

## HOUSE OF REPRESENTATIVES.

THURSDAY, March 2, 1911.

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

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

HOUSE RESOLUTION 733.

Mr. GOLDFOGLE. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. GOLDFOGLE. Mr. Speaker, by direction of the Committee on Immigration and Naturalization, I desire to submit a report (No. 2286) on House resolution 733.

The SPEAKER. Could not that go through the box?

Mr. GOLDFOGLE. No; because the resolution required a report should be made some weeks ago, but owing to the condition that made it impossible to submit a report I now ask unanimous consent that the report be made on behalf of the Committee on Immigration and Naturalization.

The SPEAKER. Without objection, the report will be made. The Clerk will report the title of the resolution.

The Clerk read as follows:

A resolution (H. Res. 733) empowering and directing the Committee on Immigration and Naturalization to investigate certain alleged conditions in naturalization proceedings, etc.

The SPEAKER. It will be referred to the House Calendar.

## INFORMATION FROM THE ATTORNEY GENERAL.

Mr. PARKER. Mr. Speaker, I desire to submit a privileged report (No. 2284) and resolution from the Committee on the Judiciary, and ask its adoption.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

## Report to accompany House resolution 993.

The Committee on the Judiciary, to whom was referred House resolution 993, requesting certain information from the Attorney General of the United States, having considered the same, report the said resolution favorably to the House, by substitute, as follows:

Strike out all of said resolution and substitute therefor the following:

*Resolved*, That the Attorney General of the United States be, and he is hereby, requested, if not incompatible with the public interest, to report to the House of Representatives, for its information, what investigation, if any, has been made by him or under his direction to ascertain whether any citizens or corporations of the United States have entered into any combination, agreement, or conspiracy, in violation of the act of July 2, 1890, entitled 'An act to protect trade and commerce against unlawful restraints and monopolies,' or in violation of any other law of the United States, for the purpose of restraining trade and commerce, and for creating a monopoly in the coffee industry, and whether any citizens or corporations of the United States have entered into any agreement, combination, or conspiracy with the citizens or Governments of any foreign countries to assist in carrying out the terms of the so-called valorization of coffee, by virtue of which combination or agreement or conspiracy trade and commerce between the United States and among the several States and with foreign nations are interfered with and restrained and the trade and traffic in and price of coffee are controlled and monopolized.

If any such investigation has been made, the Attorney General is hereby requested, if not incompatible with the public interest, to report to the House of Representatives the result of any such investigation, together with the facts which show or tend to show any such agreement, combination, or conspiracy."

Mr. PARKER. Mr. Speaker, I ask for the adoption of the substitute resolution.

The question was taken, and the substitute resolution was agreed to.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 7031) to codify, revise, and amend the laws relating to the judiciary.

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 31596. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1912.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28406) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1912.

The message also announced that the Senate had passed without amendment the following concurrent resolution (H. Con. Res. 63) :

*Resolved* by the House of Representatives (the Senate concurring), That the President of the United States be, and hereby is, requested to return to the House the bill (H. R. 26290) providing for the validation of certain homestead entries.

## ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 10456. An act to restrain the Secretary of the Treasury from receiving bonds issued to provide money for the building of the Panama Canal as security for the issue of circulating notes to national banks, and for other purposes; and

S. 10883. An act authorizing the Erie Railroad Co. to construct a canal connecting the Hackensack River and Berrys Creek, Bergen County, N. J., as an aid to navigation, and for other purposes.

## OSAGE INDIANS, OKLAHOMA.

Mr. McGUIRE of Oklahoma. Mr. Speaker, answering further the inquiry of the gentleman from Illinois [Mr. MANN] with respect to the bill H. R. 32348, regarding the report of the Secretary of the Interior, I will read the Secretary's report.

Mr. CARLIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CARLIN. What is the status of the House? What is the regular order?

The SPEAKER. It stands on the motion to suspend the rules and pass the House bill of which the Clerk will read the title. It is unfinished business coming over from yesterday. The Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 32348) supplementary to and amendatory of the act entitled "An act for the division of the lands and funds of the Osage Nation of Indians in Oklahoma," approved June 28, 1906, and for other purposes.

Mr. McGUIRE of Oklahoma. Mr. Speaker, I would like to have the Clerk read the communication.

The SPEAKER. The Clerk will read the communication.

The Clerk read as follows:

Hon. CHARLES H. BURKE,  
Chairman Committee on Indian Affairs,  
House of Representatives.

SIR: In response to your informal request for a statement concerning legislation affecting the Osage Indians, I have to advise you that H. R. 22072 was reported on by the department under date of May 9, 1910, certain changes being suggested. Subsequently H. R. 28631 was referred here for report, which was made under date of January 28, 1911. The provisions in the latter bill were very similar to those in the former, but it was considered on the whole more satisfactory. Subsequently a delegation from the Osage Indians appeared before the department and expressed their desire for still other changes. Senate bill 10606 was afterwards submitted here, and the representatives of the Osages expressed their satisfaction therewith. Report on that bill was made by this department under date of February 4, 1911, certain minor changes being suggested. About the same time the department was informally consulted respecting H. R. 32348. Inasmuch as that bill was identical with Senate bill 10606 it was deemed unnecessary to submit it here for formal report, though you were advised informally that the department would have no objection to the enactment of this bill.

This whole matter of Osage legislation has been given considerable attention, and it is believed that the enactment of H. R. 32348 into law would prove advantageous to the Osages and to the work of this department among them. It is therefore recommended that this bill shall receive favorable consideration.

Very respectfully,

R. A. BALLINGER, Secretary.

Mr. CLARK of Missouri. Mr. Speaker, I demand a second simply to find out what there is in this.

Mr. McGUIRE of Oklahoma. A second was ordered last night.

The SPEAKER. A second was ordered yesterday on the demand of the gentleman from Texas [Mr. STEPHENS].

Mr. BURKE of South Dakota. All time has expired. It was debated last night.

Mr. CLARK of Missouri. Then I would like to know what the bill is about.

Mr. McGUIRE of Oklahoma. I can not make any better explanation of the bill than is made in the letter of the Secretary of the Interior indorsing it. It involves two or three important propositions, the most important of which is to avoid heavy litigation that will be started immediately unless the bill passes. I have nothing else to say unless there is a question.

The SPEAKER. The question is on suspending the rules and agreeing to the amendments and passing the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill as amended was passed.

## FEES OF DEPUTY UNITED STATES MARSHALS.

Mr. CARLIN. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. CARLIN. I desire to move to suspend the rules.

The SPEAKER. One moment.

Mr. CARLIN. Mr. Speaker, I raise the point of no quorum.

The SPEAKER. The Chair recognizes the gentleman from Georgia [Mr. BRANTLEY].

Mr. CARLIN. Then I will not raise the point ahead of the motion of the gentleman from Georgia.

Mr. BRANTLEY. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 25192 with an amendment.

The SPEAKER. The gentleman from Georgia moves to suspend the rules and pass the following House bill with an amendment. The Clerk will report the same.

The Clerk read as follows:

A bill (H. R. 25192) to amend section 11, act of May 28, 1896.

*Be it enacted, etc.*, That section 11 of the act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, approved May 28, 1896, be, and the same is hereby, amended to read as follows:

“SEC. 11. That at any time when, in the opinion of the marshal of any district, the public interest will thereby be promoted, he may appoint one or more deputy marshals for such district, who shall be known as field deputies, and who, unless sooner removed by the district court as now provided by law, shall hold office during the pleasure of the marshal, except as hereinafter provided, and who shall each, as his compensation, receive the gross fees, including mileage, as provided by law, earned by him, not to exceed \$1,500 per fiscal year, or at that rate for any part of a fiscal year; and in addition shall be allowed his actual necessary expenses, not exceeding \$2 a day, while endeavoring to arrest, under process, a person charged with or convicted of crime: *Provided*, That a field deputy may elect to receive actual expenses on any trip in lieu of mileage: *Provided further*, That in special cases, where in his judgment justice requires, the Attorney General may make an additional allowance, not, however, in any case to make the aggregate annual compensation of any field deputy in excess of \$2,500 nor more than the gross fees earned by such field deputy. The marshal, immediately after making any appointment or appointments under this section, shall report the same to the Attorney General, stating the facts as distinguished from conclusions constituting the reason for such appointment, and the Attorney General may at any time cancel any such appointment as the public interest may require.”

This act to take effect from and after July 1, 1911.

The SPEAKER. Is a second demanded?

Mr. BENNET of New York. Mr. Speaker, I demand a second.

The SPEAKER. The gentleman from Georgia [Mr. BRANTLEY] is entitled to 20 minutes and the gentleman from New York [Mr. BENNET] to 20 minutes.

Mr. BENNET of New York. I would like to say to the gentleman from Georgia that I do not know that I am opposed to the bill, and very likely a brief explanation may cause me to withdraw even my formal opposition.

Mr. BRANTLEY. Mr. Speaker, the only change this bill makes in existing law is to strike out the words “three-fourths of,” so as to allow these deputy United States marshals the full fees authorized by law. That is the only change that is made. The bill as it was originally introduced simply proposed to amend by striking out those words, but the Judiciary Committee thought it better to report the present law as it would read with these words stricken out.

The bill has the indorsement, and has had for several years, of the Department of Justice. It has the unanimous report of the Judiciary Committee. It is a just measure, and the purpose of it is simply that in certain localities the department has found it impracticable to secure efficient men when they are allowed only three-fourths of the fee fixed by law.

Mr. BENNET of New York. As I understand the gentleman from Georgia, this does not add anything to the number of deputies.

Mr. BRANTLEY. Oh, not at all.

Mr. BENNET of New York. But simply makes it easier for the department to get them.

Mr. BRANTLEY. It is recommended by the Department of Justice.

Mr. BENNET of New York. So far as I am concerned, I have no desire to use the time.

Mr. BRANTLEY. It does not change the cost at all.

The SPEAKER. The question is on agreeing to the motion. The question was taken; and two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

WAPATO IRRIGATION CO., CHELAN COUNTY, WASH.

Mr. HUMPHREY of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 32251) authorizing the sale of the allotments of Nek-quel-e-kin, or Wapato John, and Que-til-qua-soon, or Peter, Moses agreement allottees, as amended by the committee.

The SPEAKER. The Clerk will report the bill and amendments.

Mr. HUMPHREY of Washington. Mr. Speaker, I ask unanimous consent that the bill be read as amended.

The SPEAKER. The Clerk will report the amended bill.

The Clerk read the amended bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to sell to the Wapato Irrigation Co., on such terms and conditions as he may deem for the best interests of the allottees, so much of the lands in Chelan County, Wash., covered by trust patents issued to Nek-quel-e-kin, or Wapato John, and Que-til-qua-soon, or Peter, Moses agreement allottees Nos. 8 and 10, under the act of Congress approved March 8, 1906, as in his

judgment may be required to advantageously and economically complete and operate its irrigation project now in process of construction in Chelan County, State of Washington, including such land as may be needed for roads, bridges, ditches, flumes, dams, reservoirs, docks, landing places, and other works, and shall convey the lands so sold to the said company by patent in fee. The funds derived from the sale of said lands shall be conserved for the respective allottees or invested or expended for their benefit in such manner as the Secretary of the Interior shall determine.

Mr. FOSTER of Illinois. Mr. Speaker, I demand a second. The SPEAKER. A second is ordered under the rules. The gentleman from Washington [Mr. HUMPHREY] is entitled to 20 minutes and the gentleman from Illinois [Mr. FOSTER] is entitled to 20 minutes.

Mr. HUMPHREY of Washington. Mr. Speaker, I will say to the House, without desiring to take up much time, that this bill has been unanimously reported here and in the Senate.

The condition is this: The irrigation company named in the bill have a project under way, they have about 8 miles of their ditch constructed, and have now come to these two Indian allotments mentioned in the bill. These allotments are held by the Indians by what is termed trust patents, so the land can not be condemned under State law and the title is not in the Government, so that the company can proceed under the Government regulations for securing a right of way across the allotments. Unless the company can cross the land, the whole irrigation project will be blocked.

The irrigation project includes the rest of the Indian lands in the Wapato Reservation. The company must have a right of way across these allotments before much of the Indian lands can be irrigated.

Mr. BYRNS. What width of right of way is desired?

Mr. HUMPHREY of Washington. Only what is necessary. That is left to the discretion of the department. This bill was prepared in the Indian Commissioner's office. Mr. Valentine has approved it exactly as it now stands.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to say, with reference to this bill, that when it was considered in the Committee on Indian Affairs I was not present, and I desired to file a minority report; but I am now satisfied that the bill should pass and have filed no minority report. There seems to be quite an Indian reservation on what is known as the mesa out there, near to a range of mountains.

Mr. NORRIS. Will the gentleman yield for a question?

Mr. STEPHENS of Texas. Certainly.

Mr. NORRIS. I would like to ask the gentleman from Texas for information, whether there is any general law by which rights of way can be acquired across the Indian reservation.

Mr. STEPHENS of Texas. There is with reference to the State of Oklahoma, as I understand.

As the gentleman from Washington has stated, there is on this land a trust patent, issued to the two Indians named in this bill, and this bill applies only to the allotments of the two Indians named.

Mr. HUMPHREY of Washington. That is all.

Mr. STEPHENS of Texas. The main body of the land is away from the mountains, and it is necessary to carry the ditch over these lands. They have to condemn this land in order to get the water over the main body of the land below. It is necessary that the land be vacated so that the other Indians can be supplied with water.

Mr. BURKE of South Dakota. Mr. Speaker, if the gentleman from Texas will permit, I desire to say, for the information of the House, in answer to the question of the gentleman from Nebraska, that under existing law they could acquire the right to cross, ordinarily, by condemnation proceedings, but the law does not permit the acquiring of Indian title for a right of way across an Indian allotment for the promotion of private enterprises.

Mr. HUMPHREY of Washington. If the Indians had the absolute title, this land could be condemned under the State law of Washington.

Mr. NORRIS. This corporation which is seeking the right to go through these lands is one that is authorized under State law, and it is contemplating the operation of this ditch under State law, and under the State law, as I understand, they have a right to condemn land for rights of way.

Mr. HUMPHREY of Washington. Yes. They have already paid the other Indians \$70,000 in cash, and have agreed to irrigate 80 acres of land for each of the allottees for nothing, to give them a perpetual water right; but the failure to get a right of way across these two allotments blocks the entire project.

Mr. FOSTER of Illinois. How valuable are these lands that they propose to go over?

Mr. HUMPHREY of Washington. I have reports here by five different men representing the department, who went to investigate that question, and they say that the land in its present condition is worth probably from \$10 to \$20 an acre, and that it will be worth from \$100 to \$400 an acre when it is irrigated.

Mr. FOSTER of Illinois. How wide a strip of land do they propose to take?

Mr. HUMPHREY of Washington. That is not known. The bill leaves it with the department to give them whatever they need.

Mr. FOSTER of Illinois. Is this company going to get this right of way across this land for nothing?

Mr. HUMPHREY of Washington. Oh, no; they are to pay whatever it is worth, and they are perfectly willing to do it.

Mr. STEPHENS of Texas. They are to take nothing except what is necessary for the purposes of irrigation, as I understand it.

Mr. FERRIS. Are these the homesteads of these Indian allottees, or is it surplus land that the irrigation company proposes to cross?

Mr. HUMPHREY of Washington. I believe it is surplus Indian land.

Mr. FERRIS. How much land is allotted to each one of these Indians?

Mr. HUMPHREY of Washington. One of these Indians has 509 acres and the other has 616 acres. The land is a big allotment, but not very valuable. It is not worth very much in the shape which it is in.

Mr. FERRIS. How much of the land will probably be required to accomplish what they want to do?

Mr. HUMPHREY of Washington. I am not prepared to say. They only want to run irrigation ditches across it, and what they need for other purposes, to build and operate the company, but we left the determination of the details to the department.

Mr. FERRIS. I notice your amendment does not say "right of way." It provides that they may take as much of the land as they deem necessary to carry out their irrigation scheme. I wondered if they wanted to appropriate the whole tract, or do they merely want a right of way across?

Mr. HUMPHREY of Washington. The department changed the bill and put it in this shape, so that it can be left with them, we think. I may explain to the gentleman that it is hard to tell just how much they want, because while it is a long story and I do not care to take up the time of the House, the Indian who owns this land will not permit anyone to come upon it, and so it has been impossible to make surveys.

Mr. SAUNDERS. There are two of these Indians.

Mr. FERRIS. I understand it only affects four allotments.

Mr. HUMPHREY of Washington. It only affects two. There are five reports from different agents, who all say it is to the interest of the Indians that it should be done, as well as to the interest of the whites.

Mr. COOPER of Wisconsin. This irrigation company is a private corporation, of course?

Mr. HUMPHREY of Washington. Yes.

Mr. COOPER of Wisconsin. And by this bill it is proposed that the Secretary of the Interior shall take land which is private property, sell it for such price as may please him, turn the land over in fee to this private corporation, and then dispose of the proceeds of the sale as he sees fit.

Mr. FERRIS. If I may inject one thought, my experience with the Interior Department, if the gentleman from Wisconsin will permit me, is that they generally get all that these lands are worth, when bills are drawn in this way. I am sure that will be done.

Mr. BURKE of South Dakota. In our opinion, the Indians will get a very much larger sum through the Interior Department than they would get under ordinary condemnation proceedings, when the parties who would make the appraisement would be local and naturally prejudiced against the Indians, and the Indians would get the worst of it.

Mr. COOPER of Wisconsin. The comment I desire to make is that in the Constitution of the United States, as also in each State constitution, is an inhibition against the taking of private property by condemnation for any except public purposes. But by this bill it is proposed to take private property of the Indians, not by condemnation, but simply at the discretion of the Secretary of the Interior, turn it over to a private corporation, and not to permit the Indians who own the property to have anything whatever to say as to the terms upon which their property is to be sold, nor as to what shall be done with their money after the sale. The Secretary of the Interior is to do with the money as he sees fit.

Mr. LIVINGSTON. It is stated, however, that the two Indians are willing.

Mr. FOSTER of Illinois. No; I understand that they are opposed to it.

Mr. COOPER of Wisconsin. It may be that nothing wrong will be done in this case; but I am stating the naked legal aspect of this proposition, which is nothing more or less than the taking of private property practically by force and granting it to a private corporation.

Mr. HUMPHREY of Washington. If the gentleman will permit me, I will say that it is not for a private purpose, under the laws of our State. These irrigation companies have a right to condemn for such purposes. This company has already paid \$70,000 in cash to the Indians, and the department has invested it, and it has been of great benefit to the Indians.

Mr. COOPER of Wisconsin. Will the gentleman permit a suggestion right there? In condemnation proceedings, money paid into court does not belong to the court, but to the owner of the land condemned, and he usually has something to say as to what shall be done with that money.

Mr. HUMPHREY of Washington. This land is still held in trust by the Government for the Indians, or, in other words, the allottees have only a trust patent and will not have a complete title until 1916.

The SPEAKER. The question is on the motion of the gentleman from Washington.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

#### BRIDGE OVER WEYMOUTH BACK RIVER, HINGHAM, MASS.

Mr. WASHBURN. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 30273) for the relief of the city of Quincy, the towns of Weymouth and Hingham, and the Old Colony Street Railway Co., all of Massachusetts, with the amendment that I send to the Clerk's desk.

The Clerk read the amended bill, as follows:

*Be it enacted, etc.* That whenever there shall be fixed by the Legislature of the State of Massachusetts the proportion of the total expense toward the reconstruction, alteration, and repair of a bridge across the Weymouth Back River, on Lincoln Street, in the town of Hingham, in said State, made necessary because of the erection of a naval magazine and for other governmental purposes, to be paid by the Old Colony Street Railway Co., a corporation organized and existing under the laws of the State of Massachusetts, the town of Hingham, in Plymouth County, in said State, and the town of Weymouth and the city of Quincy, both in Norfolk County, in said State, there may be expended out of the sum of \$50,000, which is hereby appropriated, out of any money in the Treasury not otherwise appropriated, an amount not exceeding that sum, and not, in any case, to exceed one-half of the sum necessary to reconstruct, alter, and repair said bridge, to be determined by the Chief of Engineers. Said work shall proceed under the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

The SPEAKER. Is a second demanded?

Mr. SIMS. Mr. Speaker, I demand a second.

The SPEAKER. Under the rule a second is considered as ordered.

Mr. WASHBURN. Mr. Speaker, does my friend from Tennessee desire to ask me any questions?

Mr. SIMS. I will yield to the gentleman from Georgia [Mr. BARTLETT]. I do not see the other gentlemen who rank me in the committee and do not know that they want any time.

Mr. WASHBURN. Those gentlemen are all cognizant of this report and familiar with the matter.

Mr. SIMS. I do not see them at this moment. I will ask the gentleman from Massachusetts to explain the bill.

Mr. WASHBURN. Mr. Speaker, this bill authorizes the payment by the National Government of a sum of money not to exceed \$50,000, and in no event to exceed one-half of the cost of the rebuilding of a bridge between the towns of Hingham and Weymouth, in the Commonwealth of Massachusetts.

It appears that for many years—in fact, for nearly 100 years—there has been a wooden bridge across this Weymouth Back River for the accommodation of the traffic of that locality. That bridge contains a draw some 24 feet in width, which has been ample for the demands made by the river traffic. This stream is navigable only in name, and is used by a few small pleasure boats, and the existing draw is very rarely used.

The United States Government has recently bought all of the land on both sides of the river above this bridge for the purpose of erecting a magazine, which is to be moved from the city of Chelsea, and the Government use of the stream necessitates a draw 50 feet in width. These towns have been notified that the present bridge must be replaced before the 1st of June next.

Inasmuch as this stream is only navigable in name and the enlarged capacity of the draw is demanded solely for the use of the United States Government, it is thought to be only fair that the Government should participate in the cost of this bridge. I will make a more complete explanation of the matter,

Mr. Speaker, a little later, and reserve the balance of my time.

Mr. SIMS. Mr. Speaker, this is a matter for each Member of the House to judge of for himself. There is no legal liability on the part of the Government to reimburse or pay any portion of this amount, as is shown by the letter of the Chief of Engineers, on file with the hearings. But there are several gentlemen on my side that precede me in rank on the committee. So far as I am concerned I can not vote for this bill, thereby establishing the precedent of paying for bridges or any part of the cost of same when required in the interest of navigation to be removed or changed.

Mr. BARTLETT of Georgia. Mr. Speaker, the equities in this case presented by the gentleman from Massachusetts may be such as to appeal to Members to vote for the United States Government doing an unusual thing to aid these cities in Massachusetts to build this new bridge, but so far as I am concerned I was not able to bring my mind, however much disposed I felt personally to gratifying the wishes of my colleagues on the committee and the gentleman who presented the bill before the committee, to support it.

There is no minority report filed by the members of the committee, but some of us reserved the privilege to vote against the measure. I would not undertake to say what I am now going to say but for the fact that attention was called to the fact that it was not a unanimous report. I express simply my own views on the matter.

The purpose of the bill is to have the United States Government contribute \$50,000, or not to exceed that sum, or one-half of the necessary amount expended, in building a new bridge between the towns of Hingham and Weymouth, in the State of Massachusetts.

There is already a bridge there, and it becomes necessary either to build a new one or to widen the draw from 25 to 50 feet in order to permit boats to carry up freight to the place now occupied by the United States Government in certain public works. It is insisted by those who favor this proposition that because the United States Government purchased certain lands and it becomes necessary to have access up this stream, passing underneath this bridge, to get to that Government property, and because the United States will be the sole beneficiary almost, so far as increasing the size of the draw is concerned, that the Government should contribute to this expense. It is true that if any other person—a private individual, not the United States—had erected large works at this locality, and for the purpose of the business of that private person or corporation to carry on its business it became necessary to use this navigable stream, it would not be just or legal to demand that the individual should pay one-half of the expense of constructing a new bridge or a new draw. I do not know that it is a fact that this locality is benefited by the erection on this property by the United States of these public works, which are necessary to carry on the business of the Government of the United States in that locality, and I apprehend the United States did not buy this property nor erect buildings nor engage in the business of the Government of that locality over the protests of the citizens of that locality; but I am not ready to accept the proposition that whenever the United States locates upon a navigable stream its public works that the public highway, which may include a bridge across that stream, must be kept up in whole or in part by the United States Government. Therefore I am not willing by my vote to accede to the proposition that the United States ought in law or in equity or in justice to the citizens of that locality expend the people's money in this way.

Mr. FOSTER of Illinois. Mr. Speaker, if the gentleman from Tennessee will yield, I would like to ask the gentleman from Georgia a question.

Mr. SIMS. I yield five minutes to the gentleman from Illinois.

Mr. FOSTER of Illinois. Mr. Speaker, I would like to ask the gentleman from Georgia if there was a bill passed which granted the right to this company to build a bridge across this stream by the United States Government.

Mr. BARTLETT of Georgia. Yes; and there is already a draw in the old bridge of 25 feet.

Mr. FOSTER of Illinois. Did it then contain the provision that the National Government reserved the right to alter, amend, or repeal that act?

Mr. WASHBURN. Oh, there has been a bridge over that stream for over 100 years.

Mr. BARTLETT of Georgia. I stated that there had been a bridge there.

Mr. HUBBARD of West Virginia. There was no act of Congress permitting the erection of it and reserving the right to alter, amend, and repeal.

Mr. FOSTER of Illinois. Then they really had no right to build this bridge across this stream, had they?

Mr. MANN. Oh, yes.

Mr. FOSTER of Illinois. How did they get it?

Mr. BARTLETT of Georgia. They had a right to put it there, but the United States Government, whenever it became necessary for navigation, had a right to have it removed.

Mr. FOSTER of Illinois. Then how, under that provision, can they expect the National Government to contribute for the altering of this bridge?

Mr. BARTLETT of Georgia. They appeal to the United States Government to do so purely as a matter of equity.

Mr. MANN. When the bridge was built it was built by the local authorities. That was before the Government had assumed exclusive jurisdiction over the river. It was built probably by the local authority, but subject to the superior right of the General Government whenever it chose to order it away as an obstruction to navigation. It has now been ordered removed as an obstruction to navigation, because it interferes with navigation to this naval magazine, and the only reason for ordering it removed is to accommodate the Government. It makes a very great and burdensome expense upon the local municipalities to do this purely to accommodate the Government, and we thought that under the circumstances it would be fair for the Government to pay half of the expense, and that the local municipalities should pay half of the expense. There is no legal obligation on the part of the Government to do anything.

Mr. FOSTER of Illinois. Does the gentleman not think that it is setting a bad precedent for the Government to commence doing that when they have reserved that right? The citizens there have had the use of that for 100 years.

Mr. MANN. I will say to the gentleman that a few years ago we provided for the Hennepin Canal, which the gentleman knows about, in our State, and that required the canalization of Rock River for a short distance near the city of Moline, Ill. That also required the destruction of a bridge which the city of Moline had constructed at its own expense, and Congress made special provision, appropriated \$25,000 to rebuild that bridge, although there was no legal obligation to do that, it being across a navigable stream.

Mr. FOSTER of Illinois. Then it is a question of our moral obligation?

Mr. MANN. It is a question of our moral obligation.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

The SPEAKER. After recognizing the gentleman from Montana [Mr. PRAY] for a motion, the Chair, if agreeable to the House, when that motion is disposed of, will direct the call of the Unanimous Consent Calendar. [After a pause.] The Chair hears no objection.

#### LANDS AND FUNDS OF THE CROW TRIBE OF INDIANS.

Mr. PRAY. Mr. Speaker, I move to suspend the rules and pass the bill (S. 6995) with an amendment.

The SPEAKER. The gentleman from Montana moves to suspend the rules and pass the following bill, which the Clerk will report.

The Clerk read as follows:

An act (S. 6995) for the division of the lands and funds of the Crow Tribe of Indians in the State of Montana, and for other purposes.

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be surveyed all the unsurveyed land embraced within the limits of the Crow Indian Reservation, in the State of Montana, and to cause an examination of the same to be made by the United States Geological Survey, and if there be found any lands bearing coal, oil, or other valuable minerals, the Secretary of the Interior is hereby directed to reserve such lands from allotment or disposition until further action by Congress: *Provided*, That the Secretary of the Interior shall reserve any lands chiefly valuable for power or reservoir sites within said reservation, subject to such disposition as Congress may direct, and the Secretary of the Interior shall report to Congress annually all power and reservoir sites set aside and reserved under the provisions of this or any other act.

Sec. 2. That so soon as all the lands embraced within the said reservation shall have been surveyed, allotments of the same shall be made under the general allotment laws to all persons having tribal rights with the said Indians who have not heretofore received allotments of land and to all deceased children, born subsequent to December 31, 1905, who were entitled to allotment, by or for whom selection of land was made and duly recorded at the Crow Agency: *Provided*, That hereafter allotments shall be made under the provisions of this act to all children of Indians affected hereby so long as the tribe shall be possessed of any unallotted tribal or reservation lands: *Provided further*, That the Secretary of the Interior may reserve such lands as he may deem necessary for agency, school, and religious purposes, to remain reserved as long as needed and as long as agency, school, or religious institutions are maintained thereon for the benefit of said Indians: *And provided further*, That the Secretary of the Interior is hereby authorized and directed to issue a patent in fee simple to the duly authorized missionary board, or other proper au-

thority of any religious organization heretofore engaged in mission or school work on said reservation, for such lands thereon (not exceeding 162 acres to any one such organization and not included within any town site hereinafter provided for) as have been heretofore set apart to such organization for mission or school purposes: *And provided further*, That the Secretary of the Interior is hereby authorized to set apart and reserve the site known as the "Reno battlefield": *Provided, however*, That the lands to be so set aside shall be determined by the commissioners hereinafter authorized to inspect, classify, and appraise the surplus lands, subject to the approval of the Secretary of the Interior.

SEC. 3. That upon the completion of said allotments the President shall appoint a commission consisting of three persons to inspect, classify, and appraise all of said lands that shall not have been allotted in severality to said Indians, or granted, reserved, or otherwise disposed of by the terms of this act, said commission to be constituted as follows: One of said commissioners shall be a person holding tribal relations with said Indians, one representative of the Interior Department, and one resident citizen of the State of Montana. That said commission shall be governed by regulations prescribed by the Secretary of the Interior, and the classification and appraisement of all of said lands shall be subject to the approval of the Secretary of the Interior. That within 30 days after their appointment said commissioners shall meet at some point within the Crow Indian Reservation and organize by the election of one of their number as chairman. That said commissioners shall then proceed personally to inspect, classify, and appraise, in tracts of 160 acres each, all of the remaining lands embraced within said reservation: *Provided*, That irrigable lands shall be appraised in tracts of 40 acres each. The classification and appraisement of said lands shall be made according to the following classes: First, agricultural land; second, grazing land; third, mineral land, but the mineral land shall not be appraised; fourth, timber land which shall be classified without regard to acreage and shall not be appraised, but shall be reserved for the use of the Crow Indians, the timber thereon to be disposed of under the direction of the Secretary of the Interior. Said commissioners shall be paid a salary of not to exceed \$10 per day each while actually employed in the inspection, classification, and appraisement of said lands, and necessary expenses, exclusive of subsistence, to be approved by the Secretary of the Interior, such inspection, classification, and appraisement to be completed within one year from the date of the organization of said commission.

SEC. 4. That upon the approval of the classification and appraisement of said lands by the Secretary of the Interior they shall be disposed of under the provisions of the homestead, desert-land, mineral, and town-site laws of the United States, except as hereinafter otherwise provided and excepting sections 16 and 36 of each township, or any part thereof, for which the State of Montana has not heretofore received indemnity lands under existing laws, which sections, or parts thereof, are hereby granted to the State of Montana for school purposes. And in case either of said sections, or parts thereof, is lost to the State by reason of allotment thereof to any Indian or Indians, or otherwise, the governor of said State, with the approval of the Secretary of the Interior, is hereby authorized to select other unoccupied, unreserved, nonmineral, nontimbered lands within said reservation, not exceeding two sections in any one township, which selections must be made at least 60 days prior to the date fixed by the President's proclamation opening the surplus lands to settlement: *Provided*, That the United States shall pay to the said Indians in the manner provided for in section 6 of this act for the lands in said sections 16 and 36, so granted, or the lands within said reservation selected in lieu thereof, the sum of \$2.50 per acre.

SEC. 5. That said lands shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the time when and the manner in which they may be settled upon, occupied, and entered by persons entitled to make entry thereof, and no person shall be permitted to settle upon, occupy, or enter any of said lands, except as prescribed in such proclamation: *Provided*, That the rights of honorably discharged Union soldiers and sailors of the late Civil and Spanish Wars and the Philippine Insurrection, as defined and prescribed in sections 2304 and 2305 of the Revised Statutes, as amended by the act of March 1, 1901, shall not be abridged: *Provided further*, That the price of said lands disposed of under the homestead laws shall be paid in accordance with rules and regulations to be prescribed by the Secretary of the Interior, upon the following terms: One-fifth of the purchase price to be paid in cash at the time of entry, and the balance in five equal annual installments, to be paid in two, three, four, five, and six years, respectively, from and after the date of entry. In case any entryman fails to make the annual payments, or any of them, when due, all rights in and to the land covered by his entry shall cease, and any payments theretofore made shall be forfeited, and the entry canceled, and the lands shall be again subject to entry under the provisions of the homestead law at the appraised price thereof: *Provided, however*, That nothing in this act shall prevent homestead settlers from commuting their entries under section 2301, Revised Statutes, by paying for the land entered the appraised price, receiving credit for payments previously made. In addition to the price to be paid for the land, the entryman shall pay the same fees and commissions at the time of commutation or final entry as now provided by law where the price of land is \$1.25 per acre, and when the entryman shall have complied with all the requirements and terms of the homestead laws as to settlement and residence and shall have made all the required payments aforesaid he shall be entitled to a patent for the lands entered: *And provided further*, That all lands remaining undisposed of at the expiration of five years from the opening of said lands to entry may, in the discretion of the Secretary of the Interior, be reappraised in the manner provided for in this act, and sold to the highest bidder for cash, under such regulations as the Secretary may prescribe, in tracts not exceeding 320 acres to any one person, but no land shall be sold at less than the appraised valuation.

SEC. 6. That from the proceeds arising from the sale and disposition of the lands aforesaid, exclusive of the customary fees and commissions, there shall be deposited in the Treasury of the United States, to the credit of the Indians belonging and having tribal rights on the said reservation, the sums to which the said tribe may be entitled, which shall draw interest at 4 per cent per annum; that the moneys derived from the sale of said lands and deposited in the Treasury of the United States to the credit of the said Indians shall be at all times subject to appropriation by Congress for their education, support, and civilization: *Provided*, That the provisions of article 2 of the act approved April 27, 1904, entitled "An act to ratify and amend an agreement with the Indians of the Crow Reservation in Montana, and making appropriation to carry the same into effect," be, and the same hereby are, amended so as to repeal so much of the said act as has not been here-

fore carried into effect, directing specific disposition of the proceeds of the sale of the ceded portion of the Crow Reservation, and that all the funds provided by said article not heretofore specifically disposed of, be, and the same hereby are, directed to be deposited in the Treasury of the United States to the credit of the Crow fund herein provided for.

SEC. 7. That nothing in this act contained shall in any manner bind the United States to purchase any part of the land herein described, except sections 16 and 36, or their equivalent, in each township, that may be granted to the State of Montana, the reserved tracts hereinbefore mentioned for agency and school purposes, or to dispose of lands except as provided herein, or to guarantee to find purchasers for said lands, or any part thereof, it being the intention of this act that the United States shall act as trustee for said Indians to dispose of said lands and to expend and pay over the proceeds received from the sale thereof only as received.

SEC. 8. That before any of the land is disposed of as herein provided, and before the State of Montana shall be permitted to select or locate any lands to which it may be entitled by reason of the loss of sections 16 or 36, or any portions thereof, by reason of allotments thereof to any Indian or Indians, the Secretary of the Interior is authorized to reserve from said lands such tracts for town-site purposes as in his opinion may be required for the future public interests, and he may cause same to be surveyed into lots and blocks and disposed of at public auction under such regulations as he may prescribe, in accordance with section 2381 of the Revised Statutes of the United States; and he is hereby authorized to set apart and reserve for school, park, and other public purposes not more than 10 acres in any town site, and patents shall be issued for the lands so set apart and reserved for school, park, and other public purposes to the municipality legally charged with the care and custody of lands donated for such purposes. The purchase price of all town lots sold in town sites, as hereinafter provided, shall be paid at such time and in such installments as the Secretary of the Interior may direct, and he shall cause not more than 20 per cent of the net proceeds arising from such sales to be set apart and expended under his direction in aiding the construction of schoolhouses or other public buildings or in improvements within the town sites in which such lots are located. The net proceeds derived from the sale of such lots and lands within the town sites as aforesaid, less the amount set aside to aid in the construction of schoolhouses or other public buildings or improvements, shall be credited to the Indians as herein provided.

SEC. 9. That there is hereby appropriated the sum of \$400,000, or so much thereof as may be necessary, to pay for the lands granted to the State of Montana for school purposes and the Reno battlefield site at the rate of \$2.50 per acre. And there is hereby appropriated the further sum of \$100,000, or so much thereof as may be necessary, for the purpose of making the survey, appraisement, classification, and allotment provided for herein: *Provided*, That the latter appropriation, or any further appropriation hereafter made for the purpose of carrying out the provisions of this act, shall be reimbursed to the United States from the proceeds from the sale of the lands described herein or from any money in the Treasury belonging to said Indian tribe.

SEC. 10. That the lands allotted, those retained or reserved, and the surplus land sold, set aside for town-site purposes, granted to the State of Montana, or otherwise disposed of, shall be subject for a period of 25 years to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country.

SEC. 11. That entrymen under the desert-land law shall be required to pay one-fifth of the appraised value of the land in cash at the time of entry, and the remainder in five equal annual installments, as provided in homestead entries; but any such entryman shall be required to pay the full appraised value of the land on or before submission of final proof: *Provided*, That if any person taking any oath required by the homestead or desert-land laws or the regulations thereunder shall swear falsely in the premises, he shall be subject to all the pains and penalties of perjury and shall forfeit the money which he may have paid for said land and all right and title to the same; and if any person making desert-land entry shall fail to comply with the law and the regulations under which his entry is made, or shall fail to make final proof within the time prescribed by law, or shall fail to make all payments or any of them required herein, he shall forfeit all money which he may have paid on the land and all right and title to the same, and the entry shall be canceled.

The SPEAKER. Is a second demanded?

Mr. STEPHENS of Texas. Mr. Speaker, I demand a second.

The SPEAKER. Under the rule a second is ordered. The gentleman from Montana is entitled to 20 minutes and the gentleman from Texas to 20 minutes.

Mr. PRAY. Mr. Speaker, before making a statement on this bill, I desire to yield a half minute to the gentleman from New York [Mr. ALEXANDER].

Mr. ALEXANDER of New York. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record, which shall include the address of the gentleman from Massachusetts [Mr. McCALL] delivered last summer at Portland, Me., upon the occasion of the unveiling of the monument of the Hon. Thomas Brackett Reed, late Speaker of the House of Representatives. Mr. McCALL's address is characteristic of the distinguished writer. It is more than an address—it is literature. It illustrates and illuminates life in this body by presenting the career of one whose national service was wholly identified with the House of Representatives. Speaker Reed was a leader of his party here for 16 years, a longer time, I believe, than that position has ever been filled. He was not merely a great Speaker, but he was a brilliant debater and forceful leader upon the floor. Very often a man who has served with distinction in the House becomes a Member of the Senate, but some of the very greatest statesmen in the history of the country has seen their only congressional service in the House of Representatives. Among them may be mentioned Madison, Lincoln, Garfield, McKinley, and Reed. Names like these would assure the historic standing of any assembly.

Mr. Speaker, Mr. McCall presents the brilliant service of the last member of this remarkable quintette not only with vigor and thoroughness but with the felicity and fidelity of one who is himself fitted by a long and distinguished career to portray exalted service in this House. I am sure that every Member of Congress will be glad to possess a copy of this address, and I ask unanimous consent to extend my remarks in the Record so as to include it.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The address is as follows:

THOMAS BRACKETT REED.

(By Hon. SAMUEL W. McCALL.)

A statue of a human figure, which does not represent a mere abstraction but a real and once breathing man, draws much of its significance from the nature of the forces creating it and also from a fit association with the spot where it is reared. At a time when government is expected to do everything, it is becoming quite too much the fashion to build monuments by law and pay for them by money taken by taxation from the people. The tribute thus rendered involves no special sense of sacrifice on the part of any human being. It is indeed cold compared with that which is paid by voluntary gifts and comes springing from the hearts of the givers. In one of the public squares of Washington stands a figure of Lincoln. It is not striking merely as a work of art, but it acquires a beauty and a pathos from the fact that it was reared by many small gifts from men and women whom his immortal proclamation had made free. It is surely a felicity that the statue of Thomas Brackett Reed which you unveil to-day should have been raised by the free gifts of those who knew and loved him and not from a levy upon any public treasury. Nothing could be happier also than its association with the spot where it is placed. It is ideally fitting that it should stand in the streets where he once played as a boy, in the city where he was born and lived nearly his whole life through, and where he now rests from his labors. I imagine you did not have in mind at all the last sentence of that beautiful speech of his spoken here a quarter of a century ago, but how perfectly this occasion seems to respond to it:

Whatever fame great achievements may bestow, whatever honors the world may give, it is ever the most cherished hope of every seeker after fame or fortune to be kindly remembered and lovingly honored on the spot which gave him birth.

It is no common thing for the citizens of a city like this, the commercial capital of a great State, to set up a statue in its streets, and we are now to render some answer to the question, What reason justifies this hour and what is its real meaning? The answer was simpler, although the occasion had no greater merit when you were putting up the statue of Longfellow; and it was simpler because of the difference in the nature of their work between a poet and a statesman. The statesman lives in the field of practical controversy; the poet in the realm of ideals. It is not an uncommon fate of poets to be neglected in their lifetime and to have their birthdays celebrated in after generations. But the statesman is feted in his life and too commonly forgotten when he is dead. It is not difficult, I think, to find the reason for this difference. The poet, if he be a real one as yours was, deals not with the shifting conditions of the time, but with what Sainte-Beuve called "the eternal humanity." Time takes little from the sweetness of his songs, and ages after he is gone they go as freshly and as warmly to the hearts of men as when they first dropped from his lips.

And the genuine poet sings not merely to other ages, but to other countries than his own, and there is a simplicity and a universality to his fame. But the statesman has to do with the complex machinery of the State, never more complex than now, and however ardently he may wish to realize his ideals and fly above the clouds, he may not get too far from the earth without coming suddenly too near it with the vast interests in his keeping, in the collapse of a general ruin. He deals, too, with the shifting sands of popular opinion instead of with the "eternal humanity," and the absorbing issues of to-day are thrust aside by the aggressive issues of to-morrow and are forgotten. Much of his work is blended into the general aggregate of social achievement and does not stand visibly by itself. His fame is less universal since the barriers of patriotism often hedge it in. But yet he richly earns the gratitude of his time and of posterity, if he does his duty well, for the State is an indispensable instrument of civilization, making it possible for men to thrive, for cities to spring up, for poets to sing, and, indeed, for society to exist. And so you honor to-day one who deserved the name of statesman in the noblest meaning it can have with us, since it is men like him who keep the idea of representative government from dying out. He was not lacking in the practical touch demanded by the nature of his work, and

yet practical as his work was we shall see how finely and firmly he lived up to his ideals.

In order the better to understand what manner of man he was, let us consider the character of the stock from which he sprung. For two centuries before he was born his ancestors in nearly every line dwelt along the seacoast now included in Maine. It was not one of the great settlements which George Cleve, himself an ancestor of Reed, planted on the shores of Casco Bay, but no other settlement in America can claim a more stirring and dramatic history. Cleve was as masterful a man as ever led out a colony to found a new empire. He was an independent in religion, but his little settlement was not entirely made up of those who believed in his own creed. The Royalist, free-living element among them occasionally became conspicuous and gave themselves some of the pleasures of life, although it is not easy to imagine a narrower range of gayety than that spread before them. After a little time Massachusetts asserted its title to this coast, and, with the aid of the whipping post and the ducking stool, planted a civilization here upon the most austere Puritan models. The Cleve settlement was upon a dangerous frontier, with the Indian and Frenchman to the north. More than once during its first century it was all but obliterated in Indian wars. Portland was depopulated and remained a waste place for a generation. The original settlement was almost purely of the Germanic or Anglo-Saxon stock, Puritan chiefly, though with a touch of what was called the Cavalier, and it was augmented by additions from the Massachusetts Puritan and Pilgrim, and later by an infusion of the Scotch-Irish and the Huguenot bloods.

But it remained decidedly Anglo-Saxon. Two centuries after it had been planted it is doubtful whether a population more purely of the English blood could have been found anywhere, either in the old country or in the new. It was thus of the great imperial race of the world. From one motive or another, that race has spread from its little island nest into the empty lands over all the habitable globe, carrying with it a genius for self-government and planting everywhere free commonwealths. Its instinct for government is so persistent that even when it has emptied the jails of London and sent forth penal colonies, it has after a time, like flowing water, worked itself pure and exhibited again the spirit of orderly government. Sidney Smith was not simply employing the touch of the satirist when he predicted that the time might come when some Botany Bay Tacitus would record the crimes and splendors of an emperor lineally descended from a London pickpocket.

The men who founded the State of Maine were the choicest specimens of the English race. They were willing to face the perils of the ocean, at that time terrible in reality and more terrible still to the imagination; to brave a rigorous climate; to strive to wring a living from an infertile soil and from the sea; and to wage long wars against the red man in order that they might enjoy civil and religious liberty. While the original purity of the stock has been unimpaired, the psychologists of the Nation tell us that a new race practically has been evolved from this intense struggle and this new environment, with strong new qualities grafted upon the old.

Reed's first ancestor of his name in this country apparently came to Salem, Mass., about 1630, and the son of this ancestor found his way to Maine. Reed never concerned himself much about his remote pedigree. He accepted himself as he was without a wish to invoke in his behalf the merit of ancestors, content to know the general character of his stock. He once proposed a toast to Maine, settled, as he said, "chiefly by the blood of old England, but always preferring liberty to ancestry." His ancestors, he once remarked, never held any position of great emolument, judging by his own financial condition when he arrived. There can be no doubt, however, of the excellency of the individual lines blended in him, containing as they did the George Cleve and the Massachusetts Puritan and Pilgrim strains. Some of his ancestors were captured or killed in the Indian wars, and another was with Paul Jones when he captured the *Serapis*. His own father was a sea captain commanding sailing vessels in the coasting trade, a calling which required authority and courage.

Reed was very fortunate in his education. In his later years he declared that he had long thought it the greatest good fortune of his life that he had spent five and one-half years under Master Lyford, a famous teacher of the Portland Boys' High School. After a thorough preparation he entered Bowdoin College at the age of 16. The modern college had not then come into existence, and Bowdoin offered a course containing much Latin, Greek, and mathematics, with few or no elective studies, and gave the rigid discipline of the best American colleges at that time. It was a discipline that has bred scholars and poets and statesmen, teaching them how to think and write

and speak. At the head of the faculty was Leonard Woods, probably as cultivated and cosmopolitan a president as could be found in any college of that day. He had with him a small band of professors, nearly every one of whom was so distinguished as to be known even to this time outside the circles of his own college. After four years of study in close personal contact with such men he was graduated, almost the youngest man in a class numbering 55, of whom he was the leader in scholarship in the senior year and the fifth in average rank for the entire course. Aside from the regular work, he took the prize in writing, was an editor of the college paper, and was active in sports and in the social life of the college. We get a fascinating glimpse of him and of his care-free manner in a passage in one of his letters describing a long walk which he took upon a brilliant winter evening, when he would occasionally rest by throwing himself on his back upon high snow-drifts and gaze wonderingly upon the planet Jupiter. Enough is known of his college career to permit us to see his natural and easy growth and the spirit in which he strove to fashion himself in that bright morning time—

Ere the hot sun count  
His dewy rosary on the Eglantine.

Those were four happy and fruitful years which he passed going in and out beneath the Brunswick elms, and there were few college men of that time who might not have envied him his opportunities for real culture and the manner in which he improved them. Like many another American boy, he was forced to rely somewhat upon his own efforts to meet his college expenses. There is an ideal touch in the circumstance, as if to prefigure his own career, that he was helped by another son of Bowdoin of kindred character who has won honorable place in the history of his country, William Pitt Fessenden. In the letter conveying payment of the full balance of the loan and interest young Reed gratefully wrote Fessenden:

I have seen enough of the world to know that I might live as long again without finding a man who would do such an act of kindness in so kind a manner.

In taking account of the special influences which helped to mold his mind and fit him for the work he was to do, we must not overlook his service in the Civil War and his residence in California.

He was accustomed afterwards to speak lightly of his career of something more than a year as assistant paymaster in the Navy, as indeed he was wont to speak lightly of anything that might seem to increase his own personal importance. It was one of the precepts which he used to impress with a touch of drollery that "we make more progress by owning our faults than by always dwelling on our virtues." He might well have pointed out that when the ship sinks the paymaster is as likely to go down as is the fighting sailor, but he said the Navy meant to him "not the roaring wind and the shrieking shot and shell but smooth water and the most delightful time of my life." The Mississippi River, where he saw the most of his service, was at that time a scene of unsurpassed dramatic interest, and the time spent upon it, whether in fighting or not, broadened his experience greatly, just as his residence in California in the formative days of that community widened the outlook of the future statesman.

His career at the bar was admirable in its training for the public service. It was of the sort to develop whatever talent he had for the law, a talent that was certainly great. In his first five years of practice he established himself so notably that he was made the attorney general of his State when but 30 years old, the youngest age at which that office has ever been held in Maine. He was attorney general for three years during a time when the office dealt with a great variety of litigation, some of it as important as could engage the attention of a lawyer. He filled the place with great success. Then, for four years he was counsel for the city of Portland. Thus, after a dozen busy years in which he maintained himself in the courts against lawyers of eminence, a period long enough to train him thoroughly as a lawyer and not so long as to put his faculties in perpetual slavery to that calling, and after a service in both houses of the Maine Legislature, he was elected to Congress at the age of 37.

The term of Reed's first Congress began on the day when Gen. Hayes took the oath of office as President, an event which, if it did not inaugurate a new era, emphasized with a good deal of clearness an important transition in our history. It marked the end of State governments supported by national bayonets and witnessed the restoration in form at least of civil government throughout the Union. At the first look, the 4th of March, 1877, appeared to usher in a time of political sterility succeeding an heroic age. We had witnessed so many signal events compressed within a brief period; we had fought among

ourselves the greatest of wars; had freed 4,000,000 slaves, and had at once made them, so far as paper could do it, equal self-governing members of our great democracy, and the doctrine of equal rights, both civil and political, had never before in the history of the world been practically applied on so stupendous a scale.

After these achievements we had become politically blasé and the ordinary routine of prosperous government was sure to pall upon the senses. We were attuned to the spectacle of having society abstractly reconstituted every election day according to the most ideal models. The time that was coming in might seem humdrum, because it was to succeed so impatient a régime when we strove to attain in a day an ultimate perfection and to experience all the sensations that come to a nation in a very long lifetime.

But important questions were pressing themselves forward, not in a dramatic fashion, but with the quiet persistency with which natural laws compel attention, serious questions of governmental honesty, of finance, of the standard of value of our money, of taxation—all vitally involving not merely the prosperity but the honor and even the stability of the Nation. President Hayes courageously grappled with the new order. Although under the shadow of a clouded title, he won such success as to reestablish his party and, what is of far greater consequence, to deserve the gratitude of the oncoming generation.

It was at the moment of this transition that Reed first took his seat in the House as a Republican. In the general principles of his party he firmly believed. Above all else he was possessed with the passion for human rights, which was the noblest heritage of the war. All issues relating to that as well as the supremacy of the Central Government within its sphere, the war had settled large for him. The House is a forum where, as he afterwards said, "distinction won in other fields of endeavor will gain a man a hearing for the first time, but not afterwards." Although he had a brilliant career at the bar and as a member of the Maine Legislature, he had established no reputation of the sort that would precede him to Washington. He went there with the ordinary passports of the new Member, and his career was entirely before him. With his ideal equipment for the work of the House, however, it was inevitable that he should speedily establish himself.

The first real opportunity came in his appointment to the committee to investigate charges of fraud in connection with the presidential election. The manner in which he performed his part of the work attracted the attention of the country. Most of the Republican leaders were disqualified from membership by the terms of the resolution, and, although a new Member, Reed was appointed. On the other hand, his political opponents were the seasoned veterans of their party. As he said of them, "the household troops were ordered up." In a short offhand speech upon the subject of the investigation, called out by an incautious attack by a Member of the opposite party, he first gave the House a touch of his unique qualities as a debater. In that speech he displayed to such advantage his sarcastic humor, his power of repartee, and his force of argument, that he took rank at once as the most formidable debater upon his side of the House.

To trace minutely his course during his service in the House would be to write a history of all the important legislation of that period. I shall refer only to those subjects that clearly overshadowed all others in the contests of that time. We now approach a field which has not yet passed exclusively into the domain of the historian. Some of the political questions of that day are still in issue and others have been so recently removed from politics that the fires yet smolder near the surface, compelling one to walk with caution.

Upon the questions relating to the standard of our money, no clear line of division separated the parties. Members of each party were to be found upon both sides. Reed had expressed the opinion that a large majority of the American people favored inflation during the administration of President Hayes and that his courageous veto by arresting attention gave them a chance for reflection. Certainly their Representatives were ready to pass by large majorities bills for printing more greenbacks and for coining light-weight dollars. The wickedness of the "bloated bondholder" seemed for the moment to engage the attention of that class of orators never absent in a democratic government who seek to win the suffrages of the people by inflaming them with a sense of fancied wrong. Reed's course from the outset was notably consistent. He stood resolutely for the maintenance of the gold standard. From the time when he opposed the coinage bill of 1878 until the final popular decree in 1896, he was the most potent force in the House of Representatives for maintaining gold as the standard of our money. The device em-

bodied in the Sherman law, he was persuaded, was necessary to forestall the passage of a free-coinage bill, but he strongly supported President Cleveland's effort to repeal that law, and under his leadership the far greater number of his party associates in the House voted for repeal. He gave the President unflinching support throughout the whole of the splendid fight which he made for maintaining the integrity of our money.

As a constitutional result of the war, the black man was counted equally with the white in apportioning Representatives among the States, and the suppression of his vote gave to the war the practical result of greatly increasing the political power of the southern white man in the National Government. Reed stood by the position of his party in favor of an election law to enable the vote of the colored man to be safely cast and honestly counted in all national elections. The time was still hot with the passions of the war and some of its fiercest parliamentary contests were waged over this question.

The tariff struggle has been a perennial one since the adoption of the Constitution, and it was then particularly raging. Five general revisions of the tariff passed the House while Reed was a member of it—two Democratic and three Republican—although the essential difference between them justified very little of the heat displayed in the controversy. Reed believed in encouraging manufactures, although the argument that seemed most strongly to weigh with him was of a social character and was based upon our higher standard of living, which required a higher wage than in the countries with which the competition was most keen.

As a debater and parliamentary leader he must be accorded high rank. For nearly the entire period of his service the parties were so evenly balanced in the country that no party could be said to be in control of the Government. The House was usually Democratic, the Senate Republican, while the Presidency alternated between the two parties. From 1877 to 1889 all the three parts of the legislative machine were not controlled by the same party at any single time, except for a period of two years. The Democratic Party, so long victorious before the war, was again reviving; and having control of the great popular branch of the Government, the House became the theater of the struggle, and it was there that the contest was most bitterly waged for the possession of the Government. I doubt if there has been another period of equal length in our history when the House was the scene of so much desperate party warfare, so much fighting of the short-sword order, and when there was a more imperative call for the qualities that fit men for intellectual combat. The Democratic Party was represented in that body by a group of extremely able men, comprehending a wide diversity of talent. In the combination of resources which they presented it would be difficult to match them at any other time in the history of the House. It had parliamentary leaders and debaters like Carlisle, Randall, Crisp, and Turner, orators like Wilson, Cochran, and Bryan, and the list of its members possessing a really high order of talent might be much further prolonged. The necessity of the situation required the Republicans to keep their strongest man at the front. There are times when the demands of the place are less exacting and some man of fairly respectable talent may be chosen by political intrigue in preference to a stronger man and may successfully go through the forms of leadership. But in this instance the best was none too good, and it is no disparagement of the Republican membership to say that when Reed became its leader he was so preeminently the man for the place as to stand in a class by himself; and from that time until he left the House 16 years later he remained at the head of his party, the longest period that any man has been the leader of a party in either the Senate or the House. Men have been successful at the head of an opposition who have failed in attempting to lead a victorious party. Others have lacked in the fertility of resource necessary to attack who yet with a majority about them could stubbornly conduct a defensive battle. But Reed had the well-rounded qualities that made him equally successful both as minority and majority leader. He is, however, more interesting as minority leader, because in the evolution of our political institutions it became the custom to make the leader of the majority in the House the Speaker, and the limitations of that office were not so well adapted to his temperament as was the freedom of the floor. For 10 years he led the minority, sometimes with a force at his back nearly equal to that of his antagonists and sometimes with a little band behind him outnumbered 3 to 1. It is the simple truth to say that great and varied as was the array of talent against him, he never was overmatched and he never appeared to have all his reserves brought into action.

Let us take some account of his equipment. His appearance was most impressive. Giant as he was in stature, he looked

every inch a leader. His very look fixed the attention of the House. He was slow and distinct in enunciation, with a powerful and strident voice capable of cutting through the confusion and penetrating to the farthest recesses of the enormous hall. He always used the lower tones of his voice, some of which were of great sweetness. He spoke without visible effort, rarely making a gesture, and a fine, strong light shone from his brilliant eyes, although in moments of great excitement they blazed with a consuming fire.

His mind was a fit companion to his body. He had a remarkable power of statement, and when he was dealing with his opponent's case, instead of stating it first and then overthrowing it, he would often demolish it in the statement itself. "What the House likes best," he once said, "is plain statement, hard hitting, and sense enough to know when one is done." He was able to seize unerringly upon the vital point in a controversy, and he would not concern himself over the little issues. He had the good taste to speak simply. He saw things clearly, could express his exact meaning in admirably chosen words, and his sentences were without a blemish from the standpoint of form. As to the commonplace shifts of the orator, the balanced periods and the worked-up passages, he never patronized them.

But his preeminent quality was his humor, a quality until recent times very little used in public speaking, judging from the examples that have come down to us. Prior to the middle of the nineteenth century oratory with us seems to have been a desperately serious calling. One would no more look for a joke in one of the approved speeches of that time than in a demonstration of Euclid. And some real humor would certainly mitigate their reading very much. Even that prince of orators, Daniel Webster, would be more widely read if he had not so sternly restrained the sense of humor which he undoubtedly possessed. Reed's humor often showed the finish and perfection of the finest wit, but there were no small barbed arrows in his quiver. It was rather, like the body of his argument, the play of heavy artillery, and it could as effectively sweep the field.

His willingness to accept battle was superb. What was said of a famous debater in the British Parliament could truthfully be said of him: "He went out in all weathers;" but the weather that delighted him most was the storm; and no weather seemed so rough as to disturb his coolness and self-control. His speeches will usually be found in the Record just as he delivered them. He did not emulate some of the great orators of former times, not to mention our own, and struggle with an occasion after it had passed by. He had not the habit of withholding his speeches for revision, to clothe them with a rhetoric which he would have spoken, but they were printed the next morning as they had been delivered.

He never wasted words. "Speech," he once said, "dies upon the empty air. Better a pound of fact than a shipload of language." During his service in the House it is doubtful if he made a half dozen speeches as long as a half hour, and the length of the greater number of them would not exceed five minutes. Those short speeches light up the Record and are models of their kind, making the situation clear and bringing the House to a sense of what it was doing. On two occasions only did his speeches approach two hours in length, one being the closing argument for his side against the Mills tariff bill and the other the closing argument against the Wilson bill. Each occasion was the culmination of a long and bitter party controversy. The Mills bill embodied the central policy upon which Cleveland's campaign for reelection in 1888 was to be waged. The tariff was much discussed in those days, and in three successive presidential elections it was the overshadowing issue. It filled the mouths of our statesmen with large figures, and their contributions to the "dismal science" were usually in keeping with its name. An ancient tariff speech, of all speeches in the world, is not apt to be the most entertaining reading, but Reed's speech on the Mills bill is worth reading even to-day. There are indeed few congressional speeches of equal length that will bear reading so well. It has none of the wooden qualities of the spoken essay, no particle of the ornate fustian which so often made the pretentious speech of the last century such a thing of terror, but it is a fighting speech, glowing from beginning to end, full of irony, argument, wit, and eloquence, and was equally effective at the moment, and when read later in the campaign it was chiefly meant to influence.

The debate upon the Wilson bill took place at the climax of the tariff agitation. It was the dramatic moment of a political battle running through all of Cleveland's contests for the Presidency.

In the first he was elected, in the next defeated, and at last again victorious, and for the first time supported by both Houses of his own political faith, he was at the head of a party re-

sponsible for the passage of a tariff bill, and one was about to be enacted which pleased nobody and which he himself refused to sign. The closing of the debate in the House presented a memorable spectacle, fitly marking the culmination of this long political struggle. The Capitol could scarcely contain the throng, and the great Chamber and its galleries were crowded to suffocation. Although the speech of Reed on that day began with the statement that "if anything seems to have been discussed until human nature can bear it no more, it is the tariff," both in its immediate effect and as it is read in the Record, it was worthy of a great occasion and measures up to the best standards of parliamentary eloquence.

I believe that he has not been excelled as a debater by any man ever in the House of Representatives. There have been orators who have given more attention to rhetorical finish, but no man has surpassed him in the history of the House, certainly for three-quarters of a century, in power of condensed statement, in a destructive ridicule, and in the stately and even flow of his speech, massive and strong. He appeared to the best advantage in his short speeches. That is not true of some of the other great parliamentary speakers. Take, then, either of his two longest efforts in the House, to which I have just been referring, that on the Wilson bill or that on the Mills bill. Read it by the side of any other debating speech you may select, either from the House of Commons or the House of Representatives, taking, however, a speech of the modern era, when shorthand reporting had been developed, that you may know you are reading a real speech and not an imaginary oration with the fine outbursts and beautiful periods, the careful result of afterpreparation. I believe that Reed will stand the test so far as the reading is concerned. Then if you wish to imagine the immediate effect, remember that his delivery exactly fitted what he said, and that in action he looked the 20,000-ton battleship, with all its range of armament, its great and little guns in full play, and that with his variety and force of attack he seemed at the time invincible.

Reed, as minority leader dealing with the rules, was always engaging the other side and putting its leaders to the necessity of using all their wits. No man ever had a better command of the procedure of the House. He played the parliamentary game hard, but played it according to the rules, and he never sought to embark the House upon revolution.

While as minority leader he was opposed to legislative anarchy, as leader of the majority he stood equally against legislative impotency. More conspicuously than with any other thing his name is identified with the overthrow of a system which enabled a minority, by refusing to vote, to produce a legislative paralysis and for negative purposes to control the action of the House.

Speaker for six years, under the long-established practice of the House he was therefore its leader. He stated with exactness the character of the speakership when he was first chosen. In a speech, none the less admirable because in point of brevity it was at the time probably without parallel upon a like occasion, he said that under our system as developed the duties of his office were both political and parliamentary.

So far as the duties are political, I sincerely hope that they may be performed with a proper sense of what is due to the people of this whole country. So far as they are parliamentary, I hope with equal sincerity that they may be performed with a proper sense of what is due to both sides of this Chamber.

Our speakership undeniably possesses this dual character and the question is often asked why it should have taken on the political aspect, when the speaker of the British House of Commons is in effect a judicial officer. The chief reason may be found in the difference between our parliamentary systems. In England there is an intermingling of the executive and legislative functions. All the ministers of the Crown are members of the one legislative chamber or the other. The leading minister in the House of Commons is the leader of that body. He and his colleagues in office direct its affairs and conduct the Government under their responsibility to the Commons. When they fail to command a majority they go out of office. But we have no cabinet system. We do indeed have what is called a Cabinet, but its members are purely executive subordinates of the President, a species of magnificent head clerks, and are entirely lacking in parliamentary functions. The Constitution contemplated separate departments, with Congress in a region by itself passing laws, and the President in his own secluded domain executing them, with an occasional formal message "on the state of the Union." But no great government can be effectively run with the two branches of its central political department only upon formal speaking terms, with the President sending coldly constitutional and polite notes to Congress and the latter in its own good time replying or not as it should see fit to do. To insure that harmony which is essential in

the workings of all the parts of such a vast and complex governmental machine, there must be practical ways of reaching an intimate understanding. Through a process of evolution the speakership had come to be an important instrument in supplying the apparent gap left by the Constitution between the executive and legislative departments and to put them upon more workable terms. It presented the advantages of a centralized leadership representing in the first instance the popular branch of the legislature and tended to secure a measure of the unity in government secured by the cabinet system. And as a balance to the President, such a commanding figure on Capitol Hill, always responsible to the House and subject to being overruled by it, has operated as a check upon the obvious tendency to autocracy incident to the growth of the Government and the centralization of power at Washington.

The central and dramatic event in Reed's speakership was the counting of the quorum. The large number of the quorum required in the House, eightfold larger than that of the British House of Commons when the difference in the number of members is taken into account, makes it difficult for the party in control to maintain a quorum out of its own membership, unless its majority is very large. It had for many years been the settled practice for the minority to attempt to defeat legislation to which they were opposed by abstaining from voting when they could not accomplish the same result by directly voting against it. Thus the majority had frequently been compelled to abandon legislation. The majority of the House might actually be present, but the method of determining its presence had been by the vote, and if a majority had not voted upon the roll call business could not proceed. In Reed's first speakership his party had a very small majority. After a roll call upon a party question when less than a quorum of Members had responded to their names, although many more were present, he directed the Clerk to note the presence of those who were present but had not voted. Thus a quorum was made up, and the vote was announced in favor of the proposition which had received a majority of those who had seen fit to vote. His reasons were simple, and they were unanswerable from the constitutional standpoint. If Members could be present and refuse to exercise their function—

the provision of the Constitution giving the House power to compel attendance of absent Members would seem to be entirely nugatory. Inasmuch as the Constitution only provided for their attendance, that attendance was enough.

This ruling was followed by a parliamentary storm unprecedented in severity in the history of the House. For many hours it was not possible to proceed with the ordinary business on account of the uproar. Members rushed down the aisles, filled the area in front of the Speaker, and denounced him with great violence of language as a tyrant and a czar. He held himself calm and unmoved amid the tumult, sustained by the consciousness that he was right, and that he was announcing a procedure which the Constitution contemplated and the growing demands of the country's business made absolutely necessary.

The Supreme Court subsequently upheld the constitutionality of Reed's ruling, but his triumph was to be even more complete. His opponents were formally to sanction it. In a later Congress, when he led the minority and the party in control had returned to the ancient practice, he attacked it with every resource known to parliamentary law and succeeded in demonstrating its unsoundness. His antagonists, although they had a large majority, were unable to furnish a quorum from their own ranks. Reed's party, under his lead, refrained from voting, and thus for weeks the transaction of business was made impossible. And the men who had vehemently denounced him were compelled at last to adopt the principle of his ruling and affirm the practice that if a quorum is actually present the House can transact business whether Members vote or not. That has ever since been the law of the House.

It required courage of the highest order to overturn the precedents of a century made by all parties, and previously assented to by himself, and to establish a principle so correct and in accordance with common sense. But he was not disturbed upon the question of consistency. His dictum upon the subject proves that.

I do not promise—

He said—

to give wisdom of adamant. I will give them honestly what my opinion is at the time; they must take the chances of its being for eternity.

It has required a man of unusual quality to direct our great popular assembly in the days since the Civil War, when the business of the Government has grown so enormously, when the pressure from private interests has vastly increased, and when partisanship has usually run so high. It is no light task to moderate that great turbulent body and to maintain orderly

procedure. As Speaker, Reed fitly embodied the dignity of the House, and it never had a presiding officer who more inflexibly and fairly administered its rules.

No greater Speaker ever presided over the House. Henry Clay, who directed not merely the affairs of the House, but to a large extent of the country during his speakership, was constantly taking the floor. He made a dozen or more speeches at a single session. I am not aware that during his whole speakership Reed took the floor either in the House or in Committee of the Whole. He held himself austere in reserve. His rulings were models of just expression and possessed a weight and condensed power which it is difficult to match. He had the courage calmly to rise to great occasions, and with a heroism only equalled by his insight he established the greatest landmark in the parliamentary law of the House.

Just at the end of his public career, a new set of issues were coming forward. He was opposed to the annexation of the Sandwich Islands, firmly believing that it was for the interest of the Republic to remain a continental power, and that it would contribute most effectively to the cause of good government throughout the world by furnishing the example of a well-governed democratic state and by scrupulous respect for the rights of weaker peoples. He was equally opposed to the Spanish War, and used the power of his office, so far as he properly could, to prevent both the annexation and the war. That power was great, but no man knew better than he that the Speaker was far from omnipotent, that he could only lead where the House was willing to follow, and his efforts were unavailing.

The war was begun for the avowed purpose of putting an end to a condition in the Western Hemisphere, which was within our traditional sphere of action, but the important question it bequeathed to us was whether we should become an Asiatic power and take upon ourselves the government of populations almost under the Equator in the seas of the Orient.

Reed's political education, the practice of his whole life, and his view of the fundamental principle of the American commonwealth made his position upon this question inevitable. Long before the Philippines appeared upon our horizon he declared in a speech in the House "that the best government of which a people is capable is a government which they establish for themselves. With all its imperfections, with all its shortcomings, it is always better adapted to them than any other government, even though invented by wiser men." The idea that America should violate its traditional principle of self-government and enter upon the work of governing subject States, he hated with all the fierce hatred of a vanishing time. It seemed to him like abandoning the principle which made her unique among the nations. He was profoundly stirred by our taking on "the last colonial curse of Spain," but it had been done by a treaty solemnly ratified by the Senate, and he had come to the parting of the ways. His reelection to the speakership appeared certain, and that office, he once declared, had but one superior and no peer. His mind had been never so ripe. But he was heartsore at the prospect of following the new and opposite line and he determined to retire to private life. To his near friend, Asher Hinds, he said, "I have tried, perhaps not always successfully, to make the acts of my public life accord with my conscience, and I can not now do this thing."

And so he wrote his touching farewell letter to his constituents and withdrew from the public service.

One would fail to do justice to Reed if he did not speak of his brilliancy and charm in conversation. His wise, bantering, and witty talk was the life of any social group in which he happened to be placed. There was no arrogance in his manner, he never took possession of any company, as social autocrats are apt to do, but none the less he was by common consent sure to take the lead. His sententious witticisms became the talk of the town and were repeated from mouth to mouth. It is unfortunate that there was not some Boswell to take down his conversation and that so many of his brilliant sayings have perished. His wit was ingrained in the substance of his style and was shown alike in conversation and in offhand speaking. He often united with it a homely common-sense philosophy strongly resembling that of Dr. Franklin and a way of putting it that reminds one of Sidney Smith. In attempting to quote from him, it is equally difficult to know where to begin and where to stop, and after one is done he feels sure there are better specimens left. But I will venture a few short examples which may show something of the touch of his wit and philosophy.

Bantering a House of the opposite party for doing nothing but talk, he said:

It presents the dead level of a Dutch landscape with all its windmills but without a trace of its beauty and fertility.

Of his own minority, he said:

They behaved with gentleness and modesty, partly because they were very good men and partly because there were very few of them.

And again of a Member who was a skillful lawyer, he said:

There is no man in five kingdoms abler to dig a pit for a witness and sweetly coax him into it.

Complimenting the honesty of an opponent to whom he was replying, he added:

Such is the direct nature of his mind that there is no man so capable of thoroughly exposing the weakness of a bad position that he happens to occupy.

This is his homely version of "omne ignotum pro magnifico," the principle in human nature which causes the gold-brick industry to flourish in politics and elsewhere:

Everything we do not know anything about always looks big. The human creature is imaginative. If he sees a tall disappearing over a fence, he images the whole beast and usually images the wrong beast. \* \* \* Whenever we take a trip into the realms of fancy, we see a good many things that never were.

Speaking of a panic in Wall Street which squeezed the inflation out of values, he said:

Water flowed down both sides of the street.

Sometimes the world moves slowly.

It took 4,000 years of pagan and 15 centuries of Christian civilization to produce a two-pronged fork and another century to bring it into use.

We endure filth diseases thousands of years and call them visitations from God, and when someone proposes the remedy we listen in early ages with the horror suitable to greet a man who wishes to interfere with God's methods in the universe.

Never expect toleration from a crowd that has other views and has them vividly.

Wrong is never so weak as in its hour of triumph.

The alternation of good times and hard times antedates the pyramids. If we ever learn to treat the living with the tenderness with which we instinctively treat the dead, we shall then have a civilization well worth distributing.

That is one of the laws of God working for his children, and, compared with one of your laws of Congress, it is as a Leviathan to a clam.

The description of the view from Cushing's Island across Portland Harbor, in which he takes you from the Portland of to-day to the Portland of the time of Cleve's landing, will serve as an example of a different vein, showing his accuracy as an observer and his skill as a painter of a scene.

The long slope of grassy verdure varied by the darker foliage of the trees spreads wide to the water's edge. Then begins the bright sparkle of the summer sea, that many-twinkling smile of ocean, that countless laughter of the waves which has lighted up the heart of man centuries since Eschylus died, and centuries before he lived. Across the sunlit waters, dotted with the white sails or seamed with the bubbling foam of the steamers' track, past the wharves, bristling with masts and noisy with commerce, the gaze falls upon the houses sloping quickly upward in the center and becoming more and more embowered in trees as they climb the hills at either end. Following the tall spires the eye loses itself in the bright blue sky beyond. \* \* \* If you shut your eyes and let the lofty spires disappear, the happy homes glisten out of sight, and the wharves give place to a curving line of shelving, pebbly beach; if you imagine the bright water un vexed by traffic, the tall peninsula covered with forests and bushy swamps, with the same varied expanse of island and of sea, and the whole scene undisturbed by any sound save the clanging cries of innumerable birds and water fowl, you will be looking upon Machigonne as it appeared to George Cleve.

But beyond his brilliancy as a debater, his resplendent wit and his skill as a parliamentary leader, his title to remembrance rests upon his quality as a statesman. He had a great ambition, but it was not great enough to lead him to surrender any principle of government which he deemed vital. Like Webster, like Clay, and others of our most conspicuous statesmen, he was disappointed at not reaching the Presidency, but he could fitly aspire to the office, for he was of the fiber and nurture out of which great Presidents are made. He probably would not have been a continuously popular President, but our great Presidents never have been. He had that supreme quality which was seen in Washington breasting the popular anti-British feeling and asserting against France our diplomatic independence; in Lincoln bearing the burden of unsuccessful battles and holding back the sentiment for emancipation until the time was ripe for freedom; in Grant facing the popular clamor and vetoing inflation; and in Cleveland alienating his party while he persisted in as righteous and heroic a battle as was ever waged by a President.

A great nation can not make up its mind in a moment. What first appeals to its fancy is not likely to appeal to its final judgment, and the severest test of the disinterestedness of the statesman under our system is his readiness to risk unpopularity and defeat in order to protect the people from their first impulse and give them an opportunity to form a real opinion. Reed's faith was in what he called "the deliberate judgment of the people," but he declared that "the sudden and unreflecting judgment of the noisy who are first heard is quite as often a voice from the underworld." This distinction is vital, since the cause of democracy has nothing to hope from the statesman

who weakly yields to the temptation always to be popular and who panders to the noisy passions of the moment rather than consults the real interests of the people. Reed recognized no divinity in an unthinking clamor, whether raised by one man or a great mass of men. The people could no more depend on inspiration to guide them in performing their public duties than in their private affairs. In each case reflection and work were equally necessary. He showed his reverence for representative government by the calm dignity with which he bore himself during more than two decades of service. He was sometimes compelled to struggle to maintain himself, but he scorned to make the struggle upon demagogue lines, or to swerve from the straight path upon which he moved with so much majesty. He was not prigged up with the commonplace sort of greatness, with a padded and theatric make-up staged to strike the imaginations of little men or to set wagging the puffing pens of little writers. He was no self-advertiser and ran no press bureaus to trumpet his real or imaginary virtues. He sought no mere noisy and ephemeral fame, but he lived upon a plane visible at history's perspective, and he grandly wove his life into the texture of his time.

And so you rear this statue. And you do well to rear it, for, although his memory is one of the treasures of the whole country, it was you who gave him to the Nation. He was the product of the sky and soil of Maine, lightened by her sunshine and hardened by her storms. As a representative acts well or ill he reflects credit or discredit upon those who have chosen him. By this test how signally he honored you. But you equally honored yourselves when, amid all the shifting popular vagaries and the following of false gods, you permitted yourselves to be guided by the better genius of popular government and kept this heroic figure for so long a time in the service of his country. And when he returned his commission to you he could truthfully say, as he proudly said, "No sail has been trimmed for any breeze or any doubtful flag ever flown." That noble phrase gives the keynote to his character as a statesman. The only colors he was willing to fight under were those that represented his own principles. He never sailed just for the sake of sailing, but to make progress upon a straight course. He did not take his inspiration and direction from the winds, but from the stars.

LANDS AND FUNDS OF THE CROW TRIBE OF INDIANS.

Mr. PRAY. Mr. Speaker, I yield half a minute to the gentleman from Connecticut [Mr. HILL].

Mr. HILL. Mr. Speaker, I ask leave to extend my remarks of yesterday on the Panama bond bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. PRAY. Mr. Speaker, it seems to me that a brief statement of the history and nature of this legislation ought to be sufficient. The bill was before the House in the preceding session but failed to receive the two-thirds vote required under suspension to pass it at that time, and during the present session, up to this time, there has been no opportunity to consider this bill and pass it by a majority vote. It still requires a two-thirds vote to pass the bill. The main objection advanced to this legislation by our friends on the Democratic side was that there were some lands left over under the previous opening—that of 1904—which had not been disposed of. That objection, or alleged objection, at the present time is to a large extent done away with, because during the intervening months since the consideration of this bill in the previous session of Congress some 275,000 acres have been disposed of by the Interior Department, realizing about \$830,000 for the Indians. Two hundred and fifty thousand acres, or thereabouts, were reserved of coal lands, leaving about 300,000 acres yet to be disposed of. Now, this bill proposes to throw open to settlement, under the homestead desert-land and town-site laws, 1,700,000 acres of the present diminished reservation, leaving about 1,000,000 acres in the hands of the Indians already allotted under the previous opening. Now, this bill, or rather the amendment to the Senate bill just read, which was adopted by the House Committee on Indian Affairs, is practically the same bill that was favorably reported by the Senate committee in the Sixtieth Congress and passed by the Senate and favorably acted upon by the House committee and placed on the House Calendar, but owing to unfavorable conditions at the time, during the short session of the Sixtieth Congress, we were unable to reach the bill for consideration before adjournment. Now, this bill, as I said before, being acted upon favorably, as it has been, after most exhaustive hearings in both the Senate and House committees, is now again before the House. I think the principal objection, and the only one in fact I can see to the measure, has been to a large extent removed since the bill was considered last session. Now, another word. The

Legislature of Montana for the third time, about two weeks ago, memorialized this Congress to open up this reservation for settlement as I have described. There has been trouble over this reservation; charges and countercharges have been made that the stockmen have been monopolizing the reservation. The legislature of my State, and the members thereof, understand conditions out there and they have repeatedly asked the Congress of the United States to open up the reservation and do away with that condition of affairs.

I reserve the balance of my time, Mr. Speaker.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to state to the House that there were minority views that were filed against this bill, and I do not think it should be passed upon under suspension of the rules. In fact, I do not think the time is ripe for its passage at the present time. As a matter of fact, I have never, since I have been a Member of this House, opposed the opening of Indian reservations, because I have always believed they should be opened; but when the opening of a reservation will result against the interests of the Indians and in favor of cattlemen or any other special interest, as it would do in this case, I oppose it, and the minority has filed their objections along that line. The views of the minority are fully concurred in by the Indians themselves. Several of those Indians were here in person objecting to the bill. Many of them have unpronounceable names, and I will not try to read them—there were about 20 of them—and they have filed a very strong protest against this bill, and they set up reasons which, in my judgment, are ample and sufficient to defeat the bill. I now hold their protest in my hand. I can state the gist of their objections to the House quicker than I can read them to you.

A few years ago—on April 27, 1904—1,150,000 acres of these Indian lands were put on the market. This body of land was taken out of 3,800,000 acres in the whole reservation. These 1,150,000 acres were thrown open for sale and settlement. Only a very small portion of these lands—something like 150,000 acres—had been sold, according to the last report that I have on this subject. Before this opening of 1904 was made, and before this bill passed, these Indians were receiving quite a large sum of money from the lease of these lands, as I am informed, about \$50,000 per annum, and in the six years since they were sold the total rental would have been \$300,000. After the land was thrown upon the market they did not get that lease money, and something over 150,000 acres was sold, and the Indians got no rent money on the million acres unsold. The cattlemen received without pay the grass growing on and the use of 1,000,000 acres of this land by buying the 150,000 acres. That is a cattle-raising country, and there are numerous streams running through it. The purchasers of this land took the 150,000 acres which they bought out of the whole body of land put upon the market so as to cover all of the water holes and streams of water, so as to control the entire grass in that country, so that no man would buy the unwatered land back of the land bought and held by them.

Mr. SLAYDEN. They have got what we call "Texas water rights?"

Mr. STEPHENS of Texas. They have the water rights; and without them they can raise no cattle in that country, unless they control the streams and the watered land. The men who bought this 150,000 acres of land controlled the 1,500,000 acres and paid no rental on the overplus of over 1,000,000 acres of land.

These same men want the balance of this reservation, and by this bill propose to throw open another section of it, so that in the same way they could buy up the watered part and get the grass on the remainder for nothing. Why do they not wait to sell the million and a half acres already opened under the act of 1904 before they ask for the rest of the reservation to be opened under this bill? That is the point made by these Indians in their protest, and it is correct.

Mr. GOULDEN. What is the total amount involved?

Mr. STEPHENS of Texas. The total amount of the reservation is 3,800,000 acres. They have already opened a million and a half acres, and they propose to open a similar amount, I think, by this bill.

Mr. STAFFORD. Will the gentleman permit an interruption? Mr. STEPHENS of Texas. Certainly.

Mr. STAFFORD. Has the Committee on Indian Affairs made any investigation of the conditions subsequent to the report made June 17 last?

Mr. STEPHENS of Texas. I think not.

Mr. STAFFORD. On that the gentleman from Texas [Mr. STEPHENS] and the gentleman from Nebraska [Mr. LATTA] filed minority views.

Mr. STEPHENS of Texas. That is the same bill and the same report, and stands in the same condition, as I understand

it, as when we filed our minority report in the last session of this Congress. There has possibly been some of the land sold since that time, but the fact remains that two-thirds of that land has not been sold; and why should we pass this bill, and by it open another large portion of that reservation until the land already opened has been sold? Why permit the cattlemen to go on these streams and take the water and get the rest of the country containing the grass free? As long as that land is not opened under these bills these Indians get lease money from the cattlemen for the grass growing on the land at a rental of about 5 cents per acre, I am informed, and they get quite a rental sum of money; but when the land is thrown open they no longer get any lease money. One million acres of it has been opened six years, and the Indians have been deprived of the lease money on it all this time. It is now proposed to take another slice and put it in the same condition, and it would be unjust. I hope the bill will not pass.

Mr. Speaker, the minority report and protest of the Indians are as follows:

VIEW OF THE MINORITY.

The undersigned, a minority of the House Committee on Indian Affairs, opposes the passage of the House bill above referred to for the reason that said bill violates the rights of the Indians; that it is proposed to be passed over their protest; that the bill would deprive them of their property; that its passage at this time has been opposed by the Commissioner of Indian Affairs and the Secretary of the Interior in reports to Congress as unjust to the Indians and unnecessary at this time; that it would enable cattlemen and sheepmen who are now paying the Indians a large sum of money on leases to escape further payments, and at the same time for a trifling sum to acquire control of nearly 2,000,000 acres of the Crow Reservation by taking up claims on the water holes and water courses on the reservation and thereby control the remaining lands of the reservation without payment of lease money to the Indians, just as they are at this time in control of 1,150,000 acres ceded by the Indians to the Government of the United States in 1899, and for which, notwithstanding the Indians were promised \$1,150,000, they have received less than \$300,000, owing to the fact that the only lands sold under the law of Congress providing for compensation to the Indians have been 110,000 acres, as shown by a report made by the Secretary of the Interior, control of these 110,000 acres enabling the parties taking up the same to control without payment the balance of the ceded strip of 1,150,000 acres transferred by the Crow Indians to the United States in 1899 and opened to entry by the United States under the act of April 27, 1904; that its enactment would be a fraud on the Indians in favor of a few large special interests and would mark a backward step in Indian progress.

There are at this time in the State of Montana 41,000,000 acres of public lands and provision has been made for the opening of nearly 1,500,000 acres of the Flathead Indian Reservation in Montana, so that it is apparent that there is no demand for the opening of additional land in that State, except for the benefit of certain speculators who desire at a cheap price to get possession of the water courses and water holes of the reservation, and thereby be enabled to have a free range over the lands dominated and controlled by these lands containing the water rights.

That this is the obvious intent and purpose of the House bill is shown by the fact that the bill is substantially similar to the act of 1904, under which the ceded strip of 1,150,000 acres formerly held by the Crows was opened to settlement, with the result that whereas the Indians were promised therefor \$1,150,000, they have received less than \$300,000, of which \$90,000 was for school lands paid by the United States, and have been defrauded ever since out of the use and occupation of the 1,000,000 acres in the ceded strip that have not been sold, but which, as stated, are controlled by entry of the 110,000 acres taken up by parties controlled by the interests seeking to use the 1,000,000 acres without compensation to the Indians. During the past year, for the first time in many years, a real competition was forced upon the cattle and sheep men leasing lands from the Indians on the present reservation, and as a result the present lands of the Crow Reservation not allotted to such of the Indians as have received allotments were leased for an aggregate of \$165,000, or four times what had been paid the Indians theretofore. It is now proposed by the scheme of the House bill to enable these interests through dummies to take up through homestead or desert-land entries such of these lands as they choose, and at a cost of only about the present leasing value for one year of the lands, acquire sufficient lands to dominate and control without payment the entire balance of the reservation.

This matter was exposed before the Senate Committee on Indian Affairs, and as a result the Senate committee, and subsequently the Senate, rejected a bill similar to the House bill, and instead reported, and the Senate passed, a bill which is fair to the Indians, recognizes their rights in their lands granted them by treaty with the United States in 1868, and provides for the opening of the reservation to white settlement by division of all of the reservation among the Indians in individual right, with full and ample provision made whereby white settlers can obtain by purchase from the Indians, under the supervision of the Interior Department, all except the homestead reserved to the Indian, at a price to be mutually agreed upon between the purchaser and the Indian, subject to the approval of the Department of the Interior, in order to prevent imposition on the Indians.

The Crow Reservation is situated in the southeastern part of the State of Montana. It formerly comprised approximately 3,800,000 acres of land, and title was vested in the Crow Tribe of Indians by a treaty between the tribe and the United States through Gen. Sherman and other treaty commissioners, the treaty being signed May 7, 1868. By the terms of the treaty the Indians, who theretofore had certain rights in a much larger tract, ceded to the United States all their rights and title to and in lands except a certain defined area whose boundaries were carefully set forth, comprising the present reservation and the ceded strip hereinbefore referred to. By Article II of the treaty it was provided that in consideration of the cession by the Indians of all their right and title to their lands they should have their present reservation, and it was provided that the lands comprising the reservation—

“shall be, and the same is, set apart for the absolute and undisturbed use and occupation of the Indians herein named and for such other

friendly tribes or individual Indians as from time to time they may be willing, with the consent of the United States, to admit amongst them; and the United States now solemnly agrees that no persons except those herein designated and authorized so to do and except such officers, agents, and employees of the Government as may be authorized to enter upon Indian reservations in discharge of duties enjoined by law, shall ever be permitted to pass over, settle upon or reside in the territory described in this treaty for the use of said Indians. (2 Kappler, 1008.)”

In *Holden v. Joy* (17 Wall., 211) and other cases, the Supreme Court of the United States has held that the effect of a treaty with the Cherokees containing similar provisions was to give the Cherokees a title in fee simple in common in the land described, but subject to the condition of a pre-emption right of purchase in the United States and in the case of the New York Indians *v. The United States* (170 U. S.) the Supreme Court held that the quitclaim by the Indians of all their right or claim to other lands was a good and valid consideration, thus showing the title of the Indians to their present reservation to be not merely an occupancy right, but a fee title.

On August 14, 1899, by an agreement concluded between Benjamin F. Barge, James H. McNeely, and Charles G. Hoyt, as commissioners on behalf of the United States, and the Crow Tribe of Indians, the Crow Tribe ceded to the United States a strip of territory comprising 1,150,000 acres of land situated along the northern border of their reservation and the United States “in consideration of the lands ceded, granted, and relinquished” to it agreed to pay to the Indians \$1,150,000, which sum it was provided should be expended in certain defined ways for the benefit of the Indians, including certain funds for irrigation purposes and certain other funds for cattle and horses, the Crow Reservation being especially well adapted as a grazing country and for the breeding of live stock.

This agreement was not acted upon by Congress finally until 1904, when Congress by act approved April 27, 1904, adopted the agreement, but with certain modifications. Under the provisions of this act the land was ceded to the United States and it was provided that instead of receiving \$1,150,000 that the United States as trustee would sell the 1,150,000 acres ceded under the provisions of the reclamation, homestead, and mineral laws of the United States and would pay the Indians the net price received, together with \$1.25 per acre for the sixteenth and thirty-sixth sections of the reservation granted to the State of Montana for school purposes.

By section 8 of this act the United States, however, renounced liability to pay the Indians \$1,150,000 as agreed, but provided as follows: “That nothing in this act contained shall in any manner bind the United States to purchase any portion of the lands herein described, except sections 16 and 36, or the equivalent in each township, or to dispose of said land except as provided herein, or to guarantee to find purchasers for said lands or any portion thereof, it being the intention of this act that the United States shall act as trustee for said Indians to dispose of said lands and to expend and pay over the proceeds received from the sale thereof only as received, as herein provided.”

The Indians were promised that under the provisions of this modified act they would receive within a reasonable time a considerably larger sum than \$1,150,000, and that the United States would give them the net proceeds, expenses of sale merely being deducted. It was further provided that any lands not disposed of within five years should be offered for sale by proclamation of the President and sold, this being pursuant to the policy that the United States, as trustee, should not profit from sale of its wards’ lands.

No such proclamation at any time has been issued, though the five years has been up for a long time.

The present bill reported by the majority of the House committee, notwithstanding the injustice done the Indians and the patent fact that the act of 1904 operated for the benefit of a few persons only, purposes to continue as to the present diminished reservation practically the provisions of the act of 1904.

How the act of 1904 has operated is disclosed in a report made by the Secretary of the Interior to Senator NELSON, chairman of the Senate Committee on Public Lands, under date of January 21, 1910. In this letter Secretary Ballinger said:

“By the act of April 27, 1904 (33 Stats. 253-256), the Congress modified and amended this agreement (that with the Crows of Aug. 14, 1899), so as to provide for the disposal of the ceded lands under the reclamation act, and the homestead, town-site, and mineral laws of the United States, at not less than \$4 per acre, \$1 to be paid at the time of entry and the remainder in four equal annual installments.

“Under the provisions of the act of April 27, 1904, approximately 110,108 acres of the ceded part of the Crow Reservation have been disposed of, the proceeds derived therefrom amounting to approximately \$231,057.14. There was appropriated by the act \$90,000 to pay for the lands within the ceded part of the reservation granted to the State of Montana for school purposes, making a total of \$321,057.14 derived from the sale of these lands, from which has been deducted \$36,291.10 to reimburse the Government for the expenses incident to the survey, allotment, and disposal of the ceded tract. The net proceeds, therefore, available for the benefit of the Indians derived from the sale of the ceded tract is approximately \$274,766.04.

“The chief supervisor of the Indian Bureau attended a recent council of the Crow Indians. In an informal discussion of the question of the disposal of a part of the diminished reservation entered into by the Indians during the council proceedings they were bitterly opposed to the sale and disposal of any part of their reservation. The Indians contended that their agreement of August 14, 1899, by which they were to receive \$1,150,000 for the ceded tract was not lived up to by the Government; that had the money stipulated for in that agreement been expended in the purchase of sheep, stock, and cattle, as contemplated by the agreement, they would require all of the lands within the diminished reservation for grazing purposes. It is further contended by the Indians that they will require all of the diminished reservation as soon as all of the lands within the ceded portion are sold and the proceeds derived from the sale thereof expended as provided for in the agreement as amended by the act of April 27, 1904, supra. The Indians are unable to realize the necessity for the sale and disposal of the surplus lands of their diminished reservation while upward of 1,000,000 acres of the tract ceded by the treaty of August 14, 1899, remain unsold.

“It is respectfully recommended, therefore, that Senate bill 3373, Sixty-first Congress, second session (being the Dixon bill, introduced in the House by the Representative from Montana), be not enacted into law, or at least that action thereon be deferred until the provisions of the bill can be explained to the members of the tribe in open council, with a view to procuring an expression of their views in the matter.”

The Secretary then, however, said to Congress that if the bill were to be reported he would recommend certain changes, of which one of the principal ones was a provision intended to protect the Crows from

spoliation of their coal lands, recent investigation by the Geological Survey having shown their lands contained valuable coal deposits. In conclusion, however, the Secretary, in order that by suggesting amendments to the bill he should not be considered as favorable thereto, ended his letter as follows:

"While it has been deemed appropriate to make suggestions at this time as to changes which should be made when the bill is considered, it is not intended thereby to intimate that this bill should receive favorable consideration now."

The Indians upon learning through the public press and otherwise that Senator DIXON had introduced his bill, substantially identical to that reported by the majority of the House committee at the instance of the Member of the House from Montana, memorialized the Secretary of the Interior for permission to send a delegation to Washington to oppose the adoption of the proposed measure. This authority was granted and a delegation appeared before the Senate Committee on Indian Affairs and full and complete hearings were had.

The result of these hearings was that the Dixon bill was abandoned and in lieu thereof the Senate committee reported a substitute bill which was passed by the Senate and which it is now proposed by the House committee to supplant with the bill reported by the majority in the interest of a few cattle and sheep men who seek to control the reservation, regardless of the rights of the Indians and the interests of the real settlers.

The developments at the Senate hearings, the minority believe, are a sufficient reason in themselves why the House should reject the bill reported from the House committee, said report being made originally in ignorance of the fact by the members of the committee of the hearings before the Senate and without later opportunity fully to consider those hearings.

At these hearings the delegation of 18 members of the Crow Tribe, three being sent from each district of the tribe, unanimously voiced a protest against the opening of the diminished reservation as proposed in the bill of the majority. The ground upon which the protest was chiefly put was that the Indians 10 years previously had ceded to the United States 1,150,000 acres, and that of that immense tract, which had been opened since 1904, only 150,000 acres had been taken, and that it was proposed, notwithstanding the Crows had 1,000,000 acres of their lands lying idle, which they could not use and from which they secured no revenue, and which were being used by cattle and sheep men to the exclusion of settlers, to open 2,000,000 acres more of their lands by the same method.

Thus, at page 29 of the Senate hearings of March 10, 1910, Frank Shively, a member of the delegation, said:

"The bill opens up practically 2,000,000 acres—accurately speaking, 1,700,000 acres—of the diminished reservation for settlement. Now, there were 1,150,000 acres opened April 27, 1904, and there were only 150,000 acres settled upon, leaving 1,000,000 acres untaken, with promises that they should be settled upon. We had been given assurance that they would be taken and that we would get our money. Now, why, if that 1,000,000 acres is lying out there idle, jump from 1,000,000 acres over to another 2,000,000 acres, make use of the other 2,000,000 acres?

"Senator STONE. How much did you say was first ceded to the Government or opened up—one million and what?

"Mr. SHIVELY. One million one hundred and fifty thousand acres.

"Senator STONE. And 150,000 of that has been disposed of?

"Mr. SHIVELY. Has been disposed of; yes, sir.

"Senator STONE. Leaving 1,000,000 still vacant?

"Mr. SHIVELY. Still vacant; yes, sir; and this new bill comes over, leaving 1,000,000 lying there idle, which we had before and for which we would receive revenue if it were not thrown open."

The reason why this 1,000,000 acres was not taken, it developed on examination of the Indians by the members of the committee, was due to the fact that the Crow Reservation is only well watered in parts, and that much of the land lay back in the hills and mountains from the streams, and that the hill land had comparatively few water holes, making control of the water a means of controlling the land. Thus, Morris Schaeffer, a Crow delegate, who, it appeared, farmed his entire 160 acres, said:

"The people are clamoring for about 2,000,000 acres more land. Why is it that they do not look upon the million acres that we ceded to them? The white settlers have already taken the land that is by the rivers and streams and wherever there are water holes, and the remainder is all hilly and rough. Therefore the settlers do not want to take those places. We have received no payment for that land for a long time. They kept promising us to make a payment for that strip. Why is it that they want to throw open the diminished reservation? Something will result with the diminished reservation if it is thrown open. The white people would settle upon it where there is water, and the rest of it would be lying idle. As it is now, we are deriving some revenue from this land."

Another Indian delegate named Davis said the cattle and sheep men controlled the water land that had been taken up.

An inquiry from the Commissioner of Indian Affairs to the Indians it was developed that at this time the lessees—cattle men and sheep men—were paying \$165,000 a year for the privilege of grazing such of the reservation as was not allotted to the Indians, with the right in the Indians of grazing their own cattle and sheep as well upon the lands that were leased.

Senator DIXON himself admitted that the Indians had not been justly treated, at page 33 of the hearing, saying:

"Now, the Indians, as they see it, have undoubtedly a kick coming, because the lands laid there four years. The President to-morrow, if he should issue a proclamation to sell that land, I will pledge you my word that these Indians will get—and I am going to put it very modestly—instead of the \$1,000,000 they agreed to sell for, \$2,000,000, and my cold judgment is that they will get \$3,000,000, and they ought to have it, because they have waited nine years for their money under their original agreement."

The mode whereby the Senator thought this amount could be received if the President would issue a proclamation was set forth by him as follows:

"Now, if that (the unsold land on the ceded strip) was thrown open to-day, the big stockmen would be most anxious to get it, and if it could be sold in 10,000-acre tracts so they could buy it and use it economically for grazing purposes, it would sell before the sun goes down at \$2.50 an acre; but on this flat, unentered tract, where there is little water for domestic purposes, men can not go there and successfully farm it; there is no way to get their drinking water. That is away from the public lands. It would be dry farms, some of it, and they could live down in the valley and cultivate up there."

Senator DIXON further said that the reason why more of the land had not been taken—in addition to the fact that the settlers would

not go in and take 160 or 320 acres only, except where the water courses were—was that the ceded strip under the law was opened only under the homestead, reclamation, and mineral laws, and that persons would not go in and take the land and pay the price to the Indians with the provision, likewise, that they would not get title until five years afterwards, as was required under the homestead law. Notwithstanding this statement, it is proposed by the House bill to open up the present reservation under the homestead and desert-land laws, whereby five years' residence or cultivation will be requisite before title can be obtained. This time limit is to the cattle and sheep men of no importance, for it exactly suits their purposes and fastens their control. After this five years then it is proposed to sell all that remains for such price as it will bring. The consequence, it is perfectly obvious, would be that such of the land as had water would be taken up by persons acting in behalf of the cattle and sheep interests, and thereby the balance would be dominated for a period of five years, when the whole would be thrown on the market and cattle and sheep speculators obtain the same at such prices as they chose to make.

That the Indians understood this was apparent from the hearings, because they said, in answer to questions, that they had been told this 1,000,000 acres would bring so much more money than had been agreed to be paid them, but they had never after 10 years seen the money, and before they sold any more land they wanted to see those promises kept. Apparently this was the view of certain Senators also, for at page 93 of the hearing Senator CHAMBERLAIN said:

"There is one matter that I do not understand here. It appears at this investigation that the lands which have been ceded to the Government have never been taken up—only a small section of them have been taken up—and it was represented at that time that if that land was ceded to the Government it would fill up with homesteaders. Now, if that has not been settled, why do the promoters of this bill desire to open up an additional tract on the reservation when that has not been taken?"

That a large part of the reservation will be grazing land and, furthermore, that large areas will be required for successful operation is apparent from the statement of the Indian agent that for each beef cattle grazed 20 acres of land had to be allowed by the cattle herder.

During the course of the hearings it was made evident to the Indians that the pressure was so great to break up their tribal relations and their communal or reservation holdings that they, if opposed to the scheme proposed by Senator DIXON must get together upon some other provision whereby severalty would be substituted for the tribal system. Senator DIXON voiced this sentiment at page 122 of the hearings by saying to the Indians:

"I do not think I violate any confidence in saying that that reservation is going to be opened in the next year or two. I would suggest to the Indians present that you had better get together, while you have a full authoritative delegation here, with somebody, the commissioner or somebody else, and discuss the terms."

The Commissioner of Indian Affairs, Mr. Valentine, who was present at the hearing, announced to the committee that he and his office were opposed to opening up the reservation at this time, saying at page 115:

"The department is opposing the opening of the reservation, this year at any rate; that there should be further examination, both as to the fact of the ceded strip and as to the actual conditions of the diminished reservation before we are in position to act with complete intelligence in the whole matter."

The Indians, taking heed of the statement of Senator DIXON and believing that they must act, held a number of consultations of the delegation in this city and sought legal advice. They were opposed to any action at this time, but, it being made manifest that their system of communal holdings could not endure, they reached an agreement upon a plan whereby their communal holdings would be individualized and the reservation divided in severalty among themselves as the owners of the title in the soil with full and ample provisions for a sale of their surplus holdings as rapidly as there was a market or demand for them. The Indians under the insistence of Senator DIXON who, they state, consulted likewise with the other members of the Montana delegation from time to time, with the aid of their counsel, drafted a measure along the lines of the Osage, the Kaw, and the general outlines of the legislation of Congress relating to the Five Civilized Tribes. This measure was submitted, as the hearings of the Senate show, to Senator DIXON and finally was agreed upon as a substitute measure upon which the Indians and the Senator could unite.

A conference was held and upon an agreement being reached between the Indians and Senator DIXON, the latter introduced the bill agreed upon as a substitute for his original measure. With a very few modifications, chiefly verbal, this substitute was adopted by the Senate committee and passed by the Senate. Under the circumstances for an attempt now to be made to pass a different measure through the House would be a violation of an understanding with the Indians, and certainly would not tend to create a feeling on their part that they will be justly dealt with. The report of the Senate Committee, No. 526, and the hearing of March 10, 1910, show clearly that the Senate bill was the result of an agreement between the Indians and the Montana member on the Senate Committee on Indian Affairs, because at the outset of the hearing counsel on behalf of the Indians, Senator DIXON being present, said:

"Mr. Chairman and gentlemen, at the request of the committee of three, which the Crow delegation left behind to look after all matters relating to the interests of the Crow Tribe, we have drafted a bill, which has been introduced by Senator DIXON and in which, after a thorough consultation between the members of the Crow delegation left behind and also at which the Senator from Montana was called in, we have what we believe to be a bill that is in good form and protects the interests of the Crow people. The essential feature of the bill is that it abandons tribal organization and ends the community of land holdings, vesting in the individual the entire property of the Crow Reservation, reserving, however, to the tribe any coal, oil, or gas, and also making a reservation of three mountains in order to conserve the timber and water supply."

The Crows seven or eight years ago were ration Indians. That system was abandoned and they have progressed very far, and we believe that if this goes through and they become individualized, as it were, the result will be a very considerable advancement in civilization.

"Senator DIXON. You had suggested amendments. Just call attention to the suggested amendments."

These amendments were therupon laid before the committee, and a comparison of the bill as introduced by Senator DIXON and as passed by the Senate shows that they are one and the same, except that the bill as finally passed was polished a little from the form in which it had been introduced, as a result of more careful attention to phraseology.

That the Senate bill, furthermore, is practically an agreement between official Government representatives and the Indians is shown by this telegram sent by Senator DIXON to the Billings Chamber of Commerce and published in the Montana press:

"The delegation of Crow Indians still remaining here has agreed to a modification of the original bill providing for the opening to settlement of the reservation, based on the following general proposition:

"Instead of allotting homesteads to the Indians and throwing open to settlement excess lands under the homestead law, the settler to pay an appraised value; that all of the lands be allotted in severalty to the Indians, and the individual Indian be permitted to sell his excess allotment under the supervision of the department to the purchaser.

"In this way the proceeds will be individualized to the separate Indians immediately instead of going into the tribal fund.

"I think the result will be that the country will be settled as quickly as under the first plan, and I have to-day introduced a bill along these lines, which I hope will receive favorable consideration at an early date."

The Senate bill, as official documents in the Department of the Interior from the United States Indian agent show, was referred back to the Crow Tribe in order that there might be no question as to ratification by the tribe of what the delegates left in Washington had done. The Indian agent, Maj. S. G. Reynolds, called a council of the tribe at the Crow Agency, with ample notice to all Indians to be present, and as a result resolutions were passed approving the bill enacted by the Senate, a few amendments only being suggested, of which the chief was that they should receive \$3 per acre instead of \$1.25 per acre for the lands ceded to the State of Montana for school purposes. As the State of Montana by its constitution will sell these lands for not less than \$10 per acre, the Indians' claim for a larger price than \$1.25 per acre would seem to be manifestly just.

In reporting upon the Crow general council just referred to, Agent Reynolds said:

"The Crows were very harmonious in their views regarding this matter at the council, and I hope now that matters are so settled that we can get them down to business, as the weather is fine and farming operations should be pushed as rapidly as possible."

With the letter the agent transmitted resolutions adopted by the council, over which James Hill presided as chairman and Jack Stewart as secretary, both members of the tribe.

In the face of this condition of affairs, it is now proposed to push through the House in the closing days of the session a bill containing all the objectionable features and practically identical with the measure bitterly opposed by the Indians, and which, as to the ceded strip of 1,500,000 acres, it has already been shown has acted disastrously to the interests of the Indians and of real bona fide settlers, since the legislation of 1904 with reference to the ceded strip 1,000,000 acres still remain untaken. The minority of the committee believe that the scheme of the House bill in its general outlines and the provisions in detail are objectionable, do not constitute a forward step in Indian affairs, and that, on the contrary, the Senate bill in its general scheme marks an advance step in Indian progress and in its provisions is a carefully worked-out transition, with due protection to the Indians from the communal to the individual estate.

Under the provisions of the House bill the Indian would receive no education whatsoever in business affairs. Under the provisions of the Senate bill he would receive a considerable measure of business experience in the handling of his surplus lands and thereby be better enabled when his homestead only is left to manage the same.

The bill reported by the majority does not give the Indian any voice in the management and control of his estate. It does not recognize the fact that he is an individual, that he has a sense of justice and right, that he has a feeling natural to any person to have some voice in the management of his affairs, and that he has a title to the lands granted to him by solemn treaty with the United States. As early as 1872 Senators Edmunds, Conkling, Morton of Indiana, Davis of Missouri, and other old-time Republican leaders said on the floor of the Senate, as the CONGRESSIONAL RECORD of those days shows, that treaties such as the Crows have given them a right and title in fee to the lands of which they should not be deprived over their protest. It is now attempted, over objection of the Indians, to deprive them of their grazing lands in the interest of a few persons claiming to act for settlers. The minority of the committee believe that the day has come when the tribal state of the Indians must be broken up and he must become an individual member of the community, but they do not believe that this should be brought about other than by justice to the Indian, and that while the settler is to be looked after it should be consistent with a recognition of the fact that the Indian has a title under treaty agreements and a right to a voice in the mode whereby his large tribal holdings shall be disposed of and by provisions that will insure settlers and not a few special interests with railroad aid getting the lands.

