a seating capacity for 50 or more men, and it is a rare case that there are less than 20, as both sides to the controversy are represented by large committees. Such audience rooms as these hotels furnish us for hearings would probably cost not less than $20 per day on an average. In the case of one hotel furnishing this board a room free of charge, we learn that for other purposes it is rented at $50 per day. I do not recall an instance where it would have been practicable to secure proper sleeping accommodations and meals at any of these first-class hotels within $5 per day. The character of service rendered in these mediation sessions is, perhaps, of not less importance than that rendered by a circuit judge when absent from his home, and who is allowed $10 per day, besides travel expenses, for subsistence. Permit me to illustrate the situation: Judge Knapp, who is a member of this board, is also a circuit judge of the United States. When absent from home holding court he is allowed $10 per day for subsistence, besides travel expenses, while in holding mediation sessions, absent from home and rendering services of as equally important a character, he is limited by the urgent deficiency act of May 6, 1914, to $5 per day for subsistence. I do not suggest a per diem of $10 for subsistence, but that the commissioner, the assistant commissioner, and members of this board should be allowed their actual and necessary expenses when absent from Washington on mediation work.

I would be glad to be heard in support of this request at any time it may suit the convenience of the committee.

Very respectfully,

W. L. CHAMBERS, *Commissioner.*

Mr. NEWLANDS. I wish to say in this connection, Mr. President, that it would be exceedingly embarrassing to the Board of Mediation and Conciliation to be limited to the small amount proposed for subsistence. The board also desires to be relieved from that provision in the urgent deficiency bill immediately following the section in the bill regarding the Commission on Industrial Relations, in which the allowance for subsistence is limited to $5 per day. Does the Senator from Virginia desire to discontinue the consideration of the bill now?

Mr. MARTIN of Virginia. Yes; I agreed to yield to the Senator from Indiana [Mr. KERN] to make a motion for an executive session.

Mr. NEWLANDS. Then I will not go on further.

Mr. KERN. I move that when the Senate adjourns to-day it be until to-morrow at 11 o'clock a. m.

The motion was agreed to.

EXECUTIVE SESSION.

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

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 6 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, July 8, 1914, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate July 7, 1914.

UNITED STATES DISTRICT JUDGE.

W. H. Seward Thomson, of Pittsburgh, Pa., to be United States district judge for the western district of Pennsylvania, vice James S. Young, deceased.

APPOINTMENTS IN THE NAVY.

Charles C. Galloway, a citizen of the District of Columbia, to be an assistant dental surgeon in the Dental Reserve Corps of the Navy from the 30th day of June, 1914.

Lyle H. Miller, a citizen of Michigan, to be a second lieutenant in the Marine Corps from the 1st day of July, 1914.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 7, 1914.

POSTMASTERS.

ARKANSAS.

James M. Crider, Winslow.
John W. Puckett, Rogers.
J. Lewis Ragsdale, Russellville.
Hugh F. Reagan, Fayetteville.
Ella H. Smith, Wynne.
S. J. Smith, Beebe.

COLORADO.

William F. Ordway, Dolores.

MAINE.

John P. Coughlin, Saco.
F. A. Pitts, Damariscotta.

MARYLAND.

John H. Blades, Pocomoke City.

MISSISSIPPI.

George C. Jackson, Belzoni.

NORTH DAKOTA.

John H. Fallon, Alexander.
J. P. Shahane, Souris.
R. B. Stewart, Bottineau.
Ben H. Wilkins, Plaza.
Frank E. Winmill, Stanton.
R. R. Zirkle, Westhope.

PENNSYLVANIA.

E. E. Fricker, Glenside.
Michael J. O'Connor, Trevorton.
Thomas Rorer, North Wales.

HOUSE OF REPRESENTATIVES.

TUESDAY, *July 7, 1914.*

The House met at 12 o'clock noon.

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

We thank Thee, our Father in heaven, for the beautiful world in which Thou hast placed us, with its splendid opportunities to develop all that is purest, noblest, best in us; for our homes, with their sweet and tender affections; for our Republic, with its sacred institutions, which tend to the development of good citizenship; for our religion, which inspires to nobler life, binds us indissolubly to Thee, and makes the whole world kin. May we appreciate and strive earnestly to fulfill every obligation devolving upon us willingly and cheerfully. In the spirit of the Christ. Amen.

THE JOURNAL.

The Journal of the proceedings of yesterday was read.

Mr. GARDNER. Mr. Speaker, I should like to ask the Chair as to his recollection of the accuracy of the Journal in a certain respect. Yesterday the gentleman from Massachusetts [Mr. PHELAN] moved to suspend the rules and pass a certain resolution. The Chair said, after a second was demanded:

The gentleman from Massachusetts asks unanimous consent that a second be considered as ordered. Is there objection?

Now, the context a little further on shows that I, at least, thought that the Chair declared that there was no objection. The recollection of the gentleman from Illinois [Mr. MANN] is the same as mine, to the effect that the Chair declared there was no objection. If that is correct, then a second has been ordered on Mr. PHELAN'S motion, and the resolution will have a different status two weeks from now than it will have if the Journal is allowed to stand as it is at present. I should like to have the Speaker's own recollection of the matter, as to whether or not the Chair declared that there was no objection to considering a second as ordered on Mr. PHELAN'S resolution.

The SPEAKER. The Chair's recollection about it is that the gentleman from Massachusetts [Mr. PHELAN] moved to suspend the rules, and so forth, and before the Chair could ask if a second was demanded a second was demanded. Then the gentleman from Massachusetts [Mr. PHELAN] asked that a second be considered as ordered, and before the Chair could open his mouth or the gentleman from Massachusetts could shut his the gentleman from North Carolina [Mr. PAGE], standing right down here at the right, raised the point of no quorum.

Mr. GARDNER. Of course, the Chair's recollection settles it. My own impression was a little different. I should have said that the Chair hesitated a little while before the gentleman from North Carolina spoke.

The SPEAKER. The Chair did not get a chance to continue.

Mr. FITZGERALD. My recollection is that the Chair had not made the statement that there was no objection. If the Chair will indulge me, I think I appreciate what the gentleman from Massachusetts has in mind; but——

Mr. GARDNER. I am satisfied——

Mr. FITZGERALD. But as it is a matter wholly in the discretion of the Chair, I think that should be conclusive.

Mr. GARDNER. I have no objection to the approval of the Journal.

Mr. BARTON rose.

The SPEAKER. Does the gentleman from Nebraska want to correct the Journal?

Mr. BARTON. No.

The SPEAKER. Without objection, then, the Journal as read and corrected will stand approved.

The Journal was approved.

OWNERSHIP OF RAILROAD FROM ATCHISON TO WATERVILLE, KANS.

Mr. BARTON. Mr. Speaker, I rose to make a motion to discharge the Committee on Ways and Means from the further consideration of House resolution 295. This is a privileged resolution.

Mr. UNDERWOOD. Mr. Speaker, let the resolution be read.

The SPEAKER. The gentleman from Nebraska will send it to the desk. The Clerk will report it.

The Clerk read as follows:

House resolution 295.

Resolution directing the Secretary of the Treasury to send to the House of Representatives certain information.

Resolved, That the Secretary of the Treasury be directed to send to the House of Representatives the following information so far as this information is now contained in the files of the Treasury Department:

First. What corporation now holds title to the 100 miles of railroad extending from Atchison to Waterville, Kans., formerly owned by the Central Branch of the Union Pacific.

Second. Did the United States issue subsidy bonds to this railroad company to the amount of $1,600,000.

Third. If so, has the principal and interest been paid. If not, state the amount still due.

Fourth. Has the United States made demands upon the present owners of the said railroad for reports of its business.

Mr. UNDERWOOD. Mr. Speaker, reserving a point of order, the resolution does not seem to be in the usual form. I do not know how the resolution came to go to the Committee on Ways and Means, if it has gone there, as it is not one of those matters over which the Committee on Ways and Means has jurisdiction.

The SPEAKER. It was referred to that committee because it has to do with information concerning bonds.

Mr. UNDERWOOD. I see no objection, though, to the gentleman getting the information if he will make the resolution accord with the usual form and say, "If not incompatible with the public interest."

Mr. BARTON. I shall be pleased to make the amendment.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. MANN. We had some controversy about that form of a resolution some time ago. I took the trouble to look up the precedents, which are almost unanimously in favor of the proposition that a resolution addressed to the President or the Secretary of State in regard to foreign affairs must use the language "if not incompatible with the public interest." But other resolutions omit that phrase.

Mr. UNDERWOOD. Well, as the gentleman states, there are a great many resolutions that have been passed that have omitted it, but many have not; and I think it proper to have the clause in the resolution. I am sure the gentleman would not desire to pass the resolution without it.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. GARNER. As a matter of privilege of this House I think all resolutions that go to any of the heads of departments other than the President or the Secretary of State ought to direct the giving of such information as this House may desire.

It seems to me it is going too far to say "if not incompatible with the public interest," because it is presumed at least that this House will not call for information that is incompatible with the public interest; and if it does call for information that is incompatible with the public interest it is easy enough for the head of the department, through the President, to advise the House that it is incompatible with the public interest.

Mr. UNDERWOOD. Mr. Speaker, I do not concur at all in the views of my friend from Texas. I notice in a captious press it is very often being stated now that the legislative department of the Government is being absorbed by the executive part of the Government. I believe in that old school of philosophy that the three departments of the Government—the legislative, the executive, and the judicial—should be separate and apart; but I do not think this House has any more right to direct the executive department of the Government what to do except by law——

Mr. GARNER. This makes it law——

Mr. UNDERWOOD. A law requires the concurrence of the Senate and the President. I do not think this House has any more right to direct the Executive than the Executive has to direct the legislative department what to do.

Mr. PAYNE. But he is doing it.

Mr. LANGLEY. Compelling us to stay here, for instance. [Laughter.]

Mr. UNDERWOOD. I hope the gentleman from New York will concur in my view.

Mr. FITZGERALD. There may be a very good reason why this particular resolution should contain the expression referred to by the gentleman from Alabama, because it calls on the Secretary of the Treasury to state whether any litigation has been commenced against a corporation, and if so, what action has been taken by the Treasury Department. If litigation be pending, perhaps it might be unwise or incompatible with the public interest to have that disclosed; but outside of such a situation I think there should be no misunderstanding, not only as to the right but the duty of this House to compel executive departments to furnish information when it seems necessary for the transaction of the public business; and, moreover, the Treasury Department is one of the executive departments which by the law creating it is required to submit its reports not to the President, but to the Congress direct.

