

Also, petition of Charles P. Halsted, of New York City, favoring passage of the Smith-Hughes bill (H. R. 14859) for a national motion-picture commission; to the Committee on Education.

By Mr. CARY: Petition of the American National Retail Jewelers' Association, favoring the passage of the Owen-Goeke bill (H. R. 2972) relative to fraud in gold-filled watchcases; to the Committee on Interstate and Foreign Commerce.

By Mr. CHURCH: Petition of 506 citizens of the seventh congressional district of California, against national prohibition; to the Committee on Rules.

By Mr. DANFORTH: Petitions of the Woman's Christian Temperance Union of Wyoming County; W. R. Wakeman, of Dalton; C. E. Paul, of Attica; Dr. C. O. Sayres and 33 others, of Rochester, all in the State of New York, favoring national prohibition; to the Committee on Rules.

Also, petitions of George Schneider and 62 others, of Rochester; O. F. Lieders and 8 others, of Conesus Lake; Peter F. Heid, of Lincoln Park; Phillip J. McCarron and 8 others, of Scottsville; R. S. Brainard and 56 others, of Medina, all in the State of New York, protesting against national prohibition; to the Committee on Rules.

By Mr. DILLON: Petitions of sundry citizens of Parkston, Milltown, Mitchell, Ethan, Dimock, Delmont, Corsica, Olivet, Menno, Freeman, Hitchcock, Lesterville, Yankton, Platte, White Owl, Geddes, Sioux Falls, Mission Hill, Wheeler, Academy, Lucas, Utica, Tripp, Armour, Stickney, Marion, Viborg, Alpena, and Mount Vernon, all in the State of South Dakota, protesting against national prohibition; to the Committee on Rules.

By Mr. DOOLITTLE: Petition of sundry citizens of the State of Kansas, favoring establishment of a bureau of farm loans (H. R. 11755) in the Treasury Department of the United States; to the Committee on Banking and Currency.

Also, petitions of 330 citizens of Lyndon, Kans., and 65 citizens of Osage City, Kans., favoring national prohibition; to the Committee on Rules.

By Mr. FERGUSSON: Petition of a prohibition union mass meeting of the Methodist, Baptist, Presbyterian, and Christian Churches of Elida, N. Mex., signed by J. Pope Smith, chairman, and A. J. Crow, secretary, favoring national prohibition; to the Committee on Rules.

Also, petition of Amado Landavazo, Juan D. Landavazo, Juan C. Chavez, and 17 other Spanish-American citizens of Magdalena, N. Mex., and vicinity, favoring the immediate enactment of national prohibition; to the Committee on Rules.

By Mr. GILMORE: Petition of sundry citizens of Campello, Mass., favoring House bill 13305, the Stevens price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. HART: Petitions of 134 citizens of the sixth congressional district of New Jersey, against national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Englewood and Hackensack, N. J., favoring national prohibition; to the Committee on Rules.

By Mr. HAWLEY: Petition of Dallas Commercial Club, of Dallas, Polk County, Oreg., protesting against passage of all bills to regulate business in their present form; to the Committee on the Judiciary.

By Mr. JOHNSON of Washington: Petition of sundry citizens of Pierce and Thurston Counties, Wash., protesting against national prohibition; to the Committee on Rules.

By Mr. McDERMOTT: Petition of International Coopers' Union, No. 15, of Chicago, Ill., favoring the passage of the seamen's bill; to the Committee on the Merchant Marine and Fisheries.

By Mr. MERRITT: Petitions of sundry citizens of Franklin County, N. Y., protesting against national prohibition; to the Committee on Rules.

By Mr. MOORE: Memorial of the United American Protestant Association of Pennsylvania, protesting against the repeal of the fourteenth and fifteenth amendments to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. O'LEARY: Petition of Piel Bros., of Brooklyn, N. Y., against national prohibition; to the Committee on Rules.

Also, petition of Washington Jackson and other citizens of the second congressional district of New York, protesting against national prohibition; to the Committee on Rules.

By Mr. PETERS of Maine: Petitions of 45 citizens of Morrill, 190 citizens of Fairfield, 12 citizens of Knox, 44 citizens of Monroe, and 15 citizens of Searsport, all in the State of Maine, favoring national prohibition; to the Committee on Rules.

By Mr. REILLY of Connecticut: Petition of the New Haven (Conn.) Trades Council, protesting against national prohibition; to the Committee on Rules.

Also, petition of 80 citizens of New Haven, Conn., favoring national prohibition; to the Committee on Rules.

By Mr. ROBERTS of Nevada: Petition of citizens of Gerlach and Bonnie Clare, in Nevada, protesting against national prohibition; to the Committee on Rules.

By Mr. SINNOTT: Petition of Mother Bickerdyke Circle, No. 22, Ladies of the Grand Army of the Republic, of Milton, Oreg., protesting against any change in the American flag; to the Committee on the Judiciary.

By Mr. SLOAN: Petitions of 11 citizens of Shelby, 3 citizens of Friend, 1 citizen of Deshler, the United Brethren Church of Seward, the Methodist Church of Seward, the Congregational Church of Seward, the Epworth League of the Methodist Church of Seward, and the Presbyterian Church of Colon, all in the State of Nebraska, for constitutional prohibition amendment; to the Committee on Rules.

By Mr. SPARKMAN: Petitions of 75 citizens of Oxford, Fla., and sundry citizens of Dunnellon, Fla., favoring national prohibition; to the Committee on Rules.

By Mr. TAVENNER: Petition of various members of the Broadway Presbyterian Church Woman's Missionary Society, at Rock Island, Ill., favoring national prohibition; to the Committee on Rules.

By Mr. WALLIN: Petition of sundry citizens of the thirtieth congressional district of the State of New York, protesting against national prohibition; to the Committee on Rules.

By Mr. WEAVER: Petitions of sundry citizens of Cleveland County, Yale, Perkins, Bethany, Pottawatomie, Britton, Crescent, Stratford, Oklahoma City, and Noble, and various Christian churches, all in the State of Oklahoma, favoring national prohibition; to the Committee on Rules.

By Mr. WHITACRE: Papers in support of a bill for the relief of Michael Deady; to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, June 17, 1914.

The Senate met at 12 o'clock m.

Rev. C. Everest Granger, D. D., of the city of Washington, offered the following prayer:

Glorious Lord God, infinite, eternal, unchangeable in Thy being, wisdom, power, holiness, justice, goodness, truth, in Thy name we are assembled, and in Thy name we desire to proceed with all our deliberations. Grant us, we pray Thee, Thy holy favor at this and at all times. Give us a reasonable, religious, and holy hope in Thee for counsel and for direction. Give us a sufficiency of Thy Divine grace that we may live holy lives, lives that shall constrain Thy love, lives that shall command Thy blessing, lives that shall count for good.

Bless all men and all nations. Save us, O God, from the poison of selfishness. May we not live alone for ourselves. Those blessings which we desire for ourselves may we also desire for all men, and with this lofty conception of duty may we, O God, enter into the spirit, the experience, and the exercise of the true evangel. May we realize that he who would find life must be willing to lose it. May we as individuals and as a Nation be willing to conduct ourselves in the spirit of the Nazarene. Above all, may we to ourselves be true. Then it must follow, as the night the day, we can not be false to any man. Sanctify us through Thy truth and eternally save us. And unto Thee will we give all praise eternally. Amen.

The Journal of yesterday's proceedings was read and approved.

Mr. LA FOLLETTE. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Wisconsin suggests the absence of a quorum. Let the Secretary call the roll.

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

Ashurst	Cummins	Nelson	Smith, Mich.
Bankhead	Dillingham	Norris	Smoot
Borah	Fletcher	O'Gorman	Stephenson
Brady	Gore	Overman	Sterling
Bristow	Hitchcock	Owen	Sutherland
Bryan	Hughes	Page	Swanson
Burleigh	James	Perkins	Thompson
Burton	Johnson	Pomerene	Thornton
Catron	Jones	Reed	Tilman
Chamberlain	Kenyon	Shaftroth	Townsend
Chilton	La Follette	Sheppard	Vardaman
Clapp	Lee, Md.	Shively	White
Clarke, Ark.	McCumber	Smith, Ariz.	Williams
Culberson	Martine, N. J.	Smith, Ga.	

Mr. SMITH of Georgia. I wish to announce that the Senator from Indiana [Mr. KEEN] is necessarily absent from the city and will necessarily be absent until next week.

Mr. SWANSON. I desire to announce that my colleague [Mr. MARTIN of Virginia] is unavoidably detained from the Senate to-day. He is paired with the junior Senator from Maine [Mr. BURLING]. This announcement will stand for the day.

Mr. SMOOT. I desire to announce the unavoidable absence of the senior Senator from New Hampshire [Mr. GALLINGER] and also the senior Senator from Massachusetts [Mr. LODGE]. Both Senators have general pairs.

Mr. CHILTON. I wish to announce for the day that the Senator from New Mexico [Mr. FALL] is necessarily absent from the Senate. He is paired.

The PRESIDENT pro tempore. Fifty-five Senators have answered to their names. A quorum of the Senate is present.

DAUGHTERS OF THE AMERICAN REVOLUTION.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Smithsonian Institution, transmitting, pursuant to law, the annual report of the National Society of the Daughters of the American Revolution, which, with the accompanying paper, was referred to the Committee on Printing.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House disagrees 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. 14034) making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes; recedes from its disagreement to the amendments of the Senate Nos. 34 and 53 to the bill and agrees to the same; recedes from its disagreement to the amendment of the Senate No. 67 and agrees to the same with an amendment, in which it requested the concurrence of the Senate; insists upon its amendment to the amendment of the Senate No. 67; further insists upon its disagreement to the residue of the amendments; requests a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. PADGETT, Mr. TALBOTT of Maryland, and Mr. BUTLER managers at the conference on the part of the House.

PETITIONS AND MEMORIALS.

Mr. NELSON presented petitions of sundry citizens of Minneapolis, Walnut Grove, Beaver Creek, and Brandon, all in the State of Minnesota, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Duluth, St. Paul, and Minneapolis, all in the State of Minnesota, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of Local Lodge No. 615, International Association of Machinists, of Proctor, Minn., praying for the enactment of legislation to provide for the complete inspection of locomotives and their appurtenances, which was referred to the Committee on Interstate Commerce.

He also presented the petition of W. J. McLeod, of Slayton, Minn., praying that strictly mutual building and loan associations be exempted from regulations governing interstate corporations, which was ordered to lie on the table.

Mr. THORNTON presented petitions of sundry citizens of Phillips Bluff and Kinder, in the State of Louisiana, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of St. Martinsville, La., praying for the enactment of legislation to grant pensions to all widows of soldiers and sailors of the Civil War, etc., which was referred to the Committee on Pensions.

Mr. HITCHCOCK presented a memorial of the Hotel Men's Association, of Omaha, Nebr., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Nebraska, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a resolution adopted by the Department Encampment of the Grand Army of the Republic, Department of Nebraska, favoring the acquisition by purchase by the Government of the battle field of Bull Run, which was referred to the Committee on Military Affairs.

Mr. SHEPPARD. I send to the desk a resolution in the shape of a petition and ask that it be read.

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

WACO, TEX., June 10, 1914.

To the United States Senate and House of Representatives:

Resolved, That we are in hearty favor of national constitutional prohibition, and will do all in our power to secure the adoption of an amendment to the Constitution forever prohibiting the sale, manufacture for sale, transportation for sale, importation for sale, and exportation for sale of intoxicating liquors for beverage purposes in the United States in accordance with the joint resolution introduced in the House of Representatives by Congressman RICHMOND PEARSON HOBSON and in the Senate by United States Senator MORRIS SHEPPARD. Adopted by the World-Wide Baraca and Philathea Union Convention held in Waco, Tex., representing 1,000,000 people.

MARSHALL A. HUDSON, President.

Mr. SHEPPARD presented memorials of sundry citizens of Texas, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Texas, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. JONES. I am receiving a number of letters and telegrams asking for a postponement of the proposed antitrust legislation—not enough to indicate any conspiracy or concerted action, but representing the sentiment of the business people of the State of Washington. I have one telegram—I will not burden the RECORD with the others—from the Chamber of Commerce of Seattle, which I ask may be read.

The PRESIDENT pro tempore. Unless there is objection, such will be the order. The Chair hears none. The Secretary will read the memorial.

The Secretary read as follows:

[Telegram.]

SEATTLE, WASH., June 16, 1914.

HON. W. L. JONES.

United States Senate, Washington, D. C.:

Among prudent business men the opinion is held very generally that there are provisions in the Clayton antitrust bill which, if enacted into law, would harass and seriously injure the business and industries of the country. We respectfully submit that a bill like this, designed to regulate the vast, varied, and complex business of 100,000,000 enterprising people should not be hastily drawn up or enacted. Therefore we earnestly urge you to support Senator SAULSBURY'S resolution postponing the Clayton antitrust bill until next winter. In the meantime the trade commission to be created could be gathering information that would be of great assistance to the Senate in forming a wise and well-considered measure in aid of the Sherman law. If the additional time were taken to consider the bill more deliberately, as in the case of the currency bill, it is believed that the purpose of Congress to prevent monopoly and unfair business practices, while leaving honest business and industry of every kind a fair field, with no favors to be asked or granted, would result in a law that would clear away the barriers of doubt, uncertainty, and apprehension which are to-day the principal obstacles to an abounding prosperity in every line of activity.

SEATTLE CHAMBER OF COMMERCE,
J. E. CHILBERG, President.
C. B. YANDELL, Secretary.

The PRESIDENT pro tempore. The memorials presented by the Senator from Washington will be referred to the Committee on Interstate Commerce.

Mr. CLAPP presented a memorial of the Rotary Club of Duluth, Minn., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

Mr. CHAMBERLAIN presented a memorial of sundry citizens of Oregon, remonstrating against the enactment of the so-called antitrust bill, which was referred to the Committee on the Judiciary.

Mr. DU PONT presented a memorial of the Chamber of Commerce of Wilmington, Del., remonstrating against the enactment of further legislation during this session of Congress for the regulation and control of business, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the Chamber of Commerce of Wilmington, Del., remonstrating against Government ownership of telephones, which was referred to the Committee on Post Offices and Post Roads.

REPORTS OF COMMITTEES.

Mr. HITCHCOCK, from the Committee on Military Affairs, to which was referred the bill (S. 1293) to correct the military record of Harrison H. Hollowell, reported it with amendments and submitted a report (No. 600) thereon.

Mr. SHIVELY, from the Committee on Pensions, to which was referred the bill (H. R. 15692) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and

sailors of said war, reported it with amendments and submitted a report (No. 601) thereon.

Mr. TOWNSEND, from the Committee on Post Offices and Post Roads, to which was referred the bill (H. R. 15987) to amend section 3646 of the Revised Statutes of the United States as reenacted and amended by act of February 23, 1909, asked to be discharged from its further consideration, and that it be referred to the Committee on Finance, which was agreed to.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES:

A bill (S. 5875) granting to the Washington-Oregon Corporation a right for an electric railroad, and for telephone, telegraph, and electric-transmission lines across the Vancouver Military Reservation in the State of Washington, and repealing an act entitled "An act granting to the Washington-Oregon Corporation a right for an electric railroad, and for telephone, telegraph, and electric-transmission lines across the Vancouver Military Reservation in the State of Washington," approved August 9, 1912; to the Committee on Military Affairs.

By Mr. STEPHENSON:

A bill (S. 5876) to remove the charge of desertion on the first enlistment of Samuel Spencer Carr; to the Committee on Military Affairs.

A bill (S. 5877) granting an increase of pension to Frank Knitter (with accompanying papers);

A bill (S. 5878) granting an increase of pension to Stephen D. Mitchell (with accompanying papers); and

A bill (S. 5879) granting an increase of pension to Paul Phillips (with accompanying papers); to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 5880) authorizing the Secretary of War, in his discretion, to deliver to the city of Terre Haute, in the county of Vigo, State of Indiana, three condemned bronze or brass field-pieces, with their carriages; to the Committee on Military Affairs.

By Mr. HUGHES:

A bill (S. 5881) providing for the refund of duties collected on flux-preparatory machines, parts, and accessories, such as described in the act of Congress approved February 7, 1913, imported subsequently to August 5, 1909, and prior to January 1, 1911; to the Committee on Finance.

By Mr. CHAMBERLAIN:

A bill (S. 5882) granting an increase of pension to William R. Stevens (with accompanying papers); and

A bill (S. 5883) granting a pension to Anna B. Ross (with accompanying papers); to the Committee on Pensions.

By Mr. DILLINGHAM:

A joint resolution (S. J. Res. 162) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

MILEAGE OF MEMBERS OF CONGRESS.

By Mr. SHEPPARD:

A bill (S. 5884) amending an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1908, and for other purposes," by reducing mileage from 20 cents to 5 cents per mile.

The PRESIDENT pro tempore. The Chair supposes the bill should be referred to the Committee on Privileges and Elections. Unless there is objection, it will be so referred.

Mr. SMOOT. I did not understand to which committee the Chair referred the bill.

The PRESIDENT pro tempore. To the Committee on Privileges and Elections. The Chair thought that committee was more appropriate, but the bill can be referred to any committee the Senator may desire.

Mr. SMOOT. I think the bill ought to go to the Committee on the Judiciary or to the Committee on Appropriations.

The PRESIDENT pro tempore. The Chair sees no reason for referring the bill to the Judiciary Committee; but if the Senator moves that the bill be referred to that committee or to the Committee on Appropriations, the question will be put.

Mr. SMOOT. The subject matter is under the jurisdiction of the Committee on Appropriations.

The PRESIDENT pro tempore. The bill does not propose to appropriate any money, but simply to fix the rate of mileage.

Mr. SMOOT. I am aware of that.

