mr. PILES. I should like to ask the Senator from Idaho what people in Idaho demand that the dam shall not be constructed. I have here a report in writing from the engineer, whom the Senator from Idaho knows to be a man of ability and character, and whom the board of trade of the city of Lewiston, the largest city in Idaho, located on the Snake River, employed to go and examine the question of the construction of the dam. This man came back and reported to the board of trade of the city of Lewiston that the construction of the dam would be a benefit to the city of Lewiston, and that it would be a benefit to the navigation of the river. Thereupon the board of trade of the city of Lewiston, situated upon the banks of the Snake River, approved the dam and asked me to get the bill through. Those are the facts.

Mr. HEYBURN. Mr. President, every member of this body knows something of the method and of the force and effect of petitions and telegrams in support of or against a measure. If all the names the Senator has from the State of Idaho in favor of his bill were here on the desk, they could be written on the palm of my hand.

Mr. PILES. Mr. President—

Mr. HEYBURN. If the Senator will pardon me, I have had petitions and telegrams and letters both ways. Captain Gray, one of the oldest citizens of Lewiston, and a man who has navigated that river since 1862 or 1863 at intervals (he was away for a few years) is interested in this enterprise, and he writes me a personal letter asking me to waive my objections to it on the part of the State of Idaho and to give it my support. He tells me of what great advantage it would be to the local community in which they hope to irrigate certain lands and build up the town of Pasco and the surrounding country. I would do almost anything for Captain Gray that I would for any man. He is and for a long time has been my personal friend. I went down this river with him. I navigated it from Lewiston to Celilo Falls, where this Government is expending about \$9,000,000 for the purpose of keeping this river open to the sea, and when we went down his heart was aflame with joy, because he found the old river just as it had been when he had navigated it twenty-five years before that time.

Mr. PILES. I should like to ask the Senator—

Mr. HEYBURN. And his boast was, in the speech which he made, that it meant an open river from Lewiston to the sea as soon as the Celilo Falls Canal was finished; and that ought to be finished this coming year. We have a continuous appropriation for it.

Mr. PILES. Mr. President—

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

Mr. HEYBURN. I do.

Mr. PILES. I will ask the Senator from Idaho if Captain Gray, who is one of the oldest navigators in that country, does not point out five different ways in which this would benefit the navigation of the Snake River?

Mr. HEYBURN. Mr. President, Captain Gray, who, as I say, is a splendid navigator, a good man and a good citizen, and whose intentions are of the best, can not see quite as far as some men can into the effect of enacting a law which establishes the right of a private corporation to build a dam or to undertake or enter upon the building of a dam, and to distinguish between the benefits that would come from such a dam existing there, whether built by the Government or by private enterprise. He does not realize that this corporation, which is proposing to build it and which is here asking our consent that

they may do so, is one of those temporary corporations limited by the terms of its charter in years, and limited in capital, that would have to undertake the permanent control after it had constructed its dam, which will cost, in my judgment, not less than \$2,000,000 to construct.

After they have constructed it they will have to maintain it—not for ten years, not for twenty years, not for fifty years, but forever. We are legislating here for the rights not only of the people who have signed telegrams and petitions to the Senator from the State of Washington, but we are legislating here for the people who will come after them and who will want an open river from Lewiston to the sea.

We heard nothing of this agitation until the railroad paralleled the river. The railroad does not want an open river to the sea, because there is a railroad from Lewiston to the sea upon the banks of this river. Now, they have to compete in the traffic that goes from that country to-day to the markets of the world with these steamboats, and as was stated yesterday by the Senator from Colorado, one of those boats that carry down the river in a single season several hundred thousand tons of wheat. We produce within the drainage of the water that is behind this navigation, which is proposed to be interfered with, more than 30,000,000 bushels of wheat; we send a very large proportion of that wheat to foreign markets, and it goes upon vessels now at the city of Portland. It is there loaded for foreign shipment.

Mr. PILES. Now, I should like to ask the Senator, if he will permit me—

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

Mr. HEYBURN. Yes.

Mr. PILES. I should like to ask the Senator from Idaho if both sides of the Snake River are not paralleled by railroads, and have not been so paralleled for years? They were the earliest roads in that country. I should like to ask the Senator if he does not think the engineer employed by the city of Lewiston and the business men of Lewiston, who want an open river to the sea, are just as capable, after a personal examination of this project—which, by the way, is 300 miles from the State of Idaho and wholly within the State of Washington, in the county of my colleague [Mr. ANKENY] and about 5 miles above the mouth of this river—I ask if he does not think that those people, who are looking out for an open river for Idaho and for the city of Lewiston, situated on this river, are not just as well capable of judging of the navigability and of the improvement of the navigability of that river by this dam as he himself is?

These men made a personal examination of the river. The business men, who are interested in maintaining their great jobbing houses in Lewiston and having an open river to the sea, did at first oppose this bill, but after they investigated, by their engineer and by the man who was familiar with navigation on that stream, they withdrew their objection and asked the Senator from Idaho himself to support the bill, and they have asked his colleague to support it. So far as I am concerned I have not found a man in Idaho who does oppose this bill.

I would like to ask the Senator's attention to the fact, as I have said, that this is purely a Washington project, located 300 miles from Idaho in the State of Washington, for development by Washington people, to reclaim from one hundred to one hundred and fifty thousand acres of arid land of the State of Washington in order to furnish homes to the people of that State.

I submit, Mr. President, that if I should oppose the construction of a dam on the Columbia River down in the State of Oregon, although that river flows through the State of Washington, I would not feel that I was doing justice to the people of the State of Oregon, particularly if the Government engineer had stated that it would improve the navigation of the river.

As I read to the Senate yesterday, the Chief Engineer of this Government, by a written report and a written letter to me, stated that the reason he approved of the passage of this bill in the House of Representatives was because the construction of this dam, as asked for by these people, would improve the navigation of that river. One engineer reports here that it would save the Government a half million dollars if these people put this dam in the river, set back that water from 18 to 20 miles over these dangerous shoals, and put in at their own expense a canal around these dangerous shoals. I doubt if the Senator can find anybody in his State who opposes this bill, except himself, or anybody in that section of the country who does not feel that it will be a benefit to this river and a benefit to the people of Oregon and of Washington and of Idaho.

Even the Board of Trade of the city of Portland has, I am informed, approved and indorsed this plan. The Board of Trade of the city of Wallula, in the county in which this project is being constructed, wherein my colleague resides, approved this bill, and every town in all that section of country bordering upon this river has declared its approval of this project. It is a plain, simple proposition like hundreds that have passed through this Senate. Why the Senator from Idaho should call for an executive session and ask for a roll call from time to time to oppose this little bill I can not understand.

Mr. HEYBURN. Mr. President, the enthusiastic interruption of the Senator from Washington has added no new light to the consideration of this question. I have in my hand here resolutions of the Board of Trade of Wallula, which is in the Senator's State. Yesterday I stated that I preferred not to call attention to the fact that his own constituency were opposed to this project; but I have here protests sent to the other House of Congress and sent to the Senate, against allowing a private enterprise to build a dam in this river, and setting forth that, in the judgment of the signers, some of these rapids might be very much improved if the Government would build dams and maintain them, so as to insure that perpetual maintenance which is necessary to the contemplated future use of this river.

But I am not here to defend myself because, forsooth, some citizens of Idaho, who are friends of the promoters of this enterprise, are kind enough to support them. I do not have to count and give a list of the names of those in the State that I represent upon this floor who support me in my views. I am here to represent the best interests of the State from the standpoint as I see it. That is the position of a Senator. If every Senator must come here with a petition signed by a majority of his constituents upon a measure of this kind in order to justify himself before this body, it would be a new departure in legislation. I take the responsibility. I take it the Senator from Washington will vote in favor of his bill, but I trust the majority of this Senate will not enter upon this kind of a project and shut the city of Lewiston off from the benefits of an open-river navigation.

I propose to ask Congress to give us an appropriation that will be sufficient to make this river navigable in spite of all the rapids at any stage of water. It is navigable now throughout the greater portion of the year. I think steamboats some years tie up as much as two or three weeks. In exceptional years it may be a little more than that, and sometimes not at all.

I have lived practically along this river for twenty-five years, and I know something of it. I see that the Senator from the city of Wallawalla, in the State of Washington, who once lived in the city of Lewiston, Idaho, is about to give us the benefit of his recollection; but it can add nothing to the fact that the interruption by reason of low water is just such interruption as we have on all the great rivers of the United States.

Mr. ANKENY. May I interrupt the Senator a moment?

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

Mr. HEYBURN. Yes.

Mr. ANKENY. May I call the Senator's attention to the fact that this river, even below its mouth, is already dammed, so that it is impossible to pass through it 50 miles below without passing through locks?

Mr. HEYBURN. I think the Senator, when he says that the river is dammed, refers to nature's handiwork.

Mr. ANKENY. No; I refer to the Celilo Dam.

Mr. HEYBURN. The Celilo Dam is to be overcome by the Celilo Canal.

Mr. ANKENY. That is just what we are trying to do now.

Mr. HEYBURN. The dam there is merely a temporary expedient. Now, I will tell something about the Celilo proposition, because I have been there and I know something about it. I had a conference in this city a few days since with the chairman of the committee that promoted the Celilo Falls Canal.

Mr. ANKENY. But this bill proposes no innovation, no experiment. The same thing has already been done twice below us. It has been done for years.

Mr. HEYBURN. Mr. President, there is no private dam on Snake River or the Columbia River where it is navigable. The Government of the United States spent many million dollars in building the locks at the Cascades of the Columbia River. They are finished and in use. I have passed through them both ways in steamboats. Then at the remaining obstacle of Celilo Falls the Government has made an ample appropriation for the purpose of building a canal 9 miles in length around the

falls in the Columbia River at Celilo. I have been there on more than one occasion to investigate it, and I would say, in my judgment, that it ought to be finished next year.

Mr. ANKENY. But that is in the State of Oregon.

Mr. HEYBURN. Now they are talking about the State of Oregon and the State of Washington. That river belongs to no State so far as the purposes of navigation are concerned.

Mr. CARTER. Mr. President—

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

Mr. HEYBURN. Yes.

Mr. CARTER. I hope the Senator from Idaho will permit the senior Senator from Washington [Mr. ANKENY] to make the statement he manifestly desires to make.

Mr. HEYBURN. Would the Senator from Montana not be willing to leave the discretion and exercise of courtesy in that matter to the senior Senator from Idaho?

Mr. CARTER. Mr. President, I did not rise as a critic of the senior Senator from the State of Idaho. I thought an admonition would probably be accepted by him in good grace.

Mr. HEYBURN. Mr. President, I am not much in the habit of taking admonitions with good grace. I have passed the period of admonitions. I will yield at all times to any interruption from any Senator, but I do claim the right to finish a sentence when I have entered upon it and to exercise my judgment; and I think my judgment will be marked with as much courtesy as that of any member of this body.

Mr. CARTER. Mr. President, I withdraw the word "admonition" and substitute the word "suggest." I merely observed that the senior Senator from Washington desired to make a statement or to propound an interrogatory to the Senator from Idaho. The Senator from Idaho manifestly did not become apprised of the fact, and so I merely made the suggestion, which I thought it was eminently proper to make.

Mr. HEYBURN. Now, Mr. President, I am in a position that embarrasses me somewhat, in that I find my colleague [Mr. BORAH], who lives in the southern end of Idaho, is not in entire harmony with my position in regard to this matter. For many years I have had a continual contest, both before I was in public life and always since, to maintain those waterways against the greed of speculation. I am continually importuned to withdraw my objection to action to declare the Clearwater River, or, rather, as they express it, to condemn the Clearwater River as a navigable stream. I am importuned by petitions and letters and telegrams in the interest of speculative enterprises to withdraw my objection to building dams in the Snake River.

I am advised that there are five other applications only awaiting the vote on this bill to see whether they can come here and ask us to allow them to put dams in the Snake River for private enterprise, for private gain. That river belongs to all the people, not only of the city of Lewiston and of the State of Idaho, but of the United States. It is a waterway that I hope within a very limited number of years will be in a condition to carry a battle ship to the city of Lewiston.

I do not believe that the members of this body realize what that great Columbia River is. It is the Columbia River up to the city of Pasco, 5 miles below where they propose to build this dam, and from that point up it is the Snake River. The Columbia River forks at Pasco, or close by.

Mr. ANKENY. Mr. President, will the Senator allow me to interrupt him a moment right there?

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

Mr. HEYBURN. Certainly.

Mr. ANKENY. I will say that Pasco is way above the junction between the Snake River and the Columbia River, and the Snake River has two bridges over it there. The dam proposed by this bill will make the river no less open to the sea. There are other impediments below us.

Mr. HEYBURN. The Senator says Pasco is away above the junction. You can see both rivers from it.

Mr. ANKENY. I say Pasco is above the mouth of the Snake River.

Mr. HEYBURN. You can see Pasco from where the rivers run. They run practically down to it. I crossed there before the Northern Pacific Railroad did. I passed there on a ferryboat at the mouth of the Snake River. I know how far it is. It was not very far to walk to Pasco. So that it is merely drawing a fine line when you state that they are far apart. They are not on the identical same ground; but I crossed that river at that point in 1884, and that is a good while ago now.

Mr. ANKENY. Mr. President—

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

Mr. HEYBURN. Certainly.

Mr. ANKENY. I should like to set the Senator right. Pasco, I think, is 8 or 10 miles above the mouth of this river. That has nothing in the world, however, to do with this proposition. We are not interfering with the Columbia River at all. This bill merely allows the building of a little dam in the Snake River.

Mr. HEYBURN. Mr. President, to be diverted to a consideration of that question would be a waste of time, because it would make no difference to Idaho if it were proposed to build this dam a thousand miles below. Anything that stands between the State of Idaho and the sea is an interruption to Idaho's open-river navigation to the sea. There has been the most persistent pressure at all times to close up those rivers. Anything that would detract from their availability as channels of trade and arteries of commerce has been urged and urged and urged, and I say, without claiming any special advantage to myself, that I have stood there for many, many years resisting every encroachment of that kind, and I propose to stand here as long as the Senate and the Senate's rules will permit me to prevent this encroachment upon the rights of those people.

We must look beyond our own generation in these matters. Had this question come up thirty years ago or forty years ago we would have been met with the statement, "Why, what difference does it make? There is no one living in that country; there are no settlements there." And yet to-day we have living around this basin, through which this water flows, 60,000 people. But others than they are interested in this question. The whole State is interested in it, I care not whether upon its watershed or not; and I am in earnest about it. If I have to go back to the State of Idaho and confess that the people there are no longer at the head of open navigation to the sea I would feel that for some cause I had been unable or had been defeated in my effort truly and fairly to represent the State of Idaho.

I say, without the intention of being personal, that I would stake my seat in this body to prevent this wrong from being done to that State; and those who are opposing me can carry that word back to this "overwhelming sentiment" that they say is in favor of it. You can take the challenge to them. I say it only that you may know how earnest I am to protect Idaho and Idaho's interests. What Senator here would stand idly by and see a navigable river, the only one that connected his State with the open ocean and with the trade of the world, closed up by a private enterprise, by the construction of a dam, with locks, that would be maintained by private enterprise, with no Government or governmental assurance or security behind it? What Senator would stand here and see Congress, without his opposition and his resistance, vote to close up to any extent—even to the extent of placing a fragment of timber in it—a river that would detract from its value as an artery of trade, and then go back to his people and say, "It was a question of good fellowship; I wanted to please this neighbor or that." You can not settle these questions with the smile of good fellowship. It means something to a State just starting up in the strength of its new birth and growth like the State of Idaho, to be cut off and made an interior State when we have been spending millions of dollars to make it a seaboard State.

Mr. PILES. Mr. President—

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

Mr. HEYBURN. Certainly.

Mr. PILES. I should like to ask the Senator if it is not a fact that to go down from Idaho to the open sea, of which he speaks, he has to go through the Celilo Canal and also through the locks at the Cascades? The proposition of the people of whom I have spoken here to-day is simply to put in a dam, under the supervision and direction of the Government, and to put a canal around that dam to overcome the riffles in the nonnavigable part of the Snake River for about 18 miles in certain seasons of the year. That canal being conveyed, as it must be under the law, to the Government of the United States, will enable the people of Lewiston to get to the open sea through that canal, around the proposed dam, exactly as they must get to the open sea by going through the Celilo Canal and the Cascade locks. I will ask the Senator if it is not exactly the same proposition? They can not get to any open sea without going through the canals I have mentioned. This proposition will, according to the Government engineer's report, improve the navigation of the river and set back that current, raising the water up so as to relieve the vessels of the riffles which they can not now navigate with safety, and can only navigate in certain seasons of the year. This project will enable them to navigate that part of the river covered with rapids at all seasons of the year, and the people of Lewiston, realizing that, have approved this bill.

Mr. HEYBURN. Mr. President, the reiterated statement that the people of Lewiston have approved this bill almost tempts me to the point of indiscreetness in speaking of the people who approve of this bill. But I will not do it. They are fellow-citizens of mine, and they belong to the State, but the State does not belong to them. The Celilo Falls improvement has the Government of the United States behind it with an expenditure, I think, of over \$9,000,000. The Cascade locks, the only other obstacle, have been removed and the Government stands behind that project as a pledge for its perpetual maintenance. But here we have a puny enterprise with \$25,000 capital on paper—

Mr. PILES. Does the Senator think that is a fair statement?

Mr. HEYBURN. Yes; I am going to make it fair, because I have their own statement here, if the Senator will give me an opportunity to read it.

Mr. PILES. Their own statement shows that they have property of the value of \$300,000 over and above their debts.

Mr. HEYBURN. Mr. President, I intend to know very soon what the tax collector and assessor place the value of their property at in that county. I shall probably know before we close the discussion of the question.

Mr. PILES. I do not care if he puts it at \$35.

Mr. HEYBURN. Is it \$15,000?

Mr. PILES. I do not know whether it is \$15, and I do not care, if the Senator will pardon me.

Mr. HEYBURN. It might make some difference probably to the Senate.

Mr. PILES. On that point I will simply say that this corporation was organized and is controlled by good men. The Senator will not deny that. They, as I understand, figure that this proposition will cost them a million and a half dollars. They do not expect with a capital stock of \$25,000 to build this dam and canal. They propose to increase their capital stock when they find they can go on with this work, and they have men behind it, as they tell me, who will finance the proposition.

Mr. HEYBURN. Now, just a moment, if the Senator will permit me. The Senator and I were together when I asked the question of the representative of this corporation, who, I believe, was its president, in one of the rooms adjoining this Chamber, as to what and who was behind it. He said that was a question that he did not feel at liberty to enter upon. So that this applicant, this suppliant is somewhere back of these promises, but we are not permitted to know who he is.

Mr. PILES. If the Senator will pardon me just a moment—

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

Mr. HEYBURN. Certainly.

Mr. PILES. The gentleman to whom the Senator refers stated that he did not care to divulge the names of the business men who would put their money into this proposition, but all of those men are well known in the State of Washington. They are recommended by stable men in the State of Washington as men of character. I do not know some of them, but I do know that the men in Kennewick and in Pasco and other places who have urged me to support this bill vouch for the character and ability of these men; otherwise I would not be here asking Congress to give them the privilege which they seek. If the Senator has any objection as to the character and ability of these men, he can readily find out about them in the State of Washington, where they live.

Mr. HEYBURN. Mr. President, I would object to this proposition regardless of the responsibility of the individuals, because I am objecting to this, not on personal grounds, but because of the principle that it involves, and because of the effects that would flow from it. I should like to know whether either of the Senators from the State of Washington will undertake to say that this corporation on the tax rolls anywhere pays taxes on \$15,000 worth of property?

Mr. PILES. I can not say anything about that. I do not know anything about it.

Mr. HEYBURN. Well, Mr. President, we are asked here to consider the proposition of granting to this private enterprise the right to take possession of this great waterway—which I think I would not be exaggerating should I say that it is as broad as the Potomac in front of this city—to take possession of it and undertake to construct a dam in it. What they want is to take possession of it for the purpose of a financial exploitation that will enable them to take this privilege which Congress gives, and then sell it to someone else. I said to them—and I have copies of all my letters here—"Let us see the plans and specifications upon which you propose to base this work; let us see your estimated cost of construction; let us see your esti-

mate for the cost of maintaining it after it is constructed. Let Congress know whether they are asked to grant a privilege to a myth or whether there is behind it that substantial character which should be behind any public enterprise. Then," I said, "there will be nothing left to consider but the question of the law and what we may and should do under the law, with fixed and determined conditions to deal with." I have not received them, but I have received a statement that no plans, specifications, estimates, or drawings have ever been prepared. I have the statement of General Mackenzie, who is the Chief of Engineers, saying over his own signature:

So far as the records show no plans and specifications for the purpose mentioned within have been submitted to this office by the Benton Water Company.

That is the party seeking this right at the hands of Congress.

Mr. President, I believe, notwithstanding the fact that Congress has delegated to the Engineer Corps of the War Department the supervisory right to pass upon these plans and specifications, that Congress in granting the right to any applicant should have as accurate information as would be required by the Department. Are we to sit here and pass laws giving rights for the exploitation of chimerical or imaginary enterprises to parties who can not carry them into effect, that they may go into the market and seek buyers or backers for them? I take it not.

I ask that this bill shall go back to the committee which reported it, without any reflection upon the watchful care of that committee. I ask that it may go there in order that these facts may be determined by that committee and investigated and passed upon and the facts may come in here in the shape of a report accompanying the bill. Is there anything unreasonable about that? Is there any such haste that we should grant this right to this financial uncertainty at this time and at this hour that you should refuse to send it back to the committee with, I hope, some light upon the whole question, that they may consider the propriety of recommending the passage of a bill of this kind with a full knowledge of the facts.

Mr. President, I ask a vote upon the motion I have made, that the bill be referred back to the Committee on Commerce.

The VICE-PRESIDENT. The question is on agreeing to the motion made by the Senator from Idaho.

The motion was rejected.

Mr. FRYE. The junior Senator from Idaho [Mr. BORAH] yesterday offered an amendment to the bill. I should like to have it reported, if it is at the desk.

The VICE-PRESIDENT. The Secretary will state the amendment presented by the junior Senator from Idaho.

The SECRETARY. Add at the end of section 1:

Provided, That said Benton Water Company, its successors or assigns, shall construct, operate, and maintain locks, perpetual and free of charge or toll to navigation and navigators, and shall so use said stream as not in any manner to obstruct, embarrass, or retard navigation.

Mr. KEAN. Mr. President, has the amendment been agreed to?

The VICE-PRESIDENT. It has been agreed to.

Mr. HEYBURN. The amendment was not objected to. There is no objection to it. The bill is no better with the amendment than it was without it. The act of 1906 attached that amendment to the bill, for whatever it is worth. The act of 1906 and the other provisions of general law require that they shall do exactly what the amendment of the junior Senator from Idaho says they shall do. So it adds nothing to the bill one way or the other.

Mr. BORAH. Mr. President—

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

Mr. HEYBURN. Certainly.

Mr. BORAH. Mr. President, in view of the suggestion which has just been made, I desire to say a word with reference to the position I occupy in regard to this bill.

As I said yesterday, it was not my intention when the bill came up for consideration to make any remarks in regard to it, because I considered it largely and almost exclusively a matter for the Senators from Washington to take care of. But there was one matter which was of some concern to the people of the State which I have the honor in part to represent, and that was the question of the navigation or navigability of the stream. I was aware of the fact that the Secretary of War had supervisory power over the navigation of our streams. I had learned that in my experience in reference to the streams in Idaho, because we have been building dams under the supervisory power of the Secretary of War upon all of the navigable streams in the State of Idaho since I have been there, and, of course, we were perfectly familiar with that proposition.

But when this matter came up for consideration, I said to the Senators from Washington that I desired a more specific arrangement with reference to this particular matter; that there was some question about the general law being sufficient and efficient to cover that proposition; and I therefore submitted this amendment to the Senators from Washington, and they agreed to it and were satisfied with it. That satisfying me fully as to the proposition of there being no impediment to navigation, I agreed with them to support the bill, and for that reason I am doing so and propose to continue to do so.

There is no controversy here between my colleague and myself with reference to the desire to keep open the Snake River as a stream for navigable purposes. I maintain that that is protected in this instance both by the general law, which is executed under the supervisory power of the Secretary of War, and by the specific arrangement which is included in and attached to this bill. It can not be successfully said, in view of the general law and of this amendment, that any dam to be erected in Snake River will in any way retard, impede, or embarrass navigation, and that is the only thing with which the people of the State of Idaho are concerned.

I looked at it that if the people of the State of Washington desire to reclaim a hundred and fifty thousand acres of land and build homes upon those lands, so long as the State of Idaho is not affected in any way, shape, or form, it is the part of good legislation here, so far as I am concerned, to vote to aid the people of the State of Washington in their desire to do that specific thing. I believe that the amendment does protect the situation, and therefore I support the bill.

It is said that the President proposes to veto such a measure; that he does not propose that such measures shall again become the law. If it is the desire of the Senate to establish a new policy, or if it is the desire of the President to establish a new policy in regard to those matters, I am very much in favor of this policy, but I am here carrying out a policy as old as the Government itself, a policy which has been repeated time and again in the Senate Chamber within the last ten years. The Snake River has in it, to my personal knowledge, three private dams, which were built by private individuals, and that portion of the river is navigable. It is no new thing to the State of Idaho. We are interested in reclaiming that entire country, and I am willing for one to assist all who wish to do so.

Mr. HEYBURN. In section 1 of the act of June 21, 1906, which is existing law, it is provided—

That in approving said plans—

That is, plans for the erection of this class of work—and location such conditions and stipulations may be imposed as the Chief of Engineers and the Secretary of War may deem necessary to protect the present and future interests of the United States, which may include the condition that such persons shall construct, maintain, and operate, without expense to the United States, in connection with said dam and appurtenant works, a lock or locks, booms, sluices, or any other structures which the Secretary of War and the Chief of Engineers at any time may deem necessary in the interest of navigation, in accordance with such plans as they may approve, and also that whenever Congress shall authorize the construction of a lock, or other structures for navigation purposes, in connection with such dam, the person owning such dam shall convey to the United States, free of cost, title to such land as may be required for such constructions and approaches, and shall grant to the United States a free use of water power for building and operating such constructions.

That is all the amendment does. That was already the law, and they would have been required to do those things under existing law.

Mr. President, so far as the irrigation question is concerned, in order that we may see the scope and intent of this corporation to take possession of this river, I will ask you to consider this provision in the articles of incorporation:

The objects for which this corporation is formed are as follows:

"1. To own, construct, operate, and maintain a water-power plant for electrical, manufacturing, irrigating, and other purposes."

They were incorporated on the 21st of April, 1905, three years ago.

2. To build, own, operate, and maintain irrigation canals and ditches; acquire and make appropriations of water; sell water rights, and charge and receive rentals and tolls for supplying water for irrigation and domestic purposes.

3. To develop the water power of the Yakima River, in township 9, range 28 east, Willamette meridian, for the purposes of generating electricity for use for light and power; to take and receive from any public or private corporation, franchises and privileges; to generate and transmit electric power to other points in the State of Washington, and to sell the same.

4. To borrow money, execute its promissory note therefor, etc.

The last provision is probably the most important, and the one that will be most frequently appealed to.

I yield to no man, in or out of Congress, in my devotion to the irrigation system and to the reclamation of the arid lands of the United States. I have been connected with it and interested in it and speaking and writing for it for a great many

years. I have, from the beginning, given my support to every such measure, where I was in a position to give support to such legislation and to carrying out of such plans as the legislation authorized. The State of Idaho has benefited to a greater extent than any other State in the Union by irrigation. The State of Idaho has more acres of land under irrigation as a result of the enactment of the Carey Act than any other State in the United States. Idaho had the first and has the largest reclamation project under what is known as the "reclamation act" of any State in the Union. The Minidoka project is practically and fully complete, because the water is turned into the ditches, and last year they raised a very considerable amount of crops, and this year will raise full crops.

I have asked and Congress, so far as the Senate is concerned, has granted, in addition to the 1,000,000 acres allowed under the Carey Act to that State, 2,000,000 acres, not before we wanted it, but because we have the actual applications for that land from responsible parties who are able to carry the law into effect. Think you that I would be the one to stand on this floor and throw any obstacle in the way of any enterprise for the reclamation of the arid lands of any country? But if parties should come here and propose to draw their water supply from the sun by extinguishing it, or from the clouds, I would look with a somewhat critical eye upon their scheme. If they were to propose to reclaim these lands at the expense of cutting off the water supply of a great city, I should look with a critical eye at their proposition. If they came here and proposed to reclaim these lands with \$25,000 of capital at the expense of the navigation of Snake River, then I look not only with a critical eye, but I raise the hand of protest, because I know there is no stability behind this proposition, and it is simply asking Congress to give them the capital of an exploiter to go upon the market and try to sell their rights.

The Senator from Washington admits that the president of this company gave as a reason for not disclosing the parties who were to make this a substantial enterprise that it was not policy.

Mr. PILES rose.

Mr. HEYBURN. Is that correct?

Mr. PILES. I was going to say it is not correct. We all know that men who engage in big enterprises—

Mr. HEYBURN. Before I submit to the interruption, if the Senator please, he says that is not correct, and I am not content to be met with that kind of denial, and then have the Senator go off and make a speech on some other part of the question. In what way is it incorrect?

Mr. PILES. In this way—

Mr. HEYBURN. Let us finish this now.

Mr. PILES. It is incorrect in this respect, that the gentleman stated, as I understood him, that the men who were interested in this project and who were furnishing the money were men of means; at least that is what he told me.

Mr. HEYBURN. I want to know the conversation he had in the presence of both of us.

Mr. PILES. The Senator will pardon me. He has asked me to answer him.

Mr. HEYBURN. But the Senator refers to some conversation when I was not present, I think.

Mr. PILES. The conversation as I understand it is that between the president of the company and you and myself. You asked him the names of the gentlemen interested with him in the project who were to furnish the money, and he said he did not care to bring those men's names into the transaction, as I now recall it.

Mr. HEYBURN. Wherein does that differ from the statement I made, that he said that he did not care to disclose their names or identity?

Mr. PILES. But you said it was because he did not regard it as good policy.

Mr. HEYBURN. Wherein does the Senator's statement differ from the statement I made, which he said was not correct?

Mr. PILES. I do not maintain that there is any material difference, but I should like to say this to the Senator: What is the difference whether these men have a capital stock of \$25,000 or \$25,000,000?

Mr. HEYBURN. I think I will not be interrupted for the reiteration of that statement.

Mr. PILES. Let me ask you this question.

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

Mr. HEYBURN. I will yield for a question.

Mr. PILES. Is it not a fact that under the law of June 21, 1906, the parties receiving a grant of this character are required to commence work on it within one year and to complete it, according to plans and specifications approved by the Government,

within three years? Now, who can be hurt under a proposition of that kind, whether these gentlemen have money or whether they have not money?

Mr. HEYBURN. It is not probable that the corporation pleading for this right, the Benton Water Company, would be able to carry out the plan at all; in fact, you may say with confidence that they would not. Is it proper for Congress to send out a roving commission to hunt up capital for the purpose of engaging in an enterprise of this kind, that is to be based upon a presumption behind the passage of any legislation that the parties to whom the grant is given are capable of carrying it out? What kind of legislation would that be?

If some unknown incompetent were to come to Congress and ask for the right to build a bridge across the Potomac River—some person with no responsibility behind him, or unable to show any—and who would say, "I do not care to tell you who is behind me," with a broad intimation that there was great wealth behind him, would Congress give it very much consideration?

Mr. PILES. I should like to ask the Senator from Idaho a question. Does he propose to let this question come to a vote to-night? If he does not—

Mr. HEYBURN. I do not propose to allow it to come to a vote at any time when I can prevent it by any rule of this body, or any action on my part. I will be perfectly candid about it.

Mr. PILES. If the Senator does not intend to allow the question to come to a vote to-night, I am sure I do not want to be responsible for keeping Senators here over a little matter of no great consequence—purely local. If he says he will not let the matter come to a vote to-night, I will move that the Senate adjourn.

Mr. HEYBURN. I have said to the Senator it is my intention not to allow it to come to a vote at any time if I can prevent it.

Mr. PILES. I move that the Senate adjourn.

Mr. BORAH. Mr. President, I omitted when I was on my feet before to read a telegram or two, which I wish to read in order that they may go into the RECORD.

Mr. PILES. I will be very glad to withdraw the motion for that purpose.

Mr. BORAH. I have received these telegrams since this discussion commenced:

LEWISTON, IDAHO, March 31, 1908.

Hon. W. E. BORAH,  
United States Senate, Washington, D. C.

Lewiston Commercial Club and people here favor Benton dam at Fivemile, in Snake River, if bill amended as heretofore proposed. With bill amended, we think proposed dam will aid and not impede navigation. Proposed works by Benton Water Company will, in our judgment, be aid in securing open river from Lewiston to sea.

J. B. MORRIS,  
JOHN O. BENDER,  
STORRI BUCK,  
Committee.  
D. J. MCGILVERY,  
President.

From the same place:

Senator W. E. BORAH,  
Washington, D. C.

People here favor Benton Water Company dam at Fivemile Rapids, Snake River, provided bill amended as heretofore stated in resolution by Commercial Club.

HENRY HEITFELD.

Formerly a member of this body.

Mr. PILES. Mr. President—

Mr. HEYBURN. I want to say—and then I will yield to the Senator—that it can go back to Lewiston; that I do not accept the judgment of those men as a sufficient reason why I should abandon the interests of the State of Idaho.

Mr. PILES. I move that the Senate adjourn.

The motion was agreed to, and (at 4 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, April 1, 1908, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate March 31, 1908.*

##### AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

David Jayne Hill, of New York, now envoy extraordinary and minister plenipotentiary to the Netherlands and Luxemburg, for promotion, to be ambassador extraordinary and plenipotentiary of the United States to Germany, to take effect June 1, 1908, vice Charlemagne Tower, resigned.

##### ENVOYS EXTRAORDINARY AND MINISTERS PLENIPOTENTIARY.

Arthur M. Beaupré, of Illinois, now envoy extraordinary and minister plenipotentiary to the Argentine Republic, to be envoy extraordinary and minister plenipotentiary of the United States to the Netherlands and Luxemburg, to take effect June 1, 1908, vice David Jayne Hill, nominated for promotion to be ambassador extraordinary and plenipotentiary to Germany.

Spencer F. Eddy, of Illinois, now secretary of the embassy at Berlin, for promotion, to be envoy extraordinary and minister plenipotentiary of the United States to the Argentine Republic, to take effect June 1, 1908, vice Arthur M. Beaupré, nominated to be envoy extraordinary and minister plenipotentiary to the Netherlands and Luxemburg.

#### APPOINTMENTS IN THE ARMY.

##### General officers.

Brig. Gen. Charles B. Hall to be major-general from March 28, 1908, vice Greely, retired from active service.

Col. John B. Kerr, Twelfth Cavalry, to be brigadier-general, vice Hall, to be appointed major-general.

#### POSTMASTERS.

##### KANSAS.

Elon G. Dewey to be postmaster at Moline, Elk County, Kans., in place of Elon G. Dewey. Incumbent's commission expired January 22, 1908.

Theodore Iten, jr., to be postmaster at Ellinwood, Barton County, Kans., in place of John Grant, removed.

##### KENTUCKY.

Llewellyn F. Sinclair to be postmaster at Georgetown, Scott County, Ky., in place of Llewellyn F. Sinclair. Incumbent's commission expires April 27, 1908.

Charles F. Troutman to be postmaster at Shepherdsville, Bullitt County, Ky. Office became Presidential October 1, 1907.

John B. Weller to be postmaster at Bardstown, Nelson County, Ky., in place of John B. Weller. Incumbent's commission expired December 16, 1907.

##### LOUISIANA.

Ernest J. Lyons to be postmaster at Melville, St. Landry Parish, La. Office became Presidential October 1, 1907.

Claude H. Wallis to be postmaster at Houma, Terrebonne Parish, La., in place of Ernest A. Dupont. Incumbent's commission expired February 18, 1908.

Jessie B. Wells to be postmaster at Leesville, Vernon Parish, La., in place of Jessie B. Wells. Incumbent's commission expired February 18, 1908.

Thomas M. Wells to be postmaster at Colfax, Grant Parish, La. Office became Presidential January 1, 1908.

##### MASSACHUSETTS.

Martin E. Stockbridge to be postmaster at Dalton, Berkshire County, Mass., in place of Martin E. Stockbridge. Incumbent's commission expires April 19, 1908.

##### MISSOURI.

August W. Enis to be postmaster at Clyde, Nodaway County, Mo., in place of August W. Enis. Incumbent's commission expired February 11, 1907.

Clifford M. Harrison to be postmaster at Gallatin, Daviess County, Mo., in place of Clifford M. Harrison. Incumbent's commission expires April 19, 1908.

Ben J. Smith to be postmaster at Ava, Douglas County, Mo. Office becomes Presidential April 1, 1908.

##### NEW YORK.

Judson A. C. Knapp to be postmaster at Churchville, Monroe County, N. Y., in place of Myron A. Wheeler. Incumbent's commission expired February 20, 1908.

##### OHIO.

Mary M. Carey to be postmaster at Lexington, Richland County, Ohio. Office became Presidential January 1, 1907.

Lee L. Cassady to be postmaster at Dresden, Muskingum County, Ohio, in place of Lee L. Cassady. Incumbent's commission expired February 1, 1908.

Thomas G. Moore to be postmaster at Barnesville, Belmont County, Ohio, in place of Thomas G. Moore. Incumbent's commission expires April 27, 1908.