It may be sound public policy not to insist upon certain information in this particular resolution, if there be litigation pending, regardless of the effect it might have upon the public interest; but I think my friend from Alabama [Mr. UNDERWOOD] will agree that we ought to maintain and insist upon the prerogatives of the House. I recall an occasion when one of the bodies of Congress called upon the Commissioner of Corporations in a recent administration to furnish certain information, and because the law provided that certain records should be transmitted by the Commissioner of Corporations to the President, who could withhold them, as soon as the resolution was adopted that information was sent to the White House and the President declined to furnish it to the branch of the legislature requesting it—not, in my opinion, because any good public purpose was served by that action, but in order to prevent certain disclosures being made that might have been detrimental to the political welfare of the party then in power.

Mr. MANN. Mr. Speaker, if the gentleman from Alabama will yield for a moment.

Mr. UNDERWOOD. I will yield to the gentleman.

Mr. MANN. On several occasions when this matter has arisen, both in the House and in the Senate, each body has stricken out of resolutions the words "if not incompatible with the public interest," because both Houses maintained the authority to direct the head of the department to send the information. That is an old, old matter.

So far as this resolution is concerned I have no objection to the amendment, but I would not want it to be taken——

Mr. GARNER. As a precedent.

Mr. MANN. I would not want it to be understood that all the Members of the House agree that those words should be inserted in all resolutions of inquiry.

Mr. UNDERWOOD. I have no objection to that. The resolution was referred to the committee of which I am chairman, and I have not had opportunity to talk with the Secretary of the Treasury about it. I think it is subject to a point of order, which I have reserved, but I am perfectly willing that the gentleman may get the information if he is willing to amend his resolution so that if the Secretary determines it is not compatible with the public interest he will not have to send it down.

Mr. BARTON. Mr. Speaker, I ask unanimous consent that the resolution be amended by incorporating the words "if not incompatible with the public interest."

The SPEAKER. The gentleman from Nebraska asks unanimous consent that the resolution be amended by inserting the words "if not incompatible with the public interest."

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, I should like to suggest to the gentleman from Nebraska that, in line 9 in the phrase "subsidy bonds," the word "subsidy" being used as an adjective, I presume it necessarily calls for an opinion on the part of the Secretary of the Treasury, and would therefore destroy the privileged character of the resolution. Now, I have no objection to the information which the gentleman seeks being furnished, but it seems to me that he ought to strike out the word "subsidy."

Mr. BARTON. The gentleman knows, and I know, that they were subsidy bonds. They were issued to railroads at that time, and generally written and conceded in that way. I have no objection to striking out the qualifying word. It was meant merely as a descriptive word. What I want is information as to the issue of bonds by the United States Government, and how many. I have no objection at all to making that change, and I ask unanimous consent to strike out the word "subsidy."

The SPEAKER. Is there objection to the request of the gentleman from Nebraska [Mr. BARTON] to insert after the word "directed," in line 1, the words "if not incompatible with the public interest"?

There was no objection.

Mr. GARRETT of Tennessee. Now the gentleman can make the other request.

Mr. BARTON. Mr. Speaker, I ask unanimous consent to strike out the word "subsidy" in line 9.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to strike out the word "subsidy" in line 9. Is there objection?

There was no objection.

The SPEAKER. The gentleman moves to discharge the Committee on Ways and Means from further consideration of House resolution 295 and pass the same.

Mr. GILLETT. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. GILLETT. I rise to address the House. I think the previous question has not been ordered.

Mr. UNDERWOOD. Mr. Speaker, I——

Mr. GILLETT. I just wish a moment.

Mr. UNDERWOOD. All right. I have the floor, and I will yield to the gentleman. How much time does the gentleman desire?

Mr. GILLETT. About two minutes.

Mr. UNDERWOOD. I yield to the gentleman from Massachusetts two minutes.

Mr. GILLETT. My attention was caught by what the gentleman from Alabama said, that he believed in the independence of the executive and legislative branches of the Government. I quite agree with him, and I think our independence has suffered under this administration; and it brought to my mind two instances in this Congress in which the gentleman from Alabama brought the influence of the President to bear upon this House. One was when the resolution was up which contemplated intervention in Mexico. I remember the gentleman from Alabama used as his argument for adopting that resolution that the President desired it.

I remember another instance last fall, when the gentleman from Alabama [Mr. UNDERWOOD], who disclaims the purpose of having the Executive influence legislative action as his reason for the House not adjourning, but continuing in session constantly, made the argument that the President of the United States desired it—purely a legislative action, an action which we ought to be able, it seems to me, to decide for ourselves. But the gentleman from Alabama, who now disclaims any desire or opinion that the Executive ought to influence the legislative branch of the Government in these two instances, gave the wish of the Executive as his reason for urging upon the House certain action. I cite these instances not with any purpose of reflecting upon the gentleman from Alabama, the very able and successful leader of the House, but as illustrating the encroaching influence of the Executive on the legislation in this administration.

Mr. UNDERWOOD. Mr. Speaker, I do not recall the second instance to which the gentleman refers. I do not know whether he is indulging in a real recollection of the fact or whether he is confusing me with somebody else.

Mr. GILLETT. I think the RECORD will confirm me.

Mr. UNDERWOOD. I have no recollection as to that; but as to the other instance, when the resolution was before the House authorizing the President of the United States to move troops into a foreign country, I did state that this House should uphold the hands of the Executive, and I am willing to stand by that at any time. [Applause on the Democratic side.]

Mr. GILLETT. But the gentleman went much further than that. He stated that his reason was that the President wished it.

Mr. UNDERWOOD. Oh, no.

Mr. GILLETT. I think the RECORD will bear me out in that.

Mr. UNDERWOOD. The gentleman does me an injustice.

Mr. GILLETT. I do not wish to do that.

Mr. UNDERWOOD. I did not think that after serving for 20 years in the House with the gentleman from Massachusetts he would accuse me at this late date of having to think through somebody else's intellect. I did say, however, as one of the reasons why the resolution should be adopted that the House was not informed as to the facts in Mexico; that it was impossible for the House to be informed as to the facts in Mexico; that we were in a foreign complication, where our men were being shot down in a foreign country, and there was no reason in the world, and there is not now, why we should not uphold the hands of the Executive under such circumstances.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. Not now.

Mr. MADDEN. I would like to ask the gentleman a question.

Mr. UNDERWOOD. I can not yield. There is no reason why we should not uphold the hands of the Executive. It is one of those cases where we can not have parties, where each branch of the Government must stand up behind the Executive; but I do say that, when it comes down to merely legislative matters, I believe in respecting the authority of the Executive within the sphere fixed for it by the Constitution [applause] as much as I desire the Executive to respect the authority of the legislative branch of the Government within the scope and line fixed for it by the Constitution. [Applause.] Mr. Speaker, I move the previous question.

The previous question was ordered.

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

The resolution was agreed to.

EXTENSION OF REMARKS.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on House bill 11745. I was under the impression that I had obtained that consent on yesterday, but I find on looking at the RECORD that I did not get in the RECORD.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I will ask the gentleman from California upon what subject he desires to extend his remarks in the RECORD?

Mr. RAKER. On House bill 11745, the bill to provide for a certificate of title of homestead entry by a female American citizen who has intermarried with an alien, which passed the House yesterday.

Mr. MANN. That bill has passed the House. What does the gentleman want to insert in the RECORD now?

Mr. RAKER. I thought I had obtained consent yesterday, but on reading the RECORD I find that it does not appear.

Mr. MANN. The gentleman did not obtain the consent.

Mr. RAKER. I evidently did not get it as I intended.

Mr. MANN. No; the gentleman did not make the request. What does the gentleman want to insert in the RECORD on a bill that has already passed by unanimous consent—a long speech?

Mr. RAKER. No; I want to put in about 400 words on the subject.

Mr. MANN. I would like to know what the gentleman wants to put in the RECORD.

Mr. FITZGERALD. Mr. Speaker, I suggest that the gentleman submit his remarks to the gentleman from Illinois for examination in advance.

Mr. MANN. If the gentleman wants to insert some of his own remarks, he should be able to tell us what they are.

Mr. RAKER. Mr. Speaker, the report on the bill prepared by myself at the direction of the committee simply permitted those who have married foreigners to obtain title to land where they had already filed before the enactment of this bill. I have been, and am now, unalterably opposed to making it a general law that American women should marry those who are not citizens of the United States and have the right thereafter to obtain a homestead.

Mr. DONOVAN. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is, Is there objection?

Mr. MANN. Mr. Speaker, I object.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. JOHNSON of Washington, for five days, on account of ill health.

To Mr. L'ENGLE, indefinitely, on account of illness.

INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12579, the Indian appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill, with Mr. UNDERWOOD in the chair.

The CHAIRMAN. The first amendment was reported before the committee rose when the bill was last under consideration.

Mr. STEPHENS of Texas. Mr. Chairman, unanimous consent was obtained on the last day when this bill was under consideration that amendment 139, known as the Mississippi-Choctaw amendment, should be considered before the other amendments were considered.

The CHAIRMAN. That amendment was reported to the committee before the committee rose at the last meeting, and is now before the House.

Mr. STEPHENS of Texas. Mr. Chairman, I have moved to disagree to all of the Senate amendments and ask for a conference.

Mr. BURKE of South Dakota. Mr. Chairman, that motion is not now in order.

The CHAIRMAN. The Chair will state that it is not now time to move for a conference. The gentleman now moves to disagree to the Senate amendment.

Mr. STEPHENS of Texas. This amendment.

Mr. BURKE of South Dakota. Mr. Chairman, the Chair stated that this amendment 139 was read before the committee rose on the last day when the bill was under consideration. I think the Chair is in error. The first amendment was the amendment that was read when the committee rose, as I recall,

and under the special order amendment 139 is now in order, but has not been read.

The CHAIRMAN. The Chair will call to the attention of the gentleman from South Dakota that he is mistaken as to the fact. The Clerk stands for the statement made by the Chair that it was amendment 139 which was read.

Mr. STEPHENS of Texas. The Chair is correct; it was read.

Mr. HARRISON. Mr. Chairman——

The CHAIRMAN. The question now before the committee is the motion of the gentleman from Texas.

Mr. HARRISON. Mr. Chairman, I desire to offer a preferential motion, to move to concur in Senate amendment numbered 139.