Mr. McCUMBER. I move that the bill be referred to the Committee on the Judiciary.

The PRESIDENT pro tempore. The Senator from North Dakota moves that the bill be referred to the Committee on the Judiciary. [Putting the question.] The ayes seem to have it.

Mr. KENYON. On that question I call for the yeas and nays.

Mr. SMITH of Georgia. What is the question, Mr. President?

The PRESIDENT pro tempore. The question is on referring the bill introduced by the Senator from Texas [Mr. SHEPPARD] to the Committee on the Judiciary. The bill proposes to reduce the mileage of Members of Congress from 20 cents to 5 cents per mile. The Senator from North Dakota [Mr. McCUMBER] moves that the bill be referred to the Committee on the Judiciary. On that question the Senator from Iowa [Mr. KENYON] has called for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a pair with the junior Senator from Pennsylvania [Mr. OLIVER], and in his absence I withhold my vote.

Mr. CHILTON (when his name was called). I have a pair with the Senator from New Mexico [Mr. FALL], and therefore withhold my vote.

Mr. JOHNSON (when his name was called). I have a general pair with the junior Senator from North Dakota [Mr. GRONNA]. I transfer that pair to the junior Senator from New Hampshire [Mr. HOLLIS] and vote "yea."

Mr. STONE (when his name was called). I transfer my pair with the Senator from Wyoming [Mr. CLARK] to the junior Senator from Nevada [Mr. PITTMAN] and vote "nay."

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from South Carolina [Mr. SMITH] and vote "nay."

The roll call was concluded.

Mr. DILLINGHAM. I have a pair with the senior Senator from Maryland [Mr. SMITH], who is absent. I understand that if he were present he would vote "yea." I so record myself. I vote "yea."

Mr. O'GORMAN. I have a general pair with the senior Senator from New Hampshire [Mr. GALLINGER]. In his absence I withhold my vote.

Mr. CHILTON. I transfer my pair with the Senator from New Mexico [Mr. FALL] to the Senator from Louisiana [Mr. RANDELL] and vote "nay."

Mr. SMOOT. I desire to announce the pair of the Senator from Wyoming [Mr. WARREN] with the Senator from Florida [Mr. FLETCHER], of the Senator from Connecticut [Mr. BRANDEGEE] with the junior Senator from Tennessee [Mr. SHIELDS], of the Senator from Maine [Mr. BURLINGHAM] with the Senator from Virginia [Mr. MARTIN], of the Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY], of the Senator from Delaware [Mr. DU PONT] with the Senator from Texas [Mr. CULBERSON], of the Senator from West Virginia [Mr. GOFF] with the Senator from Alabama [Mr. BANKHEAD], of the Senator from Rhode Island [Mr. LIPPITT] with the Senator from Montana [Mr. WALSH], of the Senator from Massachusetts [Mr. LODGE] with the Senator from Georgia [Mr. SMITH], of the Senator from Connecticut [Mr. McLEAN] with the Senator from Montana [Mr. MYERS], of the Senator from New York [Mr. ROOT] with the Senator from Colorado [Mr. THOMAS], and of the Senator from Massachusetts [Mr. WEEKS] with the junior Senator from Kentucky [Mr. JAMES].

Mr. SMITH of Georgia. While I have in one sense a general pair with the senior Senator from Massachusetts [Mr. LODGE], I have quite a full understanding with him as to the measures to which he wishes the pair to apply. On ordinary measures of this kind he expressed the desire that I should act as I saw fit, without regard to the pair, and he will exercise the same discretion on his part in my absence. I am sure it would be his pleasure for me to vote in this instance, and I vote "nay."

Mr. SHAFROTH. I desire to announce the necessary absence of my colleague [Mr. THOMAS] and to state that he is paired with the senior Senator from New York [Mr. ROOT].

Mr. CRAWFORD (after having voted in the affirmative). I inquire if the senior Senator from Tennessee [Mr. LEA] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. CRAWFORD. Then I will withdraw my vote, as I have a general pair with that Senator.

The result was announced—yeas 13, nays 36, as follows:

YEAS—13.

Borah	Dillingham	Nelson	White
Bristow	Johnson	Reed	
Burton	McCumber	Smoot	
Catron	Martine, N. J.	Sutherland	

NAYS—36.

Ashurst	Kenyon	Shafroth	Stone
Bryan	La Follette	Sheppard	Swanson
Chilton	Lane	Shively	Thompson
Clapp	Lee, Md.	Simmons	Thornton
Clarke, Ark.	Norris	Smith, Ariz.	Tillman
Cummins	Overman	Smith, Ga.	Townsend
Gore	Owen	Smith, Mich.	Vardaman
Hughes	Page	Stephenson	West
Jones	Perkins	Sterling	Williams

NOT VOTING—46.

Bankhead	Gallinger	Martin, Va.	Saulsbury
Brady	Goff	Myers	Sherman
Brandege	Gronna	Newlands	Shields
Burleigh	Hitchcock	O'Gorman	Smith, Md.
Chamberlain	Hollis	Oliver	Smith, S. C.
Clark, Wyo.	James	Penrose	Thomas
Colt	Kern	Pittman	Walsh
Crawford	Lea, Tenn.	Poindexter	Warren
Culberson	Lewis	Pomerene	Weeks
du Pont	Lippitt	Ransdell	Works
Fall	Lodge	Robinson	
Fletcher	McLean	Root	

So the Senate refused to refer the bill to the Committee on the Judiciary.

Mr. SMOOT. I move that the bill be referred to the Committee on Appropriations.

The PRESIDENT pro tempore. The Senator from Utah moves that the bill be referred to the Committee on Appropriations. Is there objection?

Mr. KENYON. I object. I understood the Chair to say that the bill would be referred to the Committee on Privileges and Elections.

The PRESIDENT pro tempore. That is where the Chair thinks it would appropriately go.

Mr. KENYON. A parliamentary inquiry, Mr. President. If the motion of the Senator from Utah is defeated, will this bill not then go to the Committee on Privileges and Elections without motion?

The PRESIDENT pro tempore. The Chair presumes that would be the effect of defeating the pending motion. The question is on the motion of the Senator from Utah [Mr. SMOOT] to refer the bill to the Committee on Appropriations. [Putting the question.] By the sound the noes appear to have it.

Mr. SMOOT. I ask for the yeas and nays.

The PRESIDENT pro tempore. Is the demand seconded? [A pause.] The matter is so doubtful that the Chair will give the Senator the benefit of the doubt, and direct the Secretary to call the roll.

The Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). Making the same announcement as to my pair and its transfer as on the previous vote, I vote "nay."

Mr. WILLIAMS (when his name was called). Transferring my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from South Carolina [Mr. SMITH], I vote "nay."

The roll call was concluded.

Mr. CHAMBERLAIN. Transferring my general pair with the junior Senator from Pennsylvania [Mr. OLIVER] to the junior Senator from Indiana [Mr. KERN], I vote "nay."

Mr. STONE (after having voted in the affirmative). I should have stated when I voted what I now desire to state, that I transfer the pair I have with the Senator from Wyoming [Mr. CLARK] to the Senator from Nevada [Mr. PITTMAN], and allow my vote to stand.

Mr. BANKHEAD. I transfer my pair with the junior Senator from West Virginia [Mr. GOFF] to the senior Senator from Nevada [Mr. NEWLANDS] and vote "yea."

Mr. JOHNSON. Again announcing my pair with the junior Senator from North Dakota [Mr. GRONNA], I transfer that pair to the junior Senator from New Hampshire [Mr. HOLLIS] and vote "yea."

Mr. FLETCHER. I have a pair with the Senator from Wyoming [Mr. WARREN]. I transfer that pair to the junior Senator from Illinois [Mr. LEWIS] and vote "nay."

Mr. O'GORMAN. I again announce my general pair with the senior Senator from New Hampshire [Mr. GALLINGER], and withhold my vote.

Mr. DILLINGHAM. Because of my pair with the senior Senator from Maryland [Mr. SMITH] I withhold my vote.

Mr. CRAWFORD. I again announce my pair with the senior Senator from Tennessee [Mr. LEA], who has not voted, and withhold my vote.

Mr. O'GORMAN. I transfer my pair with the senior Senator from New Hampshire [Mr. GALLINGER] to the junior Senator from Arkansas [Mr. ROBINSON] and vote. I vote "yea."

The result was announced—yeas 25, nays 26, as follows:

YEAS—25.

Bankhead	Johnson	Shively	Thornton
Bristow	McCumber	Simmons	Tillman
Burton	Martine, N. J.	Smith, Ariz.	West
Clayton	Nelson	Smoot	White
Catt	O'Gorman	Stephenson	
Clarke, Ark.	Reed	Stone	
Hitchcock	Shafroth	Sutherland	

NAYS—26.

Bryan	Jones	Owen	Swanson
Chamberlain	Kenyon	Page	Thompson
Chilton	La Follette	Perkins	Townsend
Cummins	Lane	Sheppard	Vardaman
Fletcher	Lee, Md.	Smith, Ga.	Williams
Gore	Norris	Smith, Mich.	
Hughes	Overman	Sterling	

NOT VOTING—44.

Ashurst	Fall	McLean	Root
Borah	Gallinger	Martin, Va.	Saulsbury
Brady	Goff	Myers	Sherman
Brandege	Gronna	Newlands	Shields
Burleigh	Hollis	Oliver	Smith, Md.
Clark, Wyo.	James	Penrose	Smith, S. C.
Colt	Kern	Pittman	Thomas
Crawford	Lea, Tenn.	Poindexter	Walsh
Culberson	Lewis	Pomerene	Warren
Dillingham	Lippitt	Ransdell	Weeks
du Pont	Lodge	Robinson	Works

So the Senate refused to refer the bill to the Committee on Appropriations.

The PRESIDENT pro tempore. Unless there is objection, the Chair will refer the bill to the Committee on Privileges and Elections.

Mr. OVERMAN. I move that the bill be referred to the Committee on Privileges and Elections, where the Chair has already indicated that it should be referred.

The PRESIDENT pro tempore. No motion is necessary for that purpose. That reference has been made.

OMNIBUS CLAIMS BILL.

Mr. STONE submitted an amendment intended to be proposed by him to the omnibus claims bill, which was ordered to be printed and, with the accompanying paper, ordered to lie on the table.

PROPOSED RULE RELATIVE TO POINTS OF ORDER.

Mr. SHEPPARD. I submit a resolution, which I send to the desk and ask that it be read.

The resolution (S. Res. 397) was read, as follows:

Resolved, That it is the sense of the Senate that the failure to raise points of order in reference to any measure in the Committee of the Whole does not prevent their consideration when a measure has passed from the Committee of the Whole into the Senate.

Mr. SHEPPARD. Mr. President, I wish to say in reference to the resolution that I consider the question it raises one of the most important questions that can come before the Senate; and I should like the Senate to pass on it independently, at a time when it is not complicated with the consideration of any other question. I am unwilling to have the ruling of the Chair the other day stand—the ruling that failure to raise a point of order in the Committee of the Whole precludes its being raised in the Senate.

I therefore ask for the reference of the resolution at this time, and will discuss it later.

The PRESIDENT pro tempore. Under the rule, the resolution will lie over for one day. Is it the intention of the Senator to have it referred to the Committee on Rules?

Mr. SHEPPARD. That is my intention.

The PRESIDENT pro tempore. That may be done by unanimous consent. Is there objection? The Chair hears none.

The Chair will state, however, that it is not the universal custom among presiding officers to hold in such a way as to make necessary the adoption of this resolution. The present occupant of the chair has looked into the matter somewhat, and he thinks a distinct error was made by the Presiding Officer who recently made the ruling referred to by the Senator from Texas. The plain language of the first clause of Rule XV is that all bills and amendments must be considered as in the Committee of the Whole, and when thereafter these are reported to the Senate that the amendments shall again be considered. If the word "considered" is a limitation upon the power to make a point of order after the bill or amendment has been reported to the Senate, it is obviously a like limitation upon the power to make a point of order in the Committee of the Whole.

If the question shall arise during my brief occupancy of the chair, I shall not hesitate to hold that a point of order can be presented in the Senate, even though it may not have been urged in the Committee of the Whole. In the event such a point had been raised in Committee of the Whole and overruled or sus-

tained, I take it for granted that even if there should exist a difference of opinion as to the specific case between different presiding officers presiding in the Committee of the Whole and the Senate, respectively, that the one would not assume to overrule the other in the particular case. As a matter of comity among presiding officers the ruling would be permitted to stand so far as that identical instance is concerned, notwithstanding these casual occupants of the chair should differ in opinion as to the rule.

Mr. SHEPPARD. It seemed to me to be so clear that the matter stands just as the Chair has stated it that I believed it essential to have the Senate pass on it by resolution, after the ruling the other day by the Senator from Kentucky [Mr. JAMES].

The PRESIDENT pro tempore. We can get the matter up at some time by informally submitting it to the Senate when it is presented, and thus take the judgment of the Senate on the disputed question involved.

No objection having been interposed, the resolution will be referred to the Committee on Rules.

STANDING COMMITTEES OF THE SENATE.

Mr. JONES. I desire to give notice that on to-morrow I shall submit an amendment to Rule XXV in the nature of a substitute providing for a reorganization of the standing committees of the Senate, to take effect at the beginning of the Sixty-fourth Congress, so that said rule shall read as follows:

XXV.

1. Beginning with the Sixty-fourth Congress, the following standing committees shall be appointed at the commencement of each Congress, with leave to report by bill or otherwise:

COMMITTEES OF THE FIRST CLASS.

- A Committee on Appropriations.
- A Committee on Commerce.
- A Committee on the District of Columbia.
- A Committee on Finance.
- A Committee on Foreign Relations.
- A Committee on Interstate Commerce.
- A Committee on the Judiciary.
- A Committee on Banking and Currency.
- A Committee on Public Lands.

The foregoing committees shall consist of not to exceed 11 members each, and shall be so constituted that each Member of the Senate shall be a member of one of said committees and no more.

COMMITTEES OF THE SECOND CLASS.

- A Committee on Agriculture and Forestry.
 - A Committee on Rules.
 - A Committee on the Census.
 - A Committee on Civil Service and Retrenchment.
 - A Committee on Claims.
 - A Committee on Education and Labor.
 - A Committee on Insular Affairs.
 - A Committee on Immigration.
 - A Committee on Naval Affairs.
 - A Committee on Pensions.
 - A Committee on Post Offices and Post Roads.
 - A Committee on Printing, which shall have power to act jointly with the same committee of the House of Representatives.
 - A Committee on Enrolled and Enrolled Bills, which shall have power to act jointly with a similar committee or committees of the House of Representatives, and which, or some member of which, shall examine all bills or joint resolutions which shall have passed the Senate or both Houses, to see that the same are correctly engrossed or enrolled, and, when signed by the Speaker of the House and the President of the Senate, shall present the same forthwith, when they shall have originated in the Senate, to the President of the United States in person, and report the fact and date of such presentation to the Senate.
 - A Committee on Public Buildings and Grounds, which shall have power to act jointly with a similar committee of the House of Representatives.
 - A Committee on Audit and Control of the Contingent Expenses of the Senate, to which shall be referred all resolutions directing the payment of money out of the contingent fund of the Senate or creating a charge upon the same.
- The foregoing committees of the second class shall consist of not to exceed 13 members and no Senator shall be placed upon more than two of said committees at the same time.
2. The aforesaid committees shall continue and have the power to act until their successors are appointed.

PRICES OF OIL.

Mr. OWEN. I submit a short memorial from citizens of Tulsa, Okla., which I desire to have printed in the RECORD, together with certain data bearing upon the relative prices of Oklahoma oil and oil in other parts of the country.

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

TULSA, OKLA., June 6, 1914.

To WOODROW WILSON,
President of the United States; and
To the CONGRESS OF THE UNITED STATES:

The vital welfare of the independent oil producers and the independent refiners and consumers of the Nation imperatively demands that oil pipe line companies be made common carriers and that they be ade-

quately divorced from oil-producing interests; and we beg your most urgent consideration of our appeal for earliest possible relief.

- | | |
|------------------|------------------------|
| DAVID J. KELLEY. | C. J. WRIGHTSMAN. |
| O. K. EYSENBACH. | JOHN A. STEEL. |
| F. M. AIKEN. | LITCHFIELD & SULLIVAN. |
| JOHN RAY. | H. F. SINCLAIR. |
| CHAS. T. WILSON. | H. N. GREIS. |
| J. A. EVANS. | E. R. KEMP. |
| L. L. HUTCHISON. | J. H. MARKHAM, Jr. |
| A. E. WATTS. | C. N. HASKELL. |

(And many others.)

Crude oil prices.

	Per barrel, April, 1914.	Per barrel, June 4, 1914.
Pennsylvania.....	\$2.50	\$1.80
Ohio, North Lima.....	1.49	1.19
Illinois.....	1.45	1.15
Oklahoma:		
Cushing.....	1.05	.75
Healdton.....	.70	.50

Compared to Pennsylvania, at \$2 per barrel, the Cushing oil is worth \$1.85 per barrel and the Healdton oil is worth \$1.50 per barrel, on the authority of Dr. Allen, chief chemist of the Bureau of Mines.

The Healdton oil is bringing but 33 1/2 per cent of its market value acknowledged and fixed by the Standard Oil monopoly as fair in Pennsylvania.

The great wrong is obvious.

Will Congress give the remedy?

TULSA, OKLA., June 10, 1914.

Senator ROBERT L. OWEN,
Washington, D. C.:

Dr. Allen, chief chemist Bureau of Mines, just reported to corporation commission that on basis of \$2 per barrel for Pennsylvania oil, Cushing worth \$1.85; Healdton, \$1.50. Carroll, of Commerce Bureau, in Washington, says 8 cents per barrel reasonable transportation cost from Tulsa to Gulf points.