Robert H. Wiley to be postmaster at Flushing, Belmont County, Ohio, in place of Robert H. Wiley. Incumbent's commission expires April 19, 1908.

##### PENNSYLVANIA.

Luther M. Alleman to be postmaster at Littlestown, Adams County, Pa., in place of Luther M. Alleman. Incumbent's commission expires April 27, 1908.

Harvey E. Brinley to be postmaster at Birdsboro, Berks County, Pa., in place of Harvey E. Brinley. Incumbent's commission expired March 16, 1908.

James E. Rupert to be postmaster at Conneautville, Crawford County, Pa., in place of James E. Rupert. Incumbent's commission expires April 27, 1908.

Bert L. Venen to be postmaster at Springboro, Crawford County, Pa. Office becomes Presidential April 1, 1908.

##### RHODE ISLAND.

Walter Price to be postmaster at Westerly, Washington County, R. I., in place of Walter Price. Incumbent's commission expires April 27, 1908.

##### WEST VIRGINIA.

John E. Houston to be postmaster at Davis, Tucker County, W. Va., in place of John E. Houston. Incumbent's commission expires April 27, 1908.

##### WISCONSIN.

Henry J. Goddard to be postmaster at Chippewa Falls, Chippewa County, Wis., in place of Henry J. Goddard. Incumbent's commission expires April 27, 1908.

#### CONFIRMATIONS.

*Executive nomination confirmed by the Senate March 30, 1908.*

##### POSTMASTER.

##### OKLAHOMA.

Charles W. Young to be postmaster at Carnegie, Caddo County, Okla.

*Executive nominations confirmed by the Senate March 31, 1908.*

##### APPOINTMENT IN THE MARINE-HOSPITAL SERVICE.

Harry J. Warner, of Illinois, to be assistant surgeon in the Public Health and Marine-Hospital Service of the United States.

##### MARSHAL.

Samuel Grant Victor, of Oklahoma, to be United States marshal for the eastern district of Oklahoma.

##### PROMOTIONS IN THE NAVY.

To be lieutenants, junior grade, in the Navy from the 3d day of February, 1908, upon the completion of three years' service in present grade:

Charles C. Moses,  
Lindsay H. Lacy,  
Macgillivray Milne,  
Wilbur R. Van Auken,  
Austin S. Kibbee,  
Martin K. Metcalf, and  
Thomas H. Taylor.

To be lieutenants in the Navy from the 3d day of February, 1908, to fill vacancies existing in that grade on that date:

Lindsay H. Lacy,  
Macgillivray Milne,  
Wilbur R. Van Auken,  
Martin K. Metcalf, and  
Thomas H. Taylor.

Assistant Surgeon Francis M. Shook to be a passed assistant surgeon in the Navy from the 15th day of March, 1908, upon the completion of three years' service in present grade.

To be assistant naval constructors in the Navy from the 24th day of March, 1907, to fill vacancies existing in that grade on that date:

Robert B. Hilliard,  
Edwin O. Fitch, jr.,  
Lee S. Border,  
John C. Sweeney, jr.,  
James O. Gawne, and  
Alva B. Court.

##### POSTMASTERS.

##### COLORADO.

Charles D. Pickett to be postmaster at Wray, Yuma County, Colo.

##### FLORIDA.

Rix M. Robinson to be postmaster at Pensacola, Escambia County, Fla.

##### ILLINOIS.

John W. Campbell to be postmaster at Morrisonville, Christian County, Ill.

Alfred Schuler to be postmaster at Mound City, Pulaski County, Ill.

Elmer E. Smith to be postmaster at Clayton, Adams County, Ill.

Paul Spitzer to be postmaster at Techny, Cook County, Ill.

Benjamin Wendling to be postmaster at Des Plaines, Cook County, Ill.

Samuel S. Yolton to be postmaster at Villa Grove, Douglas County, Ill.

##### IOWA.

William G. Ross to be postmaster at Fairfield, Jefferson County, Iowa.

##### KANSAS.

Henry C. Abbott to be postmaster at Le Roy, Coffey County, Kans.

Charles T. Dallam to be postmaster at Hoxie, Sheridan County, Kans.

June B. Smith to be postmaster at Cottonwood Falls, Chase County, Kans.

## KENTUCKY.

John W. Breathitt to be postmaster at Hopkinsville, Christian County, Ky.

E. S. Morrison to be postmaster at Latonia, Kenton County, Ky.

Charles G. Robinson to be postmaster at Earlington, Hopkins County, Ky.

Will P. Scott to be postmaster at Dawson Springs, Hopkins County, Ky.

James W. Thomason to be postmaster at Uniontown, Union County, Ky.

Lizzie Vaupel to be postmaster at Morganfield, Union County, Ky.

## MICHIGAN.

Charles A. Cline to be postmaster at West Branch, Ogemaw County, Mich.

William N. Lister to be postmaster at Ypsilanti, Washtenaw County, Mich.

## MINNESOTA.

William E. Easton to be postmaster at Stillwater, Washington County, Minn.

Mons Hauge to be postmaster at Benson, Swift County, Minn.

Paul H. Tvedt to be postmaster at Nashwauk, Itasca County, Minn.

## MONTANA.

Oscar H. Davey to be postmaster at Whitehall, Jefferson County, Mont.

Lawrence Hauck to be postmaster at Phillipsburg, Granite County, Mont.

## NEBRASKA.

Joseph G. Alden to be postmaster at Aurora, Hamilton County, Nebr.

Thomas A. Boyd to be postmaster at Beaver City, Furnas County, Nebr.

Glenwin J. Crook to be postmaster at Falls City, Richardson County, Nebr.

Andrew D. McNeer to be postmaster at Blue Hill, Webster County, Nebr.

Similien L. Perin to be postmaster at Sargent, Custer County, Nebr.

Melancthon Scott to be postmaster at South Auburn, Nemaha County, Nebr.

John A. Wood to be postmaster at Ewing, Holt County, Nebr.

## NEW JERSEY.

Harry E. Frey to be postmaster at Stewartsville, in the county of Warren and State of New Jersey.

## TEXAS.

J. W. Bradford to be postmaster at Mount Vernon, Franklin County, Tex.

## WEST VIRGINIA.

James Faulkner to be postmaster at Macdonald, Fayette County, W. Va.

## WISCONSIN.

Albert G. Kurz to be postmaster at Green Bay, Brown County, Wis.

## HOUSE OF REPRESENTATIVES.

TUESDAY, *March 31, 1908.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

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

## URGENT DEFICIENCY BILL.

Mr. TAWNEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 19955, the urgent deficiency appropriation bill, with Senate amendments thereto, and ask concurrence in the Senate amendments.

Mr. SULZER. Mr. Speaker, reserving the right to object, I would like to have the amendments reported.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to take from the Speaker's table the bill H. R. 19955, the urgent deficiency bill, with Senate amendments, and consider the same at this time.

Mr. SULZER. Mr. Speaker, I would like to have the amendments reported.

The SPEAKER. The Clerk will report the bill and amendments.

The Clerk read as follows:

H. R. 19955. An act making appropriations to supply certain additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1908.

The amendments were read.

The SPEAKER. Is there objection?

Mr. WILLIAMS. I object, Mr. Speaker.

The SPEAKER. The gentleman from Mississippi objects, and the bill is referred to the Committee on Appropriations.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 6350. An act granting an increase of pension to Jennie Carroll and Mabel H. Lazear;

S. 6136. An act authorizing the Secretary of War to issue patent to certain lands to Boise, Idaho;

S. 5590. An act for the promotion of Joseph A. O'Connor, carpenter in the United States Navy, to the rank of chief carpenter, and place him on the retired list;

S. 5388. An act for the relief of Benjamin C. Welch;

S. 5263. An act for the relief of William Parker Sedgwick;

S. 5227. An act granting an honorable discharge to Seth Wardell;

S. 5207. An act for the relief of William Radcliffe;

S. 6131. An act to authorize the construction of a bridge across the Rock River, State of Illinois;

S. 5862. An act to purchase certain lands adjacent to the present site of Fort Logan, Colo.;

S. 5620. An act to authorize the issuance of a patent to the assignee of Warner Bailey, for land located in Choctaw County, State of Alabama;

S. 5604. An act authorizing the Secretary of the Interior to reserve lands on Indian reservations for power and reservoir sites, and for other purposes;

S. 5938. An act for the relief of the White River Utes, the Southern Utes, the Uncompahgre Utes, the Tabeguache, Muache, Capote, Weeminuche, Yampa, Grand River, and Uinta bands of Ute Indians, known also as the Confederated Bands of Ute Indians of Colorado;

S. 4814. An act to amend section 491n of the Code of Law for the District of Columbia;

S. 4782. An act to remove the charge of desertion against Thomas L. Rodgers;

S. 4703. An act to provide for the leasing of allotted Indian lands for mining purposes;

S. 4132. An act creating an additional land district in the State of South Dakota;

S. 4107. An act to authorize the town of Chevy Chase, Md., to connect its water system with the water system of the District of Columbia;

S. 3952. An act to restore to the active list of the United States Marine Corps the name of Robert Morgan Gilson;

S. 3125. An act for the relief of Jabez Burchard;

S. 2743. An act for the relief of Peter McKay;

S. 1744. An act for the relief of the heirs of George A. Armstrong;

S. 1160. An act to correct the military record of Lora E. Reed;

S. 879. An act for the relief of John S. Higgins, paymaster, United States Navy;

S. 754. An act for ascertaining the feasibility and probable cost of constructing a canal from the Tennessee River, at or near the city of Chattanooga, in the State of Tennessee, to the navigable waters of the Ocmulgee River, in the State of Georgia, by which there will be furnished adequate water communication by the shortest and most practicable route between the Atlantic Ocean and the navigable waters in the rivers of the Mississippi Valley;

S. 655. An act for the relief of Richard A. Proctor;

S. 437. An act for the relief of D. J. Holmes; and

\* S. 388. An act to confirm and legalize prior admissions to citizenship of the United States where the judge or clerk of the court administering the oath to the applicant or his witnesses has failed to sign or seal the record, oath, or the judgment of admission, and to establish a proper record of such citizenship.

The message also announced that the Senate had passed with amendment bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 12499. An act for the relief of Clarence Frederick Chapman, United States Navy;

H. R. 15230. An act to amend an act approved February 28, 1901, entitled "An act relating to the Metropolitan police of the District of Columbia;" and

H. R. 603. An act granting an increase of pension to John A. M. La Pierre.

## URGENT DEFICIENCY APPROPRIATION BILL REFERRED.

Under clause 2, Rule XXIV, the bill (H. R. 19955) making appropriations to supply certain additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1908, with Senate amendments, was taken from the Speaker's table and referred to the Committee on Appropriations.

## ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles, when the Speaker signed the same:

H. R. 225. An act to amend section 4463 of the Revised Statutes, relating to the complement of crews of vessels, and for the better protection of life;

H. R. 6664. An act for the relief of Robert Scholter;

H. R. 14282. An act to authorize the appointment of a deputy clerk at Big Stone Gap, Va.;

H. R. 13448. An act to authorize the counties of Allegheny and Washington, in the State of Pennsylvania, to change the site of the joint county bridge which now crosses the Monongahela River at Monongahela City, Pa., and to construct a new bridge across said river in the place of said present bridge upon a new site;

H. R. 10540. An act to amend section 73 of the act to provide a government for the Territory of Hawaii;

H. R. 12476. An act to place the name of William S. Shacklette on the retired list of the Navy as pharmacist;

H. R. 10075. An act for the relief of Copiah County, Miss.;

H. R. 4763. An act transferring Commander William Wilmot White from the retired to the active list of the Navy;

H. R. 3822. An act for the relief of James Behan;

H. R. 12292. An act for the relief of A. E. Couch;

H. R. 18615. An act to authorize the Cairo and Norfolk Railroad Company to construct bridges across the Cumberland River;

H. R. 18616. An act to authorize the Cairo and Norfolk Railroad Company to construct a bridge across the Tennessee River;

H. R. 15070. An act for the relief of J. Edmund Strong; and

H. J. Res. 134. Joint resolution for the relief of Archibald G. Stirling, recently midshipman, United States Navy.

## SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 5604. An act authorizing the Secretary of the Interior to reserve lands on Indian reservations for power and reservoir sites, and for other purposes—to the Committee on Indian Affairs.

S. 5620. An act to authorize the issuance of a patent to the assignee of Warner Bailey, for land located in Choctaw County, State of Alabama—to the Committee on the Public Lands.

S. 5862. An act to purchase certain lands adjacent to the present site of Fort Logan, Colo.—to the Committee on Military Affairs.

S. 6131. An act to authorize the construction of a bridge across the Rock River, State of Illinois—to the Committee on Interstate and Foreign Commerce.

S. 6136. An act authorizing the Secretary of War to issue patent to certain lands to Boise, Idaho—to the Committee on Military Affairs.

S. 6350. An act granting an increase of pension to Jennie Carroll and Mabel H. Lazear—to the Committee on Pensions.

S. 4703. An act to provide for the leasing of allotted Indian lands for mining purposes—to the Committee on Indian Affairs.

S. 4782. An act to remove the charge of desertion against Thomas L. Rodgers—to the Committee on Naval Affairs.

S. 4814. An act to amend section 491n of the Code of Law for the District of Columbia—to the Committee on the District of Columbia.

S. 5038. An act for the relief of the White River Utes, the Southern Utes, the Uncompahgre Utes, the Tabeguache, Muache, Capote, Weeminuche, Yampa, Grand River, and Uinta bands of Ute Indians, known also as the Confederated Bands of Ute Indians of Colorado—to the Committee on Indian Affairs.

S. 5207. An act for the relief of William Radcliffe—to the Committee on Claims.

S. 5227. An act granting an honorable discharge to Seth Wardell—to the Committee on Naval Affairs.

S. 5263. An act for the relief of William Parker Sedgwick—to the Committee on Naval Affairs.

S. 5388. An act for the relief of Benjamin C. Welch—to the Committee on Military Affairs.

S. 5590. An act for the promotion of Joseph A. O'Connor, carpenter in the United States Navy, to the rank of chief carpenter, and place him on the retired list—to the Committee on Naval Affairs.

S. 4132. An act creating an additional land district in the State of South Dakota—to the Committee on the Public Lands.

S. 4107. An act to authorize the town of Chevy Chase, Md., to connect its water system with the water system of the District of Columbia—to the Committee on the District of Columbia.

S. 3952. An act to restore to the active list of the United States Marine Corps the name of Robert Morgan Gilson—to the Committee on Naval Affairs.

S. 3125. An act for the relief of Jabez Burchard—to the Committee on Naval Affairs.

S. 2743. An act for the relief of Peter McKay—to the Committee on Claims.

S. 1744. An act for the relief of the heirs of George A. Armstrong—to the Committee on War Claims.

S. 1160. An act to correct the military record of Lora E. Reed—to the Committee on Military Affairs.

S. 879. An act for the relief of John S. Higgins, paymaster, United States Navy—to the Committee on Claims.

S. 655. An act for the relief of Richard A. Proctor—to the Committee on Claims.

S. 437. An act for the relief of D. J. Holmes—to the Committee on Private Land Claims.

S. 388. An act to confirm and legalize prior admissions to citizenship of the United States where the judge or clerk of the court administering the oath to the applicant or his witnesses has failed to sign or seal the record, oath, or the judgment of admission, and to establish a proper record of such citizenship—to the Committee on Immigration and Naturalization.

## AGRICULTURAL APPROPRIATION BILL.

Mr. SCOTT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the agricultural appropriation bill.

The question was taken, and the Chair announced the ayes seemed to have it.

On a division (demanded by Mr. WILLIAMS) there were—ayes 90, noes 56.

So the motion was agreed to; and the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 19158, the agricultural appropriation bill, Mr. FOSTER of Vermont in the chair.

The CHAIRMAN. When the committee rose yesterday a point of order was pending on an amendment offered by the gentleman from Wyoming.

Mr. MONDELL. Mr. Chairman, I request that the pending amendment be read.

The CHAIRMAN. Without objection, the Clerk will again report the pending amendment.

The Clerk read the amendment, as follows:

*Provided further,* That no part of this appropriation shall be used for the negotiation of any sale of timber in any national forest at a price above what would constitute a fair and reasonable price for such timber were it sold in competition with timber of a like character in the same locality on land in private ownership.

Mr. MONDELL. Mr. Chairman, I offered this amendment for the purpose of calling attention to the manner in which sales of timber upon the national forests are now made. Probably few members of the committee realize the extent of some of these great forest reserves. One of the reserves in my State, to which I have heretofore referred, is considerably larger than the State of Massachusetts, and it contains within its borders practically all of the timber in the entire region, so that so far as the local supply is concerned all of those living within 100 miles of the reserve are dependent upon it for their timber and their lumber. The inclusion of so vast an area in the reserve necessarily creates a monopoly, a Government monopoly. The question immediately arises as to what is the fair stumpage value of the timber within such a reservation. As to the reserve which I now have in mind private owners owning timber land in that region prior to the establishment of the reserve considered their timber worth about \$1 to \$1.50 per thousand feet stumpage, and all the small mills sold their lumber on about that basis. Immediately upon the establishment of this great reserve, rules and regulations relative to the manner of cutting and disposing of waste were put into operation, with which it was very difficult for the small mills to comply, with the result that within about two or three years most of the

small mills went out of business and the cutting of timber on that reserve went into the hands of a very few large companies.

The first sales were made at a reasonable price for stumpage. When the time came to make further sales the Forestry officers consulted various gentlemen ambitious to go into the lumber business, including parties who had been previously engaged in the business, and who had mills, flumes, and works costing a large amount of money in the forests. The Forestry Bureau, instead of depending upon ordinary competition to fix the prices, stated to contemplating bidders that no bid would be received for less than a certain price per thousand feet—\$5, I believe, was the minimum stumpage price in the particular case I have in mind—while former sales had been made, I think, at about \$1.50 a thousand. Naturally, men who had a large interest there could not afford to lose their plants. Others, ambitious to go into the lumber business under these monopolistic conditions, were encouraged to bid, so the price was raised to nearly \$6 per thousand.

Now, Mr. Chairman, I am not exercised on behalf of the gentlemen who bought that timber; none of them have ever complained to me as to the price they paid for stumpage. They have no reason to complain, because by reason of the establishment of the reserve such a monopoly is established and maintained that they can add to the price of their lumber a sufficient amount to cover the highest cost of stumpage and a good profit besides. But, Mr. Chairman, such sales mean our people are compelled to pay all the way from \$4 to \$6 a thousand more for their lumber than they had been paying for it.

Mr. COCKS of New York. Mr. Chairman, will the gentleman permit a question?

The CHAIRMAN. Will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. COCKS of New York. Has not the market price of lumber raised during that period at all?

Mr. MONDELL. Mr. Chairman, I was just coming to that point.

Mr. DOUGLAS. Will the gentleman yield for another question, since he has been interrupted?

Mr. MONDELL. With pleasure.

Mr. DOUGLAS. Where did the small mill owners get their lumber prior to the reservation?

Mr. MONDELL. Some of the small mill men cut the timber under the free-use clause under which they can cut lumber for the settlers without paying any stumpage. But more of them, I will say to the gentleman, bought small areas of woodland and cut their timber from the land they owned. Having answered the question of the gentleman from Ohio [Mr. DOUGLAS] I would like to answer the question of the gentleman from New York [Mr. COCKS], as to whether there has been a general advance in the price of lumber.

Now, I live something over 200 miles from the reserve in question, in a region that does not happen to be in a reserve. The trees were rather too scattered to tempt even the Forestry Service, and that is saying a great deal. In this region is some timber land owned by private individuals, some of it owned by the State, which sells stumpage at a fair price. In the neighborhood of my home we buy native lumber at the small mill for \$12 or \$13 a thousand. That price is based on a stumpage value of \$1 a thousand or \$1.50 a thousand in the tree. Over yonder, on the other side of the mountains, where the Government has established this great reserve monopoly, the same sort of lumber sells at the mills at from \$18 to \$22 a thousand, which means \$6 to \$10 a thousand more in the towns.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MONDELL. Now, Mr. Chairman, if this were an isolated condition I should certainly not take up the time of the House discussing it. I simply wish to call the attention of the House to the fact that the Forestry Bureau creates a monopoly by the creation of that reserve, and then it uses the monopoly which it has created to raise the price of lumber. We live in a region farther from market than any other people under the American flag. All we grow must be shipped to market at a greater transportation expense than is borne by the products of any other people in the country. All that we buy pays a higher freight rate than the same articles used by the people of any other part of the country.

Mr. COCKS of New York. Mr. Chairman—

Mr. MONDELL. I have only five minutes. Mr. Chairman, now, fortunately, nature has given us a scattering growth of pine on our hilltops. Otherwise we would be compelled to ship

all of our rough lumber as we do all of our finished lumber, either from the coast, a thousand miles away, or from the lower Mississippi, an equal distance, with freight rates so high that ordinary lumber shipped from those points costs from \$28 to \$35 a thousand. So long as we had the use of the lumber of our forests at a reasonable price the price of lumber from the coast, the lower Mississippi, and the Lakes was kept down, modified, reduced, by the local supply, limited though it was. But immediately upon the establishment of the reserves the Forestry Bureau proceeded to place a price on stumpage limited only by the necessities of our citizens after all the timber in the region had been placed under Government ownership, so that timber must be had from the reserves or not at all.

Now, we do not expect the Government to give away the timber in the forest reserves. We expect to pay a fair price for it, but we do not think we ought to pay two, three, and even four times the amount for stumpage for lodge-pole pine in the Rocky Mountains than is paid for the finest lumber in the world on the Pacific slope. One dollar and fifty cents is a high price for lumber in the tree on the Pacific slope, and yet the Department is receiving more to-day on some of its sales of lodge-pole pine in the Rocky Mountain territory than is being received by the "lumber trust," so called, for its valuable timber on the Pacific coast.

Now, Mr. Chairman, I desire to be fair with the committee. I do not want to hamper the work of this Bureau, but I do desire to call attention to some of the evils that have grown up under it; and I venture the hope that the Bureau will in the future dispose of the products of the forests in our region at a fair and reasonable price and not at a price as much above a minimum fixed arbitrarily by the Bureau as the necessities of our people under an artificial monopoly created by the reserves may compel them to pay.

I am not certain that the amendment that I offered is not subject to the point of order, and while it states the principle on which sales should be made, possibly it would not be workable in practice, and as it has served the purpose I had in mind, that of giving me an opportunity of discussing the evils of the present system governing sales of timber in some of the forest reserves, I shall now withdraw it.

If the forest reserves are to serve a useful and beneficent purpose they must be used rather as a regulator of the price of lumber in their vicinity than as a means of arbitrarily advancing prices. If the people are to give their support and lend their aid to a forest-reserve policy and make appropriations for the same they must know that in the sale of their products the tendency is to reduce rather than increase the cost of such products to the people that must use them. A Government monopoly is no more tolerable than a private monopoly to him who pays the toll.

All of the purposes for which the reserves were established can and will be best served by a policy which lightens rather than adds to the burdens of the people living in their vicinity. Under such a policy national forests will have the support of the people, but so soon as it is generally understood that the policy to be pursued is one under which additional burdens are laid rather than benefits secured the public sentiment of the country east and west will no longer support the reserves.

The CHAIRMAN. Without objection, the gentleman from Wyoming will be allowed to withdraw his amendment.

There was no objection.

Mr. BONYNGE. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

*Provided further,* That no part of the money hereby appropriated shall be used for the purpose of enforcing, or attempting to enforce, any rule or regulation of the Department of Agriculture, or of the Forestry Service, which prohibits, or attempts to prohibit, the citizens of the States wherein the national forests are located from appropriating for beneficial uses the waters of the natural streams therein according to the laws of said States and the statutes of the United States.

Mr. BONYNGE. Mr. Chairman, the amendment that I have offered presents a very important question for the consideration of the committee. It is worthy of far more time than the committee can give to it this morning. I shall present what I have to say upon this amendment as briefly as possible. I was prompted to offer the amendment because of some opinions that were expressed upon this floor yesterday. Gentlemen rose upon the floor and made the statement or assertion that in the nonnavigable streams of the West the Government of the United States owned the water. I absolutely deny that proposition. I claim, Mr. Chairman, that the water in the nonnavigable streams of the States of the West is the property of the people of those States, and it is so recognized by the statutes of the

United States, by the statutes of those States, and by the decisions of the Supreme Court of the United States. Long before the State of Colorado was admitted into the Union the Congress of the United States recognized the doctrine that in those arid States prior appropriation of water should give prior right to the use of the water for beneficial purposes.

The first statutory recognition of that doctrine was in an act passed in 1866 by the Congress of the United States, which is now section 2339 of the Revised Statutes, which reads as follows:

Whenever, by priority of possession, rights to the use of water for mining, agriculture, manufacturing, or other purposes, have vested and accrued, and the same are recognized and acknowledged by the local customs, laws, and the decisions of courts, the possessors and owners of such vested rights shall be maintained and protected in the same; and the right of way for the construction of ditches and canals for the purposes herein specified is acknowledged and confirmed; but whenever any person, in the construction of any ditch or canal, injures or damages the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage.

That was simply a statutory recognition of a right existing before the statute itself was enacted, and that proposition was maintained and confirmed by a decision of the Supreme Court of the United States, to which I will now call the attention of the committee.

In the case of *Broder v. Natoma Water Company* (101 U. S., 274) the Supreme Court said:

We are of the opinion that it is the established doctrine of this court that rights of miners, who had taken possession of mines and worked and developed them, and the rights of persons who had constructed canals and ditches to be used in mining operations and for purposes of agricultural irrigation, in the region where such artificial use of the water was an absolute necessity, are rights which the Government had, by its conduct, recognized and encouraged and was bound to protect before the passage of the act of 1866, and that the section of the act which we have quoted was rather a voluntary recognition of a preexisting right of possession, constituting a valid claim to its continued use, than the establishment of a new one.

That has been the doctrine of the Supreme Court ever since. That decision is one that has been recognized in numerous decisions from that time to the present, including the recent *Kansas-Colorado* case, and it has found lodgment in every statute passed by the Congress of the United States since the act of 1866.

Section 2340 of the Revised Statutes of the United States further provides:

All patents granted or preemption or homesteads allowed shall be subject to any vested and accrued water rights, or rights to ditches and reservoirs used in connection with such water rights, as may have been acquired under or recognized by the preceding section.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BONYNGE. Mr. Chairman, I ask that I may be allowed five minutes more.

Mr. SCOTT. Pending that request, I move that debate upon this amendment close in ten minutes.

The CHAIRMAN. The gentleman from Kansas moves that debate upon the pending amendment close in ten minutes.

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

The CHAIRMAN. The gentleman from Colorado asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BONYNGE. I will call attention to but one more decision of the Supreme Court, although I may cite very many, and that is the case of *Gutierrez v. Albuquerque Land and Irrigation Company*, found in 188 United States, at page 545, and I will just quote one sentence from the decision:

By the act of July 26, 1866, Congress recognized, as respects the public domain, so far as the United States are concerned, the validity of the local customs, laws, and decisions of the courts in respect to the appropriation of water.

So that the appropriation of water in the arid States of the West is governed by the local laws of those States, and in the very constitution of our State we have a provision that the water shall be the property of the people of the State. I read now from section 5 of article 16 of the constitution of the State of Colorado, and practically the same provision is to be found in all the constitutions of the States west of the Missouri River.

The section to which I shall call attention was adopted ten years after Congress had recognized the right of the people of the West to appropriate the water of the natural streams of those States and Territories for beneficial uses. I read from section 5 of article 16:

The water of every natural stream not heretofore appropriated within the State of Colorado is hereby declared to be the property of the public, and the same is dedicated to the use of the people of the State, subject to appropriation as herein provided.

And even when Congress passed the recent reclamation act, the latest act by Congress dealing with this question, it put into

that act the following section, recognizing, as Congress has always done from the beginning, the right of the people of those arid States to appropriate the water of the natural streams under their own laws for beneficial purposes. The reclamation act contains the following section, known as section 8:

That nothing in this act—

Mr. RICHARDSON. Mr. Chairman—

Mr. BONYNGE. I have only five minutes; I would gladly yield to the gentleman if I had the time.

Mr. KENNEDY of Ohio. I should like to suggest that the gentleman discuss his amendment, so that we may know what it is.

Mr. BONYNGE. The amendment was read from the Clerk's desk. Section 8 reads as follows:

SEC. 8. That nothing in this act shall be construed as affecting or intended to affect, or to in any way interfere with the laws of any State or Territory relating to the control, appropriation, use, or distribution of water used in irrigation, or any vested right acquired thereunder, and the Secretary of the Interior, in carrying out the provisions of this act, shall proceed in conformity with such laws—

What laws? The laws of the State or Territory. The section continues—

and nothing herein shall in any way affect any right of any State or of the Federal Government or of any landowner, appropriator, or user of water in, to, or from any interstate stream or the waters thereof: *Provided*, That the right to the use of water acquired under the provisions of this act shall be appurtenant to the land irrigated, and beneficial use shall be the basis, the measure, and the limit of the right.

That last proviso states in a few words the doctrine that has prevailed ever since there has been any settlement in the arid lands of the West, and that doctrine is that prior appropriations for beneficial uses gives to the prior appropriator the right to the use of the water; and when gentlemen stand upon this floor and say that the waters of the natural, nonnavigable streams of the arid West are the property of the people of the United States, they forget the statutes that are upon our own Federal statute books, and they forget the decisions of the United States Supreme Court. The doctrine that prior appropriation of water for beneficial uses gives prior right is the basis upon which the development of the arid States has been founded.

Mr. SCOTT. Mr. Chairman, the citation of statutes and the quotation of Supreme Court decisions in the discussion of any subject frequently invests that subject with an air of importance and throws around it an atmosphere of profundity which the merits of the subject do not at all warrant. That is eminently the case in the present instance. There is nothing profound or unusual in the proposition that is now before the House. Stripped of all its legal phraseology, it is a proposition to allow any corporation or any individual to use any land of the United States which it or he may see fit to use, to the exclusion of any other corporation or individual, without money and without price.

The present conduct of the Forest Service in requiring a reasonable fee to be paid when a corporation carries its work over land owned by the United States is only such conduct as a private citizen exercises in the management of his own business. There is not a man in this House who would not think that his rights were being outraged if a railroad should demand the privilege of going across his land without paying any fee or answering to him in damage, and that is precisely what is demanded of the United States by the amendment proposed by the gentleman from Colorado.

It is a great mistake to assume that the Forest Service makes a charge for the water that is used. All the charge that it makes is for the land which the water company takes possession of, and which it takes possession of to the exclusion, necessarily, of any other individual or corporation. The charges made are not extravagant. Before the power plant begins operations the rental is \$1 an acre and \$5 a mile; but these sums are far below the annual value of the land for power purposes, and accordingly, as soon as the generation of electric power begins, there is added to them an additional charge calculated upon the amount of power generated each year.

This charge begins at a very low figure, when the enterprise is new and the business undeveloped, and increases by moderate increment in successive five-year periods until what is considered a fair charge is attained, when the business has become thoroughly established and developed. The right-of-way permit issued by the Forest Service fixes the maximum charge, and from this maximum it is the purpose of the Service to make deductions when a part of the power plant is outside the forest, or when the plant includes storage reservoirs of large capacity, increasing the average annual flow of streams. It will be seen that the charge is made for the use of the land, not for the

water, and it is a most moderate charge, not interfering in any way with the development of the industries in the region in question.

The amendment under consideration seeks to withdraw the appropriation from this Bureau so long as it may seek to enforce any rule or regulation which attempts to prevent the citizens of a State, where the national forests are located, from appropriating for beneficial uses the waters of the natural streams, according to the law of the State and the statutes of the United States.

There is no attempt on the part of the Forestry Service to prohibit anyone entitled to the use of the water from using that water any more than it would be an attempt on the part of a Member of this House who required a railroad to pay him damages for going across his property—any more than that would be an attempt to prohibit the railroad from exercising its charter rights. The charges made, I insist, are moderate charges; they are charges that the Department has a right to make. And if it were not for the fact that the policy which has been here attacked had been followed out, practically all the power now developed within the range of the national forests would have been in the hands of two or three companies—if not of one great company—because there is an evident intent to monopolize the water power of this great region, an attempt which will surely be successful if the authority now exercised by the Forest Service is stricken down. I earnestly hope that the amendment will not prevail.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado.

The question was taken, and the amendment was rejected.

Mr. STEPHENS of Texas. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

For surveying, examining, and reporting upon the cost and advisability of creating a national forest reserve and park on the head of Red River, in the State of Texas, to be known as "The Palo Duro Canyon National Forest Reserve and Park," as provided in bill H. R. 11749, now pending in this Congress, and in accordance with the resolution of the legislature of Texas, passed at its last session, \$10,000.

Mr. SCOTT. Mr. Chairman, to that I make a point of order.

The CHAIRMAN. Does the gentleman desire to be heard on the point of order?

Mr. STEPHENS of Texas. Not upon the point of order, but upon the merits of the bill.

The CHAIRMAN. The question is first upon the point of order. Does the gentleman from Texas desire to be heard upon the point of order?

Mr. SCOTT. Mr. Chairman, I will reserve the point of order for one minute.

Mr. STEPHENS of Texas. Mr. Chairman, this amendment is in accordance exactly with the appropriation of \$25,000 made at the last session of Congress for the purpose of a survey of the boundaries of the Appalachian and White Mountain forest and park reservations, bills for which are now pending before this House, and I will state that numerous hearings have been had during this Congress before the gentleman's committee—the Committee on Agriculture. My amendment to this bill is on all fours with those projects, and therefore if they are entitled to an appropriation for surveys for forest reserves we are certainly entitled to it under my bill for a forest reserve and park on Palo Duro Canyon, in Texas. The head of the Red River is in Texas and extends to the eastern side of New Mexico. We have in lower Red River a navigable stream several hundred miles in length, touching four different States—Texas, Oklahoma, Arkansas, and Louisiana. These States are deeply interested in the preservation of the forests at the head of this river and thus aiding in furnishing water for navigation in the lower river. Forest reserves are much more necessary in the semiarid West than in the mountains east of the Mississippi River. The White and Appalachian mountain chains, in the East, have a heavy rainfall and have timber naturally. In the West we have little natural timber, and it is absolutely necessary that we should protect the timber on the head of Red River for the purposes of navigation and irrigation, and for the purposes also of having the best reserve and public park in the entire country.

I therefore hope that the gentleman from Kansas [Mr. Scott] will withdraw his point of order against this amendment, and give us in this bill an appropriation of \$10,000 to survey our park, and give us the same opportunity to have a survey made of our forest reserve as the other States have already enjoyed. The bill creating the park is as follows:

A bill (H. R. 11749) providing for the purchase of a national forest reserve and park in the State of Texas, to be known as "The Palo Duro Canyon National Forest Reserve and Park."

Be it enacted, etc., That the Secretary of Agriculture is hereby authorized and empowered, in his discretion, to purchase land suitable for

the purposes of a national forest reserve and park within the counties of Randall and Armstrong, State of Texas, so as to include all or any part of the headwaters of Red River, known as the Palo Duro and tributary canyons, in total not to exceed 100,000 acres, and to care for, protect, use, and make accessible the said reserve, the same to be known as the "Palo Duro Canyon National Forest Reserve and Park."

SEC. 2. That the Secretary of Agriculture shall advertise in the State of Texas and in the counties of Randall and Armstrong for lands to be purchased under the provisions hereof, and as between land of equal value, for the purposes of this act, the lowest bids shall be accepted: *Provided*, That the Secretary of Agriculture shall have the right to reject any and all bids: *And provided further*, That the Secretary of Agriculture is hereby authorized and empowered, in his discretion, to contract for and purchase as a part of said forest reserve and park and from the owners thereof the ranch lands and herd of buffaloes and catalogos known as the Goodnight buffalo herd and ranch, situated in Armstrong County, Tex.

SEC. 3. That in the acquirement of land and other property for the purposes of this act the Secretary of Agriculture shall conform to the conditions prescribed in the present or future act or acts of the legislature of the State of Texas, ceding to the United States the right to acquire and control such land and other property, and the Secretary of Agriculture is hereby authorized and empowered to exercise, as to such lands, all rights and powers granted in said act or acts: *Provided*, That when the owners of lands sought to be acquired for the purpose of this act are unwilling to sell the same on terms satisfactory to the Secretary of Agriculture, condemnation proceedings for the acquirement of such lands shall not be had so long as the said owners shall protect and perpetuate the forests on said lands, under such regulations as may be prescribed by the Secretary of Agriculture for the control of the forests on other lands purchased by the Government under this act, so far as the same may be applicable.

SEC. 4. That the Secretary of Agriculture is hereby authorized and empowered to accept gifts of land for the purpose of this act, and such lands shall hereafter be known by such names as the donors, with the approval of the Secretary of Agriculture, may prescribe.

SEC. 5. That the Secretary of Agriculture may do all things necessary to secure the safe title in the United States to the lands herein provided to be purchased; but no payment shall be made for any land purchased under this act until the title to such land shall be satisfactory to the Attorney-General and conveyance thereof duly executed and accepted.

SEC. 6. That the Secretary of Agriculture shall make provision for the foresting of the lands purchased under the provisions of this act whenever such planting shall be deemed advisable or found necessary for the protection of the soil or the water supply; and if any buffaloes or catalogos are purchased under this act, he shall also care for and protect them.