The CHAIRMAN. The gentleman from Mississippi makes a preferential motion to concur in the Senate amendment.

Mr. CARTER. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. CARTER. When the time is fixed for debate, which can be done by unanimous consent upon this amendment, I assume that the gentleman in charge of the bill will open and close debate, will he not?

The CHAIRMAN. That is the custom in the committee.

Mr. MANN. This is under the five-minute rule; nobody has time.

Mr. CARTER. I said if there was an agreement as to time.

Mr. MANN. That would depend upon what the agreement was.

Mr. STEPHENS of Texas. I desire to make an agreement with the gentleman from Mississippi as to what time should be consumed. I would like to know what time he will desire?

Mr. HARRISON. I will say we are willing to make any agreement. I should judge an hour on a side ought to be sufficient—half an hour on a side.

Mr. MANN. I suggest we want more time over here; we want more than half an hour on this side.

Mr. MILLER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MILLER. The gentleman from Mississippi has moved to disagree to the Senate amendments.

Mr. STEPHENS of Texas. Including this one.

Mr. MANN. That motion is not in order.

Mr. HARRISON. My inquiry was, if that motion is in order.

The CHAIRMAN. The Chair understood the gentleman from Texas to make the motion to disagree to the Senate amendment. The gentleman from Mississippi made a preferential motion to concur. That is the parliamentary status before the committee at this time. Has the gentleman from Texas a request to make in regard to the disposition of time?

Mr. STEPHENS of Texas. We would want on this side, I understand, two hours.

Mr. HARRISON. The gentleman means for his motion to disagree to the Senate amendments?

Mr. STEPHENS of Texas. One hour to be used by the majority and one hour by the minority.

Mr. HARRISON. That is agreeable to me if it is agreeable to the gentleman over there.

Mr. MANN. We want about an hour on this side.

Mr. HARRISON. I want to say out of whatever time I get I will yield to gentlemen over there.

Mr. MANN. We might not want it from the gentleman from Mississippi.

Mr. STEPHENS of Texas. Then I will change my request and make it one hour to be controlled by myself, one hour by the gentleman from Mississippi, and one hour by the gentleman from South Dakota [Mr. BURKE].

Mr. HARRISON. Mr. Chairman, this is——

The CHAIRMAN. Let the Chair state the question. The gentleman from Texas asks unanimous consent that debate on this amendment be closed at the end of three hours, one hour to be controlled by himself, one hour to be controlled by the gentleman from Mississippi [Mr. HARRISON], and one hour by the gentleman from South Dakota [Mr. BURKE]. Is there objection?

Mr. HARRISON. Mr. Chairman, reserving the right to object, this is a simple proposition; it is whether or not we want to disagree to the Senate amendment or concur in the amendment. There are no three sides to the proposition, and I think the time ought to be distributed equally as to the proponents of this particular proposition and the opponents of it, and I shall have to object to the request.

The CHAIRMAN. Objection is made.

Mr. MANN. I ask for the regular order.

Mr. STEPHENS of Texas. That restores the five-minute rule.

Mr. HARRISON. May I ask unanimous consent to make a request?

The CHAIRMAN. Does the gentleman from Texas yield?

Mr. STEPHENS of Texas. I yield for that purpose only.

Mr. HARRISON. I ask unanimous consent that debate on this question be limited to two hours and a half—one hour and a quarter to be controlled by the gentleman from Texas and an hour and a quarter by myself.

Mr. CARTER. Where does the request of the gentleman from Illinois and the gentleman from South Dakota come in?

Mr. MANN. I suppose the gentleman from Mississippi thinks there is no minority side. I object.

The CHAIRMAN. Let the Chair state the request. The gentleman from Mississippi asks unanimous consent that all debate on this pending amendment be closed in two and a half hours—one half the time to be controlled by the chairman of the committee and one half by himself. Is there objection?

Mr. MANN. I will have to object to that.

The CHAIRMAN. Objection is made. The gentleman from Texas is recognized.

Mr. CARTER. Mr. Chairman——

Mr. STEPHENS of Texas. Mr. Chairman, I yield to the gentleman from Oklahoma to make a unanimous-consent request.

Mr. CARTER. Mr. Chairman, I ask unanimous consent that time for debate on this amendment be limited to 2 hours—40 minutes to be controlled by the gentleman from Mississippi, 40 minutes by the gentleman from Texas [Mr. STEPHENS], and 40 minutes by the gentleman from South Dakota [Mr. BURKE].

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that all debate on this pending amendment be closed in 2 hours—40 minutes to be controlled by the gentleman from Texas, the chairman of the committee, 40 minutes by the gentleman from Mississippi, and 40 minutes by the gentleman from South Dakota [Mr. BURKE]. Is there objection?

Mr. HARRISON. Mr. Chairman, reserving the right to object, I want to say I do not know what side the gentleman from South Dakota [Mr. BURKE] is on. It may be——

Mr. BURKE of South Dakota. I think, in fairness to the gentleman from Mississippi, that I ought to state that I do not favor the motion to recede and concur, but I do favor the motion made by the gentleman from Texas to disagree to the amendments of the Senate. I think it is only fair to make that statement.

Mr. HARRISON. That is giving them a double amount of time, and there are some gentlemen on this side who want to argue for my motion, and therefore may I ask the gentleman if he will not amend his motion to give 40 minutes to be controlled by the gentleman from Minnesota [Mr. MILLER].

Mr. MILLER. That will be an equal amount of time all around.

Mr. CARTER. If it will satisfy the gentlemen of the minority, I will change my request to this, Mr. Chairman: That there be 2 hours debate—40 minutes to be controlled by the gentleman from Texas [Mr. STEPHENS], 40 minutes by the gentleman from Mississippi [Mr. HARRISON], 30 minutes by the gentleman from South Dakota [Mr. BURKE], and 10 minutes by the gentleman from Minnesota [Mr. MILLER].

Mr. GARNER. Mr. Chairman, a parliamentary inquiry.

Mr. CARTER. I will make it 20 minutes each.

Mr. GARNER. Mr. Chairman, a parliamentary inquiry. Under the five-minute rule applying to this amendment there would be five minutes' debate on each side. The gentlemen ought to come to some conclusion pretty soon, or else the rule will be invoked.

Mr. MANN. The gentleman from Texas may have been at the ball game the other day when we had a gentlemen's agreement on this bill.

Mr. GARNER. I may have been, but I was in the company of the gentleman from Illinois.

Mr. MANN. We made it before we went.

Mr. STEPHENS of Texas. Mr. Chairman, I make the motion that I control 30 minutes, the gentleman from Mississippi [Mr. HARRISON] control 30 minutes, and that the gentleman from South Dakota [Mr. BURKE] control 30 minutes.

Mr. HARRISON. And the gentleman from Minnesota [Mr. MILLER] also to control 30 minutes.

Mr. STEPHENS of Texas. Then I will add that the gentleman from Minnesota [Mr. MILLER] have 30 minutes.

The CHAIRMAN. The gentleman from Texas [Mr. STEPHENS] asks unanimous consent, in lieu of the other request, that debate on this amendment be limited to 2 hours—30 minutes to be controlled by himself, 30 minutes by the gentleman from Mississippi [Mr. HARRISON], 30 minutes by the gentleman from

South Dakota [Mr. BURKE], and 30 minutes by the gentleman from Minnesota [Mr. MILLER]. Is there objection?

Mr. MANN. Reserving the right to object, I make the suggestion to the gentleman from Texas that he make it 40 minutes in place of 30 minutes in each case.

Mr. STEPHENS of Texas. That will extend the time 40 minutes.

Mr. FERRIS. Mr. Chairman, reserving the right to object, this is a wild amendment that went on in the Senate without the consideration of either branch of Congress, but I am not sure that we ought to have such time as is being apportioned to it. If we are going into it extensively, it will require some time; but I do not know that this amendment should be singled out and run over every other amendment that is of more importance, and unless the chairman feels keenly about it, I will object myself.

Mr. STEPHENS of Texas. I think that it will be better to agree to 40 minutes on a side, as has been suggested, rather than to run under the five-minute rule. My experience in this House has been that when we run under the five-minute rule we run over the time that should be allowed.

The CHAIRMAN. Does the gentleman from Texas modify his request?

Mr. STEPHENS of Texas. Yes.

The CHAIRMAN. The gentleman from Texas modifies his request by asking unanimous consent that debate on this amendment be limited to 2 hours and 40 minutes—40 minutes to be controlled by himself, 40 minutes to be controlled by the gentleman from Mississippi [Mr. HARRISON], 40 minutes to be controlled by the gentleman from South Dakota [Mr. BURKE], and 40 minutes by the gentleman from Minnesota [Mr. MILLER]. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The gentleman from Texas [Mr. STEPHENS] is recognized.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to yield to the gentleman from Ohio [Mr. POST].

Mr. POST. Mr. Chairman, the Senate amendment, known as the "Williams amendment," provides that the provisions of this act shall not be applicable to members of the Choctaw Nation in Oklahoma until Congress shall have determined the rights of the Mississippi Choctaws, whose names do not appear on the approved rolls of the Choctaws of Oklahoma, and until such Mississippi Choctaws as are found entitled to enrollment have been placed upon the rolls of citizenship of the Choctaw Nation.

This proviso, if adopted, will render nugatory the provisions to pay to the Choctaws $100 per capita until another settlement of the right of the Mississippi Choctaws to be enrolled as citizens of the Choctaw Nation. This provision should be stricken from the pending measure. The question of the right of the Mississippi Choctaws to be enrolled as a member of the Choctaw Nation has been settled time and time again, not only by the Choctaw Nation itself but by repeated acts of Congress and decisions of the Supreme Court of the United States. The question involves, however, the right of what is known as Mississippi Choctaws to the privileges of a citizen of the Choctaw Nation. This right is ultimately founded upon the treaties between the United States and the Choctaw Nation, of October 18, 1820, and September 27, 1830.

In 1820 the United States entered into an agreement with the Choctaw Nation, then domiciled principally in the State of Mississippi, by which it acquired lands of that nation, some 4,000,000 acres, and ceded to the Choctaw Nation a large body of land bounded by the Arkansas and Red Rivers and the one hundredth meridian, constituting the present domain of that nation in the State of Oklahoma.

