

Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. LINDBERGH: Petition of William Johnson and others, of Elmdale, Minn., for postal savings bank—to the Committee on the Post-Offices and Post-Roads.

Also, petition of W. P. Brady and Mr. E. Reichmann, of Brainerd, Minn., for the passage of the Wilson bill (H. R. 20584), Pearre bill (H. R. 94), employers' liability bill, and labor's eight-hour bill—to the Committee on the Judiciary.

By Mr. McHENRY: Petitions of Granges Nos. 1330, 1339, 1025, 31, 539, 56, 1181, and 1308, of Pennsylvania, favoring H. R. 12682, to safeguard people's savings against bank failures—to the Committee on Banking and Currency.

By Mr. MADDEN: Petition of Division No. 260, Amalgamated Association of Railway Employees of America, for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. MOON of Tennessee: Petition of citizens of Hamilton County, for enactment of the bills H. R. 94 and H. R. 20584, a general employers' liability law, and bill limiting a day's labor to eight hours—to the Committee on the Judiciary.

By Mr. MURDOCK: Petition of ex-commissioned officers of the civil war resident in Sedgwick County, Kans., for H. R. 6288—to the Committee on Military Affairs.

Also, petitions of citizens of Leon, Kans., and Western Retail Implement and Vehicle Dealers, of Kansas City, Mo., against parcels-post legislation—to the Committee on the Post-Office and Post-Roads.

Also, petition of Walnut Valley Lodge, No. 369, of Wichita, Kans., for H. R. 19795—to the Committee on Interstate and Foreign Commerce.

Also, petition of Central Labor Union and affiliated organizations of Wichita, Kans., for construction of vessels at Government navy-yards—to the Committee on Naval Affairs.

Also, petition of Wichita Credit Men's Association, of Wichita, Kans., for amendment to national bankruptcy act—to the Committee on Banking and Currency.

Also, petition of Kansas State Federation of Labor, against any constitutional amendment to extend the right of naturalization—to the Committee on Immigration and Naturalization.

Also, petitions of Local No. 20, Journeymen Tailors' Union of America, and working people and their sympathizers, of Wichita, Kans., for H. R. 94 and 20584—to the Committee on the Judiciary.

Also, petitions of 33 members of the International Brotherhood of Leather Workers in Horse Goods, trade unionists, with indorsement of Central Labor Union, and Local No. 44, Brotherhood of Leather Workers in Horse Goods, all of Wichita, Kans., for amendment to Sherman antitrust law (H. R. 20584), and for Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. NYE: Petition of committee on organized labor of Minneapolis, Minn., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. OVERSTREET: Petition of A. R. Manning, favoring enactment of the Crumacker bill (H. R. 19420) for a judicial review of law and facts in fraud-order cases, for amendment proposed by American Federation of Labor conference to the Sherman antitrust law, and for the Pearre bill, the employers' liability bill, and the national eight-hour law—to the Committee on the Judiciary.

Also, petition of Clarence Gaumer, against extension of naturalization rights and for enactment of exclusion law against all Asiatics except students, merchants, travelers, etc.—to the Committee on Immigration and Naturalization.

By Mr. PEARRE: Petition of Division No. 7, Ancient Order of Hibernians, of Frostburg; Robert Emmet Club, of Lonaconing; Celtic Club, of Cumberland; Sarsfield Club, of Frostburg, and Wolf Tone Club, of Midland, all in the State of Maryland, against any treaty of arbitration between United States and Great Britain—to the Committee on Foreign Affairs.

Also, petition of Department of Maryland, Grand Army of the Republic, against change of the location of the U. S. Grant Memorial—to the Committee on the Library.

By Mr. PRAY: Petition of American Bison Society, favoring creation of national bison range in northwestern Montana, as per S. 6159—to the Committee on Indian Affairs.

Also, petition of Miners' Union of Red Lodge, Mont., for amendment proposed to Sherman antitrust law, for the Pearre

bill regulating issuance of injunctions, employers' liability bill, and national eight-hour law—to the Committee on the Judiciary.

By Mr. REID: Petitions of United Mine Workers' Association of Ozark; International Union of United Brewery Workmen, of Little Rock; Local Union, No. 989, United Mine Workers, of Denning, and United Mine Workers' associations of Spadra, Clarkeville, and Coal Hill, all in the State of Arkansas, for modification of the Sherman antitrust law, for employers' liability law, for limitation on injunction, and for the extension of the eight-hour law—to the Committee on the Judiciary.

By Mr. RHINOCK: Petition of citizens of Ludlow, Newport, and Covington, Ky., asking for amendment to Sherman antitrust law—to the Committee on the Judiciary.

By Mr. RIORDAN: Petition of citizens of Stapleton, N. Y., for amendment to Sherman antitrust law, and for the Pearre bill, employers' liability bill, and the eight-hour law—to the Committee on the Judiciary.

By Mr. RUSSELL of Missouri: Petitions of citizens of Sikeston, Crane, Charleston, and Cape Girardeau, and Carpenters and Joiners' Unions of Poplar Bluff and Charleston, all in the State of Missouri, for legislation to amend the Sherman antitrust law, to regulate and limit the issuance of injunctions, to establish employers' liability, and to extend the eight-hour law—to the Committee on the Judiciary.

By Mr. SCOTT: Petition of citizens of Lawrence, Kans., for concurrent resolution No. 28, against outrages practiced by the Russian Government—to the Committee on Foreign Affairs.

By Mr. SIMS: Petition of citizens of Jackson, Tenn., for amendment proposed by American Federation of Labor conference to the Sherman antitrust law, and for the Pearre bill, the employers' liability bill, and the national eight-hour law—to the Committee on the Judiciary.

By Mr. WEEKS: Petition of Carpenters' Union No. 438, of Brooklyn, Mass., for amendment to the Sherman antitrust law, for the Pearre bill limiting injunctions, employers' liability bill, and national eight-hour bill—to the Committee on the Judiciary.

By Mr. WOOD: Petitions of Typographical Union No. 71, of Trenton, N. J.; Local Union No. 781, Carpenters and Joiners of America, of Princeton, N. J., and William W. Reid, of Trenton, N. J., for the amendment to the Sherman antitrust law, known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour law—to the Committee on the Judiciary.

SENATE.

FRIDAY, May 8, 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.

The VICE-PRESIDENT. The Journal stands approved.

COMMODITY CLAUSE OF INTERSTATE-COMMERCE LAW.

The VICE-PRESIDENT laid before the Senate a communication from the Interstate Commerce Commission, transmitting, in response to a resolution of the 6th instant, certain information relating to the compliance of railroads engaged in interstate commerce with paragraph 5 of the amended section 1 of the act to regulate commerce, commonly known as the "commodities clause," which, with the accompanying paper, was ordered to lie on the table and be printed.

DELAWARE FORCES IN THE REVOLUTION.

The VICE-PRESIDENT laid before the Senate a communication from the Librarian of Congress, transmitting, in response to a resolution of the 5th instant, copies of all the accounts, papers, and documents relating to Henry Fisher, of Delaware and the Revolutionary forces, which, with the accompanying papers, was ordered to lie on the table and be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 21260) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution, and they were thereupon signed by the Vice-President:

S. 29. An act to provide for registration of all cases of tuber-

culosis in the District of Columbia, for free examination of sputum in suspected cases, and for preventing the spread of tuberculosis in said District; and

H. J. Res. 179. Joint resolution amending the joint resolution for the relief of storm sufferers in Alabama, Georgia, Mississippi, and Louisiana, approved April 30, 1908.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a joint resolution of the legislature of Louisiana, which was referred to the Committee on Privileges and Elections and ordered to be printed in the Record, as follows:

Joint resolution making application to the Congress of the United States to call a convention for proposing amendments to the Constitution of the United States.

Whereas we believe that Senators of the United States should be elected directly by the voters; and

Whereas to authorize such direct election an amendment to the Constitution of the United States is necessary; and

Whereas the failure of Congress to submit such amendment to the States has made it clear that the only practicable method of securing a submission of such amendment to the States is through a constitutional convention, to be called by Congress upon the application of the legislatures of two-thirds of all the States: Therefore be it

Resolved by the general assembly of the State of Louisiana:

SECTION 1. That the legislature of the State of Louisiana hereby makes application to the Congress of the United States, under Article V of the Constitution of the United States, to call a constitutional convention for proposing amendments to the Constitution of the United States.

Sec. 2. That this resolution, duly authenticated, shall be delivered forthwith to the President of the Senate and Speaker of the House of Representatives of the United States, with the request that the same shall be laid before the said Senate and House.

J. W. HYAMS,

Speaker of the House of Representatives.

J. Y. SANDERS,

Lieutenant-Governor and President of the Senate.

Approved November 25, 1907.

NEWTON C. BLANCHARD,

Governor of the State of Louisiana.

JOHN T. MICHEL,

Secretary of State.

A true copy.
[SEAL.]

The VICE-PRESIDENT presented a memorial of the Indiana Bridge Company, of Muncie, Ind., remonstrating against the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

He also presented a petition of the Indiana State Federation of Women's Clubs, of Elkhart, Ind., praying for the enactment of legislation providing for the investigation and the development of the methods of the treatment of tuberculosis, which was referred to the Committee on Public Health and National Quarantine.

He also presented a memorial of Local Union No. 12, International Brotherhood of Paper Makers, of Fitchburg, Mass., and a memorial of the American Paper and Pulp Association, of New York, remonstrating against the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

Mr. CULLOM presented petitions of sundry citizens and labor organizations of Sycamore, Peoria, Chicago, Champaign, Bloomington, and Kewanee, all in the State of Illinois, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. PLATT presented petitions of sundry citizens of Albany and Syracuse, in the State of New York, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented the memorial of George A. Haskell, of New York City, N. Y., remonstrating against the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. MARTIN. I present a joint resolution of the legislature of Virginia, which I ask may be read and referred to the Committee on Coast Defenses.

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

Joint resolution.

Be it resolved by the house of delegates of the State of Virginia (the senate concurring), That the representatives of the State of Virginia in the Senate and the House of Representatives of the Congress of the United States, now in session at Washington, D. C., be, and they are hereby, requested to urge the passage of H. R. bill No. 4848, introduced by the Hon. H. L. MAXNARD, to provide for acquirement, by condemnation, of lands at Cape Henry, Va., for the purposes of fortifications and coast defenses, and that said fortifications may be provided as speedily as possible.

Agreed to, general assembly of Virginia January 15, 1908.

JOHN W. WILLIAMS,

Clerk House of Delegates and Keeper of Rolls of Virginia.

Mr. MARTIN. I present a joint resolution of the legislature of Virginia, which I ask may be read and referred to the Committee on Commerce.

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

Joint resolution.

Whereas the question of an inland waterway along the Atlantic coast for the passage of large vessels and ships of war is being agitated, and the fact that such route would be of great advantage from a strategic standpoint in case of war, as well as of great importance from a commercial standpoint, and would permit safe water transportation south, avoiding the dangerous coast off Hatteras, which is of such a menace to commerce, causing high insurance for valuable cargoes, thereby increasing freight rates, etc.; and

Whereas upon the completion of the Panama Canal an inland waterway will be essentially necessary to afford quick transportation under all conditions of weather, and will be of great benefit, especially to the farmers of the country in transporting their produce through this route, thence through the Panama Canal to the Far East to new and larger fields of trade: Therefore, be it

Resolved by the house of delegates (the senate concurring), That our Senators and Representatives in the Congress of the United States be, and they are hereby, requested to use their influence and vote for the passage of a bill embracing a liberal appropriation for an inland waterway along the Atlantic coast; and that before any route is finally selected through this State, our Representatives in Congress are further directed to request the Secretary of the Navy to appoint a board of naval officers to ascertain, upon inspection, the best route, in their opinion, from a naval standpoint, taking into consideration all the advantages other than from an engineering standpoint, which is fully covered by the report of the Army engineers, and this report to be submitted to Congress by the Secretary of the Navy for its information and guidance in dealing with the question.

It is directed that the clerk of this house forward certified copies of these resolutions to the President of the United States, the Secretary of the Navy, the presiding officers of both Houses of Congress, and to each of Virginia's representatives in the Congress of the United States. Agreed to by the general assembly of Virginia January 14, 1908.

JOHN W. WILLIAMS,

Clerk House of Delegates and Keeper of Rolls of Virginia.

Mr. MARTIN presented sundry papers to accompany the bill (S. 5242) for the relief of Genevieve Griswold Kennon, which were referred to the Committee on Claims.

He also presented a petition of the Chamber of Commerce of Richmond, Va., praying that an appropriation be made for the erection of a suitable monument over the grave of ex-President John Tyler, of Virginia, which was referred to the Committee on the Library.

Mr. HEMENWAY presented petitions of sundry citizens and labor organizations of Wabash, Muncie, Midland, Madison, Newburg, Elkhart, Fort Wayne, Ayshire, Washington, Peru, Brazil, Kokomo, East Chicago, Cayuga, Milltown, Evansville, Bedford, Indianapolis, Montgomery, Richmond, Jasonville, South Bend, and Terre Haute, all in the State of Indiana, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Indianapolis and West Indianapolis, in the State of Indiana, praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. du PONT presented sundry petitions of citizens of Wilmington, Del., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. SMITH of Michigan presented petitions of sundry citizens and labor organizations of Kalamazoo, Houghton, Traverse City, Grand Rapids, South Haven, Menominee, Bay City, Detroit, Adrian, and Muskegon, all in the State of Michigan, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted at a meeting of sundry Polish citizens of Detroit, Mich., expressing their disapproval of the Polish expropriation law enacted by the Prussian Diet, which were referred to the Committee on Foreign Relations.

He also presented a memorial of the Central Trades Council of Bay City, Mich., remonstrating against the enactment of legislation to extend the right of naturalization, which was referred to the Committee on Immigration.

Mr. DEPEW presented petitions of sundry citizens of Plattsburg, Kingston, Glens Falls, Yonkers, Albany, New York City, Troy, Buffalo, Flushing, Olean, Syracuse, Ithaca, Utica, Oneonta, Batavia, Elmira, Cohoes, Brooklyn, Watertown, Tonawanda, Newburgh, Corinth, and Schenectady, all in the State of New York, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. OVERMAN presented a petition of sundry citizens of High Point, N. C., and a petition of sundry citizens of Bryson

City, N. C., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. SIMMONS presented a petition of sundry citizens of Bryson City, N. C., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. CURTIS presented petitions of sundry citizens and labor organizations of Atchison, Horton, Leavenworth, Topeka, and Osawatimie, all in the State of Kansas, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented a petition of the American Society of Equity of Lewis, Kans., praying for the enactment of legislation providing for the inspection and grading of grain under Federal control, which was referred to the Committee on Agriculture and Forestry.

Mr. LODGE presented petitions of sundry citizens and labor organizations of Charlestown, Springfield, Lee, and Roxbury, all in the State of Massachusetts, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. HOPKINS presented petitions of sundry citizens and labor organizations of Belleville, Kewanee, Urbana, Beardstown, Ottawa, Freeport, Bloomington, and Chicago, all in the State of Illinois, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. HEYBURN presented petitions of sundry citizens and labor organizations of Sandpoint and Boise, in the State of Idaho, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. HOPKINS presented a memorial of sundry citizens of Chicago, Ill., remonstrating against the enactment of legislation to discontinue the transmission of mails through the tunnel service in that city, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Audubon Society of Chicago, Ill., praying for the enactment of legislation providing for the conservation of the natural resources of the country, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. TALIAFERRO presented petitions of sundry citizens and labor organizations of Tallahassee, Key West, Tampa, and Pensacola, all in the State of Florida, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. STEWART presented a petition of sundry citizens of Barre, Vt., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. GUGGENHEIM presented petitions of sundry citizens and labor organizations of Denver, Grand Junction, and Lafayette, all in the State of Colorado, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented a petition of the Wilton Improvement Association, of Wilton, N. H., praying for the enactment of legislation to establish a national forest reserve in the Southern Appalachian and White Mountains, which was ordered to lie on the table.

He also presented the memorial of Dr. George B. Heinecke, of Brightwood, D. C., remonstrating against the enactment of legislation to change the name of Brightwood avenue, in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Northeastern Suburban Citizens' Association, of Washington D. C., praying for the enactment of legislation granting supervisory powers to the Commissioners of the District of Columbia over street railway companies operating in the District of Columbia, which was ordered to lie on the table.

Mr. PILES presented petitions of sundry citizens of Seattle, Tacoma, Aberdeen, and the American League of Independent Workmen, of Spokane, all in the State of Washington, praying for the adoption of certain amendments to the so-called "Sher-

man antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. PENROSE presented a paper to accompany the bill (S. 1521) for the relief of Julius A. Kaiser, which was referred to the Committee on Naval Affairs.

REPORTS OF COMMITTEES.

Mr. LODGE, from the Committee on Military Affairs, to whom was referred the bill (S. 6849) to remove the charge of desertion from the record of Alvah B. Doble, reported it with an amendment and submitted a report (No. 628) thereon.

He also, from the same committee, to whom was referred the bill (S. 563) to prevent and punish the desecration, mutilation, or improper use of the flag of the United States of America, reported it with amendments.

Mr. CURTIS, from the Committee on Indian Affairs, to whom was referred the bill (S. 6523) granting a patent for land to "The Sisters of the Blessed Sacrament for Indians and Colored People," a charitable corporation organized under the laws of the State of Pennsylvania, reported it without amendment, and submitted a report (No. 629) thereon.

Mr. HEMENWAY, from the Committee on Military Affairs, to whom was referred the bill (S. 4316) to further amend the act entitled "An act to promote the efficiency of the militia, and for other purposes," approved January 21, 1903, reported it with amendments and submitted a report (No. 630) thereon.

Mr. CLAPP, from the Committee on Indian Affairs, to whom was referred the bill (S. 4542) to authorize disbursing agents of the Indian Service to deposit Indian moneys in national banks, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 4735) to fulfill treaty stipulations of the treaty of June 28, 1862, and other treaty agreements with the Kickapoo Indians, reported adversely thereon, and the bill was postponed indefinitely.

Mr. BROWN, from the Committee on Indian Affairs, to whom was referred the bill (S. 4110) to place on the citizenship roll of the Cherokee Nation the names of certain Cherokee families omitted by the Commission to the Five Civilized Tribes on account of certain technicalities of application and dates of residence, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 4291) to remit further payments by purchasers of lands within the limits of the Fort Sill Military Wood Reservation, in Oklahoma, reported adversely thereon, and the bill was postponed indefinitely.

Mr. PENROSE, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 5944) for the relief of John F. Wingfield, reported it without amendment, and submitted a report (No. 632) thereon.

BILLS INTRODUCED.

Mr. DIXON introduced a bill (S. 7026) granting a pension to Mary Etta Wittich, which was read twice by its title and referred to the Committee on Pensions.

Mr. BOURNE introduced a bill (S. 7027) granting an increase of pension to Robert Starkey, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BROWN (by request) introduced a bill (S. 7028) for the relief of the heirs of David W. Dodson, deceased, which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. PAYNTER introduced a bill (S. 7029) for the relief of the State Street African Baptist Church, of Bowling Green, Ky., which was read twice by its title and referred to the Committee on Claims.

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

A bill (S. 7030) granting an increase of pension to P. C. Monteiro;

A bill (S. 7031) granting an increase of pension to Henry Ipock (with the accompanying papers); and

A bill (S. 7032) granting a pension to James Carroll (with an accompanying paper).

Mr. FORAKER introduced a bill (S. 7033) to prohibit importation of opium into Hawaii except by the Government for medicinal uses only, which was read twice by its title and referred to the Committee on Pacific Islands and Porto Rico.

Mr. BURKETT introduced a bill (S. 7034) to prevent discriminations in interstate telegraph and telephone rates and fixing requirements governing the receipt and preservation of such

messages, which was read twice by its title and referred to the Committee on Interstate Commerce.

Mr. GALLINGER introduced a bill (S. 7035) to amend an act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes," approved July 1, 1902, which was read twice by its title and, with the accompanying papers, referred to the Committee on the District of Columbia.

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

A bill (S. 7036) granting an increase of pension to Hobert B. Doolittle;

A bill (S. 7037) granting an increase of pension to Francis Hale;

A bill (S. 7038) granting an increase of pension to Judson A. Potter; and

A bill (S. 7039) granting a pension to Anna H. Scofield.

Mr. GUGGENHEIM introduced a bill (S. 7040) granting an increase of pension to Thomas Fox, which was read twice by its title and referred to the Committee on Pensions.

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

A bill (S. 7041) for the relief of the legal representatives of W. B. Long, deceased;

A bill (S. 7042) for the relief of heirs or estate of John R. Bain, deceased; and

A bill (S. 7043) for the relief of heirs or estates of Sarah E. Wedelstedt and Nimrod Berk, deceased.

Mr. CLAY introduced a bill (S. 7044) for the relief of William Reed, which was read twice by its title and referred to the Committee on Claims.

Mr. CULLOM introduced a bill (S. 7045) making appropriation for expenses incurred under the treaty of Washington, which was read twice by its title and referred to the Committee on Foreign Relations.

Mr. PENROSE introduced a bill (S. 7046) for the relief of J. Howard Mitchell, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 7047) to provide officers and enlisted men of the Navy and Marine Corps with facilities for the remittance of sums of money by means of postal money orders, which was read twice by its title and referred to the Committee on Post-Offices and Post-Roads.

He also introduced a bill (S. 7048) for the relief of Serapio Romero, which was read twice by its title and, with the accompanying papers, referred to the Committee on Post-Offices and Post-Roads.

He also introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7049) granting an increase of pension to Henry K. Dean;

A bill (S. 7050) granting a pension to Susan A. Graden; and

A bill (S. 7051) granting an increase of pension to George Searles.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Military Affairs:

A bill (S. 7052) authorizing the appointment of Maj. John S. Bishop, United States Army, retired, on the retired list of the Army with the rank of brigadier-general;

A bill (S. 7053) to remit the sentence of general court-martial against Milton Ostheim, late a private of Company H, Twelfth United States Infantry, and grant him an honorable discharge; and

A bill (S. 7054) to authorize inscriptions to be made on the tombstones of officers or enlisted men of the United States Army, Navy, or Marine Corps of the regular or volunteer forces who may be buried in any of the national cemeteries, using the highest lineal and brevet rank held in the militia, Naval Militia, or National Guard of any of the States, Territories, or District of Columbia.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. TELLER submitted an amendment proposing to appropriate \$30,000 to enable A. H. Emery to complete the gun carriage that he is making for the Government, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. FULTON submitted an amendment proposing to appropriate \$3,000 for the construction of a launch for the use of the

customs service at and in the vicinity of Portland, Oreg., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate \$100,000 for necessary repairs to the dredger *Chinook*, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. NIXON submitted an amendment proposing to appropriate \$25,000 for the establishment of a fish-cultural station in the State of Nevada, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. GORE submitted an amendment proposing to appropriate \$214,335.25 to pay the unpaid expenses of the constitutional convention of Oklahoma, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Territories and ordered to be printed.

He also submitted an amendment proposing to appropriate \$214,335.25 to pay the unpaid expenses of the constitutional convention of Oklahoma, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Territories and ordered to be printed.

Mr. CARTER submitted an amendment proposing to appropriate \$20,000 for the extension of the public-land surveys over the area embraced within the exterior limits of the Fort Keogh Military Reservation, in Montana, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Public Lands and ordered to be printed.

Mr. PERKINS submitted an amendment proposing to appropriate \$70,000 for the purchase of private lands embraced within the boundaries of the Sequoia National Park, California, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. PENROSE submitted an amendment providing for the recording hereafter in the division of dead letters all dead letters and parcels containing valuable and salable articles of merchandise, 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.

He also submitted an amendment proposing to appropriate \$78,500 for one shop building for manufacture of artillery ammunition, including its equipment, at the Frankford Arsenal, at Philadelphia, Pa., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate \$50,000 to pay the city of Albuquerque, N. Mex., for expenses incident to the international exposition to be held in that city in September, 1908, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate \$17,000 to defray the cost of printing and binding a new edition of Street Directory of the Principal Cities of the United States, 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.

He also submitted an amendment proposing to appropriate \$178,500 for the enlargement of Frankford Arsenal, Philadelphia, Pa., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

WITHDRAWAL OF PAPERS—WILLIAM G. GLASGOW.

On motion of Mr. BURKETT, it was

Ordered, That there may be withdrawn from the files of the Senate all papers relative to the bill (S. 1099) granting a pension to William G. Glasgow, Sixtieth Congress, first session, there having been no adverse report thereon.

ACCIDENTS AT RAILWAY MAIL CATCH STATIONS.

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

Resolved, That the Postmaster-General be, and he is hereby, directed, if not inconsistent with the public interest, to furnish for the information of the Senate of the United States on or before January 1, 1909, the causes of injuries to persons, and damage and destruction of mail and mail equipment from accidents resulting from delivering and receiving mail to and from moving trains at what are known as "catch stations," and what such damage and destruction of mail or mail equipment costs the United States annually.

HOUSE BILL REFERRED.

H. R. 21260. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30,

1909, and for other purposes, was read twice by its title and, on motion of Mr. ALLISON, was referred to the Committee on Appropriations.

PENSION LEGISLATION—PENSION AGENCIES.

Mr. McCUMBER. I ask to be relieved from further service as one of the conferees on the bill (H. R. 16268) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1909, and also on the bill (S. 2420) granting an increase of pension to Margaret K. Hern, and that the junior Senator from New Hampshire [Mr. BURNHAM] be substituted in my place. I will state that my reason for asking the substitution is that I must leave to-morrow for a short absence, and I think the conferees should go on.

The VICE-PRESIDENT. The Senator from North Dakota asks to be excused from service as a conferee on the part of the Senate upon the bills he has indicated, in conference between the two Houses.

The Chair appoints the Senator from New Hampshire [Mr. BURNHAM] as conferee on the bills mentioned by the Senator from North Dakota [Mr. McCUMBER] and in place of said Senator. Is there objection? The Chair hears none, and it is so ordered.

Mr. McCUMBER. Mr. President, I think it proper at this time to make a very brief statement of our progress in the consideration of the pension appropriation bill. I do this because we seem to be in more or less of a deadlock upon a single proposition; and as the bill passed the Senate without the slightest consideration in the matter of debating any of its provisions, and as the conferees are not informed entirely as to the sentiment of the Senate upon that one provision, I wish that the conferees could receive some information by some method from the Senate touching the particular point in difference.

It will be remembered that the appropriation bill passed the Senate without any debate whatever. As the bill passed the House it provided for the salary of one agent for the payment of pensions at \$4,000. The Senate amended this item by providing for eighteen agencies at \$72,000. The bill as passed by the House carried for clerk hire in the pension agency \$335,000; the Senate amendment provided for \$435,000 for all the agencies, or a difference of \$100,000.

The Commissioner of Pensions in testifying before the House Committee on Appropriations stated that the appropriation to start with could be reduced about \$100,000 for clerk hire, in case there should be an abolition of seventeen of the eighteen agencies; that that would be the amount which would probably be deducted the first year; and that after things were adjusted and running in good shape there could be a considerable further reduction. There would, of course, be the reduction, as the Senate can understand, of \$65,000 for the seventeen agencies.

On page 9 of the hearings before the House subcommittee of the Committee on Appropriations the Commissioner of Pensions states that he thinks it would be safe to cut clerk hire \$100,000.

On the same page he states:

We will have room in the event that we are allowed the entire Pension building for pension purposes; that is, if they surrender us the whole building. We have the board of appeals in there now, of the Secretary's office, and one room is occupied by the Indian Office.

I ask to have the testimony of Commissioner Warner, on pages 5 to 11, inclusive, inserted in the RECORD as a part of my remarks, so that it will present concisely and briefly the grounds relied upon for abolishing these agencies.

The VICE-PRESIDENT. Without objection, permission is granted.

The matter referred to is as follows:

CONSOLIDATION OF PENSION AGENCIES.

Mr. GARDNER. In case of consolidation, has an estimate been made including the saving in stationery and other necessary expenses?

Mr. KEIFER. I would suggest that Commissioner Warner state specifically his plan of consolidation and the estimates that would be required in case of the consolidation. We will hear you, Mr. Commissioner, in your own way about that.