SEC. 7. That the Secretary of Agriculture is hereby empowered and directed to make such rules and regulations and establish such service as he may deem necessary for the care, protection, control, and use of such forest reserve, and violation of such rules and regulations shall be punished as provided by law for other forest reserves.

SEC. 8. That the Secretary of Agriculture is hereby authorized and empowered to make contracts for the purchase of lands and herd of buffaloes and accept conveyance thereof in accordance with the provisions of this act to the amount of not to exceed \$500,000, and the sum of \$100,000 thereof, to be available immediately and until the expiration of the year ending June 30, 1907, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the purchase of lands for a national forest reserve and park and otherwise to carry out the provisions of this act: *Provided*, That the Secretary of Agriculture shall each year make a detailed report to Congress of his doings in the premises: *And provided further*, That no part of said sum hereby appropriated shall be expended for the purchase of land in the State of Texas under the provisions of this act until a valid title to the same shall be vested in the United States, and until the State in which the land lies shall have ceded to the United States exclusive jurisdiction of the same during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of any civil process therein.

SEC. 9. That this act shall take effect after the approval by Congress of said survey and plats.

The act of the Texas legislature providing for the park is as follows, viz:

Act of the Texas legislature, dated April 23, 1907.

That the United States Government may purchase, acquire, hold, own, occupy, and possess such land in Armstrong and Randall counties, in the State of Texas, in the Palo Duro Canyon, and contiguous thereto as they may deem expedient and necessary for the purpose of establishing a national park.

SEC. 2. That the provisions of chapter 73, acts of the Twenty-ninth legislature, as to the method of purchase and acquisition and the procedure for condemnation, if such condemnation becomes necessary, shall apply to the acquisition or purchase of the lands mentioned in section 1 of this act.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SCOTT. I shall be obliged to insist on the point of order, Mr. Chairman.

Mr. STEPHENS of Texas. Then there is a difference, I understand, between Texas and the other States.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MONDELL. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

*Provided further*, That no part of the money herein appropriated shall be used in such manner as shall deny to citizens of the United States right of way for which they have applied and to which they are entitled under the laws of the United States.

Mr. SCOTT. Mr. Chairman, on that I make a point of order.

The CHAIRMAN. Does the gentleman from Wyoming desire to be heard on the point of order?

Mr. MONDELL. Mr. Chairman, I do not think this is subject to a point of order. It is a limitation on an appropriation simply. It simply provides that the Secretary shall not do an

unlawful thing with this appropriation. He shall not deny citizens rights to which they are entitled under the laws of the land.

Mr. SCOTT. Mr. Chairman, it seems to me this falls within the class of a ruling which was made in the Fifty-fifth Congress, and which is reported in the proceedings of the House in the following language, as found on page 358 of the Manual:

An amendment providing that no portion of an appropriation for the manufacture of stamped envelopes should be expended in printing return cards on them was ruled out of order.

The general law, Mr. Chairman, creating the forest reserves provided specifically that nothing within that law should be construed as prohibiting the ingress or egress of actual settlers residing within the boundaries of such reservations or near to such reservations from crossing the same to and from their property or homes, and it seems to me that the gentleman's amendment, if it had any effect whatever, would simply be to hamper the Service in the exercise of the rights which it does have.

Mr. MONDELL. Mr. Chairman, the gentleman's suggestion is evidently based on the idea that there is no necessity for this sort of limitation upon the appropriation. I propose to show that the Forest Service has denied rights which Congress has granted to citizens, and it is for the purpose of preventing the Forest Service from doing that in the future under this appropriation that the amendment is offered in the best of faith.

The CHAIRMAN. The Chair overrules the point of order. The question is on agreeing to the amendment.

Mr. SCOTT. Mr. Chairman, I move debate on this amendment and all amendments to this amendment be closed in ten minutes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas, that debate on this amendment and all amendments thereto close in ten minutes.

Mr. SMITH of California. Mr. Chairman, before the vote is taken on that motion I desire to ask if the chairman of the committee is going to claim one-half of that time?

Mr. SCOTT. It seems to me that I am entitled to that much of the time.

Mr. SMITH of California. I presume the gentleman is, but I respectfully submit that it is not exactly the proper—

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Kansas.

Mr. SMITH of California. I hope that the motion will not be agreed to.

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

Mr. MONDELL. Mr. Chairman, we have spent a considerable amount of time debating this paragraph, and yet there are two very important questions connected with forest reserves in the West which have not been discussed at all. One is the exceedingly important question as to whether or not areas in reserve larger than all New England, Maryland, Delaware, Virginia, West Virginia, North Carolina, South Carolina, and half the great State of New York are to become Federal provinces or are to remain integral parts of the sovereign States in which they are situated. That is one very important question. Another is, Shall the Forestry Bureau persist in denying to citizens of the United States rights granted by Congress? Now, I hold that the Forestry Bureau has no authority under any law on the statute books to grant any sort of a permanent right to use or even a temporary right to occupy the reserves for purposes not related directly to the use of the products of the reserves. But admitting, for the sake of argument, that they have the right to grant temporary permits for certain purposes, surely they have no right to prevent our people from securing easements or rights of way granted by Congress.

The laws of the land provide that citizens of the United States will be entitled to rights of way in the forest reserves for certain purposes, for railroads, irrigation canals, canals for municipal, mining, and other purposes. For these uses the law gives the applicant a permanent easement and yet, Mr. Chairman, I hold in my hand a statement of over 500 revocable permits granted by the Forestry Bureau, over half of them being for purposes for which the applicant was entitled to an easement, a permanent right of way. Well, now, it does not require a great amount of sagacity for one to imagine how those revocable permits came to be granted to men entitled to permanent easements. When an application for a right of way is made it is perhaps properly sent to the Agricultural Department and Forestry Bureau for investigation and report as to the condition of the territory over which it is proposed to claim the right of way, and I have no doubt at all but what gentlemen making such applications come to understand that, while they may be hindered or delayed in their efforts to secure the right of way to which they are entitled under the law, they will have no difficulty at all in securing a temporary revocable

permit which will bring the Forestry Bureau a considerable revenue, and what is infinitely more important, place the industry proposed to be established and eventually all the industries of these vast reserves permanently under Federal control. There has been a great deal said here about monopoly. Mr. Chairman, the people of the West are as competent to take care of their local domestic corporations as the people of any other part of these United States. We are still sovereign States of this nation and we ought to have the right to tax, to control our domestic corporations instead of being denied this right by reason of the fact that the Forestry Bureau uses its arbitrary power to deny the use of forest reserve lands except on compliance with conditions, the terms of which they fix.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SCOTT. Mr. Chairman, the statement which has been made by the gentleman from Wyoming no doubt appeals strongly to the Members of the House. I feel very sure, however, that without intention on the part of the gentleman it has left upon their minds an entire misapprehension of the facts and of the real purport of the amendment which he offers. He stated to the House that he held in his hand a list of 500 special permits that had been granted to various persons or corporations, and the impression that statement created in my mind, and, I think, possibly in the minds of other members of the committee, was that those permits had been granted to persons who, as a matter of fact, were entitled to go on the land in which the forests were situated without a permit. I have asked him to hand me the list, and he has kindly done so, and I want to read a part of them in this connection.

Mr. MONDELL. Mr. Chairman, will the gentleman permit an interruption? The gentleman certainly does not intend to misquote me. I stated, if the gentleman will recall, that a large number—my impression was over half—of these revocable permits are for irrigation, mining, and for other purposes for which the citizens of the United States are entitled to rights of way.

Mr. SCOTT. The gentleman knows I would not intentionally misquote him. I only stated he had left an impression upon my mind, and I said perhaps he had left the same impression upon the minds of other members of the committee, that permits had been denied to those entitled to have them. I notice on the first page of the list which he has handed to me the following permits, "Alaska Industrial Company, flumes; Hoonah Lumber Company, flume; Walter Baker, ditch; Walter Baker, reservoir; J. M. Riddle, reservoir," etc. On another page the purposes run as follows: "Ditch, pipe line, reservoir, ditch, channel, reservoir, etc." It will be seen, therefore, that practically all of these permits have been issued to people who desire to use the public domain to carry across it their flumes to convey water for power or for irrigation purposes, and I submit that the Forest Service, in the scope of the general law, has an absolute right to require permits for these purposes, and it has the right under the opinion which has been rendered by the Attorney-General (I believe the case has never been taken into court), to charge reasonable fees for the right of way granted in such permit. Now, the language of the act relating to this matter is as follows:

Nothing herein shall be construed as prohibiting the egress or ingress of actual settlers residing within the boundaries of such reservations or from crossing the same to and from their property or home, and such wagon roads and other improvements may be constructed thereon as may be necessary to reach their homes and to utilize their property, under such rules and regulations as may be prescribed by the Secretary of the Interior. Nor shall anything herein prohibit any person from entering upon such forest reservations for all proper and lawful purposes, including that of prospecting, locating, and developing the mineral resources thereon: *Provided*, That such persons comply with the rules and regulations covering such forest reservations.

And I submit, gentlemen of the committee, that under the broad provisions of this statute every individual who has the right to go for any legitimate purpose upon the public forest is guaranteed that right by the terms of the law. Not only do they have the right as individuals, but they can exercise a community right, as is shown by the following paragraph:

The settlers residing within the exterior boundaries of such forest reservations or in the vicinity thereof—

They do not even have to live within the forest—

in the vicinity thereof may maintain schools and churches within such reservation, and for that purpose may occupy any part of the said forest reservation, not exceeding 2 acres for each school and 1 acre for a church.

You see, therefore, they have not only every individual right guaranteed, but they have their community right, their right to establish and maintain churches and schools within the limits of the national forest. It seems to me clear, Mr. Chairman, the amendment would seriously hamper all the work of the Forest Service.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment of the gentleman from Wyoming [Mr. MONDELL].

The question was taken, and the amendment was rejected.

Mr. BONYNGE. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN (Mr. MANN in the chair). The gentleman from Colorado offers an amendment, which the Clerk will report. The Clerk read as follows:

*Provided further.* That no part of the money hereby appropriated shall be used for the purpose of enforcing, or attempting to enforce, any rule or regulation of the Department of Agriculture or of the Forestry Service imposing fines or penalties for the straying or grazing of cattle or horses in or upon any lands included within national forests in any State, unless said lands are fenced, where the laws of said State require lands to be fenced in order to entitle the owners to recover for trespass.

Mr. SCOTT. I make a point of order against the amendment, on the ground that it limits the discretion of the Secretary of Agriculture.

The CHAIRMAN. The Chair will hear from the gentleman from Colorado [Mr. BONYNGE] on the point of order.

Mr. BONYNGE. Mr. Chairman, the amendment I have offered simply provides a limitation on the use of the money appropriated. It does not change existing law. On the contrary, it is an enforcement of existing law, but prohibits the Secretary of Agriculture or the Forestry Bureau from making any rules or regulations which would be in violation of existing law or using any of the money appropriated for the purpose of enforcing any such rule or regulation.

The CHAIRMAN. I would like to ask the gentleman from Colorado what is the existing provision of law upon this subject?

Mr. BONYNGE. What is the existing provision of law? The only law in reference to the subject is that the Secretary of Agriculture and the Forestry Service shall have the power to regulate the occupancy and use and preserve the forest from destruction and to make rules and regulations for said purposes. The amendment offered simply provides that no part of the money appropriated to the Department shall be used for the purpose of enforcing a rule or regulation made under this general authority which would accomplish the purpose set forth in the amendment, and is therefore merely a limitation of the power of the Secretary of Agriculture in the use of the appropriation made by the bill.

Mr. SCOTT. Mr. Chairman, my view of the question is that the law which the gentleman has quoted gives the Secretary certain authority which his amendment would take away from him, and therefore it ought not to be held in order.

The CHAIRMAN. The Chair is prepared to rule, unless the gentleman desires to be heard further.

Mr. BONYNGE. Mr. Chairman, I do not know that I can add very much to what I have said. The Secretary of Agriculture has the power to make certain rules and regulations. We have the right in an appropriation bill to limit the use of the money that is appropriated to him, provided we do not thereby change existing law. Now, it can not be in contemplation of existing law conferring upon the Secretary of Agriculture the power to make regulations that he could make rules and regulations that would nullify statutes of the United States, and this is merely a limitation upon the use of the money appropriated to him to prevent him under the guide of a rule and regulation to change existing law. I can not add any more to that, Mr. Chairman.

The CHAIRMAN (Mr. MANN). The amendment in form is somewhat, if not quite similar, to the amendment just offered by the gentleman from Wyoming; and the then occupant of the chair overruled the point of order upon that amendment. With that ruling the present occupant of the chair fully concurs. The pending amendment, while in form somewhat similar, as the Chair understands it, is quite dissimilar. The amendment provides "that no part of the money hereby appropriated shall be used for the purpose of enforcing or attempting to enforce any rule or regulation of the Department of Agriculture or of the Forestry Service imposing fines or penalties for the straying or grazing of cattle or horses in or upon any lands included within national forests in any State unless said lands are fenced where the laws of said State require lands to be fenced in order to entitle the owners to recover for trespass."

It seems very clear to the present occupant of the chair that this makes a substantial change of the existing law, giving to the Secretary of Agriculture the power to make regulations and makes a positive change in the law. The Chair, therefore, sustains the point of order.

The Clerk will read.

The Clerk read as follows:

Total for salaries and general expenses, Forest Service, \$3,296,200.

Mr. MONDELL. Mr. Chairman, I move an amendment to strike out the words "one hundred," on lines 23 and 24, on page 25.

Mr. CRUMPACKER. I submit that comes too late.

Mr. MONDELL. I was listening; the House was in great confusion; I have been intending to offer this amendment; so stated to the chairman of the committee, and in the great confusion the Clerk began to read before I could get on my feet. If it is impossible to move an amendment unless one is on his feet ready to shout—

The CHAIRMAN. The Chair thinks the House was in very good order at the time. The Chair directed the Clerk to read, and the Clerk read.

Mr. MONDELL. "The gentleman" had his amendment, and was listening to the reading.

Mr. POLLARD. Regular order!

Mr. MONDELL. Mr. Chairman, my amendment is in order.

The CHAIRMAN. If the gentleman from Wyoming states that he was on his feet endeavoring to obtain recognition, he will be recognized.

Mr. MONDELL. I was on my feet as soon as the Clerk began to read.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 25, lines 23 and 24, strike out the words "one hundred."

Mr. SCOTT. Mr. Chairman, I move that all debate on this amendment and all amendments thereto close in ten minutes.

The CHAIRMAN. The gentleman from Kansas moves that debate on the amendment shall be closed in ten minutes.

Mr. MONDELL. I desire to be heard on that motion.

Mr. NORRIS. I would like to ask, before that motion is put—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. CRUMPACKER. The motion is not debatable.

Mr. NORRIS. I want to ask the chairman of the committee a question—

The CHAIRMAN. The gentleman asks unanimous consent to ask the gentleman from Kansas a question.

Mr. NORRIS. I want to ask the chairman of the committee whether he intends—

Mr. WILLIAMS. If it requires unanimous consent, I object.

The CHAIRMAN. Objection is heard. The question is on closing debate on the amendment and amendments thereto in ten minutes.

Mr. NORRIS. I have obtained the information I wanted.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. MONDELL. Division, Mr. Chairman.

The committee divided, and there were—ayes, 38; noes, 16.

So the motion was agreed to.

Mr. MONDELL. Mr. Chairman, the committee is evidently in an exceedingly reckless frame of mind when it votes to close debate on an appropriation of over \$3,000,000 in ten minutes, an appropriation which is \$100,000 more than the estimates of the Department. I desire to call the attention of the committee in the very limited time that I have at my disposal to the fact that this appropriation is just exactly \$100,000 more than the Secretary of Agriculture asked in the Book of Estimates for this work, and that there follows another item of \$500,000 for which no regular estimate ever was made. I desire further to call attention to the fact that if you take every item of proposed expenditure included in the Book of Estimates, and in the itemized statement furnished the committee, and add them all together, they are less by \$1,172,000 than this appropriation will be if it is reduced by the amount that my amendment reduces it. One million one hundred and seventy-two thousand dollars will still remain for the general expenses of this Bureau, to be used as the Forester may see fit, without any limitation upon its use, except the general terms of the appropriation.

It may all be used in advertising; may all be used for traveling expenses; may all be used for any purpose under the sun within the wide scope of this appropriation, and in these times, when we are trying to keep down appropriations, here is an appropriation exceeding the estimates by \$100,000, not to mention the half million in the next paragraph, and exceeding the amount of appropriation last year by \$1,400,000. Here is a statement which shows how this appropriation has grown:

FOREST SERVICE.		
Appropriation, 1907	-----	\$1,000,000
Appropriation, 1908:		
Salaries	-----	\$143,200
General expenses	-----	1,756,800
Administration, etc.	-----	500,000
		2,400,000

Estimate, 1909:		
Salaries	\$144,200	
General expenses	3,051,900	\$3,196,100
Appropriation, 1909:		
Salaries	144,200	
General expenses	3,151,900	
Administration	500,000	
		3,796,100
Excess of estimate for 1909 over appropriation 1908		796,100
Excess of appropriation in bill for 1909 over appropriation for 1908		1,396,100
Excess of appropriation in this bill over estimates		600,000

And here is a table showing that, after providing for all estimated salaries, the amount covered in the bill will leave \$1,764,088 for traveling and other "general" expenses of the Bureau:

FOREST SERVICE.	
Estimates, 1909:	
Salaries (Book of Estimates, p. 132)	\$143,200
General expenses:	
Salaries (in Washington)	297,000
Salaries (out of Washington)	1,591,822
Total salaries estimated	2,032,022
Total of appropriation in bill	3,796,100
Less salaries estimated	2,032,022
Balance for traveling and other expenses	1,764,078

We have heard a great deal of the economies of this Bureau. As a matter of fact, it is spending five or six times more than the Department of the Interior did when it had charge of the forest reserves, over and above all receipts, in spite of the fact that it is selling the timber from our forests in 50,000,000 and 60,000,000 feet lots.

Now, Mr. Chairman, as I said a moment ago, there are no salary estimates for \$1,172,000 of this amount. I know the chairman will say that this is intended to make up for returns from the forests, now flowing into the Treasury, which were formerly used for purposes of administration. The Forestry Bureau has not received a dollar from those sources since the 1st of last July, and in the present fiscal year the Department is running on over \$400,000 less than this appropriation will be, if it is reduced by the amount which I propose, and then strike out this a million in the next paragraph. It can not be said that this is to make up a deficiency caused by the fact that the receipts are going into the Treasury instead of into the special fund, because this appropriation is by over \$1,300,000 more than all of the estimated returns from the forest reserves.

Mr. SCOTT. Mr. Chairman, the statement of the gentleman from Wyoming would be very impressive indeed if it were founded upon facts. Unfortunately, however, for his argument, his conclusion is drawn from erroneous premises. He has stated in the beginning that there were no estimates sent down from the Department for the \$100,000 which he attempts by his amendment to strike out. I hold in my hand a letter from the Secretary of Agriculture, which I shall take the liberty of reading:

DEPARTMENT OF AGRICULTURE,  
OFFICE OF THE SECRETARY,  
Washington, February 3, 1908.

HON. CHAS. F. SCOTT,  
Chairman Committee on Agriculture,  
House of Representatives.

MY DEAR MR. SCOTT: I have the honor to submit the following supplemental estimate for an increase of \$100,000 to the estimates for general expenses for the Forest Service of this Department for the fiscal year 1909. This increase is to provide for the necessary expenses in carrying out the provisions of the act of June 11, 1906 (34 Stat., 233). These expenses could not have been foreseen.

The act provides for the examination and classification of lands within national forests which, if found chiefly valuable for agriculture and not needed for administrative purposes, may be listed as such with the Secretary of the Interior, to be opened for entry under the homestead laws. From June 11, 1906, to December 31, 1907, 5,880 applications for examination of land under this act have been received. While only about 1,000 of the applications received remain unacted upon at this time, the increasing publicity given this act will result in a large number of applications being received during the next fiscal year. I estimate that at least 5,000 examinations will have to be made during the next year, and experience has shown that with due allowance for adverse weather conditions in the field one man can examine and report upon about 125 applications in a field season. A force of at least forty men constantly employed in this work will, therefore, be necessary.

The appropriation would provide for:

6 chief examiners, at \$1,800	\$10,800
Traveling expenses, at \$1,200	7,200
6 assistant chief examiners, at \$1,500	9,000
Traveling expenses, at \$1,200	7,200
28 examiners, at \$1,400	39,200
Traveling expenses, at \$950	26,600
	100,000

Unless appropriation is made for this purpose the examinations will have to be made by the regular protective force on the national forests, and their services can not be withdrawn from protective and administrative work without endangering the forests upon which they are now employed.

Very sincerely yours,

JAMES WILSON, Secretary.

It seemed to your committee that we ought not to run any risks of requiring would-be homesteaders upon the public forests to wait a year or two years, or possibly more than that, before finding out whether they could hold the land which they were claiming.

Mr. SMITH of California. Mr. Chairman—

Mr. SCOTT. I must decline to yield.

Mr. SMITH of California. I desire to ask one question.

Mr. SCOTT. I can not yield. I have too much to say. Mr. Chairman, in regard to the appropriations generally for this Bureau, I want to call the attention of the committee to the fact that the Bureau had at its disposal this year, in addition to the sum of \$1,756,800, carried under the head of general expenses in the current appropriation act, the sum of \$1,020,000, which was available from the fund left over which had been collected and set apart as a special fund during the preceding year. That is to say, before the act of 1907, requiring all receipts from the forests to go into the Treasury as miscellaneous receipts, had taken effect, there had accumulated in the Treasury, subject to the order of the Chief of the Forest Service, the sum of \$1,020,000, and that was available for his expenses this year. So that altogether during the current year there was available for general expenses \$2,776,800. We appropriate this year for the same expenses an increase of \$375,100; but, gentlemen of the committee, there have been added to the national forests since the current appropriation act went into effect 37,000,000 acres of land. Under the former conditions, with only 127 forests, it required an expenditure of \$22,992 for each 1,000,000 acres of land. We thought when we allowed only \$10,000 for each additional million acres of land that had been included within the national forests we were making a very conservative and careful appropriation. Comparing the expenditures on European forests, Germany spends \$2.17 an acre per year, Russia \$1.61, Saxony \$2 an acre, and the United States \$0.009 an acre for administrative purposes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming [Mr. MONDELL].

The question was taken, and the amendment was rejected.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee a question. I notice, according to the statement of expenditures and receipts made by the Bureau of Forestry last year, there was received \$1,571,050.44. Of that money \$1,455,320.40 was expended. The purpose for which I arise is to inquire of the chairman of the committee having charge of the bill why it is deemed necessary to make an appropriation of \$500,000 for the conduct of this work if the report shows that they had a surplus of \$115,730 from the revenues of the Bureau?

Mr. SCOTT. The reason is that under the existing law the revenues from the forests go into the Treasury as miscellaneous receipts and are not subject to the check of the Forester, but must be appropriated out before they can become available for his use. When the statement was made to which the gentleman refers, the law allowed the receipts from the forests to go into a special fund, which could be checked out without specific appropriation by Congress, but that law has been changed.

Mr. MADDEN. I would like to ask whether the \$500,000 is a substitute for the one million and a half and over received by the Bureau of Forestry last year, and out of which the expenses were paid?

Mr. SCOTT. Not at all. This is for an entirely different purpose.

Mr. MONDELL. This is a case where you have your cake and eat it too.

Mr. SCOTT. If the law prior to 1907 were still in operation, instead of this bill showing an apparent increase for this Bureau of a million dollars or more, there would be an actual decrease of over \$600,000, because it is estimated this year that the receipts will be about \$2,000,000, and if these receipts were available to pay the general expenses, we could reduce the general expense appropriation by that amount.

Mr. MADDEN. In other words, you would deduct from the present proposed appropriation the estimated receipts of the Bureau of Forestry which would be available under last year's law for the payment of the expenses of the Bureau?

Mr. SCOTT. That is it precisely. Let me state to the House that in 1905, when the act was passed transferring the national forests to the Department of Agriculture, Mr. Pinchot promised the Committee on Agriculture that he would make the forests self-supporting in five years, and the report from which the gentleman has read shows that he did better than that, because they were self-supporting in two and one-half years.

Mr. MONDELL. If they were self-supporting, how long were they kept self-supporting? Here is an appropriation of two million and a half dollars over and above the estimated revenues.

Mr. MADDEN. I presume that in making the statement that the Forestry Bureau is self-supporting, the gentleman in charge of the bill intends to convey to the House the information that the revenues out of which it becomes self-supporting are derived from the sale of timber and from other sources?

Mr. SCOTT. Yes; and grazing permits, and so forth.

Mr. MADDEN. Does not that reduce the value of the forest reserve?

Mr. SCOTT. It does to a degree, of course.

Mr. MADDEN. And is that taken into account when speaking of the surplus revenues?

Mr. SCOTT. No; it is not, but it is estimated that if the forests are continued to be cut in the scientific manner that they are now being cut, it will take three hundred years before the amount of timber equivalent to what is now on them would be cut.

Mr. MADDEN. I do not wish to be understood as objecting to the item in the bill, but I think it is fair to the House that all the information on the subject should be put in the Record.

Mr. SCOTT. I am willing to give all the information that is in my possession.

Mr. MADDEN. Certainly.

Mr. POLLARD. Mr. Chairman, I would like to make a statement.

Mr. MADDEN. I will yield to the gentleman.

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

Mr. MONDELL. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 26, beginning with line 3, strike out lines 3, 4, 5, and 6.

Mr. SCOTT. Mr. Chairman, I move that all debate on this paragraph close in ten minutes.

Mr. MONDELL. I hope the motion will not carry; this is an appropriation of half a million dollars.

Mr. HEPBURN. Mr. Chairman, I wish the gentleman would enlarge that a little.

Mr. SCOTT. Mr. Chairman, I certainly have no wish to unreasonably limit debate. If the gentleman will suggest a limit of time that he thinks would be reasonable, perhaps I will adopt it.

Mr. HEPBURN. I would like to have five or ten minutes.

Mr. SCOTT. I will extend the time, then, to twenty minutes, Mr. Chairman.

Mr. MONDELL. I hope the gentleman will give us a little more time than that. This is an appropriation of half a million dollars.

The CHAIRMAN. The question is on the motion of the gentleman from Kansas to close debate in twenty minutes.

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

Mr. MONDELL. Mr. Chairman, there have been some of the most extraordinary statements made one place and another in regard to the revenues and the expenditures of this Bureau that I have ever heard. I read very carefully the debate in the Senate last February on this very same subject. I have read every word of all the hearings on this subject and I have read and heard at least three different explanations and statements of what the revenues have been and how they have been expended, but the fact is that the Forestry Bureau is claiming that it is keeping its expenditures within the revenues—and understand those revenues mean the cutting of a timber growth that will not be restored in one hundred years—is claiming they are keeping within the revenues, when, as a matter of fact, their own statement on page 290 of the hearings indicates that this appropriation is in excess of probable receipts by a million and a third of dollars.

In other words, instead of keeping within the receipts, they are proposing to expend \$1,300,000 more than the receipts, and these receipts come from the depletion of the reserves. Of course you could sell enough timber from these reserves to run the receipts up to \$5,000,000. Who would say that the Forestry Bureau ought to use that amount of money simply because they are selling timber to that amount? But, Mr. Chairman, I think the facts are not exactly as stated by the gentleman from Kansas [Mr. Scott]. The fact is that there was no balance of \$1,020,000 to be expended last year above the appropriation, or anything of the kind. If there was any such sum as that to be expended, I want to call the gentleman's attention to the fact that it must have come from the revenues from the year 1906, and it is the revenues for the year 1906 on which the Department bases its claim that the receipts were over and above the expenditures that year to the amount of \$115,000.

At this rate this appropriation will keep increasing in geo-

metrical ratio year after year and year after year, and the same old claim will, I suppose, continue to be made, that the Bureau had large sums which it used last year above the appropriation, and therefore it should continue to have largely increased appropriations. If it had, where was the \$767,000 which they claim they received and spent in the year 1906, and which they claim made the receipts of the Bureau in that year \$115,000 more than the expenditures? Surely the Forestry Bureau does not want to go on taking credit year after year and year after year for amounts it received years ago. As a matter of fact, this is an increase of \$600,000 above the estimates. It is an increase for alleged permanent improvements. Among other things, they say they propose to build cabins and trails not necessary for the administration of the reserves.

Mr. Chairman, we like to have money expended in our Commonwealths—that is a trait common to all American citizens—but these improvements are not needed. They can not be used at this time for any useful purpose. Yet we go on year after year juggling figures, mixing facts with regard to what this Bureau has received and what it has expended, and on the basis of what it did receive and what it might have received and what it should receive and what it will receive we are making an enormous appropriation, for which there is no itemized estimate, and which may or may not be expended for the purposes proposed, and which, most important from the standpoint of the West, must ultimately be repaid by those who use the reserves. The more the amount of this appropriation, the more we pay the fiddler; so I want to keep it down.

Mr. HEPBURN. Mr. Chairman, I would like to call the attention of the committee to this fact, that the opposition to this bill, or to this part of the bill particularly, comes from two sources—from the Committee on Appropriations, members of which committee seem to feel that the whole question of appropriations belongs rigidly to them, and that when any other committee or individual attempts to appropriate money some wrong is committed upon the vested rights of the Committee on Appropriations. I would like to submit the thought that the Committee on Agriculture is an appropriating committee; that it is invested with the same rights over the subject-matter pertaining to it to make appropriations that any other committee has, and that these constant chirpings about economy upon the part of this committee that has the larger number of appropriations are somewhat gratuitous. The other source of opposition seems to come almost exclusively from the Committee on Public Lands. On that committee, Mr. Chairman, I find that there are twelve members from the land States, States in which there are still public lands; and I would like to call attention to the other fact that those gentlemen seem to think that they have the exclusive right to appropriate and control the public domain of the United States in the interest of their people. That is an error. Every citizen of the United States has the same right, absolutely the same right, in these great movements for the preservation of our forests that these gentlemen have. They have done much, I will admit, toward the spoliation of the public domain. They have succeeded in getting such appropriations of the public land as that, in fact, every acre is now devoted, or the revenues from every acre, are devoted to their States and the improvement of their States; and I submit, Mr. Chairman, that it is time that they should be content with that which they have and not insist upon grasping everything that still remains.

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

Mr. HEPBURN. No; I will not yield for a question just now. I have only a limited time. Mr. Chairman, every citizen of the United States has an interest in this beneficent effort to preserve the forests of this country. The Government of the United States owns millions of acres that are useless except for the purpose of forest growth. Our forests are now nearly exhausted. The lumber supply, without we preserve some means of perpetuating or securing a new growth, in a very few years will be exhausted and the second generation from this, unless we do something of this kind, will have to seek supplies of lumber from beyond the limits of the United States. It is time we should follow the examples of other nations. All of the older nations, the European nations, are expending great efforts in securing forests. Everywhere you travel in European countries you find that they are expending large sums of money in covering their waste lands with young forests. We have started in that and the Government owns millions of acres adapted to this purpose. Gentlemen sneer at the forest reserves because they are not growing forests there now of magnificent proportions; but, Mr. Chairman, the purpose of reserving these lands is to secure ultimately a plan of growing stretches of young timber that may reasonably be expected to cover these vast regions that are now wastes. These gentlemen from the

land States are now putting up some of the most preposterous claims. They say that they own the waters of these great rivers. Here are millions of acres in single tracts, owned by the Government of the United States. The streams are nothing more than land with water flowing over it, and yet these gentlemen now say that the Government owns the land but not the water. It is a part of the land. The claim is preposterous for that reason alone; but suppose that their claim was acceded to, they admit that the Government has control over the navigable waters and their ownership—that of the State—is limited to the unnavigable waters of the United States. If they can at their pleasure divert waters from the nonnavigable streams, how long will there be navigable streams?

Mr. SMITH of California. Will the gentleman permit a question?

Mr. HEPBURN. I will not. I have said I would not. I do not want to be rude to the gentleman.

Mr. SMITH of California. But you do not dare to let me ask you a question.

Mr. HEPBURN. It is not a question of dare. I do not know any powers the gentleman possesses that should make me or anybody else fear any question that the gentleman might ask. The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes.

Mr. BONYNGE. Mr. Chairman, I object.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman can not do that as the time is limited to twenty minutes' debate.

Mr. GAINES of Tennessee. I want to read a short letter which I have just received from Secretary Metcalf—

The CHAIRMAN. But the gentleman from Tennessee has not been recognized. The gentleman is not in order. The Committee has set aside only twenty minutes for debate on this question.

Mr. GAINES of Tennessee. I was not aware of the fact. I ask unanimous consent that I be allowed to read at this moment this short letter from Secretary Metcalf right upon this general proposition.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to read a letter. Is there objection? [After a pause.] The Chair hears none.

Mr. GAINES of Tennessee. Mr. Chairman, the Committee on the Public Lands some weeks ago reported a bill authorizing the sale of some 1,200 acres of a military reservation out on Puget Sound at about \$2.50 an acre. The evidence was that the property was worth possibly \$5 or \$10 an acre. Later I have learned by men who have stopped me on the street and told me that adjoining property is worth \$250 a residence lot, and this land will in five years be worth \$1,000.

Mr. SCOTT. Mr. Chairman—

Mr. GAINES of Tennessee. I yield for a question.

The CHAIRMAN. The gentleman from Tennessee [Mr. GAINES] has permission to read a letter.

Mr. GAINES of Tennessee. I only wanted to preface it so that I can read it. I objected to it for the reason here stated, and I still object. The letter is as follows:

NAVY DEPARTMENT,  
Washington, March 28, 1908.

SIR: Referring to your letter of the 4th ultimo, inclosing a copy of a bill (H. R. 15859) providing for the homestead entry of certain lands in the State of Washington, and for other purposes, and to your request for a statement as to whether the Department approves or disapproves the bill, I have the honor to quote for your information a report in the premises, just received, by the commandant of the Puget Sound Navy-Yard, viz:

"The land in question is situated near a Government harbor. In view of the rapidly increasing importance of the Puget Sound district to the Navy it is recommended that this land may be held in case it should be required. It might be of great service as a quarantine or isolation camp in case of need from any cause. It might also be used as an additional storage point for explosives."

The Department concurs in the commandant's views.

Very respectfully,

V. H. METCALF, Secretary.

Hon. JOHN W. GAINES,  
House of Representatives.

Those are some of the reasons why I objected to the bill in the committee and in the House when brought up, and now I am glad we have saved this land to the public use.

Mr. HEPBURN. Mr. Chairman, I move to strike out the last word of the amendment.

The CHAIRMAN. The Chair regrets to say that under the agreement he can not recognize the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. I understand.

The CHAIRMAN. The gentleman from Washington [Mr. CUSHMAN] is recognized.

Mr. CUSHMAN. Mr. Chairman, I have no personal desire to inject myself into this debate upon the question of the forest-reserve lands of the United States. It is difficult for any Western man to discuss this question without being misunderstood. Indeed, sir, it is almost impossible in these strenuous days for any man to call attention to any of the unjust and unfair conditions now prevailing in the West which are the outgrowth of this Governmental forest-reserve problem—which has now assumed gigantic proportions, without being condemned as a thief or the friend of thieves. I do wish to avail myself of this opportunity to say a few words upon this important subject, and I trust I will not be misunderstood.

The forest reserve and its so-called problems touch closely those of us who live in the far Western States. My friend the distinguished gentleman from Iowa [Mr. HEPBURN] complains somewhat because those of us who live in the West should assume to have a particular interest in this proposition. Why should not we be interested in it? I will say to the Members of this House that the forest-reserve problem is a little like the smallpox, in a way. It is thought the most of by the people who do not have it. [Laughter.]

The forest-reserve problems rest very lightly upon those people whose States have not been entered by the Forest-Reserve Service, and whose broad acres have not been appropriated by this Government Bureau. I hold in my hand now a medium-sized outline map of the United States, upon which I have caused to be accurately traced in dark colors the lands in the United States which are now withdrawn from ordinary use and entry and are now forest-reserve lands. You gentlemen in this Chamber can get a fairly good idea of this situation from glancing at this map. My friend from Iowa [Mr. HEPBURN] complains because he says the opposition to these forest reserves is one-sided. Look at this map of the United States and you will see that the map is likewise one-sided. You do not see on this map any great stretches of country along the Atlantic coast which have been turned into forest reserves. You do not see any great stretches of country in the Mississippi Valley that have been taken over into forest reserves. Therefore, the gentlemen in those regions are very enthusiastic about the forest-reserve policy—because it does not hurt them nor their communities. Look at this map of the United States, and particularly that portion of it that shows my State, the State of Washington. Look at the way that State has been splattered over with forest reserves—it looks like a blackberry patch.

When you look at that map you will understand why it is that Members who live in the West are particularly interested in this Forest-Reserve Service.

Look at the great domain comprising the State of Iowa. There are no forest reserves in that State. I presume, sir, that my Iowa friend [Mr. HEPBURN] would not look with such wonderful complaisance on this Forest-Reserve Service if that service would go into his State and take twelve or fifteen counties out of the middle of that great agricultural and princely domain and build a Federal fence around it. But the situation in this regard in the State of Washington does not worry him—his withers are unwrung. How much of my State (Washington) does the gentleman suppose is now locked up in forest reserves? Practically one-third of that great State is forest reserve; 27 per cent of it is forest reserve, and 6½ per cent Indian reservations, making one-third of the entire State surrounded by a Federal fence. The State can not tax it, the citizen can not enter it. The railroads do not care to build into it because it is wilderness and can not be settled. And the settler, as I said, can not enter it, and those few who get permission hesitate to go, because the condition prevents the region from becoming settled. This line of the forest reserve stands like a great barrier in the way.