The undoubted purposes of this treaty are stated in the preamble. It was to induce that class of Choctaws who made their living by hunting, and who were not willing to work, to collect and settle together in the far West upon hunting grounds; it was also desired by the United States that the State of Mississippi should obtain a part of the lands then belonging to the Choctaw Nation. In the next decade very few of these Indians removed to their new home in the West, but elected to remain upon their old hunting grounds. Instinctively they were unwilling to give up the land they occupied for many years and abandon the graves of their ancestors, to remove to the lands west of the Mississippi, as provided by the terms of the treaty of 1820.

This reluctance on the part of the Indians resulted in further efforts on the part of the Government officials to induce the Indians to move west and culminated in the treaty of September 27, 1830. By this treaty the Indians gained nothing, but ceded to the United States about 10,000,000 acres of land in the State of Mississippi. The Indians were induced to make this concession to the Government by a provision in the treaty which allowed them to elect whether they would remain in Mississippi or remove west. Following the making of the agreement of September 27, 1830, a large number of Choctaws were transferred to the country west of the Mississippi and thereafter constituted the Choctaw Nation.

The fourteenth article of the treaty of 1830 provides:

> Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of 640 acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over 10 years of age, and a quarter section to such child as may be under 10 years of age, to adjoin the location of the parent. If they reside upon such lands, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity.

It will be noticed that to the head of each family desiring to remain and become a citizen of the States were to be allotted a section of land, a half section for each child over 10 years of age, and a quarter section to each child under 10 years of age; and that such person shall not lose the privilege of a Choctaw citizen, but if they ever remove to the Choctaw Nation west should not be entitled to any of the Choctaw annuity.

This Choctaw annuity amounted to about $20,000 a year and was insignificant. Under this section of the treaty a large number gave notice of their intention to remain and become citizens of the State of Mississippi, although a very limited number—143—ever received patents for their land.

In the case of Choctaw Nation *v.* The United States (119 U. S., 1) it is stated that 1,346 Choctaw heads of families complied with or attempted to comply with provisions of the treaty, and that as late as 1838, 5,000 Choctaws resided in the State of Mississippi. Shortly after the ratification the Office of Indian Affairs intrusted the enrollment of the Indians who might desire to take advantage of the provisions of article 14 to the local Indian agent, one Col. William Ward. His conduct was wholly unsatisfactory, both to the Government and to the Indians.

The official reports show he was oftentimes intoxicated when the Indians applied to him for reservations; that he was harsh and abusive in his treatment of them; and that after making some few registrations he bluntly refused to receive any more applications and drove the Indians from his presence. To the conduct of this officer of the Government is attributed the small number of names that appear upon the register of those who desired to take up reservations, and has been the cause of contention lasting over the period of about 84 years.

On March 3, 1837, Congress passed an act appointing a commission to determine those Mississippi Choctaws who had been omitted from the registration and had been deprived of their reservations under article 14.

By the act of August 23, 1842, scrip was issued to those persons found entitled by these commissions in lieu of the land which should have been allotted to them under article 14 of the treaty of 1830. Only one-half of this scrip was delivered at that time, but was delivered to those residing east of the Mississippi River; the other one-half was held until such time as the scripees should remove to the lands west of the Mississippi. This scrip gave the applicants the right to enter public lands in the States of Arkansas, Mississippi, Alabama, and Louisiana in equal quantity to the amount of land the holder would have been entitled to under the fourteenth article.

The idea of retaining one-half of this land until the holder should remove west of the Mississippi River must have been with a view to carrying out the intention of the Government to require these Choctaws to eventually remove west of the Mississippi to the Choctaw Nation. However, by act of Congress of March 3, 1845, it was provided that this remaining one-half should be capitalized at $1.25 per acre, and the accrued interest thereon, at the rate of 5 per cent per annum, should be paid to the Indians or their representatives. Nothing was done, however, until the act of July 21, 1852, when it was provided that the amount yet due these Indians in scrip under the original act should be paid to them in money, and the sum of $872,000 was appropriated for that purpose. The greater portion of this money was paid out through the Office of Indian Affairs to the persons entitled to it as found by the awards made by the commission appointed under the act of 1842.

During the strenuous times immediately preceding the Civil War, and until near the close of the century, the affairs of these Indians seemed to have invoked very little attention from the National Government. In the meantime, the Choctaw Na-

tion always invited their brethren from the East to become citizens of the nation, and from the Civil War there was a continuous emigration of small parties from Mississippi and Louisiana to the Indian Territory. A great many of the emigrants were admitted to full rights and privileges of citizenship by the Choctaw Nation during these years. The Choctaw Nation was always liberal in this respect, and in many instances sent emissaries east to induce the Mississippi Choctaws to remove west and become citizens of the nation, in several instances appropriating money for their removal. By the early efforts of the United States and the subsequent efforts of the Choctaw Nation the great bulk of the Choctaw Indians were induced to and did remove to their lands in Oklahoma and were finally enrolled as citizens of the Choctaw Nation. However, some fifteen hundred or two thousand yet remain east of the Mississippi, in the States of Mississippi, Alabama, and Louisiana. Some of them are well educated and highly civilized and rank among the best and most worthy citizens of those States. The great majority, however, have failed to adopt civilization, live a sort of nomadic life, have never yet learned to speak the English language, and refuse to become affiliated with those among whom they live, so that their condition is described to be poverty stricken and most deplorable. Most of those who received their reservations have been subject to the wily intrigues of the white man and deprived of their patrimony. Most of those who were paid in scrip were imposed upon by their more civilized brethren and were defrauded or cheated out of the value of their certificates. That those remaining in this deplorable situation in the States of Mississippi, Alabama, and Louisiana are in need of and deserve the protection of the United States Government, their trustee, is without question; but this does not prove that they are entitled to citizenship in the Choctaw Nation. Their rights in this respect depend entirely upon their standing before the law. That they are poor and needy proves nothing; that their rights have been infringed upon by those among whom they have chosen to live concludes nothing. We have the poor with us always; we have the inferior everywhere governed by the superior. What, then, is the standing of these Mississippi Choctaws in the eye of the law? Under the treaty of 1830 it was open to individuals of the Choctaw Nation to do one of two things—either to move west to the Choctaw lands, domicile, remain, and become a citizen of the Choctaw Nation, or remain in the State of Mississippi and become a citizen of that sovereign State.

Since 1830 what has been the status of the Indian remaining in the State of Mississippi? To what jurisdiction has he been a subject? By the very terms of the treaty of 1830, if he remained he was to become a citizen of the State of Mississippi; by his remaining in that State, designating his intention to receive his reservation, his receipt of script, and subsequently of money, certainly fixed his right as to citizenship. The mere fact of his remaining in Mississippi and the Government exercising no control over him would make him amenable to the laws of the State of Mississippi; he would be subject to the civil and criminal courts of the State; if he acquired property, that property would be the subject of taxation. In that situation he has remained to this day. Under the treaty of 1830, notwithstanding the fact that he might elect by its terms to become a citizen of the State of Mississippi, yet by the very terms of that treaty he had a right to renounce his allegiance to the State of Mississippi, remove to Oklahoma, fix his abode upon the lands of the Choctaw Nation, and become one of its members. The fact of his renunciation to no longer remain a citizen of the State of Mississippi was not sufficient to transfer his allegiance from that State to the Choctaw Nation. It required the fact of removal to lands of the nation and his intention to remain and dwell there. In no other way could he acquire the rights of a citizen and enjoy its benefits and privileges.

I call attention to the fact that no time limitation was placed upon a Choctaw Indian by the treaty limiting his right of removal to the Choctaw Nation west. His right to elect to remove west and enjoy the privileges and immunities of a Choctaw citizen in the government and property of that nation was not limited to 10, 20, or any number of years. But is such a right perpetual? Rather did not the Indian fix his own status? Could he live out of the territory of the Choctaw Nation, evade the obligations and burdens of citizenship while that nation was growing and progressing beyond the dreams of the most avaricious, and at the same time enjoy the benefits of the funds and common property of the nation by merely removing and declaring his intention to become a citizen? In 1830 the country west of the Mississippi was wholly undeveloped, and no one dreamed of the fertility and resources of that vast territory ceded by the United States to the Choctaw Nation. At the time there can be little doubt that the lands occupied by the Mississippi Choctaws in the State of Mississippi were much more desirable and valuable than those acquired by the nation in the far West. In that early day the methods of transportation were most meager, and to remove from Mississippi was most difficult and dangerous and an extremely arduous task.

Is it not reasonable to suppose that the Government intended that those Indians desiring to remove to the far West should do so within a reasonable time, and that those that did not do so within a reasonable time should be considered to have elected to renounce their allegiance to the Choctaw Nation and become citizens of the State of Mississippi?

In the third article of the treaty the Choctaws agreed to remove all their people within three years; and by article 14 those who should decide to remain and become citizens of the State of Mississippi, and in the event, because of the intolerance and persecution of the whites, which they themselves had so bitterly experienced, or for any other reason, they might become dissatisfied with their altered condition and their new citizenship, and desire to follow them to their new home, and thereafter exercise with them in their own country the privileges of citizenship, they could do so; but this right was certainly not to exist for all time. The amount and tenure of the estate conveyed by the United States to the Choctaw Nation in pursuance of the treaty of 1830 has some bearing upon this question. The tract of country west of the Mississippi was conveyed by the President March 23, 1842, and by this conveyance there was granted to the Choctaw Nation all the rights, privileges, immunities, appurtenances of whatsoever nature thereunto belonging, as intended to be conveyed to them and their descendants, to inure to them, as long as they exist as a nation and live upon it, liable to no transfer of alienations, except to the United States or with their consent. The instrument conveying in fee simple contained two conditions for its enjoyment; that is, a nation must exist as a nation, and must live upon the land as a nation. Any Choctaw Indian removing from Mississippi in 1831, 1832, or 1833, and who might live upon this land for 50 years, if he would remove from it would forfeit his rights to the immunities and privileges of the national estate. The right of alienation was limited. The nation could not transfer the land except to the United States or with the consent of the United States; notwithstanding the fact that the grant purported to be in fee simple, yet the land could not be alienated without the consent of the Government. In other words, the United States held a trusteeship over the property and estate of the Choctaw Nation which they had conveyed to it. The power then rested in the United States to determine the existence of the Choctaw Nation as a tribal government. No one would contend that after tribal relations in the tract of country west of the Mississippi had been dissolved the right of removal still exists.