C. J. WRIGHTSMAN.

OKLAHOMA OIL AN EQUAL OF EAST HIGH GRADE—COMPARATIVE RUNS OF PENNSYLVANIA AND CUSHING OILS SHOW THEM PRACTICALLY ON A PAR—FIGURES ARE INDISPUTABLE—NEWS CORRESPONDENT FURNISHES HERE MOST INTERESTING ITEM TO OKLAHOMA PRODUCERS SEEN IN MANY MONTHS.

TULSA, OKLA., June 2, 1914.

MID-CONTINENT OIL NEWS,
Okmulgee, Okla.

GENTLEMEN: One of the Pennsylvania refiners to whom the writer has been shipping Cushing crude oil has had a comparative run of 100 gallons Cushing crude and 100 gallons (approximately 2.4 barrels) of Pennsylvania crude oil. The runs were made by a laboratory which is recognized as the highest authority in the United States on tests of oils, including crude and all grades of refined and lubricating oils, waxes, residuum, etc.

The test is made in an experimental still and is taken in 20 units of 5 per cent each. The test of the 20 units are as follows:

MAY 22, 1914.

DEAR SIR: We have had comparative runs made by the ——— of the Pennsylvania crude we are now running and of the Cushing crude gotten through you.

The tests of the 5 per cent units are as follows:

Crude oil, Cushing.....	Gravity.....	Pennsylvania.....	Gravity.....
No. 1, 5 per cent unit Cushing.....	41.8	Pennsylvania.....	44.2
No. 2, 5 per cent unit Cushing.....	80.1	Pennsylvania.....	80.5
No. 3, 5 per cent unit Cushing.....	72.0	Pennsylvania.....	70.5
No. 4, 5 per cent unit Cushing.....	67.0	Pennsylvania.....	64.3
No. 5, 5 per cent unit Cushing.....	62.0	Pennsylvania.....	60.1
No. 6, 5 per cent unit Cushing.....	57.2	Pennsylvania.....	55.5
No. 7, 5 per cent unit Cushing.....	55.5	Pennsylvania.....	53.8
No. 8, 5 per cent unit Cushing.....	52.3	Pennsylvania.....	52.0
No. 9, 5 per cent unit Cushing.....	49.5	Pennsylvania.....	50.0
No. 10, 5 per cent unit Cushing.....	46.7	Pennsylvania.....	47.7
No. 11, 5 per cent unit Cushing.....	44.1	Pennsylvania.....	45.7
No. 12, 5 per cent unit Cushing.....	42.0	Pennsylvania.....	43.6
No. 13, 5 per cent unit Cushing.....	40.2	Pennsylvania.....	41.6
No. 14, 5 per cent unit Cushing.....	38.3	Pennsylvania.....	40.5
No. 15, 5 per cent unit Cushing.....	37.1	Pennsylvania.....	38.8
No. 16, 5 per cent unit Cushing.....	34.5	Pennsylvania.....	37.6
No. 17, 5 per cent unit Cushing.....	32.1	Pennsylvania.....	36.8
No. 18, 5 per cent unit Cushing.....	29.0	Pennsylvania.....	34.0
No. 19, 5 per cent unit Cushing.....	27.0	Pennsylvania.....	32.5
No. 20, 3 1/2 per cent unit Cushing asphalt, 100 per cent unit Cushing, 93 1/2 per cent Pennsylvania.	24.8	Pennsylvania (9 1/2 per cent)	29.7

The first trace of color appears in Cushing unit No. 11 and Pennsylvania unit No. 12.

The color of the Cushing units darkens much more rapidly than the Pennsylvania units, Cushing crude No. 17 being about association No. 5, while Pennsylvania unit No. 17 is about association No. 2.

The first traces of paraffin at 70 temperature appear in the Cushing unit No. 17 and in the Pennsylvania unit No. 16.

The last three units from Cushing are exceedingly dark, while the darkest of any of the Pennsylvania units is about the color of commercial vaseline.

Three and one-half per cent asphalt in the Cushing crude was a hard, dry product.

The above report was given the writer with the understanding that neither the name of the refiner nor the laboratory making the test be used. The entire matter, however, is absolutely reliable, and originals are in my possession. Following the above comparative test this same refiner, under date of May 28, 1914, made a comparison of the market

value of the products and by-products contained in the two crudes and writes as follows:

Yours of May 25.
As near as I could figure the value of the products from Pennsylvania and Cushing crude, based on the comparative run made by the figures, would be as follows:

PENNSYLVANIA OIL.			
Gasoline	66.2 gravity,	25 gallons, at 12 cents	\$3.00
Turp. subt.	51.9 gravity,	15 gallons, at 8½ cents	1.28
Kerosene	45.7 gravity,	15 gallons, at 5 cents	.75
300 oil	40.3 gravity,	15 gallons, at 5 cents	.75
Non vis. neut.	35.5 gravity,	12 gallons, at 4½ cents	.54
Vis. neut.	31 gravity,	8 gallons, at 12 cents	.96
S. R. cyl. stock	25 gravity,	8 gallons, at 12 cents	.96
Refined parf. wax		2 gallons, at 25 cents	.50
		100	8.74
5 per cent gallonage loss in manufacture			.44
Total value of products			8.30

CUSHING OIL.			
Gasoline	65.7 gravity,	30 gallons, at 12 cents	\$3.60
Turp. subt.	48.2 gravity,	20 gallons, at 8½ cents	1.70
Kerosene	40.1 gravity,	15 gallons, at 3 cents	.45
Gas oil	34.6 gravity,	15 gallons, at 2 cents	.30
Vis. neut.	28 gravity,	10 gallons, at 10 cents	1.00
S. R. cyl. stock	24 gravity,	6 gallons, at 8 cents	.48
Refined parf. wax		¾ gallon, at 25 cents	.13
Asphalt		¾ gallons, at 6 cents	.21
		100	7.87
5 per cent gallonage loss in manufacture			.39
Total value of products			7.48

You will note from the above figures that the products from 100 gallons of Pennsylvania oil only exceed in value the products of a like number of gallons of Cushing crude oil by 82 cents, or, in other words, of Pennsylvania oil from a refining standpoint, is worth only approximately 10 per cent more than the Cushing oil, although at the present time with Cushing oil selling at 75 cents and Pennsylvania oil at \$1.90 at the wells, price of Pennsylvania oil is over two and a half times that of Cushing oil.

Yours, very truly,

The above comparative estimate of the value of the products contained in the crudes referred to is really in favor of Pennsylvania oil, the comparison being made by a Pennsylvania refiner, being thoroughly familiar with his own product and not so with the products of Oklahoma crude, which would naturally leave the comparison slightly in favor of the Pennsylvania products.

For instance, kerosene, you will observe, is figured at 40.1 gravity at 3 cents per gallon, against 45.7 gravity (Pennsylvania) at 5 cents per gallon. In this connection, I might add, the Consumers' Refining Co. at Cushing, oil running oils from the Wheeler & Layton sands, before the discovery of the Bartlesville sand in the Cushing field, have been making a 47-gravity, 150 degrees, water-white oil (kerosene of the highest grade) would raise the value of kerosene from Cushing crude from 1 to 1½ cents per gallon.

Furthermore, take the viscus neutrals from Cushing oil. From "viscus neutrals" is derived all the various engine and machine, gas-engine and automobile oils, etc. While the flash and fire test of Pennsylvania viscus neutrals are somewhat, though slightly, higher than those from the Oklahoma oils, the viscosity as well as the cold test of Oklahoma viscus neutrals, are noticeably better, and such oils are therefore of about the same value. Therefore, according to the above report, figuring market values from either Oklahoma or Pennsylvania shipping points, freight rates considered, the value of the products from both crudes are about on a par. In fact, when the above results of the comparative runs were sent me, a letter accompanying said test stated in part: "You will readily see that Pennsylvania crude is worth but very little, if any, more than Cushing."

Cushing crude, I firmly believe, represents about the average value of Oklahoma oils, while the crude from the Bartlesville sand is of slightly higher gravity (41.8) than most other oils produced in the older Oklahoma fields. There is found in various fields crude of from 39 to 42 gravity of much better color than Cushing, and while slightly lower in gasoline and kerosene contents, the base or heavier oils are of much greater value to the refiner.

The writer has observed these oils at the wells and from different sands in the entire field and within the boundaries of, say, Muskogee, Henryetta, Okmulgee, and Tulsa, and is of the firm opinion that oils produced within the said boundaries are of as great, and likely greater, refining value than is Cushing crude.

Should any interested party, refiner, or producer doubt the reliability of the above report, I would be pleased to furnish proof, but, as before stated, the names of said refiner and laboratory must be withheld from publication and with good and sufficient reasons.

Yours, very truly,

LEO KAUFMAN.

CONSTRUCTION OF REVENUE CUTTERS.

Mr. BANKHEAD submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4777) to provide for the construction of four revenue cutters, 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 to amendment numbered 3 made by the House to the bill and agree to House amendment numbered 3; and that the Senate recede from its

disagreement to House amendments numbered 1 and 2 and agree to the same.

Strike out "four" and insert "two" in title of bill.

J. H. BANKHEAD,
KNUTE NELSON,

Managers on the part of the Senate.

W. C. ADAMSON,
T. J. SIMS,
F. C. STEVENS,

Managers on the part of the House.

The report was agreed to.

ATLANTIC COAST LINE RAILROAD CO.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 4053) for the relief of the Atlantic Coast Line Railroad Co., which was, on page 2, line 1, to strike out "a sufficient sum, not to exceed \$400," and insert "the sum of \$292.45."

Mr. SIMMONS. I move that the Senate concur in the House amendment.

The motion was agreed to.

NAVAL APPROPRIATIONS.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing 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. 14034) making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes, receding from its disagreement to the amendments of the Senate numbered 34 and 53 to the bill and agreeing to the same; receding from its disagreement to the amendment of the Senate numbered 67 and agreeing to the same with an amendment, in which it requested the concurrence of the Senate insisting upon its amendment to the amendment of the Senate numbered 67; further insisting upon its disagreement to the residue of the amendments and requesting a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SWANSON. I move that the Senate further insist upon its amendments, disagree to the amendment of the House to the amendment of the Senate numbered 67, agree to the further conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. TILMAN, Mr. SWANSON, and Mr. PERKINS conferees at the further conference on the part of the Senate.

INDIAN APPROPRIATIONS.

Mr. ASHURST. I move that the Senate proceed to the consideration of the Indian appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12579) 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, 1915.

The SECRETARY. The pending question is on the amendment on page 19.

The PRESIDENT pro tempore. The Secretary will suspend at that point.

On yesterday, when this bill was under consideration, the Senator from Vermont [Mr. PAGE] said:

Mr. President, I am rather inclined to submit a point of order upon the part of the bill which the Secretary has just read.

The amendment involved being an item making an appropriation of \$100,000 for the purpose of determining the heirs of deceased Indian allottees and other persons having any right, title, or interest in any trust or restricted allotment, or in any other estate or property held in trust by the United States, under regulations prescribed by the Secretary of the Interior. Mr. SMOOT. What page is that?

The PRESIDENT pro tempore. It is at the bottom of page 14, all of page 15, and part of page 16.

The Chair regards that, the item having been estimated for by the department as an absolutely necessary and legitimate expense, the qualifying language which follows is only such as is calculated to give intelligent direction to the manner in which the fund shall be expended, and under the precedents of the Senate it is not subject to a point of order. The point of order is, accordingly, overruled.

The question is on agreeing to the amendment.

Mr. STERLING. Mr. President, I ask that this amendment may be passed over for the present.

The PRESIDENT pro tempore. The Senator from South Dakota asks that the amendment may be temporarily passed

over. Is there objection? The Chair hears none, and it is so ordered.

The SECRETARY. The pending question on the bill is, on page 19, where the committee proposes to insert, after line 11, the following paragraph:

To enable the Secretary of the Interior to provide school facilities for the children of the Papago Tribe of Indians in Arizona, the sum of \$50,000, or so much thereof as may be necessary, is hereby appropriated out of any funds in the Treasury not otherwise appropriated, this amount to be in addition to any other funds available for that purpose.

Mr. SMOOT. Mr. President, may I ask the Senator what other funds have been made available for this purpose, and if any, how much?

Mr. ASHURST. Mr. President, I shall be very glad to supply the Senator with the information. I read from page 331 of the House hearings the justification for this item, offered by the Commissioner of Indian Affairs, as follows:

The Papago school population is estimated to be 1,220. It is thought that, including all nonreservation members of the tribe, the number is considerably larger, and the Government has never provided any home schools for this tribe except one day school, with a capacity of 40. A mission school with a capacity of 150 has during recent years been maintained and operated by the Government. This makes a total Government home school capacity of 190 pupils. There are several mission schools on or near the reservation, and quite a number of children attend nonreservation schools. However, it is estimated that between 800 and 1,000 Papago children of school age are entirely without school facilities.

The Papagos live in villages; therefore it will be feasible and advisable to provide school facilities for them by building day schools. This will make it possible to provide school facilities for all of these children at very much less expense than where the conditions make boarding schools necessary. The maintenance expense will likewise be very small comparatively. There are probably 12 to 15 Papago villages where good day schools can be maintained.

There is no previous estimate.

Proceeding to read further from the justification:

These Indians are a very worthy class of people and ask no assistance from the Government except that school facilities be provided. This item of \$50,000 should be included in the bill this year in order that the Papago children may not longer be permitted to grow up in ignorance.

Mr. SMOOT. What I asked the Senator was the amount of the appropriation. This is a direct appropriation of \$50,000, and it says:

This amount to be in addition to any other funds available for that purpose.

What other funds are available for that purpose, and how much?

Mr. ASHURST. At this time I am not able to say that there are any funds available, except in the general language used at the beginning of the section, where, referring to Arizona and New Mexico, it says, "for support and civilization." The Senator will remember that those words have been defined to be apt words, and the Commissioner of Indian Affairs, in his judgment, distributes this sum for civilization and support in accordance with the needs, requirements, and necessities of each particular tribe.

Mr. SMOOT. I suppose the amount here referred to is some lump-sum appropriation, and I thought perhaps the Senator knew just exactly the amount that would go to these particular Indians.

Mr. PAGE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Vermont?

Mr. SMOOT. Certainly.

Mr. PAGE. The Senator from Utah is correct. He will find at the bottom of page 7:

For support of Indian day and industrial schools not otherwise provided for and for other educational and industrial purposes in connection therewith, \$1,500,000.

I wish to say to the Senator from Utah that this particular paragraph relating to the Papago Tribe was quite fully discussed by the Committee on Indian Affairs, and I believe the committee were absolutely unanimous in the view that this clause is a proper one.

Mr. SMOOT. I am not objecting to the appropriation for the purpose of educating the children of the Papago Tribe, but I was trying to get at whether this is an undue amount to appropriate, taking into consideration that they have a part of a fund appropriated already, namely, a million and a half dollars. If there are 150 children of that tribe, it would cost about \$325 per child. In addition to that, I wanted to learn, if possible, how much they get out of the lump sum, so as to see about how much it would cost per year to educate each child of the tribe.

Mr. ASHURST. While it might appear that it would be an excessive sum for this particular tribe of Indians, that is only an apparent disclosure. It is not really an excessive amount. The committee were of the opinion, as to the appropriation referred to at the top of page 8 of the bill—\$1,500,000—none of

that money would be used in cases where there was a specific appropriation made like the one now under discussion. It was also the opinion of the committee that this is not an excessive sum. A good deal of discussion was had in relation to the item, and it was resolved by the committee that it is not an excessive sum.

Mr. SMITH of Arizona. If my colleague will permit me—
The PRESIDENT pro tempore. Does the Senator from Arizona yield to his colleague?

Mr. ASHURST. I yield.

Mr. SMITH of Arizona. The Papago Indians live on the Papago Reservation in Arizona, but they are scattered. Quite a number of them live on the reservation, and then quite a number are nomadic, wandering divisions of the tribe that will go off and seek for water and make a home for a season on some mountain or some place in the desert where they can find enough water near by to raise a small crop.

I apprehend that with this appropriation, in addition to the lump sum, they can get hardly enough by a proper division among all the Indians for the support of the Papagos. I imagine that some effort is being made to take care of these Indian villages that are scattered around, where they can easily have schools for a season and thus have some of the advantages that are given to the tribe.

Mr. SMOOT. I will say that I have not any objections to the amount from what already has been said. I will not object to the item.

Mr. ASHURST. I appreciate the force—

The PRESIDENT pro tempore. In the further consideration of this bill the Chair will give notice that there will not be a strict observance of the rule which requires a Senator to ask permission before he interrupts. These colloquies are enlightening and they amount to an exchange of information, and it would take more time to obtain consent than to get the information when it seems to be asked in good faith and not for the purpose of delay. So if the Chair does not interpose on every occasion it will not be due to the fact that he does not understand that in proper cases it is the duty of the Chair to do so. Of course, it will be limited to one Senator speaking at a time; the reporters must take down what Senators say. With that explanation of his conduct, the Chair will recognize the Senator from Arizona.

Mr. ASHURST. I may not have been considerate in regard to my interruptions, and I wish to apologize to the Chair. I wish, however, before I take my seat to ask Senators to observe the language on page 8, lines 16, 17, and 18, of the bill, in which it is specifically stated that no part of the appropriation of \$1,500,000 "shall be used for the support of Indian day and industrial schools where specific appropriation is made."

Mr. LA FOLLETTE. Mr. President, I think the Senator from Utah [Mr. Smoot] misunderstood the statement of the Senator from Arizona [Mr. Ashurst] as to the number of children of school age in this tribe. If the statement was made by the Senator from Arizona as understood by the Senator from Utah and communicated to me by him, I want to correct it. The Papago school population is estimated at 1,220 and not 150.