Now, I do not wish to be understood as making any unseemly onslaught on the forest-reserve policy or the Forest-Reserve Service. I think that a Forest-Reserve Service in the United States within sane and reasonable limits is a good thing, and I am not here to cry out against that policy if it is restricted to any reasonable extent. Gentlemen tell us that the forest-reserve policy is a good thing—and that you can not have too much of a good thing. Well, if the forest-reserve policy is a good thing, they have already placed one-third of the State of Washington within a forest reserve. How far do you gentlemen think this policy ought to be carried? If it is a good thing, why not extend it so as to cover two-thirds of my State? Or, better still, why not make the entire State one vast forest reserve and let the people who live there move out? I am not, as I said, crying out against this policy when only carried to a reasonable extent, but I am here to state that in my humble judgment it has been carried far beyond the point where it ought to go and far beyond reasonable and sensible limits.

The gentleman from Iowa [Mr. HEPBURN], with that eloquence and fervor which he always uses, says that the United States Government owns vast bodies of timber in the West. Let me ask the gentleman this: How did the Government of the United States come to own the timber, for instance, in the State of Washington? How did the United States come to own that timber or that land? They did not buy it and they did not acquire it by war. That great domain, sir, has a title which rests upon the occupation of the settler. It was the early settlers who marched across the wilderness, across the mountains and the plains, and brought that great domain within the shadow of the American flag. And to-day we see the Federal Government building a fence around that domain and taking away from the descendants of the pioneers the very lands that their fathers brought within the limits of this Government. Does the gentleman wonder that we become a little bit interested in this proposition in the West? There is to-day due my State for public school purposes about 600,000 acres of land. Where is it? It is in the middle of a forest reserve. We can stand off and look at it, but it might as well for practical purposes be on the planet of Mars.

Now, then, again, in conclusion, let me emphasize the fact that I am not against any reasonable and sane forest reserve policy. I think it is a good thing within reasonable limits. But some of the arguments that lie behind this policy are very mystifying to me. I am amazed to see certain gentleman trying to separate and classify the different assets of the United States. They speak of "natural resources," and seem to wish to place timber in a separate and distinct category from anything else. Timber is not any more a "natural resource" than the fertility of the soil in an agricultural region. Why do not we have "agricultural reserves?" What a splendid thing it would have been for us and our children if years ago the United States with its strong arm had reached out into the very center of the State of Iowa and selected an area equal to twelve or fifteen counties and reserved it and its fertility for future generations? [Applause.]

The CHAIRMAN. The time of the gentleman from Washington [Mr. CUSHMAN] has expired.

Mr. SCOTT. I would like to ask how much time remains?

The CHAIRMAN. The gentleman from Kansas is recognized for two minutes.

Mr. SCOTT. Mr. Chairman, the gentleman says there was no estimate for this appropriation. I hold in my hand in regular form a letter from the Secretary of Agriculture transmitting an estimate of \$2,000,000, and with it a detailed statement of the purposes for which every dollar was to be expended.

This question, gentlemen, is a very simple one. The value of these forests is estimated at the conservative figures of \$1,500,000,000, and this Government wants to spend during the year the very moderate sum of \$500,000 in improving them, to build trails, to erect bridges, to erect cabins (which the gentleman said were to cost \$3,500, but which the gentleman ought to have seen from the very language are limited to \$500 each), and other work of improvement in order that we may more effectually administer the forests and protect them from fires and depredation. The facts will show that the protection which has been extended to the forests by reason of the improvement work done during the past two or three years has saved more actual value each year than the total cost of the improvements. Years ago it was a common thing to have fires occur in a national forest and destroy millions of dollars' worth of property. Again and again a single fire has destroyed \$5,000,000 worth of timber, and some have destroyed more than that. Yet during the past year it is estimated that the actual value of the timber destroyed by fire was only a little over \$6,000, due entirely to the more perfect policing made possible by reason of the means provided by way of a little appropriation of \$500,000 this year. The Secretary of Agriculture, as I have already stated, asked that the appropriation for the coming year for this work should be \$2,000,000, and sent down estimates in detail covering that sum. In the interest of economy, however, your committee recommends but \$500,000, the same amount as last year, and I earnestly hope it will be allowed in the bill.

The CHAIRMAN. The time of the gentleman has expired; debate upon the paragraph has expired; the question is on the motion of the gentleman from Wyoming, to strike out the paragraph.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Total for Bureau of Forestry, \$3,796,200.

Mr. SMITH of California. I move to strike out the last word.

I desire, in the first instance, to apologize to the gentleman from Iowa for a very improper remark which slipped from my tongue a few moments ago. I make that apology quite as publicly as the remark itself, and I hope he will accept it as an unintended remark.

I take the time of the House at this moment to present a little matter in reference to the very important question of the right of the people of a State to the nonnavigable waters of the West. The act admitting the State of California into the Union, after providing, as in all cases, that the public lands should belong to the United States and not be taxed, contained this provision:

And that all the navigable waters within the said State shall be common highways, and forever free, as well to the inhabitants of said State as to the citizens of the United States, without any tax, impost, or duty therefor.

Thereby clearly leaving the water of the nonnavigable streams to the people of the State of California, there being no other reservation than the one read.

Now, the gentleman from Iowa made some suggestions about what would become of the navigable streams if the people of the States were permitted to draw off the waters of the small streams before they became large enough to become navigable. The question which I desired to propound to him was this: What was to be the status of those rivers which never flow into a navigable river, and, comparatively speaking, all the streams used for irrigation are of that character. The river on which I live comes out of the mountains, flows down the valley, and disappears, and did for thousands of years, until we gathered it into canals for irrigation, and it would never have reached a navigable stream at all, and there are many others of the same kind. Whereas in those cases where power is generated they do not consume the water, but use it up in the mountains, away above navigation, and it is immediately returned to the bed of the stream that it may go on into the valley and serve its purposes of transportation or irrigation, as the case may be.

Now, continuing on the subject of the origin of water rights and their nature, I desire to read from the constitution of the State of California, which followed the act admitting the State into the Union. I read from article 14, section 1:

The use of all water now appropriated, or that may hereafter be appropriated, for sale, rental, or distribution is hereby declared to be a public use and subject to the regulation and control of the State in the manner prescribed by law.

Following that, in our Code, I read section 1410 of the Civil Code, which is as follows:

1410. Rights to water may be acquired by appropriation. The right to the use of running water flowing in a river or stream or down a canyon or ravine may be acquired by appropriation.

We use that word "appropriation" to mean the mere matter of sticking a notice on a shingle and sticking the shingle in the bank of the river and then proceeding to have it recorded in the county court-house and then to proceed to divert and use the water:

1411. The appropriation must be for some useful or beneficial purpose, and when the appropriator or his successor in interest ceases to use it for such a purpose the right ceases.

So that there is no such thing as acquiring a right on a river and holding it away from beneficial use.

The law further says that, "as between appropriators, the first in time is first in right," and that was the section which I had in mind yesterday in discussing some water rights on the Owens River—that the first in time is the first in right—and it is wrong for the Federal Government to step in and undertake to defeat the right of the first appropriator by refusing him the right of transmission over the public domain and giving it to a second by granting to him that right.

Now, I desire to call attention to one other matter in this connection. The gentleman from Iowa suggested that we in the West were unduly ambitious with reference to certain rights and privileges. I assert that we have never asked and do not now ask for a single privilege on the public domain that has not been accorded with the utmost freedom and without one cent of expense throughout the East. I refer to the matter of rights of way for public-service corporations over the public lands. Suppose the policy that they are now endeavoring to ingraft upon the West, of charging us for the right to move over a piece of worthless land, had been applied during the days of railroad construction?

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMITH of California. I ask unanimous consent for five minutes more.

Mr. SCOTT. Mr. Chairman, I am reluctant to deny consent. I move that debate on this paragraph and all amendments thereto close in ten minutes.

The motion was agreed to.

Mr. SMITH of California. I wish to call attention very briefly to the different conditions prevailing in the West now from those that prevailed in the East for over one hundred years. Never one cent was asked or expected for any right of way or other use of the public domain. The farmers from Ohio westward to the base of the Rocky Mountains pastured their flocks and their herds on the public domain, and it was never thought that there should be any charge. And yet today, out of the pasturing privileges and other uses of the forest reserves in the West, they are gathering a tax of nearly \$2,000,000 a year from the husbandman of the West. When we asked for a right of way for a mile or 2 miles, or a trifling distance, over worthless public land in the rugged mountains some one in this city asserts the right, not to charge a price for it, but to lay upon it the burden of a perpetual tax, and I say it is wrong in principle and wrong in practice.

This Government from the beginning has been a Government of individualism, wherein we have stimulated and encouraged the right of the individual to take the opportunities which nature presented and make the most of them. Now, it is asserted, particularly by the leader of the other side, that the Government should invade the States and lay the hand of taxation upon these public-service opportunities and devote them to some national use. I wonder whence comes this spirit of paternalism and this determination to overturn the traditions and policies of this nation for one hundred and twenty-five years. You intimate that we, in the West, are wanting more than you had in the East, and I assert that we are receiving far less. If this policy of taxing everything that came from the Government had been adopted in the beginning we would now have an income of millions of bushels of wheat and corn, and tons of cotton and tobacco, and the railroads of the country would never have been built, for they could not build and the power companies can not build under a revocable license such as they are now attempting to lay upon us in the West. I hope as many Members as possible will read the testimony of the Chief Forester and see the covert threat (there is no other name for it) that if these power plants are built upon these revocable licenses, and they do not do what the Department wants, they will be wiped out of existence; for he says again and again, in his testimony before the committee, that if they do not comply with conditions which he shall hereafter impose they will be told to get off the public domain. It is establishing a preposterous doctrine for anyone to set up in behalf of this nation, after the history that we have made. Men will not invest their money in building expensive plants, which cost into the millions of dollars, and have their property wiped off the map at the dictation of a single individual. That is not government by legislation; it is government by strangulation. It is contrary to every line of law that has ever been written in this country, and flies in the face of the policy that has built this magnificent people during the century and a quarter of our national existence. [Applause.]

Mr. HEPBURN. Mr. Chairman, the gentleman from Washington, with a good deal of asperity, demanded of me to know how the people of his State acquired the magnificent forests that they own. I am too polite to tell him. I cite him to the records of the criminal courts of his State. [Laughter.] If he meant to say that the people of Washington had anything to do with the establishment of our claim to the Oregon country, he is entirely mistaken. Our claim was not adjudicated upon the question of our settlement, but upon the question of prior discovery, and our right to the Oregon country was established on that basis.

At the time of its settlement—the settlement of the northwest boundary—there probably were not two score of families in all the State of Washington. The Oregon country, when this settlement was made, was limited and contained a few communities along the line of the Columbia River. Washington was then a wilderness.

Mr. Chairman, the gentleman last on the floor insists that the people of the West are demanding nothing but what was received by the older States. I deny it. Look at the difference, the wonderful disparity, there is between the grants of public domain to his and other new Western States and those that were granted to the States east of the Mississippi River; where one acre was given for schools, two or more have been given to those States west of the Mississippi River. Their acquisition of private title has been mainly through the homestead law, passed in 1862, and after the lands had been bought by the people of the older States and paid for. Our land grants to railways the people paid for, because the alternate sections were sold at double the minimum price, and men who settled on those lands paid for the grants given by the Government.

Is that so with reference to the wagon roads innumerable in his region of the country, or of the railroad grants? Nothing of the kind occurred there. Even now these gentlemen are claiming that the homesteads should be extended to a section of land, and I have no doubt, when I look at the names and location of the gentlemen who constitute the Committee on Public Lands, but that it will be insistent that this shall be accorded to them. All of the arid lands are in fact given to these gentlemen, or at least they are appropriated to their own improvement through irrigation projects. Not so with the lands of the other States. Gentlemen, before they invite these comparisons, I would submit to them that they familiarize themselves with the procedure of the Government upon these various subjects.

The gentleman read from the laws of California. Are they to govern in this case? I do not understand that you listen very complacently to the plea of the robber, the moral right that he may set up. The very section that the gentleman from California read from the act admitting the State of California made a specific reservation of all the public lands—those that were covered with water as well as those that were dry.

The gentleman from Washington wanted to know with what complacency I would look upon a proposition to carve out fifteen counties in the splendid agricultural region of Iowa for a forest reserve. There is no propriety in a question of that kind or in a comparison of that kind. These agricultural lands are being improved by a separation from the title of the Government. They grew into value as agricultural lands through individual effort. Not so with these great wastes. It is an act of largesse on the part of the Government to improve the waste places in the mountain region, where there is no demand for individual ownership, where no settler goes, because there is no agricultural land there, or, if any, an inconsiderable amount. They are wastes, and it is the purpose of the Government to make them blossom. They are now useless, and it is the purpose of the Government to make them valuable, not simply to the locality, but to all of the people of this nation, by preserving the sources of our streams and to make possible the navigability of our rivers. [Applause.]

The CHAIRMAN. The time for debate having expired, the pro forma amendment will be withdrawn.

Mr. MONDELL. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. All debate on the paragraph has expired, and the clerk will read.

The Clerk read as follows:

Salaries, Bureau of Chemistry: One Chemist, who shall be Chief of Bureau, \$5,000; one chief clerk, \$1,800; two clerks, class 4; four clerks, class 3; six clerks, class 2; one property clerk, \$1,600; nine clerks, class 1; eight clerks, at \$1,000 each; one assistant property custodian, \$900; ten clerks, at \$900 each; one engineer, \$1,200; two messengers, at \$840 each; one skilled mechanic, \$900; three skilled laborers, at \$720 each; one skilled laborer, \$600; one fireman, \$600; three messengers or laborers, at \$600 each; three messengers or laborers, at \$480 each; two messengers or laborers, at \$420 each; in all, \$66,720.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. I have been very, very much surprised at some of the statements made by the distinguished gentleman from Iowa [Mr. HEPBURN]. I am not an old man, and yet my memory runs back to a homestead in good, old Iowa. I know something about the land laws even as they applied to Iowa. I have some recollection of what this Government did for its people in Iowa. I lived as a boy on a homestead in Iowa which is certainly worth more than the land which my people are now paying \$45 an acre for under that act which the gentleman has referred to as being of such vast benefit to us—the national reclamation act. The family with which I lived bought 160 acres of the fairest and most fertile of Iowa lands, lying right beside our homestead, for 80 cents an acre—land given to the State of Iowa, millions of acres of it, as a swamp-land grant upon a pledge of its reclamation, which pledge, I regret to say, was never kept.

There was a tree claim lying beside the homestead, and by planting 10 acres of trees upon it—and we did plant them and watered them and they grew, for that is a tree-growing climate, that is the place to raise trees; a good place for a forest reserve—we obtained title to 160 acres of land, without money and without price; and also had the homestead clear. Final proof could have been made on that homestead within six months after we made our settlement and no Government special agent to make us afraid or hold up our patent. We could have taken then right beside these other lands 160 acres of land under the preemption law and in six months paid out on it. Those were the land laws in Iowa when I was a boy. What are the land laws now?

Mr. BONYNGE. Mr. Chairman, I will ask the gentleman how much in all a settler could take up at the time Iowa was settled.

Mr. MONDELL. At that time a man could have acquired under the land laws of the United States 1,280 acres of land, of the best land the sun ever shone on, the most fertile. [Applause.]

Mr. HEPBURN. Will the gentleman yield?

Mr. MONDELL. The gentleman would not yield to an interruption from me, and I can not yield.

Mr. HEPBURN. I wanted to know where that wonderful location was, where these homesteads were taken.

Mr. MONDELL. That was in Dickinson County, in Excelsior township, west of West Okoboji Lake, a short distance from Spirit Lake. Mr. Chairman, there is not to-day under the flag a single 160 acres of land subject to homestead entry, nonirrigable, that is worth one-tenth part what that homestead was in Iowa when we settled upon it. Why, the gentleman says they paid for their lands, and he has made that statement here time and time again, as if five years' residence under the homestead law is not the highest payment that a man can possibly make for raw land. Why, we would be overjoyed if it were possible out in that western country for us to buy lands. We can not buy them. We can not purchase them at any price, except here and there there may be some rocky hillside, which you can purchase for \$2.50 an acre under the timber and stone act. The gentleman has suggested that the Western States have been given more in the way of lands than Iowa. Why, Mr. Chairman, all the grants that have been made to all the Western States are not equal to the swamp-land grants made to Iowa and other Middle and Southern States, to say nothing of their cash indemnity and their school grants.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. I ask unanimous consent to proceed for five minutes more.

Mr. POLLARD. I object.

Mr. COCKS of New York. I object.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to proceed for five minutes. Is there objection?

Mr. SCOTT. Mr. Chairman, I am compelled to object.

The CHAIRMAN. Objection is heard. The Clerk will read. The Clerk read as follows:

Laboratory, Department of Agriculture: General expenses, Bureau of Chemistry; Chemical apparatus, chemicals, and supplies, repairs to engine and apparatus, gas and electric current, official traveling and other expenses, telegraph and telephone service, express and freight charges, labor and expert work and all necessary expenses in conducting investigations in this Bureau in the city of Washington and elsewhere, and in collating, digesting, reporting, and illustrating the results of such investigations; for the rent of buildings in the city of Washington and elsewhere; to investigate the effect of cold storage upon the healthfulness of foods; 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; for all expenses necessary to carry into effect the provisions of the act 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, \$725,000: *Provided*, That hereafter any 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 of each year.

Mr. PERKINS. I reserve a point of order to the section.

Mr. SHACKLEFORD. Mr. Chairman, I make a point of order to the section.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. PERKINS. Mr. Chairman, I would like to state that I purposed to reserve the point of order in order to ask one or two questions of the gentleman in charge of the bill, and then, so far as I myself am concerned, to make the point of order or waive it, which of course would still leave it in the hands of the gentleman from Missouri, as I might be informed.

The CHAIRMAN. The gentleman from New York will suspend. The gentleman from Missouri [Mr. SHACKLEFORD] makes a point of order against the paragraph and the Chair will hear the gentleman.

Mr. SHACKLEFORD. I withdraw it for the present.

Mr. PERKINS. Then I reserve a point of order against the section. I would like to ask the gentleman in charge of the bill how many years the provision to investigate the effect of cold

storage upon the healthfulness of foods has been contained in this bill?

Mr. SCOTT. I can not answer by the book, but speaking from my memory I should say it has been in the bill at least six years, because I think it has been in the bill ever since I have been a member of the committee.

Mr. PERKINS. Upon what grounds can the gentleman justify making an appropriation for specific examination of that sort which is continued for all time? Certainly the effect of cold storage upon the healthfulness of food can be ascertained in less than six years, if competent men are investigating it. If, on the other hand, it is to be left indefinite with certain gentlemen, that presents a different question.

Mr. SCOTT. What the gentleman has said refreshes my memory, and I want to make this statement: The gentleman doubtless himself will recall a great deal of literature that has been published from time to time, some of it serious and much facetious, in regard to the "poison squad." The work of testing the effects of food kept under certain conditions, or kept by means of certain preservatives, has been carried on, I think, now for about three years. It was the desire of the Chief of the Bureau, in the matter of this cold storage, to continue these experiments long enough to be able to show conclusively what would result from keeping foods of various kinds in cold storage over different periods of time. The gentleman will recognize that it is impossible to test upon the same people at the same time different kinds of food. If you are testing for the effect of cold storage upon chickens, for example, you must not at the same time feed the experimenting individuals with cold-storage beef or cold-storage fish.

Mr. PERKINS. Yes; but you must have other persons to experiment with. It is not well to do all the experimenting upon one man.

Mr. SCOTT. The practice has been to have experiments tried upon a small number of men. The gentleman will recognize that a large number of men are not readily available for such purposes as this, and the experiment is tried upon, I think, ten or twelve young men who voluntarily submit to the experimentation. Those ten or twelve will be a sufficient number to make a satisfactory test, but they can not try everything at once.

Mr. PERKINS. Now, can the gentleman tell us from his recollection any of these scientific tests that have gotten into this bill during the six years he has been on the committee that have gotten out of the bill; can he tell us one?

Mr. SCOTT. I appreciate the gentleman's question, and off-hand I can only make this statement: We authorized, five or six years ago, an investigation to be undertaken with a view of determining whether it might be possible and profitable to manufacture sirups in such a way that they would keep without a preservative. That work, I am happy to say, has been concluded. There have been other experiments undertaken, particularly with reference to the development of the sugar-beet industry, that have been concluded. Doubtless other investigations which I do not now recall have been concluded. This is a question, I may say, which the committee never fails to ask of every chief of a scientific bureau who comes before it, as to whether or not he has finished some of the work that we have given him to do, but for the most part—

Mr. PERKINS. He has not.

Mr. SCOTT. I am obliged to say that much of the work is like Tennyson's brook—it "flows on forever."

Mr. PERKINS. I would like to ask the gentleman in reference to another section which authorizes the Secretary of Agriculture to inspect, free of charge, certain food products to be sent to foreign countries. I would like to ask him how much our Government expends, if he can tell, in the inspection, free of charge, of these products for use in foreign markets?

Mr. SCOTT. I am obliged to say I am unable to answer the gentleman's question. I do not know the exact sum that is spent in this work.

Mr. PERKINS. Does the gentleman think that expense of this sort, requested by the shipper for the benefit of the shipper, should be defrayed by the Government? Why should not the information desired be given by the proper officials, but at least the Government be indemnified, and not paternally do it for nothing?

Mr. SCOTT. There is abundant precedent for this action. The gentleman will remember that the Government defrays the expense of meat inspection—

Mr. PERKINS. Yes; but the gentleman will—

Mr. SCOTT. The Government defrays the expense involved in the issue of the certificates of inspection to those who ship grain abroad.

Mr. PERKINS. But the gentleman will remember also that very many doubted at the time, and have since, the propriety of the Government's paying the expenses of meat inspection.

Mr. MANN. Why does the gentleman say that this is free inspection?

Mr. PERKINS. Because it says the Secretary of Agriculture shall do it, and he is not authorized to charge anything for it. It says the Secretary of Agriculture shall inspect before shipment, when desired by the shippers, American food products.

Mr. MANN. Where is the gentleman reading from?

Mr. PERKINS. I am reading on page 27, at lines 17 to 23. He is directed to do it, but is not authorized to charge. He could not charge under this.

Mr. MANN. Certainly he could, and I think he does.

Mr. PERKINS. I do not think he does.

Mr. MANN. This section does not require him to do that.

Mr. PERKINS. I do not at all agree with the gentleman. An appropriation is made for the expense of making certain investigations. The Secretary of Agriculture, when requested, is ordered to make them. He must make them; he must furnish them; the law says so. He has no right to turn around and say the law requires him to do this, but you must pay for it.

Mr. MANN. This is to direct the Secretary to do this. He can not do it and take pay for it.

Mr. PERKINS. Not without authority of law.

Mr. MANN. He can not do it at all without the appropriation.

Mr. PERKINS. And he can not charge for it without authority of law.

Mr. SCOTT. I would like to say that I think the practice is entirely defensible. The value of this inspection to the foreign purchaser and its effect upon him—and hence its value to the American exporter—must depend very largely upon the fact that it is a Government inspection.

Mr. PERKINS. I can understand that.

Mr. SCOTT. And for that reason I believe it is an expense that is entirely warranted.

Mr. PERKINS. I do not object to the practice. The question is, Why should it not be paid for by those who receive the benefit? It seems it might be a useful practice.

Mr. SCOTT. One reason it ought not to be paid for is that it would lay the product upon which the inspection certificate is issued open to the attack on the part of our competitors that it was not a Government inspection, but a packer's or food manufacturer's inspection, and it would be discounted accordingly.

Mr. PERKINS. Mr. Chairman, I will make the point of order to the following words, in lines 13 and 14, on page 27:

To investigate the effect of cold storage upon the healthfulness of foods.

That has been carried in different bills, but it is not authorized by any permanent law. It is carried as current law.

Mr. MANN. Will the gentleman reserve his point of order for a moment?

Mr. PERKINS. Certainly.

Mr. MANN. Mr. Chairman, the effect of cold storage upon the healthfulness of foods can not be determined in one year, or two years, or three years with any success. It would be, in my judgment, a calamity to stop the investigation now being carried on, which, in a short time, if it proceeds, will be of some value, but which, if stopped now, all of the expense which has heretofore been incurred will be practically valueless.

A few years ago—I do not know but it was largely upon my own suggestion in connection with the investigation which resulted in the pure-food law—I specially asked Doctor Wiley to commence the investigation as to the effect of long-continued cold storage upon some classes of meats, fowls, eggs, and so forth. I asked him to put away in cold storage some of these classes of foods, with the idea of keeping them from one, two, three, four, five, six, or more years, in order that we might have an authoritative investigation and statement as to the effect upon these articles of this cold storage. The municipalities throughout the country, now endeavoring in a way to regulate cold storage, desire to have this information; the States desire the information, and the General Government desires the information. The Army, the Navy, all of the Departments which deal in commissary supplies are exceedingly anxious to have this information. The cost is nominal. There is very little expense attached to it. It is simply a matter of keeping a few articles in cold-storage warehouses, and once in a while taking a part of them out for investigation. The cost is merely nominal. The value is exceedingly great. Either the Government must do this or else for our investigations we must rely entirely upon the cold-storage warehouses, who are not unprejudiced or unbiased.

They believe, and think it is to their interest to claim, that all articles in cold storage do not deteriorate. Why should we not obtain the information? I hope the gentleman from New York will not interfere with this investigation which I am pushing along, knowing it will be of great value, and which costs practically nothing.

Mr. PERKINS. I regret to do anything which my friend from Illinois thinks will bring calamity on the land; but, Mr. Chairman, occasionally the devotees of science require a certain amount of stimulation from this body. As the gentleman in charge of the bill has said, item after item, new branch after new branch of investigation comes into this bill, and rarely, indeed, does any item of investigation ever get out of the bill. Now, if scientific investigation is of value, it must be because it brings results. If it is carried on generation after generation without results, without obtaining information, even my friend from Illinois can not wish it to be continued. When it comes to articles of cold storage and their damaging effect upon health, we know that the vast mass of all cold storage is kept but a very few months. If it is poisonous to the system, it does not take years to ascertain that result. If the poison is so subtle that a man may live twenty years afterwards before it gets out, we may practically discharge that as hardly a question worth while considering. When it comes to articles kept for years: First, they, of course, must be exceedingly rare; and second, if they are kept, the Government can have them if they can be found. If articles are kept in storage for one year or five years, they can be found, and if it is a question of such vast interest, it is not necessary for the Government itself to keep them for five years in cold storage. If such things do exist they can be found and can be investigated.

Mr. MANN. How would the gentleman find them?

Mr. PERKINS. If the thing exists, with all the science there is at the call of this great Government and in the Department, they can be found.

Mr. MANN. How does the gentleman know that? They would not be able to get them if this provision is taken away. The gentleman would strike out the provision that would authorize them to get them.

Mr. PERKINS. They could be had without the Government turning itself into a cold-storage factory.

Mr. MANN. If the gentleman knew, and the gentleman is well informed—

Mr. PERKINS. Not very.

Mr. MANN. That a large share of the oysters which the gentleman eats, that a large share of the eggs that the gentleman eats, that most of the turkeys and chickens which the gentleman eats have all been dressed and have been a year in a cold-storage warehouse or in cold storage, and much of it has been kept for years and years; that practically all the eggs which the gentleman eats have been in cold storage, and that it is claimed it is much deteriorated, then the gentleman would like to know and obtain that information which would enable him to know the quality of the food that he is eating.

Mr. PERKINS. The illustration of my friend from Illinois is a little unfortunate. I have no doubt that I have all the years of my life, which are more than 21, I regret to say, eaten oysters and eggs and all sorts of products filled with all sorts of germs, which my friend says the Government at great expense should have investigated, and which might have produced the evil results of poison. Now, when I am over 50, I am glad to be able to say to the gentleman that I have not had a sick day in my life.

Mr. MANN. But it is only recently that the cold-storage business has grown in this country.

Mr. PERKINS. We have had cold storage for years. We have been dealing with it since 1878. We have been struggling for thirty years with the poisonous products of cold storage, without the assistance of a Government bureau to ascertain the deleterious effects which must result.

Mr. MANN. The gentleman is mistaken about that. We have not had cold storage for thirty years. This cold-storage business has been developed within the last few years. When the gentleman eats shad in the spring in Washington, it is likely spring-caught shad, but nearly all the shad caught in the Potomac are put in cold storage, and when the gentleman eats so-called "spring shad" it is shad that probably was caught a year or two ago. Now, the gentleman has a wonderful constitution, but I hope the gentleman will not be opposed to our obtaining the information that may protect our health.

Mr. PERKINS. But my friend from Illinois has spent years in Washington and has been exposed all those years to poisoned shad, and he is still in good health of body and vigor of mind.

Mr. MANN. The "gentleman from Illinois" can assure the gentleman from New York, from the knowledge that he has obtained of the storage business here, including practically every food product kept in cold storage that we all eat, that there are any number of cases where cold-storage articles have gone out and through ptomaine poison have made people sick and in some cases caused death, yet the gentleman does not desire to permit an investigation of the subject.

Mr. SCOTT. Mr. Chairman, I should like to be heard a moment on the point of order. It seems to me it is not well taken. The organic act upon which the Department of Agriculture rests gives the Secretary of Agriculture power "to acquire and to diffuse among the people of the United States useful information on subjects connected with agriculture, in the most general and comprehensive sense of that word." Now, the Chief of the Bureau of Chemistry, when he appeared before the committee, made the statement that as a result of these investigations into the effect of cold storage upon food he had already discovered facts showing just how long fruits can be kept in cold storage without damage. It seems to me, Mr. Chairman, that it is eminently in the interest of agriculture that information as to the length of time fruit can be kept in cold storage without deterioration should be learned and that information diffused among the people. He continues further:

We can now tell a cold-storage egg without asking whether it has been kept in cold storage, and we can tell how long it may be kept in cold storage and still be fit for food.

It seems to me, Mr. Chairman, as if this information is of very great value to the agricultural interests of this country.

He went further and said that his investigations had shown that in a general way meats were improved for about six weeks by being kept in cold storage, while game and poultry improved perhaps for a period of three months, but that fish and eggs began to deteriorate from the hour that they were put in cold storage. It seems to me, Mr. Chairman, that all of this information is obviously in the interest of agriculture, and therefore that under the act authorizing the Department this bill has a right to carry forward these investigations.

Mr. PERKINS. Mr. Chairman, I only wish to say a word, because repeatedly the general clause to which the gentleman from Kansas has just referred has been cited as covering everything that might by any possibility be of any use, and repeatedly it has been held that various specific things like this could not be justified under the general grant of authority.

Furthermore, Mr. Chairman, agriculture is one thing and medical science is another. They are just as distinct as the Navy is from the Army. A battle ship is proper in a naval appropriation bill, but it would be out of order in an Army appropriation bill. This provision directs a certain investigation of articles kept in cold storage to ascertain whether they are wholesome. It may be important for the agriculturist that he should gain in health as well as in wealth, but, after all, the agricultural bill refers to agriculture, the tillage of the soil. The care of health, the investigation to see what effects are produced upon the human system by different articles, may be valuable and useful, but it is not agriculture.

Mr. MANN. I should like to be heard on the point of order. The CHAIRMAN. The Chair will be glad to hear the gentleman from Illinois.

Mr. MANN. I am inclined to think myself that upon the face of the bill the item to investigate the effect of cold storage upon the healthfulness of food would be subject to a point of order, but the rule in question, Rule XXII, provides that—

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress.

Now, this is a continuing appropriation, continuing an object which is now in progress, which can not be finished in one year, which could not have been completed, as a matter of fact, up to this time. Appropriations have been made and expended, the work is now being carried on, the articles are in cold-storage warehouses, subject to further inspection by the Government. The work can not be completed within the existing fiscal year, and hence, it seems to me, that it is an object already in progress under the provisions of this bill.

Mr. CRUMPACKER. Will the gentleman allow a question on the point of order?

Mr. MANN. Certainly.

Mr. CRUMPACKER. Has it not been decided on several occasions that the term "object already in progress" refers to some tangible thing, some structure like a bridge or a building, and not to an investigation or an inquiry like this? I think the gentleman will find several decisions defining that term and to that effect.

Mr. MANN. I think that is correct; but what I am seeking to call attention to is the fact that there is an object, a particular thing—not theoretical, but the thing itself—the cold-storage article already in possession of the Government. The object itself is within the control of the Government. The objects of the investigation—not a theoretical investigation merely, not an academic question, not purely a question of chemical analysis, but an investigation of objects in cold storage—are now under the control of the Government in the storage warehouses. If this goes out of the bill, these articles will be thrown away.

Mr. PERKINS. Does the gentleman think that if he put in an additional egg each year this work would for all time necessarily continue?

Mr. MANN. I am not in the habit of answering theoretical questions of that sort. I am willing to consider the question as it exists.

Mr. SCOTT. Mr. Chairman, I have only one further suggestion to make, and that is that the same point of order that would strike out the phrase in question would strike down practically all of the investigations now being carried on by the Department of Agriculture.

The CHAIRMAN. The Chair thinks it is exceedingly unfortunate that the point of order should be raised upon a provision of this kind, which has been included in bills heretofore for two or three years, and upon what must necessarily be more or less of a continuing nature, and thereby prevent the Committee of the Whole from passing upon the merits of the proposition. But the precedents of the House are all in favor of the point of order, both upon the question of the investigation itself and upon the point raised by the gentleman from Illinois. The precedents may be summed up in this language:

Investigations of foods in their relation to commerce and consumption were held not authorized by law in such a way as to permit an appropriation on the agricultural appropriation bill.

And, on the point raised by the gentleman from Illinois, that this is a continuing work, the precedents are all clearly against the position taken by the gentleman from Illinois. The Chair, therefore, is forced to sustain the point of order. The Clerk will read.

Mr. POLLARD. Mr. Chairman, I have an amendment which I wish to offer.

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CURRIER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4748. An act to amend an act entitled "An act to define and punish crimes in the district of Alaska, and to provide a code of criminal procedure for said district," approved March 3, 1890.

The message also announced that the Senate had passed, with amendment, bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 13735. An act to correct the military record of Micajah R. Evans.

#### AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Insert after the word "counties," line 3, page 27, "to enable the Secretary of Agriculture to make demonstrations of the different processes of manufacturing denatured alcohol, and such other demonstrations as he may think advisable, at the corn exposition to be held in Omaha next October."

Mr. MANN. Mr. Chairman, I make a point of order to that.

Mr. POLLARD. Mr. Chairman, it is barely possible that this is subject to a point of order under the rulings of the Chair, but I must confess that it seems to me that the ruling of the Chair is pretty farfetched.

The CHAIRMAN. The gentleman is at perfect liberty to appeal.

Mr. POLLARD. I realize that, Mr. Chairman. This is a proposition to enable the Secretary of Agriculture to carry out the spirit of the law, or rather the organic act creating the Department of Agriculture, and to diffuse agricultural information.

Congress passed a law two years ago removing the tax on denatured alcohol. Since that time the Secretary has been carrying on investigations, endeavoring to reduce to practical use some method of manufacturing denatured alcohol out of refuse farm products. He has been carrying on the investigation for two years and perhaps for a longer period, and this amendment is to enable him to diffuse that information, and it seems to me that it is clearly within the rules of the House. I do not see how it can be otherwise. If he has the authority to

make the investigation, if he has the authority to accumulate the information, why has not he the authority to disseminate the information? It seems to me that the one follows the other necessarily, and that it is clearly in order under the rules of the House.

Mr. MANN. Mr. Chairman, the Secretary of Agriculture has no authority to go to the county fair at Podunk County and enter into any exhibition, and he has no more authority to go to the exposition at Omaha. If the gentleman's proposition was in order, it would be in order to provide for his expenses at Tokyo.

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

Mr. MANN. Yes.

Mr. CRUMPACKER. Does not the denatured-alcohol bill provide the manner for the manufacture of alcohol and prohibit its manufacture in any other way, and would not this amendment be a modification or a change of that law, for it enables the Secretary of Agriculture to set up a still at the exposition and manufacture without the restriction that the denatured-alcohol law imposes upon distilleries?

Mr. MANN. Well, I do not know, but I would be inclined on that point to think that the Agricultural Department had authority to make investigations in relation to denatured alcohol.

Mr. CLARK of Missouri. Mr. Chairman, if the gentleman will yield, I will say to the gentleman from Indiana [Mr. CRUMPACKER] that the denatured-alcohol bill does not authorize the Secretary of Agriculture or anybody else to make denatured alcohol nor tell what they shall make it of. It gives him authority to denature alcohol, and that is all there is to that bill or ever was.

Mr. CRUMPACKER. Does not the law generally, the statute upon which it is based, prohibit the manufacture or distilling of alcohol except under certain restrictions?

Mr. CLARK of Missouri. It does not interfere at all with the distilling of alcohol.

Mr. CRUMPACKER. My proposition was not that the denatured-alcohol bill itself did, but that the internal-revenue laws prohibited the manufacture of alcohol, excepting under certain restrictions, and the effect of this amendment would be to modify those restrictions in favor of the Secretary of Agriculture for certain purposes.

Mr. CLARK of Missouri. If the gentleman had said that in the first place, I would not have corrected him.

Mr. CRUMPACKER. I ought to have been more explicit, I confess.