Under the bill reported by the majority no price is set upon the land which the Indian shall receive. In the legislation with reference to other tribes of Indians Congress as a rule has named a minimum price which the Indian has received. Under the provisions of the bill reported by the majority the lands would be disposed of, not as Indian lands, but in effect as public lands of the United States. The lands under the provisions of the bill would be sold under the homestead or desert-land laws of the United States. The mode of disposition of public lands of the United States, it is respectfully submitted, is not a proper mode of disposition of Indian lands, as to which the United States as trustee is under an obligation, while conserving the general national policy of the Government of the United States, to see that the Indian receives a fair consideration for his land. We have shown how, under the act of 1904, it is admitted by the Senator from Montana, the full value of the land can not be had and more than a tenth of it sold when there are requirements that in order to obtain title to the land the individual must comply with the provisions of the homestead or other laws. In the present bill this restriction upon entry of the lands is aggravated because the act of 1904 contained no provision for disposition of these lands under the desert-land law, whereas the proposed bill reported by the majority of the committee names the desert-land law as one of the laws under which the Crow diminished reservation is to be disposed of.

Under the provisions of the desert-land law the chief requirement is that the party making entry shall expend in labor upon the land and its reclamation \$1 per acre per year for three years, paying 25 cents per acre upon entry. The land being public land, it was the theory of the legislation that the United States would permit the settler to acquire the land and was sufficiently remunerated in the public policy of the United States which looked to the settlement of the western country if the entryman would expend \$1 per acre per year for each of three years in the reclamation of the land. In what way,

however, is the Indian, who is the holder of the title, to be benefited by reason of the fact that the desert-land entryman will spend in labor under the provisions of the House bill \$1 per acre per year for three years? The Indian as the holder of the title has no special interest in the improvements that are put upon the land which it is proposed to take from him. It is not possible that he could receive in addition to this \$3 per acre which the desert-land entryman must put upon the land a fair price from the entryman for the land. If the land is of a value when entered of only \$3 per acre, the result would be that no party would take the land and pay the Indian an additional price, thus handicapping disposition of the land, so far as the Indian is concerned, by a \$3 reclamation expenditure before the Indian begins to receive any revenue. It would be practical confiscation of his land.

Similarly, Senator DIXON, with reference to homesteaders, admitted that one reason why the tract could not be sold now, aside from such land as had water holes or was along the watercourses, was that parties were not willing to pay the Indian and also have to comply with the homestead requirements and live on the land, as they could not live away from where they could get drinking water. Yet the House bill proposed to require all this, and it is obvious these impossible requirements are to protect a few and enable them in acquisition of a small area to control the balance.

After the land is disposed of, furthermore, the House bill is objectionable in that it is proposed to perpetuate the communal system of Indian land and money holdings by providing that the proceeds of the sales shall be turned into the Treasury of the United States, and there constitute a tribal or communal fund to be expended hereafter in some way to be designated by Congress and controlled by the Interior Department. Therefore, what reason is there to believe but what the entire scheme contemplated is just as resulted from the actual working out of the similar act of 1904—that is, to enable a few parties who are willing to comply with the requirements to get control of the vast area of grazing lands by causing entries to be made of such of the diminished reservation as controls watercourses or water holes, and thereby dominate the entire grazing area? At present the Indians receive \$165,000 from the leasing of this land. They would receive nothing for some years under the operations of the proposed bill, just as in point of fact has resulted from the act of 1904, which ceased and terminated the leases the Indians had with white men of the 1,150,000 acres comprising the ceded strip.

The minority of the committee oppose the House bill because—

(1) It would be a breach of the confidence the Indians have reposed in the United States.

(2) It would not result in the settlement of the larger part of the strip opened, but simply in a settlement of a small part of the land and the domination without further expense of the balance by large interests.

(3) It would deprive the Indians of a large revenue which they now receive.

(4) It is a retrogressive or backward step in the development of the Indians, continues as to their funds their tribal state, and does not afford them the education in business affairs that would result from individualization of their land holdings, with permission to them to dispose of the same under supervision necessary simply for their protection.

The most essential feature of the House bill is contained in section 8, and it is identical with the law of 1904.

The minority of the committee recommend to the House that in place of the bill reported by the majority of the House committee there shall be substituted the bill passed by the Senate with simply a few slight amendments, of which the chief is that the Indians shall receive \$2.50 per acre instead of \$1.25 per acre for such land as may be taken from them by the United States for the benefit of the school fund of the State of Montana. The Senate bill's primary and essential purpose, as shown by its text, is to transform the Crow Indians from a tribal or communal state to an individual state, with individual rights, individual aspirations, and individual possibilities. Less than 10 years ago the Crow Indian was a ration Indian; to-day the Crow annual fair is one of the striking agricultural exhibits of the Northwest. The Crow Indian to-day is self-supporting. He has a large system of irrigation ditches paid for out of his own money entirely, approximately \$900,000 of moneys belonging to the Crow tribe having been expended in the construction, and maintenance of a main system of irrigation with laterals. It is believed that the time has now arrived in the course of his development when, if he takes land in severalty, a larger and fuller development will come.

The Senate bill, which is favored by the minority, strikes at the very heart of the reason why the tribal Indian reaches only a certain stage of progress and then makes no further advancement. That reason is that the tribal Indian holds all his lands and funds in common, and like any other communal holding, there is not a material incentive to individual progress and effort. The most reliable and experienced observers of Indian affairs have reached the conclusion that the greatest drawback to the development of the Indian is his lack of enlightened selfishness and his belief, fostered by the communal system under which all his property has been held, that he must divide the fruits of his efforts with any and all other members of his tribe who may choose to squat down upon him for such length of time as they may choose to remain. As individualization will result in the Indian's property rights being his individually, further progress will come, aided by the enlightened selfishness that will result in individual effort increasing the material welfare of the individual. This is the keystone of the proposition involved in the Senate bill. That it will result in sales of the surplus holdings made available for sale by the Senate bill as rapidly as there is a demand from real settlers for the Indians' surplus has been demonstrated on other reservations. All that is needed upon that point is liberal administration and provision whereby the Indian, even though not fully competent, will have paid over to him by the Government a fair proportion of the sale price of his land as the money is received, to enable him to improve his homestead and other holdings, or for such other uses as he may devote the same. A similar scheme to that proposed in the Crow Senate bill is now the law, for example, upon the Osage Reservation.

The lands of that reservation did not become open to settlement and sale until last August. Already 300 certificates of competency have been issued, and the surplus holdings to a large extent of the competent Indians have been sold and the proceeds devoted to improvement of the homestead or other uses by the Indian. The Osage law has been liberal, however, so far as concerns the sale of surplus lands not needed by Indians not deemed competent, because they have received only a small part of the proceeds and there has been, through withholding of their moneys, therefore, a lack of incentive for the noncompetent to apply for the sale of his surplus.

In the present Crow bill provision is made whereby certificates of competency may be issued to those Crow Indians whose development has reached or may hereafter reach the stage where they are believed not to need the supervision of the department. These certificates of competency undoubtedly will result in the sale of much land and the development of the country, and it is believed, as others see the results, that they themselves will desire likewise to convert any idle lands they have into money.

At the same time, the Indian who desires to go into the cattle business, for which many of them are adapted, or into horse breeding, will have lands which he can devote to that purpose in whole or in part. As to the surplus lands of noncompetents, provision is made whereby their lands may be sold at a price acceptable to them and opportunity afforded them for education in business matters by turning over to them 50 per cent of the proceeds of the sales as the money becomes available from the purchaser or settler, the balance being reserved and the interest only paid to the Indian. This provision, it is believed, will insure against want the old Indians and provide for the education of minors and young Indians. It furthermore will have a decidedly beneficial educational effect in that it will teach the Indians the value and the use of land in exactly the same mode whereby the children of any white persons acquire their knowledge.

The mineral resources of the Crow Reservation are believed to be considerable, notwithstanding no opportunity for their development has been possible heretofore. The Commissioner of Indian Affairs and the Geological Survey report that valuable coal deposits have been found and are being worked in Wyoming on land adjoining the Crow Reservation. The official reports received would indicate that some considerable part of the Crow Reservation may have coal lands of a value in excess of \$100 per acre, and oil developments in Wyoming would indicate the possibility that oil may be found upon the reservation. These mineral resources of coal and oil, it is believed, should be reserved to the tribe and leases made of the same by the Secretary of the Interior for the benefit of the entire tribe, in order that the more shrewd may not take advantage of the less intelligent, and for the further reason that it is believed in this way a fuller development may be had than if the mineral rights were at this time vested in the individual Indian. This system, it has been found, has worked well upon the Osage Reservation, where at this time the tribe derives a revenue of \$240,000 a year from oil and gas rights, and the oil and gas have been developed to a greater extent than otherwise would have been the case. Careful provision has been made for the protection of the owner of the surface and likewise against any manipulation of oil and gas by any one company, a limitation having been placed upon the area which any individual or corporation may lease.

This Senate bill, as heretofore stated, has the approval of the Indians and was approved and agreed to by the Senator from Montana upon the Indian Committee, and who attended the various hearings. It would aid the Indian and its passage mark a material stage in his development. It would prevent the domination of the grazing land of the Crow Reservation by a few large holders through their control of tracts specially entered. It would enable the actual settler to obtain title to lands just as rapidly as there were purchasers of the surplus holdings, which experience has demonstrated the Indian, as a rule, is very glad to dispose of if he can obtain a fair price and one in which he individually has a part in setting. Your minority denounce the House bill as one in the interest of special parties and not of either actual settlers or the Indians.

The protest of the Indians against the original Dixon bill, which is practically the same as the House bill, is annexed hereto.

JNO. H. STEPHENS.

DEPARTMENT OF THE INTERIOR,  
UNITED STATES INDIAN SERVICE,  
Crow Agency, Mont., January 11, 1910.

THE COMMISSIONER OF INDIAN AFFAIRS,  
Washington, D. C.

SIR: We, the undersigned, delegates who were chosen at a general meeting held by the Crow Indians in each of the six farming districts of the Crow Reservation to represent them at a convention held at Crow Agency on Tuesday afternoon, January 11, 1910, to consider the matter of the Crow bill, now pending before Congress, to open up for settlement the surplus lands of the diminished reservation, and to represent them at Washington in protesting against the passage of the said bill, petition you.

At this meeting we have unanimously decided to put before you, in writing, our reasons why our lands should not be opened up for settlement at this time.

First, the 1,150,000 acres that was opened up for settlement under the act of Congress approved April 27, 1904, was taken without our consent and in direct violation of the treaty that was made with us by the commissioners that were sent here in behalf of the United States by the Secretary of the Interior under and by virtue of the act of Congress approved June 10, 1896 (29 Stat. L., 341).

These lands were opened up for settlement in 1906; and at this time, after an elapse of five years, there has not been taken of these lands for settlement to exceed 150,000 acres, leaving unsold and untaken approximately 1,000,000 acres. We believed that, from this one showing, in all fairness and justice to us as a people who are trying to farm our land and raise stock, and who are self-supporting and are not in need of any gratuitous aid from the Government, the bill should not be allowed to pass, taking more land from us and subjecting us to the hardships of losing our grazing lands, when we have already been made to suffer the loss of 1,000,000 acres of our best pasture lands, taken from under our control, and from which we to-day are not receiving one cent revenue. We believe that the injustice alone will appeal to all fair-minded people as a sufficient reason why no more of our lands should be taken away from us.

We now derive from the leasing of our grazing lands \$160,000 per annum, and still maintain the right to graze our stock unmolested upon our own reservation. Not an Indian, with a possible exception of three or four, are now grazing or can graze with safety their stock on the ceded strip, where the white people now have full control. Our herds are constantly increasing, many of our Indians having as many as 250 head of cattle and several hundred head of horses each, and were the reservation to be thrown open we would entirely lose the benefit of these our grazing lands and our stock interests would be entirely destroyed. In five or six years' time the revenue derived from our grazing leases will amount to approximately as much as we would receive for the whole of the surplus lands of the diminished reservation were it opened up for settlement and sale. In two years' time these grazing lands of ours leased will yield us a revenue much larger than we have

already received from the sales of lands on the ceded strip during the last five years.

We have been chosen to represent our people because of their perfect confidence in us, and because they feel that we will protect their interests to the very best of our abilities. While we have great confidence in this matter, still we believe that by granting authority for this delegation to come to Washington our people will be made to feel better disposed, and that all will be better satisfied. We ask to come to you as a sensible body of men, representing the whole of the Crow Tribe of Indians in what to them is a matter of the greatest importance. Our reservation we consider as one enormous business enterprise of which our people are the sole proprietors, and they feel, in a matter of so vast importance, that they should be represented in Washington by a delegation of their own members who themselves are vastly interested. We therefore humbly request you to grant us authority for the 18 delegates, together with two interpreters and the superintendent, to come to Washington at the earliest possible date, representing the Crow Tribe in matter at issue. We have also requested the superintendent to transmit this communication to you at once.

It is the wish of the Indians that the expenses of this entire delegation be paid out of any of their moneys now in your hands to their credit.

We have requested the superintendent, in order to get this authority at the earliest possible date, to wire you asking that you wire the authority for us to come.

Very respectfully,

HORACE LONG BEAR.

T. S. SHIVELY.

FRANK SHANE.

BLAKE WHITEBEAR.

ALBERT ANDERSON.

J. W. COOPER.

JAMES HILL.

THOMAS MEDICINE HORSE.

ROSEBUD FARWELL.

RALPH SASO.

Approved:

Witnesses to the above mark:

HOLDS THE ENEMY (his thumb mark).

SPOTTED RABBIT (his thumb mark).

STOPS (his thumb mark).

PLAIN OWL (his thumb mark).

ONE STAR (his thumb mark).

BULL ROBE (his thumb mark).

SEES WITH HIS EARS (his thumb mark).

PACKS THE HAT (his thumb mark).

PLenty COOS, *Chief of the Crows.*

GEORGE W. HOGAN.  
SAMUEL S. DAVIS.  
JACKSON STEWART.

A minority of your committee desire to present this minority report in opposition and protest against the passage of the bill as reported by the majority of the committee, for the following reasons, viz:

First. That the committee did not permit a hearing by the Indians whose lands are disposed of by the bill before the bill was reported to this House, but arbitrarily reported the bill to this House without due consideration and over the protest of the Indians owning the lands.

Second. Because more than 1,000,000 acres of said Indian lands have heretofore been opened for sale, and but a small part thereof has been sold; and it seems to be idle and almost incredible that Congress should put more than another million of similar lands on the market in competition with that now for sale, thus lowering the price of the whole body of Indian lands.

We therefore protest, etc.

JOHN H. STEPHENS.  
J. P. LATTA.

MR. HAUGEN. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. BYRNS].

MR. BYRNS. Mr. Speaker, I am opposed to this bill. I do not believe that it is proper that a bill of this nature and of as much importance as this bill is to the Crow Indians, who are vitally affected by it, should be passed under a suspension of the rules without opportunity given the House to fully and freely discuss the matters contained therein.

MR. STEPHENS of Texas. And over their protest.

MR. BYRNS. Yes. This bill was before the House last June, at the last session, when an effort was made to suspend the rules and pass it, and this House by a decided majority refused then to suspend the rules.

As suggested by the gentleman from Texas [Mr. STEPHENS], this bill is objected to by the Crow Indians, to whom the land belongs, and if passed by this House it will be passed over their protest.

In 1904 Congress passed an act authorizing the opening up of about 1,150,000 acres of this reservation. In 1906, I believe it was, a portion of that land was sold, amounting to 150,000 acres. There remains now about 1,000,000 acres, which has not been taken up and which has not been sold. The gentleman from Montana [Mr. PRAY] says that since the last session of Congress about 275,000 acres of this 1,000,000 acres has been disposed of. That would leave about 725,000 acres of this reservation now open for settlement under the act of 1904 and still undisposed of. It is certainly to the interests of the Indians that that land should be disposed of before Congress undertakes to pass another act opening up 2,000,000 more acres of land in the State of Montana.

There is no necessity for opening up this land, so far as the State of Montana is concerned, or so far as the citizens of that State are concerned, because I understand upon reliable information that about 31,000,000 acres of public land in Montana are now open for settlement.

The facts are that under the act of 1904 cattlemen and other men who were in a position, financially and otherwise, to take the land then opened for settlement, went in there and took 150,000 acres of the best land lying along the watersheds. They took all of the land that was fit for cultivation, leaving

this 1,000,000 acres of land which is without water. That action deprived the Indians of the grazing revenue they had enjoyed. They received about \$60,000 a year from cattlemen who grazed their cattle on these lands, and since 1904 they have been cut off from that revenue. They are receiving about \$160,000 annually for the rent of these 2,000,000 acres. If this is opened, you cut off from the Crow Indians this great revenue which they receive year by year, and you afford to the cattlemen and stockmen the opportunity to go in there and do with this additional number of acres just as they did with the other part of the reservation; that is to say, to take the land which is watered, to take up the land along the creeks and water holes and buy that, and to leave this great quantity of land unsettled and subject to grazing purposes by those who own the water rights without the least compensation to the Indians who own the land.

Mr. SLAYDEN. Will the gentleman permit me to ask him a question?

Mr. BYRNS. Yes.

Mr. SLAYDEN. Do I understand the gentleman to say that under this proposed law it will be possible for cattlemen to go and purchase the lands lying along the streams and thereby control the grazing lands behind them, so that practically they will, by the purchase of the water rights, be able to graze indefinitely and at insignificant cost, or free of charge, all that land that lies behind, and that it will not be marketable without the water privileges?

Mr. BYRNS. I do not think there is any question about that; and, judging the future by the past, that is exactly what will be done if this bill is passed. As the gentleman from Texas [Mr. SLAYDEN] suggests, if they secure the lands lying along the watersheds, then they will be able to have the use of all the other lands free of charge, and the Indians will be cut off from this \$160,000 of annual revenue for grazing purposes. Only those who own the lands along the streams and have access to them will desire the lands undisposed of for grazing.

Now, as I said, the Crow Indians are protesting against the passage of this bill, and I hope this House will not vote to suspend the rules. [Applause.]

Mr. STEPHENS of Texas. Will the gentleman from Montana use some more of his time?

Mr. PRAY. I think the gentleman had better go ahead and use some of his time.

Mr. STEPHENS of Texas. We have used 10 minutes on this side out of the 20 minutes that we are entitled to.

Mr. PRAY. It is my intention to use all the time on this side in one concluding speech.

The SPEAKER. The gentleman from Texas has 10 minutes remaining, and the gentleman from Montana has 15 minutes remaining.

Mr. STEPHENS of Texas. I am asking the gentleman from Montana to use some of his time.

The SPEAKER. The Chair can not control that.

Mr. BURKE of South Dakota. The gentleman from Montana expects to use the remainder of his time in making one speech, and he certainly has a right to close this debate.

Mr. STEPHENS of Texas. Then I will yield to the gentleman from Wisconsin [Mr. STAFFORD] three minutes.

Mr. STAFFORD. Mr. Speaker, I recollect distinctly the debate that occurred on this measure when it was under consideration at the last session of Congress. I find that no change whatsoever has taken place since the bill was then under consideration, except perhaps that of the 1,000,000 acres then remaining unsold some 200,000 acres may have been sold during the past year.

In the report accompanying this bill, which I hold in my hand, I find nothing to show that the Department of the Interior, to whom we must look for safeguarding the interests of the Indians, in any wise favors the enactment of this bill, but instead we find the direct protest of all the Indians of this band, save perhaps four or five. It shows that these Indians can obtain more by leasing these lands under the present method than by opening to settlement and sale the additional 2,000,000 acres proposed by this bill.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. STAFFORD. I can not yield in three minutes. The gentleman can get time from the gentleman in charge of the bill. I think we are proceeding with unseemly haste in the opening of some of these Indian reservations. When the conditions are such as those presented here, it is well for us not to proceed, but to save some of this land for succeeding Congresses to open; nay, for future generations to settle; and particularly, where it is shown positively that this land will

be conserved, and the interest of the Indians advanced by keeping the land under lease, as it now is. Therefore, Mr. Speaker, I hope that this bill will be defeated, and that we will not, in the absence of any demand whatsoever, proceed to open 2,000,000 acres additional, when there are awaiting settlement 750,000 acres which, after being open for more than five years, are still unclaimed for.

Mr. STEPHENS of Texas. I yield two minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, somebody in Montana must be very greedy. The anxiety to obtain these Indian lands exceeds anything in my experience in this House. With 41,000,000 acres of undisposed of public lands, and with legislation already had to open 1,150,000 acres of this reservation, and the official report shows that 150,000 acres of this land have been taken up, it is proposed to open 1,500,000 additional acres. Some gentleman says that since the last session of Congress 200,000 acres additional of the original opening have been taken up. It seems to me that under this condition of affairs there can not be very much necessity for this opening or the gentleman would be here with a report of the Secretary of the Interior to that effect.

I know that before this debate is closed some gentleman on that side of the House will repeat his performance when this bill was up heretofore under a motion to suspend the rules, and will rave and tear his hair and protest that to defeat this bill is to help the cattlemen in Montana; but the truth of the matter is that this legislation is desired in order to permit someone to control the water upon this reservation, and in that way the cattlemen will have control of the entire reservation. I need not say to gentlemen who come from those sections of the country where cattle are raised that the necessity of having access to the water is imperative, and that control of the water is practically the control of unlimited territory. As far as the cattle can range from the water, so far have those who control the water practical possession of the land.

I hope this bill will be defeated again, as it was beaten on other occasions. This land should not be opened until the 1,000,000 acres of land ready for disposal under the previous act are taken up and the proceeds placed to the credit of the Indians, and proper investigation made as to the necessity for this legislation.

Mr. STEPHENS of Texas. I will again ask the gentleman from Montana to use a part of his time.

Mr. PRAY. I yield two minutes to the gentleman from South Dakota [Mr. BURKE].

Mr. BURKE of South Dakota. Mr. Speaker, I want to say in reply to the gentleman from Wisconsin that it is not the policy and, in my judgment, it is not for the best interests of the Indians to continue large reservations. There are only 1,700 of these Indians. They have allotments from 800 to 2,000 acres per family, and it is not advisable to allow them to have 2,000,000 acres of land that they have no use for simply for the purpose of giving them a rental that they can get, that can do them no good except to pauperize them. The trouble with the Indian question is that we have been giving the Indians money, annuities, clothing, food, and so forth, and if we ever expect them to amount to anything we must soon impress upon them that they must help themselves a little.

Mr. Speaker, the objections to the bill in the House come from gentlemen who are perfectly conscientious and honest in the belief that it is not for the best interests of the Indians to dispose of this reservation at present, and, in my judgment, they are wrong and have been imposed upon by the representatives of the large cattle companies. From the evidence submitted to the committee, there is no doubt whatever but that the opposition to the bill comes from the great cattle interests that occupy the reservation. I say the bill ought to pass and the land ought to be disposed of under the homestead law at the earliest possible time.

Mr. PRAY. I yield half a minute to the gentleman from Kansas [Mr. SCOTT].

#### AGRICULTURAL APPROPRIATION BILL.

Mr. SCOTT. Mr. Speaker, I ask unanimous consent that the agricultural appropriation bill (H. R. 31596) be taken from the Speaker's table, the Senate amendments disagreed to, and ask for a conference.

The SPEAKER. Pending the consideration of this bill the gentleman from Kansas asks unanimous consent that the House take from the Speaker's table the agricultural appropriation bill, disagree to all the Senate amendments, and ask for a conference.

Mr. MANN. Reserving the right to object, I want to say that at this stage of the session conference reports that come in

will probably have to be agreed to. The Senate has added a lot of legislative provisions to this bill and various other amendments, which possibly would be objectionable to the House, especially the legislative provision. To bring in a conference report in the closing hours of Congress with a lot of new legislation that has never been considered in the House, which time then forbids consideration of, does not seem to me to be fair. I appreciate the fact that we are not in a position even to object, and yet if it shall become the policy of the body at the other end of the Capitol to hold back appropriation bills until the very closing hours of the session in order that they may have their way on conference reports because of the fact that it will be too late to reject them, I think the House may be put in a position where it will have to take a stand against such action.

Mr. BUTLER. Let them fail.

Mr. SCOTT. I think the gentleman need not be apprehensive that important legislation will be brought in on this conference report to the House in the last days of the session by the House conferees.

Mr. MANN. I am apprehensive. I know the tendency of conferees to get together; it is their duty to get together, and it is often necessary to yield, and yet when they yield the House has no fair opportunity to express its opinion on anything that is new in such report.

Mr. SCOTT. The gentleman concedes that we must get into conference?

Mr. MANN. I appreciate all that. I am stating the fact that in these closing hours of Congress it may be necessary to waive things that otherwise we would not waive, and yet the gentleman ought to remember that the House is not willing to be entirely eradicated as a part of the legislative branch of the Government. [Applause.]

Mr. SCOTT. I am sure that the gentleman is unnecessarily apprehensive.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. SCOTT, Mr. COCKS of New York, and Mr. LAMB.

#### LAND AND FUNDS OF THE CROW TRIBE OF INDIANS.

Mr. PRAY. Mr. Speaker, I yield three minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, I am very well acquainted with the country in the Crow Reservation, in Montana, and quite familiar with the conditions existing there. I feel very confident from what I know of the conditions and situation that, if the membership of the House was as well acquainted as I am with the conditions there, they would all favor the passage of this bill. These Indians have an enormous reservation, a great portion of which they have no use for whatever except the leasing of the lands to the cattlemen. There is a considerable portion of this land that can be farmed. Some can be farmed without irrigation and a considerable portion can be farmed under irrigation. I do not understand what the gentleman from New York had in his mind when he said that this was an attempt to get control of the water, because the only water on the reservation is in the Little Horn River and tributaries and the lands along the Little Horn and other streams have been in allotment for many years. The land not allotted lies back from the stream. There is no land along any stream so far as I know, and I am very familiar with the country, that has not been in allotments for many years. Lying back from the streams there is considerable land which can be farmed. It is rather better than most of the land that remains in the Northwest in the Indian possession or on the public domain. The opening of these lands to settlement will aid in the development of that country very greatly. It will be in the interest of the Indians, because I do not think we ought to maintain these great reservations as pastures for large sheep and cattle grazing when they can be settled and when the lands can be farmed, when people are anxious to secure them for farming purposes.

Mr. STEPHENS of Texas. Mr. Speaker, I will yield two minutes to the gentleman from Nebraska [Mr. LATTA].

Mr. LATTA. Mr. Speaker, I am not opposed to the opening of Indian reservations for the settlement of the country, but I am opposed to having them opened up so as to give the cattle and sheep men the control of the country by making it possible for them to get control of the water. The evidence brought before the committee shows that in 1904 there were opened to settlement 1,154,000 acres of land, and it was also brought out that there were only 154,000 acres of the land sold. The cattlemen either bought or got control of all the water holes and streams, which gave them practically control of all the land that was opened to settlement, and there is, or was when the

report was made to the committee, 1,000,000 acres of the land that was put on the market in 1904 still remaining unsold. The only requests to have 2,000,000 acres more of the land put on the market were from the stockmen that now live on the reservation, and it is very plain to be seen that their object is to get control of all the balance of the water on the reservation by getting more of the land opened to settlement. By controlling the water supply of the country already opened to settlement they rendered the balance of the country useless to anyone except the party controlling the water. I am very familiar with the country and know it to be rich in grasses, which makes it very desirable for stockmen, and for this reason they are very anxious to get control of the whole of the reservation. By buying or getting control of a few thousand acres they could control 2,500,000 acres of grazing land, upon which they could run their herds at a great profit without any expense. For these reasons, gentlemen, I hope the bill will not pass.

Mr. STEPHENS of Texas. I yield three minutes to the gentleman from Virginia [Mr. SAUNDERS].

Mr. SAUNDERS. Mr. Speaker, the most effective argument that can be made in connection with this matter is simply a repetition of the salient facts as they are developed by the record. I do not understand that there is any difference between this bill, and the bill of a year ago, and at that time, as I recall, the Secretary of the Interior was opposed to its passage, as stated in his letter. Certainly he was of opinion that at least action should be deferred, until certain conferences could be had with the representatives of the Indians, with a view to the adjustment of their grievances. I do not understand that anybody on this floor has undertaken to say that these conferences have been conducted, and that as a result of the same, the attitude of opposition on the part of the Indians has been changed. Another thing that appears from the record is this, that if it is true, as the gentleman from Wyoming [Mr. MONDELL] has just stated, that a considerable proportion of this land can be utilized, and sold as farming land, then why is it that 725,000 acres remain unsold? Why is it that this land has not been put upon the market for agricultural purposes? One thing further. These Indians protest that they have not received a large sum of money to which they are entitled under the original contract. With this attitude of opposition and antagonism on their part, as well as of the Interior Department, what reason is there to take the step proposed over the protests of the parties most materially concerned? Why should this House rush this bill to passage over the appeal of these defenseless people? I have no antagonism or feeling of opposition to the general policy of opening up reservations, but in this instance, my opposition is founded on the facts of this particular case.

The situation is not such as to render it proper that this reservation should be opened at this time. The lands of these Indians heretofore sold were sold in such a way that, by the acquisition of the water rights by a few grasping parties, a large portion of the balance of the 1,000,000 acres has been rendered practically valueless. Why is it that we should now put upon the market another 1,000,000 acres, in order that a repetition of that process may be made possible? What explanation has been offered on the part of the proponents of this measure, to repel the attitude of the Secretary of the Interior? What arguments have been offered on the part of the proponents of this measure to show why with 725,000 acres remaining unsold of the first 1,000,000 acres, there is any good reason for selling at this time another 1,000,000 acres, under such circumstances as will inevitably be to the prejudice of the people who are affected? They are the people who are the owners of this land, and they protested through their representatives before the Committee of this House, against the action now sought to be taken. I protest, Mr. Speaker, that with these facts, and these are the facts of record, there has been advanced no argument whatever to justify this House in taking up and passing this bill. [Applause.]

Mr. STEPHENS of Texas. Mr. Speaker, how much time have I left?

The SPEAKER. No time is left to the gentleman; it is all exhausted.

Mr. PRAY. Mr. Speaker, I do not for one moment question the good faith of gentlemen on that side of the House in opposing this bill, but I want to say to you now, at the outset of my remarks in concluding this debate, that I sincerely and honestly believe that you have been shamefully imposed upon. You say over there that the stockmen of Montana are interested in favor of this bill and are anxious to have this reservation opened, and I say to you that your action at the last session and your action at this session, if it should result in voting down this bill, and I say it to you on my oath and honor as a Representative in

this House, is just exactly what the rich stockmen of my State, who operate in that section, want you to do. [Applause.] You talk about the Crow delegates being sent down here to oppose this measure. Why, gentlemen, what do you really know about this delegation or the attorneys who were here lobbying among you in their behalf? Have you been in my State or communicated with any of our citizens since this measure was considered at the last session in an effort to ascertain what the real sentiment of the people is in regard to this proposition and in regard to your determined opposition to this bill? Evidently you have not, and you are apparently not willing to accept the assurances of the members of your party in the State Legislature of Montana, who have repeatedly advised you that it is for the best interests of all concerned that this reservation be opened and without further delay.

I have received letters and telegrams innumerable and have a basketful of correspondence over this reservation matter, and believe that I know, and that you ought to know, what should be done about it, especially so when you take into account the attitude of the department and the action of the Indian Committees of both the Senate and House, and, furthermore, the action of the Senate in passing the bill in the Sixtieth Congress and again in the Sixty-first Congress. Why, you offered no opposition to this measure when it was being considered and was afterwards favorably reported by the House committee in the Sixtieth Congress. And the same thing is true when the bill now offered as an amendment first came before the committee for consideration in this Congress. And yet on both occasions there were 800 pages of testimony before the Senate committee touching every phase of this case. Since these hearings took place you have had plenty of time to examine the testimony. You could have talked with the officials at the Interior Department, especially the Commissioner of Indian Affairs. You could have communicated with leading members of your own party in Montana and found out the real situation.

If you had done any one of these things you would have gotten a start in the right direction. And again, about that delegation, if you had gone over the testimony you would have found some information from a most reliable source which I think would have put you on inquiry, at any rate, as to whether the presence of these delegates here in Washington was not procured by the stockmen themselves. I want to say to you that I have been informed more than once that the whites were responsible for their presence here—so maneuvered as to have them here to protest.

Mr. SAUNDERS. Will the gentleman yield?

Mr. PRAY. I beg the gentleman's pardon, but I am unable to yield, as I have only a few minutes remaining and I hope the gentleman will not interrupt me. Let me tell you something about these delegates, or some of them, who they are and how they are situated, as it appears in the testimony. They control out there, per family, from 800 to 2,000 acres of land, and one of the leaders of that delegation, Joe Cooper, has under his control 2,040 acres of land and cultivates about 2 acres.

Long Bear controls about 640 acres and cultivates 40; Curly, about 640, but does not work it; White-man-runs-him and family, 1,600 acres, and cultivate a little near the river; another has 980 acres, 320 of which are irrigable; and several did not know how much land they had. As a matter of fact, their holdings are all large. The Government has spent about a million dollars in constructing irrigation projects, and 50,000 acres can be irrigated. About 100,000 acres more are capable of being irrigated.

Sixteen or seventeen of these delegates came down here and stayed three or four weeks. Who paid their expenses? They stopped at the hotels here in Washington on Pennsylvania Avenue, and they were going back and forth before the Senate committee. They were given a full hearing in both Congresses. There are 800 pages of hearings in the Sixtieth Congress and 156 pages in this Congress, and notwithstanding that the Senate committee favorably acted upon the bill and it was passed and sent over here, it went on the House Calendar. Now, something has been said about the lands remaining unsold.

I want to give you the figures about that. The Indians agreed under the first opening, or the first treaty of 1899, that they would dispose of all of this land for \$1 an acre. Now, then, let me show you what has happened. Last fall 273,881 acres of land were sold, and the amount realized was \$829,859.85; remaining unsold, 597,878 acres—not 700,000 acres, as some gentleman has said—and of that amount 252,654 acres have been reserved as coal lands, which will be disposed of later on. This leaves 345,000 acres that will be sold the next time these sales take place. Now, then, out of the 1,150,000 acres they have now got \$1,191,253, and the balance will bring, according to the testimony, at least \$1,791,793. There should

also be added to those amounts \$160,000 in homestead payments, which would make a total of \$3,044,887—three times the amount the Indians were willing to accept for the same lands under the first agreement.

Mr. BYRNS. Will the gentleman yield?

Mr. PRAY. I decline to yield.

Mr. ANDERSON. Will the gentleman state, if the rich catlemen do not want this bill passed and the Crow Indians do not want it passed, who does?

Mr. PRAY. The people of the State of Montana, who have had this case called to their attention time and time again during the past three years. They want this bill passed, and I am glad that the gentleman interrupted me so that I can again repeat it, and also state that the Legislature of the State of Montana, through its representatives from all sections of the State—and, by the way, the present legislature is Democratic—has again memorialized Congress to open up this reservation, because they believe it is for the best interests of all concerned. The gentleman from Texas [Mr. STEPHENS] has the memorial of the State Legislature of Montana in his pocket, and I wish he would present it and have it incorporated in the RECORD. [Applause.] He ought at least to be fair with his Democratic colleagues and be willing to tell them what their Democratic friends in Montana would like to have them do.

Now, something has been said about the enormous acreage left in Montana for others to occupy. The gentleman from New York [Mr. FITZGERALD] said there were 41,000,000 acres. There are thirty-six millions, and 19,000,000 acres of that are unsurveyed. Now, that disposes of that argument.

You have had a good deal to say about water holes and how the stockmen could monopolize them if the reservation were opened, and you are also greatly mistaken in this respect.

It is not necessary to take up any more time on that point, as the gentleman from Wyoming [Mr. MONDELL] fully covered it. He showed very clearly what a vague and indefinite sort of notion some of you gentlemen seem to have about conditions on this reservation. The loss of lease money has also been given as a reason why the bill should not pass, and I ask you gentlemen to set over against that the large amount of money that would be realized in interest at 4 per cent on the increased Crow fund. That position you will also find untenable. Over on that side you frequently deplore the existence of monopolies and monopolistic control, and yet by your action here to-day you propose to give to a few stockmen a monopoly on this great reservation, rather than open up the reservation and thereby afford the citizens of your States and of other States, who are going to Montana in great numbers, an opportunity to settle upon and graze over these 2,000,000 acres of surplus lands. The homesteaders of my State will, of course, be perfectly delighted with your attitude toward them in this case.

Thus far nothing has been said about the provisions of the measure now under consideration. The interests of the Indians are carefully guarded. It is the form of opening approved by the Interior Department time and time again. It is a conservation measure and ought to appeal to you. If any lands are found bearing coal, oil, or other valuable minerals, they are reserved from allotment or disposition until further action by Congress. Lands chiefly valuable for power or reservoir sites are made subject to such disposition as Congress may direct. Under this bill the Indians are to receive \$2.50 an acre for sections 16 and 36. Heretofore, in most cases, the price has been \$1.25 an acre. The proceeds arising from sale and disposition of lands under the bill must be deposited to the credit of the Indians and draw interest at the rate of 4 per cent per annum. After the lands have been classified and appraised, they are to be disposed of under the provisions of the homestead, desert-land, mineral, and town-site laws. Lands made subject to these different forms of entry are the surplus lands, such as have not been allotted to the Indians or granted, reserved, or otherwise disposed of by the terms of the bill.

But it is probably not necessary to enter upon a protracted discussion of the provisions of the pending bill. I think it is apparent to all on this side that in view of the determined opposition of Democrats it is hardly possible to secure a two-thirds vote at this time. It is the same opposition that developed during the consideration of the measure at the last session. The bill received a majority of the votes cast during its consideration in the second session of this Congress. It will undoubtedly get a majority of the votes this time, but that, of course, will not be enough to pass it under suspension of the rules. This is the only way the Crow bill could be brought before the House at this session. If this bill should fail, the responsibility will again rest upon the Democratic side, as it did last session. But I sincerely hope that it may not fail.

If this bill could have been reached last session on calendar Wednesday it would have passed the House by a good majority, but it reached the calendar too late in session to receive the benefit of that rule. If it could have been taken up under that rule this session the same result would have been attained, but the Moon bill occupied nearly all calendar Wednesdays this session. It is altogether too much of a handicap to be required to secure a two-thirds vote of the House with Democrats drawing party lines on the bill, and with a bitter fight being waged against it by such leaders as the gentlemen from New York [Mr. FITZGERALD], from Missouri [Mr. CLARK], from Virginia [Mr. SAUNDERS], from Nebraska [Mr. LATTA], from Tennessee [Mr. BYRNS], and from Texas [Mr. STEPHENS]. I want to say to you gentlemen, in conclusion, and I say it on my honor as a Representative in this House, and I believe my statements are entitled to some faith and credit, that this bill ought to pass now and become a law, and enough Democrats ought to vote for it to supply the necessary two-thirds vote. And I further believe that the legislature of my State ought to be given some consideration, and likewise the people of my State who want this reservation opened up. They do not want any more jobbery about it either or any more delegations or alleged delegations or lobbyists sent here to mislead the Members of this House and protect the stock interests on that reservation. And I sincerely hope the bill will not go over to another session of Congress, because, if it does, the citizens of my State are going to get after you again and keep on until you finally accede to their demands. [Applause.]

## Senate joint memorial 1.

To the honorable Senate and House of Representatives of the United States in Congress assembled:

Whereas we believe it to be the everlasting benefit and advantage of the State of Montana, and its people, and to the best interests of the Nation at large that the Crow Reservation should be speedily opened for settlement and all Indian rights adjusted: Now therefore be it

*Resolved* (the house of representatives concurring), That we, the Twelfth Legislative Assembly of the State of Montana, do hereby petition the Congress of the United States for the passage of necessary legislation to, at as early a date as practicable, open for settlement the lands embraced within the Crow Reservation situated in the southeastern portion of the State of Montana.

*Resolved further*, That a copy of this memorial be forwarded by the secretary of state to the honorable Secretary of the Interior and our Senators and Representatives in Congress, with the request that they use every effort within their power to bring about speedy action for the accomplishment of the ends and purposes herein indicated.

W. R. ALLEN, President of the Senate.

W. W. McDOWELL, Speaker of the House.

Approved January 23, 1911.

EDWIN L. NORRIS, Governor.

Filed January 23, 1911.

A. N. YODER, Secretary of State.

UNITED STATES OF AMERICA,  
State of Montana, ss:

I, A. N. Yoder, secretary of state of the State of Montana, do hereby certify that the above is a true and correct copy of senate joint memorial No. 1, relating to the opening of the Crow Reservation for settlement, enacted by the twelfth session of the Legislative Assembly of the State of Montana, and approved by Edwin L. Norris, governor of said State, on the 23d day of January, 1911.

In testimony whereof I have hereunto set my hand and affixed the great seal of said State.

Done at the city of Helena, the capital of said State, this the 23d day of January, A. D. 1911.

[SEAL.] A. N. YODER, Secretary of State.

## House joint memorial 4.

To the honorable Senate and House of Representatives in Congress of the United States assembled:

Whereas we believe it to be the everlasting benefit and advantage of the State of Montana and its people, and to the best interests of the Nation at large, that the Crow Reservation should be speedily opened for settlement and all Indian rights adjusted: Now, therefore, be it

*Resolved* (the senate concurring), That we, the Eleventh Legislative Assembly of the State of Montana, do hereby petition the Congress of the United States for the passage of necessary legislation to, at as early a date as practicable, open for settlement the lands embraced within the Crow Reservation, situated in the southeastern portion of the State of Montana;

*Resolved further*, That a copy of this memorial be forwarded by the secretary of state to the honorable Secretary of the Interior and our Senators and Representatives in Congress, with the request that they use every effort within their power to bring about speedy action for the accomplishment of the ends and purposes herein indicated.

Approved February 17, 1909.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and the Chair announced that, in the opinion of the Chair, two-thirds had voted in favor thereof.

Mr. FITZGERALD. Division, Mr. Speaker.

The House divided; and there were—yeas 103, nays, 46.

Mr. CLARK of Missouri. I demand the yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 144, nays, 135, answered "present" 11, not voting 98, as follows:

## YEAS—144.

|                  |                 |                   |                |
|------------------|-----------------|-------------------|----------------|
| Alexander, Mo.   | Fassett         | Kinkaid, Nebr.    | Olcott         |
| Alexander, N. Y. | Focht           | Knowland          | Olmsted        |
| Ames             | Fordney         | Kopp              | Page           |
| Andrus           | Foss            | Kronmiller        | Parsons        |
| Anthony          | Foster, Vt.     | Langham           | Pearre         |
| Austin           | Gardner, Mass.  | Law               | Pickett        |
| Barclay          | Gardner, Mich.  | Legare            | Plumley        |
| Bartholdt        | Gardner, N. J.  | Lenroot           | Poindexter     |
| Bennet, N. Y.    | Good            | Longworth         | Pratt          |
| Bingham          | Graff           | Loud              | Pray           |
| Borland          | Graham, Pa.     | Loudenslager      | Reeder         |
| Boutell          | Greene          | Lowden            | Roberts        |
| Burke, Pa.       | Griest          | McCreary          | Sheffield      |
| Burke, S. Dak.   | Guernsey        | McGuire, Okla.    | Sperry         |
| Butler           | Hamer           | McKinley, Ill.    | Stevenson      |
| Calder           | Hammond         | McKinney          | Simmons        |
| Calderhead       | Hanna           | McLachlan, Cal.   | Slemp          |
| Campbell         | Hawley          | McLaughlin, Mich. | Smith, Iowa    |
| Cassidy          | Hayes           | McMorrain         | Southwick      |
| Chapman          | Heald           | Madison           | Sperry         |
| Cooper, Pa.      | Henry, Conn.    | Martin, Colo.     | Stevens, Minn. |
| Creager          | Higgins         | Martin, S. Dak.   | Sturgiss       |
| Currier          | Hinshaw         | Massey            | Sullivan       |
| Daizell          | Hollingsworth   | Miller, Kans.     | Taylor, Colo.  |
| Dawson           | Howell, N. J.   | Miller, Minn.     | Thistlewood    |
| Diekema          | Howland         | Mondell           | Thomas, Ohio   |
| Dodds            | Hubbard, Iowa   | Moore, Pa.        | Tilson         |
| Douglas          | Hubbard, W. Va. | Morgan, Mo.       | Townsend       |
| Draper           | Hull, Iowa      | Morgan, Okla.     | Volstead       |
| Durey            | Humphrey, Wash. | Morrison          | Wreeland       |
| Dwight           | Johnson, Ohio   | Morse             | Weeks          |
| Ellis            | Joyce           | Moxley            | Woods, Iowa    |
| Elvins           | Keifer          | Murphy            | Young, Mich.   |
| Englebright      | Kendall         | Needham           | Young, N. Y.   |
| Esch             | Kennedy, Iowa   | Norris            |                |
| Fairchild        | Kennedy, Ohio   | O'Connell         |                |

## NAYS—135.

|                |                  |                |                |
|----------------|------------------|----------------|----------------|
| Adair          | Dupre            | Jameson        | Richardson     |
| Aiken          | Edwards, Ga.     | Johnson, Ky.   | Riordan        |
| Anderson       | Ellerbe          | Johnson, S. C. | Roddenberry    |
| Ansberry       | Ferris           | Jones          | Rucker, Colo.  |
| Barnhart       | Finley           | Kinkead, N. J. | Rucker, Mo.    |
| Bartlett, Ga.  | Fish             | Kitchin        | Sabath         |
| Beall, Tex.    | Fitzgerald       | Korby          | Saunders       |
| Bell, Ga.      | Flood, Va.       | Lamb           | Shackelford    |
| Booher         | Floyd, Ark.      | Latta          | Sharp          |
| Brantley       | Fornes           | Lee            | Sheppard       |
| Burgess        | Foster, Ill.     | Lever          | Sherwood       |
| Burleson       | Gallagher        | Livingston     | Sims           |
| Byrns          | Garnier, Tex.    | Lloyd          | Sisson         |
| Candler        | Garrett          | McCall         | Small          |
| Cantrill       | Gillet           | McDermott      | Smith, Tex.    |
| Carlton        | Godwin           | Macon          | Snapp          |
| Carter         | Goldfogle        | Madden         | Stafford       |
| Clark, Mo.     | Graham, Ill.     | Maguire, Nebr. | Stanley        |
| Clayton        | Gregg            | Mann           | Stephens, Tex. |
| Cline          | Hamlin           | Mays           | Sterling       |
| Cocks, N. Y.   | Hardwick         | Mitchell       | Talbott        |
| Collier        | Hardy            | Moon, Tenn.    | Tawney         |
| Conry          | Harrison         | Nelson         | Taylor, Ala.   |
| Cooper, Wis.   | Hay              | Nichols        | Thomas, Ky.    |
| Covington      | Hedlin           | Oldfield       | Thomas, N. C.  |
| Cox, Ind.      | Heim             | Padgett        | Tou Velle      |
| Cox, Ohio      | Henry, Tex.      | Palmer, H. W.  | Turnbull       |
| Cullop         | Hitchcock        | Peters         | Underwood      |
| Dent           | Hobson           | Pou            | Watkins        |
| Denver         | Howard           | Pujo           | Webb           |
| Dickinson      | Hughes, Ga.      | Rainey         | Wickliffe      |
| Dickson, Miss. | Hull, Tenn.      | Ransdell, La.  | Wilson, Ill.   |
| Dixon, Ind.    | Humphreys, Miss. | Rauch          |                |

## ANSWERED "PRESENT"—11.

|                 |            |           |              |
|-----------------|------------|-----------|--------------|
| Adamson         | Goulden    | Langley   | Smith, Mich. |
| Driscoll, M. E. | Hill       | Lindbergh | Wanger       |
| Glass           | Küstermann | Robinson  |              |

## NOT VOTING—93.

|                |                |                |               |
|----------------|----------------|----------------|---------------|
| Ashbrook       | Davis          | James          | Prince        |
| Barchfeld      | Denby          | Kahn           | Randell, Tex. |
| Barnard        | Dies           | Kelher         | Reid          |
| Bartlett, Nev. | Edwards, Ky.   | Knapp          | Rhinock       |
| Bates          | Estopinal      | Lafean         | Rothermel     |
| Bennett, Ky.   | Foelker        | Lawrence       | Scott         |
| Boehne         | Fowler         | Lindsay        | Sherley       |
| Bowers         | Fuller         | Lively         | Slayden       |
| Bradley        | Gaines         | Lundin         | Smith, Cal.   |
| Broussard      | Garnier, Pa.   | McCredie       | Sparkman      |
| Burleigh       | Gill, Md.      | McHenry        | Spieth        |
| Burnett        | Gill, Mo.      | McKinlay, Cal. | Taylor, Ohio  |
| Byrd           | Gillespie      | Malby          | Wallace       |
| Capron         | Goebel         | Maynard        | Washington    |
| Cary           | Gordon         | Millington     | Weisse        |
| Clark, Fla.    | Grant          | Moon, Pa.      | Wheeler       |
| Cole           | Hamill         | Moore, Tex.    | Wiley         |
| Coudrey        | Hamilton       | Morehead       | Willett       |
| Cowles         | Haugen         | Moss           | Wilson, Pa.   |
| Craig          | Havens         | Mudd           | Wood, N. J.   |
| Cravens        | Howell, Utah   | Murdock        | Woodyard      |
| Crow           | Huff           | Palmer, A. M.  |               |
| Crumpacker     | Hughes, N. J.  | Parker         |               |
| Davidson       | Hughes, W. Va. | Patterson      |               |

So (two-thirds not having voted in favor thereof) the motion to suspend the rules was rejected.

The Clerk announced the following additional pairs:

For this session:

Mr. HILL with Mr. GLASS.

Mr. WILEY with Mr. WALLACE.  
 Mr. BRADLEY with Mr. GOULDEN.  
 Mr. HUGHES of West Virginia with Mr. BYRD.  
 Mr. SMITH of California with Mr. CRAVENS.  
 Mr. WANGER with Mr. ADAMSON.  
 Mr. SMITH of Michigan with Mr. CLARK of Florida (excepting District legislation).  
 Mr. KÜSTERMANN with Mr. BOEHNE (commencing at noon, March 2).  
 Mr. LANGLEY with Mr. JAMES (commencing at 6 p. m., March 2).  
 Until further notice:  
 Mr. DAVIS with Mr. ROBINSON.  
 Mr. FULLER with Mr. SLAYDEN.  
 Mr. MUDD with Mr. WEISSE.  
 Mr. MURDOCK with Mr. RHINOCK.  
 Mr. WOOD of New Jersey with Mr. PATTERSON.  
 Mr. MILLINGTON with Mr. MAYNARD.  
 Mr. CAPRON with Mr. GILL of Missouri.  
 Mr. BARCHFIELD with Mr. ASH BROOK.  
 Mr. BATES with Mr. BARTLETT of Nevada.  
 Mr. BURLEIGH with Mr. BOWERS.  
 Mr. CARY with Mr. BROUSSARD.  
 Mr. COLE with Mr. BURNETT.  
 Mr. DAVIDSON with Mr. CRAIG.  
 Mr. DENBY with Mr. DIES.  
 Mr. MICHAEL E. DRISCOLL with Mr. ESTOPINAL.  
 Mr. GAINES with Mr. GILL of Maryland.  
 Mr. GRANT with Mr. GILLESPIE.  
 Mr. HOWELL of Utah with Mr. GORDON.  
 Mr. KAHN with Mr. HAMILL.  
 Mr. KNAPP with Mr. HAVENS.  
 Mr. LAFFAN with Mr. HUGHES of New Jersey.  
 Mr. LAWRENCE with Mr. KELIHER.  
 Mr. MALBY with Mr. LINDSAY.  
 Mr. MOON of Pennsylvania with Mr. LIVELY.  
 Mr. MOREHEAD with Mr. MCHENRY.  
 Mr. PRINCE with Mr. MOORE of Texas.  
 Mr. SCOTT with Mr. MOSS.  
 Mr. TAYLOR of Ohio with Mr. A. MITCHELL PALMER.  
 Mr. WASHBURN with Mr. RANDELL of Texas.  
 Mr. WHEELER with Mr. REID.  
 Mr. WOODYARD with Mr. ROTHERMEL.  
 Mr. BARNARD with Mr. SHERLEY.  
 Mr. BENNETT of Kentucky with Mr. SPARKMAN.  
 Mr. COWLES with Mr. SPIGHT.  
 Mr. EDWARDS of Kentucky with Mr. WILLETT.  
 Mr. GOEBEL with Mr. WILSON of Pennsylvania.

The result of the vote was announced as above recorded.  
 Mr. STEPHENS of Texas. Mr. Speaker, I desire leave to extend my remarks in the RECORD.

THE SPEAKER. Is there objection?

There was no objection.

Mr. PRAY. Mr. Speaker, I ask leave to extend my remarks in the RECORD.

THE SPEAKER. Is there objection?

There was no objection.

#### TYPHOID IN THE ARMY.

Mr. FINLEY. Mr. Speaker, I desire to present, from the Committee on Printing, a report (No. 2281) on House resolution 947, which I send to the desk and ask to have read.

The Clerk read as follows:

*Resolved*, That there shall be printed 100,000 copies of an article by Maj. F. F. Russell, Medical Department, United States Army, entitled "The control of typhoid in the Army by vaccination," for the use of the House and to be distributed through the folding room.

THE SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

#### INDIAN APPROPRIATION BILL.

Mr. BURKE of South Dakota. Mr. Speaker, I desire to call up the conference report on the bill (H. R. 28406) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1912, with the accompanying statement, which I ask to have read at the desk.

THE SPEAKER. The gentleman from South Dakota presents a conference report on the Indian appropriation bill. The Clerk will read.

Mr. BURKE of South Dakota. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

THE SPEAKER. The gentleman from South Dakota asks unanimous consent that the statement accompanying the conference report be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the statement.

The Clerk read as follows:

#### STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE.

On Senate amendment No. 48 the House has receded with a substitute, the effect of which is simply to make mandatory on the Indian Office a practice which now obtains at every agency in the country, and limits it to the State of North Dakota.

Amendment No. 76 has been materially modified by the substitute which the conferees have adopted, and in its present form is not considered objectionable.

On amendment No. 82 the Senate has receded.

CHAS. H. BURKE,  
 PHL P. CAMPBELL,  
 JNO. H. STEPHENS,

*Managers on the part of the House.*

The conference report is as follows:

#### THIRD CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28406) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1912, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 82.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: Strike out all of the proposed amendment and insert the following:

"Any licensed trader on the Standing Rock Indian Reservation in North Dakota, who has any claim against any Indian of said reservation for goods sold to such Indian, may file an itemized statement of said claim with the Indian superintendent. Said superintendent shall forthwith notify said Indian in writing of the filing of said claim and request him to appear within a reasonable time, to be fixed in said notice, and present any objections he may have to the payment thereof, or any offset or any counterclaim thereto.

"If said Indian appears and contests said claim, or any item therein, the said superintendent shall notify the said trader and fix a time for a meeting of the parties thereto, and shall or a hearing thereof use his efforts to secure an agreement as to the amount due between the said parties. If the said Indian shall not appear within the time specified in the notice, the superintendent shall call in the said trader and carefully investigate every item of said account and ascertain the amount due thereon. Any account so ascertained by the superintendent or any account admitted by the Indian shall be and remain an account stated between the parties thereto.

"That any moneys which shall thereafter become due to said Indian, by reason of any annuity or other indebtedness from the Government of the United States, or for property sold by or on account of such Indian, and which shall be under the control of the Secretary of the Interior, or any agent or superintendent, shall be paid such Indian only at the agency headquarters. And it shall be the duty of such agent or superintendent to use his influence, advice, and good offices to the end that such Indian shall, as rapidly as his means shall permit, pay the said account stated."

And the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: Strike out all of said amendment and in lieu thereof insert the following:

"That any person who prior to March 1, 1909, made homestead entry for land in the Uintah Indian Reservation, in the State of Utah, under the act of May 27, 1902, and acts supplementary thereto, and who has not abandoned the same, may make commutation proof therefor, provided such person has fully complied with the provisions of the homestead laws as to improvements, and has maintained an actual bona fide residence upon the land for a period of not less than eight months and upon payment thereof of \$1.25 per acre: *Provided further*, That nothing contained herein shall affect any valid adverse claim initiated prior to the passage of this act."

And the Senate agree to the same.

CHAS. H. BURKE,  
 P. P. CAMPBELL,  
 JNO. H. STEPHENS,

*Managers on the part of the House.*

MOSES E. CLAPP,  
 P. J. McCUMBER,  
 WM. J. STONE,

*Managers on the part of the Senate.*

Mr. BURKE of South Dakota. Mr. Speaker, I move the adoption of the report.

The SPEAKER. The gentleman from South Dakota moves the adoption of the conference report. The question is on that motion. Is there objection?

Mr. COX of Indiana. Mr. Speaker, I reserve the right to object.

The SPEAKER. Does the gentleman from South Dakota yield?

Mr. BURKE of South Dakota. Yes.

Mr. COX of Indiana. Mr. Speaker, I would like to have some information about this report.

Mr. BURKE of South Dakota. Mr. Speaker, the first amendment, on which we have on two occasions presented a disagreement, is amendment numbered 48. That amendment is with reference to traders at the Standing Rock Reservation in North and South Dakota, and it is proposed to do exactly what the department is doing now, administratively, so far as requiring the superintendent at the agency to bring together the trader and the Indians and adjust disputed accounts between them.

Now, to that particular part of the amendment I did not have very much objection, but the last paragraph provides that from any money that the Indian may receive from any source, at least 25 per cent should be withheld and applied upon his indebtedness. It gave to the superintendent the discretion to pay more than 25 per cent, if he thought it was advisable to take that much from the Indian. I objected very strenuously to that portion of the amendment, because it would make out of the Indian agency a collection agency. The item as we have agreed upon it in conference leaves the first two paragraphs substantially as they were, with the exception that the territory is limited by striking out that portion of the Standing Rock Reservation that is in South Dakota, so that it applies only to North Dakota, and for the last paragraph, which is stricken out, there is a substitute which in effect provides that when an Indian has any money coming to him from any source it shall be paid to him at the agency, and then the superintendent shall use his influence to prevail upon the Indian to pay his honest debts.

Mr. COX of Indiana. What influence will he use?

Mr. BURKE of South Dakota. Just exactly the influence that the agents are now using, in advising the Indians to pay their just debts.

Mr. COX of Indiana. Is there anything remaining in the amendment as finally agreed to that would give to the Indian agent the power to withhold the Indian's money?

Mr. BURKE of South Dakota. Absolutely not.

Mr. COX of Indiana. That is all eliminated?

Mr. BURKE of South Dakota. That is all eliminated. I say that I do not like the proposition. It is class legislation. It is doing by law exactly what is being done now by an order of the department, a matter that ought to be entirely administrative, and if I could have had my way about it, I would have insisted upon the item going out entirely; but at this late hour in the session, and having succeeded in getting the Senate to recede unqualifiedly upon the most objectionable amendment, the House conferees accepted this substitute for that provision.

Mr. COX of Indiana. I think the gentleman has made a gallant fight to get out of it the best that he possibly can. If I understand the situation now, the attempt to make a collecting agency out of the Indian agency has been entirely eliminated.

Mr. BURKE of South Dakota. I think so; yes. It simply by law directs to be done what is now being done by an order of the department itself.

Mr. STEPHENS of Texas. Is it not a fact that the department has the right now to make the same settlements?

Mr. BURKE of South Dakota. That is what I say. They are doing this very thing now.

Mr. COX of Indiana. I should like to have a statement about the attorneys' fees.

Mr. BURKE of South Dakota. No statement is necessary, because the Senate has receded unqualifiedly.

Mr. COX of Indiana. That is all I care for.

Mr. NYE. What was the "most objectionable amendment" to which the gentleman referred a moment ago?

Mr. BURKE of South Dakota. The one upon which the Senate receded, namely, the withholding of \$100,000 from the Colville Indians, for the purpose of having the money to pay some alleged claim for attorneys' fees, a claim, in my opinion and in the opinion of the House conferees, without any merit.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

On motion of Mr. BURKE of South Dakota, a motion to reconsider the last vote was laid on the table.

CONFEDERATE CEMETERY AT SPRINGFIELD, MO.

The SPEAKER. The Clerk will proceed with the call of the Unanimous Consent Calendar.

The next business on the Calendar for Unanimous Consent was the bill (S. 3501) providing for the taking over by the United States Government of the Confederate cemetery at Springfield, Mo.

The bill was read, as follows:

*Be it enacted, etc.* That the Confederate cemetery near Springfield, Mo., and which adjoins the national cemetery at that place, having been tendered by proper authority to the United States Government, the same is hereby accepted, under the conditions that the Government shall take care of and properly maintain and preserve the cemetery, its monument or monuments, headstones, and other marks of the graves, its walls, gates, and appurtenances; to preserve and keep a record, as far as possible, of the names of those buried therein, with such history of each as can be obtained, and to see that it is never used for any other purpose than as a cemetery for the graves of men who were in the military or naval service of the Confederate States of America: *Provided*, That organized bodies of ex-Confederates or individuals shall have free and unrestricted entry to said cemetery for the purposes of burying worthy ex-Confederates, for decorating the graves, and for all other purposes which they have heretofore enjoyed, all under proper and reasonable regulations and restrictions made by the Secretary of War.

Sec. 2. That the Secretary of War, under this act, is directed to take the necessary steps for the proper transfer of the cemetery to the Government, and when the same has been duly completed to put it in charge of the keeper of the national cemetery at Springfield, Mo., requiring him to exercise the same care in the preservation, beautifying, and caretaking generally as is done in regard to the national cemetery. Also that a suitable gate or entry way be made in the stone wall which now divides the two cemeteries, so that persons may readily pass from one to the other. Whatever additional funds may be required for the purpose of this bill shall be paid out of any fund which may be available for the maintenance of national cemeteries.

The SPEAKER. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, on page 1, line 10, I move to strike out the word "to," so as to correct the grammar.

The Clerk read as follows:

Page 1, line 10, strike out the word "to," before the word "preserve."

The amendment was agreed to.

Mr. MANN. On page 2, line 1, I move to strike out the word "to."

The Clerk read as follows:

Page 2, line 1, before the word "see," strike out the word "to."

The amendment was agreed to.

Mr. MANN. Mr. Speaker, in line 22, on page 2, I move to strike out the words "this bill" and insert the words "carrying out the provisions of this act."

The Clerk read as follows:

In line 22 strike out the words "this bill" and insert "carrying out the provisions of this act."

The amendment was agreed to.

The following committee amendment was agreed to:

Page 2, line 3, strike out the words "or civil" and insert before "naval" the word "or."

The bill as amended was ordered to a third reading, and it was accordingly read the third time and passed.

LEAVE TO EXTEND REMARKS.

By unanimous consent, Mr. HAMLIN was granted leave to extend remarks in the RECORD.

#### ALLOTMENT OF LANDS TO INDIANS.

Mr. BURKE of South Dakota. Mr. Speaker, the next bill on the calendar (S. 4704), an act to amend an act entitled "An act to amend and further extend the benefits of the act approved February 8, 1887, entitled 'An act to provide for the allotment of lands in severalty to Indians on the various reservations and to extend the protection of the laws of the United States over the Indians, and for other purposes,'" I move be laid on the table as that has been incorporated into another law.

The motion was agreed to, and the bill was ordered to lie on the table.

#### ELECTRICAL RAILWAY LINE, FORT RILEY MILITARY RESERVATION.

The next business on the Unanimous Consent Calendar was the bill (H. R. 31728) to authorize the Manhattan City & Interurban Railway Co. to construct and operate an electric railway line on the Fort Riley Military Reservation, and for other purposes.

The Clerk read the bill, as follows:

*Be it enacted, etc.* That the consent of the United States is hereby given to the Manhattan City & Interurban Railway Co., a corporation existing under the laws of the State of Kansas, to locate, construct, maintain, and operate a line of electric railway upon the military reservation of Fort Riley, in Geary County, State of Kansas, upon

such location and under such regulations and conditions as shall be approved by the Secretary of War.

SEC. 2. That the right to alter, amend, or repeal this act is hereby specially reserved.

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

**CLASSIFICATION AND APPRAISEMENT OF UNALLOTTED INDIAN LANDS.**

The next bill on the Unanimous Consent Calendar was the bill (H. R. 32223) authorizing the Secretary of the Interior to classify and appraise unallotted Indian lands.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized to cause to be classified and appraised, in such manner as he may deem advisable, the unallotted or otherwise unreserved lands within any Indian reservation opened to settlement and entry which were not classified and appraised in the manner provided for in the act or acts opening such reservations to settlement and entry.

The SPEAKER. Is there objection?

Mr. STAFFORD. I would like to ask the gentleman if this includes lands on reservations—

Mr. BURKE of South Dakota. Not at all; it simply makes possible to dispose of some remnants of land that can not be otherwise disposed of under existing law. No disposition was made of them, and there are a few small tracts that the department suggests should be disposed of, and this legislation is necessary.

Mr. FITZGERALD. I would like to ask the gentleman if this bill should not be amended, in line 6, page 1, by inserting, after the word "reservation," the word "heretofore?"

Mr. BURKE of South Dakota. I do not think the amendment is necessary; that was the purpose of it. I do not object, if the gentleman wants to offer an amendment.

Mr. FITZGERALD. I offer the amendment, Mr. Speaker.

The Clerk read as follows:

Line 6, page 1, after the word "reservation," insert the word "heretofore."

The amendment was agreed to.

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

**ALLOTMENTS ON THE QUINAILET INDIAN RESERVATION, WASH.**

The next bill on the Unanimous Consent Calendar was the bill (S. 5269) to provide for allotments to certain members of the Hoh, Quileute, and Ozette tribes of Indians in the State of Washington.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to allot on the Quinalt Reservation, Wash., under the provisions of the allotment laws of the United States, all members of the Hoh, Quileute, and Ozette tribes of Indians in Washington who may elect to take allotments on the Quinalt Reservation rather than on the reservations set aside for these tribes: *Provided*, That the allotments authorized herein shall be made from the surplus lands on the Quinalt Reservation after the allotments to the Indians thereon have been completed.

With the following amendments:

In line 6, after the word "Quileute," strike out "and," and in line 7, after the word "Ozette," insert "or other" and after the word "Washington," in said line, insert "who were affiliated with the Quinalt and Quileute tribes in the treaty of July 1, 1855, and January 25, 1856, and," so that the bill will read as follows: "That the Secretary of the Interior be, and he is hereby, authorized and directed to allot on the Quinalt Reservation, Wash., under the provisions of the allotment laws of the United States, all members of the Hoh, Quileute, Ozette, or other tribes of Indians in Washington who were affiliated with the Quinalt and Quileute tribes in the treaty of July 1, 1855, and January 25, 1856, and who may elect to take allotments on the Quinalt Reservation rather than on the reservation set aside for these tribes: *Provided*, That the allotments authorized herein shall be made from the surplus lands on the Quinalt Reservation after the allotments to the Indians thereon have been completed."

The amendments were agreed to.

Mr. MANN. Mr. Speaker, I suggest to the gentleman that the spelling in the report and in the bill are different. Which is correct? In the bill it is spelled Q-u-i-n-a-l-t and in the report it is spelled Q-u-i-n-a-l-t.

Mr. BURKE of South Dakota. The letter "u" in the word "Quinalt" should be changed to an "e."

The SPEAKER. The gentleman offers the following amendment, which the Clerk will report.

The Clerk read as follows:

Change the spelling of the word "Quinalt" to "Quinalelt."

Mr. MANN. It occurs three times in the bill. I judged that "elt" was correct. That is the way the Secretary of the Interior spelled it.

Mr. BURKE of South Dakota. I ask that that correction be made.

The amendment was agreed to.

Mr. MANN. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Strike out in line 4 the word "allot" and insert the words "make allotments," and in line 6, before the word "all," insert the word "to."

Mr. MANN. That will then provide for making allotments to members of the tribe instead of providing for allotting the members of the tribe.

Mr. BURKE of South Dakota. I will say that this bill was prepared by the Interior Department—

Mr. MANN. Well, it looks like one of the Department of Interior bills.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

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

**EXTENSION OF VAN BUREN STREET NW.**

The next business was the bill (S. 5843) to authorize the extension of Van Buren Street NW.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within six months after the dedication to the District of Columbia of not less than 80 per cent of the land necessary to open Van Buren Street from Piney Branch Road to its present western terminus east of Third Street west, with a width of 90 feet, the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the extension of said street between the limits named according to the plans for the permanent system of highways of the District of Columbia: *Provided*, however, That the entire amount found to be due and awarded by the jury in said proceeding as damages for and in respect of the land to be condemned for said extension, plus the costs and expenses of said proceeding, shall be assessed by the jury as benefits: *And provided further*, That nothing in said subchapter 1 of chapter 15 of said code shall be construed to authorize the jury to assess less than the aggregate amount of the damages awarded for and in respect of the land to be condemned and the costs and expenses of the proceeding hereunder.

SEC. 2. That there is hereby authorized to be expended, from the revenues of the District of Columbia, an amount sufficient to pay the necessary costs and expenses of the condemnation proceedings taken pursuant hereto and for the payment of amounts awarded as damages; to be repaid to the District of Columbia from the assessments for benefits and covered into the Treasury to the credit of the revenues of the District of Columbia.

The SPEAKER. Is there objection?

There was no objection.

Mr. FOCHT. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Strike out after the word "after" in line 5, page 1, "the dedication to the District of Columbia of not less than 80 per cent of the land necessary to open Van Buren Street from Piney Branch Road to its present western terminus east of Third Street west, with a width of 90 feet," and insert in lieu thereof "the passage of this act."

Strike out after the word "of" in line 13, page 1, "said street between the," and in line 1, page 2, "limits named," and in lieu thereof insert "Van Buren Street NW from Piney Branch Road to its present western terminus east of Third Street NW, with a width of 60 feet."

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

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

**EXTENSION OF UNDERWOOD STREET NW.**

The next business was the bill (S. 5844) to authorize the extension of Underwood Street NW.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within six months after the dedication to the District of Columbia of not less than 75 per cent of the land necessary to open Underwood Street from Piney Branch Road to its present western terminus east of Third Street with a width of 90 feet, the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the extension of said street between the limits named according to the plans for the permanent system of highways of the District of Columbia: *Provided*, however, That the entire amount found to be due and awarded by the jury in said proceeding as damages for and in respect of the land to be condemned for said extension, plus the costs and expenses of said proceeding, shall be assessed by the jury as benefits: *And provided further*, That nothing in said subchapter 1 of chapter 15 of said code shall be construed to authorize the jury to assess less than the aggregate amount of the damages awarded for and in respect of the land to be condemned and the costs and expenses of the proceeding hereunder.

SEC. 2. That there is hereby authorized to be expended from the revenues of the District of Columbia an amount sufficient to pay the necessary costs and expenses of the condemnation proceedings taken pursuant hereto and for the payment of amounts awarded as damages; to be repaid to the District of Columbia from the assessments for benefits and covered into the Treasury to the credit of the revenues of the District of Columbia.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I will reserve the right to object.

Mr. FOCHT. Mr. Speaker, this bill is of the same character exactly as the bill we have just passed. It is recommended by the committee and is the same as the other bill.

Mr. MANN. I will withhold the objection for the present.

Mr. FOCHT. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The SPEAKER. It will be read for information.

The Clerk read as follows:

Strike out, after the word "after," in line 5, page 1, "the dedication to the District of Columbia of not less than 75 per cent of the land necessary to open Underwood Street from Piney Branch Road to its present western terminus east of Third Street, with a width of 90 feet," and insert in lieu thereof "the passage of this act."

Strike out, after the word "of," in line 1, page 2, "said street between the limits named," and in lieu thereof insert the words "Underwood Street NW, from Piney Branch Road to its present western terminus east of Third Street NW, with a width of 60 feet."

Mr. COX of Indiana. Mr. Speaker, reserving the right to object, I want an explanation of this bill.

Mr. JOHNSON of Kentucky. Mr. Speaker, I object.

The SPEAKER. The gentleman from Kentucky objects.

#### FISH-CULTURAL STATION IN PENNSYLVANIA.

The next business on the Calendar for Unanimous Consent was the bill H. R. 30794.

The Clerk read as follows:

*Be it enacted, etc.* That the sum of \$50,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated for the establishment of a fish-cultural station in the State of Pennsylvania, including purchase of site, construction of buildings and ponds, and equipment, at some suitable point to be selected by the Secretary of Commerce and Labor.

The SPEAKER. Is there objection?

Mr. FOSTER of Illinois. Mr. Speaker, I object.

Mr. MANN. I hope the gentleman will withhold his objection.

The SPEAKER. The gentleman from Illinois objects.

#### RECEIPTS AND DISBURSEMENTS, NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

The next business on the Calendar for Unanimous Consent was House resolution 955.

The Clerk read as follows:

*Resolved*, That the Board of Managers for the National Home for Disabled Volunteer Soldiers be, and is hereby, directed to supply to the House of Representatives a detailed report of all receipts and disbursements or transfers in connection with what is known as the post fund since its creation, in 1886; also that a detailed statement be submitted of all moneys paid into the posthumous fund, and its disposition, by items, by the said board of managers from the date of its creation, in 1902.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, how much will this cost?

Mr. JOHNSON of Kentucky. Mr. Speaker, I rise to a privileged motion.

The SPEAKER. This is privileged.

Mr. JOHNSON of Kentucky. Then I will rise when we get through with this.

Mr. COX of Ohio. The cost of this will be nothing.

Mr. MANN. It provides for a detailed report of all receipts and disbursements of the post funds since its creation since 1886, which is a considerable period of time, and then another detailed statement of another fund since its creation in 1902, and it is plainly evident that to make a detailed statement of anything of the sort will cost considerable money. It will not do to say it will cost nothing.

Mr. COX of Ohio. I will say for the information of the gentleman that the House adopted first a resolution asking for an accounting over a period of five years. When that came in it was perfectly apparent that the accounting should go beyond that. It was comparatively a small report, contained in a small pamphlet, I should say, of 30 or 40 pages. They have a post-fund clerk at every one of the branches, and that is all he has to do.

Mr. MANN. What became of the report for the last five years?

Mr. COX of Ohio. It was filed with the Congress.

Mr. MANN. I know; but what good does it do?

Mr. COX of Ohio. It has shown the necessity of going back to the time the fund was established.

Mr. MANN. What good will it do to go back? I supposed the purpose of getting the information before was in order to have legislation, or something of that sort. Going back five years will not do any good. What good will it do to go back 25 years?

Mr. COX of Ohio. I will say to the gentleman that in the report going back five years two important things were disclosed. One was that \$10,000 was taken out of the post fund for the purpose of erecting a memorial arch in honor of a deceased member of the board of managers. Another expenditure was \$750 to buy an oil painting of Mr. Carnegie. We find there are a number of miscellaneous items carried, one of them, aggregating \$43,000, being simply carried as "miscellany," with no further information about it. It involves millions of dollars.

Mr. MANN. This involves millions of dollars?

Mr. COX of Ohio. Yes, sir.

Mr. MANN. I should say a detailed report going back 25 years would involve considerable expense on somebody, and what good would it do?

Mr. COX of Ohio. It would simply show, perchance, the unwise ness of permitting bureaus or commissions to expend money without authority from Congress and without accounting to Congress.

Mr. MANN. It does not require anything to show that. We all know it.

Mr. GOULDEN. I would like to ask how far it is intended to go back in this report? What is the limit?

Mr. COX of Ohio. To go back to 1886.

Mr. MANN. That is as far as we can go.

Mr. COX of Ohio. The facts of the case are simply these: Congress in creating the post fund and the posthumous fund provided a sacred fund for the debt. It was intended to be used for the enjoyment and benefit of the inmates of the National Soldiers' Home. It is known now that money has been taken out of the fund and wrongly and irregularly expended. I have cited two important instances of irregularity.

Mr. MANN. Those were within the last five years. To make a charge now against somebody who was on the board 25 years ago and who has long since been dead and has no chance to reply would seem to me hardly the proper thing to do at this time.

Mr. COX of Ohio. If the gentleman from Illinois, who has been rather rigid in his insistence for information in this House, declines to open up the sources of information in this matter he has the privilege of stating his objection.

Mr. MANN. I understand that. I do not need to be informed of that fact.

Mr. GOULDEN. I would ask if the gentleman would object to an amendment going back 10 years? I think that is far enough. I have had some experience in being a member of one of the State homes.

Mr. COX of Ohio. That is an entirely different proposition. The purpose of going back to 1886 is because that covers the years when the receipts were large. The canteen was in operation until a few years ago. If we find in five years the irregularities stated, what are we apt to find in 16 years?

Mr. MANN. Well, if it is for the purpose of finding something that is crooked, I have no objection to it, but it seems to me rather a peculiar proposition.

Mr. COX of Ohio. I do not want to make the statement on the floor of this House that anybody has engaged in a crooked transaction.

Mr. MANN. I mean, to ascertain whether they have or not.

The SPEAKER. Is there objection?

There was no objection.

The question was taken, and the resolution was agreed to.

#### CERTAIN LANDS IN THE STATE OF MONTANA.

The next business on the Calendar for Unanimous Consent was the bill (S. 10761) to amend section 3 of the act of Congress of May 1, 1888, and extend the provisions of section 2301 of the Revised Statutes of the United States to certain lands in the State of Montana embraced within the provisions of said act, and for other purposes.

The Clerk read as follows:

*Be it enacted, etc.* That section 3 of the act of May 1, 1888, ratifying and confirming an agreement with the various tribes or bands of Indians residing upon the Gros Ventre, Piegan, Blood, Blackfoot, and River Crow Reservations, in Montana Territory, be, and the same is hereby, amended so as to read as follows:

"SEC. 3. That lands to which the right of the Indians is extinguished under the foregoing agreement are a part of the public domain of the United States and are open to the operation of laws regulating the entry, sale, or disposal of the same: *Provided*, That no patent shall be denied to entries heretofore made in good faith under any of the laws regulating entry, sale, or disposal of public lands, if said entries are in other respects regular and the laws relating thereto have been complied with."

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Montana [Mr. PRAY] whether the lines objected to in the Senate bill, to which the Secretary of the Interior directed attention in his letter of February 16, have been eliminated?

Mr. PRAY. Yes. I will say to the gentleman from Wisconsin that the bill has been so amended as to do away with the objection made by the Interior Department, by the addition of these words:

If said entries are in other respects regular and the laws relating thereto have been compiled with.

Mr. FITZGERALD. That does not do away with the objection of the Secretary. It leaves in the proviso objected to,

Mr. PRAY. The proviso, with the addition of those words, is a qualification, I should think—

Mr. FITZGERALD. I know it is a qualification. These are Indian lands, are they not?

Mr. PRAY. No. I will say to the gentleman from New York that the Indians have nothing whatever to do with the land.

Mr. FITZGERALD. I know; but they were Indian lands heretofore?

Mr. PRAY. Yes; but in May, 1888, an act was passed confirming a treaty with the Indians, and under that treaty the lands were ceded to the United States and a cash consideration was paid to the Indians, so that they have nothing whatever to do with them now at all, and no interest in them. They took diminished reservations out there, and all these other lands went back to the public domain. I will say to the gentleman that this legislation is absolutely necessary at this time.

For 10 years the department has been allowing entries to be made and patents to be issued on soldiers' additional selections, and the settlers have taken town sites and homesteads and ranches, and only recently the department found that section 3 in the act confirming the treaty did not allow entries of this sort on these lands. The department is perfectly willing that the law be amended so that the public-land laws may be extended to this section of the country. There is no reason why they should not be. It is the same character of land that will be found elsewhere throughout the State of Montana.

Mr. FITZGERALD. Will the gentleman from Montana be good enough to tell me what this proviso means—

*Provided*, That no patent shall be denied to entries heretofore made in good faith under any of the laws regulating entry, sale, or disposal of public lands if said entries are in other respects regular and the laws relating thereto have been complied with.

What does that mean? If everything has been done as required by law and the entries have been made in good faith, what is the necessity for it?

Mr. PRAY. I think the words added after the word "lands," in line 5, further qualify it so as to eliminate uncertainty in respect to earnings of title, and so forth. I will say to the gentleman from New York that the bill provides that where settlers have applied soldiers' additional selections to 40 or 60 or 80 acres for a homestead or a ranch or a town site and have otherwise complied with the law with respect to their applications, which would be good elsewhere in the State of Montana, then the patent should not be denied to them.

Mr. FITZGERALD. That is provided in the original part of the bill.

Mr. PRAY. I will say to the gentleman that there are a large number of men in that section where I live whose entries have been recently suspended by a decision of the Commissioner of the General Land Office. The Interior Department has no objection to the passage of this bill.

Mr. FITZGERALD. The Secretary does object seriously to this proviso, as I understand. I will object to the bill on account of that proviso unless the gentleman is willing to take it out or explain its necessity.

Mr. PRAY. Perhaps the gentleman does not understand what I am trying to tell him about this matter?

Mr. FITZGERALD. No; I do not.

Mr. PRAY. There are three or four hundred entrymen out there who have applied soldiers' additional selections to land in this particular section of the State, and now the Commissioner of the General Land Office holds that that particular law relating to such selections is not applicable to that section of the State formerly occupied by these Indian tribes on account of section 8 of the act confirming the treaty. I do not remember the year in which the treaty was negotiated, but think it was in 1887. This is to confirm those selections and allow that form of entry, so that the settlers will not lose their lands and will receive their patents. The decision affects homes, ranches, and town sites throughout that entire region, which is about 400 miles in extent.

Mr. FITZGERALD. If this proviso were taken out, would it defeat some of the persons who applied in good faith?

Mr. PRAY. It would.

Mr. FITZGERALD. Then I will withdraw my objection.

The SPEAKER. The gentleman from New York withdraws his objection. Is there objection?

There was no objection.

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

#### LANDS IN FOREST RESERVES IN IDAHO.

The next business was the bill (S. 10791) to eliminate from forest and other reserves certain lands included therein for which the State of Idaho had, prior to the creation of said

reserves, made application to the Secretary of the Interior under its grants that such lands be surveyed.

The Clerk read as follows:

*Be it enacted, etc.*, That all or any part of the public lands of the United States within the State of Idaho granted to said State for any purpose by the act approved July 3, 1890, admitting the Territory of Idaho into the Union as a State, for which application for survey had been made by the State of Idaho in order that said State might perfect its selection and location of such lands under the provisions of said act of Congress, and the constitution of the State of Idaho, which was ratified by said act prior to such lands being embraced or included within any forest or other reserve or withdrawal created after such application for survey was made, are hereby eliminated from any and all reserves of whatsoever nature or character which have been created so as to overlap, include, or cover the said sections or parts of sections for which survey was so asked.

SEC. 2. That where the survey of such lands for which survey was requested as aforesaid has not been completed the same shall be forthwith completed and perfected so as to make the said lands for which survey was requested available to the State of Idaho and fully invest the State with the title thereto.

With the following committee amendment: Strike out all after the enacting clause and insert in lieu thereof the following:

That where any State or Territory owns lands lying within the boundaries of a national forest, or where its right of indemnity selection in respect to school sections within such boundaries has not been fully exercised, said State or Territory is hereby authorized, subject to the approval of the Secretary of Agriculture, to be given at his discretion, to exchange such lands for or make indemnity selections of other national-forest lands of like quantity and value, the same to be selected in reasonably compact bodies, which lands shall thereupon be excluded from the national forests for the benefit of said State or Territory.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, I reserve the right to object.

Mr. HAMER. Mr. Speaker, I desire to offer the following amendment, which I send to the Clerk's desk.

The SPEAKER. Does the gentleman from Idaho yield to the gentleman from Wisconsin?

Mr. HAMER. Yes.

Mr. STAFFORD. Mr. Speaker, I have just been informed by the gentleman from Illinois [Mr. MANN] that a similar bill has heretofore passed the House.

Mr. HAMER. Yes; a similar bill has recently passed the House and is now on the Senate Calendar, but it can not now be reached under the parliamentary status that exists over there, so, that when this bill came over, the Committee on Public Lands unanimously voted to amend the Senate bill so as to make it identical with the one that formerly passed the House.

Mr. STAFFORD. I went over this bill, Mr. Speaker, the other night, and I found that there were several matters that I wished to inquire about. I thought it was peculiar that the State had selected a great many more thousand acres than it was entitled to.

Mr. HAMER. No; the gentleman is mistaken in that. As a matter of fact, when Idaho was admitted into the Union the usual provision was made that sections 16 and 36 be set aside for school purposes, but in Idaho the same condition existed as in some other States, that is, sections 16 and 36 were unsurveyed land; and before official surveys could be made enabling the States to make selections, the land was included in a forest reserve, and, therefore, withdrawn from the possibility of selection. Now the bill as it passed the House has been approved by both the Secretary of Agriculture and the Secretary of the Interior.

Mr. STAFFORD. There is nothing in the report upon this bill to show that either Secretary has approved it.

Mr. MANN. That was in the House report on the other bill.

Mr. HAMER. When the bill was up for consideration in the House before, the letter from the Secretary of Agriculture approving the legislation was included in the report.

Mr. STAFFORD. As the foundation of my question as to the State having exceeded the amount selected, I find on page 2 of this report the statement that the selection of land is probably in excess by a million or more acres.

Mr. HAMER. I will attempt to explain that to the gentleman. That inclusion of that matter in the report was the result of a mistake, and a few days ago it was withdrawn at my request for the purpose of correction and reprint. There was some foreign matter included in that report through error, but which, as a matter of fact, had no business in it.

Mr. STAFFORD. It is that foreign matter that has misled me, and if that statement was a correct one I should be obliged to object; but under the circumstances I have no objection.

Mr. HAMER. I do not know how it got into the report, but it had no business there.

Mr. LENROOT. I shall feel constrained to object unless a necessary amendment can be adopted.

Mr. HAMER. As far as our committee is concerned, we will agree to the amendment.

Mr. LENROOT. Will my friend propose the amendment?

Mr. HAMER. Yes.

Mr. MANN. What is the proposed amendment?

The SPEAKER. The proposed amendment will be read for information.

The Clerk read as follows:

Page 2, line 24, after the word "land," insert the words "within such State or Territory."

Mr. MANN. That confines it to Idaho.

Mr. HAMER. It confines it to the State in which the original lands—sections 16 and 36—are located, whether that State be Idaho or another.

Mr. LENROOT. It simply confines the selection to the State or Territory in which the lands were located.

Mr. HAMER. Yes. In other words, Idaho could not select indemnity lands in Utah, or vice versa.

The amendment was agreed to.

The SPEAKER. Are there any further amendments?

Mr. HAMER. Yes; there is another amendment.

Mr. MANN. We want to know whether we object to this amendment or not before we give consent.

The SPEAKER. The amendment will be reported.

The Clerk read as follows:

Page 3, line 1, strike out the word "thereon" and insert in lieu thereof the word "thereby."

The amendment was agreed to.

The bill as amended was ordered to a third reading, and was accordingly read the third time and passed.

By unanimous consent the title was amended so as to read: "An act providing for the adjustment of the claims of the States and Territories to lands within national forests."

#### UNITED STATES LAND ON DAUPHIN ISLAND, ALA.

The next business on the Calendar for Unanimous Consent was the bill (S. 10638) to authorize the Secretary of War to sell certain lands owned by the United States and situated on Dauphin Island, in Mobile County, Ala.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of War be, and he is hereby authorized to sell so much or such parts of that certain tract of land condemned and held by the United States, and situated on Dauphin Island, in Mobile County, Ala., being a tract of 900 acres, more or less, constituting the eastern end of said island, as may not be reasonably necessary for present or prospective military or cognate purposes, for such consideration or upon such terms as he may find reasonable, not less than the original cost, and to execute deeds therefor.

The SPEAKER. Is there objection?

Mr. MANN. I reserve the right to object. I notice that the bill refers to a tract of land of 900 acres, more or less, on Dauphin Island, belonging to the Government, and possibly that is the amount to be sold, while the statement of the War Department is that the Government owns 583 acres of land on the island, and that there might be disposed of 267 acres. If the bill is no more correct in other particulars than it is as to the amount of land stated, it would seem to be a good way off.

Mr. DENT. Mr. Speaker, I understand that is a mistake in the bill, that there are only about 583 acres of land owned by the Government; but the bill amply protects the Government in giving the Secretary of War the discretion to sell only such parts of the Government reservation as are not needed for governmental purposes.

Mr. MANN. I do not see anything in the bill about discretion.

Mr. DENT. The bill says:

Nine hundred acres, more or less, constituting the eastern end of said island, as may not be reasonably necessary for present or prospective military or cognate purposes.

Mr. MANN. That gives him the discretion to determine what is reasonably necessary "for military and cognate purposes." I suppose possibly he would not be required to sell it, but there is nothing in the bill that leaves it to his discretion as to whether he shall sell. Under the statement of the bill 900 acres might be sold.

Mr. UNDERWOOD. If my colleague will allow me, I would like to say that this is a large island, and a very small portion of it is needed for governmental purposes. There is no limitation on the sale—the Secretary of War can put any price on this which is reasonable—and for governmental purposes the bill will aid in whatever developments the Government wishes to make, because the real purpose behind the bill is to build a railroad down to that point and have a private dock station that is building by these people at their expense for ships to come in and lie behind this island.

Mr. MANN. It will take a part of the Gulf frontage.

Mr. UNDERWOOD. Oh, no; the gentleman is mistaken about that. Instead of taking the Gulf frontage which the Govern-

ment wants, it takes the rear part which the Government does not want. There is no desire to get any part of this frontage that the Government wants. They want to get enough land back toward Mobile to build a dock in order to run a railroad down for supplies. There is no limitation on the price, and the Secretary of War is entitled to charge them whatever is a reasonable price for that which the Government has no use for.

Mr. MANN. We passed an act at the last session authorizing a railroad and a bridge to be built down there.

Mr. UNDERWOOD. Yes. Mobile is 18 miles from Fort Morgan. Fort Morgan is right at this island. There is no way to get down there now, except by boat. It is a long trip down through a circuitous channel. If the railroad is built down there where the ships can come in and lie there behind Dauphin Island, it is not only a good thing for commerce, but in time of war it would be a good thing for the Government to mass troops there hurriedly.

Mr. MANN. Would the gentleman accept an amendment striking out the words "nine hundred" and making it read "267 acres?"

Mr. DENT. I will. But I suggest to the gentleman from Illinois that at this late hour in the session to amend the Senate bill may cause it to fail.

Mr. MANN. I do not think there is much danger of a Senate bill failing because of a proper amendment.

Mr. DENT. I do not think there is any danger in the bill as it is when the Secretary of War says that he does not propose to sell but 267 acres.

Mr. MANN. Yes; but a pressure will be brought to bear on the Secretary of War when it becomes known that Congress has authorized him to sell a larger tract of land, notwithstanding he has reported against it.

Mr. DENT. The Secretary of War says that he intends to sell but 267 acres.

Mr. MANN. And thereupon Congress authorizes him to sell 900 acres.

Mr. DENT. Subject to his discretion, and he says that he does not propose to sell but 267 acres. I hope the gentleman will not insist on his amendment.

Mr. MANN. I shall have to insist on the amendment if the gentleman wishes to pass the bill. If the gentleman will consent to strike out the words "nine hundred" and insert "two hundred and sixty-seven," I will not object.

Mr. DENT. Mr. Speaker, I move, in line 7 of the bill, to strike out the words "nine hundred" and insert "two hundred and sixty-seven" in lieu thereof.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

In line 7 strike out "nine hundred" and insert "two hundred and sixty-seven."

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. DENT, a motion to reconsider the vote whereby the bill was passed was laid on the table.

#### MEDALS TO SURVIVORS OF PORT HUDSON FORLORN-HOPE STORMING PARTY.

The next bill on the Calendar for Unanimous Consent was the bill (S. 1531) to grant medals to survivors and heirs of volunteers of the Port Hudson forlorn-hope storming party.

The Clerk read the bill.

Mr. MANN. Mr. Speaker, I shall have to object to that bill. AUTHORIZING THE PRESIDENT TO INSTRUCT DELEGATE TO PEACE CONFERENCE.

The next business was House joint resolution 230, authorizing the President to instruct representatives of the United States to the next International Peace Conference to express the desire of the United States that nations shall not attempt to increase their territory by conquest, and to endeavor to secure a declaration to that effect from the conference.

The Clerk read the resolution, as follows:

*Resolved*, That the President is hereby authorized to instruct the representatives of the United States in the next International Peace Conference to express to the conference the desire of the United States that the nations represented in the conference shall not attempt to increase their territory by conquest, and to endeavor to secure a declaration to that effect from the conference.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I reserve the right to object. Does the gentleman believe that through a resolution of this House we ought to undertake to control the policies of the various nations of the world, without any chance for consideration?

Mr. BENNET of New York. Mr. Speaker, I will say to the gentleman from Illinois that of course that is not a resolution of the House. It is an expression of the Congress. It is a

joint resolution. It is not a new subject so far as American thought is concerned. Our colleague, Dr. BARTHOLDT, at the last conference put forth the same views, the American view, and the trouble with our delegates to these conferences in the past is that we have always sent them without any instructions, whereas other nations that secure results—

Mr. MANN. Who appoints these delegates?

Mr. BENNET of New York. The President.

Mr. MANN. Can he not instruct them?

Mr. BENNET of New York. There is a question as to whether he has the right without the expression of the legislature.

Mr. MANN. I should think if he could appoint delegates he could instruct them.

Mr. BARTHOLDT. Mr. Speaker, if the gentleman from New York will permit me, these delegates have always been instructed by the State Department and by the President; and, in fact, for the two Hague conferences lengthy instructions had been issued to our delegates.

Mr. MANN. I understand that. I knew that; I read the instructions.

Mr. BARTHOLDT. But I heartily approve this measure for the reason that, outside of its merits, this is the first attempt on the part of the American Congress, or the popular branch of it, to take a hand in international questions.

Mr. MANN. And that is just what I think it is not desirable to do.

Mr. BARTHOLDT. Heretofore the questions of diplomacy and of international politics have, almost without exception, been monopolized by the cabinets and the upper houses of the parliaments, the House of Lords in England and the Senate of the United States. This is the first effort in American history to allow the people's representatives to take a hand with regard to questions which are more important almost than any other, because they involve the question of war and peace, and for that reason I heartily favor the resolution.

I would like to add that a proposition had been submitted three years ago at the Berlin conference of the Interparliamentary Union by the American delegates according to which Governments were requested, in treaties which they would negotiate in the future, to recognize the territorial status quo in all countries. If we are to have more permanent peace, it is not only necessary to provide the legal machinery to settle controversies peacefully, but also to remove, if possible, all friction between the several countries. Now, there are some countries where territory is in dispute. I believe the French people to-day are not yet satisfied with the annexation by Germany of Alsace-Lorraine, and there are other countries where territorial questions are still an issue; but in our judgment we should not prevent such nations which have no territorial questions in dispute to conclude treaties recognizing the territorial status quo for all time to come, and making wars of conquest absolutely impossible. This resolution merely directs the State Department to request the President to instruct the American delegates to use their influence in that direction. I hope that the resolution will be passed.

I wish to congratulate the author of the resolution, whoever he may be, upon the good idea of its authorship. I did not know anything about it until a few minutes ago.

Mr. MICHAEL E. DRISCOLL. Mr. Speaker, I wish to reserve the right to object, and ask my colleague from New York why it was, since this resolution was introduced last June, it was not reported out until February 22?

Mr. BENNET of New York. On account of the pressure of business on the Committee on Foreign Affairs.

Mr. MICHAEL E. DRISCOLL. I did not know but what it was because of this fact: The gentleman will remember that he created some excitement in Downing Street and in Canada by a resolution a few days ago proposing to annex Canada through negotiations, and now he wants to assure England and Canada that this country is averse to conquest and appropriation by way of negotiation.

Mr. BENNET of New York. If my colleague will read the name of the introducer of the resolution, he will see that it is introduced by the great friend of Canadian reciprocity, the gentleman from Massachusetts [Mr. McCALL].

Mr. MICHAEL E. DRISCOLL. I am aware of that, but I also know that the gentleman a few days ago wanted to appropriate Canada through negotiations, and now he wants to assure England and Canada and the world that he does not want to appropriate any land or contiguous territory or foreign territory by conquest.

Mr. McCALL. If the gentleman will permit me, I did not understand the gentleman from New York [Mr. BENNET] was proposing to make the conquest of Canada.

Mr. BENNET of New York. No.

Mr. MICHAEL E. DRISCOLL. Which gentleman from New York?

Mr. McCALL. The gentleman who now has the floor.

Mr. MICHAEL E. DRISCOLL. He proposed to get it some time ago by negotiation or by purchase or some other method aside from war. And it created so much excitement over there that I thought perhaps he reported this bill to assure Great Britain, Canada, and the world that that was not his intention.

Mr. BENNET of New York. I assure my colleague that the two matters have no connection whatever; and in the other action, I am sorry to say, I did not have the cooperation of the gentleman from Massachusetts [Mr. McCALL].

Mr. MICHAEL E. DRISCOLL. One more suggestion. Does not my colleague from New York [Mr. BENNET] think that in this resolution, declaring the views of this Government, there is a good deal of hypocrisy involved, in view of the fact that this country has always been in the business of conquest from the very origin of the Government, and has never lost many chances of gaining territory by conquest?

Mr. BENNET of New York. I would be glad if my colleague would name a war in which this Nation ever engaged primarily for conquest.

Mr. MICHAEL E. DRISCOLL. No nation engages in war for conquest, but conquest follows after they have engaged in war. I have never known any nation to declare in advance that it was going into war for greed or for the purpose of appropriating for other purposes of robbing, but I know many nations that after getting into war did appropriate and did take other countries' territories by conquest.

Mr. BENNET of New York. If the gentleman will read the report, including the resolutions of the General Court of Massachusetts, he will find that one nation, Brazil, has put in its constitution that that nation shall in no case undertake a war of conquest, directly or indirectly, for themselves or in alliance with another nation. They have set us a good example.

Mr. MICHAEL E. DRISCOLL. We ought to put that in our Constitution.

Mr. BENNET of New York. When we had our war with Spain we had the best chance in the world to take territory without paying for it.

Mr. MICHAEL E. DRISCOLL. We did take territory, did we not?

Mr. BENNET of New York. And paid for it.

Mr. MICHAEL E. DRISCOLL. And we fixed the price. How can the other fellow negotiate the price when he is whipped? If I knock you down and take a watch worth a thousand dollars and say that I will give you a dollar for it, and if you do not take it I will pay you nothing, it would amount to the same thing.

Mr. FOSTER of Vermont. Does not the gentleman think we paid pretty well for the Philippines?

Mr. MICHAEL E. DRISCOLL. Too much. And if we had paid a hundred times more to avoid taking them, we would have been the winners.

Mr. McCALL. Does not the gentleman think, then, that is a reason for the passage of this resolution, assuming that that was a war of conquest, and that he thinks it was a very bad conquest? Does he not think it well to take a step in the other direction?

Mr. MICHAEL E. DRISCOLL. I have always believed in a step in the other direction. I have never believed in conquest. I have never believed that we ought to have taken the Philippines. We took the Isthmian Canal territory practically by conquest. That is about what it was. And we have taken the Philippines, Guam, and Porto Rico, as the result of conquest. And I think, as I said, there is some hypocrisy in this resolution, although my friend from Missouri [Mr. BARTHOLDT] is a sincere advocate of peace, and I think sincerely does not believe in any nation becoming aggressive or taking territory by conquest. On that account I will withdraw the objection.

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The Clerk will report the next bill.

#### STUDY OF FISH DISEASES.

The next business on the Calendar for Unanimous Consent was the bill S. 8123, to establish a biological station for the study of fish diseases.

The Clerk read as follows:

*Be it enacted, etc.* That out of any moneys in the Treasury not otherwise appropriated there is hereby appropriated—

For the construction and equipment of a biological station, under the direction of the Bureau of Fisheries, for the study of fish diseases and experimental work in the interests of fish culture, at some suitable site to be selected by the Secretary of Commerce and Labor, including purchase of site and the construction of buildings and ponds, \$40,000.

For all necessary expenses in connection with the special study of fish diseases, in the interests of fish culture, \$10,000.

Mr. MANN. Mr. Speaker, I reserve the right to object. I would like to call attention at this particular time to the fact that this is an appropriation bill originating in that distinguished body, the Senate of the United States.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I reserved the right to object.

Mr. GREENE. This bill is one that passed the Senate at the last session of Congress. It was upon the urgent demand of the Commissioner of Fisheries and the Bureau of Fisheries, but it came in so late at the last session that there was no time to consider it before the Committee on the Merchant Marine and Fisheries, and it was not considered until this session of Congress. It came before the committee at this session and a hearing was held at which the Commissioner of Fisheries, who has charge of a station similar to this in the State of New York, appeared before the committee and gave a full explanation of his experience in the investigation into fish diseases in the State of New York and very strongly favored this bill, as did the department.

Mr. KENDALL. Will the gentleman yield?

Mr. GREENE. Certainly.

Mr. KENDALL. Will the gentleman inform the committee where the station is to be located?

Mr. GREENE. It is not yet located. It is to be located by the department in the place which they may find to be most suitable. There is to be no discrimination as to any State. It is only desired to investigate where it is most feasible to carry on the investigations and where they can find the best place to carry out the project. It is not designed to accommodate any single Member of Congress or locate the station in any particular State.

Mr. THOMAS of North Carolina. Will the gentleman permit a question?

Mr. GREENE. Yes.

Mr. THOMAS of North Carolina. Was not this bill unanimously reported by the committee?

Mr. GREENE. Yes; it was unanimously reported by the committee after a full investigation and inquiries made regarding this measure during the present session.

Mr. MANN. The gentleman says it was unanimously reported by the committee after full investigation. This matter came last to Congress in the form of a message of the President and was referred to the Committee on Interstate and Foreign Commerce, which did give some investigation to it, as it does to all matters that come before it, and the Committee on Interstate and Foreign Commerce did not report the bill back to the House. Thereupon the form of the bill was somewhat changed, the idea having been originally to study cancer as it affects human beings. The Senate now passes an appropriation bill which comes over here and is properly referred to the committee presided over by the gentleman. May I inquire how much investigation has been given, how much of hearing has been had?

Mr. GREENE. We have had but one hearing upon the bill, I may say to the gentleman from Illinois; but from that one hearing and other inquiries the committee was perfectly satisfied that the bill should pass.

Mr. HUMPHREY of Washington. Mr. Speaker, this bill comes with a unanimous report of the committee. Our Committee on the Merchant Marine and Fisheries investigated this subject quite thoroughly. It is a very meritorious bill and in my judgment ought to be passed. While it relates to the investigation of cancer in fishes, it is in relation to cancer as it affects human beings as well.

Mr. MANN. This is a proposition evidently to create another health activity of the Government. The investigation of cancer as it affects human beings comes within the jurisdiction of the Committee on Interstate and Foreign Commerce. Here is a proposition to create in a bureau of the Department of Commerce and Labor an office for the investigation of cancer. Soon there will be a health activity established in every department of the Government if bills of this character are passed.

The SPEAKER. Is there objection?

Mr. FOSTER of Illinois. Mr. Speaker, I object.

The SPEAKER. The Clerk will read the next bill.

#### PUMPING STATION ON FORT KEOGH MILITARY RESERVATION, MONT.

The next business was the bill (S. 9698) granting permission to the city of Miles City, Mont., to operate a pumping station upon the Fort Keogh Military Reservation, Mont.

The Clerk read the bill, as follows:

*Be it enacted, etc.* That the consent of the United States is hereby given to the city of Miles City, Mont., to locate, construct, maintain, and operate a pumping station, with necessary equipment, upon the property of the United States at Fort Keogh, in the State of Montana, upon the approval of the Secretary of War as to the location of the works and the design and character of the construction, and under such terms, conditions, and regulations as may from time to time be pre-

scribed by him regarding the use of the reservation for this purpose and the operation and maintenance of the plant.

Mr. HULL of Iowa. Mr. Speaker, I do not see the gentleman from Montana [Mr. PRAY] present.

The SPEAKER. Is there objection?

Mr. PRAY. Mr. Speaker, I offer the following amendment, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Montana offers the following amendment, which the Clerk will report.

The Clerk read the amendment, as follows:

On page 2, line 1, after the word "plant," strike out the balance of line 1 and all of line 2.

Mr. PRAY. Mr. Speaker, before the Clerk reads the amendment, I desire—

The SPEAKER. That is proposed to dispose of the committee amendment. It can be reached by a vote on the committee amendment now.

Mr. PRAY. Mr. Speaker, I will ask for a vote on the amendment rather than present that.

Mr. MANN. Mr. Speaker, what is the proposition?

The SPEAKER. The Clerk will report the Committee amendment.

The Clerk read as follows:

On page 2, line 1, after the word "plant" insert the words "and the discontinuance and removal thereof whenever it seems necessary."

Mr. MANN. Mr. Speaker, the committee amendment ought to be adopted. It is hardly fair to the House to ask unanimous consent for the consideration of a bill like this, and then, when the consideration is obtained, to propose to absolutely change its meaning.

Mr. FITZGERALD. This bill can not pass under those circumstances.

Mr. PRAY. Mr. Speaker, this bill is exactly like the bill recommended by the Secretary of War, and like the one that was favorably considered in the case of San Francisco, which gentlemen favored, and which was passed, and Miles City, a town of about 8,000 inhabitants, wants to dispose of some bonds, and if the tenure provided is so insecure as this amendment would make it, they would be unable to raise the necessary money.

Mr. MANN. If the gentleman will pardon me, I will say that in nearly every bill giving special privileges like this the custom is to insert a clause reserving the right to alter, amend, or repeal. Every bridge bill enacted by Congress for any bridge on any railroad in the United States for years has contained that provision. Every railroad in the land has successfully floated bond issues against bridges authorized by acts containing a clause giving Congress the right to amend, alter, or repeal. Congress can at any time dispose of those bridges as it pleases, but nevertheless the railroads can sell their bridge bonds without difficulty. Now it is proposed to turn over a portion of a military reservation and establish a pumping plant thereon, and to provide that the Government in future will have no control over it.

Circumstances might arise where the Government would want to have some changes made, and the Government ought to have that right.

Mr. PRAY. Mr. Speaker, I think if the gentleman will look through the bill again he will see that reasonable latitude is given the Secretary of War to regulate and control this pumping station and everything appurtenant to it. It provides for the taking of only a small parcel of land—about 20 acres.

Mr. MANN. That is absolutely correct, as to the way the bill was reported; but the way the gentleman wants to have it passed it is not.

Mr. PRAY. But with this language added it will be difficult to dispose of the bonds—I have spoken to the gentleman who proposed that amendment, and the chairman of the committee, and they have no objection to the amendment not appearing in the bill. This amendment was suggested after I had left the committee room, otherwise I would then have endeavored to persuade gentlemen of the committee not to adopt it.

Mr. HAY. I will say to the gentleman that I have not been spoken to in reference to the matter and have not given my consent.

Mr. PRAY. I tried to see the gentleman from Virginia.

Mr. HAY. After having considered that in the committee, and after that amendment being adopted unanimously by the committee, giving us the right to alter, amend, or repeal the bill, I do not think it is right now to strike it out, and I do not see how it hurts the gentleman's bill to leave it in it.

Mr. HULL of Iowa. I hope the House will express itself fully on this amendment, for the reason that the Senate has placed upon the Military Academy bill this identical bill without the amendment made by the Committee on Military Affairs.

I may say, further, Mr. Speaker, that I do not regard it as of very vital importance in this case, because it is a small part of the reservation next to the city. It is absolutely necessary that they have the right to put their pumping station there, or else the city will be deprived of water. Only a couple of years ago the people of Miles City tried to get us to give them a large section of this reservation, and that was refused. I understand that this part of the provision meets with the approval of the War Department, independent of the proposition that the House Committee on Military Affairs put in. I do not assume to speak for the Committee on Military Affairs as to how they regard this amendment, beyond the fact that the committee did put it in, and it stands as the action of the committee.

Mr. COOPER of Wisconsin. Mr. Speaker, I ask the attention of the House to this bill and to what is proposed to be done by striking out the amendment. Practically this would give to the city in question absolute possession of lands on a military reservation, for there would be no reservation to Congress of the right to alter, amend, or repeal the act. The gentleman from Illinois [Mr. MANN] now contends that the provision to alter, amend, or repeal ought to be retained in this bill. So do I. But the House will recall that about ten days or two weeks ago a bill came over from the Senate authorizing the Colorado Railroad Co. to build a line of railroad on the Fort Russell Military Reservation. That Senate bill contained at the end this proviso:

*Provided*, That it shall be in the power of the Secretary of War at any time to revoke the license granted by this act.

At that time I called attention to the fact that that proviso did not mean anything, because the bill if enacted into law would be a grant and not a license, and therefore I moved an amendment by which Congress reserved the right to alter, amend, or repeal. This amendment was adopted by the House.