Commissioner WARNER. If there is a consolidation here in Washington we should be given time to effect it, though we would call the agencies in as fast as possible. In the case of the agencies which make payment on the 4th day of next April, we would wait until after that April payment had been made by the agencies, and then we would immediately call them in, bringing here their books, their clerks, and all that would be necessary to bring, so as to have them here in time to issue for the next payment, in July, from this Office. For those agencies that pay in May we would wait until the May payment had been made, and then we would call them in, so that they would be ready to make their next payment from here. That would enable us to effect the consolidation without any delay or inconvenience. We could simply keep the matter going, keep step, without any trouble. It would be necessary to bring some clerks from each agency, possibly all of them to start with, until we could get matters adjusted. The appropriation, to start with, could be reduced \$100,000 on the item of clerk hire for the first year, anyway, and it would be more than that after

we got the thing adjusted and running in good shape. There would also be a reduction of \$72,000 on account of the salaries of agents; but it would be necessary, unless you required the Commissioner of Pensions to sign vouchers, to have a disbursing officer do that and to give bond. As far as I personally am concerned, it would be better for me if the agencies should remain just as they are, as their consolidation would make me additional responsibility and labor; but looking at it from a business point of view and as if it were my own business, I would consolidate them instantly, or as soon as it could be done. It would be more economical for the Government, and it would work better than to have these agencies scattered all over the country. The work would go smoother, mistakes could be corrected more quickly, information obtained at once, and the records be kept in better shape.

Mr. KEIFER. What have you to say on the subject of delay, if there would be any, in the matter of paying pensioners?

Commissioner WARNER. There would be very little delay. There would be some delay on the first payment, for instance, for the pensioners living in California, or on the Pacific coast. The first payment might be delayed a few days, but in my opinion not to exceed five. That is, they would get their first payment five days later than if the payment had been made from San Francisco. But after the first payment is made, they will receive their money every ninety days, that is, with an interval of ninety days between the payments, just as at present; so that there will be no delay excepting in the places on the Pacific coast, and at great distances, and then only in the first payment. Otherwise there would be no delay at all.

Mr. KEIFER. You say, Mr. Commissioner, that there would be no delay excepting on the first payment. Would there not be some delay in sending in the voucher after pay day came; that is, after the voucher was passed upon here, would there not be delay in sending the check back?

Commissioner WARNER. That is true; it would take time to send in the voucher, that is true; but there would be the same interval between the payments after the first payment. They would then receive their pay every ninety days.

Mr. KEIFER. But there would be a delay. The pensioner would have to send his pension voucher on a certain date, and it would have to come here and be passed upon, and the check sent back. The delay would be the difference between the two different times occasioned by the time consumed in the mails.

Commissioner WARNER. Yes; but only for the first time. After that he would receive his pension every ninety days. The first payment would be postponed about ten days on the Pacific coast—that is, he would receive it ten days later than he would otherwise receive it; but after that he would get it just ninety days from that time.

Mr. GARDNER. What delay would there be to pensioners living east of the Mississippi River?

Commissioner WARNER. The mail east of the Mississippi River would arrive in twenty-four hours, and then it would take twenty-four hours to get the check back. There would also be twenty-four hours consumed each way at Chicago. There would be one more day consumed to Milwaukee, Chicago, Detroit, Indianapolis, Louisville, and New York would require twenty-four hours.

Mr. GARDNER. All New England could be reached in twenty-four hours.

Commissioner WARNER. Oh, yes; that is my understanding.

Mr. GARDNER. Substantially all places in New England could be reached in twenty-four hours, though there might be some remote places where it would take longer. How would it be for Texas?

Commissioner WARNER. That is west of the Mississippi River.

Mr. THOMPSON. The naval pensioners in Texas are now paid from this city.

Commissioner WARNER. Yes; and we have never had any complaint from the naval pensioners.

Mr. BOWERS. As I understand it, the result of that delay would be the initial delay on the first payment, and it would establish a new ninety-day period.

Commissioner WARNER. Yes; that is it.

Mr. GARDNER. And the first delay east of the Mississippi River would hardly be perceptible?

Commissioner WARNER. No.

Mr. KEIFER. Is there anything further that you want to say on the subject of these agencies?

Commissioner WARNER. I have nothing to say; they have been running very satisfactorily and the agents have been taking care of the business in good shape. We have no fault to find with any of them.

Mr. GARDNER. Your idea, in case of the consolidation, is to use as many of the clerks now employed by the several agencies as would be necessary to conduct the business.

Commissioner WARNER. Oh, yes. We will want the same clerks. We would bring the majority of them from each agency here with their records, so as to have them go right to work. In the Pension Bureau proper we have no more clerks than we need, and we have no one to spare to put in the agencies to do that work. I do not expect to have any clerks to spare as I never fill any vacancies in the Bureau. If there is a vacancy by death, resignation, or dismissal for cause, I do not fill that vacancy. I have complied with the provisions of every appropriation act without being compelled to dismiss a single clerk, and yet our force is 312 less than it was when I took charge of the office. There have been no dismissals except for cause. If I filled vacancies, I would be compelled to dismiss. Under this arrangement the clerks feel better, they feel more secure in their places, and they are more happy and contented.

Mr. KEIFER. Do you think it will be practicable to remove the clerks from San Francisco, Topeka, and Knoxville, for instance, to Washington to do this work?

Commissioner WARNER. Oh, yes; they would be glad to come.

Mr. KEIFER. At least as many of them as you need.

Commissioner WARNER. Yes. We ask for an appropriation of \$10,000 to effect the transfer of the property and the clerks. We will have to have an extra appropriation of \$10,000 for that purpose, but we reduce our appropriations \$172,000 on account of agents and clerk hire.

Mr. GARDNER. How long, in case it should be decided to make this consolidation, would it be before the consolidation could be made complete?

Commissioner WARNER. I should think that we ought to have it complete in six months.

Mr. THOMPSON. Take the first group; they pay in April. As the Commissioner has stated, we would bring those in here immediately after the April payment and get ready for the July payment, which could be made from the Bureau. The next group would pay in May, and we would bring them right in and get ready for the next payment from here.

Mr. BOWERS. Then the whole transfer would practically be complete before this appropriation went into effect.

Commissioner WARNER. But we could not commence making the payments until July, when the act would go into effect.

Mr. THOMPSON. The agents draw their salary up to the 1st of July. We would have to get the agencies in here and be ready at that time.

Mr. KEIFER. But it is probable that it would take some months after the beginning of the new fiscal year to effect the consolidation.

Commissioner WARNER. If you make the \$10,000 appropriation immediately available, then we could commence consolidation at once.

Mr. BOWERS. The transfer would then be completed earlier and the reorganization would be carried for some months in this year. I should think that the reorganization could be cared for out of the appropriation made for clerk hire.

Mr. KEIFER. Would there be any other incidental expenses in transferring the agencies here?

Commissioner WARNER. Nothing that I know of.

Mr. THOMPSON. No expense, excepting the shipment of the records in here from the different cities, though we would probably have to buy some furniture, because the furniture has been furnished by the Treasury Department to agents that are located now in Government buildings, and it belongs to that Department.

Commissioner WARNER. But I think that would not amount to much.

Mr. KEIFER. Mr. Commissioner, will you make a summary of what you think would be necessary to put in our appropriation bill for the next year, or to be made immediately available; and also the appropriation that will be necessary to carry out the plans that you advocate? If you will make such a summary, we will incorporate it in the record.

Commissioner WARNER. We can do that.

Mr. BOWERS. On the first page of Document No. 352, regarding the proposed consolidation, the following language is used: "The annual expenditure on account of the payment of pensions, including the salaries of pension agents, clerk hire, contingent expenses, and the printing of vouchers, checks, is approximately \$550,000, an average cost per pensioner of 55 cents per annum. It is estimated that after a consolidation has been completed and in perfect working order, all pensioners should be paid by the Commissioner of Pensions or one disbursing officer, located in the city of Washington, with an annual expenditure of, at most, \$350,000, a saving of 20 cents per annum per pensioner, or \$200,000. After the first year of the consolidation I am of the opinion that the appropriation for the expense of paying pensions could be safely reduced at least \$25,000 more."

Mr. KEIFER. What I was after, Mr. Commissioner, and Mr. BOWERS'S inquiries are in the same direction, is this: Would we make any mistake if we undertook to provide for your plan of consolidation? We should have all of this in the form of a memorandum.

Commissioner WARNER. We have an amendment already drawn.

Mr. THOMPSON. Yes; you asked me to prepare something showing what would be necessary to add to this bill to make it effective.

Commissioner WARNER. I will read this amendment that we have prepared. [Reads]:

"And provided, further, That on and after July 1, 1909, all sums appropriated for the payment of Army and Navy pensions and fees of examining surgeons shall be disbursed by the Commissioner of Pensions, through a disbursing clerk to be designated by him, with the approval of the Secretary of the Interior. The disbursing clerk thus designated shall be required to give bond, with good and sufficient surety, for such amount and in such form as the Secretary of the Interior may approve.

"The Commissioner of Pensions is hereby authorized and directed, with the approval of the Secretary of the Interior, to arrange the pensioners, for the payment of pensions, in three groups, as he may think proper; and may from time to time change any pensioner from one group to another as he may deem convenient for the transaction of the public business. The pensioners in the first group shall be paid their quarterly pensions on January 4, April 4, July 4, and October 4 of each year; the pensioners in the second group shall be paid their quarterly pensions on February 4, May 4, August 4, and November 4 of each year; and the pensioners in the third group shall be paid their quarterly pensions on March 4, June 4, September 4, and December 4 of each year. The Commissioner of Pensions is hereby fully authorized, with the approval of the Secretary of the Interior, to cause payments of pensions to be made for the fractional parts of quarters created by such change so as to properly adjust all payments as herein provided.

"In case of sickness or unavoidable absence of the disbursing clerk from his office, the Commissioner of Pensions may, with the approval of the Secretary of the Interior, authorize the chief clerk of his office or some other clerk employed therein to temporarily act as such disbursing clerk.

"And with the approval of the Commissioner of Pensions and the Secretary of the Interior, the disbursing clerk may designate and authorize the necessary number of clerks to sign the name of the disbursing clerk to official checks.

"The official bond given by the disbursing clerk shall be held to cover and apply to the acts of the person appointed to act in his place.

"The sum of \$10,000 is hereby appropriated, to be immediately available, to meet the expenses of carrying into effect the changes herein provided for."

Mr. BOWERS. You have not suggested, Mr. Commissioner, just exactly how much, in case this consolidation goes into effect, this estimate for clerk hire and so forth can be safely cut.

Commissioner WARNER. I think it would be safe to cut it \$100,000. I think possibly it could be cut much more, but that is safe.

Mr. BOWERS. You have the expense of the reorganization, of course, to bear out of the clerk hire appropriation.

Commissioner WARNER. Yes.

Mr. THOMPSON. And there is also the extra work involved in making the consolidation.

Commissioner WARNER. I think it would work smoother than you imagine; that is, I think in the work of bringing the agencies in, and changing the location, everything would go smoothly.

Mr. GARDNER. Will you have plenty of room in the Pension building?

Commissioner WARNER. Thank you for that suggestion. We will have room in the event that we are allowed the entire Pension building for pension purposes—that is, if they surrender us the whole building. We have the Board of Appeals in there now, of the Secretary's office, and one room is occupied by the Indian Office. If those rooms were restored to us, we would have plenty of room.

Mr. KEIFER. That could be done without any legislation.

Commissioner WARNER. Yes; I think the Secretary would do that.

Mr. KEIFER. I notice that there has been some effort made to secure part of that building for the purpose of storing away old patent models. Do you think that they ought to be there?

Commissioner WARNER. I do not want them in there, but if the Secretary wants them, then I do. Anything he wants I am for.

Mr. GARDNER. Your thought is that everything strictly connected with the operation of the Pension Bureau should be put under one roof?

Commissioner WARNER. All under one roof.

Mr. GARDNER. So that the Bureau would have ready access to all of the papers in case questions arise.

Mr. WARNER. Yes. It will be a great convenience to have all of the pensions paid from that building. In case we want to know anything about a change of residence of a man who has been paid from a San Francisco agency, or any change regarding his condition whatever, we would be able to get that information at once. As it is now we have to write a letter, and wait for the reply, for we must first communicate with San Francisco. We would be able, in the event of the consolidation, to get any information in regard to any of these cases within a few minutes, no matter whether it related to a pensioner on the Pacific coast, in Iowa, or anywhere else.

Mr. GARDNER. Besides the New York office, where you rent rooms, is there any complaint about any of the quarters in other places where these agencies are now located?

Commissioner WARNER. Occasionally we hear some complaint about the amount of room that they have, the conveniences, and so forth, though I could not specify the agencies at this time.

Mr. THOMPSON. The Columbus agency was very much crowded. Congress has made an appropriation for a new building there, and pending the completion of that building, the Treasury Department has rented a building and is giving us sufficient room.

Commissioner WARNER. I would like to say that there is not a more pleasant or a more healthful office building in the United States for clerical work than the Pension building here in Washington. Every room has an outside exposure, we have large corridors inside, with a very large court, making substantially two outside exposures. It is the healthiest and pleasantest office for clerical work that I know of.

Mr. GARDNER. Your judgment is that this consolidation would be ideal for handling the whole pension business, for the adjustment of pensions, the concentration of the correspondence, and everything connected with them? You believe that putting it all in that building is the best possible arrangement?

Commissioner WARNER. Yes, sir.

Mr. GARDNER. You could not suggest anything more perfect for the operation of the whole pension machinery?

Commissioner WARNER. No; it would all be in a nutshell instead of being scattered all over the United States, as it is now, with eighteen different agencies. The pensions would all be paid from here the same as the interest on the public debt.

Mr. BOWERS. And would there not be some saving in the matter of duplication of records? As it is now a record has to be kept in both the central Pension Office and in the branch offices.

Commissioner WARNER. A great saving, yes. As it is now, the certificate is recorded here, then it is sent out to the pension agency, and it is recorded there, and there is considerable duplication all the way through. Under the consolidation arrangement we would have it all in one office, and that would be the end of it. It would save clerk hire, time, and labor. If this were a private business, no business man would hesitate ten seconds in coming to a decision as to what he would do. He would consolidate it. While, with an official like myself, in the Government service, and for whom it is going to make additional work, he would not be very anxious for it, and personally I do not care anything about the consolidation, yet in the interest of the Government I think it would be a very good thing.

Mr. KEIFER. Are all naval pensions paid from here, from the Washington office?

Mr. THOMPSON. The Washington agency pays the District of Columbia, Maryland, Delaware, Virginia, West Virginia, and all pensioners residing in foreign countries. In addition to that it pays the naval pensioners from the Knoxville district, which comprises all of the Southern States as far west as Texas. Naval pensions are also paid by the Chicago, the San Francisco, Boston, New York and Philadelphia offices.

Mr. KEIFER. But the other pension agencies do not pay naval pensions?

Mr. THOMPSON. No.

Mr. McCUMBER. Secretary Garfield substantiates the statement that is made by the Commissioner of Pensions. He also testifies that he could get rid of these agencies as fast as possible, and he thinks that he could dispose of all of the seventeen in about six months. The Senate will therefore see that it would be necessary, in any event, to appropriate, we will say, for about half of them, for at least three months.

It is stated that there will be \$100,000 clerk hire saved. That is assuming that the clerk hire would practically be the same in the city of Washington as it is elsewhere, and that the same number of clerks would perform exactly the same amount of business. Every man acquainted with the Government service knows, first, that the amount of service performed by each clerk generally is about one-third more outside of the city of Washington than in the Departments here in Washington. We all understand also that the amount paid for clerk hire is nearly 50 per cent higher here in the city of Washington than it is in other cities in the United States. So I think when we consider those matters it will be found that it will neutralize to a great extent the statement concerning the saving of \$100,000.

The Commissioner also says that he would take practically all the clerks now engaged in the several agencies and transfer them to the Washington agency. If he did that he would have to add about 50 per cent for salaries and deduct about 25 per cent for work, and this would materially reduce the saving.

The Commissioner also says, on page 8, that after consolidation has been completed and is in perfect working order all pensioners could be paid by the Commissioner of Pensions or the disbursing officer located in the city of Washington with an annual expenditure of at most \$350,000, saving \$200,000, and he is of the opinion that after the first year of consolidation the appropriation for the expenses of paying the pensions could be safely reduced \$25,000 more.

It is safe to say also that while under the present distribution no post-office requires a larger number of clerks on account of the pension business, if we consolidate all of them in the city of Washington, meaning the handling of about a million letters, at least, or more every month, there would be a considerable increase in such clerk hire in the post-office, which has not been taken into consideration whatever; and there would be, undoubtedly, an addition of service in other respects.

Now, the House conferees stand upon the position that the undisputed evidence shows the fact that the services could be performed just as well for at least two or three hundred thousand dollars less, and that the interests of economy demand that these extra agencies should be abolished.

Mr. President, as one of the Senate conferees, I think, for the reasons I have mentioned, the savings are overestimated. I will assume that possibly the service could be economized by abolishing the agencies to some extent, but what we would gain in economy, in my opinion, would be more than made up in certain other losses. I can not help but feel that it is for the interest of all of the people of the United States that the functions of government should be performed as much as possible, when it can be done without detriment to the service, away from the seat of government. This is an immense country, Mr. President, and the nearer we can bring the public in contact with the Government and with the functions of government the better it will be for the Government, and for the people as well.

As a matter of education, I believe that the people should be brought into as close proximity with every arm of the public service and into an acquaintanceship with the functions of the public service as near as it is possible to do so without detriment. The majority of the people of the United States have little better understanding of the mode by which they are governed and by which government functions are exercised than they have of the same matters in foreign countries. I do not believe it is a healthful condition to concentrate everything possible in the city of Washington, even though it may be done with a little greater economy.

I have no doubt that it would add very materially to all our great industrial concerns if they were consolidated under one great control, and the cost of production would be less than it is to-day. But to the same extent that the cost of production would be less the individual opportunity would also be lessened. The expense that you would save by concentrating everything in the city of Washington you would lose by divorcing the public from the business of the country. So my view has been that it is better, even though there be a little extra cost, that we perform just as many of the functions of government as we possibly can among the people and all over the United States.

Mr. President, I make this statement simply to give the Senate the view I believe to be that of the Senate conferees, and to receive through argument or by instructions the sentiment of the Senate upon the same question, as it has not had an opportunity to express itself before.

Mr. HALE. I do not understand, Mr. President, that the Senator submits any conference report or anything upon which perhaps the Senate could take formal action. If the conference report had been presented, the Senate could put itself on record by yeas and nays, and I should hope the feeling would be nearly or quite unanimous; but the Senate can by expression here show to the House what is the attitude of this body.

It is not, Mr. President, a question of the saving of a few thousand dollars, but there are no offices of the Government that are so popular with the people, that are so near to them and to the old pensioners as the pension offices throughout the United States. I do not know of a single fault that is found with the management of one of them. I do not know of any scandal that has ever arisen as to the course of business pursued in a single one of those agencies. They are run economically and frugally, with a comparatively small force, and every pensioner knows that the drafts coming to him will be sent to these offices and he can have them at once forwarded to him near by or he can go to the office and get them and can visit the office as pensioners do frequently.

I know in the State of Maine the present agent was a veteran soldier of the Army of the Republic in the war, a man of distinguished service, who lost the use of a leg in one of the great

battles of that conflict, and who was afterwards honored by the State of Maine in being selected and serving for several terms as governor of the State. He is to-day in charge of the agency in Maine, and there is no day that some pensioner does not appear there, and his kindly way of treating them and greeting them and hearing their stories all contribute to the comfort and satisfaction of the pensioners.

With such considerations, the mere matter of saving a few thousand dollars is a bagatelle, and I hope the Senate will not consider it. I hope the conferees in this matter will stand pat. The law is good as it is now. Its operation is good. The movement is made from the House to change the existing administration. Everybody knows that in conference the burden is upon the side which seeks to change existing statutes and administration; and all that the Senate conferees need to do is to stand upon that ground, and in the end there can be but one result.

Mr. HOPKINS. Mr. President, I trust that the conferees on the part of the Senate will pursue the course that they have already adopted and insist that the amendment that was placed upon the bill by the Senate in making provisions for the salaries of the eighteen agents shall become a part of the bill. I sympathize entirely with the statement of the Senator from Maine [Mr. HALE].

I have had occasion since my attention was called to the action of the House to look into the question as to whether there is any economy in the suggestion of the House. My judgment, Mr. President, is that there is no economy in the proposition that is made by the House on this question. I find on looking the matter over that the Secretary of the Interior and the Commissioner of Pensions do not agree. In the letter that the Secretary of the Interior sent to the Speaker of the House he thinks that there might be a saving of \$200,000 per annum. I find in the hearings that were had before the House committee the Commissioner of Pensions thinks that there could be a saving of \$100,000 per year for clerk hire and the \$72,000 a year that is provided for the pension agents and rental in New York City.

In that estimate he does not take into consideration that some provision would have to be made for higher salaries than the average clerk to fill the position that is held by the eighteen pension agents. No provision is made for that, and no suggestion is made that the cost of clerk hire is any greater in the city of Washington than it is in the various cities where the pension agencies are located.

I find from a statement that was made by Colonel Mulholland, of the Philadelphia agency, that the average clerk hire in the Pension Office here at Washington is \$1,280.72, and the average salaries paid at the various agencies aggregate only \$977.99, making a difference of \$302.73 per clerk each between the salaries paid in the various agencies and the salaries paid to the clerks in the Pension Office.

Now, there are 432 clerks in these eighteen agencies and the difference in salaries aggregates \$125,425.60. So it seems to me, Mr. President, that instead of being a reduction in the expenses in paying old soldiers, the amount that is provided for by the Senate in the bill, there will be an actual increase.

There is another item that I desire to call to the attention of Senators that has not been taken into consideration. With the exception of the New York agency all these other agencies are housed in Government buildings. In Chicago, Detroit, Milwaukee, Des Moines, and other cities provision is made in the public buildings. So there is no rent for these agencies. If the consolidation is to take place, as is proposed by the Secretary of the Interior, some provision must be made for the clerks who are to be brought here to do the business in the city of Washington.

I find in the hearings that were had before the House committee the Commissioner of Pensions says that if they will remove from the Pension building the board of appeals of the Secretary's Office, and the Indian Office, there may be room here.

Mr. WARREN. Mr. President—

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

Mr. HOPKINS. Certainly.

Mr. WARREN. I do not want to interrupt the flow of the Senator's remarks, but as this seems to be a move toward a final settlement of the question whether the eighteen agencies shall be continued or not, I want to suggest that if they are to be continued, there should be a redistribution or that some should be added. Take the State that I, in part, have the honor of representing. The pensioners there are compelled to get their pension business through San Francisco. Everything goes from Washington directly through Wyoming to San Francisco, and

from San Francisco it is twelve, thirteen, or fourteen hundred miles back to Wyoming; and I think also the same applies to Montana and other States.

Now, that is a matter which ought to be corrected. Possibly we have gone too far now to correct it on the pending bill which is being considered in this conference, but the matter ought to be taken up soon and settled more satisfactorily than the conditions now existing present.

Mr. HOPKINS. Mr. President, I agree entirely with the statement of the Senator from Wyoming, and a little later in my remarks I propose to touch upon that subject and show that instead of consolidating the agencies in Washington we should have more of them, so as to benefit the pensioners, especially in the Western States.

The point I was making when I was interrupted is that there is no economy in the proposition that is made by the Secretary of the Interior, because it is shown that if we consolidate these agencies in Washington, of necessity we must have more space in some other building for the various offices that are now in the Pension building. We must hire offices for the board of appeals, the Secretary's Office, and for the Indian Office. So there would be an additional expense that is not touched upon in the letter of the Secretary of the Interior or by the Commissioner of Pensions.

Another point which has not been considered by them is that it is estimated that nearly 1,000,000 letters per month, if there is a consolidation of the agencies in the city of Washington, will pass through this office to the various sections of the country where these pensioners live that are now handled through the post-offices at the 18 different pension agencies. The consolidation of the agencies at Washington will, therefore, require additional postal service in the Washington post-office to care for this extra work that will be imposed upon the office in this city; and it may be that this extra work which will require an additional clerical force will require additional space, which may entail extra expense upon the Government.

No consideration has been given to any of these questions by the conferees upon the part of the House or by the Secretary of the Interior, who has suggested that the agencies be consolidated.

Mr. McCUMBER. Mr. President—

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

Mr. HOPKINS. I do.

Mr. McCUMBER. I call the attention of the Senator to the fact that the Commissioner testified that if certain offices were removed—the board of appeals and Indian Office—now occupying space, he then would have room enough, but if they are removed it will necessitate that some other place be secured for them.

Mr. HOPKINS. That would be an additional expense to the Government of the United States.

Here is another question to which I desire to call the attention of Senators. Mr. HALE, a Member of the House of Representatives from the State of Tennessee, stated, when this matter was discussed in the House, that on the 7th of February, 1908, he procured a statement from the Commissioner of Pensions showing the expense per capita at these eighteen agencies. This is his statement:

That the public may know that my figures are correct and my statements based upon facts, I submit the following figures furnished me by Commissioner Warner on February 7, 1908, showing cost per pensioner for paying pensioners at each agency in the United States:

Topeka	\$. 425
Columbus	. 458
Chicago	. 518
Knoxville	. 509
Indianapolis	. 495
Boston	. 511
Philadelphia	. 530
New York City	. 644
Washington	. 631
Des Moines	. 534
Milwaukee	. 544
Buffalo	. 564
Pittsburg	. 562
San Francisco	. 548
Detroit	. 582
Louisville	. 638
Augusta	. 761
Concord	. 776

(CONGRESSIONAL RECORD, March 19, 1908, p. 3611.)

Now, take the pension agency at Topeka, where, under existing conditions, the agent pays 111,508 pensioners. They are paid there at a per capita expense of 42½ cents; at Chicago for 51 and a fraction cents, and here in Washington, where there is an agency, it is 63 and a fraction cents. I have made a computation, and I find that if we were to remove the agency from Topeka, Kans., to the city of Washington on the present basis it would cost for paying the pensioners who are paid at Topeka,

Kans., \$23,310 per annum more than it does now. If we were to remove the Chicago agency to the city of Washington and have the pensioners who are provided for at that agency paid here in the city of Washington, it would cost the Government of the United States \$9,000 more than it does at the present time. If we should remove the Louisville agency here, it would cost the Government of the United States eight thousand and some hundred dollars more than it does at the present time. I will state that the same applies to San Francisco, Philadelphia, Detroit, Milwaukee, Buffalo, Pittsburg, and many of the other agencies. So, from the figures that have been given to us, the consolidation of the agencies here in the city of Washington would be an actual added expense to the Government of the United States.

But, Mr. President, as the Senator from Maine said, we should not be governed by a few dollars one way or the other when we are considering the rights of the old soldiers. The purpose of this legislation was to aid and protect them, and not to save the Government a few thousand dollars one way or the other. The law which provides for these agencies was passed by Congress February 5, 1867, and I call to the attention of Senators the language of the statute which provided for the establishment of the agencies which are now sought to be consolidated in this city. It is section 4780, and reads as follows:

The President is authorized to establish agencies for the payment of pensions wherever, in his judgment, the public interests and the convenience of the pensioners require.

So one of the salient facts that was in the minds of the legislators at that time was to provide legislation for the convenience of pensioners. Then the balance of the section reaches the question that has been raised by the Senator from Wyoming. It reads as follows:

But the number of pension agencies in any State or Territory shall in no case be increased hereafter so as to exceed three, and no such agency shall be established in addition to those now existing in any State or Territory in which the whole amount of pensions paid during the fiscal year next preceding shall not have exceeded the sum of \$500,000.

This shows that it was the intention of Congress at that time to provide agencies enough so that the agent would not be required to disburse much over \$500,000 per annum. The intention was to bring the agency home to the old soldiers, so that they could go to the agent and meet him personally and talk with him regarding any question in which as pensioner they might be interested.

Mr. WARREN. Has that plan been carried out, or has any move been made toward carrying it out?

Mr. HOPKINS. I will say to the Senator that it has not, I am sorry to say. I agree with the Senator from Wyoming that the Senate should not only insist that the present agencies should not be consolidated in an agency in Washington, but that there should be a largely increased number of agencies established, especially in the Western States.