Mr. POLLARD. Mr. Chairman, I just want to make one observation in regard to the statement of the gentleman from Illinois [Mr. MANN]. As I understood him, he made the assertion that the Secretary of Agriculture had no authority to go out to Omaha and undertake to diffuse information any more than he had to go to any other place. Of course I grant that is true, but the statute under which this information is diffused is not limited. He is authorized to diffuse that information in any way he sees fit, at any place he sees fit. To-day they are carrying on demonstrations all over the country, with private individuals, with cooperative associations, with State experiment stations, in various lines. It seems to me that if he has authority to diffuse this information at all, he has authority to diffuse it at Omaha when Congress, in an appropriation bill, authorizes that work to be done. The organic act authorizes him to diffuse information. It is general. We have power in an appropriation bill to provide an appropriation for carrying on work or doing work that is authorized by general law. I contend that this is authorized by general law, and inasmuch as it is, it is in order on an appropriation bill to insert an appropriation to carry on that work.

The CHAIRMAN. If this is authorized by general law, then this appropriation is in order.

Mr. POLLARD. Can not I read the Chairman the statute?

The CHAIRMAN. The Chair will ask the gentleman to permit him to call the gentleman's attention to one precedent only, which, it seems to the Chair, is decisive of the whole matter:

A provision to appropriate for compiling tests of dairy cows at an exposition was held not to be authorized as an expenditure by general law giving to the Secretary of Agriculture authority to acquire and diffuse information pertaining to agriculture.

The Chair does not see how it could possibly get around that precedent in favor of the proposition of the gentleman from Nebraska [Mr. POLLARD]. The Chair therefore sustains the point of order.

The Clerk will read.

The Clerk read as follows:

BUREAU OF SOILS.

Salaries, Bureau of Soils: One Soil Physicist, who shall be Chief of Bureau, \$3,500; one chief clerk, \$2,000; two clerks, class 4; one clerk, class 3; three clerks, class 2; six clerks, class 1; one draftsman,

\$1,200; one draftsman, \$1,000; four clerks, at \$1,000 each; three clerks, at \$840 each; one carpenter, \$840; one photographer, \$1,000; one messenger, \$720; one messenger or laborer, \$480; one charwoman or laborer, \$480; one messenger boy, \$360; in all, \$34,700.

Mr. MADDEN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend by adding after the word "dollars," in line 5, page 29, the following:  
"Provided, That no part of this appropriation shall be expended for the making of any topographical surveys."

Mr. CRUMPACKER. Mr. Chairman, I think the gentleman's amendment would be pertinent to the next paragraph, but not to this. This is a question of salaries altogether.

Mr. MADDEN. Very well; I will withhold it. I wish to have it pending.

The CHAIRMAN. Without objection, the amendment will be treated as pending.

The Clerk read as follows:

Soil investigations: General expenses, Bureau of Soils: Investigation of the relation of soils to climate and organic life; for the investigation of the texture and composition of soils in the field and laboratory; for the investigation of the cause and prevention of the rise of alkali in the soils of the irrigated districts; the investigation of the relation of soils to drainage and seepage waters; for investigations of soils and for indicating upon maps or plats, by coloring or otherwise, the results of such investigations; to map the tobacco soils of the United States; to investigate the soils and conditions of tobacco growth in Cuba, Sumatra, and other tobacco-competing countries; rent, and the employment of labor in the District of Columbia and elsewhere; for materials, tools, instruments, apparatus, gas, and electric current, furniture, and supplies; for telegraph and telephone service, and for official traveling expenses, freight and express charges, and other necessary expenses, \$170,000.

Mr. HUMPHREYS of Mississippi and Mr. MADDEN rose.

Mr. MADDEN. Mr. Chairman, I desire to offer my amendment.

The CHAIRMAN. The gentleman from Mississippi will withhold for a moment, as the amendment of the gentleman from Illinois was offered and is pending. The Clerk will report again the amendment offered by the gentleman from Illinois.

The amendment was again reported.

Mr. MADDEN. Mr. Chairman, the purpose of this amendment is to prevent the Agricultural Department from spending any part of the money appropriated for the conduct of this Bureau in making topographical surveys, and the reason for that is that the Geological Survey is continually making topographical surveys, and these surveys are supplied to the Agricultural Department if they are needed. It is thought to be unwise to have the Agricultural Department and the Geological Survey both making these surveys.

Mr. SCOTT. Mr. Chairman, I have a letter from the Chief of the Bureau of Soils and the Secretary of Agriculture, saying no topographical surveys are made in the Bureau of Soils. It seems to me, therefore, the amendment is entirely unnecessary, but I do not see that it will do any harm, and I have no objection.

Mr. MANN. Well, Mr. Chairman, and I ask the attention of my colleague to it, while it is true that the Bureau of Soils makes no topographical surveys, still they do make a survey that in a sense might be called topographical. They examine as to the condition and contour of the surface of the ground and report upon it where they make a survey, and it is necessary to do this to make a soil survey. They get the topographic sheet wherever it has been published by the Geological Bureau and take that in the first place, but where there is no topographic sheet they must report upon the contour of the ground. No topographical survey is made like the one that is made by the Geological Department, but a sufficient topographical survey is made to describe the contour of the ground and the character of the soil, without which they can not carry on the soil investigation.

Mr. MADDEN. Could not all that be made by the Geological Survey?

Mr. MANN. But I will state to the gentleman that there is a demand here every time the sundry civil bill is considered, a violent and most energetic demand on the part of Members of this House off the Committee on Appropriations, to increase the appropriation for the topographic survey in order that they may have these maps for the use of the Bureau of Soils, but the Committee on Appropriations has never been willing to make as large an appropriation as some gentlemen desire in order to accommodate the Bureau of Soils. Very often it happens that there has been no topographic surveys made in a territory. Take the gentleman's State and mine. Topographical surveys have been mostly made in the county of Cook or along the Des Plaines and Illinois rivers, where there is no need for a soil survey, and there is no occasion for making soil surveys in my district, all of which has been surveyed topographically,

and the gentleman's district has been surveyed topographically, and nobody wants to have a soil survey in a thickly settled portion of a city like Chicago, represented by my distinguished colleague, but down in the State where there has been no geological or topographical survey made, that is where they want the soil survey made. There is no occasion for the Geological Department to make a survey at all. Now, while it is not technically a topographical survey, still the word "topographical" refers to the contour of the ground, and it might be held that they could make no soil survey there at all.

Mr. GAINES of Tennessee. Will my friend yield for a moment?

Mr. MANN. Certainly.

Mr. GAINES of Tennessee. Will it not be now a matter of common discretion as to whether Secretary Wilson and the other Bureau duplicate their work? In short, they would not do so, unless absolutely necessary to do their respective duties?

Mr. MANN. Oh, I understand wherever there is a topographical survey made by the Geological Bureau they at once in the soil survey take the topographic sheet and use it.

Mr. GAINES of Tennessee. Of course, and they do not duplicate their work at all.

Mr. MANN. That work is not duplicated.

Mr. GRIGGS and Mr. MADDEN rose.

Mr. GAINES of Tennessee. Mr. Chairman, I want to be heard a moment on this important matter.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] has the floor.

Mr. MADDEN. I wish to ask my colleague [Mr. MANN] if we are to understand that the work of the topographical surveying is not duplicated at all, but that where the Department of Agriculture makes a survey the Geological Survey then never repeats that same survey?

Mr. MANN. I would not undertake to say that much. Where the geological survey has been made there is no topographical survey by the Bureau of Soils. But it may happen, and probably will, that the Bureau of Soils makes its contour survey before any topographical survey has been made by the Geological Bureau, and subsequently the Geological Bureau may make a topographical map of that section of the country. But there is no duplication of work so far as that is concerned.

Mr. GRIGGS and Mr. GAINES of Tennessee rose.

The CHAIRMAN. To whom does the gentleman yield?

Mr. MANN. I yield to my friend from Georgia [Mr. GRIGGS], if he wants to ask me a question.

Mr. GRIGGS. I want to ask the gentleman from Illinois, and also the author of this amendment at the same time, if the striking out of the word "topographical" and the insertion of the word "geological" would not settle this matter definitely?

Mr. MANN. I am not able to say.

The CHAIRMAN. Does the gentleman yield?

Mr. SCOTT. Mr. Chairman, I move that the debate on this amendment close in five minutes.

Mr. GAINES of Tennessee. Mr. Chairman, I have had a practical experience in this matter in my district in the soil survey there several years ago.

Mr. MADDEN. Mr. Chairman, in view of the statement made by my colleague to the effect that the Department of Agriculture makes no topographical survey except where it wants to get the contour of the earth prior to making a soil survey—

Mr. GAINES of Tennessee. That is as far as it goes, so far as I know.

Mr. MADDEN. And the topographical survey proper is always made by the Geological Survey. I withdraw the amendment.

The CHAIRMAN. Unless objection is heard, the amendment offered by the gentleman from Illinois [Mr. MADDEN] will be considered as withdrawn.

The gentleman from Mississippi [Mr. HUMPHREYS] offers an amendment which the Clerk will report.

The Clerk read as follows:

In line 22, page 29, strike out all after the word "expenses," and insert "\$333,460."

Mr. SCOTT. Mr. Chairman, I would like to ask the gentleman from Mississippi [Mr. HUMPHREYS] if we can not come to an agreement on the length of time during which this amendment shall be debated?

Mr. SHACKLEFORD. Mr. Chairman, may I have read now and considered as pending an amendment to the amendment that has just been offered?

Mr. SCOTT. I have no objection to that.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Missouri [Mr. SHACKLEFORD] to the amendment of the gentleman from Mississippi [Mr. HUMPHREYS].

The Clerk read as follows:

*Provided*, That no part of said appropriation shall be expended otherwise than for a fair distribution of the work of the Bureau of Soils among the States according to their area and agricultural importance; *And provided further*, That no preference in the expenditure of said appropriation shall be made in behalf of any locality because it is in a State which has made appropriation to aid in such work.

Mr. SCOTT. Mr. Chairman, I reserve a point of order to that amendment.

Mr. GRIGGS. I would like to ask the gentleman from Kansas a question. If an agreement is entered into as to the time for debate on this particular amendment, will that exclude other amendments afterwards?

Mr. SCOTT. It will not exclude other amendments, but it will exclude debate on other amendments. We want to finish debate on this paragraph at as early a time as possible, and I would like to ask the question—

Mr. HUMPHREYS of Mississippi. I will state to the Chairman of the committee that I hope there will be no curtailment of debate on this proposition. It is one in which there is a great deal of interest on this side of the House, and one that we think is of equal importance with the provisions of the bill that have gone before and have been very generously discussed. Since he sent for me yesterday afternoon and asked me to inquire about the matter I have done so, and I find on this side of the House requests for three hours' debate on this item.

Mr. MANN. Does the gentleman think, in view of the attitude of that side of the House in wasting time when it is not necessary, that they ought to take three hours on this proposition?

Mr. HUMPHREYS of Mississippi. I will answer that by saying this, that for the past two days—that is, yesterday and to-day—we have been discussing one paragraph in this bill, and all of the discussion was by that side of the House. Whether wasted or not I am unable to say. It was certainly wasted on a good many Members of the House.

Mr. MANN. I was not referring to the discussion; I was referring to the time that was wasted on divisions, like the division on the question of taking up this bill at all, where every gentleman on that side of the House voted against considering the bill.

Mr. HUMPHREYS of Mississippi. I do not think the gentleman is accurate in that statement, Mr. Chairman.

Mr. SCOTT. I think the gentleman from Mississippi must recognize at this stage of the consideration of the bill it would be almost preposterous to grant three hours' time to debate an amendment to one paragraph on each side of the House, which is six hours' debate altogether. I move that debate on this paragraph and all amendments thereto close in an hour and a half.

Mr. SHACKLEFORD. I have an amendment; and will not the gentleman allow ten minutes' debate on that amendment?

Mr. SCOTT. I should like to make this request, Mr. Chairman, that if any amendments besides those already offered are intended to this paragraph that unanimous consent be given that they be read now and be regarded as pending if there are any of them. I shall have to insist on my original motion because I think it is very liberal.

The CHAIRMAN. The gentleman from Kansas moves that all debate upon the pending amendment and all amendments thereto be closed in one hour and a half.

Mr. SHACKLEFORD. I move to make that one hour and forty minutes.

Mr. SCOTT. I will accept that amendment if that will be agreed to.

The CHAIRMAN. The question is on the motion of the gentleman from Kansas as modified.

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

Mr. DRISCOLL. Mr. Chairman, I rise to say that I think that a point of order has been raised by the chairman of the committee against the amendment offered by the gentleman from Mississippi, and it strikes me that ought to be disposed of now, before we have any debate.

Mr. SCOTT. I did not reserve a point of order against the amendment of the gentleman from Mississippi, but I did reserve it against the amendment offered by the gentleman from Missouri.

The CHAIRMAN. No point of order was reserved against the amendment offered by the gentleman from Mississippi.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I have offered this amendment to increase the appropriation made in the bill to meet the estimate of the Bureau of Soils. The increase is \$120,000 in the matter of soil surveys and \$43,000 for the utilization work. In the limited time it will be impossible for me to go into the details and merits of this proposition. In general debate I discussed it fully. I want now to call attention to some

statements made by the chairman of the committee in his remarks upon this particular subject. He stated, among other things, that the soil surveys, in his opinion, were practically useless unless they were followed by the utilization work, which demonstrate the uses that the soil survey indicated the land could be put to. Yet in the bill, as it appears now, the appropriation for making the soil surveys is increased \$37,000, and the appropriation for the utilization work, without which, according to the opinion of the chairman, the survey is practically useless, is reduced \$37,000. That is, I submit, Mr. Chairman, an unwise course to pursue. It is, according to the chairman of the committee—and indorsed, as I understand, by the committee—an increase of \$37,000 for a purpose which, in his opinion, is useless without the utilization work.

Mr. GAINES of Tennessee. What is the utilization?

Mr. HUMPHREYS of Mississippi. The utilization is the demonstration crop made by another corps of men sent out by the Bureau after the soil survey is made to discover if the soils which in the opinion of the Bureau are adapted to certain plant life are in fact so adapted. For instance, they sent experts down to Texas, to Alabama, to Connecticut, and made surveys of the soil, and after making a physical and chemical analysis of them and noting the relation they bore to similar soils elsewhere, it was the opinion of the Chief of the Bureau that they were adapted to the culture of Sumatra leaf tobacco. He then sent the utilization men down here, and they made a demonstration crop. They believed that certain of these lands would grow certain varieties and grades of tobacco. They made the experiment. It did grow the tobacco, and the revenue which the Federal Government has collected from the tobacco grown as the result of these experiments has exceeded already the cost of making the soil survey and the demonstration crop. [Applause.] They did the same thing in the alkali lands of the West. A soil survey was made, and then the utilization men followed it, and they demonstrated that alfalfa and other plants could succeed in the alkali lands of the West.

I want to get these facts clearly before the House, so that there will be no confusion. Under our custom of providing for many subjects in one paragraph and making a lump sum appropriation for all it is difficult to segregate the amounts intended to be appropriated for the different items included in the paragraph. This amendment proposes to increase the total for the Bureau of Soils by \$163,000, and I want the House to understand clearly why this sum is pitched upon. The totals for the Bureau are submitted in estimates which set out in detail the several purposes to which it will be devoted. Last year \$80,000 was expended in making the soil surveys and \$37,000 in the utilization work, a total for the two purposes of \$117,000. This bill carries that same amount, but with the understanding that the whole of the \$117,000 shall be used in making the soil surveys and none of it in the utilization work. We are assured by the committee that the Bureau of Plant Industry will take over this utilization work, but the fact remains that no additional appropriation is given that Bureau for this work, and the result therefore is that, while the burden of doing the utilization work, which last year was done by the Bureau of Soils with this \$37,000, is turned over to the Bureau of Plant Industry, no additional funds are provided that Bureau to do the work with.

The \$37,000 is to be retained by the Bureau of Soils to be used exclusively for soil surveys, which the chairman assures us are practically useless without this demonstration work follows them. There are now on file more than 400 applications for these soil surveys, but under the appropriation carried in this bill only 59 of them can be made. At that rate it will require fifty years to finish the work which, in the opinion of the Department, ought to be done. England began in the early days of the last century to make these very soil surveys which we are now making, and to follow them up with the same utilization work which we propose to do, and the yield of her acres has increased while ours is diminishing. France, Germany, all the progressive countries of the Old World have done the same thing and everywhere the same result has followed. The Bureau asks, in the estimates this year, for an increase both for the surveys and for the utilization work. The estimate is for forty survey parties at \$5,000 each and for twenty-five utilization parties at \$3,200 each. In other words, for \$200,000 for the surveys and \$80,000 for the utilization work. My amendment proposes to so increase the appropriation carried in the total of this paragraph as to give this sum. The bill now carries \$117,000 for these two purposes—or, rather, for the single purpose of making the surveys—and my amendment proposes an increase of \$163,000 so as to bring the total up to \$280,000 for both purposes, the amount asked for in the estimates.

Now, Mr. Chairman, let me impress upon the House once more that the transfer to the Bureau of Plant Industry of the duty of doing this utilization work carries with it no additional appropriation to do the work with; and the \$37,000 which was last year used by the Bureau of Soils in this utilization work is left with that Bureau this year, to be devoted exclusively to survey work, which the chairman himself tells us is practically useless without the utilization work follows it.

One more suggestion, Mr. Chairman: The Bureau that makes the survey, and which ascertains its relation and adaptation to plant life, so far as that can be done theoretically, is more likely to prosecute with energy, earnestness, and success any work which has for its purpose to demonstrate the correctness of that theory than some other bureau which had nothing to do with the survey and perhaps no sympathy with the theory advanced.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUMPHREYS of Mississippi. I ask unanimous consent to extend my remarks in the RECORD.

There was no objection.

Mr. HUMPHREYS of Mississippi. I also ask unanimous consent that all who speak on this paragraph have permission to extend remarks in the RECORD.

The CHAIRMAN. General permission is not within the authority of the committee to grant.

Mr. LAMB. Mr. Chairman—

The CHAIRMAN. The Chair desires to alternate in his recognition.

Mr. SCOTT. I shall be glad to have some one on the minority side recognized.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia [Mr. LAMB].

Mr. LAMB. Mr. Chairman, in a few words I will answer, I hope to the satisfaction of the members of this committee, the proposition laid down by the gentleman who has just completed his remarks. In the first place, no doubt, this request comes from the Chief of this Bureau. He, of course, is interested in these soil surveys, as are very many men on this side of the Chamber. The only difference between the gentleman who has just expressed himself and the members of the committee is that while we are in favor of these soil surveys we want the Bureau of Plant Industry to do the utilization and practical work after the surveys are made. We do not propose to duplicate this work.

In other words, we do not propose to have the agents of the Soil Survey going through the country demonstrating what can be done after the survey is made, because we think that is a function that belongs entirely to the Bureau of Plant Industry. This Bureau of Plant Industry is well equipped. It has this work well in hand, and is performing this service to the satisfaction of the country. Now, it is true, as has been stated, that it will probably take, under the present plan, about fifteen or twenty years to do all this soil-survey work; but bear in mind that it is not necessary at all to have the soil of every county in the United States surveyed. A whole group of counties in a Congressional district, having the same character of soil, will be reached and the results obtained by a survey, perhaps, of one or two counties in that district. I know this applies to my district, and to, perhaps, a hundred districts represented on this floor. This question was answered this morning by a gentleman who stated that there was no occasion for soil survey in his immediate district at all. In addition to that, the Chief of the Bureau of Plant Industry has informed me that he can demonstrate this work, and can utilize these soil surveys as fast as they are made.

Mr. HUMPHREYS of Mississippi. Does the gentleman say that the Bureau of Plant Industry can do that?

Mr. LAMB. That is what the Chief of that Bureau told me.

Mr. HUMPHREYS of Mississippi. There is the sum of \$37,000 that was used by the Bureau of Soils in making these demonstrations and utilizations. That work will not be done further by the Bureau of Soils, but will have to be done by the Bureau of Plant Industry. Now, there is no increase made in the appropriation for the Bureau of Plant Industry, so you require the work to be done with an appropriation of \$37,000 less than they had last year.

Mr. LAMB. I think there is the authority right in the Bureau of Plant Industry to cover this subject.

Mr. HUMPHREYS of Mississippi. There is no question about the authority, but it is a question of appropriation. You do not give them the money.

Mr. LAMB. I think this committee has been liberal to both of these Bureaus, and am satisfied the Bureau of Plant Industry has funds sufficient for the work. In my humble judgment the Soils Bureau should always have been a division of

the Bureau of Plant Industry, and could have done this work in connection with that Bureau.

In 1896 this appropriation was \$15,000; in 1898 it was \$15,000; in 1900 it was increased to \$26,000; in 1902 to \$109,000; in 1903 to \$169,000; in 1905, to \$214,000. In 1906 it was \$204,000. We have given them this year \$204,000, which in the mature and well-considered judgment of the committee they deem to be a sufficient amount for the Bureau of Soils.

As I said before, this is the best digested and maturely considered bill that the Agricultural Committee has reported to this House for ten years, and I ask my friends on this side of the House to stand by the committee in this report. It is in the interest of economy; it is conservative; it does no wrong to anybody; it does no injustice to the Bureau; it gives them as much as they had before, and they can make these surveys, and the Bureau of Plant Industry can utilize the work that they do. I hope it will be your pleasure to stand by the Agricultural Committee in this report.

Mr. BOWERS. Mr. Chairman, the amendment which has just been offered by my colleague [Mr. HUMPHREYS] is the result of much careful consideration and conference among those Members of the House who believe that the soil survey is of the highest practical advantage, not only to the real farmers, but to the whole country, and that the amount appropriated by this bill for soil-survey work, viz, \$170,000, is wholly inadequate for that service.

This amendment increases the appropriation \$163,460, of which it is expected \$120,000 will be expended in actual surveys and \$43,000 in utilization work. It will bring the soil-survey appropriation up to \$333,460, to which is to be added \$34,700 for salaries, clerical and expert services in the Bureau, making a total of \$368,160 for all branches and departments of the Bureau. To my mind this sum is exceedingly moderate, if not positively small.

Early in the session, recognizing the importance of this work, I introduced a bill to make the total appropriation for this branch of the Agricultural Department \$500,000, and I still think that sum should be provided, but after careful consideration and conference those of us who are friendly to this work and want to see it pushed and extended have concluded that it is perhaps best to advance gradually, and that the proposed amendment has a better chance of adoption than one large enough to meet the real needs of the situation as we see it. In this view of the matter I fully concur, and in advocating the amendment I desire to go somewhat into the history and character of this work.

The soils of the United States are by far the greatest natural resource of the country from which wealth is derived and the greatest endowment of the American people.

Previous to 1894 no effort had been made by the Government to inquire into the extent and possibilities of the utilization of the inherent resources bound up in the soils of the country. Of the appropriation for that year a small sum—\$2,000—was set aside from the lump sum for the general expenses of the Weather Bureau for "investigations of the relation of climate to organic life." With this allotment there was organized in the Weather Bureau a division of agricultural soils. From this small beginning the present independent Bureau of Soils had its origin. From the time of its first inception to the present the character of the work of the Bureau has been of fundamental importance to all agriculture, and its value to the tillers of the soil can not be overestimated.

Its importance and value has been frequently noted and commented upon with favor by the Secretary of Agriculture. In his report for 1905 he says:

The work of the Bureau of Soils is of such a fundamental character that its results are being more and more widely used, not only by the other bureaus and divisions of the departmental work, but by State agricultural experiment stations and State geological and economic surveys, as a foundation for further work along highly specialized lines. At the same time that the demands upon the Bureau for additional work are increasing, the facilities for accomplishing this work have remained stationary, or in one case, have been decreased.

And again, in the same report:

The soils of the United States are considered as the greatest natural economic endowment of the American people, far exceeding in the value of their annual products all of the returns secured from mines and fisheries. It is the purpose of the soil-survey work to outline the most economical method of securing the utmost efficiency in the handling of these soils and in the production of food products from them. The questions involved concern not only the farmers themselves, but also every person interested in labor, commerce, manufacturing, or professional life. The problems are fundamental.

Speaking of the practical usefulness of such surveys, at page 55 of the same report he says:

Surveys of single areas of this description have furnished prospective settlers with information which has prevented the unwise investment or total loss of thousands of dollars, in many instances constitut-

ing every dollar possessed by the individual. At the same time these settlers have been directed to lands within the same areas where their investments could be made with safety and their new homes established without risk of disappointment. The actual settler has thus been benefited, and new communities have secured advance information which only years of bitter experience would have furnished them under their own undirected efforts.

It will thus be seen that the soil-survey reports and maps concern not only those engaged in the broad study of economic agriculture and its resources in the United States, but that they are of high value for daily use by a great variety of agricultural and commercial interests. The increase of the use thus made of the maps and reports is evidenced both by the requests received for reports already published and by the requests which are continually being made for additional surveys.

A constant study is being made of the cotton soils of the Southern States. These communities have shown wonderful progress both in agriculture and manufacturing during the past decade. The study of soils in the Yazoo and Red River basins of Mississippi and Louisiana has shown ideal soil and climatic conditions for the continued production of maximum cotton crops.

Similarly, the upland cotton regions have been found to present two dominant soil problems. The first is that of preventing the bodily removal of the fertile surface soil through erosion; the second is that of securing such a rotation of crops and use of green manures as will restore the organic matter to soils depleted by long-continued clean cultivation in one crop. Both of these problems can be met and are being met by enterprising farmers in nearly every community where soil surveys have been made. The mere statement of these problems and the accounts given of cases where their solution has been worked out are of inestimable value to the planters whose attention has not formerly been called to the work already done by their own neighbors and by their local authorities.

He opens his report for 1906 as to soils with this language:

Underlying all attempts to improve the general agricultural welfare of the country lies the necessity for a correct knowledge of the character and variety of its soils. Such knowledge is fundamental, and without it no great progress can be made in securing further diversification of crops, the introduction of new crops, or the more economical production of the great staples now known.

And further on in the report says:

Before the farmers of all sections of the United States can reduce agriculture to a basis of permanent business success the knowledge of these facts must be thoroughly disseminated and fully understood.

Each year brings an increasing number of requests for survey work in particular localities to serve a great diversity of interests. The development of new lands in the United States has not ceased and the need for specific and unprejudiced information concerning soils in newly developed regions has become widely recognized.

And in his report for 1907, the last, submitted at the opening of this session of Congress, he sums up the matter as follows:

With a more thorough knowledge of the soil and its adaptation to crops and the proper methods of soil management, the full extent of the agricultural development which may take place in the United States in the future is very great. The undeveloped portions of the United States are not confined wholly to the arid West, portions of which are now rapidly filling up, although this constitutes the greater part.

The soil-survey work of the Bureau is the largest undertaking of the kind that has ever been inaugurated in any country. The area surveyed and mapped during the past fiscal year was 20,560 square miles, or 13,158,400 acres, and there have been completed to June 30, 1907, surveys covering a total of 139,247 square miles, or 89,118,080 acres. This area is more than 15 per cent of the amount represented by the farm lands of the United States.

That the amount of money annually invested in fertilizers by the farmers of the country, now amounting to upward of \$100,000,000, will continue to increase seems certain. But just as certainly a large percentage of the money—perhaps a third—is annually wasted and brings no adequate return, owing to a lack of understanding of the soil's requirements.

It has been found that infertility in soils is very frequently due to the presence of bodies deleterious to plant growth, and the difficult task of isolating and identifying these bodies and studying their effects on plant growth has been undertaken in the work of this Bureau. Several of these substances have actually been removed from the soil and their properties determined.

I quote the extracts from the Secretary's report not only because they contain an excellent statement of the character and importance of this work, but also to show that the Secretary of Agriculture fully appreciates the work that is being done by this Bureau, is fully alive to its importance, and is by no means indifferent or hostile, as has been intimated during the course of this debate.

It will be seen from the Secretary's words that the work of the Bureau of Soils has a dual purpose. The soil survey in mapping and classifying the soils and pointing out the problems which confront the farmer, and this to serve as a foundation for further work of devising methods for the utilization of the soil resources so as to secure maximum efficiency and production with the least possible waste of both labor and inherent ability of the soils to produce crops:

The purpose of a soil survey is to provide an accurate basis for the adaptation of soils to crops. It seeks to present as clearly and as forcibly as possible the conditions of an area in such a manner as to make it possible for prospective settlers to take up lands suited to certain crops, and to enable present owners of land to learn from the experience of other localities what crops are best suited to their own soils and climatic conditions. In the present struggle for commercial supremacy the importance of such accurate knowledge of agri-

cultural conditions is becoming daily more evident. No community and no nation can afford to waste its time and energies in the pursuit of interests to which its conditions are unsuited; nor, on the other hand, can it afford to lose any chance of inaugurating and developing those interests for which it is peculiarly adapted. A soil survey aims to eliminate to some extent such waste in the line of agriculture. Its most valuable function is undoubtedly the improvement of existing methods, so that larger yields of our staple crops can be secured, although more showy results are gained in the development of special industries.

It is the object of the soil survey to prepare maps which will indicate the extent, the distribution, and the location of the principal types of soil found in the United States. These are considered to be of equal importance with the various sources of fuel supply and the different kinds of ores, whose distribution and extent is carefully ascertained by all civilized governments. In addition to the fundamental work which concerns the area and distribution of the soils, there is based upon this a careful study of such particularly important problems as the best adaptation of crop to soil, the best method of maintaining or restoring soil fertility, the proper ways for redeeming land threatened by the accumulation of alkali, and the general study of the soil and crop resources of the entire country.

It is seen from these quotations taken from publications of the Bureau that it has never been satisfied to simply map and classify the soils, but to also point out practical agricultural possibilities both in the way of adaptation of crops to soils and in methods of handling, or soil management, to insure the maintenance or restoration of soil fertility.

I wish to call your attention to some of the benefits of the soil-survey work from the financial view-point.

Soil-survey studies along the Atlantic and Gulf seaboard have demonstrated that the Norfolk sand, Norfolk fine sand, and the Norfolk fine sandy loam are peculiarly adapted to the production of those early vegetables and fruits which furnish the supply for the Northern city markets. It has also been shown in this connection that where transportation is adequate, land belonging to those three soil types which formerly had a value of \$5 an acre can readily be made to have a value of from \$100 to \$200 an acre for the production of the truck crops.

In one locality, in Harrison County, Miss., a tract of land of one of the above types, Norfolk fine sand, was purchased for \$6 per acre, and when it was seen that the growing of radishes, lettuce, etc., during the winter months for the Northern city markets was successful, the price of well-cleared land in that particular vicinity immediately advanced to about \$80 per acre.

In or near the same area a large landowner, a former director of an experiment station, said, while the soil survey was in progress, "I do not care to sell any land now; when this soil-survey report is published showing the character, adaptation, and intrinsic value of the soils my land will command more than double the price now asked."

Thus it is seen that in many cases, at least, the monetary benefits accruing from these surveys are immeasurable when compared with the cost, which will not average more than one-half cent per acre.

The work of the Soil Survey from its early existence has been dual in its purpose, as is shown by the report of the Chief of the Bureau, then Division, for the year ending June 30, 1896:

A second feature of the work of the Division should be the examination of the physical character of these different soils to determine the conditions which they maintain for crops and to see how these conditions should and can be controlled or changed to adapt them to the classes of crops which it is desired to grow. This will include, of course, the investigation of the effects of fertilization, of irrigation, and of methods of cultivation on the soil conditions.

From the inception of this work up to 1904 the appropriations kept pace with the demands made upon the Bureau, but since that year the appropriation has decreased, while the demand for soil-survey work has been greater than ever.

Parallel with this decrease in appropriations is the accumulation of unsatisfied requests for work on file. There are over 400 requests for soil surveys on file at the present time, and with the present appropriation only about 50 can be made, and it is not possible to make as many surveys each year as there are recorded new requests for surveys.

It can readily be seen from the foregoing that without any increase in appropriation the efficiency of the Bureau of Soils is crippled; that it can not hope to do enough work to make any impression upon the demands already filed, to say nothing of meeting new and urgent requests which are received daily for its aid on general and special soil problems.

From my own State there are eleven requests on file for as many urgently needed surveys, and with the present appropriation I am advised that hardly more than one, or at most two, can be granted.

A few words as to what these surveys are may be of value. Trained soil experts go into a selected area and make a complete examination of the soils within the given territory. These areas usually go by counties and average about 600 square miles each. Not only is the surface of the ground carefully observed and mapped, showing the undulations of hill and valley, the streams that water it, and the contour of the land, but borings are made deep into the ground at short and frequent

distances and samples of the soil are taken, examined, and analyzed by the experienced trained soil experts. In this way the character and constituent elements of practically every square yard of land in the whole area is determined, and when this is done it is all depicted and shown on a soil map which is made of that region, showing where the different character of lands lie, just as a State map shows the boundaries of each county. But this is not all. With each map there goes a book which explains and discusses the different soils which have been found, how each particular soil is to be cultivated and treated, the crops that should be planted and will thrive best on each, and the fertilizers which will best meet the demands of the land. This, then, should be followed up by the demonstration or utilization men, trained soil experts, who demonstrate practically the methods that should be used. And just here let me say that I can not appreciate the criticism of those who claim that these utilization men duplicate the work which is being so admirably done by the Bureau of Plant Industry. Each has his sphere, and I do not believe that there is any duplication; but, be that as it may, it can be remedied and all duplication prevented by administration.

In any event the discussion now, as to who shall do this utilization or demonstration work, is largely academic. There is no need for either demonstration or utilization until the surveys are made, and the appropriation proposed by this bill for surveys alone is wholly inadequate. And while this demonstration work is necessary to the fullest enjoyment and benefits of the soil survey, I dissent from the proposition so often advanced against this work, that the survey is wholly useless unless followed by the utilization men. The map which explains the soil and the accompanying book which explains and treats of its characteristics and value, of the crops that can be raised and the fertilizers that should be used, is alone and of itself immensely valuable to the intelligent and practical farmer.

Now, let us see some of the things that this work has accomplished. It has discovered land in Florida, Alabama, Mississippi, and Texas exactly adapted to producing the finest grades of Cuban tobacco. It has experimented and raised from Cuban seed a tobacco both for filler and wrapper that is the only tobacco grown in the world the competition of which the Cubans fear. I have seen and smoked cigars made from this tobacco, and both color and flavor are distinctively that of the higher grades of imported tobacco. A large and thriving tobacco industry has grown up in Florida. It is opening up in Texas and Alabama, and recently a large company has been formed to grow foreign tobacco on an extensive scale in Mobile County. In my own State they are experimenting, and I have recently had given me a few choice cigars made from tobacco grown in the northern part of Harrison County. I mention this one item of tobacco, because it is a typical instance of an entirely new industry growing up as a result of soil surveys.

In Mississippi, as a result of the survey of the McNeil area, a large trucking business has sprung up, which is constantly extending both in area and importance. And these, as heretofore suggested, are only examples of what the work accomplishes. It is designed not only to develop new crops, but to improve the results from old ones by introducing the best methods of cultivation and fertilization. It tests and examines the soil, and not only tells us what the soil needs to produce given crops, but what, if anything, there is in it which is harmful to particular crops and how this hurtful substance can be destroyed or neutralized. It was found that certain fertile land near Arlington, Va., would not grow roses. The soil experts examined the soil, located the poisonous substance, and showed how to destroy it, and the same is true as to lands which it was found would no longer profitably grow wheat, potatoes, cowpeas, and other products. In all these cases soil surveys located the trouble and pointed the way to avoid it.

To sum it all up, these surveys ascertain accurately the character of the soil, the things it is good for, the fertilizer that it needs, the deleterious substances to be overcome, the way it is to be cultivated and handled, and gives the farmers of that section the information necessary to enable them to conduct their business in an absolutely safe and scientific way.

Certainly this is a most important and worthy purpose. To those sections of the country which are not thoroughly settled up its importance can not be overstated. With the soil survey before him, the prospective settler and farmer can select the very land he needs; he knows what he is getting; there is no experiment; it is all plainly shown on his soil map, and he knows just what to plant and how to cultivate and fertilize the crop. My own district is one in which there is much vacant land, but in which agriculture is advancing rapidly, and I am pleading for my people when I advocate this increase. I know

the good which these surveys have done, and I want more of them, not only to bring wild lands into cultivation, but also to secure the best results on farms which are now being worked.

In few of the Southern States is anything like the whole area cultivated. I think only about 16 per cent of the lands of Louisiana, one of the most fertile in the Union, is now in farms. What Mississippi's percentage is I do not know, but know it is comparatively small. Consider what this work means toward settling up these States, thus increasing their annual products and wealth as well as their taxable values and revenues.

It was suggested by the distinguished chairman of the Committee on Agriculture during the general debate on this bill that the present system of surveying areas of about 600 square miles should be abandoned and what he terms a "regional survey" substituted therefor; and he suggests as types of such surveys the proposed Appalachian forest reserve and the semiarid region of the West. In the semiarid belt between the latitudes 100° and 104° there are 301,176 square miles, the population of which is 600,732, or an average of 2 inhabitants per square mile, and this includes the city of Denver, with 153,017 people. In some portions the average population is much less than 2 per square mile. In New Mexico it is 1.1, in North Dakota 1.5, in South Dakota 1.4, and in Oklahoma only 1 inhabitant to every 2 square miles. Surely these figures dispose of this contention, and the Appalachian survey proposition, while more densely populated, is subject to the same objection, only in a less degree. It is apparent that for the present surveys of this sort attempt to cover entirely too much territory when the number of persons to be benefited is considered. What is needed are surveys in sections toward which settlers are turning and that are sufficiently populated to enable them to do something toward utilizing the survey and in reducing the lands to cultivation.