But the House conferees met the Senate conferees, and on their return to the House the gentleman from Iowa [Mr. HULL] insisted on dropping that House amendment to alter, amend, or repeal. Thereupon the House dropped the amendment, and thus conveyed in fee to the Colorado Railroad Co. a right of way for a railroad on the Fort Russell Military Reservation after having accepted the amendment.

Mr. HULL of Iowa. The railroad company never accepted it.

Mr. COOPER of Wisconsin. No; but the gentleman from Iowa accepted it and the House adopted it. The statement of the gentleman is in the RECORD.

That reservation of the right to alter, amend, or repeal ought to be in every bill by which it is proposed to allow the construction of buildings, railroads, or other works upon United States military reservations. I think that the House made a mistake when it dropped its amendment to the Fort Russell bill. When the Fort Russell Reservation is abandoned it may be sold, it may be subdivided, or a part of it may be subdivided into lots; and when that time comes it will be utterly impossible to compel a relocation of any railroad tracks or station. The bill in that form ought never to have been passed.

I cite this now only to remind the House of my contention the other day as to the bill relating to the Fort Russell Military Reservation and to insist that the House ought now to insist on retaining the amendment to the pending bill.

Mr. HULL of Iowa. Mr. Speaker, the gentleman from Wisconsin, in a general line, tells the truth about the Fort Russell Reservation. But he does not state that it consisted of only one-eighth of an acre, and that the railway did not go through the reservation and the grant was made so that a cut could be made on the line of the reservation without deflecting their line of railroad.

Now, this is not a military reservation. If it had not been that the War Department established a remount station there the Government would not be using any of it. It is now used as a remount station only, which is practically civilian work. It can not possibly affect matters, so far as its use as a defensive part of the reservation is concerned. It is simply a great large tract of land that, if it had not been used as a remount station, would be sold to the people of the United States. As far as I am concerned, it is purely immaterial to me what becomes of it.

Mr. STEVENS of Minnesota. Mr. Speaker, I am in part responsible for this situation, and I wish to state to the House the matter as it came before the Committee on Military Affairs. As the chairman of the committee has stated, Fort Keogh is no longer a military reservation; it was abandoned for that purpose several years ago. At one time there was a proposition to dispose of a portion of the reservation to the State of Montana to enable the State to use the buildings for some public purpose. The Committee on Military Affairs refused to accede to that request. This proposition coming from the city of Miles City is to use 22 acres of the reservation as a site for a

municipal water plant. The whole reservation consists of 59,000 acres, of which a thousand or so acres are used for a remount depot.

This site of 22 acres lies along the Yellowstone River and can never be used for military purposes, but would probably be sold in the course of time, as is provided by law in such cases. The request came first, as I remember it, with such provision that the Secretary of War might possibly not be able to compel the city to remove its pumping station whenever it might be necessary.

The city as a part of the consideration for the use of the pumping station should provide about a thousand gallons or so of water a day, as might be necessary for the use of the remounting station. At any rate, the Government receives a substantial consideration for the use of its 22 acres. So the question then came before the committee as to whether or not a military exigency might arise by which the Secretary of War should have the authority to direct the removal of these structures if such should ever be necessary for military purposes. The people of Miles City now inform us that they can not float their bonds with such a provision in this bill. It is quite a different proposition for a railroad floating its bonds with such a provision relating to the bridges than it is for a small town in Montana to float its water bonds with such a cloud over the title to its plant, and, so far as I am concerned, although I proposed the amendment, I shall not object to its being removed. I still think it is a useful protection as a general proposition to have this sort of amendment in this kind of legislation, and it should not be removed only when clearly necessary for a legitimate public use. This may be such a case, and I shall not further insist on the committee amendment.

The SPEAKER. The question is on the committee amendments.

The committee amendments were agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

#### BRIDGE ACROSS THE WILLAMETTE RIVER AT PORTLAND, OREG.

The next bill on the Calendar for Unanimous Consent was the bill (S. 10274) to authorize construction of the Broadway Bridge across the Willamette River at Portland, Oreg.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the city of Portland, in the county of Multnomah, State of Oregon, is hereby fully authorized and empowered to construct and build a bridge to be known as the Broadway Bridge, with appropriate approaches and terminals with a clearance of not less than 65 feet above high-water mark and not less than 93½ feet above low-water mark, city datum, across the Willamette, a navigable river, in said city, substantially as follows, to wit: From Broadway Street at or near its intersection with Larabee Street on the east side of said river, and following the line of Broadway Street extended westerly in its present course to a point at or near its intersection with Seventh Street on the west side of said river; thence southerly and easterly to a point at or near the intersection of Sixth and Irving Streets in said city: *Provided*, That said bridge shall be constructed and maintained in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That any irregularities in the passage of the amendment to the charter of said city known as section 118½ and any errors or irregularities in the issuance of said bonds due to a lack of authority from Congress to build said bridge are hereby cured and the issue of said bonds, both before the passage of this act and afterwards, are hereby fully authorized, ratified, and confirmed so far as a lack of authority from Congress to build such bridge is concerned.

The following committee amendments were read:

Amend the bill as follows:

"On page 2, in line 12, strike out the word 'are' and insert the word 'is.'

Amend further by adding as section 3 the following:

"SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved."

The SPEAKER. Is there objection?

There was no objection.

Mr. STEVENS of Minnesota. Mr. Speaker, in addition to the committee amendments, I desire to offer another amendment to the bill.

The Clerk read as follows:

Amend by striking out section 2 and inserting in lieu thereof the following: "For all purposes the consent of Congress granted for this act shall be held as relating back to the commencement of the first project and everything done in connection therewith."

The committee amendments were agreed to.

The amendment offered by Mr. STEVENS of Minnesota was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

#### BRIDGE ACROSS MISSOURI RIVER NEAR YANKTON, S. DAK.

The next business was the bill (S. 10822) to extend the time for the completion of a bridge across the Missouri River at or near Yankton, S. Dak., by the Winnipeg, Yankton & Gulf Railroad Co.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That section 6 of the act approved April 5, 1904, authorizing the Winnipeg, Yankton & Gulf Railroad Co. to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, S. Dak., as amended by the act approved January 26, 1910, be, and the same is hereby, so amended that the time within which the said bridge is required to be commenced shall be within one year and the time within which it is required that the said bridge shall be completed shall be within three years from the date of the approval of this act.

The SPEAKER. Is there objection?

There was no objection.

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

EXTENSION OF VAN BUREN STREET NW.

Mr. FOCHT. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. FOCHT. Mr. Speaker, I move to reconsider the vote by which the bill (S. 5843) to authorize the extension of Van Buren Street NW. was passed, and to lay that motion on the table.

The SPEAKER. The gentleman from Pennsylvania moves that the vote by which the bill to which he refers was passed be reconsidered, and moves to lay that motion on the table. Without objection it will be so ordered.

Mr. FOSS. Mr. Speaker, I object to that unless the gentleman from Kentucky, Mr. JOHNSON, is here, and he is temporarily absent.

The SPEAKER. The gentleman from Pennsylvania moves to reconsider the vote by which the bill to authorize the extension of Van Buren Street was passed. It is in order to make that motion to reconsider, and it is also in order to move to lay that motion on the table, and that is the motion which the gentleman makes. As many as favor laying the motion to reconsider on the table will say aye—

Mr. JOHNSON of Kentucky. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman makes the point of no quorum. There is evidently not a quorum here. The Doorkeeper will close the door, the Sergeant at Arms will notify the absenteers, and the Clerk will call the roll.

Mr. MANN. There will be no more Unanimous Consent Calendar, I will say.

Mr. CARLIN. Oh, wait a moment; I will ask the gentleman from Kentucky to withdraw his point of no quorum.

Mr. MANN. Oh, not at all; we can not be run over by one Member in that way.

The SPEAKER. Does the gentleman insist upon his point of no quorum?

Mr. CARLIN. I will ask the gentleman to withdraw his point of no quorum.

Mr. FOCHT. Mr. Speaker, I shall not withdraw my motion. I am here representing my constituents and I want a square deal from the gentleman, and I yield nothing until I get it.

Mr. JOHNSON of Kentucky. What is that the gentleman says? I do not care whether he does or not.

The SPEAKER. The Clerk will call the roll.

The question was taken; and there were—yeas 146, nays 123, answered “present” 4, not voting 110, as follows:

YEAS—146.

|                  |                 |                   |                |
|------------------|-----------------|-------------------|----------------|
| Alexander, N. Y. | Esch            | Knowland          | Parker         |
| Ames             | Fassett         | Kopp              | Parsons        |
| Anthony          | Focht           | Lafean            | Payne          |
| Austin           | Fordney         | Langham           | Pickett        |
| Barchfeld        | Foss            | Lawrence          | Plumley        |
| Barclay          | Foster, Vt.     | Lenroot           | Pratt          |
| Bartholdt        | Gaines          | Lindbergh         | Pray           |
| Bingham          | Gardner, Mass.  | Longworth         | Reeder         |
| Boutell          | Gardner, Mich.  | Loudenslager      | Roberts        |
| Bradley          | Gardner, N. J.  | Lowden            | Rodenberg      |
| Burke, Pa.       | Gillett         | McCall            | Sheffield      |
| Burke, S. Dak.   | Good            | McCreary          | Simmons        |
| Burleigh         | Goulden         | McGuire, Okla.    | Slemp          |
| Butler           | Graff           | McKinley, Ill.    | Smith, Iowa    |
| Calder           | Graham, Pa.     | McKinley          | Smith, Mich.   |
| Calderhead       | Grant           | McLachlan, Cal.   | Sperry         |
| Campbell         | Greene          | McLaughlin, Mich. | Staford        |
| Carlton          | Grief           | McMoran           | Steenerson     |
| Cassidy          | Hamer           | Madden            | Sterling       |
| Chapman          | Haugen          | Malby             | Stevens, Minn. |
| Cocks, N. Y.     | Hawley          | Mann              | Sturgiss       |
| Cole             | Heald           | Martin, S. Dak.   | Sullivan       |
| Cooper, Pa.      | Henry, Conn.    | Massey            | Thistlewood    |
| Cowles           | Higgins         | Miller, Kans.     | Tilson         |
| Creager          | Hinshaw         | Miller, Minn.     | Townsend       |
| Currier          | Hollingsworth   | Mondell           | Volstead       |
| Dalzell          | Howland         | Moon, Tenn.       | Vreeland       |
| Davidson         | Hubbard, Iowa   | Morgan, Mo.       | Wanger         |
| Dawson           | Hubbard, W. Va. | Morgan, Okla.     | Weeks          |
| Diekema          | Hull, Iowa      | Morse             | Wheeler        |
| Dodds            | Humphrey, Wash. | Moxley            | Wilson, Ill.   |
| Douglas          | Joyce           | Murphy            | Woods, Iowa    |
| Draper           | Kelfer          | Norris            | Woodyard       |
| Driscoll, M. E.  | Kendall         | Nye               | Young, Mich.   |
| Dwight           | Kennedy, Iowa   | Olcott            | Young, N. Y.   |
| Ellis            | Kennedy, Ohio   | Padgett           |                |
| Englebright      | Kirkald, Nebr.  | Palmer, H. W.     |                |

NAYS—123.

|                |                 |                  |                |
|----------------|-----------------|------------------|----------------|
| Adair          | Dickinson       | Houston          | Richardson     |
| Adamson        | Dixon, Ind.     | Hughes, Ga.      | Riordan        |
| Alexander, Mo. | Driscoll, D. A. | Hughes, N. J.    | Robinson       |
| Anderson       | Dupe            | Hull, Tenn.      | Roddenberry    |
| Ansberry       | Edwards, Ga.    | Humphreys, Miss. | Rucker, Colo.  |
| Barnhart       | Ellerbe         | Jameson          | Sabath         |
| Bartlett, Ga.  | Ferris          | Johnson, Ky.     | Saunders       |
| Beall, Tex.    | Finley          | Johnson, S. C.   | Shackelford    |
| Bell, Ga.      | Fitzgerald      | Jones            | Sharp          |
| Burgess        | Flood, Va.      | Kelher           | Sheppard       |
| Burleson       | Floyd, Ark.     | Kitchin          | Sherley        |
| Byrns          | Fornes          | Lee              | Sherwood       |
| Candler        | Foster, Ill.    | Lever            | Sims           |
| Carter         | Gallagher       | Lively           | Small          |
| Cary           | Garnier, Tex.   | Lloyd            | Smith, Tex.    |
| Clark, Mo.     | Garrett         | McDermott        | Spight         |
| Clayton        | Gillespie       | Macon            | Stanley        |
| Cline          | Graham, Ill.    | Maguire, Nebr.   | Stephens, Tex. |
| Collier        | Hamlin          | Martin, Colo.    | Taibott        |
| Conry          | Hammond         | Mays             | Taylor, Ala.   |
| Cooper, Wis.   | Hardwick        | Mitchell         | Taylor, Colo.  |
| Covington      | Hardy           | Morrison         | Thomas, Ky.    |
| Cox, Ind.      | Harrison        | Nicholls         | Thomas, N. C.  |
| Cox, Ohio      | Havens          | Oldfield         | Tou Velle      |
| Cullop         | Hay             | Page             | Turnbull       |
| Dent           | Heflin          | Peters           | Underwood      |
| Denver         | Helm            | Pujo             | Watkins        |
|                | Henry, Tex.     | Randell, Tex.    | Webb           |
|                | Hobson          | Randsell, La.    | Wickliffe      |

ANSWERED “PRESENT”—4.

|                 |                |                |              |
|-----------------|----------------|----------------|--------------|
| Davis           | Fish           | Hill           | Knapp        |
| NOT VOTING—110. |                |                |              |
| Andrus          | Fowler         | Langley        | Poindexter   |
| Ashbrook        | Fuller         | Latta          | Pou          |
| Barnard         | Garner, Pa.    | Law            | Prince       |
| Bartlett, Nev.  | Gill, Md.      | Legare         | Rainey       |
| Bates           | Gill, Mo.      | Lindsay        | Reid         |
| Bennet, N. Y.   | Glass          | Livingston     | Rhineck      |
| Bennett, Ky.    | Goebel         | Loud           | Rothermel    |
| Boehne          | Goldfogle      | Lundin         | Scott        |
| Bowers          | Gordon         | McCredie       | Sisson       |
| Broussard       | Gregg          | McHenry        | Slayden      |
| Burnett         | Guernsey       | McKinlay, Cal. | Smith, Cal.  |
| Byrd            | Hamill         | Madison        | Snapp        |
| Cantrill        | Hamilton       | Maynard        | Southwick    |
| Capron          | Hanna          | Millington     | Sparkman     |
| Clark, Fla.     | Hayes          | Moon, Pa.      | Sulzer       |
| Coudrey         | Hitchcock      | Moore, Pa.     | Swasey       |
| Craig           | Howard         | Moore, Tex.    | Tawney       |
| Cravens         | Howell, N. J.  | Morehead       | Taylor, Ohio |
| Crow            | Howell, Utah   | Moss           | Thomas, Ohio |
| Crumpacker      | Huff           | Mudd           | Wallace      |
| Denby           | Hughes, W. Va. | Murdock        | Washburn     |
| Dies            | James          | Needham        | Weisse       |
| Durey           | Johnson, Ohio  | Nelson         | Wiley        |
| Edwards, Ky.    | Kahn           | O'Connell      | Willett      |
| Elvins          | Korby          | Olmsted        | Wilson, Pa.  |
| Estopinal       | Kronmiller     | Palmer, A. M.  | Wood, N. J.  |
| Fairchild       | Küstermann     | Patterson      |              |
| Foelker         | Lamb           | Pearre         |              |

So the motion was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. ANDRUS with Mr. ASHBOOK.

Mr. BENNET with Mr. BOWERS.

Mr. CRUMPACKER with Mr. CANTRILL.

Mr. DAVIS with Mr. BROUSSARD.

Mr. FAIRCHILD with Mr. BURNETT.

Mr. GUERNSEY with Mr. CRAIG.

Mr. HAMILTON with Mr. ESTOPINAL.

Mr. KNAPP with Mr. GOLDFOGLE.

Mr. HANNA with Mr. GILL of Maryland.

Mr. HAYES with Mr. GREGG.

Mr. HOWELL of New Jersey with Mr. HITCHCOCK.

Mr. JOHNSON of Ohio with Mr. HOWARD.

Mr. LAW with Mr. KORBY.

Mr. MOON of Pennsylvania with Mr. LAMB.

Mr. LOUD with Mr. LATTA.

Mr. MOORE of Pennsylvania with Mr. LEGARE.

Mr. NEEDHAM with Mr. LIVINGSTON.

Mr. NELSON with Mr. MCHENRY.

Mr. OLMSSTED with Mr. O'CONNELL.

Mr. PEARRE with Mr. RAINY.

Mr. BARNARD with Mr. REID.

Mr. SNAPP with Mr. ROTHERMEL.

Mr. THOMAS of Ohio with Mr. SISON.

Mr. TAWNEY with Mr. CLARK of Florida.

Mr. SOUTHWICK with Mr. SULZER.

For the session:

Mr. MOREHEAD with Mr. POU.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present, and the Doorkeeper will open the doors.

DAM ACROSS MISSISSIPPI RIVER, COUNTY OF MORRISON, MINN.

The next business on the Calendar for Unanimous Consent was the bill H. R. 32721.

The Clerk read as follows:

A bill (H. R. 32721) to amend an act entitled "An act permitting the building of a dam across the Mississippi River in the county of Morrison, State of Minnesota," approved June 4, 1906.

*Be it enacted, etc.*, That section 1 of an act entitled "An act permitting the building of a dam across the Mississippi River in the county of Morrison and State of Minnesota," approved June 4, 1906, as amended by an act to amend the act above set forth, which amendatory act was approved March 2, 1907, be, and the same is hereby, amended so as to read as follows:

"That the consent of Congress is hereby granted to the Pike Rapids Power Co., a Minnesota corporation, its successors or assigns, to construct and maintain across the Mississippi River a dam, canal, and works necessary incident thereto for water power and supply purposes at a point between sections 20, 29, and 32, in township 128 north, range 29 west of the fifth principal meridian, and sections 17 and 20, in township 39, range 32 west of the fourth principal meridian, in Morrison County, Minn.: *Provided*, That the plans for the construction of said dam and appurtenant works shall be submitted to and approved by the Chief of Engineers and the Secretary of War before the commencement of the construction of the same: *And provided further*, That the said the Pike Rapids Power Co., its successors or assigns, shall not deviate from such plans after such approval, either before or after the completion of said structures, unless the modifications of such plans shall have previously been submitted to and received the approval of the Chief of Engineers and the Secretary of War: *And provided further*, That there shall be placed and maintained in connection with said dam a sluiceway, so arranged as to permit logs, timber, and lumber to pass around, through, and over said dam without unreasonable delay or hindrance and without toll or charges: *And provided further*, That the dam shall be so constructed that the Government of the United States may at any time construct in connection therewith a suitable lock for navigation purposes, and may at any time, without compensation, control the said dam so far as shall be necessary for the purposes of navigation, but shall not destroy the water power developed by said dam and structures to any greater extent than may be necessary to provide proper facilities for navigation, and that the Secretary of War may at any time require and enforce, at the expense of the owners, such modifications and changes in the construction of said dam as he may deem advisable in the interests of navigation."

Sec. 2. That section 4 of said act above referred to, as amended by said amendatory act approved March 2, 1907, be, and the same hereby is, amended so as to read as follows:

"Sec. 4. That the right to amend, alter, or repeal this act is hereby expressly reserved, and the same shall become null and void unless the construction of the dam hereby authorized is commenced on or before July 1, 1912, and completed within three years thereafter, and that, except so far as may be otherwise provided in this act, the provision of the act of Congress entitled 'An act to regulate the construction of dams over navigable waters,' approved on the 21st day of June, 1906, shall be applicable to the construction of the dam provided in this act."

The committee amendment was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the time for commencing and completing the construction of the dam, canal, and other structures authorized by the act of Congress approved June 4, 1906, and its amendatory act approved March 2, 1907, to be built across the Mississippi River, in Morrison County, Minn., is hereby extended one year and three years, respectively, from July 1, 1911: *Provided*, That, except as may be otherwise provided in the aforesaid acts, the construction, maintenance, and operation of the said structures therein authorized shall be subject to, and in accordance with, the provisions of the act approved June 23, 1910, entitled 'An act to amend an act entitled "An act to regulate the construction of dams across navigable waters,'" approved June 21, 1906."

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved."

The SPEAKER. Is there objection. [After a pause.] The Chair hears none.

The amendment was agreed to.

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

The title was amended so as to read: "A bill to extend the time for commencing and completing the construction of a dam authorized by the act entitled 'An act permitting the building of a dam across the Mississippi River in the county of Morrison, State of Minnesota,' approved June 4, 1906."

#### BRIDGE ACROSS MORRIS AND CUMMINGS CHANNEL, TEX.

The next business on the Calendar for Unanimous Consent was the bill H. R. 32883.

The Clerk read as follows:

A bill (H. R. 32883) to extend the time for the completion of a bridge across the Morris and Cummings Channel, at a point near Aransas Pass, Tex., by the Aransas Harbor Terminal Railway Co.

*Be it enacted, etc.*, That the time for completing the construction of the bridge, authority for which was given the Aransas Harbor Terminal Railway Co., a corporation organized under Texas law, to construct, maintain, and operate a railroad bridge and approaches thereto across the Morris and Cummings Channel, at a point near Aransas Pass, Tex., from the mainland to Harbord Island, authorized by an act approved May 20, 1908, is hereby extended one year from date of the passage of this act.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The committee amendment was read, as follows:

Amend the bill in line 9 by striking out the word "Harbord" and inserting in lieu thereof the word "Harbord."

The amendment was agreed to.

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

On motion of Mr. GARNER of Texas, a motion to reconsider the vote by which the bill was passed was laid on the table.

GEORGE R. SHELLEY.

The next business on the Calendar for Unanimous Consent was the bill S. 6059.

The Clerk read as follows:

An act (S. 6059) to remove cloud from the title of the southeast quarter of the northeast quarter of section 23, township 47, range 23 west, of the fifth principal meridian, except 10 acres off of the north side thereof, in Pettis County, Mo., and to release the title of the United States therein to George R. Shelley, his heirs and assigns.

*Be it enacted, etc.*, That any title to the following-described real estate, situated in the county of Pettis, State of Missouri, to wit, the southeast quarter of the northeast quarter of section 23, in township 47, of range 23 west, of the fifth principal meridian, except 10 acres off of the north side thereof, that the United States of America may have acquired in and to said land by virtue of sale made under execution issued from the clerk's office of the circuit court of the United States for the western district of Missouri on a judgment rendered in the district court of the United States for the western district of Missouri on the 9th day of March, A. D. 1873, in favor of the United States of America and against Tyre M. Berry, William D. Berry, and Milton D. Berry, which said execution was dated the 23d day of July, A. D. 1873, the deed conveying said land to the United States of America bearing date the 1st day of September, A. D. 1873, and filed for record in the office of the recorder of deeds of Pettis County, State of Missouri, on the 22d day of September, A. D. 1873, and recorded therein in Book U, at page 25, be, and the same is hereby, released to George R. Shelley, of the county of Pettis and State of Missouri, his heirs and assigns.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, I find in reading the report no connection with the title of the land and George R. Shelley. No reference whatever is made to him, but the report shows that the title originally was in the Messrs. Berry.

Mr. HAMLIN. I will state to the gentleman that this is a Senate bill, and while I know not a great deal about it, I simply know this, that a very reputable law firm in the State of Missouri wrote me that this man Shelley has the title to this land now, such title as the Berrys formerly had. It passed down to Shelley by means of conveyance from these Berrys, and the report shows that, as a matter of fact, the Government got no title under this execution sale back in 1873. The purpose of this bill is simply to remove the cloud on the title and protect the title in Shelley. There does not seem to be anything in the report or findings of the committee to show, as a matter of fact, that the legal title is to-day in Shelley.

Mr. STAFFORD. So far as the record goes, we are voting title to a man whom we have no knowledge of having any interest in it whatsoever. In the letter of the Secretary of the Interior it states positively they have no means of information as to whether Shelley has any interest, and he suggested that it be referred to the Solicitor of the Treasury. The letter reports that he also has no information concerning any interests of this man Shelley. Now, we might just as well vote this land to some Member of the House, so far as we know that Shelley has any interest in it.

Mr. HAMLIN. I think I can satisfy the gentleman upon that proposition.

Mr. ROBERTS. Will the gentleman yield for a moment?

Mr. STAFFORD. I will yield to the gentleman from Massachusetts.

Mr. ROBERTS. There is nothing conveyed to Shelley or anybody else by this bill. It is merely a release of a claim of record of the United States Government, which is not a valid claim. There is simply a cloud on the title brought about by the levying of an execution upon homestead lands. The Government could take nothing by that sale, and the Government has no title whatever. It is merely to clear up a record title, or release whatever title it has. It conveys nothing to Shelley.

Mr. STAFFORD. I wish to differ with the gentleman that we are not conveying anything here.

Mr. ROBERTS. It is releasing; not conveying.

Mr. STAFFORD. It says:

The following-described land is hereby released to George R. Shelley.

Mr. ROBERTS. The gentleman does not claim that a release is a conveyance, does he?

Mr. STAFFORD. There is some showing made here that the Government has some title in this land.

Mr. ROBERTS. They have a shadowy title by reason of a sheriff's sale under an execution which was levied on homestead land, and which levy was illegal. You can not sell homestead land under execution, whether in favor of the Government or an individual.

Mr. STAFFORD. I would have no objection to releasing whatever title the Government has to a person who has the paper title.

Mr. ROBERTS. Mr. Shelley has the original title now from the original owner.

Mr. KEIFER. This Shelley is not the homestead man, is he?

Mr. ROBERTS. No; he purchased by mesne conveyance from the original homesteader.

Mr. KEIFER. Did the original homesteader live upon the land and perfect his title under the law?

Mr. ROBERTS. There is no question of the homesteader's title involved here at all. They had perfected their title, and then for some purpose or other the Government had brought suit against them or obtained an execution, and had levied under that execution on the homestead land.

Mr. KEIFER. If the homestead title was good to begin with, what is the trouble about his having a clear title now?

Mr. ROBERTS. Because there is a deed of this very land now in the possession of the Government which could not have been lawfully and legally made.

Mr. KEIFER. Against whom was the judgment?

Mr. ROBERTS. The execution ran against the Berrys, not against this man Shelley at all.

Mr. KEIFER. Not against the homestead man?

Mr. ROBERTS. Not against the homestead man.

Mr. STAFFORD. Can the gentleman say that the proper title is now in this man Shelley?

Mr. ROBERTS. It was so represented to the committee.

The SPEAKER. Is there objection?

There was no objection.

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

On motion of Mr. HAMLIN, a motion to reconsider the vote by which the bill was passed was laid on the table.

Also, on motion of Mr. HAMLIN, a motion to reconsider the vote by which the bill S. 3501 was passed was laid on the table.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed the following resolution (S. Con. Res. 43), in which the concurrence of the House of Representatives was requested:

*Resolved by the Senate (the House of Representatives concurring),* That in the enrollment of the bill (S. 7031) to codify, revise, and amend the laws relating to the judiciary the enrolling clerk is directed to strike out from the bill as reported from conference that part of section 151 thereof which reads as follows: "In any proceeding under this section the court shall determine as a preliminary inquiry the question of limitation, delay, or laches, and if it shall be of opinion that the delay in presenting the claim is not excusable, and that the bar of the statute of limitations should not be removed, it shall not proceed further to find the existence of loyalty, liability, or the extent thereof, in such case, but shall report such finding in bar to the House by which the claim or matter was referred."

#### PAYMASTER'S CLERK ARTHUR HENRY MAYO.

The next business was the bill (H. R. 25370) to waive the age limit for admission to the Pay Corps of the United States Navy for one year in the case of Pay Clerk Arthur Henry Mayo.

The Clerk read as follows:

*Be it enacted, etc.,* That the age limit for admission to the Pay Corps of the United States Navy be, and is hereby, waived for one year in the case of Arthur Henry Mayo, United States Navy.

The SPEAKER. Is there objection?

Mr. HULL of Iowa. Mr. Speaker, the establishment of an age limit is for the purpose of securing young men in the service, and I should like to ask why it is desired to waive it in this instance?

Mr. BUTLER. Mr. Speaker, this man was employed for some time as a paymaster's clerk in the Navy, and he is a very desirable employee, and this legislation is desired so that the department may have a chance to examine him for promotion. He is now a little over 26 years of age. The age limit for appointment in this service is 26 years. There will be some vacancies in a short time, and if Congress will waive the age limit the department will in all probability secure the services of a very able young man.

Mr. HULL of Iowa. Why should that not apply to all the clerks?

Mr. BUTLER. It seems unfortunate that this young man should be obliged to serve for several years as a clerk without the opportunity afforded for his promotion.

Mr. DAWSON. Does the gentleman claim that his promotion would be for the best interests of the service?

Mr. BUTLER. Yes; by reason of his experience. The department considers his services desirable.

Mr. MICHAEL E. DRISCOLL. Why can not the age limit be waived?

Mr. ROBERTS. The young man is 26 years and over now.

Mr. BUTLER. If the limitation were waived, very likely in a few days the department would examine him and appoint him to the paymaster's department if he can take the mental

and physical and professional examination. He is now a paymaster's clerk.

Mr. MICHAEL E. DRISCOLL. How long has he been in the service?

Mr. KINKEAD of New Jersey. Three or four years.

Mr. BUTLER. The opportunity to examine him for advancement has not arrived until now.

Mr. MICHAEL E. DRISCOLL. I do not believe in special legislation of this kind.

Mr. BUTLER. I believe this to be a very deserving case, and the department has recommended that the young man may be given a chance.

Mr. KINKEAD of New Jersey. I will say to the gentleman from New York that this young man was stationed in the island of Samoa, and it was very difficult for him on that account to take the examination right within the term set down by the department. For that reason, in addition to the recommendation of the department that the age limit be waived, there is another important reason why this bill should pass, and that is—

Mr. MICHAEL E. DRISCOLL. When was he in Samoa?

Mr. KINKEAD of New Jersey. He was in Samoa when the last examination was had.

Mr. BUTLER. Everything seems to have gone against this young man in that regard. It was not his fault. His services have been fine. He was away from home at the time former examinations were held.

The SPEAKER. Is there objection?

There was no objection.

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

The title of the bill was amended so as to read: "A bill to waive the age limit for admission to the Pay Corps of the United States Navy for one year in the case of Paymaster's Clerk Arthur Henry Mayo.

#### HEIRS OF MARIANNE STE. ANA SCHREPPER.

The next business was the bill (H. R. 11637) for the relief of the heirs of Marianne Ste. Ana Schrepper.

The Clerk read the bill as amended by the committee, as follows:

*Be it enacted, etc.,* That the heirs of Marianne Ste. Ana Schrepper, owners of the undivided half of the claim of George and Pelagie Schamp in and to the Rio Hondo first-class claim No. 108, reported by the register and receiver for the southwestern land district of the State of Louisiana on November 1, 1824, be, and they are hereby, permitted to locate and receive patent to 2,880 acres of any public lands of the United States which are now subject to entry under the general provisions of the homestead laws; said lands to be as nearly as possible of the quality and nature of the public lands formerly open to entry at the value of \$1.25 per acre.

The SPEAKER. Is there objection?

Mr. MANN rose.

Mr. ROBERTS. Is the gentleman opposed to the bill?

Mr. MANN. Mr. Speaker, I reserve the right to object. I notice that this proposes to give some land to the heirs of Marianne Ste. Ana Schrepper, she having been the owner of the undivided half of certain property; and the Secretary of the Interior, in reporting upon the bill, asserts that neither he nor Congress should attempt to determine who are the owners of the property without a proper investigation.

Mr. ROBERTS. If the gentleman will allow me—

Mr. MANN. Probably the gentleman's committee does not have the facilities for going into the subject or determining who are the owners of this property under a claim of 1824.

Mr. ROBERTS. If the gentleman will pardon me for a moment, I will suggest that after consultation with the gentleman from New Jersey [Mr. GARDNER], who introduced the bill, I have an amendment which, if consent is given, I will offer, striking out the words in line 1:

Heirs of Marianne Ste. Ana Schrepper.

Then it will read exactly as the department recommendation reads:

That the owners of the undivided half, etc.

Mr. MANN. Will the gentleman say what is the meaning of the words:

Said lands to be as nearly as possible of the quality and nature of the public lands formerly open to entry at the value of \$1.25 per acre.

Mr. ROBERTS. The committee was advised that there are no public lands now subject to entry at \$1.25 an acre, and under the terms of the bill the committee conceived that the Secretary of the Interior would be the judge of what were lands as nearly like those that are now open to entry under the homestead law.

Mr. MANN. Would the gentleman have any objection, then, to inserting in line 11, after the word "possible," the words "in the opinion of the Secretary of the Interior?"

Mr. ROBERTS. I think that would be an improvement in the language.

Mr. STAFFORD. Reserving the right to object, I should like to ask the gentleman a question. I notice that in the recommendation of the Secretary he limits the character of the land that should be exchanged to vacant, nonmineral, and non-timberland, whereas the committee places no restriction whatever on the character of the land that shall be exchanged.

Mr. ROBERTS. I will suggest to the gentleman from Wisconsin that if the gentleman from Illinois [Mr. MANN] offers his amendment, putting it wholly in the discretion of the Secretary of the Interior as to the character of the land that shall be exchanged, that point will be covered, because then it will be left in the discretion of the Secretary of the Interior, and it is not conceivable that he would allow these people, under the plea of getting lands that were formerly open to entry at \$1.25 an acre, to take mineral lands which are worth much more.

Mr. STAFFORD. I do not know that that would necessarily follow. If we pass this bill, I should think the Secretary might take it as a direction by Congress.

Mr. MANN. Mineral lands never were open to entry on a basis of \$1.25 an acre.

Mr. STAFFORD. I am referring to timberlands.

Mr. ROBERTS. These lands must be taken under the general provisions of the homestead laws as they now exist; and while I am not as familiar, perhaps, as is the gentleman with the provisions of the homestead laws, yet I understand it is not possible under those laws now to get mineral lands or timberlands.

Mr. STAFFORD. I do not understand the reason for the recommendation of the Secretary, unless it had some purpose, that he did not wish to grant to these persons the right to exchange the public lands in general, and therefore limited the character of the lands that might be exchanged.

Mr. ROBERTS. If the gentleman thinks it will improve the bill in the least, I have no objection to putting in a proviso that mineral and timber lands shall not be subject to exchange; but I do not think it is necessary at all.

Mr. MANN. The recommendation of the Secretary of the Interior was a little different in form. It did not provide that the lands should be as nearly as possible of the quality and nature of the public lands formerly opened to entry at the value of \$1.25 per acre, but the statement was made in the report, and subsequently made to me on the floor, that under the terms of the bill as it now reads, it covers all that the Secretary recommended, and more, too.

Mr. STAFFORD. If that is the case, I have no objection to the bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. ROBERTS. I offer an amendment.

The SPEAKER. The gentleman will send up his amendment.

Mr. ROBERTS. On page 2, line 1, strike out the words "heirs of Marianne Ste. Ana Schrepper."

The Clerk read as follows:

In line 1, page 2, strike out the words "the heirs of Marianne Ste. Ana Schrepper."

The amendment to the amendment was agreed to.

Mr. MANN. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 2, insert after the word "possible," in line 11, the words "in the opinion of the Secretary."

The amendment to the committee amendment was agreed to. The committee amendment as amended was agreed to.

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

On motion of Mr. ROBERTS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

WILLIAM PORTER WHITE.

The next bill on the Calendar for Unanimous Consent was the bill (H. R. 30969) for the relief of William Porter White.

The Clerk read the bill, as follows:

*Be it enacted, etc.* That the President be, and he is hereby, authorized to appoint William Porter White, captain on the retired list of the United States Navy, to the grade of captain on the active list of the United States Navy: *Provided*, That the said William Porter White shall establish to the satisfaction of the Secretary of the Navy, by examination pursuant to law, his physical, mental, moral, and professional fitness to perform the duties of that grade: *Provided further*, That the said William Porter White shall be carried as additional to the number of the grade to which he may be appointed or at any time thereafter promoted: *Provided*, That the said William Porter White shall take rank next after Capt. George Ramsay Clark, as carried on the Navy list, published January 1, 1911: *And provided further*, That the said William Porter White shall not by the passage of this act be entitled to back pay of any kind.

Mr. STAFFORD. I object.

Mr. STERLING. I wish the gentleman would reserve his objection.

Mr. STAFFORD. I will withhold the objection.

Mr. STERLING. Mr. Speaker, I want to say that I deem this a very worthy case indeed. It simply gives Capt. White an opportunity to be examined for this promotion. That is the only purpose of this bill. Capt. White feels that the report made by the examining board when he was examined before is not entirely fair or just to him, and the only thing accomplished by this bill is to give him an opportunity to be once more examined. I would like to say that the report of the examining board, I think, does not specify a single instance or a single act where the record of this officer has not been first class. He has been in the service for 30 years. He was appointed to the Naval Academy, being designated by Gen. John McNulta from my district 30 years ago, graduating at that institution, and he has been in the service ever since until last June. His record has been good everywhere, and all he asks now is an opportunity to be examined once more.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. STERLING. Certainly.

Mr. MOORE of Pennsylvania. Does this involve retirement or increase in pay?

Mr. STERLING. No; it expressly provides that it does not involve back pay, but provides that the President may appoint him captain provided he passes an examination entitling him to promotion. Under the provisions of this bill the Secretary of War shall promote him to the position of captain, from the position of commander, which he has occupied. That is the only purpose of the bill, and I trust the gentleman will withdraw his objection to the bill and allow it to pass.

Mr. GOULDEN. How many years has he had in the service?

Mr. STERLING. I think since 1880 or 1881. Let me say further that Capt. White was an orphan boy; he was in the Soldiers' Orphans' Home at Normal, Ill. He spent his years there from a very small child until he was old enough to be designated for appointment to the Naval Academy. He attended the normal school. He was a bright student. That was 35 years ago. I am sure no member of the naval committee who has reported this bill will say that there is anything in his record—and I assume that they inspected it—that there is a single thing in the record that justifies the finding of the board that he was not entitled to promotion. The examining board finds that he was qualified mentally, morally, and physically. They simply find that he is not qualified professionally. I undertake to say that the principal element in determining the question made up of the record that he has made in the service, and of whether an officer is entitled to promotion professionally is there is nothing in his record to justify the finding of the board, that he was not qualified for promotion. I appeal to the gentleman from Wisconsin as a simple matter of justice to give him an opportunity to be again examined.

Mr. HULL of Iowa. Will the gentleman yield?

Mr. STERLING. Certainly.

Mr. HULL of Iowa. Why make him an additional number; why not make him go back to the place he would have had if he had been treated fairly in the first place? In other words, why make an additional officer in that class, why put him on as an additional number?

Mr. STERLING. Mr. Speaker, I will say I did not prepare this bill and I am not very well versed in regard to the rules relating to promotion. It may be that some member of the Committee on Naval Affairs could answer that question, but as I understand it, if he passes the examination, then under the law, and by virtue of the law, he must be promoted to the position of captain. Perhaps the gentleman from California can tell.

Mr. ENGLEBRIGHT. It would place him in exactly the same position he would have had had he not retired.

Mr. HULL of Iowa. It gives him an additional number.

Mr. STAFFORD. Mr. Speaker, I did not make this objection without having read the report accompanying the bill. I find the Secretary of the Navy strongly disapproves of the practice that would be recognized in this case. This gentleman failed after an examination by the regular board that is constituted for that purpose. Instead of his continuing in the service as it was his privilege in that rank, and taking another examination to show his proficiency, he voluntarily retired, and in view of the objection of the Secretary of the Navy I will object.

Mr. STERLING. I will ask the gentleman to withhold it for a moment.

Mr. DAWSON. And I will ask the gentleman to withhold it in order that I may ask the gentleman a question before we decide definitely about it.

Mr. MANN. Well, let me ask the gentleman from Iowa a question. Is it the policy of the Committee on Naval Affairs in

these cases of personal preference to overrule the opinion of the Secretary of the Navy who reports distinctly against the passage of this bill?

Mr. DAWSON. I will say to the gentleman that the Committee on Naval Affairs undertakes to exercise its own judgment. If that judgment is in conformity with the head of the executive department, well and good, but we are not guided entirely by the express wishes of the head of the department.

Mr. MANN. I wondered whether it exercised its judgment, or whether it yielded to its heart and the begging brought to bear upon it.

Mr. DAWSON. No; this is a case of judgment rather than sympathy.

Mr. MANN. It was the Committee on Naval Affairs that reported the personnel bill.

Mr. DAWSON. Yes.

Mr. MANN. Which required men to go on the retired list.

Mr. DAWSON. Yes.

Mr. MANN. And now the Committee on Naval Affairs having reported such a bill constantly brings in bills to advance men who have been forcibly retired under the provisions of the law, giving preference to men—

Mr. ROBERTS. Oh, Mr. Speaker, I want to contradict that statement. In 10 years' service on the committee there has not been a single bill reported to advance a man who had been retired by that retiring board.

Mr. MANN. The gentleman is mistaken. There are a number on the calendar now.

Mr. ROBERTS. That will come up later this session.

Mr. MANN. It has come up a number of times now.

Mr. DAWSON. Mr. Speaker, I rose for the purpose of asking the gentleman from Wisconsin [Mr. STAFFORD] whether he was quite sure Capt. White had retired voluntarily.

Mr. LOUD. It was under duress.

Mr. STAFFORD. I have only the report to guide me. I am not acquainted with Capt. White. The report states that he retired, and, as I understand the law, he could have continued.

Mr. MANN. No; he would have been retired as commander, at half pay, but he retired voluntarily on three-quarters captain's pay.

Mr. DAWSON. Does the gentleman know why?

Mr. MANN. I do; because he was not able to pass his examinations, and hence would have been compulsorily retired.

Mr. STERLING. Now, let me say to my colleague from Illinois.

Mr. MANN. Is not that true?

Mr. STERLING. The gentleman from Illinois indicated that this case might be due to some personal preference on the part of somebody connected with the Committee on Naval Affairs. The gentleman realizes that the action of the examining board, although I am not here to question their sincerity or their motives, might be due to personal preference on their part, and it might be that that was the reason Capt. White was dropped from the rolls in this way. I think that it is very proper that Congress may have the right to investigate these questions, and that committees should investigate such matters and determine whether personal preference is exercised there as well as here.

Now, the gentleman from Wisconsin said that the Secretary of the Navy recommended very emphatically against this bill. I want to read to him from a letter written by the Secretary of the Navy. After reciting the action of this board, without reciting a single instance where Capt. White failed in the performance of his duty, the Secretary of the Navy says:

The foregoing is not intended as an expression of the department's views concerning the correctness or incorrectness of the naval examining board's finding in your case.

This letter was addressed to Capt. White. The fact is that the Secretary of the Navy does not recommend or rather makes no recommendation against Capt. White based on his record, but simply says that in view of the foregoing facts and also in the belief that, generally, private measures for the promotion, reinstatement, or other advancement of particular officers should be avoided, it is his opinion that this bill ought not to pass. That is what he says. He does not undertake in this long letter about the record of Capt. White to recite a single instance where he was negligent or failed in the performance of his duties.

Mr. MANN. Does my colleague think that it is a favorable recommendation from a department when it recommends that a bill be not passed?

Mr. STERLING. I did not say it was a favorable recommendation; it is not a favorable recommendation.

Mr. MANN. I understood the gentleman to say it was not unfavorable.

Mr. STERLING. The Secretary of the Navy recommended that it do not pass, but his recommendation is not based on the record of Capt. White, but simply upon the fact that he thought legislation of this character for the promotion or advancement of particular officers was not a good practice, and I submit to the gentleman from Illinois if it is not for us to say whether it is a proper practice rather than the Secretary of the Navy?

Mr. MANN. I think so, too, and I do not think it is.

Mr. STAFFORD. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

WILLIAM H. WALSH.

The next business on the Calendar for Unanimous Consent was the bill H. R. 27827.

The Clerk read as follows:

*Be it enacted, etc.* That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, appoint William H. Walsh, midshipman, United States Navy, an ensign in the United States Navy, and place him upon the retired list as such with three-quarters pay of his grade: *Provided*, That the said William H. Walsh shall not, by the passage of this act, be entitled to back pay or allowances.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I understand that this cadet acquired the tuberculosis in the service?

Mr. BUTLER. Yes.

Mr. YOUNG of New York. That is true.

Mr. STAFFORD. And that he had no signs of tuberculosis when he entered the service?

Mr. BUTLER. The surgeons say that he had not.

Mr. HULL of Iowa. He could not have entered the service if he had had tuberculosis.

Mr. CALDER. Mr. Speaker, I ask unanimous consent to substitute in place of the House bill the bill S. 9271, on the same subject, which has been referred to the Committee on Naval Affairs. It contains the identical language, Mr. Speaker, except that it has the amendment:

That the said William H. Walsh shall not by the passage of this act be entitled to back pay or allowances.

The SPEAKER. The gentleman from New York asks unanimous consent to discharge the Committee on Naval Affairs from the consideration of the bill S. 9271, and consider that bill in lieu of the House bill. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.* That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, appoint William H. Walsh, midshipman, United States Navy, an ensign in the United States Navy, and place him upon the retired list as such with three-quarters pay of his grade: *Provided*, That the said William H. Walsh shall not, by the passage of this act, be entitled to back pay or allowances.

The SPEAKER. Is there objection?

There was no objection.

The bill S. 9271 was ordered to a third reading, was read a third time, and passed.

The bill H. R. 27827 was laid on the table.

JAMES HENRY PAYNE.

The next business on the Calendar for Unanimous Consent was the bill (S. 9674) for the relief of James Henry Payne.

The Clerk read as follows:

*Be it enacted, etc.* That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to place upon the retired list of the United States Navy, with the rank of passed assistant surgeon, with three-fourths the pay of that grade, the name of James Henry Payne, late passed assistant surgeon of the United States Navy: *Provided*, That the said James Henry Payne shall not, by the passage of this act, be entitled to back pay or allowances.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I believe the report shows that this doctor is now 47 years of age. The purpose of this bill, I believe, is to place this doctor on the retired list at three-quarters pay. How long would he have to serve before he would be entitled to be retired at three-quarters pay?

Mr. ROBERTS. I think it is 16 years. He would have to serve until he reached the age of 62 years before he would be entitled to retirement in the course of events.

Mr. STAFFORD. And because of failing health he is no longer able to perform the duties of the position?

Mr. ROBERTS. Dr. Payne was a graduate of Harvard College and of the Harvard Medical School. He entered into the

practice of medicine and practiced for something like eight years.

At the outbreak of the Spanish War he was appointed a surgeon in the Navy. He served in the Navy 12 years. He entered at the age of 35 and served in the Spanish War, in the Boxer uprising, in the Philippines, and in Porto Rico. His service has been highly meritorious. He came up for examination about a year ago and failed professionally on the one subject of surgery. He was given another opportunity, and on that second examination the same surgeons presided who had examined him in surgery before. They made the examination again, and again reported against him professionally. And there being no method of retirement in the staff of the Navy under these circumstances, there was nothing to do but to drop him. Now he is a man 47 years of age, the best years of whose life have been given to the services of the Government. He has a widowed mother and two sisters dependent upon him, and he is turned out at the age of 47 years to start a medical practice whereby he may maintain them and himself.

Mr. MANN. Is that any worse than being turned out to start a legal practice?

Mr. STAFFORD. I do not know that it is any worse than being turned out of Congress. [Laughter.]

Mr. ROBERTS. I did not know the gentleman considered being in Congress a profession. Now, the point of the case is that this man enlisted in time of war. He left his practice, in which he was doing nicely. Impelled by patriotism, he gave up his profession to serve his country, and finding himself now, at the age of 47, after 12 years of honorable service—

Mr. MANN. Will the gentleman yield?

Mr. ROBERTS. I will.

Mr. MANN. The gentleman speaks of the age of 47 as though that was old. It may be to the gentleman, but not to most of us. Now, when a man goes out as a surgeon in the Navy does he acquire no standing in the community by reason of that fact?

Mr. ROBERTS. The gentleman must bear in mind that this man is going out with a cloud over his professional reputation.

Mr. MANN. Oh, that fact will not be advertised.

Mr. ROBERTS. It can not help being known. His rivals in business will see to it that this is advertised.

Mr. MANN. The gentleman knows that after a service of 12 years he should be able to take up a very profitable medical practice in a short time.

Mr. ROBERTS. I will say to the gentleman that at the age of 47, after having been out of the practice of law for 10 or 20 years, it would be difficult for the gentleman himself to go back into it and earn at first an adequate competence for himself and those dependent on him.

Mr. MANN. If the gentleman himself goes out he will not go out on half pay or three-quarters pay.

Mr. KENDALL. May I ask the gentleman when this examination was held?

Mr. ROBERTS. I have not the papers here, and I can not answer from memory as to that.

Mr. KENDALL. Had there been a previous examination?

Mr. ROBERTS. I believe so.

Mr. HULL of Iowa. The law provides for an examination once each year.

Mr. KENDALL. And this man was found incompetent upon examination?

Mr. ROBERTS. He was found incompetent in operative surgery by one doctor. Dr. Payne received a vote of thanks from citizens of Porto Rico, if I am not mistaken, for the ability with which he had instituted and maintained a hospital during an epidemic down there.

Mr. GARDNER of Massachusetts. Will the gentleman from Wisconsin allow me to make an explanation of this case?

Mr. CARLIN. I call for the regular order, Mr. Speaker.

Mr. GARDNER of Massachusetts. Will the gentleman who made the call for the regular order withdraw that?

Mr. CARLIN. Yes; I will withdraw it. Mr. Speaker, I withdraw the demand for the regular order.

Mr. HINSHAW. Can the gentleman say what three-quarters pay would amount to?

[Mr. GARDNER of Massachusetts addressed the House. See Appendix.]

Mr. HINSHAW. I am informed by the gentleman from Iowa [Mr. DAWSON] that the three-fourths pay would be \$1,500.

Mr. HULL of Iowa. It would be over \$2,100.

Mr. HINSHAW. I got that statement from the gentleman from Iowa [Mr. DAWSON].

Mr. HULL of Iowa. That is a mistake. His active pay after 10 years' service would be \$2,800.

Mr. HINSHAW. And three-fourths would be \$2,100.

Mr. HULL of Iowa. It would be twenty-one hundred and some dollars.

Mr. STAFFORD. Where a man fails upon a second examination he is compulsorily retired, with no retirement pay. I have no sympathy with the proposition that a man, after serving 12 years as a surgeon in the Navy, can not go out into private life and earn his own livelihood, especially if he is a Harvard graduate. I think that that service should add to his distinction, except perhaps in the city of Boston and its environs. Now, here is a man young in years at 47, whom we are called upon to pay an annual salary of \$1,500—

Mr. BUTLER. Twenty-one hundred dollars.

Mr. STAFFORD. Because he happened to serve 12 years as a surgeon in the Navy. I object.

The SPEAKER. Objection is heard.

#### PHILIPPINE INDEPENDENCE.

Mr. QUEZON. Mr. Speaker, the gentleman from the Philippines [Mr. LEGARDA] joins me in requesting the House to give proper consideration to the following cablegram from the secretary of the Philippine Assembly:

Assembly adopted February 3, 1911, the following resolution:

*Resolved*, That the assembly do, and hereby does, petition the Congress of the United States for the immediate recognition of the independence of the Philippine Islands in the manner set forth in the memorial of the Nacionalista Party dated September 1, 1910; and

*Resolved further*, That the assembly adopts each and all of the conclusions and propositions contained in said memorial; and

*Resolved finally*, That this resolution be cabled to the Congress of the United States and to the Resident Commissioners for the Philippine Islands, suggesting that they present and support the same in Congress before the adjournment of the present session thereof."

DIOKNO,

*Secretary Philippine Assembly.*

The memorial referred to in this cablegram is one addressed and delivered to the Secretary of War on his visit to the Philippines last year, which reads as follows:

LETTER OF THE NACIONALISTA PARTY (AS TRANSLATED AND PRINTED BY THE WAR DEPARTMENT).

MANILA, September 1, 1910.

Mr. SECRETARY: The Nacionalista Party believing that it interprets the feelings of all its members honors itself in directing to you this statement of facts to call your attention to the true general aspiration of the people of these islands, whose interests, well-being, and happiness the United States has assumed control of in establishing its sovereignty over the Philippine Archipelago.

The Nacionalista Party was organized in the year 1906, and promptly obtained popular favor. It has committees established in almost all the towns of the archipelago, and represents approximately 81 per cent of the popular suffrage. At present of 81 members of the Philippine Assembly, it has 66, and of 31 provincial governors, it has 23.

This party aspires to the immediate independence of the country, because it believes the Filipino people endowed with those conditions necessary to establish and maintain a stable government of law and order, as has been proven by the existence of what was the government of the Filipino republic in the years 1898 and 1899. The period of experiment which has passed during the American sovereignty is ample to demonstrate that the Filipinos know how to make use of civil and political liberty, and to comply with and to force compliance with the laws, to avoid disorders, prevent abuses, and live in accordance with the practices of civilized communities. It is for this reason that we believe that the transfer of political control to the Filipinos can not signify any sort of disturbance within the country, or danger to the life, property, or liberty of residents therein, but on the contrary the maintenance and preservation of the essential principles for which are established governments, law and order, and guarantees of liberty and justice for everybody.

The independence of the Philippine people will be a due satisfaction for the efforts and sacrifices made by Filipinos in acquiring cultivation and western civilization, and a compliance with the sacred principles of equality and liberty of the people consecrated in the Declaration of Independence of the United States of North America.

The indefinite retention of the Philippine Islands tends to produce racial antagonism, misunderstanding, and reciprocal jealousy among a people whose interests in the extreme Orient should be allied, makes difficult the rapid development of the national aptitude of the Filipinos in the management and defense of their own interests, and sacrifices the future of a young people desirous of following the examples of the oldest in their fruitful work for the good of progress and of the life of humanity.

In this brief exposition in which we will review the accomplishments and facts which have revealed the aptitude of Filipinos for independent self-government, and will consider some questions which affect the problem of the relations between America and the Philippine Islands, it will be necessary to separate all the matters into various chapters with the following headings:

I. Capacity demonstrated by the Filipinos in the organization of a popular self-government.

II. The capacity of the Filipinos demonstrated during American control.

III. Alleged obstacles to independence; their consideration.

IV. Obstacles to the indefinite retention of the Philippine Islands preparatory to their independence.

I. CAPACITY DEMONSTRATED BY THE FILIPINOS IN THE ORGANIZATION OF A POPULAR SELF-GOVERNMENT.

It is important to set forth some historic facts which bear on the aspiration of the Filipinos for independence, and makes patent the aptitudes of the people in sustaining a popular independent government.

The Philippine Islands were under the domination of Spain from the 19th of May, 1571, when Legaspi took possession of them in the name of Philip II. The laws approved in the beginning for the administration of insular affairs were beneficent and protective in an extreme degree for the natives of the colonies. The Spanish people in the greatness of its then power felt itself impelled to carry the light of Christianity and of civilization to the inhabitants of the darkest places of the earth. It believed, honestly, that it was called by Providence to govern foreign people, even by means of violence, with the object of making them happy, bringing to them knowledge of the true God and to administer their interests paternalistically. The Philippine Islands were governed in accordance with this altruistic sentiment, and the Filipinos were effectively converted to Christianity and educated in what progress and European civilization means.

The Filipinos at the end of 300 years constituted a homogeneous people, with national aspirations, political ideals, and love of progress and liberty. Nevertheless, the paternal régime continued as at the beginning, based on the false idea that the people was a child whose will and opinion should not be taken into account to determine matters bearing on its own interest. The people understood on the other side that the colonial régime in force did not favor its rapid progress to place it at the height of the civilized people of the earth. The doctrines relating to the right of man and citizenship had advanced in the conscience of the Filipinos, and as such rights were not recognized under the colonial régime, they were consequently demanded. The people by public subscription and in other ways paid for the sending of various Filipinos to Madrid to beg necessary reforms in the insular administration. The idea that the Filipino people should have the same political and civil rights as the Spanish people and some voice in the administration of its own affairs was the limit of the campaign intrusted to the Filipinos sent to Spain.

The denial by the Spanish authorities of the petitions of the people began to produce discontent among the Filipinos, and the idea that they were an object of political abuse was readily accepted. The distance from the place where this colony was governed, the intrigues of the insular officials to create the belief in the governing authority of the metropolis of the inadvisability of reforming the policy and insular administration, and the suspicions of which those Filipinos who begged reforms were the object were so many causes to prevent an appreciation of the justice of the popular demands and contributed to maintain and increase the general discontent and provoked hatred toward that régime.

The hatred of what was considered political tyranny culminated in 1896, when Andrés Bonifacio, a man coming from the working mass, started an insurrectional movement against Spain which acquired great proportion, and ended in the so-called treaty of "Biak-na-bato." In virtue of this treaty the leaders of the insurrection promised to accept the program of reforms which, as they were made to understand, would be brought about if they laid down their arms, but as nothing was subsequently done, the insurrection continued, and on the opening of the Spanish-American War in April, 1898, the Filipinos believed there had arrived an opportunity of fighting determinedly for independence, expecting to count for this purpose on American aid. The American naval forces destroyed the Spanish fleet, occupied the Bay of Manila and the port of Cavite, while the Filipinos under the orders of Aguinaldo organized an army and took all the provinces of the archipelago from the power of the Spanish. This ended practically the Spanish sovereignty in the islands.

#### TYPE OF POPULAR GOVERNMENT.

There was immediately organized a Philippine government in all the occupied places. The government was dictatorial at the beginning, but this condition only lasted a month, or that is the absolutely necessary time that Aguinaldo employed in exciting the spirits of his compatriots in favor of Philippine independence. During this time Aguinaldo, "understanding that the first duty of all government is to interpret faithfully the popular aspirations," and understanding further "the present necessity of establishing in each town a solid and robust organization, the firmest bulwark of public security and only measure of assuring union and discipline indispensable for the implantation of the republic, or, that is, the government of the people for the people," published a decree giving instructions to the people that were liberated from the Spanish control to change the form of government in their respective localities. The before-mentioned instructions outlined a type of popular government simple and suitable to those moments of transition. It was provided that "so soon as the town is free from the Spanish domination those residents most distinguished by their learning, social position, and honorable conduct, as well in the center of the towns as in the barrios, should unite in a general meeting and elect by majority votes a chief of the municipality and three delegates, one of police and interior order, another of justice and civil register, and another of taxes and property, and a chief or head of each barrio," all of whom will form the popular junta. "The chiefs of the municipalities after having obtained the views of their respective juntas will unite and will elect by majority votes a chief of the province and three councilors for the three departments above named." These officials with the chief of the provincial capital will form the provincial council.

There was no difficulty in the application of these instructions, and the towns and provinces which were under the jurisdiction of the dictatorial government worked in conformity therewith. On June 23, 1898, Aguinaldo resigned his dictatorial powers in the revolutionary government, "whose object is to struggle for the independence of the Philippine Islands until the free nations, including Spain, recognized it expressly, and to prepare the country for the implantation of a true republic." The evident object of Aguinaldo in resigning his dictatorship was to give promptly to the people guarantees of a civil government as most conformable to the character of the new institutions implanted. The revolutionary government preserved the popular form of provincial and municipal governments under conditions heretofore stated. The central government was organized with the president as chief of the government and executive power, assisted by four department secretaries, namely, foreign relations, marine and commerce; war and public works; police and interior order; treasury, agriculture, and industry, with a revolutionary congress as the legislative power, whose members were to be elected in the same manner prescribed for the election of the provincial officials. To this revolutionary congress was given true independence, since "the president of the government may not prevent in any way whatever a reunion of congress, nor interfere with sessions thereof," and with a commission of the congress presided over by the vice president, and assisted by one of the secretaries of the same, as supreme court to take cognizance on appeal of criminal matters passed on by the provincial councils. The popular juntas and provin-

cial councils were at the same time competent tribunals to take cognizance of civil and criminal matters, with their respective jurisdictions well defined.

It is important to take note of these details to understand properly what was the object of the government that the Filipinos by themselves, without aid or council of anyone, proposed to adopt, having in mind their conditions and political views. The fact that the Filipinos had refused to reestablish the old institutions, and that they had created others—new ones—made it clear that the Filipinos not only had their own political ideas, but likewise that their ideals are the most advanced that the progress of time has shown. The revolutionary government was, as has been seen, in its essence popular. In all the governmental divisions the people were represented by officials elected by them. This is especially shown if we refer to the organization of the judicial power which was from top to bottom officered by elected officials.

#### THE CONSENT OF THE GOVERNED.

The authority of the revolutionary government was extended in a few months to all the islands composing the archipelago by express recognition of their inhabitants. It was questioned in no part of Luzon, of the Visayas, or of Mindanao after the people were delivered from the Spaniards. The chiefs of the various non-Christian tribes of the north of Luzon who never submitted to Spanish domination sent messages acknowledging the government then established. Prominent Mohammedan chiefs of the island of Mindanao gave their spontaneous and sincere adhesion. The different grades of civilization, the accidental differences of religion, habits, and dialects, which are always exaggerated by those who are interested in presenting the Filipinos as incapable of instituting an independent self-government, were no obstacle to make difficult in any way the establishment of said Philippine government or the normal exercise of its authority over all the islands. The Filipinos on displaying their national unity under that government consecrated likewise its legitimacy under the principle that the power of the government comes from the consent of the governed.

#### THE PHILIPPINE CONSTITUTION.

In September, 1898, the revolutionary congress opened its sessions. All the provinces of the archipelago were represented therein. After the work of organization, congress devoted all its time to drawing up a constitution. On the 20th of January, 1899, the Filipino constitution was approved and placed in force immediately thereafter.

If the spirit and letter of this constitution be considered, it will be seen that its provisions contain all the principles of law, order, and liberty contained in the modern constitutions of the world.

Title I defines the Philippine republic, and declares that the sovereignty resides exclusively in the people. Title II establishes the form of popular representative government, alternative and responsible, with three distinct and independent powers.

Title III recognizes the separation of the church and state and the liberty and equality of all religions. Title IV contains the declaration of individual rights to life, property, freedom of thought, reunion and association, foundation of schools, and petition to authorities, the exercise of profession or industry, and prescribes the guarantees of these rights. Authorizes the same rights and guarantees to foreigners and permits the latter to acquire Philippine citizenship by naturalization papers and residence during two years in any territory of the republic. Establishes obligatory military service, popular gratuitous and obligatory instruction, civil trial for all crimes, prohibits institution of primogeniture and the entailing of property, the accepting and authorizing decorations and titles of nobility. Title V establishes a representative assembly in which resides the legislative power. Representatives will be such of the nation, and may not receive any imperative mandate from their electors. They may not be molested for their opinions or votes nor imprisoned without authority of the assembly. The assembly may try the highest officials of the government for crimes against the state. Title VI constitutes a permanent commission of the assembly during the closing of the sessions to decide on certain specific matters. Title VII declares the president of the republic chief of the executive power which he exercises through his secretaries. Questions relating to private interests of the municipalities correspond to the provincial and popular assemblies and to the central administration on the base of the amplest decentralization and economy. Title VIII provides the election of the president of the republic by means of a constituent assembly by absolute majority of votes. The term is for four years with reelection. The president may initiate laws and is obliged to promulgate those which have been approved. Title IX provides for a council of government composed of a president and seven secretaries, who are collectively responsible before the assembly for the general policy of the nation, and individually for their personal acts. Title X declares that the judicial power rests in the supreme court and other tribunals provided by law, empowering any citizen to bring action against the individuals of the judicial power for crimes committed in the exercise of their offices. Title XI provides that the organization and powers of the provincial and popular assemblies will be fixed by law under certain conditions. Title XII regulates the administration of state. Title XIII provides methods and form of amending the constitution. Title XIV provides that all officials must swear to support the constitution. Adopts as official language the Spanish. Temporarily places in force the Spanish laws and regulations as to the exercise of civil rights of citizens.

There can be no doubt that this constitution not only represents the grade of cultivation of men that drew it up, but that it shows likewise that the Filipinos considered a system of popular government as that most suited to their conditions and the experiences of the country. They did not think of copying and imitating the institutions with which they were most familiar. On the contrary, they constructed a system radically contrary to that which had been in force here for several centuries. In some of the lines of this constitution is observed a tendency to maintain any sort of oligarchy, but in all of them are imprinted democratic principles more accentuated, perhaps, than in many of the republican constitutions of the day. The Philippine constitution, as it was drawn up by representatives of the revolutionary congress, portrays with fidelity more than any other act of the Filipinos of that time the aspirations and political ideals of the people of the islands.

#### CONDITIONS WHICH PREVAILED UNDER THAT GOVERNMENT.

In the conditions of order, tranquillity, and progress which prevailed under the authority of the revolutionary government there was clearly displayed the good dispositions of these people for the direction of their own affairs. A decree of Aguinaldo abolishing all gambling privileges and cockfighting taxes, "because they tend only to ruin the people, with slight advantage to the public treasury," was sufficient that the

people should give up completely their ancient favorite practices. Crimes and ordinary misdemeanors diminished notably in number. There were enjoyed as in no time entire security, well-being, and content. The parties of bandits which from the most remote periods were accustomed to disturb the order voluntarily disappeared. The spirit of cooperation of the people in the measures of the government for good order and progress was evidenced by the liberal treatment of the Spanish prisoners, the respect to foreigners, the attendance at school, and the return to customary field work in those places in which the revolutionary condition had ceased.

The government on its part, without neglecting provisions for war, consecrated itself to organize the most important and urgent public services. The corps of civil physicians to watch over sanitary conditions, hygiene, and urbanization of the provinces was established. There was created a civil register in all the municipalities. The chiefs of the municipalities were authorized to act provisionally as notaries in the authentication of documents and extrajudicial acts. There was founded a university to teach law, medicine, pharmacy, and notaryship, and the institution "Burgos" for studies of the general high-school class, and there was ordered the reopening of all the municipal primary schools. All the provincial councils and popular juntas were ordered to proceed to the repair and preservation of roads, bridges, and public buildings, because "the ways of communication were one of the causes which contribute to material and moral progress of every country." There was created an institute for vaccination to prepare to distribute vaccine to all the provinces. There was established a bureau of census and statistics. There was organized a corps of communications to regulate the sending of correspondence and telegraphic dispatches between the towns and provinces.

The government not only organized practically all the public services which existed under the Spanish Government, but likewise adopted various provisions which showed its good desire to watch over the general interest, prohibiting the sale of copra which is not thoroughly dry "as prejudicial to the credit of commercial articles," and the slaughtering of carabao useful for agricultural purposes "because they might be better used in the fields."

#### THE OPENING OF HOSTILITIES.

On the 23d of January, 1899, in accordance with the constitution, proclamation of the Philippine republic was made in the town of Malolos; Aguinaldo was proclaimed chief of said republic. But shortly thereafter—that is, on the 4th of February—occurred the opening of hostilities between Americans and Filipinos. This outbreak was a surprise for the Filipinos. But the moral union of the people and Philippine Government was displayed during the new condition of war. Aguinaldo published a proclamation ordering the war, and his order was obeyed in all sections. The American forces encountered open resistance wherever they were, and had to forcibly capture or force the Philippine forces to surrender by superiority of resources. The spirit of resistance terminated toward the end of 1901, and the Filipinos, through the efforts made by some of their compatriots, agreed to recognize American domination.

#### II. THE CAPACITY OF THE FILIPINOS DEMONSTRATED DURING AMERICAN CONTROL.

Nothing can indicate better the capacity of the people for independent government than the spontaneous adhesion that the same people giving to the essential democratic principles which inspire the present government and its cooperation in the many steps that have been taken for the betterment of the intellectual, moral, social, and material conditions of the people.

If this people should be lacking in those conditions necessary for progress, doubtless any effort in that direction undertaken by the American Government would have been fruitless. It would not be true to affirm that all the progress realized in the Philippine Islands has been due to the energy and talent of the Government, since without the cooperation of the people, without the practical sense indispensable to appreciate good, no beneficent work would have been carried successfully to a termination.

A résumé setting forth the manner in which the Filipinos have conducted themselves in the exercise of the powers conferred on them under the present government will show us that the conception and application by the Filipinos of a popular government are entirely satisfactory.

#### PUBLIC ORDER.

The satisfactory state of public order in the islands has been brought about with the aid and efforts of the Philippine people. The work of the American Army doubtless has been a factor in finishing the war and establishing peace, but the maintenance of order and tranquillity after the period of the war is due to the determined attitude and to the decided interest of the people to pursue in peace the struggle for their political ideals and to consecrate themselves to the cause of progress and prosperity destroyed by six years of disturbance. This attitude reveals nothing but good, practical sense—the good disposition which this people has of considering existing conditions in the determination of its national convenience.

Public order is maintained in the municipalities and provinces by Filipino officials and agents with the exception of some chiefs and officers of the constabulary. The agricultural work and the operations of commerce are effected with the greatest tranquillity and security for all. The violations of order and the local disturbances occasioned by misdemeanors are not numerous, so that the Philippine people may sustain in this matter a favorable comparison with any of the most civilized countries of the world. The good disposition of the people toward the maintenance of order and the discipline of the law is evidenced most pathetically, taking into consideration that there has passed but a short time since the period of war with the subsequent disturbance and that there has not disappeared from the mind of the people many of the motives and prejudices which originated in the war and provoked from time to time discontent with the present situation.

There is no little argument in favor of the orderly and disciplined spirit of the people in the fact that the exercise and practice of civil and political rights completely new to the inhabitants of these islands, such as liberty of religion and direct suffrage, have not occasioned long and bloody struggles which they have produced in nations of longer history than ours.

#### THE LOVE FOR AND PROGRESS IN PUBLIC INSTRUCTION.

The great interest which the Filipino people has shown for education is quite evident. One of the causes frequently cited and which contributed to the discontent of the Filipinos with the Spanish régime was

the monopoly exercised in instruction by the religious corporations, which showed no great desire for the instruction of the masses of the country. In reality, during that régime primary or elemental instruction received little attention. The instruction in the secondary grade and in superior and university grades was deficient and sectarian. But in the midst of such a vicious system the zeal for study and the interest of families in sending their children to the schools and colleges established in the Philippines or to Europe to acquire a more extended education were very marked. Poor families imposed on themselves all classes of sacrifices that their children might study. In many cases they begged of the rich families or their friends that they should accept their children in domestic service so as to permit them some free hours to dedicate themselves to study.

The general movement noted under American control in favor of education is not, therefore, new in the history of this country. The Filipino people appreciates the advantages given by education and information of life. It recognizes its necessity and has a sympathy and aptitude for all sorts of education. This explains the fact that the number of children attending the schools has crowded in many cases the capacity of said schools and that at times there was necessity of denying admission to pupils. This explains likewise the fact that there has not been lacking pupils in the industrial schools or others of special branches of education little or not at all known in past periods. It is a source of congratulation to be able to say that in all experiments which have taken place to prove the love of instruction or the measure of the intellectual capacity of the people the proof in our favor has been decisive.

Two years ago effort was made to open courses for nurses. This was an instruction completely unknown in the country. The education given to woman in former times—not to be for a long time absent from home, not to know or to comply with other obligations than those purely domestic, not to require of her severe and difficult labor which was considered proper only for men—appeared to give little hope for a successful outcome of the new experiment, but, in view of the results obtained, there can be no doubt that the effort has been a complete success, which speaks in favor of the aptitude of the Filipino woman for the evolution of modern civilized life. The constant increase of schools and of the attendance of children of the school age since American occupation are phenomena generally observed in all the provinces. The following statement of attendance taken from the last report of the secretary of public instruction proves this assertion:

| Years. | Public schools. | Monthly attendance. |
|--------|-----------------|---------------------|
| 1903.  | 2,000           | 150,000             |
| 1904.  | 2,233           | 227,600             |
| 1905.  | 2,727           | 311,843             |
| 1906.  | 3,166           | 375,534             |
| 1907.  | 3,436           | 335,106             |
| 1908.  | 3,701           | 359,738             |
| 1909.  | 4,194           | 437,735             |

There has been observed on many occasions a tendency to suppress or postpone the payment of land tax by the municipal or provincial governments, while at the same time they have tried to continue in force that part of said tax destined to the schools, and when this has not been successful the consideration of closing the schools in case of failure to pay said tax has exercised such influence in the provincial and municipal governments that there have continued in full effect the provisions of the law.

In view of the foregoing demonstration, there can be no fear that the Filipino people will maintain itself in ignorance. A people that shows the live interest in being instructed, such as the Filipino has shown before and now, can not constitute a danger for a regular and orderly maintenance of a popular government.

#### THE EXERCISE OF SUFFRAGE.

One of the fears of those who considered the Filipinos incapable of popular self-government is that they would not have sufficient discretion to elect to those offices which must be filled by election the best people in the community. The exercise of suffrage by the Filipinos has shown, nevertheless, that they know how to make good use of this privilege. Up to the present the electors have been able to confide public offices to persons who could duly perform their duties as officials. In the majority of cases they are persons of intelligence and responsibility who have known how to justify their election and bring about during their official terms the betterment of their respective towns. An excellent proof of this fact is that with rare exceptions there has not been suspended or deprived of his office any provincial elective Filipino official since American domination. Nor is the percentage of municipal officials suspended or deprived of office greater than that in independent nations, especially if it is considered that not all the suspensions or deprivations of office are the result of grave faults which affect the morality and capacity of certain officials.

The good judgment and discretion of the electoral body are so manifest that the results of an election have given origin to few well-founded protests. The logical and immediate inference that we may draw from this is that there exists within the electoral body an intelligent public opinion which influences and decides emphatically the results of the elections.

An indication likewise highly favorable to the Filipino people in relation to the exercise of the suffrage is that all the elections have taken place with the greatest order in spite, many times, of the intensity of the struggle between candidates of different parties prior to the election. It is not less patent and indicative of fine discretion in the people the fact that after the elections, or after a protested election has been decided, the defeated minority shows itself definitely resigned and makes no effort to injure or obstruct the administration of the official elected, as happens in other countries that are more accustomed to the use of the suffrage. We do not wish absolutely to affirm that there are no exceptions to this rule, but that this is the rule confirms our statement that the Filipino people are capable of managing a popular government supported by the influence of a sane and intelligent public opinion. This influence shows itself likewise in the cases of those officials who in power have not complied with their promises and duties and who later, on working for their reelection, fail in their object, even though men of education, money, or influence.

## ORGANIZATION OF POLITICAL PARTIES AND THEIR RELATIONS.

The organization of political parties under democratic régime is absolutely necessary. Political parties are organized in the Philippines, and from the beginning there was markedly displayed the two tendencies which existed in all countries in which prevailed individual liberty, namely, the conservative and the radical. Before the proclamation of the so-called organic law of July 1, 1902, there was organized the so-called Federal Party which formulated the principle of final annexation of the Islands to the United States. Without affirming or discussing whether its directors and founders sincerely sustained this principle or not and whether it was changed later, the fact is they found in this formula, or rather with that of peace, a means of weakening the revolution. Forced thereto by circumstances, the people accepted peace under the American sovereignty. The Federal Party was the only party during that time, since the partisans of immediate independence of the country, in spite of having attempted to organize a party, did not obtain the consent of the American Government which qualified them as upholders and sympathizers of the revolution in arms. Later, when the organic law was promulgated, different parties arose, all of which aspired to final independence for the country. The Federal Party in 1904, on seeing that the idea of annexation found no popular support, changed its original program and set forth in its place the obtaining of independence by gradual steps and successive increase of Filipino control in the administration of the government. Without weakening their views, strong in their former desires, the partisans of immediate independence formed at the end of the year 1906 a great organization entitled "Partido Nacionalista," which has extended rapidly throughout the country, because it responded better to its political aspirations. The principal program of this party is, as has been said, the immediate independence of the country.

In this manner were properly defined the two tendencies of Filipino opinion. The principals of the Federal Party, now called "Partido Progresista," represent the conservative tendency of man, and the "Partido Nacionalista" the radical tendency.

But even the conservative tendency can not now support in any manner the permanent maintenance of the present relations with North America, nor the radical tendency conceive of the employment of violent measures to bring about the change of sovereignty. One, as well as the other, believes that independence must be given to the people of the islands, and differ only in the idea as to how and when independence must be obtained.

In the relations between the men of both parties there is noted nearly always a close alliance and unity of opinion in considering matters relating to the best manner of administering local affairs under this provisional government, and although, as is natural in time of elections, there are uttered bitter censures and recriminations, the harmony which is maintained and the courtesy with which they treat each other in the course of their relations are an indication that they consider the public interest completely separate from the selfishness of faction or of party. Crises have occurred in the relations of both parties within the assembly and out of it, and likewise in the relations between the prominent men in the same party, but such crises not having been frequent were altogether passing, ending in the greatest cordiality and respect. It is certainly flattering to the pride of the Filipinos to cite that fact, which shows better than any other the practice of tolerance and of mutual consideration between both parties which occurred in the assembly during the discussion of the Payne bill. The Progresista minority unanimously declined to assist at the sessions of the assembly, believing itself offended at the treatment given it by the majority, but at the end of a week, through mutual explanations, the affair remained satisfactorily adjusted to both sides.

## PROVINCES AND MUNICIPALITIES.

The administration of the provinces and municipalities can not but merit a favorable opinion regarding the aptitude of the Filipinos for the exercise of the powers intrusted to them. In reality, considering the provincial administration, the functions authorized to Filipinos suffer such limitations that it is frequently found that the local initiatives are crippled by the delays of a centralized régime. But in spite of this, to the energy, skill, and patriotism of the provincial governments are due the preservation of order, the progress of public instruction, the betterment of the highways, bridges, and public buildings, the introduction of sanitary and hygienic measures, and the assurance of improvements of all sorts for the well-being of the community in their respective provinces.

The municipal officials, on their part overcoming many difficulties, of which the greatest is the lack of funds, show each day a noble emulation in bettering the public service in their respective localities. If the interest displayed by the municipal officials in the construction of public edifices, particularly schools and markets, in the boring of artesian wells for public sanitation, and the improvement of neighborhood roads, in the prosecution and punishment of evildoers, and in the ornamentation and sanitation of public places, be considered, there is reason for saying that everywhere they understand the true public interest, and the officials understand at the same time that they are servants of the public well-being. The municipalities which can count on sufficient funds have realized all classes of public works that are monuments of progress and of efficiency in the public service. The majority of the municipalities naturally can not display such monuments, because of lack of resources, but all can show that they have done something for the towns and for the people, who see with deep feeling the excellent use they are making of the money provided by the payment of their taxes.

The interest with which in some places are attended the popular conferences in which instruction is given to the people of its rights and civic duties is an argument against what is affirmed by some writers of "Caciquismo" of the local officials, which they supposed very general in the towns of the Philippine Islands. In these conferences the first who take part are the very local functionaries and young people of the schools. The Philippine Assembly initiated a law for this purpose, which is producing excellent results.

## PHILIPPINE MAGISTRATES AND JUDGES.

There is a very general belief against the methods of administration of justice by oriental people, especially when the parties in litigation are not natives, but of other races. The organization of tribunals of justice in the Philippine Islands, and the participation which has been given to the Filipinos in it, have shown the inconsistency of such belief. The Filipino magistrates and judges, whether they have sat together with Americans or alone, can not be accused of partiality or bad faith. Some decisions of Filipino judges have given origin to

suspicions among the Filipinos themselves that they have been dictated to under executive influence; it has not been possible to confirm these suspicions and they only have their foundation in what is generally considered a defect in the present system, which confers on the executive the power to name and remove said judges. No American or foreigner has been able to formulate a just accusation against any Filipino judge for lack of competence or integrity in his decisions and methods, and this proves that the law in Filipino hands offers equal protection to everyone, native or foreigner, poor or rich. The reputation of the Filipino judge has always been very high, and this has been noted by some Americans who have familiarized themselves with the affairs of the Philippine judiciary. There is not seen, then, any reason to believe that the government were Filipino the native judges would not conduct themselves in the manner in which they now perform their duties in hearing and deciding the questions which are presented before the judges without fear or favor.

## FILIPINO EMPLOYEES SUBJECT TO THE CIVIL SERVICE.

The efficiency shown by Filipinos subject to civil service in public office which they occupy justifies the belief, heretofore expressed publicly before a body of the Representatives of Congress in 1905, that there were sufficient persons in the country to serve the public interests in the different branches of administration. This statement was understood apparently erroneously as an enunciation of the incorrect idea that the Filipino had of popular government, believing that there was necessary a governing class and another class obedient and submissive. But the idea which it was intended properly to express was that the administration of the public interests might be well served by a sufficient number of persons who possess the necessary intelligence and zeal for the fulfilling of their public duties. The belief has been completely demonstrated by facts.

Speaking of Filipino employees, the executive secretary, in his annual report for 1905, made the following statement: "The Filipinos have demonstrated marked capacity in many respects, and a devotion to duty and a desire to increase their knowledge, and have demonstrated that under good auspices they may execute original work of highly creditable character, which merits more praise than is generally conceded to them." All the Philippine governors general during the American administration have agreed on this point, and Gov. Gen. Forbes, in his inaugural discourse, said: "I would not desire better men than the present officials and employees of the government, Americans as well as Filipinos. They may be favorably compared with any men that I have seen in my life in respect to aptitude and fidelity in compliance with duty."

## PHILIPPINE ASSEMBLY.

We reach the climax of this probational process. If the plain demonstrations of capacity given by the country in the other orders of public activity heretofore mentioned were not sufficient, the establishment of the Philippine Assembly, and its recognized success, give one of those incontrovertible arguments which in other affairs would bring about a decisive and final state. Summarizing in the work of reestablishing public order, there was nothing new, the Filipino people having been accustomed for many years to comply with the law and to maintain its rule almost by itself. The Filipino people is old in the practices of a life of progress and order. Thus it may be understood how the exercise of the liberty of the press, the liberty of association and assembly, the liberty of petition have not produced disturbances of any class, nor have grave disturbances been caused by the freedom of religion in a people accustomed to profess the religion of the state, and with a great majority belonging to a single religion. Guided by its profound good sense and the experience of freer people, there was settled in the courts, and not outside of them, those contentions as to ecclesiastical property, the defense of whose possession and control would have shaken in other places, we are certain, the foundations of society. In the midst of the revolution the people knew by itself how to maintain order and respect property in those towns where there was lacking a local government, due to the capture of them by American troops and the abandonment thereof a little later by them, and consequently lacking the safeguards either of a Philippine government or of an American government. The fact that a great deal of the merit of completely reestablishing public order in the Philippines may justly be attributed to the local authority, to the people itself, should carry great weight with those who honestly, but with little knowledge of conditions, constantly speak of the ignorance of the Philippine people and of their lack of qualifications to maintain a government of law and order, but produces no great effect with those who are more familiar with our conditions and know perfectly that nothing of this is new among us.

A stronger argument is supplied by the appropriate use of the suffrage, efficiency of Philippine officials, elective as well as appointive, and the success of local governments. We doubt if there are people who exercise the suffrage with the same purity and order as the Filipino people. We are sure that the efficiency of our public officials passes the most rigorous test. It is not ours, but American and foreign opinion which places our tribunals of justice at the highest level. And just as in the exercise of the suffrage, however great were the limitations under the past domination placed on our initiatives and the free manifestation of civic virtues, in the local governments of modern type implanted in the Philippines during this régime, there have been given those clear demonstrations of political experience that prove that the progress and the condition of instruction of the people can not be judged solely by the data that the census may give with reference to literacy, and that true political experience depends as much on the opportunities given to the people as those high virtues, valor, energy, discretion, and patriotism, which are the fruit of civilization, and are not the exclusive patrimony of any race.

Where fear would appear better founded is in the establishment of a popular assembly. The Filipinos, it was said, have not had any parliamentary experience. There were not lacking persons who, having superficially studied history and finding that the life of some parliaments had been worked out through centuries, exacted as an essential condition for the success of parliamentary liberty centuries of experience. On the other hand, elections for delegates to the assembly had been very bitter and the triumphant party with an immense majority was the radical party, the defender of immediate independence, which had had little contact with the present régime, and which had not intervened, except when the people was called to deposit its votes.

Contrary to all the fears, contrary to all prejudice and suspicion, the Philippine Assembly was inaugurated on the 16th of October, 1907, and its organization was immediately made effective. The organization was completed in 40 minutes. When there is considered the inherent difficulties in the organization of an assembly, when it is taken into

account the difficult experience of the older parliaments, when the recent experience of Cuba is brought to mind, calm and reflection permit us to appreciate all the success of this decisive step taken by the Filipino people.

The practical sense of the assembly is singularly revealed in the type of organization adopted. It is easy to understand that the representatives of the people having united for the first time, many of them coming from the provinces most remote from the capital, and the country being without fixed precedents, each one would bring a private opinion as to organization. Finally, there was adopted the type of organization of the Congress of the United States, which, as was seen later, was most adapted to our interests. Probably there was considered in this selection the idea that in this manner, selecting a type that was familiar to Congress, the latter might judge of the labor of the assembly with greater facility and accuracy. It was not the most appropriate to deliver long and sterile orations and provoke in the assembly those debates that are so frequent in other countries, and which, though they result in a very interesting spectacle for those that have no interest in the success of the organization, injure on the other hand the seriousness of an assembly and necessarily delay the prompt and proper dispatch of business. The lines of discretion and seriousness that the delegates adopted then in their deliberations and debates show that their intention on adopting the American rule was that of abolishing all unnecessary difficulty and to proceed with resolution and expedition in the transaction of the important business in its charge. The Filipino delegates were not ignorant of the defects which, among the advantages of regulations formed through partisanship, wisdom, and experience, appear, as in all human work, in the organization of the Congress of the United States, but placed the application of the rules in the hands of persons who knew how to interpret at the same time the true needs of the assembly and its sentiments. There was named as president of the committee on rules a member of the assembly, and not the speaker, and the theory of good democracy applied to the dispatch of the business of the assembly gave as a result that initiative which received a stimulus, and all the legislative business was regularly and promptly dispatched. The fact that the majority of the assembly composed more than four-fifths of the membership served to show the liberality and patriotism of its members, and there was conceded to the minority in spite of this not only representation in all of the committees, but the chairmanship of several of them. There were associated all and were excluded none from the labor of the assembly; thus there was recognized and protected the minority and there were likewise fixed the foundations of an organization the results of which we are now going to see.

The assembly entered boldly on its duties. Without passion and without hatred, forgetting that its members belonged to different political parties, that there had been a fierce struggle in the elections, there was remembered only that they belonged to a common country and the public welfare was a sacred charge placed in its hands. The highest feeling of responsibility, that responsibility of which the Filipino people had given so many and such great proofs in other moments of its history, accompanied the assembly in its tasks. Its legislative work has been fruitful and the scalpel of study and criticism penetrated from the little local details to the organization of the central government. The task of fixing the budget was approached vigorously and there were presented proposals to simplify the present organization of the central government. Without systematic opposition, projects were defeated considered prejudicial to the people or that infringed its rights. Nothing indicates better the character of the first assembly than the constructive tendency of its laws, and this merit, singular in a new legislative body, would merit without doubt the close considerations and lengthy study of those who may or must judge of the capacity of the Filipinos for the management of their own affairs.

Nothing was forgotten, and the resolutions of the assembly making a public declaration of the sentiments of the people to live a free and independent life are a monument to its loyalty and its civicism. It is not true that some of the political parties represented in the assembly have made concrete promises of immediate independence if its members reached the assembly, and the only thing which sustained it and which now sustains it is that the Filipino people desire it. The policy of the assembly was conducted within the amplest tolerance and the best feeling of intelligence and cooperation, and this was done not because within or without the assembly the Filipino people had renounced its ideals, but because it was believed that such policy would be, among other measures, a proper argument to show the justice of such ideals. In this manner when the party that obtained the majority in the first elections again presented itself to the people in the electoral campaign which preceded the second assembly, it received the most sincere and complete approval of the people, which elected a more considerable majority in its favor than in the past.

Education, material improvements, agriculture, industry and commerce, public health, local governments, labor—everything which has been under the consideration of the assembly—received immediate and efficient attention. Two very notable tendencies of the legislation passed are, first, the profoundly democratic sense which was shown from the first instance in the law appropriating a million pesos for the schools, and in the law governing labor accidents; and, second, the character of stability brought to the legislative sphere and appropriately shown in the law which provided for the revision of all the codes and the compilation of the infinite number of administrative laws now in force. When there is seen and judged with eyes free from all prejudice the result of the Philippine Assembly, which has fully justified the hopes of those that vouched for it and were responsible to Congress for its establishment, and when are considered the tremendous difficulties that in the advance of the liberty of all countries accompany the organization and operation of popular assemblies, in the serene judgment of all impartial and just men there must necessarily be admitted the basis on which the Filipino people rests in insisting on their demands which adversity and mishaps fortify and solidify, to possess the high attributes and assume the grave responsibilities of a sovereign free and independent government.

### III. ALLEGED OBSTACLES TO INDEPENDENCE: THEIR CONSIDERATION.

There are some objections that the statesmen responsible for the present policy of the United States in the Philippines have presented to the natural ambition of Filipinos possessing an independent self-government. These objections are summarized briefly in the lack of preparation of the Filipinos for the exercise of the responsibilities and powers inherent in such governments on account of defective conditions, some inherent and others transitory, presented by the present state of Philippine civilization, or the nature of the Filipinos. Whether these objections have or not a solid foundation to deny or defer the transfer

to the Filipinos of political control of their own affairs is what we will consider in this chapter.

It is to be lamented, nevertheless, that the progress of political science has not established definitely the conditions of preparation which people require to be able to govern themselves, since the lack of common rule makes it little less than impossible to know if a given people has or not the necessary conditions to maintain an independent government. Independent nations present such different conditions, such contradictory systems of government, vices and virtues so different, languages, customs, and usages so varied, that truly we can not know to a certainty what are the conditions which exist in independent nations and which are lacking in the Filipino people. This will necessarily limit our study solely to those conditions or defects of our people, or of our civilization, that are mentioned by those who are interested in not conceding independence to the Filipinos.

In the declarations made authoritatively of the American policy in the Philippine Islands there has been frequently stated the belief that the islands would be delivered to a bloody and horrible chaos if they should be left to their fate; that the United States has the duty of educating the ignorant masses of the people until they can know their civil rights and sustain them against the abuses of the superior classes and exercise with certainty their political rights; that if the islands should now be left to the Filipinos the probable result would be the organization of an oppressive and caudillo oligarchy, which would exploit the inferior masses; and that the educated as well as the ignorant masses of the Filipino people must be educated in the practice of political power, of which they have not had experience, until the Filipino people shows itself reasonably fit to control a popular government, maintaining law and preserving order and offering to the rich and poor the same protection of the laws and of civil rights.

### DISORDER AND CHAOS.

The first point we must study, because it is the most important condition in the life of an independent government, is the question of order and the method of preserving it. The causes which are indicated as likely to generate a condition of anarchy, the government being in the hands of the Filipinos, are: (a) That in all periods, and from the earliest days of Philippine civilization, there have existed in the islands bands of robbers, who infest the Provinces and control pacific residents and the forces of the Government; (b) that the profound ignorance of the masses constitutes a constant danger to public tranquillity; (c) that the irresponsible power of the caudillos over their ignorant fellow citizens would always be used in cases of discontent for purposes of vengeance and to destroy the peace. Before beginning to consider these characteristics, which are believed peculiar to the present state of the country, we take note of what many impartial observers have written concerning the character of the Filipino people. The Filipino people, according to these observers, who have associated familiarly with them, are pacific by temperament, are inclined to peace, are patient, and at times even indolent in seeking reparation for offenses committed against them when they may be borne. This opinion is proven by history. In the long period of Spanish domination history scarcely records a few local disturbances; not one had a general character, except the revolution of 1896, which reappeared in 1898 and which, as known, was based on political motives.

During the period of the revolutionary government no grave disturbances occurred affecting the interior order of the Provinces comprehended within the jurisdiction of Aguinaldo's government. Nothing, then, may be feared with respect to the public order and public tranquillity which may come from a natural propensity in the inhabitants of the islands for disorder and revolution, as occurs in many countries of Latin origin.

The existence of certain bands of robbers, few in number, and disturbing few Provinces during the Spanish government, were the consequences of temporary causes arising from the deficiencies of the political system in force in the islands and from the condition of poverty which prevailed among the common mass of the people. The rural inhabitants of the Philippine Islands were unarmed against the violators of order, and the guardia civil which was spread throughout the Provinces was insufficient to protect the inhabitants of the remote barrios. The terror of the guardia civil and the crimes it committed against defenseless residents tended rather to augment the number of robbers than to suppress them. The lack of means of defense and protection must always constitute a cause of public insecurity, because it is not practicable to require the residents of a neighborhood to defend themselves against the wicked members of the community who have arms and resources dangerous to their lives and properties. The condition of order during the present sovereignty improved only when the constabulary could be concentrated in a sufficient number in one or a few Provinces to encourage the people to pursue robbers and to terrorize and scatter the latter by their presence. The only measure consequently to remedy such unfortunate condition is to distribute among the people sufficient arms to resist and destroy individuals who are members of such bands. Falling in this, the same state of things which formerly existed will still exist in those neighborhoods in which the police force is not sufficiently efficient by number or by arms to prevent the temporary formation of bands of three or more persons devoted to robbery and violence, especially in the years of bad rice crops, because then hunger reduces to a truly miserable condition numbers of the residents of the mountains without other resources.

It is not to be assumed, however, that the same causes which brought about the forming of bands of robbers in former times would be revived under the government of the Filipinos. As a fact, such bands were dissipated during the government of Aguinaldo. The right to bear arms would doubtless be one of the rights which would be recognized under an independent government, and this would give to each community practical means of protecting its lives and interests against those persons prejudicial to the same. These would tend to cease their evil habits or would be exterminated in one manner or another, since there would be no other alternative. The misery of the common mass which contributed and contributes now to the formation of such bands would have to be effectively improved through suitable legislation which would give to the poor facility to acquire their lands and cultivate them.

An eloquent proof of the good disposition of the people toward preservation of order under normal circumstances was the organization of the bands which operated during the Spanish sovereignty. These were selected from the common people of the municipalities. They performed service by day in the municipality and watched by night at points outlying the resident section for the public security. They received no salary except equipment and clothing. Their duties were, when occasion necessitated, though badly armed, to seek and pursue

evildoers, fight these, and arrest them. They successfully performed these duties. The men of the towns accompanied on many occasions these bands for such purposes. It is not less indicative of the spirit of order and discipline of the people that there are communities which have barely two or three policemen to guard the jail and maintain order. The lack of these is not felt on days of great feasts and crowds.

The danger of disorder feared is as small as remote.

#### IGNORANCE AS A MENACE TO ORDER.

There is pointed out as another of the grave menaces which might constitute a constant danger to order the ignorance of the Philippine masses who speak only one of the 15 or 16 Malay dialects, each one of which contains a very limited vocabulary, which offers no means of communication with modern thought and civilization.

We do not desire in any way to deny that there really exists among the Filipino people persons not educated in schools. No one laments this situation like the Filipinos themselves—a situation due to causes altogether foreign to their will. Nevertheless, while it may be said that there are some illiterate people not prepared in the schools, it can not be said that the people are profoundly ignorant. From the fact that there are people who do not know how to read and write does not necessarily indicate that the community in which they live does not know the rights and duties appropriate to a civilized community.

Let us take as an example one of those rural communities of the Islands far distant from centers of commerce and education. It is a community that lives peacefully, has a religion—the Christian—and practices its creed. Each individual constructs his home and works a piece of ground and sows what is necessary for his living. His house is small, but he keeps it clean, as well as its surrounding lot. He lives from fishing or agriculture. He does not rob or steal or kill or molest any of his neighbors. He receives the stranger cordially and shares with him all the resources that his natural hospitality permits. He pays a teacher for his children or sends them to the public school of the town. He recognizes his public authorities, to whom he appeals on all occasions when he receives some injury or other, pays his tax religiously when required to do so by the agent of the municipal authority. The community scarcely requires police because order is very rarely disturbed. All live in the greatest satisfaction, without passions, without struggle, in the midst of an enviable harmony.

We can not say that a community that lives thus is profoundly ignorant and might place in danger the security and order of the state on account of its ignorance. If we compare this community with other Filipino communities which form the municipalities and the Provinces of the archipelago and present the same sketch and characters, with the only difference that there are in these a greater proportion of instructed persons, we can not see any danger to order in confiding to such communities the government of their own interests. It is flattering to be able to say that the truth is that the so-called ignorant mass of our people so unjustly treated by our critics is sufficiently instructed in its duties of man and of citizen, and we are certain from what occurred during the revolutionary period that with the independence of the country there would be again awakened in it that stimulus to greater progress, well-being, and liberty that collective conscience and that spirit of responsibility of which it has given so many and such eloquent proofs.

Furthermore, the causes which under the past sovereignty produced the present condition of education in the people are sufficiently known, and likewise well known are the methods which should be employed to more generally spread instruction among the masses most needing it. It is reasonable to suppose that whatever government the Filipinos may have will give all possible opportunities to all the classes of the people to educate themselves in the schools. The Filipino people, as has been said in another place, is glad to instruct itself in all branches of human knowledge. It is not necessary that it be compelled to this. In the official reports there is noted with true satisfaction the natural inclination displayed by the Filipinos for education, the poorest families sending their children to school. There has been a constant increase in the number of children attending the public and private schools, so that in this year it may be reckoned that nearly 700,000 children and youths are receiving an education in the different public and private schools established throughout the archipelago.

The Philippine Assembly has always been ready to make large appropriations for the bureau of education, and this certainly indicates that if the country were independent the Philippine government would place all its interest in increasing and spreading instruction among the masses, not only because it would understand that this was its responsibility, but likewise because it would recognize the advisability of having the people instructed in order that the nation might be solid and strong. The Philippine government would be in possession of power to save a great part of the present budget destined to salaries and expend such savings in paying school-teachers and constructing school buildings in order that the progress of education might be more rapid daily in the Islands.

There exists, then, in our opinion, no reason whatever to fear the imagined dangers that the present state of education of the people might offer to the permanent establishment of public order under an independent government. Above the subtle conventionalisms of nations which, in spite of all, have never been able to fix with precision and uniform judgment when a people is sufficiently educated to be independent or when not, it is certain that there exists here a people old in the practices of civilized life, lovers of home and property and enthusiastic for education and progress, obeyers of the law, all of which, far from being a danger to order, is its firmest and most secure foundation.

#### "CACIQUISM" AND OLIGARCHY.

There is likewise pointed out as another obstacle to good order and the establishment of democratic institutions and principles the so-called "caciquism" dominant in the country. There is mentioned the fact that in the rural municipalities of the Philippines the whole people is completely subject to the will of some educated person of alert intelligence living in the community, who knows the local dialect and who desires or knows how to excite the fears or the cupidity of his neighbors to organize a party to resist imaginary wrongs or oppression, in order to satisfy vengeance or to obtain a livelihood without labor. There is said in proof of this that the history of the revolution and of the state of disorder which followed it is full of examples in which the simple country people, incited by the local caciques, have committed the most horrible crimes of torture and assassination, and when the authors have been arrested and prosecuted, they have simply replied that the caciques of the locality had ordered them to commit the crime. There is men-

tioned likewise that with great frequency the presidents and other officials of the town make use of their offices to subject the ignorant residents of their respective towns to their control in the sale of agricultural products. The official acts as an intermediary in the sale and takes the greater part of the products of the person he represents. It is likewise alleged that caciquism is revealed in the most flagrant form when the Philippine municipal officials, and even provincial officials, are invested with governmental power over non-Christian tribes or over others that are not of their own race distributed through the Christian Philippine Provinces. It is said that the people of these tribes are victims of abuse and oppression on the part of such Philippine officials.

The series of acts mentioned which show the existence of the so-called "caciquism" in the Philippine Islands is not truly the result solely of the state of education of the masses, but a natural product of the perversity of man of whatever time and whatever race. The instinct of profiting at the expense of one's neighbor or of satisfying certain passions and taking advantages of other men who may be convinced or seduced is not only a quality peculiar to Filipinos, but a universal human sentiment. This instinct naturally reveals itself in different forms, according to the condition of the various societies, but in one form or another it exists among all people, whether they are civilized or not. He who considers himself stronger will always try to obtain some profit if he can from the weaker, whether this one be ignorant or not.

The facts mentioned are not, however, very general nor are they of such gravity as those that occur in more civilized countries. The examples of caciques who have ordered the assassination or the torture of hostile persons are exceptionally rare, or so little known that there has not reached our knowledge specific cases registered in the tribunals of justice. The abuses by officials who take advantage of their official influence to serve as middlemen for some ignorant persons in the sale of their products, aside from being few, are assuredly less scandalous than those which are told of officials of independent countries who enter into illicit combinations to permit gambling houses or houses of prostitution, in the profits of which they participate.

We are not trying by this statement to apologize for these abusive acts, but the fact that they are committed, not only in this country but in all countries, although they wear different forms or aspects in each one of them, brings us to a conclusion, and it is this: That because this evil exists in the Philippine Islands is not a reason for failing to concede independence to the Filipinos. The belief that caciquism in the islands may constitute a grave danger to order is not sustained by the facts. There is nothing in the facts before mentioned and in those which the action of the caciques show which can not be corrected by the action of the courts or of the executive. It would be therefore extravagant to believe that the Filipino government would lack means or sufficient resources to punish the abuses or the disturbances which local caciquism may occasion. It would not be an error to suppose that the government being in the hands of the Filipinos and there being established naturally greater confidence between the people and the government that any act of caciquism would be more promptly denounced and consequently punished.

In relation to the existence of caciquism, which thrives, as is believed, because the mass of the people is profoundly ignorant, there is likewise expressed the idea that in case of constituting an independent government the educated mass which would form the government would make of this an oligarchy which would tend to oppress and exploit the ignorant mass. In other words, it would be a government of caciquism. It would not be possible to ignore this fact, that by the force of circumstances and in virtue of our sociological conditions, the government must be in a certain manner in the hands of the most capable and intelligent group having knowledge of the science of government and of society. But far from this being an evil, if this group is to be the element favoring modern ideas always inspired in good and in the interest of the community, if it is to guide the others to conduct them to the object of their aspirations for progress and well-being through the means most appropriate and suitable to it and in the final analysis, it will be the most faithful and suitable instrument of the will of the majority; there would be no mistake in placing on its shoulders the responsibility of a sovereign people.

There is likewise sufficient evidence showing that the people are educated in the practices of equality and democracy; that there will be no danger whatever of the interested and wicked preponderance of a determined group called caciquism or directing. There exists the positive and certain fact that exactly the so-called caciquism group, responding to the desires of the entire body, has realized and is realizing the work of lifting up the spirit of the most humble masses, of aiding them to proceed in the road of progress and prosperity, of increasing the love of country and liberty. From this one might infer that on establishing the Philippine government the directive group would feel certainly the pressure of the advantage of educating all the masses, because the first work of the government would be to strengthen the nation in the interior and exterior, and there would be recognized that public instruction is the most solid basis of a nation's strength.

#### RELATIONS BETWEEN CHRISTIANS AND NONCHRISTIANS.

The fact that there have occurred examples of abuse and oppression by Filipinos in office of persons belonging to the non-Christian tribes does not indicate a general policy, nor is it the general treatment extended by Christian people to the non-Christian tribes. The reference to these abuses seems to indicate the belief that the Christian people in their relation with the non-Christian people would not be disposed to give to the latter a just and liberal treatment, which would tend to lift them to the grade of civilization acquired by the Christian people. Nothing, however, can present with less accuracy the point of view and the intention which animates the Christian people with respect to those who are not so. The inhabitants of the Christian Provinces, as we have stated elsewhere, understand that the non-Christian tribes are a very important and valuable factor, not only for the population, but likewise for the defense of the common country. The variety of people which inhabits the Islands and speak different dialects, with distinct religious creeds and customs, are susceptible of forming a true homogeneous unit, which they now have, through ethical reasons, assisted by the chains of common interests and ideals for the objects of progress and civilization. The belief that there is a true rivalry and hatred between the Christian and non-Christian people has been almost always exaggerated; nothing, however, is false than this opinion. The simple knowledge of the non-Christian tribes of the establishment of the Filipino government in Malolos produced a distinct approximation in the ideas and relations of the Christian and non-Christian people, the latter having presented themselves spontaneously to the authorities of said govern-

ment, giving it loyal support and recognition. There is, too, the fact that some Christians of Luzon and Visayas have established themselves in Moro territory or in various "rancherias" that live in the mountains from which the most skillful have succeeded in acquiring greater or less fortune.

The true reason for the dissatisfaction and differences existing between the non-Christian people and the Christian people is based rather on the fact that the non-Christian people believe the Christians allied with the foreign government, anxious to pervert them with a change of their religious beliefs. But religious intolerance having disappeared, the principal factor which caused the existing differences between the two, it will not be difficult to convince the non-Christian people of the islands of the benefits of living under a common régime with the inhabitants of the Christian provinces. We are convinced that a Filipino government is the only one that could reach in a permanent manner and without violence a definite understanding with the non-Christian communities of the islands, because the latter in spite of the differences of religion and customs, would not oppose, nor could they oppose, the influence of the ethical unity and relationship. This circumstance gives to the Christian Filipinos the advantage of a better knowledge of the psychology of their non-Christian compatriots and teaches them the road most appropriate and the measures most suitable to reach the intelligence and hearts of the said compatriots and to establish with them the relationship which tends to consolidate national unity.

#### LITTLE POLITICAL EXPERIENCE.

The little political experience of the Filipinos, acquired under the Spanish Government, has constantly been a theme touched upon to refuse the national aspirations of the Filipinos. But if it be considered that the nations, whatever be their race or creed of humanity, have only gained complete experience through direct and absolute control in the management and government of their interests, such argument loses a great part of its force and strength. Experience in life and in business certainly comes in no other manner but in daily contact with the men or with the interests which are managed. The United States has not gained experience to manage the affairs of a federation, except since the old Britannic colonies declared themselves independent and constituted such form of government. We are convinced that the Filipinos must likewise expect more complete experience to direct and administer their national affairs after they are independent. The Filipinos have gained, doubtless, greater experience than they had in the past domination in municipal and provincial affairs, because they have been placed face to face with the responsibilities and difficulties of practice in such affairs. Experience in the control of affairs which we would call national it may be said they have not had during the present régime, or if they have had, it is as an experience purely theoretical. So that if the laws which govern the present system are to continue permanently, the Filipinos would experience the same results which they had with the Spanish Government as to practical political education.

The Filipinos acquired much more experience and education during the epoch of the so-called government of the Filipino republic than in any time before or since the American occupation. The succinct relation that we made in the first chapter of the provisions and regulations adopted by that government shows that the governmental practice of the Filipinos does not differ much from the experience of the old nations. This historic fact serves to demonstrate that political experience may be gained either by independent effort or by the experience of others.

The colonial experience of the United States has occurred only since the war with Spain. The political experience of American statesmen has been limited before this time to domestic affairs. When the American Nation, through the declaration of their prominent men, and in other ways, congratulates itself in saying that its colonial administration of the new people, subject to its domination, has been carried on with success, we can not do less than infer from this the truth from our point of view that a previous practical experience is not necessary to a country when it shows good judgment and disposition in other affairs to obtain the success of an undertaking.

We are glad to be able to say that the good sense and the good disposition shown by the Filipino people in adapting its life and customs to the practice of the civilized nations of Europe and America permit the well-founded hope that with this actual practical experience it will have success in its work in the experiment of an independent government.

#### A COMMON LANGUAGE.

The lack of a common language spoken and written in the relations of the Filipinos among themselves has been likewise mentioned a number of times in discussing the problem of our independence. It has caused the teaching of English in the schools and its diffusion by all possible means among different people of the country, with the object that the Filipino people may acquire not only a common medium of communication but likewise the advantages that the possession of the English language would give for commerce and the study of free institutions.

The existence of various dialects within a single country is certainly an impediment to easy communications, and to the communication of thought and word between men of the same country, but the fact that there exists a like condition in many independent nations of old Europe makes us believe that it is not an indispensable condition to the independence of nations.

The number of dialects of the country, and the importance of the difficulties which this variety of dialects creates has been much exaggerated. But to be accurate, we must say that properly there are three dialects—one which dominates in the north, that is the Ilocano; another that dominates in the center, that is the Tagalog; and another that dominates in the south, that is the Visayan. The other dialects are varieties of one of these three principal ones, so that after a period of a few weeks in a place the Filipinos may speak and understand the dialect of the locality.