Take the Topeka agency. That agency is required under existing law to provide for 111,508 pensioners. Instead of distributing \$500,000 per annum, as provided in the law of 1867—a law that was passed by the comrades in arms of those old soldiers who are now pensioners—that one agency in the last fiscal year was required to distribute \$15,807,638.24.

Mr. President, take the agency at Chicago. That agency is required to provide for over 75,000 soldiers. Over 60,000 of them live in the State of Illinois. That agency disbursed during the fiscal year 1907 over \$10,000,000.

Mr. CURTIS. Mr. President—
The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Kansas?

Mr. HOPKINS. I do.

Mr. CURTIS. I should like to interrupt the Senator from Illinois just a second to state that if we paid all pensions at the Washington agency as cheaply as they are paid at the Topeka agency it would save the Government \$132,000 a year.

Mr. HOPKINS. Yes, Mr. President, I had that fact to develop later, but I am very much obliged to the Senator from Kansas for bringing it out now, so as to show that the pension agencies in the different States are conducted much more economically than is the agency here in the city of Washington. At least it so seems from figures furnished us.

I will state, in passing, that when this law of a year ago providing for extra pensions to widows, and so forth, was passed, it was charged that the Washington agency, for less than half the work that was imposed upon the other agencies, required seven additional clerks; an additional clerical force not granted to any of the other agencies located in the different States.

Mr. WARREN. Mr. President—
The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Wyoming?

Mr. HOPKINS. Yes.

Mr. WARREN. Mr. President, I want some assurance from the Senator from Illinois, and from other Senators, regarding this plan of procedure as to whether we shall pay all pensioners from Washington, or pay all from the various pension agencies now existing, or those we may create, according to the argument that they can be paid cheaper from Topeka because of the great amount there paid, or cheaper from Washington or some other place, and solely on the ground of economy. This does not agree with the proposition which is laid down by the Senator as one that was first proposed in 1867 to accommodate the pensioners themselves in the establishment of these agencies.

The pensioners in the Rocky Mountain States—there may not be millions of money to pay, but they were just as valiant in arms as any others, and they have been living out there for forty years or more, and have been receiving their pensions a number of days or weeks later than others have received them, and from an office out on the Pacific coast, anywhere from 1,200 to 1,600 miles away from their homes, while the papers and money goes from Washington right by their doors to San Francisco, and is then brought back.

What I want to know is, whether the plan upon which we are to proceed is to be economy only, or whether it is to be to accommodate the various localities? If the latter, it seems to me that we ought to have some assurance from those who wish to continue these eighteen agencies that that Rocky Mountain country, which has been settling up so rapidly in past years, shall have some care, and agencies established there for the accommodation of her veteran soldiers.

Mr. HOPKINS. Mr. President, the whole drift of my remarks are in harmony with the position of the Senator from Wyoming.

One reason why the Topeka agency is conducted more economically than the agency here is because the salaries of the clerks there are less than the salaries in the agency here, and they work a greater number of hours than they do or are required to do here in the city of Washington.

Mr. WARREN. The Senator thinks, then, there should be others besides?

Mr. HOPKINS. I do.

Mr. GALLINGER. I want to ask the Senator from Illinois if I understood him correctly in reading the law that the President of the United States establishes these agencies under the law?

Mr. HOPKINS. Under the law of 1867 the President of the United States establishes the agencies.

Mr. GALLINGER. So that the Senator from Wyoming would have to go to the White House if he desired to have an additional agency established, would he not?

Mr. HOPKINS. Yes; under this law, unless Congress saw fit by legislative enactment to redistribute these agencies, divide them up, and make a larger number than we have at present.

Mr. GALLINGER. I want to ask the Senator one further question, and that is whether it is not a fact that the President can increase, reduce, or abolish all the pension agencies in the United States by Executive order?

Mr. HOPKINS. I am inclined to think that the Senator from New Hampshire is correct.

Mr. McCUMBER. Mr. President—

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

Mr. HOPKINS. I do.

Mr. McCUMBER. If the Senator from Illinois will excuse me, I tried to look the matter up so as to ascertain when the first agencies were established. The earliest law that I can find, that of 1866, I think is practically in the same wording as this law; but that law was based upon the assumption that some agencies already existed which were created by Congress. If Congress created any by act, then it follows that the President could abolish only those that he had himself under the law created and none that Congress had created.

Mr. GALLINGER. But that, I think, Mr. President, would not apply to the bulk of existing agencies.

Mr. McCUMBER. I do not think it would.

Mr. GALLINGER. Then I understand there have been pension agencies abolished by Executive order.

Mr. WARREN. Mr. President, if I may be permitted to ask the chairman of the Committee on Pensions a question, I wish to ask, is it his understanding that the President to-morrow or the following day may establish pension agencies without legislation?

Mr. McCUMBER. I think under the law he has absolutely that authority and has absolutely the authority to abolish any one that has been created by him under that law.

Mr. WARREN. From what fund would such an agent be paid, unless Congress should provide?

Mr. McCUMBER. There would be no provision for payment until Congress should appropriate, of course.

Mr. WARREN. Then it amounts to this, that until Congress makes some provision toward appropriating, it is a question whether the President could or, if he could, whether he would establish new agencies.

Mr. McCUMBER. The President may establish an agency, and then Congress, either in a deficiency bill or otherwise, would be supposed to appropriate for the appointee.

Mr. BEVERIDGE. So that amounts, in the last analysis, to the practical fact that he can not.

Mr. WARREN. Has that been the mode of the establishment of these agencies as they now exist?

Mr. McCUMBER. I think all of those established since 1866, at least, have been established by order of the President.

Mr. WARREN. How many were established before that time?

Mr. McCUMBER. I have been unable so far to ascertain the number and what ones were established, and I do not know that a single one exists that was established prior to that time.

Mr. HOPKINS. Mr. President, there is another suggestion that I desire to make to Senators on this proposition, and that is, that while we have over 900,000 pensioners, as I understand, there is not one of them that has petitioned for this consolidation which is proposed by the Secretary of the Interior. I know that in the State of Illinois almost every Grand Army post has sent me letters and protests against this consolidation. What is true of the State of Illinois I think is true in all the different States where we have these Grand Army associations. They believe that the spirit of the law as it was enacted by the legislators here nearly forty years ago should be carried out and that these agencies should be placed where the soldiers, who are the pensioners, can see the agents and converse with them upon the various subjects relating to the payment of their pensions.

The pension agent at Chicago tells me that in the city of Chicago, where there are perhaps 20,000 or 25,000 pensioners, when they come to make these payments every pay day to the pensioners, they pay at the pension office more than 4,000 of these pensioners. They come there and talk with the agent; and the pension agent himself goes out over the State to the various Grand Army posts and talks with the soldiers, so that they feel that the Government, through the agent, is interested in them. But if these local agencies are to be abolished and a central office is to be established here in the city of Washington, instead of having agencies where five hundred thousand or a million dollars are distributed we shall have one agency that is required to distribute the \$162,000,000 provided for in this bill.

Mr. BEVERIDGE. Mr. President—

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

Mr. HOPKINS. I yield to the Senator from Indiana.

Mr. BEVERIDGE. Just for two questions: First, can the Senator from Illinois tell of any practical questions which the pensioners would have to discuss with the pension agent concerning their pensions?

Mr. HOPKINS. I can tell of many of them. One of them is in respect to errors that the pensioners make in preparing their papers. The pension agent at Chicago tells me that over 18 per cent of those old pensioners who do business with him make errors and have to have their papers corrected. Many of these old soldiers come and talk with him, or with the clerks in his office, with respect to such matters. When the agent goes out among the various Grand Army posts, these questions that are raised in correspondence are discussed, and the pensioners get a more intelligent view as to their duties in preparing papers upon which they are paid their pensions.

Mr. BEVERIDGE. About how many pensioners are there in Illinois?

Mr. HOPKINS. There are over 60,000 in the State of Illinois, and there are over 75,000 pensioners who are paid by the pension agent at Chicago.

Mr. BEVERIDGE. That is 140,000 pensioners yearly.

Mr. HOPKINS. I meant 15,000 in addition to the 60,000 I have named.

Mr. BEVERIDGE. Seventy-five thousand. Now, if a very small percentage of that number were to discuss with the pension agents questions relating to their pensions—and, frankly, I can not see how any would arise—of course it would take

several pension agents to answer their questions. It is perfectly clear that, as to making out their papers, they should become very familiar with the law. They have that attended to in their own towns.

Another question is this: I am not against the position of the Senator, but the point I have heard advanced here as to the petitions from the Grand Army post does not seem to be very sound. Is it not pretty clear that a mere request by letter or, especially, by a personal visit would elicit these petitions from the Grand Army post?

Mr. HOPKINS. There has been no letter, I will say to the Senator from Indiana, written by me or by my colleague.

Mr. BEVERIDGE. No. The Senator misunderstands me. I understand that. The Senator must acquit me of that. I mean by the pension agent himself. Suppose the pension agent did not want the agency abolished, a mere request to the Grand Army post of course would elicit those petitions.

Mr. HOPKINS. I will say to the Senator that, judging from the communications I have received from different Grand Army posts in Illinois, these communications came to me and to my colleague from them and were not inspired by the agent.

Mr. BEVERIDGE. I know, not from the agent.

Mr. HOPKINS. The agent has shown the objections that exist to consolidating all of these agencies in the city of Washington.

Mr. McCUMBER. The Senator will allow me right here. I have within the last two years not only been present at the annual encampment of the old soldiers, but at a large number of their meetings, and where it has been expressed to me, the sentiment in favor of continuing these agencies has been universal. I have found no man that has ever suggested the idea of reducing the number, but many hundreds, I will say, who have written to me and spoken to me at these meetings—not by petitions—have asked that the agencies be retained. I simply give that as the sentiment of the soldiers themselves.

Mr. GALLINGER. Mr. President—

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

Mr. HOPKINS. I yield to the Senator from New Hampshire.

Mr. GALLINGER. I am in full sympathy with the contention of the Senator from Illinois, I will say, and shall vote to have these agencies retained, but I want to suggest to the Senator that the old soldiers do not go to the pension agencies to discuss matters relating to the payment of their pensions. That is a matter fixed by law. They are paid by check. They do like to go there and talk about the question of getting an increase or of having a bill submitted to Congress, and all those matters, but so far as the payment of the pensions is concerned, all of that is an automatic thing. They are paid by check and the pension agent even hires a girl to stamp his name on the checks.

Mr. HOPKINS. I will say to the Senator that the pension agent at Chicago says that in preparing the necessary papers upon which the pensioners receive their checks over 18 per cent of them contain errors that have to be corrected.

Mr. BEVERIDGE. Mr. President—

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

Mr. HOPKINS. Certainly.

Mr. BEVERIDGE. The Senator from New Hampshire [Mr. GALLINGER] has stated this matter precisely as I have thought it was. Now, with reference to talking to the pension agents about their bills—private pension bills, and things of that kind—of course I think the experience of everybody in both Houses of Congress is that the pensioners do not talk to the pension agents about that question, but they talk to their Representatives or their Senators. So the subjects of conversation are very limited between them.

Mr. HOPKINS. But they send in their applications for increase, and a hundred and one other questions that interest the old soldiers are discussed at these pension agencies. But, as I have stated—

Mr. BULKELEY. Mr. President—

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

Mr. HOPKINS. Certainly.

Mr. BULKELEY. I merely want to interrupt the Senator for a moment to confirm, so far as my own State is concerned—and there are several thousand pensioners in Connecticut—every suggestion the Senator from Illinois has made in regard to the feeling of the members of the Grand Army in their respective posts concerning this matter. They are very anxious about it, and endless communications come to me from the old soldiers in Connecticut who are now pensioners asking that the present method be continued as a matter of great convenience to them. They desire to have an agency located somewhere near their

vicinity. I think if the number could be increased, so that each State would have a pension agency, it would be better than to attempt to concentrate all of the agencies in Washington.

Mr. HOPKINS. Mr. President, I have already shown that the law that provides for the establishment of the pension agencies was so framed that the agencies should be numerous enough to meet all the requirements of the soldiers. This legislation is in entire harmony with the law that prevails in administering other departments of the Government. Why, Mr. President, do we have free-delivery service of mails in the cities? It is to benefit the people. Why did we establish the rural free delivery? The farmers for a hundred years were accustomed to go to the post-office to get their mail, and they could for the next hundred years go on in that manner. It was believed, however, to be in the interest of the Government itself to bring this mail service as close to the farmer as it is to residents of cities. The appropriations have increased from year to year since the establishment of the rural free delivery, until we are now appropriating from \$30,000,000 to \$35,000,000 per year for this service alone. In bringing this service close to the people in the rural districts we did not count the cost in dollars and cents. It was believed that it was in the best interests of the Government to do this. Nobody now in this Chamber or in the House of Representatives would be bold enough to oppose making proper appropriations for the rural free-delivery service.

The same principle that has caused Congress to make appropriations for the rural free-delivery service is the one that should govern and control us in caring for the defenders of the flag during the years from 1861 to 1865.

I think, Mr. President, it would be a great injustice to the old soldiers who are now pensioners to consolidate the pension agencies in Washington. It would delay the payment of their pensions and put them to unnecessary and vexatious trouble in securing their quarterly payments. I trust when this question comes to a vote in the Senate that every Senator here will support the action of the conferees on the part of the Senate.

Mr. McCREARY. Mr. President, the necessity of retaining the pension agencies as they now are has been made so clear by the Senator from North Dakota [Mr. McCUMBER] and the Senator from Illinois [Mr. HOPKINS] that it seems unnecessary for me to say anything; but it has been suggested by several Senators that as I am a member of the Committee on Pensions and voted to retain the pension agencies as they now are, I should briefly give some of the reasons that control me.

Mr. President, I find that forty years ago the Congress of the United States enacted a law declaring—

The President is authorized to establish agencies for the payment of pensions wherever, in his judgment, the public interest and the convenience of the pensioners require.

At that time there were about 100,000 pensioners in the United States. Now there are 967,000 pensioners. If it was proper at that time and if it has been proper for forty years since that time to provide for these agencies, I think that is a strong argument in favor of continuing them. If we abolish the eighteen pension agencies that are now established in the various States and have one pension agent here at Washington, it is claimed that we will economize. It is said that by doing that we will dispense with the services of seventeen pension agents and thereby save \$68,000.

Mr. President, when I hear—not in this Chamber, but elsewhere—men talking about economy in regard to pensions, talking about saving \$100,000, I do not think it is appropriate. The bill carries on the face of it \$163,000,000. The great addition made to it this year was for the benefit of widows, to allow widows to obtain pensions and increases of pensions amounting to \$12 per month. That action added about \$12,000,000 to the bill. I am not criticising the pension appropriation bill as reported here at this session; but I am taking exception to the argument in favor of alleged economy, of saving \$100,000. I do not believe there is any economy in abolishing eighteen pension agencies located in various States and concentrating the pension business at Washington. The Commissioner of Pensions has stated that the average amount of salaries of pension clerks is about \$1,200, and the average annual salaries of clerks at the various pension agencies is about \$900; and when other expenses connected with having our pension agent at Washington are considered, I believe there will be but little difference between the present cost and the cost if the payment of pension claims is made at Washington.

This Government ought to grant pensions for the worthy, and if we give pensions we ought to arrange their payment in such a manner as to reach the pensioner as quickly as possible. Under existing law within a week after the pension becomes due nearly every pensioner is paid. If you concentrate here at Washington all the business connected with the payment of

pensions, it may be that those who reside in California, in North Dakota, in Oregon, and in other remote States will not get their pensions for a month or more.

The act of Congress under which for forty years pensions have been paid declares that the convenience of the pensioners shall be considered. I think there is no doubt that the convenience of the pensioner requires that the pension agencies should be retained where they are at present.

I was impressed with the statement made by the Senator from Wyoming [Mr. WARREN] that, instead of reducing the number to one, and that to be located here at Washington, we should increase the number, as the President has the power to do under the law.

There is another point, too, that impressed me. I am not in favor of centralizing power at Washington any more than we can help. In all of the years that have passed since the civil war we have not deemed it necessary to centralize at Washington the payment of pensioners, and I am opposed now to doing it. If we pay money to pensioners, we ought to give them every advantage and every convenience. I believe we should act justly to all men, whether they be soldiers or civilians.

While I was not in the Federal Army, I have always been in favor of doing justice to Federal soldiers. I know what it is to be a soldier, and I want to do justice to every soldier. There is nothing that makes our Government and our country more conspicuous than our liberality to those who fought in the Federal Army and to their widows and their minor children.

I hope, Mr. President, that every Senator in this Chamber will support the conferees in the position they have taken and that the provision for eighteen pension agencies will be kept in the pension bill.

Mr. LODGE. Mr. President, only a single word. It seems to me, as we spend \$163,000,000 in pensions and their disbursement, that to haggle over a possible saving of \$150,000 in the expense in dealing with that vast expenditure is rather a small matter. It is a great comfort and convenience to the old soldiers—whether it ought to be so or not is of no consequence—to have these local agencies. It is not apparent that any saving would be made by abolishing them; but even if it were certain that a saving would be effected, it seems to me that we ought to retain the present number of pension agencies. If we are going to distribute these great sums in pensions, we ought to do it in the way that is most agreeable and most convenient to those who receive them. I merely took the floor to say that I am in entire sympathy with the position of the Senator from North Dakota, and I hope the Senate conferees will not think of yielding on the matter.

Mr. WARREN. Mr. President, has the morning business been closed?

The VICE-PRESIDENT. It has not been closed.

Mr. CURTIS. Mr. President—

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

Mr. CURTIS. I should like to say a few words on the matter which is under discussion.

Mr. WARREN. Mr. President, of course I have no wish to cut off the Senator from Kansas. I believe there is no business, however, before the Senate.

Mr. CURTIS. I will agree to occupy no more than three or four minutes. I live in a city where there is the largest pension agency in the United States, and I should like to tell the Senate what we think about this proposition.

Mr. TELLER. Mr. President—

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

Mr. TELLER. If I may take the floor on the pending question I will yield to the Senator from Kansas to say what he wants to say. That will be in order.

Mr. GALLINGER. Morning business is not closed.

The VICE-PRESIDENT. Morning business is not closed. This debate is proceeding entirely by unanimous consent.

Mr. TELLER. Excuse me; I thought morning business had closed.

The VICE-PRESIDENT. It has not closed. The Senator from North Dakota [Mr. McCUMBER] took the floor to withdraw as a member of conference committees on pension bills and then to make a statement. The Senator from Kansas [Mr. CURTIS] is recognized.

Mr. WARREN. Then I understand that this debate is all by unanimous consent?

The VICE-PRESIDENT. The debate is proceeding by unanimous consent.

Mr. WARREN. I have no objection to the Senator from Kansas proceeding, but I hope that after he has finished we may be able to proceed with the regular order.

Mr. CURTIS. Mr. President, there are 967,000 pensioners on the rolls. They are paid from eighteen agencies, located in different parts of the United States. The amount paid out each year is about \$140,000,000. It requires, under the present plan, 432 clerks to make the payments. The average annual salary of the clerks at the pension agencies outside of the city of Washington is \$977.99, while the average annual salaries paid clerks in the Bureau of Pensions in this city is \$1,280.72. The pension agents, eighteen in number, are paid \$4,000 each per annum.

The new plan, which I oppose, is to consolidate all the pension agencies, and in the future make the payments from the city of Washington.

THE QUESTION OF EXPENSE.

It is claimed by those who advocate this change that it would be less expensive to pay the pensioners from the city of Washington than it is under the present plan, but it is evident that they have not carefully considered the question. The only saving they can point out is the reduction in the appropriation for seventeen pension agents, which would amount to \$68,000, and the amount of \$4,500 a year paid in rent for the agency at New York; this would amount to \$72,500, and this is all that can be counted on. What would be the extra expense? The increase in the salary of each clerk would be \$302.73. This would amount to \$125,425.60. Then the increase in the mail would be not less than 8,000,000 letters to be handled at the Washington post-office. The expense of handling this extra mail at the post-office would be at least \$10,500 a year, and it is more than likely to amount to \$15,000. On this point I desire to have inserted in the RECORD a letter I have received from the Department, advising me that it would cost \$10,500 to handle the additional 8,000,000 letters. I will not take up the time of the Senate to read it, but I should like to have it printed in the RECORD.

The VICE-PRESIDENT. In the absence of objection, permission is granted.

The letter referred to is as follows:

POST-OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER-GENERAL,
Washington, April 1, 1908.

Hon. CHARLES CURTIS,
United States Senate.

MY DEAR SENATOR: With reference to your telephonic inquiry of the postmaster of Washington, D. C., relative to the additional clerical assistance that would be required in his office to handle 4,000,000 additional incoming and the same number of outgoing letters per year for the Bureau of Pensions, also the average salary of the clerks employed, I beg leave to state that from the information furnished by the postmaster as a result of his conversation with you, this additional work, occurring only once each month and probably for a short period, would in all probability be handled by an auxiliary force paid at the rate of 30 cents per hour. It is estimated that this auxiliary service would cost approximately \$10,500 a year.

Very truly, yours,

C. P. GRANDFIELD,
First Assistant Postmaster-General.

Mr. CURTIS. Mr. President, this makes a total increase of \$135,925.60, and if you deduct from this the \$72,500 saved in salaries of agents and rent, you have an increased expense of at least \$63,425.60 each year, to say nothing of the inconvenience to the pensioners and the great delay which the proposed change would cause in making the payments. I ask you to look a little further into the cost of paying pensioners from the city of Washington as compared with the cost of paying them from the city of Topeka, Kans. It costs in clerk hire to pay each of the 111,508 pensioners who are paid from the Topeka agency just 33.2 cents, while it costs to pay each of the 53,640 paid from the Washington agency just 51.9 cents, and if you include the expense of paying the 4,709 examining surgeons from the city of Washington and the contingent expenses, all of which should be charged and considered against the Washington agency, the expense of paying each pensioner and examining surgeon from the Washington agency is just 58 cents or nearly 20 cents more than its costs to pay each pensioner from the Topeka, Kans., agency, and 6 cents per capita more than it costs to pay from the Concord agency, which is next highest to Washington in the cost to make pension payments. If it is a question of economy, then you should pay all the pensioners from Topeka; by so doing \$132,529.18 would be saved each year, but if the convenience of the soldiers is to be considered, then the payments should be continued under the present plan, but each agency should be raised to the high standard of the Topeka agency, which would result in the work being done with more speed and less expense than at present. Each clerk at the Topeka agency handles the papers of 2,859 pensioners, while each clerk at the Washington agency handles the papers for only 2,235 pensioners.

To change the present plan and make all payments from Washington would be to subject 99 out of every 100 pensioners to delay and inconvenience. The delay would be at least from

three hours and twenty-five minutes to those who now receive their pensions at Philadelphia to one hundred and four hours for those who receive their pensions at San Francisco. Another question of delay and inconvenience which has not been considered is the return of the vouchers on account of defects in execution. There are errors in at least 5 per cent of the vouchers executed.

There is another thing which should be considered, and that is the clerks at the various agencies own their own homes and are comfortably situated, and it would be unfair to compel them to come to Washington, where the expense of living is much higher. The homes and friends these men and women have made are dear to them, and they should not be compelled to give them up just to help swell the pay rolls of Washington, and that is what consolidation means, no more and no less.

There is another point, and that is thousands of old soldiers live in the cities or adjoining the cities where the pension agencies are located, and they call in person at the agency, or at the post-office, for their checks and so receive them on pension day, each quarter. To bring the agencies to Washington would compel these men to send their vouchers in by mail and in some cases to wait for days for their return. The greatest objection, however, is that the Government is already trying to do too much business from bureaus in this city, business that should be done in various sections of the country. It would be much better to have the pension agencies where they are and distribute the business of some of the other bureaus out among the States than to consolidate everything in the city of Washington. The change would cut down the expenses of the Government and the people would know more about our institutions and the workings of our great Departments.

Mr. President, I hope the Senate will vote against the consolidation of pension agencies when the question comes up.

MOTHERS' DAY.

Mr. BURKETT. I offer a resolution, and ask unanimous consent for its present consideration.

The resolution was read, as follows:

Resolved, That Sunday, May 10, 1908, be recognized as Mothers' Day, and that it be observed as such by the Members and officers and employees of the United States Senate wearing a white flower in honor of their mothers.

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

Mr. GALLINGER. Let the resolution go over.

Mr. KEAN. Let it be read again.

Mr. LODGE. It has gone over.

Mr. KEAN. No matter, if the resolution has gone over.

The VICE-PRESIDENT. The resolution will again be read.

The Secretary again read the resolution.

Mr. CLAPP. I rise to an amendment.

Mr. KEAN. Let the resolution go over.

Mr. CLAPP. I desire to amend it by adding—

The VICE-PRESIDENT. Objection has been made to the present consideration of the resolution.

Mr. CLAPP. Very well.

Mr. BURKETT. Who made the objection, Mr. President?

The VICE-PRESIDENT. The Senator from New Hampshire asked that the resolution go over.

JAMES KANE.

Mr. BULKELEY. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 1159) to correct the military record of James Kane, to submit a favorable report (No. 631), and I ask unanimous consent that the Senate consider the bill.

The VICE-PRESIDENT. The Senator from Connecticut asks unanimous consent for the present consideration of a bill, which will be read.

The Secretary proceeded to read the bill.

Mr. WARREN. I ask that the bill go over. It may be called up later.

The VICE-PRESIDENT. The bill will go over.

AGRICULTURAL APPROPRIATION BILL.

Mr. WARREN. I ask that the Senate take up the agricultural appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 19158) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1909.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Idaho [Mr. HEYBURN].

Mr. TELLER. Mr. President, yesterday the senior Senator from Georgia [Mr. BACON] called my attention to a certain matter which I had not intended to present or consider, and I

replied as I understood the facts to be. This matter that I refer to was published some time ago, and last evening a gentleman called my attention to an extract from a paper of this city, containing a statement from the President; and I think, in justice to the President, it ought to be inserted in the RECORD, as it is explanatory of the President's action. As I do not care to read it, I will ask that the Secretary read from the slip of paper all that follows the heading "The President's reasons."

Mr. CLAPP. What paper is it from?

Mr. TELLER. I think it is from the Washington Star, but I am not quite certain. It was handed to me last night. I never saw it before. It is evidently an authentic statement from the President, and I think it ought to be read.

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

The Secretary read as follows:

In signing the proclamation the President added the following memorandum explaining his action:

"These forest reserves were determined upon and the preparation of the necessary papers ordered some months ago—in two-thirds of the cases some years ago—in the exercise of the duty imposed upon me by act of Congress of March 3, 1891. The utmost care and deliberation have been exercised in deciding upon the boundaries of the proposed reserves; in all but a very few cases long-continued and detailed field examinations have been made, and in the remainder examinations amply sufficient to justify the proposed action.

"The necessary proclamations under existing law now come before me, and the question is presented whether I should refrain from acting under the existing law because there is now under consideration by Congress a proposal to change the law so as to require Congressional action upon the establishing of such forest reserves. If I did not act, reserves which I consider very important for the interests of the United States would be wholly or in part dissipated before Congress has an opportunity again to consider the matter, while under the action which I propose to take they will be preserved; and if Congress differs from me in this opinion it will have full opportunity in the future to take such position as it may desire anent the discontinuance of the reserves by affirmative action, taken with the fullest opportunity for considering the subject by itself and on its own merits.

"If by any chance land were valuable for other purposes than for forest reserves is shown to have been included in these reserves, I shall forthwith restore it to entry.

"Failure on my part to sign these proclamations would mean that immense tracts of valuable timber would fall into the hands of the lumber syndicates before Congress has an opportunity to act; whereas the creation of the reserves means that this timber will be kept in the interest of the home maker; for our entire purpose in this forest-reserve policy is to keep the land for the benefit of the actual settler and home maker, to further his interests in every way, and, while using the natural resources of the country for the benefit of the present generation, also to use them in such manner as to keep them unimpaired for the benefit of the children now growing up to inherit the land. This is the final and exclusive object not merely of our forest policy, but of our whole public-land policy.

—THEODORE ROOSEVELT.

"THE WHITE HOUSE, March 2, 1907."

Mr. TELLER. Mr. President, I accept the President's explanation as correct, of course.

Yesterday there was some question as to the expenditures out of the lump sum, and I presented what I supposed to be the correct figures. I have since looked over the publication of the Government, and I find that I did not make any mistake.