The importance and necessity for this work have been fully recognized by all the older countries. Germany and France long ago took it up and are still continuing it on a large scale. In England it has been prosecuted for a hundred years or more, and the gentleman from Wisconsin [Mr. MURPHY] has a soil map and report published in England over seventy years ago, and then it was in its third edition. These countries have all seen and appreciated the necessity of intelligently investigating and taking care of their soils.

I appreciate, Mr. Chairman, the need for economy and I favor keeping the expenses of Government down to the lowest point consistent with good administration. But this does not seem to me to be the place to economize. The farmer and the farm are the basis of our prosperity. The agricultural products of this country constitute its greatest wealth and make all the nations of the earth purchasers at our doors. The Department of Agriculture was organized to help the farmers of the country. Its appropriations should be liberal and sufficient. I do not believe in skimping and economizing where the great basic industry of the country is concerned. More than one-half of the people of this country are engaged in farming and allied pursuits. This majority is entitled to and should receive the highest consideration. The demand for this work is general and just. As I stated in the outset, this amendment does not appropriate as much as I would like to see given, but we believe it is the best that can be done at this time, and its adoption will not only provide for a considerable enlargement of the work, but will also demonstrate to the Department and to the farmers that this Congress is alive to their needs and that their interests shall not be neglected. [Applause.]

Mr. LEVER. Mr. Chairman, I dislike very much to differ with so many of my colleagues and friends on this side of the House on a proposition of so much importance, but the committee which has had this bill under consideration have given the matter very careful attention, and have reached, we think, a conclusion which is just alike to the Bureau of Soils and to the best interests of all the people. My entire record has been for the most liberal appropriations for every bureau of this great Department. This appropriation for this Bureau amounts to \$204,000 for the coming fiscal year. It is enough to meet the real work of the Bureau. Everyone agrees, who has had any experience in the Committee on Agriculture, that there is a disposition among the bureau chiefs in the Department of Agriculture to reach out and grasp more authority, to broaden the scope of their jurisdiction and work, and they come to Congress year after year for increases in appropriations that they may reach out and make their bureaus, therefore, more important, the magnitude of their work wider. There is a possibility that something of this spirit may be underneath this tremendous pressure to increase the appropriation for this Bureau, which, in my opinion, under the circumstances, has been dealt with most generously by the committee.

The fact is the bill carries an increase for the soil-survey work proper of nearly \$38,000 for the coming fiscal year, against the present fiscal year, because it is understood that, as a matter of administration in the Department of Agriculture, the utilization work heretofore done by the Bureau of Soils, and which was only begun during the past year, will hereafter be transferred to and done by the Bureau of Plant Industry. So that we have given them an actual increase of nearly \$38,000, and this will enable the Bureau to put on seven additional field parties for the coming year.

Mr. HUMPHREYS of Mississippi. That is to make the surveys with—this increase.

Mr. LEVER. Certainly.

Mr. HUMPHREYS of Mississippi. Now, there is no additional appropriation for the Bureau of Plant Industry to follow that up with utilization work.

Mr. LEVER. I will say to my friend from Mississippi that the committee had assurances from the Chief of the Bureau of Plant Industry, Doctor Galloway, who is an able and conservative man, in many respects the ablest in that Department—

Mr. HUMPHREYS of Mississippi. I agree to all of that.

Mr. LEVER. That he does not need a cent increase in his appropriation to do this very work that we are now spending \$38,000 a year to do, and it is understood that this new work of utilization of the Bureau of Soils is practically a duplication of work carried on in the Bureau of Plant Industry for many years.

Mr. HUMPHREYS of Mississippi. Is it not a fact that Doctor Galloway said he did not need any money to make experiments in tobacco culture in Texas, Connecticut, and Alabama, and that he advised against it, and that the Bureau of Soils made it, and it has developed into such a success that it to-day yields more revenue than it cost to make the demonstrations and experiments.

Mr. LEVER. As a matter of fact, the experiments along the lines suggested by the gentleman from Mississippi [Mr. HUMPHREYS] have been completed and little money will be expended in the future upon them, but Doctor Galloway assured the subcommittee, and I think the full committee, that this utilization work for which we are appropriating \$38,000 for this fiscal year for the Bureau of Soils will next year be done by the Bureau of Plant Industry. So that the Bureau of Soils to do soil work proper, to do the work for which it was established, to do its legitimate work, has in this bill an increase of \$38,000 for the next fiscal year—an increase entirely sufficient to meet the reasonable demands.

I want to call attention to this fact, and the gentleman from Mississippi [Mr. HUMPHREYS] brings it up, that in my judgment there is very, very little value to these soil surveys unless they are to be followed up with utilization or demonstration work.

Mr. HUMPHREYS of Mississippi. That is what I think.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. I would like to have one minute more in which to complete that statement.

Mr. SCOTT. I yield the gentleman one minute out of my time.

Mr. COCKS of New York. And I will give him two minutes out of my time.

Mr. BOWERS. Mr. Chairman, are we proceeding under the five-minute rule? I do not think these gentlemen can yield time.

Mr. LEVER. I do not yield.

I want to call the attention of the committee to this fact: That this soil-survey work does not, in my judgment, amount to a row of pins unless followed up with demonstrations, unless the farmer has the benefit of the advice of experts; and I want to say to the gentleman from Mississippi [Mr. HUMPHREYS] that in this very tobacco work it was brought out in the committee that after the survey had been completed by the Bureau of Soils the soil expert did not make experiments—the soil man did not grow the tobacco.

The soil survey had completed its function when it discovered that the particular soil gave promise of successful tobacco culture. It took a practical grower—a plant man—to complete the experiment by proving from the actual growing of the tobacco that the Bureau of Soils was not mistaken in its conclusion that particular tobacco soil had been found. The two bureaus should work in harmony, without duplication of work. Each has its own functions. This utilization work seems to me to be a plant problem, and should go to the Bureau of Plant Industry.

Now, we are up against this proposition. It is asked of us to appropriate a large amount of money—\$163,000 increase by

this amendment—to do the work that the Bureau of Plant Industry promises us to do, and I am sure will do it as well, without any increase of appropriation at all; and, in addition, let me suggest, that if the soil-survey maps have to be explained by a soil expert, what good do they amount to to the farmer, anyhow? If the Bureau of Soils can not give to the farmer a map which a man of ordinary intelligence can understand without having to have a soil expert to explain it, I think we had better quit and let the whole business go, for it can be of no practical value. [Applause.]

Mr. RANDELL of Texas. Mr. Chairman, the proposition before us is to increase the appropriation for the soil survey to the amount of \$130,000. This will practically double the capacity of the Bureau of Soils and make it possible to do twice the field work it is now doing. This question ought not to resolve itself into a fight as to whether or not the Agricultural Committee should be allowed to control this bill. Nor is it a question to be decided by the will or the jealousy of different bureaus in the Agricultural Department. The interests of the country should be the controlling factor in our deliberation. We must say by our action whether or not we, as the Representatives of the people, recognize the need of more work in this line. The people I represent on this floor are in great need of a soil survey, and have been earnestly petitioning for this work to be done for them. The Bureau has been unable to respond to their appeal because of the lack of force available. The ravages of various insects attacking our cotton and grain crops have made it apparent that our people must diversify more than ever before. They are earnestly investigating in order that they may intelligently understand what are the capabilities of the soil composing their farms. We have a variety of soil in this one district equal perhaps to that of any State in the Union. In addition to cotton, corn, wheat, oats, and other small grains, forage crops, fruits, grapes, berries, and vegetables, they are also looking to the production of the sugar beet, tobacco, alfalfa, honey, peanuts, Irish and sweet potatoes, and, in fact, practically every crop that can be produced on the farm anywhere in the United States. We have the climate and the soil that promises rich returns for our labor.

But the question now is, What are the capacities of our various soils and their fitness for the production of these crops, and what is lacking in them to accomplish the desired results? The basis for this knowledge is a soil survey, from which can be builded a system of agricultural knowledge and progress heretofore unequalled. Ours is not a bleak, unsettled waste, but a thickly settled, intelligent farming population, in the best climate and having the most productive land in all the world. The Department at present is unable to come to our relief. The people of our section of the country, and from all over the country, who till the soil and produce the crops that are the foundation of our prosperity, turn to the Congress and appeal to their own Representatives for this needed aid. Shall we turn a deaf ear to their entreaty? It is their land, their country, their Congress, and we are but their servants and are intrusted with the duty of obeying their will. The money to be appropriated is theirs, and the benefits of it will accrue to them and to the whole country. Petitions from our boards of trade, municipal councils, organizations of millers, grain men, cotton buyers, and merchants, the farmers' unions, and all the farmers join in this appeal to give them the knowledge necessary for their prosperity, and which can be obtained only by a soil survey. They say to the Congress, "Give us the soil survey and we will do the rest." The demand is intelligent, sensible, and just. The gentleman from South Carolina [Mr. LEVER] seems to be opposed to the soil survey.

Mr. LEVER. Oh, not at all.

Mr. RANDELL of Texas. That is the effect of his whole argument. If he is not opposed to the soil survey, then why not allow the work to be done more speedily, especially in the thickly settled communities like the district I represent, where thousands of farmers can not get the knowledge they need except by these surveys? Why take fifteen, twenty, or twenty-five years to complete the work? At the present rate it will take fifty years to complete this work in the United States. We want the benefit of it now. The desire is reasonable, the object laudable, and the effect would greatly facilitate the development of farming interests. The additional sum that we ask—\$130,000—to be used for the farmers will prove a greater paying investment for the whole country than the same amount expended for any other purpose by this Congress. Why should we be mean and niggardly in the appropriation made for the benefit of the farmers and liberal in other things?

The Agricultural Department is not supported as it should be. Its development in the interests of our people should be pushed as rapidly as possible, and the appropriations should be made

to amply supply all the forces which the Department could intelligently use. The sum we ask is practically a mere trifle in amount, but is of the utmost importance to our people, who need to learn at once the qualities and the deficiencies of the soil. Knowledge is power; and we should not retard this work, but should assist by every means the development in agricultural knowledge that is now so earnestly sought by our people. The farmers are organized and are organizing in all the States for a campaign of education, that knowledge may lighten the burdens of labor and intelligence increase the product of their toil. Let us do our duty and vote for this appropriation. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. Mr. MADDEN. Mr. Chairman, there is no doubt that soil surveys do great good, but there is doubt about the desirability of entering upon an extravagant campaign in soil surveys. Last year \$80,000 were expended for this purpose, and this year, after a most careful consideration, I am told the Committee on Agriculture has decided to increase it by \$33,000; or, in other words, to appropriate \$118,000 for that purpose. The gentleman who introduced the amendment seeks to increase that by some \$120,000. The Bureau chief having charge of this work, I am told, says that this bill provides money for all the work that they can legitimately do. If that be true, there is no reason why more money should be set aside.

Mr. HUMPHREYS of Mississippi. The gentleman is mistaken about that.

Mr. MADDEN. I did not intend to misrepresent the gentleman.

Mr. HUMPHREYS of Mississippi. You are mistaken about what my amendment provides. It does not require \$120,000 additional to \$118,000.

Mr. MADDEN. How much does it require?

Mr. HUMPHREYS of Mississippi. The whole thing is only \$163,000—that is, for additional soil surveys and in the utilization work which you have cut off.

Mr. MADDEN. The Bureau of Plant Industry does a lot of the work that is proposed to be done with the money sought to be appropriated by the gentleman's amendment.

Mr. GRIGGS. Will the gentleman permit me?

Mr. MADDEN. And promises to do all the work that is needed without any additional appropriation whatever.

Mr. GRIGGS. Will the gentleman permit me?

Mr. MADDEN. Certainly.

Mr. GRIGGS. If the gentleman will permit me, the Plant Bureau is doing nothing of the sort.

Mr. MADDEN. They promised to do so.

Mr. GRIGGS. No, sir. Their agents in my district and in Florida, across the line from my district, refuse to do anything except to improve the tobacco by conducting experiments in breeding and fertilization. That is what they say.

Mr. MADDEN. The Bureau of Plant Industry this year has spent \$80,000 in the work that is proposed to be done by the amendment offered by the gentleman from Mississippi [Mr. HUMPHREYS]. If that be the case, why appropriate money extravagantly and uselessly, as this amendment proposes?

Mr. BOWERS. Will the gentleman yield a moment?

Mr. MADDEN. I only have a minute or two, or I would.

Mr. BOWERS. I only want to ask the gentleman what he has to say to that portion of the amendment which increases the sum for making the actual survey? What objection has he to the actual survey?

Mr. MADDEN. They are making surveys faster now than the people who are interested in the land can utilize them, and there is no purpose whatever in making the survey unless it is of some use after it is made.

Mr. GRIGGS. The whole country is not like the land on State street.

Mr. MADDEN. The surveys are useless unless they can be utilized after they are made, and there is no doubt whatever, from all the information that can be obtained upon the subject, that the Department is doing all the work that is needed as rapidly as it is needed. It is spending all the money that should be spent and all that can be economically spent. And I trust, therefore, the amendment will not prevail.

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

Mr. RUCKER. Mr. Chairman, as a member of the Committee on Agriculture, I feel that I should at least express my views upon this amendment. In doing so I confess embarrassment. I regret exceedingly being compelled to take issue with so many of my colleagues on this side of the aisle. Each of the gentlemen on this side who has spoken in advocacy of this amendment, I believe, has stated that he speaks from observation and experience. I have had neither. Not one dollar of money ap-

propriated for this Bureau has ever been expended in my section of the State of Missouri, to my knowledge. Hence I approach this question unbiased, uninfluenced by the fact of past favors or hope of favors to come.

I want to say in behalf of the committee generally that the committee, acting as a whole, and having within its membership gentlemen from every part of the country, from the Northeast to the Southwest, and from the Northwest to the Southeast, taking in the whole scope of our country, that the committee having in mind the sole purpose and desire to do that which the members believe is for the best interests of all the people, regardless of section or locality, dealt with this question, as they did with all other questions, in a spirit of absolute fairness and, as we hoped, of liberality.

I want to say, Mr. Chairman, that when we once put an appropriation in a bill history teaches us that it continues to grow. It never gets less. I tell you, sir, it behooves those charged with responsibility here, those who are responsible for the expenditure of public money, to exercise some degree of frugality and economy in this appropriation and all appropriation bills. I say to this House now that if you vote for this amendment, increasing the amount as proposed, there is no man here whose service will be long enough to see that amount reduced. I care not whether an emergency or necessity exists or not, whether there is a demand for it or not, the appropriation will continue. I assert the fact in all candor that I believe the committee has written into this bill as offered to the House a sum adequate and sufficient to do all the legitimate work of the Bureau of Soils.

Gentlemen complain that under present arrangements it will take forty or fifty years to survey all the land in the United States. Perhaps it may. But let me call their attention to the fact that under the existing arrangement, and arrangements we have had in the past, the Bureau of Soils is now nine years ahead of the utilization work. So that the Bureau has not kept the two projects together.

After hearing the chiefs of the various bureaus of the Department, after having paid close attention to their statements and estimates and weighing them carefully, I believed and the committee believed it was best to rid the Bureau of Soils of the work of demonstration and experimentation and lodge it where it ought to be, in the Bureau of Plant Industry. We have given the Bureau of Soils an increased appropriation. I want to say, Mr. Chairman, that I must not be written down as opposing the agricultural interests of this Republic, because I believe firmly that the one interest superior to all others in the American Republic is that of agriculture. [Applause.] I will go as far as any man in favoring and in advocating, with my voice and my vote, any and every thing which will even tend to build up and foster the agricultural interests of our country. I am the friend of the man on the farm—

The CHAIRMAN. The time of the gentleman has expired.

Mr. LAMB. I ask that my colleague have one minute longer.

The CHAIRMAN. The gentleman from Massachusetts is recognized.

Mr. WEEKS. Mr. Chairman, the Committee on Agriculture in this Committee of the Whole seems to be between the devil and the deep sea. For the last two or three days the committee has been criticised for making large appropriations, it even having been implied that it had recommended larger appropriations than the Bureau officers themselves had recommended. Now it is being criticised for not making a sufficiently large appropriation. The members of the Committee of the Whole ought to understand that the Committee on Agriculture has given very careful investigation to every item in this bill. The chairman of the committee and the senior member of the minority spent thirty days in the Department, examining the Department and the appropriations required, before Congress met, and the committee itself gave hearings for five weeks, considering carefully every part of this bill. Now, my judgment is that this appropriation ought not to be increased, for various reasons. In the first place, the committee has recommended an increase of about \$38,000 over the amount that was expended last year. If the amount which is asked for in this amendment should be added, it would increase the appropriation \$163,000, or about double the amount recommended by the Bureau.

I have no doubt that the Bureau is doing an excellent work, but it is difficult to get suitable men to do this work. The Bureau has out seventeen different parties making these surveys, and, if I remember correctly, the Chief of the Bureau testified at the hearings that it would be impossible to get suitable men to do work on a materially larger scale than he was already conducting it. Therefore very likely the money could not be used to good advantage or economically even if it were appropriated.

There is very much question whether the work of this Bureau is not being largely duplicated by the Bureau of Plant Industry, and in any case the members of the Committee of the Whole ought to understand that after having gone over this matter carefully all the members of the Committee on Agriculture, both of the majority and minority, agreed to the appropriation reported. They are satisfied that it is a suitable appropriation now, and the Committee of the Whole ought to back up the Agricultural Committee in its recommendations. [Applause.]

Mr. SHACKLEFORD. Mr. Chairman, I am heartily in favor of any appropriation that is for the benefit of agriculture. It is the foundation of our greatness, and it ought to receive the fostering care of the Government. The gentlemen speaking against this amendment talk about \$163,000 as something enormous. When they talk about the testing of fuels for the benefit of manufacturers and mine owners of this country and propose to appropriate a quarter of a million dollars for it, they call it a small sum. When they talk about extending markets for the manufactured goods and sending agents abroad to investigate trade conditions, they speak then of multitudinous thousands; but when they speak in behalf of the farmer these gentlemen want to reduce the amount to some small and trifling sum. The question we ought to consider is, Ought this work to be done at all? I ask the gentlemen of the committee reporting this bill, Ought this work to be done at all? If so, it ought to be done adequately. The appropriation carried in this bill is not an adequate appropriation for any such purpose.

Now, Mr. Chairman, the Government has entered upon this work. It has undertaken it as one of the functions of the Federal Government. The complaint I have to make is not at the size of the appropriation. The appropriation is too small, but I do, in this connection, desire to complain at the unfair and one-sided way in which this appropriation has heretofore been expended.

Mr. GRIGGS. Mr. Chairman, will the gentleman permit me? I should like to state to the gentleman from Missouri that on the question of whether or not these matters have been parceled out for several years, as somebody thinks it appears from the hearings, the head of this Bureau informed me to-day personally that all applications for soil surveys made now and hereafter will receive the same attention as those made heretofore.

Mr. SHACKLEFORD. Mr. Chairman, I am glad to hear that, but I should, in addition, like to hear the head of the Bureau say that he regards this as a function of the Federal Government; that it ought to be carried on at Federal expense, and that when we have appropriated the money necessary to carry on his work, that he should not come down to the legislature of my State and say, "If you do not appropriate money to aid in this work you can not have your fair proportion of the money that has been appropriated for this purpose by Congress." That money ought to be expended by the Federal Government in the interests of the people of this Republic, and it ought not to be used to hold up State legislatures and compel them to appropriate State money to aid the United States to perform its duties and carry out its policies.

I believe soil-survey work should be extended. I favor the pending amendment. I would support even a very much larger appropriation. But, Mr. Chairman, when this money is appropriated then it should be fairly distributed among the States.

If this is a Federal function then let it be performed by the Federal Government with money raised by Federal taxation. Do not go to Missouri and say to the legislature, "You are entitled to your share of this appropriation, but you shall not have it unless you come up and aid the great Federal Government in performing the duties which devolve upon it." Mr. Chairman, I withdraw my amendment.

Mr. MURPHY. Mr. Chairman, I favor this appropriation because I believe it is in the interest of the wisest economy. I believe that the more money we spend in this direction the more money we will make. I have no fault to find with the committee; they are doing the best they can under the circumstances. I favor this increase for the reason that it will make money for the country instead of being a waste of money. In support of that appropriation I desire to call the attention of the committee to a situation in my own State. In 1900, after ten years' work of investigation, the State of Wisconsin put out a soil map, which I have here, upon one question, that of raising sugar beets. Up to that time Wisconsin had produced no beet sugar. That soil map was arranged by utilization of surveys made by the State geologist and experimental work done by the agricultural bureau, looking up the counties of the State which produce the best and greatest amount of beet sugar. Following this work companies were formed and went into the manufacturing of beet sugar where they could locate their plants and get the

farmers to grow the best beets producing the most sugar. That map cost the State of Wisconsin a good deal of money, but it paid.

In 1900 we produced no beet sugar, and in 1904 we produced 100,000 tons of sugar beets for which the farmers of the State received \$450,000.

Mr. SCOTT. Will the gentleman yield?

Mr. MURPHY. I have only a few minutes.

Mr. SCOTT. I would like to ask the gentleman if that survey work was done by the State?

Mr. MURPHY. It was; by the State of Wisconsin.

Mr. SCOTT. We are not attempting to interfere with the work of the State of Wisconsin.

Mr. MURPHY. I understand that; but I say that if the State of Wisconsin can do this which in four years will bring in an annual income of \$450,000, the United States can very well afford to spend \$200,000 in the States that will bring back millions.

Mr. Chairman, this is no experiment; I want to say that it is a matter that has been considered in other countries for years.

I have before me a work written in England in 1839, Morton on Soils, which contains a map of Whitfield example farm, in the county of Gloucester, showing in colors the soils and geological formation, the topography and drainage, in fact almost everything which our soil maps issued by the Bureau to-day contain. That map was prepared for the purpose of forming the basis of a scientific system of improving that farm and making it more productive for tenant and landlord and for ascertaining what crops would be most profitable and what fertilizers should be applied to the various portions. The author, speaking in reference to that map and the accompanying plans, uses this language: "When any defect exists in the conduct or operations of others, the best mode of correcting it is to show by example the superior advantages of a better plan of proceeding." To no class of people does this remark so strictly apply as it does to farmers. If the landowners of England seventy years ago considered the matter of such importance that they were willing individually to incur the expense necessary to survey and map their individual farms for the purpose of obtaining the information that would enable them to increase and maintain the fertility of those farms, it can scarcely now be considered extravagant or unwise for us to set about obtaining the information that must be the basis of all intelligent effort to improve the condition of our farming lands. The amendment proposes an increase of only \$160,000 for a work which may return us millions. The scientific study of soils has long engaged the attention of great investigators because of its great importance.

In 1813 Sir Humphrey Davy published his *Essentials of Agricultural Chemistry*, which treated of the composition of air, soil, manures, plants, and of the influence of light and heat upon plant growth. Thaer, Sprengle, Schübler, and Liebig followed him in this line of investigation. Professor Snyder of the University of Minnesota in his exhaustive work on *The Chemistry of Soils and Fertilizers*, quotes from Liebig's works to show his enthusiasm the following extract:

I shall be happy if I succeed in attracting the attention of men of science to subjects which so well merit to engage their talents and energies. Perfect agriculture is the true foundation of trade and industry; it is the foundation of the richest of States. But a rational system of agriculture can not be formed without the application of scientific principles, for such a system must be based on an exact acquaintance with the means of nutrition of vegetables and with the influence of soils and the actions of manures upon them. This knowledge we must seek from chemistry which teaches the mode of investigating the composition and of the study of the character of the different substances from which plants derive their nourishment.

Professor Snyder further says that Liebig's writings on the composition of plant ash and the importance of supplying crops with mineral food led to the commercial preparation of manures, which in later years has developed into the commercial fertilizer industry. We have reached a time in our national life when it is apparent to all that the methods which proved satisfactory and remunerative in early days can no longer be continued with safety. We have been wantonly wasteful of the great natural resources of our country. We have destroyed our forests and depleted our soils. We did not consider it a national necessity to exercise care so long as a great extent of fertile land was at hand which could be procured at a slight cost, but the rapid absorption of the public domain already warns us that if we would provide for the future population of our country we must by the employment of intelligent and scientific methods restore and maintain the fertility of the lands in our oldest States.

Many of us remember when Wisconsin, Iowa, and Minnesota were the wheat fields of the country. To-day we look beyond

them to the Dakotas and the extreme Western States for our bread. The climate of those older States has not changed very materially. The rain fall is sufficient. The season is long enough and the soil if properly treated is fertile enough to provide crops in as great abundance as ever. The abandoned fields of the older States which once supported a large population by agriculture alone can be utilized and made productive by supplying to the soils the peculiar elements which have been exhausted. To accomplish this purpose it is absolutely necessary that knowledge of the soil contents be secured, and for this purpose the appropriation asked for here is intended. The objection is urged that without further explanation and experiment the farmer will not derive much benefit from this work. To remove that objection it is proposed to follow up the field investigation by the necessary laboratory work and then put in the field the demonstrator who has this necessary information at hand and who is in sympathy with the work to test by actual demonstration the theories drawn from the preliminary work. It is admitted that the farmer is conservative and hesitates to experiment. He is justified in that course, for his living depends upon his success or failure in producing crops, and he very wisely declines to launch out into new ventures that may subject him to financial loss. If, however, he is given the opportunity of seeing the scientific theory put into practice and the result proves satisfactory, he is not only willing, but anxious to avail himself of the benefits to be thus obtained. There may be failures, there may be vexing disappointments before success is achieved, but the benefits will greatly exceed the losses, and the entire country will share in the profits.

It is urged that the work of demonstration should be done by the Bureau of Plant Industry.

That may or may not be true, and in any event that is a matter to be worked out by the Agricultural Department. The essential point is that the work be done and that sufficient means be provided for doing it well and doing it as speedily as practicable. The testimony given at the hearings before the committee shows that with the present force the applications for soil surveys now pending can not be satisfied in less than ten years. Waste and deterioration of soils are constant, and the resulting losses in crop production should be checked as speedily as possible. The time is approaching when we will be compelled, by the increase of population, to adopt the most approved and scientific methods of agriculture as well as the most advanced methods of manufacturing if we expect to maintain our national prosperity. Every dollar that is added to the earnings of every acre increases the farmer's capacity to employ labor, to buy merchandise, to educate his family, and to advance the interests of his community and State. Every dollar that is lost because of wasteful methods that may be corrected is a distinct loss to the country, and the country can well afford to aid to the extent requested here in improving the condition of the farmers of the country upon whose success the prosperity of every other business depends. The financial depression now present can not be permanently relieved until the money received from abroad for products of the farm puts into the channels of trade the funds necessary to start and maintain the other industries. There will always be a foreign market for farm products when they can be sold at a lower price than similar products from other countries can be sold. There was a time when we had little competition in the European markets for most of our farm products, but South America, Canada, Australia, and other countries are strong competitors in many lines now, and we must be prepared to meet that competition.

We have heretofore devoted our attention to cheapening the cost of production by increased use of machinery, but we can not hope to do a great deal more in that line. We must therefore pay more attention to increasing the production of the acres we cultivate and to cultivating the acres that are now unused or not used to the best advantage. The problems thus presented can not be solved by the individual farmer working alone. Many of them he is unable to solve, even if he be willing to attempt them. We have long since decided that these lie within the domain of Federal action. That being the case, no good reason exists why the solution of those problems should be delayed.

Mistakes may be made, disappointments may occur, and there may and probably will be some waste in the effort to find the best way to improve existing conditions.

After problems have been solved, it may require much of demonstration to convince and satisfy all the farmers that the methods proposed are the best, but every dollar carefully expended, as this will be, in improving the fertility of our soils and increasing their productiveness will be repaid many times over.

The splendid achievements of the Agricultural Department have richly repaid the people for the support which that Department has received.

That support should be continued and increased as a testimonial of confidence and in appreciation of valuable services rendered. We should also support the Agricultural Department to any extent necessary to accomplish its work, because the work of the Agricultural Department is actually creating wealth for the country. This is a vital necessity at this time, when so much of our money is expended for purposes and in directions that can never return even the principal sum expended.

It therefore behooves us as never before to prevent the agencies engaged in the development of our permanent resources from being hampered in their work that a little more may be expended on our colonial possessions which have already absorbed hundreds of millions of dollars contributed by the farmers of our own country. The Empire State of New York has thousands of acres of abandoned farms which supported a large population. The New England States are in the same condition.

In the State of Virginia and other Southern States there are enormous tracts that were once cultivated which are now abandoned as farms and returning to forest because their owners were unable to properly care for them and preserve the fertility of the soil. There is work that the nation must do in determining how to reclaim those lands and restore their fertility.

It will add millions of dollars to the national wealth, and at a time when we are spending more on our military and naval service than some of the greatest nations of Europe it is a matter of the first importance that everything possible be done to increase the productiveness of our farms, which must in the end bear the greater portion of the burdens of the State. The splendid achievements of our Army and Navy are the pride of every citizen, but we should not forget that no Department of our Government, no branch of our service, has done more to advance the national prosperity and secure the permanent happiness of our people than the Agricultural Department has done. Every encouragement that can be given should be given looking to a continuation of the work. No assistance, moral or financial, should be withheld that can to any extent advance the work of any division or bureau in that Department, and for those reasons I cheerfully vote for the amendment.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

Mr. POLLARD. Mr. Chairman and gentlemen of the committee, the Committee on Agriculture has been placed somewhat in a false light. I do not believe there is a single member of the committee that is not in hearty sympathy with the work being done by the Bureau of Soils. When we came to hold hearings at the opening of this session of Congress, we had the Chief of this Bureau and two of his assistants come before the committee. We devoted, I believe, more time to this Bureau than to any other bureau in the Department. It was our desire to obtain all the information we could concerning the work carried on by that Department. After we had completed our hearings and came to frame the bill, it was the unanimous opinion of the committee that no more money should be included in the appropriations this year than last. Why? I think I can give the reason in a very few words. In the first place, when we came to examine the question and the Chief of the Bureau, we found that he had overstepped the rules of the Department; that he had overstepped the limit placed by Congress in the appropriation last year, and was carrying on work he had no authority of law to do in making demonstrations.

We have in the Agricultural Department several different divisions or bureaus. We have one bureau that is carrying on all the demonstration work that has been conducted by the different bureaus. That bureau has among its force the expert men who are familiar with the work carried on in all the other bureaus. This one bureau is used as a sort of a clearing house, where demonstration work is being carried on for all the bureaus. The Bureau of Soils was encroaching on the work of this bureau known as the "Bureau of Farm Management." We found there was duplication. We found they were doing the same work as this Bureau of Farm Management. It seemed to the committee that it was good business judgment to stop the overlapping of work; that we should confine each department to the particular work it was supposed to do, to the particular work that belonged to it, and not permit it to overstep its bounds and trespass upon the work of the other bureaus. That is why we did not increase the appropriation. Not only that, but this bureau came before the committee, after it had carried

on this demonstration work for over a year without authority of law, and undertook to secure permission from the committee, undertook to secure an item in the bill that would authorize it to do that which it had been doing for over a year—admitting on the face of it that it had no authority to do the work it was already carrying on.

The fact is simply this, that the Committee on Agriculture, after calling in the Secretary, decided to have the Bureau of Soils discontinue the demonstration work and confine itself to the work of soil surveys for which it was created and the work that it was intended to perform. Taking away from it the work of demonstration, which it has been doing without authority of law, leaves the appropriation for soil surveys increased by \$38,000. So really they have an increase of \$38,000 over what they had last year for soil surveys.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DRISCOLL. Mr. Chairman, we who favor this amendment do not wish to be understood as criticising the Committee on Agriculture in any possible manner or as reflecting in any way on the work which those gentlemen have done. We admit they have worked hard and have brought in, in most all respects, a fairly good bill [laughter], but I submit that in one particular instance in this long and elaborate appropriation bill the Committee of the Whole House may assume that it knows as much as, and perhaps more than, this particular committee.

Permit me to say a few words in behalf of this amendment, and for an increase of the appropriation for the Bureau of Soils in behalf of rural New York. We think that with a larger appropriation for work through the Bureau of Soils much benefit may come to the small farmers of our State, and if any assistance or help can be given those farmers they need it and deserve it; and our State, as one of the Commonwealths of this Union, deserves it. Only a very small portion of the agricultural districts of our State have been surveyed by the Bureau of Soils, and, in my judgment, those surveys, maps, and reports which go with them are not only of interest, but of practical benefit to our farmers in the way of information, indicating the various grades or types of soil in the localities surveyed, and also indicating, to a large extent, the kind of plants or crops for the production of which they are best adapted.

The statement was made on this floor a few days ago, during the discussion of this appropriation bill, that farmers do not care for those surveys, reports, and maps. My experience is different. Madison County, a part of the district which I have the honor to represent, and which is located practically in the center of New York, was surveyed a few years ago; maps were made and reports accompanying the same. I sent to the farmers in the district surveyed all the maps and reports which were allotted to me, and demands have been made for many more than I have been able to supply. This shows that the agriculturists up there, the practical farmers, are interested in the work, and the statement made by my colleague the other day, that his people were not interested in soil surveys and do not care to have it done in their agricultural districts, does not apply, at all events, to my part of the State. I have here in my desk, and can produce them, or have them printed in the Record, if desired, many petitions and applications from individuals, granges, and other agricultural organizations of the State of New York, demanding soil surveys, which they will not get and can not get for many years to come unless this appropriation is increased. I submit that this survey work alone, without any utilization work being done, gives the farmers much practical and useful information. They interest them in their lands and in their work. They show the different types of soil in the sections surveyed, and give them some assistance in the way of making the best use of their land.

I submit, Mr. Chairman, that our farmers of New York are entitled to some consideration at the hands of this committee and of this House. The sums allowed for work in animal industry, plant industry, and especially to the Bureau of Forestry, are large and have been materially increased in this appropriation bill, while the item allowed for work by the Bureau of Soils has not been increased for several years. This is not fair. Agricultural chemistry, entomology, plant development, and forestry are all well enough; but ultimately the wealth of this nation consists not in its mines or factories, but in its soil and the products thereof; and money expended in the higher cultivation of the soil and in improving the conditions of agriculture never is wasted.

This bill carries a very large appropriation, nearly four millions, for work in forestry, the preservation of the forests which exist and the reforestation of the denuded plains and hill-tops. New York asks no aid from the National Government in this line of work. It was the pioneer in this field of enter-

prise. It organized its own forest service before this Bureau was created in the Department of Agriculture. It has spent more money than any other State, and I think more than all the States combined, for the benefit and preservation of its forests. It buys and protects its own forest reserves, and at present owns about a million and a half acres, while other States are demanding that the National Government buy their mountain ranges at good prices.

The farmers of our State helped construct and maintain the Erie and Oswego canals, on which the products of the great and fertile West have floated down through our State to the great markets of New York and other Eastern cities. They have helped reduce your freight rates and have kept them down for years, and the grain and other products of the Mississippi Valley have been shipped on those canals and have driven New York farmers out of the markets which they formerly had, and have driven them out of the business of raising grain, corn, cattle, and other bulky and heavy produce. Many of our farms in central and southern New York have been abandoned, or partially so, during the last few years. On account of the high cost of labor and the cheap rates for the produce from the Mississippi Valley they have been unable to compete with that section of the country in the great markets of the East. Some of our farmers have taken up the business of raising vegetables, fruits, and garden sauce and other perishable commodities; and in this particular kind of agriculture they need all the assistance and information that the Bureau of Soils and the Department of Agriculture can give them.

Again, New York is pledged to build a barge canal at an estimated cost of \$101,000,000, and I fully believe that it will cost \$150,000,000 before it is completed and all riparian damages are paid. This \$150,000,000 worth of bonds will constitute a lien on our farms just as effectually as on our city blocks. The farms will have to pay their proportion of it, and at the same time it will help Western farmers, in the reduction of freight rates, to take the market away from our New York farmers.

New York farmers help you gentlemen from the West by reducing your freight charges to the great markets of the East. They help raise the price of your crops. They help develop the Mississippi Valley and the great West. Of course this commerce which comes down through our State helps Buffalo and New York and other cities along the line of the canals; but our farmers have suffered by competition from your fertile territory and have been practically driven out of business of the character formerly carried on.

Large States never get their full share of assistance from the National Government; perhaps because they are able to do things which small and poor States can not do for themselves, and also because their delegations in Congress do not combine and work together with a common purpose and for a common end in the same manner that Senators and Members from small States accomplish results and get advantages and benefits for their States. I do not put this in the form of a complaint, but simply remind you of it that you may consider it in the application of the farmers of New York for assistance which can be given them by the extra appropriation carried in this amendment.

Since our farmers can not compete with the West in the production of grain, corn, cattle, and other bulky products of the soil, if they live and prosper they must do so by intensive farming, and in that work they need the assistance and scientific knowledge and skill which can be given them by the Bureau of Soils. They need soil surveys, maps, reports, and also experimental or utilization work on the part of the Government. Many of them are unable financially to make experiments themselves, and if these experiments are made by the Bureau of Soils our small farmers can take advantage of them in the way of raising vegetables, fruits, and other perishable products, because our great markets are convenient.

In conclusion, let me ask you to be liberal to our farmers who need assistance of this kind. We ask that you gentlemen who are getting the benefit of our great appropriations in the maintenance of the Erie Canal and the construction of the barge canal manifest some appreciation of these benefits and help our farmers out in this small way. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. DRISCOLL. I ask unanimous consent to continue my remarks in the Record.

There was no objection.

Mr. COCKS of New York. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. COCKS of New York. To speak on this proposition.

The CHAIRMAN. Will the gentleman indicate on which side he proposes to speak?