#### IV. OBSTACLES TO THE INDEFINITE RETENTION OF THE ISLANDS PREPARATORY TO THEIR INDEPENDENCE.

The present policy was explained by President Taft in his special report as Secretary of War to the President relating to the Philippine Islands, dated the 23d of January, 1908, as follows:

"I do not see how any more definite policy can be declared than was declared by President McKinley in his instructions to Secretary Root for the guidance of the Philippine Commission, which was incorporated

into law by the organic act of the Philippine Government, adopted July 1, 1902. That policy is declared to be the extension of self-government to the Philippine Islands by gradual steps from time to time as the people of the islands shall show themselves fit to receive the additional responsibility, and that policy has been consistently adhered to in the last seven years now succeeding the establishment of civil government.

"It necessarily involves in its ultimate conclusion as the steps toward self-government become greater and greater the ultimate independence of the islands, although, of course, if both the United States and the islands were to conclude after complete self-government were possible that it would be mutually beneficial to continue a governmental relation between them like that between England and Australia there would be nothing inconsistent with the present policy in such a result.

"Any attempt to fix the time in which complete self-government may be conferred upon the Filipinos, in their own interest, is, I think, most unwise. The key of the whole policy outlined by President McKinley and adopted by Congress was that of the education of the masses of the people and the leading them out of the dense ignorance in which they are now, with a view to enabling them intelligently to exercise the force of public opinion without which a popular self-government is impossible."

This policy nevertheless has not yet been sanctioned by Congress in all its parts. Congress, which is the power in which resides the regulation of affairs referring to the Philippine Islands, has until the present refused to express its opinion with reference to the future political status of the islands.

#### CONTRARY OPINIONS AND POSITIONS.

This indefiniteness as to the political future of the country results in two contrary movements of opinion as well among Americans as among Filipinos—some who believe that independence must be conceded after some years, and others who believe that it is never to be conceded. The doubts which arise from this state of indefiniteness result in all and each one working without a fixed direction, producing a lack of general agreement which is far from favoring the progress and well-being of all the residents of the islands. In the attitude, idea, and actions of many Americans in the islands appears to be indicated the conviction held by them that the Filipinos are not to be, nor will ever be, independent; that the American flag will never be lowered there, where it has once waved. So that, notwithstanding the repeated declarations made by high authorities in the United States that the government implanted in the islands is for the interest and benefit of the Filipinos, there are many American residents of the islands who conduct themselves in the contrary sense, animated apparently with the idea that the government has been established here exclusively for their interest and benefit.

It is observed, for example, that there are few Americans of those who come to the islands who have endeavored to intimately know the Filipinos or to gain the friendship of the latter, by socially and personally uniting with them, but many of them have displayed egotistic and personal motives; sometimes publicly indicating that the Americans have come to the islands to better their purse and interests, and at other times depreciating the association of the Filipinos, or in a thousand ways treating them depreciatingly. Few of the Americans who deal with the Filipinos can hear with calmness the demands of the Filipinos for their independence, but many of them laugh jokingly at it as at a thing impossible. On the other hand, the Filipinos who accept in good faith and sincerity the carrying out of this policy, in view of those examples given by the Americans, can with difficulty induce a ray of hope into the minds of their compatriots, and not a few come to establish in their minds the belief that the American Government is not disposed to specify to-day or at any time the political aspirations of the Filipinos.

#### HARMONY AND GOOD UNDERSTANDING MADE DIFFICULT.

From this naturally come many difficulties which do not contribute to create that healthful harmony, that close relation, between Americans and Filipinos which is necessary for the fulfilling of the mission which the American people desires to fill with respect to the natives of the islands. The American Government needs the cooperation of the people, needs the support of the Filipinos to convince the country as to the generous and altruistic designs which have moved it to remain in the islands, but every day the Filipino politicians are denounced to the government as propagators of evil doctrines; as obstacles to the execution of the plans of the government; as hostile to the sovereignty and mission of North America in the islands; in general, as the most dangerous enemies of its own people. It would even seem that there is an effort to make the government believe that it should suspect all Filipino politicians; that ear should not be given to their proposals and complaints; that it should entirely ignore them or do the contrary of what they ask or propose, because in this manner they might administer more justly and efficaciously the interests of the people in these islands. In this manner the labor of the government for a closer union with the people is strongly embarrassed on the one side by the voice of a portion of the American press, which clamors constantly against the policy and the Filipino politicians, and on the other side by the voice of a portion of the Filipino press which, rendered hostile by that, considers it necessary to take the defense of the Filipinos, censuring the Americans and making them responsible for the violations of its own principles and policy in the islands.

There is observed on this account frequently a low struggle of individuals whose judgments are engaged in presenting an antagonism of interest between American and Filipino people, relaxing the bonds of cordial and mutual intelligence which the government extremely desires to see established. The efforts of men of good faith of both peoples are always directed in avoiding the breaking out of this struggle, of the reestablishing in a short time courtesy and mutual consideration. The frequent injury that this occasions in the cordiality of the relations of the Filipino people and government is great. Meantime, the government can not remain aloof from this struggle, and as it is composed in its majority of Americans it is obliged to act in accord with the dominating spirit in the American community. From which, in their turn, the Filipinos complain and form among themselves the opinion that the government does not listen to the voice of the Filipinos, but gives consideration only to the interests and satisfaction of the Americans.

## DIFFICULTIES IN ADMINISTRATION.

The difficulties of administering the interests of a completely different race are revealed by the fact that the government judges many times very erroneously the attitude of the people and its representatives, and in its turn the people misunderstand the intentions and dispositions of the government. In 1902 there appeared for the first time since the American occupation cholera in Manila and the surrounding provinces. The government was obliged to adopt precautions and measures to protect the health of the inhabitants. There was put in force various regulations drawn up to avoid the propagation of the evil, and there was increased the number of the sanitary corps who had to carry into effect said regulations. The people were not accustomed to the methods adopted and believed themselves persecuted by the representatives of the government and refused, in many cases, to submit to the methods prescribed by the official science. The violence in the execution and enforcement of such methods resulted in the hiding of cases and to secret burial of corpses in such cases. The native press criticized some of the regulations emanating from the government and the manner of putting them into execution. The government understood then that the representatives of the press were impeding the measures for the repression of the evil until the knowledge of some facts made the government understand the necessity of reforming the processes, and it then took advantage of the cooperation of the Filipinos themselves in the sanitary measures adopted, from which were obtained better results. In 1904 the constabulary was the object of severe criticism on the part of the native press for the commission of abuses and other excesses in the performance of its duties. The government saw in such criticisms, as always, a spirit of party and hatred on the part of those who criticized the government and its institution. It believed that these sympathized with and aided the ladrones who disturbed peace and order. The publication of certain facts in *El Renacimiento* gave rise to a prosecution of this newspaper. The evidence in the case proved the commission of acts of violence and torture by officials of the constabulary. The court acquitted the editors of *El Renacimiento*, and since then the appointment of the chiefs and officers of said corps are made with greater care and there has been observed a higher standard of efficiency in the service of the corps and better cooperation of the people with its officers and men.

These facts serve to illustrate the difference of judgment which always appears when a people has not a government composed of men of its own race that can understand clearly its method of life and peculiar habits. This lack of comprehension by a foreign government, aggravated by the difference of language, contributes not a little to the fact that the people view with doubt or lack of confidence the acts of said government. This government needs the faith and the complete confidence of the people in order that every one of its acts should be accepted by the people with the satisfaction and certainty that it is to better their interests and make them happy and prosperous.

Great principles or great men are not so necessary in order that the administration of the interests of a people attain the advancement or well-being of the people, but it is absolutely necessary that the people have entire faith in those to whom are confided its interests, because without that faith every effort of intention or of act that those who govern take will encounter passiveness and indifference on the part of the people. In consequence of this our government attributes at times to ignorance or lack of understanding of its own interest the indifference which the people display toward many good acts or laws made in their favor—as, for example, the homestead law.

## POLITICAL ECONOMY.

These symptoms of doubt manifest themselves markedly in the consideration of economic subjects. All Filipinos believe necessary the development of the natural resources of its to-day unproductive soil. They understand the necessity of the assistance of foreign capital, but they complain at the same time against the policy of selling great tracts of land to corporations, against perpetual franchises for railroad companies, and against the predominance of corporations and commercial interests; and this, which appears a very grave confusion of ideas, has its origin in the rooted belief that the future of the people is threatened by the invasion of that capital which, once rooted here, will be opposed, when the moment arrives, to all change of sovereignty, because it would not believe itself sufficiently secure and protected except under its own sovereignty. If this government were the image and work of the people, these fears would not be felt and the cries of protest of the present would be converted into cries of praise and blessing, because the people would have entire faith and complete security that their interests and their future in the hands of such government would be under the protection of guarantees such as would permit the development of native capital on equal terms with that from abroad.

It is believed generally among the Filipinos that this government has given no attention to favoring with some stimulus the development of Filipino capital, and has used all its efforts in bringing capital from without for the exploiting of the material riches of the country. They feel that this government, which has been established for the happiness, peace, and prosperity of the inhabitants of the island, according to the text of the instructions of McKinley to Secretary of War Root, leaves the Filipinos abandoned to their fate in the development of their economic interests; does not extend its protection to native capital, whether interesting said capital in the formation of new industries for which the soil offers rich material, there being given some privileges by law, or authorizing facility to Philippine producers and merchants in the prosecution of their enterprises, or inducing the companies that are formed to admit Philippine capital for the agricultural and mining exploitations.

The people observe that all the preferences and stimulus of the government is kept for foreign capital and that the government leaves it unprotected, and it is not to be wondered at that the people feel a profound neglect and that they see themselves in advance beaten in an unequal economic competition and lose faith in the benevolence of the intentions of the government. In the practice of the professions it observes likewise that natives of the country are being relegated to the background and that the business is controlled by Americans, and that, as in the case of the surveyors, there have been efforts to deny to the latter the practice of the profession in what relates to an office of the government, and in its profound logic the people have reason to believe that the government, far from favoring their economic condition, restrains them without, perhaps, wishing to do so.

The people are convinced that they comply with all their obligations to the government; that in spite of their poverty they pay annually in taxes P30,000,000, with the object that the government may provide all measures and resources to improve the economic conditions of the

country. The Philippine people nevertheless find themselves in the same condition of economic crisis that prevailed under the past domination. Failures to pay and requests for deferment of payment of taxes and the sale of property for insolvency evidence the deplorable state of the economic interests of the Filipinos. The existence and increase of the same pernicious amusements that created such poverty during the Spanish government and which were abolished during the short period of the revolutionary government necessarily accompany such a condition. The increase of houses of usury and loan tend to aggravate the situation. This, which is so evident to the people, is nevertheless not so to the government.

The government believes that the people complain as a matter of routine or through ignorance of what must be paid for the necessary public services. The government shows that the commerce of importation and exportation, which measures the riches of a country, is increasing yearly and shows likewise that the rate of contribution per capita is considerably lower than in any civilized country. From this it results that the people do not understand the government nor the government the people, and the two doubt and mistrust each other.

In such a state of relations, that are the natural consequence of the present régime, the faith which has placed America in the administration of the affairs of the Filipinos for the happiness, peace, and prosperity of the latter will never see itself realized. If there is taken into account, in addition, other organic defects in the present régime which prevent the development of the individual and national aptitudes of the people of the islands in a state which is supposed to be one of preparation, the claims of the Filipinos for the enjoyment of an independent government with the object of assuring its own progress and its final well-being would be far more justified.

## UNSUITABLE LEGISLATION.

The gravest defect of the present system is founded entirely in the lack of confidence in the capacity of the natives, who are prevented from developing themselves by their own methods and are forcibly subject to an exclusively American type. Little effort has been placed so that the Filipinos by themselves might form the legislation with reference to the conditions and customs of the people. The legislation now in force has been constructed on purely American lines without exact knowledge of the character and peculiarities of the inhabitants of the country. Such legislation is not the work and product of circumstances and convenience of this people, but a copy and imitation of laws taken from a people with different characteristics and a distinct type of civilization. The Philippine Assembly was created after the construction of this legislation, and whatever effort to reform it in its foundation is absolutely nonrealizable through the opposition, at times blind, of the other branch of the legislature. It thus happens that some laws are of difficult application to the people of these islands.

## LITTLE PRACTICAL EDUCATION.

In the executive branch is yet more notorious the lack of confidence which is the base of the system. The central axis of the administrative organism revolves in such a way that it leaves to the Filipinos no opportunity for practice in the conduct of public affairs through means of direct contact with the methods of action and their difficulties. If it be considered that the basis of the policy followed in the Philippine Islands is the preparation of the Filipinos for the exercise of the powers of an independent government, it is not seen how under the present system such a result may be obtained. For example, nearly all the chiefs of bureaus are Americans, as are their principal assistants and local agents; that is, all those who go to form and direct the plans for the execution of the laws. Few Filipinos, if there are any, can by virtue of their offices take part in the determination and regulation of these plans. The best education would be that which places the Filipinos on the ground of reality and places them in contact, by virtue of the duties of their offices, with a knowledge of the methods and practical difficulties of the public service.

## INEQUALITY IN THE CIVIL SERVICE.

From this comes the constant demand of the natives for the Filipinization of the public service, but the bureaucratic spirit which is developed necessarily among the colonizers in a colony tends to neutralize the results of this demand. The slow course that the insular government is adopting to place Filipinos in the offices of high salary and responsibility, notwithstanding the merit and the efficiency demonstrated in several years of service, is the result of constant employment of Americans who in a large number are always awaiting every occasion to occupy the vacancy or promotion of other Americans. The Filipinos are placed necessarily in their subordinate and assisting posts, and even when many of them are really prepared by experience gained through long service in the office and perform the duties performed by the Americans, only rarely and by accident are they promoted to the places of the latter.

The same treatment is not accorded to Americans and Filipinos in the civil service. In practice there appear to govern certain rules for Americans, and others for Filipinos. The salaries are not the same for one as for the other. The Americans are promoted more rapidly than the Filipinos in the same office, and the cases of demotion of the Filipinos are frequent. The merit and efficiency of the Filipinos are rated with greater rigor than those of the Americans, as well as likewise their failings in the service. All this is evidenced manifestly in the material fact that nearly all the posts occupied by Americans since the establishment of the civil government continue in possession of the Americans.

The increase of Filipino employees each year is only apparent. There is not a chief of office who does not place annually in his estimate for expenses a greater sum than in the preceding year, and with this augment are created some inferior posts that are filled by Filipinos. The number which is set forth in the reports of the civil service is the total, and it shows an increase in the number of Filipino employees but not a diminution in the number of Americans. If the American policy in this matter in establishing the civil service is to educate the Filipino in the sense of responsibility in the government, the practice followed, instead of favoring this policy, paralyzes it in its educative effects and as a result tends to form a sort of privileged class composed solely of Americans.

## GOVERNMENT OF THE NONCHRISTIAN PEOPLE.

Another grave fault of the present system is having followed the policy of maintaining a complete separation between the Christian and non-Christian people. The different tribes which inhabit the mountains

of the north of Luzon and the Mohammedans of Mindanao must form part of the Filipino nation as belonging to the same territory and originating from a single ethnical trunk. The separation between these only tends to foment a lack of common interest, which creates in its practical results unfounded misunderstandings between them. There should be inculcated in the people of said tribes the idea that this is a Filipino government, and on that account they should become accustomed to see Filipinos at the head of the governments instituted among themselves. The concept which actually is imbued in them is that they must be protected against the alleged abuses of their own brothers—the Filipinos. If the Filipino nation is to govern alone in the future and those who constitute such tribes have to form part of said nation, it is necessary to have them look on the Christians as brothers, as fellow-citizens with whom they are to live and are to be united in a community of culture and aspiration. The Christians, as we said elsewhere, can not be assumed to be without all practical sense; that does not appreciate their interest in civilizing those non-Christian tribes that are an important factor as well for the population as for the defense of the common country. There would certainly not be lacking Christian Filipinos of demonstrated executive skill who might govern said tribes in accordance with their interest and well-being. The present political and administrative organization which separates the Christians from those that are not does not tend to the preparation for an independent Philippine government, but to prepare for the latter in its day difficulties in its relations with the inhabitants of said localities. If the Philippine Assembly could have jurisdiction over the territory occupied by the non-Christian tribes and the Moro Province there would be made evident the reasonable interest that the Christian people feel for the progress and well-being of the non-Christian people.

#### CONCLUSION.

The Philippine Islands were acquired by the United States by virtue of the cession made by Spain through an indemnification of \$20,000,000 in accordance with the treaty of Paris. On the date that this treaty was signed a great part of the Philippine territory was in power of a government organized by the Filipinos. The organization of this government was made with the knowledge, consent, and moral support of the Americans. On the opening of the Spanish-American War, Aguinaldo, who was considered the leader of the insurrection against Spain in 1896, came from Hongkong in an American transport of war, with the object of reopening the revolution against Spain, having been induced to believe that he might reckon on the aid of the American forces.

Although he made no use of the offers that were made to him, practically the attitude of the Americans and the relations that Aguinaldo maintained with them created the impression that he might consider them as allies. For some time the launches and steamers that were at the service of Aguinaldo displayed the Filipino flag and were not prevented from circulating in the Bay of Manila and some provinces to carry forces and orders to Aguinaldo.

The 13th day of August, 1898, the city of Manila surrendered, and Gen. Merritt, as commander of the American forces of occupation, published a proclamation, in one of whose paragraphs he said that he had not come to the islands to take a piece of territory. From the date mentioned before and until the 4th of February, 1899, the Filipino government maintained cordial relations with the military troops of North America, and all of the differences were regulated through official communications of the representatives of the two governments.

These facts are mentioned with the object of showing that the persistency of the Filipinos in being independent is bound up in the recollections of that short period of their past in which, associated with the Americans, they threw down the secular power of a sovereignty and experienced the satisfaction and happiness of governing by themselves their interests and their future. Then they understood how satisfactory and sweet to the citizens is the yoke imposed by the power of its own laws and the government by men of its own race, and how close and loyal is the cooperation which exists between people and government to better the interests of the country and to enter resolutely and without embarrassment into the wide ways of human progress. Then the Filipinos abandoned all the vicious practices which the former sovereignty had extended over all the masses and recovered the good qualities which people free from all yoke possessed. This moved the Filipinos to resist with all their force the new American domination and to submit to it only when they fully understood that they might be independent in a more or less short period. The efforts of the Filipinos in defense of that government, the blood which its soldiers shed, and the money which was employed in the service of the Filipino flag, recalls to them constantly that short period of its happiness and makes them consider the present as a temporary situation which they desire to abbreviate as much as possible in order to acquire the satisfaction of their national ambitions and their intentions of elevation and enrichment of the country. They wish to consider that the American people have been guided providentially to these islands to save the people from oppression; they recognize that the American people have borne themselves with liberality toward the Filipinos after the latter had been conquered; but they believe at the same time that if there existed the providential designs these have been completely realized; that after 12 years that North America has governed these islands under its flag and has made clear to its inhabitants those theories and practices of a free people, the Government has terminated its mission with honor and glory for itself in these islands and may confide the government to the Filipinos with complete security for the interests of the latter and to all those that live in the country. The Filipinos at all times have shown a broad spirit of progress, a high interest in assimilating all ideas and practices of civilized people, and are not doubtful that they will operate in accordance with those ideas and practices on occupying their position among the nations of the earth.

For all these reasons, Mr. Secretary, we respectfully charge you to be the interpreter of the feelings of the Filipinos to President Taft, to whom we desire to transmit a copy of this document, and to the American Congress, to each one of whose Members we likewise desire to transmit copies of the same.

Respectfully,

THE EXECUTIVE CENTER OF THE NACIONALISTA PARTY,  
By SERGIO OSMEÑA, President.

Certified:

MAXIMINO MINA, Secretary.

This is not the first time, Mr. Speaker, that the Filipino people, by means of memorials, petitions, and resolutions, have ad-

dressed the Government of the United States for the purpose of securing their political freedom. When President Taft, as Secretary of War, visited the Philippines in 1904 with a party of Senators and Representatives, another memorial was then sent, through him, to Congress, wherein this legislative body was urged to declare that it was the purpose and intent of this Government to grant the Philippines independence.

The first Philippine Assembly, in its first regular session in 1907, adopted a resolution requesting Congress to terminate the present colonial relationship between this country and the Philippines, and when, in March, 1910, a petition signed by a large number of prominent American citizens favoring Philippine independence was presented in the Senate by Senator WINTHROP MURRAY CRANE, of Massachusetts, that petition was enthusiastically indorsed by every Province in the islands and by almost every town.

Again, when I had the honor of presenting and supporting before this House on May 14, 1910, the resolution of the first Philippine Assembly heretofore mentioned, my action was indorsed by my countrymen, and demonstrations of their deep appreciation of my efforts to bring about the realization of their most cherished ideal were made in every place which I visited during my recent stay in the islands.

All these facts show in the most striking manner that the day has now arrived when it is absolutely essential to the happiness, welfare, and tranquillity of the Filipino people that a declaration regarding their independence be at once made by Congress. There was a time some years ago when it was said with some show of justification that the demand for immediate independence was only the rallying cry of a few ambitious and misguided politicians, and not the true and real expression of the heartfelt aspiration of the people of all classes. To-day no one who is in any way familiar with the events in the islands could fail to realize that the independence of their country is the most fervent and sacred desire of the whole Filipino people.

I am betraying no secret when I assert here that the unanimous opposition of the Filipino people to the sale of their public or of the so-called friar lands to American capitalists is mainly the result of their fear that said course will in the end defeat their cherished national ambition. We know and feel that as soon as there is invested in our public lands a large amount of American capital we must give up forever the hope of ever being freed from the control of the United States. By this I mean no disrespect to the sincerity of the American people or of those charged at present with the administration of this Government, but facts are facts, and history has conclusively demonstrated that large financial interests invested in a smaller and weaker country can compel the nation whose money has gone there to exercise an influence and to adopt a policy toward that weaker country which, in the absence of those large investors, would have given way to a more generous and enlightened course. American capitalists having large amounts of money invested in various enterprises, agricultural and otherwise, in the Philippines would naturally be the strongest opponents to the granting of independence to the Filipino people, and would naturally prefer the constant and continuing control and protection of their own Government to the control and policies of any alien Government, however kindly disposed or generously inclined toward such capital that alien Government might show itself to be. The voice and influence of such American investors in the Philippines would, as all know, be forcibly manifested in Congress, and against it the Filipino people would be helpless except to appeal to what would be facetiously termed a sentimental pledge to grant them future nationality.

Some people may say, perhaps, that the great majority of the American people will never be interested financially in the Philippine Islands, and that as they are the ones who will ultimately decide what should be done with the islands the voice of those Americans who for selfish reasons would be disposed to oppose the granting of independence would be powerless to obstruct the carrying out of the pledges of this great Nation. Theoretically that is true, but in practice the unfortunate fact remains that the great majority of the American people are either ignorant of or indifferent to the real trend of events and affairs in the Philippines. There are to-day so many great and vital problems demanding the attention of the greatest minds in this country that it is too much to expect the Philippine question to receive anything more than sporadic and passing attention. The only ones who will be actively interested in shaping the policies of this Government toward the Filipino people in future will be those who for peculiar reasons are deeply and personally interested in so doing.

This, then, is why the Filipino people are openly opposed to the policy recently inaugurated by the Philippine Government of encouraging the rapid exploitation of the resources of the islands by inducing large amounts of American capital to come in to be employed in the acquisition of large tracts of public and other Government lands.

There are also some economical and social questions involved in this new policy, and I contend that no real industrial and agricultural prosperity can be brought about in the Philippine Islands through the alien ownership of large tracts of the public domain, but that, even at the cost of speed, the agricultural development of the islands must be accomplished through encouraging the people to acquire their own small farms and business undertakings and to be independent of corporate landlordism and peonage however carefully veiled.

It is vitally essential to the future welfare of the Filipino people that the natural wealth of their country be properly conserved, and no desire to produce in a day a false and fictitious prosperity should be allowed to divert this Government from its only just and honorable course. The Filipinos are not a race at a standstill, but, on the contrary, are a rapidly increasing people. Numbering only 1,500,000 at the beginning of the last century, they are now nearly 8,000,000, and at the present rate of increase we shall be 30,000,000 of people within 100 years from now.

I shall not on this occasion take the time of the House to demonstrate that we have a right to be independent and free. This is a self-evident proposition to every gentleman on this floor. You can not deny it without also denying the very principle which gave life and support to your governmental institutions. Neither shall I endeavor to show that the Filipino people are now, and for some time have been, fully prepared and equipped to assume and exercise the power and responsibilities of national sovereignty. The memorial of the Nacionalista Party, heretofore mentioned, deals with this question at length and is a substantial exposition of the accomplishments of the Filipinos in public affairs. I shall simply confine myself to asking Congress to act, without further delay, upon the petition of the Philippine Assembly which I have just had the honor to present.

#### MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On February 28, 1911:

H. R. 19756. An act for the relief of Michael B. Ryan, son and administrator de bonis non of John S. Ryan, deceased.

On March 1, 1911:

H. R. 11798. An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers;

H. R. 23015. An act to protect the dignity and uniform of the United States;

H. R. 32440. An act authorizing the Moline, East Moline & Watertown Railway Co. to construct, maintain, and operate a bridge, and approaches thereto, across the south branch of the Mississippi River from a point in the village of Watertown, Rock Island County, Ill., to the island known as Campbells Island; and

H. R. 10430. An act to authorize the establishment of a marine biological station on the Gulf coast of the State of Florida.

On March 2, 1911:

H. R. 5453. An act for the relief of the legal representatives of M. N. Swofford, deceased;

H. R. 24153. An act for the relief of John Marshall;

H. R. 26606. An act for the relief of Charles A. Caswell;

H. R. 30570. An act to authorize the receipt of certified checks drawn on national and State banks for duties on imports and internal taxes, and for other purposes;

H. R. 32082. An act limiting the privileges of the Government free bathhouse on the public reservation at Hot Springs, Ark., to persons who are without and unable to obtain the means to pay for baths; and

H. R. 32344. An act to protect the locators in good faith of oil and gas lands who shall have effected an actual discovery of oil or gas on the public lands of the United States, or their successors in interest.

#### ENROLLED BILL SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 17433. An act amending section 1709 of the Revised Statutes of the United States.

#### PERRY'S VICTORY.

Mr. KEIFER. Mr. Speaker, I move to suspend the rules and take from the Speaker's table the bill S. 10792 and pass the same.

The SPEAKER. The gentleman from Ohio moves to suspend the rules, take from the Speaker's table Senate bill 10792, and pass the same. The Clerk will report the bill.

The bill (S. 10792) to promote the erection of a memorial in conjunction with a Perry's victory centennial celebration on Put in Bay Island during the year 1913 in commemoration of the one hundredth anniversary of the Battle of Lake Erie and the northwestern campaign of Gen. William Henry Harrison in the War of 1812 was read, as follows:

Whereas the State of Ohio, by joint resolution of its general assembly, passed February 28, 1908, authorized its governor to appoint, and in pursuance thereof he did appoint, commissioners to prepare and carry out plans for a Perry's victory centennial celebration to be held during the year 1913 on Put in Bay Island, Lake Erie, State of Ohio, in commemoration of the one hundredth anniversary of the Battle of Lake Erie, fought and won off that island in Lake Erie September 10, 1813, the primary objects of the celebration to be the erection of a permanent memorial to Commodore Oliver Hazard Perry and the observance of the centenary of his naval victory and of the military campaigns of Gen. William Henry Harrison the same year, and of the peace of 1814; also to take the form of an educational, military, naval, and historical celebration; and

Whereas the governors of the States of Pennsylvania, Illinois, Michigan, Wisconsin, New York, Rhode Island, and Kentucky, by the unanimous authority of their respective legislatures, have each since appointed five commissioners to likewise cooperate to the same ends and with said Ohio commissioners in such "Perry victory centennial" so to be held; and

Whereas the States of Indiana and Minnesota have been invited by the other participating States to join them in the said celebration, and the State of Ohio has appropriated the sum of \$80,000 for the objects in view and other appropriations are pending in the other States interested; and

Whereas said commissioners have organized with the name "Perry's Victory Centennial Commission," President William H. Taft and Gov. Judson Harmon, of Ohio, being honorary vice presidents thereof; and said commission has made, and it is proceeding to make, plans and suitable arrangements to hold said centennial celebration during the year 1913: Therefore

*Be it enacted, etc.*, That there is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of \$250,000 toward the erection of a memorial in commemoration of the victory of Commodore Oliver Hazard Perry on Lake Erie, and in aid of the Perry victory centennial celebration, to be held during the year 1913, on Put in Bay Island, Lake Erie, Ohio, the same to be disbursed by the Perry's Victory Centennial Commission.

SEC. 2. That the President is hereby authorized to appoint three citizens of the United States as commissioners of the said Perry's victory centennial, who shall serve without pay, but who shall be reimbursed and paid out of the money herein appropriated for their actual and necessary expenses in attending their official duties, of whom one shall be chosen from the Army and one from the Navy, to represent the National Government in the proposed celebration and in the erection of the proposed Perry memorial, in conjunction with the commissioners representing the several participating States.

SEC. 3. That the making of the appropriation provided for in section 1 of this act shall in no way operate, by implication or otherwise, to require the United States to incur any further debt or obligation in connection with the erection of such memorial or in connection with said centennial celebration.

SEC. 4. That the money appropriated by this act shall be paid out on the order of the Secretary of the Treasury of the United States from time to time and to the treasurer of the organization engaged in the erection of such monument and in promoting and in holding the said centennial celebration, and on said Secretary being satisfied the money appropriated will be disbursed for the objects, uses, and purposes expressed in section 1 of this act: *Provided*, That no part of the sum hereby appropriated shall be available for the said Perry's victory centennial celebration until the said United States commissioners are satisfied that a sufficient sum has been appropriated by the States participating therein, including the amount hereby appropriated, for the completion of said memorial.

The SPEAKER. Is a second demanded?

Mr. STAFFORD. I demand a second, Mr. Speaker.

Mr. CARLIN. Is the gentleman from Wisconsin opposed to the bill?

Mr. STAFFORD. I wish to obtain an explanation, so as to determine whether I am or not.

Mr. CARLIN. The gentleman has no right to control the time unless he is opposed to the bill.

Mr. STAFFORD. If the gentleman is opposed to it, I will gladly yield to him.

Mr. CARLIN. No; I am not.

Mr. STAFFORD. If anyone else claims recognition, I shall be glad to yield.

**THE SPEAKER.** The gentleman from Ohio [Mr. KEIFER] is entitled to 20 minutes, and the gentleman from Wisconsin is entitled to 20 minutes.

**MR. KEIFER.** Mr. Speaker, I do not wish to take up much time, but will yield to some other gentleman.

**MR. MANN.** This has been so well greased that it will go through without talk, I think.

**MR. KEIFER.** I think that is true. [Cries of "Vote!" "Vote!"]

**MR. STAFFORD.** The explanation of the gentleman is adequate, Mr. Speaker. [Laughter.]

**MR. KEIFER.** I am ready for a vote.

**MR. MACON.** Will the gentleman explain the bill?

**MR. KEIFER.** The bill has been read.

**MR. MACON.** I should like to have the gentleman explain the purposes of it.

**MR. KEIFER.** Certainly. I was only giving way to the general demand around me for a vote.

**MR. MACON.** I think when it comes to appropriating \$250,000, the House ought to have some reason given for it.

**MR. KEIFER.** This is to be an appropriation for a monument, not for an exposition. It is to be in connection with the centennial of Perry's victory in 1813 on Lake Erie.

**MR. MANN.** Perhaps the gentleman from Arkansas confuses the name with that of Peary.

**MR. STAFFORD.** I should like to inquire if this has any relation to the discovery of the North Pole by Commander Robert E. Peary?

**MR. MACON.** I want to say in response to what the gentleman from Wisconsin says—

**MR. STAFFORD.** I yield five minutes to the gentleman.

**MR. MACON** (continuing). That I do not consider this bill on the same plane as the one that his inquiry intimates. This is P-e-r-r-y. This man was not ashamed of his father's name and never turned his back upon it. I am advised that the other man has changed his name from P-e-r-r-y, that his father bore in an honorable way, to P-e-a-r-y. [Laughter.]

**THE SPEAKER.** The question is on the motion of the gentleman from Ohio.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

**MR. KEIFER.** Mr. Speaker, I would like to put in the record a statement as to what will constitute this commission.

**THE SPEAKER.** Is there objection to the request of the gentleman from Ohio?

There was no objection.

**MR. KEIFER.** Mr. Speaker, the reading of the bill will make clear to Members the character of the centennial celebration which is to be held during the year 1913 on Put in Bay Island, in Lake Erie, and the purpose of holding it.

The appropriation carried in the bill is to promote such centennial, but mainly, if not exclusively, to be used toward erecting a suitable memorial monument in commemoration of Commodore Oliver Hazard Perry's naval victory off Put in Bay Island, September 10, 1813, by which the great northern lakes, in principal part, passed, in the War of 1812 with Great Britain, under American control, never again to be given up.

The celebration is to be held and the memorial erected by the Perry's Victory Centennial Commission, created by a joint resolution of the State of Ohio, composed, however, of eight commissioners appointed by the governor of Ohio, President Taft and Gov. Judson Harmon, of Ohio, being each honorary members and vice presidents thereof, and five commissioners appointed by governors of States, as authorized by the unanimous action of each of the States of Pennsylvania, Michigan, Illinois, Wisconsin, Kentucky, New York, and of Rhode Island, of whose State the great victor was a son.

The States of Indiana and Minnesota are about to in like manner authorize the same number of commissioners, to be appointed by their respective governors, to participate in the centennial. The State of Louisiana and other States, it is understood, will yet agree to participate.

The President of the United States will be, if this bill becomes a law, authorized to appoint three citizens of the United States as additional commissioners to represent the National Government in conjunction with those of the several participating States in the erection of the memorial, one of whom is to be appointed from the Army and one from the Navy, each of the three commissioners to serve without pay, but their actual and necessary expenses are to be reimbursed to them from the money appropriated by this bill if it is enacted into law.

Ohio has already appropriated \$80,000 toward the centennial, and each of the other participating States either have made or will make a suitable appropriation for the same purpose.

The centennial is to take the form of an educational, military, naval, and historical celebration; it is not to be an exposition as commonly understood. There may be educational, military and naval, fish, and other exhibits provided by the commission and by some or all the participating States.

The bill provides—section 3—that the appropriation authorized shall not operate to require the United States to incur any further debt for the erection of the memorial or for the centennial.

The money appropriated is to be disbursed by the commission, but no part of it can be drawn or become available until the United States commissioners are satisfied a sufficient sum has been appropriated by the participating States, including that appropriated by the United States, to complete the memorial.

I wish I could read the names of the commissioners so far appointed. They are of the most distinguished and patriotic of their respective States.

The Committee on Industrial Arts and Expositions after amending the bill in certain particulars, through its distinguished chairman, Mr. RODENBERG, unanimously recommended its passage, closing its report with these words:

In view of the far-reaching importance to the American Republic of Perry's brilliant naval victory, and as a tribute to the memory of one of our greatest naval officers, your committee is unanimously of the opinion that the Federal Government should cooperate with the States in the erection of this memorial and celebration, and we believe that the Congress should appropriate the sum of \$250,000 for such purposes.

Two somewhat memorable hearings were held by the committee on the bill—February 18 and December 10, 1910—at which some of the commissioners, and others, appealingly urged the appropriation for the purposes stated. The later meeting of the committee was eloquently addressed in advocacy of the bill by Mr. George H. Worthington, president, and by Mr. Webster P. Huntington, secretary of the commission; also at some length, by Hon. Henry Watterson, of Kentucky, one of its vice presidents; by Gen. Philip C. Hayes, of Illinois; Gov. Judson Harmon, of Ohio; and Hon. (Senator) John P. Sanborn, of Rhode Island, each of whom are members of the Perry's Victory Centennial Commission.

There is no time now for me to pronounce a panegyric on that gallant young naval officer, Oliver Hazard Perry, who, at the close of the battle, dispatched Gen. William Henry Harrison:

We have met the enemy and they our ours.

The resultant consequence of the victory can not yet be fully estimated. The British navy was not only destroyed, but Gen. Proctor's English army was forced to retire to Malden, Canada, thence, a little later, to further retreat, with his Shawnee, Sac and Fox, and other Indian allies under Tecumseh, the greatest of Indian chiefs, and Black Hawk, later the great Sac and Fox chief, upon the Thames, where October 5, 1813, Gen. Harrison, with his irregular forces, mainly pioneer volunteers, including Kentucky riflemen, with whom was Richard Johnson, later Vice President of the United States, overtook, fell upon, and defeated them disastrously, killing Tecumseh and totally putting an end to the war on our northwest frontier, and hastened its successful issue. The Indians were thereby divorced from all English allegiance, and Tecumseh's long-cherished Indian confederacy was broken up forever. The treaty of Ghent—December 24, 1814—followed as a consequence, and all the territory over which our flag flew at its date was confirmed to the United States. Who knows but what, with a different result in this naval battle, the southern boundary line of Canada might now be on or near the Ohio River, and the upper Mississippi country and the great Northwest might now be in the British possessions.

Jackson's victory—January 8, 1815—had its good confirmatory results, but it postdated the treaty of Ghent.

The original plan of the commission was to combine with the memorial and as a part of the monument to be erected a lighthouse, a wireless telegraph, meteorological, and life-saving stations, also an aquarium and a military museum, but the committee did not fully and heartily approve of this plan, for various reasons, and hence the bill has by it been amended, but no change was made as to the amount to be appropriated. The money sought to be here appropriated is not in aid of an exposition, but by a suitable and permanent structure to commemorate permanently a great controlling event in the early history of our Republic.

It is the hope, wish, and prayer of the Perry's Victory Centennial Commission that all the Members of this Congress shall live to be present at this—1913—centennial, on the vine-clad island of Put in Bay, where the healthful breezes of Lake Erie will strengthen them, and where the patriotic sons and daughters of the participating States will hospitably meet and welcome them, each and all, with out spread arms and in joyous acclaim.

The Stars and Stripes, representing 48 States, will there be unfurled, and patriotism will be abroad in the air, and love of country will there be loudly proclaimed.

THE INTERSTATE BOARD OF THE PERRY'S VICTORY CENTENNIAL COMMISSIONERS.

President general, George H. Worthington, Cleveland, Ohio.  
First vice president general, Col. Henry Watterson, Louisville, Ky.  
Secretary general, Webster P. Huntington, Columbus, Ohio.

Treasurer general, A. E. Sisson, Erie, Pa.

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Executive committee: Col. Webb C. Hayes, Fremont, Ohio; Milton W. Shreve, Erie, Pa.; George W. Parker, Detroit, Mich.; William Porter Adams, Chicago, Ill.; A. W. Sanborn, Ashland, Wis.; Clinton Bradford Herrick, M. D., Troy, N. Y.; John P. Sanborn, Newport, R. I.; McKenzie R. Todd, Frankfort, Ky.

COMMISSIONERS OF THE PERRY'S VICTORY CENTENNIAL, SEPTEMBER 10, 1910.

Ohio: George H. Worthington, Cleveland; S. M. Johannsen, Put in Bay; John J. Manning, Toledo; Ell Winkler, Cincinnati; Col. Webb C. Hayes, Fremont; Horace Holbrook, Warren; William C. Mooney, Woodsfield; Horace L. Chapman, Columbus; Webster P. Huntington, secretary, Columbus.

Pennsylvania: A. E. Sisson, Erie; Edwin H. Vare, Philadelphia; M. W. Shreve, Erie; T. C. Jones, McKeesport; George W. Neff, M. D., Masontown.

Michigan: Arthur P. Loomis, Lansing; George W. Parker, Detroit; Roy S. Barnhart, Grand Rapids; Albert L. Stephens, Detroit; E. K. Warren, Three Oaks.

Illinois: Gen. P. C. Hayes, Joliet; Capt. William Porter Adams, 726 Washington Boulevard, Chicago; Capt. Willis J. Wells, 309 Michigan Boulevard, Chicago; Capt. Chesley R. Perry, 189 LaSalle Street, Chicago; Capt. W. H. McIntosh, Rockford.

Wisconsin: Gen. Arthur MacArthur, Milwaukee; John M. Whitehead, Janesville; George E. Scott, Prairile Farm; Ole A. Buslett, Northland; A. W. Sanborn, Ashland.

Kentucky: Col. Henry Watterson, Louisville; Col. Andrew Cowan, Louisville; Samuel M. Wilson, Lexington; Col. R. W. Nelson, Newport; McKenzie R. Todd, Frankfort.

Rhode Island: John P. Sanborn, Newport; Louis N. Arnold, Westerly; Sumner Mowry, Peacedale; William C. Bliss, East Providence; Harry Cutler, Providence.

New York: Ogden P. Letchworth, Buffalo; George D. Emerson, Buffalo; John T. Mott, Oswego; Clinton Bradford Herrick, M. D., Troy; Henry Harmon Noble, Essex.

Indiana and Minnesota commissions not yet appointed.

Mr. SHERWOOD. Mr. Speaker, I am for this bill because it is a patriotic measure to promote the general welfare. No event in the heroics of our history is more worthy of continental commemoration than Commodore Perry's marvelous victory at Put in Bay.

The victory of September 10, 1813, measuring the unequal contest and its value to the country, is the most signal victory ever fought on fresh water. This battle settled the supremacy of the United States on all the Great Lakes. It was the most potent factor in fixing the boundary line between the United States and Canada for over 2,500 miles from east of Lake Ontario to the Pacific Ocean. Had Commodore Perry lost the battle the great States of Michigan, Minnesota, North Dakota, Montana, and Washington would probably have become provinces of Great Britain.

Not only was this victory the most remarkable in heroic achievement, but the most far-reaching in results. It was a battle of volunteers, or pick-ups, against the trained and seasoned regulars of the British Navy. The three brigs, five schooners, and a sloop, all there was of Commodore Perry's fleet, were built of green timber, at Presque Isle, now the harbor of Erie, out of the green forest trees of Pennsylvania, under the direction and supervision of Commodore Perry. The British fleet consisted of two big warships, two brigs, a schooner, and a sloop. Perry's fleet carried 54 guns, while the British fleet was equipped with 63 guns, and the guns of the warships were all of longer range than any of the American fleet. Our volunteers and pick-ups were commanded by a young man, only 28 years old, while the British fleet, manned by regulars, was commanded by Capt. Barclay, a distinguished and experienced officer who had commanded a warship eight years before in the signal victory of Lord Nelson at Trafalgar. The battle lasted 3 hours and 15 minutes and resulted in the complete destruction or capture of the entire British fleet. That it was a desperate contest is evidenced by the fatalities in both fleets. Our

loss was over 25 per cent in killed and wounded, while the British loss was 30 per cent in killed and wounded and 100 per cent in killed, wounded, and captured.

Not only was this victory the most signal ever fought on fresh water, but its far-reaching results were of inestimable value to the United States. It resulted in that great peace pact between this country and Great Britain by which our whole border line, including all the Great Lakes and the St. Lawrence River, were made free from forts or hostile cannon on either shore. It was stipulated that the entire naval force should be limited to 6 vessels, not one to be over 100 tons burden. By this humane and Christian compact millions of money that otherwise might have been wasted on fortifications, and cannons, and battleships, and soldiers was used to promote the more benign pursuits of peace and a great and ever-growing commerce.

Ohio has already appropriated \$80,000 to promote this centennial celebration. Eight States have so far joined in the movement. We only ask the General Government to become our patriotic partner to the extent of \$250,000. Next to the centennial at Philadelphia in 1876, this proposed celebration of Perry's victory is the most vital and important of all the 34 celebrations and expositions we have commemorated since 1876.

The centennial of Perry's victory will mark the culmination of a chain of historic events that opened the great Northwest to the ever-expanding continent. These clustering islands of Lake Erie, of which Put in Bay is the center, are the jeweled cord of peace and progress of which the entire country is a part. This mid-lake island group is reached by five daily steamboat lines—Cleveland and Buffalo on the east, Sandusky and Port Clinton on the south, and Toledo and Detroit on the west and north, besides a tri-weekly Canadian line—giving easy and delightful access to a celebration of the highest educational and historic interest.

The city of Toledo, on the west shore of Lake Erie, will share liberally in the centennial and contribute largely to its glory. Approached by land and water, 20 lines of railroads from the States carved from the great Northwest Territory will pour in tens of thousands of celebrants to the centennial.

Toledo is environed by scenes of patriotic and thrilling interest. It is rich in historic memories. At the Battle of Fallen Timbers Mad Anthony Wayne made havoc with the hostile Indian hordes. Where now stands great commercial citadels—on the site of old Fort Industry—American pioneers, taken by the British and their Indian allies, ran the gantlet naked between bristling lines of tomahawks wielded by deadly foes. Ten miles above the city, on the historic Maumee, are the frowning heights of the British earthworks at Fort Miami, and opposite, across the river, is Fort Meigs, where Gen. Harrison won his memorable victory. Old Fort Meigs is still intact after the winds and storms of a century, and here Ohio has marked the spot with an appropriate monument.

A visit to these teeming and historic islands will give to every visitor a new emphasis of the variety and vastness of the physical resources of our country and awaken a wholesome interest in the historic achievements of the stalwart men and gallant soldiers who a century ago pushed the lines of empire into a vast unbroken wilderness.

These islands have a peculiar charm and attractiveness, especially in the early autumn, when the fields, which are all gardens, are in the brilliant glow of vineyard and vintage. Here are ripening the finest peaches on the continent and the rarest of grapes of every variety and of the most luscious flavor, free to all.

Bathed in the infinite glory of the September sun, Put in Bay invites you to come across her shining waters, to enjoy her generous hospitality, breathe her wholesome air, and take a broader and grander sweep of the horizon of heroic memory.

Come to Put in Bay in the mild and glowing September, and amid these emerald island gems, that rise above the sparkling waters, fairer than the fabled Ionian Isles, gather new hope and faith in our country's future and higher ideals of a greater Republic yet to come.

For nearly a hundred years the mortal remains of American heroes who sacrificed their lives for posterity and the preservation of the American Union in the Battle of Lake Erie have reposed, without recognition or a memorial denoting the gratitude of their countrymen, beside the very waters they immortalized in history.

A hundred summer suns have tinged this great lake with opal and sapphire hues; a hundred winters have locked the coast in the embrace of ice and snow; and yet the dead who here

died for us sleep on in unmarked graves. The Nation and the Commonwealths that compose it have built thousands of testimonials in stone and bronze to the gratitude of our people for the heroic sacrifices of their soldiers. From Bunker Hill to Appomattox we have been prodigal in memorials in marble, and no American begrudges this generosity.

But for some reason that can not be imagined without humiliation, the testimony of perpetual remembrance of our honored dead has been withheld from the men who fought with Commodore Oliver Hazard Perry in the Battle of Lake Erie and who perished when he triumphed.

And yet these soldiers redeemed to the Republic a vast empire. These inland seas are dotted with the commerce which they saved to the American people. The whole lake region and the great Northwest owe their American integrity, their unprecedented development, to the Battle of Lake Erie. Yet for a hundred years the graves of the martyrs who gave their lives for the national welfare in that memorable contest have witnessed no formal honor from their countrymen.

#### OHIO'S INITIATIVE.

Conscious of her responsibility, the State of Ohio two years ago undertook the initiative in making this acknowledgment in a manner and at a time most appropriate, and invited therein the generous cooperation of her sister States who have shared with her for a hundred years the abundant fruits of Perry's victory.

After the division of the northwestern territory, Gen. William Henry Harrison had been appointed governor of the new territory of Indiana, including the present States of Indiana, Illinois, Michigan, and Wisconsin. These States, joined with Ohio, New York, Pennsylvania, Minnesota, Rhode Island, and Kentucky, are now, after the lapse of 100 years, the Commonwealths most concerned in the history of that period and at present united in the movement to adequately observe its centenary.

Gen. Harrison's commission as major general following his earlier participation in the hostilities against the British and Indians enabled him to push active operations in what was then known as the Sandusky country. At Seneca Town, near lower Sandusky Town, now the city of Fremont, Ohio, he received Commodore Perry's laconic note, penned aboard the United States brig *Niagara*, off West Sister Island:

DEAR GENERAL: We have met the enemy and they are ours—two ships, two brigs, one schooner, and a sloop.

The victory was complete; but not one man on either side could have foreseen the vast consequences of that day's work. The immediate result was the expedition which redeemed Michigan from British rule. Had Perry been defeated, Gen. Harrison's army would have been isolated in the Sandusky country of Ohio, impotent to strike a blow toward the north.

#### SUPREME CONSEQUENCES.

Perry's victory enabled Gen. Harrison to embark his troops aboard the war-scarred American fleet, which had been launched at Erie Harbor only a month before, but made enduring history in this incredibly brief period. Sparing time, merely two days, to assemble the military forces on Put in Bay Island, the American Army set sail for Michigan. The city of Detroit was evacuated by the British, who were pursued into Canada and utterly routed at the battle of the Thames, October 5, when the Kentucky troops particularly distinguished themselves under the command of that eminent soldier and statesman, Gov. Shelby, of Kentucky. From that supreme hour of battle beyond Put in Bay Harbor, September 10, 1813, the destinies of the vast domain, now comprising the western section of New York and the greater part of what is known as the Middle West and Northwest, were fixed forever within the boundaries of the American Union.

From an international standpoint Perry's victory won the respect of the whole world for American arms. It was a notice to Europe, and one never since unheeded, that the Nation which was baptized in blood at Lexington was amply able, as an infant Republic, to care for herself on land and sea.

The treaty of Ghent, signed in 1814 on the part of the United States by those distinguished American statesmen, John Quincy Adams, Henry Clay, and Albert Gallatin, put an end to the war before the tidings could reach Gen. Jackson at New Orleans in time to prevent the achievement of an American military victory quite as decisive as Perry's naval success in the battle of Lake Erie. It was inevitable that the American commissioners should claim, and the British concede, the supremacy of the Great Lakes, which Perry had placed beyond question. Rhode Island and Kentucky are now joined in the movement in behalf of the Perry's victory centennial celebration during the summer of 1913

at Put in Bay Island and the dedication at that time of a permanent memorial to Commodore Perry and his men.

The debt which our Lake States owe to Perry's victory by reason of the establishment of their present boundaries is emphasized by the fact that the treaty of Ghent wholly ignored any attempt to settle the real cause of the war—the impressment of American seamen. It is evident that the American commissioners regarded the boundary question as more important than the impressment question, notwithstanding the latter had been the technical *casus belli*; and it is equally evident that the British commissioners, with Perry's victory in mind, were willing to waive boundary questions that would have been insisted upon if fate had crowned Capt. Barclay instead of Commodore Perry as the hero of the Battle of Lake Erie.

In framing the treaty Great Britain solaced her honor by conceding no principle laid down by the United States in respect to the justice of the war from the American standpoint, but accepted the inevitable with reference to the boundary question.

And so Perry's victory wrote the name of the United States of America high on the map of the Western Hemisphere. Thus it insured the unprecedented growth of our Great Lake ports, with their vast commercial and industrial relations, under the American flag. Thus it gave to the sisterhood of States the agricultural and mineral riches of a territory second to none in the world. Thus it bound to the destiny of the Republic each noble Commonwealth whose slightest border is laved by the Lakes, welding the strongest links in the chain of our national progress and providing foothold and freedom for the development of the ever-expanding continent.

#### THE CENTENNIAL COMMISSIONERS.

It is in grateful acknowledgment to Providence for its favors thus bestowed that it is now proposed to commemorate the one hundredth anniversary of the Battle of Lake Erie and of Gen. Harrison's northwestern campaigns by means of a historical, educational, patriotic, military, and naval celebration, and the dedication of a suitable permanent memorial at Put in Bay Island during the summer of 1913. The States participating in the movement, named in the order in which they entered it by necessary legislation, are Ohio, Pennsylvania, Michigan, Illinois, Wisconsin, New York, Rhode Island, and Kentucky—Rhode Island participating as the birthplace of Commodore Perry and Kentucky in view of the unequal sacrifices of her brave soldiers in the military operations under Gen. Harrison.

The States of Indiana and Minnesota will also join in the enterprise during the sessions of their respective legislatures this year. The commissioners already appointed by the governors of the several States now participating are as follows:

*Ohio.*—George H. Worthington, Cleveland; S. M. Johannsen, Put in Bay; John J. Manning, Toledo; Eli Winkler, Cincinnati; Col. Webb C. Hayes, Fremont; Horace Holbrook, Warren; William C. Mooney, Woodsfield; Horace L. Chapman, Columbus.

*Pennsylvania.*—A. E. Sisson, Erie; Edwin H. Vare, Philadelphia; M. W. Shreve, Erie; T. C. Jones, McKeesport; Dr. George W. Neff, Masontown.

*Michigan.*—Roy S. Barnhart, Grand Rapids; E. K. Warren, Three Oaks; George W. Parker, Detroit; Seward L. Merriam, Detroit; Arthur P. Loomis, Lansing.

*Illinois.*—Gen. Philip C. Hayes, Joliet; William Porter Adams, Chicago; Willis J. Wells, Chicago; Chesley R. Perry, Chicago; W. H. McIntosh, Rockford.

*Wisconsin.*—Gen. Arthur MacArthur, Milwaukee; John M. Whitehead, Janesville; George E. Scott, Prairie Farm; Ola E. Buzlett, Northland; A. W. Sanborn, Ashland.

*Kentucky.*—Col. Henry Watterson, Louisville; Col. Andrew Cowan, Louisville; Samuel M. Wilson, Lexington; Col. R. W. Nelson, Newport; McKenzie R. Todd, Frankfort.

*Rhode Island.*—John P. Sanborn, Newport; Louis N. Arnold, Westerley; Sumner Mowry, Peacedale; William C. Bliss, East Providence; Harry Cutler, Providence.

*New York.*—Ogden P. Letchworth, Buffalo; George D. Emerson, Buffalo; John T. Mott, Oswego; Dr. Clinton B. Herrick, Troy; Henry Harmon Noble, Essex.

President William H. Taft and Gov. Judson Harmon are honorary members of the Ohio commission.

The foregoing commissioners met at Put in Bay Island September 10, 1910, and organized the Interstate Board of the Perry's Victory Centennial Commission, electing an executive committee, composed of one commissioner from each State, and the following general officers: President general, George H. Worthington, Cleveland; first vice president general, Col. Henry

Watterson, Louisville, Ky.; secretary general, Webster P. Huntington, Columbus, Ohio; treasurer general, A. E. Sisson, Erie, Pa.; auditor general, Harry Cutler, Providence, R. I.

The development of the shipping interests of these inland waters in recent years is the commercial marvel of the world. Its tonnage is greater than that which floats upon the bosom of New York Harbor or traverses the Suez Canal. In this connection a notable incident of the proposed celebration will be the assemblage, in the vicinity of Put in Bay, of the greatest commercial fleet in the world, passing in review before the President of the United States and the official representatives of the States participating in the centennial project.

Commodore Perry's flagship has lain for a hundred years at the bottom of Erie Harbor, where it was sunk after the battle of Lake Erie. It is proposed to raise and restore the vessel and convey her under escort of United States naval vessels to the various ports on the Great Lakes, thus extending the patriotic dramatic interest of the celebration to hundreds of thousands of people who could not otherwise come directly under its influence.

During the summer of 1913, the centennial commissioners are assured, warships of the American Navy will appear for the first time on the Great Lakes and for a period of some days may maneuver in Toledo Harbor as the center of a patriotic demonstration attracting hither vast concourses of people. It is anticipated that the larger fighting ships able to pass through the Welland Canal will be supplemented by a flotilla of torpedo boats, a flotilla of torpedo-boat destroyers, and a squadron of submarines—the first fleets of the kind ever floating upon fresh waters. It is not difficult to conjecture how plans might be set on foot in this city to make Toledo a central point of the celebration during the whole summer of 1913.

This appropriation of \$250,000, with our other resources now available, is sufficient to warrant the prediction that the centennial will be an unqualified success, worthy of the patriotic spirit, the moral sense, and the educational and political institutions of our country.

I submit a carefully prepared list, with dates and amounts appropriated for the 34 centennial events and expositions that have drawn support from the United States Congress:

*Statement of expenditures for expositions, fiscal years 1875 to 1910, inclusive.*

|   |                  |
|---|------------------|
| Vienna, in 1875                                       | \$163, 842. 61   |
| Philadelphia, in 1876                                 | 2, 294, 219. 65  |
| Paris, in 1878  | 187, 460. 67     |
| Sydney, in 1879                                       | 28, 000. 00      |
| Berlin, in 1880                                       | 19, 904. 05      |
| London, in 1883                                       | 69, 994. 31      |
| Cincinnati, in 1884                                   | 10, 000. 00      |
| New Orleans, in 1884                                  | 1, 649, 755. 35  |
| Louisville, in 1884                                   | 9, 704. 44       |
| Brussels, in 1888                                     | 17, 113. 30      |
| Melbourne, in 1888                                    | 40, 581. 14      |
| Barcelona, in 1888                                    | 27, 098. 91      |
| Cincinnati, in 1888                                   | 147, 750. 00     |
| Paris, in 1889  | 250, 004. 68     |
| Madrid, in 1892                                       | 24, 243. 97      |
| Chicago, in 1893                                      | 4, 793, 870. 33  |
| Atlanta, in 1895                                      | 200, 000. 00     |
| Brussels, in 1897                                     | \$5, 000. 00     |
| Nashville, in 1897                                    | 129, 947. 42     |
| Bergen, in 1898                                       | 20, 000. 00      |
| Omaha, in 1898  | 235, 037. 87     |
| Philadelphia, in 1899                                 | 350, 000. 00     |
| Paris, in 1900  | 1, 455, 436. 90  |
| Buffalo, in 1901                                      | 1, 014, 053. 13  |
| Charleston, in 1902                                   | 249, 948. 63     |
| Portland, in 1904                                     | 438, 360. 38     |
| Liege, in 1904  | 5, 000. 00       |
| St. Louis, in 1904                                    | 11, 134, 048. 27 |
| Jamestown, in 1907                                    | 2, 529, 193. 07  |
| Bordeaux, in 1907                                     | 15, 000. 00      |
| Seattle, in 1909                                      | 600, 961. 53     |
| Quito, in 1909  | 43, 579. 64      |
| Buenos Aires, Argentina, and Santiago, Chile, in 1910 | 27, 791. 17      |
| Rome and Turin, Italy, in 1911                        | 25, 000. 00      |
| Tokyo, in 1912  | 19, 878. 46      |
| Total   | 28, 231, 879. 86 |

Mr. GUERNSEY. Mr. Speaker, in speaking against the Canadian trade or reciprocity agreement now pending before Congress, in my remarks on the subject in the House on the 14th of February last, I submitted a statement of farm wages which had been prepared by the Department of Commerce and Labor at my request as to farm wages on both sides of the international boundary from the Atlantic up to and including the western boundary of the State of New York.

I have now received from the Department of Commerce and Labor additional reports on farm wages from the point where the previous report left off westward to the Pacific Ocean, and I wish to submit these reports for the information of the House, and will present anew the previous report in connection with the additional report in order to show the farm wage

scale prevailing in Canada and the United States along the international boundary from the Atlantic to the Pacific coast.

An examination of these reports will show that the Canadian farmer obtains his farm labor at very much less cost than the American farmer pays in the operation of his farm. This is strikingly true in the eastern sections of the country, but less pronounced in the extreme West, due undoubtedly to the demand for labor growing out of the aggressive activities that are being put forward by the Canadian Government and Canadian railroads to develop the fertile lands of the Canadian Northwest.

However, only in the most westerly point of British Columbia do we find farm labor paid more than in the United States. Practically everywhere else Canadian farm labor is much cheaper than in the United States and accustomed to a lower standard of living. This is particularly true of the French-Canadian in eastern Canada, where the lowest farm wages prevail.

It is this low-priced labor that our American farmer would have to compete with if the trade agreement is entered into. For a long time the American farmers of the East struggled along in competition with the cheap and fertile lands of the Western States, which competition has become less serious as the West has become more thickly settled.

The adoption of this agreement will renew the struggle of the eastern farmer by placing him in competition with the cheap labor and the cheap and fertile lands of western Canada, which are brought within easy reach of our American markets by the great transportation lines subsidized by the Canadian Government.

*Farm wages prevailing along the Canadian border on both sides of the international border from the Atlantic to the Pacific coast.*

[Compiled in February, 1911.]

|                           | United States side.                     | Canadian side.  |
|---------------------------|---|---|
| In the vicinity of—       | Average monthly wages, including board. | Canadian locality corresponding to that shown in the United States. |
| Eastport, Me.             | \$25 to \$30                            | Halifax, Nova Scotia.   |
| Calais, Me.               | 26 to 30                                | Yarmouth, Nova Scotia.  |
| Vanceboro, Me.            | 20 to 25                                | St. John (N. B.) district.  |
| Houlton, Me.              | 30                                      | do.   |
| Fort Fairfield, Me.       | 30                                      | do.   |
| Van Buren, Me.            | 27 to 40                                | do.   |
| Fort Kent, Me.            | 25 to 30                                | do.   |
| Average eastern Maine.    | 25 to 31                                | Average Nova Scotia and New Brunswick.                              |
| Lowelltown, Me.           | 32                                      | Province of Quebec.   |
| Beechers Falls, N. H.     | 20                                      | do.   |
| Newport, Vt.              | 25 to 26                                | do.   |
| Island Pond, Vt.          | 25                                      | do.   |
| St. Albans, Vt.           | 20 to 30                                | do.   |
| Alburg, Vt.               | 25 to 30                                | do.   |
| Rouses Point, N. Y.       | 22 to 25                                | do.   |
| Malone, N. Y.             | 25                                      | do.   |
| Fort Covington, N. Y.     | 25                                      | do.   |
| Average eastern New York. | 23 to 27                                | Average Province of Quebec.   |
| Nyando, N. Y.             | 18 to 25                                | Province of Ontario.  |
| Ogdensburg, N. Y.         | 25 to 30                                | do.   |
| Morristown, N. Y.         | 20 to 25                                | do.   |
| Clayton, N. Y.            | 26 to 28                                | do.   |
| Cape Vincent, N. Y.       | 25 to 30                                | do.   |
| Charlotte, N. Y.          | 25                                      | do.   |
| Niagara Falls, N. Y.      | 20 to 30                                | do.   |
| Average western New York. | 22 to 27                                | Average Province of Ontario bordering New York.                     |
| Detroit, Mich.            | 27 to 35                                | Province of Ontario.  |
| Port Huron, Mich.         | 20 to 25                                | do.   |
| Sault Ste. Marie, Mich.   | 26 to 35                                | do.   |
| Average Michigan.         | 24 to 32                                | Average central Ontario.  |
| Duluth, Minn.             | 26 to 30                                | Province of Ontario.  |
| Beaudette, Minn.          | 30 to 35                                | do.   |
| Warroad, Minn.            | 25 to 35                                | do.   |
| Average Minnesota.        | 27 to 33                                | Average western Ontario.  |
| Pembina, N. Dak.          | 33                                      | Province of Manitoba.   |
| Neche, N. Dak.            | 32                                      | do.   |

*Farm wages prevailing along the Canadian border on both sides of the international border from the Atlantic to the Pacific coast—Continued.*

| United States side.           |   | Canadian side.  |   |
|-------------------------------|---|---|---|
| In the vicinity of—           | Average monthly wages, including board. | Canadian locality corresponding to that shown in the United States. | Average monthly wages, including board. |
| Walhalla, N. Dak.             | \$30 to \$35                            | Province of Manitoba  | \$20 to \$30                            |
| St. John, N. Dak.             | 20 to 40                                | do  | 15 to 35                                |
| Hannah, N. Dak.               | 40                                      | do  | 35 to 40                                |
| Antler, N. Dak.               | 30 to 35                                | do  | 25 to 30                                |
| Average eastern North Dakota. | 27 to 36                                | Average Province of Manitoba.                                       | 24 to 31                                |
| Porta, N. Dak.                | 30 to 35                                | Province of Saskatchewan  | 30 to 35                                |
| Average western North Dakota. | 30 to 35                                | Average Province of Saskatchewan.                                   | 30 to 35                                |
| Sweet Grass, Mont.            | 40 to 50                                | Province of Alberta   | 35 to 40                                |
| Gateway, Mont.                | 35                                      | do  | 35                                      |
| Eastport, Idaho               | 35 to 40                                | Province of British Columbia  | 35                                      |
| Porthill, Idaho               | 35 to 40                                | do  | 35                                      |
| Average Montana and Idaho.    | 37 to 41                                | Average Alberta and eastern British Columbia.                       | 35 to 36                                |
| Oroville, Wash.               | 30 to 40                                | Province of British Columbia  | 40 to 60                                |
| Blaine, Wash.                 | 30 to 35                                | do  | 30                                      |
| Average Washington            | 30 to 38                                | Average British Columbia (western).                                 | 40 to 45                                |

M. H. PLUNKETT.

The next bill on the Calendar for Unanimous Consent was the bill (H. R. 13384) placing H. M. Plunkett, assistant engineer, United States Navy, on the retired list with an advanced rank.

The Clerk read the bill.

THE SPEAKER. Is there objection?

MR. MICHAEL E. DRISCOLL. Mr. Speaker, I object.

JOHN W. SAVILLE.

The next bill on the Calendar for Unanimous Consent was the bill (H. R. 16827) placing John W. Saville, passed assistant engineer, United States Navy, on the retired list with an advanced rank.

The Clerk read the bill.

THE SPEAKER. Is there objection?

MR. MICHAEL E. DRISCOLL. I object.

GEORGE T. LARKIN.

The next bill on the Calendar for Unanimous Consent was the bill (H. R. 8535) for the relief of George T. Larkin.

The Clerk read the bill, as follows:

*Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$706.10 to George T. Larkin, late deputy United States marshal for the eastern district of Tennessee, for expenses incurred and paid by him, by direction of the United States marshal and district attorney, for the care and support of one Joseph Vandegriff, a United States prisoner, during the months of July, August, September, October, and November, 1878, who was seriously injured in a railroad wreck while in the custody of said deputy marshal through no fault or negligence of said deputy.*

THE SPEAKER. Is there objection?

MR. STAFFORD. Reserving the right to object, I would like to ask why the Government should be called upon to pay the expenses of an injured prisoner while he was at home being cared for by his own family?

MR. MASSEY. Mr. Speaker, I am somewhat familiar with the record in this case. I think the gentleman is very much mistaken about the man being at home with his own family.

MR. STAFFORD. The report, on page 2, states:

Vandegriff remained at his home some three or four months, being during that time attended by Dr. William Rogers, who was employed and paid by me.

MR. MANN. If the gentleman from Wisconsin will yield; while that is undoubtedly true, it also seems to be true that the deputy marshal paid these expenses. The gentleman will notice in the account in which his claim is allowed that it is not a very excessive amount for that. It appears that, although it was for nursing and board, the deputy marshal paid it, and that he felt obligated to pay it, although the man was at home. As an original proposition, probably the Government would not pay it; but undoubtedly the deputy marshal did not

pay it unless he felt that it was necessary to pay it in order to get the man taken care of.

MR. KENDALL. A case of mistaken judgment on his part.

MR. MANN. Here was a man injured, and while the bill says it was without any negligence on the part of the deputy marshal, that was not the case. And yet he exercised a judgment that anybody might have exercised.

MR. STAFFORD. Will the gentleman from Illinois, who seems to be better acquainted with this case than anybody else—

MR. MANN. Not any better than with other cases on the calendar.

MR. STAFFORD. I did not mean to emphasize "this case," but I would like to inquire why the Attorney General, when he approved this claim for \$374 which has been paid to this claimant, declined to pay the balance which this bill seeks to reimburse the deputy marshal for?

MR. MANN. I would say, after an examination of the records in this case, that the Attorney General could not give any reason for allowing a part of the claim and not allowing the balance of it. There is no reason about it at all.

MR. STAFFORD. Unless the Attorney General believed that the claim as presented against the Government was more than a reasonable charge.

MR. MANN. If there was any reason for paying the medical expenses at all there, then there should have been reasonable expenses paid.

MR. STAFFORD. Oh, but there may be reasonable medical charges and exorbitant charges.

MR. MANN. If a man has his leg cut off and is laid up for six months, to talk about \$100 being the ordinary medical expenses is ridiculous.

MR. STAFFORD. There are other doctor's charges. The letter of the then Attorney General, Miller, says the account was properly approved and forwarded to the accounting officers in 1884 and 1885.

MR. SLEMP. That was in 1881.

MR. STAFFORD. Three hundred and forty-seven dollars was then paid to him.

MR. SLEMP. That was in 1881. The claimant seemed to have got dissatisfied with that settlement and took it up later, and he gets this report from the Attorney General four years later.

MR. MASSEY. I will say, further, for the information of the gentleman, that the Government has a rule that they pay \$1 a day for medical attendance for prisoners, and I think that is where the Attorney General gets the idea of cutting these fees in two. This gentleman was not in near proximity to a doctor, but the doctor probably had to go several miles to see him, and I think this is a very reasonable charge.

MR. COWLES. Will the gentleman permit an interruption? I know that the gentleman from Wisconsin would not want to do this man an injustice. He is an extremely poor man, and when this money was paid out by him he was a deputy marshal. The man was injured, as the report states, and he, under the direction of the court, took charge of the prisoner and this money was taken out of his salary. He has paid it, every dollar, and has filed sworn vouchers accounting for every penny of it. The Department of Justice looked over the account and scaled it just as the gentleman from Illinois has said without, perhaps, any reason for it further than that they arbitrarily reduced the amount.

MR. STAFFORD. Mr. Speaker, I believe that when a person makes a receipt for an account, he should be bound by it. The record here shows that this man received \$347 under Government draft and accepted that for his claim.

MR. COWLES. But not in full.

MR. STAFFORD. Here is an old stale claim, 30 years old, and 30 years after receiving payment he comes and tries to recover the balance which he waived at that time. Therefore I object.

MR. AUSTIN. Mr. Speaker, will the gentleman withhold his objection?

MR. STAFFORD. I withhold the objection for a moment.

MR. AUSTIN. I know Mr. Larkin personally. He has been visiting Washington City for 30 years attempting to have this honest, just claim paid. He has secured favorable reports in the Senate and in the House. He has done everything that an honest man could to secure the payment of a just claim from a great government. I know every man who is mentioned as a physician in this case, and I know that this service was honestly rendered, and I would rather steal than to stand here without rhyme or reason and defeat with a single objection the payment of this just claim that this old man has begged and appealed for from every Attorney General and every Congress

for 30 years; and now that the last chance to have it paid has come a single objection in this House prevents the majority from giving him his just dues. If you [Mr. STAFFORD] can carry that home on your conscience, well and good. [Applause.]

Mr. STAFFORD. Mr. Speaker, I gladly withheld the objection, but I did not think that I would have the pleasure of hearing a lot of vitrol poured out in the closing days of the session. The gentleman has not advanced anything to change the evidence in the case, and I therefore object.

Mr. AUSTIN. No; nobody could change you. Your heart is made of stone.

Mr. MANN. I suggest to the gentleman from Tennessee that he will not help his case any by such unparliamentary language as that.

Mr. AUSTIN. I was just giving expression to my honest convictions.

Mr. MANN. The gentleman will not help himself doing that, and if he does not desist I will have him called to order.

Mr. AUSTIN. As long as I am a Member of this House I will give expression to my free and honest opinion, especially when the rights of my constituents are involved.

#### INSPECTION OF FOREIGN NURSERY STOCK.

Mr. McLAUGHLIN of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 26897) to provide for the introduction of foreign nursery stock by permit only, and to authorize the Secretary of Agriculture to establish a quarantine against the importation and against the transportation in interstate commerce of diseased nursery stock or nursery stock infested with injurious insects, and making an appropriation to carry the same into effect, as amended, which I send to the desk and ask to have read.

The Clerk read as follows:

*Be it enacted, etc.*, That whenever in this bill the term "nursery stock" is used it shall be construed as including field-grown florists' stock, trees, shrubs, plants, vines, cuttings, grafts, scions, buds, fruit pits or seeds of fruit, and ornamental trees or shrubs.

SEC. 2. That it shall be unlawful for any person or persons to import into the United States any nursery stock except under special permit from the United States Department of Agriculture. If importation of such stock is not forbidden by the Secretary of Agriculture by virtue of the authority conferred upon him by this act, such permit shall be issued by him to the importer on the receipt of an application stating the number and kind of nursery stock to be imported, the country and district where grown, name and address of the shipper, the port of entry, approximate date of the arrival of such nursery stock, and the name of importer or consignee, and destination; that all such nursery stock shall be subject to inspection by official experts of the Department of Agriculture at final destination on the premises of the owner or consignee.

SEC. 3. That the Secretary of Agriculture may at any time extend the provisions of this act to fruits and vegetables or bulbs, or to other plants or seeds not specified in this act and imported from foreign countries, whenever he shall deem such action necessary to prevent the entry with such products or stock of dangerous insects or plant diseases.

SEC. 4. That it shall be unlawful for any transportation company, person, or persons, except as hereinafter provided, after this act takes effect, to offer for entry at any port in the United States any nursery stock unless accompanied by a certificate of inspection by an official expert of the country from which the importation is made, which certificate shall be made in the manner and form prescribed by the Secretary of Agriculture, certifying that the contents have been examined and found to be apparently free from all dangerously injurious insect pests or plant diseases: *Provided*, That any nursery stock or other described articles offered for entry without such certificate shall be held in quarantine, either at final destination on the premises of the owner or consignee, or at port of entry or other designated place, at the option of the Secretary of Agriculture, and shall not be released by the official expert until its or their freedom from dangerous insect pests or plant diseases shall have been fully established by inspection or treatment.

SEC. 5. That any transportation company, person, or persons who shall receive, bring, or cause to be brought into the United States any nursery stock shall, within 24 hours after arrival thereof, notify the official expert of their arrival and delivery to the consignee. The latter shall hold the same, without unnecessarily moving or placing such articles where they may be harmful, for the immediate inspection of such official expert. The official expert or his representative is hereby authorized and empowered to enter into any warehouse or premises of consignee or owner, or any other place where such nursery stock or other described articles are received, for the purpose of making the inspection or examination herein provided for, and such examination shall be begun, and, if possible, completed within 10 days of such arrival thereof.

SEC. 6. That each case, box, package, crate, bale, or bundle of nursery stock imported or brought into the United States shall have plainly and legibly marked thereon the name and address of the shipper, owner, or person forwarding or shipping the same, and also the name of the person, firm, or corporation to whom the same is forwarded or shipped, or his or its responsible agent; also the name of the country and district where the contents were grown.

SEC. 7. That when any shipment of nursery stock imported or brought into the United States is found to be infested with injurious insects or their eggs, larvae, or pupae, or there is reason to believe that it is infested with tree, plant, or fruit disease or diseases, the entire shipment, or so much thereof as the official expert shall deem necessary, shall be disinfected at the expense of the owner, owners, or agent. After such disinfection it shall be detained in quarantine a necessary time to determine the result of such disinfection. If the disinfection has been so performed as to destroy all insects or their eggs, larvae, or pupae, and so as to eradicate all disease and prevent contagion, and in a manner

satisfactory to the official expert, the trees, vines, or other articles shall then be released. If it be not practicable to fully disinfect such stock, it or such portion of it as shall remain infested shall be destroyed.

SEC. 8. That whenever it shall appear to the Secretary of Agriculture that any nursery stock or other article described in section 3 of this act, grown in an infested country, district, department, or locality outside of the United States, are being or are about to be imported into the United States, or the District of Columbia, and such nursery stock or other article is infested by any seriously injurious insect or disease which is liable to become established in the United States, he shall have authority to quarantine against such importations from said country, district, department, or locality, and prevent the same until such time as it may appear to him that any such insect or disease has been exterminated or is under adequate control when he may withdraw the quarantine.

SEC. 9. That upon complaint or reasonable ground on the part of the Secretary of Agriculture to believe that any nursery stock or other article mentioned in this act grown within the United States and likely to become subject of interstate commerce is infested with injurious insects or diseases new to the United States, the Secretary of Agriculture shall cause the same to be inspected by a qualified expert, and if need be placed under quarantine until such infestation is removed or is under adequate control.

SEC. 10. That it shall be unlawful for any person, persons, or corporation to deliver to any other person, persons, or corporation, or to the postal service of the United States (except for scientific purposes, and by permission of the Secretary of Agriculture), for transportation from one State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, or for exportation to any foreign country, any trees, plants, shrubs, vines, or other nursery stock or other article to which this act may be extended, which are under quarantine in accordance with the provisions of section 7 of this act, or which, on said examination, have been declared by the inspector to be infested with dangerously injurious insects or diseases.

SEC. 11. That any person, persons, firm, or corporation who shall forge, counterfeit, or knowingly alter, deface, or destroy any certificate or copy thereof as provided for in this act, and in the regulations of the Secretary of Agriculture, or shall in any way violate the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not to exceed \$500 nor less than \$200 or by imprisonment not to exceed one year, or both, at the discretion of the court.

SEC. 12. That the rules and regulations herein provided for shall be promulgated on or before the 1st day of June of each year.

SEC. 13. That the sum of \$25,000, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, to carry into effect the provisions of this act.

SEC. 14. That the provisions of this act shall not prevent the inspection of any nursery stock or other described articles by the authorized inspector of any State or Territory at the final point of destination in accordance with the laws of such State or Territory.

Mr. RUCKER of Missouri. Mr. Speaker, I demand a second.

The SPEAKER. The gentleman from Missouri [Mr. RUCKER] demands a second. Under the rules a second is ordered. The gentleman from Michigan [Mr. McLAUGHLIN] is entitled to 20 minutes and the gentleman from Missouri to 20 minutes.

Mr. McLAUGHLIN of Michigan. Mr. Speaker, this bill provides for Federal inspection of nursery stock imported into this country. There is now no Federal law providing for such inspection, and the result is, and has been, that dangerous insect pests and diseases have been brought into this country, and Congress is appropriating year by year hundreds of thousands of dollars, aggregating to millions of dollars, for the purpose of meeting and combating these pests with a view to their eradication.

There is a plan now followed by the Department of Agriculture, which has been found ineffective, of requesting transportation companies to give notice of the receipt of nursery stock from foreign countries, and the officials of the department then endeavor to take notice of the arrival of the stock and to inspect it at the point of arrival, or to follow it, if they are able to do so, to its destination. But, as I say, that plan has been defective. It has not been found effective, and the result has been the introduction into this country of pests and diseases that have cost this Government millions and millions of money.

Some of the States where these pests have been introduced have found it necessary to supplement appropriations by the Government with immense appropriations in their own behalf, notably the State of Massachusetts, where they have been troubled with the brown-tailed moth and the gypsy moth. The appropriations expended there aggregate millions of dollars.

This bill was introduced by the gentleman from New York [Mr. SIMMONS] after many conferences between officials from the Department of Agriculture and gentlemen representing organizations throughout the country more directly interested in the enactment of legislation of this kind. It was thought at one time that the bill and its provisions had been practically agreed upon.

And I may say now that we hear of no serious opposition, no serious criticism of the bill, except at section 8, which would authorize the Secretary of Agriculture to establish and maintain a quarantine against certain countries from which we have received nursery stock infested with plant and insect disease almost impossible to be dealt with.

Mr. KENNEDY of Iowa. Did you have hearings on this bill?

Mr. McLAUGHLIN of Michigan. We had hearings on the bill; yes, sir.

Mr. KENNEDY of Iowa. Did the legislative committee of the National Association of Nurserymen appear before you?

Mr. McLAUGHLIN of Michigan. There were representatives of nursery associations before our committee; several of them.

Mr. KENNEDY of Iowa. Did it meet with their approval?

Mr. McLAUGHLIN of Michigan. There were some who approved it and some who were opposed to it.

Mr. KENNEDY of Iowa. What was the ground of opposition?

Mr. McLAUGHLIN of Michigan. The ground of opposition, as far as expressed, was that section 8 would invest the Secretary of Agriculture with too much authority. There are certain of the plants, certain of the fruit trees and nursery stock now received from foreign countries, and the nurserymen said they were obtainable in no other place, and in those places there are plant diseases and pests that have been found very troublesome, and the Secretary of Agriculture thought that he ought to have the right to quarantine against them. These associations thought it would give the Secretary too much authority.

Mr. MONDELL. Will the gentleman yield to me for a question?

Mr. McLAUGHLIN of Michigan. I yield to the gentleman.

Mr. MONDELL. I do not understand why section 8 is necessary in view of the provision that section 2 provides that it shall be unlawful for any person or persons to import into the United States any nursery stock, except under a special permit, and so forth. That gives the Secretary all the authority that section 8 does, without giving authority which might be questionable, to publicly declare a quarantine against a foreign country. Inasmuch as it is necessary that there shall be a permit and that the nursery stock can not come in except with a permit, it does not seem to me necessary to go to the expense that you do in section 8 to accomplish in another way what is accomplished by the general provisions of the bill, and which might lead us into international complications.

Mr. McCALL. Mr. Speaker—

The SPEAKER pro tempore (Mr. FOSTER of Vermont). Does the gentleman from Michigan yield to the gentleman from Massachusetts [Mr. McCALL]?

Mr. McLAUGHLIN of Michigan. I yield to the gentleman from Massachusetts.

Mr. McCALL. If I may be permitted just for a moment, I will say that I do not think section 8 goes too far. I think that any quarantine, in order to be effective, should give ample power to the officers of the Government.

Now, the people of Massachusetts have suffered a great deal by our not having any law of this kind. At my own little place I have some 25 acres of trees, and the brown-tail moth, which was brought over on something imported from Holland, roses, I think, has caused a loss running into several thousands of dollars.

Now, as to the gypsy moth, I do not think that was brought in upon any plant, but still it was brought into the country in some way, and it has caused a loss of many millions of dollars in New England. Then we have the Japanese scale, which is destroying our trees. Something has come into the country—whether it originated from the inside or came from the outside of the country I do not know—but something has come that has injured the chestnut trees, and there are tens of thousands of dead chestnut trees in the vicinity of New York City.

The men who have studied these things say that they were admitted from the outside through insufficient care taken at the customhouses—moths and plant diseases and things of that sort, which have put us to great expense heretofore, and which are likely to put us to great expense in the future; and as a conservation measure we ought to exercise greater care in the customhouses and not permit nurserymen to make a little extra profit in the first instance by bringing in plants without inspection, and not permit them to bring anything into the country unless it is first thoroughly inspected.

Mr. MONDELL. Does not the gentleman think that section 1 is sufficiently strong? It places it in the hands of the Secretary to prohibit the importation. The importation can only be done upon the permit. If in addition to that you give to him the general authority to impose a quarantine, as is provided in section 8, it is possible that the quarantine might be publicly declared in a way more or less offensive, and if you can accomplish the purpose in another way it would be better not to adopt that.

Mr. McCALL. Of course the declaration of a quarantine will be made by a Cabinet officer of the Government, and I do not think we are going to have a cause of war provoked by

any instance of the exercise of extreme action. I would prefer, in this matter, to follow the committee which has considered the subject, and I should think that section 8 would be necessary in addition to section 1.

Mr. McLAUGHLIN of Michigan. Mr. Speaker, I think I can give the reason urged by the Secretary of Agriculture and his subordinate officials for section 8 and show the great need of it. It is true that another portion of the bill provides that permits shall be asked for and given. Section 1 provides that a permit shall be granted. The Secretary of Agriculture has no discretion; he must issue the permit unless he is forbidden to do so by section 8. If that goes out, he would be required absolutely and in every instance to grant the demand for a permit. Now, there are cases, very serious cases, where the inspections upon arrival do not yield proper results. There are diseases that are not perceptible upon casual inspection or upon any inspection that an expert can make. They develop as time goes on. Nursery stock brought from certain sections of the world contain diseases that do not develop until some considerable time after the stock is received, planted, and started on its growth. But the officials of the department and those who have had experience with stock coming from those sections of Europe know that stock is so diseased and that it may be necessary to quarantine altogether against its coming.

There are diseases affecting trees that can only be discovered by cutting the tree to pieces. There is a disease of the potato that has shown itself in Newfoundland, in England, and in some countries on the Continent of Europe, which disease is very difficult to discover. When the potato is planted it shows itself in the following crop; but experience has shown that the disease is there, and it is necessary under present conditions to quarantine altogether against the importation of potatoes from certain sections. This potato disease in particular is threatening. In countries where it has made its appearance it has wrought havoc in the industry of potato raising, and our attention was particularly called to the great danger threatening this country unless a law of this kind is passed.

Mr. CLARK of Missouri. I should like to ask the gentleman a question.

Mr. McLAUGHLIN of Michigan. In a moment. This is similar in all respects to the provision which authorizes the Secretary of Agriculture to establish and maintain a quarantine against the introduction of diseased live stock. That provision has worked all right. There have been no complications. No war has resulted and none is threatened as the result of the enforcement of that provision. Now I am glad to yield to the gentleman from Missouri.

Mr. CLARK of Missouri. I should like to ask the gentleman if he knows anything about how nurserymen's stock is put up?

Mr. McLAUGHLIN of Michigan. I know something about it.

Mr. CLARK of Missouri. How could the inspectors inspect the stock without subjecting it to being killed by exposure to the air, drying out, and so on?

Mr. McLAUGHLIN of Michigan. The law provides that the inspection in most cases shall be made at the point of ultimate destination. The officers of the department will be notified upon the arrival of the stock, and it will be followed to its destination and there inspected, under such circumstances and conditions as will obviate the difficulty the gentleman from Missouri suggests.

Mr. CLARK of Missouri. I understood the gentleman to say that you could not find out whether the tree was afflicted with some of these diseases or not until you had chopped the tree all to pieces. I should like to know what good it would do that tree, after you had chopped it to pieces, to find out that it did not have the disease? It would be as dead as it could be, anyhow.

Mr. McLAUGHLIN of Michigan. It is only seedlings that come in—small trees—and where the condition exists which is suggested by the gentleman from Missouri, it may be necessary to exercise the authority under section 8, and forbid their entrance altogether into this country.

Mr. CLARK of Missouri. What does the gentleman mean by seedlings?

Mr. KENNEDY of Iowa. Seedlings are—

Mr. CLARK of Missouri. Wait a minute. I want the gentleman from Michigan to tell what a seedling is.

Mr. McLAUGHLIN of Michigan. Seedlings are nursery stock grown from seeds.

Mr. CLARK of Missouri. What difference is there in the disease of a tree that is a seedling or one that is grafted or one that is budded?

Mr. McLAUGHLIN of Michigan. If either one is grown or produced in a country where this disease prevails, either one is likely to be affected.

Mr. CLARK of Missouri. I know, but you used the word "seedlings" a moment ago. You seemed to confine it to seedlings.

Mr. MANN. Most of the imported nursery stock is seedlings.

Mr. KENNEDY of Iowa. I can answer the question of the gentleman from Missouri.

Mr. CLARK of Missouri. I know what a seedling is. A seedling is a young tree grown from a seed; but a large part of the nurserymen's stock imported into the United States is not seedlings at all. They are grafts, or they are budded.

Mr. KENNEDY of Iowa. The gentleman from Missouri is mistaken about that. There is practically no budded or grafted stock at all entering this country. Practically all the seedling stock that is budded and grafted in this country comes from plants. Practically all the pear stalks come from France. Practically all the Mahaleb cherry stalks come from France; and they are the cherry stalks that are used by nurserymen. The same thing obtains with plum stock coming from France.

A MEMBER. And apple seedlings?

Mr. KENNEDY of Iowa. Not a great many apple seedlings come over from France. These are boxed up in twelve or fifteen or twenty thousand in a box. Unless some provision is made for inspection at the destination it would be a hard thing to inspect them and get them back into the box.

Mr. RUCKER of Missouri. Mr. Speaker, will the gentleman yield?

Mr. KENNEDY of Iowa. I will.

Mr. RUCKER of Missouri. The gentleman knows that we have inspection laws in force in the various States.

Mr. KENNEDY of Iowa. Yes; and in the United States. The United States is cooperating with the States.

Mr. KENNEDY of Iowa. The only effective way would be to have it done at the point of destination, because if you undertook to inspect them at the customhouse you could not get them back into the boxes again.

Mr. RUCKER of Missouri. Does not the gentleman know that the Agricultural Department is conducting inspection at points of destination every day?

Mr. KENNEDY of Iowa. I understand they have the authority to do it.

Mr. RUCKER of Missouri. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, the gentleman from New York [Mr. SIMMONS] introduced this bill, but I know him well enough to know that he did not draw it. I call attention to a few of the curious things in the bill, and possibly illustrative of a lack of sufficient care in the preparation of the bill covering a subject like this.

I notice on page 5 that the District of Columbia is not in the United States. [Laughter.] I had always assumed that the District was in the United States, or that in order to get nursery stock from abroad into the District of Columbia it would be necessary to first bring it into the United States.

Section 8 provides that whenever it shall appear to the Secretary that any nursery stock grown in an infected country "are being"—not very good grammar—about to be brought into the United States or the District of Columbia, it shall be subject to certain regulations.

Then I call attention to another proposition in the bill, where it is provided, as suggested by the gentleman from Iowa, that the nursery stock shall be inspected at the final destination, and in two or three other places that it shall be inspected before it reaches the final destination.

Mr. KENNEDY of Iowa. That would be impossible.

Mr. MANN. Of course it would be impossible, but it provides that it shall be inspected only at the final destination and then somewhere else. It first provides that it shall be inspected at the final destination, and then it provides that no stock shall be imported by anybody that is not accompanied by a certificate of inspection by an official expert in the country from which it comes, although there may be no official expert in that country that can give a certificate.

Having provided under penalty that no stock can be introduced without an official inspection, then it goes on to provide what shall be done with the stock that is imported without a certificate of inspection. It first provides a penalty for importing stock without a certificate, although it may be impossible to obtain a certificate, and then having provided that it shall be inspected at the final destination, says that it shall be held in quarantine until inspected. Then it provides that any transportation company that brings in stock shall immediately on arrival in the United States and within 24 hours serve notice of the arrival, and the stock shall not be removed until it has been inspected.

Mr. KENNEDY of Iowa. That would be impossible.

Mr. MANN. Of course it is impossible, absolutely impossible to carry out the provisions of the act. Under this act as soon as the stock reached New York the person bringing in the stock, the transportation company, must serve notice on the United States within 24 hours, and the stock shall be held or removed to a place for immediate inspection. They may be 2,000 miles away from the place of final destination. Then, after doing this, it undertakes to provide that nursery stock which is liable to become a subject of interstate commerce shall be subject to the quarantine regulations and control of the Secretary of Agriculture. Who knows what stock is liable to become a subject of interstate commerce? Everything in the country is liable to become the subject of interstate commerce, but the National Government has no control over goods which are not the subject of interstate commerce.

The mere liability to become the subject of interstate commerce does not give the General Government power over it. If the imported stock, as suggested to me by the gentleman from Pennsylvania [Mr. BURKE], ever is infested with as many diseases as this bill is, it ought to be quarantined.

Mr. RUCKER of Missouri. Mr. Speaker, in my opinion, this bill ought not to pass. Gentlemen who have thus far addressed the House, at least some of the gentlemen, do not seem to understand the fact that we have inspection laws in full force and operation in the United States to-day. Not only is this true, but gentlemen also seem to overlook the fact that nearly every State in the Union has its own laws requiring inspection of nursery stock. The experts of the Agricultural Department here in Washington swore at the hearings before the committee that in most of the States, or at least in many of the States, inspection under State authority is full, complete, and adequate.

I call attention also to the fact that under national law the Secretary of Agriculture, in cooperation with the State authorities, does inspect every shipment of fruit trees or nursery stock imported into the United States, or may do so.

Mr. KENNEDY of Iowa. Will the gentleman yield?

Mr. RUCKER of Missouri. Yes.

Mr. KENNEDY of Iowa. Where is that inspection made? The gentleman says every shipment is inspected now.

Mr. RUCKER of Missouri. Inspection may be at the port of entry or it may be at the place of destination.

Mr. KENNEDY of Iowa. As a matter of fact, the inspection is not made.

Mr. RUCKER of Missouri. As a matter of fact, the inspection is made.

Mr. KENNEDY of Iowa. I happen to be an importer of that very same class of goods.

Mr. RUCKER of Missouri. Oh, well, the gentleman may have escaped. I desire to say that perhaps every shipment is not inspected at the port of entry because, obviously, it would be very inconvenient to do it. Much of this stock is shipped into this country in large boxes containing ten or twelve or fifteen thousand seedlings, and I understand that they are put up in packages by some sort of power used in foreign countries that we have no knowledge of, and that it would be impossible for us to pack them in the same boxes again. Therefore it may be impossible to inspect all shipments at the place of entry.

Mr. KENNEDY of Iowa. I want the gentleman to understand that I am opposed to this bill.

Mr. RUCKER of Missouri. I am very glad to hear it.

Mr. KENNEDY of Iowa. Simply for the reason that the plan proposed for inspection could not be enforced.

Mr. McLAUGHLIN of Michigan. The gentleman says the hearings disclose the fact that there are effective inspection laws in every State in the Union.

Mr. RUCKER of Missouri. Oh, no.

Mr. McLAUGHLIN of Michigan. Is it not a fact that the experts and others testified that practically in only one State in the Union was there an inspection law effectively enforced?

Mr. RUCKER of Missouri. The gentleman puts into my mouth language I did not use. I did not say in every State in the Union. I said in many States of the Union, and I say further that the record does not show that representatives of the Department of Agriculture testified that only one State in the Union has an efficient and adequate inspection law. The complaint is not that the States have failed to enact efficient and adequate laws, but the chief complaint made before the Committee on Agriculture was that State laws are not always efficiently executed. It might fairly be deduced from the hearings that, in the opinion of certain gentlemen possessed of expert knowledge, no State statute can be efficiently executed unless we get somebody from some department of the Federal Government to execute it. That seems to be the trouble. We have laws in many of the States requiring rigid inspection of nursery stock, and we have men charged with the duty of en-

forcing that law, but gentlemen say that because occasionally some insect escapes discovery that, therefore, there is inefficient State inspection. The record shows that even where, inspection has been made by our highly cultivated experts of the Agricultural Department insects have occasionally been found that escaped detection.

Mr. McLAUGHLIN of Michigan. Is it not a fact that entomologists and State officials from many of the States appeared before the committee and testified that, notwithstanding the laws, they have found it impossible to make proper inspection and called upon the department, and said that this law was necessary for their protection?

Mr. RUCKER of Missouri. If you are trying to filibuster against the passage of this bill, I will yield to you longer.

Mr. McLAUGHLIN of Michigan. I have asked the gentleman from Missouri if it is not a fact that the entomologists in several of the States appeared and said their laws were ineffective and that they doubted the effectiveness of any of the State laws, and that they needed Federal assistance. Is not that true?

Mr. RUCKER of Missouri. Mr. Speaker, I concede there is some testimony like that in the record, but I want to say further, without reflecting upon anybody, that it is a significant fact that experts from the States who have been in close touch with certain experts in Washington seem to be anxious for the expansion of national authority to such an extent as to absorb all State authority. Why, I do not know. But I repeat that the gentlemen from the Agricultural Department swore distinctly that under existing laws in the States sufficient and adequate protection would be given if the laws were executed and enforced. It is a reflection upon the States and upon the officers of States to assume they will not discharge these duties.

The section of this bill that is especially objectionable and which is opposed by nurserymen all over the country is section 8. This section clothes the Agricultural Department, or one man in it, one chief of a bureau in it, with power so vast, so great, so far-reaching, that he might in one hour's time ruin industries employing millions of dollars of capital in this country.

Mr. Speaker, the purpose is to allow some expert to say that nursery stock shall not come from a given country. Let me call attention to the fact that the testimony shows that these large nurseries, concerns which buy hundreds of thousands and millions of plants, must necessarily make their contracts 18 months or two years before the date of delivery. Nursery plants being imported into the United States at this time, and which were imported last month, were contracted for in foreign countries 18 months or two years ago. Now, if day before yesterday or last month some expert had conceived the idea that it was wise from a departmental standpoint to levy quarantine against importations from that country, what would become of the contracts made by American citizens months or years ago? I say it is placing too much power in the hands of one man, and especially so when the gentlemen who are here clamoring for this law concede that the States of this Union have undertaken, and in course of time will give, every protection needed or that can be afforded. Under existing arrangements every importation of nursery stock is communicated to the Department of Agriculture, giving the destination, and when that stock reaches its destination an expert from the Department of Agriculture meets it. It is unpacked, and every part of it is examined. If it is found so infected or diseased that it can not be purged by fumigation or other proper treatment, it is destroyed in whole or in part, as may be deemed necessary, to prevent the spread of disease or insects. Where insects or diseases are found, the boxes, wrappings, and the whole thing are destroyed. Will gentlemen seriously contend that men who for generations have worked in the nursery business and built up enterprises involving a capital of millions of dollars will recklessly import into their nursery yards dangerously diseased plants from abroad? Who would be the first and greatest sufferers?

If one of the great nurseries imports diseased stock and gets it into the nursery, the Secretary of Agriculture has the power, and the inspector under State law has the power, to go there and cause every vestige of that nursery to be destroyed. The nurseryman himself in order to protect his property would destroy it. I insist that self-interest, the desire for gain, the desire to carry on this great business that has grown to such large proportions in this country is a safeguard which gives protection, adequate and full, to every interest in the country.

Mr. Speaker, I sincerely hope that this bill will be overwhelmingly voted down, and by a vote so decisive that gentle-

men back of it will not again come to Congress seeking to invade the rights of States and the confiscation of the property of citizens by trying to clothe any one expert, or all experts, with such vast power as this bill contemplates.

I yield, Mr. Speaker, to the gentleman from South Carolina [Mr. LEVER].

The SPEAKER pro tempore. The gentleman from Missouri [Mr. RUCKER] yields the balance of his time, four minutes, to the gentleman from South Carolina [Mr. LEVER].

Mr. LEVER. Mr. Speaker, I desire to call the attention of the committee to the broadness of the language used in this bill.

In the first place, in section 1 it provides that it shall be unlawful for any person or persons to import into the United States any nursery stock except under special permit from the United States Department of Agriculture. That is followed by a provision in section 3 that all such nursery stock shall be subject to inspection by official experts of the Department of Agriculture at final destination, on the premises of the owner or consignee.

I take the position, Mr. Speaker, that is taken by my friend from Iowa—that the enforcement of the provisions of this bill is not only impracticable, but absolutely impossible unless the Federal Government is to employ a standing army of men to be present [applause] on the premises of importing nurserymen to inspect their importations from foreign countries.

It must not be misunderstood, and the fact must not be overlooked, that nurserymen get their importations of nursery stock each year practically upon the same date. I understand it is about the 10th of April. That means that it will be necessary for us, in order to enforce this law, to provide a little standing army, spread all over this country, drawing Government pay, standing on the premises of these importing nurserymen in order to carry this law into full execution. I ask whether there is anyone here who is willing to go into that business.

Then, there is another thing. The provisions of this bill are not confined to the inspection of nursery stock. The bill goes further and provides that the Secretary of Agriculture may at any time extend the provisions of this act to fruit and vegetables and bulbs and other plants or seeds not specified in this act, imported from a foreign country. That means that instead of having a standing army of 6,000 or 8,000 men to inspect nursery importations, this act will give to the Secretary of Agriculture the authority and power to extend the provisions of the law to the importation of bulbs and seeds and fruits, and to employ another standing army to inspect every package of seeds imported into this country at the place of its destination.

The bill is ridiculous. It is absolutely absurd. I do not believe that this House will stand for it for one moment. Instead of involving an appropriation of \$25,000, as is stated in the testimony of the Chief of the Bureau of Entomology, I stand here to predict that if we enact this bill into law the next 10 years will see this appropriation mount up into millions of dollars if the law is properly and fully executed. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. McLAUGHLIN of Michigan. Mr. Speaker, I yield the balance of my time to the gentleman from New York [Mr. SIMMONS], the author of this bill.

Mr. SIMMONS. Mr. Speaker, the great orchard industry of this Nation, the forestry industry of this Nation, and the potato industry of this Nation certainly deserve adequate protection at the hands of Congress. This is no new matter. Legislation along these lines has been sought for a number of years, because the Agricultural Department, which has to do with these matters, has felt the necessity of securing legislation that will enable it to protect the great resources of this country that I have named.

It is true we have had inspection laws in some of the States of this Nation, but in other States we have no inspection laws, and as these pests are no respecters of State boundaries, they have come into the States where we have not had rigid laws and they have spread from there to other sections of the country.

Now, my friend from Illinois [Mr. MANN] has said that this bill has not been properly drawn. This bill has been drawn under the supervision of the department that will administer it. They have been confronted with these conditions for many years. They knew what kind of legislation was necessary, and they have supervised the drawing of this bill, and I am sure that it contains the conditions which they find in a practical way are necessary for them to carry out. I want to send to

the Clerk's desk and have read a letter from the Secretary of Agriculture, in which he strongly requests the passage of this legislation.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. McLAUGHLIN of Michigan. I ask unanimous consent for an extension of the gentleman's time, long enough to enable the Clerk to read the letter from the Secretary of Agriculture.

Mr. SIMMONS. I think that should be done, because the Secretary of Agriculture understands this better than anybody else.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent that the time be extended for the purpose indicated. Is there objection?

There was no objection.

The Clerk read as follows:

DEPARTMENT OF AGRICULTURE,  
OFFICE OF THE SECRETARY,  
Washington, February 24, 1911.

Hon. JAMES S. SIMMONS, M. C.,

*House of Representatives, Washington, D. C.*

SIR: The plant-quarantine bill (H. R. 26897) to exclude insect-infested and diseased plants coming from foreign countries is legislation which is most urgently needed just at this time to prevent the establishment in this country of certain insect pests and diseases which are now being imported. An immediate danger is the likelihood of the establishment throughout the United States of the gipsy and brown-tail moths. Imported nursery stock so infested has been carried to 22 States during the last two years. Other grave dangers are the likelihood of the establishment in this country of two European plant diseases now being imported, one jeopardizing our entire potato production and the other our pine forests.

Diseased live stock are excluded by law, but diseased or insect-infested plants have no bar against their introduction. More than half of the injurious insects of this country are of foreign origin, and these are now levying an enormous annual tax on our farm products. There are many others, however, which can still be excluded.

The United States is the only great power without protection from the importation of insect-infested and diseased plant stock, and for this reason much inferior and diseased stock, which can find no market in Europe, comes to us.

This protective legislation is earnestly desired by the agricultural, horticultural, and forestry interests of this country. The only opposition to it comes from a small body of importing nurserymen. The value of the imported stock is scarcely more than Congress is now appropriating annually to aid in the control of the gipsy moth in a limited district in New England and about one-third of what the New England States are themselves expending. Many of the great producing nursery companies of this country have expressed their hearty support of the measure. As the bill is now worded it will do no harm even to these importing nursery interests and will be a distinct protective advantage to them.

The expense will be very small in comparison with the protection gained.

Respectfully,

JAMES WILSON, *Secretary.*

I offer the following exhibits, and ask that they be read as a part of my remarks:

EXHIBIT 1.

RESOLUTIONS PASSED BY ASSOCIATIONS OF FRUIT GROWERS AND OTHERS INDORSING THE PROPOSED QUARANTINE BILL.

1. The Eastern Fruit Growers' Association.

This is a fruit growers' association which covers the whole Appalachian region from Maine to the Carolinas and westward to Ohio.

2. The New York State Fruit Growers' Association.

3. The Maryland State Horticultural Society.

4. The New Jersey State Board of Agriculture.

5. The Peninsular Horticultural Society, of Delaware.

This society represents Delaware and portions of Maryland and Virginia.

6. The American Association of Economic Entomologists.

Representing the official State entomologists of all the States.

7. The American Association of Official Horticultural Inspectors.

A body charged with the official State inspection of nursery stock and orchards of the different States.

8. The American Phytopathological Society.

The official plant pathologists of the different States and Department of Agriculture and other plant pathologists of America.

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EXHIBIT 2.

ATTITUDE OF LARGE PRODUCING AND OTHER NURSERYMEN TOWARD THE PROPOSED PLANT-INSPECTION LAW.

Letters indorsing the proposed law have been received by the Department of Agriculture from a number of large growers of nursery stock in this country.

The seedling-apple business is largely centered in the neighborhood of Topeka, Kans., in the Kaw River Valley. According to official reports 70,000,000 fruit seedlings are shipped from this section yearly. This is the same kind of seedling that is imported from France, but vastly exceeds the latter in amount. Seedling stock is grown in many other nurseries throughout the United States, but not on so large a scale as in Kansas. These large producing nurserymen write as follows relative to the bill:

Messrs. L. R. Taylor & Sons, proprietors of the Topeka Nurseries, write:

"From a hasty glance over the bill we are in favor of it. \* \* \* Inspection in all and every case should be at destination. \* \* \* (This is provided for in the bill.) \* \* \*

"We can not agree with the statement of importers that foreign-grown seedlings, especially apples, are much better than the home-grown. \* \* \* We have grafted and grown side by side imported and home-grown seedlings. \* \* \*

"We believe the proposed law has the right and proper aim in view."

Messrs. J. H. Skinner & Co., Capital Nurseries, Topeka, Kans.:

"We are very much in favor of careful inspection of imported nursery stock. \* \* \* We think stock should be inspected after reaching destination, or should be shipped to some point in the State which is at the final destination of the shipment. \* \* \*

"As to apple seedlings, we are inclined to think that imported seedlings are no better than home-grown stock. The only advantage we can see in imported seedlings is that they are dug later than we dig ours, and consequently are better ripened."

Messrs. F. N. Watson & Co., Topeka, Kans.:

"We certainly believe the bill to quarantine against diseased nursery stock should be passed. We import nursery stock from France, and can not see how any harm can come from such a bill if importations are clean, and if they are not something certainly should be done. We are heartily in favor of the bill."

"We have sold this winter over 17,000,000 apple seedlings."

Mr. C. L. Watrus, owner of the Watrus Nurseries, of Des Moines, Iowa, one of the oldest and most reliable nurseries in the West, in a long letter, concludes as follows:

"I am informed on the best authority that the same men who have hitherto beaten our former bills have returned from Washington and have beaten the bill to prevent the importation of new noxious insects. It seems to me that these men are the most blindly foolish of any that I know. They have laws which they think will protect themselves. They are afraid of national inspection themselves, and are willing that the rest of the Nation should go to the devil if they could make a few more dollars."

Mr. Orlando Harrison, a prominent Maryland nurseryman, as chairman of committee on national inspection law, sent out, in 1908, letters to nurserymen throughout the country, inquiring their wishes as to the enactment of a national law. Two hundred and twenty-five replies were received, of which from nurserymen 170 were in favor of a national uniform law, 12 against, and 5 neutral. Of the entomologists and inspectors of different States, out of 33 replies only 2 were opposed. This shows the general attitude of the nurserymen of this country toward such legislation.

The SPEAKER pro tempore. The question is on suspending the rules and passing the bill.

The question was taken; and two-thirds not voting therefor, the motion was lost.

MELCHOR BATISTA.

The next bill on the Calendar for Unanimous Consent was House joint resolution 291, authorizing the Secretary of War to receive for instruction at the Military Academy, at West Point, Mr. Melchor Batista, of Cuba.

The Clerk read the bill.

Mr. MICHAEL E. DRISCOLL. Mr. Speaker, reserving the right to object, I want to ask the gentleman from Iowa if there is any general law in pursuance of which young men from foreign countries are allowed to enter the Military Academy.

Mr. HULL of Iowa. There is not; it has always been by act of Congress.

Mr. MICHAEL E. DRISCOLL. In every instance?

Mr. HULL of Iowa. In every instance.

Mr. MICHAEL E. DRISCOLL. How many are in the academy now from Cuba?

Mr. HULL of Iowa. I do not know that there is any, but if there is one he is about ready to graduate. This comes as a request from the Republic of Cuba, transmitted through the State Department. It does not cost the Government anything. We make no allowances to him for anything he uses. We do give him instruction, but the instructors are there and would be paid the same sum if this student was not admitted.

Mr. MICHAEL E. DRISCOLL. Has the gentleman any idea how much it costs us to educate a student at the Military Academy?

Mr. HULL of Iowa. The bill provides that they must pay all the expenses.

Mr. MICHAEL E. DRISCOLL. How much does it cost the Government for every young man graduated at West Point?