Mr. WARREN. Mr. President—

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

Mr. TELLER. Certainly.

Mr. WARREN. I may say that when the Senator from Colorado presented the figures yesterday, as they differed from those I had before me, I asked him if he was sure about them, without of course presuming to differ with him. Afterwards I informed myself. The provisions appear in different places in the report. The Senator is undoubtedly correct. He was correct practically yesterday in the figures.

Mr. TELLER. I will repeat the figures, so that Senators may have them. I could not put my hand on them yesterday.

On page 296 of the Statement of Expenditures of the Department of Agriculture you will find for the Forest Service statutory salaries, \$112,133.16, that is what I gave yesterday; lump-fund salaries, in Washington, \$259,657.58; outside of Washington, \$817,199.89. Those are the figures I gave yesterday, and I now present them from the report of the Government. I find them in another sort of a reduced account.

Mr. President, I do not exactly understand this, and while I do not want to open up a discussion over it, I desire to call attention to it, and when some Senator who has greater knowledge comes to speak to the Senate I hope he will speak about it. I have before me Document No. 420, being Estimates of Expenditure for Department of Agriculture. On page 55 I find this:

General expenses, Forest Service, \$3,051,900.

Then come the items:

Salaries in Washington, \$403,095.

Salaries outside of Washington, \$1,946,140.

I am not going to attempt to reconcile these two statements. I find myself quite incapable of reconciling the statistics of this Government as a general thing. I find in one statistical abstract one thing and I find in another publication of this Government an entirely different statement of what ought to be the same facts.

Mr. President, yesterday after I had concluded the Senator from Massachusetts [Mr. LODGE] presented a statement of lump funds. He said:

Mr. President, I have listened with interest this afternoon to a great deal of indignant eloquence about the wrongs of lump sums and sums left in the control of officers of the Departments to spend as they please.

And so forth.

He then cites a large number of lump sums. For instance, he says:

Bureau of Entomology, the statutory salaries are \$19,443, and the lump-fund salaries, spent at the discretion and pleasure of the head of the Bureau, are \$164,644; Bureau of Soils, statutory salaries \$35,384, lump fund \$83,178.

And so forth.

Mr. President, those are very different appropriations from this. For instance, you have a lump sum for the railway mail service and you have a lump sum for the rural delivery service and all that. But the lump sum we complain of here is left absolutely to the discretion of the head of the Department. Because we have been doing these illegal and improper things is no reason why we should continue them. For one, I have lifted my voice for several years against lump funds. They are virtually in violation of the Constitution of the United States, and if they are not, they are certainly not good administration.

Mr. President, yesterday the distinguished Senator from New York [Mr. DEPEW] addressed the Senate on this question, and I want to call attention to his conclusion. On page 6110 of the RECORD of this morning I find he made this statement:

Sir, I trust that the amendment of the Senator from Idaho, prohibiting the transportation of wood out of any State, will be voted down, and that this appropriation, paid for already without taxation and without cost, will be passed as it came in the recommendation from the Secretary of Agriculture.

I wonder if the Senator from New York supposes that any money gets into our Treasury without taxation of somebody, except a small amount of money that gets in on the sale of property which we have already appropriated for a special and specific purpose. Every appropriation made here is made out of the tax money of this country.

The Senator also stated that this service had been managed with so much skill that it was self-supporting, or words to that effect. The bill here before us will show that that is not true, for there is a very large expenditure of money derived from the taxpayers of this country appropriated in this bill.

The Senator from New York also called attention to the great danger of the country going to the bad because of the loss of timber, and I notice he is the author of a bill for the purpose of establishing a national forest reserve on the Hudson River, a section of the country that has been settled for a couple of hundred years or more—two hundred and fifty years—and I suppose now, notwithstanding his eulogy of New York for what it has been doing in the forest business, he expects Congress to appropriate money to establish a reservation in the State of New York. But if the Government can do it in other sections, I suppose it can do it in New York.

I was struck with one statement the Senator made, and in looking over some of the forest-reserve literature last evening I found it repeated in several cases. Undoubtedly in the history of the world there was a country in Asia, of which Babylon was the capital for a time at least, and there were other large cities in the same neighborhood. The country was very thoroughly populated, and considering the time of the world in which the people lived, it was a very advanced civilization, the highest probably on the earth; and in some respects it was a very good civilization.

The Senator says that that country was turned into a desert—that the Arabian desert resulted from the fact that they had cut off the timber. I claim to be something of a student of history. I have spent all the time I reasonably could give in an examination of the history of that section of the world, and have read all the histories extant with respect to it. It is a very interesting thing. It is the cradle of the race, and it is somewhat interesting to a student of history to know that at least forty-five hundred years before the birth of Christ there was a civilization there that had reduced the relations of men to a code, and had determined practically what they should do and what they should not do, even to the extent of inheritance.

I find that at least forty-five hundred years before Christ there was, in that country, a law with relation to the in-

heritance by the wife that was practically that of the State of New York when I was 21 years old. I do not know what the New York law is now. It has been said that civilization could be measured by its treatment of women; and here, way back in the dark ages, as we have supposed, a wise provision, as wise as now exists in many of the States, was in operation with respect to inheritance by women. The woman took practically the same relation to the property that the woman took in New York in 1840 and in 1850. And her property rights were better protected by law than it was in New York.

Mr. President, there is not a scrap of evidence anywhere that that was ever a timbered country. It may have been, but if so the timber had been removed before there is any history of that country at all. I do not know how far back history will go. We thought a few years ago that three or four or five hundred years before the Christian era—a thousand years at the most—was as far as we would ever get. Within the last twenty years there have been unearthed, in that section of the country, tablets of two kinds, that which they call the cylinder tablet, which is rolled up, and that which is just in the shape of that book [exhibiting] when I lay it down. The tablets are made of clay, and they are practically indestructible. The only difficulty the scientists have now is to determine when the tablets were made and when they were deposited.

The learned people of the world have concluded that they can go back forty-five hundred years before the Christian era; and as early as twenty-eight hundred years before the Christian era you can know just as much about Babylon and its affairs as you can know about old Rome five hundred years before the Christian era. You can go back to the very earliest notice of mankind in these tablets and you will find that that was a country of irrigation. The exploits of kings are recorded in these tablets, because the tablets were largely inscribed by the kings themselves or their secretaries, and more frequent than are notes of their exploits in war are the statements of services in opening up canals or cleaning out old ones or fixing up the banks when they were destroyed, in order to aid the irrigation of the country. It was not a timbered country then; and when the highest civilization that ever existed in Babylon or any other part of the Asiatic world existed in its greatest strength and glory there were no forests within 500 miles of that country.

That has been repeated ad nauseam by these people who are attempting to alarm the people of the United States about the water of this country. The Tigris and the Euphrates and a half a dozen other rivers that may be named are just as good to-day in all probability as they were five thousand years ago. The mountains that furnished the water then furnish it still. They do not now furnish to the unfortunate inhabitants of that country water for irrigation. Why? Because in the course of time, with the destruction of the settlements by war and by bad government, the canals have gradually filled up until almost all of them are full of debris, first, I suppose, by the silt that naturally came down from the rivers, and later by the drifting sands, and the lack of attention. Every man who has lived in an irrigating country, whether it is in Egypt or Colorado, knows that every few years you have to clean out your ditches. If you do not, they will fill up with the sediment that is found in the water.

An English officer, really an engineer, recently made a report on that country, and he stated that with \$20,000,000 he would put it in the same fruitful condition that it was in the days of Babylon's glory, and there is now being considered in England that very question, whether it would pay for that country to be seized and old canals to be opened and new ones dug. They would undoubtedly find as much water in the Euphrates and the Tigris and those other rivers as was ever found in them. At all events, the engineer says there is an abundance of water now, if it were only spread over the land.

Mr. President, it is not worth while for anybody to go into hysterics over the question whether we are going to use up the forests so that we will not have any water, or whether we are going to use up the coal so that we will not have any heat. In the history of the world until recently coal was not a very important item of value. It is only when the use of steam in producing power was discovered that coal came into any great value. It might have been used in a few kitchens and a few homes in England before that time, but it was of no earthly consequence, and wood was the fuel, of course.

To-day we are mining an immense amount of coal in this country. I think we are mining about 300,000,000 tons a year, as I recollect, of bituminous coal, and about 60,000,000 tons of anthracite coal. I believe that is about right, although I am speaking from memory and not from looking it up, which I

usually do. It is my habit when I am going to make a statement to look at the record, but I have it not before me, and so I do not bother with it.

Mr. President, that is a great deal of coal, but when some man stands up and tells you that in a few years the supply of coal will be exhausted in the United States he either does not know the amount of coal we have here or he does not intend to be fair in his statement. I find the statement in these publications that the coal will in a few years be exhausted. I made a calculation of the coal in Colorado a few years ago from the number of acres that I believed then it was possible to be mined. I took only a single vein of coal, and I know that much of Colorado has five veins of coal in it, and the same probably is true of other sections of the country.

I could figure it up and show that at the rate we were using coal in Colorado that will furnish Colorado with coal for more than two thousand years, and by that time we will have learned some method of getting along without coal, I am pretty sure. At all events, I do not think the present generation should refrain from using coal for fear that the supply might be exhausted in the next two thousand years.

Mr. President, I have disposed of some of these statements that I call "hysterical." I do not mean to be offensive to anybody. I am not referring to the Senator from New York [Mr. DEPEW], of course, but to the hysterical statements made in these publications. They go out and the people read them and the people become frightened. I can remember that twenty-five years ago there was a fright in England, and a great fright, over the fear that the supply of coal would be exhausted in a few years, and they are still mining coal in England.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A joint resolution (S. R. 74) suspending the commodity clause of the present interstate-commerce law.

Mr. CULLOM. I ask that the unfinished business be temporarily laid aside.

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

Mr. TELLER. Mr. President, I want to say a word or two about power in this country. In my judgment the time is not far distant when the power in this country will not be steam, but it will be electricity. Of course electrical power has been long coming. It was predicted away back in the forties that electricity would be the final power. It met with many reverses. Away back in the first settlement in Colorado—or, at least, as early as 1866 or 1867—it was attempted to use electricity in the city of Denver to run street cars. It was attempted in other sections of the country, and it was a practical failure. They did not find how to do it. It was too expensive, and it was somewhat dangerous. Now, there is not a large city in the United States that is not running street cars by electricity. There is not a city in the United States that is not running machinery by electricity. It is found to be cheaper everywhere than coal. It is cleaner and safer and, what is the main thing to be considered in securing power, it is cheaper.

If we were to harness the rivers in this country, as we are now beginning to do, in a few years nobody would use coal except for heating in houses, and I prophesy that it will not be twenty-five years before the cities of this country will not only be as they are now lighted by electricity, but they will be heated by electricity, and electricity, in most cases, will be created not by coal, but by water power.

On the great rivers of this country, especially in the mountain regions, you can create electricity so that it will not cost more than 25 per cent of what it will cost to create it with coal. That will give a great opportunity for the manufacturing and productive enterprises of the country. Up in New England a very large number of factories are now run by water. It will be only a few years before water will be used to create electricity, and they will be run by electricity and not by water. Last year, in the State of Colorado, a company organized somewhere back East—because they have more money there than we have; I do not know that I have ever known exactly where it was organized—came into our country and attempted and are now going on with an enterprise to establish a great electric power. They are using one of our rivers that is running to the sea without any benefit to mankind, and they have a plant laid out that will probably cost them fifteen or twenty million dollars. They expect to send electricity not only all over Colorado, but into the adjoining States.

There has been recently discovered, within the last ten or fifteen years, at least, by a certain method that I am not scientific enough to explain to the Senate, a method by which you can send electricity so far, and then, by what they call a "relay," you can send it so much farther, and you can certainly send the power from Niagara to New York City, 400 miles, at least.

Mr. SMOOT. Mr. President—

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

Mr. TELLER. I do.

Mr. SMOOT. In answer to the Senator from Colorado, I wish to say that there is no question but electricity can be and is now transmitted 400 miles.

Mr. TELLER. Yes; I think that is done now.

Mr. SMOOT. We have a circuit in our State of nearly 300 miles, and the electricity is used for lighting purposes from almost the northern limit of our State to the southern end of Utah County.

Mr. TELLER. I do not pretend to know about the development in the neighboring States, but I do know that Utah is rich in water power. I know that Utah can create more electricity than she will ever use, and she will have it to sell to other sections where they are not as favorably situated as they are in Utah, because the mountain streams furnish the best power that there is.

Mr. President, I tried to demonstrate the other day that the control of the water of a State is absolutely in the State and not in the General Government, and I am brought to that because the General Government now is asserting the right to control the water. When we had a land convention last summer the President of the United States sent a letter to the convention which I could read here. I have it, but I do not care about taking the time to read it. I will simply make the statement.

The President said it had been charged that the Government through its Forest Service and Reclamation Service was going to attempt to control the water power, the irrigating power, and all that. The President rather denied that, and I have never charged that the President ever had an idea of that until recently when we got a message the other day, a letter I believe written to the chairman of the committee, saying that hereafter when we dam a river, we should provide that the dam should be put up within a certain time and then we should provide some charge for the use of the water.

Mr. President, it is very proper and appropriate for the State to make such a charge if it wants to do so. I do not myself know of any State that has ever attempted to charge for water power. If they have done so I do not know where it is. They do not do it in New England. They do not do it in New York, unless they have done it within the last two or three years.

Mr. FULTON. Will the Senator allow me to ask him a question?

Mr. TELLER. I yield to the Senator.

Mr. FULTON. I simply want to ask the Senator for his views on the proposition as to the existence of any power in the General Government to exact rental or payment for the use of water. In other words, my understanding of the relations between the States and the General Government is that the States own the water absolutely for all and every purpose, except subject to the right of the General Government to regulate commerce.

Mr. TELLER. On the water.

Mr. FULTON. On the water.

Mr. TELLER. I went over that the other day and I do not care to go over it extensively now except to say—

Mr. DEPEW. Mr. President—

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

Mr. TELLER. I yield to the Senator from New York.

Mr. DEPEW. In regard to the suggestion the Senator made about New York having taken no action in reference to a charge for water rights by way of franchise or otherwise, there is no law in our State on the subject, but Governor Hughes announced at the commencement of the present session of the legislature that he would sign no bill granting water rights or franchises for the use of water unless there was a clause in it that the State should be paid.

Mr. TELLER. Mr. President, I would not have said positively that New York had not provided a tax, but I knew New York had not unless recently, and I do not believe any State in the Union has provided a tax on water power.

I presented, I think, twenty-five or thirty cases—I could pre-

sent as many more—where the Supreme Court have said without any question that the water of a State belongs to the State, even of navigable streams, and the land under the river belongs to the State.

Mr. HEYBURN. Mr. President—

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

Mr. TELLER. I yield to the Senator.

Mr. HEYBURN. It is not generally known that the Forest Service claims the right to appropriate the waters of the streams in the State. So I will ask the indulgence of the Senator from Colorado that I may read a telegram received this week from the State engineer of Idaho setting forth the position which the Forest Service takes. It is as follows:

[Telegram.]

BOISE, IDAHO, May 2, 1908.

W. B. HEYBURN,

United States Senate, Washington, D. C.:

Forest Supervisor Grand-Jean February 6 last filed applications on following creeks: Huckleberry, Greenhorn, Shake, Long Guich, Paradise, Dear, Dooley, Lick, Beaver, Wilson, Boulder, Iron, Garfield, Eight Mile, Silver, Warm Spring. Also on North Fork of East Fork and North Fork of Wood River. Quantities claimed vary from 1 to 3 second feet, apparently to be used for irrigation of small tracts near ranger stations in Boise, Blaine, Elmore, and Custer counties. Grand-Jean said it was not desired applications should be treated as in ordinary cases, but should simply be considered as formal notice that the Forest Service intended to appropriate the waters. It was insisted by this department that they pass through usual routine, and February 13 they were returned to Grand-Jean for completion and fees. He was still doubtful whether State water law must be complied with, and said would take matter up with his superior, Mr. Pollock, at Salt Lake. Since then have heard nothing from applications, although State law requires return here in sixty days to hold right.

JAS. STEPHENSON, Jr.,
State Engineer.

My intention in calling the telegram to the notice of the Senate at this time was to indicate the fact that the Forest Service is beginning to assert the right to control the waters in the streams of the State of Idaho, either through the process of making application on behalf of the Government of the United States or, as the Forester suggests, in a merely formal way, without feeling that they are called upon to comply with the laws of the State at all.

Mr. WARREN. Will the Senator from Colorado permit me to ask a question of the Senator from Idaho?

Mr. TELLER. I yield to the Senator from Wyoming.

Mr. WARREN. I suppose the Reclamation Service make their water filings in Idaho in such public work as they are doing in the way of reservoirs, and so forth?

Mr. HEYBURN. They have no right under the laws of Idaho to locate water at all. The Government of the United States is not given the right to locate water in the State of Idaho.

Mr. WARREN. The Senator misunderstands me, I think. They have the same rights as an individual or corporation to come in and locate and apply for water under the State laws, have they not?

Mr. HEYBURN. No; they have not. No municipal corporation, no government is given the right under either the constitution or the laws of Idaho to locate the streams or the water in the streams of Idaho under any circumstances at all.

Mr. WARREN. Is the Senator prepared to say either that there are no irrigation works going on or being constructed by the Government there, and water appropriated therefor, or, on the other hand, that his State has refused to recognize them and accord them the rights of water the same as it would accord to other people?

Mr. HEYBURN. I will not interfere with the Senator from Colorado, but I can answer that from the constitution of the State.

Mr. WARREN. I do not wish to interrupt the Senator from Colorado further at this time.

Mr. TELLER. I should like very much to have the Senator answer it and then I will resume the floor.

Mr. WARREN. I was about to say I assume the Forestry Service could negotiate with the State as to the water the same as the Reclamation Service has done, but if the Senator says they have not been recognized there, I accept his statement. Other States, however, have recognized them, and they do business in other States regarding water rights the same as individuals and corporations do.

Mr. HEYBURN. Idaho has not raised the question against the reclamation project for the use of the water, because Idaho has such a surplus of water that it has not been necessary. There is now, however, a threatened contest between persons who have located water rights on the Snake River under the laws of the State and those who are claiming it for reclamation purposes. I do not care to anticipate it, but I should like—

Mr. WARREN. Is the Government engaged in reclamation service work in Idaho?

Mr. HEYBURN. Yes.

Mr. WARREN. Now, have they made any application to secure any water rights therefor?

Mr. HEYBURN. That is a question the court is going to be called on to determine should there be a scarcity of water. Should there not be a scarcity of water—

Mr. WARREN. Have they made any application for it?

Mr. TELLER. I think I will allow the Senator from Idaho to read his authority, and then I will resume the floor. Otherwise I will not get through to-day.

Mr. HEYBURN. This is the water law. I read from Article XV of the constitution of the State of Idaho.

Mr. WARREN. The Senator does not answer yes or no, whether the Government has or has not negotiated with the State in securing water.

Mr. HEYBURN. I am not advised as to the steps that the Government has taken as to the reclamation project, and I have not found it yet necessary to take that up for consideration.

Article XV of the constitution of Idaho provides that—

The use of all waters now appropriated, or that may hereafter be appropriated, for sale, rental, or distribution; also of all waters originally appropriated for private use, but which after such appropriation has heretofore been, or may hereafter be, sold, rented, or distributed, is hereby declared to be a public use and subject to the regulation and control of the State in the manner prescribed by law.

That is section 1. There are a number of decisions of the Supreme Court that have construed it. That can not be controverted. We have no power to change that; it is the constitution of the State.

Mr. NELSON. I wish to call the attention of the Senator from Idaho to the fact that that does not bear on the question where the United States Government owns the land, whether a forest reserve or anything else, and there is a stream in it. The Government of the United States stands in the position of a riparian proprietor and has all the rights of a riparian proprietor.

Mr. HEYBURN. I can answer the question in a minute. By the constitution it is expressly declared that riparian rights are abolished in Idaho.

Mr. NELSON. Mr. President—

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

Mr. TELLER. I want the Senator to finish. I have the floor and I want to go on.

Mr. HEYBURN. I do not want to intrude on the time of the Senator.

Mr. TELLER. I do not want other Senators to take the Senator's place just now.

Mr. HEYBURN. If it is agreeable, I will finish reading the section of the constitution of Idaho.

Mr. TELLER. Go on.

Mr. HEYBURN. It is as follows:

The right to collect rates or compensation for the use of water supplied to any county, city, or town, or water district, or the inhabitants thereof, is a franchise, and can not be exercised except by authority of and in the manner prescribed by law.

The right to divert and appropriate the unappropriated waters of any natural stream to beneficial uses shall never be denied. Priority of appropriation shall give the better right as between those using the water; but when the waters of any natural stream are not sufficient for the service of all those desiring the use of the same, those using the water for domestic purposes shall (subject to such limitations as may be prescribed by law) have the preference over those claiming for any other purpose. And those using the water for agricultural purposes shall have preference over those using the same for manufacturing purposes. And in any organized mining district those using the water for mining purposes or milling purposes connected with mining shall have preference over using the same for manufacturing or agricultural purposes. But the usages by such subsequent appropriators shall be subject to such provisions of law regulating the taking of private property for public and private use, as referred to in section 14 of Article I of this constitution.

Whenever any waters have been or shall be appropriated or used for agricultural purposes under a sale, rental, or distribution thereof, such sale, rental, or distribution shall be deemed an exclusive dedication to such use.

Then it provides that it can not shut off after the right has attached. Then it goes on to provide for the distribution of the water. That is the law which abrogates the old rule of riparian ownership, and the supreme court of Idaho has held in express terms that riparian ownership is abolished by virtue of those provisions of the constitution, and the title of water is only by appropriation in that State.

The PRESIDING OFFICER. The Senator from Colorado will proceed.

Mr. TELLER. Mr. President, I should like to proceed with some regularity if I can and get through. I can submit to questions and discussions, but if I do, it will be another all-day trip, and I do not want to do it.

Now, Mr. President, I want to answer the Senator from Minnesota [Mr. NELSON]. He says the Government of the United States has riparian rights. It does not have them in Colorado, nor do I think it has them in Idaho. The Supreme Court of the United States declared in the last important case, in *Kansas v. Colorado*, that the State has an unquestioned right to determine whether the riparian rights exist or do not. The Supreme Court has said again and again that the Government of the United States does not hold its land as a sovereign, but as a proprietor, and the Government of the United States must submit to the control of the State except as the State has declared it would not exercise certain powers—that is, the power of taxation, and would not interfere with the sale of land. Otherwise the Government is a proprietor just the same in the State of Colorado as I am on my farm, precisely.

Mr. BEVERIDGE. Except in navigable streams.

Mr. TELLER. The Senator from Indiana says, "Except in navigable streams." Mr. President, the Government owns nothing in a navigable stream. The Supreme Court has said again and again that the Government has an easement over it. An easement does not convey a title. An easement is the right to occupy, to use. That is all the Government has, and in at least four or five cases the courts have said the United States has an easement over the water—that is, the right to control the navigation of it—and with that right goes what everybody will see was a proper right—to see that no one should destroy the navigation of the stream.

Mr. BEVERIDGE. The only reason I made the remark—

Mr. TELLER. I did not find any objection about it.

Mr. BEVERIDGE. I know; but the Senator used the words "Federal Government," and said the Federal Government has no control over the streams. Of course I merely wanted to put in the exception. The Senator is quite right about it. We have absolute—

Mr. TELLER. If I said no control I did not mean to say that. I meant to say no right in the stream. The Government does have control of the navigable part of the stream.

Mr. BEVERIDGE. Absolutely.

Mr. TELLER. Absolutely. You can not obstruct it.

Mr. President, I said one day here, and I think it is the law, that the State of Colorado can not obstruct a navigable stream. The United States can not do that either. It has been held in England that though the King owned the water and the soil, he could not interfere with navigation.

Now, Mr. President, I want to get back to the question raised by the Senator from Idaho. In the first place, if the State has the title to the water and the right to use it as it sees fit, provided it does not interfere with the navigation, then it follows, I think, beyond question, that if you use it for any purpose, for power or anything else, it is still under the control of the State. I have no doubt the State of Colorado could provide that any man using the water of the State for power purposes should pay a rental or a price for it, but the State has never done it. I repeat what I said before, no State ever did do that, because it is thought to be more beneficial to the State to have the powers created and the water used than it is to get a revenue from it. Besides, a revenue from the water used will always be a tax upon those using it. If you want to manufacture, it will add so much to the cost of manufacturing.

I believe the people of New England who are using the water from the Merrimac and other rivers would resent it any day if the State in which they find themselves should put a tax upon the water. They would not agree to it. It would to that extent hamper them in their efforts to produce.

But, Mr. President, I get back now to the question, Is the Government attempting to control the waters of the States? I do not know. I do not think the Government is doing it, in the proper sense of the term. I do not myself recognize the Executive as the Government. Mr. President, I am restive under it when some man tells me the Government of the United States does this because the President does it. I understand the Government of the United States consists of the legislative, the executive, and the judicial power, and the three bodies comprise the Government. The legislature is and has always been in all the history of the world the most important branch of any and every government where there were a free people attempting to administer a government.

This body and the other House might be said properly to be the Government—not in the full, technical sense, but in the common use that mankind makes of it. We are the people who make the laws; we are the people who declare the policies; we are the people who by our legislation encourage industries and protect them; and I want to say here it has been always an idea of mine that we have a right to do that according to our best judgment, within the Constitution.

Here is the statement made in 1907 by the Forest Bureau of the Government, and this I copied verbatim:

Area of forest reserves November 27, 1906, 127,000,000 acres—

That has been enlarged to about 151,000,000 acres—

Stumpage value of 330,000,000 feet of timber, at \$2 per thousand, \$660,000,000.

Statement of the present capitalized value of the forest reserves—to be found in the Record of February 18, 1907, page 3279:

Area forest reserves November 27, 1906, 127,078,658 acres.

1. Stumpage value of 330,000,000 feet of timber, at \$2 per thousand	\$660,000,000
2. 110,000,000 acres, capable of producing commercial forest, at \$1 per acre	110,000,000
3. 110,000,000 acres of range for grazing live stock, at 1½ cents per acre (capitalized at 5 per cent)	30,000,000
4. 83,000,000 acre-feet of water for irrigation purposes, at 10 cents per acre-foot (capitalized at 5 per cent)	166,000,000
5. 3,000,000 horsepower, capable of being developed from water in reserves, at \$10 per horsepower (capitalized at 5 per cent)	600,000,000
6. Estimated value of occupancy and use of reserve land, products, and resources additional to the above	5,000,000
7. Permanent improvements now on the reserves, roads, trails, cabins, telephones, etc.	5,000,000
Total	1,576,000,000
Less 10 per cent for private holdings	157,600,000
	1,418,400,000

I have no doubt it is worth it, but I do not believe it can be an asset to the Government of the United States, except so far as the public land goes.

One hundred and ten million acres capable of producing commercial forests at a dollar per acre. That is, when the Government has planted 110,000,000 acres it may be worth \$110,000,000. One-third, I believe, of this great forest reserve has no timber on it. We had in Colorado for years, and I do not know but we yet have, whole townships of reservations upon which I would guarantee, with a four-horse team, to carry away every stick on it. There is not even brush there, Mr. President.

Mr. BEVERIDGE. Mr. President, may I ask the Senator from Colorado a question?

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Indiana?

Mr. TELLER. I yield; yes.

Mr. BEVERIDGE. I want to ask the Senator whether it is not a fact that on the reservation of which he speaks there was originally timber, and that it has been burned off or cut off or otherwise destroyed?

Mr. TELLER. Mr. President, on the ground of which I speak there never was any timber in the history of mankind. If there was any timber there, it was before the settlement of the American continent. No. What I refer to is not ground from which the timber has been cut off or burned off, but ground that never grew any timber and never will, unless it is planted and cared for by the hand of man.

I have had some experience in timber raising. I am somewhat given to fads, I confess. When our farmers used to say to me, "We can not raise timber on the prairies under the timber-culture act," I would say, "I think you can; but you are too indolent or too careless; you do not try."