Mr. ASHURST. Yes, sir; 1,220.

Mr. SMOOT. I may have misunderstood the Senator in what he said, but I understood him to say that 150 and 40 more would be 190. I say I would have no objection to the item even if there were 190 on the explanation that has been made.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, on page 20, line 4, after the word "expended," to strike out "reimbursable to the United States by the Indians having tribal rights on said reservation and to remain a charge and lien upon the lands and funds belonging to said Indians until paid," so as to make the clause read:

For the construction of a bridge across the Moencopli Wash on the Western Navajo Indian Reservation, Ariz., \$6,000, or so much thereof as may be necessary, to be immediately available and to remain available until expended.

The amendment was agreed to.

The next amendment was, on page 20, after line 19, to insert:

The Secretary of the Interior is hereby authorized to set aside and reserve as a school farm for the Fort Yuma Indian School the west half of the northwest quarter and the west half of the southwest quarter of section 24, township 16 south, range 22 east, San Bernardino meridian.

The amendment was agreed to.

The next amendment was, at the top of page 21, to insert:

That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, not to exceed the sum of \$25,000, and in no event more than one-third of the sum that may be necessary for the construction of a bridge across the Colorado River at or near Topock, in the State of Arizona, to be expended under the direction of

the Secretary of the Interior: *Provided*, That no part of the money herein appropriated shall be expended until the Secretary of the Interior shall have obtained from the proper authorities of the State of Arizona and the State of California satisfactory guaranties of the payment, by the said States, of at least two-thirds of the cost of said bridge; and that the proper authorities of the said States assume full responsibility for, and will at all times maintain and repair said bridge and the approaches thereto: *And provided further*, That the bridge shall be built in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Mr. ASHURST. I move an amendment to the amendment. In line 10, where the words "State of California" occur, before the word "State," I move to insert the words "county of San Bernardino, in the," so as to read:

That no part of the money herein appropriated shall be expended until the Secretary of the Interior shall have obtained from the proper authorities of the State of Arizona and the county of San Bernardino, in the State of California, satisfactory guaranties of the payment—

And so forth.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 21, after line 19, to strike out:

That the Secretary of the Interior is hereby authorized and directed to make an investigation of the conditions on the Fort Mohave Indian Reservation, in Arizona, with respect to the necessity of constructing a bridge across the Colorado River, near said reservation, and to cause surveys, plans, and reports to be made, together with an estimated limit of cost for the construction of a suitable bridge across said river, and also to ascertain from a council of the members of said tribe whether the Indians of said reservation are willing that the proportion of the cost of said bridge which the Secretary of the Interior may determine to be properly chargeable to them shall be reimbursable from any funds which are now or may hereafter be placed to the credit of said tribe in the Treasury, and submit his report thereon to Congress on the first Monday in December, 1914; and the sum of \$1,000, or so much thereof as may be necessary is hereby appropriated for the purpose herein authorized.

The amendment was agreed to.

The next amendment was, on page 22, after line 12, to insert:

For enlarging the irrigation system for the irrigation of Indian lands, for protective works to prevent damage to irrigable lands by floods, and for development of domestic water supply on the Papago Indian Reservation in Arizona, in accordance with the plans and specifications submitted by the chief engineer in the Indian Service and approved by the Commissioner of Indian Affairs and the Secretary of the Interior, in conformity with a provision contained in section 1 of the Indian appropriation act for the fiscal year 1911, \$50,000, and to remain available until expended: *Provided*, That the total cost of this project shall not exceed \$150,000.

Mr. SMITH of Arizona. Mr. President, I wish to make a mere statement of the facts in this case. I think this particular item should go out, and I believe I can convince the Senate that a mistake was made by the committee.

If this item is permitted to remain in the bill, it will take away the water supply of the city of Tucson, a city of over 20,000 people. We get our water from an underflow. We have developed it by going deep and raising the water, and we are using that water for city purposes and also for irrigation. We started that long before the Papago Indians ever thought of getting any water for any purpose.

I have telegrams here that I will not detain the Senate to read from the mayor and from the chamber of commerce stating that the proposed scheme takes away the water from the city of Tucson. I have looked at the plans that they propose to use, and while they go higher up above the Indian reservation, where the mountains crowd the valley they cut across and take the whole underflow of the valley. It would leave a perfect desert around the city, where there are now 10,000 acres in cultivation, and it would take away the water supply of the town.

I have defeated this item two or three times before the committee. It got in this time, as I understand, on statements made that it did not interfere with the flow, but I assure the Senate that it does interfere with it, for I know the plan, and I know the ground as well as I know this Senate Chamber.

I move to strike out the item from the bill—that is, I ask the Senate to disagree to the amendment.

Mr. WILLIAMS. In connection with this amendment I desire to ask the Senator from Arizona a question. Has this work already been entered upon and has money already been expended under it?

Mr. ASHURST. No; the only money expended was the appropriation made to pay for the expense of ascertaining the feasibility and propriety of the project. The work has not been entered upon.

Mr. WILLIAMS. It seems to me when we irrigate these Indian lands the charge ought to be against the Indian fund, and not against the Treasury of the United States.

Mr. SMITH of Arizona. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Arizona yield to his colleague?

Mr. ASHURST. I yield.

Mr. SMITH of Arizona. I am acquainted with this matter, and I have just explained it to the Senate. I ask the Senate to disagree to the amendment on the ground that the proposition would take all the water from the city of Tucson. It really amounts to taking the whole underground flow. I want the Senate to disagree to the amendment, and I would be very glad to have that done as early as possible.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

The amendment was rejected.

The next amendment was, on page 23, line 10, after the word "Arizona," to strike out "\$20,000" and insert "\$35,600," so as to make the clause read:

For improvement and sinking of wells, installation of pumping machinery, construction of tanks for domestic and stock water, and for the necessary structures for the development of a supply of water for domestic use for eight Papago Indian villages in southern Arizona, \$35,600.

Mr. SMITH of Arizona. I do not like this amendment.

Mr. ASHURST. Let the item, beginning at line 6, on page 23, down to and including line 10, go over until I confer with my colleague.

The PRESIDENT pro tempore. The amendment will be passed over temporarily unless there is objection. The Chair hears none.

The next amendment was, on page 23, line 21, after the words "Navajo Reservation," to strike out "\$15,000" and insert "\$50,000," so as to make the clause read:

For continuing the development of a water supply for the Navajo Indians on the Navajo Reservation, \$50,000, to be immediately available and to remain available until expended, reimbursable out of any funds of said Indians now or hereafter available.

Mr. LANE. I reserve the right to offer an amendment to this amendment, if it can be reserved at this time.

The PRESIDENT pro tempore. The Senator from Oregon will state his amendment, and we will determine what can be done when we find out what it is.

Mr. LANE. There is an item which ought to be stricken out, I guess, although I am not entirely informed concerning it. It has to do with lands other than agricultural, and, in a way, would affect a large amount of mineral lands. I should like to have it go over until I can take the matter up with the chairman of the committee and see if he will not agree to some change in it.

The PRESIDENT pro tempore. If the Senator will indicate just what provision of the bill he desires to have passed over for the present, the Chair will submit his request to the Senate.

Mr. LANE. That is the last item which was read on page 23, lines 20 to 24, inclusive.

The PRESIDENT pro tempore. The Senator from Oregon asks that the provision indicated by him may be passed over temporarily. Is there objection? The Chair hears none. The reading of the bill will be resumed.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, at the top of page 24, to insert:

For the purchase of lands for the use and benefit of Indians under the jurisdiction of the superintendent of the Camp Verde Indian School, Ariz., \$20,000, to be immediately available and to remain available until expended, *Provided*, That the lands purchased for said Indians shall be held in trust and be subject to the provisions of the general allotment act of February 8, 1887 (24 Stat. L., 388), as amended.

The amendment was agreed to.

The next amendment was, on page 24, after line 9, to insert:

There is hereby appropriated the sum of \$50,000, to be immediately available and to remain available until expended, and the Secretary of the Interior is authorized to use this money, or so much thereof as may be necessary, under such regulations as he may prescribe, for the promotion of civilization and self-support among the Indians residing and having tribal rights on the Colorado River and Yuma Reservations, the said sum to be expended in the purchase of seed, live stock, vehicles, harness, machinery, tools, implements, and other agricultural equipment, and for such other purposes as the Secretary of the Interior may deem proper in promoting their civilization and self-support: *Provided*, That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States on or before June 30, 1925, and all repayments to this fund made on or before June 30, 1924, are hereby reappropriated for the same purpose as the original fund, and the entire fund, including such repayments, shall remain available until June 30, 1924, and all repayments to the fund hereby created which shall be made subsequent to June 30, 1924, shall be covered into the Treasury, and shall not be withdrawn or applied except in consequence of a subsequent appropriation made by law.

The PRESIDENT pro tempore. Unless there is objection the amendment will be agreed to.

Mr. SMOOT. Mr. President, I hardly caught the full meaning of the amendment as read. I wish to ask the Senator having the bill in charge to explain the amendment.

Mr. ASHURST. Mr. President, I am aware that this is somewhat of a departure from previous methods employed in the

department. This has been characterized as a revolving fund. It was the subject of much discussion, thought, and investigation by the committee. The method has been considered at some length by the Indian Bureau, and it has been deemed to be a wise one. When Indian tribes have land, our experience discloses to us that the mere possession of land is not sufficient to develop them into persons who become self-supporting. This is to create a fund out of which appropriations may be made for the purpose of leveling their lands, plowing them, tilling them, raising crops, building houses, purchasing machinery, and purchasing cattle; that the fund appropriated shall become a lien on the land; and that when the fund is repaid, as provision is made in the act for the repayment, the land being in the meantime held as security, that that same fund which is repaid into the Treasury of the United States shall again be used for a similar purpose.

Mr. SMOOT. Mr. President, I have noticed, of course, that this money is to be paid to the Indians for certain enumerated purposes "under such regulations as the Secretary of the Interior may prescribe." I suppose those regulations relate to the security which the Government will take for the money advanced?

Mr. ASHURST. That would be one of the regulations. Now, relating to this particular item, I wish to read a short excerpt from the recommendation submitted to the committee by the Commissioner of Indian Affairs:

We are asking in this item for a reimbursable appropriation of \$50,000 for the Indians of the Colorado River and Yuma Reservations in Arizona and California. The Government has constructed irrigation projects for these Indians, and they have now at their disposal valuable irrigable lands, but they are without means to begin cultivating those lands. It requires money to level the land, and these Indians also need agricultural equipment. Every dollar of this money will be reimbursed to the Government, and it is simply a loan to these Indians based on good security, because they have valuable surplus lands, and the appropriation is simply to enable them to become self-supporting. In support of this item, I would like to submit the following justification:

Statistics, Colorado River Reservation.

Indian population.....	486
Acreege of reservation area.....	240,640
Acreege of agricultural land.....	100,160
Acreege of grazing land.....	85,000
Acreege allotted lands.....	4,860
Acreege under ditch.....	4,860
Acreege cultivated by Indians.....	638
Acreege irrigated.....	450
Live stock:	
Horses.....	210
Mares.....	225
Stallions, pony.....	31
Cows and heifers.....	143
Bulls.....	9
Steers.....	106

So the fund will be used for the purpose, not of dealing them out rations but to cope in a large way with this Indian problem—I might use those words in the nomenclature of Indian affairs, for the "Indian problem" is the great problem that is before us, as to how we shall develop the Indians into becoming self-supporting. This has been deemed, I will not say the best way, for the committee can not arrogate to itself all knowledge and wisdom, but it is a good way, the money being secured by the lands themselves.

Mr. SMOOT. The only fear I have respecting this provision is that unless many of the Indians are of a different character from white men, if the money is available to the Indian and he has to put up his land as security, I am afraid that in the end perhaps he will be liable to lose his land. I want to say to the Senator having the bill in charge that I believe the Indians ought to be assisted; I think that if conditions are such as stated by the Senator, it would be well for Congress to make the appropriations direct, and then see if they could not, by direct regulation and by putting one or two competent men there who are familiar with the methods of irrigating and cultivating land, help the Indians in their experiments. The Indian who does not particularly care for work would not make application for the money, but he might feel that if he could get the money he would get it and use it, perhaps, not all in the cultivation of his land, but partly for that purpose, and then he would perhaps find himself mortgaged, and it would be impossible for him at the end of the 5 years or 10 years, or whatever length of time it is, to pay. All I was thinking about was the protection of the Indians.

Mr. OWEN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Oklahoma?

Mr. SMOOT. I do.

Mr. OWEN. I felt some doubt about whether this revolving fund would be repaid. In order to ascertain what reason we had for judging as to the future in regard to that I requested that a report be made upon such revolving funds as had here-

fore been used, so as to see whether or not under their administration these funds were really in good faith paid back. I was much surprised and much gratified to find that the department had a most favorable experience with them; that the Indians had shown integrity in regard to these matters and industry, and had done very well indeed with regard to the repayment; so that from the history of the transactions in the department it appears that no reasonable doubt should be entertained that the money will actually be paid back in good faith and constitute a revolving fund that will serve other Indians in the same way, teaching them the lesson of self-support.

Mr. SMOOT. It is a splendid idea, Mr. President, if it can be successfully carried out.

Mr. CLAPP. Will the Senator pardon an interruption?

Mr. SMOOT. Certainly.

Mr. CLAPP. I do not think the Senator appreciates the plan that is adopted. I notice he referred to repayment at the end of 10 years. This provision does not contemplate a loan for 10 years; it contemplates that for 10 years the money that is paid back may be loaned to other Indians. The plan has been simply to loan them money for one year. The money does not go to the Indian at all. The agent buys the horses and seed, or whatever is to be purchased, and takes the Indian's note for the amount, the Indian making the payment.

This plan works to the advantage of the Indian, and I am going to speak of it because we have adopted it to some extent in this bill. In the first place, it makes it possible for the department, where an Indian requires assistance of this kind, to lend him a helping hand; and, in the second place, it teaches the Indian what the white man had to learn many generations ago—the importance of keeping his obligations; that when he borrows a dollar he must repay that dollar.

Last year, on the passage of the Indian appropriation bill, as will be seen on page 2097 of the CONGRESSIONAL RECORD, I submitted a summary of the work of the department up to that time under this provision. In one case I think every dollar was repaid the first year, but in the other cases there had not been such a prompt payment.

If it is properly managed, this method is the solution of the individualizing and development of the Indian by lending him this helping hand under the direction of the agent. The money does not go to the Indian; he can not squander it. The only danger is that the agent might purchase things that possibly might not be necessary, but we have got to take some chance in everything. The agent is right there with the Indian in the fall, and when the harvest comes he sees to it that the Indian repays the money. The provision is designed to individualize the Indian, to help the Indian, and, above all, to teach the Indian the necessity of business methods.

I will say, frankly, we have provided considerable sums in this bill to be used along that line. We did it because of the excellent success that has attended the same experiment in preceding years. As I have said, a summary of what has been accomplished will be found on page 2097 of the CONGRESSIONAL RECORD, part 3, volume 50, Sixty-third Congress, first session.

Mr. LANE. Mr. President, I should like to say, for the further information of Senators, that there is another condition which has brought about this method of appropriating money, and that is this: All along in the history of the Indian in the past there has been appropriated by Congress, out of funds belonging to the Government and out of funds which were reimbursable from the Indian's property, hundreds of thousands of dollars for his support and civilization. We all know that the Indian has made a failure as a farmer. For some reason he has not advanced as the white man has in that line, and it has been a problem as to what to do for him. In investigating the matter the Indian Committee and the commission appointed to look into Indian affairs has found this condition to exist—and it exists at this time all over the United States—and that is that the Indian has been allotted in severalty lands to which in some cases water has been brought for irrigation purposes at his expense. In this way he has had turned over to him tracts amounting to from 40 to 160 acres, and in some cases the terms have been that if the Indian did not utilize the water and cultivate the land within a certain specified period of time, in one instance not to exceed two years, he forfeited his water right and any advantage he might receive from the land.

What else did we do for him? We did not give him a penny with which to buy a plow, or a harrow, or a grubbing hoe, or anything at all with which to work the land. We hired farmers to go out and teach him how to farm, but we furnished him nothing with which to farm. He was left with his bare hands. The white man could not make a success under such circumstances. When irrigable land is being broken to cultivation and water is put upon it, it has been found that the white man,

with every facility at his command, is not able to bring that ground under subjection in 5 years, and a bill now pending before Congress gives him an additional grant of time, making it 20 years; but the Indian was only allowed 2 years, and was not even given a mattock. Consequently he failed to make good.

This provision was put in the bill so that the Government might buy some seed, which it did not do before, and furnish the Indians with plows and implements with which to cultivate the land. This is a reformation long overdue. The Indian has lost his land and his property through what seems to have been a policy, probably not adopted with the intention of ruining him, but which has actually resulted in his degradation and in his financial ruin. This fund is designed to buy the Indian plows and harrows and seed and to hire men to go and teach him how to put the seed in or to let him have an opportunity to plant it himself.

Mr. SMOOT. Mr. President, referring to what the Senator from Minnesota [Mr. CLAPP] has said, that the repayments were not to be made in 10 years, but were to be made in 1 year, I believe if the Indian is capable of paying back the money in 10 annual installments he is doing well. I think that if he can possibly pay it in that length of time, he is doing even better than a great many white men have done in our reclamation projects, and I would not object if the time were extended to 10 years. Of course the amount returned would be small if each Indian availed himself of the 10 years in which to make payment, but the Indian must be a very industrious farmer and he must be a most prosperous one if he can, in less than 10 years, save out of his earnings upon the farm sufficient money to pay for the amount that is advanced to him by the Government for farm machinery, for seed, and for stock. If he can do that, Mr. President, he is doing mighty well.