Mr. HULL of Iowa. Well, I do not know; we pay them \$600 a year, and from this the cadets pay for all their expenses except lodging and instruction.

Mr. MICHAEL E. DRISCOLL. It probably costs \$30,000 or \$40,000 apiece.

Mr. HULL of Iowa. Oh, no. There are allowances that do not include the pay of professors, but they are paid by cadets out of their allowances. The allowances include clothing, food, heat and light, and so forth. It is an act of courtesy that we have extended to republics when they have asked for it. This comes with the indorsement of the Secretary of State, and to refuse it to Cuba now would be to say that we will not treat Cuba as well as we have other countries.

Mr. MICHAEL E. DRISCOLL. I object.

## L. W. KITE.

The next bill on the Calendar for Unanimous Consent was the bill (S. 8608) to authorize the President of the United States to place upon the retired list of the United States Navy Surg. L. W. Kite, with the rank of medical inspector.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the President of the United States be, and he is hereby, authorized to place upon the retired list of the United States Navy, with the rank of medical inspector, the name of Surg. L. W. Kite: *Provided*, That the said L. W. Kite shall not, by the passage of this act, be entitled to any back pay or allowances.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I reserve the right to object.

Mr. ROBERTS. Mr. Speaker, does the gentleman from Illinois desire a statement of the case?

Mr. MANN. I know something about the case.

Mr. ROBERTS. It is a case of a surgeon in the Navy who, after 24 years of service, comes up for examination for promotion and is found to be mentally, morally, and professionally competent for promotion, but he is found physically disqualified. The physical disqualifications are incident to his service as a surgeon. There is no provision of law whatever to retire or pension an officer of the staff in the Navy who is forced to retire under these conditions.

Mr. MANN. Is not this man on the retired list now?

Mr. ROBERTS. No; he simply has to resign.

Mr. MANN. I think the gentleman is mistaken. The Secretary of the Navy and the report say that he is retired as a surgeon. The gentleman from Massachusetts is not only incorrect as to the law but as to the facts.

Mr. ROBERTS. I will say that I had not read the report and had another case in mind.

Mr. MANN. The gentleman prepared the report, but has not read it. [Laughter.]

Mr. ROBERTS. The report was prepared by another person and given to me.

Mr. MANN. I can give the gentleman some information as to the law and the facts.

Mr. ROBERTS. It is a fact—he was retired with the rank of surgeon.

Mr. MANN. The officer was examined and passed his examination in every respect except the physical examination, and for disabilities incurred in the service was unable to pass the physical examination, and thereupon, in accordance with the law, was retired as a surgeon. He now wishes to be retired to a higher grade. But upon what basis do we propose to retire him to a higher grade except that if he had been in the Army he would have got a higher grade; and the Navy thinks they ought to be used as well as the Army.

Mr. ROBERTS. Line officers in the Navy are retired with the rank to which they would have been promoted.

Mr. MANN. In the Army?

Mr. ROBERTS. No; line officers of the Navy. The staff officers are discriminated against.

Mr. MANN. But this man took his chances when he went into the service. If he becomes physically incapacitated, the Government proposes to take care of him for the balance of his life, but they have got so in the Army and the Navy that they are not satisfied when we give them something, but they think it is so easy they must have something more, like the three cases we had up this afternoon; each one of them had already received one special bill in his behalf and found it so easy that he wants another special act.

Mr. ROBERTS. I will say to the gentleman that Surg. Kite informed me he had passed the physical test—that is, the walking test required of all officers of the Navy—walked his 50 miles, or whatever limit it is, immediately prior to his coming up for examination. The examination disclosed that he had some heart trouble and that he had a hernia. That having appeared as the result of the physical examination, they would not certify him for promotion, and yet the man, physically, notwithstanding these disabilities, had been discharging his duties up to that time and had passed the physical test required.

The SPEAKER. Is there objection?

Mr. MANN. I object.

Mr. CARLIN. Mr. Speaker, I will ask the gentleman to withhold his objection for a moment.

Mr. MANN. I will withhold my objection.

Mr. CARLIN. Mr. Speaker, I wanted to state to the gentleman, because everybody else seems satisfied, that this officer had served 24 years in the service and that the time had come for his promotion. He had earned it, and the time had arrived. It was only withheld from him because he had incurred disabilities physically which would not permit his promotion to that grade to which he was entitled. Those physical disabilities

were incurred in the service, and there is no reason in the world why this man should not have the rights to which he is entitled. If we are to extend the rule of humanity at all he is entitled to this retirement at the increased rank because he had reached the time—he had performed the service and he had done everything that had been required of him. He was mentally and morally and professionally equipped, and but for a physical disability which he had incurred in serving his country he would have been promoted.

Mr. MANN. He was not able to perform the service, and therefore the Government retired him.

Mr. CARLIN. But he was disabled because of injuries received in the service.

Mr. MANN. Oh, that is very true. That is the case with many of them. That is a part of the chances they take.

Mr. CARLIN. A few moments ago the gentleman said that he did not want to retire anybody that the department did not wish retired, and here is an instance where he objects to retirement when it is recommended.

Mr. MANN. Oh, I beg the gentleman's pardon; I did not say that.

Mr. CARLIN. Well, the gentleman asked that question of the gentleman from Iowa.

Mr. MANN. I asked the gentleman from Iowa whether he wanted to have people retired—

Mr. CARLIN. Let me call attention to what the bureau says about this officer:

In the opinion of this bureau the object of this bill is a worthy one, the status of the officer concerned being peculiarly deserving of relief. After 24 years of creditable service in the Medical Corps he was found mentally, morally, and professionally qualified for promotion to the grade of medical inspector, but failed physically owing to disabilities contracted in line of duty, and he was accordingly retired with the rank of surgeon.

Mr. MANN. Will the gentleman allow me to read the part that follows?

Mr. CARLIN. Yes.

Mr. MANN. It is as follows:

This affords a striking illustration of the disadvantage suffered by the Navy in comparison with sister services, and legislation affording general relief has recently passed the Senate (S. 4746), but if enacted into law the benefits thereof would not affect Surg. Kite.

The truth is, the Navy thinks the Army has put one over on them, and thereupon it thinks that this case is meritorious, and that is the reason for the report in favor of the bill.

Mr. CARLIN. This is a case where the bureau and the Surgeon General found an efficient officer, a thoroughly capable officer, a conscientious one, disabled because of disabilities incurred in the service of his country, and they are unable to retire him at the rank which he has earned by length of service and therefore his only remedy is through a bill of this kind.

Mr. MANN. If it was the gentleman from Virginia, I have sufficient affection for him to put him on any kind of a retired list after he can not keep on the active list, but I can not do it for his friends. And therefore I object.

The SPEAKER. Objection is heard.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Curtis, one of its clerks, announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 29157. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1912, and for other purposes;

H. R. 32865. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes;

H. R. 32866. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1912; and

H. R. 32436. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1912, and for other purposes.

## ADDITIONAL AIDS TO NAVIGATION.

Mr. MANN. Mr. Speaker, I call up a conference report on the bill S. 10177 to authorize additional aids to navigation in the Lighthouse Establishment, and for other purposes, and I ask unanimous consent that the statement may be read in lieu of the report.

Mr. CARLIN. I object. I think the whole statement ought to be read.

The Clerk read the conference report and statement, as follows:

CONFERENCE REPORT.

The committee on conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 10177) to authorize additional aids to navigation in the Lighthouse Establishment, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "To establish a lighthouse depot on the site formerly occupied by the Marine-Hospital Service, Treasury Department, on Chelsea Creek, Boston Harbor, Mass.: *Provided*, That such site shall be deemed advisable by the Secretary of Commerce and Labor. And in such event authority is hereby granted for the transfer of such site from the Treasury Department to the Department of Commerce and Labor."

JAMES R. MANN,  
F. C. STEVENS,  
W. C. ADAMSON,  
*Managers on the part of the House.*

J. H. GALLINGER,  
CHAUNCEY M. DEPEW,  
F. M. SIMMONS,  
*Managers on the part of the Senate.*

STATEMENT.

The amendment of the House struck out, on page 2, line 11, down to and including line 17, as it passed the Senate, and inserted a substitute amendment. As agreed to in conference, the following provision in the House amendment is stricken out, to wit:

"To establish a lighthouse depot on the site belonging to the War Department on Castle Island, Boston Harbor, Mass., or on the site belonging to the Marine Hospital Service, Treasury Department, on Chelsea Creek, Boston Harbor, Mass., and authority is hereby granted for the transfer of the site authorized from the Treasury Department to the Department of Commerce and Labor; and when the Department of Commerce and Labor shall have acquired such site as herein authorized, the lighthouse depot now located on Lovells Island shall be moved to the site thus acquired."

And in lieu thereof there is inserted the following provision:

"To establish a lighthouse depot on the site formerly occupied by the Marine-Hospital Service, Treasury Department, on Chelsea Creek, Boston Harbor, Mass.: *Provided*, That such site shall be deemed advisable by the Secretary of Commerce and Labor. And in such event authority is hereby granted for the transfer of such site from the Treasury Department to the Department of Commerce and Labor."

JAMES R. MANN,  
F. C. STEVENS,  
W. C. ADAMSON,  
*Managers on the part of the House.*

Mr. MANN. Mr. Speaker, I move that we agree to the conference report.

The conference report was agreed to.

POLICE AND FIREMEN'S RELIEF FUND.

Mr. OLCOTT. Mr. Speaker, I move to suspend the rules, take from the Speaker's table the bill (S. 288) for the creation of the police and firemen's relief fund, to provide for the retirement of members of the police and fire departments, to establish a method of procedure for such retirement, and for other purposes, a similar House bill (H. R. 22322) being on the calendar, and pass the bill as amended.

The SPEAKER. The Clerk will read the bill.

The Clerk read as follows:

*Be it enacted, etc.*, That from and after the passage of this act the funds designated by law as the "policemen's fund," the "police fund," and the "firemen's relief fund" shall be designated as the "police and firemen's relief fund, District of Columbia," and the said fund shall consist of all fines imposed by the Commissioners of the District of Columbia upon members of the police and fire departments by way of discipline; all rewards, proceeds of gifts, and emoluments that may be received by any member of said departments for extraordinary services, except such as may be allowed to be retained by such member or members on the approval of the said commissioners; all net receipts and moneys arising from the sale of unclaimed property in the custody of the property clerk of the police department; a deduction of  $\frac{1}{2}$  per cent of the monthly salary of each member of the police and fire departments; and all fines and forfeitures paid into the police court of the District of Columbia, all of which shall be collected by the collector of taxes of the District of Columbia and be by him deposited in the

Treasury of the United States, in the manner provided by law, to the credit of the trust fund denominated "police and firemen's relief fund, District of Columbia," and be held subject to the drafts of the Commissioners of the District of Columbia for the purposes hereinafter set forth; all expenditures to be made according to law and to be accounted for in the manner provided by law: *Provided*, That should the police and firemen's relief fund at any time be insufficient to defray the expenditures hereinafter mentioned, then and in that event the Commissioners of the District of Columbia are authorized, and they shall direct, the collector of taxes of said District to deposit, and said collector shall thereupon deposit, in the Treasury of the United States, to the credit of said fund, out of receipts from all licenses other than liquor licenses, a sufficient amount to meet any deficiency in said fund.

SEC. 2. That whenever any officer or member of the police or fire department of the District of Columbia shall become disabled by injury received or disease contracted in the line of duty he shall, in addition to his regular salary, receive his necessary expenses during the time of such disability, to be ascertained and certified by the retiring board hereinafter provided for, whose certificate shall state an account of said expenses and the manner, cause, and condition of the injury or disease, and such necessary expenses shall, when approved by the said commissioners, be paid out of the said police and firemen's relief fund, District of Columbia.

SEC. 3. That should any officer or member of the police or fire department become so permanently disabled through injury or disease contracted in the line of duty, or, having served not less than 15 years, shall, for any cause, become so permanently disabled as to be discharged from the service therefor, he shall be entitled to relief from the said fund in an amount, in the case of an officer or member of the fire department, as follows: Chief engineer, a sum not to exceed \$150 per month; deputy chief engineer, a sum not to exceed \$125 per month; battalion chief, fire marshal, and superintendent of machinery, a sum not to exceed \$100 per month; deputy fire marshals and captains, a sum not to exceed \$90 per month; lieutenants, a sum not to exceed \$75 per month; assistant superintendent of machinery, a sum not to exceed \$60 per month; engineers and drivers, a sum not to exceed \$55 per month; assistant engineers and assistant drivers, a sum not to exceed \$52.50 per month; inspectors and privates, a sum not to exceed \$50 per month; and in the case of an officer or member of the police department as follows: Major and superintendent, a sum not to exceed \$150 per month; inspector and assistant superintendent, a sum not to exceed \$125 per month; inspector, a sum not to exceed \$100 per month; captain, a sum not to exceed \$90 per month; lieutenant, a sum not to exceed \$75 per month; sergeant, a sum not to exceed \$60 per month; private, a sum not to exceed \$50 per month, as may be justified, in any case of the police and fire departments, by the length of service and the nature of the injury or disease, as such disability may be determined by the retiring board hereinafter provided for; that in case of the death of any officer or member of the police or fire department before or after retirement from injury or disease contracted in the line of duty, leaving a widow, or children under 16 years of age, or a dependent father or mother, or both, such widow or such relative shall be entitled to a pension to be paid from the said relief fund, the amount thereof to be determined by the retiring board hereinafter provided for: *Provided*, That in no case shall the amount paid to any one family exceed the sum of \$50 per month, and that upon the remarriage of any widow her pension under this act shall immediately cease, and that any pension to or for her children under 16 years of age shall cease upon their attaining such age.

SEC. 4. That any officer or member of the police or fire department of the District of Columbia who may have performed police or fire service therein for a period of 25 years shall be entitled to retirement from such department and to a pension to be paid from the said police and firemen's relief fund in an amount not to exceed that provided by section 3 of this act, as may be determined by the retiring board.

SEC. 5. That a sum not to exceed \$75 may be allowed by the Commissioners of the District of Columbia, to be paid from the said police and firemen's relief fund, to defray the funeral expenses of any member of the police or fire department who may die while in the service of such department.

SEC. 6. That a retiring board, to be composed of the surgeons of the police and fire departments and two officers of the police department and two officers of the fire department, not surgeons, such officers to be appointed by and to serve during the pleasure of the commissioners of said District, shall be appointed to consider all cases for relief or for retirement or for pensions of officers and members of the police and fire departments, and all applications for pensions for widows, children, and dependent fathers or mothers; and the police and fire surgeons shall certify in writing to the said retiring board the physical condition of the officers or members of the force, if living, for whom a pension is sought for any reason provided for in this act, and whether or not said condition, or death, is due to injury or disease contracted in the line of duty, or that said officer or member has become so permanently disabled as to entitle him to discharge from the service therefor. The said retiring board shall give notice to any applicant for relief or pension to be present before it and give any evidence that he may desire, and the proceedings of the said board shall be reduced to writing and shall show the date of appointment of the officer or member under inquiry, his age, his record in the service, and any other information that may be pertinent to the matter of pension or allowance, and shall show what amount, if any, is awarded the applicant by way of relief or pension. The said board shall make a report of its finding to the commissioners, who shall have the power to take further testimony, if they so desire, and may approve, disapprove, or modify the findings of the said board, or remand any case for such further proceedings as may be necessary, and the decision of the said commissioners shall be final. The said commissioners are also hereby authorized and empowered to make, modify, and amend from time to time rules of procedure for the conduct of such board.

SEC. 7. That within 60 days following the first day of July, 1911, and every two years thereafter, the commissioners shall cause any person or persons receiving an allowance from the police and firemen's relief fund to undergo such medical or other examination as in the judgment of the commissioners may be necessary to enable them to determine whether the pension in such case or cases shall be increased or reduced; and the commissioners are hereby authorized to increase or reduce the allowance of pensioners as the result of such examination: *Provided*, however, That should a pensioner fall or refuse to undergo

the examination prescribed by the commissioners, the allowance of such pensioner may be reduced or entirely discontinued by the commissioners: *Provided, however,* That the commissioners may discontinue any relief or pension upon duly certified information from a court of record that any person so pensioned or retired has been guilty of any crime involving moral turpitude or where any such person is found by the retiring board, after notice and trial, to be an habitual drunkard or guilty of lewd or lascivious conduct: *Provided further,* That nothing in this section shall be construed to give the widow of any officer or member of the police or fire department any right to a pension upon her remarriage, or to give any child or children of any officer or member of said police or fire department a right to a pension after becoming 16 years of age.

SEC. 8. That any such retired officer or member of the police or fire department in time of flood, riot, great fires, during extraordinary assemblages or unusual emergencies, may be called by the head of the respective department into the service of the District police or fire force for such duty as his disabilities will permit of his performing, as ascertained and certified by the retiring board, without compensation therefor.

SEC. 9. That all acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

Mr. JOHNSON of Kentucky. Mr. Speaker, I demand a second.

Mr. BORLAND. I demand a second, Mr. Speaker.

The SPEAKER. The gentleman from Kentucky [Mr. JOHNSON] demands a second. Under the rules a second may be considered as ordered. The gentleman from New York [Mr. OLCOTT] is entitled to 20 minutes and the gentleman from Kentucky [Mr. JOHNSON] to 20 minutes.

Mr. OLCOTT. Mr. Speaker, I will say in regard to this bill that it is merely a modification of the present pension bill that exists, and it is a provision that will result in equalizing the pensions given to the firemen and policemen of the city. There is no money to come out of the Treasury except in so far as the fines that are paid in the District of Columbia for penalties may possibly be Treasury money. The funds are obtained and taken from the salaries of the policemen and firemen. Instead of being \$1 a month, as it is at present, it is 1½ per cent of the salaries of the several firemen and the policemen.

The pensions that are to be given for disability or for retirement are certainly not greater than in any other municipality of this size. It is a bill that is strongly recommended by the commissioners, and I hope that it will pass.

Mr. SHERLEY. Will the gentleman tell us what change is made in this bill over the present law in regard to pensions?

Mr. OLCOTT. There is no change whatever made except that we get 1½ per cent from the policemen's and the firemen's salaries instead of \$1 a month, and in case the fines received from the police court are not sufficient, the fees for other licenses than the excise licenses can be used to supplement this fund, except that the fines collected by the action of the Humane Society are still kept intact and are given to them. That is the amendment in the Senate bill.

Mr. SHERLEY. Is there any change made in the age for retirement or length of service?

Mr. OLCOTT. None whatever.

Mr. SHERLEY. Or the amount of pension?

Mr. OLCOTT. No change whatever.

Mr. BORLAND. Mr. Speaker, I would like to have the gentleman explain in regard to the fines that have heretofore gone to the Humane Society. Before I ask that question, however, I want to call attention to lines 5 and 6, on page 2, in which it says:

This fund shall comprise all fines and forfeitures paid into the police court of the District of Columbia.

That is comprehensive enough to include the fines for cruelty to animals.

Mr. OLCOTT. I would say to the gentleman from Missouri in answer to that, that when this bill first came over from the Senate it was as the print which he has in his hand. Thereafter the Senate recalled the bill from the House and put the exception affecting the Humane Society in the bill as it has been read, and which I particularly specified when I first made my motion to suspend the rules and pass the bill, and which excepts the fines that are recovered by the Humane Society and keeps them intact for that society.

Mr. BORLAND. The bill as read is different—

Mr. OLCOTT. No; the bill as read has an exception to provide for the point the gentleman particularly makes.

Mr. BORLAND. The bill as read is the bill as passed by the Senate?

Mr. OLCOTT. The bill as read is the bill as passed by the Senate a second time. The Senate passed the bill and then recalled it from the House and repassed it with the provision inserted to protect the Humane Society, and then they sent it over to the House. It has been on the Speaker's table, and

consequently no print of the bill as last passed has been made.

Mr. BORLAND. Has the gentleman there the language of the change?

Mr. OLCOTT. I can not give the identical language, but I will be very glad to have the Clerk read it again.

Mr. BORLAND. If the gentleman has no objection, we will have the Clerk read it.

The SPEAKER. The Clerk will report the part referred to. The Clerk read as follows:

All fines and forfeitures paid into the police court of the District of Columbia, except such fines and forfeitures as are authorized by law to be paid to the Washington Humane Society, all of which shall be collected.

Mr. BORLAND. If that bill as read is the bill that has passed the Senate, then the question is disposed of. The Humane Society, as I understand, is satisfied with the present bill.

Mr. OLCOTT. Yes; I understand so.

Mr. BORLAND. Now, the question has been raised here by some Members that those words "fines and forfeitures paid into the police court," will have the effect of inducing the police to bring about fines and forfeitures rather than jail sentences, for the purpose of increasing this fund; and especially would that be true in regard to forfeitures in small amounts that are collected for minor offenses, where, instead of going ahead and prosecuting the offenders, they encourage the forfeiture in order to help out this fund.

Mr. OLCOTT. The only answer I can make to that is that the policemen, as is the case now, must have authority from the courts in order to do that.

Mr. BORLAND. Is not the policeman the prosecuting witness in most cases?

Mr. ROBERTS. And the prosecuting attorney, practically.

Mr. OLCOTT. I will say to the gentleman that this is the usual custom of most cities. I do not know exactly how that can be avoided. This does not change the existing law in any way as to the imposition and collection of fines. There is no change whatever in existing law under that provision so far as fines and forfeitures are concerned. I will say to the gentleman from Missouri [Mr. BORLAND], that there is no change whatever. This increases the fund and fixes the contribution of all the officials of the police department at 1½ per cent of their salaries, instead of \$1 a month. There is no change in the method of collecting the fines and forfeitures.

Mr. BENNET of New York. Do the fines and forfeitures now go into the pension fund?

Mr. OLCOTT. They do. I ask for a vote, Mr. Speaker.

Mr. JOHNSON of Kentucky. Mr. Speaker, I desire to say to the House that under existing law—

Mr. OLCOTT. Mr. Speaker, I reserve the balance of my time if the gentleman from Kentucky is going to speak.

Mr. JOHNSON of Kentucky. Under existing law the police force of the city of Washington now gets all the fines which come to the police court as a pension fund. That amounts to nearly \$150,000 a year.

Now, this bill proposes to give them, as an additional pension, every license collected in the District of Columbia, save that which is collected for cruelty to animals. That amounts to about \$15,000 a year, and is turned over to the Humane Society. When this bill has been passed every fine levied in the District of Columbia, and every license fee collected in the District of Columbia, except for the sale of liquor, goes toward giving the police force a pension, and that pension goes up as high as \$150 a month.

Mr. OLCOTT. All of this, with the exception of the fines, comes practically from the policemen themselves, from their salaries.

Mr. JOHNSON of Kentucky. They are getting now nearly \$150,000 which does not come from the policemen's salaries.

Mr. OLCOTT. The gentleman appreciates the fact that a large number of bequests have been given to the pension fund of the police, and this does not change present law.

Mr. JOHNSON of Kentucky. This bill changes the law in this respect, that the license fees collected in the District of Columbia from theaters, from circuses, and from every other body or thing in the District that has to be licensed, go into this fund, to pension these policemen when they are already paid liberal salaries for performing their duties.

Now you propose, under this act, to give the policemen a pension of \$150 a month, when on the other side of the House gentlemen who are making a study of pensions, gentlemen who are in a foot race with each other to give to the old soldiers

as much money as they possibly can, begrudgingly give \$12 and \$15 a month to them, and yet—

Mr. OLCOTT. But, Mr. Speaker—

Mr. JOHNSON of Kentucky. Yet here you are trying to give to these policemen \$150 a month pension, when it takes from the court and from the people who pay licenses every cent collected to do it. Your police court is an absolute expense to the city government for the simple reason that every fine collected goes to that pension fund, and now you propose to add more to it by adding all license fees to that fund, except licenses for selling liquors.

Mr. OLCOTT. Will the gentleman yield to me for a moment? Does not the gentleman know that this bill does not increase any pension? It only increases the fund which the recipients of the pensions receive them from, and most of that fund comes from them.

Mr. JOHNSON of Kentucky. The thing I am objecting to is that you propose to give to them every license fee collected in the District of Columbia except the whisky licenses.

Mr. OLCOTT. But the policemen and firemen, in order to increase these funds, have got to give more money from their salaries, and they do not get any larger pensions, nor is the Treasury of the United States mulcted in one single dollar for this matter.

Mr. JOHNSON of Kentucky. The Treasury is mulcted in this way: Heretofore you have given them the fines which are levied in the police court. Now, by this bill you propose to give them every license fee and fine collected in the District of Columbia, except those imposed for cruelty to animals, and these go to the Humane Society, and amount to \$15,000 a year. When this bill is passed, then not another license fee, except liquor licenses, and not another fine in the police court goes toward the maintenance of those courts or toward defraying the expenses of this city.

Mr. OLCOTT. Will the gentleman allow me to interrupt him one moment? The Humane Society is absolutely satisfied with this. It is all that they have asked for. The bill was recalled from the Senate for the purpose of doing exactly what the Humane Society wanted.

Mr. JOHNSON of Kentucky. I am admitting that the Humane Society gets this \$15,000, but I am telling you and this House that when this bill has been passed, every license fee, except liquor licenses, and every police-court fine in the District of Columbia will be diverted to this pension fund, and will not go toward defraying the expenses of this Government. Consequently the United States Government must go into its own pocket to make good that which you are now attempting to take out of it.

Mr. HAY. Is that the law now?

Mr. JOHNSON of Kentucky. No; the law now is that they get all the fines from the police court, amounting to nearly \$150,000 a year; but this undertakes to amend the law so that they get, in addition, all of the license fees in the District of Columbia, from whatever source they come, except liquor licenses and except \$15,000, which goes to the Humane Society.

Mr. CARLIN. Is not my friend mistaken? This bill does not provide for any increased rate of pension. It simply provides—

Mr. JOHNSON of Kentucky. No matter whether it does or not, it leaves a pension standing for some policemen at the rate of \$150 a month.

Mr. CARLIN. Let me finish my statement. This rather provides that when the fines from the police court are not sufficient to pay the pensions already fixed by law, then and only then can a portion of these licenses be used to make up that deficiency.

Mr. JOHNSON of Kentucky. Yes; and right there they have fixed the retirement-pension fund so high that what they pay into it themselves and this \$150,000 taken away from the police court is not sufficient to pay the pensions; and, because they are not able to pay them, here is this bill to take every license fee in the District of Columbia, except the whisky licenses, in order that they may be paid these exorbitant pensions, notwithstanding they are already paid liberal salaries.

Mr. KITCHIN. Into what fund have these fees for licenses been paid heretofore, or are they now being paid?

Mr. JOHNSON of Kentucky. Into the general expense fund of the District of Columbia.

Mr. KITCHIN. They do not go into the special fund to help defray the expenses of the court?

Mr. JOHNSON of Kentucky. No; they do not.

Mr. KITCHIN. They go into the general fund.

Mr. JOHNSON of Kentucky. The Government now pays the expenses of the courts, pays the salaries of the judges; and, when these fines have been assessed and collected, they do not go toward paying the salaries of those judges, but they go into this pension fund. Now you propose to add to that sum every other cent collected in the District of Columbia in the way of license taxes, except liquor licenses.

Mr. MANN. Will the gentleman yield some time to me?

Mr. JOHNSON of Kentucky. I will yield to the gentleman from Illinois five minutes.

Mr. MANN. Mr. Speaker, this bill is a good illustration of a retirement bill. The proposition comes, first, for taking a small percentage from the pay which will provide a retirement fund, like the proposition for the teachers. I stated to the House the other day that when we promise to pay a pension or retirement out of a certain amount to be contributed by officials themselves, the amount will not be sufficient, as it never is in the bills provided; then they come in and say we have agreed to pay the retirement and we must make up the money in some way.

This bill provides for  $1\frac{1}{2}$  per cent to be deducted from the pay, but they know it will not be sufficient, because they have tried it. In the case of the teachers, they do not know, because they have not tried it. It is proposed to make up the deficiency by taking the money from some other source.

Mr. HULL of Iowa. Will the gentleman yield?

Mr. MANN. Yes.

Mr. HULL of Iowa. Does not the gentleman put the retirement fund of the police and fire department on a different basis than he does the teachers and other civilians?

Mr. MANN. As to whether they ought to be retired, that is another proposition. The gentleman from New York advocating the bill said that the teachers stood on the same basis. The fact is that in none of these cases will they get money enough on the original bill to pay the retirement provided for. They knew when the original bill was fixed what was authorized, and following that they scaled the amount down, and as soon as they scaled the amount down then they come up and another fund out of which to take the money.

Mr. KENDALL. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. KENDALL. Does the gentleman from Illinois say that if the revenues from these funds are insufficient there is any obligation on the part of the Government to make up the deficiency?

Mr. MANN. I insist that we ought not to make it up.

Mr. KENDALL. But the gentleman's contention is that they will come and ask us to do it.

Mr. MANN. Yes; as they are now coming and asking it to be done in this case. But when the original proposition was before Congress they were told that the amount provided for in the bill would not be sufficient to pay the sums which they proposed to pay. They said they would take their chances and that they would scale the amount to be paid, but as soon as it is scaled they come and want us to provide another fund from which the amount can be paid in full. They want an inexhaustible fund out of which they may pay the full amount which they originally got. When that amount was fixed it was the distinct understanding that it should only be paid to them in case the fund that was provided for by law would be sufficient to pay these retirements, and when it was not sufficient then they come and say you promised to pay us so much money, \$150 a month in some cases and \$50 in others, and having promised us that, you must make it up to us in some other way. There is absolutely no justice in that kind of a claim.

Mr. CARLIN. There is no man under this bill who receives as much as \$150 a month.

Mr. MANN. The gentleman has not read the bill. The chief engineer is to get \$150 a month, and the major and superintendent is to get \$150 a month.

Mr. CARLIN. But we have not any major. Nobody is pensioned at that sum.

Mr. MANN. There is nobody on the pension roll drawing any such sum of money now, because they are all scaled down, because the fund which they propose to contribute is not sufficient to pay the large retirements which they provided for. They ought to be willing to stand by the law which was passed at their request, and not insist that Congress shall provide another fund out of which it may be paid.

Mr. OLCOTT. Mr. Speaker, I yield two minutes to the gentleman from Virginia [Mr. HAY].

Mr. HAY. Mr. Speaker, I want to ask the gentleman from New York whether or not it is costing the United States

Government anything for this; whether any appropriation is made.

Mr. OLcott. No; it does not cost the United States Government anything. All the money that comes from fines goes into the District treasury and not into the Federal Treasury.

Mr. HAY. Where have these fines that are provided for in this bill been going heretofore?

Mr. THOMAS of Ohio. Into the National Treasury, to the credit of the District fund.

Mr. OLcott. Going to the District of Columbia.

Mr. MANN. We make the appropriations for the District, and the gentleman attempts to make a differentiation; but we are just as much the trustee for one fund as we are for the other.

Mr. OLcott. These are funds that are paid into the United States Treasury for the District of Columbia. It is one of the cases where there is not a partnership.

Mr. CLARK of Missouri. I would like to ask the gentleman a question. These license fees heretofore went into the fund of the District of Columbia.

Mr. OLcott. The police court fines and the dog licenses have always been part of this pension fund, and the Humane Society funds were paid to the Humane Society. That has been provided for in the bill that is now under consideration.

Mr. CLARK of Missouri. These other fees went into the general fund of the District of Columbia heretofore.

Mr. OLcott. That is quite true.

Mr. CLARK of Missouri. Now, then, if you subtract them from the District of Columbia funds, are you not mulcting the United States Government for just one-half that you subtract?

Mr. OLcott. No; you are not, because they went into the Treasury to the credit of the District of Columbia for the purpose of paying the police and fire pensions.

Mr. KITCHIN. Would not the taxpayers of the District of Columbia have to be mulcted with more? It would fall upon the taxpayers of the District.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and on a division (demanded by Mr. OLcott) there were—ayes 55, nays 77.

So (two-thirds not having voted in favor thereof) the motion was rejected.

#### RECESS.

Mr. PAYNE. Mr. Speaker, I move that the House do now take a recess until 8.30 o'clock to-night.

The motion was agreed to; accordingly (at 5 o'clock and 54 minutes p. m.) the House took a recess until 8.30 o'clock p. m.

#### EVENING SESSION.

At 8.30 o'clock p. m., the recess having expired, the Speaker called the House to order.

#### PENSION APPROPRIATION BILL.

Mr. KEIFER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 29157) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1912, and for other purposes, and agree to the Senate amendment.

The SPEAKER. Is there objection?

Mr. MACON. Mr. Speaker, I reserve the right to object.

The SPEAKER. The Clerk will report the Senate amendment.

The Clerk read as follows:

Page 2, strike out lines 11 and 12 and insert:

"For salaries of agents for the payment of pensions at \$4,000 each, \$72,000, or so much thereof as may be necessary."

The SPEAKER. Does the gentleman from Ohio yield to the gentleman from Arkansas?

Mr. KEIFER. For a question.

Mr. MACON. Mr. Speaker, I reserve the right to object.

Mr. KEIFER. Mr. Speaker, if the gentleman will permit me, I will state that there is but one amendment to this general pension appropriation, and that relates to the pension agencies. When the bill was brought in by me from the Committee on Appropriations to this House, it was brought in exactly as the bill is now amended so far as the appropriation for pension agencies is concerned. The bill as reported from the Committee on Appropriations provided for the salaries of 18 agents. The House amended that clause in the bill so as to appropriate for but one agency. Members of this House are familiar with the contest that has gone on through the last two or three Congresses over this very question. As far as I am concerned, I

have not changed my mind. I think the pension agencies should be reduced largely if not to one, but some of us have been in conference with conferees of the Senate over this question as much as three months at a time in this and past Congresses. My colleagues, the gentleman from Michigan [MR. GARDNER], and the gentleman from Mississippi [MR. BOWERS], and others have been on that committee of conference, and we have been in conferences frequently day and night. We have brought the question up to the last hour of the session—in the Fifty-ninth Congress, in its last session, in both sessions of the Sixtieth Congress, and in the second session of this Congress—up to the very last day and the last hour thereof, and the House has always had to yield upon the subject or the pension appropriation bill would fail. Now, I think that at this late period in the last session of this Congress and in the last hours thereof it is useless to send it to conference again. The agencies are just as they have been for a great many years. If the bill passes they will be continued, unless the President exercises the power he possesses in reference to discontinuing or consolidating some of these agencies. That he may do. I think there is no doubt about the legal power of the President to consolidate agencies or discontinue them, unless it be as to three or four that were originally directly created by law, which law fixed the place where the agency was to be located.

But most of these agencies have been created by executive order under a general law, and my understanding is, and I think it is the understanding of those who have looked into the question, that the President, having created most of these agencies, could discontinue them if he chose to do so. And I think now, under all the circumstances, the wise thing is to pass this bill. It appropriates for the payment of pensions alone \$153,000,000. Other appropriations in the bill are for the administration of the Pension Bureau and the agencies, and there is nothing unusual in the amount. The Senate neither increased nor decreased any money appropriation in the bill, except that the Senate amendment appropriates \$72,000, and the bill as it passed the House and as it went to the Senate appropriated but \$4,000. The salary of each pension agent is \$4,000, and if only that sum were appropriated, only one agent could be paid, and the agencies would therefore have to be consolidated into one agency.

Mr. MACON. Mr. Speaker—

Mr. KEIFER. I yield to the gentleman from Arkansas for a question.

Mr. MACON. Mr. Speaker, I do not care to ask any questions. I reserved the right to object to unanimous consent for another purpose, and I will be frank enough to give my reasons for it. I have been threatened by the passage of a bill to promote one Robert E. Peary until I have gotten to a point where I have concluded if this House has 40 or 60 minutes to give up to that gentleman in its closing hours that it ought to have time to consider everything else that is to be considered by it in the regular way under the rules. And it is my purpose to insist that, if we have time to spare to individuals such as I have mentioned, we must pursue the regular course in all matters coming before the House from now until the gavel falls and the Speaker announces the final adjournment of the Sixty-first Congress.

The SPEAKER. Is there objection to the request of the gentleman from Ohio [Mr. KEIFER]?

Mr. CAMPBELL. Of course I refer to the agency at Des Moines, Iowa. I wanted to abolish all of them but one.

Mr. KEIFER. He probably can not do that.

Mr. SULZER. I want to ask the gentleman from Ohio [Mr. KEIFER] a question.

Mr. KEIFER. I yield.

Mr. MANN. I was going to suggest, Mr. Speaker, that this is not a matter requiring unanimous consent.

The SPEAKER. Well, the gentleman asked unanimous consent to take the bill from the Speaker's table and concur in the Senate amendments.

Mr. SULZER. Has any change been made in the pension agency in New York?

Mr. KEIFER. Not a thing. Nothing has been done.

Mr. SULZER. That is all; I wanted to know about New York.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none—

Mr. GARRETT. Mr. Speaker—

SEVERAL MEMBERS. Regular order, Mr. Speaker.

The SPEAKER. And the amendments are agreed to.

Mr. GARRETT. I object, Mr. Speaker.

The SPEAKER. For what purpose does the gentleman rise? Has the gentleman just come in?

Mr. GARRETT. No, sir.

**THE SPEAKER.** After all, the vote was given before the gentleman objected, and the amendments are concurred in.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

**Mr. FOSTER** of Vermont. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 32866) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1912, to disagree to the Senate amendments, and ask for a conference.

**THE SPEAKER.** The gentleman from Vermont [Mr. FOSTER] asks unanimous consent to take from the Speaker's table the diplomatic and consular appropriation bill, to disagree to the Senate amendments, and ask for a conference.

**Mr. UNDERWOOD.** Mr. Speaker, I ask that the amendments be read.

The Senate amendments were read.

**THE SPEAKER.** The question is on agreeing to the motion of the gentleman from Vermont [Mr. FOSTER].

The motion was agreed to; and the Speaker announced as conferees on the part of the House Mr. FOSTER of Vermont, Mr. FASSETT, and Mr. HOWARD.

PRESIDENT'S MESSAGE.

The SPEAKER laid before the House the following message from the President of the United States:

*To the House of Representatives:*

In compliance with the resolution of the House of Representatives (the Senate concurring) of March 2, 1911, I return here-with House bill No. 26290, entitled "An act providing for the validation of certain homestead entries."

WM. H. TAFT.

THE WHITE HOUSE, March 2, 1911.

**Mr. MONDELL.** Mr. Speaker, I offer the following formal resolution (H. Con. Res. 64), which I send to the Clerk's desk and ask to have read:

The Clerk read as follows:

*Resolved by the House of Representatives (the Senate concurring),* That the action of the Speaker of the House and of the Vice President of the United States and President of the Senate in signing the enrolled bill (H. R. 26290) providing for the validation of certain homestead entries be, and the same is hereby, rescinded, and that the bill be reenrolled with the first word in section 2 changed from "That" to "That."

**THE SPEAKER.** Is there objection? There was no objection. The resolution was agreed to.

FORTIFICATIONS APPROPRIATION BILL.

**Mr. TAWNEY.** Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 32865) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, with Senate amendments, disagree to the Senate amendments, and ask for a conference.

**THE SPEAKER.** The Clerk will report the amendments.

The Senate amendments were read.

**Mr. MACON.** Mr. Speaker, I reserve points of order on the bill.

**THE SPEAKER.** The gentleman from Minnesota asks unanimous consent to take from the Speaker's table the fortification bill, disagree to the Senate amendments, and ask for a conference. Is there objection?

**Mr. MACON.** I object, Mr. Speaker.

**THE SPEAKER.** The gentleman from Minnesota is recognized.

**Mr. TAWNEY.** Mr. Speaker, I move to suspend the rules, disagree to the Senate amendments to the fortification bill, and ask for a conference.

**THE SPEAKER.** The gentleman from Minnesota moves to suspend the rules, disagree to the Senate amendments, and ask for a conference on the fortification bill.

**Mr. SHERLEY.** I demand a second.

**THE SPEAKER.** The gentleman from Kentucky demands a second. The gentleman from Minnesota [Mr. TAWNEY] is entitled to 20 minutes, and the gentleman from Kentucky [Mr. SHERLEY] is entitled to 20 minutes.

SEVERAL MEMBERS. Vote! Vote!

**Mr. TAWNEY.** Mr. Speaker, I have no desire to occupy any part of the time. There are only two amendments to this bill, and I am confident that if the House will adopt the motion which I have made, there will be no difficulty about a final agreement in conference.

**Mr. SULZER.** Will the gentleman state briefly what increases have been made in the Senate?

**Mr. TAWNEY.** There are no increases except one in regard to the Cape Henry project, and then there is one out in California. They have been on this bill many times before.

**Mr. MILLER** of Kansas. And they have always gone out.

**THE SPEAKER.** Does the gentleman from Kentucky desire time?

**Mr. SHERLEY.** I do not.

The question was taken, and (two-thirds voting therefor) the motion was agreed to; and the Speaker announced as conferees on the part of the House Mr. SMITH of Iowa, Mr. GRAFF, and Mr. SHERLEY.

MILITARY ACADEMY APPROPRIATION BILL.

**Mr. HULL** of Iowa. I call up the Military Academy bill (H. R. 32436) and ask unanimous consent to disagree to the Senate amendments, and ask for a conference.

**THE SPEAKER.** The gentleman from Iowa asks unanimous consent to take from the Speaker's table the Military Academy appropriation bill, disagree to the Senate amendments, and ask for a conference. The Clerk will report the Senate amendments.

The Senate amendments were read.

**THE SPEAKER.** Is there objection?

There was no objection; and the Speaker appointed as conferees on the part of the House Mr. HULL of Iowa, Mr. YOUNG of Michigan, and Mr. HAY.

FRANCHISES IN PORTO RICO.

The SPEAKER laid before the House the following message from the President (S. Doc. No. 855), which was read, and, with the accompanying documents, referred to the Committee on Insular Affairs and ordered to be printed:

*To the Senate and House of Representatives:*

As required by section 32 of the act of Congress approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith certified copies of franchises granted by the executive council of Porto Rico, which are described in the accompanying letter from the Secretary of War transmitting them to me. Such of these as relate to railroad, street railway, telegraph, and telephone franchises, privileges, or concessions have been approved by me, as required by the joint resolution of May 1, 1900.

WILLIAM H. TAFT.

THE WHITE HOUSE March 2, 1911.

TEMPORARY COMMITTEE ON ACCOUNTS.

The Speaker announced the appointment of Mr. HUGHES of West Virginia, Mr. CURRIER, and Mr. BARTLETT of Georgia as the temporary Committee on Accounts in pursuance of the statute.

VISITORS TO THE NAVAL ACADEMY.

The Speaker announced as visitors to the Naval Academy, Mr. ROBERTS, Mr. SLEMP, and Mr. PADGETT.

LEAVE TO WITHDRAW PAPERS.

By unanimous consent, at the request of Mr. WEEKS, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of Barton E. Gardner, Sixty-first Congress, no adverse report having been made thereon.

By unanimous consent, at the request of Mr. GRAHAM of Pennsylvania, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of William H. H. Bennett, Sixty-first Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. ASHBROOK, for the remainder of this session, on account of sickness.

LIGHTING CARS BY ELECTRICITY—CHANGE OF REFERENCE.

By unanimous consent, the Committee on the Post Office and Post Roads was discharged from the further consideration of the bill (H. R. 32617) to promote the safety of employees and travelers upon railroads by compelling common carriers in the Territories and the District of Columbia and those engaged in interstate commerce to equip certain of their cars with the means of lighting the same by electricity, and to so light them; and the same was referred to the Committee on Interstate and Foreign Commerce.

## AMENDING SECTION 996, REVISED STATUTES.

MR. PARKER. Mr. Speaker, I move to take from the Speaker's table House bill 18014 and agree to the Senate amendments.

THE SPEAKER laid before the House the bill H. R. 18014, an act to amend section 996 of the Revised Statutes of the United States as amended by the act of February 19, 1897, with Senate amendments.

The Senate amendments were read.

MR. PARKER. Mr. Speaker, these amendments are substantially the same as the bill we had in the House. The only difference is that they make it clear that the application is to be made to the court that orders the money deposited, and they add a proviso by which the court shall make a like order as to the money deposited before the passage of this bill.

THE SPEAKER. What is the gentleman's motion?

MR. PARKER. I move that the House agree to the Senate amendments.

The motion was agreed to.

## PROHIBITION OF SALE OF INTOXICATING LIQUORS TO INDIANS.

MR. CAMPBELL. Mr. Speaker, I move to suspend the rules and pass the following Senate bills with House amendments. The amendments are in the nature of a substitute, and I ask that the substitute be read.

The Clerk read as follows:

An act (S. 1881) to amend section 1 of an act approved January 30, 1897, entitled "An act to prohibit the sale of intoxicating drinks to Indians, providing penalties therefor, and for other purposes."

*Be it enacted, etc.*, That the act approved January 30, 1897, entitled "An act to prohibit the sale of intoxicating drinks to Indians, providing penalties therefor, and for other purposes," be amended to read as follows:

"SECTION 1. That any person who shall sell, give away, dispose of, exchange, or barter any malt, fermented, spirituous, or vinous liquor, including beer, ale, and wine, or any ardent or other intoxicating liquor of any kind whatsoever, or any essence, extract, bitters, preparation, compound, composition, or any article whatsoever, under whatever name, label, or brand, which produces intoxication, to any Indian a ward of the Government, under charge of any Indian superintendent or agent, or any Indian, including Pueblos and mixed bloods, over whom the Government, through its departments, exercises guardianship or jurisdiction, and any person who shall introduce or attempt to introduce into the Indian country or within an Indian reservation, or shall have in his possession, sell, give away, dispose of, exchange, or barter any malt, fermented, spirituous, or vinous liquor, including beer, ale, and wine, or any ardent or intoxicating liquor of any kind whatsoever, or any essence, extract, bitters, preparation, compound, composition, or any article whatsoever, under whatever name, label, or brand, which produces intoxication, within the Indian country or within an Indian reservation, including Indian pueblos, which term shall include any Indian allotment while the title to the same shall be held in trust by the allottee, without the consent of the United States, or who shall introduce or attempt to introduce or have in his possession, sell, give away, dispose of, exchange, or barter any malt, fermented, spirituous, or vinous liquor, including beer, ale, and wine, or any ardent or intoxicating liquor of any kind whatsoever, or any essence, extract, bitters, preparation, compound, composition, or any article whatsoever, under whatever name, label, or brand, which produces intoxication, in or upon an Indian reservation, Indian settlement, or Indian school within the United States, shall be punished by imprisonment for not less than 60 days and by a fine of not less than \$100 for the first offense and not less than \$200 for each offense thereafter: *Provided, however*, That the person convicted shall be committed until fine and costs are paid. But it shall be a sufficient defense to any charge of violation of the provisions of this law that the acts charged were done by order of or under authority from the Interior Department or any officer duly authorized thereto by the Interior Department.

"SEC. 2. That so much of the act of the 23d day of July, 1892, as is inconsistent with the provisions of this act is hereby repealed.

"SEC. 3. That when the surplus lands of any Indian reservation are opened to settlement hereafter, the lands allotted, those retained or reserved, and the surplus land sold, set aside for town-site purposes, granted to the State, or otherwise disposed of, shall be subject for a period of 25 years to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country."

THE SPEAKER. Is a second demanded?

MR. SHERLEY. Mr. Speaker, I demand a second.

THE SPEAKER. Under the rule a second is ordered, and the gentleman from Kansas is entitled to 20 minutes and the gentleman from Kentucky to 20 minutes.

MR. CAMPBELL. Mr. Speaker, the purpose of this legislation is to amend the act of June 30, 1897. In section 1 of that act we strike out the word "any" and insert "whatever." We strike out "to whom allotment of land has been made while the title to the same shall be held in trust by the Government or to any Indian." And we insert the words "Pueblos and."

We also insert for jurisdiction "into the Indian country," and "or any essence, extract, bitters, preparation, compound, composition, or any article whatsoever and of whatever name, label, or brand which produces intoxication in the Indian country or within an Indian reservation, including Indian pueblos."

We also add "or who shall introduce or attempt to introduce or have in his possession, sell, give away, dispose of, exchange, or barter any malt, fermented, spirituous, or vinous liquor, including beer, ale, and wine, or any ardent or intoxicating liquor of any kind whatsoever, or any essence, extract, bitters, preparation, compound, composition, or any article whatsoever, under whatever name, label, or brand, which produces intoxication in or upon an Indian reservation, Indian settlement, or Indian school within the United States."

We strike out "introducing or attempting to introduce ardent spirits, ale, beer, wine, or intoxicating liquors into the Indian country" and insert "violation of the provisions of this law."

We insert "by order of" and strike out "in writing." Strike out "War" and insert "Interior." We do that in two instances in that section.

MR. MANN. Will the gentleman yield for a question?

MR. CAMPBELL. Yes.

MR. MANN. I notice that the committee amendment makes a differentiation between an Indian reservation and the Indian country. I had always supposed that the "Indian country" included the "Indian reservation." Now, just what does the Indian country include if it does not include the Indian reservation?

MR. TAWNEY. It includes the entire cession. The whole State of Minnesota would be an Indian country.

MR. BURKE of South Dakota. I will state that under the recent laws that have been passed for the disposition of Indian reservations there has been a provision in the law the same as section 3 in this bill, providing that liquor shall not be introduced into that country for 25 years, and extending to that country the laws relating to the sale of intoxicating liquor to Indians, and the term "Indian country" would be such country notwithstanding there is no reservation. That is, it is not a reservation any longer after it is broken up.

MR. MANN. Very well; but is not the Indian reservation included in the Indian country?

MR. BURKE of South Dakota. It may be.

MR. MANN. Is not it always?

MR. BURKE of South Dakota. It is an Indian reservation yet.

MR. MANN. Then, the moment you in law make a differentiation between the Indian country and the Indian reservation, what then is included in the Indian country? It can not be presumed by a court.

MR. BURKE of South Dakota. It may be an Indian country and not an Indian reservation.

MR. MANN. That may be true, but it can not be an Indian reservation and not be Indian country.

MR. TAWNEY. Yes, it can, under the decision of the Supreme Court of the United States.

MR. MANN. The term "Indian country" includes "Indian reservations."

MR. TAWNEY. It includes it.

MR. MANN. That weakens the law.

MR. SHERLEY. How do we get jurisdiction in the matter?

MR. CAMPBELL. By reserving it in the titles of the land. It has been the practice for many years to stipulate in the deed to lands in Indian reservations that intoxicating liquors may not be sold upon these lands for a long period, say 25 years.

MR. SHERLEY. I understand that, but there is nothing here to show that the Indian country is such country where such restriction has been reserved or where the Federal Government has any control or jurisdiction.

MR. CAMPBELL. Well, of course, it is confined to any country where the Federal Government has legislative jurisdiction...

MR. SHERLEY. It may or may not be. If you pass a law that is wider than the power of the Government, you can not by judicial construction narrow it so as to make it legal. Your whole law fails.

MR. CAMPBELL. We could not pass a law here that would apply to any territory or country within the sole jurisdiction of a State in matters which are subjects for legislation by the States and not within the legislative jurisdiction of the Congress of the United States.

MR. SHERLEY. I understand, but if you attempt to do it you may make your law invalid, even as to that territory that is subject to your jurisdiction.

MR. CAMPBELL. The intention of section 3 is that it shall prohibit the sale of liquor upon any Indian lands deeded by the United States for a period of 25 years.

MR. TAWNEY. Mr. Speaker, I desire to ask the gentleman from Kansas a question.

MR. CAMPBELL. Yes.

Mr. TAWNEY. Under this provision, land that may have been ceded by the Indians to the General Government 50 years ago, the title to which has since passed into private ownership, is yet known in law as Indian country; and it is under exactly such provisions as this that only a few months ago the Indian Bureau attempted to control the exercise of the police powers of the State of Minnesota and nullify the revenue laws of that State as applied to all or seven-eighths of the State of Minnesota, because the land had been ceded by the Indians to the General Government and then transferred to the State, and the title has since passed to individuals. But, notwithstanding that fact, in contemplation of law it remains Indian country.

Mr. BUTLER. Indian country? Are there any Indians there?

Mr. TAWNEY. Under the treaty of 1851, whereby almost one-half of the State of Minnesota was ceded to the General Government, there was a provision against the introduction of any intoxicating liquors of any kind in the Indian country. And if it had not been for the fact that there was a provision in the act of 1863 which repealed all obligations assumed by the Government to the Sioux Indians in consequence of the outbreak of 1862, the Indian Bureau, although there is not an Indian in that part of the State, or has not been for more than a quarter of a century, over which the Government has jurisdiction, would have enforced that provision.

#### ALLOTMENTS OF NEK-QUEL-E-KIN AND OTHERS.

The SPEAKER laid before the House the bill (H. R. 32251) authorizing the sale of the allotments of Nek-quel-e-kin, or Wapato John, and Que-til-qua-soon, or Peter, Moses agreement allottees, with the title amended.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend the title so as to read:

"An act authorizing the sale of portions of the allotments of Nek-quel-e-kin, or Wapato John, and Que-til-qua-soon, or Peter, Moses agreement allottees."

The Senate amendment was agreed to.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Curtis, one of its clerks, announced that the Senate had passed the following resolution:

*Resolved*, That the bill from the House of Representatives (H. R. 32251) entitled "An act authorizing the sale of the allotments of Nek-quel-e-kin, or Wapato John, and Que-til-qua-soon, or Peter, Moses agreement allottees, do pass with the following amendment to the title:

Amend the title so as to read: "An act authorizing the sale of portions of the allotments of Nek-quel-e-kin, or Wapato John, and Que-til-qua-soon, or Peter, Moses agreement allottees."

#### PROHIBITING SALE OF INTOXICATING DRINKS TO INDIANS.

The House resumed consideration of the bill S. 1981, as follows:

Mr. TAWNEY. Mr. Speaker, I want to say just one word more. Recently the President of the United States advocated that provision in all the treaties that he was authorized to act upon. There still remain two treaties, the treaty of 1855 and the treaty of 1863, ceding a large tract of land to the Government which has passed into private ownership, where there are no Indians and where the country is settled up, and where there are many prosperous cities and towns in the Territories, and this provision would again declare the country to be Indian country and make more stringent than the law is to-day the matter of transportation of beer or intoxicating liquors of any kind into that country for the use of anybody. It was only a short time ago, under a similar provision of this kind, where the railroad and express companies refused to take alcohol to the northern part of the State in order to supply hospitals, because they were informed if they did so they would be violating this general provision of law.

Mr. CAMPBELL. Mr. Speaker, the purpose is to make this law applicable only to Indian country inhabited by Indians and such country as was not included within the treaties abrogated by the President of the United States. It applies only to lands under the control of the Congress of the United States, because they are Indian lands, inhabited by Indians.

Mr. TAWNEY. The term "Indian country" ought to be defined in any law, because under the construction to-day anything that has been ceded to the Government of the United States by the Indians, no matter where it is situated, if it was half a century ago, is still held by the courts to be "Indian country."

Mr. STEPHENS of Texas. Might it not be well to add an amendment here, striking out the words "Indian country" and let this apply to Indian reservations alone?

Mr. CAMPBELL. Mr. Speaker, I had not supposed that anyone would raise the question that this would apply only to lands peculiarly under the control and legislative jurisdiction of the United States because it was Indian country. I do not object to the proposition that it shall apply to Indian reservations.

Mr. MANN. Is there any land of that sort that is not included in an Indian reservation?

Mr. CAMPBELL. None whatever.

Mr. MANN. Then it could be assumed, when the gentleman says "Indian country" that he means something outside, which nobody yet has ever defined, I think.

Mr. CAMPBELL. The intent of section 1 of this bill is to have this legislation apply only to the country within an Indian reservation.

Mr. STEPHENS of Texas. Then I suggest to the gentleman that he move to strike out that objectionable language.

Mr. CAMPBELL. Mr. Speaker, I ask unanimous consent that the words "Indian reservation" be substituted for the words "Indian country."

Mr. STAFFORD. Just strike out the words "Indian country." That would be sufficient.

Mr. CAMPBELL. Yes; I suggest to strike out the words "Indian country."

The SPEAKER. The gentleman from Kansas [Mr. CAMPBELL] asks unanimous consent to modify the amendment. The Clerk will read the modified amendment:

The Clerk read as follows:

On page 5, line 8, and on page 6, line 16—

Mr. MANN. And on page 5, line 1—

The Clerk resumed the reading, as follows:

And on page 5, line 1, strike out the words "Indian country" and insert the words "Indian reservation."

Mr. MANN. Strike out "Indian country or within."

Mr. BURKE of South Dakota. Just a moment. Mr. Speaker, if the gentleman from Wisconsin is going to use any time we can perfect this language in the meanwhile.

Mr. STAFFORD. Will the gentleman from Kentucky [Mr. SHERLEY] use some time?

Mr. CAMPBELL. Mr. Speaker, I reserve the balance of my time.

The SPEAKER. Will the gentleman from Kansas [Mr. CAMPBELL] or the gentleman from Minnesota [Mr. TAWNEY] or the gentleman from Illinois [Mr. MANN], one or all, please specify what the amendments are to be?

Mr. MANN. The first amendment is on the bottom of page 4 and on page 5, to strike out the words "Indian country or within," so that it would read "within an Indian reservation"; and on line 8 strike out the words "Indian country or," so that it would read "within an Indian reservation."

Mr. BURKE of South Dakota. I will ask the gentleman from Illinois what about the lands where the laws governing the sale of liquor have been extended and yet the lands are not within an Indian reservation?

Mr. MANN. This would not affect the laws already in existence on the subject.

Mr. TAWNEY. All lands included in States not included in Indian reservations are under the control of the States, and the State laws relating to the sale and introduction of intoxicating liquors apply to what is termed "the Indian country."

Mr. CAMPBELL. Now, Mr. Speaker—

The SPEAKER. The Clerk will report the proposed modification.

The Clerk read as follows:

Beginning with the last word on page 4 strike out the words "the Indian country or within," so that it will read "introduced into an Indian reservation," etc.

And on page 5, line 8, strike out the words "within the Indian country or," so that it will read "within an Indian reservation," etc.

The SPEAKER. Does the gentleman from Kansas reserve the remainder of his time?

Mr. CAMPBELL. I reserve the remainder of my time, Mr. Speaker.

The SPEAKER. Without objection the modification will be agreed to. The gentleman from Kentucky is recognized.

Mr. SHERLEY. Mr. Speaker, I yield 15 minutes to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. Mr. Speaker, the main objection to this bill has been pointed out by the gentleman from Minnesota and has been remedied by the proposed amendment, consented to by the gentleman from Kansas [Mr. CAMPBELL].

I sympathize with the purpose of the bill so far as it extends the law that has heretofore existed on the statute books, for-

bidding the sale of alcoholic and fermented liquors to Indians, so as to include those other alcoholic and intoxicating drinks that have been sold under the disguise of patent medicines. I think the House should have its attention called to the fact that this bill will stop a very bad practice that has been indulged in in times gone by, in having Peruna and other alcoholic beverages under the guise of patent medicines sold by bootleggers to the Indians.

Mr. BURKE of South Dakota. I should like to know from the gentleman if, in his opinion, we could stop the sale of Peruna, would it increase the demand for beer? [Laughter.]

Mr. STAFFORD. Mr. Speaker, I think it would be much better to increase the demand for beer in place of Peruna, because all enlightened people recognize the fact that beer is much more a temperance beverage than such concoctions as Hostetter's Bitters, Peruna, and the like, which some people advocate as temperance beverages. [Laughter.]

There is another section of the bill which should meet with opposition, and that is section 3, which seeks to put into the substantive law a restraint that on all Indian reservations open to settlement in the future no intoxicating liquors of any kind shall be sold for 25 years. The attention of the House has been directed heretofore to the fact that such an amendment would work hardship as against the internal policy of the local community, where the sentiment might be overwhelmingly in favor of license or other forms of regulation of the liquor traffic. Instances were cited in South Dakota where, when that State was under a prohibitory law under the constitution, such a provision was enacted, and when the State repealed the prohibitory law it found itself unable in these constituencies to have their will enacted into law so as to have a different regulation for the liquor traffic which would be more satisfactory to the people of those communities.

We all agree that the Indians should not be supplied with liquor. We do not wish them to be tempted with liquor in any way, because we know that when an Indian has liquor in him, he is one of the worst enemies of civilization; but here we are trying to dictate and determine the internal policy of those localities that may be established when the Indian reservations are open to settlement. This innocent-looking measure that was introduced here would have circumvented the purpose of the President in extending the liquor laws to that Indian territory in Minnesota which has been open to settlement for many years, and where liquor has been sold for a long time.

So I wish to say that the measure, while not as objectionable as it was, since the words "Indian country" have been stricken out, is still objectionable in trying to fasten upon local communities an internal policy for 25 years, regardless of whether there are any Indians living there or not.

Mr. SHERLEY. Mr. Speaker, this bill is a very good illustration of the danger of legislating under suspension of the rules. As originally presented to the House it had in it a term that no Member of this House is able to define with legal accuracy or even with practical accuracy. The gentleman from Kansas [Mr. CAMPBELL], when asked what was meant by the phrase "Indian country," was evidently embarrassed, and gave an answer that may have been satisfactory to him, but which I am sure was not enlightening to any of the rest of us, and I say that with all deference to the gentleman's ability. But there was the use of a phrase that might have in it, as pointed out by the gentleman from Minnesota, very great evils. Now that has been corrected by the suggested amendment. But I call attention to section 2, which undertakes to repeal a specific law supposed to be in conflict with this law. Yet, since that law was enacted we have codified all the penal laws of the United States into a code. I am not prepared to say from memory, and I doubt if the gentleman from Kansas is prepared to say from memory, whether or not we did not repeal this law at the time we adopted the penal code, and whether there may not be now in that code a law in conflict or hostile to the one we are asked to enact to-night. In other words, it is impossible in these closing days, with 20 minutes' debate on a side with the bill not open to amendment, except by unanimous consent, to properly consider legislation of any intricacy.

The third section, as stated by the gentleman from Wisconsin, is, to my mind, exceedingly wrong in principle. I do not suppose there is a man in the House who is not desirous of doing whatever may be necessary to protect the Indians against the sale and use of intoxicating liquors. We need not have any fear but what Congress will always be ready, willing, and anxious to legislate for that purpose. Here is an attempt not

only to do that but to carry into the State for a period of 25 years prohibition laws that may apply to others than the Indians—in point of fact may apply over a territory where there are no Indians.

Mr. BURKE of South Dakota. Will the gentleman yield for a suggestion?

Mr. SHERLEY. Yes.

Mr. BURKE of South Dakota. Is the gentleman aware of the fact that this act applies to a country that is now only settled by Indians, and that the settlers who go in, go in with full knowledge of these conditions? I want to call the gentleman's attention to one suggestion, that before the surplus lands are disposed of the Indians are allotted, the title is held by the Government in trust for 25 years. Consequently, throughout that country there will be Indians residing for the next 25 years. The purpose of this legislation is to extend the laws that now apply to the Indian country to these lands to protect the Indians who will be residents there for 25 years.

Mr. SHERLEY. If the gentleman's statement of fact in the next 25 years is correct, and I have no doubt it is as accurate as any man's prophesy as to 25 years, there might be some justification to enact the law as it reads and permits the fastening on the community of certain laws relative to the sale of intoxicating liquors. They may or may not be in harmony with the laws of that part of the State or the State at large.

Mr. BURKE of South Dakota. There is no community except the Indians there at this time.

Mr. SHERLEY. I understand, but it does not follow that when the Indian lands are sold that there will necessarily be Indian residents intermingled.

Mr. BURKE of South Dakota. Oh, yes.

Mr. SHERLEY. The gentleman thinks so, but I do not.

Mr. BURKE of South Dakota. Every bill that we have passed within the last few years relating to surplus land in Indian reservations has contained this provision.

Mr. SHERLEY. Well, I would not say the fact that we have done anything in the past was necessarily evidence of its wisdom. It may or may not be, but I call attention to these questions, questions that I can only touch upon, and I ask this House whether it feels warranted in this way to legislate on a subject as important as this.

Mr. MANN. Will the gentleman yield?

Mr. SHERLEY. Certainly.

Mr. MANN. This is a Senate bill, and House amendments propose to strike out all after the enacting clause. The House amendment is very different from the original Senate bill. If we vote for the House amendment on the gentleman's motion, can he be assured that it goes that way or not at all at this late time in the session?

Mr. CAMPBELL. I think I violate no confidence when I say that if this bill passes the House that the Senate will agree to the bill as it passes the House. And if they do not, we shall not consent to a conference.

Mr. MANN. If the Senate amends it and it comes back here, will the gentleman attempt to concur in the Senate amendment?

Mr. CAMPBELL. No.

Mr. MANN. Or ask for a conference?

Mr. CAMPBELL. No; I shall not, and I am sure my colleagues will not attempt to legislate in conference on this subject.

Mr. SHERLEY. Mr. Speaker, that is just another illustration, to my mind, why we should not pass this bill. The Senate in these closing hours can not possibly consider with any deliberation the House amendment, which is practically fundamental, and it is asking a good deal of Congress to take up this matter in this way and pass upon it. I have called attention to this, not that I have any particular interest in this legislation, for I am not familiar with much of the law pertaining to Indians in Indian reservations, but the reading of the bill demonstrated its far-reaching effects; and it seemed to me, in the absence of anyone on this side of the House explaining the matter, it was of sufficient importance to ask the House to pause for a moment before passing it. Having now performed what I feel to be my duty, I am willing to leave it to the judgment of the House.

Mr. CAMPBELL. Mr. Speaker, just a word. So far as section 3 is concerned, we are simply providing in a general law what we have been providing in special laws in the opening of every Indian reservation for the sale of Indian lands. We have provided that the deeds should contain a provision that intoxicating liquors should not be sold on these lands for a period of 25 years. Now, so far as the intention of this law is concerned,

the gentleman from Wisconsin has well stated it, and the Secretary of the Interior, in his letter, says this:

If the bill is amended as suggested—

And that is the amendment that the House has made—and enacted into law, it will materially aid this department in suppressing the liquor traffic among the Indians. I therefore respectfully request that this legislation receive the early and favorable consideration of the Congress.

This was dated January 24, 1911.

Mr. STEPHENS of Texas. Is it not a fact that one of the main reasons why this bill should pass is on account of the bitters, such as Peruna and various other articles, that are used as intoxicants by the Indians?

Mr. CAMPBELL. That is one of the purposes of this bill.

Mr. STEPHENS of Texas. And it is desirable to prevent that; and another thing is that the Pueblo Indians in New Mexico and Arizona have never been protected heretofore and have not come under the laws regulating the sale of intoxicating liquors to Indians.

Mr. CAMPBELL. That is true.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

MAKING ST. ANDREWS, FLA., A SUBPORT OF ENTRY.

Mr. MAYS. Mr. Speaker, I move to suspend the rules, discharge the Committee of the Whole House on the state of the Union from further consideration of the bill (S. 10559) to designate St. Andrews, Fla., as a subport of entry, consider the same in the House as in Committee of the Whole, and pass the same.

The Clerk read the bill, as follows:

*Be it enacted, etc.* That St. Andrews, in the State of Florida, is hereby made a subport of entry in the district of Pensacola, and the necessary customs officers may, in the discretion of the Secretary of the Treasury, be stationed at said subport with authority to enter and clear vessels, receive duties, fees, and other moneys, and perform such other services as in his judgment the interests of commerce may require, and said officers shall receive such compensation as he may allow.

The SPEAKER. Is a second demanded?

Mr. CLAYTON. I demand a second.

The SPEAKER. Under the rule, a second is considered as ordered. The gentleman from Florida is entitled to 20 minutes, and the gentleman from Alabama to 20 minutes.

Mr. CLAYTON. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The rules have not yet been suspended, and the bill is not up for consideration. The question is on suspending the rules.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended.

The SPEAKER. The bill is now before the House for consideration as in Committee of the Whole. Without objection the further reading of the bill will be dispensed with.

There was no objection.

Mr. CLAYTON. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

In line 3, page 1, strike out the words "St. Andrews" and insert in lieu thereof "the port of St. Andrews Bay."

Mr. CLAYTON. Mr. Speaker, I hope the gentleman from Florida [Mr. MAYS], who has made this motion, will agree to this amendment. I recognize the fact, Mr. Speaker, that the two Senators from Florida are in favor of this bill in its present form. But, Mr. Speaker, I must say that the amendment seeks to meet a peculiar situation there at St. Andrews Bay, and, in my judgment, would be fair to all the parties now engaged in a controversy over this particular wording of this particular bill. The controversy arises because of the fact that there are located on St. Andrews Bay, in the State of Florida, several towns. Among these towns are Panama City, St. Andrews, and Millville. This bill is so worded as to make a subport at the town of St. Andrews. The matter of sending officers there to meet the requirements in the case of a subport of entry is left in the discretion of the Secretary of the Treasury. The amendment which I have offered, instead of making the town of St. Andrews the port of entry, makes the port of St. Andrews Bay the port of entry. The nearest port of entry to that part of Florida at the present time is Apalachicola.

Now, the proposition that I offer in no wise militates against the bill, in no wise against the establishment of a port of entry there, but simply enlarges the port of entry by striking out the

words "St. Andrews," which is the town of St. Andrews, and substitutes therefor "the port of St. Andrews Bay."

Mr. Speaker, we have cases analogous to this. We have one directly in point, and that is the Port Tampa port of entry, Florida. There were rival towns there and each one seeking to have the port of entry at the particular town, so that Congress wisely settled that matter satisfactorily to the Treasury Department, satisfactorily to the public business, and satisfactorily to the citizens there, and satisfactorily to the diverse interests in the matter of location. I call attention to the act of February 28, 1887. There, as I understand, Tampa and one or more other towns sought to have a bill passed which was framed exactly as this bill is, in the interests of a certain town, as this bill is framed in the interests of the town of St. Andrews. It was finally, I believe, upon the suggestion of either a Representative or a Senator from Florida, passed in this form:

*Be it enacted, etc.* That the port of Tampa, Hillsboro County, Fla., be, and the same is hereby, made a port of entry.

So that, instead of locating the port of entry at the city of Tampa, or some other town on Tampa Bay, Congress wisely and justly to all those locally concerned, made the whole bay there a port of entry.

Now, that is all that the amendment that I have offered seeks to do. I do not seek to defeat the passage of the bill making a port of entry there, for, except the gentleman from Florida, no man in this House has a constituency so vitally interested in the establishment of a port of entry down on St. Andrews Bay as mine. Under an appropriation made more than a year ago, and with which I had a good deal to do, a canal 5 miles long, opening the Apalachicola-Chattahoochee system of rivers into St. Andrews Bay was provided for, and this present Congress has appropriated another \$150,000 for that canal work. So when this canal is completed, the commerce of the district that I have the honor to represent, as well as a large part of the commerce of the entire valley in this system of rivers that I have named, will be greatly facilitated and benefited.

The SPEAKER. The time of the gentleman has expired.

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent for two minutes more.

The SPEAKER. Is there objection? [After a pause.] There is no objection.

Mr. CLAYTON. Mr. Speaker, the bill as I propose to amend it, will follow the case of Port Tampa, and instead of reading as it does, namely, "St. Andrews, in the State of Florida, is hereby made a port of entry," it will read: "That the port of St. Andrews Bay, in the State of Florida." So that vessels may clear anywhere on the bay, and so that no town on that bay will have the advantage, the one over the other, and so that vessels may be cleared at the terminus of the railroad, which is at Panama City.

There is no railroad at St. Andrews Bay at this time. But, Mr. Speaker, I have no desire to defeat the making of a port of entry on St. Andrews Bay, and I ask the gentleman again to accept this amendment, and that this House, at the request of a number of people interested in it there, and in the interest of commerce, and in all fairness and justice will vote to make the whole of St. Andrews Bay a port of entry instead of singling out one of the towns.

I have here a number of letters and telegrams which I have received on the subject that I shall ask leave to read.

Mr. MAYS. Mr. Speaker, I sincerely hope that the amendment offered by the gentleman from Alabama [Mr. CLAYTON] will not prevail. If it does, it means, sir, the killing of the bill at once. This is merely a local matter, concurred in by the Florida Senators and the Members from that State, for the convenience of the shipping public at St. Andrews Bay, where, through the generosity of this House, a magnificent port is being established. I do hope, sir, that the request of these people from the town that is right at the pass on St. Andrews Bay will be granted and that this bill will be passed as it has been passed by the Senate.

I need not tell you, sir, that nine-tenths of the people in that section are in favor of this bill as it is. I need not tell you, Mr. Speaker, that St. Andrews will be one of the best harbors in the South when the pass is dug out and dredged out and the work completed, for which the money is already appropriated, to a depth of 22 feet inside of the harbor, where, sir, there will be room and depth for the navies of the world. And I ask the Members of this House, in fairness to the delegation from Florida, that they vote down this amendment and pass this bill as it is.

Mr. FORDNEY. Will the gentleman yield?

Mr. MAYS. Yes; I yield to the gentleman from Michigan.

Mr. FORDNEY. Mr. Speaker, this bill is a Senate bill, and the report accompanying it contains a report from the Secretary of the Treasury stating that he has no objection to the establishment of this subport of entry.

There are 16 towns or villages and post offices on St. Andrews Bay. There is a railroad within three-eighths of a mile of St. Andrews Bay, but the terminus of the road is at Panama. At Panama it is necessary to go out into the bay 1,300 feet in order to get 8 feet of water, while at St. Andrews Bay 30 feet of water can be obtained at a distance of 300 feet from the shore.

I have telegrams here from people living at St. Andrews Bay, Millville, Southport, Parker, and Wetappo. The 16 towns on the bay are all in favor of this location on St. Andrews Bay, with the exception of the people of Panama. There are 675 people at St. Andrews Bay; there are 422 people at Panama. The heft of the lumber manufactured on St. Andrews Bay is west and north of St. Andrews. The Government is expending at the present time \$203,560 in dredging the deep-water channel in St. Andrews Bay, but there is deep water down the bay below St. Andrews and below Panama for a distance of two miles and a half, where the Government work will cease. The only parties objecting to the establishment of this port of entry at St. Andrews Bay are people who have some interest in a real-estate scheme at Panama. That is all there is about it, Mr. Speaker. [Applause.]

Mr. CLAYTON rose.

The SPEAKER. The gentleman from Alabama is recognized.

Mr. CLAYTON. I want to say, Mr. Speaker, that according to the telegrams and letters that I have received, the only people who have been interested in getting this bill through the Senate, and without letting it be known at home that the bill was introduced, are a lot of people interested in booming real estate at St. Andrews. [Laughter and applause.]

Let us adopt this simple and just amendment, and the Senate can to-night or to-morrow or Saturday concur in the amendment, and the bill making the port of St. Andrews Bay a port of entry will be a law.

It is for the purpose of letting the people of St. Andrews and the people of Panama fight out their own real estate situation that I ask this House to put them upon an equality.

Mr. FORDNEY. I had no intention whatever of referring to the gentleman from Alabama when I spoke of real estate speculators.

Mr. CLAYTON. Certainly not. I am sure that the gentleman, like myself, owns no real estate in Florida.

Mr. FORDNEY. Oh, no.

Mr. CLAYTON. Neither one of us owns any real estate in Florida. At least I do not, and I have not had money enough since I have been in Congress to buy any real estate there. Mr. Speaker, I ask to read certain telegrams relating to this subject.

The SPEAKER. Is there objection?

There was no objection.

Mr. CLAYTON. Some of the telegrams are as follows:

PANAMA CITY, FLA., February 23.

Hon. H. D. CLAYTON,  
Washington, D. C.:

Panama City citizens and many others wired a formal protest to Panama to-day to be presented to House. Please see that. St. Andrews is not a logical point. For the customs office or officers to transact the business of this bay at that point would require from 11 to 15 miles travel over and above what would be required if the office was at the terminus of the railway where all commerce is now handled. It is a special-interest proposition solely. Ninety-nine one-hundredths of the population of St. Andrews country, as well as railway point affected, are opposed to such personal legislation; this includes such large shipping points as Millville, Panama City, Southport, Eastbay, canal points. All commerce passing through that canal, which includes that of southeast Alabama and southwest Georgia, Columbus, Albany, Eufaula, and others, would be disastrously affected by the delay incident to having to enter and clear at St. Andrews, a point entirely out of the way of such commerce. The bill is a most preposterous one, and the attempt to smuggle it through Congress without investigation or a hearing of those concerned is an outrage.

ALTO WILLIAMS,  
G. M. WEST,  
A. J. GAY,  
G. H. MCKENZIE,  
W. F. LOOK.  
(And 80 others).

PANAMA CITY, FLA., February 23.

Hon. H. D. CLAYTON,  
House of Representatives, Washington, D. C.:

Please aid in defeating the bill now in the House making St. Andrews the subport of entry for St. Andrews Bay. This bill is solely in the interest of private parties and is highly damaging to marine and commercial interests. Custom office should be always at terminal.

MARVIN ADAMS.

PANAMA CITY, FLA., February 24, 1911.

Hon. H. D. CLAYTON,  
Washington, D. C.:

Strong request sent MAYS to-night to recommit and give towns on St. Andrews Bay a hearing. River towns greatly interested. When canal is opened they should also be here. Marine interests demand that railroad terminus here be made the location of custom officer. Please keep us advised.

A. L. WILLIAMS.  
R. L. MCKENZIE.  
G. M. WEST.  
A. J. GAY.  
W. F. LOOK.

PANAMA CITY, FLA., February 23, 1911.

Hon. H. D. CLAYTON,  
Washington, D. C.:

All traffic moving from this day has and will continue to pass through Panama City. No just reason to locate customs house at St. Andrews. No industries on transportation lines at St. Andrews. This is and will be the business center of this section.

R. R. POWERS.

PANAMA CITY, FLA., February 23, 1911.

H. D. CLAYTON,  
House of Representatives, Washington, D. C.:

Please aid MAYS in defeating the bill making St. Andrews a subport of entry for the commerce of St. Andrews Bay and other interested points. Marine interest as well as mercantile interest demands that the customs officer be located at the terminus of the railway, which is the most proper place for such an official.

R. L. MCKENZIE,  
Representing Washington County.

PANAMA CITY, FLA., February 23, 1911.

Hon. H. D. CLAYTON,  
House of Representatives, Washington, D. C.:

Please enter protest of town of Panama City against the bill making St. Andrews the subport of entry for St. Andrews Bay points regardless of the wishes of this city. The location cited in the bill is an improper one in all ways; it in no way meets the requirements of the present or future commerce of this bay.

PANAMA CITY COUNCIL,  
By G. J. MCKENZIE, President.  
J. J. WARD, Clerk.

PANAMA CITY, FLA., February 23, 1911.

Hon. H. D. CLAYTON,  
Washington, D. C.:

Please use your best efforts in opposition to the bill making St. Andrews a subport of entry for St. Andrews Bay points and those on the rivers reached by the canal. St. Andrews is miles away from where the commerce is or will be carried on, and in no way a proper location for the customs officer. See petition wired you by citizens.

A. L. WILLIAMS.

PANAMA CITY, FLA., February 23, 1911.

Hon. H. D. CLAYTON,  
Washington, D. C.:

Please enter protest against bill making St. Andrews the subport of entry for St. Andrews Bay and other commerce. The location of St. Andrews precludes it being made such a port. The bill is solely in the interest of private parties, and has no connection with the interest of the public.

E. W. PICKENS.

PANAMA CITY, FLA., February 23.

H. D. CLAYTON,  
House of Representatives, Washington, D. C.:

In behalf of the people of St. Andrews Bay and those working to secure cheaper and more efficient transportation for the river cities of Alabama and Georgia, I would most respectfully request that you do all in your power to prevent the passage of the bill making St. Andrews a subport of entry. For St. Andrews Bay and other interested points it is a most damaging proposition to marine and commercial interests.

PANAMA CITY PILOT.

PANAMA CITY, FLA., February 23.

Hon. H. D. CLAYTON,  
Washington, D. C.:

As the representative of the mercantile interest of Panama City and other bay points, I would request that you protest vigorously against the passage of the bill making St. Andrews a subport of entry. It in no way furnishes the requirements for the location of a custom officer.

GEO. F. HARTSFIELD.

The SPEAKER. The question is on the amendment.

The amendment was rejected.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

INTERNATIONAL GOOD ROADS CONGRESS.

Mr. SULZER. Mr. Speaker, one of the most important conventions ever held in this country will be the International Good Roads Congress, which has been called by the National Good Roads Association, which will be held in Chicago, Ill., September 18, 19, 20, 21, 22, and 23, 1911. The appointment of delegates is invited by the officials of every State, county, and city

of the United States, and by every agricultural, automobile, commercial, educational, good roads, industrial, labor, transportation, and woman's organization in such number as each may determine.

For years, Mr. Speaker, I have been an earnest advocate of good-road building. It is sure to come, and I shall briefly discuss some of its advantages. Good roads mean progress and prosperity, a benefit to the people who live in the cities, an advantage to the people who live in the country, and it will help every section of our vast domain.

Good roads, like good streets, make habitation along them most desirable; they enhance the value of farm lands, facilitate transportation, and add untold wealth to the producers and consumers of the country; they are the milestones marking the advance of civilization; they economize time, give labor a lift, and make millions in money; they save wear and tear and worry and waste; they beautify the country—bring it in touch with the city; they aid the social and the religious and the educational and the industrial progress of the people; they make better homes and happier hearthsides; they are the avenues of trade, the highways of commerce, the mail routes of information, and the agencies of speedy communication; they mean the economical transportation of marketable products—the maximum burden at the minimum cost; they are the ligaments that bind the country together in thrift and industry and intelligence and patriotism; they promote social intercourse, prevent intellectual stagnation, and increase the happiness and the prosperity of our producing masses; they contribute to the glory of the country give employment to our idle workmen, distribute the necessities of life—the products of the fields and the forests and the factories—encourage energy and husbandry, inculcate love for our scenic wonders, and make mankind better and broader and greater and grander.

The plain people of the land are familiar with the truths of history. They know the past. They realize that often the difference between good roads and bad roads is the difference between profit and loss. Good roads have a money value far beyond our ordinary conception. Bad roads constitute our greatest drawback to internal development and material progress. Good roads mean prosperous farmers; bad roads mean abandoned farms, sparsely settled country districts, and congested populated cities, where the poor are destined to become poorer. Good roads mean more cultivated farms and cheaper food products for the toilers in the towns; bad roads mean poor transportation, lack of communication, high prices for the necessities of life, the loss of untold millions of wealth, and idle workmen seeking employment. Good roads will help those who cultivate the soil and feed the multitude, and whatever aids the producers and the farmers of our country will increase our wealth and our greatness and benefit all the people. We can not destroy our farms without final decay. They are to-day the heart of our national life and the chief source of our material greatness. Tear down every edifice in our cities and labor will rebuild them, but abandon the farms and our cities will disappear forever.

One of the crying needs in this country, especially in the South and West, is good roads. The establishment of good roads would in a great measure solve the question of the high price of food and the increasing cost of living. By reducing the cost of transportation it would enable the farmer to market his produce at a lower price and at a larger profit at the same time. It would bring communities closer together and in touch with the centers of population, thereby facilitating the commerce of ideas as well as of material products.

When the agricultural production alone of the United States for the past 11 years totals \$70,000,000,000, a sum that staggers the imagination, and it cost more to take this product from the farm to the railway station than from such station to the American and European markets, and when the saving in cost of moving this product of agriculture over good highways instead of bad would have built a million miles of good roads, the incalculable waste of bad roads in this country is shown to be of such enormous proportions as to demand immediate reformation and the wisest and best statesmanship; but great as is the loss to transportation, mercantile, industrial, and farming interests, incomparably greater is the material loss to the women and children and the social life, a matter as important as civilization itself.

The truth of the declaration of Charles Sumner 50 years ago, that "the two greatest forces for the advancement of civilization are the schoolmaster and good roads," is emphasized by the experience of the intervening years, and points to the wisdom of a union of the educational, commercial, transportation, and industrial interests of our country in aggressive action for permanent good roads.

Mr. Speaker, in connection with my remarks I ask unanimous consent to print in the RECORD data relating to the subject matter.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The matter follows:

"There are questions sometimes arising which range above all party, and all the considerations and interests of party."—Daniel Webster.

"The two great forces for the advancement of civilization are the schoolmaster and good roads."—Charles Sumner.

It is a matter of tremendous import that in the United States bad roads are directly responsible for the loss of over \$1,000,000,000 a year. The saving of this stupendous sum constitutes an economic question of vast importance.

THE ILLINOIS STATE GOOD ROADS ASSOCIATION STATE HEADQUARTERS, CHICAGO OPERA HOUSE BUILDING, CHICAGO.

Chartered under the laws of the State of Illinois to secure good roads and streets in Illinois and cooperate with the National Good Roads Association and the National Good Roads Congress in the promotion of the objects of those organizations—"The noblest motive is the public good."

Arthur C. Jackson, president, president National Good Roads Association and the National Good Roads Congress; Anna M. Grady, secretary and treasurer.

Chicago members: George E. Adams, American Radiator Co., Armour & Co., Bion J. Arnold, E. R. Bacon, Alfred L. Baker, A. C. Bartlett, Enos M. Barton, J. S. Benedict, W. B. Biddle, H. A. Blair, Frederick Bode, G. J. Boehland, W. L. Brown, Chas. C. Bryes, John E. Burns, Louis E. Burr, E. B. Butler, Chicago Automobile Trade Association, J. C. Clair, H. B. Clow, F. E. Compton, Charles H. Conover, A. G. Cox, The Crane Co., George H. Crosby, Chapin A. Day, G. H. Deevs, F. A. Delano, Charles Dennehy, John T. Dickason, F. C. Donald, R. M. Eastman, E. E. Emmerich, C. R. Erwin, John M. Ewen, Marvin A. Farr, John V. Farwell Co., L. G. Fisher, D. G. French, John A. Ganger, J. J. Glessner, J. E. Gorman, Anna M. Grady, W. J. Hartman, J. O. Heyworth, Edward Hines, Joseph Hock, Illinois Steel Co., Samuel Insull, International Harvester Co., William H. Ives, Arthur C. Jackson, George W. Jackson, R. A. Jackson, Jens Jensen, A. Karpin, T. F. Keeley, Chauncey Keep, L. J. Lamson, A. Langlau, Bryan Lathrop, Victor F. Lawson, E. J. Lehman, E. B. Leigh, Joseph Leiter, E. G. Leszynsky, C. W. Litsey, G. E. Marcy, The Marsh & Bingham Co., Harold F. McCormick, F. O. Melcher, A. Meyer, L. Mohr, J. Moos, Montgomery Ward & Co., Morris & Co., R. H. Morse, Joy Morton, H. U. Mudge, National Casket Co., George T. Nicholson, James A. Patten, W. G. Pearce, W. W. Rathborne, W. H. Reddington, George M. Reynolds, George E. Roberts, L. C. Rogers, W. L. Ross, Joseph T. Ryerson & Son, Martin A. Ryerson, George J. Sayer, John Sebastian, Schwarzbach & Sulzberger, Richard W. Sears, Sears, Roebuck & Co., Swift & Co., E. Schulz, Seng Co., L. G. Smith, A. A. Sprague, Homer A. Stillwell, Charles H. Thorne, M. H. Tichnor, E. J. Uihlein, Mrs. Royal C. Vilas, C. J. Vopicka, Charles H. Wacker, C. F. Weatherly, Frank C. Weber, F. J. Weller, E. Harvey Wilce, Walter W. Wilcox, T. E. Wilder, B. L. Winchell, Louis Witbold, Louis Wolff, John H. Wrenn, William Wrigley, Jr., Allen B. Wrisley, Arthur Young, R. Zint.

CALL FOR AN INTERNATIONAL GOOD ROADS CONGRESS AT CHICAGO SEPTEMBER 18 TO 23, 1911.

From September 16 to 21, 1901, there was held in the city of Buffalo an international good roads congress, the call for which was issued from the headquarters of the National Good Roads Association at Chicago. Participation by delegates from foreign countries was invited, and such invitation was transmitted by the Department of State to the diplomatic officers of the United States throughout the world, and through them communicated to the ministers of foreign affairs with the request that it be given publicity for the information of organizations and individuals who might be interested.

On the tenth anniversary of this milestone in the good roads movement there will be held in the city of Chicago on September 18, 19, 20, 21, 22, and 23, 1911, during the first week of the international municipal congress and exposition, an international good roads congress to which are invited delegates from every city, State, and nation.

The production of permanent public streets and roads is one of the most important problems of the century, affecting the material and social well-being of all classes and conditions of people.

The marvelous development of the motor vehicle has brought about such changed conditions as to demand the best thought and experience of road experts.

When the agricultural production alone of the United States for the past 11 years totals \$70,000,000,000, a sum to stagger the imagination, and it cost more to take this product from the farm to the railway station than from such station to the American and European markets, and when the saving in cost of moving this product of agriculture over good highways instead of bad, would have built a million miles of good roads, the incalculable waste of bad roads in this country is shown to be of such enormous proportions as to demand immediate reformation and the wisest and best statesmanship.

Great as is the loss to transportation, mercantile, industrial, and farming interests, incomparably greater is the loss to women and children and social life, a matter as important as civilization itself. The truth of the declaration of Charles Sumner 50 years ago, that "the two greatest forces for the advancement of civilization are the schoolmaster and good roads" is emphasized by the experience of the intervening years, and points to the wisdom of a union of the educational, commercial, transportation, and industrial interests of all nations in aggressive action for permanent roads and streets.

THE NATIONAL GOOD ROADS ASSOCIATION,  
ARTHUR C. JACKSON, President,  
ANNA M. GRADY, Secretary and Treasurer.

In the confident belief that a general discussion of the road and street problem from every point of view by delegates from our own and foreign countries will prove in the highest degree helpful, we, the undersigned, join in this call for an international good roads congress at Chicago, September 18 to 23, 1911.

THE NATIONAL GOOD ROADS CONGRESS,  
THE ILLINOIS STATE GOOD ROADS ASSOCIATION,  
THE CHICAGO GOOD ROADS ASSOCIATION,  
THE CHICAGO ASSOCIATION OF COMMERCE.

## ADDRESS OF JOHN CRAFT, PRESIDENT ALABAMA GOOD ROADS ASSOCIATION.

Mr. Craft said, in part, at the National Good Roads Congress, held at Niagara Falls, July 28, 29, and 30, 1910:

MR. PRESIDENT AND MY FELLOW COUNTRYMEN: It affords me great pleasure, and I deem it a great honor to be accorded the privilege of conveying to you friendly greetings from the great city which delegates to me the pleasant duty of assuring you that it is much interested in the absorbing question of good roads.

I am in attendance at this convention in a threefold capacity; as a delegate from the State of Alabama, as president of the Alabama Good Roads Association, and as a member of the National Good Roads Association.

To visit in this beautiful city, whose record is so replete with historical events, and whose fair women and gallant men come down through the ages of tradition to the present time, is indeed a delight. To be the medium through which thousands of my fellow citizens in the State of my nativity tender to you of this congress their congratulations for the interest and progressive spirit you show strongly manifests in this greatest of all questions of political economy which has ever confronted the Nation is a dream but seldom realized.

We are seeking to build a system of highways from Canada to the Gulf, which will relieve the people of burdensome taxation, and will at once remove a cost which is directly responsible for the loss of millions of dollars.

The people of what I may with pardonable pride refer to as my glorious State have at last been awakened by the constant agitation of a few public-spirited men who have striven and struggled in the cause of road improvement, thus building up the country's school system which contributed to the social and financial prosperity of men and women alike. It is our bounden duty to agitate this question of national assistance in the betterment of our road systems until the Congress of the United States shall have contributed its support in the construction of a system of highways which shall extend into and throughout the various States of the Union.

This great question of national support in which the whole country is so vitally interested should be of a nonpartisan nature. It should be entirely devoid of any semblance of political coloring. The subject of national good roads is one which overshadows the tariff, the question of building a greater Navy, or the advisability of making greater expenditures for increasing the standing Army.

Congress has contributed to the construction of roads in Cuba, Porto Rico, and the Philippines, but has been remiss in its duty to the people of our own country in this respect. I certainly consider it the duty of the President of the United States to assist in the upbuilding of the miserably neglected public roads of our country, over which the mails are still transported by primitive means, horses and mules being not infrequently used. These antiquated methods are very expensive in many respects, not the least of which is the waste of vast sums of money spent for quick delivery. If the roads were built along permanent lines, the cost of transporting the mails through the rural districts of the United States would be reduced to a minimum. Distance would be economized by the use of the up-to-date automobile, which would be made available for this purpose, if the roads were properly constructed. With these improvements more than the entire appropriation sought by the National Good Roads Association from the Government with which to aid this march of progress in the several States could be saved.

In addition to this retrenchment, which would come to the Post Office Department, the prosperity and happiness it would bring to the homes and firesides of the American people would be greatly enjoyed; and if this latter feature alone were the only end attained the means would be justified. Primarily the educational advantages possessed, of both social and religious features, which would inure would warrant the building of good roads. It would encourage the rural population to remain upon the farms, where the solid comforts of life are best and more easily obtained, and would discourage it from wandering to the cities, there to struggle for a mere existence and ultimately add its quota to the pauper element of the country. These conditions would be entirely changed. Then the wonderful productive properties of our fertile soil and great diversity of climatic advantages susceptible of growing crops in endless variety would be evidenced on every hand by progress and the most modern farms to be seen anywhere in the world.

It is said that the Chinese, one of the oldest civilized nations of the world, considered the man who farms as ranking among the privileged class. When the emoluments which will surely come to the adoption of these methods for creating an interest in farming life shall have become realized and are no longer dreamed of, the American farmer, not unlike his Chinese brother, will outrank the mercantile and banking fraternity.

It is estimated that the loss incurred by the farming and business interests of the country which are directly attributable to bad roads, and which could be remedied if intelligent methods were adopted, represents a loss of over \$1,000,000,000 a year. This is a stupendous sum of money.

The American people in demanding of the Senate and House that national aid from the Government of \$25,000,000 a year for at least 15 years be made in the interest of good road construction are not unreasonable in their demands. Statistics show what it cost to move the wheat crop of the United States for three years and what the loss was on the 12,100,000 tons which represents the volume of the crop, as between good roads and bad roads, and which figures out \$10,020,000. The corn crop of the same time, which totals 19,083,000 tons, sustained a net loss of \$12,903,000, according to statistics. They further show that the cotton crop of the same time, with a total tonnage of 2,500,000, showed a loss arising from bad roads amounting to \$5,750,000. It is also stated that the total tonnage of the cotton seed for this time was 1,750,000 tons, which met with a loss of \$4,830,000 because of bad roads.

I refer to these three staple crops, coming as they do from the great farming centers of the country, to illustrate what an enormous loss is sustained because of the almost entire absence and means and methods with which to avoid it.

The great Napoleon, who after conquering empires sighed because there were not more to conquer, said of France and the small area of her domain, which is one of the most prosperous in the world, "the French Government has spent over \$6,000,000 in the improvement of her roads, and it has been the best investment of any public money ever expended. It returned the people a larger amount than the money spent for the army or navy, or for any other purpose."

It makes me proud to note that many Senators and Members of the House are awakening to the keen realization of this great economic question, which affects the welfare and happiness of the people in every village and hamlet throughout this country. Surely some results will come from this great work which we are engaged in, and the least will not be the expeditious delivery of the rural mail matter.

I think Louisiana should be congratulated upon the selection of ex-Gov. Sanders, who is one of strongest advocates of good roads in this country, to represent them in the United States Senate. The Governor will aid other Senators, among whom are not inconspicuous Hon. J. H. BANKHEAD, one of the foremost good-roads advocates in the United States; Hon. JOSEPH JOHNSTON, who, with his colleague, Senator BANKHEAD, strongly favors the construction of good roads, realizing the great blessings which will be showered upon the country when this great proposition shall have been brought to a successful issue. The Senator has frequently expressed himself concerning the nonpartisan nature of this great movement, which is national in its scope and by which the entire citizenship of the nation will be benefited.

Throughout the State of Alabama there is an awakening to the realization that the constant agitation of the people all over the State is imperatively necessary in order to create enthusiasm which will yield success. In this State they are building and constructing a better class of bridges and roads, thereby showing by their efforts that they expect to help themselves. These efforts are forthcoming not without considerable sacrifice, and when this sacrifice occurs they undoubtedly merit recognition and the helping hand of the National Congress.

There is a popular saying which runs thus: "I care not who makes the laws of the country; let me make its roads and I will make them great." Generations are born, live their brief span of existence, build their monuments, doomed to decay, and pass out to make way for others. Good roads are deeds that live after them, and a new motto should be: "By their deeds ye shall know them."

I know there is much to be attended to in the matter of giving publicity to this meeting. This gathering is well enough in its way, and gives evidence of the interest which is implanted in every man's bosom. Every man who attends this congress must necessarily gain a broader and more comprehensive view of the subject. He must be infused with greater enthusiasm for this great work.

I recognize that the newspapers of the Nation are the greatest factors in molding public opinion, and I also recognize that the best road makers in the world are the newspapers. Printer's ink and white paper properly combined will build more roads than all the machinery that ever lay idle in a warehouse. This same machinery is, indeed, powerless until combined with a paper which has men of brains back of the combination who do their work to mold public opinion as to their proper use on the highways.

In conclusion, I desire to thank this congress, and wish to call your attention to the great resources and matchless climatic advantages enjoyed in the great State of Alabama. In size, she is an empire in herself, with more than 55,000 square miles, much of which is superb virgin soil. When intelligent labor is applied to this, greater returns can be had than most anywhere else in the world. Here greater deposits of minerals lie closer to the tide water and to the sea than in any other State in the South. She is possessed of 1,500 miles of river systems, which is the greatest on this continent, save one, and which penetrates a section containing billions of tons of coal, iron, granite, and the finest marble. Here lies one of the great cotton areas in the South.

At my home in the city and county of Mobile, where the climatic conditions are subtropical, where 10 months of growing season is possible, with a rainfall of 65 to 70 inches distributed throughout this growing season, where five staple crops can be raised in one year, where the citizenship is of the finest type to be found anywhere, where there is a fine school system, and where the purest drinking water may be obtained, we have in these conditions that which constitutes a great section.

In addition to the agricultural, horticultural, and stock-raising resources of Alabama there exists one other than which none in our country is greater in importance and more prolific in yield and wealth. The Alabama oyster, large in size and superior in flavor, excels also in the possibilities of its production.

Climatic and other favorable physical conditions such as do not characterize the oyster situation in other seaport cities here appeals for development. Not unlike the cut-over pine lands which were once condemned for unfitness in agriculture, but which, under the direction of master minds, have been made to yield wealth and at the same time bloom like a fairy-garden picture in fiction.

The oyster reefs and bottoms adapted to the culture of the bivalve are attracting attention, and the industry is fast shaking off the shackles of primitiveness, under the weight of which it has struggled since the dawn of creation. With the abundant natural production and conditions for improving the quality, as well as being accessible to the homes of 40,000,000 of people who crave and consume large quantities of sea food, the oyster situation of my city resolves itself into one of intense interest.

Summing up the whole situation, though it may not be good taste to so declare, there is no State in this great Union of ours which can parallel the State of Alabama in the character and plentitude of its resources and in the marvelous conditions which are peculiar to that great State only.

I say to you gentlemen, not in the language of Horace Greeley nor of James Hill, "Go not to the West, nor to Canada, but come to the South and cast your lot with us, especially with us in Mobile, in the great State of Alabama."

## AN ADDRESS DELIVERED BY B. F. YOKUM, CHAIRMAN OF THE ST. LOUIS &amp; SAN FRANCISCO RAILROAD CO., BEFORE THE NATIONAL GOOD ROADS ASSOCIATION, AT NIAGARA FALLS, JULY 28, 1910.

MR. PRESIDENT: Your organization stands for a duty sadly neglected by the Government. Good roads mean more for the people at large than any other public work, and add more to the comfort and upbuilding of the country. They are of national importance.

Government statistics tell us that it costs our farmers 15 cents more to haul one ton one mile in this country than it costs in European countries. The products of the farms of the United States last year amounted to approximately 250,000,000 tons. The Government shows the average haul of a ton was 9 miles. This difference of 15 cents a ton per mile represents an additional cost of \$1.35 a ton for an average haul of 9 miles. Estimating that two-thirds of the agricul-

tural products of last year were hauled away from the farms, there would have been a saving to the American farmers of \$225,000,000 if our roads had been up to the standard of European roads, not including their back haul of supplies from the stations to the farms. They would also have saved large sums in the cost of replacing and repairing harness, wagons, etc., and in the investment and care of extra draft stock.

The only way to get good roads is to fight for them. Your organization can do its work most effectively by keeping before the people in as many ways as possible the importance of making money by making better roads. It is not a sentimental proposition, but purely a business one.

There has been expended upon the Mississippi River, including surveys, within the last 100 years \$225,000,000 to put that public water highway in condition for handling products of the farm and commerce tributary to it. The last statistics available show that in 1866 there were 1,545,000 tons less transported on this river than in 1889. This \$225,000,000 was expended between St. Louis and New Orleans, with the States of Missouri, Arkansas, and Louisiana, on the western boundary, and the States of Illinois, Tennessee, and Mississippi on the eastern. The farmers of these States which border directly upon the Mississippi River, to say nothing of those of the remaining 40 States, have received no benefit from this vast sum wastefully expended by the Government. On the contrary, the farmers are paying as much for broken harness, broken wagons, with as much lost time, hauling one-half a load to a team, as they were before this \$225,000,000 was expended. There has been no systematic plan for the improvement of the Mississippi River. Therefore this great waste of money has been of no benefit to the transportation of commerce or the development of agriculture. The same amount of money expended in good-road making would have yielded tremendous returns to the people. It is the duty of every citizen of the United States to aid the farmer in every way consistent with business principles to market his products to best advantage, and in this connection no one factor is of more economic importance than the reduction of the cost of transportation between the farm and the railroad station.

It took three-quarters of a century to build up the American railroads. During the same time little attention has been given to the building up of American country roads. Yet the value of the two to the public goes hand in hand. Food and clothing must be handled between the producers and the consumers over both the country road and the railroad. It is important that the country roads approach the high standard of the railroads.

If a railroad encounters a high grade over a hill, which means excessive use of coal, slow trains and light loads, the railroad cuts down the heavy grades to save coal bills, to move freight faster, to carry bigger train loads. It borrows millions to do the grade cutting, pays the interest on this money, and through this economy is enabled to increase its surplus. The railroads borrow money to make stronger culverts and bridges to bear heavier engines and steel cars. Then they must borrow more to buy the large locomotives and big cars, all of which add to the efficiency of these steel highways.

The country-road makers have not kept up with the railroad makers; if they had it would not cost the farmers to haul a ton of grain 1 mile as much as it costs them to send it by railroad 50 miles. They, too, must get money to cut down grades, to get smooth, hard surfaces, to provide good drainage and to reduce the cost of maintenance. When this is done the farmer can go from his farm to his market or shipping station quicker and carry a bigger load. The firm roadbed and smooth, heavy steel make the railroad's cars and engines last longer, and the substantial, well-made country road makes the farmer's horses, wagons, and harness last longer. The saving to the railroad is only a small fraction of a cent on each ton hauled one mile, while the saving to the farmer is 15 cents a ton a mile. This difference in cost of hauling will often turn a losing farm into a paying one.

The greatest value of good roads will be to the farmers who have not as yet become interested. You have not yet found a way to reach them to properly place your arguments and statistics before them. They need to be shown that the poorest roads are the most expensive roads. They have not been shown that their broken wagons, broken harness, and blacksmith bills cost them more than the cost of having good roads. They have not been shown that a \$4 a day team can do twice the work over good roads, which makes that team worth to them \$8 a day.

The members of your association know these plain and simple things I have stated. But the way to get good roads is to make all the people know them and keep them constantly in mind. The transportation system which carries our food and clothing from maker to user is part railroad and part country road. One part is as necessary as the other. Your organization in its support of the betterment of our public highways should talk in millions instead of thousands. The advocates of better roads are behind the times and will have to spend money by the millions to catch up, and the people who are to enjoy and benefit by these improvements should be educated to understand what good roads mean to them and what they will cost.

The agricultural people of the country are beginning to realize their own situation. They are commencing seriously to study economic questions. They are beginning to figure their time as worth money. When your association places the facts before the owners of the 6,000,000 farms, who represent, according to Government estimates, including their families, nearly one-third of our population, and gets them to realize what good roads mean to them, we will then have good roads. They will vote for men as public servants who will encourage and vote to help along the work of getting good roads. The duty of the National Good Roads Association is of greater importance to-day to the future growth of the country than it has ever been before.

It is to good roads that this country must look largely for its future growth and development.

The railroad business of the country has been attacked from so many different standpoints that we are not going to have for many years such an era of railroad construction as we have enjoyed heretofore. The improvement which can come nearest taking the place of railroads in the development of the country lying back from existing railroads is good public highways. Illustrations of this you can now see in many sections of the country and will see many more evidences of it as different communities begin to realize how hard it is for railroad builders to find new money to build new railroads into new countries.

One instance I have in mind which illustrates the situation: In the county in which San Antonio, Tex., is located, there have not been

any new railroads constructed for several years. The splendid old German town of Fredericksburg, has had a purse of \$100,000 hung up for a long time to give to the first railroad that would build into its thriving and rich country, but no takers, although several have tried it and found it impossible to finance even a short road between San Antonio and Fredericksburg. The people of that town are now turning their attention to the next best thing, which is to build a highway over which their products and their commerce can be handled most economically and their automobiles convey passengers more promptly. This is only one of the many instances throughout the country, as we still have many towns more than 50 miles from a railroad.

With a good road a farmer who lives 15 miles from a shipping station is better off than one who lives 5 miles with a poor road. The man with a good road, with the "distance against him, can make his trips quicker and can carry from two to three times as much on his wagon, and, more important, he can depend upon his road and bridges every day in the year, while the man who encounters swollen streams and impassable roads often loses his best market and his vegetables decay upon his hands.

We have 2,100,000 miles of public roads. From the best information obtainable there are about 44,000 miles, or 2 miles out of each 100, under a high standard of improvement. There are not more than 175,000 miles, or 8 miles out of each 100, under any kind of improvement. In other words, we have 1,925,000 miles of public roads which are in as poor condition now as they were when they were laid out by our early settlers and pioneers.

The last Congress appropriated \$52,000,000 for river and harbor improvements. I am not against river and harbor improvements. I am only against the waste that the people of this country pay for through the expenditure of such appropriations. This \$52,000,000 was largely political distribution, opposed by President Taft, who gave notice that he would not again approve such haphazard expenditures. If our Congressmen and other public paid officials could lay aside political questions which are of no benefit to the country and give their attention to economic questions that build up, rather than political agitation and threats of what they propose to do to the institutions of our country, there would be a vast difference in our future growth and prosperity. It is not the legislation which is enacted that does the greatest harm. Political campaign speeches which create prejudice and doubt in our institutions do the most damage. These will not be stopped until the farmers elect men to office, both National and State, who will give attention to working out economic questions that benefit them. One of these problems is to give to the farmers roads from their farms to the railroad stations in keeping with the railroads from the railroad stations to markets.

Good roads would add so greatly to the comfort, health, and happiness of their users that every possible agency should be employed in making better roads. Unfortunately, this is not the way it is working out. The only proof necessary is that 5,600 times as much money is appropriated by Congress for military expenses as for good roads. If it could be shown to our national lawmakers that military roads are needed for armies and military convenience, appropriations for millions would be had without delay. Gen. Goethals, at the head of Panama Canal construction, says that this vast enterprise is of first importance as a military expedition. To make this naval highway in a foreign country for fighting vessels our Government is spending more money than has ever been expended for any one similar project in the history of the world. The value of good roads has not been driven home, because Federal and State Legislatures feel that they can, without being criticized at home, do little for country roads, and the people accept such short-sighted policies without protest.

If we build 100,000 miles of public highways annually for ten years and give to this country 1,000,000 miles of good public roads, at an average cost of \$3,000 per mile, or \$300,000,000 annually, we will be engaging in a national development the advantages of which in economies, commerce, comfort, and enhanced land values none can foretell. We will be accomplishing something worth while. This work, if carried on by counties and townships, as at present, will be very slow. It should be encouraged under a broad, comprehensive plan outlined by the Federal Government, cooperating with the States. The Agricultural Department of the Government is in sympathy with all things that tend to improve our public-road system.