In the very nature of things it was evident that in the evolution of things the Choctaw Nation would cease to exist as such. This fact no doubt led to the provision prohibiting alienation of the Choctaw land except to the United States or with their consent. It is apparent from these considerations that the right of removal, conferred by the fourteenth article of the treaty of 1830, was limited. By remaining in the State of Mississippi the Indian thereby renounced his citizenship in the Choctaw Nation and became a citizen of the State of Mississippi. If afterwards he desired to enjoy the benefits of the common property of the Choctaw Nation it was incumbent upon him to renounce his citizenship of the State of Mississippi and remove to the Choctaw country west of the Mississippi. In no other way would he be entitled to the rights and immunities of the Choctaw Nation.

By the pending measure it is intended to open up the rolls of the Choctaw Nation and permit the Indians still remaining in Mississippi and adjoining States, after the lapse of 84 years, to receive the benefits of the vast estate in lands yet unallotted and held in trust by the United States for the Choctaw Nation after the tribal relations have ceased to exist. There is no equity or justice or moral or legal right in such a contention. Congress has several times attempted to determine the rule which should be applied to the Mississippi Choctaws, claiming under the provisions of article 14 of the treaty of 1830.

By the act of June 10, 1896, a commission was authorized to hear and determine the application of all persons who might apply to them for citizenship in any of the said nations. An appeal was provided from the finding of this commission to the United States court of the Indian Territory. Growing out of the findings of this commission we have the decision of Jack Amos et al. against Choctaw Nation, in which the United States court of the Indian Territory held that the Mississippi Choctaw Indians were not entitled to citizenship in the Choctaw

Nation or to participate in the distribution of tribal property unless they moved and took up their residence in the boundaries of said nation.

By the act of June 7, 1897, a commission was appointed to negotiate with the Five Civilized Tribes and report to Congress whether the Mississippi Choctaws under their treaties are entitled to all the rights of the Choctaw citizenship. This commission submitted a report to Congress in which it is said:

It follows, therefore, from this reasoning, as well as from the historical review already recited, that the nature of the title itself, as well as all stipulations concerning it in the treaties between the United States and the Choctaw Nation, that to avail himself of the "privileges of a Choctaw citizen" any person claiming to be a descendant of those Choctaws who were provided for in the fourteenth article of the treaty of 1830 must first show the fact that he is such descendant and has in good faith joined his brethren in the Territory with the intent to become one of the citizens of the nation. Having done so, such person has a right to be enrolled as a Choctaw citizen and to claim all the privileges of such a citizen, except to a share in the annuities. And that otherwise he can not claim as a right the "privileges of a Choctaw citizen."

Under the act of June 28, 1898, commonly known as the Curtis Act, the commission was directed to determine the identity of the Mississippi Choctaws who claim rights under the treaty of 1830. This act provides also that no person should be enrolled as entitled to an allotment in any of the five tribes unless he had in good faith removed to and settled with the nation in which he claims citizenship on or before the date of the approval of the act. Under this law a list was made up of Indians residing in Mississippi, Alabama, and Louisiana of 1,923 claiming rights under the treaty of 1830. This was not a roll of citizenship, but merely a roster to show who of those remained in Mississippi claimed under the treaty of 1830.

Notwithstanding the fact that the Congress had at various times from 1830 up to the close of the century appropriated money for the purpose of removing the Mississippi Choctaws to the lands of the Choctaw Nation west of the Mississippi, and that the Choctaw Nation in the Indian Territory had from time to time provided for the transportation of these Indians to its reservation. Congress again, by act of May 31, 1900, provided that any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right at any time prior to the approval of the final rolls of the Chickasaws and Choctaws by the Secretary of the Interior to make settlement within the Choctaw-Chickasaw country, and upon proof of the fact of bona fide settlement may be enrolled by the United States commission and entitled to allotment. Afterwards it was found that many of these Choctaw Indians residing in Mississippi were full blood, and through ignorance and lack of information as to their family history were unable to prove that they were descendants of the persons who had complied or attempted to comply with article 14 of the treaty of 1830. A rule of evidence was then established that all full-blood Choctaw Indians should be deemed to be Mississippi Choctaws and entitled to the benefits of the article. A commission found that 2,534 under this provision were entitled to enroll, providing such persons would remove to the Indian Territory within six months after the notice of their identification. On March 3, 1903, Congress appropriated $20,000 to assist these identified full bloods in their removal who did not have the means or inclination to remove themselves.

The Choctaw government in the Indian Territory made repeated efforts to secure the removal of the Mississippi Choctaws to the Choctaw country, the last effort in this direction occurring in 1891, when it appropriated money for the purpose of paying the expenses of certain Choctaw families and removing a number of families to the Indian Territory. The work of enrolling these Indians commenced in 1896, and was to close March 25, 1903, but Congress extended the time of closing the rolls to March 4, 1907, thus giving to the Mississippi Choctaws a period of 11 years after the enrollment work commenced within which to prove their claims and make settlement within the Choctaw country. Eleven years of actual agitation and enrollment was certainly ample time in which the Mississippi Choctaw, if he desired, should have proved his claim and made his removal. Every agreement made with these Indians, every act of Congress relating to them, and every act of the Choctaw Nation made residence in the tribe a prerequisite to citizenship. The time during which the rolls were in preparation extended over a period of 11 years, and it was provided that no person whose name does not appear upon the roll as herein provided shall be entitled in any manner to participate in the common property of the Choctaw Tribe. Sentimentalists may deplore the condition of these Indians, but their condition is no more deplorable than that of many Indians in various States. These Indians have not seen proper to take advantage of the provisions that were made for them relative to the right of citizenship in the Choctaw Nation. They remained in an isolated state, huddled together in small bands, and by reason of long separation from the Indians of the West became a class by themselves. They neglected and refused, after repeated efforts on the part of the United States, exerted through many years, and on the part of the Oklahoma Choctaw Tribe, to join their brethren who breasted a wilderness and suffered untold hardships in conquering that wilderness to make rich and populous the State of Oklahoma. To compel the Choctaw Nation to share the comparatively small reward of their labor and suffering with the Mississippi Indians, who took no interest in the struggle and hardships of their brethren in conquering the wilderness and overcoming untold hardships, and who were not even willing to remove after the wilderness was subdued, and who were unwilling to share in the burdens of the tribal government, is neither morally nor legally right. There should be an end to all things.

Seventy-seven years since the time for removal and residence before the close of the rolls was certainly ample. To confer upon a Mississippi Indian the right of citizenship five years after the rolls have been closed and permit him to participate in the distribution of the lands and funds belonging to the Choctaw Nation in common and held by the Government of the United States in trust would certainly be a monstrous proposition. In view of the fact that many opportunities were afforded him for removal and his right to gain his citizenship in the Choctaw Nation, it is now proposed to confer upon him these rights without the fact of removal and residence. Such a proposition is preposterous. If there were any wrongs done the Choctaw Indians under the treaty of 1830, such wrongs were not committed by those who meekly submitted to the demands of the United States Government and braved the hardships of frontier life and carved out a national domain from the wilderness in the far West; if wrongs were committed against these eastern Choctaws, they were not done by one Indian against another, but were done by the Government of the United States through its officers, and if these Indians are entitled to relief, such relief should come from the United States.

There is another view to be taken of the fourteenth article of the treaty of 1830. The right of removal and the right of citizenship after removal was a personal right. The treaty dealt exclusively with Indians then in being, the heads of families and their children. Not one word is said in the treaty of their descendants. The identical Choctaws then in being, who desired to remain in the States and become citizens of such States, were given an allotment—to the head of each family, 640 acres; to all children over 10 years of age, 320 acres; and to all children under 10 years of age, 160 acres. This would include all Indians in being at the time of the execution of the agreement, and contemplated all that should be received by such Indians who desired to remain in the States except their right of removing and becoming citizens of the Choctaw Nation in their country in the West. It is doubtful if any of the beneficiaries of the fourteenth article of this treaty are still living, but it is proposed to confer upon their remote descendants the full rights of citizenship in the Choctaw Nation, carrying with it the right to participate in its lands and moneys. Such a proposition is unwarranted.

As a member of the subcommittee investigating this identical question and hearing only one side of the question presented—that of the proponents—I have looked in vain to find any reason or justification for what is here asked for. These Indians have refused to affiliate with those among whom they have lived; many of them can not understand the English language. Living in isolation, huddled together in the direst poverty, they have been wholly neglected in education and religion, and their pitiable condition readily appeals to our sympathy. But these are conditions for the philanthropist, and wrongs are never righted by the perpetration of other wrongs.

In view of this history, these undisputed facts and the inevitable conclusion to be drawn from them, I was for a long time at a loss to understand the urgency with which these claims are presented, but am now no longer in the dark. A very enterprising firm of attorneys located in St. Louis, Mo., has solved the mystery. This firm of attorneys, through its agents and various ramifications, has searched the country with a fine-tooth comb in every State where there are persons of Indian blood, and in many States wholly devoid of Indians, and have by some means or other discovered that there are more than 13,000 persons in the United States tainted with Choctaw blood who have not been enrolled as members of the Choctaw Nation. This energetic firm of attorneys have been very persistent in pressing the claims of the Choctaw Indians, their affiliated whites and blacks and others, too numerous to mention, in whose veins no one but themselves ever suspected that a drop of Indian blood flowed. They have persistently been

bombarding the Halls of Congress, seeking to open the rolls of the Choctaw Nation, closed March 4, 1907. They are evidently proceeding upon the theory that anything goes in this day and generation when the thought of easy money presents itself. They have proceeded so far upon their easy-money proposition as to incorporate their enterprise under the laws of the State of Texas. To give this enterprise the appearance of respectability, they fixed the capital stock at $100,000, and gave it the euphonious name of the Texas-Oklahoma Investment Co. The company was to furnish $25,000 cash for the purpose of providing a fund to carry on the business of the corporation, the firm of Crews & Cantwell to retain 40 per cent of the stock, the other stockholders paying $25,000 for the 60 per cent. Crews & Cantwell transferred to the corporation some twelve or thirteen thousand alleged contracts with Choctaw claimants which they had procured from every niche and corner of the country. These contracts are a revelation in themselves. One of the provisions of the contracts taken by the attorneys representing the so-called Mississippi Choctaws provides:

> That in consideration of the premises, the party of the first part contract and agrees to pay and assign, transfer, and convey to the parties of the second part 30 per cent of all sums of money, lands, and property that may be received of the right claimed.