Mr. CLAPP. Mr. President, if the Senator will pardon me—
The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from Utah yield to the Senator from Minnesota?

Mr. SMOOT. Certainly.

Mr. CLAPP. As showing the success of this method I will state that on the Tongue River Reservation there was not a single beneficiary of the fund who was delinquent under the terms of the agreement.

Mr. SMOOT. What was the agreement?

Mr. CLAPP. I think it was all to be paid the first year. These sums are not large. I think it is a mistake to advance too much.

Mr. SMOOT. Oh, so do I.

Mr. CLAPP. One Indian wants seed, another Indian perhaps needs a cow, another a plow. On the Belknap Reservation, where it was \$15,000, if I remember correctly, that was all paid.

It must be said that when you consider that you are dealing with people who never have been taught the necessity of paying debts, it has worked out wonderfully well. Of course there will be cases of delinquency; there is no doubt of that; but I really believe it is the most vital legislation we have ever enacted for the Indian, and especially if the individual agent is the right kind of a man to stay right next to the Indian and help him.

Mr. SMITH of Arizona. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Arizona?

Mr. SMOOT. Certainly.

Mr. SMITH of Arizona. I wish to ask the Senator from Minnesota the conditions surrounding those Indians. I apprehend they are very different from the conditions surrounding those on the Colorado River.

Mr. CLAPP. Why, of course they are different; and the consequence is that the department in dealing with those on the Colorado River will have to exercise more care, advance less money, and be more attentive to the Indians in seeing that it is paid back. The Indian problem must be largely a matter of personal equation between the agent and the individual Indian, and upon the agent must depend very largely the development of the Indian as we individualize him.

Mr. SMITH of Arizona. If the Senator will pardon me further, the condition of the Indians on the Colorado River Reservation is that they have not enough water, as I understand. It seems to me it would be well if this provision looked toward the development of water instead of providing such a large amount for the purchase of tools, equipment, and seed where, in my judgment, they have not the opportunity to raise good crops, even if the equipment is given to them, without more water being supplied to them.

They have an immense reservation there, capable of being made the best in the United States, in my judgment, and yet nothing seems to be done toward the development of water to

an extent that will justify a \$50,000 appropriation for the purchase of things to put in land where there is no water with which to cultivate it. Of course, I am in favor of doing anything on earth that can be done for them.

Mr. CLAPP. Of course, we have made, or at least suppose we have made, the necessary appropriations for water, if water can be developed there. That is an appropriation pure and simple. This is not an appropriation for the Indian. One of the prime objects of this particular feature is that while you are helping the Indian, at the same time you are teaching him the value of a dollar, and teaching him that every dollar he runs in debt for he must sooner or later pay back. It is a loan to him. Now, we do not make a loan to them for irrigation. We make an appropriation for that.

Of course, you have to depend somewhat on the Indian. It is not to be supposed that the department, as anxious as every one is first to do his duty, and secondly, to avoid the loss of prestige in bad management, is going to advance money to an Indian to buy seed if the Indian has no place where he could raise a crop with the seed. You must trust the administration of the fund to them.

Mr. SMITH of Arizona. If the Senator will bear with me further, I do not claim to know all about these Indians; but from what I have observed and what I have been told by those who live with them on the very reservation I have referred to, these Indians, even if you give them these things, are still members of a tribe, and there is where the personal equation of which the Senator speaks looms up more largely. Then we have to see that the appropriation is given only to the Indian who will raise a crop. If that is done, there will be something in it; but if you distribute it—

Mr. CLAPP. Mr. President, it is not designed to be a distribution. We place so much money in the hands—

Mr. SMITH of Arizona. It is a distribution, but the Senator does not comprehend me. You may find 1 in 50 of the tribe that would take charge of this appropriation and go right to work. The balance of them would not.

Mr. CLAPP. Then they would not get any of it.

Mr. SMITH of Arizona. That is the very point, whether they will or not. If the distribution is to be made with that sort of a limitation, only to those who in good faith will apply it to the land, that limitation on it would relieve the fear I entertain of making mistakes in giving it to them.

Mr. CLAPP. That is the limitation. In the first place, this is not \$50,000 to be distributed per capita among these Indians; but here is a particular Indian, and in that respect it makes no difference whether the tribal relation has ceased or not. He shows a little evidence of thrift. He wants some seed, or he wants a cow, or a horse, or a plow. This money is an open fund out of which the department, through its agent there, can buy this cow, or buy this plow, or buy this seed for him. No Indian gets a dollar of it unless the agent at least believes the Indian is actuated by a sense of thrift. It is elastic to that extent. It does seem to me, in the light of the experience we have had heretofore, that we have every warrant for enlarging the sphere of this particular form of activity and relationship to the Indian.

Mr. WHITE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Alabama?

Mr. CLAPP. Certainly.

Mr. WHITE. I will ask the Senator from Minnesota what guaranty we have that the Indian will get what he wants? Does he determine what he will buy, or is that determined by the agent?

Mr. CLAPP. That, of course, must rest with the agent. Somewhere in all this work in our relation to the Indian we have the personal equation of the agent, who, of course, reflects in a measure the spirit of the department under which he serves. He would be false to his duty if he bought cattle or horses for an Indian who had no use for them or if he bought seed for an Indian who had no land. There is one point where he takes his chances on whether or not, in his estimate of that Indian's make-up, the Indian will in good faith earnestly go ahead and make the best use of the benefit that is bestowed upon him. There the agent necessarily, every time he takes a new man, projects himself into the zone of experiment; and, of course, there is that much experiment involved in it.

Mr. WHITE. Another question. Who determines the price that shall be paid for these articles?

Mr. CLAPP. The agent.

Mr. WHITE. From whom does the agent make the purchase?

Mr. SMITH of Arizona. Wherever he pleases.

Mr. CLAPP. Why, he makes it wherever it seems best to make it. We can not regulate that.

Here is an Indian, in the first place, who has a little land. He wants to buy a team of horses. The first question the agent would have to consider would be, is it likely that the man will make good use of those horses? Then the next question would be where to get the horses and what price it would be wise and just and fair to the Indian to pay for the horses. That discretion is all vested in the agent necessarily. We can not prescribe it in the law, of course.

Mr. WHITE. Then the agent is necessarily the guardian of the Indian?

Mr. CLAPP. The agent to that extent becomes the guardian of the Indian, of course.

Mr. WHITE. Is any power of control over the agent exercised by anyone?

Mr. CLAPP. Of course he is subject to the control of the Indian Office, which in turn is subject to the control of the Secretary of the Interior; but you can not divest the matter of that feature. It would not do simply to distribute \$50,000 equally among the Indians of this tribe. Some of them are not thrifty. Some of them would not work. Some of them would make very improper use of the money and would lose it.

Mr. WHITE. I am looking to the protection of the Indian rather than the protection of the Government.

Mr. CLAPP. Yes.

Mr. WHITE. My questions are along that line.

Mr. CLAPP. The protection the Indian has—and it is the only protection we can give here—is in the character, the integrity, the fidelity of the agent.

Mr. WHITE. What has experience shown along that line in dealing with these matters?

Mr. CLAPP. As I said a while ago, in two cases here, one of \$15,000, I think every dollar was repaid the first year. In the other case, the Tongue River case, there was not a single delinquent the first year.

Mr. WHITE. That is rather telling us what the Indian does. I want to know—

Mr. CLAPP. That result was reached because the agent was right there, and when the Indian harvests the agent is there to remind him of his debt. These Indians primarily knew nothing of the obligation of a debt. The agent has to be there, and of course a great deal depends upon the agent.

Mr. WHITE. Has experience shown that the Indian is improving at all, that he is becoming so advanced that ultimately he will not need the help of this guardian?

Mr. CLAPP. Why, certainly. One of these cases showed that the second year, I think, two-thirds of the fund was put out again among other Indians, it having served its purpose the first year with the Indians to whom it was distributed or for whom it was used.

One thing is certain, however, this is the practical way to deal with the Indian. Here is the Indian. He knows little of toil. He knows nothing of the obligations of debt. A dollar is nothing to him, and he has no dollar with which to buy his seed or his plow. The agent buys the seed and the plow for him out of this fund. The agent is there to see that he makes as good use as he can be induced to make of the plow or the seed. Then the agent is there in the fall to remind the Indian that this note is due to the Government, and should be paid back.

Mr. WHITE. One other question. If the note is not paid, as I understand, the land is subject to sale for its payment?

Mr. CLAPP. Oh, no; it has nothing at all to do with the land. There is no lien on the land.

Mr. WHITE. How is the Government secured in the payment of the money that it advances?

Mr. CLAPP. The Government is secured in this way: If the Indian succeeds and gets a crop, the agent, being there co-operating with the Indian in a suggestive way, induces the Indian to recognize this obligation and pay the note.

Of course this whole plan is subject to the contingencies of some loss. Some of these Indians will not make good. In that case there is a loss to the Government.

Mr. WHITE. Then whether or not the Government will be repaid depends entirely on whether the Indian makes the money?

Mr. CLAPP. Exactly. It is the best trial in the world.

Mr. PAGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Vermont?

Mr. CLAPP. Yes, sir; with pleasure.

Mr. PAGE. I think the suggestions made by the Senator from Alabama are exceedingly wise. I want to say to him that in making up this appropriation bill it has been easy for one who has been thoughtful in the direction in which he seems to be thoughtful to see in the legislation a disposition to place

the assets of the Indian where they will become the easy prey of the bad white men who surround the Indian.

One bill now before the Committee on Indian Affairs seeks, as it seems to me, although I may be wrong about it, to consolidate the different funds of the different Indians and place those funds in local banks where the Indians reside, or near where they reside, and then give to the local Indian agents the power to say how much and when, and under what conditions, that money may be drawn out by the Indian.

It is pretty easy to see that the Indian agent is surrounded by men who are seeking to get hold of the Indian's money; and if they can become sufficiently potential with the agent, there is great danger that he would authorize the Indian to draw his funds from the local bank where they were deposited, and spend or use them as he sees fit. That he would oftentimes be quickly separated from his money can hardly be doubted.

To that class of legislation I have been decidedly opposed. I think it is wrong, and I hope it may never be permitted. I think, however, as the Senator from Minnesota [Mr. CLAPP] has said, that the use of a part of the Indian's money or perhaps the use of the Government's money to aid the Indian in the purchase of the materials with which to carry on his farming is probably the best way of solving this problem for the present. I believe, too, as he has said, that there is no one now who can as well oversee this matter as the Indian agent. I would suggest to the Senator from Alabama, however, that the temptation of the Indian agent is not anywhere near so great where he is paying out this money for a horse or a cow or a wagon as it would be were he to authorize the Indian to take the money from the bank where it was deposited to his credit and spend it as he pleased.

I make these remarks because I see the bent of the Senator's mind; and I hope that in the future, as these matters come up from time to time, he would give some consideration to what seems to me to be the purpose of a certain element, to get the money of the Indian into the hands of the local bank, where the Indian agent may control it, only to be drawn out and squandered in a very brief period.

Mr. WILLIAMS and Mr. WHITE addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Vermont yield, and to whom?

Mr. PAGE. I yield first to the Senator from Mississippi.

Mr. WILLIAMS. I should like to ask the Senator whether this money comes out of the Indian fund or out of the United States Treasury.

Mr. CLAPP. No, no; I will explain why it does not in a moment.

Mr. PAGE. I now yield to the Senator from Alabama.

Mr. WILLIAMS. One further remark in that connection. I do not see very well how we could refuse the same accommodation to a white man, if it comes out of the United States Treasury.

Mr. CLAPP. I will explain that matter in a moment—or, at least, I will try to do so.

Mr. PAGE. If I have the floor, I yield now to the Senator from Alabama.

Mr. CLAPP. I want to continue my answer to the Senator from Mississippi when the Senator from Vermont is through.

Mr. WHITE. I was induced to ask these questions solely with a view of protecting the Indian. I felt very sure that the Government itself would be protected; or, if it lost some money in developing the Indian, it could well afford to lose it. But what I wanted to accomplish was protection to the Indian, and I was led to make these inquiries from what occurred in other sections, as I gather it from history.

The Indians in my country were allowed to enter valuable tracts of land, but the Indian never received the benefit of those lands. The white man usually selected the lands for him, and then immediately became the purchaser from the Indian. In that way, as I gather from history, as stated, rather than from experience, the Indian has not always been protected; and yet we have had Indian agents where these things occurred. I wanted to ascertain if the committee had really given this part of the subject thorough consideration.

Mr. CLAPP. Of course, the committee did. The committee recognizes that we have to depend on some one.

Mr. PAGE rose.

Mr. CLAPP. I yield to the Senator from Vermont.

Mr. PAGE. In regard to what the Senator from Mississippi has said, that he can not quite see why there are any good reasons for extending this aid to the Indian when you do not extend it to the white man, I think he forgets that quite too often the Indian has no one to speak for him here in our National Congress. We find even in this bill more or less legislation which takes rights from the Indian when, in my judgment, we

should safeguard those rights. We should submit proposed legislation to the Indian and allow him to say whether he wants this or that thing done. But we do not do it. It is wrong. I think we ought to regard ourselves—and I am sure the Senator from Mississippi does—as the guardian of the Indian. We owe him a duty, and we can not discharge that duty unless we stand here and legislate for him in such a way as to protect him in the best possible manner.

I wish to urge upon the Senator from Mississippi and the Senator from Alabama that they study this bill as we proceed with it and see if we have not in many cases legislated in such a way that the Indian is not fully protected. That constitutes mainly such objection as I have to the bill. The bill as a whole is good. It has been very carefully wrought out by the Committee on Indian Affairs. There were not as many members of the committee present during its consideration as I think ought to have been on so important a bill, but I think that those who were there tried to give their best thought to the bill.

Mr. CLAPP. Mr. President, I wish to address an answer to the Senator from Mississippi, but I call attention first to one suggestion of the Senator from Vermont. In this bill we have inserted a provision, certainly as to Minnesota, that no appropriation from an Indian fund in excess of \$5,000 shall become effective until submitted to a council of the Indians. This, of course, is a matter of progress. It was not done formerly.

I will state the reason why we do not use the Indian's money under this proposed plan. We had a provision in the bill, which went out, I think, on a point of order, that where a tribe had a fund or an Indian had money to his credit—it would almost universally be a tribal fund—the department might estimate the amount that would probably come to each Indian, and within that estimate the department could advance to the Indian money to be used for these purposes.

This provision contemplates loaning money to an Indian who has no money; or if he has money, it is not his money that is loaned. We did not feel that we would be justified in taking money from an Indian fund and loaning it to an individual Indian, because it must be confessed that there is a possibility here of the loss of the loan, and we as a Government should take that risk upon ourselves. If we are going to loan this money to Indians, we should loan our money and not loan some other Indian's money to an Indian other than the one to whom it belongs.

Of course the last inquiry of the Senator is a most pertinent one, and yet there is a vast difference, it seems to me, between lending this helping hand to Indians and to white people. I am rather in sympathy with the general, broad view of the Senator from Mississippi against the idea of the Government being paternal. I am pretty nearly ready to subscribe to Mr. Tilden's great maxim, that that which the individual can do he should do, and that which the State can do it should do. But these Indians occupy a peculiar relation to us. Up to a short time ago but very few of them knew anything at all of civilization. We used to make treaties with them, where we would solemnly agree, in the old poetic language of the treaty, so long as grass grew and wind blew, that we never would invade that reservation for settlement by the white man; but, of course, the onrushing tide of the American people to the West resulted in the ignoring of those treaties. Time and again reservations were diminished; time and again the Indians were removed off to distant reservations, until there came a time when it seemed as though the wise thing to do was to divide the reservations and make an allotment to each Indian of 60 or 160 acres, or different quantities, according to the character of the land and the climate where the allotments were made.

As a result, that began to individualize the Indians. Now you have an Indian no longer in the possession of the old hunting ground, where he could hunt and trap and fish and take care of himself and family. You have thrown him suddenly into the environment of the individual or citizen without any training, without any assistance, and that we pleaded as a justification for holding out, through the Government, a helping hand to the Indian, when we would not, of course, recognize that principle generally in government.

Mr. WILLIAMS. Mr. President, I, of course, recognize the fact that we have assumed toward the Indian the relationship of guardian and ward, and that has been going on since the beginning of the history of the United States. In fact, it started before that in some of the older States. But I am a little afraid that this is a precedent which may some day return to plague us. One never knows how small a thing may be pointed back to at some time in the future.

This money comes out of the United States Treasury. It is the money collected by taxing the people of the United States. Whether the Indian be a ward or not, a guardian in managing

a ward's affairs pays out of the ward's fund; he does not pay out of somebody else's funds. If at some time in a time of distress white men should come up to the Congress of the United States and say, "We do not ask you to give us money, but we ask you to give us a mule, we ask you to give us a horse, we ask you to give us a plow, we ask you to give us a harrow, we ask you to give us what is necessary to cultivate land"——

Mr. CLARKE of Arkansas. What about the "40 acres and a mule" that we use to hear down in Mississippi?

Mr. WILLIAMS. We reply to them, "We can not do that; we can not take the money of the people collected by taxation and give it to you for the purpose of enabling you to make a success with your farm. If we begin that once we will have to give saws and hammers and adzes and planes to the carpenter; we will have to give anvils and other things to the blacksmith; we will have to carry it all through our society." You go on and tell such a man how that is wrong, that it violates every principle. You tell him that there was a time lately after the war when that sort of cry about 40 acres and a mule, as has been suggested by the Senator from Arkansas, was in the air. You go back still further in the history of the world and tell him how the Roman people were absolutely pauperized and ceased to be the great people of Rome and became a mere howling populace by the free distribution of corn on the part of the government, and how it is the duty of the citizen to support the Government and not the duty of the Government to support the citizen. After you are all through with it, after you have made your argument in the best way that you can, impregnable as it is, based upon sound governmental as well as sound ethical principles and sound social principles, he turns around to you and says, "Yes, but I find that at a certain time you did do this identical thing for the Indian; you took the money out of the Treasury; and the Indian did not put any of it there even, and I have put some in." Now, what is the answer to be made to him?