A law authorizing the Federal Government to extend its credit to each State in an amount equal to that expended by such State under a joint commission of Federal and State authorities would enable the different States to take advantage, in this work of upbuilding, of a low rate of interest that would greatly reduce the interest charge for the improvement of the public highways. This would not be so radical a departure from present practices as might first appear. The Government has advanced or agreed to advance \$115,000,000 to reclaim waste lands in various places in the West, which money is to be paid back to the Government. It is just as sound a public policy to loan one-half of the money to States which furnish the other half for the reclamation of farms and idle lands that can not now be reached on account of existing road conditions between them and railroad stations.

Those who seek precedent for Federal aid in providing better country roads will find it in the support which the Government gave the old National Pike. Under various names this great interstate highway ran from Washington to the Mississippi River. It was begun by the Federal Government. Many appropriations were made by Congress to pay for construction, and it was built under the direction of War Department engineers. The last appropriation was for \$150,000, in 1838. The Government at Washington took an active part in seeing that the various States provided their share of the money and work toward the construction of this great road, which greatly aided in the settlement of the West. If the Government takes an interest in aiding the States to finance their public-highway improvements, the most careful consideration should be given to the development of a plan. While comprehensive, it should be one that will safeguard the money expended. Extravagance and wastefulness in the administration of our Government and the loose methods of the expenditure of money appropriated for public works should warn us against a repetition in the construction of our public highways.

Your association should have aggressive organizations in every State and have working relations with all commercial, manufacturing, and agricultural institutions. While I can speak but for one system of railroads, I feel confident that every railroad of the country will be in sympathy and work in harmony to aid in the development of the country's public highways with a view of upbuilding and increasing the production of existing cultivated fields and adding new acres that are now laying idle for lack of rail transportation or good public roads

to encourage their cultivation. If your work is pushed properly and enthusiastically, within a few years statistics will show that the population of the rural districts is increasing instead of, as now, showing an increase in city population and a decrease in rural population. The tide of young humanity will then flow to the country and away from the towns. Country localities with good roads go forward; country localities with bad roads go backward. The welfare of the Nation demands that the comforts of country life should keep pace with the comforts of city life.

Railroads are now spending hundreds of millions of dollars on terminals in various cities of the country. These millions of dollars do not add greatly to the income of railroads, as they do not create new business, but they do add to the comfort of travelers and decrease the cost to their patrons of the delivery of freight. The railroads are just as much interested in good roads for gathering freight as in expensive terminals to distribute the same at its destination. In different ways the two means of transportation work for the same purpose. Our interest is a business one and our support should be the same as in any other enterprise in the success of which we are concerned.

If you will strengthen your association through a strong concrete organization of working forces in each State and will interest the Congressmen and State authorities by getting them to realize that one of the most effective ways to promote the growth of the country and expand its agricultural development is through the encouragement of better roads, in the course of a few years we will have a system of public highways second to none in the world. Every dollar saved through this economy goes directly to the pockets of the producers. On the basis of the Government's estimate of the present excess cost of 15 cents a ton for hauling in this country as compared with European countries, improved roads would have meant to the farmers on last year's crop an additional \$225,000,000, which would have increased their \$8,750,000,000 crop to \$10,000,000,000. When we take into consideration that this additional saving would have gone to the agricultural people, who are both the greatest producers of wealth and the greatest purchasing power of this Nation, it means more than the public men of this country who are studying economic questions have considered. What your association should work for is better roads, and finding ways and means of getting them.

Every detailed analysis of the Government's business methods proves them to be wasteful. One of the ablest United States Senators recently announced that the Government could be run for \$300,000,000 annually less than it is now costing. I can say as emphatically that \$300,000,000 annually will give to this country 100,000 miles of improved public highways a year. If you take up your work of better roads, to be paid for through a reduction of Government waste, your work will be effective and for the general good of all.

It is a matter of tremendous import that in the United States bad roads are directly responsible for the loss of over a billion dollars a year. The saving of this stupendous sum constitutes an economic question of vast importance.

THE NATIONAL GOOD ROADS ASSOCIATION,  
NATIONAL HEADQUARTERS, CHICAGO OPERA HOUSE BUILDING,  
Chicago, February 23, 1911.

Hon. WILLIAM SULZER, M. C.,  
House of Representatives, Washington, D. C.

DEAR MR. SULZER: As I stated in my letter of yesterday, I am sending you some very valuable newspaper notices of our Niagara Falls convention, which show the prominent part taken by yourself and Mr. Yoakum, which, together with the splendid editorial notices, form an important contribution to the good-roads movement in this country. Please put them all into the RECORD in connection with the call for the international congress in this city. The newspaper notices are the only copies we have, so please don't lose them before they get into the RECORD.

With best wishes, sincerely, yours,  
ARTHUR C. JACKSON, President.

[Niagara Falls Gazette.]

THE EFFECT OF THE CONGRESS.

While nothing tangible may immediately result in consequence of the session of the National Good Roads Congress which has been in progress in this city for the last three days, the general effect will be good and far-reaching. Rome was not built in a day; neither can a project of such magnitude as a general system of good roads be launched and completed in a short time. Such projects naturally move slowly. They must be agitated persistently and consistently; the people must be educated to an understanding of the great economical value involved; sentiment must be worked up in the Nation, and the respective States must be made to see their responsibilities and duties in this respect. It takes time. The agitation for good roads has been going on for years, and it has not been fruitless. Millions of dollars are being expended yearly by the several States in the building and maintenance of good roads. The farmers have benefited; the city dweller has benefited; all classes of society and all lines of industrial endeavor have benefited, yet the movement may be said to be in its infancy. Another decade will see vast progress in good-road building. As the benefits accrue and are realized the movement will become generally popular, and in time all sections making any pretension to civic pride and progress will have their good roads.

So much for the general effect of this gathering of nation-wide importance that will be brought to a close to-day. In its local significance the congress will be more immediately effective. It is bound to have a healthful and stimulating influence on the good-roads movement in Niagara County. It will give impetus to the Niagara Falls-Buffalo Boulevard movement, and it will doubtless result in the organization of an active county association which will further the movement hereabouts. With the aid of the State department several good roads have already been constructed in Niagara County and in other western New York sections, and the immense benefit they have proved to the farmer and to all persons having occasion to make use of the public highways has brought the movement in popular favor. The Niagara Falls-Buffalo Boulevard project has long been in the air. Only recently has serious attention been given to the matter, and it was only a week or two since that actual work was begun. This boulevard will be in the nature of a trunk line between the two large cities in this section, and when it is completed it is reasonable to suppose that a number of

radial roads will connect with it from all parts of the intervening territory. The boulevard will be the trunk line of communication, and it will make any portion of the county easy of access. It will be of general benefit.

[Niagara Falls (Ontario) Record, July 15, 1910.]

#### THE GOOD ROADS CONGRESS.

In the history of the rise and fall of nations we read that in the days of prosperity, peace, and plenty the people enjoyed the advantages of good and well-kept highways, enabling the inhabitants to pass from place to place in comfort and with speed, while in the days when disaster swept over the land the roads were allowed to fall into neglect and become part of the general picture of ruin and decay. Such is the natural result of the two conditions outlined—good and well-cared-for roadways denote the general prosperity and progressive spirit of a community of comfort-loving human beings, while the rude, ill-kept, and dangerous highways, relics of a barbarous age, belong rather to the tastes and desires of a community whose natural instinct is to wallow through life anyhow.

There is in the movement toward a betterment of the highways of the country, both in the United States and Canada, that is just now being made by the National Good Roads Congress, an awakening to the necessity of a long-needed change for the public good that is praiseworthy in the highest sense. "The greatest good to the greatest number" is a timely maxim, and the National Good Roads Congress is doing that which will certainly benefit everybody.

New York State alone has made an appropriation of \$50,000,000 for the construction of good roads, and the third meeting of the national congress will be held at Niagara Falls, in that State, as a mark of approval, and it is a pleasure to note that there is likely to be a ready response to the invitations to be present that have been sent to President Taft and the high officials of the Dominion and Provincial Governments.

Canada may be depended upon to bear its share of the good work, and its grand results upon the welfare of the country will be ample recompense for the time, money, and energy devoted to the nation-building project.

Good roads mean progress and prosperity, a benefit to the people who live in the country, and it will help every section. Good roads, like good streets, make habitation along them most desirable; they enhance the value of farm lands, facilitate transportation, and add untold wealth to the producers and consumers of the country; they are the milestones marking the advance of civilization; they economize time, give labor a lift, and make millions in money; they save wear and tear and worry and waste; they beautify the country—bring it in touch with the city; they aid the social and the religious and the educational and the industrial progress of the people; they make better homes and happier hearth sides; they are the avenues of trade, the highways of commerce, the mail routes of information, and the agencies of speedy communication; they mean the economical transportation of marketable products—the maximum burden at the minimum cost; they promote social intercourse, prevent intellectual stagnation, and increase the happiness and the prosperity of our producing masses; they contribute to the glory of the country, give employment to our idle workmen, distribute the necessities of life—the products of the fields and the forests and the factories—encourage energy and husbandry, inculcate love for our scenic wonders, and make mankind better and broader and greater and grander.

[Boston Herald-Post, July 31, 1910.]

#### THE BLESSING OF GOOD ROADS.

It is only within recent years that we of the United States have begun to concern ourselves very much about good roads. When Charles Dickens made his first tour of this country he had some caustic things to say about the horrible highways he encountered—and he had good reason. It takes a long time for a new land to realize what a maker of wealth are well-made roads, passable in all kinds of weather, and how bad ones hamper even the pursuit of happiness, as well as the increase of resources.

Curiously enough, it is in the regions where good roads would be the most useful and economical that they have been least regarded. By all odds the farmer is the man who is going to gain most from highways that make it easy for him to travel and to transport his goods to his market. The difference between poor and fine roads can be reckoned in absolute dollars and cents.

In this connection Mr. B. F. Yoakum, the great railroad builder, who is also an ardent advocate of good roads, said to the National Good Roads Association the other day: "It costs our farmers 15 cents more to haul 1 ton 1 mile than it costs in Europe. The products of the farms of the United States last year amounted to 250,000,000 tons, and the average haul of a ton was 9 miles. This difference of 15 cents represents an additional cost of \$1.35 a ton for 9 miles. Estimating that two-thirds of agricultural products were hauled away from the farms, there would have been a saving to American farmers of \$225,000,000 if our roads had been up to the standard of European roads, not including back haul of supplies. They would also have saved large sums in cost of replacing and repairing harness, wagons, etc., and in investment and care of extra draft stock. \* \* \* The greatest value of good roads will be to the farmers who have not yet become interested. They need to be shown that the poorest roads are the most expensive roads."

But there are evidences of a new era of ideas in the rural towns. The pushing of State roads through the country has been a wonderful object lesson to the agriculturists who have used them, when near by, with exceeding great joy. The increasing ownership of automobiles by farmers has also put a personal element into the question of improved highways. What was good enough for old Dobbins is not satisfactory for the new runabout. Thus the leaven is working in town meeting and in the grange. Its evidences are beginning to be seen by travelers everywhere.

To be sure it is not easy for the average country town to build roads bearing any comparison to those laid down by the State. While they may be admitted as profitable in the end, it is often impossible to raise the money for their initial cost. But such roads as the rural districts have may be and are now being greatly bettered. The awakening has come, and its results are bound to be of splendid value to the farmer and to us all.

[The Buffalo Evening Times, Thursday July 28, 1910.]  
THE NATIONAL GOOD ROADS CONGRESS.

The National Good Roads Congress, which opens in Niagara Falls to-day, is engaged in a work of the utmost importance to the country. Just so sure as civilization has its way in America, the good-roads cause will prevail. One is inseparable from the other.

Whether Buffalo, Niagara Falls, and the adjacent towns and cities share in the benefits which the United States will reap from the labors of the friends of good roads, depends upon the communities themselves.

The Good Roads Congress, assembled right at our doors, is a living, authoritative monitor that we must hasten to the utmost degree consistent with sound workmanship the building of that much-talked-of and long-delayed boulevard between Buffalo and Niagara Falls.

The Good Roads Congress is a tangible, great, and active reminder that Buffalo, Niagara Falls, and the intervening communities are losing large sums annually because the miserable condition of more than half the highway of Buffalo to the Falls prevents thousands of visiting tourists to either place from driving their automobiles between the two cities, the hotel and commercial interests of the respective cities thus failing to receive the profits which would come from the free communication that would infallibly be caused by broad, firm, attractive roads traversable by every kind of vehicle.

The Good Roads Congress is a deserved rebuke to the sluggishness which has prevented Erie County and western New York from having universally good roads. This magnificent central section of population, railroads, manufactures, lake traffic, electric power, and agriculture presents a combination of advantages which is not equaled within the same number of square-miles in any part of the United States.

There is no excuse for a bad road in any district of western New York.

A country which, without good roads, lays claim to progressiveness is like the play of Hamlet with Hamlet left out.

The bad road is a relic of savagery—a reversion to atavism.

The Indian, who was the first inhabitant of Erie and Niagara Counties, was satisfied with a trail through the woods. He was a barbarian and was true to his character.

Let us be true to our character as civilized men.

Let us have the best roads that money can buy and skill can furnish. Every narrow, boggy, muddy, rutty road that we permit ourselves to tolerate is a survival of barbarism—a flouting in the face of our claims to march with the van of civilization.

We look for a tremendous impetus to be given by the Good Roads Congress not only to the cause of good roads in its national bearings but to the same cause in its relation to local conditions.

[From Philadelphia Inquirer-Press, July 30, 1910.]

#### THE GOOD ROADS ANNUAL.

The National Goods Roads Congress is now holding its third annual session at Niagara Falls. Its first session was held in Chicago, and one of its results is the incorporation of good-roads planks in the national political platforms of 1908. These meetings have value in bringing together and giving expression to the latest and best ideas on road improvement and in building up and strengthening a public opinion which in a few years will not be willing to tolerate bad roads anywhere.

It is easy to find many arguments for good roads, but for bad roads there is only one merit claimed, and this is that they are cheap. But are they "cheap?" The Federal Bureau of Public Roads says no, and shows by elaborate computations the very heavy expense that bad roads impose upon those who must use them, especially upon the farming class, whose time is wasted, and wagons and horses are deprived of much the larger share of their capacity for service by the heavy friction that has to be overcome on bad roads. Mr. B. F. Yoakum, of the executive committee of the St. Louis & San Francisco Railroad, addressed the Good Roads Convention on this subject on Thursday, and he estimates that the farmers of the country would have saved \$225,000,000 last year if the roads over which they hauled their products had been good roads instead of poor ones.

This is not a blind guess. The Government shows that the average haul to get farm products to market or railroad shipping point is 9 miles, and the difference in cost of hauling products over bad roads as compared with good is over 15 cents a ton a mile. This does not include the back haul of supplies over the same soft roads. The farmer needs smooth, hard roads of easy grade. Such roads would bring him rich return in the saving of time and of much of his money, now expended in repairs to harness and wagon and in the purchase and maintenance of more draft stock and equipment than would be necessary if good roads surrounded him.

The interest which many railroad companies take in good roads is a very helpful factor in the good-roads movement. A good highway is a feeder of the nearest railroad. It makes it possible for freight to be taken to and from the stations cheaply, quickly, and easily at all seasons, which fact naturally increases business. Good roads reaching the railroad from all points would make the construction of short spurs or lateral railroads less necessary. Good roads develop the country, promote traffic, and create business. They are most valuable allies of the railroad and deserve all the countenance and assistance which the railroad companies can give them.

The Republican national platform of 1908 declared that the Republican Party "recognizes the social and economical advantages of good country roads maintained more and more largely at public expense and less and less at the expense of the abutting owners. In this work we commend the growing practice of State aid." There is no suggestion here of national road building. Those who hug the delusion that Uncle Sam may be induced to go into the business of building highways in the States at the expense, in whole or in part, of the National Treasury are really obstructing the movement by expending their energies in the wrong direction. Road improvement is progressing only in those States where the State government takes hold of it vigorously and adopts road improvement by States and as a permanent State policy.

If the National Good Roads Congress will give currency and its authority to the idea that bad roads are an extravagance and waste, that the farmers are the ones chiefly penalized and handicapped by such roads, and that the State is the proper authority to appeal to for a reconstruction of highways or improved roads, it will promote the good-roads movement in a practical way. That movement is as wide as the Nation, and growing all the time, but it needs the direction of expert advice and the stimulus and enthusiasm which intelligent leadership alone can give it.

[Philadelphia Item, July 26, 1910.]

#### GOOD ROADS.

Preparations for the third annual convention of the National Good Roads Congress, which is to be held in Niagara Falls, N. Y., July 28, 29, and 30, are taking on an international aspect, and indications are that the Dominion of Canada will take equal part in the deliberations and discussions through the many celebrities that will attend from that country.

The international character of this great gathering is given increased prominence because of the fact that the congress is to be held on the Canadian border, and, for the further reason, that Canadians are now manifesting an unusual interest in the good-roads movement, and have accepted with significant enthusiasm the invitation to be present at this session.

The general subject of good roads is now engaging the attention of Canadian legislators in a degree almost equal to the place it is claiming in the public eye in the United States, and it is expected that at least a third of the principal speakers who will address the congress will be Canadians, who are thoroughly posted upon the subject and who will have valuable suggestions to offer.

Every effort is being put forth to secure the presence of Sir James Whitney, the Premier of Canada, and the committee is confident that he will be there to fraternize with President Taft; Gov. Charles E. Hughes, of New York State; Col. Roosevelt; Mayor Gaynor, of New York City; and others who are expected to attend the congress and address the gathering.

Committees of citizens of Niagara Falls, N. Y., and Niagara Falls, Ontario, are cooperating in the arrangement of plans for the reception and entertainment of the delegates to the congress, and there will be plenty of interesting features in connection with the meeting on both sides of the border. Not a thing is being done on one side of the line that is not being duplicated on the other.

Mayors of Canadian cities, as well as commercial organizations and granges of the Dominion, boards of trade, chambers of commerce, etc., are displaying an interest in the coming convention and many of them will send delegates.

More than 200,000 invitations have been sent out, at least half of them being addressed to the owners of automobiles in Canada and the United States, special attention having been paid in the distribution of these to the automobile organizations in New Jersey, New York, Pennsylvania, Ohio, and the Provinces of Ontario and Quebec in Canada.

One of the features of the Congress is to be a monster automobile parade on the second day of the gathering. There at least 250,000 automobile owners within easy ride of the city where the convention is to be held, and it is expected the representation of this class of good roads advocates will be large indeed.

It may not be generally known that more than half the States in the Union have adopted the principle of State aid and supervision over all or parts of the roads, while the remaining States are seriously considering sweeping reforms in their road laws.

In Canada the same interest is being displayed, and this is bringing about a steady progress in road building which is now recognized as one of the foremost economic movements of the day.

In the States the expenditure for this work has reached a total of nearly \$60,000,000 annually, and many counties have issued bonds in large amount to further the work.

Interesting discussions on the experience of this country and Canada will enliven the congress, and the profit to those attending and represented will be great.

[Youngstown (Ohio) Telegram-Vindicator, July 28, 1910.]

#### GOOD ROADS CONVENTION.

NIAGARA FALLS, N. Y., July 28.

The Third Annual Convention of the National Good Roads Congress was opened here to-day, to continue through Saturday. Less than 100 delegates had registered when Mayor A. C. Douglass, of this city, delivered the address of welcome, but a material increase in attendance was expected.

Congressman WILLIAM SULZER became presiding officer and spoke on various aspects of good roads as vitally affecting national prosperity.

[Brooklyn Standard-Union, July 28, 1910.]

#### NATIONAL GOOD ROADS CONGRESS AT THE FALLS.

NIAGARA FALLS, July 28.

A record-breaking attendance marked the opening here to-day of the Third Annual Congress of the National Good Roads Association. The gathering will continue in session three days and will be addressed by many men who have been foremost in the movement to promote good roads throughout the country.

[Niagara Falls Gazette, July 28.]

GOOD ROADS CONGRESS OPENS THREE-DAY SESSION—MOVEMENT NATION WIDE—REPRESENTATIVE SULZER, CHAIRMAN—REPRESENTATIVE SIMMONS WOULD DIVERT APPROPRIATIONS FROM WATERWAYS DEVELOPMENT TO DEVELOPMENT OF GOOD ROADS—GREAT NEED OF IMPROVED HIGHWAYS FOR FARMERS POINTED OUT BY SPEAKERS.

The third annual convention of the National Good Roads Congress opened at the auditorium of the Home of Shredded Wheat this morning. The attendance was somewhat smaller than was at first expected. What was lacking in attendance was made up in enthusiasm, and several good addresses were delivered.

The Rev. Albert S. Bacon, pastor of the First Presbyterian Church, delivered the invocation. President Albert C. Jackson opened the convention and the address of welcome was delivered by Mayor Anthony C. Douglass. It was exceedingly brief, the mayor simply bidding the delegates to the convention to the city, and stating that it afforded him the greatest pleasure imaginable to extend to them the freedom of the city.

President Jackson responded. He called attention to the natural advantages of the city and declared that the people of Niagara had a reputation for hospitality that is envied by other cities; but that he

noticed that there was one essential to unadulterated pleasure lacking, and that was good roads. "There is nothing that you can do here in Niagara," said President Jackson, "that will make the stay of the stranger in your gates more pleasant than to provide him with good roads. There is no reason why Niagara Falls should not become as great a center in this country as Paris is in France, if you have the kind of boulevards that radiate out around it as they do from that great city."

## REPRESENTATIVE SULZER'S SPEECH.

Mr. Jackson then introduced Representative WILLIAM SULZER as the presiding officer of this session of the convention. Mr. SULZER began his address by saying that he felt that the holding of the convention in Niagara Falls was but a fitting manifestation of appreciation of what this State has done for the cause. "I regret that we haven't the numbers, but this may be due to the bad roads." Continuing, he said:

"For years I have been an earnest advocate of good-road building. Good roads mean progress and prosperity, a benefit to the people who live in the cities, an advantage to the people who live in the country, and they will help every section of our vast domain. Good roads, like good streets, make every habitation along them more desirable; they enhance the value of farm lands, facilitate transportation, and add untold wealth to the producers and consumers of the country; they are the milestones marking the advance of civilization; they economize time, give labor a life, and make millions in money; they save wear and tear and worry and waste; they beautify the country—bring it in touch with the city; they aid the social and the religious and the educational and the industrial progress of the people; they make better homes and happier hearthsides; they are the avenues of trade, the highways of commerce, the mail routes of information, and the agencies of speedy communication; they mean the economical transportation of marketable products—the maximum burden at the minimum cost; they are the ligaments that bind the country together in thrift and industry and intelligence and patriotism; they promote social intercourse, prevent intellectual stagnation, and increase the happiness and the prosperity of our producing masses; they contribute to the glory of the country, give employment to our idle workmen, distribute the necessities of life—the products of the field and the forests and the factories—encourage energy and husbandry, inculcate love for our scenic wonders, and make mankind better and greater and grander."

"One of the crying needs in this country, especially in the South and the West, is better roads. The establishment of good roads would, in a great measure, solve the question of the high price of the necessities of life and the increasing cost of living—which is beginning to make life a struggle for existence. By reducing the cost of transportation it would enable the farmer to market his produce at a lower price and at a larger profit at the same time. It would bring communities closer and in touch with the centers of population, thereby facilitating the commerce of ideas as well as of material products."

When we consider that the agricultural production alone of the United States for the past 11 years totals \$70,000,000,000, a sum that staggers the imagination, and that it cost more to take this product from the farms to the railway station than from such station to the American and European markets, and when the saving in cost of moving this product of agriculture over good highways instead of bad would have built a million miles of good roads, the incalculable waste of bad roads in this country is shown to be of such enormous proportions as to demand immediate reformation and the exercise of the wisest statesmanship.

Good roads mean more cultivated farms and cheaper food products for the toilers in the towns; bad roads mean poor transportation, lack of communication, high prices for the necessities of life, the loss of untold millions of wealth, and idle workmen seeking employment. Good roads will help those who cultivate the soil and feed the multitude, and whatever aids the farmers of our country will increase our wealth and benefit all the people. We can not destroy our farms without final decay. They are to-day the heart of our national life and the chief source of our material greatness. Tear down every edifice in our cities and labor will rebuild them, but abandon the farms and our cities will disappear forever and pestilence will decimate the land.

The far-sighted wisdom of Julius Caesar built from the imperial exchequer the magnificent roads that led in all directions to eternal Rome. The great Napoleon, Caesar-like, built the roads of France that center in Paris from the general funds of the Government, and these French roads have done more than any other single agency to encourage the thrift and increase the industry and insure the contentment of the people of France. Caesar and Napoleon were the great road builders of ancient and modern times, and their foresight and their judgment demonstrated the beneficent results that follow as the night the day—the construction of good governmental highways.

## REPRESENTATIVE SIMMONS'S SPEECH.

Representative JAMES S. SIMMONS, of this district, was the next speaker. He called attention to the vast appropriations Congress has been making in past years for waterways, irrigation, and other improvements, while nothing has been done for good roads.

Mr. SIMMONS said in part:

"It is indeed a great pleasure to be here this morning to attend the opening of the Good Roads Congress.

"I bring you the greetings of every resident of this city, all of whom wish you godspeed in furthering the commendable work that is before you.

"Niagara Falls has in the past been selected as the place in which a great number of conventions have been held, many of which have been of national importance; but I feel safe in saying that there has been no gathering here for the consideration of any problem which was of greater importance to the 90,000,000 people of this great Nation than that which you gentlemen are assembled here to consider.

"It is fitting, indeed, that you should have come to the Empire State with your convention, for it is in this State you will find the most liberal and commendable spirit for the furtherance of good-road improvements.

"I most sincerely trust that during the deliberations of this convention you may be able to evolve a plan of operations which will ultimately result in securing both national and State aid in the furtherance of good-road improvements.

"In my judgment there is no line of development which would be so universally beneficial to our people as the improvement of our public highways.

"In reviewing the history of this Nation for the past 50 years we are deeply impressed with the marvelous progress we have made along every line of human endeavor.

"We find our Federal Government has, with a lavish hand, aided nearly every improvement for the benefit of our people, which has played no inconsiderable part in producing the splendid results we have achieved in the past half century.

"Our Government has spent millions upon millions of money in constructing an irrigation system, and during the last Congress we provided \$20,000,000 additional money to carry on this one enterprise in this Nation.

"We have given governmental aid of more than \$500,000,000 for the improvement of our rivers and harbors, and we are annually appropriating about \$50,000,000 for that purpose.

"We have aided the construction of our railroads by money and land grants of more than 200,000,000 acres, the value of which is simply beyond calculation.

"We have aided every industry in our country by means of tariff protection; in fact, we have given governmental aid to nearly every enterprise in America, and in every instance I believe the results that have followed have fully demonstrated the wisdom of the policy; but as beneficial as Government aid has proven to have been to our irrigation system, to our rivers and harbors system, to our railroad systems, and to our great industrial and commercial development, I nevertheless firmly believe that Government aid to the improvement of the roads of this country would be as great a benefit and as high a blessing to the 90,000,000 people of this Nation as has been the benefit derived from any of the other objects of support which I have mentioned.

"In December last I had the pleasure of attending the National Inland Waterways Congress which was held in Washington. I was indeed surprised to find what a widespread interest throughout this country had been worked up in behalf of the further improvement of some of our waterways.

"While it has been my good fortune to attend many conventions of this character, I can certainly say that I never attended a convention before in which there was such a large delegation and such intense enthusiasm in their subject as was shown at this gathering.

"The object of the Inland Waterways Convention was to work up an interest which would influence Congress to appropriate \$500,000,000 for the improvement of four different waterways propositions, one being an inland canal along the Atlantic coast from Marthas Vineyard to Jacksonville; another the improvement of the Ohio River; another a waterway connection with the Lakes to the Gulf, and the improvement of the Columbia River.

"Now remember, that after this Government having already expended over \$500,000,000 dollars for our waterways improvement, we are going to be asked to appropriate five hundred million more for the same purpose.

"I am not here to speak in opposition to improvements. I only refer to this to call your attention to the liberality the Government has shown to our waterways improvements in the past, and then to contrast as to which would be the greater benefit to the greater number of our people—to spend \$500,000,000 additional for the carrying out of the four waterways projects that I have mentioned or to use this five hundred million as Government aid in the improvement of the thoroughfares of this country.

"In expressing my views I say unhesitatingly that if the Government is going to spend \$500,000,000 for the improvement of the four waterways mentioned or for the good roads improvement, I stand unalterably in favor of the good roads improvement.

"We also, at the last session of Congress, passed in the House what is known as the Appalachian Reservation bill, providing for the expenditure of \$11,000,000 to buy waste mountain land with the hope that it would protect the watersheds and increase the flow of water of navigable rivers near the Appalachian Range. I do not hesitate to say that I was opposed to that proposition, for the reason that I believe when we commence to buy mountain land that the matter will be carried to where it will be a great abuse of the use of Federal money.

"I think the time is most propitious for carrying on the work of good roads improvements, and I also think the time is most propitious for securing Government aid in this great project. I want to see this proposition get ahead of all other propositions for securing Government aid, such as I have just spoken of. I want to see the Government manifest its interest in the improvement of our roads before we become committed to expending \$500,000,000 in the projects that are being pressed upon us by the Deep Waterways Association; and I want to see the Government give its helping hand to this commendable enterprise before it becomes committed to purchase of abandoned mountain lands. This is the most meritorious of all things that is knocking at the door of Uncle Sam and asking his powerful financial support.

"I will not attempt to go into the subject of telling you the great benefit that good roads would be to everyone, for you have here to-day the best experts on good roads there is in this whole country, and the advantages to accrue both to the interurban and urban population will be made perfectly plain to everyone who is here assembled."

Chairman SULZER read a number of letters received from governors of other States, including one from Gov. Gillet, of California, in which it was stated that the legislature of the State had just appropriated \$18,000,000 for good roads, and that within a very brief period of time the States of the West will excel those in the East in the matter of road improvement.

Letters were also read from Gov. Hughes, of this State; Gov. Franklin J. Fort, of New Jersey, in which that executive took great pride in the fact that New Jersey was the pioneer State in the improvement of highways by State aid; Gov. Judson Harmon, of Ohio; Gov. Thomas R. Marshall, of Indiana; and Gov. Shaw, of Arizona.

A letter was also read from Norman E. Mack, of Buffalo, in which he stated that he hoped to be with the convention this afternoon, but wished to call attention to the fact that the road between this city and Buffalo is in wretched condition, and hoped the convention would put an impetus in the movement. This condition, he said, is simply illustrative of that which prevails throughout the country.

On motion of Mr. Crafts, of Alabama, seconded by Senator Martin Dodge, of Washington, D. C., a committee on credentials was appointed, as follows: A. C. Jackson (chairman), A. G. Porter, and J. L. Cowles.

A committee on resolutions, consisting of one representative from every State represented, was also named.

The first speech of the afternoon session of the congress, which was held at the International Hotel, was delivered by Chester C. Platt, editor.

[Cataract Journal, July 28.]

EMINENT SPEAKERS ADDRESS THE GOOD ROADS CONGRESS—B. F. YOAKUM, CONGRESSMEN SULZER AND SIMMONS, CHESTER C. PLATT, AND OTHERS SPEAK AT CONVENTION ASSEMBLED HERE—MR. SIMMONS PLEDGES VOTE FOR CONGRESS APPROPRIATION.

Welcome to the city by Mayor Douglass, representatives of millions of persons throughout the United States to-day opened the third annual Good Roads Congress in the auditorium of the Shredded Wheat Co., which has as its object the establishment of a national system of improved highways. The congress will last for three days, during which time men prominent in national affairs will deliver addresses and outline a plan whereby it is hoped to urge Congress to take up the good-roads movement and make appropriations for improved highways.

The first meeting of the congress was called to order by President A. C. Jackson, of the National Good Roads Association, followed by prayer by the Rev. A. S. Bacon, of the First Presbyterian Church. Mayor Douglass was introduced and extended, in a few well-chosen words, the keys of the city, assuring all of the delegates that they would be made welcome.

President Jackson replied to Mayor Douglass, and on behalf of the congress thanked the city of Niagara Falls for the great interest it has taken in the good-roads movement and for the work it has done toward making the congress a success.

"Niagara Falls," said Mr. Jackson, "is ideally situated and has been given by nature one of the greatest attractions in the world. Tens of thousands of persons annually visit your beautiful city, attracted by the scenic beauties and by your unsurpassed hospitality. But there is one thing you lack—good roads. And I fully believe that if Niagara Falls had a system of boulevards radiating from it tens of thousands more would visit the city every year. This radial system should not be confined to this side of the boundary line, but should extend far into the heart of our neighboring Dominion. There is no reason why Niagara should not be the heart of such a system, and I hope that the work this congress will do will bear fruit in the establishment of a system such as I have referred to."

In introducing Congressman WILLIAM SULZER, of New York, President Jackson said:

"It is precedent that a man well known in the State in which the convention is held act as president. Congressman SULZER has for years been an advocate of good roads, and I believe that no man in or out of Congress has taken such a deep interest in the National Good Roads Congress as has Mr. SULZER, whom I take pleasure in introducing to this assemblage."

Mr. SULZER expressed his pleasure at the honor bestowed upon him, referred to the beauties of the city and the hospitality of the people of Niagara Falls, and then in a speech, frequently punctuated with applause, spoke of the objects and aims of the congress. Mr. SULZER said in part:

"For years I have been an earnest advocate of good-roads building. Good roads mean progress and prosperity, a benefit to the people who live in the cities, an advantage to the people who live in the country, and it will help every section of our vast domain. Good roads, like good streets, make every habitation along them most desirable; they enhance the value of farm lands, facilitate transportation, and add untold wealth to the producers and consumers of the country; they are the milestones marking the advance of civilization."

"One of the crying needs in this country, especially in the South and the West, is better roads. The establishment of good roads would in a great measure solve the question of the high price of the necessities of life and the increasing cost of living, which is beginning to make life a struggle for existence. By reducing the cost of transportation it will enable the farmer to market his produce at a lower price and at a larger profit at the same time. It would bring communities closer and in touch with the centers of population, thereby facilitating the commerce of ideas as well as of material products."

"When we consider that the agricultural production alone of the United States for the past 11 years totals \$70,000,000,000, a sum that staggers the imagination, and that it costs more to take this product from the farm to the railway station than from such station to the American and European markets, and when the saving in cost of moving this product of agriculture over good highways instead of bad would have built a million miles of good roads, the incalculable waste of bad roads in this country is shown to be of such enormous proportions as to demand immediate reformation and the exercise of the wisest statesmanship. But great as is the loss to transportation, mercantile, industrial, and farming interests, incomparably greater is the material loss to the women and children and the social life, a matter as important as civilization itself. The truth of the declaration of Charles Sumner 50 years ago, that 'the two greatest forces for the advancement of civilization are the schoolmaster and good roads,' is true."

"The plain people of the land are familiar with the truths of history. They know the past. They realize that often the difference between good roads and bad roads is the difference between profit and loss. Good roads have a money value far beyond our ordinary conception. Bad roads constitute our greatest drawbacks to internal development and material progress. Good roads mean prosperous farmers; bad roads mean abandoned farms, sparsely settled country districts, and congested populated cities, where the poor are destined to become poorer. Good roads mean more cultivated farms and cheaper food products for the toilers in the towns; bad roads mean poor transportation, lack of communication, high prices for the necessities of life, the waste of untold millions of wealth and idle workmen seeking employment. Good roads will help those who cultivate the soil and feed the multitude, and whatever aids the producers and the farmers of our country will increase the wealth and benefit all the people. We can not destroy our farms without land decay. They are to-day the heart of our national life and the chief source of our material greatness. Tear down every edifice in our cities and labor would rebuild them, but abandon the farms and our cities will disappear forever and pestilence will decimate the land."

"If you say good roads will only help the farmers, I deny it. The farmers, who produce the necessities of life, are less dependent than the millions and millions of people who live in our cities. The most superficial investigation of this subject will clearly prove that good roads are just as important to the consumers, if not more so, than they are to the producers of the country."

"The burdens of life fall hardest on the farmer. The least the Government can do for him is to help him get decent highways. I am with the farmer in this fight for good roads. I am with the rural districts of our land in their struggle for better transportation facil-

ties, and in Congress or out of Congress I shall do all in my power to hasten the consummation they desire—the ability to go and come along decent roads without exhausting the time and effort and the utility of man and beast. I know the farmer's joys and sorrows, his trials and his troubles, and I know how much we owe to the farmers of our country. A debt we can never repay."

Mr. SULZER was followed by Congressman JAMES S. SIMMONS, introduced by Mr. Jackson as "the good-roads representative in Congress of the old Niagara district."

Mr. Simmons was applauded several times, especially when he pledged himself to support with his vote in Congress the good-roads movement and to stand in favor of an appropriation for the betterment of the Nation's highways. Congressman SIMMONS, after welcoming the delegates, said in part:

"I most sincerely trust that during the deliberations of this convention you may be able to evolve a plan of operation which will ultimately result in securing both national and State aid in the furtherance of good-road improvements."

"In December last I had the pleasure of attending the National Inland Waterways Congress, which was held in Washington. I was indeed surprised to find that a widespread interest throughout this country had been worked up in behalf of the further improvement of some of our waterways."

"The object of the inland waterways convention was to work up an interest which would influence Congress to appropriate \$500,000,000 for the improvement of four different waterways propositions, one being an inland canal along the Atlantic coast from Marthas Vineyard to Jacksonville, the other the improvement of the Ohio River and a waterway connection from the Lakes to the Gulf, and the improvement of the Columbia River."

"Now, remember that after this Government, having already expended over \$500,000,000 for our waterways improvement, we are going to be asked to appropriate five hundred millions more for the same purpose."

"I am not here to speak in opposition to improvements. I only refer to this to call your attention to the liberality of the Government has shown to our waterways improvements in the past and then to contrast as to which would be the greater benefit to the greater number of our people—to spend \$500,000,000 additional for the carrying out of the four waterways projects that I have mentioned or to use this five hundred million as Government aid in the improvement of the thoroughfares of this country."

"In expressing my views I say unhesitatingly that if the Government is going to spend \$500,000,000 for the improvement of the four waterways mentioned, or for the good-roads improvement, I stand unalterably in favor of the good-roads improvement."

"We also, at the last session of Congress, passed in the House what is known as the Appalachian Reservation bill, providing for the expenditure of \$11,000,000 to buy waste mountain land with the hope that it would protect the watersheds and increase the flow of water of navigable rivers near the Appalachian Range. I do not hesitate to say that I was opposed to that proposition for the reason that I believe when we commence to buy mountain land that the matter will be carried to where it will be a great abuse of the use of Federal money."

"I think the time is most propitious for carrying on the work of good-road improvements, and I also think the time is most propitious for securing Government aid in this great project. I want to see this proposition get ahead of all other propositions for securing Government aid, such as I have just spoken of. I want to see the Government manifest its interest in the improvement of our roads before we become committed to expending any \$500,000,000 in the projects that are being pressed upon us by the Deep Waterways Association, and I want to see the Government give its helping hand to this commendable enterprise before it becomes committed to the purchase of abandoned mountain lands."

"This is the most meritorious of all things that is knocking at the door of Uncle Sam and asking his powerful financial support."

Congressman SIMMONS was the last speaker at the morning session, and following his address a committee on credentials, composed of President A. C. Jackson, A. G. Porter, and James L. Cowles, was appointed by the chair.

A committee on resolutions, composed of one member from every State represented at the congress, will be named by the chair and will make its report at the session Saturday.

Norman E. Mack, of Buffalo, chairman of the national Democratic committee, was present at the session of the congress this afternoon in the International Hotel.

At the session this morning President Jackson read a letter from Mr. Mack, in which he regretted that his time would be limited in this city to such an extent that he would be unable to make an address. The letter, however, assured the congress that he is in hearty sympathy with the objects of the congress and that the movement would receive whatever support he could give. The session this afternoon was addressed by B. F. Yoakum, of the Frisco lines, James L. Cowles, of the postal road league of New York, and several other prominent men interested in the good-roads movement.

At the afternoon session Chester C. Platt, editor of the Batavia Times, spoke in part as follows:

"Andrew D. White, before he became one of the founders of Cornell University and its first president, was a member of the New York State Legislature. Being deeply interested at that time, as he has been ever since, in the cause of popular education, he was also interested in good roads. Those were the days when the average farmer believed that what was good enough for his father was good enough for him, when road taxes were a joke, and working them out was a form of amusement in which there was always more shirking than working. Mr. White was interested in a bill calculated to improve the highways of the State. Farmers were opposed to the measure, and they wrote him to that effect. They asked for a hearing upon the bill, and it was granted. It was in the month of March. When the day for the hearing arrived, Mr. White received a telegram. It read as follows:

"Postpone hearing on highway bill. Can not reach depots. Roads impassable."

"Good highways are needed not only as feeders to the railroads in times of war, but to enable us in times of peace, without direct primaries, the initiative, the referendum, and the recall, to get to our representatives in the legislature and the Congress when they threaten to enact laws which we do not want or refuse to pass laws which we demand."

"The Federal Government should be interested in good roads, not only because of the military advantage of being able to quickly reach

railroad centers, but because of the economic desirability of being able easily and speedily to reach the railroads with both freight and passengers. The prosperity of our railroads, which must inevitably soon pass under Government ownership, as they are now passing under Government control, depends in a great measure upon the character of the highways in the country traversed by the railroads. In proportion as roads are good and other facilities for transportation perfect, trade and commerce will increase. Farmers will raise the produce for which their farms are best adapted, sell the products of their farms, and purchase the things they need to consume, whereas where transportation facilities are bad and costly the farmer must raise on his own farm and produce by his own labor almost everything he needs.

"The Federal Government should be interested in good roads, because they tend to promote popular education. Poor roads and illiteracy go hand in hand. Statistics show that those States which have the largest number of miles of improved highways have the smallest number of persons who can not read and write.

"We want the Federal Government to begin the construction of national highways. Until such a time as the railroads become nationally owned we can find much relief from the evils of railroad monopoly if we have a system of national roads as well as many systems of State roads and county roads.

"Thoughtful men are more and more appreciating the gravity of the railroad problem. Our railroads, like those of European countries, should have been built and owned by the Government. That they were not, has made us much trouble, and promises to make us much more.

"Can our railroads permanently endure and prosper half under the control of their owners and half under the control of Government officials? I do not believe they can. No automobile manufacturing business could long endure, prosperous as that business now is, if a Government commission representing primarily the patrons of the automobile manufacturer were allowed to regulate all conditions of employment in the factory and even to fix the price at which the automobiles should be sold. Easy as it is now to obtain capital for automobile enterprises, if the industry were placed under the control and regulation of a Government commission it would be as difficult to obtain new capital as it is now to obtain new capital to properly develop, enlarge, and improve the railroad facilities of New York State. No new railroads have been built in our State since the public-service commissions were appointed. Capitalists will not invest their money in enterprises to be controlled by those who have no financial interest at stake. Our railroads must ultimately be owned by the Government. Until they are, Government control and regulation are necessary, and until we acquire the ownership of our railroad highways it is highly desirable that the Federal Government shall develop a system of good roads.

"A system of Federal road building will begin when public sentiment demands it. This congress, as I understand it, is one of the instrumentalities for making manifest to Congress the demand that does exist for Federal roads. Two of the most important factors in connection with the good-roads problem are the farmer and the automobile. When the farmers and the automobile owners unitedly and enthusiastically work together for Federal roads we will obtain them. It is useless to deny that the average farmer has not been in favor of good roads. It is also useless to deny that there has been some just cause for a lack of good feeling between automobile owners and the farmers. About the time that wide-tire regulations began to go into effect in this State and the farmers' wagons began to improve macadam roads by acting at once as a rock-dust maker and a miniature road roller, automobileists began extensive use of the highways, and with their nonskid tires and their chain attachments began to inflict the most serious damage upon the macadam roads. The swiftly moving automobile throws the rock dust into the air, and it is swirled to the sides of the road by the air currents passing under the low-hung body of the car. The dust nuisance led to serious depreciation in the value of real estate which had been greatly enhanced in value by the construction of the macadam road. Dust in the fields damaged crops. Can we blame the farmer that he has insisted that his own interest and that of automobileists in good roads are by all means identical?

"But a change is coming. We are learning to make our macadam road nearly dustless, and agricultural conditions are improving so rapidly that the farmers are becoming automobile owners. A new agricultural era is dawning, and farming is destined to become the most attractive and remunerative business in the country. I have recently been advocating in my own town that an effort shall be made to bring the farmers of the township into closer relationship with the merchants and manufacturers through membership in our board of trade. Batavia has recently awakened to the fact that any town makes a mistake if it assumes that membership in its board of trade or Business Men's Association should be limited to merchants and manufacturers. It saw that the professional men, the doctors, the lawyers, and the ministers are as much interested in the progress of the town and things pertaining to its welfare as are the merchants and manufacturers and that the membership roll of the organization should include the names of as many professional men as possible, and this added to the importance, the prestige, and usefulness of the organization.

"It took the position that there was another very important class of citizens who ought to be embraced within the membership of the organization, namely, the farmers.

"Farm lands are advancing in value, farming is becoming more profitable. This, in a large measure, is due to the fact that new methods are being adopted, farmers are becoming a better educated class. These results are due, in a measure, to the increased interest which the State has shown in agricultural pursuits, and the liberal policy it has pursued in fostering agricultural education by large appropriations for agricultural schools, for the Geneva Experiment Station, and particularly for the enlargement and improvement of the State Agricultural College at Cornell University."

A delegation, consisting of O. W. Cutler, John F. McDonald, Arthur C. Jackson, and Congressman F. SULZER, called on Mayor Fuhrmann, of Buffalo, yesterday and invited him to attend the congress. Mayor Fuhrmann accepted the invitation, and also promised the delegation that he would do all in his power to secure a large attendance of automobile owners of Buffalo. Mayor Fuhrmann is a warm good-roads enthusiast, and while in conference with the Good Roads Congress delegation discussed the advantages that will accrue to both Niagara Falls and Buffalo when the boulevard now in course of construction is completed. Mr. SULZER was very much impressed with the personality of Mayor Fuhrmann, and said that in Buffalo's chief executive the Good Roads Congress and the movement in general has a fine "booster."

Like Charles Sumner, Mr. SULZER, who is proud to be called the modern Henry Clay, believes that the "two greatest forces for the advancement of civilization are the schoolmaster and good roads."

Discussing the goods-roads movement in a general way this morning, Congressman SULZER said:

"The plain people of the land," he said, "know that often the difference between good roads and bad roads is the difference between profit and loss. Good roads have a money value far beyond our ordinary conception. Bad roads constitute our greatest drawback as a country to international development and material progress. Good roads mean prosperous farmers; bad ones mean abandoned farms, sparsely settled country districts, and congested cities. They also mean more cultivated lands and cheaper food products for the toilers in the towns.

"Bad roads," he said, "mean poor transportation, lack of communication, high prices for the necessities of life, the loss of millions of wealth, and idle workmen seeking employment. Good roads will help those who cultivate the soil and feed the multitude, and whatever aids the producers and the farmers of our country will increase our wealth and benefit all the people."

"One of the crying needs in this country, especially in the South and West, is good roads. The establishment of goods roads would, in a great measure, solve the question of high prices of food and the increasing cost of living."

[Niagara Falls Gazette, July 29.]

WOULD HAVE GOVERNMENT LEND A HAND—SPEAKERS AT NATIONAL GOOD-ROADS CONGRESS SUGGEST MEANS FOR FEDERAL GOVERNMENT TAKING ACTIVE PART IN GOOD-ROADS WORK—ONE PLAN TO LOAN MONEY TO STATES, ANOTHER TO DIVIDE COST WITH STATE.

The second day of the National Good Roads Congress opened this morning under much more auspicious circumstances than the session yesterday. The attendance was considerably larger than that of either of the sessions yesterday, and, if possible, the enthusiasm was even more marked. Representative WILLIAM SULZER, presided; James L. Cowles acted as secretary.

There were nine States represented among the delegates at the convention this morning and more are expected this afternoon.

The illustrated lecture to-night will be delivered by J. E. Penny-packer, of the Department of Roads, Washington, D. C. George E. Cooley, State highway engineer of Minnesota, will also deliver an address at the evening session.

The speeches this afternoon will include J. Munro Greir, of Niagara Falls, Ontario, the mayor of St. Catherines, and the mayor of Guelph, Ontario.

ADDRESS OF J. HAMPTON RICH.

J. Hampton Rich, delegate to the convention, representing by special commission the State of North Carolina, was the first speaker to-day. He is also delegate to the International Good Roads Congress at Brussels, Belgium.

As editor of the *Carriers' Messenger*, the organ of the rural letter carriers of the South, Mr. Rich took for his subject the "Rural Letter Carrier and Good Roads." He said: "There are many sides to the good-roads question. Why, down in my State there was held recently a big hotel men's association, and one of the leading speakers was a good-roads man, and took for his theme, 'The Hotel Man and Good Roads.' We have often heard of good roads and the merchant, and sometimes a speech is made on good roads and the traveling man. The good-roads question and the railroad and steamship companies is a very pertinent question, and all through this convention the farmer and good roads has figured extensively, but possibly the man who is more nearly concerned with improvements of roads than any other is the rural letter carrier. Next to the question of his salary this is uppermost."

OTHER SPEAKERS OF THE MORNING.

The second speaker was Charles B. Mathews, of Buffalo. Mr. Mathews was introduced as "an old pioneer, whose name is known in every household in this State."

John Croft, of Mobile, Ala., the next speaker, is president of the Good Roads Association of the State in which he lives. He began by alluding to the immense tourist trade of this section, and declared that the American tourists who go to Europe every year spend between thirty and forty million dollars just to see the good roads.

He said that while the South is slow in the construction of roads, they have about perfected the dirt road, and their principal problem is "How to get their crops to the markets."

"The people of Alabama," he said, "believe that the National Government should do its part in the improvement of the highways," and declared that the two United States Senators and nine Congressmen from his State were of the same opinion and, he believed, ready and willing to do what they can to push the matter at the coming sessions.

"The rural carriers of the United States now number 41,007. It is estimated by recent figures just gathered from the statistics in the Congressional Library that these carriers travel 304,000,000 miles a year, which seems incomprehensible.

"In my State, North Carolina, there are 1,278 rural carriers who travel on an average of 23.44 miles per day, or a total during the year of 28,176. In Georgia the number of carriers is 1,615 and they travel 38,420 miles. So these men who bear the messages of joy and sorrow, birth and death to our rural population in summer's heat and winter's cold stand very close to the heart of the farmer, who composes, according to the statement of our friend from the far West, Mr. Yoakum, one-third of the population of our country.

"Well this man who is a Government servant deserves to be treated well by our Government. His horse hire is heavy if he does not own his own horse and if he owns his own outfit the life of a horse on the average country route is not over three years; two horses must be kept all the time. The average net earnings of these men amounts to the magnificent sum of \$31.50 per month. In New York State the average net earnings per month is \$33.95. In North Carolina it is \$28. With this bountiful sum the rural carrier must feed and clothe his family and maintain his home and send his children to school; he must lay aside enough of this to buy a horse when the old one gives out. Now, has he not a strong argument for good roads?

"Where good roads exist the rural letter carrier finds new methods of serving his patrons. Recently, while on a trip through south Georgia,

I found four rural carriers at Dawson, Ga., who drove automobiles, served all their patrons, and got back to warm dinners. This is due to the magnificent sand-clay roads which they are building in that part of the country. The King road drag has also been of great aid in maintaining the road.

"There is another great help to the roads in the rural districts, yet the farmers along the country roads use the King drag after every rain. This is a method which is indorsed by the Office of Public Roads, at Washington, and urged by every rural carrier who knows anything about the value of the King drag.

"Recently I took a trip in an automobile over the fine country road of Wake County, North Carolina. We passed many farms whose owners had gone to work since good roads have come, painted their homes and outbuildings, improved their land by better methods of agriculture until one hardly knew the section to be the same of a few years ago, so marked was the change. But we were prepared for still a more wonderful sight when 11 miles out from town in the same county we came to the farm of Mr. J. F. Butts, who has 125 acres in corn cultivation that will, from every indication, make 125 bushels of shelled corn to the acre. I counted 13 well-developed shoots of young ears on 1 stalk. I have a photo of this field of corn in my room at the Cataract Hotel. Mr. Butts last year cultivated a prize acre of corn from which he gathered 226½ bushels of shelled corn, measured by Commissioner W. A. Graham, commissioner of agriculture of North Carolina.

"This and many more marvelous developments are taking place in agriculture since the agitation for good roads began in North Carolina."

Mr. Croft diverted from the subject of goods roads at the conclusion and asked that the convention go on record as favoring the holding of the Panama Canal Exposition at New Orleans. He said that he felt that it was but a fitting recognition of the work of Senator Morgan, of Alabama, who he styled as the father of the Panama Canal, and he is a delegate to the convention, duly appointed by the mayor of New Orleans.

Martin Dodge, of Washington, seconded the resolution, and started the liveliest discussion that has occurred on the floor of the convention.

W. M. Bryant, of Kalamazoo, Mich., declared that the convention was diverting from the subject matter of the convention, and also said that if the convention indorsed the southern city it would antagonize the far West and other cities.

"We are drifting from the subject matter, and I want to go home with something on good roads," said Mr. Bryant. There was a further discussion, and Albert F. Keeney, president of the board of local improvement, declared that the convention might as well indorse some man for State senator or United States Senator from the State of Ohio or Illinois.

Durand Churchill, of Point Loma, Cal., introduced by Mr. Keeney, of Chicago, gave the delegates some idea of what California, and especially San Diego County, was doing in the way of good roads.

This State is making a bid for the celebration and is in the field, although Mr. Churchill did not mention this fact.

Dr. E. C. Kenney, V. S., of New Orleans, replied. He said that New Orleans is doing much in the cause, and advocated a national highway running across the States from the Atlantic to the Pacific and from the Great Lakes to the Gulf, and that the States and counties build their highways so that they will connect with these roads. According to his idea these government highways could be maintained by a tax levied on the tonnage carried by the improved waterways, and in the West, where there are no waterways, by a low tonnage tax on the railroads.

Following this address the resolutions, by almost unanimous vote, were referred to the committee on resolutions.

Announcement of the program of speakers for this afternoon was made before the noon adjournment as follows: Martin Dodge, S. G. Forster, chief road engineer of Pennsylvania; C. E. Shafer, of Monroe County, N. Y.; and C. W. Kelly, of New Haven.

[Cataract Journal, July 29.]

**\$300,000,000 FOR GOOD ROADS EVERY YEAR—GOVERNMENT WASTE WOULD CONSTRUCT 100,000 MILES—MR. YOAKUM'S SPEECH TO ROADS CONGRESS—WHAT NATION THROWS AWAY WOULD GIVE IMPROVED HIGHWAYS—HOW FARMERS WOULD BE SAVED MILLIONS—RAILROAD BUILDING HAS BEEN PRACTICALLY STOPPED BECAUSE OF ATTACKS, SPEAKER SAYS.**

"One of our distinguished members of the Senate has declared on the floor that \$300,000,000 is wasted annually by the Federal Government. If this sum could be conserved and applied to the construction of improved highways, we could have 100,000 miles of roads built every year."

This statement by B. F. Yoakum, chairman of the executive committee of the Frisco Lines, made during the course of his address before the National Good Roads Congress yesterday, brought forth applause, and his suggestion that the Congress take some action toward securing a fund to be used for educational purposes resulted in the adoption of a resolution offered by W. J. Sandbury, of the Chautauqua County Grange, authorizing President A. C. Jackson to appoint a committee to formulate a plan whereby funds for a campaign such as suggested by Mr. Yoakum could be secured.

Mr. Yoakum was the principal speaker at the session held at the International Hotel yesterday afternoon. At the conclusion of his address, Mayor McGuire, of Syracuse, offered a vote of thanks, which was unanimously indorsed. Mr. Yoakum spoke as follows:

"Your organization stands for a duty sadly neglected by the Government. Good roads mean more for the people at large than any other public work, and add more to the comfort and upbuilding of the country. They are of national importance.

"Government statistics tell us that it costs our farmers 15 cents more to haul 1 ton 1 mile in this country than it costs in European countries. The products of the farms of the United States last year amounted to approximately 250,000,000 tons. The Government shows the average haul of a ton was 9 miles. This difference of 15 cents a ton per mile represents an additional cost of \$1.35 a ton for an average haul of 9 miles. Estimating that two-thirds of the agricultural products of last year were hauled away from the farms, there would have been a saving to the American farmers of \$225,000,000 if our roads had been up to the standard of European roads, not including their back haul of supplies from the stations to the farms. They would also have saved large sums in the cost of replacing and repairing harness, wagons, etc., and in the investment and care of extra draft stock.

#### MUST FIGHT FOR THEM.

"The only way to get good roads is to fight for them. Your organization can do its work most effectively by keeping before the people in as many ways as possible the importance of making money by making better roads. It is not a sentimental proposition, but purely a business one.

"There has been expended upon the Mississippi River, including surveys, within the last 100 years, \$225,000,000 to put that public water highway in condition for handling products of the farm and commerce tributary to it. The last statistics available show that in 1906 there were 1,545,000 tons less transported on this river than in 1889. This \$225,000,000 was expended between St. Louis and New Orleans, with the States of Missouri, Arkansas, and Louisiana on the western boundary and the States of Illinois, Tennessee, and Mississippi on the eastern. The farmers of these States which border directly upon the Mississippi River, to say nothing of those of the remaining 40 States, have received no benefit from this vast sum wastefully expended by the Government. On the contrary, the farmers are paying as much for broken harness, broken wagons, with as much lost time, hauling one-half a load to a team, as they were before this \$225,000,000 was expended. There has been no systematic plan for the improvement of the Mississippi River. Therefore this great waste of money has been of no benefit to the transportation of commerce or the development of agriculture. This same amount of money expended in good road making would have yielded tremendous returns to the people. It is the duty of every citizen of the United States to aid the farmer in every way consistent with business principles to market his products to best advantage, and in this connection no one factor is of more economic importance than the reduction of the cost of transportation between the farm and the railroad station.

#### ROADS AND RAILROADS.

"It took three-quarters of a century to build up the American railroads. During the same time little attention has been given to the building of American country roads. Yet the value of the two to the public goes hand in hand. Food and clothing must be handled between the producers and the consumers over both the country road and the railroad. It is important that the country roads approach the high standard of the railroads.

"If a railroad encounters a high grade over a hill, which means excessive use of coal, slow trains, and light loads, the railroad cuts down the heavy grades to save coal bills, to move freight faster, to carry bigger trainloads. It borrows millions to do the grade cutting, pays the interest on this money, and through this economy is enabled to increase its surplus. The railroads borrow money to make stronger culverts and bridges to bear heavier engines and steel cars. Then they must borrow more to buy the large locomotives and big cars, all of which add to the efficiency of those steel highways.

#### FARMERS WILL BENEFIT.

"The country road makers have not kept up with the railroad makers. They, too, must get money to cut down grades, to get smooth, hard surfaces, to provide good drainage, and to reduce the cost of maintenance. When this is done, the farmer can go from his farm to his market or shipping station quicker and carry a bigger load. The firm roadbed and smooth, heavy steel make the railroad's cars and engines last longer, and the substantial, well-made country roads make the farmer's horses, wagons, and harness last longer. The saving to the railroad is only a small fraction of a cent on each ton hauled 1 mile, while the saving to the farmer is 15 cents a ton a mile. This difference in cost of hauling will often turn a losing farm into a paying one.

"The greatest value of good roads will be to the farmers who have not yet become interested. You have not yet found a way to reach them to properly place your arguments and statistics before them. They need to be shown that the poorest roads are the most expensive roads. They have not been shown that their broken wagons, broken harness, and blacksmith bills cost them more than the cost of having good roads. They have not been shown that a \$4-a-day team can do twice the work over good roads, which makes that team worth to them \$8 a day.

#### SHOULD TALK TO MILLIONS.

"The members of your association know these plain and simple things I have stated. But the way to get good roads is to make all the people know them and keep them constantly in mind. The transportation system which carries our food and clothing from maker to user is part railroad and part country road. One part is as necessary as the other. Your organization in its support of the betterment of our public highways should talk in millions instead of thousands. The advocates of better roads are behind the times and will have to spend money by the millions to catch up, and the people who are to enjoy and benefit by these improvements should be educated to understand what good roads mean to them and what they will cost.

#### PRECEDENT FOR FEDERAL AID.

"Those who seek precedent for Federal aid in providing better country roads will find it in the support which the Government gave the old National Pike. Under various names this great interstate highway ran from Washington to the Mississippi River. It was begun by the Federal Government. Many appropriations were made by Congress to pay for construction, and it was built under the direction of War Department engineers. The last appropriation was for \$150,000 in 1838. The Government at Washington took an active part in seeing that the various States provided their share of the money and work toward the construction of this great road, which greatly aided in the settlement of the West. If the Government takes an interest in aiding the States to finance their public-highway improvements, the most careful consideration should be given to the development of a plan. While comprehensive, it should be one that will safeguard the money expended. Extravagance and wastefulness in the administration of our Government and the loose methods of the expenditure of money appropriated for public works should warn us against a repetition in the construction of our public highways.

"Your association should have aggressive organizations in every State and have working relations with all commercial, manufacturing, and agricultural institutions. While I can speak but for one system of railroads, I feel confident that every railroad of the country will be in sympathy and work in harmony to aid in the development of the coun-

try's public highways, with a view of upbuilding and increasing the production of existing cultivated fields and adding new acres that are now lying idle for lack of rail transportation or good public roads to encourage their cultivation. If your work is pushed properly and enthusiastically, within a few years statistics will show that the population of the rural districts is increasing instead of as now showing an increase in city population and a decrease in rural population. The tide of young humanity will then flow to the country and away from the towns. Country localities with good roads go forward; country localities with bad roads go backward. The welfare of the Nation demands that the comforts of country life should keep pace with the comforts of city life.

#### RAILROAD TERMINALS.

"Railroads are now spending hundreds of millions of dollars on terminals in various cities of the country. These millions of dollars do not add greatly to the income of railroads, as they do not create new business; but they do add to the comfort of travelers and decrease the cost to their patrons of the delivery of freight. The railroads are just as much interested in good roads for gathering freight as in expensive terminals to distribute the same at its destination. In different ways the two means of transportation work for the same purpose. Our interest is a business one and our support should be the same as in any other enterprise in the success of which we are concerned.

"The agricultural people of the country are beginning to realize their own situation. They are commencing seriously to study economic questions. They are beginning to figure their time as worth money. When your association places the facts before the owners of the 6,000,000 farms, who represent, according to the Government's estimates, including their families, nearly one-third of our population, and gets them to realize what good roads mean to them, we will then have good roads. They will vote for men as public servants who will encourage and vote to help along the work of getting good roads. The duty of the National Good Roads Association is of greater importance to-day to the future growth of the country than it has ever been before.

"It is to good roads that this country must look largely for its future growth and development.

#### ATTACKS ON RAILROADS.

"The railroad business of the country has been attacked from so many different standpoints that we are not going to have for many years such an era of railroad construction as we have enjoyed heretofore. The improvement which can come nearest taking the place of railroads in the development of the country lying back from existing railroads is good public highways. Illustrations of this you can now see in many sections of the country, and will see many more evidences of it as different communities begin to realize how hard it is for railroad builders to find new money to build new railroads into new countries.

"One instance I have in mind which illustrates the situation: In the county in which San Antonio, Tex., is located there have not been any new railroads constructed for several years. The splendid old German town of Fredericksburg has had a purse of \$100,000 hung up for a long time to give to the first railroad that would build into its thriving and rich country, but no takers, although several have tried it and found it impossible to finance even a short road between San Antonio and Fredericksburg. The people of that town are now turning their attention to the next best thing, which is to build a highway over which their products and their commerce can be handled most economically and their automobiles convey passengers more promptly. This is only one of the many instances throughout the country, as we still have many towns more than 50 miles from a railroad.

#### GOOD ROADS AND MARKETS.

"With a good road a farmer who lives 15 miles from a shipping station is better off than one who lives 5 miles with a poor road. The man with a good road, with the distance against him, can make his trips quicker and can carry from two to three times as much on his wagon; and more important, he can depend upon his road and bridges every day in the year, while the man who encounters swollen streams and impassable roads often loses his best market and his vegetables decay upon his hands.

"We have 2,100,000 miles of public roads. From the best information obtainable there are about 44,000 miles, or 2 miles out of each 100, under a high standard of improvement. There are not more than 175,000 miles, or 8 miles out of each 100, under any kind of improvement. In other words, we have 1,925,000 miles of public roads which are in as poor condition now as they were when they were laid out by our early settlers and pioneers.

"The last Congress appropriated \$52,000,000 for river and harbor improvements. I am not against river and harbor improvements. I am only against the waste that the people of this country pay for through the expenditure of such appropriations. This \$52,000,000 was largely political distribution, opposed by President Taft, who gave notice that he would not again approve of such haphazard expenditures. If our Congressmen and other public paid officials could lay aside political questions which are of no benefit to the country and give their attention to economic questions that build up rather than political agitations and threats of what they propose to do to the institutions of our country, there would be a vast difference in our future growth and prosperity. It is not the legislation which is enacted that does the greatest harm. Political campaign speeches which create prejudice and doubt in our institution do the most damage. These will not be stopped until the farmers elect new men to office, both National and State, who will give attention to working out economic questions that benefit them. One of these problems is to give to the farmers roads from their farms to the railroad stations in keeping with the railroads from the railroad stations to markets.

"Good roads would add so greatly to the comfort, health, and happiness of their users that every possible agency should be employed in making better roads. Unfortunately this is not the way it is working out. The only proof necessary is that fifty-six hundred times as much money is appropriated by Congress for military expenses as for good roads. If it could be shown to our national lawmakers that military roads are needed for armies and military convenience, appropriations for millions would be had without delay. Gen. Goethals, at the head of the Panama Canal construction, says that this vast enterprise is of first importance as a military expedient. To make this naval highway in a foreign country for fighting vessels our Government is spending more money than has ever been expended for any one similar project in the history of the world. The value of good roads has not been driven home because Federal and State legislatures feel

that they can, without being criticized at home, do little for country roads, and the people accept such shortsighted policies without protest.

#### REAL ACCOMPLISHMENTS.

"If we build 100,000 miles of public highways annually for 10 years, and give to this country 1,000,000 miles of good public roads, at an average cost of \$3,000 per mile, or \$300,000,000 annually, we will be engaging in a national development the advantages of which in economics, commerce, comforts, and enhanced land values none can foretell. We will be accomplishing something worth while. This work if carried on by counties and townships, as at present, will be very slow. It should be encouraged under a broad comprehensive plan outlined by the Federal Government cooperating with the States. The Agricultural Department of the Government is in sympathy with all things that tend to improve our public-road system.

"A law authorizing the Federal Government to extend its credit to each State in an amount equal to that expended by such State, under a joint commission of Federal and State authorities, would enable the different States to take advantage in this work of upbuilding of a low rate of interest that would greatly reduce the interest charge for the improvement of the public highways. This would not be so radical a departure from present practices as might at first appear. The Government has advanced, or agreed to advance, \$115,000,000 to reclaim waste lands in various places in the West, which money is to be paid back to the Government. It is just as sound a public policy to loan one-half of the money to States which furnish the other half for the reclamation of farms and idle lands that can not now be reached on account of existing road conditions between them and railroad stations.

"If you will strengthen your association through a strong concrete organization of working forces in each State, and will interest the Congressmen and State authorities by getting them to realize that one of the most effective ways to promote the growth of the country and expand its agricultural development is through the encouragement of better roads, in the course of a few years we will have a system of public highways second to none in the world. Every dollar saved through this economy goes directly to the pockets of the producers. On the basis of the Government's estimate of the present excess cost of 15 cents a ton for hauling in this country, as compared with European countries, improved roads would have meant to the farmers on last year's crop an additional \$225,000,000, which would have increased their \$8,750,000,000 crop to \$10,000,000,000. When we take into consideration that this additional saving would have gone to the agricultural people, who are both the greatest producers of wealth and the greatest purchasing power of this Nation, it means more than the public men of this country who are studying economic questions have considered. What your association should work for is getting better roads and finding ways and means of getting them.

"Every detailed analysis of the Government's business methods proves them to be wasteful. One of the ablest United States Senators recently announced that the Government could be run for \$300,000,000 annually less than it is now costing. I can say as emphatically that \$300,000,000 annually would give to this country 100,000 miles of improved public highways a year. If you take up your work of better roads, to be paid through a reduction of governmental waste, your work will be effective and for the general good of all."

[Niagara Falls Gazette, July 30.]

GOOD ROADS CONGRESS IS CLOSED—IDEA OF A BOULEVARD FROM NEW YORK TO NIAGARA APPROVED AND MATTER WILL BE LAID BEFORE GOVERNOR FOR HIS APPROVAL—WOULD FOLLOW HUDSON AND MOHAWK RIVERS—A. MUNRO GRIER MADE HAPPY ADDRESS FOR CANADIANS.

A State boulevard, to be known as the "Great Niagara Way," extending from New York City along the Hudson River Valley to Albany, then along the Mohawk Valley to Buffalo, where it will join the Niagara Falls-Buffalo Boulevard, was suggested by the National Good Roads Congress this morning.

The suggestion was made by Congressman WILLIAM SULZER, of New York, who acted as chairman of the meeting. It was enthusiastically received, and resulted in the adoption of the following resolution:

"That this congress favor a great boulevard that shall connect the great metropolis of New York with Niagara Falls, to be known as the 'Great Niagara Way,' or by any other name. And be it further

"Resolved, That a copy of this resolution be sent to the governor, the senate, members of assembly, highway superintendents, the mayors of cities, and members of the common councils."

This resolution was seconded by Dr. E. C. Kenny, of New Orleans, La. Martin Dodge spoke of the possibility of the project and declared that he believed that with the proper effort such a project could be realized. In calling the meeting to order this morning Representative SULZER said:

"The matter of much significance that we should take note of is that although this convention has not been as well attended as we had hoped, it is very gratifying that its proceedings have been given very wide publicity, and on behalf of the convention we extend our hearty thanks and appreciation to the press for the success of this congress.

"This is not my first visit to Niagara Falls and there is no place that appeals to me more. It is the place of the one wonder of the world, and here come every year people from all parts of the earth to witness this wonderful exhibition of nature and enjoy the hospitality of the kindest-hearted people in the land and to get the benefit of the good air and the good hotels.

"There is no place in the United States that affords so many advantages to the tourist, the traveler, and those looking for rest.

"There is no place in my State and, I might say, my country that I enjoy visiting so much as Niagara Falls, and I see no reason why it should not be made the greatest resort in the Western Hemisphere, and it should be the most accessible. It has occurred to me that something ought to be done to bring the Falls closer to the people, closer to the wayfarer, and I have thought, since this congress opened, that the State should do something to bring this wonder in easy touch with the people. I spoke indirectly of the wonderful road building of Europe, and I believe that there should be a road from the seaboard in New York to the brink of Niagara, and it should be more durable than the Appian Way or the Champs Elysees. It would be more great and more lasting and of a lasting benefit to the country and the world. And I know of no better lesson for the State to teach than to do this great work.

"The boulevard now being constructed from New York up the Hudson to the capital of the State could be continued along the Mohawk Valley to Buffalo and on to Niagara Falls. It would be just as beautiful as any road that has ever been built and just as durable as the free Republic."

This was followed by the offering of the resolution by President Jackson. After it was unanimously adopted Congressman SULZER declared that from now on, in season and out, he would work for the realization of the improvement suggested in the resolution.

John Crafts declared that such a work would place this State far ahead of the others, although it already leads, in the construction of good roads, and there could be no better return, not only in dollars and cents, but in the happiness and pleasure and education such a highway would afford for the people of the Nation. The realization of the work, too, he said, would give a great impetus to what this congress has been battling for—good highways—and will do much to advance its interests all over the country.

In introducing A. Munro Grier, vice president of the Ontario Power Co., Representative SULZER said that Canada and this country are becoming closer and closer allied, and that there is one thing about Canadian roads, and that is that the builders understand how to build them.

Mr. Grier was in his usual happy mood, and his address, extemporaneous though it was, could not have been more flowery. He said that he was immensely interested in good roads, and regretted that the argument was so palpably the one way that it was impossible to say anything against the movement. "Good roads," he said, "are about the very best thing we can have."

The first speaker yesterday afternoon was W. M. Bryant, commissioner of roads of Kalamazoo, Mich., and he gave a pretty general idea of how roads have been improved in the peninsular State with the help of convict labor. The address was an exhaustive treatise on the subject. Mr. Bryant was a pioneer in this movement in his county and had, as he expressed it, a lonesome fight for a time, but now the wisdom of his plans has brought others to his way of thinking. He said, in part:

"After a two-year struggle Kalamazoo County adopted what is known in Michigan as the county road system. The farmers of our county, as elsewhere, were blind to their own interests and declared that it was only a move in the interest of automobiles; that it would greatly increase the taxes, and several other reasons. Farmer Green, after I had convinced him that the road tax would be very light, did not wish to give up the argument without one more objection, scratched his head and finally allowed that good roads would be damned hard on his horses' feet."

"At the October session, 1909, of the board of supervisors, I requested an opportunity to present my plan, which was granted, and this has now become known as 'the Kalamazoo idea.'

"I asked for the privilege of working every sentenced man in the county jail who was physically able on the county roads. I pointed out to them the great increase in prisoners as shown by the sheriff's report, and made the statement that of the 3,546 tramps housed the previous year the first two figures would be eliminated the succeeding year if this report was adopted; also that petty crime would materially decrease. After some discussion my plan was unanimously adopted. And, within a few days, parties of prisoners were sent out on the roads cutting the brush, removing stumps, trees, and other obstructions, and considerable ditching was done. The first week we had more prisoners than we could possibly use; the second week a less number; and within seven weeks the number had become so small that it did not pay to have two deputy sheriffs (a day and a night man) to guard them.

"If the 'Kalamazoo idea' should be adopted by every county in this country hundreds of miles of road would be built by what is now waste material. The community would be the gainer, while the results in the men would be incalculable. Living out of doors in God's fresh air and sunshine takes away the opportunity for morbid thought; they come out with hardened muscles, bright eyed, and healthy. We find that with a day's work in the air, after supper they will sit around for an hour or two and smoke, talk, or read, and retire early. Five o'clock sees the whole camp up, with breakfast at 6. They take considerable pride in their work, and a shirker does not shirk long. The gang looks after that; he is quickly informed that the rest of them will not do his share of the work."

This was followed by a discussion of the question of convict labor in the construction and improvement of highways, and President Arthur C. Jackson, of the congress, said that he had seen convicts at work outside the prisons, and that in his opinion when thus employed they became better men and more useful citizens, instead of the derelicts of society which they are sure to be under the other environments.

Durand Churchill declared at this time that he believed that the prisons of the country should have a course of study in road building for the convicts, so that when the men are released they will be able to take up a trade which is now in its infancy.

Mr. Churchill said that he believed that the Federal Government should take the initiative and set a pace for the States to follow in the construction of highways, just as it had done in the matter of waterways improvements. It should build the very best roads possible. "As a healthy body must have good veins, so a healthy State must have good roads," he said. "They are the whole life of the being, and permit of social intercourse, which is prevented by bad roads."

Provincial Commissioner of Highways W. A. McLean, of Toronto, who followed, said that, in his opinion, the Dominion of Canada would, within the next few years, have the best highways in America. He pointed to the boulevard which is now being constructed from Niagara Falls to Fort Erie, at an outlay of over \$300,000, as one of the first steps in this direction. He came at the personal request of the minister of the Province, who, he said, felt a personal regret because of his inability to be present.

"There is one thing which I can not understand," said Commissioner McLean, "in the matter of the improvement of highways, and that is why it is necessary to educate the people and show them the necessity of road improvement. Good roads are the most important public undertaking of to-day. Great sums are spent in the construction and improvement of canals and steel construction, but they do nothing with the highways of the country which lead right up to the homes of the people on which we in the larger cities are so dependent, and I can not see why it is that it is necessary to urge upon them the importance of improving the highways. In Canada this has always been a sore spot, but I do not think it needs the gift of a prophet to say that very

shortly the conditions will be different and within a short time Canada will have the best roads in America.

"Another matter which has come to my notice is that the common macadam pavement, which has become so universally used in various countries, is insufficient to accommodate the automobile. This condition has become acute in France and some parts of the United States. Engineers have endeavored to solve this problem, but so far have not succeeded, but it is a task which must be solved, and the engineers are now endeavoring to produce a road surface which will stand the wear and tear of the automobile and at the same time be cheap enough to be universally used.

"The highways of the world are no longer the instruments of destruction they were during the time of Caesar and Napoleon, but are indicative of the great countries of the world. They promote social intercourse, and I venture to say that the vast amount of road improvement leading to the borders of these great countries will promote a social intercourse that will strengthen the friendly ties that now bind these two great nations together."

J. F. Beam, of Welland, declared that New York State has the ideal road law, and that Ontario would do well to copy and adopt a law the provisions of which were identical with that of the Empire State. Under the present law, he said, the Providence aids in the construction of highways to the extent of bearing one-third of the cost, while New York State pays one-half. He said that Welland County had rejected the assistance under this law, claiming that it is sufficient. The farmer hasn't enough money to spend in highways. What he wished to know was how it is possible to bring sufficient pressure to bear upon the legislators to compel them to pass an adequate road law. Under the present measures, he said, Toronto will derive more benefit than all of York County can possibly ever hope to enjoy.

W. G. Tretheway, representing the Board of Trade of Toronto, declared that the gas engine and the pneumatic tire have come to stay, and that he believed that within a short time the farmer would be bringing his produce to market in a vehicle propelled by a gas engine. The merchants of Toronto are now delivering their goods a distance of several miles from their stores, and he believed that as soon as roads are so improved that they can go any distance in the country, they will be going 8 or 10 miles beyond the city limits and even farther if necessary.

#### THE SESSION.

Last evening J. E. Pennybacker, chief of road management of the United States Office of Public Roads, gave an illustrated lecture. "No great nation in the world that has left its imprint upon the destiny of people has failed to achieve distinction in road building," he declared. The speaker cited three great figures in history, Julius Caesar, Napoleon, and Oliver Cromwell, all of whom are famous for what they did for good roads, in which movement they were the true pioneers.

Mr. Pennybacker compared the systems of administration in Europe and showed how, under the policy prevailing until recent years, of extreme localization in control and unskillful supervisions, the country's roads had become in a deplorable condition. Then millions were being spent and wasted annually. He showed the economic value of good roads and how it meant the saving of millions in the cost of hauling and a great increase in land values. He declared that by actual figures good roads gave a marked increase in the attendance at country schools. He explained the modern problems that confront the road builder, and how the automobile damaged the roads, and what remedies were being sought to meet this damage.

[Cataract Journal, July 30.]

PLAN NIAGARA FALLS TO NEW YORK BOULEVARD—GOOD ROADS CONGRESS ADOPTS RESOLUTION FOR AUTOMOBILE HIGHWAY UP HUDSON VALLEY AND ACROSS STATE—GOVERNOR, LEGISLATURE, AND MAYORS ASKED TO AID SCHEME—CONGRESSMAN SULZER IN ADDRESS ADVOCATES BOULEVARD TO ATTRACT THOUSANDS WHO NOW GO ABROAD YEARLY TO ENJOY OLD WORLD HIGHWAYS AND MAKE OF THEM "PATRIOTS INSTEAD OF EX-PATRIOTS"—SARATOGA AND TORONTO BID FOR NEXT CONVENTION.

The building of a State highway—a Niagara Way that shall outrival the ancient Appian Way—extending from the seaboard at New York to the Falls of Niagara, was advocated this morning at the Good Roads Congress. A resolution calling upon the governor of the State, the Legislature, the mayors of cities in the Hudson and Mohawk Valleys, and all along the route to Niagara Falls to work for the construction of such a highway was unanimously adopted by the delegates to the congress in session at the International Hotel.

This afternoon a resolution introduced by former United States Senator Dodge, of Ohio, now of Washington, D. C., calling upon the Federal Government and the Members of the House of Representatives and the Senate to urge an appropriation for the building of good roads was adopted unanimously. The plan of the congress is to obtain an appropriation, have a commission appointed, and treat the good-roads movement in the same way as the Government is now aiding the waterways.

The resolution for a Niagara Falls-New York Boulevard was introduced by President Arthur C. Jackson following the address of Congressman SULZER, in which address such a road was advocated. The resolution was seconded by Dr. E. C. Kenney, of New Orleans, and, with amendments, was submitted by Delegates Craft, of Alabama, and Dodge, of Washington, D. C.

Invitations to hold the fourth annual convention were received from the Business Men's Association of Saratoga Springs and from the city of Toronto. Saratoga Springs had a personal representative at the session this morning and Toronto extended its invitation through a telegram from Mayor Geary.

The convention came to a close this afternoon, after extending a vote of thanks to the press, the local committee, and others who have aided in making it a success.

In advocating the new Niagara Way in the first address of the morning, Mr. SULZER said:

"This is not my first visit to Niagara Falls, and I may say that no place appeals to me as strongly as does this historic spot that has within its confines the first natural wonder of the world. Niagara Falls is the mecca for lovers of scenic beauty and is visited yearly by tens of thousands of people, attracted to this spot by the most marvelous attraction of nature and by the hospitality of the people of Niagara Falls. There is no place in America to-day that affords so many tourists the rest, recreation, and pleasure as can be found at Niagara."

"I have enjoyed my visit to Niagara, and there is no place in my State or my country that I appreciate and glory in more than I do in Niagara Falls.

"In my opinion there is no place in the Western Hemisphere that has the same opportunity to become the greatest resort of the New World as has your city, Niagara Falls. It should be the most accessible to the tourist, the traveler, and the wayfarer. Niagara needs no advertising, because there is not a child in America who from its earliest school days, when he first sees the picture of the mighty cataract in the geography, does not look forward to the day when he shall be able to travel and view for himself the most marvelous scenic attraction in the world. This was my feeling, and well do I remember how, on my first view of the Falls of Niagara, I stood amazed, overcome by the marvelous beauty of the panorama stretched before me. My most idealistic dream had been fulfilled, and words could not be commanded to express my feelings. There before me was stretched the mighty Niagara, the Niagara that had thundered its message through the ages and will continue to echo and reecho through the countless ages yet to come. Never could writer of most gifted pen picture the beauties of Niagara; never could painter with inspired brush convey the splendors of the cataract through his canvas; never can the brush or pen convey the rapturous beauty of Niagara to those who have not seen it in all its wild and impressive glory.

"This is what you have at Niagara, this is Niagara, the Niagara of world-wide fame, the Niagara that draws like a magnet from every quarter of the world.

"But your Niagara of to-day could be made a greater Niagara of to-morrow. Yesterday I referred to the Indian Way, to-day I am going to talk of what some day we may all refer to as the Niagara Way.

"What more could we ask than a great highway, perfect as was the Appian Way of its day and as glorious as the Champs Elysees, stretching from New York, the metropolis of the American Continent, to Niagara Falls, the wonder of the Western Hemisphere. If only we could have such a highway, a Niagara Way, great in its scenic glory, leading to a great natural place of education, we would have the famous roads of the Old World, now attracting thousands of American tourists annually, shorn of their attractiveness.

"Not only would this road be a most wonderful advantage to Niagara Falls and the country through which it passes, but it would be of lasting benefit to the Nation. It would patriotic those who now become expatriated.

"What better thing could this great Empire State do than extend the boulevard now being built through the beautiful Hudson Valley to Albany, through the Mohawk Valley to Buffalo, and thence to Niagara Falls? Such a highway would be enduring to our ancestors, as we hope the free institutions of the Republic will endure.

"As long as I have voice or strength I will advocate good roads, and nothing that I can do will be left undone to give to the United States a system of highways that will draw from the Old World as the highways of Europe now draw from this country."

One of the best addresses of the convention was that of A. Munro Greer, vice president of the Ontario Power Co., Niagara Falls, Ontario, who represented Mayor O. E. Doros, who was unable to attend this morning's session. Mr. Greer followed Congressman SULZER, and in a brief but pointed address told of the great advantage good roads are to a country.

"We must have good roads," said Mr. Greer, "if we have to secure them by working up a sentiment against our everlasting cry for road improvements. Our enemies we can easily bowl over, and it will not be such a long time until every good roads 'knocker' is knocked down with his own arguments. If I were asked 'What do you think of a State, a Province, or a country?' I would say, 'Show me your roads.'

"On the conditions of the highways depend the condition of the country.

"The readways of a nation may well be compared to the veins and arteries of the human body. If a man's blood-carrying canals are in good condition, we may reasonably expect to find a healthy man. If they are not in good condition the man can not be healthy. So, if a country has poor highways, it can no more attain to the height of national perfection than can physical perfection be found in the man whose arteries and veins are not perfect."

A. G. Spaulding, San Diego, Cal., son of Senator Spaulding, a pioneer good-roads man of the Golden State, explained in the systems in use in California for maintaining good roads.

This afternoon one of the most important addresses before the congress was that of James L. Cowles, of New York, secretary of the Postal Progress League. Mr. Cowles spoke, in part, as follows:

"Since mankind were first welded into nations the highway has always been the symbol of government and the owner of the highways has been the government. This was true of the ancient oriental empires. It was preeminently true of Rome. 'To the oriental mind,' says the historian Trumbull, 'a road, the King's Highway, included the idea of a kingdom planned and a kingdom controlled. Again, it included the idea of a personal sovereign, of a sovereign whose plan is back of the highway and whose purpose is before it.' In the earliest empire in history the symbol of royal greatness was royal road building. The ancient oriental idea of a road, an idea which still has large prominence in the East and elsewhere, is of the highway of the king. Roads were originally built by the king for the king, and they were kept in repair or put in repair as the king had need of them. Roads had their incidental advantages for the king's subjects, but only by the king's grace."

[Niagara Falls Gazette, July 29, 1910.]

\$20,000 FOR GOOD-ROADS WORK AT FORT NIAGARA ALLOWED, AND LIEUT. WAGNER, GOVERNMENT ENGINEER, IS ATTENDING SESSION OF GOOD ROADS CONGRESS TO GET PRACTICAL IDEAS.

The roads in the Government reserve at Fort Niagara are about to be improved. An appropriation of \$20,000, made by the last Congress, has just become available, and First Lieut. E. H. Wagner, Twenty-ninth Regiment United States Infantry, is in the city to-day attending the Good Roads Convention and investigating local conditions in the search of good material with which to build good roads.

Lieut. Wagner is now construction quartermaster and has charge of the construction at the post.

In an interview with a Gazette reporter this morning Lieut. Wagner said that he will shortly solicit proposals for the materials and the work. He is an experienced road builder and is opposed to the use of sand or lime stone in road work because it will not stand the wear and tear under which trap rock or granite will bear up.

[Niagara Falls Gazette, Aug. 1.]

IMPORTANT RESOLUTIONS BY GOOD ROADS CONGRESS—DELEGATES ON RECORD AS FAVORING GREAT HIGHWAY FROM THE ATLANTIC SEABOARD TO NIAGARA FRONTIER—FEDERAL AND STATE AID ADVOCATED.

The third annual convention of the National Good Roads Congress came to a close Saturday afternoon, when resolutions were reported out of committee and adopted. The convention went on record as favoring candidates for legislative offices who are pledged to the cause of good roads and improved postal highways. The resolutions were introduced by Martin Dodge, chairman of the resolutions committee, and follows:

"The delegates to the National Good Roads Congress, consisting of representatives of nearly every State in the Union and from Canada, in convention assembled at Niagara Falls, N. Y., the 28th, 29th, and 30th of July, 1910, hereby declare as follows:

"First. We favor the active cooperation of county, State, and Nation in the construction and maintenance of permanent good roads in the interest of all the people. Good roads mean progress and prosperity, a benefit to the people who live in the cities, an advantage to the people who live in the country, and it will help every section of our vast domain. Good roads, like good streets, make habitation along them more desirable; they enhance the value of farm lands, facilitate transportation, and add untold wealth to the producers and consumers of the country; they are the milestones marking the advance of civilization; they economize time, give labor a lift, and make millions in money; they save wear and tear and worry and waste; beautify the country, bring it in touch with the city, and aid the social, the religious, the educational, and the industrial progress of the people.

"Second. We declare that no greater or more valuable object lesson can be undertaken by the General Government in cooperation with the States than the construction and maintenance of permanent highways connecting Washington with the capital of every State and Territory, and to this end we favor the loaning of money by the National Government to the States with interest, and properly safeguarded, as provided for in the Sulzer bill now pending in Congress and in accordance with the Sulzer amendment to the postal savings bank, which we regret was not adopted, so that part of the postal savings may be loaned to the States at a reasonable rate of interest and to be repaid in annual installments and utilized for the benefit of the people in the construction of permanent highways and postal roads throughout the length and breadth of the land.

"Third. We suggest to the electors of the county that they instruct all candidates for legislative office to favor measures in the interest of good roads and postal highways, and in so far as possible secure from candidates pledges in favor of the good roads movement and support the candidates who favor the cause of permanent road building.

"Fourth. We urge all producers, all consumers, all transportation organizations, and labor unions to cooperate to bring about the consumption of good road building in every county and every State in the Union, with or without national aid, and we especially urge the rural letter carriers of the United States to study the subject matter and become advance agents of good road building.

"Fifth. We express our appreciation of the hospitality of the people and officials of Niagara Falls in their cooperation in making the Good Roads Congress a success, and we especially desire to thank the representatives of the press for all they have done in giving publicity to the very important matter discussed."

#### ROADS DELEGATES ARE INVITED TO INSPECT PAVEMENT.

An experimental strip of road has been laid in the State reservation by the Texas Co., represented by M. A. Terry, with J. J. Gilloper as engineer. Mr. Terry appeared before the Good Roads Congress this morning and invited the delegates to witness the work in progress at the conclusion of the afternoon session.

The road which is being improved is located in Prospect Park and parallels the river from the Goat Island Bridge to Prospect Point. The road is being treated with a coat of hot asphalt mixed with other materials, and a top dressing of stone is spread over the heated liquid.

[Buffalo Courier, July 30, 1910.]

ELOQUENT SPEAKERS DISCUSS GOOD ROADS—EDITOR RICH, MR. RICHARDS, AND C. B. MATTHEWS GIVE THEIR VIEWS—VOICES FROM THE SOUTH ADVOCATE GOVERNMENT AID.

NIAGARA FALLS, July 29, 1910.

A delegation from the Niagara County Board of Supervisors, composed of Supervisor William L. Atwater, of Somerset; Supervisor John C. Taylor, of Hartland; Supervisor Benjamin F. Gould, of Cambria; and Supervisor James L. Kelly, of Newfane, together with County Superintendent of Highways Thomas M. Brennan, came here to-day to attend the National Good Roads Congress and to meet Chairman S. Percy Hooker, of the State highway commission, but Mr. Hooker did not arrive this morning. These officials are interested in the location of the State boulevard through this county, which is provided for by the highway law. The boulevard has been surveyed to Rochester and must touch Spencerport, but west of there the exact route has not been determined.

EDITOR RICH'S SPEECH.

As the first speaker at the congress this morning Congressman SULZER introduced J. Hampton Rich, of Winston-Salem, N. C., editor of *Our Rural Home and Carriers' Messenger*, who represents the States of North and South Carolina in the congress; and who left here to-night for New York, from whence he sails to-morrow for Brussels, Belgium, as a delegate to the International Good Roads Congress, soon to meet there. Mr. Rich pointed out that the mail carriers are as much interested in the road question as any class, and added:

"There are now in operation throughout the United States 41,089 rural routes, served by 41,007 rural carriers. The appropriation for the establishment and maintenance of rural delivery for the fiscal year ended June 30, 1910, was \$37,260,000 and the appropriation for the fiscal year which commenced July 1, 1910, is \$38,860,000. Since rural delivery was first established the approximate sum of \$206,430,800 has been spent in extending and maintaining the service.

"Up to June 1, 1910, there had been established in the State of Georgia 1,615 rural routes, of an average length of 8.79 miles and a total mileage of 38,120.85 miles. The present annual rate of cost of rural delivery in Georgia is \$1,148,194. North Carolina now has in operation 1,278 rural routes, of an average length of 22.83, and a total mileage of 28,176.74. The present annual rate of cost of rural delivery in the State is \$1,118,226. South Carolina now has in operation 758 rural routes, of an average length of 23.44 miles and a total mileage of 17,767.52. The present annual rate of cost is \$677,775. In Georgia about 700,000 people are served by rural delivery; in North Carolina, about 517,000; in South Carolina, about 317,000.

"When it is stated that rural carriers throughout the United States travel 304,000,000 miles a year it seems incomprehensible and beyond belief.

"It is estimated that during the fiscal year 1909 rural carriers in Georgia handled approximately 72,200,000 pieces of mail of all classes, an increase over 1905 of 151 per cent. The number of applications for money orders received through rural carriers in that State has increased in 1909, over 1905, 220 per cent.

"Rural carriers in North Carolina handled during the fiscal year 1909 approximately 60,797,516 pieces of mail of all classes, an increase over 1905 of 151 per cent. The number of applications for money orders received through rural carriers was 242 per cent.

"Rural carriers in South Carolina handled during the fiscal year 1909, 35,167,876 pieces of mail of all classes, an increase over 1905 of 155 per cent, and the increase in the number of applications for money orders received through rural carriers was 242 per cent."

#### A BUFFALO PIONEER.

As the second speaker of the morning session Charles B. Mathews, of Buffalo, was introduced, referred to by Congressman SULZER as a pioneer in the movement. Mr. Mathews made an exhaustive address and devoted much attention to the trusts and monopolies like the Standard Oil Co. and the Sugar Trust, who, he said, had their defenders all the way from Chancellor Day to Elbert Hubbard. He also referred to the rich railroad land grants and said that it is time that the Government made appropriations for the benefit of the people like good roads. Mr. Mathews also took a fall out of the Niagara Falls Power Co. and the difference in the price of electrical power between Buffalo and Canada.

#### A VOICE FROM ALABAMA.

The third speaker this morning was Hon. John Kraft, president of the Good Roads Association of the State of Alabama, and in introducing him Mr. SULZER said that 40 per cent of the agricultural products of the South are lost on account of bad roads. Mr. Kraft said that American tourists spend \$40,000,000 or \$50,000,000 annually in Europe, and one of the principal attractions there is good roads.

George W. Cooley, State highway engineer of the State of Minnesota, appointed by the governor, arrived to-day and will speak later.

The speakers this afternoon were Hon. Martin Dodge, of Washington; S. S. Foster, highway engineer of Pennsylvania; and C. W. Kelly, of New Haven. Congressman SULZER went to Lockport this afternoon with John F. McDonald in his touring car to attend the old home week celebration.

[Buffalo News, July 30, 1910.]

HIGHWAY CONGRESS ENDS WITH TO-DAY—MANY INTERESTING ADDRESSES SCHEDULED FOR ITS CLOSING HOURS.

#### NIAGARA FALLS, July 30.

The third annual convention of the National Good Roads Congress will be brought to a close this afternoon, but before the delegates adjourn sine die it is expected that they will go on record on a number of important issues respecting the building and maintenance of good roads through State and Federal aid by the adoption of vigorous resolutions embodying their ideas and principles upon the subject.

There are several addresses yet to be made, and the report of the committee on resolutions, which was formulated at a meeting held last night, will be presented for the consideration of the convention this afternoon.

Among those scheduled to address the convention to-day are S. G. Forester, chief road engineer of the State of Pennsylvania; C. E. Shafer, of Monroe County, N. Y., and C. W. Kelly of New Haven. It is also expected that several prominent Canadians will appear before the convention before its adjournment.

Congressman WILLIAM SULZER presided at the opening session yesterday, but in the afternoon he attended the Old Home celebration at Lockport and turned the direction of the convention over to John Craft, of Mobile, Ala. James L. Cowles, of New York, secretary of the Postal Progress League, acted as secretary.

The attendance was much larger than on the opening day of the congress, nine new States of the Union being represented among the new arrivals, and also the Dominion of Canada. Mayor McBride, of St. Catharines; Mayor Rudd, of Guelph; and W. A. McLean, of Toronto, provisional commissioner of highways for Ontario; J. F. Beam, of Welland, and other prominent men from the Dominion being present.

J. Hampton Rich, representing by special commission the State of North Carolina at the convention and who is also a delegate to the International Good Roads Congress to be held at Brussels, Belgium, was the first speaker yesterday. He is the editor of the Carriers' Messenger, the organ of the rural letter carriers of the South, and his subject was the "Rural Letter Carrier and Good Roads." Mr. Rich spoke in part as follows:

"The good roads question is very pertinent. All through this convention the farmer and good roads has figured extensively, but possibly the man more nearly concerned with the improvement of the roads than any other is the rural letter carrier. Next to the question of his salary, this is uppermost.

"They travel 38,420 miles, these letter carriers. So these men who bear the messages of joy and sorrow, birth and death, to our rural population, in summer heat and winter cold, stand very close to the heart of the farmer, who composes, according to the statement of our friend from the West, Mr. Yoakum, one-third of the population of our country.

"Well, this man, who is a Government servant, deserves to be treated well by the Government. His horse hire is heavy if he does not own his horse; and if he owns his outfit, the life of a horse on the ordinary country route is not over three years. The average net earnings

of these men amounts to the magnificent sum of \$31.50 per month. In New York State the average net earnings per month is \$33.95. In North Carolina it is \$28. With this bountiful sum the rural carrier must feed and clothe his family and maintain his home and send his children to school, and, in addition, must lay aside enough to buy a horse when the old one gives out. Now, has he not a strong argument for good roads?

"Where good roads exist the rural carrier finds new methods of serving his patrons. Recently, while on a trip through South Carolina, I found four rural carriers who drove automobiles, served all their patrons, and got back to warm dinners. This is due to the magnificent sand-clay roads which they are building there."

#### ADDRESS BY C. B. MATHEWS, BUFFALO.

The second address of the day was made by Mr. Charles B. Mathews, of Buffalo, who was introduced by Chairman SULZER as "a pioneer good-roads man." Mr. Mathews created somewhat of a sensation before the convention when he deprecated the action of the Federal Government in giving away its Niagara rights, and also by his strong plea in favor of Government ownership of the railroads. He said: "While we in New York were carrying on in local elections a sham battle on the tariff, Morgan, Rockefeller, Astor, Seligman, Mills, Flower, Sage, and a few others, controlling half the wealth of the United States and a good part of England, obtained for their benefit, their heirs and assigns, the use of the matchless water power of Niagara Falls for a thousand years."

The point made by Mr. Mathews was that if the proper price had been exacted for Niagara rights, or if the Government had retained to itself the great cataract of Niagara, it would have had a big source of revenue, as the Canadian Government has, and there might be money enough to build good roads the country over.

#### AFTER THE PANAMA EXPOSITION.

John Craft, of Mobile, Ala., who presided in the afternoon, was the third speaker on the program. He is the president of the Good Roads Association of the State from which he hails, and he is an enthusiastic advocate of the idea of Federal assistance in the building and maintenance of good roads. The two Senators and nine Representatives of the State of Alabama, he said, are committed to the policy of having the Government make appropriations for road building. Mr. Craft, leaving his subject for the nonce, created somewhat of a furore among the delegates by offering a resolution to put the congress on record as favoring the holding of the proposed exposition to mark the completion of the Panama Canal in the city of New Orleans. Senator Martin Dodge, of Washington, seconded the motion to adopt the resolution, and then followed one of the liveliest discussions of the congress. W. M. Bryant, a delegate from Kalamazoo, Mich., objected to the adoption of such a resolution. He said that the subject has no place in the deliberations of the congress, and was of the opinion that the adoption of such a resolution would tend to displease the Western States and result in the disruption of the organization. The majority of the delegates held with Mr. Bryant that such an act would antagonize too many interests whose support in the good-roads movement was desired, and on motion the resolution was sent to the committee on resolutions, where it will probably die.

#### SENATOR DODGE'S SPEECH.

Senator Martin Dodge, whose interesting address was referred to in these columns yesterday, was the next speaker.

Durand Churchill, of Point Loma, Cal., who was not a delegate to the Congress, but who was granted the privilege of the floor at the request of Delegate Keeney, of Chicago, gave some idea of what California, and especially San Diego County, is doing in the way of good road building. Mr. Churchill also alluded to the fact that California is bidding for the Panama Exposition, and he thought the convention would make a mistake by committing itself on this proposition.

Dr. E. C. Kinney, veterinary surgeon, of New Orleans, said that the city of New Orleans was advocating a national highway running across the continent from north and south, and another from east to west. He was of the opinion that the commerce of the railroads and of the inland waterways should be made to contribute to the building and maintenance of such a system, the revenue to be derived from a tonnage tax levied against these systems.

#### CANADIAN COMMISSIONER SPEAKS.

W. A. McLean, provincial commissioner of highways for Ontario, said that he was in attendance upon the congress at the personal request of the minister of the Ontario Province. He was amazed that a campaign of education should be necessary to impress the people with the benefits of good roads, the great economical value of such institutions being so plainly obvious. He said that while the Province of Ontario had not gone so far in the matter of aiding road building as some of the States in the Union, it was already aiding the project to the extent of bearing a third of the cost, and in time he believed that the Government would stand a half of the expense just as New York State is now doing.

J. F. Beam, of Welland, Ontario, said that Welland County had refused to enter into an arrangement with the Government on the one-third basis; but that it would be ready to do its part in the work when the Government saw its way clear to stand a half of the expense.

Hon. James L. Cowles, secretary of the Postal Progress League, was the next speaker. He spoke in part as follows:

"Since mankind were first welded into nations, the highway has always been the symbol of government and the owner of the highway has been the government.

"The long-continued efforts of our 500 employees at Washington (United States Senators and Congressmen receiving salaries of \$7,500 a year) to control our State-made railway kings by tolls levied on interstate commerce, and leaving them absolute masters of interstate commerce, have proved a complete failure. The recent railway legislation of Congress leaves our whole American world in chaos.

"The common welfare demands that, acting under the post-roads clause of the Constitution, our National Government shall take possession of the entire machinery of public transportation and transmission, guaranteeing at once to those who have built this machinery a fair return for their public services, a return, say, equal to their average dividends of the last 10 years; to the public a low uniform toll;

tolls steadily diminishing with the use of the machinery and its development of our postal service, the highest possible wages for the shortest hours of labor consistent with the common interest."

ROAD MAKING IN ONTARIO.

W. G. Tretheway, of the Toronto Board of Trade, who introduced himself as "a farmer and the owner of two automobile trucks," told of the growth of the good-roads movement in Toronto and vicinity and gave it as his firm belief that in a few years the farmer would be carrying all his produce to market by the use of the gasoline engine and tilling his soil by the aid of the same agency.

An interesting session of the congress was held at the International Hotel last evening, when J. E. Pennybacker, Jr., of the Department of Good Roads, Washington, gave an illustrated lecture on the subject of practical good-roads building. His illustrations were interesting and instructive, showing all the different methods in vogue and affording significant comparisons of improved and unimproved highways.

George E. Cooley, State highway engineer of Minnesota, also delivered an address at the evening session, which was greatly enjoyed by the delegates.

[Lockport (N. Y.) Union Sun, July 3, 1910.]

CONGRESSMAN SULZER ON GOOD ROADS—REMARKS OF A LOCKPORT GUEST ON IMPORTANT TOPIC.

One of Lockport's distinguished guests yesterday was Hon. WILLIAM SULZER of New York. He was here on his way home from Niagara Falls. In a good roads speech in the House on June 9, he said:

"Mr. SPEAKER: One of the greatest and most important conventions ever held in this country will be the Third National Good Roads Congress, which has been called by the National Good Roads Association to meet at Niagara Falls, N. Y., July 28, 29, and 30, 1910. The appointment of delegates is invited by the officials of every State, county, and city of the United States, and by every agricultural, automobile, commercial, educational, good roads, industrial, labor, transportation, and woman's organizations in such number as each may determine.

"For years, Mr. Speaker, I have been an earnest advocate of postal savings, parcels posts, and good road building. They are sure to come, and I shall briefly discuss some of their advantages. Good roads mean progress and prosperity, a benefit to the people who live in the cities, an advantage to the people who live in the country, and it will help every section of our vast domain. Good roads, like good streets, make habitation along them most desirable; they enhance the value of farm lands, facilitate transportation and add untold wealth to the producers and consumers of the country; they are the milestones marking the advance of civilization; they economize time, give labor a lift, and make millions in money; they save wear and tear and worry and waste; they beautify the country—bring it in touch with the city; they aid the social and the religious and the educational and the industrial progress of the people; they make better homes and happier hearthsides; they are the avenues of trade, the highways of commerce, the mail routes of information, and the agencies of speedy communication; they mean the economical transportation of marketable products—the maximum burden at the minimum cost; they are the ligaments that bind the country together in thrift and industry and in allegiance and patriotism; they promote social intercourse, prevent intellectual stagnation, and increase the happiness and the prosperity of our producing masses; they contribute to the glory of the country, give employment to our idle workmen, distribute the necessities of life—the products of the fields and the forests and the factories—encourage energy and industry, inculcate love for our scenic wonders, and make mankind better and broader and greater and grander.

"The plain people of the land are familiar with the truths of history. They know the past. They realize that often the difference between good roads and bad roads is the difference between profit and loss. Good roads have a money value far beyond our ordinary conception. Bad roads constitute our greatest drawback to internal development and material progress. Good roads mean prosperous farmers; bad roads mean abandoned farms, sparsely settled country districts, and congested populated cities, where the poor are destined to become poorer. Good roads mean more cultivated farms and cheaper food products for the toilers in the towns; bad roads mean poor transportation, lack of communication, high prices for the necessities of life, the loss of untold millions of wealth, and idle workmen seeking employment. Good roads will help those who cultivate the soil and feed the multitude, and whatever aids the producers and the farmers of our country will increase our wealth and our greatness and benefit all the people. We can not destroy our farms without final decay. They are to-day the heart of our national life and the chief source of our material greatness. Tear down every edifice in our cities and labor will rebuild them, but abandon the farms and our cities will disappear forever."

[New York City Journal of Commerce, July 30, 1910.]

WHO SHOULD PAY FOR GOOD ROADS?

Much that has been said at the Good Roads Convention at Niagara Falls about the economy and value of good country roads is perfectly sound, but there is the inevitable suggestion that the National Government should aid in making them. That they would be of value to the railroads as well as to the farmers is quite obvious, and a prominent railroad man, B. F. Yoakum, of the St. Louis & San Francisco Co., suggested that if the \$300,000,000 a year, said to be wasted in the administration of the Government, should be devoted to the improvement of roads it would be of great benefit to the country. There is no doubt about that, but it is pretty certain that it is not going to be saved for that purpose. Mr. Yoakum also referred to what has been spent upon the Mississippi River to no practical purpose so far as commerce is concerned, as something that would have done a great deal of good if bestowed upon road improvement; but that will not prevent a continued pressure for the use of Government money and credit on waterways. The same railroad man urged the fact that the Government has advanced \$115,000,000 for the reclamation of waste lands in the West as a reason why it should be called upon to help the cause of good roads.

All that Mr. Yoakum and other speakers said about the need of improving country roads and the economic benefit to be derived from it may be quite true, but the argument applies with much more force to

the policy of having the work done at the expense of those to be directly benefited than to the wisdom of having the National Government take a hand in it. Mr. Yoakum spoke especially of the saving it would be to the farmers in getting their produce to the local markets and to the railroad stations. He said that "broken wagons, broken harness, and blacksmith bills cost them more than the cost of good roads," which, on account of the larger loads, greater speed, and other saving, would enable a \$4-a-day team to do twice as much and make it "worth to them \$8 a day." That may not be a reason for putting all the expense upon the farmers, but it is a reason why it should be borne by the communities in which they live with the help of the States in which they pay their taxes.

In this State a liberal policy of State aid has been adopted and a heavy debt is being incurred to carry it out. The concrete proposition at the Niagara Falls convention is that the Federal Government cooperate with the States by extending its credit to an amount equal to what they expend "under a joint commission of Federal and State authorities." There is no need of this; at least, there ought to be no need of it; and it is a pernicious policy, so much advocated nowadays, that the Federal Government lend its money and its credit to promote improvements that are local in their direct benefit on the ground that they contribute to the general welfare of the people. It is this policy that tends so much to magnify the power and increase the functions of the central Government and to dwarf those of the States and stifle the sense of responsibility in State and local government. All citizens of the United States are citizens of the States, and the same people bear the burden and expense of both. Why should that which rightly belongs to the States and is primarily their own affair be diffused over the Union regardless of the principles of equity?