I would not state this if it did not exactly illustrate what I am going to say, because I do not believe in bringing in personal matters. Having some land on the Arkansas River, I went down there and took up a timber claim—the only claim—not for gain, but to prove my theory as to raising trees without irrigation. Under the law I was to cultivate 5 acres of that land the first year; then 5 acres perhaps two years later—I do not remember—and then, when I should have succeeded in cultivating 10 acres for five years, I would be entitled to the land by paying \$1.25 an acre for it. I could have bought it for \$1.25 an acre. When I took it up it had been offered for sale and had been returned. But I wanted to try the experiment. I plowed 10 acres; I fenced it with a good pine board fence; I made some ditches, so that when the water on the sides of the hills ran down after a storm, as it would do, it would run in on the 10 acres. I not only plowed it, but I cross-plowed it. I then set out 700 trees per acre, as the law requires. I had a man who was a Scotchman, a tree man, to take care of them. In June he wrote me that the trees were doing finely; that they were in fine shape; but about August he wrote me that every tree on those 5 acres was dead.

That was rather a setback to my theory. When I returned the next spring I went down there. I plowed the land over again. I plowed it, and cross-plowed it. I dug 700 holes to the acre—I hired men to do that—and I went down with a wagon to the river bottom and pulled up the little trees,

of which there were millions growing along where it was moist near the river—little cottonwood trees, native trees. I took them up, put them in the ground, put barrels in a wagon, hauled water, and put a pail of water into every hole where I put a tree; and I would have guaranteed against anybody in the world that I would secure a forest in that way. At first the trees grew beautifully, but when September came and I got home, I went down to look at them, and found there was not a live leaf on any one of the trees. Then I abandoned the experiment.

I do not like to put in personal matters of this kind, but I wanted to illustrate this. As I have said, you can not raise trees in that region without water.

I ought to add one other word. I figured up what the experiment cost me, and I found that I was out \$1,100, and I did not have a bush. That is the condition under which the Government is going to raise trees. It is possible there may be other sections where the conditions may be more favorable, but I doubt it.

Mr. FRYE. What is the reason why the trees would not grow?

Mr. TELLER. They would not grow because of the burning sun and the dry winds that swept all the moisture out of the land. They did grow and they would grow beautifully along the river where the seepage of the river came, and they would grow along the stream from which I took them. I got them on a little stream. Later I planted a good many thousands of trees along the stream; but I planted them where there was seepage along the river, and there they grew and are still growing on that piece of land, and higher up on the land, that I happened to own.

When the Government comes to planting trees it is opening up a great expense, but if it could make trees grow that did not cost more than three or four dollars apiece, I do not know that I should complain. I have planted trees and have them growing that cost me a good deal more than that. I have on my farm a beautiful ash grove, one of the finest that there is in the State; but it cost me more money than ten times what the trees are worth. So it will be with the Government. You can not raise trees there except you have irrigation.

Mr. BRANDEGEE. Mr. President—

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

Mr. TELLER. I will yield to the Senator from Connecticut.

Mr. BRANDEGEE. I wish to ask the Senator from Colorado as to what he attributed the failure of his experiment? Did he have the soil examined chemically to find out its composition?

Mr. TELLER. I did not examine the soil. If I had had an irrigation ditch to put water on the land the trees would have grown. That soil is of such a character that you can raise anything upon it that can be raised in that climate—corn, wheat, oats, barley, and beets. Plenty of land is of the same character, which under irrigation ditches would raise great crops. It is simply that you can not get water enough out of the sky. We are supposed to have in the State of Colorado in a year 14 inches of rain. There are places in Colorado where the rainfall is but 4 inches, instead of 14 inches.

Now, if the 14 inches should be spread out at the proper time, you could raise a crop, but if the 14 inches of water come in December and you did not get any more until the following December, of course you could not raise a crop under such conditions. When you raise a crop in Colorado without irrigation, it depends upon the season. Some seasons you can raise a fine crop. I have myself raised in Colorado 45 bushels of wheat to the acre with water. Of course without water I could not have raised a bushel, and would not have had any. The whole crop might be burnt up the next year if that did not happen to be a fortunate year.

That brings me back to the question of the inclusion of these forest timber lands. Every act that I know of has been for the reservation of land upon which trees were growing, and I deny the right to-day of the Department to include in such reservations any nontimber lands.

I want to read, in connection with this question, the statutes. Here is an act of Congress which may be found in the statute approved June 4, 1897, volume 30, page 36. After providing for forest reservations, it reads:

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 homes; 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 pur-*

poses, including that of prospecting, locating, and developing the mineral resources thereof: Provided, That such persons comply with the rules and regulations covering such forest reservations.

On February 1, 1905, we made this provision in the act providing for the transfer of forest reserves from the Department of the Interior to the Department of Agriculture, approved February 1, 1905 (Stat. L., vol. 33, p. 628):

SEC. 4. That rights of way for the construction and maintenance of dams, reservoirs, water plants, ditches, flumes, pipes, tunnels, and canals, within and across the forest reserves of the United States, are hereby granted to citizens and corporations of the United States for municipal or mining purposes, and for the purposes of the milling and reduction of ores, during the period of their beneficial use, under such rules and regulations as may be prescribed by the Secretary of the Interior, and subject to the laws of the State or Territory in which said reserves are respectively situated.

Will any lawyer here assert that when that grant was made to the people of Colorado the executive power in this country was given the right to charge them for running a right of way across a forest reserve? Was not that an absolutely free grant? It was so understood by those who passed it, and it was so understood by the people for whom it was enacted.

In every section of the country the Department is claiming that they must secure the right of way across these lands, and the Department insists on charging whatever it pleases. I have a letter before me showing that a man who desired to run a pipe line for water was required to pay \$100 to the Government every year before he was allowed to do it. I want to call attention to this extract:

Eighty-three million acre-feet of water for irrigating purposes, at 10 cents per acre—

Now, there is a declaration on the part of the Forest Service that the right to charge 10 cents an acre for water for watering the land in the arid regions is one of the assets of the Government of the United States.

The other day a question arose between the Senator from North Dakota [Mr. McCUMBER] and myself as to the provisions of the reclamation act. I did not have it at hand then, but I have it now, and I want to read the seventh section. I asserted that under that law the Department could not irrigate private land nor interfere with it. It provides:

SEC. 7. That where in carrying out the provisions of this act it becomes necessary to acquire any rights or property—

That is, in carrying out the provisions of this act—

That where in carrying out the provisions of this act it becomes necessary to acquire any rights or property, the Secretary of the Interior is hereby authorized to acquire the same for the United States by purchase or by condemnation under judicial process, and to pay from the reclamation fund the sums which may be needed for that purpose, and it shall be the duty of the Attorney-General of the United States upon every application of the Secretary of the Interior, under this act, to cause proceedings to be commenced for condemnation within thirty days from the receipt of the application at the Department of Justice.

That is for the purpose of condemning the right of way over private land. I do not believe that the Government of the United States, even in connection with reclamation projects, has the right to do that. We have a State law under which the Government can proceed if it becomes necessary. There is no authority given to purchase land for the purpose of irrigating under this act.

Mr. WARREN. It would, of course, include reservoir sites with ditch rights.

Mr. TELLER. I presume so; yes, reservoirs. The eighth section of this act is somewhat instructive. It was put in the act by the Western people, and those who know the history of the act and how it was drawn know very well that it was put in by those who represented the arid regions. I want to say here that if it had not been in that bill would never have become a law, for we would never have accepted it without this provision:

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, 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 was put in in the Senate of the United States. It is absolutely useless and worthless, because the States will determine whether the water is attached to the land or not; and the States have determined that, some of the States saying it is attached to the land, and some saying it is not. So far as I am concerned, I should always be glad to see it attached to the land; but that does not change the State law. In Colorado

it is not attached to the land by the State law and by the decision of the supreme court of the State.

I know it is not very popular for a man to complain, and I do not want to weary the Senate with complaints. I recall the first few lines of an old hymn that they used to sing when I was a boy:

He who has nothing to give but tears,
Will weep alone.

He will not find any sympathy or help, but he will weep alone. I know that complaints generally tire and weary, but that they are sometimes necessary.

I called attention yesterday to a case where the Department was requiring a man after he had proved upon his land under the law to further prove. In looking over his letter to me this morning, I thought I would read just a word or two in it. It is from Mr. Roller, who is a prominent citizen of my State and a gentleman whom I have known for many years. He is a man of as high character as any State can produce, a man of means, and of great intelligence. He complains that after he had complied with the law, a sheepherder came around, who did not know a mine from a well, and went with him and looked over the work on ground where they were applying for a patent, and told him it was all right.

The herder went back and made a report, and the Government notified Mr. Roller that the report was adverse to his patent. Thereupon he applied, as I said yesterday, for a copy of the report, which they declined to give. They did say to him that the herder said he thought there was not enough work done on the claim, although all the law requires is \$500 on a claim. Then I applied to the Department for a copy of this report, which they declined to give me, although I offered to pay for it. It was not the custom and usage of the Department to give out such reports. This is what Mr. Roller writes me:

The question at issue, as to whether myself and associates are to have patents or not, is a very serious one, as it involves not only the group of claims named in our present case, but two other groups in the same locality and but a short distance away. Upon these three groups some 12,000 feet of shaft, tunnels, and drifts have been run—

I will guarantee that is a correct statement—representing an expenditure of nearly \$100,000 in labor and cash, said three groups being worth at least \$300,000, and the one directly in question at least \$120,000.

It is incomprehensible to us how the Department or the officials of the Land Office can claim these lands are not mineral, in the face of such facts as these, for it is hardly reasonable to suppose that mining men in Colorado would expend such an amount of labor and cash on ground not mineral.

The work is there and shows for itself.

The man who locates his land will probably know, as well as one of the forest rangers, whether it will pay him to spend a large amount of money upon it.

I think I have wearied the Senate, but I want the Senate to understand that this is a matter of grave concern to the people of the West. It means, if this system is adopted and persisted in, that practically all the land in Colorado, except the dry, arid plains, will be withdrawn from occupation and use. Many acres of these forest reserves, I know, can not be made into homes. Many acres of them are on the mountain tops; but one-fourth of all the State is now—and it is one of the largest States in the Union—in a forest reserve, and not an acre of it was ever brought into a forest reserve at the request of the officials of that State.

Mr. CARTER. Mr. President—

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

Mr. TELLER. I do.

Mr. CARTER. I inquire of the Senator from Colorado if he has presented an amendment prohibiting any question by the forest ranger or supervisor as to the bona fides of any mining claim unless where it is manifest that the purpose of securing title to the claim is to obtain the timber?

Mr. TELLER. I have not offered such an amendment, but I shall be glad to see it offered by somebody; but any opposition to the administration of these forest reserves is held all over the country as opposition to the principle of the reserve itself. While I do have opposition to many of the reserves, the principle I have not been combating at all, except in so far as it has been abused.

Mr. CARTER. Mr. President, I think the effort of the forest rangers to question the judgment of a miner as to either the value of his claim or its prospects when developed imposes upon the Government a useless burden of expense, and likewise constitutes a severe punishment to the miners seeking title to mining ground. There are cases, no doubt, where placer claims, or, in some instances, even quartz claims, may be located with the obvious purpose of securing title to timber growing upon the surface of the claim rather than with any purpose of developing minerals, but those cases are very few in number and easily detected.

Mr. FLINT. Mr. President—

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

Mr. TELLER. I do.

Mr. FLINT. Mr. President, I simply want to say that I am in entire accord with the views expressed by the Senator from Colorado and the Senator from Montana in reference to the plan now carried on by forest reserves of examining mining claims. I think it has been altogether too technical. On the other hand, I want to call the attention of Senators to the fact that in one case in California some 10,000 acres of the best timber lands in that State were taken up under placer-mining claims, and would have been acquired by a combination of men purely for the timber, and not for the minerals, if it had not been for the management of the forest reserve in investigating those claims and showing that they were fraudulent.

Mr. CARTER. Mr. President, in the case cited by the Senator from California there was an effort made, which was very clear on the face of the record, viewed in connection with the appearance of the land, to perpetrate a fraud on the Government of employing the placer-mining law for a purpose not intended by the law. I would not deprive the forest supervisors or the rangers or the managers of the right, but would rather impose upon them the duty of detecting and preventing frauds of that kind; but the present view of the management is that the forest ranger or supervisor is in duty bound to contest the application of every miner for a mining claim within a forest reserve.

Mr. SMOOT. Mr. President—

Mr. CARTER. I am not prepared to say—

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

Mr. CARTER. Certainly.

Mr. SMOOT. As I understand, Mr. President, the Forest Service does not pass on the title to mining claims. That is done by the Interior Department.

Mr. CARTER. That is where the matter should be attended to.

Mr. SMOOT. And that, Mr. President, is where it is finally passed upon.

Mr. CARTER. Mr. President, the Department of the Interior, through the General Land Office, is the proper jurisdiction in which the matter of a man's right to a mining claim ought to be settled; but, under pay of the Government and at Government expense, it seems to be the determined purpose of the Forest Service to contest the application of every man who applies for a title to a mining claim within a forest reserve and thus put the individual to the expense of procuring witnesses, paying their expenses, having testimony reduced to writing, and preparing a large record upon an issue raised by the Government against a claimant who is required under existing law and rules and regulations to make an ample showing before the General Land Office, as it is.

What I insist upon is that where there is no timber growing upon a mining claim, thus making it clear that the purpose of securing the title to the mining claim can not be to secure title to the timber, it should be no part of the duty of a forest supervisor to question the judgment or good faith of the individual whose labor and toil give the highest evidence of good faith in the performance of the requisite \$500 worth of mining before he can secure a patent.

Mr. TELLER. Especially if he has done \$100,000 worth of work.

Mr. CARTER. I know of many cases that have been called to my attention, where long controversies have been provoked upon the claim by forest reserve rangers bringing on contests with persons who had applied under the law for patents to their claims, without any possible benefit to the forest and without any possible benefit to the Government of the United States, because the individual getting title to 20 acres of land on the side of a bleak mountain, upon which he hopes at some time to develop a mine of value, paying \$5 per acre for the surface, is certainly a matter of no great loss to the Government, but it may prove of some benefit to the individual.

Mr. SMOOT. I undertake to say—

Mr. TELLER. I think I will resume the floor and finish my remarks and let the Senator go on after that.

Mr. SMOOT. I do not want to interfere with the Senator from Colorado in any way.

Mr. TELLER. My experience yesterday leads me to think that if I am to get through within any reasonable time I ought to go on now.

I do not object to the suggestion made by the Senator from Montana—that I should offer an amendment to this bill. I have named only two or three cases. I could load up the RECORD with them. I could produce the affidavits of men who

have been complaining. As the Senator from Montana says, there seems to be a determined effort to make it just as distressing as possible for the man who is on a forest reserve, and that exists whether he is a settler or a miner.

A mining claim in most of the districts in my State is 300 feet wide by 1,500 feet long. In some of the new counties it is 600 by 1,500. I think in this county it is 300 by 1,500. There can be no claim that the applicant is trying to get the timber. I will venture to say that if there ever was any timber on the claim it was cut off and put into the mine long ago.

I would not have detained the Senate on this matter, but I know that Senators who have no connection with the mining section know nothing about the trouble we are having. There have been no frauds on the Government in mining claims, so far as I know, and I am fairly familiar with every mining camp in the State of Colorado, which has an area of a hundred thousand square miles. There is not a camp in the State in which I have not been; there is not a camp in the State where I do not know some of the people. I have had a large experience in mining matters, both as a miner and as an attorney at law.

When a man gets a mining claim upon which he spends ten or fifteen or twenty thousand dollars—I know it, because I have in my mind many people who have done that—and gets practically to the end of his own bank account, he wants to call upon somebody to assist him. Then he wants a patent. He can not get a patent with all this red tape. The law is clear and explicit. He must prove that he has a shaft on a vein. I am not speaking now of placer claims, because we worked those out years ago. He must prove he has a vein. He must then prove he has done a certain amount of work—\$500 worth—on the claim. He does that by Government officials—engineers—who are licensed to determine those questions. I do not believe anybody could find in the State of Colorado a mining claim that did not have a vein in it, unless it was located by somebody too ignorant to know a vein when he saw it. People do not take mining claims for any ulterior purpose. The land is not valuable enough and the timber is not valuable enough to justify a man in expending the three or four hundred dollars which it costs to survey it. They never do it. Thousands of men never yet have been able to get patents for their claims because they have not been able to get enough out of the mine to pay for working it.

The Department now holds—and that is one of the things it insists upon—that the mine must be a paying mine. Many of the best mines in the State of Colorado were patented before they ever paid a dollar, and they never would have been patented if their owners had to establish the fact that they were paying mines before they got the patents. They got their patents and then they were prepared to go on and put in their money, and not risk it without a patent. Then they found the ore.

Almost everybody who gets into the mining business wishes to get out of it, but it is very attractive so long as the prospect of a good mine is held out. But I have no doubt there are a hundred mines in Colorado that have not paid where there is one that has paid any considerable amount of money. Of course when you find a mine which turns out immense fortunes within a few days it stimulates everybody else. There was a mine in the neighborhood of Leadville which at one time was ready to be abandoned, and the people who were working it would have abandoned it if they had not been men of means, and it produced in ten hours' work \$118,000. I have known a mine in Colorado to produce \$10,000 a day for every working-day for ten days. I know a mine in the State of Colorado at Cripple Creek—and it can be proved by the records of the mine—which had produced gold in quantities, not a little, but in a large quantity, that did not cost them 5 cents an ounce, and the mint was ready to pay \$20.67 an ounce for it. Those are the exceptions. Most miners never have the fortune to drop on a mine of that kind. They can not do it. But such a strike will stimulate thousands of people to work; and sometimes a man will get but little out of a mine, but it is property and he hopes some time to make it a paying mine.

I recall two men from the State of Illinois whom I happened to know who came to Colorado in 1861. They were two common laboring men. They went on the side of a mountain, and opened a vein, and they took a wheelbarrow and wheeled the ore down to the stream and washed it; and when they went home they had made, from their summer's work, enough to buy each of them 160 acres of good Illinois land. That mine has practically paid no money since.

I am afraid that much I have said will fall on deaf ears and will be received with a good deal of question, but I speak from actual knowledge about these affairs, as did the Senator from

Idaho [Mr. HEYBURN] when he addressed us on this subject. We have been residents of this Western mining country for a long time. We have both been in the same business—practicing law, and I have mined more or less.

There are a few other things I wish to say before I sit down, in the interest, as I think, of our Western people. Sometimes I hear people say "the Government has been very liberal with you folks;" and you might think so if you knew some of the cases. A man came into my office one day last summer and said, "Senator, I have sold my farm." He was an old man. "I took it up as a timber claim. I have sold it." I said, "What did you get for it?" He said, "\$150 an acre, and got the cash." That was a great gift to him, but he had complied with all the requirements of the law, and then he got his claim. There are thousands of men who were not able to do that, and there are thousands of men with claims who make a bare living. The man I refer to happened to locate near a town, and he sold his property at a great price.

The common farmer in our country at the present time is making money if he is in the vicinity of the cities, on farms where they raise beets. But there are thousands of men on these outside farms who are living, if not in poverty, at least not luxuriously. I think myself the time has come when we ought to be somewhat interested in seeing that the common man, the laboring man, the man who lives by his toil, shall have an opportunity, and so I object, and I object as strongly as I can, to these provisions.

I object because I feel the injustice of them. When there is a piece of land upon which a man can go and make a home, I think every interest in this nation demands that he shall be allowed to make that home. We are filling up our cities with a population that ought to be on the farms, and we are withholding from the people the opportunity to go on farms. I need not say how much better it would be to have settlements than to have forests.

There are in the history of the world many instances where the common people have occupied the land in great numbers, and they made a living, and in all history it is the common people who furnish the wealth; it is the common people who, when the Government is in distress, furnish the soldiers; it is the common people who hold up the banner of every country in the world; and it always has been so. It is not the rich men. It is the poor.

When Rome had her citizens on farms, averaging only 12 acres, that was the day of Rome's greatest glory. And when these farms had been aggregated in great estates and the farmer had become a tenant and a serf, then Rome lost the vigor and the influence that it had before, and the Romans would not fight for a government that did not protect them. Some writer has said, and said it truthfully, too, and it ought to be impressed upon every government in the world: "Patriotism only arises from protection. If you do not protect the people, you will have no patriotism." You may talk about love of the flag. No man loves a flag unless it stands for everything that is good to him. It must stand not for power, but for benefit to him.

Mr. President, we are a great nation. We are the greatest nation in the world, it is said. We have been for many years in that category. We are now probably richer in wealth and poorer in men than ever before in the history of this country. I do not mean by that that our men are less honest or less good or less faithful to the country, but we have filled up the country with people who are foreign to our Government, foreign to our principles, and foreign to our flag. We have not always treated the common man as we ought to have done.

It is true we have opened up great areas of country by the citizens. I have before me a statement from the Land Office showing that under the homestead act alone, passed in 1862, 904,674 patents have been issued. In the last eleven years 100,000,000 acres were taken under that act. There are millions and millions of acres yet that ought to be taken under that act. There are a million entries now that have not been patented, not of mineral land, but of agricultural land. There are 1,073,837 patents yet withheld.

Yesterday or the day before a Senator from one of the Western States said to me, "I have a friend who has taken a piece of coal land in Colorado. He paid \$20 an acre for it, and he paid for it three years ago. He has not yet got the patent." There are many people in the United States who have paid for coal land in Colorado and who have not got a patent, although years have passed since they paid for it, and they are not men who would be indicted in any court for stealing coal lands or anything else.

I measure my words when I say that for the last five years there has been no encouragement by Government officials to any man to make a home on the public land. There have been

obstructions, hindrances, and annoyances thrown in their way, and while last year there were 13,900,000 acres of homesteads entered, it was because of the inordinate anxiety on the part of our people to make homes.

I said the other day, and I repeat it now, that more than 100,000 men from Iowa, Minnesota, and Wisconsin alone have gone into British Columbia within the last three or four years. They ought to have been kept here and would have been kept here if we had been as liberal with them as the Canadian Government is with the people who go there.

Mr. President, we gave to the railroads 300,000,000 acres of land. There has been great complaint about it. The Government of the United States never lost a dollar by that. You put that charge upon the settlers of the great West. When you did that you raised the price of the land from \$1.25 to \$2.50, and they are the people who built these railroads, not the United States or the capitalists of the East. They are the people who built the great West.

Mr. GALLINGER. Mr. President—

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

Mr. TELLER. I will listen to the Senator.

Mr. GALLINGER. I have been attracted, I think for a second time, by what the Senator from Colorado says about the people who have left the agricultural States of the West and gone over into British Columbia. I am somewhat familiar with that exodus. I have seen some of those people. My information is that most of them are men who took up land at \$1.25 an acre, and perhaps some of them at a higher price, in those agricultural States, which has become worth \$50 or \$75 or \$100 an acre, and they have sold that land and gone into British Columbia, where they can get virgin land at \$8 or \$10 an acre, and that it is simply a good business proposition on their part. They have made their fortune practically in the advance in the price of their lands in Iowa and Minnesota and have now gone into a magnificent agricultural region in British Columbia, where they can buy land for a very small proportion of what they sold their farms for. I think a great many of them are of that class.

Mr. TELLER. I do not know much about them personally. I do not think any considerable number have gone from my State, because the opportunities, not to get land, but to better their condition, are perhaps as good in Colorado as elsewhere. But it certainly would have been better to have kept those people at home.

Mr. GALLINGER. There is no question about that.

Mr. TELLER. And we could have kept them at home if we had reserved this land for them instead of giving it to the railroad companies. It is too late to complain, I know.

But when people talk about the great aggregation of land in individual hands you can trace it to those grants. There are men in the West who own 100,000 acres, every acre bought of a railroad company, not an acre from the Government, not an acre from individuals.

Every little while somebody says all the lands are being absorbed by the great capitalists. I have taken occasion to inquire into that by looking at the statistics of the Government. In 1850 there were about 55 acres more land in every farm than there are to-day. In most of the States there has been a reduction in the size of farms since 1850, and the aggregate now is 147 against 202 in 1850. But for the fact that we have allowed the railroad companies to take the lands and sell them out in great quantities there would have been a still greater difference. Take the State of Wyoming. It has more acres in its farms than any other State in the Union. It has an average of about 1,000 acres to a farm, and many of the farms in the older-settled country are less than 100 acres. I am sure no great harm will come to the country because the farms in Wyoming have 1,000 acres. When a neighbor comes from the East and wants to buy, they will sell him half of the land.

The coal lands have passed, it is said, into the hands of large interests. In thirty-three years the Government has sold 406,000 acres of coal lands at from \$10 to \$20 an acre. It is said that large amounts of land were acquired that had coal in it. If the State of Colorado I can show you lands the surface of which is worth \$150 an acre for agricultural purposes, and underneath is coal which makes it worth more than twice as much as the surface value. They were all entered as agricultural lands when there was not a law in the United States that recognized the difference between agricultural lands and coal lands.

There are thousands of acres of land in the State of Illinois—just as good on the surface as any other land in the State—that have value underneath in coal greatly exceeding the surface

value, all taken as agricultural lands, and all taken under the law when they could not take land in any other way.

Mr. President, I have detained the Senate long enough. I have not said a great many things which I ought to have said, and I am afraid I may have said some things which I might have left unsaid. But I have said them from a sense of duty. I have not desired to attack anybody. I have not desired to unreasonably complain. I have restrained my feeling on many questions because of the place where I stand. I should like to have said and would have said in some arenas what I have not said here.

Mr. OVERMAN. Will the Senator from Colorado yield to me for an inquiry?

Mr. TELLER. I yield to the Senator from North Carolina.

Mr. OVERMAN. I notice on page 291 of this statement of expenditures of the Agricultural Department that there was paid to the State of California \$8,183.61, to the State of Colorado \$12,526.45, to the State of Idaho \$6,520.57, Montana \$5,767.90, Nebraska \$790.37, Nevada \$24, South Dakota \$3,595.36, Utah, \$9,003.50, Washington \$1,922.23, and the State of Wyoming \$6,777.95. It makes in all some forty thousand dollars out of this lump sum which has been paid to those States. I should like to have the Senator explain to me why they paid those sums to these States out of this fund, derived from the sale of timber.

Mr. TELLER. I think I can tell the Senator. If I am wrong, some special friend of the Department can correct me.

Two years ago, I think, we passed a bill here by which we provided that 10 per cent of all the proceeds from the sale of timber and the granting of grazing privileges should be turned over to the States.

Mr. OVERMAN. What States?

Mr. TELLER. The States where the timber was produced or the grazing took place.

Mr. OVERMAN. Why are those particular States entitled to this fund? It all belongs to the Government of the United States. Why should it not go into the Treasury as a part of the general fund?

Mr. TELLER. I did not originate that bill and I did not vote for it. Somebody can tell why, I suppose. I do not pretend to know; and, not being overfriendly toward the administration of this Service, I will not undertake to say.

Mr. CARTER. Mr. President—

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

Mr. TELLER. I yield to the Senator from Montana.

Mr. CARTER. The payments to the State, to which the Senator from North Carolina refers, are made upon a very logical basis, and I think the payments allowed are inadequate. It must be borne in mind that in the State of Idaho a considerable percentage of the surface of the entire State is embraced within forest reservations. I do not recall the exact percentage; but probably one-fifth of the State in which I live is embraced within the areas of these forest reserves. The States are unable to collect any taxes within this area, permanently withdrawn from settlement and sale. But at the same time the State is burdened with the expense of maintaining the public roads, of executing the criminal laws, and all that appertains to a police jurisdiction over that region.

Mr. WARREN. Especially the schools.

Mr. CARTER. Of course there are schools within the area, established by the few citizens abiding there. Suddenly the property surrounding is withdrawn from settlement and sale and permanently dedicated to forest-reserve purposes. In connection with the forest-reserve purposes is the sale from time to time of timber matured. Instead of leaving the entire burden of police regulation over that area upon the State without any compensating benefit, Congress thought proper to authorize and direct that a certain percentage of the receipts from the sales of timber and other things should be paid over to the States in order to compensate them for the expense incident and unavoidably incident to the administration of the local law.

Mr. OVERMAN. What expense has the State in policing the forest reserves? I see from this statement that the General Government spends a good deal of money in policing and taking care of the reserves and in executing the criminal laws of the country in this particular territory. What expenditures are made by the States in the protection of these forests?