This is certainly illuminating. The Indians assign, transfer, and convey to the attorneys 30 per cent not only of money that might be recovered, but convey 30 per cent of the lands that may be involved in a final distribution. One of the attorneys interested in the project estimated the value of a share of an individual Indian reduced to a cash basis to be about $3,000. Ten thousand such claims would amount to $30 000,000; a contingent fee upon this per cent would be $9,000,000, an insignificant attorney fee. The fee of $750,000 received by Mansfield, Murray & Cornish sinks into utter insignificance. What tremendous benefits are to be received by the stockholders of the Texas-Oklahoma Investment Co. for the amount invested! For Congress to lend assistance to this gigantic, nefarious scheme would be to stultify itself. [Applause.]

Mr. BUTLER. Mr. Chairman, may I have one minute in which to ask the gentleman from Ohio [Mr. POST] a question?

Mr. STEPHENS of Texas. I yield one minute to the gentleman.

Mr. BUTLER. I understand that the dispute is between the enrolled Choctaw Indians of Oklahoma and the Choctaw Indians of Mississippi?

Mr. POST. Yes, sir.

Mr. BUTLER. And is it your opinion that the Indians of Mississippi ought not to participate in this fund, because they did not remove there?

Mr. POST. I think they are undoubtedly limited to the terms of the agreement made by the Government.

Mr. BUTLER. I thank the gentleman for his answer.

Mr. HARRISON. Mr. Chairman, I have 40 minutes, and I think it will be consumed in one speech, and therefore I would like to put it off until later.

Mr. STEPHENS of Texas. Will the gentleman from Minnesota [Mr. MILLER] use some of his time now?

Mr. MILLER. Mr. Chairman, I assumed that the side over there would use some time first.

Mr. STEPHENS of Texas. We have used 10 minutes in favor of my motion.

Mr. MILLER. Is the gentleman from South Dakota [Mr. BURKE] here?

Mr. MANN. The gentleman from South Dakota does not desire to use time right now.

Mr. STEPHENS of Texas. Then I yield to the gentleman from Mississippi [Mr. HARRISON].

Mr. HARRISON. I stated to the gentleman that probably the time allotted to me would be taken up by one speech, and I would like to put it off to the last. I made the motion, and I think I should have that right.

Mr. MANN. The gentleman from Mississippi [Mr. HARRISON] has a preferential motion pending, and certainly some one on that side ought to use time. I suppose it is not intended that one gentleman will use an hour and twenty minutes.

Mr. STEPHENS of Texas. Mr. Chairman, we have used 11 minutes on my side.

The CHAIRMAN (Mr. HOWARD). The time is running.

Mr. MANN. The time is not running, Mr. Chairman.

Mr. HARRISON. Mr. Chairman, I yield five minutes to the gentleman from Mississippi [Mr. QUIN].

Mr. QUIN. Mr. Chairman, the gentleman from Ohio [Mr. POST] puts his reason for this amendment to be voted out of this bill on the proposition that the Choctaws of Mississippi remained in that State and did not go to the territory or to the reservation set aside for them. Every man who is familiar with the Dancing Rabbit treaty and with the whole transaction, and with the conduct of Mr. Ward, the Government's agent, who imposed upon the credulity of the Mississippi Choctaw Indians, knows in his heart that they have never received a square deal from the Federal Government. The Mississippi Choctaws were the Indians who stood by the white man. They marched with old Andrew Jackson down to New Orleans. They stood up in blood and fought for the American flag, and when the gentlemen from Oklahoma want to take all of this money and give it to the Indians in that territory they propose to do an inequitable and dishonorable act to the Choctaws of the State of Mississippi.

Mr. FERRIS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from Oklahoma?

Mr. QUIN. No; I can not yield to you, sir. You know the RECORD bears me out.

Mr. FERRIS. I want to correct the gentleman.

Mr. QUIN. You know that those Indians in the State of Mississippi have been cheated out of their rights. You know that those $3,000,000 that you Oklahomans are endeavoring to distribute now among the Indians of that territory should be held intact until the Choctaws and their descendants of the State of Mississippi have been enrolled. They are entitled to receive their part of it.

Mr. FERRIS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. QUIN. I have not time to yield.

Mr. FERRIS. The gentleman ought not to make misstatements.

The CHAIRMAN. The gentleman refuses to yield.

Mr. QUIN. I want to say that the fight of these Mississippi Choctaws has just now started. You can never have that money distributed among the Oklahoma Indians until you give to the Mississippi Choctaws and the Louisiana Choctaws their rights under the law. They have never yet had one penny. Regardless of that, you stand upon technicalities and require certain writings and acknowledgments from the Mississippi Choctaws yonder, who could neither read nor write. Do you expect them to read and write just like all the readers and writers of that time? You understand the conditions that existed there. The facts have been fully set out, and still you want to hold those Choctaws off the roll.

They are all over that country. They know what is going on, and I believe that those people who live in other States ought to come to the rescue of these poor Choctaws of Mississippi and Louisiana who have not, thus far, been awarded justice by this Government. It is up to the membership of this House to stand by them in good conscience. We do not want any wrong done to the Oklahoma Indians. We simply want right and justice done to the Indians of Mississippi and Louisiana. They are, as I say, all over that country. Representatives of that country receive letters every day pleading and begging to have justice done to the Choctaws of that section, and still you find the fight carried on against us.

You understand from the records here that some attorneys from Oklahoma have been hunting around here like a regular lobby in Washington City endeavoring to fool Congress and fool the people of the United States. I ask you, gentlemen, on this proposition to give justice and right to the helpless, to those who have been held back and deprived of their rights ever since the signing of the Dancing Rabbit treaty down to this good hour.

Mr. FERRIS. Mr. Chairman, will the gentleman yield?

Mr. QUIN. I have not the time to yield. The gentleman knows I have not any time to spare. What little time I have, sir, I propose to put in for my good friends the Choctaws of Mississippi and their descendants. [Applause.] I do not believe you would try to stand up and get all this money for your own country, but I say that these poor people back yonder in Mississippi who have been deprived of their rights should receive justice at your hands, even though you, coming from the State of Oklahoma, can not give justice to those Indians in my State.

Mr. CARTER. Who got the land?

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. QUIN. I want to say that your Indians got the land that belonged to my Indians, and you are trying to cheat these Mississippi and Louisiana Indians out of the money that they are entitled to. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. STEPHENS of Texas. Mr. Chairman, does the gentleman from Oklahoma desire to use some time?

Mr. CARTER. Not now.

Mr. STEPHENS of Texas. Does the gentleman from South Dakota desire to use some?

Mr. BURKE of South Dakota. I would prefer to have expressed the views of those who represent the Mississippi end of the controversy.

Mr. STEPHENS of Texas. We have used 11 minutes, Mr. Chairman, and if no gentleman wants to speak I think I shall ask that we proceed with the reading of the bill.

Mr. MILLER. Mr. Chairman, please notify me when I have proceeded for 10 minutes.

The CHAIRMAN. Very well.

Mr. MILLER. Mr. Chairman and gentlemen of the committee, it is not my purpose at this time to enter into any very exhaustive discussion of the Mississippi Choctaw matter. For a great many reasons I have very pronounced convictions on the subject, having given some years, I might properly say, of study and investigation to it; but personally I do not think this occasion is one where my own views should be exploited or where they would be of any particular value in the consideration of this matter. However, inasmuch as the general question of the rights of the Mississippi Choctaws in and to some property belonging to the Choctaws of the recognized nation in Oklahoma is involved, it may be well to make one or two general statements that to my mind are quite convincing and conclusive.

There is a great deal of dust raised whenever the Mississippi Choctaw matter is mentioned. A great many immaterial, collateral, and, to my mind, unimportant facts are presented, which should have no weight or bearing on the matter at all. Starting at the beginning, we find that the Mississippi Choctaws, and all the Choctaws, in fact, lived in the State of Mississippi. By two treaties, that of 1820 and that of 1830, they yielded to the constant pressure of the whites in the effort to get them out and away from the land they held and owned. For many, many months they completely resisted every importunity, every urging known to the skilled agents of the United States Government, to get them to consent to remove west of the Mississippi, until it was agreed that article 14 of the treaty should be written.

That article 14 has been the subject of all the controversy since, and it is one that we should well look to at the beginning when we start a consideration of the question. That article contemplates, plainly and squarely, that not all of the Mississippi Choctaws shall move west. Yea, more; it contemplates that the major part of them shall not remove west, but shall remain in the State of Mississippi on their reservation. Furthermore, it contemplates, whether they move west or not, that they shall still be citizens of the Choctaw Nation. It says so specifically, in pointed terms.

It was only after that paragraph was written that the Indians signed and consented to the treaty. Then the next step is without question. Those who desired to remain in Mississippi could do so by indicating their desire. To whom was that desire to be indicated? To the agent of the Government. All the world knows that the man who represented the United States Government for that work at that place was the most consummate, heartless, merciless, conscienceless scoundrel that ever acted under the Stars and Stripes. [Applause.]

Now, all the country is not to blame for what he did; but, nevertheless, he did it. This is not hearsay. It is not conjecture. His acts were investigated by the Department of War, of which he was a member. Later on they were investigated by committees of Congress, and the reports were always the same.

Whenever an Indian tried to indicate his desire to remain in Mississippi he was practically prevented and prohibited from doing it. And to tell the story in a word, mighty few of the Mississippi Choctaws within the State, who desired in every way they could to express their preference to remain, were permitted to do so. As a consequence they were thwarted from realizing the benefits of the fourteenth article of the treaty, and that was the part of the treaty the writing of which induced them to sign the whole.

A good many did move west of the Mississippi. All would have been better off if they had removed. They did not know it then. Subsequent treaties were had between the Choctaws and the United States looking to redress for the unquestioned wrongs that were perpetrated upon these Indians. For 80 years nobody has ever stood up and said anything but that mistreatment was given to the Indians at that time.

In 1855 in particular a treaty was made, the object of which was to settle these controversies and to have a proper payment made, as far as it could be made, for the wrongs that had been done.

To my mind that which should concern Congress is whether or not these various steps looking to reparation have been adequate, whether or not they have reached the purpose for which they were taken. The question is not whether a wrong was committed, but whether the reparation has been adequate and complete.

I listened with some degree of interest to the statement made by the gentleman from Ohio [Mr. POST]. I would have been vastly more interested if he could have had the time to speak fully upon the subject, because I know he has carefully thought out and presented the subject. That feature which struck me particularly was his conclusion that the Choctaws resident in Oklahoma had at various times invited their brethren in Mississippi to come there, and that is true. There is no criticism whatever upon them in that respect. Their attitude was always all right.