Mr. COCKS of New York. On the other side from that advocated by the gentleman who has just taken his seat.

The CHAIRMAN. The gentleman is recognized. The Chair will say in explanation of his position that the chairman of the Committee on Agriculture handed in a list of the names of those who wanted recognition, and the gentleman's name was not on the list.

Mr. SCOTT. It was unaccountably omitted, and I apologize for that.

Mr. COCKS of New York. Mr. Chairman, I also come from the great State from which the gentleman comes who has just taken his seat. My farmers are exactly in the kind of business, and have been for two or three generations, to which he says his farmers are driven by the grain growing of the Mississippi Valley. Now, my district is nearly all surveyed, but I have yet to hear from one practical farmer where they have one bit of advantage from these soil surveys.

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

Mr. COCKS of New York. You know how I am fixed.

Mr. HUMPHREYS of Mississippi. The Secretary of the Treasury states in his report there are more requests from the gentleman's—

Mr. COCKS of New York. The Secretary of the Treasury?

Mr. HUMPHREYS of Mississippi. The Secretary of Agriculture—than any other district in the United States.

Mr. COCKS of New York. He is a constituent of mine.

Mr. DRISCOLL. Will the gentleman allow me one question?

Mr. COCKS of New York. Yes.

Mr. DRISCOLL. I wish to ask if all the gentleman's district has been surveyed?

Mr. COCKS of New York. No; not all.

Mr. DRISCOLL. How much?

Mr. COCKS of New York. About two-thirds.

Mr. DRISCOLL. Is not nearly all of it surveyed?

Mr. COCKS of New York. I do not know about all, but—

Mr. DRISCOLL. So you have all surveyed you want?

Mr. COCKS of New York. But therefore I feel I will be able to say what a great advantage has arisen from it where it has been surveyed and where it is not in the future.

Mr. DRISCOLL. Give the rest of us some chance.

Mr. COCKS of New York. But I say, furthermore, we have a proposition coming before us to increase the appropriation which is not even recommended by the Department, and we are establishing a dangerous precedent. If this was such a crying need and such a great advantage, certainly the Secretary of Agriculture would have recommended this enormous increase. This Bureau comes before us and asks an increase of \$300,000 without the recommendation of the Secretary of Agriculture. Now, I am a farmer myself and desire to do everything for the benefit of the farmer I can, but I do not consider increasing the appropriation at this time would be of any advantage.

Mr. MANN. Is the gentleman a farmer or an agriculturist?

Mr. COCKS of New York. I am a farmer, and Uncle Joe will vouch for me.

Mr. GAINES of Tennessee. You farm by telephone, do you not?

Mr. COCKS of New York. Now, I would like to say, gentlemen, that if I thought this would do half the good which the gentlemen who are so anxious for this increase claim for it, I would be willing to yield and say it is all right; but I have not heard one of them tell us how it is going to benefit any particular farmer. If they want to get the soil analyzed they can send it to the State's experimental station or to the laboratory here at Washington. If they want to find out how deep the loam is, or how deep the clay is, or how deep the sand is, they can go and dig a hole on their farm; that is all they do in part of the soil survey, drill holes and—

Mr. HUMPHREYS of Mississippi. Is the gentleman aware of the fact that the Secretary of Agriculture does recommend and commends this most favorably in all of his reports?

The CHAIRMAN. The time of the gentleman has expired.

Mr. COCKS of New York. Mr. Chairman, I guess it is just as well.

Mr. GRIGGS. Mr. Chairman, I am very much afraid that the Agricultural Committee is making a personal matter of the Soil Survey. They seem to stand in solid phalanx against this amendment to increase the appropriation. I do not blame some of them. I do not blame the gentleman from Missouri [Mr. RUCKER], the gentleman from Kansas [Mr. SCOTT], the gentleman from Nebraska [Mr. POLLARD], all of whom represent States where they only have to throw corn out of the window in the spring and get their wagons and gather it in the fall without labor. [Laughter and applause.] They do not know anything

about farming. [Applause.] They know absolutely nothing about it; nature does it for them. I am surprised, however, at my friend from Virginia [Mr. LAMB]. As I ride through Virginia and look at the red hills, with the soil all washed away, and when I ride through the State of my friend from South Carolina [Mr. LEVER] [laughter and applause]—

Mr. COCKS of New York. Mr. Chairman—

Mr. GRIGGS. No; I do not yield. When I call to mind the condition of the State of my friend from South Carolina and see the bald and barren spots, with cotton growing 6 inches high—we call it "bumble bee" cotton in Georgia [great applause and laughter]—and think of his opposition to soil surveys or anything else, Mr. Chairman, for the purpose of enriching the land and enabling the farmers to utilize it, I am indeed surprised. I confess that Georgia needs all the help along this line she can get. [Applause.]

I do not blame the gentleman from Oyster Bay [Mr. COCKS], who claims to be a farmer. A grower of what? Of oysters and clams [laughter and applause], and the gentleman has not yet, and I judge from what he is doing right now, shown that he has learned anything from either—that is, not to insist on interrupting when some other gentleman has the floor. [Laughter.] In addition to the oysters and the clams, and the asparagus, and the cabbage, I understand he grew the President [applause and laughter], and the Secretary of the Treasury. With all of these great and good vegetables growing on my friend's farm, he ought to be satisfied.

A MEMBER. And three Members of Congress.

Mr. GRIGGS. Has he grown three Members of Congress? Then I want to compliment the gentleman on the fact that he has grown something good. [Laughter.] If he has grown three vegetables which have graduated into Members of this House it was a pretty good day's work, farmer or no farmer.

Mr. COCKS of New York. Two of them on the other side.

Mr. GRIGGS. I do not blame the gentleman from Oyster Bay who only grows Members of the House of Representatives, asparagus, oysters, clams, Presidents of the United States, and Secretaries of the Treasury. I do not blame him for being opposed to this amendment. [Laughter.] Virginia and Ohio, proud mothers of Presidents and Cabinet officers, must at last give up the ghost and join in glad acclaim to the gentleman from Oyster Bay, the proud grower of oysters, clams, asparagus, onions, cabbages, Members of Congress, Cabinet officers, and Presidents, all on one common Long Island farm. [Great laughter and applause.]

Mr. MANN. From clams to the President is a long variation. [Laughter.]

Mr. GRIGGS. It is a far call from clams to the President of the United States. [Laughter.] I do not blame a man for opposing soil surveys who can do all this. You get so arrogant that you forget the common farmers throughout the United States. [Applause.] You never did know their needs, and if you find them out now through what many of us on this side of the House and a few on that side have told you, you do not care anything about it. Yet you believe yourselves to be the great leaders of agriculture. [Laughter.] You have met together in solemn conclave and prepared a bill which you think ought to go through without amendment. Why? You have not offered a solitary reason this afternoon, except that you think you know more about it than anybody else. I never belonged to this Agricultural Committee, but I did at one time belong to a better one than ever sat in this House. An old gray mule and myself made up the committee. [Great laughter and applause.] I was the chairman. [Applause and laughter.] If you agriculturists knew anything about that, you would be in favor of increasing this appropriation just as we are to-day. [Applause.] We never had any amendments offered to our bills. [Laughter and applause.]

They were all accepted just as we agreed on them. We had no trouble about time to speak. I cursed when the plow handles hit me and the mule brayed when the horn blew. [Great laughter and applause.] Our farm was a little like the supposed plantation of my Chicago friend [Mr. MADDEN], who, I am told, has large plantations on State street in the heart of that great city. But, seriously, gentlemen, why cry "extravagance" whenever a small appropriation is asked for the benefit of the farmer? I understand that the Navy has used up \$150,000 worth of shot and shell in target practice at Magdalena Bay, where our fleet has been for the past few weeks. Nobody calls that extravagance. Then why talk of wasting money in helping the men who must stand behind the guns whenever real war comes? Some one many years ago announced the great truth that before the hammer hit upon the anvil, before the fires blazed in the forges, the cultivation of

the soil began. We must depend on the farmer at last. Let us hold up his hands as he moves along the basis of our greatness as a people. [Great applause.]

Mr. Chairman, I make the usual request.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

Mr. FOSTER of Illinois. Mr. Chairman, the success of an enterprise depends upon the energy and the intelligence that are expended upon it. Great business projects thrive by reducing waste to the minimum, and by making every factor and part of the business yield their maximum of profit. It is the application of science to industry that brings success. In the last analysis, agriculture is the basis of every nation's wealth and prosperity. And in proportion as agriculture thrives the people thrive. Since agriculture is so important, should not the utmost that science can do be applied to it?

In Illinois scientific agriculture is rapidly taking its place by the side of grammar, spelling, and arithmetic as a branch of study in the public schools. The result of this is sure to make the coming generation love the farm more and to be more intelligent farmers. In connection with a convention held at Syracuse, N. Y., last October to investigate ways for improving farming conditions in New York State, President Roosevelt wrote in a letter to Mr. Giles H. Stilwell:

There must be a far more careful and scientific study than in the past of the adaptation of soils to crops so that unprofitable crops may be eliminated and the others extended in such fashion as may be suited to the widely varying climatic and soil conditions of this State. There must be an extension of animal husbandry and adaptation of breeds of animals to suit soils, climate, and topography; and a careful study of manurial and fertilizing requirements of the soils must be made.

Mr. Chairman, the era of the old-time farming is gone. Today is the day of scientific farming. The man who goes out to work upon the farm and till it must know to what kind of crop that particular soil is adapted. There is no use of talking about growing wheat upon ground which is adapted to some other crop and which has not the elements that go to produce wheat. But it is necessary, if you are going to grow a crop of wheat, or corn, or potatoes, to know what the elements are in that ground that will produce those crops. And if these elements be lacking, they must be supplied. The State from which I come I think is a fairly good agricultural State. The reputation of Illinois is pretty good in that respect. [Applause.]

Yet, I believe, Mr. Chairman, that the State of Illinois realizes to-day more than ever in her history the necessity of the soil survey [applause], because the farmers of Illinois have learned that a proper understanding of that to which the soil is adaptable has enabled them to grow bushels of corn and wheat where formerly they could grow very little. I could show you in the district which I have the honor to represent one of those old prairie farms that a few years ago could be bought possibly for \$10 an acre, that in the last year grew 75 bushels of corn to the acre when it was treated properly according to a soil survey. [Applause.] Go to the State of Arkansas, where a few years ago there was a lot of old prairie land that possibly was not worth \$2 per acre, and yet under this soil survey and these utilization men that have been talked about here, that land grows 75 bushels of rice to the acre, and is worth from \$50 to \$75 per acre. In the great State of New York we find in twenty years the valuation of the farms has deteriorated \$168,000,000.

Last fall it was necessary for the Chamber of Commerce of Syracuse, N. Y., to call a convention to reclaim more than a thousand farms that had been abandoned in that great agricultural State. There is no way, Mr. Chairman, to do this except by a proper soil survey, and then follow it up with the utilization men, who show what can be done upon a particular kind of soil.

Mr. Chairman, I am heartily in favor of this increased appropriation, because I believe that the farmers of this country will realize more than fourfold for what is being spent here. In the State of Illinois, in the district which I have the honor to represent, the State university has done a great deal in their soil surveys and experiment-station work, but I say to you, Mr. Chairman, that the State of Illinois needs more, and every State in this Union needs the soil survey and the experiment stations that they establish. [Applause.]

Mr. RICHARDSON. Mr. Chairman, I am not a member of the Committee on Agriculture, and I dislike to take issue with the judgment of the committee, but I am heartily in favor of the amendment of the gentleman from Mississippi [Mr. HUMPHREYS] to increase the amount of appropriation for the soil survey. I am in favor of it, Mr. Chairman, from a practical,

tangible demonstration of the benefit accruing from a soil survey which was made in the district I have the honor to represent. I think I can say with truth and sincerity that the farmers of the Tennessee Valley in Alabama are as progressive and keep as much in touch with improved agricultural machinery and scientific advances, certainly, as any section of the South. There have been two soil surveys made in our district, and I am now urging the third. The first survey was one of the earliest made in Alabama. The movement for a soil survey was urged on me by our farmers desiring to take advantage of the knowledge of the improvement of the soil and its fertility offered by the Government. The result has been most gratifying from every standpoint. Gratifying, not only because it has had the effect of teaching the farmer what crop his soil was best adapted to produce, but it has been the best advertisement we have had to bring in settlers. One soil survey was made of one entire county in the western portion of the Tennessee Valley, the county of Lauderdale, Ala. It embraced the entire county.

The other survey embraced portions of the counties of Limestone and Madison, and I have pending an application to have the same investigation made in Jackson County and every other county in the Eighth Alabama District, because I believe that great benefit to our agricultural interests will come from these soil surveys. I am greatly surprised to hear anyone speak to the contrary. When these different soil surveys were made in our district I sent two or more, a small number, of the Lauderdale County surveys to the land and immigration agent of the Louisville and Nashville Railroad, one of the greatest trunk systems of the South, that runs through the county of Lauderdale. I also sent to the same agent of the Southern Railroad, a great and important line, the pamphlet and maps of the soil survey of Madison and Limestone counties, through which its line of road passed.

The land and immigration agents of these two great railroad systems requested me to send them for distribution all of the soil-survey bulletins that I could spare, because they were splendid advertising matter, to be distributed in the great States of Indiana, Illinois, Ohio, and other Northern States, many of whose people were desirous of going South, where cheap lands, good climate, and a hearty welcome awaited them. Before getting through I sent several thousands of these bulletins, with maps, to each of the land and immigration agents of these great railroad systems. About two years after the distribution of this literature I called on the agent of the Louisville and Nashville road to know what beneficial results, if any, the soil-survey pamphlets had brought.

He replied, giving me the number of families that had passed over his line of road for the preceding twelve months, where they came from, and where they located. One hundred and seventeen families had passed. Ninety per cent of them were native-born Americans, and they came from the following States as in order named: Indiana, Illinois, Ohio, and other Northern States. They had "taken up" or purchased thousands of acres of land and made their homes thereon. But the most gratifying part of his report was that the county of Lauderdale, through which his railroad passed and where the soil survey had been made, had received quite three times more of these settlers than any other county on the line of his road. The agent of the Southern road reported practically the same result. I regret that I can not publish the letters written to me on which I base this statement. I am supporting the amendment of the gentleman from Mississippi [Mr. HUMPHREYS] because I want to continue this work.

What you may attribute it to I know not, but I attribute it to the fact of the soil-survey maps and pamphlets sent out. They were not Italians who came down there to disseminate the teachings of the Mafia or the Black Hand societies. They were American-born citizens, bone of our bone, flesh of our flesh who came down into this country—men and women who fraternized with our people, joined us in our celebrations, and gladly aided in building schoolhouses and churches—and they are there today, having taken up a large number of acres of our cheap, fertile, untilled lands, living as agriculturists, happy and prospering. I say if a soil survey can produce so great a benefit as that, I am not only for the increase proposed by the gentleman from Mississippi, but really would be willing to vote even for a larger appropriation.

Mr. Chairman, I am surprised at a statement made by a member of the Committee on Agriculture when he said his defense against this amendment was that he thought the Chief of the Bureau probably was greedy and stretching out his hands to get more power and authority than he ought to have. That, I am quite sure, is true. I am referring to the gentleman from South Carolina [Mr. LEVER] and some others. Yet I find

in the RECORD, and during this very debate, that worthy and distinguished gentleman, aided by other earnest Democrats, advocating that experts be sent down in the cotton region of the South to enable the Secretary of Agriculture to establish a standard for the different grades of cotton, calling to his assistance expert cotton classifiers, by fixing a standard of middling cotton, and using the same as a basis, establishing nine different grades, etc. The unique and attractive part of that debate was the forcible suggestion made by the gentleman from Indiana [Mr. CRUMPACKER], who probably never saw a cotton plant growing, or had any knowledge of our great staple, that such legislation as that would lead to disputes respecting the different cotton grades, which would inevitably bring subsequent legislation by Congress as would require the Government of the United States to have an expert and attendants, with a cotton laboratory at all the cotton commercial centers in the South. The gentleman from Indiana [Mr. CRUMPACKER] is entitled to the thanks of all of us who believe that the sovereign States of the Union can look after such matters and look after the maintenance of some of the individual rights and personal liberties of its citizens and not ask the Federal Government to take charge in full.

We know if the Government should appoint cotton experts, it would not be but a few years before the Secretary of Agriculture would be asking Congress to create a commission of from five to seven cotton experts to meet here in Washington and fix the different grades of cotton according to the reports made by the experts sent out to gather information. That is just the way all such legislation begins—ask for experts, then a commission, and then the Federal Government, to the detriment of the State and individual rights over their own private home affairs, assumes and exercises control over the whole subject-matter. I am not intending to, nor do I, reflect upon the good faith or sincerity of anyone, but I do say, Mr. Chairman, that I do regret this growing tendency to look to the Federal Government to help us and guide us in all our worldly matters, and with perfect respect I enter my earnest dissent to such propositions as I understand them.

Mr. LEVER. The gentleman evidently has not read the so-called "cotton amendment," or he would not come to the conclusion that he has.

Mr. RICHARDSON. Yes, I have. Its evil is not now, but hereafter—legislation that will follow. I believe that kind of legislation initiated here will result, in the course of a few years, in the establishment of a laboratory board of experts from the Government in all the great commercial centers of the South where cotton is sold for the purpose of passing upon the different grades; and I was glad that the gentleman from Indiana [Mr. CRUMPACKER] made that objection, that the Government was extending its authority too far. [Applause.]

Mr. MCKINLAY of California. Mr. Chairman, I am very glad to say a word in support of the amendment offered to the bill of the committee. There has been a great deal said to-day about the farmer and about the benefit that would come to the farmer by reason of an increased appropriation, by which intelligence might be disseminated, and through the means of which he might obtain a better idea as to the character of the soil that he was to cultivate. But there is another side to the problem, and that is that the prospective farmer must be taken into consideration.

If my reading serves me right, one of the greatest problems we have to contend with in the United States, and have had for the last ten years, is the tendency of our population to congest in large cities. We find everywhere complaint that the lands are being forsaken and people are congesting in the cities, and it is almost impossible to scatter them out over the land. On a little trip about a month ago I met a manufacturer of automobiles from New York.

He told me he was on his way west for the purpose of trying to hire men to work in his factory. He said: "Although we pay 20 to 25 per cent more wages to the men in our factories than they are getting in the West, yet we can not get them to do the work we give them." I said: "What is the reason?" He said: "The reason is because, although we pay them \$5 or \$6 a day, they can not live on it in the city of New York." And that applies to nearly all the cities of the Union now. They are so congested and overgrown with population that rents and the price of living have risen to such an extent that this tendency to congest the population in the cities must in some way be broken up.

So within the last couple of years we see a tendency to return to the farms, and we find in the various States of the West the farms are being cut up. Our great holdings in California of 10,000 and 20,000 acre ranches are being cut up and offered to small landholders, and we find thousands of workingmen and mechanics coming in and taking up the lands.

Therefore we wish to give them encouragement. In my own district we have over 2,000,000 acres of land that ought to be settled up. We find them coming in from cities and towns, and they want knowledge. They want to know how to handle the land they settle upon. To the average town man the problem of tackling a piece of land and making a living upon it is almost as great as the problem of tackling the stock market. So I believe in increasing these appropriations, in doubling, if necessary, the number of parties that shall be sent out. In my own district I have requests from every county of the Sacramento Valley, asking that soil surveys shall be continued. Last fall when the soil survey was finished in one of my counties I was given 2,000 of their reports and maps. In three weeks they were gone, and I had 2,000 more requests, and I have had requests for an extension of the soil surveys in almost every part of my district. This applies to all of California, and so it seems to me that no amount of money could be expended that would give better results and do better and more lasting work than that for the extension of the soil survey. [Applause.]

Mr. CANDLER. Mr. Chairman, when the Bureau of Soils was first established as a division in the Weather Bureau of the Department of Agriculture very little was specifically known about the soils of the world. Liebig's ideas as to the mineral theory of plant growth had prevailed for upward of fifty years, and chemists all over the world were endeavoring to explain the differences in soil fertility by chemical analysis of soils and plants. This had long been recognized as inefficient and insufficient to explain the problems constantly arising upon the farm. It was recognized vaguely that we had different classes of soils, such as sands, loams, and clays, but even with these there was no exact knowledge of their relation to crops or to specific treatments. In all the world there were but four definitely established soil types, viz., the loess soils of China, the chalk soils of England, the moor soils of Germany, and the chernozem or black earth of Russia. Chemical fertilizers had been introduced and found to be very beneficial, but nothing was known specifically about their action. We are now using upward of a hundred million dollars' worth of commercial fertilizers annually in this country, and yet their action is so uncertain and so greatly influenced by soils, crops, and weather conditions that in very few cases has anything approaching an exact method of treating soils with fertilizers been worked out.

The Bureau of Soils, as a result of the fourteen years of constant and devoted investigation, has worked out the general laws governing the distribution of crops on the soils of the United States. It has made soil surveys and has published maps covering, in the aggregate, approximately 140,000 square miles in all but two of the States and Territories. It has worked out the principles of soil fertility and the cause of the low yield of crops, and in doing this has shown that Liebig was wrong in placing so much importance upon the chemical composition of the minerals of the soil, as it has now found that the fertility or yield of crops is influenced by the chemistry of organic constituents of the soil.

In the progress of the soil-survey work 400 distinct types of soils have been recognized, their peculiarities studied, their relation to crops and their crop adaptation determined, and we now have for the first time in the history of the world the first approximation to a complete classification of the soil resources of a great country as the foundation for the highest development of its agricultural industries. The results of the soil survey are used to a very large extent by our people. The soil maps are taken as the basis for cropping operations; they are recognized as adequate evidence in courts of law; they are accepted as sufficient and satisfactory evidence for the sale and conveyance of farm property. The great work of the Soil Survey is referred to in items of admiration and praise by all the civilized nations of the world and as an example which they must ultimately follow.

The investigations of the Bureau of Soils on soil fertility, on the rotation of crops, and on the office and use of fertilizers is educating our farmers to a more intelligent use of their soils and these views are being accepted the world over as the beginning of a new era in scientific agriculture that is raising and elevating the practice of agriculture and making it more certain and more effective. The average yield of the cereal crops in the United States is one-third or one-half the yields obtained from the older soils of Europe and Asia. With the increase in population and the consequent necessity for providing even more bounteous crops than we are now receiving, the soil must respond more bountifully to our labors, and this may only come safely and wisely through such investigations as the Bureau of Soils is now conducting. It is to support and ex-

tend this fundamental work of the Department of Agriculture that I think a larger appropriation is necessary for the Bureau of Soils.

The work of the Bureau of Soils consists of an examination of the character and extent of the different classes of soil which make up the agricultural domain of the country.

The soil of the United States constitutes the one great inexhaustible natural resource of the country. From it spring not only the food and raiment of the people, but nearly one-half (42 per cent) of the materials used in manufacture and a majority of the materials exchanged in commerce. From the soil, in the present generation, the farmers of the United States have won a living for themselves and for their countrymen and in addition have furnished the commodities whose sale and exchange have much reduced the dependence of this country upon the capital of foreign nations.

#### SMALL PROPORTION OF LAND UNDER TILLAGE.

The agricultural domain of the United States (exclusive of the outlying possessions) in 1900 comprised 5,739,657 farms, aggregating 841,201,546 acres. Of this area almost exactly one-half is improved land, and the remainder consists of wood lots, swamps, and land that has never been plowed or cropped. Although this is a great total, less than one-half of the whole land area has been turned into farms, and less than one-fifth is actually improved. Even upon this showing the farm lands of the United States comprise seven times the farm-land area of France, with 39,000,000 people; eight times the farm-land area of Germany, with 60,000,000 people; and thirty-one times the farm-land area of England and Wales, with 34,000,000 people. The American farms now existing could be made to produce enough to feed many times the country's present population, were the best and most intensive agricultural methods of European countries applied, and still have a surplus for export.

It is to the full development of these vast but dormant resources that the soil-survey work is devoted.

The work of making soil surveys was begun in 1899, and in nine years' work the surveys have covered 139,247 square miles, or more than 89,000,000 acres of land. This amounts to about 10 per cent of the total land area held in farms in the United States. Each year from fourteen to seventeen parties of two men each are kept in the field, and thirty-five to forty-five areas, usually counties, are surveyed each year. In order that the greatest economy in expenditure may be achieved, the soil survey parties are kept in the field the year around, in so far as is possible being assigned to areas in the South Atlantic and Gulf States during the winter time, and being assigned in summer to more northern communities when the climatic conditions permit of outdoor field work. In this way large areas are surveyed each year at a minimum cost, the average cost of the field work amounting to about \$2.75 per square mile, or less than one-half cent per acre for all areas thus far surveyed.

The Soil Survey recognizes at present 13 great soil provinces, 58 soil series, and 461 soil types. Of these types some 130 are more or less local in character, while the remainder are of widespread occurrence within their respective provinces.

Enough has been said to demonstrate the wide range and the wonderful richness of the soil resources of the country. The other problem of equal importance, possibly the greatest agricultural problem of the nation as a whole, is that of the proper and complete development of these resources along lines which shall give not only increased crop values, but also increasing ability to produce crops upon the part of the soils.

Careful consideration must be given to the fact that at least 461 types of soil possessing distinctive properties are already known to exist. It rests with some one, whether a private individual or a public official, to determine the crop or crops to which each one of these soils is best adapted; to devise the methods of soil management by which each one of these soils may be made to produce a sufficient crop to repay all expenses and to render a profit; to adapt the systems of farm economy through crop rotations, tillage, and fertilization so that these different soils may produce their crops for long periods of time at least without deterioration and, if American farming is to become a science, with actual increase in crop-producing power.

The soil-survey work thus possesses a dual aspect: (1) It must deal with those problems of crop and soil adaptation which concern the present individuals and generation; and (2) it must accumulate a fund of information in regard to soils which will assist in solving the broad problems of the nation's soil resources and the utilization of these resources, not only for the support of a growing population, but also for maintaining a favorable balance of trade for the nation.

From these reports on soil surveys the individual farmer may learn the relationships of the soils upon his own farm, not only to the other soils in the immediate neighborhood but to soils of the same character in widely separated regions. He may thus observe and study understandingly the methods and results obtained under the most favorable conditions by successful farmers upon these soils. His horizon of observation is enlarged, and he may more surely apply the experience and the observation of others to his own particular needs and conditions. He is able to consider his own farm not as an isolated property, but in its due relationship to other farms located upon the same soils and in a region of similar climatic surroundings. The single report thus serves the purpose of the individual whose problem is one of a fixed and occupied region.

At the present time, as at all times in the history of the country, there is a large class of persons who for various reasons desire to secure new farms in more or less distant localities for the pursuit of general agriculture or for the production of special crops. Inquiries from such persons always cover certain climatic and soil features, and each desires to secure information which will enable him to compare conditions personally known to himself with those of new localities under consideration. Inquiries of this nature are constantly received at the Department of Agriculture, and wherever possible the information is supplied by the reports and maps covering the areas concerned. No advice to do this or that is communicated; only the information upon which a judgment may be based. The use of soil-survey reports

for this purpose is by no means confined to reports upon regions which are sparsely settled or newly opened for agricultural occupation. The constant changes in farm values in all parts of the United States are calling the attention of individual farmers to particular localities in the older States, where possible advantages may be gained from the sale of high-priced lands and the purchase of others which, for the time, are offered at a lower figure. Greater demands have been made during the past few years for soil-survey reports covering areas in the Eastern and Southern States than for those in any other localities. Whatever the cause, the attention of individuals and investors is strongly shown by this demand.

All of these uses of soil maps and of soil-survey reports are immediate and present. They are more or less personal to the individual farmer, investor, or student. They do not constitute the only use, nor possibly the greatest use, of these surveys. As agriculture, based on the soil as its fundamental resource, is the greatest business of the country at the present time, so it must remain for many generations to come. Agriculture is still a generalized business, although its specialization into horticulture, market gardening, tobacco culture, cotton culture, and other subdivisions has begun. With increasing population, with greater intensity of cultivation, greater demands will continually be made upon the soil and greater precision and skill in the selection and handling of soils for special crops will be required. It will be extravagantly wasteful to allow these developments to occur along the lines of chance and to secure the ultimate ends as the result of haphazard trial or experimentation. The soil and climatic factors which govern plant and crop growth must be understood and appreciated. Whenever through any cause a particularly valuable crop is brought to perfection upon a given soil, the extent and geographic distribution and the climatic environment of that soil must be known in order to insure the successful spread of its culture.

The time has come in the agricultural development of the United States when accurate and detailed knowledge of the soil—its character, varieties, capabilities, and adaptations—is of great importance; and as the years go by such knowledge will become more and more important, until ultimately our greatly increased population will need and will be able to utilize fully the diverse capabilities of these 461 different types of soil.

The importance of the work of the Bureau of Soils to the State of Mississippi can not be overestimated at the present time. The older farm practice of raising cotton as the great money crop, and only devoting enough land to corn to suffice for the production of a small amount of the feed for the work stock is being supplanted by the introduction of new crops whose soil adaptations are not fully known, and the methods of cultivation and fertilization need to be studied. Throughout the entire northeastern part of the State extends the great prairie belt, formerly devoted to large plantations given over almost exclusively to the production of cotton. The investigators of the Bureau of Soils say that there are no soils in the eastern part of the United States better suited to the production of alfalfa than these same prairie soils. A few farmers have undertaken its cultivation. They have been fairly successful, and the community is desirous of knowing the extent of the lands upon which this valuable crop may be raised. One great need of the cotton planter, in order that he may reduce the cost of production of his crop, is hay, and alfalfa supplies this need to a remarkable degree.

There are thousands of acres of these alfalfa soils lying in the eastern and northern part of the State. The location and extent of these soils should be determined as soon as possible, in order that the possibilities for alfalfa growing may be made known, not only to those who are at present citizens of the State, but also to others who are desirous of securing lands and homes within the State.

There are other soils within this same region which are now producing but small yields of cotton and other staple crops which are capable, when once their properties and crop adaptations are understood, of producing fruits and truck crops for sale upon the Northern markets and for home consumption. All of this section of the country is well served by transportation facilities, and the only thing which is necessary to bring about a great development of the agricultural resources of the northern portion of the State is a thorough understanding of the great capabilities of the soils, and of the best methods for tilling and for fertilizing them.

This work of the soil survey and of soil management should be pushed, for through its influence it will be possible to largely increase the yield of cotton upon the Mississippi plantations, to decrease the cost of production of the great staple and aid those other crops which not only yield a profit to the farmer, but also give the home comforts of fresh vegetables and fresh fruits to his family and to his community.

In the study of the soils of the Southern States, it has been found that a great variety of soils exist within the cotton belt, and it is also true that nearly 200 different varieties of cotton have been originated and developed within these regions. All kinds of cotton are not equally suited to be produced upon all kinds of soil, and one of the most valuable pieces of work which can be done by the Bureau of Soils in the interest of cotton planters is a study of the adaptation of the soils of the Gulf States to the production of the different known varieties of cotton. The varieties of cotton which are well suited to

production upon the moist alluvial lands of the Mississippi Delta are not all suited to production upon the drier, more sandy lands of the upland portion of the State.

The cottons which will do the best upon the black prairie lands are not at all the varieties which are suited for growth on other soils within the State. Each of these varieties of cotton, because it has long been grown upon the particular soils where it was originated, thrives to better advantage and produces more cotton upon its appropriate soil. Annually thousands of bushels of cotton seed are sold upon the open market to the farmers of Mississippi without the slightest reference to the character of soil upon which this cotton is to be grown. Little is known, either by the experiment stations or by any other agencies, in regard to the particular adaptation of soils to the production of these different varieties of cotton. The soils of the entire cotton belt should be studied carefully, in order to determine the kind of crop, in the first place, which each one is best suited to grow, and then the variety of that crop which is peculiarly suited to the given soil and the existing climate. Thousands of dollars which are carelessly expended every year in the purchase of seed and of fertilizer may thus be saved and the annual yield of cotton may be more than doubled by a simple inexpensive study of these fundamental soil facts. Cases have been known where two different varieties of cotton were planted side by side upon the same soil on the same plantation, the land prepared with equal skill and fertilized with equal care, but because one variety of cotton was suited to the soil and another was not, the adapted variety produced yields of 300 pounds of lint more to the acre than the varieties not so well suited to the soil. At a price of 10 cents per pound this difference in yield would amount to \$30 per acre. A single piece of information which can easily be obtained by the Bureau of Soils in regard to all the great soil types and all the varieties of the chief staple crops might thus mean a difference between failure and success on the part of the farmers. I hope the pending amendment will be adopted. [Loud applause.]

Mr. CANDLER, Mr. SMALL, Mr. RANDELL of Texas, and Mr. RICHARDSON requested leave to extend their remarks in the RECORD.

Mr. SCOTT. With the understanding that the remarks are to apply to this bill, I have no objection.

The CHAIRMAN. With that understanding, is there objection?

There was no objection.

Mr. DAVIS of Minnesota. Mr. Chairman, I do not know that I can enlighten the House or the members of this committee upon this subject, except to inform them that I am in favor of this amendment. [Applause.] One of the principal reasons therefor is this: I am in favor of any and every proposition that will aid in any way the actual tiller of the soil. [Applause.] I am informed from the discussion that has gone on thus far that some of the Eastern States, and especially that part of the State of New York known as Long Island, have all their territory surveyed. I know of many thousands of acres of land in the West, and some few in the district I represent, that have not been surveyed. I know the people are clamoring for these surveys. I know they want to have them made for the purpose of increasing the agricultural products of their districts.

Now, we talk about economy, but I notice that for some time on the floor of the House whenever an appropriation is sought for that directly affects the true toiler of the soil, economy is the motto. [Applause.] Whenever the products of his labor are put into the commercial channels of this country in which other interests are involved, then one, two, or three millions are cheerfully voted. [Applause.]

I am in favor of the meat inspection proposition, because it inspects the products of the farm, and I am also in favor of giving a little more money to increasing the products of the farm. To-day one of the great crying evils of the country is the high cost of living; and if you increase the opportunity of greater production you thereby decrease the cost of living to the great mass of the laborers of this country.

It can not be said that because two bureaus are wrangling over this proposition that we, the Representatives of the American people, should stand by and take their judgment on a matter of this kind. We represent the people, and because a chief of a bureau says that he has enough, shall we sit here idle and say because of that we will not increase an appropriation—whereas we hear now the Members representing this country, North, East, South, and West, demanding soil survey—shall we give no reason why it shall not be done, but simply say, "No; we must economize because some chief of a bureau says that he has enough?"

I for one am not willing to take the statement of any chief of a bureau that he has sufficient appropriation to make all

needed surveys, when the people are clamoring for more. My people demand soil surveys, and so it is in every agricultural portion of the United States. They ought to have it regardless of the paltry sum which is sought to be appropriated by this bill. [Applause.]

Fear not too great an accumulation of knowledge of the soil. This wondrous world and its productivity is too little known. Study it well and proclaim the knowledge thus obtained, for the true basis of all prosperity is Mother Earth.

Every dollar spent in this direction is like "bread cast upon the waters," which returns many fold to all our people. [Applause.]

Mr. SCOTT. Mr. Chairman, how much time is left to this side?

The CHAIRMAN. Ten minutes.

Mr. SCOTT. I ask unanimous consent that I may use that time or control it.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HEFLIN. Mr. Chairman, I am a member of the committee, and I should like one minute.

Mr. SCOTT. I will yield that time to the gentleman.

Mr. HEFLIN. Mr. Chairman, I am a member of the Agricultural Committee, but I do not agree with the majority of that committee who oppose this amendment. So convinced am I that this amendment offered by the gentleman from Mississippi [Mr. HUMPHREYS], calling for an increase in the appropriation for soil survey and soil utilization purposes, is fair and just, I favor its adoption.

It is in the interest of the farmers of America, and it does seem to me that you might grant them this little sum without delay, for we all know that they have little enough consideration now. I desire to take issue with the gentleman from Virginia [Mr. LAMB], a member of the committee, when he says that one or two surveys is sufficient for an entire Congressional district. The soil of the county in which I live is entirely unlike the soil of the county south of me. That soil is entirely different from the soil in the county west of me, and so on and on. The argument that he makes does not at all apply to this case. I favor the passage of the amendment. [Applause.]

Mr. SCOTT. Mr. Chairman, I feel assured that many speeches made here this afternoon have been made under a misapprehension as to the real meaning of a soil survey. I am also assured that a large proportion of the so-called "demands" that have come up from the country for these surveys are based upon a misapprehension of their meaning. I have a letter sent to me by the Chief of the Bureau—sent to me perhaps because it was written by a citizen of my own State—to illustrate the demand throughout the country for these soil surveys, and I want to read a few of the reasons the writer gives for asking for a soil survey:

First. Our farmers have been disappointed in the crops for the past four years on account of the excessive rainfall during the greater part of the crop season.

Second. A large majority were settlers on the land in the early days and have been selling the fertility off their farms.

Third. They never had much education, and have not kept step with the march of progress.

Fourth. They have suffered from the overflows that come periodically from the rivers.

And so, if I cared to take the time, I could read a dozen other alleged reasons for wanting a soil survey, not one of which presents a question which would be answered by a soil survey. There is not a single problem suggested in this letter which properly belongs within the jurisdiction of the Bureau of Soils, and no question is suggested which could be answered by a soil survey.

Mr. GAINES of Tennessee. Will the gentleman yield?

Mr. SCOTT. I can not yield, of course. It has been the opinion of some members of the Committee on Agriculture for many years that the average farmer was not able to understand and utilize the soil survey. The Bureau has contended to the contrary until this year.