Mr. CARTER. The forest-reserve agent only executes the law of Congress by protecting the timber from devastation, either by individuals or by the elements, by fire. Where, however, a homicide is committed in the remotest part of one of these forest reserves, the county in which the reserve is located must pay the police officers to make arrests, must stand the

burden of the expense incident to impaneling a jury, and the trial of the case just as though the forest reserve did not exist.

The jurisdiction of the United States over the forest reserve does not at all conflict with the local police jurisdiction, nor does the Federal Government assume to bear the burden of sustaining the public schools or the public roads extending through the forest reserves, except to the extent that the forest-reserve people build roads and maintain them for their own use or convenience.

Mr. WARREN. Will the Senator also add that had this land not been reserved for forestry purposes it would have been open to sale, and that 5 per cent of the receipts of the sales would have gone to the States?

Mr. CARTER. Not only the proceeds from the sale of the land, but from the sale of timber as well would go to the State under existing law. I think, upon mature reflection, the Senator from North Carolina will perceive the entire justice of this. My contention is—

Mr. OVERMAN. I inquired only for information, I will say to the Senator. I saw these items here and I could not understand why receipts from the sale of timber should be paid to any particular State.

Mr. CARTER. For the purpose I have indicated such payments are made, and I reassert that I believe the payments allowed to the States are not adequate to compensate for the expense of executing the local laws.

Mr. WARREN. They are not. The amount ought to be double.

Mr. FULTON. Mr. President—

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

Mr. TELLER. Yes.

Mr. FULTON. I beg pardon; I thought the Senator had concluded.

I only wish to say in this connection that a couple of years ago members from the Pacific coast States asked that it be increased to 25 per cent, and it should have been increased to 25 per cent, because that amount will not compensate the State for what they lose in taxes by having these vast areas withdrawn from settlement, and consequently withdrawn from the possibility of entering into private ownership and thereby contributing to the building up and development of the industries of the State and to paying revenue toward meeting the charges of the State government.

Mr. OVERMAN. How does the State lose any taxes? The land is not open to settlement.

Mr. FULTON. It is withdrawing the territory which properly should go in and become a part of the revenue of the State, and become a part of the property of the State.

Mr. OVERMAN. In other words, the State would have received some revenue if somebody had settled on it?

Mr. FULTON. How does the Senator say that nobody would settle on it?

Mr. OVERMAN. I do not say that and I would not say it. I say it is only anticipating that somebody will settle on it and thus revenue will be produced to the State.

Mr. FULTON. I imagine when the first settlers went to North Carolina and South Carolina they rather supposed there would be other people there and that a community would grow up and develop into a State, and that the property would be enhanced by reason of the opportunity which would be given to individuals to enter the public land. Does the Senator not know that when the pioneers went out to Oregon and to Washington they expected that the public land there would be open to settlement and that other people would come and help pay the cost of building up their school systems and all the institutions that go to make a great Commonwealth? Does not the Senator know that that can not be brought about to the fullest extent unless the populations are there to enter and homestead the land and to have homes built?

Mr. OVERMAN. I agree to all that; but the State has not actually lost anything by reason of the land being put into a forest reserve, because it derives no revenue from this territory, as it might have done if there was a settlement there.

Mr. FULTON. If the Senator thinks there is nothing in that, of course there is no use for argument.

Mr. OVERMAN. I ask the Senator how he arrives at the proportion of 10 per cent?

Mr. FULTON. I am trespassing on the time of the Senator from Colorado.

Mr. HEYBURN. Mr. President—

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

Mr. TELLER. I will yield for a very brief period.

Mr. HEYBURN. I think I can add something to the suggestion of the Senator from Oregon as well as that of the Senator from North Carolina.

In Idaho just after or about the time of our admission we entered upon the construction of a north and south road throughout the State. That was before we had certain railroads that have been built since. We expended two or three hundred thousand dollars in building those roads, and under an act of the legislature we issued bonds to raise the money to pay for it. We have paid those bonds. We built those roads at a cost, I think, of about \$230,000.

The Forest Service has sequestered those roads. They have taken possession of the greater portion of them and included them within the forest reserves and they are no longer open to travel except under the rather embarrassing rules of the Forest Service. Now, I think it would take some time for the State to be remunerated for that loss alone.

Mr. TELLER. Mr. President, the statement made by the Senator from Idaho is somewhat surprising and somewhat terrorizing. What right has the Government of the United States to take possession of a road in the State of Idaho, no matter by whom it was built? It has no right to build a road there unless it wants gratuitously to turn it over to Idaho. Idaho, under the police powers of the State, has the absolute control of its roads. McLean said, away back years ago, that the right of a State to build roads over the national lands could not be controverted. It never had been, he said, and had always been exercised. McCrary, who for many years was a Member of the House and afterwards circuit judge in the eighth circuit, made the same statement in a case which I have already cited to the Senate. He said a State has a right to build its roads if it wanted, and could condemn its roads. The State of Illinois asserted that right, the State of Indiana asserted it, and Iowa asserted it. Every State in the Union having public lands asserted it. The right belongs to the State to build roads. The United States can not take possession legally of a road, nor can it build one unless the State agrees that it may do so.

Mr. President, I say that is an astonishing statement, and it is a terrorizing statement, Mr. President, when you think that the Government of the United States invades a State and determines where its road shall be and who shall travel on it. It is an assumption of sovereignty that the United States can not maintain. I can find a hundred cases in the courts of the United States against that assumption on the part of the Government. It is not on the part of the Government that the assumption is made. It is made by the irresponsible employees of the Forest Service.

Mr. President, the State of Idaho ought to drive them out of that road and take possession of it; and the time will come when the question must be settled between the States and the Government, whether we are without right and these employees in the Forest Service are so omnipotent as the Senator the other day showed they claimed to be in Idaho. They have never made any such assertion in Colorado. They did assert in one of the counties that when the road built by the county touched the forest reserve, upon which there was not any more timber than there is upon any vacant lot in this city, they must give a bond that they would not disturb the forest reserve.

Mr. HEYBURN. Mr. President—

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

Mr. HEYBURN. I do not like to interrupt the Senator from Colorado, except where I feel that it would help to carry out his idea.

Mr. TELLER. Go on.

Mr. HEYBURN. Not only did they take possession of those roads, but, more startling still, they took more than thirty schoolhouses and included them within the forest reserves, representing more than thirty school communities. They included them within the forest reserves, and they have surrounded them, in many instances, with a solid line of forest reserves.

Mr. WARREN. What have they done with the schoolhouses? What use did they put them to?

Mr. HEYBURN. Those little stranded communities that hoped to be the nucleus of a growing, prosperous, community are staying there and praying that the Government may become rational once again.

Mr. SMOOT. Mr. President—

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

Mr. TELLER. I think I will conclude. The Senator can take the floor in his own right after I get through.

Mr. SMOOT. I did not want to interfere with the Senator from Colorado. I merely wanted to ask a question of the Senator from Idaho.

Mr. BACON. Before the Senator from Colorado resumes his seat, as he is speaking about arbitrary measures, I wish to ask him to let me read something. It was alluded to yesterday in his speech. A good deal has been said here about arbitrary power and the irresponsible exercise of power. The Senator quoted from the constitution of Massachusetts, which was apt and appropriate, and I took the liberty at the time of calling his attention to another clause in the constitution of Massachusetts which I endeavored to quote from memory. Since then, the Senator from Massachusetts [Mr. LODGE] has handed me a copy of the constitution of Massachusetts, and in order that the provision may be correctly quoted, I ask leave now, before the Senator closes his remarks, that I may read it. It is the thirtieth article of the constitution of Massachusetts. The language of it is this:

In the government of this Commonwealth the legislative department shall never exercise the executive and judicial powers, or either of them; the executive shall never exercise the legislative and judicial powers, or either of them; the judicial shall never exercise the legislative and executive powers, or either of them; to the end it may be a government of laws and not of men.

That is a principle, Mr. President, which I think is equally as important in the Federal Government as it is in the State government of Massachusetts, and I think there are some officers of the Federal Government who would do well to regard the injunction and obey the injunction which is contained in that article of the constitution of Massachusetts.

Mr. TELLER. Mr. President, I was about stating what interference had been made on State rights. The county of Mesa, in the State of Colorado, undertook to build a road. It went across one corner of a reservation upon which there was absolutely no timber or never had been any. It was incorporated into the reserve, I suppose, for the purpose of raising timber on it some time, but they have not yet commenced raising timber. The ranger notified the county officers that they must give bond that their roads should not interfere with the reserve, and thereupon the county executed its bond and signed it and sent it to Washington. Then they came back with a statement that they could not accept it without two individual signers.

The county did not feel very much like going out and asking some citizen to sign its bond that they would not interfere with the reservation; and as the road did not interfere with it except to allow people to pass over it, and it was not fenced, the district attorney of the county sent it to me. I wrote him what I have been familiar with, because I lived in Illinois in an early day and knew something about what had been the custom there about roads; that the State had the right to pass over roads in public lands, and that the reservation of forests did not come within that constitutional provision where we were expected to refrain from exercising any power by ceding to the Government the sovereignty over it.

I said in my judgment the thing for the county to do is to proceed and build the road and pay no attention to this man. If the Government thinks it is worth while to bring a suit, then you will try the question whether you are entitled to do it or not. The result was that the county went on and built the road. The Government did not bring a suit, as I knew it would not, because I knew whenever they submitted it to the Attorney-General here he would have sense enough to know they could not maintain it.

That brings me to say we have been for four or five years trying to get the Government of the United States to bring a suit against some of our citizens to test some of these questions, and we have, I believe, got an agreed case that is probably going to get to the Supreme Court in the next three or four years, when these questions will be settled. It will probably take that time to get it through.

There can not be any question about these things. They have been settled again and again by the Supreme Court of the United States. The Supreme Court is not going to change its ruling of forty and fifty years and in forty and fifty cases, not even at the suggestion of the Executive that the time has come when you must give to the executive department more power.

Mr. President, if the executive department need more power, which I do not think they do, there is only one way to get it, and that is by an amendment to the Constitution.

Mr. FULTON. Mr. President, I simply wish to make a suggestion in connection with what the Senator from Colorado [Mr. TELLER] has said in regard to the administration of the forest reserves, the taking possession of highways that have been laid out by the counties, of schoolhouses that have been constructed by school districts, and so forth.

I think it is perhaps not sufficiently clearly understood that the objection of the people of the West to the forest reserves, speaking broadly, is not to the maintenance of reserves proper, but to the manner of the administration, more particularly, of

those reserves and to the inclusion within them of lands that are valuable for agricultural purposes and for home building.

We recognize and appreciate the fact that it is important that the timber resources of the country should be conserved, and, indeed, that the water power and the water supply of the country should be conserved; but those who are charged with the administration of these reserves seem to have imbibed the idea and to be moving under the conviction that they are absolute law unto themselves, and that the people of the communities in the region of the reserves have no rights that they are bound to respect.

For instance, I spoke yesterday of a practice they have of impounding cattle from the ranches and the small farms lying in the vicinity of the reserve. Those people have feed enough for their stock during the severe winter months when they are required to feed, but it is important to them to be permitted to turn out their stock as early in the spring as possible. To compel them to keep their stock up beyond the usual feeding time is imposing upon them a very great hardship. Yet if they turn their stock at large, as they are permitted to do under the laws of the State, and the stock wander on the reserves and pasture there, these rangers assume the authority, without a single letter of law to support it, to arrest the stock, impound them, and impose fines and penalties on the owners.

Mr. BACON. Will the Senator from Oregon permit me to ask him a question?

Mr. FULTON. Certainly.

Mr. BACON. I am not familiar with the public-land laws, there not being any public land in my State and none having ever been there, I have never investigated these questions. I want to ask the Senator, as a lawyer and as one living in a State where there is a large amount of public lands, whether, outside of the mere matter of exemption from taxation, when the Government owns land in a State, it has any other relation to that land than any other owner of land has in the State?

Mr. FULTON. None whatever. It is just that proposition I wish to present, because it does seem to me that we ought by legislation to impress that fact on the minds of the people who are charged with the administration of these reserves. The Supreme Court of the United States has held over and over again exactly the proposition which the Senator from Georgia announced, namely, that the only interest, the only title, the only right, the Government had in and over those lands is that of a proprietor. It has been announced in many cases, but I happen to have here the case of Fort Leavenworth Railroad v. Lowe (114 U. S.), where Justice Field announced the decision. The question there was concerning one tract of land that had been reserved for a military station, and the court, in discussing that question, said:

The land constituting the reservation was part of the territory acquired in 1803 by cession from France, and, until the formation of the State of Kansas, and her admission into the Union, the United States possessed the rights of a proprietor, and had political dominion and sovereignty over it. For many years before that admission it had been reserved from sale by the proper authorities of the United States for military purposes, and occupied by them as a military post. The jurisdiction of the United States over it during this time was necessarily paramount. But in 1861 Kansas was admitted into the Union upon an equal footing with the original States; that is, with the same rights of political dominion and sovereignty, subject, like them, only to the Constitution of the United States. Congress might undoubtedly, upon such admission, have stipulated for retention of the political authority, dominion, and legislative power of the United States over the reservation, so long as it should be used for military purposes by the Government; that is, it could have excepted the place from the jurisdiction of Kansas, as one needed for the uses of the General Government. But from some cause, inadvertence, perhaps, or overconfidence that a recession of such jurisdiction could be had whenever desired, no such stipulation or exception was made. The United States therefore retained, after the admission of the State, only the rights of an ordinary proprietor; except as an instrument for the execution of the powers of the General Government, that part of the tract which was actually used for a fort or military post was beyond such control of the State, by taxation or otherwise, as would defeat its use for those purposes. So far as the land constituting the reservation was not used for military purposes, the possession of the United States was only that of an individual proprietor. The State could have exercised with reference to it the same authority and jurisdiction which she could have exercised over similar property held by private parties. (114 U. S., pp. 526-7. Fort Leavenworth R. R. Co. v. Lowe.)

Mr. BACON. I understand, though that decision relates only to Kansas, it applies in its principle to all States having public lands.

Mr. FULTON. Certainly.

Mr. TELLER. There are twenty-five or thirty cases of the same kind.

Mr. FULTON. There are many of them. I could get at least a dozen cases.

Mr. NEWLANDS. I wish to inquire of the Senator upon what theory, then, the public lands belonging to the United States are exempt from taxation by the States? Is that expressly stipulated?

Mr. FULTON. The State always stipulates that. The States stipulate, when they are admitted, to except public lands and public property from taxation.

Mr. NEWLANDS. Has that always been done?

Mr. FULTON. I think it has always been done.

Mr. TELLER. That has been done in the admission of every State in which the Government had public lands. Both Judge Sawyer and Judge Field, in the California reports, declared that but for that stipulation the States might have taxed the lands. In the Alabama case the court, speaking on it, said it was a contract only not to tax; that that was all there was of it, and any greater stipulation on the part of the State could not have been of any value to the Government, because the United States had not the authority to exercise any municipal power.

Mr. FULTON. The United States Supreme Court has held time and again that the property which is held by the Federal Government is subject to the right of eminent domain, the same as the property of a private individual is subject to the right of eminent domain, to lay it out into roads or to devote it to any public purpose. And yet, notwithstanding this fact, these people presume to ignore the laws of the State in which the reserves are located and to annul them by arresting the stock of the residents there running at large in obedience to the laws of the State.

Mr. DIXON. Mr. President—

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

Mr. FULTON. Certainly.

Mr. DIXON. In this connection I called the Senator's attention yesterday to the decision of the Federal court in Montana, in which they held that stock running on a forest reserve was subject to be put off for trespassing, notwithstanding the State law against fencing. I have made some inquiry since that time, and I find that case was appealed to the circuit court, sitting at San Francisco, and that the contention of the forest reserve official was sustained in a decision of the circuit court some time last February, holding that they did have the right.

Mr. FULTON. I have been unable, I will state—

Mr. NEWLANDS. Mr. President—

Mr. FULTON. Just one second, if the Senator will allow me. I will state to the Senator from Montana [Mr. Dixon] that I have looked very carefully for that decision, and I have been unable to find it. I should be very glad if the Senator will find it for me. Of course I would not pretend to say that the Senator is incorrect in his statement, but I think it is possible he is mistaken.

Mr. DIXON. No.

Mr. FULTON. If the Senator will get the report, I shall be glad to see it, so as to ascertain on what proposition it went off.

Mr. DIXON. The Senator from Utah [Mr. Smoor] has the decision on his desk. It has not yet been printed in the court reports; but the Senator from Utah, I think, has the decision on his desk.

Mr. NEWLANDS. Mr. President—

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

Mr. FULTON. If the Senator will wait until I complete the statement I was about to make, I will then yield. I do know it has been held by at least two district judges that there is no authority of law for such a holding as the Senator from Montana says was made in the circuit court of appeals, and in the nature of things any such decision must be in violation of the rule announced by the Supreme Court quite recently, which was really only a reiteration of what it has announced time and again, namely, that no Department can by a rule which it makes fix a penalty; and there certainly is no law enacted by Congress making it an offense for cattle to be found at large on a reservation. I will defy any man to point out an act of Congress that makes that an offense.

Mr. NEWLANDS. Mr. President—

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

Mr. FULTON. I promised to yield to the Senator from Colorado, but, with his consent, I will yield to the Senator from Nevada.

Mr. TELLER. Very well.

Mr. NEWLANDS. I wish to inquire of the Senator from Montana [Mr. Dixon] whether the decision to which he refers was based upon an assumption that the United States, by reason of its sovereignty, was exempt from the control of a State law of Montana, or whether it was based upon the proposition that the law of Montana was violative of all rights of

property, in that it permitted trespass upon private property generally; for, as I understand, the law of that State permitted cattle owned by parties to run at large.

Mr. FULTON. In the State of Montana?

Mr. NEWLANDS. In the State of Montana.

Mr. FULTON. I do not know what the State law is.

Mr. NEWLANDS. I could well understand how the decision might have been based upon the latter proposition—that is, the taking of private property for public use without compensation—it being practically a confiscation of private property to provide by law that the owner of cattle may run his cattle upon the land of another, whether that land belonged to the United States or to some private proprietor.

Mr. CARTER. Mr. President—

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

Mr. FULTON. If the Senator will excuse me, I promised to yield to the Senator from Colorado [Mr. Teller].

Mr. CARTER. Very well.

Mr. TELLER. Mr. President, I should like to say to the Senator from Nevada [Mr. Newlands] that I have made an examination, and, so far as I have been able to go—I have not seen, of course, the statutes of all the States—I find that in Massachusetts, in Connecticut, in New Hampshire, and other New England States; in Illinois, in Indiana, and in New York, they all have laws of that kind; that in order to charge a man with trespass of his cattle, the party bringing the suit must have a field inclosed with a fence of a certain kind and character, and the Supreme Court has sustained that as good law.

Mr. President, as to eminent domain, I want to call the attention of the Senate to the case of the Union Pacific Railway Company v. The Burlington and Missouri River Railroad Company in Nebraska, in 3 Federal Reporter, 106. I do not know whether that case ever went up or not. Judge McCrary, of the circuit court, in that case said:

It is now well settled that the right of eminent domain is a right inherent in every government, and that it belongs alike to the States and to the United States. Each within its own sphere of governmental action may exercise it. (The United States v. Chicago, 7 How., 185; Kohl v. The United States, 91 U. S., 367.)

Again, he says:

Land owned by the United States, as a mere proprietor, and not used for any of the purposes of the National Government, may be taken by the State for public use. (United States v. Railroad Bridge Company, 6 McLean, 517.)

Again, on page 111, he says:

That the condemnation of a right of way in the exercise of the power of eminent domain is a public matter, within the rule, is not only clear, under the authorities, but also upon principle, since the proceedings can be justified only upon the ground that the land should be taken for public use and for the public interest. (In the case of The United States v. Chicago, 7 Howard, 194-5.)

The court said:

It is not questioned that land within a State purchased by the United States as a mere proprietor, and not reserved or appropriated to any special purpose, may be liable to condemnation for streets or highways, like the land of other proprietors, under the rights of eminent domain.

But that was not the condition of this quarter section, being a part of the land originally ceded to the United States as the Northwest Territory, and afterwards specially set apart for their use for military purposes. Here the opening of these streets would also injure, if not destroy, the great objects of the reservation. Nor was any compensation proposed or made, as in other cases, for condemning this land and damaging the building thereon. It seems, too, that, though land purchased within a State for ordinary purposes by the General Government must yield to the local public demands, yet land, when held like this, at first by an original cession to that Government and afterwards appropriated for a specific public object, can not easily be shown liable to be taken away for an ordinary local object, though public, and especially one under another government and by mere implication. (United States v. Ames, 1 Woodb. & Min., 88.)

In that instance the law did not apply to that case, because that had been specifically set apart for a governmental purpose, for a court, or something of that kind, I have forgotten what.

In the case of Illinois Central Railroad v. Illinois (146 U. S., p. 434) the court said:

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 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 exercise over persons and subjects within their respective limits. (Art. IV and sec. 3 of the United States Constitution.)

On page 435, in the same case, the court said:

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 belongs 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 water, subject always to the para-

mount right of Congress to control the navigation, so far as may be necessary, for the regulation of commerce with foreign nations and among the States.

The court adds:

This doctrine is applicable to the lands covered by the Great Lakes.

In the same case above cited the court declares that:

The States hold the title to such lands and the water over them in trust for the people, and can not dispose of the same except in the proper discharge of such trust. (See p. 453.)

And that property so held by the State—

can not be placed entirely beyond the direction and control of the State (p. 454).

Again:

Such property is held by the State, by virtue of its sovereignty, in trust for the public.

In this case the court quotes from *Martin v. Waddell* (16 Peters) and cites the case in support of its opinion. (See pp. 456-457.)

See *Weber v. Harbor Commissioners* (18 Wall., p. 57 et seq.). Also *Hoboken v. Pennsylvania Railroad* (124 U. S., pp. 656-657).

Mr. President, I have here—and I think I can put my hand on it—the opinion of Chief Justice McLean. It will be found in *G. McLean*. It must have been forty-five or fifty years ago when that case was decided—I do not remember exactly—where this question of the right of a State to put a road across Government national land, land belonging to the Government, was fully held to belong to the State, and the judge said that always from the time the Government was organized it had been, without any special law, exercised by the States and conceded to them by the General Government.

Mr. FULTON. The Senator from Montana—

Mr. SMOOT. Mr. President—

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

Mr. FULTON. Just for a question.

Mr. SMOOT. I was going to call the attention of the Senator from Oregon to the fact that the case cited by the Senator from Montana [Mr. Dixon] is not the only case in which that question has been decided. I see that there are five or six other cases that have been decided by the circuit court of appeals in this country touching that very subject.

Mr. FULTON. Has the Senator from Utah the cases there?

Mr. SMOOT. I have the cases here.

Mr. FULTON. I should be glad to see them.

Mr. SMOOT. In due time I shall furnish them.

Mr. FULTON. If the Senator only rose to tell me that there are such cases without producing them, of course that is his privilege.

Mr. DIXON. Will the Senator permit me?

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

Mr. FULTON. I do.

Mr. DIXON. I have here the original opinion of the district Federal judge in the Montana case—the *United States v. Shannon*—where he sustains an injunction forbidding Shannon to trespass; and also the opinion of the circuit court of appeals at San Francisco sustaining the decision of the district court of Montana upon this very point.

Mr. FULTON. Yes; but we were discussing criminal prosecutions. The Senator comes forward with a civil suit, a decree in a civil suit granting an injunction, which, I submit to the Senator, only sustains my contention that the right of the Government is that of a proprietor. It may maintain, of course, a civil suit to protect its right of property; but that is a vastly different proposition from assuming to make a penalty and to enforce the penalty for trespass upon property. It has the same rights, it can exercise the same powers that an individual can exercise concerning the property he owns; but has the Senator ever heard that the individual had a right to prescribe a penalty and to enforce it?

Mr. SMOOT. Mr. President—

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

Mr. FULTON. Certainly; if the Senator has the decisions he referred to.

Mr. SMOOT. I wish to call the Senator's attention to the fact that the act of Congress of June 4, 1897, authorized the Secretary of the Interior to make rules and regulations governing the occupancy and use of the national forests—

Mr. FULTON. Exactly.

Mr. SMOOT. Wait a moment—and to preserve the forests from destruction. The same act of Congress expressly made the violation of such rules and regulations a crime and prescribed the punishment.

Mr. FULTON. Where is the act of Congress that does that?

Mr. SMOOT. The act of June 4, 1897.

Mr. FULTON. Will the Senator show me where the act of June 4, 1897, made it a crime to trespass upon these lands?

Mr. SMOOT. If the Senator will read the act he will find out where that is.

Mr. FULTON. The Senator is citing the act. I say there is no such provision in the act.

Mr. SMOOT. All I can say is that I shall be glad to have the Senator read the act.

Mr. BACON. The Senator might very safely say that if there is any such provision in the act it is absolutely void.

Mr. FULTON. And I should supplement it by the statement of the Senator from Georgia [Mr. Bacon]. But, Mr. President, there is a wider question and a greater one than that. Suppose it has been held by some of these inferior courts that the regulations of the Secretary or of a Department officer may have the validity and dignity of law. I would not believe that to be the law until the Supreme Court of the United States had said so, because it is so utterly at war with my convictions as to what the constitutional rights of the States and of the individual are.

But, as I was saying, above all that do we want it to be the law? Do we want the acts of Congress to invade the States and to invalidate the laws and regulations of the States in their domestic affairs? If there is one thing more than another, I take it, which the States ought to be allowed to regulate it is the question of whether or not its farms should be fenced and stock should be allowed to range free on the common lands unless the lands should be fenced. That is a most ordinary and simple matter, usually and customarily left to the State. If we have the power, do we want to exercise it? Was it ever the intention of Congress to exercise such a power? I do not believe there can be found a statute that would indicate that it was the purpose of Congress at any time to exercise such a power.

Mr. TELLER. Congress can not do it under the Constitution.

Mr. FULTON. That is my contention, and it is my firm conviction that we can not do it; but I say, if we could do it, do we want to do it? Has Congress ever indicated a purpose to do such a thing? If the General Government does not want stock that is running at large in a State pursuant to the laws and the policy of the State to go upon its domain, why should it not do as every other proprietor of land in that State is compelled to do—fence its land, or station guards there who would protect the land against trespass?

So I again say, Mr. President—I had not intended to take up time to discuss this question—that it is not that we object to the forest reserves, but it is that we object to the arbitrary and oppressive rules and regulations adopted and enforced in the administration of the reserves. I think the committee charged with providing for these reserves and their administration should bring in a bill that will restrict the officials in the administration of these arbitrary rules.

I do not think that a poor farmer who has gone upon a piece of land within half a mile of a reserve should be subjected to the hardship and the expense of putting a herder in charge of his cattle or his sheep to keep them off the lands of the United States, when he does not have to do it to keep them off the lands of any other proprietor within the State.

If this were really doing an injury to the public lands, there would be an equity in the proposition that would perhaps militate against the propositions that I advance; but it is not doing an injury; it is simply that the Government wants to farm its lands out for so much per acre to the stockmen, and if stock are allowed to range on the land without paying for it, it interferes with the business of leasing the range. I have never had much sympathy with the proposition that the Government of the United States should go into the farming business or the stock business or the leasing business. It has always seemed to me that that is a business that were far better left to the individual; and whatever charge is made for stock going upon the range under the regulation of the Department should only be such charge as is necessary to meet the additional expense by reason of the stock being there, and no more. The Government ought not to seek to profit by it. Such has always been my contention.

Mr. President, I apologize for taking up so much time as I have. I had not intended to discuss this matter at all.

Mr. NELSON. Mr. President, I intend to submit a few remarks in reference to this subject-matter, but they will be of a general character. There is no one whom I desire to attack, and no one whom I care especially to defend, unless it is the Federal Government of the United States. I have no grievance in this matter to vent here before the Senate.

In the first place, is there any justification or necessity for

embarking upon this forest policy? I ask Senators to look at the map of the United States hanging on the wall there. The dark-brown and light-brown parts of that map on the Eastern side of the country represent what was the timber country, much of it what we call "hard-wood timber," and the remainder of it along the ranges of the Alleghenies down through the Southern States represents the pine belt. On the Pacific coast there is, as the map shows, a little more of that brown area near the coast; but all that white expanse of land that you see there between the colored portions of the map is a vast prairie or a vast treeless plain.