Further, it had been agreed that in order to enjoy citizenship in the Choctaw Nation west, and to have a right to participate in their property, it was necessary that the Indians all remove to and live in Oklahoma. But did the gentleman from Ohio or anybody else ever stop to think who made that agreement? Not a man representing the Choctaws in Mississippi made the agreement or had one word to say about it. That was an agreement entered into between the Choctaws of the West and the United States Government, by which it was agreed that the Choctaws living in Mississippi should move west in order that they might be enrolled and become citizens.

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

Mr. MURRAY of Oklahoma. Will the gentleman yield for a question?

Mr. MILLER. I will in a moment. Let me finish this.

Mr. MURRAY of Oklahoma. Will the gentleman yield now?

Mr. MILLER. I will in a moment, but not at this point. That would have been all right, too, if we had provided them with the means of removing. Now, we recognized that fact, because an appropriation of $20,000 was made by the Choctaws for the purpose, and they did remove a few hundred of them. But, of course, that sum was totally inadequate. You might just as well tell a newborn babe that he has a gold mine in Alaska if he will go there and take physical possession of it as to have told a Mississippi Choctaw during those times to go to Oklahoma, take a piece of land, and he would become a member of the tribe. They were physically and financially incapable of performing the act.

I understand that that is not true as to all individuals. I am speaking as to the general class, who are now asking for some relief. It is true that some did go. There were various associations organized for the purpose of getting them there. Such Indians have no complaint, because they were properly enrolled.

Mr. POST. I understood the gentleman to state awhile ago that the treaty of 1830 was made between the United States Government and the Choctaws of the West.

Mr. MILLER. I beg the gentleman's pardon. I did not so state.

Mr. POST. I so understood.

Mr. MILLER. I referred to the treaties subsequent to 1830—in 1855 and 1866.

The CHAIRMAN. The gentleman desired the Chair to notify him when he had occupied 10 minutes.

Mr. MILLER. I thank the Chairman. I desire to proceed for five minutes more.

There is one other thing to which I want to direct the attention of the committee, and I hope the committee will not for a moment imagine that I am trying to make a full presentation of all the intricate facts involved in this situation.

I would like to direct the thought of the membership of the House to those salient features which I think when determined will conclude this entire and eternal controversy.

The treaty of 1855 was designed to settle and end all these difficulties. The Senate had elaborate hearings. Under that treaty they were to sit as a court of arbitration. And after taking into consideration all the wrongs perpetrated upon the Mississippi Choctaws, or the Choctaws as a whole—of course, the only wrongs were upon the Mississippi Choctaws—they thought that about $8,000,000 would be a proper compensation for those wrongs, and they made an order that something over $8,000,000 should be paid to the Choctaws for these wrongs which had been perpetrated, beginning with this Indian agent back in 1830. From the sum of $8,000,000, however, there should be deducted the cost of removing the Choctaws who had gone west, and that sum amounted to about $5,000,000, leaving a net balance of $2,980,000. They actually appropriated $250,000 for this purpose in 1859, and expected to appropriate $250,000 each year thereafter; but the war then broke out,

which stopped the proceedings, and nothing further was ever appropriated.

After the war was over the matter was renewed, and away in the eighties we find it again up and active. It would not down. This time it was sent to the Court of Claims to be rehashed from one end to the other.

The conclusion of the Court of Claims was that the Choctaws, by reason of the attitude of agents of our Government, had been defrauded in Mississippi; that wrongs had been committed; but after the great lapse of time that had then occurred it was impossible to arrive at anything like a just measurement of the extent of the fraud and the amount of damage in dollars and cents; and the court said that probably the most reasonable method of settling it was to adopt the award made by the Senate of $2,980,000, and that they did.

Now, to whom was that paid? That was paid to the Mississippi Choctaws west, although it was for the injury done to the Choctaws east.

I was occupied for many weeks trying to find from the records of this Government whether any Choctaws living in Mississippi ever received a penny of this award of $2,980,000. I found that not a dollar was ever paid to a Mississippi Choctaw in Mississippi.

It all went to the Choctaws west, living in the State of Oklahoma. I think it is entirely proper to advise the House what the Choctaw Nation west did with that money. They first said, "We will give 20 per cent to a committee of our own men," and their names are mentioned, whom they thought had been instrumental in getting through legislation or getting through the measure in some way. Twenty per cent of a little more than $3,000,000—because there was interest added to the sum—amounted to $650,000. They said, "We will give 30 per cent to our attorneys." That made up 50 per cent. There remained 50 per cent, or about a million and a half, which was turned over to the fiscal agent of the Choctaws west, who was ROBERT L. OWEN. He was given $900,000 in one sum, $200,000 in another sum, and $338,000, I think is the exact sum, in another sum, as agent for the Choctaws. The Choctaw Nation west appointed a little court of their own, consisting of three men, to try and determine to whom should be paid these sums. I would not take the time of the committee on this occasion to describe the proceedings of that committee, nor the names of those to whom they paid the sums; but I will say, generally, that the method of payment and the way in which the beneficiaries were ascertained does not reflect great credit on the honesty and public spirit and character of the persons handling the fund. I do not say that to reflect on any one individual, because no person whose name I have mentioned was a member of that commission, but I am speaking of the method in handling the fund that was then turned over.

Unquestionably the United States Government at that time recognized its duty to make compensation, to make reparation, by this lump sum, and yet the sum did not go to the individuals who had been most injured. Now, those are the salient facts that you can not get around.

Mr. MURRAY of Oklahoma. Will the gentleman yield?

Mr. MILLER. Yes.

Mr. MURRAY of Oklahoma. The gentleman says "Choctaw Nation west." There was no nation in Mississippi.

Mr. MILLER. That is entirely proper in one sense.

Mr. MURRAY of Oklahoma. The Indians who lived in Mississippi after the treaty became citizens of Mississippi under the treaties of 1820 and 1830.

Mr. MILLER. It is correct to say that more and more of the Choctaws moved west until the only organized government among the Choctaws was in the nation west.

Mr. MURRAY of Oklahoma. And there has been none since the removal west in 1830.

Mr. MILLER. The gentleman is correct, but there never was any official removal of the government.

Mr. MURRAY of Oklahoma. Under the treaty of 1830, the Dancing Rabbit Creek treaty, article 14 provided that even if they ever did move west they should not share in the annuities.

Mr. MILLER. Yes.

Mr. MURRAY of Oklahoma. And the money the gentleman refers to was paid out by the Choctaw Nation, which was the government west, and would not go to the Mississippi Indians under the terms of the treaty.

Mr. MILLER. The gentleman does not call that an annuity, does he?

Mr. MURRAY of Oklahoma. Certainly it was. Does the gentleman refer to the lands sold in Mississippi?

Mr. MILLER. The gentleman would not argue that a lump sum to pay for injury done was an annuity. There was an annuity of a very small amount, but it was an entirely different sum.

Mr. MURRAY of Oklahoma. If that was the fund got from the land sold in Mississippi, why, the gentleman is right.

Mr. MILLER. The gentleman is right.

Mr. MURRAY of Oklahoma. The land in Mississippi was sold by the Government, and part of it at 2½ cents an acre; and later the Government gave more than 4,000 Indians land scrip, by which they could take up land in Mississippi or elsewhere.

Mr. MILLER. That is so; but they could not go any place where they could take up the land.

The next salient fact is that in all the later acts of Congress and the Choctaw west intended to relieve the Choctaws in Mississippi, conditions were prescribed impossible for the Mississippi Choctaws to perform.

Now, gentleman, I am fighting no one's battles, because I have no personal interest in it. All the years I have been considering Indian affairs nothing has impressed me so strongly as that there are a large number of Indians in Mississippi, Louisiana, and Texas who have not received their just deserts, and I think it should be the attitude of Congress and the attitude of the representatives of the Indian tribes in Oklahoma to meet squarely, honestly, and fairly the situation, try to arrive at a just accounting with these people, and to take care of their interests. [Applause.]

Mr. BURKE of South Dakota. Mr. Chairman, I yield to the gentleman from Oklahoma [Mr. FERRIS].

Mr. FERRIS. Mr. Chairman and gentlemen of the House, there are men in the House who know much more about the Choctaw Indians both in Oklahoma and Mississippi than I do, but I have known something of them all my life and have known intimately of them for the last dozen years.

To intelligently bring this matter to the attention of the House it necessitates going into the matter historically for almost a hundred years. At the outset I want to assert that neither in law, equity, or good morals do the Choctaw Indians residing in Mississippi have any claim against the Choctaw Indians residing in Oklahoma. My assertion standing alone would not be of great value to this House; neither would it be of great value to those who sought to look it up, for assertions standing alone are often idle, empty, and without foundation in fact. But in the time allotted me I shall deal with the matter, first, historically; second, I shall debate the legal phase of the question; third, I shall debate the equities, morals, and justice of this proposition; and fourth, I shall show that much, if not all, of this commotion is brought about by unprofessional, unworthy, scheming, degenerate attorneys, who, by means of disreputable agents, three of whom are negroes, went into the fence corners, byways, and secluded places and by fraud, deception, and fiction secured thousands of contracts providing for exorbitant attorney fees from parties who are not Indians by blood at all, from those who have no right to enrollment, the ultimate purpose of these attorneys being the enrichment of their own pocketbooks through graft, fraud, deceit, and misrepresentation.

HISTORICAL DATA.

Ninety-four years ago, in 1820, the Choctaw Tribe of Indians in toto resided in the State of Mississippi. They owned 15,000,000 acres of land in Mississippi. By the treaty of 1820 they traded 4,000,000 acres of that land for what now comprises the Choctaw and Chickasaw Nation, in the State of Oklahoma, an area in the treaty described by metes and bounds, then Indian Territory, now a part of Oklahoma.

The treaty contained a provision which provided for the removal of the Choctaws from the State of Mississippi west, leaving 10,000,000 acres of their land behind in Mississippi.

Ten years later, in 1830, the treaty of 1830 was entered into between the Choctaw Indians and the United States Government, which was a treaty intended to more effectually carry out the provisions of the treaty of 1820, and which contains the fourteenth article, which is the sole and only basis for the pretended claim of those Indians, who have for almost 100 years refused to remove from Mississippi west to the then Indian Territory. They still refuse to remove there and are still residents of Mississippi.