Mr. OWEN. Mr. President——

Mr. WILLIAMS. There is absolutely none.

Mr. CLAPP. I think there is.

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Oklahoma?

Mr. WILLIAMS. Yes.

Mr. OWEN. Let me appeal to the Senator from Mississippi and call the Senator's attention to the fact that these poor, dependent Indian people are regarded as the wards of the United States.

Mr. WILLIAMS. I just said that.

Mr. OWEN. That puts them in a different class from the others.

Mr. WILLIAMS. That is what I explained also. When I am a man's guardian I take care of him out of the estate to which the ward has a right and a title.

Mr. OWEN. Suppose that the ward had no estate?

Mr. WILLIAMS. The American people have robbed the Indians from the beginning of time, and they have committed torts against them that constitute a page of shame.

Mr. OWEN. Does not that justify some retributive justice?

Mr. WILLIAMS. That would justify going to work and investigating and finding out and making an indemnity, not in the shape of a loan to the Indians, but an indemnity to the Indians themselves. For example, there are Indians in my own State who have been treated with a degree of injustice that cries to heaven. I have been crying to heaven for them upon this floor, and there is no justice thus far. But that does not come down to this point. Here is an individual Indian. It is not the Indians tribally; it is not our Government making restitution to the Indians generally, as I doubt not it might well do; but it is just saying to an individual Indian, "I will advance you this much."

Mr. LANE. I should like to make a suggestion to the Senator that he should take into consideration the fact that the Government has expended a large sum of money, which has been made a charge upon Indian lands in some cases, and then has given the Indian a limited period in which to make use of that land and not a cent or a tool to do it with.

Mr. WILLIAMS. I understand. I heard the Senator a moment ago. That is absolutely an iniquity; there is no doubt about that. But to say to a man, "Here is so much land that you may have; I will give you two years to make the first payment in," when you know at the very time that the man is utterly powerless to exploit the land or to use it in any way, is holding out apples to his eyes and giving him ashes upon his tongue.

But all that is beside this question. I am not arguing this from the Indian standpoint; I am arguing it from the Govern-

ment standpoint. It is a poisoned chalice that I am afraid will be returned to our own lips at some other time by somebody else. We are traveling along rapidly toward State socialism. Every indication of the time is in that direction. That is the universal trend.

Mr. CLAPP. Mr. President—

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Minnesota?

Mr. WILLIAMS. Yes.

Mr. CLAPP. Of course, I appreciate the drift of the Senator's argument; every student of the times realizes the trend; but here, it seems to me, there is a plain line of demarcation. The ordinary citizen is not the ward of the Government; the Government is the ward of the citizen; but under the relation we sustain to the Indian the condition is reversed, and the Indian is the ward under any theory of Government that we might attempt to evolve.

Mr. WILLIAMS. I appreciate that.

Mr. CLAPP. That being true, there being that plain line of demarcation it seems to me, whenever the time comes to meet this incoming wave, anyone can plant himself upon that line of demarcation.

Mr. WILLIAMS. In answer to that I will say I do not think the reply meets the objection. If I were a guardian of a lot of children I would not consider that it justified me in taking my own children's money to help them. I might take my own money as a mere matter of generosity. This money in the United States Treasury is not the money of the Indians; it is the money of the children of the Republic.

I want to do the very thing that the Senator wants to do, and I think maybe it can be done in some other way. I think, for example, if you were to make these Indians of the Colorado River and Yuma Reservations an appropriation of so many dollars to the tribe, to be used in this way, and put it upon the ground of a restitution from this Government to the Indians, not to a particular Indian, and then if you were to allow the individual Indians to draw this money out of what had then become a tribal fund, you avoid the precedent; you fix it so that a precedent can not be pleaded. You know very well we have owed those Indians more than that; we have taken more than that away from them.

Mr. WHITE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Alabama?

Mr. WILLIAMS. I yield to the Senator from Alabama.

Mr. WHITE. Is not that a mere means of accomplishing the same end?

Mr. WILLIAMS. Absolutely, and avoiding the precedent.

Mr. WHITE. Have we not already the precedent? These Indians are esteemed and held as the wards of the Nation. They have always been held that way, and, like a great many other wards, they have been robbed.

Mr. WILLIAMS. Yes; they have been.

Mr. WHITE. Now, then, if they are the wards of the Nation, should they not be treated as we treat the wards of the State and the Nation, and do we not treat the wards of the State and the Nation in just this way when we appropriate from the public treasuries money to educate the children of the State and Nation?

Mr. WILLIAMS. Oh, no. In that case the man who pays the money receives the benefit. I shall not vote against the amendment, Mr. President, finally, but I merely wanted to warn Congress against precedents of this description.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. ASHURST. Mr. President, it was my intention to make a somewhat short reply to the arguments which have been made. I felt that I ought to say something. But so much was said, and so well said, by other Senators on the subject, especially by the Senator from Minnesota [Mr. CLAPP], that I see no occasion for me to make any further explanation. However, I do want to say that the Senator from Arkansas [Mr. ROBINSON], the Senator from Minnesota [Mr. CLAPP], and the Senator from Michigan [Mr. TOWNSEND], and other Senators gave especial attention for months to this question of revolving appropriations.

Briefly, in reply to the Senator from Alabama [Mr. WHITE], who asked if the committee considered this item, I wish to say that not only had that policy been considered by the committee diligently for months but the great policy as to how to deal with the question had been considered for years.

The PRESIDING OFFICER. The next amendment of the committee will be stated.

The next amendment was, on page 25, after line 9, to insert:

That so much of the Indian appropriation act approved June 30, 1913 (38 Stat. L., p. 85), as makes reimbursable out of the tribal funds of the Indians of the San Carlos and Fort Apache Indian Reservations an appropriation for the construction of two bridges on the San Carlos Indian Reservation in Arizona be, and the same is hereby, repealed.

The amendment was agreed to.

The next amendment was, on page 25, after line 16, to insert:

For investigation recommended by the Board of Engineer Officers of the United States Army, as set forth in paragraph 217 of their report to the Secretary of War on February 14, 1914, House Document No. 791, Sixty-third Congress, second session, and report as to the supply of the legally available water, acreage available for irrigation and titles thereto, the maximum and minimum estimated cost of the San Carlos irrigation project, including dam and necessary canals, ditches, and laterals, with recommendations and reasons therefor and the probable cost of adjudicating the water rights along the Gila River necessary thereto, and to take the steps necessary to prevent the vesting of any water rights in addition to those, if any, now existing until further action by Congress, \$50,000.

Mr. LANE. I ask the chairman of the committee if there is any time fixed for this report to be made and how long he thinks it will take? It seems that work has been going on upon this project now for two years, and in the meantime the settlers and the Indians have become discouraged and are being forced to the wall. Should there not be fixed a definite date for the report to be brought in by this board?

Mr. ASHURST. I entirely agree with the suggestion of the Senator from Oregon. I hope he will move an amendment to the amendment to that effect.

Mr. LANE. I will ask that the amendment may go over until I can consult with the Senator.

Mr. SMOOT. I, too, ask that the amendment may go over.

The PRESIDING OFFICER. Without objection, the amendment will be passed over for the time being.

The next amendment was, under the head of "California," in section 3, page 26, line 9, after the word "employees," to strike out "\$42,000" and insert "\$50,000," so as to make the clause read:

For support and civilization of Indians in California, including pay of employees, \$50,000.

The amendment was agreed to.

The next amendment was, on page 26, after line 12, after the word "Indians," to strike out "\$10,000" and insert "\$20,000," so as to make the clause read:

For the purchase of lands for the homeless Indians in California, including improvements thereon for the use and occupancy of said Indians, \$20,000, to be immediately available and to remain available until expended, said funds to be expended under such regulations and conditions as the Secretary of the Interior may prescribe.

The amendment was agreed to.

The next amendment was, on page 26, line 17, before the words "Indian pupils," to strike out "twenty-five" and insert "fifty"; in line 18, after the word "superintendent," to strike out "\$104,000" and insert "\$109,400"; in line 19, after the word "improvements," to strike out "\$10,000" and insert "\$20,000"; and in line 20, after the words "in all," to strike out "\$114,000" and insert "\$129,400," so as to make the clause read:

For support and education of 650 Indian pupils at the Sherman Institute, Riverside, Cal., including pay of superintendent, \$109,400; for general repairs and improvements, \$20,000; in all, \$129,400.

The amendment was agreed to.

The next amendment was, on page 27, line 1, after the word "hundred," to insert "and twenty-five," and in line 2, after the word "superintendent," to strike out "\$16,400; for repairs and improvements, \$3,600; in all, \$20,000" and insert "and for repairs and improvements, \$25,000," so as to make the clause read:

For support and education of 125 Indian pupils at the Fort Bidwell Indian School, Cal., including pay of superintendent, and for repairs and improvements, \$25,000.

The amendment was agreed to.

The next amendment was, on page 27, after line 9, to insert:

The Secretary of the Treasury is hereby authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, the sum of \$5,000 to Mrs. May Stanley, widow of Will H. Stanley, late superintendent of the Soboda Indian School in California, who lost his life in the discharge of his duty. Also to pay for medical and other necessary expenses, including funeral and administration expenses incurred in connection with the death of said Will H. Stanley and the shooting of Sello Serrano, Indian policeman, \$1,000, or so much thereof as may be necessary.

Mr. SMOOT. I wish to ask the Senator from Arizona if a bill for this same item has not passed the Senate, and whether it was a House bill or a Senate bill?

Mr. CLAPP. I can answer the question. It was a Senate bill, not a House bill.

Mr. SMOOT. Does the Senator know what became of it in the House?

Mr. CLAPP. It went the way of many another bill.

The amendment was agreed to.

The next amendment was, under the head of "Idaho," in section 5, page 28, after line 4, to insert:

For new buildings and their proper equipment at the sanatorium at Fort Lapwai, Idaho, including the purchase of improvements on land to be deeded to the Government by the school board of district No. 57, State of Idaho, \$40,000.

The amendment was agreed to.

The next amendment was, on page 28, line 11, after the word "system," to strike out "\$20,000" and insert "\$40,000," so as to read:

For maintenance and operation of the Fort Hall irrigation system, \$40,000, reimbursable to the United States out of any funds of the Indians occupying the Fort Hall Reservation now or hereafter available.

The amendment was agreed to.

The next amendment was, on page 28, line 13, after the word "available," to insert:

Provided, That the use of so much water as may be necessary to supply for domestic, stock-watering, and irrigation purposes, land allotted or to be allotted to Indians on the Fort Hall Reservation or set aside for administrative purposes within said reservation, is hereby reserved, and the failure of any individual Indian or Indians to make beneficial use of such water shall not operate in any manner to defeat his or her right thereto. All laws or parts of laws in conflict herewith are hereby repealed.

Mr. BORAH. Mr. President, I desire to raise a point of order upon the amendment, beginning with the word "Provided."

Mr. LANE. Before the Senator raises a point of order I should like to make a statement to him about the amendment. It would be very disastrous if this provision should go out of the bill. It would mean utter ruin to a lot of poor, helpless people who are wards and over whom the Government has absolute control and has exercised it, which Government, through Congress and this Senate, is a party to the transaction. The transaction is as wicked a one as was ever practiced on a helpless individual, wherein Congress has circumscribed the rights of these Indians, taken their money to put water upon the land, or, rather, made their land responsible for the expenditures, and then has given them two or three years in which to put that land under cultivation, and has failed, as guardian in charge of their funds should have done, to pay out one cent for the purchase of a plow, or a harrow, or a team, or a wagon, or a pound of seed. It has left them barehanded upon the land. It would take a white man from 5 to 20 years to make the improvements on that kind of land with all the money he could borrow and every agricultural implement he could get. I ask the Senator not to raise the point of order.

Mr. BORAH. There is nothing of that kind going to happen, Mr. President. Is the Senator referring to the amendment on page 28?

Mr. LANE. I am referring to the condition that it is intended to cover in Montana. I do not know whether it applies to the Fort Hall Reservation, but it applies to so many of them that I assume this is one of the number.

Mr. BORAH. This is the provision:

Provided, That the use of so much water as may be necessary to supply for domestic, stock-watering, and irrigation purposes land allotted or to be allotted to Indians on the Fort Hall Reservation or set aside for administrative purposes within said reservation is hereby reserved, and the failure of any individual Indian or Indians to make beneficial use of such water shall not operate in any manner to defeat his or her right thereto. All laws or parts of laws in conflict herewith are hereby repealed.

Mr. President, the Government of the United States has no control over the water rights of the State of Idaho. Those water rights must be controlled by the State laws and are controlled by the State laws. If the Indians are entitled to this water upon these lands, they must comply with the State laws in order to get the water. This is an attempt to do, in the first place, what we ought not to do even if we had the power to do it; and, in the second place, it is attempting to do what we have not the power to do—that is, to control the manner of securing water rights and reserving water rights upon lands within the State. I do not know of the condition of affairs with reference to Fort Hall to which the Senator refers. I do not know of any Indian being wronged; but if so, this is not the way to protect him, for it will not protect him if his right is contested.

Mr. LANE. I think that it applies to Fort Hall as well as to other reservations. There is the difference between the case as it applies to the white man and to the Indian; they are not upon equal terms. The white citizen, the farmer, is a free agent, while the Indian is a ward. The white settler can procure means; he can borrow money or furnish his own capital, go to work upon his land and improve it within a certain fixed time, as set forth by the laws of the State of Idaho or of Montana or of any other State; but the Indian, I repeat, is a ward; he has no independent means, but only such money as is doled

out to him by the Federal Government. The Indians have in some cases millions of dollars' worth of property and hundreds of thousands of dollars in the Treasury, but they are not allowed to draw one cent of it. The Government furnishes them no means whatever with which to improve his land and then holds them to a fixed time in which to make good their title to the water right, and they are inevitably bound to lose it. That is what this provision was intended to remedy.

Mr. BORAH. This provision would not protect the Indian.

Mr. LANE. But it is an attempt to do so.

Mr. BORAH. It is an attempt to mislead the Indian as to his rights and to persuade him to believe that he can rest upon his oars and still reserve his rights.

Mr. LANE. No.

Mr. BORAH. The Indian can not rest upon his oars nor Congress can not provide that he shall reserve this water, because the State of Idaho disposes of the water within its boundaries.

Mr. LANE. I wish, in answer to that, to say that it is not intended that the Indian should rest upon his oars; but this bill contains in addition to that a provision by which the Indian Bureau is allowed to advance the Indian money with which to put in his crop and to purchase the necessary tools and agricultural implements, which he repays from a revolving fund. In that way it is trying to help him in this condition where, under the law passed by Congress, he would be inevitably bound to lose his land unless we do something for his relief, and this is an attempt to do that.

Mr. BORAH. It is a perfectly futile attempt.

Mr. TOWNSEND. I wish to ask the Senator a question. I do not believe I quite understand his position in reference to this water. Here is an appropriation made out of the Indian's money for the purpose of maintaining and operating an irrigation system. This appropriation could not, or ought not, to be made out of the Indian's money, unless it were for the benefit of the Indian. Now, it is supposable that there are some benefits which are accruing to the Indian from the use of his money which was expended on this project. The object of this amendment, as I understand it, is to make it possible for those Indians to take advantage of the water which their money had conserved and stored and provided for distribution. Unless we do have some provision in the bill whereby some time can be granted, of course the Indian would have no right and would derive no benefit from the expenditure of his own money.

Mr. ASHURST. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Arizona?

Mr. BORAH. I yield to the Senator from Arizona.

Mr. ASHURST. Mr. President, regarding the act of March 3, 1907, as was pointed out, I believe, by the Senator from Oregon [Mr. LANE], however honest the intention of the legislators, however much they might have tried to protect the Indians, it has become obvious at least to the Bureau of Indian Affairs and to the Committee on Indian Affairs that a flagrant and a grave injustice has been perpetrated upon certain Indians in the Northwest—I do not recall that it was upon these Indians—by the passage of that act; in other words, the application of that law works about as follows: The money belonging to the Indians derived from the sale of their lands was set apart for the purpose of constructing irrigation and reclamation projects. The Indian lands were liable to pay for the same, but the lands of the white settlers were not so liable. If the Indian lapsed, if he made failure or default in the payment, he lost his rights to the land and to the water, but the white settlers stood no chance to lose; in other words, it is a case of where the Indian stood to lose and the white settler did not. This amendment, I realize, is probably going to provoke much discussion, but the committee was unanimously of the opinion that it is sound, wise, just, and salutary legislation.

I enter with considerable trepidation into any argument with the distinguished Senator from Idaho [Mr. BORAH], because he is one of the soundest lawyers not only in the Senate but in the Nation. It is, however, the opinion of the committee, if I have permission to speak for them, that upon Indian reservations the timber, the water wholly thereon, excluding navigable streams of course, unless there has been some specific reservation made in the treaty or in the Executive proclamation or in the legislation reserving the waters to the Government, belong to the Indians who occupy and own the reservation. The committee were unanimously of the opinion that this legislation was wise and salutary in this, that where an Indian reservation was opened and the sale of land to the general public was conducted, the moneys—and I ask the especial attention of the Senator from Idaho to this point—derived from the sale of Indian lands were applied to the construction of an irrigation project, which incidentally or, for its main purpose, permitted

settlers to locate thereon. It was nothing but common justice and well within legal right and power of the Government to provide by law that the waters upon what had previously been that reservation should belong to the Indian, and that by reason of a failure, default, or a neglect on his part, he should lose none of his rights, for the obvious reason that an Indian is incompetent to make a proper and legal appropriation of water—

Mr. SUTHERLAND. Mr. President—

Mr. ASHURST. Just one moment, until I finish this thought, which is that while the various States may do as they see fit with respect to the waters under their control—and all the waters are under their control except navigable streams and waters wholly within an Indian reservation—the waters wholly upon an Indian reservation are under the jurisdiction of the United States.