The Eastern timber country was settled up many years ago. When the settlers came in there they had to cut down the timber. That was the only way they could open farms and get their meadows. They have been carrying on that work ever since that country was first settled up. Then the vast regions of the Mississippi Valley, the great States on both sides of the Mississippi River, were settled, and then west of that comes an immense arid belt, sparsely settled and with no trees of consequence, except in what you might call the trough of the Rocky Mountain range. The streak of green fragments that you see on the map represents the forest reserves. They are in the trough of what we may call the main range of the Rocky Mountains. You see another strip of green fragments representing forest reserves. They are in the Coast Range. Outside of that all that great white space there [indicating] is a treeless country.

We have settled up the land immediately adjoining the Mississippi River on both sides, and as we move westward we come to an arid and semiarid belt. In this belt it was attempted years ago, under a Federal law, to embark in the raising of trees—"timber culture," it was called. We passed a law, commonly known as the "timber-culture law," that was in force for a number of years. Under that law most of those who sought to profit by its provisions had the same experience and came to the same conclusion as the Senator from Colorado [Mr. TELLER] did in respect to his timber claim. The law, as a rule, proved almost an absolute failure. There were comparatively few timber claims, proved up by pretty doubtful evidence, and finally, to save some of them who were unable to comply with the law, they were afterwards allowed to purchase the land, and then subsequently we totally repealed the law. It is exceedingly difficult, as the Senator from Colorado described it, in that arid belt to raise trees. The soil may be all right, but the water is lacking. Without irrigation you can not raise any trees in that country.

In those troughs in the Rocky Mountains we have a region where timber grows in its natural state. It is at a high altitude. That country has considerable moisture, snow in the winter and rain in the summer; and hence there is a supply of timber there.

The Government of the United States, seeing that the supply of timber in the country was gradually diminishing, embarked upon this policy in order to promote the settlement and build up all that semiarid region, which constitutes to-day over a quarter of the total area of the United States within its continental boundaries.

What is the necessity for it? I can remember when I was a boy, in 1849, when the harbor of Chicago was full of vessels loaded with pine lumber from the State of Michigan. You do not find there to-day a single schooner with pine lumber from the State of Michigan, nor have you for the last ten or fifteen years.

Then the next body of pine timber was in Wisconsin; and that, my friend from Wisconsin [Mr. STEPHENSON], whom I do not see in the Chamber at this moment, knows very well, is utterly gone. The pine timber that was on the Fox River, on the Menominee River, on the Wisconsin River, on the Chipewewa River, on the Eau Claire River, and the Big Black River is practically gone to-day. There are just a few fragments that are used for pulp and inferior purposes, but not for real lumber.

My own State of Minnesota, next to the States of Michigan and Wisconsin, had the finest body of white pine timber in this country. In 1871, when I went to the State of Minnesota, most of our pine was a virgin forest, and it was a magnificent forest. But from that day on the lumbermen have been playing havoc with it, until within perhaps ten or a dozen years there will scarcely be any merchantable pine left in the State of Minnesota.

How has all this been brought about? These lumbermen, under our extremely loose and liberal land laws, would in times past secure this most valuable pine for a mere bagatelle. A dollar and a quarter an acre was the maximum. They oftentimes purchased large quantities of it with college and other scrip at a much less price. Years ago Congress gave to the

different States an agricultural-college grant, and those States that had public lands within their borders selected the lands, and the other States sold their rights out by the wholesale. I know a number of States that sold that scrip at 40 and 50 cents an acre to lumbermen who entered this valuable pine land, which did not cost them on this scrip more than 50 or 60 cents an acre.

Mr. HEYBURN. Mr. President—

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

Mr. NELSON. Certainly.

Mr. HEYBURN. I should like to inquire, Has the Government any lands remaining in Minnesota?

Mr. NELSON. Yes, sir.

Mr. HEYBURN. Has it occurred to the Senator that perhaps they should be replanting the timber upon the Government lands?

Mr. NELSON. I want to say for the information of the Senator from Idaho that we have a forest reserve in Minnesota and we hope to get another, and the State has a forest reserve.

Mr. HEYBURN. I will inquire if they are planting trees in them?

Mr. NELSON. Yes; they are planting trees.

Mr. HEYBURN. Then I would merely make a closing suggestion. Would it not be just as well for the State of Minnesota to furnish the land upon which to grow its own timber, rather than to borrow the lands of Idaho upon which to plant a new forest?

Mr. NELSON. We are not borrowing from Idaho. We are not using the lands of the United States to raise timber on. As I said, these lumbermen got this valuable pine land for a mere bagatelle, and then, in embarking on their lumber operations, they carried them on in a most destructive manner. They did not go in, as is done where they have a proper forestry system, and take the dead and down timber and the mature timber. They established their camps and sent in their choppers and, to use an expression that the lumbermen use in that country, they "skinned" it, taking everything—big and little. The worst of it was that after they had taken every possible stick of timber off of a tract of land they would leave the tops and the limbs and everything there to rot and be subject to fires, so that the timber lands that were stripped by the lumbermen in that way were all burned over, and instead of becoming reforested with pine, as they would have been but for the fires, they have grown up in jack oak, grown up in poplar, and grown up in everything under the sun except being reforested as pine lands.

We have lost all that timber, and now our main supply of pine timber is in the Southern States and on the Pacific coast. After we had lost all that timber, it finally dawned upon our Government that we had to do something to stop the destruction of timber; that we ought to take a broad view of it and preserve our forests, not only for our own people and our own children, but for the generations to come. The preservation of this timber, out in the troughs of the Rocky Mountains, is not only good in itself; it not only keeps up the supply of lumber for a much longer period than would be possible without it, but it aids in the settlement and development of the great arid country which is contiguous to that mountain range and to that body of reserves that you see on the map.

What has the Government done? It has done what every other intelligent country on the face of the earth has done. Observing that the supply of timber was gradually diminishing, noticing that we had a great area of treeless country, arid country, that could not be settled without irrigation, the Government said by its legislation in 1891:

We must make provision for the future; we must take some steps to reserve some of our forests for the future use of the American people.

So, in 1891, the first forest-reserve law was passed. It was amended in 1897. The first forest reserve that we had in this country, Mr. President, was established under the Administration, as I recall, of Grover Cleveland.

There is no use making an imaginary forest reservation on the map or on paper in one of the Departments. If you have a forest reservation you must take care of the forest and protect it, so that it will become of some use and value to the public.

So it came to pass that in 1899 the Government for the first time appointed at the head of the Forestry Service a Forester in the person of Mr. Pinchot. I wish to say about Mr. Pinchot that while in some respects I think he has been a little too radical, has gone a little too hastily and too far, yet I recognize the fact that in that line of work he is an expert of the very highest order, and that he is actuated by the highest and best possible sentiments—sentiments that every public man in this

country could well be proud of. There never was a man who more faithfully went to work at a big task; and he himself had to blaze the way. There had been no beginning. As far as I know, there was no system of forestry in any of the older States. The Federal Government had nothing. He had no prototype, and he had to delve into the archives and study the systems of the old country. He had to establish the system for this country; and, considering the drawbacks he has had to contend with, I think, on the whole, he has done remarkably well.

I can see the nervousness of some of our friends from the West. I do not refer to Senators in this body, but I mean outside gentlemen from the West. Before the Government adopted the policy of forest reservations those men were in the habit of using the lands now embraced in forest reserves according to their sweet will.

They would go and strip off the timber. I remember some years ago riding on the cars from Helena to Butte. I think the Senator from Montana was with me. As we reached the neighborhood of Butte I could see the mountain sides stripped of timber for miles and miles and the stumps black. The stumps indicated that the timber had been chopped off, and there was nothing there but a burned-over waste. They absolutely stripped the country.

Unless the Government had intervened, all these timber reserves out there would in a few years have been entirely stripped and entirely destroyed; and so, Mr. President, to my mind, the Government has moved none too soon in this matter. If, in my own State—Minnesota—the Government had intervened thirty-five years ago and established a forest reserve of our magnificent pine lands, in what a happy condition our great State, with its more than 2,000,000 people, would have been to-day. We have now a small forest reserve in Minnesota. Four years ago I succeeded in getting an act passed through Congress giving the State 20,000 acres of land up in the northeastern corner, up in the iron country, back of Duluth, for forestry purposes; and the Government is about to establish, I think, one or two other reservations, and I wish the Government Godspeed in the matter.

We have a good deal of prairie country still in Minnesota. Most of it is settled up; but we need that timber, and all our farmers need it; and unless the Government intervenes in the matter, I am afraid our supply of timber will soon disappear.

But, Mr. President, the most surprising thing to me in this discussion is the attitude Senators have assumed toward the Federal Government in respect—

Mr. FULTON. Mr. President—

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

Mr. NELSON. Certainly.

Mr. FULTON. I ask the Senator if he does not believe that the States in which there are these large reserves, valuable lands withdrawn from entry and private use, contributing in no way to the revenue of the State, should receive a larger proportion of the receipts than 10 per cent?

Mr. NELSON. The Senator knows I was in favor of that in committee.

Mr. FULTON. I know that.

Mr. NELSON. The Senator knows I favor that.

Mr. FULTON. I do; and the Senator will pardon me for asking the question, but in view of his high standing and influence I was anxious to have it on record.

Mr. NELSON. I should be very glad, speaking for myself only, to see the States, instead of getting 10 per cent, as they do now, for the benefit of the counties and the schools, get 25 per cent. That is not the point, Mr. President—as to how you distribute the proceeds of the pasture and the timber. The point is to preserve the timber.

But what has surprised me—and but for it I do not know that I should have said anything—is the tenor, the spirit, of this discussion, which has been to the effect that the Government in its efforts to establish these forest reserves in the manner it has been doing, has been an interloper, a trespasser, acting outside of its rights. Mr. President, those forest reserves are the public lands of the United States, the property of all the people of this country; and under the Constitution of the United States our Federal Government has control of those lands until it finally disposes of them. The Government has as much control over the timber on those lands as a private proprietor has over his land. It has complete control of it, to the same extent that any owner would have for purposes of use. The Constitution provides it. So far as I now recall, all acts admitting new States into the Union provide that the State admitted shall not interfere with the primary disposal of the soil.

The timber on those lands is part of the land in law, as every lawyer knows. If the Government has the right to sell the land, as is indisputable, manifestly it has the right to sell the timber or do anything it sees fit to do with it.

Mr. PERKINS. And the pasturage.

Mr. NELSON. And dispose of the pasturage, too. It has exactly the same right over its lands, both in respect to the grass and in respect to the timber, that any private owner has as to his lands.

Coming to the matter of pasturage, let us look at it in a fair and candid way. Everybody who has had anything to do with sheep and cattle knows that if you allow sheep and cattle in excessive numbers to range and pasture in a body of timber, they will kill it, especially sheep, and to some extent cattle.

It was out of the question for the General Government, in carrying on its Forest Reserve Service, to protect its growing timber unless it took some steps to regulate and control pasturage. On my own farm when I have had a small piece of brush land that I wanted to clear, I would fence it in by itself and turn in a lot of sheep and cattle and hogs and in a year or two every little brush or tree would be dead and gone. So with our forest reserves. If there was the unlimited right of pasturage in the forest reserves, it would prove utterly destructive to the growth of timber.

Mr. TELLER. Mr. President—

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

Mr. NELSON. Certainly.

Mr. TELLER. Then, I suppose, the Senator would not allow pasturage at all on the forest reserves?

Mr. NELSON. Oh, no; the Senator misunderstood me. I said that the matter of pasturage should be regulated, so that an excessive number of cattle and sheep should not be allowed to range there—a number that would prove destructive to the forests.

Mr. TELLER. The forest ranger determines that for the Department, and he generally puts in as many cattle as he can get in. It is a question of dollars and cents. It is a question of making it pay expenses.

Mr. NELSON. If the Senator from Colorado will allow me, that is a question of mere detail, which I will not argue or discuss with him.

Mr. TELLER. Let me say—

Mr. NELSON. It may be as the Senator says, that sometimes they let in too many cattle. That is a matter of administration. But it does not go to the general principle of the policy that the Government is aiming to carry out.

Mr. TELLER. If the forest reserves are of so much importance and so useful, they ought not to be pastured at all. If you are going to raise—

Mr. NELSON. I have been in the Senator's State. Let me explain it to him. There are many of these troughs or basins, in what is called the "Rocky Mountain Range," where the timber—the pine, the spruce—is scattering and limited. There are trees only here and there. They are not against forests such as the pine forests of Minnesota or Michigan or Wisconsin at an early day. They are straggling, scattered trees, and in between these trees there is a lot of grass and vegetation; and a limited amount of pasturage in that kind of a forest is helpful, because it takes away the dead grass that would otherwise accumulate and might lead to destruction by fire. Cattle grazing there destroy the surplus of grass, and it is not left to be caught by fire, as it would be in many instances.

Mr. TELLER. I want to say to the Senator that there has been no complaint amongst the people of overpasturing in the country in which I live. That comes from the Department. There have been some quarrels with the sheep men and the cattlemen, and sheep have sometimes, perhaps, eaten up the pasture too close. Cattle do not, as I understand.

Mr. WARREN. Has not the complaint been that the Department has not admitted enough cattle and sheep to satisfy the people?

Mr. NELSON. I want to say to the Senator from Colorado, if he will allow me—and I do not want to cut him off in his statement—that I have myself in times past discussed the matter with Mr. Pinchot and told him that I thought that in some instances he was pasturing the land a little too freely; that if pastured less it would be better; but he explained to me the conditions, and last summer I noticed, for the first time, when I was out in the Senator's State that the conditions in the forests in that country are entirely different from those in my country. In the forests in my country there is a dense body of timber. There is no grass at all. The soil is almost bare. But you go into the straggling, scrubby forests of the mountain

ranges and you will find there are big strips and bodies of land and there is no underbrush, while there is a large amount of grass, and I can readily see what advantage it is to have that kind of land pastured.

Mr. FULTON. Mr. President—

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

Mr. NELSON. I really owe an apology to the Senator from Colorado [Mr. TELLER].

Mr. FULTON. I merely want to suggest to the Senator from Minnesota that I hope he will be more specific in naming the States concerning which he is talking when he speaks about scrubby forests. I suppose the Senator meant Minnesota, of course.

Mr. NELSON. I want the Senator to feel that I am in this mood; and he will pardon me if I illustrate it. They tell of a noted prelate in the Northwest who was a great temperance man. He preached against saloons all the time. Finally one day he wanted to raise some money for the church, and he called on one of the leading saloon keepers in town, who had an elegant saloon, with mirrors all around the interior. The reverend gentleman said "Tim, I should like to get \$50 from you to-day for the church." "But, Father," said Tim, "you ought not to ask any money of me, when you are all the time running down my business." "Oh, well," said the priest, "Tim, I am not making war on such elegant places as yours. It is the low grogeries." [Laughter.]

Mr. FULTON. I will say that the explanation is quite satisfactory. [Laughter.]

Mr. NELSON. One sometimes can bring an argument home by an illustration. I now yield to the Senator from Colorado.

Mr. TELLER. I am somewhat reluctant to continue this debate, but since I sat down there has been a question raised as to how the Government holds its property. I quoted one authority. I want to put in another. It is the case of the United States *v.* The Railroad Bridge Company, decided in 1855 by John McLean. Everyone who is familiar with court proceedings remembers John McLean, one of the great judges of the United States Supreme Court. I want to read just briefly what he said. It is a long case, and I have picked out the points most important:

Within the limits of a State, Congress can, in regard to the disposition of the public lands and their protection, make all needful rules and regulations. *But beyond this it can exercise no other acts of sovereignty which it may not exercise in common over the lands of individuals.* (P. 532.)

Again:

It is a fair implication, that if the State were not restrained by compact, it could tax such lands. In many instances the States have taxed the lands on which our custom-houses and other public buildings have been constructed, and such taxes have been paid by the Federal Government. This applies only to lands owned by the Government as a proprietor, the jurisdiction never having been ceded by the State.

The proprietorship of land in a State by the General Government, can not, it would seem, enlarge its sovereignty or restrict the sovereignty of the State. This sovereignty extends to the State limits over the territory of the State, subject only to the proprietary right of the lands owned by the Federal Government, and the right to dispose of such lands and protect them, under such regulations as it may deem proper. (P. 533.)

The State organizes its territory into counties and townships, and regulates its process throughout its limits. And in the discharge of the ordinary functions of sovereignty, a State has a right to provide for intercourse between the citizens, commercial and otherwise, in every part of the State, by the establishment of easements, whether they may be common roads, turnpike, plank, or railroads. The kind of easement must depend upon the discretion of the legislature. And this power extends over the lands owned by the United States as to those owned by individuals.

This power, it is believed, has been exercised by all the States in which the public lands have been situated. It is a power which belongs to the State, and the exercise of which is essential to the prosperity and advancement of the country. State and county roads have been established and constructed over the public lands in a State under the laws of the State, without any doubt of its power, and with the acquiescence of the Federal Government. In this respect the lands of the public have been treated and appropriated by the State as the land of individuals. These easements have so manifestly conduced to the public interest that no objection from any quarter, has hitherto been made. And it is believed that this power belongs to the State. (P. 534.)

He died rather too soon to settle this question, perhaps.

The right of eminent domain appertains to a State sovereignty, and it is exercised free from the restraints of the Federal Constitution. The property of individuals is subject to this right, and no reason is perceived why the aggregate property, in a State, of the individuals of the Union, should not also be subject to it. The principle is the same, and the beneficial result to the proprietors is the same in proportion to their interests. These easements have their source in State power and do not belong to Federal action. They are necessary for the public at large and essential to the interests of the people of the State.

The powers of a State to construct a road necessarily implies the right, not only to appropriate the line of the road, but the materials necessary for its construction and use.

Mr. NELSON. I will say to the Senator from Colorado that it is not necessary to read from the decision. That part of the law no one will dispute. It simply relates to the right of eminent—

Mr. TELLER. This is a part of the law they do dispute.

Mr. NELSON. I mean nobody in this Chamber disputes it. It is not disputed here. The State may have the right of eminent domain to lay out public roads. I am not disputing that. But does the Senator from Colorado dispute that the Government has the right to take care of these forests on its own land? Has it no right to build for its use a road over its own land?

Mr. TELLER. The United States has the rights given to it by the Constitution, and none other.

Mr. NELSON. That is very indefinite. It does not answer the question.

Mr. TELLER. No; it is not, and it has been well settled by the Supreme Court that it extends to the care and preservation of its land; not to its use for any purpose, only its preservation. The court continues:

Whether we look to principle or the structure of the Federal and State governments or the uniform practice of the new States, there would seem to be no doubt that a State has the power to construct a public road through the public lands. (United States *v.* Railroad Bridge Company, p. 535, 6 McLean, Ill.)

Mr. NELSON. There is no dispute about that. I have not taken that stand, and there is no occasion for the Senator to inject that in my remarks, because I have not disputed that proposition.

Mr. TELLER. I am not injecting it into the Senator's remarks, and he can leave it out. I am presenting it here because that has been denied by the forest-reserve people. That is why I am presenting it.

Now, I want to say—and the Senator need not incorporate this in his remarks—that I have never doubted that the Government of the United States could take any measures necessary to protect its property by Congressional act, but I do deny that an individual executive officer of the Government has any right to legislate as to how the lands shall be preserved.

Mr. NELSON. Mr. President, in the act of June 4, 1897, the Secretary of the Interior was given full power to take care of the forest reserves. The Forestry Bureau was at that time, and for some years continued, under the Interior Department. It has since been transferred to the jurisdiction of the Agricultural Department. By legislation—and I will not take up the time to read it, for any Senator can consult the statutes of Congress on the subject—Congress has given full jurisdiction and authority to the Department of Agriculture, through its Forestry Service, to conserve and take care of the timber lands. Those lands are lands of the Government. If the Government deems it wise, for the interest of the people of this country, to preserve those forests, it has the right to take all the necessary steps to carry out that policy. If it is necessary to build roads through its own lands, it has the same right to build a road through its own lands as I have to construct a road through my land. If it desires in an extensive forest reserve to have telephone and telegraph lines, by which its men who are watching the reserve from one side to the other can communicate with each other, it has a perfect right to construct them. If it has men there who have charge of the forest reserves and who have to watch them and stay there, it is proper for the Government to furnish them with a place in which to live. If for the preservation of the forests it is necessary to regulate the pasture in those forests, it is simply a necessity that goes with the subject-matter and pertains to it.

The same principle applies in that matter as in the matter of interpreting the Constitution. Given the power, as Chief Justice Marshall said, to be exercised in a given direction, Congress or the Government has a right to exercise all reasonable and rational means to carry it out. Given the power to the Federal Government to establish a forest reserve on its own lands, and the Government of the United States must inevitably have the power to take all necessary steps for the purpose of protecting the timber on its reserves.

Now, another proposition. The Senator from Idaho read from the constitution of that State, and I undertook to set him right on one point, and the Senator from Colorado thought I was wrong. I said that in respect of water courses and streams in a forest reserve, the Government of the United States stood exactly in the position of a riparian owner. By that I do not mean that a riparian owner has a larger right than the State. I simply mean that in one of the States or Territories, be it a State where they have the doctrine of prior appropriation or a State where they have the common-law doctrine as to riparian rights, in either case the Government of the United States with a stream flowing through its lands has exactly the same

rights in the waters of that stream that I would have if I owned the land. I can refer—

Mr. BORAH. Will the Senator yield for a question?

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

Mr. NELSON. If the Senator will allow me to finish this part of my remarks I will yield.

I want to call attention to the decision of the Supreme Court in 174 United States, the title of the case being "The United States v. The Rio Grande Irrigation Company." Here is what the court says, the opinion being rendered by Mr. Justice Brewer.

Mr. TELLER. I call the attention of the Senator from Minnesota—

Mr. NELSON. Let me first finish this quotation, and then I will yield.

Mr. TELLER. That was a case in a Territory, and if the Senator reads it he will find that it is confined entirely to the Territory of New Mexico—absolutely.

Mr. NELSON. Here is the doctrine. Let me quote it, and if the Senator thinks the court is wrong, he can correct the court. Here is what the court says:

Although this power of changing the common-law rule as to streams within its dominion undoubtedly belongs to each State, yet two limitations must be recognized: First, that in the absence of specific authority from Congress a State can not by its legislation destroy the right of the United States as the owner of lands bordering on a stream, to the continued flow of its waters, so far, at least, as may be necessary for the beneficial uses of the Government property. Second, that it is limited by the superior power of the General Government to secure the uninterrupted navigability of all navigable streams within the limits of the United States. In other words, the jurisdiction of the General Government over interstate commerce and its natural highways vests in that Government the right to take all needed measures to preserve the navigability of the navigable water courses of the country even against any State action. (174 U. S., p. 703; United States v. Rio Grande Irrigation Company.)

Mr. FULTON. Will the Senator allow me?

Mr. NELSON. Will the Senator permit me to finish this part, and then I will yield.

I agree with the Senator from Colorado to this extent: That where the Government has parted with the title to land within a State, land on the borders of a navigable stream, the title to the water in that stream is either in the State or in the riparian owners, or in both, and not in the Federal Government, except for purposes of navigation. But where in a given tract the Government of the United States still owns the land on both sides through which a stream flows, the Government of the United States, in respect of that stream, stands in the position that any other proprietor in any of the States of this Union would, and it would be a strange doctrine if it did not—if the United States could not have the rights and privileges in respect to the water of that stream that an ordinary proprietor or owner would have.

Mr. FULTON. I ask the Senator if he understands from the authority he has read that the United States has any right to the water on land that it owns superior to what a private individual in the same State would have to the water on land that he owns?

Mr. NELSON. If the Senator had listened to my remarks, he would have understood me. I say the Government of the United States, in respect to its own land, stands exactly in the position of any other riparian proprietor and has the same rights under the laws of your State, or in all the Western States, that any private proprietor has. You can no more divest the United States of its right in the water on land that it is the proprietor of than you can divest any other owner.

Mr. FULTON. I agree with the Senator, but it is not a governmental right; it is a mere property right. It is simply the right of property, that is all.

Mr. NELSON. It is a right appurtenant to the land. The rule laid down by the Supreme Court of the United States is that after the Government has parted with the title to the land bordering a stream the rights of the riparian owner are governed by the laws of the State, and those laws are different. Some States hold that the riparian owner's land extends only to high-water mark, some to low-water mark, and some to the thread of the stream; but whatever the rule may be in any State, it is governed by the laws of that State after the Federal Government has parted with the title.

Mr. FULTON. I am sure that I agree as a matter of State policy, but while the Government still owns the land through which the stream flows, its rights are subject to regulation by the laws of the State the same as the rights of the individual who owns the land.

Mr. NELSON. Exactly the same. It stands in the same position with any other riparian owner. I have never contended for anything else.

Mr. TELLER. Mr. President—

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

Mr. NELSON. Certainly.

Mr. TELLER. Naturally and originally the Government of the United States had a right to the water that an individual had. It had no more and no less. In 1866 the Government of the United States passed an act that took away from the Government riparian rights, because it passed an act for the use of the water.

Mr. NELSON. Oh, no; the Senator is mistaken. I can give you the law. In 1866 the United States Government, by Congress, recognized the doctrine of what was known as that of the "prior appropriation of water" prevailing in the arid and mining States. It recognized what the courts and the custom of miners had tolerated and recognized for years; that is all.

Mr. TELLER. The Government ceased to have any riparian rights after the act of 1866; but if it did have them, in 1876, when the State of Colorado was admitted, it provided in its constitution that there should be no longer the doctrine of riparian rights in that State. That constitution was approved by the Government of the United States, and it became the law of the land; and in the Kansas case the court plainly recognized the doctrine that the Government has no right as a riparian owner in that land.

Mr. President, I do not know that I care to carry on this discussion. I have a brief on that subject, but I will not present it to-night.

Mr. NELSON. I have a brief in my head on that subject.

Mr. TELLER. Repeatedly after 1866 the Government recognized by acts of Congress the right of the prior proprietor of water to the use of it under the State law. It recognized it in the act of reclamation under the State law. There can not be any question about it.

Mr. NELSON. I have already stated to the Senator that that was recognized by the act of 1866. The law that prevails in the State of Colorado, incorporated in the constitution, and which prevails in all the arid and mining States, is simply changing the doctrine of the common law in respect to the rights of riparian proprietors. Under the bald principles of the common law the rule was that the riparian owner on a running stream could not use or divert the water so as to diminish the supply or deteriorate it to the lower owner. In your State and the other mining States you have the doctrine of prior appropriation. That doctrine affects private owners and the Government of the United States. I do not contend that there is any different rule. I simply say that in respect to the water courses on its own land in your State the United States stands exactly as any private citizen, exactly as I or the Senator from Colorado would stand if we owned the land.

I am unwilling to take up the time of the Senate too much, but I can not help referring to a part of the grievance of the Senator from Idaho [Mr. HEYBURN]. I do not see him in his seat. He spoke of the fact that the Government was pasturing this land, and there were school sections in it. He said the Government had been collecting money for pasturing the school land within the reserve and had paid it to the State.

Now, that is not the case at all. The Senator is in error. Under the last two appropriation acts, at the first session and the second session of the Fifty-ninth Congress, we provided that 10 per cent of all that was realized from forest reserves, whether from timber or from pasturage, should go to the State for the benefit of the county in which the forest reserve was situated. In the last act on the subject we provided that there should be an apportionment in case the forest reserve was in two States. The fund the Senator from Idaho referred to was the proceeds that came from that source, and not from the pasturage of school lands.

Mr. BORAH. Mr. President—

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

Mr. NELSON. Certainly; and I owe the Senator an apology for not yielding as soon as he rose.

Mr. BORAH. That is all right. I simply wish to say the position my colleague takes is that the Government exercises control and dominion over these school sections and leases them; that is to say, it leases a certain portion of territory and takes the sheep upon that territory, and, as my colleague says, the sheep have not yet been able to distinguish the line between the sections which relate to Government ownership and those which relate to the State. So the result of it is that the Government gets the benefit of pasturage over the entire domain, including the school sections.

Mr. NELSON. That may be so, but the Senator can see how it works and how it is difficult practically to obviate it.