[Troy (N. Y.) Times-Standard, July 30, 1910.]

ECONOMIC VALUE OF GOOD ROADS.

The National Good Roads Convention at Niagara Falls this week brought together a number of men earnestly interested in the subject under discussion and well qualified to contribute valuable information and practical advice. Some of the addresses were notable in this respect, and among them perhaps none was more significant than that of Benjamin F. Yoakum, chairman of the executive committee of the St. Louis & San Francisco Railroad Co., and one of the foremost railroad men in the United States. Mr. Yoakum has especial familiarity with the West and evidently believes that the improvement of highways in that section of the country is of the highest material importance.

Mr. Yoakum made an address of considerable length, but it was packed with facts presented in a manner which made the argument very emphatic. For instance, he quoted official statistics which show that it costs the American farmer 15 cents per mile more to haul 1 ton of produce than it does the farmer in European countries, where they have good roads. The average haul in the United States is 9 miles. In many cases of course it is much more. The difference in cost of hauling produce represents \$1.35 per ton to the average farmer on an average haul. It is easy for everyone concerned to figure out exactly what is his share of the additional burden due to lack of good roads. These statistics were taken as a text by Mr. Yoakum and he made a vigorous appeal to his hearers to fight for good roads as one of the most essential factors in reducing cost of farming, and a very potent agency in lessening expenses and increasing profits.

Mr. Yoakum said it took three quarters of a century to build up American railroads, while during that time little attention was given to building up country roads. Meanwhile the railroads have been learning how to effect economies. Mr. Yoakum said: "If a railroad encounters a high grade over a hill, which means excessive use of coal, slow trains, and light loads, the railroad cuts down the heavy grades to save coal bills, to move freight faster, to carry bigger trainloads. It borrows millions to do the grade cutting, pays the interest on this money, and through this economy is enabled to increase its surplus. The railroads borrow money to make stronger culverts and bridges to bear heavier engines and steel cars. Then they must borrow more to buy the large locomotives and big cars, all of which add to the efficiency of these steel highways." But the owners of the common roads, who are the people, and the State and National Governments, which represent the people, have until recently done relatively little in the correspondingly important work of lessening cost of transportation by improving the roads.

This is a very significant side of the case, and it is encouraging that so much attention is given to the matter. Another speaker at the convention was Martin Dodge, one of the fathers of the good-roads movement and formerly connected with the Department of Agriculture at Washington, where he did much to further the plans for highway improvement. Mr. Dodge declared that good roads throughout the United States would save the people annually \$100,000,000 in the cost of short hauls. These are pertinent points. They touch the "pocket nerve" and must in the end have a powerful effect in arousing the people to the economic worth of roads that will reduce friction to a minimum and save the wear and tear on teams, vehicles, and temper that now make up a large item in the annual budget of expense. And all may be classed among those things that can be avoided to the advantage of everyone concerned.

[Montreal Star-Gazette, Aug. 1, 1910.]

GOOD HIGHWAYS MEAN MILLIONS TO THE FARMER—AMERICAN RAILROAD PRESIDENT DEPLORES CONDITION OF ROADS—FAVORS FEDERAL SUPERVISION.

NIAGARA FALLS, N. Y., August 1.

The third annual convention of the National Good Roads Congress has concluded. About 100 delegates registered. Mayor A. C. Douglas, of this city, delivered an address of welcome Saturday and Congressman WILLIAM SULZER, presiding officer, replied, and spoke on various aspects of good roads as vitally affecting the national prosperity.

Mr. B. F. Yoakum, chairman of the St. Louis & San Francisco Railroad Co., pointed out the vital connection between the railroads and good public highways for the conveyance of agricultural produce. He said in part:

"The only way to get good roads is to fight for them. Your organization can do its work most effectively by keeping before the people in as many ways as possible the importance of making money by making

better roads. It is not a sentimental proposition, but purely a business one.

"It took three-quarters of a century," he said, "to build up the American railroads. During the same time little attention has been given to the building up of American country roads. Yet the value of the two to the public goes hand in hand. Food and clothing must be handled between the producers and the consumers over both the country road and the railroad. It is important that the country roads approach the high standard of the railroads.

"The country-road makers have not kept up with the railroad makers. They, too, must get money to cut down grades, to get smooth, hard surfaces, to provide good drainage, and to reduce the cost of maintenance. When this is done the farmer can go from his farm to his market or shipping station quicker and carry a bigger load. The firm roadbed and smooth, heavy steel make the railroad's cars and engines last longer, and the substantial, well-made country road makes the farmer's horses, wagons, and harness last longer. The saving to the railroad is only a small fraction of a cent on each ton hauled one mile, while the saving to the farmer is 15 cents a ton a mile. This difference in cost of hauling will often turn a losing farm into a paying one.

"It is to good roads that this country must look largely for its future growth and development.

"We still have many towns more than 50 miles from a railroad. With a good road, a farmer who lives 15 miles from a shipping station is better off than one who lives 5 miles with a poor road. The man with a good road, with the distance against him, can make his trips quicker and can carry from two to three times as much on his wagon, and, more important, he can depend upon his road and bridges every day in the year, while the man who encounters swollen streams and impassable roads often loses his best market and his vegetables decay upon his hands.

"We have 2,100,000 miles of public roads. From the best information obtainable there are about 44,000 miles, or 2 miles out of each 100, under a high standard of improvement. There are not more than 175,000 miles, or 8 miles out of each 100, under any kind of improvement. In other words, we have 1,925,000 miles of public roads which are in as poor condition now as they were when they were laid out by our early settlers and pioneers.

"If we build 100,000 miles of public highways annually for 10 years, and give to this country 1,000,000 miles of good public roads at an average cost of \$3,000 per mile, or \$300,000,000 annually, we will be engaging in a national development the advantages of which in economies, commerce, comforts, and enhanced land values none can foretell. This work should be encouraged under a broad comprehensive plan outlined by the Federal Government, cooperating with the States. A law authorizing the Federal Government to extend its credit to each State in an amount equal to that expended by such State under a joint commission of Federal and State authorities would enable the different States to take advantage in this work of upbuilding of a low rate of interest that would greatly reduce the interest charge for the improvement of the public highways."

[Pittsburg (Pa.) Times-Press, Aug. 3, 1910.]

#### GOOD ROADS CONGRESS.

The National Good Roads Congress, which has just been held in Niagara Falls, is an annual event of some consequence. The value of good roads is just beginning to dawn on people of all classes. Primarily they benefit the farmer most directly, but the consuming populations of the great cities—dependent on the facilities for transporting farm produce to the city markets—in the end benefit as much as the farmers.

The Federal Bureau of Good Roads is doing good work in creating public sentiment in favor of liberal good roads appropriations in all the States. The bureau shows statistically the very heavy expense that bad roads impose upon those who must use them, especially upon the farming class, whose time is wasted and wagons and horses are deprived of much the larger share of their capacity for service by the heavy friction that has to be overcome on bad roads. Mr. B. F. Yoakum, of the executive committee of the St. Louis & San Francisco Railroad, addressed the Good Roads Convention on this subject last Thursday, and he estimates that the farmers of the country would have saved \$225,000,000 last year if the roads over which they hauled their products had been good instead of bad ones.

In the last 10 years the various good roads organizations of the country have done splendid service, but much yet remains to be done. In Pennsylvania it is to be hoped the next legislature will authorize a start of work on the proposed highway across the State from Pittsburgh to Philadelphia. This highway would be the beginning of a good roads program that eventually would cover the whole Commonwealth.

[From Williamsport (Pa.) News-Sun-Grit, July 30, 1910.]

#### APPRECIATION OF GOOD ROADS.

The importance of making and saving money by making good roads is the thought of the Good Roads Congress, which was in session at Niagara Falls during the past week. This blend of sentiment is one that is coming to be more and more approved by the good-roads advantages are presented. Good roads are not to be measured or appreciated from the viewpoint of pleasure, but from the fact that in them lies the secret of community development and community wealth. And that the agricultural districts are coming into a keener appreciation of this fact and are seriously studying the economic side of the good-roads question assures a growing activity in the direction of better public roads. Intelligent and effective construction of roads does not necessarily mean the highest cost in road building, for in the making of roads the rule of the best being the cheapest applies with force.

[Rochester (N. Y.) Herald-Times, July 29, 1910.]

GOOD ROADS CONGRESS—S. PERCY HOOKER ADDRESSES NATIONAL BODY AT NIAGARA FALLS.

NIAGARA FALLS, July 28.

The third annual convention of the National Good Roads Congress opened in this city to-day. The early arrivals reached here yesterday.

The convention opened at 10 o'clock with addresses by the mayors of this city and Niagara, Ontario. S. Percy Hooker, chairman of the State highway commission, Representative SULZER, and others made addresses.

The mayor has appointed 100 delegates from this city.

The convention will be in session until Saturday. Less than 100 delegates had registered when Mayor A. C. Douglass, of this city, delivered the address of welcome, but a material increase in attendance was expected. Congressman WILLIAM SULZER became presiding officer, and spoke on various aspects of good roads as vitally affecting the national prosperity.

[Buffalo (N. Y.) Times, July 29, 1910.]

#### POWERFUL ADVOCACY FOR GOOD ROADS.

Everyone who needs information on the subject of good roads, and everyone who is familiar with the question but would like to possess in concise form the many phases of treatment of which this great topic admits, owes a debt of gratitude to Hon. WILLIAM SULZER and Chairman B. F. Yoakum, of the St. Louis & San Francisco Railroad Co., for their addresses yesterday before the Good Roads Congress.

These speeches were comprehensive, dealing with the subject in many aspects, but it is a highly significant fact that the keynote of both of them was the immense saving of money to the country which would be brought about by a solution of the good-roads problem. By reducing the cost of transportation good roads would enable the farmer to market his produce at a lower price, and the saving that would be effected is indicated by the fact that it costs the American farmer 15 cents more to haul a ton of produce a mile than it does the European farmer. A million miles of good public roads would mean a saving which would be counted by tens of millions of dollars in a single year, and the aggregate of saving would be past calculation, for it would be a perpetuation of economy so long as this Nation shall endure.

[Elmira (N. Y.) Advertiser-Gazette, July 30, 1910.]

#### GOOD ROADS MEN DISCUSS PANAMA CANAL EXPOSITION.

NIAGARA FALLS, N. Y., July 29.

A resolution introduced by John Craft, president of the Good Roads Congress of Alabama, indorsing the holding of the Panama Canal Exposition at New Orleans, met with opposition at to-day's session of the National Good Roads Congress. After a sharp colloquy it was buried in committee.

Instructions in prisons on good road building was advocated by Duran Churchill, of San Diego, Cal., and supported by William Bryant, of Kalamazoo, and Arthur C. Jackson, president of the congress. Other speakers were James T. Cowles, of New York, and J. E. Cooley, State highway engineer of Minnesota.

Mr. Cowles gave to the Congress a letter written by Postmaster General Hitchcock to Senator ELIHU ROOT in regard to three bills drafted by the Postal Progress League. One of these bills, providing for the consolidation of third and fourth class mail at the rate of 8 cents a pound, was disapproved by the Attorney General, who said that third-class matter is now carried at a loss by the Government. Another of the bills, providing for an auto post rural line, on which shall be transported both passengers and freight, was characterized by the Attorney General as "an extraordinary innovation, and one which I do not believe should be introduced."

[Brooklyn (N. Y.) Eagle-Times, July 29, 1910.]

Congressman SULZER, most versatile and indefatigable of candidates for the Democratic nomination for governor, was one of the speakers at the good roads convention at Niagara Falls yesterday, and delivered a rattling good speech, which probably convinced his hearers that his life had been devoted to the study of the good-roads problem. If they only saw the assorted speeches on every subject under the sun which have recently been issued from Washington under the Congressman's frank, they would understand that good roads is only one of his recreations, which he ponders when there is nothing of national or international importance to occupy his mind.

[Hamilton (Ontario) Herald-Times, July 29, 1910.]

#### GOOD ROADS—FIRST SESSION OF THE CONGRESS HELD AT NIAGARA FALLS, N. Y.

NIAGARA FALLS, N. Y., July 28.

There were very few Canadians present at the opening of the day's session of the Good Roads Congress here to-day. Mayor Geary, of Toronto, and several other prominent Canadians are expected to deliver addresses to-morrow.

The great need of the improvement of the highways was pointed out by speakers. Those who spoke to-day were Congressman SIMMONS, Niagara Falls; Congressman SULZER, New York; and B. F. Yoakum, the California railroad magnate. An international system of good roads all along the border was suggested. Action on this matter will probably be taken to-morrow.

[Erie (Pa.) Herald Dispatch, July 29, 1910.]

#### RURAL DELIVERY AND GOOD ROADS.

NIAGARA FALLS, N. Y., July 29.

The National Good Roads Congress this morning listened to a speech from J. Hampton Rich, representing by special commission the State of North Carolina, who approached the subject from the standpoint of the development of rural free delivery. He argued that because of the rural delivery the Government should be vitally interested in the subject.

Another speaker was John Craft, of Mobile, Ala., president of the Good Roads Association there. He dwelt on the efforts that they are making in the South for the development of good roads.

The principal speaker of this afternoon was Martin Dodge, of Washington, D. C.

[Reading (Pa.) Telegram-Times, July 28, 1910.]  
GOOD ROADS CONGRESS.

NIAGARA FALLS, N. Y., July 28.

The third annual convention of the National Good Roads Congress was opened here to-day, to continue through Saturday. Less than 100 delegates had registered when Mayor A. C. Douglass, of this city, delivered the address of welcome, but a material increase in attendance was expected. Congressman WILLIAM SULZER became presiding officer and spoke on various aspects of good roads as vitally affecting national prosperity.

[Dunkirk (N. Y.) Herald-Observer, July 27, 1910.]  
GOOD ROADS CONGRESS.

NIAGARA FALLS, N. Y., July 27.

The National Good Roads Congress will open its sessions in this city to-morrow, and will remain in convention for the remainder of the week. Arthur C. Jackson, president of the congress, expects about 1,000 delegates from all sections of the country.

[Elmira (N. Y.) Advertiser-Gazette, Aug. 1, 1910.]  
GOOD ROADS CONVENTION CLOSES.

NIAGARA FALLS, N. Y., July 31.

At the closing session of the National Good Roads Congress here Saturday afternoon Representative SULZER's suggestion for the construction by the State and the separate counties of the State of a highway connecting Buffalo, Niagara Falls, and New York City was enthusiastically adopted.

The resolutions adopted called for the construction of permanent highways from the National Capital to each State capital, the expense to be borne by money loaned to the States, as set forth in the Sulzer bill, which will be reintroduced in Congress at the next session.

Another resolution adopted called on all organizations, trade, educational, industrial, farmers, producers, and consumers, to instruct their legislators to introduce bills for and to fight for better roads throughout the country.

UNITED STATES LANDS ON DAUPHIN ISLAND, ALA.

The SPEAKER laid before the House the bill (S. 10638) to authorize the Secretary of War to sell certain lands owned by the United States, situated on Dauphin Island, in Mobile County, Ala., with House amendments thereto, disagreed to by the Senate.

Mr. ANTHONY. I move that the House insist on its amendments and agree to the conference asked by the Senate.

Mr. MANN. Why should we have a conference on that? The House agreed to an amendment this afternoon. Let the Senate agree to it.

The SPEAKER. The question is on the motion of the gentleman from Kansas.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. ANTHONY, Mr. TILSON, and Mr. DENT.

BARRY PLACE NW.

Mr. COX of Ohio. Mr. Speaker, I move to suspend the rules and pass the bill (S. 6055) authorizing the extension of Barry Place NW., and for other purposes.

The bill was read as follows:

*Be it enacted, etc.*, That under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within six months after the passage of this act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the opening of a street through square No. 3064, from Georgia Avenue to Sixth Street NW., with a width of 75 feet: *Provided*, however, That the entire amount found to be due and awarded by the jury in said proceeding as damages for and in respect of the land to be condemned for said opening, plus the costs and expenses of the proceeding, shall be assessed by the jury as benefits.

SEC. 2. That upon the dedication to the District of Columbia of a strip of land 75 feet in width through the grounds of the Howard University, in continuation of the center line of the street before mentioned, from Sixth Street to Fourth Street, and a strip of land 40 feet in width, from Fourth Street through the grounds of Howard University to McMillan Park, upon such lines as the Commissioners of the District of Columbia may deem best for the public interests, the said commissioners are hereby authorized and directed to close College Street, 50 feet in width, between Fourth and Sixth Streets NW., the area of said street to revert to the trustees of Howard University: *Provided*, That the Freedmen's Hospital shall have the use and enjoyment of 10 feet in width of such area of land abutting the premises now occupied by the hospital during the same term and under the same conditions named and contained in the contract entered into on June 7, 1904, between the Howard University and the Secretary of the Interior providing for leasing the adjoining premises for the use of the Freedmen's Hospital.

SEC. 3. That there is hereby appropriated, out of the revenues of the District of Columbia, an amount sufficient to pay the necessary costs and expenses of the said condemnation proceedings taken pursuant hereto, and for the payment of the amounts awarded as damages, to be repaid to the District of Columbia from the assessments for benefits and covered into the Treasury to the credit of the revenues of the District of Columbia.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I demand a second.

The SPEAKER. Under the rule a second is ordered, and the gentleman from Ohio is entitled to 20 minutes and the gentleman from Mississippi to 20 minutes.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Curtis, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 32436) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1912, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SCOTT, Mr. DIXON, and Mr. TALLAFERRO as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 10638) to authorize the Secretary of War to sell certain lands owned by the United States and situated on Dauphin Island, in Mobile County, Ala., and asked a conference with the House on the bill and amendments.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21237) making appropriations for the support of the Army for the fiscal year ending June 30, 1912.

The message from the Senate also announced that the Senate had insisted upon its amendments to the bill (H. R. 32866) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1912, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. KEAN, and Mr. FOSTER as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 32865) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PERKINS, Mr. WARNER, and Mr. MARTIN as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment bill of the following title:

An act (H. R. 31239) to authorize Park C. Abell, George B. Lloyd, and Andrew B. Sullivan, of Indianhead, Charles County, Md., to construct a bridge across the Mattawoman Creek near the village of Indianhead, Md.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 3501) providing for the taking over by the United States Government of the Confederate cemetery at Springfield, Mo.

BARRY PLACE NW.

Mr. COX of Ohio. Mr. Speaker, this bill was fully considered by the District Committee. It has the unanimous recommendation of the Commissioners of the District, and it was reported upon favorably by the District Committee without an adverse voice. Its purpose is to open up Vermont Avenue and make a continuous thoroughfare from Lafayette Square through to Howard University, the Freedmen's Hospital, the Catholic University, the Soldiers' Home, and the reservoir and pumping station. The land to be condemned lies between Sixth Street and Georgia Avenue. In the letter from the commissioners they say that the opening of the street as proposed will give an entrance to McMillan Park, which is very much needed, and afford a more direct line of travel from the northern part of the city to the Soldiers' Home and the Catholic University and the other large educational institutions in the northeastern section of the District.

Aside from its utilitarian purpose, it will afford a pleasant drive from McMillan Park to other places stated.

I do not want to test the patience of the House by reading other parts of the report of the committee or the statement of the Catholic University, which goes thoroughly into the situation.

There was some opposition brought about by two colored families whose land would be condemned. The board of directors of the Catholic University met this situation by passing a resolution pledging themselves to purchase land of any property owner which in the judgment of the proprietor was excessively taxed. There seems to be no question about the absolute merit of this bill, and I hope it will pass. Mr. Speaker, I reserve the balance of my time.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, as I understand the provisions of this bill, I am opposed to it. It is true that there are very few residents in this particular neighborhood who are objecting to it, and it is also true that those who do object to it are not men of very great wealth or influence. But it is also true that this bill proposes to take from them their homes and, so far as I can understand its provisions, pay them not one cent for them. Now, I will ask the attention of the committee, or of the House, to the provisions in this bill. After reciting and providing that the property shall be taken for a street, there is this proviso:

*Provided, however,* That the entire amount found to be due and awarded by the jury in said proceeding as damages for and in respect of the land to be condemned, plus the cost and expenses of the proceeding, shall be assessed by the jury as benefits.

Mr. COX of Ohio. Will the gentleman yield for a question?

Mr. HUMPHREYS of Mississippi. Certainly.

Mr. COX of Ohio. Is it not true that the route proposed by the District Commissioners and Howard University and the District Committee will cost \$15,000 and the route as proposed by the two dissenting property holders will cost \$200,000?

Mr. HUMPHREYS of Mississippi. I am not able to answer that question; but it will cost the two property owners, according to the provisions of this bill, whatever they have. It is insisted that the commissioners should not proceed to condemn the property of their rich neighbors, of this institution, which has a house worth \$200,000, but that they should condemn the homes of these people, who have very little invested, it is true, in money value, but, notwithstanding, their homes, and pay them nothing, and at the same time give a side entrance for this bakery, which it does not now have.

The proposition is to extend the street across a block in order to make the connection with the street on the other side of the block.

Instead of extending the street in a straight line so as to connect with the street on the opposite side, they move up 75 feet in order to avoid Corby's bakery, which is right in the center of the street as it would be laid out, and take the property of these people who are objecting. And then the bill has the marvelous provision that when the jury comes to assess the damages it shall assess the benefits to be exactly what the damages are ascertained to be.

Now, under the law everywhere else on the face of the earth, when the jury in condemnation proceedings goes on the land in the exercise of the power of eminent domain and take the property of any citizen for public use they ascertain what damage has been done and then the same jury ascertain what the benefits are and offset the one against the other. But this bill provides that whatever they may ascertain to have been the damages—

the entire amount found to be due and awarded by the jury in such proceeding as damages for and in respect of the land to be condemned for said opening, plus the cost and expenses of the proceeding, shall be assessed by the jury as benefits.

Mr. SHERLEY. Will the gentleman yield for a question?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. SHERLEY. Is that provision in regard to assessing benefits against the property any different from the usual procedure for the condemnation of land within the District?

Mr. HUMPHREYS of Mississippi. I do not know whether it is or not.

Mr. TAYLOR of Ohio. It is not.

Mr. HUMPHREYS of Mississippi. It is such a provision in my opinion that no court will ever enforce.

Mr. SHERLEY. I agree with the gentleman that the District rule is very unfair, but if this rule is no different from the usual rule in the District the gentleman's case is no worse than that of the ordinary district residents.

Mr. HUMPHREYS of Mississippi. Then I have great sympathy for the rest of the District residents, whose property is to be taken and they are to be paid nothing for it.

Mr. FOSTER of Illinois. We pass bills here assessing the benefits, whatever they are, to the property and not the whole total cost, as it applies in this case.

Mr. COX of Ohio. Does the gentleman mean to say that the parties owning this property to be condemned will not be compensated in any way whatever for the property which they give up?

Mr. HUMPHREYS of Mississippi. Absolutely not a cent.

The entire amount found to be due and awarded in said proceedings as damages for and in respect to the land to be condemned for said opening, plus the cost and expenses of the proceeding, shall be assessed by the jury as benefits.

Mr. COX of Ohio. Part of the cost of the proceeding is the cost of this land, and in addition to that the board of trustees of Howard University have agreed to take the property off their hands if they are not entirely agreeable to the transaction.

Mr. HUMPHREYS of Mississippi. The board of trustees of Howard University have prepared a resolution, which they have spread on their minutes, that they will pay these people if their assessments are too great; but how can these people force the Howard University to make good this promise? Why not let the jury that goes there and condemns the property also determine and assess the benefits?

Mr. TAYLOR of Ohio. The Howard University is a Government institution, and they can not force them to do anything.

Mr. HUMPHREYS of Mississippi. The gentleman from Ohio says that there is no way of compelling the Howard University to do anything; that if they reimburse these people they will do it as a matter of charity and can not be forced to do it under the rules of law.

The Howard University wants this street in order to make a better driveway. That is all—in order that they may have a nearer route to this park—and the residents object to it because it takes their homes from them, and in their opinion and my opinion under the law takes their homes away from them without any compensation. The fact that it is the usual course in the District is no reason whatever why this House should permit it to be done in this instance. Now, one gentleman suggests to me that the courts of the District have held that this provision is a void provision. Then, why put it in? There are two reasons that have been suggested here why it is put in. First, in order to get votes here, by making Congress believe that there is no money to be appropriated out of the Treasury to pay damages that may be assessed, and another reason assigned is that when these people come to compromise, if they are to compromise with the Howard University, they will have this provision in there as a big club to force them to take less than the property is worth.

How much time have I left, Mr. Speaker?

The SPEAKER pro tempore (Mr. COLE). The gentleman from Mississippi has 10 minutes remaining.

Mr. HUMPHREYS of Mississippi. I will yield five minutes to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. Mr. Speaker, I want to refer to a matter not connected with this particular bill.

In the Evening Star of this date appears the following headlines in part, and the following statement:

LOBBYIST IS BLAMED—MAJ. JUDSON DISCUSSED DEFEAT OF DISTRICT FUNDING BILL.

I am told that in part the responsibility for the defeat of the debt-funding bill lies with the efforts of a certain notorious lobbyist who has failed to get certain favors from the commissioners and who has found it necessary to uphold his reputation by drumming into the ears of Congressmen that this bill was designed for certain interests. Most of the Members knew little about the provisions of the bill, even after the short debate.

This was part of a statement by Commissioner Judson to a Star reporter to-day.

Now, Mr. Speaker, as an officer of the Government, as a Commissioner of the District of Columbia, this distinguished gentleman should not give out such statements as this, that reflect, at least, on a large number of the Members of this House, without giving at least the name of this notorious lobbyist. As far as I am concerned, but one man living said one word to me about this bill, except Members of the House and Maj. Judson himself. The only man that ever said a word about it was a gentleman by the name of Randall, who invited me not long since to take dinner with Maj. Judson and himself, so that Maj. Judson could explain his plan. At that time I had not read the bill. I said that I would be glad, of course, to have it explained. But the dinner never took place.

Mr. MOORE of Pennsylvania rose.

The SPEAKER pro tempore. Does the gentleman from Tennessee yield to the gentleman from Pennsylvania?

Mr. SIMS. The dinner never was given, and, therefore, I did not get the Major's suggestions until after the bill was brought before this House.

Mr. TAYLOR of Ohio. Will the gentleman yield?

Mr. SIMS. After I finish my statement.

Mr. TAYLOR of Ohio. You could have called the Major up, could you not, by telephone?

Mr. SIMS. This paper was handed to me only about two minutes ago by the gentleman from New York [Mr. BENNET], therefore I have had no time to call the Major.

Mr. MANN. He is a friend of the commissioners.

Mr. SIMS. I am not like him. I am not talking about "certain men." I call names, because I am not ashamed of the names I am giving.

Now, it is the duty of this commissioner to give the name of this notorious lobbyist, so that Members of the House may know who he is, and how to avoid him.

Mr. MOORE of Pennsylvania. Are there quotation marks in the statement just read?

Mr. SIMS. Yes, sir; there are quotation marks.

Mr. MOORE of Pennsylvania. The Major is not here, and can not answer for himself, and I wonder if it is a literal quotation.

Mr. SIMS. It is a quotation, or so appears, and I want it to go into the RECORD that way.

Mr. MOORE of Pennsylvania. The gentleman makes the statement, but the Major can not reply.

Mr. SIMS. This appears as a part of the statement of Commissioner Judson to a Star reporter to-day, and it is put in quotations. It conveys the idea that Members of this House have been influenced by the efforts of a notorious lobbyist. The gentleman from New York [Mr. FISH] and his colleague [Mr. ANDRUS] and the other gentlemen in this House, who opposed that bill, can say whether or not a lobbyist said anything to them.

Mr. MOORE of Pennsylvania. What is the lobbyist's name?

Mr. SIMS. That is what I want to know. Before Maj. Judson talks about this House being influenced by a lobbyist, let him give the name of the man. He must know him, because he says he was refused certain favors by the commissioners.

Mr. MOORE of Pennsylvania. I was wondering if the gentleman was not taking too seriously a statement attributed to Maj. Judson.

Mr. SIMS. Look at the headline. The lobbyist is blamed.

Mr. MOORE of Pennsylvania. But the gentleman would not say that the Major wrote those headlines.

Mr. SIMS. No; he did not.

Mr. MOORE of Pennsylvania. Those may have been written by the blue-pencil man.

Mr. SIMS. I have been reading what the Major said.

All that I am asking is that the Major give us the name of this notorious lobbyist so that we may be protected from him hereafter.

Mr. TAYLOR of Ohio. I would suggest that if the gentleman will call up Maj. Judson he will give the name of the lobbyist.

Mr. SIMS. I do not know whether the Major said what is attributed to him or not, and if he did not and will say so by letter or otherwise, I will be glad to set him right by placing his letter in the RECORD, or his statement. The Star is a very reputable newspaper, and not given to fake interviews. I therefore feel that its statement of what Maj. Judson said, especially as it appears in quotations, is to be treated as correct in the absence of a denial by the Major; but if he denies it I shall be glad to give him the benefit of it.

The SPEAKER pro tempore. The time of the gentleman from Tennessee [Mr. SIMS] has expired.

Mr. MOORE of Pennsylvania. The gentleman ought to be fair and give him a chance to answer.

The SPEAKER pro tempore. The gentleman from Ohio is recognized.

Mr. COX of Ohio. Mr. Speaker, it occurs to me that there is absolutely no necessity of my making a statement to my colleagues on this subject, except to show the apparent absurdity of the contention of the gentleman from Mississippi [Mr. HUMPHREYS] to the effect that the owners of these lots will derive no compensation. The jury will meet and ascertain the amount of the damages, and the amount of the damages will be paid to the property holders, and it will be assessed then as a benefit against the adjacent property owners.

There is nothing unfair nor unusual about that procedure, and I can not understand by what process of reasoning or deduction the gentleman from Mississippi has figured out that the great resourceful United States Government is proposing to go out and take away the lots of two colored families.

Mr. HUMPHREYS of Mississippi. Will the gentleman yield?

Mr. COX of Ohio. Yes; in a moment.

Mr. HUMPHREYS of Mississippi. These two colored families own the adjacent property. You are going to open a street for the benefit of Howard University, and on the one side of it is the Corby Bakery Co. and on the other side will be these two humble citizens. The benefits will be assessed against their property, and under this law the benefits will be whatever the assessed damages will be. In other words, they will have to pay for the street.

Mr. COX of Ohio. Let me say to the gentleman from Mississippi that when Vermont Avenue is extended into that beautiful part of the city the lands adjacent to the property condemned will be very valuable, and no one knows that fact better than the gentleman himself.

Now, he speaks of the bakery. It is the wish of the two property holders about whom he is so solicitous to run through the bakery building. The cost of that route will be from \$200,000 to \$250,000. The cost of the route proposed by the commissioners and indorsed by citizens will be only \$15,000.

Now, I want to say, for the information of the House, that it is not fair to assume that the trustees of Howard University are going to defraud their fellow colored men. There are seven representative colored trustees on this board. They have passed a resolution in good faith, stating that they will take this property off the hands of these two colored owners if they are not satisfied with the assessment of costs.

Mr. HUMPHREYS of Mississippi. I have only five minutes of my time remaining. Does the gentleman intend to occupy any more of his time?

Mr. COX of Ohio. No.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I am here in this instance, just as the white people of Mississippi always are, trying to defend a Negro in his property rights. [Applause.] I command to some of the gentlemen here whose activities in behalf of the Negro are directed along other lines, this suggestion, that if they will join with me in opposing this bill they will render a much more substantial service to the colored man than by indulging in platitudes about his inalienable rights. These Negroes have bought their homes out there, and they are entitled to them. The Howard University wants to open up a street there in order to have a driveway that will connect them more directly with the park, and the Howard University ought to be willing to pay for the property that they will take in order to make the street. [Applause.]

Mr. COX of Ohio. Will the gentleman yield?

Mr. HUMPHREYS of Mississippi. In just a moment. If they wanted to do that, they could go there and purchase those two narrow lots and dedicate them as a street, and then there would be no benefits to be assessed against the adjacent property. Instead of that they pass a resolution, which is not binding on account of the statute of frauds, to give these people compensation for their land that is to be taken. There is no written instrument by which they undertake to do that. It is just simply a resolution on their minutes that if the assessment is too great against these people they will make it good.

Mr. KENDALL. Will the gentleman yield for a question?

Mr. HUMPHREYS of Mississippi. With pleasure.

Mr. KENDALL. I want to inquire of the gentleman from Mississippi if this bill has the favorable report of the Committee on the District of Columbia.

Mr. HUMPHREYS of Mississippi. I understand that it has.

Mr. KENDALL. I want further to inquire if the gentleman is not exhausting his energies in opposing it? Does the gentleman think any measure embarrassed in that way can receive the support of the House? [Laughter.]

Mr. HUMPHREYS of Mississippi. I may be exhausting the energies of the House, perhaps, but not my own.

Mr. Speaker, if this Howard University, being a colored school, wants to teach a good lesson to the colored people in that neighborhood and in this country, instead of instructing them in the mysteries of the isosceles triangle let it teach them to be home builders, and that when they build their homes, humble as they may be, in the neighborhood of that university, their rights will be protected, and they will not be deprived of their property under the forms of law simply to please the fancy of the trustees of that institution, and, although the gentleman from Mississippi is a Democrat from the far South, he has the real interests of the Negro at heart, and will stand here and plead for them. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Mississippi has expired.

Mr. COX of Ohio. I ask for a vote.

The question was taken; and the Speaker pro tempore announced that, in the opinion of the Chair, two-thirds had not voted in the affirmative.

Mr. COX of Ohio. Division, Mr. Speaker.

The House divided; and there were—ayes 25, noes 50.

Accordingly (two-thirds not voting in the affirmative) the motion was rejected.

#### DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The SPEAKER. The gentleman from Vermont notifies the Chair that the conferees on the diplomatic and consular appropriation bill designated by the Chair, except the gentleman from Vermont himself, are absent, and desires unanimous consent that in lieu of those heretofore announced the gentleman from New York [Mr. BENNET] and the gentleman from Virginia [Mr. HAY] be substituted, and the Chair so announces.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Curtis, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 32436) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1912, and for other purposes.

The message also announced that the Vice President had appointed Mr. GALLINGER and Mr. SMITH of Maryland members of the National Forest Reservation Commission, as provided for in section 4 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers."

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 5843) to authorize the extension of Van Buren Street NW.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 30273. An act for the relief of the city of Quincy, the towns of Weymouth and Hingham, and the Old Colony Street Railway Co., all of Massachusetts;

H. R. 25370. An act to waive the age limit for admission to the Pay Corps of the United States Navy for one year in the case of Paymasters' Clerk Arthur Henry Mayo;

H. R. 32721. An act to extend the time for commencing and completing the construction of a dam authorized by the act entitled "An act permitting the building of a dam across the Mississippi River in the county of Morrison, State of Minnesota," approved June 4, 1906; and

H. R. 32883. An act to extend the time for the completion of a bridge across the Morris and Cummings Channel at a point near Aransas Pass, Tex., by the Aransas Harbor Terminal Rail-way Co.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 32866) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1912.

## CODIFICATION OF THE LAWS RELATING TO THE JUDICIARY.

Mr. MOON of Pennsylvania. Mr. Speaker, I submit a conference report on the bill (S. 7031) to codify, revise, and amend the laws relating to the judiciary, and I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection?

There was no objection.

Mr. PARKER. I reserve points of order on the report.

The SPEAKER. The Clerk will read the statement.

The conference report and statement are as follows:

## CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill S. 7031, being a bill to codify, revise, and amend the laws relating to the judiciary, having met, after full and free conference, have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate agree to the House amendment, with amendments to sections 2, 13, 14, 21, 24, 28, 29, 30, 40, 56, 70, 76, 78, 88, 91, 92, 99, 103, 106, 112, 118, 126, 128, 140, 151, 152, 178, 182, 186, 201, 207, 226, 227, 228, 229, 240, 250, 251, 259, 284, 289, 298, 301.

That the House agree to the amendments proposed by the Senate conferees, as follows:

(The references to section numbers and pages are to the bill as reported by the conferees and not to the bill as it passed the House or Senate.)

Section 2. On page 3, in line 16, beginning after the word "installments," strike out the remainder of the section.

Section 13. On page 7, in line 2, after the word "absence," insert the words "of all the circuit judges."

Section 14. Page 8, in line 1, strike out the word "their" and insert in lieu thereof the word "the"; and after the word "absence" insert the words "of all the circuit judges."

Section 21. On page 10, in line 13, strike out the words "or his counsel." In line 22, before the word "reason," insert the words "facts and the." In line 22, after the word "cause," insert the word "shall." On page 11, line 2, after the word "affidavit," insert the words "and no such affidavit shall be filed unless accompanied by a certificate of counsel of

record that such affidavit and application are made in good faith."

Section 24. On page 12, in line 10, strike out the word "five" and insert "three." On page 15, in line 1, after the word "authority," strike out the following: "except in suits to suspend, enjoin, or restrain the action of any officer of a State in the enforcement, operation, or execution of a statute of such State, upon the ground of the unconstitutionality of such statute," and insert in lieu thereof the following, which will be section 26:

"No interlocutory injunction suspending or restraining the enforcement, operation, or execution of any statute of a State by restraining the action of any officer of such State in the enforcement or execution of such statute, shall be issued or granted by any Justice of the Supreme Court, or by any district court of the United States, or by any judge thereof, or by any circuit judge acting as district judge, upon the ground of the unconstitutionality of such statute, unless the application for the same shall be presented to a Justice of the Supreme Court of the United States, or to a circuit or district judge, and shall be heard and determined by three judges, of whom at least one shall be a Justice of the Supreme Court, or a circuit judge, and the other two may be either circuit or district judges, and unless a majority of said three judges shall concur in granting such application. Whenever such application as aforesaid is presented to a Justice of the Supreme Court, or to a judge, he shall immediately call to his assistance to hear and determine the application two other judges: *Provided, however,* That one of such three judges shall be a Justice of the Supreme Court, or a circuit judge. Said application shall not be heard or determined before at least five days' notice of the hearing has been given to the governor and to the attorney general of the State, and to such other persons as may be defendants in the suit: *Provided,* That if of opinion that irreparable loss or damage would result to the complainant unless a temporary restraining order is granted, any Justice of the Supreme Court, or any circuit or district judge, may grant such temporary restraining order at any time before such hearing and determination of the application for an interlocutory injunction, but such temporary restraining order shall remain in force only until the hearing and determination of the application for an interlocutory injunction upon notice as aforesaid. The hearing upon such application for an interlocutory injunction shall be given precedence and shall be in every way expedited and be assigned for a hearing at the earliest practicable day after the expiration of the notice hereinbefore provided for. An appeal may be taken direct to the Supreme Court of the United States from the order granting or denying, after notice and hearing, an interlocutory injunction in such case."

Section 28. On page 23, in line 22, after the words "United States," strike out the remainder of the section, reading: "*Provided further,* That no suit against a corporation or joint-stock company, brought in a State court of the State in which the plaintiff resides, or in which the cause of action arose, or within which the defendant has its place of business, or carries on its business, shall be removed to any court of the United States on the ground of diverse citizenship."

Section 29. On page 24, in line 17, strike out the word "twenty" and insert the word "thirty." On page 24, in line 25, strike out the word "due" and insert the word "written." In line 3, on page 25, strike out the word "twenty" and insert the word "thirty"; in line 5 strike out the word "twenty" and insert the word "thirty."

Section 30. On page 25, in line 13, strike out the word "five" and insert the word "three."

Section 40. On page 35 restore section 40, reading: "The trial of offenses punishable with death shall be had in the county where the offense was committed where that can be done without great inconvenience."

Section 56. On page 41, in line 15, substitute a period for the semicolon, and strike out the words "provided that." On page 41, in line 21, strike out the word "approval" and substitute the word "disapproval"; in line 1, on page 42, strike out the word "approval" and substitute the word "disapproval." In line 5 strike out the words "The failure to secure"; also the word "approval," and substitute the word "disapproval." Beginning after the word "brought," in line 10, strike out the words, "The circuit court of appeals, or the judge thereof approving such order or appointment, may, at any time, for good cause shown, revoke such approval; and thereafter, unless the circuit court of appeals shall renew such order, the receiver shall thereby be divested of jurisdiction over all such property lying or being without the State in which the suit has been brought." In line 17 strike out the words "proviso to" and insert the words "provisions of"; and in line 4 strike out the words "and his appointment so approved."

Section 70. On page 51, in line 9, after the word "district," insert the words "also the territory embraced on the date last mentioned in the counties of Walker, Winston, Marion, Fayette and Lamar, which shall constitute the Jasper division of said district." On page 52, in line 4, after the word "year," insert the words "for the Jasper division, at Jasper, on the second Tuesdays in January and June: *Provided*, That suitable rooms and accommodations for holding court at Jasper shall be furnished free of expense to the Government."

Section 76. On page 58 strike out all of lines 16, 17, and 18, after the word "Tallahassee," and insert in lieu thereof the following: "on the second Monday in January; at Pensacola on the first Mondays in May and November; at Marianna on the first Monday in April; and at Gainesville on the second Mondays in June and December."

Section 78. Strike out the section and insert in lieu thereof the following:

"The State of Idaho shall constitute one judicial district, to be known as the district of Idaho. It is divided into four divisions, to be known as the northern, central, southern, and eastern divisions.

"The territory embraced on the 1st day of July, 1910, in the counties of Bonner, Kootenai, and Shoshone, shall constitute the northern division of said district; and the territory embraced on the date last mentioned in the counties of Idaho, Latah, and Nez Perce, shall constitute the central division of said district; and the territory embraced on the date last mentioned in the counties of Ada, Boise, Blaine, Cassia, Twin Falls, Canyon, Elmore, Lincoln, Owyhee, and Washington, shall constitute the southern division of said district; and the territory embraced on the date last mentioned in the counties of Bannock, Bear, Lake, Bingham, Custer, Fremont, Lemhi, and Oneida, shall constitute the eastern division of the said district. Terms of the district court for the northern division of the said district shall be held at Coeur d'Alene City on the fourth Monday in May and the third Monday in November; for the central division, at Moscow on the second Monday in May and the first Monday in November; for the southern division, at Boise City on the second Mondays of February and September; and for the eastern division of Pocatello on the second Mondays of March and October. The clerk of the court shall maintain an office in charge of himself or a deputy at Coeur d'Alene City, at Moscow, at Boise City, and at Pocatello, which shall be open at all times for the transaction of the business of the court."

Section 81. On page 32, in line 13, after the word "December" insert "and at Waterloo on the second Tuesdays in May and September."

Section 88. On page 76, in line 6, after the word "Crawford," insert the word "Genesee"; in line 8, after the word "Saginaw," insert the word "Shiawassee"; in line 11 strike out the word "Genesee"; and in line 13 strike out the word "Shiawassee."

Section 91. On page 82, in line 3, after the word "Lincoln" insert the word "Maries"; in line 14, on page 83, strike out the word "Maries." On page 84, in line 10, after the words "St. Joseph" insert the words "at Joplin"; in line 14 strike out the words "of holding court" and insert in lieu thereof the words "at which court is now held."

Section 92. On page 84, in line 20, after the word "October" insert the following: "at Missoula on the first Mondays in January and June; and at Billings on the first Mondays in March and August."

Section 99. On page 94, in line 9, strike out the words "of holding court" and insert in lieu thereof the following: "at which court is now held."

Section 103. On page 99, at the end of line 4, add the following: "The clerk of the court for the middle district shall maintain an office in charge of himself or a deputy at Harrisburg; and civil suits instituted at that place shall be tried there if either party resides nearest that place of holding court, unless by consent of parties they are removed to another place for trial."

Section 106. On page 101, line 2, strike out the word "Lyman"; in line 3 strike out "Crow Creek"; in line 4 strike out "Lower Brule and"; in line 7 strike out "Armstrong"; in line 8 strike out "Dewey"; and strike out all from the word "Reservation," in line 10, and substitute the following: "and in that portion of the Standing Rock Indian Reservation lying in South Dakota shall constitute the northern division; the territory embraced on the date last mentioned in the counties of Armstrong, Buffalo, Dewey, Faulk, Hand, Hughes, Hyde, Jerauld, Lyman, Potter, Stanley, and Sully, and in Cheyenne River, Lower Brule, and Crow Creek Indian Reservations, shall

constitute the central division; and the territory embraced on the date last mentioned in the counties of Bennett, Butte, Custer, Fall River, Harding, Lawrence, Meade, Mellette, Pennington, Perkins, Shannon, Todd, Tripp, Washabaugh, and Washington and in the Rosebud and Pine Ridge Indian Reservations shall constitute the western division. Terms of the district court for the southern division shall be held at Sioux Falls on the first Tuesday in April and the third Tuesday in October; for the northern division at Aberdeen on the first Tuesday in May and the second Tuesday in November; for the central division at Pierre on the second Tuesday in June and the first Tuesday in October; and for the western division at Deadwood on the third Tuesday in May and the first Tuesday in September. The clerk of the district court shall maintain an office in charge of himself or a deputy at Sioux Falls, at Pierre, at Aberdeen, and at Deadwood, which shall be kept open for the transaction of the business of the court."

Section 112. On page 113, line 23, strike out the word "Kititas" and insert it in line 4, on page 114, after the word "Klickitat"; in lines 1 and 7 on page 114, strike out the word "eastern" and insert in lieu thereof the word "Northern"; in lines 21 and 25 strike out the word "western" and insert in lieu thereof the word "southern."

Section 118. On page 121, in line 22, beginning after the word "circuit" strike out the remainder of the section.

Section 126. Strike out the section. The provisions of this section are embraced in section 259.

Section 128. On page 128, in line 5, after the word "laws" insert the words "under the copyright laws."

Section 140. On page 134, in line 5, strike out the word "quarterly" and insert in lieu thereof the word "monthly."

Section 151. On page 139, in line 18, after the word "may" strike out the words "or the committee thereof to which it shall have been referred, also may." On page 140, in line 18, after the word "House" strike out the words "or such committee." At the end of the section add the following: "In any proceeding under this section, the court shall determine as a preliminary inquiry the question of limitation, delay, or laches; and if it shall be of opinion that the delay in presenting the claim is not excusable, and that the bar of the statute of limitation should not be removed, it shall not proceed further to find the existence of loyalty, liability, or the extent thereof, in such case, but shall report such finding in bar to the House by which the claim or matter was referred."

Section 152. Strike out the section.

Section 178. On page 140, in line 16, strike out the word "hereinbefore" and add, after the word "provided," the words "by law."

Section 182. Insert a new section numbered 182, as follows:

"SEC. 182. In any case brought in the Court of Claims under any act of Congress by which that court is authorized to render a judgment or decree against the United States, or against any Indian tribe or any Indians, or against any fund held in trust by the United States for any Indian tribe or for any Indians, the claimant, or the United States, or the tribe of Indians, or other party in interest shall have the same right of appeal as is conferred under sections 229 and 230; and such right shall be exercised only within the time and in the manner therein prescribed."

Section 186. On page 152, in line 23, after the word "claims," add the words "on account of color."

Section 201. Strike out this section, the provisions of this section being embraced in section 259.

Section 207. On page 169, in line 15, strike out the word "now"; in line 16, after the word "thereof" add the following: "immediately prior to June 18, 1910."

Section 226. On page 182, in line 7, after the word "court," insert the words "heretofore published"; in line 8, strike out the words "after the 5th of August, 1882"; in line 10, strike out the word "one" and insert the word "two," and strike out "and 50 cents." After the word "volume" add the following: "and those hereafter published at a sum not to exceed \$1.75 per volume." In line 18 strike out "fifty" and insert "seventy-five."

Section 227. On page 183, in line 7, after the words "Attorney General" insert the words "each United States district attorney." On page 184, in line 14, after the word "twenty" add the word "five." On page 185, in line 3, after the word "them," insert the words "to each United States judge and to each United States district attorney who has not received a set." On page 185, in line 17, after the word "office" strike out the remainder of the section.

Section 228. On page 186, in line 7, strike out the words "or hereafter." In line 9, after the word "than" strike out "one" and insert "two"; and after the word "dollar" strike out

"and 50 cents," and at the end of the line add: "and such number of copies of each report hereafter published as he may require, for which he shall pay not more than \$1.75 per volume."

Section 220. On page 187. Strike out the section and insert in lieu thereof the following:

"SEC. 220. The Attorney General is authorized to procure complete sets of the Federal Reporter or, in his discretion, other publication containing the decisions of the circuit courts of appeals, circuit courts, and district courts, and digests thereof, and also future volumes of the same as issued, and distribute a copy of each such reports and digests to each place where a circuit court of appeals or a district court is now or may hereafter regularly be held, and to the Supreme Court of the United States, the Court of Claims, the Court of Customs Appeals, the Commerce Court, the court of appeals and the supreme court of the District of Columbia, the Attorney General, the Solicitor General, the Solicitor of the Treasury, the Assistant Attorney General for the Department of the Interior, the Commissioner of Patents, and the Interstate Commerce Commission; and to the Secretary of the Senate, for the use of the Senate, and to the Clerk of the House of Representatives, not more than three sets each. Whenever any such courtroom, office, or officer shall have a partial or complete set of any such reports or digest already purchased or owned by the United States, the Attorney General shall distribute to such courtroom, office, or officer only sufficient volumes to make a complete set thereof. No distribution of reports or digests under this section shall be made to any place where the court is held in a building not owned by the United States, unless there be at such place a United States officer to whose responsible custody they can be committed. The clerks of the courts (except the Supreme Court) to which the reports and digests are distributed under this section shall keep such reports and digests for the use of the courts and the officers thereof. All reports and digests distributed under the provisions of this section shall be and remain the property of the United States, and, before distribution shall be plainly marked on their covers with the words 'The property of the United States,' and shall be transmitted by the officers receiving them to their successors in office. Not to exceed \$2 per volume shall be paid for the back and current volumes of the Federal Reporter or other publication purchased under the provisions of this section, and not to exceed \$5 per volume for the digest, the said money to be disbursed under the direction of the Attorney General; and the Attorney General shall include in his annual estimates submitted to Congress an estimate for the back and current volumes of such reports and digests, the distribution of which is provided for in this section."

Section 240. On page 192, in line 19, after the word "case" insert "civil or criminal"; in line 22, after the word "otherwise," insert "upon the petition of any party thereto."

Section 250. This section is intended to take the place of section 237 of the House amendment.

Section 250. Any final judgment or decree of the court of appeals of the District of Columbia may be reexamined and affirmed, reversed, or modified by the Supreme Court of the United States, upon writ of error or appeal in the following cases:

First. In cases in which the jurisdiction of the trial court is in issue; but when any such case is not otherwise reviewable in said Supreme Court, then the question of jurisdiction alone shall be certified to said Supreme Court for decision.

Second. In prize cases.

Third. In cases involving the construction or application of the Constitution of the United States, or the constitutionality of any law of the United States, or the validity or construction of any treaty made under its authority.

Fourth. In cases in which the constitution or any law of a State is claimed to be in contravention of the Constitution of the United States.

Fifth. In cases in which the validity of any authority exercised under the United States or the existence or scope of any power or duty of an officer of the United States is drawn in question.

Sixth. In cases in which the construction of any law of the United States is drawn in question by the defendant.

Except as provided in the next succeeding section, the judgments and decrees of the said court of appeals shall be final in all cases arising under the patent laws, the copyright laws, the revenue laws, the criminal laws, and in admiralty cases. Except as provided in the next succeeding section, the judgments and decrees of the said court of appeals shall be final in all cases not reviewable as hereinbefore provided.

Writs of error and appeals shall be taken with the same time, in the same manner, and under the same regulations as writs of error and appeals are taken from the circuit courts of appeals to the Supreme Court of the United States.

Section 251. This section is intended to take the place of section 238 of the House amendment.

Section 251. Strike out the section and substitute the following: "In any case in which the judgment or decree of said court of appeals is made final by the section last preceding, it shall be competent for the Supreme Court of the United States to require, by certiorari, or otherwise, any such cause to be certified to it for its review and determination, with the same power and authority in the case as if it had been carried by writ of error or appeal to said Supreme Court. It shall also be competent for said court of appeals, in any case in which its judgment or decree is made final under the section last preceding, at any time to certify to the Supreme Court of the United States any questions or propositions of law concerning which it desires, the instruction of that court for their proper decision; and thereupon the Supreme Court may either give its instructions on the questions and propositions certified to it, which shall be binding upon said court of appeals in such case, or it may require that the whole record and cause be sent up to it for its consideration, and thereupon shall decide the whole matter in controversy in the same manner as if it had been brought there for review by writ of error or appeal."

Section 259. This section is intended to take the place of a part of section 2, all of section 126, and 202bb, in the bill as it passed the House.

"SEC. 259. The circuit justices, the circuit and district judges of the United States, and the judges of the district courts of the United States in Alaska, Hawaii, and Porto Rico, shall each be allowed and paid his necessary expenses of travel, and his reasonable expenses (not to exceed \$10 per day) actually incurred for maintenance, consequent upon his attending court or transacting other official business in pursuance of law at any place other than his official place of residence, said expenses to be paid by the marshal of the district in which such court is held or official business transacted, upon the written certificate of the justice or judge. The official place of residence of each justice and of each circuit judge while assigned to the Commerce Court, shall be at Washington; and the official place of residence of each circuit and district judge, and of each judge of the district courts of the United States in Alaska, Hawaii, and Porto Rico, shall be at that place nearest his actual residence at which either a circuit court of appeals or a district court is regularly held. Every such judge shall, upon his appointment, and from time to time thereafter whenever he may change his official residence, in writing notify the Department of Justice of his official place of residence."

Section 260. On page 202, in line 10, strike out the words "a time 10 years before" and insert "at the time of."

Section 284. On page 211, in line 20, after the word "therefor," insert the following:

"If the United States attorney for any district which has a city or borough containing at least 300,000 inhabitants, shall certify in writing to the district judge, or the senior district judge of the district, that the exigencies of the public service require it, the judge may, in his discretion, also order a venire to issue for a second grand jury."

Section 289. On page 216, in line 3, before the word "authority," insert the word "same."

Section 297. On page 218, in line 13, strike out "twenty" and insert "fourteen"; in line 14, after the word "inclusive" insert the following: "sections 716 to 720, both inclusive." On page 220, in line 3, after the word "eighty-seven," insert "except sections 4, 5, 6, 7, and 10 thereof." Beginning in line 13 strike out the following: "An act to establish circuit court of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes, approved March 3, 1891." On page 221, in line 13, after the word "eleven," insert the following: "Sections 1, 2, 3, 4, 5, the first paragraph of section 6, and section 17 of an act entitled 'An act to create a Commerce Court, and to amend an act entitled 'An act to regulate commerce, approved February 4, 1887, as heretofore amended, and for other purposes,' approved June 18, 1910."

Section 298. On page 221, in line 21, after the word "Act," insert the words "or affecting the organization of the courts."

Section 299. On page 222, in line 6, after the word "proceeding," insert the following: "including those pending on writ of error, appeal, certificate, or writ of certiorari, in any appellate court referred to or included within the provisions of this act."

Section 301. On page 222, in line 19, strike out the word "July" and insert "January"; and strike out the word "eleven" and insert the word "twelve."

R. O. MOON,  
HERBERT PARSONS,  
SWAGAR SHERLEY,  
*Managers on the part of the House.*

W. B. HEYBURN,  
GEO. SUTHERLAND,  
JAMES P. CLARKE,  
*Managers on the part of the Senate.*

STATEMENT.

An exactly similar bill was introduced both in the Senate and House, the Senate bill being S. 7031 and the House bill H. R. 23377. After the House had considered the bill for a number of days the Senate bill was passed and was sent to the House; whereupon the House took up the Senate bill, struck out all after the enacting clause, and substituted therefor the House bill.

In this statement the sections are the sections of the bill as reported by the conferees. The figures in brackets refer to the sections of the bill as it passed the House.

The Senate, in its consideration of the bill, adopted a number of amendments. Many of these amendments were of a mere formal character, to wit:

Sections 13 and 14. The insertion of the words "of all the circuit judges" being intended to make the meaning of the sections more clear without in any sense changing the character of the sections.

Amendments to chapter 5, which relate wholly to the geographical division of the various States into judicial districts and divisions and the time of holding court therein and to the location of deputy clerks for the transaction of the business of the courts.

Numerous changes were made in both the Senate and House in the particulars enumerated, all of which are specifically set forth in the accompanying report and are not in this statement more particularly referred to. The attitude of both the House and Senate was that such change should be made by the conferees as would bring the law into exact accordance with changes that had been made by the statutes since the bill was reported. No change made in this chapter imposes any expense upon the Government or in any way alters the power of the judges, but is made upon the recommendation of Members and Senators simply for the purpose of better expediting the business of the courts in the various districts and divisions of the country.

Section 284 [269]. The Senate amendment to this section provides for a power on the part of a senior district judge of the district containing at least 300,000 inhabitants, when the exigencies of the public service require it, to order a venire to issue for a second grand jury. This carries into the section the amendment made by the act of March 28, 1910.

Section 289 [274]. The insertion of the word "same" before the word "authority" in line 14, referring to the transfer of authority from the circuit court clerks to district clerks, was made to make the meaning more clear.

Section 298 [283]. The insertion of the words "or affecting the organization of the courts" was intended simply to make it more clear that the abolition of the original jurisdiction of the circuit courts should not affect in any way the office of circuit judge.

Section 301 [286]. This amendment fixes the time when this section goes into effect.

To all of these formal amendments the conferees on the part of the House assented.

The other amendments made by the Senate embracing substantive changes were as follows:

Section 128 [127]. The insertion of the words "under the copyright laws," thereby making the appellate jurisdiction of the circuit courts of appeals final in copyright cases as it previously was in patent cases.

Section 240 [227]. The insertion of the words "civil or criminal" and the words "upon the petition of any party thereto." The effect of this amendment is to make more clear the right of the Supreme Court of the United States by writ of certiorari to bring before it for review any case in which the judgment or decree of the circuit court of appeals is made final by the provisions of the act, and to define more accurately the method by which such writ might be obtained.

Sections 250 and 251 [237 and 238]. These sections were stricken out by the Senate and two new sections substituted therefor. These sections refer to appeals from the court of appeals of the District of Columbia to the Supreme Court of the

United States and are intended to place this court upon substantially the same basis respecting appeals as are the courts of appeals in the nine judicial circuits of the United States, a special exception being made, however, respecting cases in which the validity of any authority exercised under the United States or the existence or scope of any power or duty of an officer of the United States is drawn in question; this exception being made by the fact that the seat of government is located in the District of Columbia and questions affecting the scope and power of officers of the United States are special features of the jurisdiction of the courts of the District of Columbia.

In all of these amendments the conferees upon the part of the House concurred.

The amendments made by the House to the bill were numerous, in a large number of which the Senate conferees acquiesced without amendment. In four cases in which amendments were made by the House the Senate refused to concur and the conferees upon the part of the House acquiesced therein, to wit:

Section 28. The elimination of this House amendment leaves the removal of suits from a State court to a Federal court by corporations upon the ground of diverse citizenship to remain under existing law.

While the conferees on the part of the House strongly insisted upon the amendment, the conferees of the Senate insisted that an important change of this kind should be a subject of distinct legislation and should not be attempted in a bill providing for the codification of the laws.

Section 40. The House struck out the whole section, which was as follows:

"SEC. 40. The trial of offenses punishable with death shall be had in the county where the offense was committed where that can be done without great inconvenience."

The House conferees acquiesced in this action because this provision was existing law and had been in operation since 1789. It has been thoroughly adjudicated by the courts, was carried in by the revisers in 1873, and has created no confusion by reason of its existence as part of our judicial system.

Section 118 [116]. An amendment was made by the House as follows:

"and, as well as the circuit justices, shall have throughout his circuit the powers and jurisdiction of a district judge."

The House conferees agreed to this being stricken out in view of the fact that provision for the assignment of circuit judges to sit in the district court when the exigencies of business require it was provided for by section 18 of the act.

Section 186 [189]. The House struck out the words "on account of color." The section provides that—

"No person shall be excluded as a witness in the Court of Claims on account of color or because he or she is a party to or interested in the cause or proceeding; and any plaintiff or party in interest may be examined as a witness upon the part of the Government."

This was stricken out by the House on the theory that it was a constitutional provision. The contention of the Senate conferees was that it requires affirmative law to give effect to a constitutional provision, and that the omission of these words from the revision might work an injury to the parties intended to be benefited by the constitutional provision.

In all of the other amendments made by the House the Senate concurred, with amendments as follows:

Section 21 [20A]. The challenging of a judge on account of personal bias or prejudice. An amendment was made which required the counsel of record to certify that in his judgment the affidavit so filed was made in good faith.

Section 24. Concerns the jurisdiction of the district courts. The House adopted the following amendment:

"Except in suits to suspend, enjoin, or restrain the action of any officer of a State in the enforcement, operation, or execution of a statute of such State, upon the ground of the unconstitutionality of such statute."

This was amended by striking out the provision above recited and substituting therefor as section 266 the provisions of section 17 of the act of June 18, 1910, entitled "An act to create a Commerce Court, etc.," as follows:

"SEC. 266. No interlocutory injunction suspending or restraining the enforcement, operation, or execution of any statute of a State by restraining the action of any officer of such State in the enforcement or execution of such statute shall be issued or granted by any justice of the Supreme Court, or by any district court of the United States, or by any judge thereof, or by any circuit judge acting as district judge, upon the ground of the unconstitutionality of such statute, unless the application for the same shall be presented to a justice of the Supreme Court of

the United States, or to a circuit or district judge, and shall be heard and determined by three judges, of whom at least one shall be a justice of the Supreme Court or a circuit judge, and the other two may be either circuit or district judges, and unless a majority of said three judges shall concur in granting such application. Whenever such application as aforesaid is presented to a justice of the Supreme Court, or to a judge, he shall immediately call to his assistance to hear and determine the application two other judges: *Provided, however,* That one of such three judges shall be a justice of the Supreme Court or a circuit judge. Said application shall not be heard or determined before at least five days' notice of the hearing has been given to the governor and to the attorney general of the State, and to such other persons as may be defendants in the suit: *Provided,* That if of opinion that irreparable loss or damage would result to the complainant unless a temporary restraining order is granted, any justice of the Supreme Court, or any circuit or district judge, may grant such temporary restraining order at any time before such hearing and determination of the application for an interlocutory injunction, but such temporary restraining order shall remain in force only until the hearing and determination of the application for an interlocutory injunction upon notice as aforesaid. The hearing upon such application for an interlocutory injunction shall be given precedence and shall be in every way expedited and be assigned for a hearing at the earliest practicable day after the expiration of the notice hereinbefore provided for. An appeal may be taken direct to the Supreme Court of the United States from the order granting or denying, after notice and hearing, an interlocutory injunction in such case."

Section 24 was further amended by the House so as to increase from \$2,000 to \$5,000 the amount necessary to give the Federal courts jurisdiction of the classes of cases included therein.

Section 30. Regulating the removal of cases to the Federal courts in which title to land is claimed under grants from different States, was also amended by increasing the jurisdictional amount from \$2,000 to \$5,000.

The Senate concurred in each of these amendments, with an amendment reducing in each case this amount to \$3,000, in which the House conferees concurred.

Section 29. The House amended this section, which provides for the removal of cases, by requiring the party removing the case to file in the Federal court, within 20 days from the date of filing the petition and bond, a certified copy of the record of the case in the State court, and of pleading within 20 days thereafter, instead of on or before the first day of the next term of the court; and by requiring notice to be given the adverse party of the filing of the petition and bond for removal.

The amendment made thereto at the instance of the Senate conferees was to fix the time at 30 instead of 20 days, and to substitute for the words "due notice" the words "written notice," in which the House conferees concurred.

Sections 55 and 56 [54A]. The Senate agreed to this amendment, with an amendment making the proviso of the section a separate section, and by amending the proviso so that the order of the district court should continue unless disapproved within 30 days by the circuit court of appeals or by a circuit judge, and by eliminating matter rendered unnecessary by reason of this change.

The House conferees concurred in this amendment for the reason that in their judgment the change thus effected would continue the supervision of the circuit judges over such appointment as fully as provided in the amendment adopted by the House, and would at the same time avoid legal complications that might ensue if the appointment during the interval before approval might be construed to be of a tentative character only.

Section 140 [139]. The payment of salaries is made monthly instead of quarterly, in order to conform to existing law, a general provision of law having modified the previous special provision in the Revised Statutes in regard to the Court of Claims which had been incorporated in the bill.

Section 151 [155]. This section is one in which the House rearranged and combined certain provisions of the Bowman and Tucker Acts. The Senate assented thereto with two amendments. First, by striking out the words "or the committee thereof to which it shall have been referred, also may." Under the Bowman Act a committee of either House of Congress could refer claims to the Court of Claims without any act upon the part of Congress. This practice has not been followed in recent years by the Senate Committee on Claims, nor is it possible under the Tucker Act, which was of later date. This amendment prevents such manner of reference in the future. All such claims can still be referred by a resolution of either

House instead of merely a resolution of the committees thereof. The second amendment is intended to relieve the court of the duty of finding all the facts of a case submitted to it when its preliminary inquiry shows that laches have been such that the claim ought not to be paid. This provision will relieve the Congress of having to consider the facts in regard to claims as to which the court has found inexcusable laches.

Section 157. This section was stricken out because it was taken from the Bowman Act and was a qualification of that act. If left in the bill, it would qualify the Tucker Act and so change existing law, and would remove from the Court of Claims jurisdiction of a large number of cases of which it was given jurisdiction by the Tucker Act.

Section 182. Is intended to give to the United States as trustee for Indian tribes the right of appeal from the Court of Claims in certain cases.

Section 216a [229]. This section was rewritten to make the meaning more clear; and in line 13, page 200, the word "directed" was stricken out; and after the word "thereof," in line 11, page 201, the following words were added: "No distribution of reports or digests under this section shall be made to any place where the court is held in a building not owned by the United States, unless there be at such place a United States officer to whose responsible custody they can be committed." These words make the section conform in this respect to the section relating to the distribution of the Supreme Court reports.

Section 226 [214]. The House adopted an amendment providing that the volumes of the decisions of the Supreme Court after August 5, 1882, should be furnished to the public at a sum not to exceed \$1.50 per volume in lieu of the price of \$2, as provided by existing law. The Senate accepted this amendment with an amendment fixing the price at \$1.75 per volume, respecting current and future volumes; but amended it so as to provide that the volumes previously published shall be furnished at the rate of \$2 per volume. This was considered necessary because of the fact that the back volumes had all been published under an existing contract permitting the reporter to charge \$2 per volume for the same, and the present reporter has no control over the price of these volumes.

Section 227 [215]. The Senate added as an amendment thereto the requirement that there should be furnished to the Secretary of the Senate for the use of its committees 25 copies instead of 20, as provided by the House.

Section 259. The House adopted an amendment which appears in the bill as section 202bb, providing as follows:

"Sec. 202bb. The circuit and district judges of the United States and the judges of the district courts of the United States in Alaska, Hawaii, and Porto Rico shall be allowed and paid their actual and necessary expenses of travel and maintenance consequent upon their attending court in pursuance of law at any place other than their official place of residence, said expenses to be paid by the marshal of the district in which such court is held, upon the judge's written certificate: *Provided,* That for the purposes of this act each judge shall be deemed to have his official residence at the regular place appointed by law for holding the court of which he is commissioned a judge at or nearest to his place of actual residence. Every such judge shall, upon his appointment, and from time to time thereafter, whenever he may change such official residence, in writing, notify the Department of Justice of the place of his official residence for the purposes of this act."

It was recognized at the time of its adoption that this amendment did not properly belong in the place at which it was offered, and the suggestion was made in the House that it should be put in its proper place in the bill by the conferees. The Senate concurred in this amendment, with an amendment limiting the expense for maintenance not to exceed \$10 per day and making more definite provisions respecting the official residence of the circuit and district judges. This amendment was placed by the committee as section 259, under the title of "Provisions common to more than one court," and its adoption made necessary the striking out of the portion of section 2 of the bill which contained existing law respecting the payment of the expenses of the district judges and also section 126 of the bill which contained existing law respecting the payment of the expenses of the justices and the circuit and district judges when sitting in the circuit courts of appeals. Section 2 was therefore amended by striking out everything that related to the expense of the district judges when sitting outside of their districts, and section 126 was stricken out altogether.

R. O. MOON,  
HERBERT PARSONS,  
SWAGAR SHERLEY,  
Managers on the part of the House.

**THE SPEAKER.** The gentleman from New Jersey reserves points of order on the report.

**MR. PARKER.** Mr. Speaker, I make the point of order. I can not find any copies of the bill as it passed the Senate, and I therefore have to speak with a little more doubt than I would otherwise. It seems to me from the copies I have had as well as by the reports of the committee that the conferees have made numerous changes in the districts that were submitted by the bill. The gentleman from the committee can answer whether I am right. I find, for instance, in the Senate bill, as I have it, exactly the same words as in the House bill as it was passed, in section 70, originally section 68, whereas in the report they report the formation of a division in Alabama.

**THE SPEAKER.** May the Chair call the attention of the gentleman from New Jersey to a suggestion as to the point of order?

**MR. PARKER.** Yes, sir.

**THE SPEAKER.** The Senate passes a bill, the House amends that bill by striking out all after the enacting clause.

**MR. PARKER.** I understand the rule.

**THE SPEAKER.** The Senate disagrees to the House amendment and they go to conference.

**MR. PARKER.** I understand the rule, Mr. Speaker, that under those circumstances very great liberty is allowed in the arrangement of details in such a bill. But I do not understand where the topics are so entirely separated in the bill as the arrangement of divisions of districts of the States—

**MR. MOON OF PENNSYLVANIA.** May I interrupt the gentleman? I want to state that the gentleman is wrong. That was put on by the Senate.

**MR. PARKER.** As I said, it is impossible to get any copy of the Senate bill as it passed the Senate. I do not know that it was ever printed. I, therefore, not being able to get a copy of the bill, and none having been printed as it came from the Senate, so far as I can ascertain, I must ask the gentleman whether when the report says the House conferees agreed to the amendments "proposed by the Senate conferees" it was to the Senate amendments or the amendments proposed by the conferees.

**MR. MOON OF PENNSYLVANIA.** We mean that when the Senate put on an amendment the House concurred in the Senate amendment with an amendment.

**MR. MANN.** The gentleman from New Jersey is talking about the district proposition.

**MR. MOON OF PENNSYLVANIA.** The district proposition referred to by the gentleman was an amendment made in the Senate and was concurred in by the House conferees.

**MR. PARKER.** Then with reference to sections 250 and 251—

**MR. MOON OF PENNSYLVANIA.** That was likewise amended by the Senate.

**MR. PARKER.** Then I withdraw the point of order. But, Mr. Speaker, I desire to speak later upon the bill itself. I want, before I get through, to say that my only object in raising the point of order was to bring up one topic and one section only. This House, by a decisive vote, after careful argument, determined that the old rule should stand, that the judges of the United States higher courts, of the Supreme Court, and of the circuit court judges should be able to sit in the original trial of cases.

We put in an amendment to section 116, that the circuit judge should reside in his circuit—

He shall reside in his circuit, and, as well as the circuit justice, shall have throughout his circuit the powers and jurisdiction of a district judge.

That is the law now. It has been so from the beginning. I insist that this bill ought to go back to conference with a resolution that in the opinion of the House the conferees should stand by that as existing law, and I want time on the motion of the gentleman from Pennsylvania that the House concur in the conference report, to bring this matter before the House as a really important matter.

**THE SPEAKER.** The Chair is prepared to rule.

**MR. PARKER.** I have withdrawn the point of order, Mr. Speaker.

**MR. MOON OF PENNSYLVANIA.** Mr. Speaker, the gentleman's breaking in on the explanation I was making makes it necessary for me to explain what he has now called the attention of the House to. That amendment was adopted by the House, and my recollection is by a very small majority, and it was the opinion of the conferees that it was futile to attempt to put a Supreme Court justice as a judge in the district court. Never in the history of this country was he a judge of the district court; every lawyer in this country knows that the Supreme Court

of the United States is to-day two years behind in its business, the thought was regarded absolutely futile that an amendment should stand that would make a Supreme Court justice a member of the district court; and in view of the fact that ample provision already existed in the bill for a circuit judge to sit as a district judge, that provision was found entirely unnecessary.

**MR. KEIFER.** Is the bill so drawn now that a Supreme Court Justice holds no court except in the Supreme Court?

**MR. MOON OF PENNSYLVANIA.** Oh, no; he is still a member of the circuit court, just as he always was.

**MR. KEIFER.** Just as before.

**MR. MOON OF PENNSYLVANIA.** Absolutely. Now, Mr. Speaker, as has been stated in this statement—and I propose to review it now very briefly—I call the attention of the House to the parliamentary situation, and that is this: The House took from the Speaker's table the Senate bill, struck out everything excepting the enacting clause, and carried in the House bill with amendments. Therefore, all that the Senate could do was to disagree to or concur in the House amendments, because the whole bill was an amendment; but the conferees on the part of the Senate of course were controlled by what the Senate had done. The Senate in the passage of this bill made comparatively few amendments, except such amendments as related to the territorial jurisdiction of the courts, their geographical jurisdiction. Outside of chapter 5—and I may say chapter 5 is that embracing the geographical division of the country into districts—they made but one substantive amendment.

There were five or six amendments made to make the sense more clear, but only one substantive amendment was made by them, and that was regulating the appellate jurisdiction of the court of appeals of the District of Columbia. They placed that on the same basis respecting appeals as of the circuit courts of appeals in the nine judicial circuits, with one exception, that respecting the scope of the duties of the officers of the Government. This being the seat of government, these courts have cases of that kind, and wherever those questions arise there is a provision that an appeal would lie to the Supreme Court of the United States. In that amendment the House conferees concurred.

Respecting all the other amendments made by the House, the Senate concurred in a great majority of them without any amendment. They concurred in four or five or six with amendments. To give you an illustration, this House raised the jurisdictional amount of removal from a State to the circuit courts of the United States from \$2,000 to \$5,000. The Senate agreed to that with an amendment reducing it to \$3,000. This House placed upon it an amendment absolutely prohibiting the issuance of a writ of injunction to an officer of a State to restrain the operation of the State law. The Senate acceded to that with an amendment, in which the House agreed, substituting for that the Overman amendment requiring that in all injunctions of that kind three judges should sit, one of whom must be the circuit judge, or a circuit justice. That was the Overman amendment, so called, that we placed upon the Commerce Court as section 17.

That provision was substituted in place of the Madison amendment. In one other amendment, that which was known as the Garrett amendment, we adopted a provision as an amendment upon this bill, thereby altering existing law, that no removal should be had from a State to a Federal court by a corporation upon the ground of diverse citizenship. Respecting that amendment, I want to say, in a modified form, the House conferees absolutely insisted upon it. I want to say to this House that we signed up a conference report containing that amendment, and that conference report went to the Senate, when we were absolutely convinced of the fact that the existence of the amendment upon the bill meant the complete death of the bill. Now, everybody here knows that at the other end of the Capitol they have a very effective method of killing bills without voting upon them, and I state as an absolute fact that we were confronted with a situation that this bill would be absolutely dead unless that amendment was taken from it.

Therefore the conferees reassembled and by united action, in view of that fact, took out that amendment, leaving the existing law as it has been for over a hundred years in this respect. That is, in other words, we yielded to the argument that that being a change of existing law, it ought to be the subject of substantive and distinctive legislation, and had no place upon a bill for codification and revision.

Now, that is the character of the work of the conferees. In every case the Senate concurred in the House amendments, either with amendment or without amendment, except in four cases. That is one of them.

Mr. KEIFER. I understood you to say that the conference report as now submitted fixes the measure of jurisdiction at \$3,000.

Mr. MOON of Pennsylvania. Yes; it was \$2,000 and the House made it \$5,000.

Mr. KEIFER. It was \$2,000 and the House made it \$5,000, but if this conference report is agreed to it will be \$3,000?

Mr. MOON of Pennsylvania. Yes.

Mr. KEIFER. I think that is more satisfactory than \$5,000.

Mr. AUSTIN. May I ask the gentleman what you did with the section which relates to the Tucker Act?

Mr. MOON of Pennsylvania. I will come to that presently.

Without further speaking, and without going into further detail, unless some one in the House desires particular information in regard to a particular section, that was the method in which this report was made up. I repeat, that in every instance except four the Senate concurred in the House amendments, either with amendments or without amendments. In the great majority of cases without amendment; with amendments in the particular cases to which I have already referred.

Now, the gentleman from Tennessee [Mr. AUSTIN] has asked me with regard to the Tucker and Bowman Acts. It is within the recollection of Members that when we were upon the floor with the bill it was believed, after consideration, that several sections of the act relating to the jurisdiction of the Court of Claims could be very materially shortened and made much clearer to the court and to the profession and to Congress if they were consolidated. Several sections therefore were consolidated, and this House passed upon them and adopted that consolidation.

One thing occurred in conference that needed to be remedied, and I will explain to the House what occurred and what methods have been taken to bring about the remedy. That section being an amendment it was open to amendment, and there was a proposition made by the conferees of the Senate to this effect: They called the attention of the conference to the fact that in a great number of cases the Court of Claims, after investigating a claim, reported as follows:

That evidence was submitted showing the loyalty of the claimant; that evidence was submitted showing the amount of property that was destroyed; further evidence was submitted showing the value of the property destroyed—

and up to that point deciding in favor of the claimant; and then, in conclusion, saying—

that notwithstanding all these facts we find the claimant has been guilty of inexcusable laches and, therefore, no judgment can be rendered.

Now, it was stated that a great many Members of Congress were harassed by that position. Their people at home did not understand how, after their claim had been proven, their loyalty had been established and their loss had been judicially determined, why it was they could not get their money.

Therefore it was proposed and accepted by the House conferees that in a presentation of cases of that kind before the Court of Claims the court should first inquire as to laches, and if they found that the claimant had been guilty of unexplainable laches the court should go no further with the claim.

Mr. KEIFER. Mr. Speaker, I understand the court is given discretion, without any statute of limitation, to determine that a claim is stale and that the party has been guilty of laches.

Mr. MOON of Pennsylvania. That is under the Tucker Act, and the court can so find.

Now, it has been discovered, and I think to the satisfaction of the conferees, that an error was made in that respect; that the claims referred under the Tucker Act were that kind of claims. Congress frequently appropriates for claims of that kind where the facts were found, although the court has found that there has been inexcusable laches.

Mr. KEIFER. Is there any rule for determining laches where the party has been seeking a remedy for a long time? For instance, in some cases parties have been here pressing claims for 100 years. Some of these cases are 100 years old. Ordinarily, under the rules applying in courts of equity, where they determine that parties have slept on their rights, the lapse of 100 years would be sufficient to indicate that the parties were guilty of laches.

Mr. MOON of Pennsylvania. We did not attempt to touch or alter the statute of limitations. But I want to say to the gentleman that it is true in many cases, and my attention was called to a particular case in the present bill, passed upon by the Claims Committee, where the court had stated that the party was guilty of inexcusable laches, and yet that claim was carried in the claims bill.

Now, therefore, I want to say that, recognizing that a mistake has been made, and in the effort to relieve Members of

Congress from embarrassment, we had practically nullified a material provision of the Tucker Act. We remedied the error in this way: A concurrent resolution was introduced and adopted by the Senate. I hold it here, and after the adoption of this conference report I shall immediately ask that it be passed under suspension of the rules, authorizing the Clerk to correct the mistake by striking out the words inserted in conference; in other words, putting the law back just as it is to-day.

Now, unless some one wants to ask me some questions about this, I will yield to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Speaker, I will ask that the gentleman yield me 15 minutes.

The SPEAKER. Without objection, the gentleman from Kentucky will be recognized for 15 minutes.

Mr. SHERLEY. Mr. Speaker, I think it is unnecessary to undertake to make any elaborate statement respecting every change in this bill, because some of the changes were merely minor changes in form and not matters of any material moment. But there were certain amendments put on the bill reported by the committee to this House that are of extreme importance, and I am sure this House wants to know what has happened to those amendments. And in order that they may be more easily identified, I shall not only state what they are, but I shall identify them by the names of the proposers.

For instance, there is what is known as the Garrett amendment, which undertook to prevent the removal of causes from a State court to a Federal court where the defendant was a non-resident corporation on the ground of such nonresidence. As to that amendment the House has receded, and the bill as now presented by the conference report restores existing law.

There was also an amendment known as the Thomas amendment, raising the jurisdictional sum from \$2,000 to \$5,000 as the sum necessary to warrant jurisdiction in a Federal court. That was concurred in by the Senate with an amendment reducing the amount from \$5,000 to \$3,000.

There was then the Madison amendment, which undertook to restrict the rights of inferior Federal courts to issue injunctions restraining State officers in the enforcement of a State law. That amendment was concurred in with an amendment, or rather a substitute was proposed for it.

That substitute is what is known as the Overman law, which was put into the commerce act recently passed by Congress, and which provides that no interlocutory order shall be issued except by the concurrence of two out of three judges, of whom one must be a circuit judge or a justice of the Supreme Court. There was also an amendment known as the Cullop amendment, which undertook to authorize the swearing off of a judge by a litigant for cause. That was concurred in by the Senate, with a slight modification requiring the certification by counsel to the bona fides of the affidavit made by the litigant. These were the chief amendments put on the bill in the House.

Mr. PARKER. Also the Parsons amendment.

Mr. SHERLEY. There was also an amendment undertaking to give to the circuit judges and justices of the Supreme Court the right to sit in district courts. As to the circuit judges, I think that right is retained in the bill, although the Parsons amendment is not retained in it.

Mr. PARKER. How is it retained as to circuit judges?

Mr. SHERLEY. Because at the time the amendment of the gentleman from New York [Mr. PARSONS] was put on the bill, as was stated then, it was unnecessary, and simply repeating another provision in the law. The gentleman from New Jersey shakes his head, but that is not only my opinion, but that of all of the conferees. As to the justices of the Supreme Court, we did not believe there was any actual need of their going into a district court, nor any possibility, considering the business of that court, of their going into a district court, and it was accordingly stricken out.

Now, I desire to note somewhat more fully these various changes, and to state my own feeling touching this bill. It is to me a matter of sincere regret that the House conferees have not been able to report back to this body a bill more nearly identical with the one passed by this House, but it must be borne in mind that the proposition here submitted is not like that embodied in new legislation, but it is a codification where, if the bill fails, you have existing law. Now, we believe that the bill reported back as a result of the conference makes substantial progress. It does not make the progress that I think it ought to have made, but if it is defeated we simply deprive ourselves of such progress as is made by it, without any resultant advantage.

It is unfortunately true that the rules that control one of the legislative bodies are such that at this time of the year, during a short session, it is within the power of any Member of such body practically to prevent legislation, and you are now having legislation by unanimous consent so far as one body is concerned. If it be true, as has been frequently charged, that the individual in this House is without sufficient power, it is equally true that in another body the individual is possessed of a great deal too much power, and as a result of this extreme power and the rank abuse of it, we are frequently forced to accept their terms, or get nothing in the closing hours of a Congress. I hope that the next great reform that sweeps over this country will have for its object the reformation of some rules other than the rules of the House of Representatives. [Applause.] When that happens you will have better legislation, and you will have millions saved to the American people. I say this in justification of the House conferees, who fought day after day for the position of the House, and were forced to yield, because not to yield meant the absolute failure of the entire bill; not because the other body would not have agreed to our position if the matter came to a vote, but because of the procedure there it was possible for any one Member objecting to prevent it ever coming to a vote, and so we have been held up and forced to agree to the terms that were made to us.

In my judgment the Garrett amendment was an important amendment, an amendment the principle of which has already been concurred in by Congress. It was an amendment seeking to prevent a nonresident corporation—which is a nonresident only by the fiction of the law, which comes into the State claiming the protection of the State and doing business there, with all the circumstances surrounding it that surround a citizen of a State—from taking a litigant out of a State court and forcing him into the Federal court. In my judgment, if we are to preserve the Federal judiciary and the Federal law in its most important aspects, it must be by relieving it of these cases that have bred objections to it in the past. Unless we free the Federal courts of the just criticism that arises by virtue of such laws the time will come when the people in their indignation will not only sweep away the bad but the good in the Federal system. But we were forced, as I say, to give up the Garrett amendment.

In regard to the Madison amendment, I want to call attention to the fact that, in my judgment, what is known as the Overman law is not a step forward but really a step backward, and I believe if ever the American people were given a misconception of the operation of any law ever passed it was in the case of the Overman law. Its purpose, on its face, is to make necessary the concurrence of two out of three judges in order to issue an interlocutory order or injunction.

That is very pretty in theory, but when you read the law with care you find that while no interlocutory injunction shall be issued without the concurrence of two out of three judges, one of whom must be a circuit court judge or a Justice of the Supreme Court, where the allegation is made of irreparable injury, it is within the power of one district judge to issue a restraining order, and that restraining order shall remain in effect until an interlocutory order is either granted or refused.

Now, this is what it means, that whereas under the old law you could, through one judge, get a temporary restraining order and then have it set aside by one judge, you can now get a temporary restraining order by one judge, but you can not get it set aside until you get three judges together to pass on the motion for an interlocutory injunction; and this has been passed in the name of reform. If it is reform, in my judgment it is a reform backward. But in the judgment of the conferees that was suggested in place of the Madison amendment.

I am free to confess that when the Madison amendment was adopted I had great doubt as to its constitutionality. It raises a question of extreme importance and of extreme intricacy. That question is not whether we can define the jurisdiction of the inferior Federal courts, which clearly we can, but whether having given to an inferior Federal court jurisdiction over a given subject matter we can then limit its power by refusing it the right to issue injunctions.

That latter question is a question of exceeding difficulty about which I am in grave doubt, but inasmuch as the Madison amendment has been omitted and the Overman provision of law substituted it does not become a material question at this time.

Now, something has been said on the floor and much has been said in private conversation touching the effect of the amendment adopted by the conferees as to claims sent to the Court of Claims. There was an amendment offered by the Senate

conferees, and agreed to, which undertook to require the Court of Claims, whenever it found laches in the case presented there for adjudication, to simply find such laches or that the bar of limitation applied and then stop there, the object being to relieve Congress of the consideration of cases that were barred by the statute or by laches.

But upon examination it was discovered that the effect of such amendments would be practically to repeal the Tucker Act, in that it would do away with the removal of laches and all the limitations that had been made possible by the Tucker Act. As it was not desired by either the House or Senate conferees to bring that about, and as the conference report had already been accepted by the Senate, the following expedient was arrived at to remedy the evil. There has been put through the Senate a concurrent resolution providing that the bill as agreed upon in conference should be amended by striking out this amendment that undertook to require the court to only find the question of laches or a limitation bar when such existed.

And it is the purpose of the gentleman from Pennsylvania [Mr. Moon], if this report be adopted, to immediately move the adoption of the concurrent resolution, the effect of which will be to put the law exactly where it now is in regard to matters referred to the Court of Claims.

Mr. CARLIN. What guarantee have we that that resolution will pass?

Mr. SHERLEY. I can only answer the gentleman that, so far as I know, there is no one in this House in opposition to it—I have heard of none—and the Senate has already passed it.

Mr. CARLIN. I understand, but that is no guarantee that it will pass.

Mr. SHERLEY. The gentleman may not think it one. I myself believe that it is plainly apparent. Anybody who will take the trouble to inquire among the various Members will conclude that this concurrent resolution will be concurred in when it is proposed by the gentleman from Pennsylvania.

Now, I have undertaken hurriedly and briefly to refer to the chief amendments that were put upon the bill by this House and their fate in conference. If there is any particular question touching any of them I should be glad to answer it if I can.

Mr. CULLOP. Referring to the Overman Act, I understand from the gentleman's explanation that a district judge can issue an injunction if it is charged in the petition that irreparable injury will occur.

Mr. SHERLEY. In substance, that is true, though it is not called an injunction. It is called a temporary restraining order.

Mr. CULLOP. Yes. Now, that leaves the matter standing just where it was before anything was done, practically, does it not?

Mr. SHERLEY. Well, I do not think it leaves it quite as good, if the gentleman wants my opinion.

Mr. CULLOP. You could not obtain an injunction in any court—it being an extraordinary remedy—unless you did allege an irreparable injury.

Mr. SHERLEY. I understand that, but here is the difference between the law prior to the Overman Act and the law as it is provided in that act. Formerly a district judge could both issue a temporary restraining order and could set it aside.

The Overman Act provides that an interlocutory injunction shall not be issued except as the result of a decision of two out of three judges, sitting en banc, one of which three judges must be either a circuit judge or a Justice of the Supreme Court, but that prior to the application for an interlocutory injunction, upon an allegation of irreparable damage resulting from the absence of a restraining order, the district judge may issue a temporary restraining order, which shall remain in force until the hearing and determination of the question of an interlocutory injunction, the result being that now while one judge can issue what is practically an injunction, it takes two out of three judges, sitting en banc, to get rid of that order.

Mr. CULLOP. Then it just furnishes an instrument to defer the issuance of an injunction.

Mr. SHERLEY. It does in those cases where a temporary restraining order is issued. Of course the purpose of the author of the act, I have no doubt, was to require the judgment of two of the three judges sitting en banc before issuing an interlocutory order, and that has actually occurred in some instances, but by the letter of the law the condition that I present is, in my judgment, possible.

Mr. CULLOP. So that now an unconscionable litigant can go into court and swear irreparable injury will occur and hang up a matter, suspend it for an indefinite time, until they can get three judges together.

Mr. SHERLEY. Well, I have stated my opinion. It is necessary that the three shall sit together, and one of them shall be a circuit judge or a Justice of the Supreme Court.

Mr. CULLOP. But you must assemble the three before any action can be taken.

Mr. SHERLEY. As to an interlocutory injunction; but a restraining order can, in the meanwhile, upon certain allegations, be issued by one judge.

Mr. Speaker, unless there are other questions, I do not desire to further detain the House.

Mr. MOON of Pennsylvania. Mr. Speaker, I want to say that I absolutely disagree with what the gentleman from Kentucky [Mr. SHERLEY] has said respecting the operation of the Overman Act. It has been in operation for over a year, and such a thing has never occurred, and no injunction has been issued, except where three judges have sat for that purpose.

Mr. SHERLEY. I think that it would be only fair that I be permitted to—

Mr. MOON of Pennsylvania. The gentleman is right when he says that one judge can grant an interlocutory order under certain conditions, but those conditions can rarely ever arise in which irreparable injury could occur in three or four days because of the failure to restrain the operation of a State law. It has never occurred and, in my judgment, it never will.

Mr. MANN. Will the gentleman yield for a question?

Mr. MOON of Pennsylvania. Yes.

Mr. MANN. Does anybody now question the wisdom and the astuteness of the Overman amendment? I am surprised.

Mr. MOON of Pennsylvania. The gentleman from Kentucky [Mr. SHERLEY] thinks it is a step backward.

Mr. SHERLEY. I think so; and I think it was adopted because some very shrewd lawyers knew it was a step backward.

Mr. MANN. It was hailed at this end of the Capitol, and at the other end, as the height of wisdom.

Mr. SHERLEY. Usually those things that are the height of wisdom are the heights of folly, and this is one of them.

Mr. MANN. I am not expressing an opinion in regard to that.

Mr. CULLOP. I desire to ask the gentleman from Pennsylvania—

Mr. MANN. It was used to catch votes, and it did it.

Mr. CULLOP. You speak of a temporary injunction being in force three days. Is there anything in the act concerning that?

Mr. MOON of Pennsylvania. I do not think that I said three days. If I did, I did not speak from the act at all. I wanted to illustrate the fact that a court of equity always has, and must have, the power of arresting the hand that would work irreparable injury, but that in the operation of restraining State officers from the execution of a State law it is inconceivable that a condition of that kind ever could occur, and in the operation of this law for more than a year it never has occurred.

Mr. CULLOP. The object I had in mind was this: Under the Overman Act, as I understood the gentleman from Kentucky [Mr. SHERLEY], all three of the judges on the dissolution of the injunction or the issuing of the interlocutory orders, had to be assembled, and I want to know if there was a provision there that they should be assembled within a given time and issue the permanent injunction or dissolve it.

Mr. MOON of Pennsylvania. The provision is that an interlocutory order granting an injunction shall not issue until it has been heard by three judges, one of whom shall be a circuit judge or a Supreme Court Justice.

Mr. CARLIN. Will the gentleman permit a question?

Mr. MOON of Pennsylvania. Yes.

Mr. CARLIN. Is not this a fact, that one judge may now grant this interlocutory order, and that it takes three judges to set it aside?

Mr. MOON of Pennsylvania. The gentleman, by an ingenious torture of the possible condition, might say that. It never has occurred, and never will occur.

Mr. CARLIN. That is a fact under this law as it is now.

Mr. GARRETT. I would like to ask the gentleman a question.

Mr. MOON of Pennsylvania. I yield to the gentleman from Tennessee.

Mr. GARRETT. Is it the purpose of the gentleman to move the previous question?

Mr. MOON of Pennsylvania. I shall do so a little later on; yes. If the gentleman wants time, I shall be willing to give it to him.

Mr. CARLIN and Mr. PARKER rose.

The SPEAKER. To whom does the gentleman from Pennsylvania yield?

Mr. MOON of Pennsylvania. I yield to the gentleman from New Jersey [Mr. PARKER] 10 minutes.

Mr. PARKER. Mr. Speaker, it is my intention to occupy a few minutes of my time in congratulations to the gentleman from Pennsylvania on the success that he has achieved in almost all of this bill by his unfailing tact, his unfailing good temper, his knowledge of this House, and his ability to introduce good measures into this bill. And I wish the gentleman from Pennsylvania to recognize that I see what he has done, that I see how he has been able to raise the salaries of the Supreme Court Judges, and to provide for difficulties which occur in our judicial system.

And, knowing the fear that I had when this bill came in, that it would be made the vehicle for all sorts of dangerous changes, I have to congratulate the gentleman that he has avoided these in almost all cases. It is fair that I should say that. It is fair also that he should recognize that at the very beginning of this bill the very men who were glad to see these extra clerks cut off, the expenses of the courts cut down, and were glad to see that the circuit court and the district court of each district made one were at the same time worried over what I worried over, namely, the fact that the power of the judges of the circuit court, as well as the Supreme Court, had been taken away. Up to this time the judges of the circuit court consisted of the circuit judges and the Supreme Court Justice, and might at any time sit for the trial of a case. Does the gentleman remember that in the year 1854 or thereabouts there were filibustering cases that came up in the State of Louisiana, in New Orleans, and that the state of public feeling was so great that Judge Campbell, of the Supreme Court, went down to New Orleans to try those cases, because courts or juries of the locality could not stand up against the feeling in favor of those filibusterers? Does he forget that we have had to pass a law to provide that injunction cases affecting interstate commerce under the rate act should be tried by several judges, including a circuit judge, for fear of dangerous injunctions? Does he forget that in all the hundred districts of this land there are a hundred different judges, some of them weak and some of them strong, and that under the present law in great cases involving great issues, whether of trust matters or railroad matters, the circuit court may be presided over by circuit judges, who can go to those cases and can hear those cases, whereas it is now provided that no one, except in case of the disability of the district judge, can go into that district?

Mr. MOON of Pennsylvania. Oh, no.

Mr. PARKER. Show me that section.

Mr. MOON of Pennsylvania. It provides for that when the public interests require.

Mr. PARKER. Then, it can not be done as a matter of course. It was with that view that the Member from New York [Mr. PARSONS] on the Committee on the Revision of the Laws and a member of this conference introduced the provision that the circuit justice should have within his circuit the power and jurisdiction of a district judge. He has that power and jurisdiction now, and it ought to be continued.

I want to say that Justices of the Supreme Court have told me that they prize their opportunity to go to the circuit courts from time to time and exercise that jurisdiction. Of course they can not go, as required by the statute, to every district within their circuit, once in every two years. It is impossible. But I know that it has been the custom of the circuit justice of a circuit to exercise supervision over his circuit in a quiet way, so that he knew what judges were assigned in case of the sickness of any other judges, so that he kept tab, as you might say, upon the district, and so that he sometimes suggested that he would go down to that district and hear a case, with the idea of getting that case certified to the circuit court in order that it might go before the circuit judges.

I believe in this amendment because it makes the law better even than it is now. The district court was originally a court which had no jurisdiction over sums of money beyond \$100, or over criminal proceedings that inflicted more than 13 lashes and \$50 fines. Now it has grown into the great criminal court of the land, and we have had cases heard before that district court in which a district judge has imposed fines of tens of millions of dollars.

I ask whether it would not have been for the public advantage that the circuit judges should have had the power and the duty in a great case of attending at such a trial as that, and seeing to it that a decision was arrived at in the beginning which

would have been right, and which would therefore have been enforced?

I urge upon this House this consideration, that while we have been giving better salaries and better travel pay to judges, and have been saving in the money to be paid clerks, after all those things are but a mess of pottage compared with the birthright which comes from our English ancestors—the judicial power whereby the judges of our highest courts were able to follow out their duty so as in proper cases to attend to the original trial and bring justice home to the people.

Now, I believe in this bill. I want this report disagreed to, in order that only one thing shall be done; that there shall be instructions given to the conferees to preserve the Parsons amendment. I do not care so much about my own amendment. It ought to be both the circuit judges and the Supreme Court Justices; but the circuit judges certainly ought to sit in the original trial in the circuit court which is now to be called the district court.

Mr. GARRETT. Mr. Speaker, I think perhaps it would be well if a codification bill could be considered under a rule that would prevent amendments, but this bill was not so considered. It was brought before the House, and in the regular and orderly way amendments were offered and adopted or rejected, as the will of the House might determine.

In the course of procedure an amendment was adopted which was designed to prevent the removal of causes from the State courts to the Federal courts upon the ground of diversity of citizenship of a corporation. That amendment was included in the bill that passed under suspension of the rules. That amendment has not been rejected by the other legislative body. Out of conference there came a report which included that amendment, somewhat modified, indeed, but still retaining the principle that was involved therein; but the other body has not passed upon that amendment, and if this House yields, it does not yield to the judgment of the other body. It does not yield even after the judgment of the other body has been tested, but it yields to a suggestion coming from somewhere, I know not where. I suppose, of course, the body will yield—

Mr. PARSONS. The fact was, it was not, that the conference report was first agreed to and was submitted to the other body, but objection was made to its consideration, and the situation there was such, as is known to all of us, that the conference report could not have been considered unless the conferees had agreed to leave out the Garrett amendment?

Mr. CARLIN. They had a one-man filibuster, that was all.

Mr. GARRETT. Shall the House yield to one man?

Mr. PARSONS. It is the opinion of the conferees, or at least it is my opinion, that the objections over there were from more than one man.

Mr. CARLIN. Only one man made any objection.

Mr. GARRETT. Mr. Speaker, I realize very well the parliamentary situation here, but I do not feel that this body should be called upon to yield, at least until after the sense of the other body has been taken upon a proposition. I suppose, of course, that the motion of the gentleman from Pennsylvania [Mr. Moon] will carry. A few days ago, when it was desired to send this matter to conference, and when the motion was made to suspend the rules and pass the bill, I agreed to that proposition, and I recited then a number of amendments that in my judgment, as I stated, justified sending the bill to conference and justified its final passage. The gentleman who had proposed those amendments agreed with me then. The amendments that they proposed are in the bill, with one exception. I said then that unless those amendments were included, in my judgment, the pressing necessity for the passage of this bill would be gone, and they agreed with me on that. Their amendments are in the bill now. Another amendment is gone. They do not agree with me now, and so—

I feel like one who treads alone  
Some banquet hall deserted.

[Applause and laughter.]

Mr. MOON of Pennsylvania. I yield two minutes to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Without detaining the House very long I want to call the attention of the House again to the fact that the failure of this report does not help the position of the gentleman from Tennessee [Mr. GARRETT] one iota. This statement is made proper, perhaps, by his speech. If this report is defeated, the law, so far as his amendment related to it, remains just the same as if this report was adopted. Now, in my remarks I took occasion to express my judgment about the Overman amendment. It is still my judgment, but it is not the judgment of the gentleman from Pennsylvania [Mr. Moon], and whether I be right or he be right is simply one incident to a bill dealing with many matters of much im-

portance, and which represents the labor of weeks. I believe it would be a positive calamity and a hindrance in the future to really industrious work in the codification of the law if this bill should fail. Believing that, I signed the conference report, as every man signs such a report, if he has any independence of thought, not liking all of it, but believing that the bill which it sanctions is a step forward and better than the law as it would be without its passage. In that belief I ask the support of the Members of this House in favor of that conference report. [Applause.]

Mr. MOON of Pennsylvania. Mr. Speaker, I yield two minutes to the gentleman from Illinois.

Mr. MANN. Mr. Speaker, I want to take this occasion to compliment and congratulate the gentlemen who have had charge of this measure on the floor of the House, the gentleman from Pennsylvania [Mr. Moon], the gentleman from New York [Mr. PARSONS], and the gentleman from Kentucky [Mr. SHERLEY], who have been the conferees, and other gentlemen who were on the committee that had charge of the bill. This bill has occupied during this session of Congress, I believe, the entire time set apart for calendar Wednesday. It is a long bill. There have been some very important changes in the law made by the House as it now stands and, in my judgment, very beneficial changes. These gentlemen have performed their work, the House and the Senate have performed their work, and I think these gentlemen are entitled to the thanks of the House not only for their work but for their constant courtesy and good nature in the conduct of the legislation. [Applause.]

Mr. MOON of Pennsylvania. Mr. Speaker, I would, if I had time, reply to the compliments just voiced by the gentleman from Illinois, but I can only say, speaking for myself, that the thanks and the applause of this great House of Representatives is compensation to any man for any services that he may render. No higher tribute was ever paid to any man, and I appreciate it. [Applause.] Mr. Speaker, I now demand the previous question.

Mr. CARLIN. Mr. Speaker, on the previous question I demand the yeas and nays.

The SPEAKER. The gentleman from Virginia demands the yeas and nays. All those in favor of taking the question by yeas and nays will rise. [After counting.] Six gentlemen have risen.

Mr. CARLIN. The other side.

The other side was taken.

The SPEAKER. One hundred and twenty-six Members have risen—not a sufficient number—and the yeas and nays are refused.

Mr. CARLIN. Mr. Speaker, I make the point of no quorum.

The SPEAKER (after counting). One hundred and fifty-five Members present—not a quorum. The Doorkeeper will close the doors; the Sergeant at Arms will notify absent Members. All those in favor of ordering the previous question will, as their names are called, answer "aye;" those opposed will answer "no," and the Clerk will call the roll.

The question was taken; and there were—yeas 155, nays 37, answered "present" 7, not voting 185, as follows:

YEAS—155.

|                 |                  |                   |               |
|-----------------|------------------|-------------------|---------------|
| Alexander, Mo.  | Driscoll, M. E.  | Jones             | Mondell       |
| Ames            | Dwight           | Keifer            | Moon, Pa.     |
| Austin          | Elvins           | Kelher            | Moore, Pa.    |
| Bartholdt       | Englebright      | Kendall           | Morehead      |
| Bartlett, Ga.   | Esch             | Kennedy, Iowa     | Morgan, Mo.   |
| Bartlett, Nev.  | Estopinal        | Kinkaid, Nebr.    | Morgan, Okla. |
| Bell, Ga.       | Ferris           | Kitchin           | Morrison      |
| Bennet, N. Y.   | Fitzgerald       | Knowland          | Moxley        |
| Bingham         | Flood, Va.       | Kopp              | Nelson        |
| Booher          | Floyd, Ark.      | Korbly            | Nye           |
| Borland         | Focht            | Lafean            | Olcott        |
| Burke, Pa.      | Foster, Ill.     | Lamb              | Oldfield      |
| Burleigh        | Foster, Vt.      | Langham           | Olmsted       |
| Butler          | Gardner, Mass.   | Law               | Parsons       |
| Byrns           | Gardner, N. J.   | Lawrence          | Payne         |
| Calder          | Good             | Lee               | Peters        |
| Campbell        | Graham, Ill.     | Lenroot           | Pickett       |
| Candler         | Graham, Pa.      | Lively            | Plumley       |
| Cantrill        | Grant            | Lloyd             | Poindexter    |
| Carter          | Hamer            | Longworth         | Pratt         |
| Cassidy         | Hammond          | McCreary          | Pray          |
| Chapman         | Haugen           | McKinlay, Cal.    | Randsell, La. |
| Cline           | Hawley           | McKinley, Ill.    | Roberts       |
| Cocks, N. Y.    | Hay              | McKinney          | Robinson      |
| Cole            | Heald            | McLachlan, Cal.   | Roddenberry   |
| Collier         | Higgins          | McLaughlin, Mich. | Rucker, Colo. |
| Cooper, Wis.    | Hollingsworth    | McMorran          | Rucker, Mo.   |
| Cowles          | Houston          | Macon             | Saunders      |
| Cox, Ind.       | Howland          | Madison           | Scott         |
| Cullup          | Hubbard, Iowa    | Maguire, Nebr.    | Sharp         |
| Currier         | Hull, Iowa       | Mann              | Sherley       |
| Davidson        | Humphreys, Miss. | Martin, S. Dak.   | Sherwood      |
| Davis           | Johnson, Ky.     | Mays              | Sims          |
| Driscoll, D. A. | Johnson, Ohio    | Miller, Kans.     | Sisson        |

|                            |                              |                       |                             |
|----------------------------|------------------------------|-----------------------|-----------------------------|
| Stafford<br>Stephens, Tex. | Tawney<br>Taylor, Colo.      | Tou Velle<br>Turnbull | Wilson, III.<br>Woodyard    |
| Sterling<br>Stevens, Minn. | Thomas, Ky.<br>Thomas, N. C. | Watkins<br>Weeks      | Young, Mich.<br>The Speaker |
| Sullivan                   | Thomas, Ohio                 |                       |                             |

## NAYS—37.

|            |               |                |               |
|------------|---------------|----------------|---------------|
| Aiken      | Gallagher     | Johnson, S. C. | Randall, Tex. |
| Brantley   | Garnett, Tex. | Kinkead, N. J. | Rauch         |
| Burnett    | Garrett       | Lever          | Sabath        |
| Carlin     | Gordon        | Lindbergh      | Shackford     |
| Cary       | Hamlin        | McDermott      | Sheppard      |
| Clark, Mo. | Hardwick      | Martin, Colo.  | Stanley       |
| Conry      | Helm          | Mitchell       | Sulzer        |
| Denver     | Henry, Tex.   | Moon, Tenn.    |               |
| Dickinson  | Hughes, N. J. | Nicholls       |               |
| Finley     | Jamieson      | Rainey         |               |

## "PRESENT"—7.

|         |         |              |        |
|---------|---------|--------------|--------|
| Adamson | Padgett | Riordan      | Tilson |
| Greene  | Parker  | Smith, Mich. |        |

## NOT VOTING—185.

|                  |                |                 |              |
|------------------|----------------|-----------------|--------------|
| Adair            | Dupre          | Hubbard, W. Va. | Prince       |
| Alexander, N. Y. | Durey          | Huff            | Pujo         |
| Anderson         | Edwards, Ga.   | Hughes, Ga.     | Reeder       |
| Andrus           | Edwards, Ky.   | Hughes, W. Va.  | Reid         |
| Ansberry         | Ellerbe        | Hull, Tenn.     | Rhinock      |
| Anthony          | Ellis          | Humphrey, Wash. | Richardson   |
| Ashbrook         | Fairchild      | James           | Rodenberg    |
| Barchfeld        | Fassett        | Joyce           | Rothermel    |
| Barclay          | Fish           | Kahn            | Sheffield    |
| Barnard          | Foelker        | Kennedy, Ohio   | Simmons      |
| Barnhart         | Fordney        | Knapp           | Slayden      |
| Bates            | Fornes         | Kronmiller      | Slemp        |
| Beall, Tex.      | Foss           | Kuestermann     | Small        |
| Bennett, Ky.     | Fowler         | Langley         | Smith, Cal.  |
| Boehne           | Fuller         | Latta           | Smith, Iowa  |
| Boutell          | Gaines         | Legare          | Smith, Tex.  |
| Bowers           | Gardner, Mich. | Lindsay         | Snapp        |
| Bradley          | Garner, Pa.    | Livingston      | Southwick    |
| Broussard        | Gill, Md.      | Loud            | Sparkman     |
| Burgess          | Gill, Mo.      | Loudenslager    | Sperry       |
| Burke, S. Dak.   | Gillespie      | Lowden          | Spieth       |
| Burleson         | Gillett        | Lundin          | Steenerson   |
| Byrd             | Glass          | McCall          | Sturgiss     |
| Calderhead       | Godwin         | McCredie        | Swasey       |
| Capron           | Goebel         | McGuire, Okla.  | Talbott      |
| Clark, Fla.      | Goldfogle      | McHenry         | Taylor, Ala. |
| Clayton          | Goulden        | Madden          | Taylor, Ohio |
| Cooper, Pa.      | Graff          | Malby           | Thistlewood  |
| Coudrey          | Gregg          | Massey          | Townsend     |
| Covington        | Griest         | Maynard         | Underwood    |
| Cox, Ohio        | Guernsey       | Miller, Minn.   | Volstead     |
| Craig            | Hamill         | Millington      | Vreeland     |
| Cravens          | Hamilton       | Moore, Tex.     | Wallace      |
| Creager          | Hanna          | Morse           | Wanger       |
| Crow             | Hardy          | Moss            | Webb         |
| Crumpacker       | Harrison       | Mudd            | Weisse       |
| Dalzell          | Havens         | Murdock         | Wheeler      |
| Dawson           | Hayes          | Murphy          | Wickliffe    |
| Denby            | Hefflin        | Needham         | Wiley        |
| Dent             | Henry, Conn.   | Norris          | Willett      |
| Dickson, Miss.   | Hill           | O'Connell       | Wilson, Pa.  |
| Diekema          | Hinshaw        | Page            | Wood, N. J.  |
| Dies             | Hitchcock      | Palmer, A. M.   | Woods, Iowa  |
| Dixon, Ind.      | Hobson         | Palmer, H. W.   | Young, N. Y. |
| Dodds            | Howard         | Patterson       |              |
| Douglas          | Howell, N. J.  | Pearre          |              |
| Draper           | Howell, Utah   | Pou             |              |

So the previous question was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. DRAPER with Mr. ELLERBE.