Mr. SUTHERLAND and Mr. MYERS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Arizona yield, and to whom?

Mr. ASHURST. The Senator from Utah [Mr. SUTHERLAND] first rose, and I yield to him, and then, of course, I shall yield to the Senator from Montana [Mr. MYERS].

Mr. SUTHERLAND. This water, as I understand, is running water.

Mr. ASHURST. It is running water at times; yes.

Mr. SUTHERLAND. It is in a stream which runs off the reservation to some other part of the State, does it not?

Mr. ASHURST. As to this particular reservation, I confess I am unable to say, but there are instances where it does and some where it does not.

Mr. SUTHERLAND. On page 86 the same sort of an amendment is made as to the appropriation in my own State as to the Uintah Reservation. I am familiar with the situation there, and I know the water there is running water, and that it runs off the reservation somewhere else. Does not the Senator from Arizona recognize the fact—

Mr. BRADY. Mr. President—

Mr. SUTHERLAND. Just a moment—that such waters are absolutely under the control of the State, that appropriation of the water must be made under the laws of the State for a beneficial use, and that they must be put to a beneficial use? That is the law of the Western States.

Mr. ASHURST. In answer to that question, I will say, given an Indian reservation, the moment it is created an Indian reservation, if it is properly and legally done, it is withdrawn from the domain of public lands.

Mr. SUTHERLAND. It does not withdraw the running waters; that is an impossibility.

Mr. ASHURST. That is a difference of legal opinion.

Mr. SUTHERLAND. How can you withdraw a thing that by its very nature runs off the reservation?

Mr. ASHURST. Of course the waters that have left the reservation and have entered into or upon the public land in our Western States belong to and are under the exclusive control of the State.

Mr. SUTHERLAND. Let me ask the Senator this question, then: Suppose we pass this legislation, reserving the waters upon this reservation to the Indians, and that the white settlers outside of the reservation appropriate the water under the law of the State, does the Senator think that this legislation would give the Indians a right to that water as against the white settlers, the citizens of the State, who had appropriated the same water outside of the reservation?

Mr. ASHURST. The appropriation by the white settlers presupposes that the waters have not theretofore been by lawful authority appropriated for another purpose.

Mr. SUTHERLAND. But, I say, suppose that we pass this legislation, two years from now or five years from now—because under this provision the reservation of the water for the Indians is apparently for all time to come—the Indians still have not put the water to a beneficial use, and some citizen in Idaho outside of the reservation appropriates the water. The Senator is a lawyer and is familiar with the laws relating to the waters in the various arid-land States. What would the Senator say as to the kind of title the citizen would have who had appropriated water outside of the reservation under the laws of the State?

Mr. ASHURST. The citizen who made the appropriation would have the right to have the water which he thus appropriated, so long as he applied it to a useful and beneficial purpose, come down to him undiminished in quantity and unpolluted in quality.

Mr. SUTHERLAND. He would have a better right under the laws of the State of Idaho than the Indians would have under this law of the United States, would he not?

Mr. ASHURST. How is that?

Mr. SUTHERLAND. The citizen appropriating the water in Idaho under the laws of Idaho would have a better right to it than the Indian, whose rights were attempted to be reserved by this law of the United States, would he not?

Mr. ASHURST. He would have a better right to it if he went out upon the public domain and located, appropriated, and turned to a beneficial use water that was theretofore previously unappropriated. The point in this legislation is this: It was the intention of the committee—and I might say this legislation was drafted and prepared by the Indian Bureau—to preserve and protect, for the benefit of the particular Indians, all the waters which are upon or rise in that particular reservation and have not been previously appropriated.

Mr. SUTHERLAND. Well, Mr. President, if the Senator will permit me, I should like to call his attention to—

Mr. BORAH. Will the Senator allow me just a moment?

Mr. SUTHERLAND. Yes.

Mr. BORAH. It seems to me, Mr. President, that the Senator from Arizona in stating the proposition demonstrates the uselessness and the ineffectiveness of this provision, for this reason: Unless this water is subject to appropriation by the citizens of the State, unless some one could go in and establish a priority of use to this water, then this provision is not necessary. If it is on an Indian reservation and belongs to the land as an appurtenant to the land, and so forth, then this act is not needed. This provision contemplates that a citizen may go there and appropriate that water. If a citizen does go and appropriate the water under the State law, then this provision will be wholly ineffective to protect the Indians, if the water is subject to appropriation at all; in other words, the citizen may take it, and this provision can not prevent his doing so.

Mr. ASHURST. Will the Senator state that a citizen or other person may go upon an Indian reservation now and make a lawful appropriation of water?

Mr. BORAH. If the water has not been appropriated, he may establish his priority to the use of the water, and simply because it is running across an Indian reservation does not prevent his doing so.

Mr. ASHURST. I lay it down that a person may not go upon an Indian reservation and appropriate water without the consent of the Interior Department.

Mr. BORAH. Well, Mr. President—

Mr. ASHURST. Assuming that my premise is correct, that an individual may not appropriate water upon an Indian reservation, for the obvious reason that it has previously been appropriated for another purpose, it was the intention of the committee, however impotent our work may appear, to preserve that status, so that after the reservation was opened and the lands were sold and the general public acquired them, under no guise or disguise could anything thereafter happen whereby a lapse on the part of the Indian—who obviously can not take care of himself in many instances—could cause him to lose the water that he possessed while he was living upon the reservation in tribal relations with the other Indians.

Mr. LANE. Mr. President, I should like to say that it went further than that, for the reason that the law under which the reclamation scheme was established gave the Indians a certain and definitely limited time in which to make use of the water, that time in some cases not being over two years. The Senator knows as well as I do, for we both come from sections of the country where land is irrigated, that that is not sufficient time for an Indian, a white man, or anyone else, and it was to cure that defect in the previous law which circumscribed the time in which he could apply it that this provision has been adopted.

Mr. SMITH of Arizona. Mr. President—

Mr. BORAH. Just a moment, and then I will yield to the Senator from Arizona.

Mr. President, I am not, in one sense, very anxious about this provision, for the reason that I regard it as wholly ineffective in so far as it relates to the waters of the State of Idaho, but I think it a bad precedent to undertake legislation of this character. I think it is unwise to attempt to do that which we have no power to do, because it is more calculated to mislead the Indian than it is to benefit him. The waters which flow in the State of Idaho, which rise in and pass over land in the State of Idaho, are subject to distribution by the laws of that State, and the laws of that State alone. The United States itself, if it wants to acquire water for the purpose of a Government reclamation project, must go upon the stream and comply with the statutes of the State of Idaho. The Government itself can not get a foot of water in that State except by complying with the laws of that State. It has been decided too often to make it necessary to recall it here, even if I had the time to do so, that the waters belong to the State and are subject to the

laws of the State, to be disposed of only by the laws of the State.

The only interest in the world that the National Government has in water is in navigable streams, to keep the streams open for navigable and commercial purposes, and nothing else. For all other purposes it is exclusively within the jurisdiction of the State. If these Indians are to be protected, they can not be protected by an act of Congress in regard to this matter. We are doing a vain and delusive thing. They must get and hold their water rights under State laws, and I object to this effort to establish a precedent to the effect that Congress may dispose of or distribute the waters within the State.

Mr. ASHURST. Does the Senator from Idaho believe that the Legislature of the State of Idaho has plenary power over the water on Indian reservations?

Mr. BORAH. I have no doubt about it, Mr. President; and I can bring the authorities here to the Senator that the question of an Indian reservation cuts no figure in the proposition at all, unless it be an instance where there is a spring upon a piece of land, the water of which does not leave the land, but belongs to and is appurtenant to the land, as it were. But the flowing public streams are subject to State laws as to appropriation of the waters. Water flowing in a stream or water which belongs to a public stream of the State is subject to the control of the State, notwithstanding the fact that it may flow over or rise upon an Indian reservation.

Mr. ASHURST. Assuming that all the waters falling on an Indian reservation are conserved upon and stored upon an Indian reservation, does the Senator think that then Congress would have the power to deal with that water?

Mr. BORAH. Congress might be able to deal with that, because that would come under the rule which I have just stated, where waters are impounded and where they never leave the reservation or can not leave the reservation, where they are a part of the land and appurtenant to it, as it were, but this is a different proposition.

Mr. ASHURST. This legislation contemplates just the case I have last mentioned.

Mr. BORAH. Here is a reservoir which is fed by a public stream. You can not impound the waters of that public stream and hold them there. The white settlers of the State are entitled to have that water when no one else is using it. That is the law of the State of Idaho. It is provided in the State constitution, and again provided by the State statutes, that water can not be appropriated except it be applied to a beneficial use; and when it ceases to be applied to a beneficial use, it reverts again to the public and is subject again to appropriation. It is one of the wisest laws that was ever enacted, and it grew out of the necessity which the pioneer found when he entered the great arid regions of the West.

Mr. PAGE. Mr. President—

Mr. BORAH. Just a moment. I am not willing, without a word of protest at least, that it shall be assumed here that Congress can dispose of the waters of the State. It is a vital question to us in the West, and, while this is not a large matter—that is, not a matter of tremendous scope—yet how easy it would be in some instances for the Congress of the United States to tie up the streams of some of the Western States if they did get control over this water.

Mr. PAGE. Mr. President, I should like to ask the Senator from Idaho a question just to aid me in determining how I shall vote in regard to this whole paragraph. It is true, I think, as has been said by the chairman of the committee, that the Assistant Commissioner of Indian Affairs came before us and stated that we had been appropriating money for several years for these irrigation projects, and that the Indians were protected by a proviso that they should have a given time within which to make beneficial use of the water under the irrigation projects. The question arose as to whether we should continue these appropriations. You will observe that we increased the appropriation in this instance from \$20,000 to \$40,000. I want to ask the Senator from Idaho whether he thinks we ought to continue these appropriations if it is a fact that the Indian is to receive no benefit from them, simply because under a State statute, not having made beneficial use and not being able to make beneficial use of the water, his right lapses? Should we pass these appropriations unless we can protect the Indians?

This appropriation is qualified by the proviso to which the Senator has referred, and there are several similar appropriations for irrigation projects in this bill accompanied with a proviso that the Indian shall not lose his right after a certain time.

Mr. BORAH. Mr. President, the Senator from Vermont understands that the Indians already have appropriated a vast amount of water rights and are using them. This irrigation system must be kept up for those who have water rights and are availing themselves of them and who will avail themselves of their rights under the laws of the States. This appropriation is just as necessary, in my judgment, without the proviso as it is with it, because this is not a proposition where there are no rights yet acquired and where no water has been appropriated by the Indians, but it is an instance in which a vast amount of water has already been appropriated and where the Indians are irrigating their lands and farming. The irrigation system must be kept up for that purpose.

Mr. PAGE. But, as I understand, Mr. President, the Indian's money has been taken for these irrigation projects and if now by force of law he is soon to lose all the benefits because he has not made beneficial use, it seems to me a great hardship will be worked on him. As has been well said by the Senator from Oregon [Mr. LANE], the Indian has not been able to make that beneficial use; he has not been able to farm the different sections which he owns, although he might use this water if he had the means to buy implements and cattle and horses. That being the case, unless I see some further light in regard to this matter and unless I am satisfied that the Indian's rights there are not going to lapse I must refuse to vote for this appropriation entirely.

Mr. BORAH. Any rights the Indian has can not lapse. What you are trying to do is to preserve a right which he does not possess.

Mr. PAGE. It certainly can not do any harm to have this proviso, which has been suggested by the department, incorporated in the bill. Like provisos have been attached to probably half a dozen similar appropriations in this bill.

Mr. BRADY and Mr. SMITH of Arizona addressed the Chair. The PRESIDENT pro tempore. The senior Senator from Idaho [Mr. BORAH] has the floor.

Mr. LANE. I should like to say for the information of the Senator—

Mr. BRADY. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Idaho yield to his colleague?

Mr. BORAH. I yield.

Mr. BRADY. Mr. President, I am very familiar with the Fort Hall Indian Reservation. I built most of the canals on that reservation about 15 years ago, and have kept in close touch with the situation relative to the water on the reservation during all those 15 years. While I heartily agree with my colleague [Mr. BORAH] relative to the proviso, I am fully convinced that no law we could pass would in any way affect the use of the water rights, yet I will say something that I know the chairman of the committee and the other members of the committee will be glad to hear, and that is that there is no danger of the Indians losing their water rights on the Fort Hall Indian Reservation if they continue the same line of work that they have been doing.

Three hundred feet of this water is taken from the Snake River by canals leading to the reservation. That is sufficient to irrigate about 20,000 acres of land. Some of the Indians have been using that water for 12 or 14 years, and others for only 8 or 9 years; but they have used all of that 300 feet of water. It has been put to a beneficial use, and has been awarded to the Indians by the courts, so that there is no question about their right to that water.

Mr. PAGE. May I interrupt the Senator to say that the Assistant Commissioner of Indian Affairs distinctly stated before our committee that the Indians were losing their rights and that it was to protect the Indians' rights that this proviso was inserted? I believe I should say that I think the proviso is subject to a point of order, but when you speak of the rights of the Indians not lapsing—

Mr. BRADY. I have not finished, Mr. President.

Mr. PAGE. I beg the Senator's pardon.

Mr. BRADY. I was simply speaking of the water that has been proved up on from the Snake River. There was not sufficient water derived from the Snake River to irrigate the remainder of the 40,000 or 45,000 acres of land in the reservation which the Indians still retain and hold. The Government created what is known as the Blackfoot Reservoir, about 24 miles above the Indian reservation, at the head of the Blackfoot River, in a splendid watershed, and they there impounded sufficient water to irrigate the remainder of the 45,000 acres.

That land was purchased by the Government, and there is a provision in this bill for some small amount of damages still unpaid. When the Government pays the damages provided

for in this bill, then it will own that reservoir and all the water in it, and it will have the right to rent it out if it so wishes or to keep it in the reservoir if it is desired to do so. Although part of that water has been put to a beneficial use, all of it has not been for the reason that a great number of canals have not been completed, and you will find that the Commissioner of Indian Affairs recommended this increase to \$40,000 for the purpose of building these canals. The main canals are built, but they want to build laterals leading to the farms, so that the Indians can put this water to a beneficial use. Therefore I think this particular reservation is in better shape than almost any of the reservations in the western country.

Mr. TOWNSEND. May I ask the Senator what portion of the water provided by this appropriation is going to the Indians and what proportion to the whites?

Mr. BRADY. About 45,000 acres will go to the Indians and about 10,000 acres have been sold to the whites. What the whites have does not come in under this head at all. That has been provided for and has been put to a beneficial use.

Mr. TOWNSEND. Does the Senator mean to say that no part of this appropriation will be used for the benefit of the white settlers?

Mr. BRADY. My understanding is that it is all to be used on the Indian reservation. This is simply, as I understand, to carry out the recommendation of the commissioner to complete the canal and get it in shape so that it will deliver the water.

Mr. TOWNSEND. That was not my understanding.

Mr. PAGE. I hope the Senator from Idaho will be able to give me an explanation of this matter before it comes up later. At present we are considering the committee amendments, and therefore I suppose an amendment to strike out the first four lines, beginning with line 10 on page 28, would not be in order at this time. Unless I am satisfied, however, that fair and reasonable protection is offered to the Indians, I shall move at the proper time to strike out the entire appropriation, because I believe the assistant commissioner is correct when he says that the lands of these Indians, or their rights to the irrigation project, are lapsing from time to time because they are unable to make beneficial use of them.

Mr. BORAH. Mr. President, the Senator's remark reminds me of what is constantly happening here with reference to the western country. Senators come here from these States who live in close touch with the situation. They know all about it. They are supposed to know the interests of their States and their people, and yet they are constantly overridden in their judgment and in their views by some clerk in the department.

The Commissioner of Indian Affairs can not possibly know as much about this matter as the people who come here and represent this part of the country. There is no one upon the floor who will undertake to support the proposition that you can, by act of Congress, take away the right of a State to control its affairs with reference to its water.

Mr. LANE. Mr. President—

Mr. BRADY. I yield to the Senator from Oregon.

Mr. LANE. I should like, in order to throw a little light on this subject, to read what was brought out at the hearings before the Committee on Indian Affairs when this matter was under consideration.

The PRESIDENT pro tempore. Before the Senator reads, let the Chair inform himself as to what is actually pending and in what parliamentary form. What action does the senior Senator from Idaho desire the Senate to take in connection with this proviso?

Mr. BORAH. When I began to discuss it I said that I should raise the point of order to the effect that it was general legislation.

The PRESIDENT pro tempore. Does the Senator present that point at this time?

Mr. BORAH. Yes.

The PRESIDENT pro tempore. The point of order will be sustained.

Mr. LANE. Mr. President, I asked the Senator not to do that until there was a thorough understanding of this matter, for the reason that this goes far and reaches into the heart of the bill. I should like to have Senators thoroughly understand the matter before the Senator from Idaho raises the point of order, for it is going to have a very disastrous effect, if not upon those Indians particularly, upon other Indians who are similarly situated.

The PRESIDENT pro tempore. The matter has been disposed of. The Chair can not consent to have it debated any further.

Mr. LANE. Then, Mr. President, I should like to address the Chair upon the bill.