This year they came before us, and I quote what the Chief said:

To obtain the fullest information and the greatest benefit from the soil survey, we have found it necessary to send out what we call utilization parties, to show how the soils of any particular area, county, or district would be most profitably utilized.

Is it not clear enough to be seen that this is the careful phraseology used by a man in gracefully retiring from a position which he has occupied heretofore? Now, there have been surveys during these nine years, during which time the Chief of this Bureau had not yet discovered that it required "additional information" to make these surveys of value—there have been made during these nine years surveys over 140,000 square miles of territory.

I insist, Mr. Chairman, that before doubling this appropriation to send out enough parties to make twice as many surveys per annum as we are making now we would better allow some utilization to be made of the knowledge that already obtains. We would better make the farmers acquainted with the results of the work they have already had. In my own home county a soil survey was made. It was made there at my request, because I doubted the value of this work and wanted to test it by comparing it with my own knowledge. I was born in that county. I have lived there all my life, and I thought I had some reasonable knowledge of the character of the soil and what it would produce. So I had this survey made. There were 2,000 reports issued. I sent every one of those reports into that county. I wrote to twenty of my personal friends, uncommonly intelligent, progressive farmers, and asked them to read carefully what that report stated and let me know whether they learned anything of value from it. I got just one answer, and that man said that if he had had the information when he came there thirty years ago, he might perhaps have made use of it to his advantage, but there was not anything in it that was new to him now. That was three years ago, and since then not one human being has said a word to me when I have been home about the value of the information which he got from that survey, showing clearly enough, Mr. Chairman, that unless these surveys are followed up by somebody who can interpret their meaning to the people, the people get absolutely no value from them. Now, who is the proper person to follow them up? Why, the people who know how to raise crops, the people who have given their lives to the study of plants and how to breed and plant and cultivate them. They are the people, and that division is already organized in the Bureau of Plant Industry. I want to say to the members of this committee that this change has been made with the absolute approval of the Secretary of Agriculture. He knew what was to be done before it was done. He stated to the committee it was his opinion that this work should not be duplicated, that there should not be built up two great divisions in the two bureaus of this Department to cover precisely the same ground. He stated that the amount carried in this bill would be ample for this Bureau to do all the work it could properly do, and that the work of utilization would be continued by the other Bureau, where it properly belongs. I hope, therefore, that the amendment will be voted down.

The CHAIRMAN. The debate on this amendment is closed. The question is on the amendment offered by the gentleman from Mississippi.

The question was taken, and on a division (demanded by Mr. HUMPHREYS of Mississippi) there were—ayes 102, noes 87.

Mr. SCOTT. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. SCOTT and Mr. HUMPHREYS of Mississippi.

The House again divided and the tellers reported—ayes 100, noes 88.

So the amendment was agreed to.

Mr. GAINES of Tennessee. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

Mr. SCOTT. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The Chair thinks that the gentleman from Tennessee is entitled to have his amendment reported.

Mr. SCOTT. I am perfectly willing to have the amendment considered as pending.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert after the word "countries," page 29, line 17, the following: "To investigate, with a 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."

Mr. SCOTT. Mr. Chairman, on that I reserve the point of order.

The CHAIRMAN. The gentleman from Kansas moves that the committee do now rise.

Mr. SCOTT. Mr. Chairman, I will withdraw the motion to rise for the present in order to make this statement. I understand that an amendment was offered by the gentleman from Missouri [Mr. SHACKLEFORD]—

Mr. GRIGGS. He withdrew that amendment.

Mr. SCOTT. Then the amendment now pending is that offered by the gentleman from Tennessee. I have no disposition in the world to crowd out any other amendments. My one idea is that the usual time for adjournment has arrived.

Mr. GAINES of Tennessee. Oh, I will sleep better if the gentleman will let us vote on this amendment now.

Mr. SCOTT. Mr. Chairman, I have no objection to the vote being taken, the debate on the matter being closed.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee.

Mr. GRIGGS. Mr. Chairman, can we have the amendment reported?

Mr. POLLARD. Can we have the amendment read again?

Mr. GAINES of Tennessee. It has been in the bill for two or three years.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The amendment was again reported.

Mr. SCOTT. Mr. Chairman, I withdraw the point of order.

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

Mr. SCOTT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose, and the Speaker having resumed the chair, Mr. FOSTER of Vermont, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 19158, the agricultural appropriation bill, and had directed him to report that it had come to no resolution thereon.

#### WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. ASHBROOK was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of John M. Stocking, H. R. 19183, Sixtieth Congress, no adverse report having been made thereon.

#### LEAVE OF ABSENCE.

By unanimous consent, Mr. BARTLETT of Georgia was granted leave of absence for four days.

#### EULOGIES.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Alabama asks unanimous consent for the present consideration of the following resolution, which the Clerk will report.

The Clerk read as follows:

*Resolved*, That the House of Representatives shall at 2 o'clock on Saturday, April 25, 1908, consider resolutions upon the life, character, and public services of the Hon. JOHN T. MORGAN and the Hon. EDMUND W. PERTUS, late Senators from the State of Alabama.

The SPEAKER. Is there objection. [After a pause.] The Chair hears none.

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

#### ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 13077. An act to authorize the Secretary of War to furnish four condemned brass cannon and cannon balls to the Confederate Monument Association, at Franklin, Tenn.; and

H. R. 17055. An act to validate certain acts of the thirty-seventh legislative assembly of the Territory of New Mexico.

#### ADJOURNMENT.

Mr. SCOTT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 6 minutes p. m.) the House adjourned.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred, as follows:

A letter from the Secretary of the Treasury, transmitting an estimate of appropriation required by the Department to complete the service for the fiscal year ending June 30, 1908—to the Committee on Appropriations and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 19409) to amend the act of Congress authorizing the construction of a dam across the Crow Wing River, in the State of Minnesota, reported the same with amendments, accompanied by a report (No. 1351), which said bill and report were referred to the House Calendar.

Mr. CUSHMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 19412) authorizing the construction of a bridge across

the Okanogan River, Washington, reported the same without amendment, accompanied by a report (No. 1352), which said bill and report were referred to the House Calendar.

Mr. HUMPHREY of Washington, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the Senate (S. 5333) relating to yachts, reported the same without amendment, accompanied by a report (No. 1353), which said bill and report were referred to the House Calendar.

Mr. KNOWLAND, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 5983) authorizing certain life-saving apparatus to be placed at the Farallone Islands, off the coast of California, reported the same without amendment, accompanied by a report (No. 1354), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. ELLIS of Oregon, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 4151) for the relief of Lieut. Commander Jerome E. Morse, United States Navy, retired, reported the same without amendment, accompanied by a report (No. 1345), which said bill and report were referred to the Private Calendar.

Mr. FULTON, from the Committee on Claims, to which was referred the bill of the House (H. R. 18600) for the relief of John M. Hill, reported the same without amendment, accompanied by a report (No. 1346), which said bill and report were referred to the Private Calendar.

Mr. SLAYDEN, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 18726) for the relief of Wyatt O. Selkirk, reported the same without amendment, accompanied by a report (No. 1347), which said bill and report were referred to the Private Calendar.

Mr. FULTON, from the Committee on Claims, to which was referred the bill of the Senate (S. 604) to reimburse Ulysses G. Winn for money erroneously paid into the Treasury of the United States, reported the same without amendment, accompanied by a report (No. 1348), which said bill and report were referred to the Private Calendar.

Mr. WILEY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 15098) to correct the military record of John H. Layne, reported the same without amendment, accompanied by a report (No. 1350), which said bill and report were referred to the Private Calendar.

Mr. KAHN, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 7071) for the relief of James McKenzie, reported the same with amendment, accompanied by a report (No. 1356), which said bill and report were referred to the Private Calendar.

#### ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

Mr. PARKER of New Jersey, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 2413) to correct the military record of Martin Cummings, reported the same adversely, accompanied by a report (No. 1349), which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 7558) to increase the efficiency of the Army of the United States, reported the same adversely, accompanied by a report (No. 1355), which said bill and report were laid on the table.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 19238) to amend chapter 2939 of the acts of Congress, passed in the Fifty-ninth Congress and approved March 4, 1907, entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," reported the same adversely accompanied by a report (No. 1357), which said bill and report were laid on the table.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

A bill (H. R. 8150) granting an increase of pension to William W. Hargrave—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18235) granting a pension to Justin McCarthy—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CALDER: A bill (H. R. 20110) authorizing the President to appoint, in advance of the next regular vacancy, an assistant civil engineer to the Corps of Civil Engineers of the United States Navy—to the Committee on Naval Affairs.

By Mr. CAMPBELL: A bill (H. R. 20111) to amend an act entitled "An act to establish a Code of Law for the District of Columbia," relative to gambling, bucket shops, and bucketing—to the Committee on the District of Columbia.

By Mr. McCALL: A bill (H. R. 20112) providing that all contributions hereafter made to political committees engaged in promoting the election of Representatives or Delegates to the Congress of the United States or of Presidential electors at any election at which such Representatives or Delegates shall be voted for shall be reported by such committees to the Clerk of the House of Representatives of the Congress of the United States, and for other purposes—to the Committee on Election of President, Vice-President, etc.

By Mr. SHEPPARD: A bill (H. R. 20113) to create a Committee on the Public Health—to the Committee on Rules.

By Mr. COCKRAN (by request): A bill (H. R. 20114) for the establishment of an experimental auto-post-coach rural service—to the Committee on the Post-Office and Post-Roads.

By Mr. HITCHCOCK: A bill (H. R. 20115) to extend the time for the construction of a bridge and approaches thereto across the Missouri River at or near South Omaha, Nebr.—to the Committee on Interstate and Foreign Commerce.

By Mr. CARTER: A bill (H. R. 20116) authorizing the Secretary of the Interior to purchase part of segregated coal area—to the Committee on Indian Affairs.

By Mr. BEDE: A bill (H. R. 20117) to provide for the purchase of additional land for the enlargement of the site for a post-office building in the city of Duluth, Minn.—to the Committee on Public Buildings and Grounds.

By Mr. COX of Indiana: A bill (H. R. 20118) to amend an act granting pensions to certain enlisted men, soldiers and officers, who served in the civil war and the war with Mexico, approved February 6, 1907—to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 20119) for a storage, concentrating, and delivery warehouse in the city of Chicago—to the Committee on Public Buildings and Grounds.

By Mr. SIMS: A bill (H. R. 20120) to authorize the construction of a railroad siding to the United States navy-yard, and for other purposes—to the Committee on the District of Columbia.

By Mr. MANN: A bill (H. R. 20183) to furnish those entitled to admission to the press galleries of the Senate and the House of Representatives with copies of all Government publications—to the Committee on Printing.

By Mr. SHEPPARD: Joint resolution (H. J. Res. 160) empowering the President to appoint a commission of physicians to test the arsenization theory for the prevention of yellow fever—to the Committee on Interstate and Foreign Commerce.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALEXANDER of Missouri: A bill (H. R. 20121) granting an increase of pension to Anson E. Millegan—to the Committee on Invalid Pensions.

By Mr. BEDE: A bill (H. R. 20122) granting an increase of pension to Charles Heywood—to the Committee on Invalid Pensions.

By Mr. BOOHER: A bill (H. R. 20123) granting an increase of pension to B. F. Davis—to the Committee on Invalid Pensions.

By Mr. BRODHEAD: A bill (H. R. 20124) granting an increase of pension to Ogen Harris—to the Committee on Invalid Pensions.

By Mr. CARTER: A bill (H. R. 20125) to provide for the enrollment of Caldonia Lee as a Mississippi Choctaw, and for other purposes—to the Committee on Indian Affairs.

By Mr. CLARK of Florida: A bill (H. R. 20126) for the relief of David Johns—to the Committee on Military Affairs.

By Mr. COOPER of Pennsylvania: A bill (H. R. 20127) granting an increase of pension to Martin Stoneking—to the Committee on Invalid Pensions.

By Mr. COX of Indiana: A bill (H. R. 20128) granting an increase of pension to John T. Littell—to the Committee on Invalid Pensions.

By Mr. DIEKEMA: A bill (H. R. 20129) granting an increase of pension to Matthias S. Hartman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20130) granting an increase of pension to George W. Crawford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20131) granting a pension to Aaron M. Dairymple—to the Committee on Invalid Pensions.

By Mr. EDWARDS of Georgia: A bill (H. R. 20132) for the relief of the estate of Mrs. Rosana McGuire—to the Committee on War Claims.

Also, a bill (H. R. 20133) for the relief of the estate of Dr. H. J. Royall, deceased—to the Committee on Claims.

Also, a bill (H. R. 20134) for the relief of the heirs of A. Clark, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20135) for the relief of the heirs of Amos A. Cordson and others—to the Committee on War Claims.

Also, a bill (H. R. 20136) granting a pension to James A. Coyne—to the Committee on Pensions.

Also, a bill (H. R. 20137) for the relief of Mrs. Matilde Choplin and her infant son—to the Committee on Pensions.

Also, a bill (H. R. 20138) granting a pension to H. B. Lemcke—to the Committee on Pensions.

Also, a bill (H. R. 20139) for the relief of J. B. Shearouse—to the Committee on War Claims.

Also, a bill (H. R. 20140) for the relief of Mrs. M. E. Elders—to the Committee on War Claims.

Also, a bill (H. R. 20141) for the relief of A. F. Mira or his heirs at law—to the Committee on War Claims.

Also, a bill (H. R. 20142) for the relief of Dr. C. D. Royall—to the Committee on Claims.

Also, a bill (H. R. 20143) for the relief of J. J. Nease—to the Committee on War Claims.

Also, a bill (H. R. 20144) for the relief of Mrs. Ellen Blount—to the Committee on War Claims.

By Mr. FAIRCHILD: A bill (H. R. 20145) for the relief of Peter S. Clark—to the Committee on Military Affairs.

By Mr. FASSETT: A bill (H. R. 20146) granting a pension to Charles R. Spencer—to the Committee on Invalid Pensions.

By Mr. FULTON: A bill (H. R. 20147) for the relief of Mary E. Brent—to the Committee on War Claims.

By Mr. GILHAMS: A bill (H. R. 20148) granting an increase of pension to Aaron Phillips—to the Committee on Invalid Pensions.

By Mr. HACKETT: A bill (H. R. 20149) to correct the military record of Abraham C. Bryan—to the Committee on Military Affairs.

By Mr. HAWLEY: A bill (H. R. 20150) for the relief of Edward L. Briggs—to the Committee on War Claims.

By Mr. HAY: A bill (H. R. 20151) for the relief of the heirs of Benjamin Smith, deceased—to the Committee on War Claims.

By Mr. HOUSTON: A bill (H. R. 20152) for the relief of heirs or estate of W. T. Garrett, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20153) for the relief of the heirs of James C. Rowlett, deceased—to the Committee on War Claims.

By Mr. HUBBARD of West Virginia: A bill (H. R. 20154) granting a pension to Carrie Duffy—to the Committee on Pensions.

Also, a bill (H. R. 20155) granting an increase of pension to Benjamin F. Sutton—to the Committee on Invalid Pensions.

By Mr. HUGHES of West Virginia: A bill (H. R. 20156) granting an increase of pension to Justin McCarthy—to the Committee on Pensions.

By Mr. ADDISON D. JAMES: A bill (H. R. 20157) granting an increase of pension to Edward R. Roll—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20158) granting an increase of pension to Abner P. Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20159) granting an increase of pension to Charles T. Greer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20160) granting a pension to John W. McPherson—to the Committee on Invalid Pensions.

By Mr. JONES of Washington: A bill (H. R. 20161) granting an increase of pension to Paul K. Hubbs, jr.—to the Committee on Pensions.

By Mr. McLAIN: A bill (H. R. 20162) for the relief of the legal representative of Haller Nutt, deceased—to the Committee on War Claims.

By Mr. MADISON: A bill (H. R. 20163) granting a pension to Martha J. Banks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20164) granting an increase of pension to George F. Hood—to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 20165) to reimburse various persons for damages and losses, as recommended by the Light-House Board—to the Committee on Claims.

By Mr. NORRIS: A bill (H. R. 20166) granting an increase of pension to Albert J. Dake—to the Committee on Invalid Pensions.

By Mr. PARKER of South Dakota: A bill (H. R. 20167) granting an increase of pension to Henry A. Tortat—to the Committee on Invalid Pensions.

By Mr. PRATT: A bill (H. R. 20168) granting an increase of pension to Charles H. Houghton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20169) granting an increase of pension to James A. Hawley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20170) granting an increase of pension to Anthony C. Brill—to the Committee on Invalid Pensions.

By Mr. RUCKER: A bill (H. R. 20171) to correct the military record of George H. Tracy—to the Committee on Military Affairs.

By Mr. RUSSELL of Missouri: A bill (H. R. 20172) granting a pension to William McGarvey—to the Committee on Invalid Pensions.

By Mr. SMITH of Iowa: A bill (H. R. 20173) granting an increase of pension to Samuel R. Curtis—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 20174) granting an increase of pension to Emerson L. Johnnet—to the Committee on Invalid Pensions.

By Mr. TALBOTT: A bill (H. R. 20175) granting an increase of pension to Owen C. Morris—to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 20176) for the relief of the heirs of Mrs. Julia L. Watson, deceased—to the Committee on War Claims.

By Mr. CARY: A bill (H. R. 20177) granting a pension to Cassius W. Andrew—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20178) granting a pension to John Muir—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20179) granting a pension to Myron H. Perrigo—to the Committee on Invalid Pensions.

By Mr. LITTLEFIELD: A bill (H. R. 20180) granting a pension to Margaret Lewis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20181) granting an increase of pension to Francis E. Johnson—to the Committee on Invalid Pensions.

By Mr. WEEKS: A bill (H. R. 20182) granting a pension to Emma A. Henry—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 Dr. W. C. Dalberry and 33 others, of Duquoin, Ill., praying for the passage of the bill to prevent the sale of intoxicating liquors in the District of Columbia (H. R. 40)—to the Committee on the District of Columbia.

Also, memorial of the National Guard Association of Illinois, praying for the enactment of House bill 14783, promoting efficiency of the militia—to the Committee on Militia.

Also, memorial of the Honolulu Chamber of Commerce, praying for the enactment of legislation in relation to the pay of the officers and men of the Army and Navy—to the Committee on Military Affairs.

Also, memorial of the joint convention of Coal Operators and Miners, favoring legislation for the improvement of inland waterways—to the Committee on Rivers and Harbors.

Also, memorial of the National Association of Manufacturers, praying for legislation for the repeal of the timber and stone act, and for a census of standing timber—to the Committee on the Public Lands.

Also, memorial of the National Association of Clothiers, protesting against legislation embodied in the so-called "Aldrich bill" (S. 3023), relating to currency, and praying for enactment of legislation embodied in the so-called "Fowler bill" (H. R. 12677)—to the Committee on Banking and Currency.

Also, memorial of the Organization of the General Slocum Survivors, praying for legislation in behalf of the destitute widows and orphans and survivors of the Slocum disaster—to the Committee on Claims.

Also, memorial of the Sailors' Union of the Pacific, protesting against the proposed legislation giving to boards of local inspectors the power to return the proper number of men needed to safely navigate any vessel—to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the Peace Association of Friends, of Philadelphia, Pa., protesting against the authorization at his session of Congress of the building of four battle ships, cruisers, docks, etc.—to the Committee on Naval Affairs.

Also, memorial of the jobbers and manufacturers of St. Paul, Minn., praying for legislation for the improvement of the upper Mississippi River—to the Committee on Rivers and Harbors.

Also, memorial of the city council of Nauvoo, Ill., praying for the improvement of the upper Mississippi River—to the Committee on Rivers and Harbors.

Also, memorials of the Framingham (Mass.) Board of Trade, praying for legislation adopting a comprehensive system of internal waterways—to the Committee on Rivers and Harbors.

Also, memorial of Camp C. M. Winkler, United Confederate Veterans, praying for legislation to provide for a revision of the cotton tax illegally assessed—to the Committee on War Claims.

Also, memorial of Williams Post, Grand Army of the Republic, Department of Illinois, praying for the enactment of the Sherwood pension bill—to the Committee on Invalid Pensions.

Also, memorial of the Polish organization and the Polish press of the United States, praying for intervention in behalf of the Polish people living within the jurisdiction of the Prussian Government—to the Committee on Foreign Affairs.

Also, memorial of the Poles of South Chicago, Ill., praying for intervention in behalf of the Polish people living in the jurisdiction of the Prussian Government—to the Committee on Foreign Affairs.

Also, memorial of the Polish-American citizens of Adams, Mass., praying for intervention in behalf of the Polish citizens of Prussia—to the Committee on Foreign Affairs.

Also, memorial of the Painesdale (Mich.) Society of Polish Miners, praying for intervention in behalf of the Polish people now within the jurisdiction of the Prussian Government—to the Committee on Foreign Affairs.

Also, memorial of the Polish-American citizens of North Hampton, Mass., praying for intervention in behalf of the Poles within the jurisdiction of the Prussian Government—to the Committee on Foreign Affairs.

Also, memorial of the Polish-American citizens of Worcester, Mass., praying for intervention in behalf of the Polish people within the jurisdiction of the Prussian Government—to the Committee on Foreign Affairs.

Also, memorial of the Marion (Ind.) Typographical Union, No. 286, protesting against the so-called "Penrose bill" relating to the use of the mails by the newspaper press (H. R. 1518, to amend section 3893 of the Revised Statutes)—to the Committee on the Post-Office and Post-Roads.

Also, memorial of Grange No. 1232, of Jamestown, Pa., praying for legislative enactment of a rural parcels post—to the Committee on the Post-Office and Post-Roads.

Also, memorial of the Trades League of Philadelphia, praying for legislation to provide for the retirement of officers and crews of the Life-Saving Service; also, protesting against any legislation which would enable the employees of the Census Bureau to be appointed without examination—to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Farmers' Grain Dealers' Association of Illinois, praying for legislation to establish Federal inspection of grain—to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Seattle (Wash.) Commercial Club, praying for legislation to enable railroad rates to be revised by the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, memorial of the New York Board of Trade and Transportation, praying for the continuance of the investigations of rivers and water resources of the United States—to the Committee on Appropriations.

Also, memorial of H. J. Welman and many others, of New York City, praying for the creation of a national highways commission—to the Committee on Agriculture.

Also, memorial of the Manufacturers' Association of Bridgeport, Conn., praying for legislation for the establishment of the Appalachian and White Mountain Forest Reserve—to the Committee on Agriculture.

Also, petition of Louis A. Pratt and 10 others, praying for the creation of a national highways commission (S. 15837)—to the Committee on Agriculture.

Also, memorial of Mrs. Lena M. Randall and 8 others, praying for the creation of a national highways commission (S. 15837)—to the Committee on Agriculture.

Also, memorial of Garfield Grange, of North Dana, Mass., praying for legislation for the improvement of the public highways (H. R. 15837)—to the Committee on Agriculture.

Also, petition of Grange No. 1232, of Jamestown, Pa., praying for the creation of a national highways commission (H. R. 15837)—to the Committee on Agriculture.

Also, memorial of Captain John Brady Grange, praying for the creation of a national highways commission (H. R. 15837)—to the Committee on Agriculture.

Also, memorial of the Brotherhood of Railroad Trainmen, of Portland, Me., praying for the enactment of the so-called "La Follette-Sterling bill," relating to employers' liability—to the Committee on the Judiciary.

Also, memorial of the Denver Credit Men's Association, of Denver, Colo., praying for legislation to amend the national bankruptcy act—to the Committee on the Judiciary.

Also, memorial of the Brotherhood of Railroad Trainmen of Houston, Tex., praying for the passage of the so-called "La Follette-Sterling liability bill," for legislation relating to free passes, and protesting against the so-called "Knox liability bill"—to the Committee on the Judiciary.

Also, memorial of the Ivanhoe Lodge, Railway Employees, of Smithville, Tex., praying for the passage of the so-called "La Follette-Sterling anti-injunction bill," and legislation relating to free passes, and protesting against the so-called "Knox liability bill"—to the Committee on the Judiciary.

Also, memorial of the Indiana and Ohio Conference of the Mennonite Brethren in Christ Church, praying for legislation to restrict the liquor traffic—to the Committee on the Judiciary.

Also, memorial of the Newark, N. J., Association of Credit Men, praying for certain amendments to the national bankruptcy act—to the Committee on the Judiciary.

Also, memorial of the Brotherhood of Railway Trainmen of Denver, Colo., praying for the passage of the La Follette-Sterling liability bill, and protesting against the passage of the so-called "Knox bill"—to the Committee on the Judiciary.

Also, memorial of the Brotherhood of Locomotive Engineers, of Waterloo, Iowa, praying for the passage of the so-called "La Follette-Sterling employers' liability bill"—to the Committee on the Judiciary.

Also, memorial of the Brotherhood of Locomotive Engineers, of Shawnee, Okla., praying for the passage of the so-called "La Follette-Sterling employers' liability bill"—to the Committee on the Judiciary.

Also, memorial of Henry A. Bonn, of East Orange, N. J., and 14 others, praying for the enactment of legislation to establish the White Mountain and Appalachian Forest Reserve—to the Committee on Agriculture.

Also, memorial of the Framingham (Mass.) Board of Trade, praying for legislation for the establishment of the Appalachian and White Mountains Forest Reserve—to the Committee on Agriculture.

Also, memorial of Louis Philipp Eckhard and 9 others, of New York City, praying for the establishment of the White Mountain and Appalachian Forest Reserve—to the Committee on Agriculture.

By Mr. ADAIR: Petition of citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Appropriations.

By Mr. ALEXANDER of Missouri: Paper to accompany bill for relief of Anson E. Mulligan—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: Paper to accompany bill for relief of Harvey Jewell—to the Committee on Invalid Pensions.

By Mr. BEDE: Paper to accompany bill for relief of Charles Heywood—to the Committee on Pensions.

By Mr. BONYNGE: Petition of Clear Creek Valley Grange, of Arvada, Colo., for national highway commission and Federal aid in construction of public roads (H. R. 15837)—to the Committee on Agriculture.

Also, petition of Clarkston Valley Grange, No. 157, for H. R. 15837—to the Committee on Agriculture.

By Mr. BOOHER: Paper to accompany bill for relief of Martha J. Austin (H. R. 20024)—to the Committee on Invalid Pensions.

By Mr. BUTLER: Petition of T. Ellsworth Moore and other citizens of Pennsylvania, for S. 3152, for additional protection to dairy interests—to the Committee on Agriculture.

By Mr. CALDER: Petition of California Harbor, No. 15, American Association of Masters, Mates, and Pilots, and Marine Engineers' Beneficial Association, No. 35, of San Francisco, Cal., against H. R. 225 and S. 5787, and favoring H. R. 14941, amending section 4463 of the Revised Statutes of the United States—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Henry A. Mehdan, of Brooklyn, N. Y.,

against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of M. M. Whitaker, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

By Mr. CARY: Petitions of Marine Engineers' Beneficial Association, No. 35, of San Francisco, and California Harbor, No. 15, American Association of Masters, Mates, and Pilots, for enactment of H. R. 14941, amending section 4463 of the Revised Statutes of United States—to the Committee on the Merchant Marine and Fisheries.

By Mr. DAWSON: Petition of California Harbor, No. 15, American Association of Masters, Mates, and Pilots, for enactment of H. R. 14941, amending section 4463 of the Revised Statutes of the United States—to the Committee on the Merchant Marine and Fisheries.

By Mr. DRISCOLL: Petition of Hamilton Grange, No. 648, Patrons of Husbandry, for a national highways commission and for Federal aid in construction of public highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. DUNWELL: Petition of Indian Rights' Association, for amendment of S. 5586 and H. R. 15641, that propose to remove restrictions from alienation or incumbrance of certain lands in Oklahoma allotted to members of the Five Civilized Tribes—to the Committee on Indian Affairs.

Also, petition of Local Union No. 7, United Hatters of North America, favoring the President's recommendation for legislation to safeguard the lives of workingmen—to the Committee on the Judiciary.

Also, petition of the Universalist Club, of Haverhill, Mass., for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of United Harbor, No. 1, of New York, indorsing H. R. 10458, allowing appeal to be taken to supervising inspector, from him to Supervising Inspector-General, and from him to Secretary of Commerce and Labor—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Trades League of Philadelphia, for S. 25 and H. R. 6169, promoting efficiency of the Life-Saving Service—to the Committee on the Merchant Marine and Fisheries.

Also, petition of California Harbor, No. 15, American Association of Masters, Mates, and Pilots, and Marine Engineers' Beneficial Association, No. 35, of San Francisco, Cal., for H. R. 14941, amending section 4463 of the Revised Statutes of the United States—to the Committee on the Merchant Marine and Fisheries.

Also, petition of American Civic Association, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of the Standard Union, favoring H. R. 12432, for consolidation of and evidence in actions of libel—to the Committee on the Judiciary.

By Mr. ESCH: Petition of Trades and Labor Council of La Crosse, Wis., against prohibition legislation—to the Committee on the Judiciary.

Also, petition of Trades and Labor Council of La Crosse, Wis., favoring the McHenry bill establishing a Bureau of Mines (H. R. 10556)—to the Committee on Mines and Mining.

Also, petition of California Harbor, No. 15, American Association of Masters, Mates, and Pilots, favoring H. R. 14941, amending section 4463 of the Revised Statutes of the United States—to the Committee on the Merchant Marine and Fisheries.

By Mr. FOSS: Petition of Nathan L. Robinson and 30 other citizens of Illinois, asking that fees be allowed pension attorneys—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of citizens of Streator, Ill., against H. R. 4897, for religious legislation for the District of Columbia—to the Committee on the District of Columbia.

Also, petition of James Chalmers, of Rockford, Ill., for H. R. 19250, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. FULTON: Petition of citizens of Oklahoma, residents of Catesby, against H. R. 4897 and H. R. 4929—to the Committee on the District of Columbia.

By Mr. HAMMOND: Petitions of common council of St. Paul and Minnesota State Federation of Women's Clubs, favoring the Morris Act, to set apart 230,000 acres, including Cass Lake, as forestry lands—to the Committee on the Public Lands.

By Mr. HAMILTON of Michigan: Petition of Glass Creek Grange, No. 425, of Barry County, Mich., for highway improvement (H. R. 15837)—to the Committee on Agriculture.

Also, petition of citizens of Arizona, for H. R. 17426—to the Committee on Alcoholic Liquor Traffic.

By Mr. HOUSTON: Paper to accompany bill for relief of Tabitha Ann Rowlett—to the Committee on War Claims.

By Mr. HUBBARD of West Virginia: Papers to accompany bills granting an increase of pension to James R. Armour (H. R. 18330), Silas Sims (H. R. 17081), and James H. Thomas (H. R. 18056)—to the Committee on Invalid Pensions.

By Mr. HUGHES of New Jersey: Petitions of California Harbor, No. 15, American Association of Masters, Mates, and Pilots, and Marine Engineers' Beneficial Association, No. 35, of San Francisco, Cal., for H. R. 14941, amending section 4463 of Revised Statutes of the United States—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Branch No. 5, District No. 9, St. Patrick's Alliance of America, against any treaty of arbitration with Great Britain—to the Committee on Foreign Affairs.

By Mr. LLOYD: Petition of citizens of Lewis County, Mo., for a national highways commission, and for Federal aid in road construction—to the Committee on Agriculture.

By Mr. LINDBERGH: Petition of Lodge No. 154, Switchmen's Union of North America, of Little Falls, Minn., favoring H. R. 13477, relative to the standardization of the automatic coupler—to the Committee on Interstate and Foreign Commerce.

Also, petition of Lodge No. 154, Switchmen's Union of North America, of Brainerd, Minn., favoring H. R. 13477, relating to the standardization of automatic couplers—to the Committee on Interstate and Foreign Commerce.

Also, petition of St. Casimir's Roman Catholic Church, at Gilman, Minn., relating to law of the expropriation against Poles—to the Committee on Foreign Affairs.

Also, petition of Minnesota women's clubs, favoring forest reserves—to the Committee on Agriculture.

Also, petition of common council of St. Paul, Minn., favoring improvement of the upper Mississippi—to the Committee on Rivers and Harbors.

By Mr. LITTLEFIELD: Petition of W. W. Perkins and other citizens of Maine, for a rural parcels post as per S. 5122—to the Committee on the Post-Office and Post-Roads.

Also, petitions of sundry citizens of Maine and Paris Grange, No. 44, Patrons of Husbandry, for a national highways commission and Federal aid in road construction (H. R. 15837)—to the Committee on Agriculture.

Also, petition of citizens of Bradford, Me., for enactment of the Littlefield original-package bill (H. R. 4776)—to the Committee on the Judiciary.

Also, petition of citizens of Oxford County, Me., for H. R. 40, to prevent sale of intoxicating liquors in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of citizens of Oxford County, Me., against H. R. 4897, to enforce Sunday observance as day of rest in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of numerous citizens and granges of the Second Congressional District of Maine, favoring a national highway commission (H. R. 15837)—to the Committee on Agriculture.

By Mr. MCKINNEY: Petition of citizens of Rock Island County, Ill., for the Burnham parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. O'CONNELL: Petition of Massachusetts Wholesale Lumber Association, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. OVERSTREET: Petitions of Marine Engineers' Beneficial Association, No. 35, and California Harbor, No. 15, Masters, Mates, and Pilots, of San Francisco, Cal., against H. R. 225 and S. 5787, and in favor of H. R. 14941, amending section 4463 of the Revised Statutes of the United States—to the Committee on the Merchant Marine and Fisheries.

By Mr. PARKER of South Dakota: Petition of J. M. Wood and other members of Fenimore Council, No. 249, of Mitchell, S. Dak., against a parcels-post law as incorporated in bills H. R. 255, 256, and 257—to the Committee on the Post-Office and Post-Roads.

By Mr. PATTERSON: Paper to accompany bill for relief of Joseph G. Thorpe—to the Committee on War Claims.

By Mr. SMITH of Iowa: Petition of A. P. Hans and other citizens of Iowa, for H. R. 40, to prevent sale of intoxicants in the District of Columbia—to the Committee on the District of Columbia.

Also, petitions of Mrs. Ella Lower and others; citizens of Adair and Guthrie counties; citizens of Council Bluffs, and citizens of Audubon County, all in the State of Iowa, against H. R. 4897, religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. STEPHENS of Texas: Petition of Cattle Raisers' Association of Texas, for legislation to enable leasing of the public domain to stock raisers for grazing purposes—to the Committee on the Public Lands.

Also, petition of Cattle Raisers' Association of Texas, indorsing the cattle and meat inspection laws recently passed by Congress and commending their strict enforcement—to the Committee on Agriculture.

Also, petition of Cattle Raisers' Association of Texas, for an appropriation of \$300,000 to eradicate the cattle tick—to the Committee on Agriculture.

Also, petition of Cattle Raisers' Association of Texas, for legislation prohibiting any railway from advancing rates except on approval of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIAMS: Paper to accompany a bill for relief of estate of Julia L. Watson—to the Committee on War Claims.

By Mr. WEISSE: Petition of the Marine Engineers' Beneficial Association, No. 35, of San Francisco, Cal., and California Harbor, No. 15, American Association of Masters, Mates, and Pilots, favoring H. R. 14941, amending section 4463 of the Revised Statutes of the United States—to the Committee on the Merchant Marine and Fisheries.

## SENATE.

WEDNESDAY, April 1, 1908.

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

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

The VICE-PRESIDENT. The Journal stands approved.

## LIST OF VESSELS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Navy, requesting that the name of the U. S. S. *Maine* be added to the list of vessels submitted in Department letter of February 11, 1908, which require general overhauling to the extent of \$200,000 or more during the fiscal year ending June 30, 1909, which was referred to the Committee on Naval Affairs and ordered to be printed.

## ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice-President:

H. R. 225. An act to amend section 4463 of the Revised Statutes, relating to the complement of crews of vessels, and for the better protection of life;

H. R. 3822. An act for the relief of James Behan;

H. R. 4763. An act transferring Commander William Wilmot White from the retired to the active list of the Navy;

H. R. 6664. An act for the relief of Robert Scholter;

H. R. 10075. An act for the relief of Copiah County, Miss.;

H. R. 10540. An act to amend section 73 of the act to provide a government for the Territory of Hawaii;

H. R. 12292. An act for the relief of A. E. Couch;

H. R. 12476. An act to place the name of William S. Shacklette on the retired list of the Navy as pharmacist;

H. R. 13448. An act to authorize the counties of Allegheny and Washington, in the State of Pennsylvania, to change the site of the joint county bridge which now crosses the Monongahela River at Monongahela City, Pa., and to construct a new bridge across said river in the place of said present bridge upon a new site;

H. R. 14282. An act to authorize the appointment of a deputy clerk at Big Stone Gap, Va.;

H. R. 15070. An act for the relief of J. Edmund Strong;

H. R. 18615. An act to authorize the Cairo and Norfolk Railroad Company to construct bridges across the Cumberland River;

H. R. 18616. An act to authorize the Cairo and Norfolk Railroad Company to construct a bridge across the Tennessee River; and

H. J. Res. 134. Joint resolution for the relief of Archibald G. Stirling, recently midshipman, United States Navy.

## PETITIONS AND MEMORIALS.

Mr. TELLER presented memorials of sundry citizens of Berthoud, Florence, and Grand Junction, all in the State of Colorado, 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.

He also presented a memorial of sundry citizens of Longmont, Colo., remonstrating against the enactment of legislation to prohibit Sunday banking in post-offices in the handling of money orders and registered letters, which was referred to the Committee on Post-Offices and Post-Roads.