Mr. MURPHY with Mr. HARRISON.

Mr. WOODS of Iowa with Mr. DENT.

Mr. LOUD with Mr. GODWIN.

For the balance of this day:

Mr. GREENE with Mr. RICHARDSON.

Mr. LOWDEN with Mr. SMALL.

For the session:

Mr. SMITH of Michigan with Mr. CLARK of Florida.

Mr. YOUNG of New York with Mr. FORNES.

Mr. WANGER with Mr. ADAMSON.

Until further notice:

Mr. TILSON with Mr. EDWARDS of Georgia.

Mr. CALDERHEAD with Mr. WICKLIFFE.

Mr. STEENERSON with Mr. LATTA.

Mr. ELLIS with Mr. PADGETT.

Mr. FAIRCHILD with Mr. PUJO.

Mr. HENRY W. PALMER with Mr. CLAYTON.

Mr. DOUGLAS with Mr. BURGESS.

Mr. GAINES with Mr. DIXON of Indiana.

Mr. NEEDHAM with Mr. PAGE.

Mr. TAYLOR of Ohio with Mr. BURLESON.

Mr. ALEXANDER of New York with Mr. ADAIR.

Mr. ANTHONY with Mr. ANDERSON.

Mr. ANDRUS with Mr. RIORDAN.

Mr. BARCLAY with Mr. ANSBERRY.

Mr. BOUTELL with Mr. BARNHART.

Mr. BURKE of South Dakota with Mr. BEALL of Texas.

Mr. LOUDENSLAGER with Mr. BOWERS.

Mr. CRUMPACKER with Mr. BROUSSARD.

Mr. COOPER of Pennsylvania with Mr. COVINGTON.

Mr. CREAGER with Mr. COX of Ohio.

Mr. DALZELL with Mr. DICKSON of Mississippi.

Mr. DAWSON with Mr. DUPRE.

Mr. FORDNEY with Mr. GILLESPIE.

Mr. FOSS with Mr. HAMILL.

Mr. GILLET with Mr. HARDY.

Mr. HOWELL of Utah with Mr. HAVENS.

Mr. GRIEST with Mr. HEFLIN.

Mr. HAMILTON with Mr. HOBSON.

Mr. HENRY of Connecticut with Mr. HOWARD.

Mr. HUMPHREY of Washington with Mr. HULL of Tennessee.

Mr. SMITH of Iowa with Mr. KELIHER.

Mr. McCALL with Mr. LEGARE.

Mr. MADDEN with Mr. McHENRY.

Mr. MILLER of Minnesota with Mr. O'CONNELL.

Mr. PEARRE with Mr. SMITH of Texas.

Mr. RODENBERG with Mr. SPIGHT.

Mr. SIMMONS with Mr. TAYLOR of Alabama.

Mr. SOUTHWICK with Mr. UNDERWOOD.

Mr. VREELAND with Mr. ROTHERMEL.

During the time the roll was being called, awaiting a quorum, the following occurred:

Mr. SCOTT. Mr. Speaker, while the House is waiting for a quorum I would like to have unanimous consent of Members present to address the House for a few minutes.

Mr. MANN. We will give it to the gentleman; the Speaker can not.

The SPEAKER. The gentleman from Kansas, without objection, desires to address the House.

Mr. SULZER. For how long?

The SPEAKER. I suppose until we get a quorum.

Mr. SCOTT. Mr. Speaker, in the 10 years of my membership in this House I have seldom taken advantage of the latitude afforded by general debate to discuss any question not immediately before the House. But there is a question now before the country, particularly before the people of the State I have the honor to represent in part upon this floor, upon which I entertain very positive convictions, and which, I believe, is a proper subject for discussion at this time and in this place. That question, bluntly stated, is this: Is representative government a failure? We are being asked now to answer that question in the affirmative. A new school of statesmen has arisen, wiser than Washington and Hamilton and Franklin and Madison, wiser than Webster and Clay and Calhoun and Benton, wiser than Lincoln and Sumner and Stevens and Chase, wiser than Garfield and Blaine and McKinley and Taft, knowing more in their day than all the people have learned in all the days of the years since the Republic was founded.

And they tell us that representative government is a failure. They do not put this declaration into so many words—part of them because they do not know enough about the science of government to understand that the doctrines they advocate are revolutionary, and the rest of them because they lack the courage to openly declare that it is their intention to change our form of government, to subvert the system upon which our institutions are founded. But that is in effect what they propose to do.

They graciously consent that the people shall continue to elect representatives to a legislative assembly, but they proceed at once to discredit those representatives—and incidentally to impeach the judgment or the honesty of the people who elected them—by proposing a fantastic scheme whereby legislation may be enacted entirely independently of them.

They will still permit judges to be chosen, but they propose a plan whereby the wisdom and justice of their decisions shall be passed upon at a popular election, thus preparing the way for a campaign in which we shall witness the edifying spectacle of a candidate for judicial position enthusiastically declaring from the stump that if elected he will render such and such a judgment. They will continue to elect administrative and executive officers, but if one of them is charged with failure to do his duty or with malfeasance in office, he shall be tried, not by a judge and jury and upon the evidence of witnesses sworn to tell the truth, but in the newspapers and on the stump and by whatever testimony partisan rancor or personal malice may see fit to present.

Such, in brief, is the plan of redemption offered to us by the prophets of the new dispensation. Such is the scheme which they propose as a substitute for the system of government which was devised by the founders of the Republic and which has been reaffirmed in every State constitution that has been drawn from that day to this.

I said that it is revolutionary and subversive of our present system of government, a declaration in effect that representative government is a failure. Let us see.

The Constitution of the United States, section 4, Article IV, provides that "the United States shall guarantee to every State in this Union a republican form of government." By the very terms of our original charter, therefore, the form of government under which we live is that of a republic and not that of a democracy.

That is an elementary proposition with which every schoolboy is familiar but which seems to have escaped the attention of a good many of our latter-day statesmen. And the difference between a republic and a democracy seems also to have escaped the attention of a good many who now exalt themselves as leaders. Every school boy knows that in a pure democracy the people themselves perform directly all the functions of government, enacting laws without the intervention of a legislature, and trying causes that arise under those laws without the intervention of judge or jury; while in a republic, on the other hand, the people govern themselves, not by each citizen exercising directly all the functions of government, but by delegating that power to certain ones among them whom they choose to represent them in the legislatures, in the courts of justice, and in the various executive offices. When the Constitution of the United States, therefore, guaranteed to every State in the Union a republican form of government, it guaranteed to them representative government, that form of government under which the laws should be enacted, interpreted, and executed not directly by the people themselves but by the duly chosen representatives of the people.

It follows, therefore, that to substitute the methods of a democracy for the methods of a republic touching any one of the three branches of government is to that extent to declare that representative government is a failure, is to that extent subversive and revolutionary.

Now, it does not follow by any means that because a proposed change is revolutionary it is therefore unwise. Taking it by and large, wherever the word "revolution" has come into human history it has been only another word for progress. Because a nation has pursued certain methods for a long time it does not at all follow that those methods are the best, although when a nation like the United States, so bold and alert, so little hampered by tradition, so ready to try experiments, has clung to the same methods of government for 130 years, a strong presumption has certainly been established that these methods are the best, at least for that particular nation.

But a presumption, however strong, must give way before a demonstration, and if it can be demonstrated, either by reason or experiment, that the system of government proposed by our latter-day leaders is wiser than that which has thus far prevailed, not only in our own country but in every other important nation in the whole world, then we would be most foolish to refuse to adopt it.

But is the new system wiser than the old—in the matter of making laws, for example? The old system vests the lawmaking power in a legislative body composed of men elected by the people and supposed to be peculiarly fitted by reason of character, education, and training for the performance of that duty. These men come together and give their entire time through a period of some weeks or months to the consideration of proposed legislation, and the laws they enact go into immediate effect, and remain in force until set aside by the courts as unconstitutional or until repealed by the same authority that enacted them. Under this plan no law of general application is likely to be brought forward unless there is a widespread demand for it, no measure of importance can be passed without critical examination and discussion, and when passed it presumably represents the judgment of a majority of the people.

The new system—taking the Oregon law, for example, and it is commonly cited as a model—provides that 8 per cent of the voters of a State may submit a measure directly to the people, and if a majority of those voting upon it give it their support it shall become a law without reference to the legislature or to the governor. That is the initiative. And it provides that if 5 per cent of the voters are opposed to a law which the legislature has passed, upon signing the proper petition the law shall be suspended until the next general election, when the people shall be given an opportunity to pass upon it. That is the referendum.

Now, there are several things about this plan which I believe the people of this country, when they come really to consider it, will scrutinize with a good deal of care and possibly with some suspicion.

It is to be noted, in the first place, that a very few of the people can put all the people to the trouble and expense of a

vote upon any measure, and the inquiry may well arise whether the cause of settled and orderly government will be promoted by vesting power in the minority thus to harass and annoy the majority. In my own State, for example, who can doubt that the prohibitory amendment, or some one of the statutes enacted for its enforcement, would have been resubmitted again and again if the initiative had been in force there these past 25 years.

Again, it will be observed that still fewer of the people have it in their power to suspend a law which a legislature may have passed in plain obedience to the mandate of a majority of the people, or which may be essential to the prompt and orderly conduct of public affairs, and when they come to think about it the people may wonder if the referendum might not make it possible for a small, malevolent, and mischievous minority to obstruct the machinery of government and for a time at least to nullify the will of the majority.

In the third place, it is to be remarked that a measure submitted either by the initiative or the referendum can not be amended, but must be accepted or rejected as a whole, and we may well inquire whether this might not afford "the interests" quite as good an opportunity as they would have in a legislature to "initiate" some measure which on its face was wholesome and beneficent but within which was concealed some little "joker" that would either nullify the good features of the law or make it actively vicious, and which, through lack of discussion, would not be discovered. How often have we here in this House seen some measure which represented the most careful and painstaking effort of a skilled and experienced legislator metamorphosed in committee until its own author would hardly recognize it, and then when it was brought into this Chamber as the fruit of the very best judgment of 18 able and honest men how often have we seen it modified in its most essential features as the result of the refining fire of debate upon this floor? Every day we have new and incontestable proof that "in the multitude of counselors there is wisdom." But that wisdom can never be had under a system of legislation which lays before the people the work of one man's mind to be accepted in whole or rejected altogether.

Once more let us observe that under this system, no matter how few votes are cast upon a given measure, if there are more for it than against it, it becomes a law, so that the possibility is always present that laws may be enacted which represent the judgment or the interest of the minority rather than the majority of the people. Indeed, experience would seem to show that this is a probability rather than a possibility, for in the last Oregon election not one of the nine propositions enacted into law received as much as 50 per cent of the total vote cast, while some of them received but little more than 30 per cent of the total vote.

And finally and chiefly, without in the least impeaching the intelligence of the people, remembering the slight and casual attention the average citizen gives to the details of public questions, we may well inquire whether the average vote cast upon these proposed measures of legislation will really represent an informed and well-considered judgment. In his thoughtful work on democracy, discussing this very question, Dr. Hyslop, of Columbia University, says:

People occupied with their private affairs, domestic and social, demanding all their resources and attention, as a rule have little time to solve the complex problems of national life. The referendum is a call to perform all the duties of the profoundest statesmanship, in addition to private obligations, which are even much more than the average man can fulfill with any success or intelligence at all, and hence it can hardly produce anything better than the Athenian assembly, which terminated in anarchy. It will not secure dispatch except at the expense of civilization, nor deliberation except at the expense of intelligence. Very few questions can be safely left to its councils, and these only of the most general kind. A tribunal that can be so easily deceived as the electorate can be in common elections can not be trusted to decide intelligently the graver and more complicated questions of public finance or private property, of administration, and of justice. It may be honest and mean well, as I believe it would be; but such an institution can not govern.

That is the conclusion reached *a priori* by a profound student of men and of institutions; and there is not a man who hears me or who may read what I am now saying but knows the conclusion is sound.

But, fortunately for the States which have not yet adopted the innovation, we are not obliged to rely upon academic *a priori* reasoning, in order to reach a conclusion as to the wisdom of the initiative and referendum, for the step has already been taken in other States and we have their experience to guide us.

There is South Dakota, for example, where under the initiative the ballot which I hold in my hand was submitted to the people at the recent election. This ballot is 7 feet long and 14 inches wide, and it is crowded with reading matter set in non-

pareil type. Upon this ballot there are submitted for the consideration of the people six legislative propositions. Four of them are short and comparatively simple. But here is one referring to the people a law which has been passed at the preceding session of the legislature dividing the State into congressional districts. How many of the voters of South Dakota do you suppose got down their maps and their census reports and carefully worked out the details of that law to satisfy themselves whether or not it provided for a fair and honest districting of the State? They could not amend it, remember, they had to take it as it was or vote it down. In point of fact, they voted it down; but who will say that in doing this they expressed an enlightened judgment or merely followed the natural conservative instinct to vote "no" on a proposition they did not understand? And here is a law to provide for the organization, maintenance, equipment, and regulation of the National Guard of the State. This bill contains 76 sections. It occupies 4 feet 4 inches of this 7-foot ballot. It would fill two pages of an ordinary newspaper.

How many of the voters of South Dakota do you suppose so much as read the law through before they reached the polls, and how many of them do you suppose would have been able to cast their ballots if they had demanded the right to read it after they went into the booth? Here is a law which is intended to provide for the public defense, and which, therefore, touches most vitally every interest of the people. Surely it ought not to be enacted, or, having been enacted, ought not to be repealed except after diligent and thoughtful study of every one of its 76 sections; nay, of every sentence and every word. How many of the voters of South Dakota, with all possible respect to them, do you suppose gave it that sort of study, or any sort of study? Incidentally I may remark that the law of South Dakota requires all measures submitted under the initiative and referendum to be printed in full in three papers in each county in the State, and I have been told by a South Dakota friend that the money expended for this purpose at the late election would have been sufficient to buy a large proportion of the papers in the State. Certain it is that if the newspaper fraternity of that Commonwealth are as enterprising as their fellow craftsmen are generally, the people will never lack for legislative measures upon which to exercise their prerogative.

And here is a copy of the Oregon ballot, from which it appears that the stricken people of that Commonwealth were called upon at the late election to consider 32 legislative propositions. Small wonder that it was well onto a month after election before the returns were all in. You will observe that on this Oregon ballot the measures were not set out in full, as they are on the South Dakota ballot, but are designated only by title.

The reason is apparent when we discover that to print the measures in full requires 110 pages of the book I hold in my hand. The finest forests in the world grow in Oregon and lumber is cheap, but the conservation policy has taken deep root there and the people would not stand for the extravagant use of wood pulp that would have been required to print ballots large enough to set out these measures in full, or the timber it would have taken to construct ballot boxes sufficiently huge to hold them. A great many of these measures seem to an outsider to be inconsequential local bills, such as should be disposed of by a town council or a board of county commissioners rather than by the electorate of a whole State. But, on the other hand, there are some measures here so technical and involved and intricate that the idea of submitting them to any body of men except one which makes a business of framing and considering legislation seems utterly preposterous. Here, for example, is a proposition that is designated as the "proportional-representation amendment." It contains 36 sections, and in addition to proportional representation, whatever that may mean, it provides for annual sessions of the legislature, increases the pay of legislators, enlarges the initiative and referendum and recall, prohibits the legislature from granting the right of eminent domain to corporations, limits corporate franchises to 20 years, and requires legislators to subscribe to an oath, pledging themselves against so-called legislative logrolling. A careful reading would doubtless disclose other provisions, but I note only those which catch my eye as I turn the pages upon which it is printed.

And here is another constitutional amendment in which the people are asked to pass judgment on such simple propositions as providing for verdict by three-fourths of jury in civil cases, authorizing grand juries to be summoned separately from the trial jury, permitting change of judicial system by statute prohibiting retrial where there is any evidence to support the verdict, providing for affirmation of judgment on appeal notwithstanding error committed in lower court and directing the Supreme Court to enter such judgment as should have been entered in the lower court, fixing terms of Supreme Court, providing that judges of all courts be elected for six years, subject to recall, and increasing the jurisdiction of the Supreme Court. Is it any wonder that with questions such as those thrust at them so large a percentage of the voters took to the "continuous woods where rolls the Oregon" and refused to express a judgment one way or the other? But these are only two of the propositions that confronted them. All told, there were 32, and they fill 110 pages, as I have already said, of this official pamphlet, the remainder of the 208 pages being taken up with arguments for and against the various measures. Now, with all possible deference to the intelligence and the diligence of the good people of Oregon, is it conceivable that any considerable proportion of the voters of that Commonwealth went to the polls with even a cursory knowledge of all the measures submitted for their determination?

As to the practical working of the referendum, I have seen it stated in the public prints that four years ago nearly every appropriation bill passed by the Oregon Legislature was referred to the people for their approval or rejection before it could go into effect. As a result, the appropriations being unavailable until the election could be held, the State was compelled to stamp its warrants "not paid for want of funds," and to pay interest thereon, although the money was in the treasury. The university and other State institutions were hampered and embarrassed, and the whole machinery of government was in large measure paralyzed. In other words, under the Oregon law a pitiful minority of the people was able to obstruct and embarrass the usual and orderly processes of government, and for a time at least to absolutely thwart the will of an overwhelming majority of the people.

A system of government under which such a thing as that is not only possible, but has actually occurred, may be "the best system ever devised by the wit of man," as we have been vociferously assured, but some of us may take the liberty of doubting it. And as evidence that the sentiment in regard to the system is not all one way even in the State which has adopted it, I wish to quote part of an editorial which recently appeared in the *Portland (Oreg.) Oregonian*. The editorial was in the nature of comment upon an address recently made by Senator OWEN, of Oklahoma, and is in part as follows:

The Owen family is obviously in need of light. Senator ROBERT E. OWEN should come to headquarters, and not to the Bourne press bureau, for information about the initiative in Oregon. The statement that no proposal here has ever assailed private or corporate property is absurd and untrue. Many measures have had no other motive or purpose. What is the single tax but an attack on private property? What of the confused and conflicting fish bills passed in 1908? What of the Rogue River initiative act, wiping out a great industry all along the lower river? What of the gross earnings tax, enacted in 1906, and now in the United States Supreme Court? What of prohibition? What about the proposal for the State to get into the railroad business? And others that might be mentioned.

We shall get this initiative and referendum matter in Oregon around to a rational basis some day, no doubt; but meanwhile let us have no delusions or illusions about it.

The theory of the proponents of direct legislation seems to be that only good laws will be initiated and only bad laws will be referred; that the initiative will be used only when a recalcitrant legislature has refused to respond to the demand of the people, and the referendum will be invoked only when a stupid or corrupt legislature has enacted a law which violates the rights or jeopardizes the interests of the people. But is not that theory pretty severely jolted by the facts? Since this system was adopted in Oregon—to return once more to our model Commonwealth—the people have rejected nearly one-half of the measures submitted under the initiative, and they have approved exactly one-half of the laws submitted under the referendum. Now, these facts can be interpreted in only two ways: Either bad laws were submitted by initiative and good laws by the referendum, or the people deliberately voted against good laws and voted for bad laws. But to accept either of these alternatives brings us in square antagonism to another theory which is fundamental in the doctrine of direct legislation, and that is that the people can do no wrong. The very foundation, the sole *raison d'être*, of the initiative and referendum is the dogma that the people can be trusted, but the representatives of the people can not be trusted; that the people are not only more honest than their representatives, but that they are guided in their judgment upon public measures by a degree of intelligence or by some divine instinct which is denied to their representatives. But what becomes of that dogma when we are forced to admit that the people voted down some law that they ought to have supported and passed some law that they ought to have voted down?

The people of Oregon are doubtless as honest and intelligent as those of any other State, and yet the returns from their elections compel the conclusion that bad laws were submitted to them and good laws were referred to them, or that they registered a wrong verdict. One of those alternatives is inevitable, but either of them is absolutely fatal to the very foundation upon which the whole structure of direct legislation rests.

The truth is, of course, that it is perfectly easy for a bad law to be initiated, and if it is skillfully drawn so that its iniquity is not branded upon its very face, it is perfectly easy for the most honest people in the world to be deceived into voting for it. And it is perfectly easy for a good law to be referred and its operation thus suspended for two years with a large chance that with the right kind of a campaign it could be repealed altogether. A distinguished citizen of one of the States in which this system prevails has told me that if he needed a vicious law in his business he would rather submit it by the initiative than to try to put it through a legislature. And he added that if he were a "special interest" against which a legislature had passed some righteous measure he would rejoice in a system by which at least he could be relieved of its operation for two years, with a big chance that at the end of that time he could defeat it entirely.

This sentiment is not an impeachment of the honesty, the intelligence, or the patriotism of the people. But it is an impeachment of a system of government under which laws are made by votes which from the very nature of the case are cast without information and without opportunity for that consideration which can only come from face to face discussion.

But the initiative and referendum, subversive as they are of the representative principle, do not compare in importance or in possible power for evil with the recall. The statutes of every State in this Union provide a way by which a recreant official may be ousted from his office or otherwise punished. That way is by process of law, where charges must be specific, the testimony clear, and the judgment impartial. But what are we to think of a procedure under which an official is to be tried, not in a court by a jury of his peers and upon the testimony of witnesses sworn to tell the truth, but in the newspapers, on the street corners, and at political meetings? Can you conceive of a wider departure from the fundamental principles of justice that are written not only into the constitution of every civilized nation on the face of the earth, but upon the heart of every normal human being, the principle that every man accused of a crime has a right to confront his accusers, to examine them under oath, to rebut their evidence, and to have the judgment finally of men sworn to render a just and lawful verdict.

Small wonder that the argument oftenest heard in support of a proposition so abhorrent to the most primitive instincts of justice is that it will be seldom invoked and therefore can not do very much harm. I leave you to characterize as it deserves a law whose chief merit must lie in the rarity of its enforcement.

But will it do no harm, even if seldom enforced? It is urged that its presence on the statute books and the knowledge that it can be invoked will frighten public officials into good behavior. Passing by the very obvious suggestion that an official who needs to be scared into proper conduct ought never to have been elected in the first place, we may well inquire whether the real effect would not be to frighten men into demagogery—and thus to work immeasurably greater harm to the common weal than would ever be inflicted through the transgressions of deliberately bad men.

We have demagogues enough now, heaven knows, when election to an office assures the tenure of it for two or four or six years. But if that tenure were only from hour to hour, if it were held at the whim of a powerful and unscrupulous newspaper, for example, or if it could be put in jeopardy by an affront which in the line of duty ought, we will say, to be given to some organization or faction or cabal, what could we expect? Is it not inevitable that such a system would drive out of our public life the men of real character and courage and leave us only cowards and trimmers and time servers? May we not well hesitate to introduce into our political system a device which, had it been in vogue in the past, would have made it possible for the Tories to have recalled Washington, the copperheads to have recalled Lincoln, and the jingoes to have recalled McKinley? Above all may we not well hesitate to introduce into our political system a device which would subject to recall a judge whose decision happened not to accord with

the passion or the prejudice of the hour? Is it conceivable that any jurist of integrity and self-respect could be found who would accept a seat on the bench knowing that his tenure of office might be challenged at any hour, that his judgments were to be reviewed, not by a superior court but by the newspapers and upon the political platform? I remember an occasion many years ago when a citizen of one of the country townships in my home county was brought before the local justice of the peace, charged with some petty offense, and at the conclusion of the trial the learned justice delivered the following opinion:

According to the law and the evidence this defendant is guilty. But according to the public sentiment of this community he ought not to be punished, and I therefore dismiss the case.

We smile at a story like that when the judge on the bench is a country justice and the offense alleged is a trivial misdemeanor. But would it be a laughing matter if a State judge or perhaps even a United States judge, confronted by a case involving momentous issues, should be guided in his decision not by the law and the evidence, but by the sentiment of the community? In all the literature of the age-long struggle for freedom and justice there is no phrase that occurs oftener than "the independence of the judiciary." The great fact which this phrase expresses is the foundation upon which rests the citadel of individual rights and of national liberty. In every battle that has ever been waged by the people against oppression and tyranny the one achievement which attested the final triumph was the establishment of a court that no despot could reach or control. The founders of the Republic realized more keenly than we do—for to them the tyranny of king-controlled courts was modern and not ancient history as it is to us—the absolutely vital importance of the separation of king and courts, and so they safeguarded it, as they thought for all time, by declaring in the organic law of the land that the judiciary should be forever independent of the legislative and the executive. And all the world said that is well. Not one man could be found now among all our ninety millions to declare that our Constitution should be changed so as to permit the President in the White House or the Congress in the Capitol to dictate to our judges what their decisions should be. And yet it is seriously proposed that this power of dictation shall be given to the crowd on the street. That is what the recall means if applied to the judiciary; and it means the destruction of its independence as completely as if in set terms it were made subject to the President or the Congress.

Do you answer, "Oh, the recall will never be invoked except in an extreme case of obvious and flagrant injustice?" I reply, How do you know? It is the theory of the initiative that it will never be invoked except to pass a good law, and of the referendum that it will never be resorted to except to defeat a bad law; but we have already seen how easily a bad law might be initiated and a good law referred. And so it is the theory that the recall will be invoked only for the protection of the people from a bad judge. What guaranty can you give that it will not be called into being to harass and intimidate a good judge? There never yet was a two-edged sword that would not cut both ways.

Mr. Speaker, I should be the last to assert that our present system of government has always brought ideally perfect results. Now and then the people have made mistakes in the selection of their representatives. Corrupt men have been put into places of trust, small men have been sent where large men were needed, ignorant men have been charged with duties which only men of learning could fitly perform. But does it follow that because the people make mistakes in so simple a matter as the selection of their agents, they would be infallible in the incomparably more complex and difficult task of the enactment and interpretation of laws? There was never a more glaring non sequitur, and yet it is the very corner stone upon which rests the whole structure of the new philosophy. "The people can not be trusted with few things," runs this singular logic, "therefore let us put all things into their hands."

With one breath we are asked to renounce the old system because the people make mistakes, and with the next breath we are solemnly assured that if we adopt the new system the people will not make mistakes. I confess I am not mentally alert enough to follow that sort of logic. It is too much like the road which was so crooked that the traveler who entered upon it had only proceeded a few steps when he met himself coming back. You can not change the nature of men, Mr. Speaker, by changing their system of government. The limitations of human judgment and knowledge and conscience which render perfection in representative government

unattainable will still abide even after that form of government is swept away, and the ideal will still be far distant.

Let it not be said or imagined, Mr. Speaker, that because I protest against converting this Republic into a democracy, therefore I lack confidence in the people. No man has greater faith, sir, than I have in the intelligence, the integrity, the patriotism, and the fundamental common sense of the average American citizen. But I am for representative rather than for direct government, because I have greater confidence in the second thought of the people than I have in their first thought. And that, in the last analysis, is the difference, and the only difference, so far as results are concerned between the new system and that which it seeks to supplant; it is the fundamental difference between a democracy and a republic. In either form of government the people have their way. The difference is that in a democracy the people have their way in the beginning, whereas in a republic the people have their way in the end—and the end is usually enough wiser than the beginning to be worth waiting for.

We count ourselves the fittest people in the world for self-government, and we probably are. But fit as we are we sometimes make mistakes. We sometimes form the most violent and erroneous opinions upon impulse, without full information or thoughtful consideration. With complete information and longer study, we swing around to the right side, but it is our second thought and not our first that brings us there. Our intentions are always right, and we usually get right in the end; but it often happens that we are not right in the beginning. It often happens that if we could have had our way yesterday we would have suffered grievously to-day. If we could have had our way in the seventies there would have been an unlimited issue of irredeemable greenbacks, though not one of us would vote for such an issue to-day. If we could have had our way in the nineties, our country would have gone to incalculable disaster by way of the free and unlimited coinage of silver at the ratio of 16 to 1. The reason we did not have our way then, and at many other times when the result would have been little less disastrous, was that certain strong and honest men, wiser than we who chose them, with courage enough to take their political lives in their hands, stood in our way. And they were able to stand in our way because the founders of the Nation, knowing well the danger in a republic of hasty and ill-considered action, introduced into our governmental machinery certain checks and brakes and balance wheels in order that we might take time to think. It behooves us to consider long and well before we pluck out of the delicately adjusted mechanism by which we govern ourselves the checks and brakes and balance wheels which our forefathers placed there, and the wisdom of which our history attests innumerable times.

But while I believe, Mr. Speaker, that as a purely academic question the argument is overwhelmingly against the revolutionary changes in our system of government which we are asked to make, there is another answer more convincing still, and that answer is—the United States of America. Here it stands, a mighty Nation, wherein each man is secure in life and property and opportunity, wherein there is no caste or class or special privilege—a mighty Nation of free and happy and prodigiously prosperous people—and it was builded upon the rock laid by the fathers when they embedded in the Constitution the solemn pledge to every State of the Union that it should have a government “republican in form.”

It has not been without its periods of stress and danger, the great structure which, through the instrumentality of representative government, we have builded here. Bitter storms have beaten against it; four times it has met the shock of foreign wars, and once it was all but rent asunder by civil strife; questions of governmental policy have arisen innumerable times upon which there has been acrid and angry debate among the people. But through it all the Nation has marched straight on. Weakness has become strength. Thirteen States have become 48. Three millions of people have become 90,000,000. Less than one billion of wealth has become one hundred and thirty billions.

The simple and primitive life of civilization's frontier has given way to the most stupendous and complex industrial and commercial structure the world has ever known. Incredible expansion, social, political, industrial, commercial—but representative government all the way. At not one step in the long and shining pathway of the Nation's progress has representative government failed to respond to the Nation's need. Every emergency that 130 years of momentous history has developed—the terrible strain of war, the harassing problems of peace—

representative government has been equal to them all. Not once has it broken down. Not one issue has it failed to solve. And long after the shallow substitutes that are now proposed for it shall have been forgotten, representative government “will be doing business at the old stand,” will be solving the problems of the future as it met the issues of the past, with courage and wisdom and justice, giving to the great Republic that government “of the people, for the people, and by the people” which is the assurance that it “shall not perish from the earth.” [Prolonged applause.]

The SPEAKER. The yeas are 155, the nays are 37, present 7—a quorum. The Doorkeeper will open the doors. The ayes have it, and the previous question is ordered.

The question is on agreeing to the conference report.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. BORLAND. Division, Mr. Speaker.

The House divided; and there were—ayes 161, noes 36.

So the conference report was agreed to.

On motion of Mr. Moon of Pennsylvania, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 31506) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1912.

#### DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. FOSTER of Vermont submitted the conference report and statement on the bill (H. R. 32866) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1912.

Mr. FOSTER of Vermont. Mr. Speaker, I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection?

There was no objection.

#### CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 32866) making appropriations for the Consular Service for the fiscal year ending June 30, 1912, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, and 3.

D. J. FOSTER,

WILLIAM S. BENNET,

H. D. FLOOD,

Managers on the part of the House.

EUGENE HALE,

JOHN KEAN,

MURPHY J. FOSTER,

Managers on the part of the Senate.

#### STATEMENT.

In explanation of the Senate amendments agreed to in conference the conferees on the part of the House submit the following statement:

Amendment No. 1: Strikes from the bill the appropriation of \$50,000 for the arbitration of outstanding pecuniary claims between the United States and Great Britain.

Amendment No. 2: Authorizes the President to extend to the International Congress on Social Insurance an invitation to hold its next triennial congress in the United States.

Amendment No. 3: Appropriates \$4,500 for delegates to the thirteenth International Congress on Alcoholism at The Hague, September, 1911.

D. J. FOSTER,

W. S. BENNET,

H. D. FLOOD,

Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

#### MILITARY ACADEMY APPROPRIATION BILL.

Mr. HULL of Iowa called up the conference report on the bill (H. R. 32436) making appropriations for the Military Academy for the fiscal year 1912.

Mr. HULL of Iowa. Mr. Speaker, I ask unanimous consent that the statement may be read in lieu of the report.

**THE SPEAKER.** Is there objection?  
There was no objection.

## CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 32436) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1912, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 32, and 33.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, and 51; and agree to the same.

J. A. T. HULL,  
H. O. YOUNG,  
JAMES HAY,

Managers on the part of the House.

N. B. SCOTT,  
JOS. M. DIXON,  
JAS. P. TALIAFERRO,

Managers on the part of the Senate.

STATEMENT.

Amendment No. 1 is increase pay for cadets \$30,000, and the Senate recedes.

Amendment No. 2 is punctuation, and the House recedes.

Amendments Nos. 3, 4, and 5 relate to assistant professors, and amendments Nos. 6, 7, and 8 relate to assistant instructors. The result of the amendments under these two paragraphs is to make 8 assistant professors and 3 senior assistant instructors, transferring 1 assistant instructor to the list of assistant professors, leaving the net amount appropriated exactly the same as passed by the House, and the House recedes.

Amendment No. 9 strikes out the words "not mounted," and the House recedes.

Amendments Nos. 10 to 27, inclusive, are simply verbal, and the House recedes.

Amendment No. 28 changes the phrase "librarian's assistant" to "assistant librarian," and the House recedes.

Amendment No. 29 gives the Superintendent of the Military Academy the right to select the custodian of the gymnasium as provided in the last appropriation bill for the Military Academy, and the House recedes.

Amendment No. 30 makes the pay for a chapel organist and choir master \$1,200 in place of \$200, and the House recedes.

Amendment No. 31 increases the pay of the skilled photographe in the department of drawing \$100, and the House recedes.

Amendment No. 32 increases the pay of a copyist \$150, and the Senate recedes.

Amendment No. 33 increases the pay of clerks in the office of the adjutant, headquarters, Military Academy, \$800, and the Senate recedes.

Amendment No. 34 is punctuation, and the House recedes.

Amendment No. 35, under the appropriation for stationery, blank books, etc., inserts the words "for contingencies not otherwise provided for," and the House recedes.

Amendment No. 36 changes the word "guardhouse" to "cadet headquarters," and the House recedes.

Amendments Nos. 37 to 49, inclusive, are simply verbal and punctuation, and the House recedes.

Amendment No. 50 provides for carrying on the development and improvement of the roads and grounds, and the House recedes.

Amendment No. 51 relates to granting Miles City, Mont., the right to maintain and operate a pumping station, etc., on the military reservation at Fort Keogh, and the House recedes.

J. A. T. HULL,  
H. O. YOUNG,  
JAMES HAY,

Managers on the part of the House.

**THE SPEAKER.** The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

On motion of Mr. HULL of Iowa, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

## MESSAGE FROM THE SENATE.

A message from the Senate by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment the following resolution (H. Con Res. 64):

*Resolved by the House of Representatives (the Senate concurring),* That the action of the Speaker of the House of Representatives and of the Vice President of the United States and President of the Senate in signing the enrolled bill (H. R. 26290) providing for the validation of certain homestead entries be, and hereby is, rescinded, and that the bill be reenrolled with the first word in section 2 changed from "Than" to "That."

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 5269) to provide for allotments to certain members of the Hoh, Quileute, and Ozette Tribes of Indians in the State of Washington.

The message also announced that the Senate had passed without amendment joint resolutions of the following titles:

H. J. Res. 294. Joint resolution for the appointment of members of the Board of Managers of the National Home for Disabled Volunteer Soldiers; and

H. J. Res. 291. Joint resolution authorizing the Secretary of War to receive for instruction at the Military Academy, at West Point, Mr. Melchor Batista, of Cuba.

## CODIFICATION OF LAWS RELATING TO THE JUDICIARY.

**MR. MOON** of Pennsylvania. Mr. Speaker, I move to suspend the rules and adopt Senate concurrent resolution 43.

**THE SPEAKER.** The gentleman from Pennsylvania moves to suspend the rules and adopt a Senate concurrent resolution, which the Clerk will report.

The Clerk read as follows:

*Resolved by the Senate (the House of Representatives concurring),* That in the enrollment of the bill (S. 7031) to codify, revise, and amend the laws relating to the judiciary, the enrolling clerk is directed to strike out from the bill as reported from the conference that part of section 151 thereof which reads as follows: "In any proceeding under this section, the court shall determine as a preliminary inquiry the question of limitation, delay, or laches; and if it shall be of opinion that the delay in presenting the claim is not excusable, and that the bar of the statute of limitations should not be removed, it shall not proceed further to find the existence of loyalty, liability, or the extent thereof, in such case, but shall report such finding in bar to the House by which the claim or matter was referred."

**MR. MOON** of Pennsylvania. Mr. Speaker, that has already been explained.

**THE SPEAKER.** The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

On motion of Mr. Moon of Pennsylvania, a motion to reconsider the vote whereby the concurrent resolution was agreed to was laid on the table.

**MR. BENNET** of New York. Mr. Speaker, I ask unanimous consent that the bill H. R. 19284 lie on the table, the substance of the bill being embraced in the codification bill, the conference report of which has just been adopted.

## AGRICULTURAL APPROPRIATION BILL.

**MR. SCOTT.** Mr. Speaker, I ask unanimous consent to call up the conference report on the bill (H. R. 31596) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1912, and I also ask unanimous consent to present an oral statement, instead of a written one, and of having the conference report read.

**THE SPEAKER.** The gentleman from Kansas [Mr. Scott] asks unanimous consent to call up the conference report on the agricultural appropriation bill and to present an oral statement in lieu of a written statement.

**MR. CARY.** Reserving the right to object, Mr. Speaker, I want to ask a question.

**THE SPEAKER.** Is there objection?

**MR. CARY.** Reserving the right to object, I wish to ask a question.

**MR. FITZGERALD.** Let the gentleman ask it out loud. We all want to hear.

**MR. SCOTT.** If the gentleman from Wisconsin will withhold his question until I have made my statement it will probably not be necessary for him to ask it.

Mr. Speaker, the Senate made amendments to the bill to the number of about 97. Most of them were of an immaterial character, and unless questions are asked I shall confine my statement to a reference to the new legislation that was proposed upon the bill.

**THE SPEAKER.** The Chair desires to ask the gentleman if the conference report is complete.

**MR. SCOTT.** It is complete.

**THE SPEAKER.** And signed by the conferees?

**MR. SCOTT.** Yes; and signed by the conferees. I will send the report to the Clerk's desk.

Following is the conference report referred to:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 31596 having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 6, 7, 14, 22, 25, 29, 31, 38, 42, 43, 44, 79, 80, 81, 94, and 96.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 11, 12, 13, 15, 16, 17, 18, 24, 28, 33, 34, 35, 36, 37, 39, 40, 41, 46, 47, 48, 48½, 49, 50, 51, 52, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 83, 84, 85, 86, 87, 88, 89, 90, 92, 93, 94, and 95, and agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "\$300,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "\$1,262,080"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "\$1,600,250"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "\$70,000"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "\$1,441,536"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "\$2,061,686"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "\$150,000"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "\$2,714,420"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "\$500,000"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows: In lieu of the sum inserted by said amendment insert "\$5,533,100"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment, as follows: In lieu of the words "Secretary of Agriculture" insert the words "head of the department having jurisdiction over the lands"; and the Senate agree to the same.

Amendment numbered 32½: That the House recede from its disagreement to the amendment of the Senate numbered 32½, and agree to the same with an amendment, as follows: In lieu of the words inserted by said amendment, "Secretary of the Interior," insert "head of the department having jurisdiction over the lands"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "\$262,060"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of

the sum inserted by said amendment insert "\$14,500"; and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "\$2,500"; and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: Strike out the words "to safety"; and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "\$115,700"; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "\$139,700"; and the Senate agree to the same.

Amendment numbered 82: That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "\$1,864,000"; and the Senate agree to the same.

Amendment numbered 91: That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "\$15,803,016"; and the Senate agree to the same.

Amendment numbered 97: That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "\$16,900,016"; and the Senate agree to the same.

CHAS. F. SCOTT,  
WILLIAM W. COCKS,  
JOHN LAMB,

Managers on the part of the House.

F. E. WARREN,  
H. D. MONEY,

Managers on the part of the Senate.

Mr. SCOTT. Mr. Speaker, the first amendment of importance is in connection with the paragraph providing for the application of 15 per cent of the total of all sums appropriated under general expenses to be used in the discretion of the Secretary, as provided under the general expenses of the Forest Service, and reads as follows:

(29): *Provided*, That all land upon which there is growing less than 4,000 feet of merchantable timber, board measure, per acre, in contiguous areas of 160 acres, shall be excluded from all forest reserves and no part of any appropriation herein made shall be expended upon any area thus excluded.

As to that amendment the Senate receded.

The second amendment to which I call attention follows the paragraph reciting the total appropriation for the Forest Service, and is as follows:

(31): *Provided*, That no part of this sum shall be expended to pay salary or expenses to any person for the examination, protest, or contest of any mining claim upon which there is not a growth of timber of commercial value.

As to that amendment also the Senate receded.

Amendment No. 32 immediately succeeds that which I have just read, and provides:

(32) That the Secretary of Agriculture be, and he hereby is, authorized and empowered, under general regulations to be fixed by him, to grant an easement for rights of way, for a period not exceeding 50 years from the date of the issuance of such grant, over, across, and upon the public lands, national forests, and reservations of the United States for electrical poles and lines for the transmission and distribution of electrical power, and for poles and lines for telephone and telegraph purposes, to the extent of 20 feet on each side of the center line of such electrical, telephone and telegraph lines and poles, to any citizen, association, or corporation of the United States, where it is intended by such to exercise the right of way herein granted for any one or more of the purposes herein named: *Provided*, That such right of way shall be allowed within or through any national park, national forest, military, Indian, or any other reservation, only upon the approval of the chief officer of the department under whose supervision or control such reservation falls, and upon a finding by him that the same is not incompatible with the public interest: *Provided*, That all or any part of such right of way may be forfeited and annulled by declaration of the Secretary of the Interior for nonuse for a period of two years or for abandonment.

That any citizen, association, or corporation of the United States to whom there has heretofore been issued a permit for any of the purposes specified herein under any existing law, may obtain the benefit of this act upon the same terms and conditions as shall be required of citizens, associations, or corporations hereafter making application under the provisions of this statute.

That amendment was agreed to by the House conferees with an amendment striking out the term "the Secretary of Agriculture" and inserting the words "the head of the department having jurisdiction over said lands" wherever that term may appear.

I may say in reference to this amendment that it is identical in its terms, with the exception of the amendment which I have just stated, with a bill which has already passed the Senate and which is upon the calendar of the House with a favorable report from the Committee on the Public Lands. It is practically identical with a provision which was reported in this bill a year or two ago from the Committee on Agriculture, but which went out on a point of order. It has the approval of the Secretary of the Interior and the Secretary of Agriculture, and I may say that it changes existing law only to this extent, that it provides that a permit may be issued for rights of way for the purposes specified for a fixed term of 50 years, whereas the present law requires all such permits to be revocable at the will of the authority granting them.

Mr. PARSONS. Is any charge made for the present revocable permit?

Mr. SCOTT. There is no charge, as I remember it now, for the present revocable permit for the right of way. A charge is made for the use of land which may be required to construct buildings or other works necessary to develop water powers, but I think it is not the practice now to make a charge for a simple right of way.

Mr. LENROOT. Is it not true that on forest reserves a charge of \$5 per mile per year is exacted by the Secretary of Agriculture?

Mr. SCOTT. My impression was that it was not; but if the gentleman speaks from information, I will not question it. I only wish to say that this provision as it now appears has the approval of the Chief of the Bureau of Forestry, who spoke to me about it this morning and said he regarded it as entirely satisfactory.

Mr. RUCKER of Colorado. I understand the gentleman in charge of the bill says it is not now the law, and that the right to run a wire from a water power for electrical purposes is not charged for by the General Government over forest reserves.

Mr. SCOTT. I said that it was my understanding that it was not the law. I may be mistaken.

Mr. RUCKER of Colorado. Now, is it not also true that there is no charge for the running of ditches over Government reservations? Why should there be an exception made in behalf of an electric power company for the transmission of power over a reservation when we are allowed on the public domain, without any cost, to run our ditches over it?

Mr. SCOTT. This provision does not insert any requirement for a charge; it does not make any provision for any charge.

Mr. RUCKER of Colorado. It is for a rental.

Mr. SCOTT. No; it is merely a free permit.

Mr. RUCKER of Colorado. For running wires?

Mr. SCOTT. Yes.

Mr. LENROOT. Is it not the gentleman's idea that if the forest reserves are entitled to make a charge for the permit, they would not be permitted under the provisions of this bill to make such a charge?

Mr. SCOTT. I do not think it changes existing law, but the gentleman's opinion is worth more than mine.

Mr. LENROOT. The gentleman stated that it was a free permit, and I did not want it to stand that way.

Mr. LEVER. I would like to ask the gentleman a question. I understand the proposition is to give a right of way to electrical companies, involving 20 feet on either side, free of charge and for 50 years. I would like to ask the chairman of the committee if that is not giving a good deal away? Why should not these people pay a charge for this right of way?

Mr. MONDELL. Let me suggest that under the present law they have a right of way of 50 feet each side.

Mr. LEVER. It does not make any difference about the present law. The question is whether it is right or not.

Mr. SCOTT. I think I can make no better answer than that this provision has the entire approval of the Secretary of Agriculture and the Chief of the Forest Service, and I am quite sure neither would consent to an arrangement that was detrimental to the Government.

Mr. PARSONS. Is it the understanding that it does not take away from them the authority to make the charge?

Mr. SCOTT. I think that is a fair construction.

Mr. OLCOTT. Is not it true that this would admit of the running of trolley-car lines through the reservation? It is for electrical power, and that is pretty broad.

Mr. SCOTT. I think it relates only to the transmission of electric power. It says electric poles and lines for the trans-

mission of electrical power. I do not believe it would cover trolley lines.

Mr. POINDEXTER. Is it not true that under existing law electrical power lines pay an annual rental of \$5 a mile for the right of way?

Mr. SCOTT. That statement has been made by the gentleman from Wisconsin. I am not able to say whether it is true or not.

Mr. LENROOT. My understanding is that for all pole lines on the forest reservation an annual charge of \$5 a mile is made.

Mr. SCOTT. I do not think it is abolished. Nothing is said about it and no prohibition is put in the bill.

Mr. POINDEXTER. There is no requirement that such a charge shall be made.

Mr. MARTIN of South Dakota. This would absolutely make no change in the law on that subject. The only change of any importance from the present law is that the permit is now made from year to year, and under this a right of way may be granted for a period of 50 years, under such regulations as the head of the department may make.

Mr. MILLER of Colorado. There is no law for anything of that kind now. That is an arbitrary regulation of the department, and they are not prevented from continuing to make a charge in disregard of law under this bill.

Mr. SCOTT. Whatever law there is is not changed by this enactment.

Mr. PARSONS. As I understand the conferees agreed to it, believing they did not change the law.

Mr. SCOTT. Precisely. Now, the next amendment is No. 38. That the act of June 30, 1906, entitled "An act for preventing the manufacture, sale, or transportation of adulterated, or misbranded, or poisonous, or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," be amended so as to provide that whenever any preparation, such as tincture made from a fresh plant or from any part thereof, or a dilution of either a fresh or dried plant tincture or other drug substance which may be made upon the scale of one part of the tincture or solution and nine parts of menstruum and which process may be successively repeated by using one part of each succeeding dilution and nine parts of menstruum or a trituration made upon the scale or proportion of one part of the substance and nine parts of milk sugar and which process may be successively repeated by using one part of each succeeding trituration and nine parts of milk sugar, is not mentioned in the United States Pharmacopoeia or the National Formulary and is mentioned in the Homeopathic Pharmacopoeia of the United States, it shall be judged by the standard contained in the Homeopathic Pharmacopoeia of the United States.

Gentlemen will remember that that is the identical provision that was contained in the House bill as reported from the committee. It was stricken out on the floor of the House under a point of order, but the Senate receded, so that it does not appear in the law.

The next legislative amendment is No. 42:

For the investigation of the relation of soil drainage and seepage waters to the maintenance and development of underground water supplies and the storage of waters in the ground and in underground reservoirs and the enlargement of the areas and raising of the levels of the ground waters, \$5,000.

The Senate receded as to that.

The next amendment of importance was No. 79:

To enable the Secretary of Agriculture, in cooperation with the Association of American Agricultural Colleges and Experiment Stations, to prepare, publish, and distribute original technical reports of the scientific investigations made by the agricultural experiment stations established in accordance with the aforementioned act approved March 2, 1887, and the acts supplementary thereto, including rent and the employments of clerks, assistants, and other employees in the city of Washington and elsewhere, printing, illustrations, and all necessary expenses, \$20,000: *Provided*, That said reports may be issued in editions not exceeding 2,500 copies and distributed without charge to libraries, colleges, scientific institutions, and persons actually engaged in teaching or in scientific investigations relating to agriculture.

This provision also appeared in the House bill as reported from the House committee and was stricken out on the floor under a point of order. The Senate recede.

The next amendment struck out that part of the House bill which was intended to repeal the law providing for the publication of certain reports hitherto required to be made by the Department of Agriculture, and in place thereof substituted the following:

That the Secretary of Agriculture shall prepare or cause to be prepared a statement showing all expenditures made each fiscal year by, through, or on account of the Forest Service from the year 1900 to the year 1910, both inclusive, stated as follows:

For permanent forest improvements in each State and Territory; for salaries and other compensation of inspectors, forest supervisors, forest rangers, deputy forest rangers, assistant forest rangers, stating the number of each class; for part time force to meet emergencies in extinguishing forest fires; for railroad fares, automobile hire, carriage and horse hire; for hotel bills; for freight and express; for telephone and telegraph; for statutory and lump-sum salaries of officers and clerks and the number thereof in the city of Washington, and all other expenditures made for the conduct of the bureau in the city of Washington, including rent, fuel, stationery, furniture, furnishings, typewriters, giving number purchased, miscellaneous supplies, giving classifica-

tion of same; for salaries, clerk hire, hotel bills, automobile, carriage and horse hire, miscellaneous supplies, giving classification thereof, office supplies, and all other expenditures made in connection with the conduct of the Forest Service outside of the city of Washington; for compensation of persons engaged in writing descriptive or other matter for publication, giving names of persons so employed and amount paid to each therefor, and names of publications accepting such matter for publication and amount paid to each therefor; for photographs, lantern slides, lecture equipment, and lectures; for printing and binding; said statement to show also for the same period of time the amounts collected by the Forest Service for timber and the use of the forests.

The provision in the House bill providing for the discontinuance of reports heretofore printed was stricken out, after the adoption of the paragraph I have just read, through a misunderstanding on the part of the Senate chairman who, in the confusion and haste of the hour, was of the opinion that the two provisions were conflicting, that they call for duplication of work. Upon consideration it appeared, of course, that there was no conflict between the two provisions, and the conferees therefore recommend that both provisions remain in the bill.

Amendment 95 reads as follows:

(95) That hereafter officers and employees of the Department of Agriculture transferred from one official station to another for permanent duty, when authorized by the Secretary of Agriculture, may be allowed actual traveling expenses, including charges for the transfer of their effects and personal property used in official work, under such rules and regulations as may be prescribed by the Secretary of Agriculture.

This is in substance a provision which appeared in the House bill as reported from the committee, but was stricken out on a point of order. It has been modified by limiting the effects to be transported to those to be used in official work, and with this limitation the House conferees concurred in the amendment.

The last important amendment is as follows:

(96) That the Secretary of Agriculture be, and he is hereby, authorized and directed to extend to plants engaged in drying and freezing eggs for interstate commerce the inspection provided for in the act approved June 30, 1906.

As to that the Senate receded.

Mr. Speaker, I have called attention to all of the amendments of the Senate of a legislative character, and unless there are some questions asked I have nothing further to say.

Mr. COOPER of Wisconsin. The Evening Star newspaper to-night speaks of a Carter amendment to exclude the Forest Service from the supervision of mining sites, and Mr. Pinchot says in the paper that that would lead to fake mining deals. What did the House conferees do?

Mr. SCOTT. That was one of the first amendments I read. The Senate receded, so that the provision does not remain in the bill.

Mr. TAYLOR of Colorado. Mr. Speaker, I have repeatedly said I was not opposed to forest reserves so far as they contain any forest or any lands that are necessary for the proper preservation of the forests; and I am just in receipt of a telegram from the Colorado Live Stock Association, urging me to oppose the Heyburn amendment to this bill, which provides for excluding from all national forests all lands not bearing 4,000 feet of commercial timber per acre. I feel that that amendment, especially in that form, would be impracticable, and as the chairman of the committee [Mr. Scott] has just stated, that that amendment has been stricken out in conference, there is no use now of discussing the question of any reduction at this time of any of the forest reserves. I certainly have no desire of inflicting any hardship upon the stockmen or ranchmen who use the forest reserves for their stock. But I can not resist the feeling that some of these days the American people are going to wake up to the fact that these forest reserves are a pretty expensive luxury, the way they are being administered.

When this forest-reserve policy was first started, the country was assured that after four or five years the Forest Service would not only be self-supporting, but would make large contributions to the Treasury of the United States. In 1900 Congress appropriated \$48,520; in 1901 the appropriation was doubled; in 1902 that appropriation was again doubled, and since that year the appropriations have been as follows:

|      |           |
|------|-----------|
| 1903 | \$291,860 |
| 1904 | 366,864   |
| 1905 | 545,282   |
| 1906 | 1,642,000 |
| 1907 | 2,757,000 |
| 1908 | 2,304,000 |
| 1909 | 3,989,000 |
| 1910 | 4,632,000 |
| 1911 | 5,051,000 |

And we are now in this and other bills appropriating over \$7,000,000 for the Forest Service for 1912, \$900,000

of which is for the deficiency, which the service expended last year over and above the appropriations allowed them by law. I realize that that excess expenditure was, in view of the forest fires, humane, and so far as I know, necessary; and I have not opposed it. But in view of the former representations that this service was to be self-supporting and produce a revenue to the Government, it does seem to me that it is our duty to call the situation to the attention of the public and inquire when this doubling-up process is going to stop. Personally, I do not see any indications of any cessation in this constant increase.

I do not know how many employees there are in that service, and I doubt if anyone else knows; but it has been estimated at all the way from four to twelve thousand. It was stated in the Senate yesterday by the senior Senator from Wyoming in the debate on this bill that the former head of the Forest Service in an address before the Geographic Society stated that it would require the employment of about 118,000 to 120,000 men to properly conserve the forests in this country when this forest system reaches its real development. So that, if the present number of men employed—whatever it is—costs this Government \$7,000,000 a year, we can roughly approximate what 120,000 men would cost.

But, Mr. Speaker, I would not at this late hour refer even thus briefly to this Forest Service question were it not for the gigantic and astounding forest-service policy that this country is now entering upon. I refer to the passage of the Weeks Appalachian bill, which was signed by the President to-day. I opposed and voted against that measure when it passed this House. Now that it is a law, there is probably no use of discussing it. But to me that bill is one of the most amazing outrages that has ever been perpetrated upon the American people. In the first place, I do not believe that this Government has any constitutional right to tax the people of this whole country for the purpose of buying possibly upward of 75,000,000 acres of land, which I think is conceded to be utterly worthless for any practical purpose, and paying a high price for it for the mere purpose of putting it into a forest reserve. It is stated that that bill only authorizes an immediate expenditure of something like \$11,000,000. As a matter of fact, under its provisions, if they are carried out as its supporters undoubtedly hope and intend, it will, or may, cost this Government \$300,000,000; and if this Appalachian and White Mountain forest reserve is going to be administered over, after its purchase, in the manner in which the present forest reserves are, that one measure will cost this Government more money than the Panama Canal; and I can not see where anybody is going to be benefited, excepting the real-estate agents and the men who are going to sell these waste lands to Uncle Sam and the people who are going to get the jobs.

But, aside from this enormous and unjust waste of the public money, the most dangerous feature of the bill is the insidious manner in which these conservation enthusiasts are trying to secure Federal control over the waters of all the streams of this country. Under the guise of protecting the navigability of the streams, they are proposing to exercise Federal control over all the nonnavigable streams clear to their sources. In the West we have no navigable streams, and the waters belong to the people of the States in which they are situated. Our waters are subject to State control, and every loyal westerner does, or should, resent this Federal encroachment upon our property rights. The waters of my State will some day be one of her greatest sources of wealth, and the proceeds of that wealth should go into the treasury of the State and into the pockets of our inhabitants rather than in the Federal Treasury.

#### RIGHTS OF WAY FOR POWER LINES.

That brings me to the consideration of another feature of this bill. I have reference to the Senate amendment granting rights of way across the public domain for electric and power transmission lines. I do not very much like the amendment in its present form. I think it is more restrictive, or, at least, subject to more bureaucracy and petty Federal regulations, than it ought to be. But it is nothing like as outrageous upon the rights of the West as many of the bills now pending before Congress and which are being vigorously pushed. In fact, my friend from New York [Mr. PARSONS] and others have been insisting upon modifying this amendment and making it a purely leasing proposition, with an annual rental, for the use of running an electric light or telephone wire across any of the public domain. The effort is being made here to put a Federal charge upon every power plant in the West, to make it pay into the Federal Treasury a royalty upon its income, no matter whether it crosses the public domain for a quarter of a mile or a hundred miles. They want to make a Federal charge for the use of our water. It is that unjust tax upon our development and upon our property that we bitterly resent. A year ago, in a speech which I delivered on

this floor, I called the attention of the country to the fact that the East is not paying any royalty for the use of its water, and I ask why the falls of the Potomac River, within sight of this Capitol, which contains power enough to light the entire city of Washington, was not harnessed.

I have always been much milder in my comments upon the outrageous interference with the rights of the people of the West than have been some of the distinguished men at the other end of this Capitol. I would like to go into these matters more in detail, but I will not at this time. I earnestly hope that the next Congress will be more liberal toward the West and will be less disposed to put impediments in the way of our development than this one has been. I am not attacking forest reserves nor attacking anybody's character; I am objecting to the bureaucratic and increasingly expensive and imperialistic policy that is being fostered in respect to the treatment of the West. We do not like to have our resources held as "crown lands." I make these brief remarks as a protest to this tendency. I deny and resent with all the power I have the claim that the lands and resources of the West are the common property of the people of this country. Those resources are the property of the people who go there and develop them. If you want a share of them, come out to our country and help us reclaim the forest and the desert land and develop the water power. We will extend to you a hearty greeting, and you are welcome to your share of it. But you have no right to remain cosily in the East and put a tax upon our industry in trying to build up those great western States.

As I have said before, this Government is not a money-making proposition. The true function of this Government is to govern the people in such manner as will best promote their happiness and welfare, and not unjustly tax the energy of one portion of the country for the benefit of all the rest. I am not in favor of repealing the Colorado constitution and reverting to the condition of a Federal province.

But I will not extend my remarks further because my position is well known. But to show that I am not at all alone in my views, as well as to also convey to Congress and to the public the sentiment of the West upon this subject, I ask leave to extend my remarks in the Record by incorporating three articles appearing on the editorial page of last Sunday's Rocky Mountain News, of Denver, which I have just received.

The first one is by Hon. Edward Keating, who for many years was managing editor of the paper, and who has recently been appointed by the governor as president of the State land board.

The second one is by Hon. J. Arthur Eddy, president of the National Public Domain League.

The third one is by ex-State Senator Elias M. Ammons.

I also desire to insert an article by Hon. J. R. McKee, which was published in the October number of the North American Review, and which sets forth the water-power question as it exists in the West. I do not say that I personally indorse and approve each and every statement in all of these articles. But in the main, and in substance, they meet with my hearty approval, and I think they reflect the sentiment and rights of the West.

#### STATEMENT BY HON. EDWARD KEATING.

Uncle Sam has been in the land business for more than a century, and the only point on which the advocates of national control of our natural resources seem to be able to agree is that up to the year 1911 he has made a flat failure of the undertaking.

Mr. Pinchot's entire program is predicated on the proposition that successive Secretaries of the Interior and Commissioners of the General Land Office have permitted "the interests" to make ducks and drakes of the public domain; and Mr. Ballinger, smarting under Mr. Pinchot's castigations, admits that his predecessors have been culpable or careless, or both, and as proof of his own good intentions comes forward with a set of rules and regulations to govern the disposition of the Nation's lands which are so long and so complicated that a Philadelphia lawyer would have brain fag before he comprehended their meaning.

But however vigilant Mr. Pinchot may be and however long and wise Mr. Ballinger's regulations may be, the system the gentlemen advocate will always retain a fatal defect. It must in the very nature of things be a bureaucracy, clothed with powers which are repugnant to all our theories of republican government.

This bureaucracy—responsible to no one except the appointing power and protected against that by the machinery of civil service—will cling tenaciously to the power it has and constantly reach out for more.

For that is the nature of bureaucracies, whether their headquarters are in St. Petersburg or in Washington.

This particular bureaucracy which the advocates of national control of our natural resources are endeavoring to strengthen and perpetuate would hold the public domain as a vast estate, occupied by such tenants as would conform to the rules and regulations and administered by an army of bureaucrats of high and low degree. They would transform Uncle Sam into a sort of glorified landlord and our public domain into "crown lands." At its best this system would produce a benevolent despotism, and at its worst it would make Ireland's most appalling examples of absentee landlordism seem commonplace.

Those of us who are opposed to this bureaucratic administration of the public domain hold that Uncle Sam should go out of the land business and that the public domain should be turned over to the various States in which it is located, under such regulations as may be agreed upon by the National and State Governments.

We contend that the highest use to which the public domain may be put is to provide homes for American citizens.

We want to encourage the man who is seeking title to "a piece of land" in order that he may erect a "shack" and provide a place for the wife and the little ones. We would rather have one such man within the borders of our State than a dozen "tenant farmers."

We are opposed to the grant or sale of large tracts of public lands to any individual or corporation. Only actual settlers should be permitted to acquire title to agricultural or grazing lands.

In a word, we want to draw to the West the sturdy home builders, who spring from the same stock as the men of other generations who forced the frontier back from the Alleghanies to the Missouri and from the Missouri to the Rockies, and who, with the aid of the Argonauts of the Pacific, obliterated the last vestiges of it in the sands of Nevada.

And when these men come to us we want to be in a position to assure them that they may set about the work of making their homes without any fear that they will be enmeshed in departmental red tape or will be annoyed by the rangers of bureaucracy.

In order to provide places for these newcomers, we would eliminate from the forest reserves every acre of agricultural and grazing land which is not needed to preserve the forests. We do not believe there is any real conflict between the rights of men and the rights of trees, but should such a conflict arise we would resolve it in favor of the conservation of men rather than the conservation trees.

After disposing of the agricultural and grazing lands, the problem of what to do with our forests, our coal and oil lands, our stone and mineral deposits, and our water power remains. Here is where the genuine conservationist may find an ample field for his patriotic activities. Here we must deal with corporations seeking special privileges and not with men seeking homes, and we must provide an entirely new set of regulations for the administration of this important part of the public domain.

Our coal and oil resources should be conserved but not locked up. Let us preserve them, in so far as we may, for future generations, but let us at the same time keep in mind the interests of the present generation. If the coal and oil lands owned by the State and National Governments were withdrawn from entry or lease for 50 years, the value of the coal and oil holdings of existing monopolies would more than double in value in a single day. It can readily be seen that in this instance conservation misdirected may become monopoly's most powerful supporter. These lands should be turned over to the States under an agreement which would safeguard them against monopolistic control and at the same time permit of their development along lines which would insure healthful competition.

I believe every reasonable encouragement should be extended to the prospectors for mineral wealth. A dozen Cripple Creeks, in all human probability, are concealed in the mountains of Colorado alone. They will never be uncovered unless the work is done by the prospectors. Why not encourage them to perform the labor which means so much to humanity? They have been driven from our mountains by regulations drafted in Washington by men unfamiliar with western conditions. Let's lure them back if we can.

We all want to preserve our forests. Of course the first logical step in that direction would be the repeal of the tariff which places a premium on the destruction of our forests. I trust the next Congress may be induced to take that step, and I know that the genuine conservationists of the West will do all in their power to help along the good work. Will our friends Pinchot and Ballinger and other advocates of Federal control lend their aid? I fear not. In so far as the actual work of planting trees and patrolling and safeguarding the forests is concerned, the States are in a much better position to perform it than in the National Government. Under State control there would be less friction between the rangers and the settlers, but in case of conflict either side could secure speedy justice at the State capitol.

While the water-power trust, of which we heard so much a year or two ago, seems to have been consigned to the limbo of things imagined but never realized, the problem of what to do with our water power remains. I believe the solution lies not in the National Government's attempt to collect rentals from some of the plants, but in the State's power to tax and regulate all the plants. These regulations would, of course, include the fixing of rates. With such power exercised by the State, I do not think we would have any occasion to worry about water-power trusts.

In asking the question, "What shall we do with the public domain?" I believe the News has stated the most important issue now before the people of the West, and one which will hold the attention of the Nation in the next presidential campaign.

We should meet it squarely. The public mind has been prepared for a frank discussion of the problem. The people of the West should agree upon a program, and that program should be pressed on the attention of our friends of the East and South with all the vigor which the West has displayed in other crises in its history.

#### STATEMENT BY HON. J. ARTHUR EDDY.

Every heart that beats true, in gratitude and reverence to those forefathers of our soil, who wrung and wrought for us the heritage of liberty, will respond to that question through the spontaneous expression of an inherited sentiment like that voiced by the Rev. John Higginson, of Salem, away back in 1688, when the colonists were resisting the Stuart King's insistence that the soil of America could only be held in leasehold from the Crown of England. Before the King's representatives he then proclaimed:

"So far as I understand, we received only the right and power of government from the King's charter, \* \* \* but the right to the land and soil we had received from God, according to His grand charter to the sons of Adam and Noah, and with the consent of the native inhabitants."

Those words were emphasized by the rebellion which followed, the shipping of Gov. Andros and his "Use Book" back to England, and the holding of lands in fee simple by the colonists thereafter.

The keystone of the arch of liberty is the embodiment of the principle that "The ownership of the soil belongs to the people of the soil." This was no more a cardinal principle at the time of John Higginson than it is to-day.

This principle permits no distinction between a landlordship by the Crown of England or a bureau at Washington. The curse of landlord-

ism is its lowering of the standard of citizenship—the substitution of paternalism for individualism—vitalized by “initiative” and “opportunity.”

At the inception of our Government there were two methods from which to choose, whereby the riches of our natural resources would inure to the benefit of the people as a whole. One was a royalty or tax upon the output of the agricultural lands, the mines, the water powers, etc., for distribution through the National Treasury; and the other was from the benefit of cheap products to the consumer, upon the principle of free corn for the raising, free coal for the digging, and free power to those who would harness the waterfalls.

The attendant results are that we are the greatest agricultural people on the globe; we produce nearly one-half of all the coal mined on this earth, and at by far the lowest price to consumers, and we are the greatest manufacturers in the world.

Under the plea of impending famines of timber, coal, iron ores, etc., and of impoverishing soil—representations deserving of but one designation, viz., lies, and I use the word advisedly—our people have been tweedled into considering a reversal of principle and the taking up of that rejected plan of landlordism and royalties, i. e., to tax the consumers for the benefit of the National Treasury. Unfortunately, those of the public-land States are the only consumers booked for this tax.

Had the public lands of Colorado from the first been subject to this plan our people would the past year have paid on the one item alone, viz., for the privilege of digging their own coal, \$600,000, based on the 5 cents per ton royalty proposed for Alaska, and they would eventually pay upon the 371,000,000,000 tons remaining, according to the Government estimates, \$18,550,000,000.

As respects Colorado's water powers, the Government has just promulgated its “bureau laws” to charge \$1 per horsepower per year. Inasmuch as the Government estimates our ultimate development possibilities at 1,000,000 to 2,117,000 horsepower, that prospective tax can be readily computed.

These afford suggestions for reflection upon what the consumers of the public-land States would be contributing to the Federal Treasury in the years to come. For further reflection, we again quote from the history of the Rev. John Higginson episode, viz.:

“As yet, it was not judicious to demand high rents. The first object was to familiarize the people with the idea that the king was sole proprietor and landlord.”

As the patriots of New England killed that “idea” in 1688, so should we at this time kill that principle.

Every true and loyal man should study upon ways and plans for getting rid of the public domain by getting the lands and the natural resources equitably and safely into the ownership of the individual, instead of scheming and devising ways for increasing the army of Government subagents and hirelings to rule and harass the people and whose number will yet be vastly increased under the proposed new order of things.

As the Government has already relegated the control of the water-power trusts to the States, so it should, and doubtless will, the other trusts. There are hundreds of others than public-land States' trusts to be regulated, and they can as well be handled under the general scheme for regulating trusts, which the people are bound to inaugurate and which will not serve as an excuse for taxing the people.

#### STATEMENT BY HON. E. M. AMMONS.

The public lands should be turned over to the States wherein they lie under terms just and equitable to both State and Nation, with restrictions to effectively prevent monopoly and at the same time secure the greatest possible settlement and development. The establishment of our present land board provides the agency for handling our lands and resources. All agricultural and grazing lands should be freely opened to entry under the limit of a homestead capacity. Under State control prospecting would be encouraged and mining stimulated in sharp contrast to the present discouraging conditions. Water for power purposes would be made available that the people might have cheaper light in their homes, cheaper power to operate the mines and mills and factories, and thus we would stimulate the manufacturing of our products at home. Under State control land suitable for summer homes could be opened to preemption to citizens of the United States, whether residents of the State or not, with proper restrictions as to residence upon the land and improvements. The coal, oil, stone, and clay lands could be sold and developed and our forest lands handled in harmony with our other resources and under laws suitable to our local conditions. Pending settlement and sale, the unoccupied lands could be rented and the receipts from this source, which would be large, could be applied to the building of good roads, which would help to make these same lands accessible, and consequently more valuable.

Inasmuch as the Federal Government is not making expenses in the administration of these lands, it should be glad to cede them outright to the States. If the sentiment created by the press agency of the Forest Service is so strong that this can not be done, then they should be sold to the States at a minimum price, to be paid for as they are disposed of by the States. Agricultural and grazing land should not be charged for, the usual fees being paid to the State for administration. The surplus, after paying the Government price, should go to the construction of public highways and the completion of reclamation projects.

If such a plan was carried out it would result in one jurisdiction and uniform laws over all the territory in the State; would enormously increase taxable property, provide for the construction of good roads, open new lands to settlement and encourage greater production for market. We would thus have the same right that was enjoyed by the Eastern States of utilizing our natural resources to build our State. We would have the right to impose local taxes upon all property alike and expend the resulting revenues in a manner most advantageous to the welfare of our citizens. By increasing our population we would have more and better schools and thus improve social conditions. We would be able to establish public parks which, with our system of highways, would not only furnish places of recreation for our own people, but would attract the tourist trade of the world. The opening of our lands and resources to entry and use would stimulate settlement and development to a point unknown before, and the people of every section of the State would be guaranteed the right of local self-government.

The people of Colorado have a better knowledge of the resources of this State than any bureau at Washington could possibly have. We have a more direct interest in the preservation and development of these resources and are best able to give the proper administration. The receipts from the use and sale of the public lands would be sufficient for their care, the establishment of a system of parks and the construction of all needed highways and the addition of this property to

the tax rolls would help build and support our growing educational and other State institutions.

It will be argued that the States have never cared for these lands and resources as they should, but it must be remembered that the States did not own these lands, received no revenue from them, and had no control over them whatever. If there has been a tendency toward monopoly it has been the fault of Federal laws and administration, not the State.

The public-land question overshadows all others in importance to the West. Upon its solution depends whether our industrial life shall continue to be hampered by discouragements and prevention, or whether, by unlocking our lands and resources to the people, it shall be quickened into new vitality.

As the West prospers the East is enriched. At least, an “enlightened selfishness” should inspire the country to give us a “square deal.”

#### THE PUBLIC AND THE CONSERVATION POLICY.

[Read before the National Electric Light Association at its thirty-third convention, held at St. Louis, Mo., May 26, 1910, by J. R. McKee.]

It is the purpose of the writer not to give expression to his personal views, but to offer statements of conditions as they exist to-day, leaving for each reader to draw his own conclusions.

We will begin at the essential question to titles in connection with public lands upon which it may be desired to locate a water power. All of these discussions of course have to do with the Western States and those few Southern States where there are still public lands, namely, Florida, Alabama, and Mississippi, and have no bearing whatsoever on situations in the East, where the lands have long since passed into private ownership. The one essential thing to keep in mind, however, in considering this question, is that in the Western States of Arizona, Colorado, Idaho, New Mexico, Nevada, Utah, and Wyoming the water as such belongs to the States, and any title to it must be acquired from the State. As a broad proposition these titles are acquired by filing applications for a given amount of water and putting the same to actual or so-called beneficial use, this use varying somewhat in the different States as to whether it is supplied for mining, irrigation, domestic, or power purposes. Title can not be acquired to the water, however, until it has been applied to actual use. In other words, you can not locate on a given amount of water and, without using it, retain title. It must not only be located upon, but must actually be applied to the respective purpose for which filing is made. It does not necessarily follow that you can locate upon it for one purpose only, for you can recite any one of the several different purposes and apply it accordingly. In other Western States, including California, Oregon, and Washington, the doctrine of riparian rights (the common-law rule) obtains, and that is the right of the proprietor of the adjoining land to the flow of the water of the stream. This right does not depend upon usage, but passes with the soil.

At the time when the respective laws were enacted which helped the building up of the West, the question of generating power by electricity from water powers and transmitting it therefrom was not a known development, and, therefore, the laws which were then enacted have to do particularly with the granting of rights for domestic uses, ditch companies, irrigation companies, and manufacturing. Under the plea of the conservationists and the claims which have been put forth by the enthusiasts of the Forest Service, it is questionable whether many of the water powers which have been installed under such rights as have been granted by the Federal authorities in the past 8 or 10 years can claim a title to the property upon which they have built. In other words, the water-power companies, as such, located on the public domain have been given by the Secretary of the Interior what are known as revocable rights, it being claimed by the Federal officers that this is the only form of authority which they are authorized to grant.

This revocable right, briefly, is a right which is granted by the Secretary of the Interior to utilize the public lands for the conveying of water to be used for power, but “Revocable at the option of the Secretary.” Of course, it was claimed this contemplated that if the right was legitimately used and expenditures properly made, and the development carried to a conclusion, ours being an honorable Government, and the people of the country able to depend upon their high officials being dignified men, no possible trouble would ever result from any Secretary undertaking, after work was done, to deliberately confiscate property or ruin titles by attempting to revoke such rights, and that if he did attempt to do it the probabilities were that, the companies having proceeded under this revocable right and completed the work, the title, without regard to any further act on the part of the Secretary, had passed by reason of prior statutes which convey title upon the completion of the work.

Addressing ourselves, however, to the character of protection which is afforded by depending upon the personnel of the Government officials, I have before me some data which were exceedingly difficult to obtain. In fact, after it had been promised on one or two occasions by the officials of the Forest Service, they still withheld it, and it was only after enlisting the assistance of certain United States Senators who demanded the information that its was forthcoming. This is a list, which is the result of action on the part of ex-Secretary of the Interior Garfield and Secretary of Agriculture Wilson, the latter, it is understood, acting under the suggestion of Mr. Pinchot, when, on March 2, 1909, which, you will note, was just two days before Mr. Garfield was to go out of office, there was issued a list of what is called the “Decisions of March 2, 1909,” by which “Permits issued by the Secretary of the Interior under act of February 15, 1901,” were revoked. This list covers 40 different plants. The names of these plants are withheld because it would only serve to complicate titles, but it is worth while to know that these revocations were issued without advising with or granting any hearing whatsoever to the representatives of any of the water-power companies. Some of the plants had been completed and were in operation, and upon others hundreds of thousands of dollars had been expended. In other words, ex-Secretary Garfield, who is supposed to be a gentleman of dignity and honorable in his dealings, and Mr. Wilson, Secretary of Agriculture, the latter acting under the suggestion, it is understood, of Mr. Pinchot, had deliberately undertaken to destroy any titles whatsoever to existing properties upon which millions of dollars had been expended, and without even allowing a hearing of any kind or giving any advance notice whatsoever to the parties concerned.

In these days of attempting to do everything by law, it is certainly difficult enough to keep everything in absolute compliance with the terms and stipulations which it is claimed the law imposes. To undertake, however, to deal with an administration which deliberately says they are doing things the law does not specifically authorize, simply because

the law does not specifically prohibit, makes the situation peculiarly difficult. Starting out with what was supposed to be the preservation of our forests, and I am sure everyone believes in and wishes the proper preservation of our forests, and hiding under that cloak, the last administration had withdrawn from entry—and the present administration has followed the same policy—hundreds of thousands, up into the millions, of acres of land, for every conceivable purpose, stating generally, however, that it was for the purpose of creating forest reserves. This plea, however, finally got to be grotesque when it was demonstrated they were withdrawing cliffs thousands of feet in the air, and perfectly barren and desert lands, upon which forests never had grown and never could be made to grow, until eventually it was admitted that they were not withdrawing them for forest reserves, etc., but for power sites and other purposes. The present administration, however, have gone so far as to withdraw all lands upon which it was thought possible to find oil, gas, coal, or phosphate, and have admitted they have done this simply because they were not prohibited by law from doing it. Mr. Taft so admitted in his speech made a short time ago in Chicago. He has asked, however, that Congress protect his acts by passing a law making legal these withdrawals, retroactive law, if you please. That Congress recognizes this condition is pretty well shown by the considerable number of bills bearing on the subject which have been introduced in the last Congress. The general tenor in every one of them is something to the effect that "All such withdrawals heretofore made and now existing are hereby ratified and confirmed as though made under this act."

It is difficult enough to comply with the construction of the laws as they actually exist, but we have also to deal with a situation where officials do acts in expectation that laws will be made later on to ratify them, and it is puzzling to know just where the private citizen, who is endeavoring to promote enterprises and develop the country, is going to get off, or get on, whichever way you wish to put it. If those holding public offices can pursue a policy of this character, we can easily anticipate what would happen if they saw fit to carry it beyond the question of public lands and introduce the same methods in the direction of assessing taxes and tariffs, just because they are not prohibited by law. Continuing this along other lines, it would only be a question of how far it could go before the people would insist on calling a halt.

One of the so-called "offenses" which the Government officials claim has been committed by the "Interests" is that frauds have been perpetrated by entries being made on lands taken up for certain prescribed uses which were not those for which they were actually intended. For instance, it was claimed that large tracts of timber land had been acquired by locating as placer-mining claims good timber lands, it being stated that these withdrawals of land for placer-mining claims when intended to cover timber was a fraud. Undoubtedly, if such a thing was done it was fraudulent, but if it be a crime for private interests to attempt to do this, why is it not also a crime for Government officials to go ahead as they have been doing, withdrawing thousands of acres of land under the plea of its being for the purpose of creating forest reserves, etc., which they afterwards admitted were solely for the purpose of securing water-power sites, or lands having coal, gas, and other deposits? When a citizen does it the Government can proceed against him officially, but when Government officials do it there is no way to have such acts brought into the courts, because no action under existing laws can be brought against the Government. In other words, the Government officials commit what when the same acts are committed by private citizens are called crimes, but if done by Government officials sworn to execute the laws they expect you to regard as virtues.

To give a concrete illustration of the arbitrary way the situation has been dealt with: If you are raising grain on land which has been taken up from the public domain and you wish to transport it to market, and in doing so you are obliged to construct a roadway across public lands, you are allowed to build this roadway across such lands. If in doing so you have occasion to cross a nonnavigable stream running through public lands you are privileged to build a bridge across the stream for this purpose, and upon accomplishing your work the title passes. Should it, however, happen that this bridge is located at a point where there is a fall in the stream, and you take this same bridge, if you please, and instead of putting it across the stream, call it a flume and simply turn it around so that it points down the stream, and then carry water across it instead of grain, the United States Government seeks to prohibit this right, and says you can not have the land for this use. The distinction between being allowed to carry grain across the bridge and being denied the right to turn the bridge down the stream and flow water over it, the latter of which you also have title to by rights granted by the State, would seem to be simply one of arbitrary action on the part of the Government officials.

Addressing ourselves to the degree of intelligence and the amount of hostility which has been brought to bear on this situation, a particularly striking case is that in connection with the Niagara River. Under the administration of President Roosevelt, with Mr. Taft as Secretary of War, a convention was entered into with Canada, through what is known as the Burton Act, by which at Niagara River the United States is allowed to withdraw from that river 20,000 cubic second-feet of water, while on the Canadian side 36,000 cubic second-feet can be withdrawn. These figures were arrived at, so far as I have been able to ascertain, without any conclusive or proper engineering data as to what would be the effect upon the river or upon the scenic grandeur of Niagara Falls if amounts in excess of those recited were taken from above the falls. At the time the convention was entered into the plants on the Canadian side of the river were withdrawing, as nearly as we can estimate, a trifle over half of the amount of water allotted to the Canadian side. The plants on the American side of the river were utilizing practically all the water allotted by the act to this side.

There is an additional unused right to 20,000 cubic second-feet on the American side which had long before been granted by the State of New York, and although considerable work had been done years ago toward using this grant, and the parties owning it were ready to go ahead and complete the plant at an expenditure of twelve or fifteen millions of dollars, the convention entered into by the United States made no allowance for this water grant, and presented such complications in connection with title to the water that the undertaking has been brought to an entire stop. The question was put to Mr. Taft, Secretary of War, whether he would consent to have the United States bring an action against the company for the purpose of endeavoring to clear the title; he declined to do it, appreciating probably that, since an individual is unable to bring an action against the United States, the owners of this plant were absolutely helpless; and all of this was done without there having been sufficient data secured as to whether or not the additional 20,000 cubic second-feet, if taken out, would have any

appreciable effect on the river itself, and with every indication that it would not. This 20,000 cubic second-feet of water would have given something in excess of 550,000 horsepower of energy, which, together with millions and millions of other cubic second-feet of water, continue to go wastefully down the river, as they have for ages past, affording the best possible illustration of the impractical results which conservation, when guided by hysteria and not by common sense, leads us into.

In the meantime the power companies on the Canadian side are continuing work, installing additional capacity in the plants already there. So absurd is this situation that one of the companies on the American side is unable to operate in full the plant which at that date was already installed, and has been obliged to go to the Canadian side, where it also has rights and install additional apparatus on that side. While these millions of horsepower are being wasted, the city of Buffalo, we are advised, is preparing specifications for the installation of a steam plant to furnish power for pumping and the lighting of that city. In other words, here are millions of horsepower of water going to waste, which could be readily utilized without either marring the beauty of the Falls, or having any noticeable effect on them, and coal will have to be burned to meet the needs of the community.

It is a little difficult to reconcile these facts with the so-called theory of conservation, although it does match in very handsomely with some of the beautiful but impractical ideas of those who raise their eyes to the sky and parrot the word "conservation."

An interesting feature, however, of all the bills heretofore mentioned as introduced before the present Congress is that not a single one of them indicates what is to become of the lands or properties after they are withdrawn. The lands are withdrawn subject to the discretion of the President and Congress, which we suppose means that now they have them withdrawn they are going to sit and look at them for a while and consider what they will do with them. In other words, the further development of the country in the way of coal, oil, gas, waterpowers, forestry, or anything else which a weird mind of one who happens to be in authority may picture, is brought to an absolutely dead stop and for an indefinite period, until somebody, just who no one seems to know, makes up his mind how we ought to go ahead again—a policy which is sadly setting back the development of many sections of the country, and which is a deathblow, for the time being, particularly to the great Territory of Alaska. A time limit to franchises of from 25 to 50 years has been suggested by different Members of our National Legislature in connection with recent bills. Not one of them, however, has intimated what is to become of the property at the end of this period, the presumption apparently being that at the expiration of the 25 or 50-year period the owners of the property will have gotten back the original cost of the property, interest on their money, and profit besides. The fact should not be lost sight of that the title to the water lies with the company or citizen who has had title from the State and with which the National Government or authorities have nothing whatever to do. Any practical detail study of this subject would show that from a commercial standpoint the situation is absolutely impossible. If anyone to-day should undertake a proposition of this kind on the time limit which the Government talks of imposing he would launch himself in a boat without knowing its possible destination, and would have to trust himself to the mercy of the natives upon the island where his boat might land him at the end of his journey.

It has always seemed to me that the most satisfactory way to handle the situation as a whole regarding our public lands would be to turn them over to the respective States in which they are located. Each State can look after that which applies to its own domain. The only argument ever heard advanced against this is the contemptible one that the local governments are not as cautious as the national one, and would be more vulnerable. This, however, is not an argument, but an attempt to reflect on our forms of government. There is at present too great a tendency in our Congress and the executive departments toward paternal government, and each State ought to be allowed to control and make use of the land which lies within its own domain, and this, I believe, is the solution which will eventually come about. The curious thing is that the western Senators and Representatives do not get together on this subject and take it into their own control, as they might very readily do by unity of action.

Addressing ourselves particularly to the question of waterpowers, it is unfortunate that a better comprehension does not obtain of how large an undertaking it is to discuss the waterpowers of the country. I will venture to say that the railroads which run through the cañons of the West thereby destroy, by reason of occupying water grade, water-power sites for possibilities of hundreds of thousands of horsepower. Take, for example, a case in Colorado, under the last administration, where a railroad made a filing for a right of way through a cañon, and at the time this filing was made the construction of the road was from 100 to 125 miles away from the cañon, so there could be no question of grade entering into the discussion, or objection to the road going through the cañon at a higher elevation. At the same time, the Reclamation Bureau had lands in the same locality withdrawn for a project which contemplated building a dam at the head of this cañon and creating a reservoir which they estimated would supply water sufficient to reclaim agricultural land to the value of \$30,000,000, and land which without the use of this reservoir site would, according to the official statement of the Reclamation Department engineers, forever remain as at present a sterile desert. There was also a waterpower projected at the same site and filings and applications pending, from which could have been developed at least 25,000 continuous horsepower. All three of these enterprises could have been developed at this point, each without interfering with the other, it being only necessary for the railroad to go around the border of the reservoir site and through the cañon at higher than water grade. Notwithstanding this fact, and although it was presented in this way to the officials of the Government, including the President himself, the right of way was ordered granted by the President to the railroad company, thereby destroying the other two projects instead of allowing all three to survive. The reasons for doing this have never been made public. Government officials do not in their administration of affairs feel called upon to give reasons for their actions. Shouting "Reclamation and conservation" from the rooftops and then acting as above, all at the same time, is, to say the least, a bit inconsistent. They do these acts and that is the end of it. The fact remains, however, that the above case actually occurred. Perhaps the right of way was given simply because the recipient was a railroad; perhaps it was a matter of influence.

As for other water-power possibilities, I recall the case of a consulting engineer on hydraulic work telling me several years ago of his having been retained to look up and locate a number of the most valuable water-power possibilities in the State of California. He jokingly

told me how he regarded this commission as a very valuable one and accepted it with a great deal of pleasure. He advised his clients, however, that there was no question in his mind but that he would be able by going well over the State to locate at least 1,000,000 horse-power. His commission was promptly withdrawn, the parties stating that they had no conception there was any such an amount. To this he replied that he believed there was not only that much, but double that much available in California alone. It is hardly necessary to say that this same condition prevails to a greater or lesser degree in several of the Western States. I cite this case only to emphasize how little understood are the water-power possibilities of the Nation. To those familiar with the situation it is incomprehensible that men who are assumed to possess common sense and to have regard for integrity can assert that the so-called water-power interests are endeavoring to control the water powers in this country. The most difficult thing from a water-power standpoint is to find those water sites at which the cost of development would not run up to an amount prohibitive from a commercial standpoint. The continuous development of the steam engine and the reduced cost for developing power by steam are every year making it harder to find a water-power site on which the first cost to develop would not be so high as to make it impossible to compete with the low cost of steam-generated power, particularly when it is generated by steam turbines. The United States Government would be practicing true conservation if, instead of endeavoring to add to the cost and difficulties of water-power development, they would give assistance to capital and other enterprises undertaking this development, because for every water power that is installed proportionately that much coal and oil are saved, and thereby is accomplished true conservation of our Nation's resources. The present policy of the Government, however, is going to carry us to just the other extreme. In other words, by increasing the cost of water-power development they are going to increase proportionately the amount of power generated by steam, which, of course, means the burning of oil and coal—Niagara-Buffalo, for instance.

The real difficulty in this whole situation seems to be hysteria, and all the legislation which has been suggested and all the rules and regulations which have been formulated in connection with water powers have been made by people who are not informed and who are working on theories that sound beautiful, but are absolutely impractical.

Let us hope that hysteria will soon exhaust itself and allow an appeal to reason. It is to be hoped that the stagnation in the development of our public lands, which will inevitably follow the present policy, will bring about an era of common sense and that those in authority will be brought to understand that it would be more nearly within the duties of their high position if they found ways to induce the coming of the settler, the taking up and development of the unoccupied public domain, and the creation of wealth where barrenness and sterility now exist. Let us hope that the sober judgment of the people will condemn this policy of putting every possible obstacle in the way of development, the policy which, to discover new obstacles, has even gone beyond the authority of law.

Mr. CARY. Mr. Speaker, I wish to call attention to amendment No. 69 in the bill as reported from the Senate and state that when it left the House it read "one skilled laborer at \$1,000." The Senate has placed in this bill a provision for two skilled laborers. That makes a new position for one skilled laborer. I wish to object to that very emphatically, because it is a new proposition. When the bill was before the House I made an amendment to make five folders at \$900, so as to make the proposition uniform; in other words, the room where these people work. It went to the Senate, and now it comes back with a provision for two skilled laborers. I claim that one should be stricken out, and that it should read one skilled laborer at \$1,000 a year instead of two. I ask for a separate vote on that.

The SPEAKER. But a separate vote can not be had on a conference report.

Mr. CARY. Then I shall object to it.

The SPEAKER. It is not subject to objection.

Mr. PARSONS. Referring again to that amendment No. 32, the right-of-way amendment, the head of the executive department is to grant these payments subject to regulations he may fix. Do I understand it correctly when I say that the conferees agreed to that on the idea that in the future the same regulations would be made as have been made in the past?

Mr. SCOTT. Certainly.

Mr. COOPER of Wisconsin. I want to ask the chairman one question. I notice in amendment No. 32, line 14, there is a provision for general regulations for the issuance of grants upon the public lands, national forests, and reservations. Now, that means that the general regulations would be regulations applicable to all of the parks. Is it true that that would preclude him from making certain specific regulations for each individual park?

Mr. SCOTT. I would hardly consider it that way. It seems to me the permit would generally mean general regulations applying to all persons. It would seem to me there might be different regulations in Indian reservations and military reservations from the regulations adopted in this service. [Cries of "Vote!" "Vote!"]

Mr. COOPER of Wisconsin. I was just about to sit down, but I will stand up now and ask this question: There is a point to the question, although the gentlemen who yelled "Vote!" have not yet seen it. The chairman has very politely responded that he thought the interpretation was not as I would give;

that this language is not such as would ordinarily be in the bill. It says "general regulations." Now, then, there might be different regulations for Yellowstone Park than for some Indian reservation. There might be a specific regulation for a particular park rather than general regulations applicable to all parks. And the ordinary language, I think, would be like this: Under such regulations as he may prescribe.

But this says:

General regulations for the parks, etc.

Now, then, if these general regulations are to be made applicable to all the parks, there might be some difficulty in making them all applicable.

Mr. SCOTT. I will say to the gentleman that difficulty was not apprehended by the officials whose duty it will be to make the regulations, and it simply follows the language of the bill which has already passed the Senate.

Mr. COOPER of Wisconsin. Then it can be forfeited for only two years. One is for nonuser and the other is for abandonment. Now, does the gentleman think we ought to give a free license for 50 years, with no right to forfeit except for abandonment and nonuser? Suppose there should be a great abuse, or there should be some injury done, or some interference happens to exist?

Mr. SCOTT. I think that would be taken care of by regulations which could be easily enforced.

Mr. COOPER of Wisconsin. The law specifically provides that there shall be a forfeiture for two specific causes.

Mr. SCOTT. Other methods may be found to enforce proper regulations in place of forfeiture.

Mr. COOPER of Wisconsin. And I only thought this: In Yellowstone Park, which is a wonderfully beautiful place, it might be found that this license was granted by Secretary Wilson, or whoever has it in charge, and would interfere with sightseers or would prove to be detrimental to the park, and they would want to move it and the people would not agree to do so. You can not forfeit it unless it is abandoned or unless there is a nonuser for two years. Now, you can not make a regulation which shall prescribe another grant for forfeiture.

Now, I wondered whether a specific statement of that kind, limiting the ground of forfeiture to two, ought to be in a bill giving a franchise for 50 years free, in Yellowstone Park, for example. I had never seen the bill before, and it is an extraordinarily difficult thing to pass upon a measure of this importance without—

Mr. SCOTT. The fact that it has been passed upon by the heads of the departments who are to administer it, after careful consideration, would seem to me to relieve the situation of any apprehension.

Mr. COOPER of Wisconsin. That sort of an argument could be brought as to anything that might come up here.

Mr. SCOTT. I refer to it only because the gentleman has said that he had not read it and considered it.

Mr. RUCKER of Colorado. Mr. Speaker, I want to ask the gentleman one question.

Mr. SCOTT. I will yield for one question.

Mr. RUCKER of Colorado. I want to call the attention of the chairman of the Committee on Agriculture to the fact that he has been adroitly led by the gentleman from New York [Mr. PARSONS] into a contradiction. The gentleman from New York asked the chairman if it was not true that under this bill there could be no charge for the running of these wires. I understood the chairman of the committee to answer that there would not be under this bill.

Mr. PARSONS. I beg to differ with the gentleman. That is not the question I asked.

Mr. RUCKER of Colorado. Now, I ask whether he did not put another interpretation upon this act by getting the chairman to answer to the contrary?

Mr. Speaker, I ask leave to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. SCOTT. Mr. Speaker, I now move that the conference report of the agricultural appropriation bill be agreed to.

Mr. CARY. Mr. Speaker—

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

The SPEAKER. The gentleman from New York is recognized.

Mr. PAYNE. Mr. Speaker—

Mr. HUGHES of New Jersey. Mr. Speaker, the gentleman from Wisconsin has a preferential motion.

Mr. PAYNE. Mr. Speaker, I move that the House take a recess until 9:30 o'clock to-day.

Mr. CARLIN. Mr. Speaker, I move that the House do now adjourn.

Mr. SCOTT. Pending the announcement, Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. CARLIN. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. Does the gentleman insist upon that motion?

Mr. CARLIN. I will insist on it unless the hour is changed to 10 o'clock. If the motion is made to take a recess until 10 o'clock I will not object.

Mr. MANN. We will have conference reports to receive as early as 9.30 o'clock.

Mr. CARLIN. Then, Mr. Speaker, I will withdraw my objection.

#### ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 29157. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1912, and for other purposes;

H. R. 30273. An act for the relief of the city of Quincy, the towns of Weymouth and Hingham, and the Old Colony Street Railway Co., all of Massachusetts;

H. R. 31239. An act to authorize Park C. Abell, George B. Lloyd, and Andrew B. Sullivan, of Indianhead, Charles County, Md., to construct a bridge across the Mattawoman Creek, near the village of Indianhead, Md.;

H. R. 25370. An act to waive the age limit for admission to the Pay Corps of the United States Navy for one year in the case of Paymaster's Clerk Arthur Henry Mayo;

H. R. 31237. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1912;

H. R. 18014. An act to amend section 996 of the Revised Statutes of the United States, as amended by the act of February 19, 1897;

H. R. 32251. An act authorizing the sale of portions of the allotments of Nek-quel-e-kin, or Wapato John, and Que-til-quaso, or Peter, Moses agreement allottees;

H. R. 32721. An act to extend the time for commencing and completing the construction of a dam authorized by the act entitled "An act permitting the building of a dam across the Mississippi River in the county of Morrison, State of Minnesota," approved June 4, 1906;

H. R. 32883. An act to extend the time for the completion of a bridge across the Morris and Cummings Channel, at a point near Aransas Pass, Tex., by the Aransas Terminal Railway Co.; and

H. R. 28406. An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1912.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 3501. An act providing for the taking over by the United States Government of the Confederate cemetery at Springfield, Mo.;

S. 10559. An act to designate St. Andrews, Fla., as a port of entry;

S. 10792. An act to promote the erection of a memorial in conjunction with Perry's victory centennial celebration on Put-in-Bay Island during the year 1913 in commemoration of the one hundredth anniversary of the Battle of Lake Erie and the northwestern campaign of Gen. William Henry Harrison in the War of 1812;

S. 6059. An act to remove cloud from the title of the southeast quarter of the northeast quarter of section 23, township 47, range 23 west of the fifth principal meridian, except 10 acres off of the north side thereof, in Pettis County, Mo., and to release the title of the United States therein to George R. Shelley, his heirs and assigns;

S. 9271. An act for the relief of William H. Walsh;

S. 10822. An act to extend the time for the completion of a bridge across the Missouri River at or near Yankton, S. Dak., by the Winnipeg, Yankton & Gulf Railroad Co.; and

S. 10761. An act to amend section 3 of the act of Congress of May 1, 1888, and extend the provisions of section 2301 of the Revised Statutes of the United States to certain lands in the State of Montana embraced within the provisions of said act, and for other purposes.

#### RECESS.

The SPEAKER. The question is on the motion of the gentleman from New York [Mr. PAYNE] that the House do now take a recess until 9.30 o'clock.

The motion was agreed to; accordingly (at 2 o'clock a. m., Friday, March 3) a recess was taken until 9 o'clock and 30 minutes a. m., Friday, March 3.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. COOPER of Pennsylvania, from the Committee on Printing, to which was referred the resolution of the Senate (S. Con. Res. 7) providing for the printing of the proceedings held on the occasion of the dedication of the Stephenson Grand Army Memorial, reported the same without amendment, accompanied by a report (No. 2288), which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Michigan, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 9241) to amend an act entitled "An act to revive, with amendments, an act to incorporate the Medical Society of the District of Columbia, approved July 7, 1838," reported the same without amendment, accompanied by a report (No. 2287), which said bill and report were referred to the House Calendar.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. HAUGEN, from the Committee on War Claims, to which was referred House bill 31327, reported in lieu thereof a resolution (H. Res. 1005) referring to the Court of Claims the papers in the case of George L. Summey, accompanied by a report (No. 2282), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 30803, reported in lieu thereof a resolution (H. Res. 1006) referring to the Court of Claims the papers in the case of Alexander W. Hoffman, accompanied by a report (No. 2283), which said resolution and report were referred to the Private Calendar.

Mr. CRAIG, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 32491) to authorize the issuance of a patent to H. W. Slaughter for land located in Clarke County, State of Alabama, reported the same with amendment, accompanied by a report (No. 2285), which said bill and report were referred to the Private Calendar.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LAW: A bill (H. R. 32985) directing the Secretary of War to cause the superintendence, surveying, and inspecting to be done on the main interior channel of Jamaica Bay, N. Y., and for other purposes; to the Committee on Rivers and Harbors.

By Mr. McLACHLAN of California: A bill (H. R. 32986) to provide a tactical organization for the mobile forces of the United States and to increase the efficiency of the Army; to the Committee on Military Affairs.

By Mr. FITZGERALD: Memorial of the Legislature of New York, favoring uniformity of treatment to American citizens having passports while traveling in other countries; to the Committee on Foreign Affairs.

By Mr. HIGGINS: Memorial of the Legislature of Connecticut, favoring the passage of the Sulloway pension bill; to the Committee on Invalid Pensions.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BENNET of New York: A bill (H. R. 32987) granting an increase of pension to Margaret Bleything; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32988) granting an increase of pension to John Lanning, alias William H. P. Roberson; to the Committee on Invalid Pensions.

By Mr. BURKE of South Dakota: A bill (H. R. 32989) for the relief of Rathbun, Beachy & Co.; to the Committee on Claims.

By Mr. KOPP: A bill (H. R. 32990) granting an increase of pension to Randall Kinnie; to the Committee on Invalid Pensions.

By Mr. McCALL: A bill (H. R. 32991) for the relief of Patrick H. Dolan; to the Committee on Military Affairs.

By Mr. MILLER of Kansas: A bill (H. R. 32992) for the relief of Lizzie Lynch; to the Committee on Military Affairs.

By Mr. POINDEXTER: A bill (H. R. 32993) granting an increase of pension to John Thompson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32994) granting an increase of pension to Jesse F. Logsdon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32995) granting an increase of pension to Simon V. Seeley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32996) granting a pension to Thomas Harlan; to the Committee on Invalid Pensions.

By Mr. WICKERSHAM: A bill (H. R. 32997) for the relief of Daniel Kennedy; to the Committee on Claims.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Memorial of the Iroquois County Farmers' Institute in Illinois, protesting against the trade agreement with Canada; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of Kansas, protesting against the abolition of the pension agencies; to the Committee on Appropriations.

Also, memorial of the Presbyterian Church of Manteno, Ill., praying for legislation to further restrict interstate transportation in intoxicating liquors; to the Committee on the Judiciary.

Also, memorial of the United Mine Workers of America, of Westville, Ill., praying that the battleship *New York* may be built in a Government navy yard; to the Committee on Naval Affairs.

Also, memorial of E. E. Hadsall and 30 other citizens of Co-hoatoh, Mich., praying for legislation to further restrict interstate transportation in intoxicating liquors; to the Committee on the Judiciary.

By Mr. ALEXANDER of Missouri: Petition of Joe C. Russell, S. E. Shafer, C. O. Dewey, and others, of Breckenridge, Mo., in favor of the Owen bill for the establishment of a Department of Public Health; to the Committee on Interstate and Foreign Commerce.

By Mr. BURLEIGH: Petition of protest of Narriamissic Grange, of Orland, Me., against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. COX of Ohio: Petition of the Practical Farmers' Club, of Oxford, Ohio, for a general parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. MICHAEL E. DRISCOLL: Petition of Syracuse Printing Pressmen's Union, No. 66, for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. DRAPER: Memorial of the Legislature of the State of New York, relating to the discrimination against American citizens in Russia; to the Committee on Foreign Affairs.

Also, petition of the Republican Club of the city of New York, relating to Canadian reciprocity and the fortification of the Panama Canal; to the Committee on Ways and Means.

By Mr. DODDS: Petition of citizens of Alma and vicinity, Mich., as to Senate bill 404 and House joint resolution 17; to the Committee on the District of Columbia.

By Mr. GARDNER of Massachusetts: Petition of Local No. 9, Junior Order United American Mechanics, Groveland, Mass., for House bill 15413, educational test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the General Court of the Commonwealth of Massachusetts, for Canadian reciprocity; to the Committee on Ways and Means.

By Mr. HUFF: Memorials of Washington Camps 751, of Jeannette, Pa., and 636, of Vandergrift, Pa., Patriotic Order Sons of America, and Mayflower Council, No. 159, Junior Order United American Mechanics, favoring the passage of House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of Branch No. 113, Glass Bottle Blowers' Association, of Jeannette, Pa., favoring House bill 29866; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Central Labor Union of Brooklyn, N. Y., against increase of postage on magazines; to the Committee on the Post Office and Post Roads.

Also, memorial of the Automobile Club of Pittsburg, Pa., urging the construction of a national highway connecting Washington and Gettysburg and the passage of House bill 31238; to the Committee on Appropriations.

By Mr. KENNEDY of Ohio: Memorial of Trades and Labor Council of East Liverpool, Ohio, in relation to the use of hand-roller printing presses in Bureau of Engraving and Printing; to the Committee on Printing.

By Mr. LOUD: Petitions of C. W. Fallaso and H. L. Welling, of Petoskey, Mich., and J. H. Rodfish and two residents of Coleman, Mich.

By Mr. MAGUIRE of Nebraska: Petition of citizens of Lincoln, College View, and South Auburn, Nebr., against Senate bill 404 and House joint resolution 17; to the Committee on the District of Columbia.

By Mr. McMORRAN: Petitions of Eugene F. Law and 25 others, Edna Sanjule and 20 others, Bert Mooney and 14 others, William Droke and 10 others, and Mary Rettie and 4 others, all of Port Huron, Mich., protesting against Senate bill 404 and House joint resolution No. 17; to the Committee on the District of Columbia.

By Mr. McKINNEY: Petition of residents of Aledo, Ill., against the passage of Senate bill 404 and House joint resolution No. 17; to the Committee on the District of Columbia.

By Mr. MOORE of Pennsylvania: Memorial of American Alpine Club of Philadelphia, urging the passage of bill appropriating \$50,000 for the survey and construction of a roadway in Rainier National Park; to the Committee on Appropriations.

Also, petition of Robert Harkison & Co., of Philadelphia, urging the increase of mail rates on magazines; to the Committee on Post Offices and Post Roads.

Also memorials of South Fork Council, No. 74; Mountain Side Council, No. 257; Pocono Council, No. 1,008; Bellewood Council, No. 621; Franklinville Council, No. 820; William McKinley Council, No. 326; Germantown Council, No. 73; Buena Vista Council, No. 187; Pennsylvania Council, No. 200; Kilbuck Council, No. 387; Wayne Council, No. 46; Peace Council, No. 395; Carpenter Council, No. 848; Berwyn Council, No. 362; Battlefield Council, No. 717; Mantouukee Council, No. 968; O. W. Howell Council, No. 210; Paoli Council, No. 500; O. H. Perry Council, No. 230; Livingston Council, No. 925; Southampton Council, No. 946; Morrisville Council, No. 915 and Resolute Council No. 27, Order of Independent Americans, urging enactment of illiteracy test; to the Committee on Immigration and Naturalization.

Also memorials of Beaver Meadow Council, No. 798; Tullyhocken Council, No. 941; Templeton Council, No. 2; Conshohocken Council, No. 241; Mount Carmel Council, No. 874; Augusta Council, No. 393; Royersford Council, No. 521; West Fairview Council, No. 716; Lafayette Council, No. 59; Scandate Council, No. 102; Cressona Council, No. 812; Edgmont Council, No. 833; John Marton Council, No. 738; Pride of Pickering Council, No. 927; Tussey Council, No. 515; New Buffalo Council, No. 672; Beaver Falls Council, No. 48 and Monongahela Council, No. 122 Order of Independent Americans, and Washington Camp, No. 41, Patriotic Order Sons of America, urging the enactment of House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. PLUMLEY: Petition of Evening Star Grange, No. 154, Dummerston, Vt., and Orion Grange, No. 83, South Woodstock, Vt., against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. SULZER: Memorial of the Women's Henry George League of New York, in relation to the utilization of the water power of the Potomac Great Falls municipal plant; to the Committee on the District of Columbia.

Also, petition of Samstag & Hilder Bros., of New York, favoring House bill 32260; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of New York, in relation to discrimination against American citizens in Russia; to the Committee on Foreign Affairs.

Also, petition of Jewelers' Protective Union, favoring House bill 32260; to the Committee on Interstate and Foreign Commerce.

By Mr. WOOD of New Jersey: Petition of Pennington (N. J.) Grange, No. 64, Patrons of Husbandry, against reciprocity; to the Committee on Ways and Means.