The PRESIDENT pro tempore. When we reach an amendment which is subject to debate the Senator will be recognized. Debate is not in order on a point of order under our rules. The Secretary will continue the reading of the bill. We will reach another amendment in a moment, and then the Senator can address himself to it.

Mr. MYERS. If the Senator from Oregon is not recognized, I should like to be recognized.

The PRESIDENT pro tempore. The Chair feels under an obligation to recognize the Senator from Oregon as soon as we reach an amendment that is debatable.

Mr. MYERS. I rise to a question of personal privilege, then. The PRESIDENT pro tempore. The Chair is disposed to be very liberal in regard to debate. The Senator from Oregon will be recognized. The Senator has the floor.

Mr. MYERS. If the Senator from Oregon wishes to discuss anything, I do not want to take him from the floor, but I thought he was not ready.

Mr. LANE. I was entirely ready. Of course, if it is out of order for me to say anything about the bill—

The PRESIDENT pro tempore. No; it is not. The Senator can say anything he wants to say, but there must be some proposition pending before the Senate.

Mr. MYERS. Then I wish to yield to the Senator from Oregon.

Mr. LANE. I wish to ask—

The PRESIDENT pro tempore. The Senator will please suspend until the Secretary can state the next amendment.

Mr. LANE. Very well.

The PRESIDENT pro tempore. Then the Senator can proceed in the usual way.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 29, after line 4, to insert:

There is hereby appropriated the sum of \$50,000, to be immediately available and to remain available until expended, and the Secretary of the Interior is authorized to use this money, or so much thereof as may be necessary, under such regulations as he may prescribe, for the promotion of civilization and self support among the Indians residing and having tribal rights on the Fort Hall Reservation, Idaho, the said sum to be expended in the purchase of seed, live stock, vehicles, harness, machinery, tools, implements, and other agricultural equipment, and for such other purposes as the Secretary of the Interior may deem proper in promoting their civilization and self-support: *Provided*, That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States on or before June 30, 1925, and all repayments to this fund made on or before June 30, 1924 are hereby reapportioned for the same purpose as the original fund, and the entire fund, including such repayments, shall remain available until June 30, 1924; and all repayments to the fund hereby created which shall be made subsequent to June 30, 1924, shall be covered into the Treasury and shall not be withdrawn or applied except in consequence of a subsequent appropriation made by law.

Mr. LANE obtained the floor.

Mr. MYERS. Mr. President, may I interrupt the Senator for a minute?

Mr. LANE. Yes.

Mr. MYERS. I will ask, before the Senate launches into a general discussion of the bill, if I may make a personal statement of about a dozen words?

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from Montana?

Mr. LANE. I yield; but I was not about to precipitate myself into a general discussion of the bill. However, I yield.

Mr. MYERS. Mr. President, in regard to the amendment which has just been ruled out by the Chair on a point of order made by the Senator from Idaho [Mr. BORAH], I wish to say that I have the honor of being a member of the Committee on Indian Affairs, and I wish at this time to enter my dissent to the announcement made by the chairman of the committee upon the floor of the Senate a short time ago as to the unanimity of opinion of the committee upon the legal phase of the amendment stated by the chairman.

I was not able to be present at the meeting of the committee when that amendment or any like amendment was adopted by the committee. If I had been present, I would have dissented at that time. I now take occasion to dissent from the legal doctrine announced by the chairman of the committee from the floor a short time ago as the unanimous opinion of the committee. I do not hold that opinion. I adhere to the opinion announced by the Senator from Idaho [Mr. BORAH].

Mr. LANE. Mr. President, I am not a lawyer, and so I would not know whether the provision drawn by the committee was a legal one or not. I am a physician, however, and if it were brought up to me to prescribe for it I could fix it very quickly so that it would not be so deleterious to the patient.

Here is an item under consideration which calls for the promotion of the support and civilization of the Indians. You will find in the bill many items of the kind which appropriate

a great deal of money for the support and civilization of the Indians throughout the country. I wish to say for your information that not one-tenth of the money, probably not one one-hundredth portion of it, is expended for any such purpose at all. It is expended for the payment of the salaries of employees. So far as concerns supporting or civilizing the Indian, he is advancing backward rapidly under that process, and he receives no benefit from it.

There was another item in this irrigation plan, where, at Fort Hall, Idaho, there had been \$800,000 spent upon an irrigation or reclamation scheme, the most, if not all, of which, I think, was reimbursable out of the Indians' funds; and yet, under a law which Congress passed without thinking about it, without intending to do any harm, without having looked into it, I feel quite sure he was circumscribed in his time of improvement of the land so that he lost his rights in the water, and, through that, any value to the land. It is a pitiful condition, and this body ought to change it.

If this law is not properly drawn in a manner to protect the interests of the whites and do justice by them, all that the Indians are asking and all that the committee wishes is to do justice, and it was all they were attempting to do. Under this scheme in Idaho I notice that the whites are using fully as much land, if not more land, than the Indians. They are not losing any rights under the law; and yet the Indian, whose land is mortgaged for the improvement, who made the entire improvement and put it in there for the benefit of all, is tied up with certain conditions under which he must lose his land through the fact that the law circumscribes him as to time, and the department, which is his guardian, does not give him the implements with which to work the land. He is tied, bound, and helpless, and it is inevitable that he should lose the land.

I do not think the Senator from Idaho wishes to do that. I assure him that I do not wish to do any injustice to the homesteader in Idaho, and I will go as far as he dare go to protect his rights; but at the same time I expect him to walk alongside of me and help to protect the Indian's rights and not see him literally robbed of his property.

I would not so much mind going out, if it was necessary, and helping hold up a bank or a train or obtaining money for the whites in some high-toned way; but I draw the line on taking it from the helpless and the poor and the sick and the unfortunate. I do not stand for that. If a man is able to fight his own battles and comes up and fights them in a fair way, I do not mind fighting with him; but when it comes to robbing children, the helpless, and the pitiful folks who have not enough to eat, the Government ought to be in a bigger business than that, and the United States Senate, too; and I protest against it.

Mr. BORAH. Mr. President, I trust the Senator will calm himself. There have been no Indians robbed on the Fort Hall Reservation.

Mr. LANE. They are cinched to a finish.

Mr. BORAH. The Senator from Oregon will not be able to point the Senator from Idaho to a single instance in which an Indian on that reservation has been robbed or injured.

Mr. LANE. Then they are an exception.

Mr. BORAH. In that respect they are like the Senator from Oregon—they are an exception. I think I know precisely the situation, and I am not joining any scheme of robbery or injustice to the Indians. When the Senator from Oregon makes the broad assertion he makes it without any foundation whatever in fact.

Mr. LANE. Mr. President, I am not reflecting upon the Senator from Idaho. I was reflecting upon the action in the past in regard to handling these Indian funds. I wish to assure the Senator from Idaho that I was not reflecting on him or on any other Senator. I want to make that clear.

Mr. BORAH. When the Senator from Oregon or anyone else talks about robbery as to matters which I am urging, I want him to be specific.

Mr. LANE. I will be specific, Mr. President.

Mr. BORAH. Then, if the Senator has anything to be specific about, let him make it so now.

Mr. LANE. The commissioner says the money of the Indians in Idaho has been expended principally for the benefit of the whites.

Mr. BORAH. That is, in my judgment, a mistake.

Mr. LANE. That is the statement of the Commissioner of Indian Affairs.

Mr. BORAH. I can not believe the commissioner intended such inferences as the Senator draws. We are perfectly familiar with the facts there. The Indians have been fully, generously, and well protected. I have never heard a complaint, and some of them are quite intelligent.

Mr. SMOOT. Mr. President, this is no new subject, although it has never been undertaken to be reached by legislation before.

When Mr. Leupp was Commissioner of Indian Affairs, when the question arose as to the Indians' rights in regard to the water upon the Uintah Indian Reservation in my own State, I remember well that the commissioner then undertook to take the position that the Government, as the guardian of the Indians, was not compelled to file upon the water in the State; that the water arose in the Indian reservation, and as it arose in the Indian reservation it belonged to that reservation and belonged to the Indians after the reservation was made. That position was disputed, and the commissioner was told that the best thing for him to do was to look up the law and see whether there was any way for the Indians in any State to secure a right to water unless it was under the laws of the State. After that examination the commissioner decided that the only way an Indian could secure a water right in any State was by an appropriation and beneficial use. They appropriated the waters for the Indians on the Uintah Indian Reservation, and they have spent now some \$750,000 in the way of building laterals and watercourses through all of the different sections of land held by Indians on that reservation.

Before that irrigation system was completed the time had elapsed for the beneficial use of water under the laws of the State of Utah. What did the Indian Commissioner do? He came to me, as one of the Senators from that State, and I believe to my colleague, also, and asked us to ask the governor of our State if he would not use his influence with the legislature of our State to secure an extension of the time for five years, in order that the Indians might make beneficial use of that water, as the irrigation system was not completed. Our legislature did not hesitate a minute. Among the very first acts of the legislature during that session was the passage of a law extending for five years the time for the Indians upon the Uintah Indian Reservation to make beneficial use of that water. That time, Mr. President, is not out yet.

I have not any doubt but that there never will be a legislature in the State of Utah that will not take care of the Indians and protect their rights as much as any man in Congress. No Indian in the State of Utah has suffered; no Indian has been robbed; no Indian will be, because the people will see that they are protected in their interests. They will go more than halfway, I will say to the Senator.

Mr. LANE. I should like to call the Senator's attention to this statement. I asked the assistant commissioner:

How much have you spent on this Fort Hall irrigation scheme?

He said:

We have spent \$800,000. We spent about \$770,000 up to June 30, 1913.

Senator LANE. When was it started?

Mr. MERITT. About five or six years ago.

Senator LANE. How long have the Indians to run now before they lose their water rights?

Mr. MERITT. We have a provision in this item to protect their water rights, if we can get it adopted by the committee.

Senator LANE. I notice by the statistics there that the whites have under cultivation about twice as much as the Indians. Is that land leased to them by the Indians?

Mr. MERITT. That is a project that we were discussing the other day where the whites got their land irrigated for something like \$6 an acre under a law passed by Congress. The Senator from that State was somewhat successful in getting very favorable legislation for his constituents.

Mr. SMOOT. I wish to say to the Senator that Mr. Meritt does not know what he is talking about when he says that under this provision the Indians secure any rights whatever to any running stream in any State of the Union. The only way that can be secured is by appropriation and by a beneficial use. That has been held so often by the courts of the land and the Supreme Court that I did not think there was a Senator who would question it for a moment.

Now, Mr. President, what is this provision here for?

The PRESIDENT pro tempore. The provision is not now before the Senate.

Mr. SMOOT. We are discussing the amendment that is before the Senate.

The PRESIDENT pro tempore. No; that amendment has gone out on a point of order, and it will stay out until the ruling of the Chair is reversed by the action of the Senate.

Mr. SMOOT. Mr. President, we are not losing any time at all, because there are four or five other amendments with exactly the same object and in identically the same words. I suppose the Chair will rule, and rule properly, that every one of them shall go out. For that reason I shall not say anything more at this time.

Mr. JONES and Mr. BRADY addressed the Chair.

The PRESIDENT pro tempore. The Senator from Idaho [Mr. BRADY] was taken from the floor rather abruptly, and if it pleases the Senator from Washington to yield to his friend from Idaho the Chair will recognize the junior Senator from Idaho.

Mr. JONES. Certainly.

Mr. BRADY. Mr. President, I wish to say a word relative to the treatment of the Indians on the Fort Hall Indian Reservation. I do not think anyone can complain of the treatment they have received, either at the hands of the Government or at the hands of the people of the State. The 45,000 acres of land they have would not be worth over a dollar and a quarter an acre without water, whereas to-day it is worth from \$75 to \$100 an acre with the water on it; so it is very easy to figure what profit the Indians will make by properly cultivating the land.

I do not wish to be understood as in any way antagonizing the rights of the Indians on this reservation. On the other hand, I want to help them in every way I can. While I realize, as any man conversant with the irrigation laws and usages must realize, that this amendment would not have any effect if we agreed to it, I do not propose to direct my attention to that amendment. I do want to say, however, that the committee is taking the right course to enable the Indians to apply this water to beneficial use. The very things that you have done in your committee, if they are carried out, will enable every Indian on the reservation to prove up with his water, having put it to beneficial use.

There are 20,000 acres of that water as to which there is no question at this time in my mind that it is attached to the land. The only question is in regard to the water in the reservoir. If you go on and complete your canal and place it in shape so that the Indians can use the water, and then adopt the section that you have here, allowing \$50,000 to be paid to buy tools and teams and facilities with which to farm, you will find that they will go on and improve their farms.

There are many intelligent Indians on this reservation. There must be 25 or 30 young men and young women there who are graduates of Carlisle University. They have a school on that reservation with over 400 pupils, I believe, in attendance. They are becoming civilized and trying to improve themselves. The people in the community want to help them and help them improve themselves. I want to say that I am very heartily in favor of this appropriation to enable them to do so.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

Mr. JONES. Mr. President, the Senator from Oregon suggested a moment ago that the Indians have been treated very badly by Congress. I have an idea that this occurred by reason of legislation being considered without anybody being present, as this legislation is largely being considered. I feel satisfied that if more Members of the Senate were present they would know more about conditions in the West and they would know more about the rights of the States to the water in the different streams, and then, instead of taking their views from the department upon these legislative matters, they would be able to get along better and get better legislation.

We have only 15 or 20 Members present here now. I think the amendment ought to be considered by a quorum, and I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

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

Ashurst	James	Page	Sterling
Borah	Jones	Perkins	Sutherland
Brady	Kenyon	Shafroth	Swanson
Bryan	Lane	Sheppard	Thompson
Catron	Myers	Shively	Thornton
Clapp	Nelson	Smith, Ariz.	Tillman
Clarke, Ark.	Norris	Smoot	Townsend
Crawford	Owen	Stephenson	White

Mr. LANE. I wish to announce the absence of my colleague [Mr. CHAMBERLAIN] on official business and to state that he is paired with the Senator from Pennsylvania [Mr. OLIVER].

Mr. MYERS. I announce that my colleague [Mr. WALSH] is necessarily absent. He is paired with the Senator from Rhode Island [Mr. LIPPITT]. This announcement may stand for the day.

The PRESIDENT pro tempore. Thirty-two Senators have answered to their names. There is not a quorum of the Senate present. What is the pleasure of the Senators who are present?

Mr. JAMES. I desire to announce the unavoidable absence of the Senator from Delaware [Mr. SAULSBURY]. I will state that he is paired with the Senator from Rhode Island [Mr. COLT].

Mr. BRYAN. I move that the absentees be called.

The PRESIDENT pro tempore. There are just two motions which can be made. One is a motion to request the attendance of absent Senators and the other is a motion to adjourn.

Mr. JAMES. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDENT pro tempore. The Secretary will furnish the Sergeant at Arms with a list of absent Senators.

Mr. BURTON, Mr. WILLIAMS, Mr. BRISTOW, Mr. LEE of Maryland, Mr. GORE, and Mr. JOHNSON entered the Chamber and answered to their names.

Mr. TOWNSEND. I move that the Senate adjourn. We have been trying to get a quorum for some time.

The PRESIDENT pro tempore. The Senator from Michigan moves that the Senate do now adjourn. [Putting the question.] The yeas seem to have it.

Mr. SUTHERLAND. I ask for a division.

The motion was agreed to, there being, on a division—yeas 14, noes 12.

Mr. OWEN. I call for a vote by yeas and nays.

The PRESIDENT pro tempore. The Senate is not in session. It stands adjourned until to-morrow at 12 o'clock.

The Senate thereupon (at 3 o'clock and 34 minutes p. m.) adjourned until to-morrow, Thursday, June 18, 1914, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, June 17, 1914.

The House met at 12 o'clock noon, and was called to order by Mr. CULLOP as Speaker pro tempore.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Great God our Father, as time sweeps on in its ceaseless flow, draw us day by day, by grace divine, a little nearer to Thee; a little nearer to our better self; a little nearer to those we love; a little nearer to each other and the world of mankind; a little nearer to the toiling millions; a little nearer to the sorrowing, the unfortunate, the man down and out, that the Christ spirit may have its perfect work in our hearts, and faith, hope, and love be ever in the ascendancy; to the glory and honor of Thee, O God our Father. Amen.

THE JOURNAL.

The Journal of the proceedings of yesterday was read.

The SPEAKER pro tempore. If there be no objection, the Journal as read will stand approved.

Mr. MANN. Reserving the right to object, I notice that all through the Journal it is stated that the gentleman from Tennessee [Mr. PADGETT] moved to disagree to the various amendments and ask for a further conference with the Senate. As a matter of fact, that was not done, and that would not be proper under our procedure. After the various amendments had been disagreed to, the gentleman from Tennessee [Mr. PADGETT] at the end made a motion to ask for a further conference, and the Journal so states.

Where an amendment is disagreed to, it is not customary to ask for a further conference on each amendment. I think the Journal ought to be corrected to show that the motion was not made until after all the amendments had been disagreed to, where the motion really was made.

The SPEAKER pro tempore. If there be no objection, the Journal will be corrected as suggested by the gentleman from Illinois.

JOHN K. LOWRY.

Mr. LOBECK. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution (H. J. Res. 279) to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war," approved May 2, 1914.

The SPEAKER pro tempore. The Clerk will report the joint resolution.

The joint resolution was read, as follows:

Whereas by an error in printing the bill reported by the House Committee on Invalid Pensions upon H. R. 11269, approved May 2, 1914 (Private, No. 22), the designation of the military service of one John K. Lowry, late of Company F, Forty-sixth Regiment, Ohio Volunteer Infantry, was changed to read Company K of said regiment: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the paragraph in an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war," approved May 2,