The Government establishes a considerable forest reserve. Inside of that forest reserve there may be some school sections. The school lands can not exceed over two sections to the township, that is one-eighteenth of the land within a township. The Government in taking in cattle and sheep to pasture on its forest reserve can not very well segregate the school lands from the other. They let in so many cattle. I presume the State would have a right to ask something for the pasturage of this land. The Government is not leasing the land. It charges so much a head for the privilege of letting the stock come on the reserve, and because of the fact that the land can not be segregated I can see how some of the school sections may be pastured.

There was another matter the Senator was in error about, and that is that the State had no right to relinquish the land. If any of those school lands are within a forest reserve and the State of Idaho sees fit it can relinquish its right to those lands and under the statute of 1891, which I have here on my desk, a general statute, it can select other lands. Certain it is that the Federal Government has no right to interfere with the timber on the school sections, and I do not think it will be shown that that has been the case.

I can very well see how our friends out West in the forest-reserve States feel, and probably I myself would feel just the same way. Before the Government established these forest reserves and took charge of them, the settlers could pasture their cattle, they could go there and take timber, and do anything under the sun except to kneel down and ask for the grace of God.

But now the Government intervenes for the conservation of the timber. They say to these settlers, "We can only allow a limited amount of cattle and sheep in here and you must pay a little something to cover the expenses of maintaining the forest reserve."

In respect to the sale of timber, the Senator from Idaho said the Government was owning the lumber industry. The Government is doing nothing of the kind. It sells the dead and down timber and the mature timber. If the sale amounts to less than \$50, it can be sold by a subordinate without advertising. I believe a ranger can sell \$50 worth and no more without an advertisement of the dead and down and mature timber. The supervisor, the one next above him, can sell to the amount of \$100. But when it comes to an amount in excess of that it must be advertised and sold to the highest bidder. So the Government is well and amply protected.

Now, it may be (and I will not dispute the Senators on that point) that some of these little lordlings dressed in pea green, as the Senator from Idaho describes them, with a green plume in their hats, and so forth, may have been a little rude, may have put on a little assumed dignity; but Senators know that that is not a thing which occurs only on a forest reserve. We see here in the city of Washington, right at our elbow, every day, some fellow with a little brief petty authority putting on a more lordly air than a United States Senator. [Laughter.] If the Senator from Idaho wants my cooperation to prevent those rangers from wearing pea-green suits, or from wearing plumes, or from putting on so much dignity, he has my hearty sympathy, and I will help him to the best of my ability. But beyond that, Mr. President, I can not go.

I feel that the Government has embarked upon a policy that in connection with the Reclamation Service will populate the big arid regions you see there [indicating] at the foot of the Rocky Mountains on the east side. I am a little selfish and a little patriotic. I want that country settled up as rapidly as possible with good American citizens, even though they are Norwegians. [Laughter.]

But, Mr. President, if we want to settle up that country rapidly and make it productive, as prosperous and as happy as the lands in the immediate Mississippi Valley, the way to do it is not only to give them the land and the water, but to have timber close by, so that they will have something to supply them in the early days of their venture on their claims. I can excuse some of the Senators. I can myself imagine if I lived in the State of Idaho with the great green place shown there on the map I would feel a little nervous and nettlesome about having so much green around me. [Laughter.]

But, Mr. President, in this matter we will have to disabuse ourselves of the spirit of our environment. We will have to look after the general welfare of the country and to the good of the American people. If we have that end in view (and I think the Senator from Idaho and the Senator from Colorado will be as happy to take that view of it as any of us), we can not help but say, Godspeed to the Forestry Service. It is now established. Mr. Pinchot has done a great work. He has organized that service. He has it on a good footing. If there is

anything in it that needs pruning, that needs correcting, I am ready to join any one of the Senators. I do not want any tyranny or any arbitrary power in this country, but I just want enough of it Mr. President, to protect that fine body of timber, the only remnant that the Federal Government has left.

Mr. DOLLIVER. Mr. President, I do not desire at this hour to enter upon an elaborate discussion of the agricultural appropriation bill, and I would not speak at all if it were not for the fact that earlier in the week I felt moved in that direction, and I have been waiting with such patience as I could command until others better entitled to address the Senate upon this subject and that infinite variety of subjects which have been found kindred to it had delivered their observations.

I have served ever since I have been here upon the Committee on Agriculture, and I have been troubled in my mind at every session by the fact that around these appropriations made for the American farm and those objects which are associated with modern agriculture practically all the debates about our appropriations have circled. The great appropriations pass peacefully through this body, almost without explanation, and practically without debate. Yet every year, for some reason that I have never been able to understand, when an appropriation for the maintenance of the Department of Agriculture comes before the Senate the spirit of free speech seems to run riot in this Chamber, and days and weeks are consumed in a criticism which I have sometimes thought not altogether friendly not only to the provisions which we are debating now, but to practically the whole scheme of the agricultural appropriation.

I am one of those who not only have confidence in the administration of the Department of Agriculture, but I have a very definite confidence in the wisdom and skill with which the estimates for that Department are made and with which the appropriations are passed by Congress.

It has been said that the Department of Agriculture asks these vast sums of money without deigning to give to the Senate an estimate of its needs. The only trouble about a statement of that sort is that it is wanting in those elements of truth which give substance and dignity to our remarks, even in the Senate of the United States.

The estimates for the Department of Agriculture are regularly made upon the suggestion of the Department through the Secretary of the Treasury and are a part of the literature of this session of Congress. They are not only made in gross or in bulk, but if anybody will examine the estimates it will be found that they are made in detail, as the law requires, not possibly in so perfect detail as is the case in other Departments, because much of the work of the Department is in the very nature of things incapable of being resolved in that way into particulars.

That is no uncommon thing in the appropriations of Congress. There is no great appropriation bill considered in this Chamber in which a vast bulk of appropriations are not made without any designation either in the estimates or in the appropriation act itself as to the details and the specific application of specific sums of the money appropriated.

Take the building of a ship. Millions of dollars are appropriated to that without a word further. Take the building of a great public edifice. Millions of dollars are appropriated for that purpose without going further into details. When you come to the Post-Office Department, the vast enterprises of that Department are provided for in appropriations that carry not millions but tens of millions of money appropriated in bulk and applied, so far as particulars are concerned, altogether within the discretion of the Post-Office Department.

In the case which we have been debating here, in the very nature of it, the appropriation could not be in more definite detail than the pending bill presents. This is an enterprise in which the Department of Agriculture is engaged. It is a great business, for which Congress is making provision. The bulk appropriation that has been estimated for and which is carried by this appropriation bill is the working capital of a business of infinite variety that could not be divided into particulars and brought in detail to the attention of the Congress of the United States.

It is perfectly evident to those of us who have followed the hearings, as I trust some of us have at least, both in the House and in the Senate, what this appropriation is for. We made an appropriation similar in amount last year, and by direction of the Congress the Secretary of Agriculture has given us a detailed statement of the expenditure of every dollar of it. Every man's name who drew a dollar by way of salary or day's work pay from the Treasury on the credit of that fund is put down here, and every dollar of it that was paid is recorded in strict detail in accordance with the suggestion of the act of Congress.

And yet, whether it has been intended or not, the atmosphere

of this Chamber, never altogether perfect, has been infected at least by a suspicion that there are loose business methods, that there are faulty administrations, that for aught we know there may be peculations and defalcations, and all these evil things covered up by this bulk appropriation. I deny it in toto in every particular. All these items have been fairly accounted for; the exact use to which these moneys have been put is set down in this report; and no man has taken a dollar of it without a strict accounting by the Department of Agriculture.

I myself think that the appropriation which we make in this bill is not sufficient. I would be glad to see the sum doubled, because I have taken the pains to find out that vast savings have already been made by the care with which the Department has guarded these vast properties of the Government of the United States. We ought not to forget that we have now isolated from the public domain nearly 200,000,000 acres of this forest land scattered in many States and in many latitudes.

Mr. NELSON. One hundred and fifty millions.

Mr. DOLLIVER. My own calculation makes it nearly 200,000,000 acres, but if the acreage is less and the project proceeds, as I hope to see it proceed, it will certainly ultimately reach 200,000,000 acres of land.

Here is an empire, the property of the United States, and the object of this appropriation is to enable the Government of the United States to take care of it. If any man thinks that a million dollars per year for the care and protection of this vast domain, infinite in its resources and in its actual commercial value, is excessive, he has a rather queer notion of what constitutes business prudence in a world like this. By the care and diligence of the Government more millions of dollars were saved by the stopping of fires in these forests last year than will be spent within our lifetime in the defense and protection of these forests.

I undertake to say that there must underlie this debate some secret enthusiasm which is not patent upon the face of the record or upon the transactions which have been had by our Government toward the forests. I have been trying to understand as well as I could what motive there is behind the opposition to the forestry policy of the United States. I have noticed one thing, that very few people come forward affirmatively and deny the wisdom of the policy. The attacks upon it are usually accompanied by apologies and suggestions that they are not inspired by any unfriendly motive or feeling toward the policy itself; and yet if these attacks had no other motive than hostility to the whole policy they could hardly be more elaborate, and certainly they could not be more damaging than they have already been.

The forestry policy has survived the indifference and ignorance of its friends. I hope it will be able to survive the malice of its enemies. I am less hopeful that it will be able to survive these underhand, sidewise insinuations coming from all directions against the wisdom of the system.

For myself I have no doubt about the wisdom of it. I have made a practical study as a traveler and observer of our country, not only of what has happened to us in the past, but of what is now happening to us in the present day. I have traveled as a patient student of the forestry question over the burned districts of Wisconsin, over the burned districts of northern Michigan, over the burned districts of northern Minnesota, and I have seen spread out there, where every man could read it, an indictment against our wisdom and prudence as statesmen and lawmakers which would convict us before the public opinion of the whole world.

There has never been in the history of human society as completely organized a crime against the human race as the destruction of the American forests in Pennsylvania, in New York, in Michigan, in Wisconsin, in Minnesota; and to make the crime all the more ignoble, it was based upon greed and avarice and the love of money, which we are taught is the root of all evil. So it has proved in that vast public domain. It was despoiled by the spoilers who violate the land laws of the United States, and the witnesses still stand there in the burned trunks of great trees, in this pathetic tangled mass of burned logs and vegetable matter scattered over square miles of territory that, if it had been administered with wisdom and patriotism, might to-day be the permanent source of a lumber supply to us and to our children's children.

I for one do not want to see that mistake, that crime against mankind, repeated in the Rocky Mountain region; and I am glad that on the Pacific coast and in the intermountain region men have come forward to speak in the Senate and in the House of Representatives with a farsighted vision not only of these days of which we are a part, but of times after we have passed off this scene of action. I have studied the Forest Service in practically all the Rocky Mountain regions.

I especially found pleasure in studying it in the great State of Oregon, stopping at nearly every town of importance in the State. I have wandered up into the mountains and come in contact with forest rangers and with painted signs with which the Government control of the forest reserves is marked. I was not insulted by anyone; I was met with kindness and friendly interest upon all hands. I saw the signs on great trees: "Forest Reservation. Beware of Fires;" and a recitation of the regulations against setting out fires and against certain other violations of the police regulations which had been established in those reservations. I found there an organized scheme to do for Oregon and for Idaho and for that far-off Western coast of ours what, if it had been done for the Eastern States, would have been an infinite blessing from generation unto generation; and yet, side by side with these magnificent forests, I found this same petulant atmosphere of complaint, hostility arising from one source and another. I found that it was attributable in the main part to the disappointment of gentlemen—good people, I have no doubt—who had enjoyed for many years an undisturbed range for sheep and for cattle on these public domains, and in many cases an undisturbed opportunity to steal from the public forests whatever they needed either for the comfort of their families or for the prosperity of their business. I found those gentlemen gathered around in the villages at the foot of these mountain gorges complaining to me that this forest business was the worst fraud that the Government of the United States has ever embarked in. I do not take that view of it; but I found intelligent stockmen in those mountains who took the very opposite view of it, and I had the privilege, as a member of the Committee on Agriculture, to cross-examine scores of representatives of the live-stock interests of the United States who appeared before the committee; and I made up my mind that it is just as well to put the live-stock business in this intermountain region upon a solid and legitimate basis as it is to leave it as it has been left for so many years to the diligence and to the avarice of individual stock breeders and stock growers.

Why should not the use of our public domain be regulated? Everybody familiar with the pasturage lands of the United States knows that they have been practically destroyed by overgrazing; that they have been tramped until the very roots of the grasses have been destroyed; and what controversies have arisen between the people trying to pasture sheep and the people pasturing cattle, which have resulted in chaos and anarchy over whole sections of the country, in civil war in some sections of the United States, as graphically described by a reliable witness before the Committee on Agriculture at the last session of Congress. He said the cattlemen got up on top of the hills with loaded guns and cannon, and as the sheep came up from the valleys, as the great herd appeared in sight, he said, "they dealt them misery," using his exact language—that is to say, killed not only the sheep, but the shepherds. In the midst of that riot of practical civil war the cattle and sheep business of a great section of the United States has been conducted for nearly a generation.

Now, then, the Government owns this land. It has a right to take care of it, to say the least about it; and it is proposed to lease these pasturage lands in the forest for two reasons: First, in order that they may not be overgrazed, and in the next place, that a little revenue may be derived from them to maintain the forest policy upon which we have entered.

I favor all that. I want to see it indorsed, and I should like to see it not only applied to forest reservations, but applied to all the public pasture lands of the United States. I should like to see the cattle and sheep business put upon a legitimate and substantial basis.

I know from conversation upon the ground with those interested, that at present it is the rule of the strongest, and that the poor people, without means to press their claims, are kept out altogether, while the cattle barons, with their vast herds, practically occupy and monopolize the domain that ought, at least, to be divided with all the settlers interested in the cattle and in the sheep business. For that reason I hope to see the time come when Congress, taking counsel of the distinguished Senators who represent that section of the country, will in some practical way put these lands at the disposal of the live-stock interests in an orderly way, at a nominal rental, so that the lands themselves may be preserved and the business of producing live stock may be made to prosper all through that section of the country.

Mr. TELLER. Mr. President—

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

Mr. DOLLIVER. Certainly.

Mr. TELLER. I wish the Senator from Iowa would give me a list of all the cattle barons who are not in favor of his system. I do not know a cattle baron in the West who is not in favor of leasing the public lands, and I do not know a farmer in the West who is in favor of it.

Mr. DOLLIVER. Mr. President, I will call the attention of the Senator from Colorado to the hearings had at the last session before the Committee on Agriculture, where names and arguments are recorded in a supply at least equal to the Senator's demand.

Mr. TELLER. I presume some of those people said they were not in favor of it; but the great cattle barons and the great cattle organizations of Oregon have declared for it and passed resolutions in favor of it.

Mr. DOLLIVER. I have no prejudices on the subject of cattle barons. I think a man who does a big live-stock business may be as respectable as a man who does a little live-stock business. My notion is that the business itself ought to be placed upon a substantial basis, so that a man's right to pasturage and the maintenance of his flocks and herds might be regulated by law and not by force.

Mr. TELLER. I called the Senator's attention to that because he seemed to be making an argument that we who do not agree in the leasing are governed by the cattle barons.

Mr. DOLLIVER. I beg the Senator's pardon.

Mr. TELLER. I want to say that 90 per cent of the cattle barons are with the Senator.

Mr. DOLLIVER. Such an imputation as that was very far from any purpose of mine. I understand perfectly well that the Senator from Colorado in this matter, as in all other matters, is governed by the highest motives and by his own sense of what is right; and yet I am afraid that he and some other friends of mine, against whom I would be the last man to utter even a suspicion, have been colored in their prejudices by the clamors of surrounding populations and have expressed rather a temporary and shortsighted view of a question that really includes all generations to come in the United States.

Mr. SMOOT. Mr. President—

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

Mr. DOLLIVER. Certainly.

Mr. SMOOT. I rather think, perhaps, that there is a great majority of cattle barons in favor of the proposition of forest leasing, while, on the other hand, I think there is a great majority of sheep owners who are opposed to it.

Mr. TELLER. Mr. President, I did not speak of the sheep men, because I do not know anything about the sheep men, and I do not pretend to; but I do know about the cattlemen. Colorado is not a sheep country, except in the extreme southern part, on the New Mexican border. I know very little about the sheep business compared with what I know about the cattle business.

Mr. DOLLIVER. Now, a word further. What is this \$500,000 asked for? It is asked by the Chief Forester upon the estimate of the Department, because he has to have a working capital to carry on the business that he is engaged in—the necessary business incident to the administration of the forests. Originally he could take the proceeds of the pastures he rented and of the timber which he sold and use them to pay the current expenses as a substitute for capital stock for the transaction of this business. But very properly, I think, Congress now requires every dollar that he takes in to be covered directly into the Treasury; and, therefore, without this appropriation he would be without means to take any steps toward caring for or protecting these vast property interests. I do not believe for a moment that any Senator will leave the Government of the United States in a position of being charged with the responsibility of nearly 200,000,000 acres of these valuable lands without an adequate appropriation to enable the Department of Agriculture to take care of them and to protect them with at least a partial care.

It requires a good deal of money to take care of them economically. These lands are scattered far and wide. In the nature of the case only a few rangers can be placed upon them. If fires break out, it is important that there should be means of instantaneous communication from one part of the reserve to another, so that the rangers may gather their forces and all appear at the place of danger. That can be provided for only by an elaborate system of telephone wires and poles throughout the forest domain. There must be places for the rangers to live. They can very cheaply construct houses in the forests for their homes, or, at least, for their headquarters. There must be bridges. Often a fire will occur miles away from the place where the ranger's hut is. If he could have a direct route to it, he would be possibly within a mile, but by reason of the canyons, the unfordable streams, and the impassable marshes in the

interim between his position and the place of the fire, it becomes impossible for the ranger to reach it. So that the economical administration of the forest requires roadways. It requires oftentimes bridges; it requires the removal of obstructions in footpaths that follow through the mountains. It is for these reasons that this money is absolutely necessary.

I would a good deal rather a man would stand up and say "This forest policy is unnecessary; I am against it; it is a wrong policy," than to leave the Forester without means to take care of these vast interests after the United States has taken them under its protection.

I am not one of those disposed to criticize the Chief Forester. I know him with only a very limited acquaintance, but I have taken a little opportunity to study some of his history and his biography. I regard him as a providential man for the United States. We maintain a good many schools and colleges here, but it was not until he came on the scene that we produced anybody that was willing to turn aside from the emoluments of the great professions and from the opportunities of business in all departments of life to take up an obscure and misunderstood scientific pursuit and stick by it until he arrived at a position to be of service to the whole community of the United States. I confess I rather like the biography of that man, and I am not without a certain sense of irritation when he is referred to as a man calculated to encourage the actions of foresters which have been complained of here. On the contrary, unless I have altogether mistaken his character, if Senators would take the same pains to bring to his attention or to the attention of the Secretary of Agriculture the offensive actions which have caused irritation in the minds of so many of our colleagues here, I think they would get them corrected without the slightest difficulty in the world; for, if I have not misunderstood this man, he is a typical American gentleman, a man who would not encourage or tolerate on the part of the employees under him conduct unbecoming to an official of the United States.

And if I have not misunderstood altogether that fine old Scotchman who presides over the Department of Agriculture, you could not present to him a case of hardship arising in the matter of a homestead settler such as was referred to by my friend from Idaho [Mr. HEYBURN] without at once arousing an indignation in his mind that would result in more reforms than are likely to be produced by these speeches in the Senate. So that to my mind these are incidental matters that can be corrected without noise or clamor or vituperative criticism of any sort; and I do not believe they have any place in this debate.

I think the question is greater than all this. I know of no question with which we of our generation have to do greater than this question—the question of preserving the natural resources for the use of the people, not only for the present, but for future generations. I am not alarmed as some are about the ruin of the forests, being likely to destroy the building material of the United States. I inherited a very comfortable theology, the general central principle of which is, that God made this world that we are living in and made it well and administers it in a general way; and I, for one, do not believe that He ever made a permanent world with a temporary supply of fuel or light or building material or any other necessity of human life. On the contrary, when an estimate was made not so many years ago by an American scientist that within one hundred and fifty years the coal supply of the whole world would be destroyed, the most famous English student of practical natural science answered that within one hundred and fifty years the use of coal will be unknown in the world because it will be superseded by other means of power and heat and light.

I feel the same way about the timber supply of the United States. I think that scientists are now at work that have already written the doom of the American lumber yard. I believe the time is within sight when the use of lumber in the construction of houses to dwell in or in the construction of the great buildings that constitute the pride of our mighty cities, will be practically unknown. In the capital of my State the most costly residences are now being builded without the use of lumber at all.

Granolithic cement, which is a distinct step of progress in building construction in our time, is gradually abolishing the use of lumber even for the ordinary outbuildings that surround the American farm. Already our lumber sidewalks are gone, and in five years our lumber barns and outbuildings on farms will be gone, and every one of us is likely to live to see the total disappearance of the use of lumber in the domestic architecture of the people of the United States. Therefore I am not one of those interested in preserving the forests from destruction for this reason alone, but my reading leads me to believe that this

world is somewhat on an equilibrium. You can not destroy the forests of the country without interfering with its climate and with its other natural forces. I have lived in a country that since it was plowed, since the sloughs were drained, and since the surface vegetation has been converted to the uses of agriculture has seen a gradual drying up of its rivers. The city of Pittsburg is every spring overflowed by a river that in the summer time is practically without water, although once a great highway of American commerce; and there is not a practical student of the question that does not understand that it arises from the destruction of the forests in the mountains of West Virginia, those mighty water supplies that for generations and for centuries and millenniums have been the Divine method of carrying down the floods to those rivers. To-day the rains fall, the floods descend, our cities are buried, and our commerce is interrupted, and we are at the very beginning of these perils in the valley of the Ohio River.

I do not want to see the same thing done in the valley of the Mississippi River. I was glad to hear the Senator from Minnesota [Mr. NELSON] say that, in cooperation with the National Government, the State of Minnesota is protecting by modern scientific methods the headwaters of the Mississippi River. I have visited the headwaters of the Missouri River, and I want to see preserved the forests that were put there for the purpose of safeguarding the sources of that great river. I went by slow stages three summers ago down the valley of the Sacramento River, in California.

I found lumbermen huddled around the base of Mount Shasta with contracts to cut hundreds of millions of feet of those mighty forests that God Himself put there to guard the source of the Sacramento River, and I said to myself and to everybody that I talked with out there, "Unless the people take more interest in their children and in the future of their community than they do in their sawmills, that mighty country, now prosperous and hopeful for the future, will become a desert within three generations."

And yet we have men introducing the forest ranger with his bad manners, the sheep herder with his desire to get in among these trees for nothing, the cattleman unaccustomed to pay for what he gets on the public domain, and a dozen other trifling circumstances to prejudice and even to put a stop to the policy which, in my humble judgment, lies at the basis of any intelligent foresight for the future of the great populations that are to live in the intermountain and coast country of the United States.

I stand for this bill. I wish the appropriation was larger. If a motion is made to make it larger, I shall have no hesitation in voting for it. But I ask the Senate not to make it less, because it certainly is bad business as well as questionable patriotism to require the Department of Agriculture to care for and protect 200,000,000 acres of forest land, and then take away from it the money that is necessary even to enter upon an intelligent discharge of the duties which the law imposes upon it.

Mr. WARREN. Mr. President, there are other large appropriation bills which I understand are ready to follow the one we are considering. I desire to get through with this as early as possible, and to that end I ask unanimous consent that when we adjourn to-day it be until 11 o'clock to-morrow, and that then we may take up this bill immediately after the reading of the Journal.

Mr. BURKETT. I desire to ask the Senator from Wyoming if that is intended to do away with the morning hour to-morrow?

Mr. KEAN. It is.

Mr. WARREN. I had so intended, because during the morning hour sometimes a debate springs up that involves one or two hours, and takes up the time until 2 o'clock, so that I might not be sure of any time before 2 o'clock.

Mr. FORAKER. I suppose if we meet at 11 o'clock the morning hour will expire at 1 o'clock.

Mr. WARREN. Yes.

Mr. BURKETT. To-morrow is Saturday, and it seems to me we ought to have a morning hour. I have no objection to meeting at 11 o'clock.

Mr. WARREN. I have no desire to cut off any particular business that the Senator may have. I wish, however, in some way we might have an agreement to take up the appropriation bill as early as possible.

Mr. CARTER. I suggest to the Senator that a motion be made that when the Senate adjourns to-day it adjourn to meet at, say, half past 10 or 11 o'clock to-morrow, and that the morning hour extend not beyond the hour of 12 o'clock.

Mr. WARREN. Perhaps unanimous consent would be given to that. I will ask it in that way, then.

The VICE-PRESIDENT. The Senator from Wyoming moves that when the Senate adjourns to-day it be to meet at 11 o'clock to-morrow morning.

The motion was agreed to.

Mr. WARREN. I ask unanimous consent that the morning hour to-morrow extend not beyond 12 o'clock.

The VICE-PRESIDENT. The Senator from Wyoming asks that the morning hour to-morrow shall not extend beyond 12 o'clock.

Mr. FORAKER. At the hour of 12 o'clock the unfinished business will be laid before the Senate.

Mr. KEAN. The appropriation bill.

Mr. FORAKER. I mean the unfinished business.

Mr. WARREN. I presume the Senator wishes that the unfinished business shall retain its place. There is no objection to that.

The VICE-PRESIDENT. The Senator from Wyoming asks unanimous consent that the morning hour to-morrow close at 12 o'clock.

Mr. CARTER. I suggest as an amendment that the morning hour close not later than 12 o'clock. It may close before that time.

Mr. HEYBURN. I should like to inquire whether or not under the rules we can not do that by motion? We can do it by unanimous consent, but I doubt if we can change the rule as to the morning hour—

Mr. WARREN. I have put it in that form. I have asked unanimous consent.

Mr. HEYBURN. Oh. A motion was suggested by the Senator from Montana.

Mr. WARREN. The Senator from Montana suggests that it be not later than 12 o'clock.

The VICE-PRESIDENT. The Senator from Wyoming asks unanimous consent that the morning hour to-morrow shall close not later than 12 o'clock and also that the pending bill be taken up for consideration immediately upon the conclusion of the routine morning business. Is there objection? The Chair hears none, and it is so ordered.

POST-OFFICE APPROPRIATION BILL.

Mr. PENROSE. I desire to give notice that I shall ask the Senate to proceed to the consideration of the post-office appropriation bill after the Senate shall have disposed of the pending appropriation measure.

Mr. KEAN. I move that the Senate adjourn.

The motion was agreed to, and (at 5 o'clock and 38 minutes p. m.) the Senate adjourned until to-morrow, Saturday, May 9, 1908, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

FRIDAY, May 8, 1908.

[Continuation of the legislative day of Monday, May 4, 1908.]

The recess having expired, the House, at 11 o'clock and 30 minutes a. m., was called to order by the Speaker.

SUNDRY CIVIL APPROPRIATION BILL.

The SPEAKER. The question is on suspending the rules on the pending motion and passing the bill.

Mr. CRUMPACKER. Mr. Speaker, I suggest that there is no quorum present.

The SPEAKER. The gentleman from Indiana [Mr. CRUMPACKER] suggests there is no quorum. The Chair will count. [After counting.] There are fifty-six Members present—not a quorum. The Doorkeeper will close the doors, the Sergeant-at-Arms will notify absent Members; as many as are in favor of the motion will, as their names are called, answer "yea," and as many as are opposed will answer "nay;" those present and not voting will answer "present," and the Clerk will call the roll.

The question was taken, and there were—yeas 214, nays 44, answered "present" 14, not voting 115.

YEAS—214.

Acheson	Beale, Pa.	Burgess	Chaney
Adair	Bede	Burleigh	Chapman
Adamson	Bell, Ga.	Burnett	Clayton
Alexander, Mo.	Bennet, N. Y.	Burton, Del.	Cocks, N. Y.
Alexander, N. Y.	Birdsall	Burton, Ohio	Conner
Allen	Bonyng	Calder	Cook, Colo.
Ames	Boutell	Calderhead	Cook, Pa.
Andrus	Bowers	Caldwell	Cooper, Pa.
Ashbrook	Boyd	Campbell	Cooper, Wis.
Bannon	Bradley	Candler	Cox, Ind.
Barchfeld	Brantley	Capron	Craig
Barclay	Brodhead	Carlin	Cravens
Bartholdt	Brownlow	Carter	Crumpacker
Bartlett, Nev.	Brundidge	Caulfield	Currier