The total number of Choctaws in 1830 was 18,200. Of these, 15,000 removed as per the terms of the treaty; approximately 4,000 of them remained behind in Mississippi. The 4,000 Indians that remained in Mississippi from 1830 to 1842 had the right to take up residence and be allotted land on the 10,000,000 acres in Mississippi as fast as they could be identified, allotted, and so forth. Only 143 families were induced to take lands from the 10,000,000 acres in Mississippi, while 3,885 for some cause refused to take allotments during this 12-year period. These Indians were, by the Federal Government, later given land scrip, 640 acres for each and every head of a family, 320

acres for every child over 10 years of age, and 160 acres for every child under 10 years of age, one-half to be delivered to them in Mississippi by the Federal Government and the other half after they removed from Mississippi to the then Indian Territory.

The muster rolls show that land for one-half of this scrip, as provided for, was in truth and in fact delivered to the Indians, and a list of their names can be found in the files of the Indian Office, and also by consulting House Document No. 898, Sixty-second Congress, second session. The other half, or the remainder of the scrip, was capitalized at $1.25 per acre and paid to these Choctaw Indians in person by the Indian agent for the Federal Government. See muster rolls of the Indian Office and vouchers, which show precisely that the Indians first received the land, and, second, the money.

The total amount of the money paid to the Indians was $872,000 for the last half of the scrip.

So it will be observed that the Indians who remained in Mississippi really received more land, more money, and had a larger patrimony than the Indians who moved on to the frontier at the instance of the Government into what then was a wild, savage country, where they suffered the hardships of the outrages committed by the wilder tribes of Indians who then lived upon the prairie, preyed upon their peaceful neighbors, and committed all manner and sorts of offenses against them. It will be remembered that the Choctaws were always a peaceful, civilized people, and never warlike, as were other tribes.

Of those who remained in Mississippi the muster rolls show that from 1838 to 1855 of the 4,100 Choctaws who remained in Mississippi 3,400 emigrated and took up residence in the then Indian Territory, thus leaving only 700 behind at that time. See House Document No. 898, Sixty-second Congress, second session.

These 3,400, who during that time emigrated to the then Indian Territory, now the State of Oklahoma, were enrolled and became full-fledged members of the Oklahoma Choctaw Tribe of Indians. See muster rolls of Douglas Cooper in the Indian Office.

From 1830 to 1889 any Mississippi Choctaw who would come to Oklahoma was not only welcome but was urged both by the Mississippi people and by the Choctaws of the then Indian Territory and by the Federal Government to go west and join the Indian Territory Indians to be enrolled, adopted as members of the tribe, and in fact to become full-fledged members in every respect.

During this period no Choctaw who ever in good faith moved to Indian Territory and took up bona fide residence there was refused admission to the tribe or driven away, but in each and every instance was accepted in full fellowship as a part of the Indian Territory Choctaw Tribe of Indians.

On March 4, 1890, Congress sent the Dawes Commission to Oklahoma to negotiate agreements for the winding up of the affairs of the Five Civilized Tribes of Indians. By so doing Congress stepped in and by act of Congress said: "We will make your rolls; we will allot your land; we will distribute your money per capita; we will sell your town sites, surplus lands, build up cities among you, increase the values of your land, and thereby help you prosper and improve your conditions."

This Dawes Commission was composed of a board of three lawyers eminently qualified from the standpoint of intelligence, legal ability, honor, and integrity to go to Oklahoma and perform the work of determining who was entitled to enrollment on the Choctaw rolls and who should be refused enrollment, and to decide how the affairs of these Indians should be wound up, how their lands should be allotted, and, in short, Congress empowered them to do any and all things necessary, looking to the final closing up and winding up of the affairs of the Five Civilized Tribes.

From this time on it will be distinctly understood that the Choctaw Indians themselves were shorn of power to manage their rolls and the Federal Government stepped in, and whatever occurred from this time on was by act of the Federal Government, rather than by act of the Choctaw Indians, in the then Indian Territory.

The attorneys for the Mississippi Choctaws and those contending for them base their entire claim on the fourteenth article of the treaty of 1830. This treaty is now 84 years old and has been construed by Federal commissions sent there with full power to construe it, by Federal courts vested with full power and final jurisdiction to pass upon it. Numerous acts of Congress have been passed specifically construing it, always holding that no rights of citizenship should accrue unless they removed west to Indian Territory. The fourteenth section of the treaty itself provides for a section of land of 640 acres for each head of a family, a half section of 320 acres for each child over 10 years of age, and a quarter section of 160 acres for each child under 10 years of age in Mississippi, and the record shows they got the land and the money and that it was actually delivered to them.

I shall incorporate in my remarks the section 14, upon which the Mississippi Choctaws base all their claims. It is as follows:

Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of the treaty, and he or she shall thereupon be entitled to a reservation of one section of 640 acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half of that quantity for each unmarried child which is living with him over 10 years of age, and a quarter of a section to each child as may be under 10 years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity.

In July, 1896, 66 years after the treaty of 1830 was entered into, Jack Amos and 97 other Mississippi Choctaws appealed to the Dawes Commission for enrollment as Choctaw citizens of the full blood, residing in Mississippi. On December 1, 1896, the Dawes Commission rejected the claim of Jack Amos and other Mississippi Choctaws by blood on the ground that they were not residents of the Choctaw country west. This decision was appealed to the United States District Court for the Central District of Indian Territory, and the court sustained the Dawes Commission in an elaborate opinion entitled "Jack Amos *v.* The Choctaw Nation" (report of Commission to Five Civilized Tribes, 1899, p. 92), in which Judge Clayton held as follows:

Adopting these rules in the interpretation of article 14 of the treaty of 1830, I arrived at the conclusion that the "privilege of a Choctaw citizen" was the right to renounce his allegiance to the Commonwealth of Mississippi, move upon the land conveyed to him and to his people, and there, the only spot upon earth where he could do so, renew his relations with his people and enjoy all the privileges of a Choctaw citizen, except to participate in the annuities.

He held, in effect, that those who had not so removed were barred by failure to remove.

This decision of Judge Clayton was virtually affirmed by the Supreme Court of the United States, which held that the act of Congress gave final jurisdiction to the district court, and that the act itself was constitutional. See Stephens *v.* Cherokee Nation (174 U. S. Rept., p. 445). In the Supreme Court of the United States the matter was expressly argued in the case of Emma Nabors and others, appellants, against the Choctaw Nation, appellee, at the same time with the Stephens case, October term, 1898.

It will be remembered that the Dawes Commission was a Federal commission, provided for by Congress, and the members of which were appointed by the President. It will be remembered that none of the members were local men, and could therefore not be subjected to any sort of local influence. It will be remembered that they were men of great responsibility and appointed with that in view, so that their decision with reference to this enrollment matter is entitled to the greatest weight. However, it is not necessary to stop here to show that this fourteenth article of the Dancing Rabbit Creek treaty has been finally passed upon, but the Federal court in Oklahoma, by the act of June 10, 1896, was given final jurisdiction on appeal from the Dawes Commission to finally pass upon all these enrollment cases.

The decision of the Federal court, Judge Clayton as Federal judge, is clear, unequivocal, straight to the point, and deals with the precise question now at issue. The construction of this particular section is so well set forth in the year 1896 in the Jack Amos et al. case that I am going to insert the exact language at this point for the consideration of the House. It is as follows:

In the third article of the treaty the Choctaws agreed to move all of their people within three years, and the United States intended that they should go. But, by the fourteenth article of the treaty, provisions were made whereby those who should decide to remain and become citizens of the State of Mississippi, in the event that, because of the intolerance and persecutions of the whites, which they themselves had so bitterly experienced, or for any other cause, they might become dissatisfied with their altered conditions and their new citizenship and desire to follow them to their new homes and thereafter exercise with them in their own country the privileges of citizenship they could do so, except that they were not to participate with them in their annuities, the lands which they were to receive in Mississippi being deemed a compensation for that.

When the fourteenth article of the treaty was framed the negotiating parties understood that the policy of the United States was that the Choctaws were to be removed. The Choctaws, in article 3, had just agreed that they should all go. The ink was not yet dry in article 2, whereby the condition was placed in this grant to the lands that they should live upon them or they should be forfeited, and that no

privilege of citizenship could be conferred or enjoyed outside of the territorial jurisdiction of their newly acquired nation. Understanding these conditions, the latter clause of article 14 was penned:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove—that is, if they ever place themselves on the land and within the jurisdiction of the nation whereby those privileges may become operative—are not to be entitled to any portion of the Choctaw annuity."

In other words, if they ever remove, they are to enjoy all of the privileges of a Choctaw citizen except that of participating in their annuities. If this be not the meaning to be attached to the word "remove" as used in the clause of the treaty under consideration, it must be meaningless. But in the interpretation of statutes it is the duty of the court to so interpret them as to give every word a meaning, and in doing so it must take into consideration the whole statute, its objects and purposes, the rights which are intended to be enforced and the evils intended to be remedied; it may go to the history of the transaction about which the legislation is had and call to its aid all legitimate facts proven or of which the courts will take judicial notice in order to find the true meaning of the word as used in the statute. Of course, the same rule of interpretation applies to treaties. Adopting these rules in the interpretation of article 14 of the treaty of 1830, I arrive at the conclusion that the "privilege of a Choctaw citizen" therein reserved to those Choctaws who shall remain, thereby separating themselves, it may be forever, from their brethren and their nation, becoming citizens of another sovereignty and aliens of their own, situated so that it would be impossible while in Mississippi to receive or enjoy any of the rights of Choctaw citizenship, was the right to renounce his allegiance to the Commonwealth of Mississippi, move upon the lands conveyed to him and his people, and there, the only spot on earth where he could do so, renew his relations with his people and enjoy all of the privileges of a Choctaw citizen, except to participate in the annuities.

As an evidence that the Choctaw people themselves took this view of the question, attention is called to the fact that their council has passed many acts and resolutions inviting these absent Choctaws to move into their country, and on one occasion appropriated a considerable sum of money to assist them on their journey; and until the past two or three years have always promptly placed those who did return on the rolls of citizenship, but never enrolled an absent Choctaw as a citizen.

On December 24, 1889, the General Council of the Choctaw Nation passed the following resolution:

"Whereas there are large numbers of Choctaws yet in the States of Mississippi and Louisiana who are entitled to the rights and privileges of citizenship in the Choctaw Nation; and

"Whereas they are denied all rights of citizenship in said States; and

"Whereas they are too poor to immigrate themselves into the Choctaw Nation: Therefore be it

"Resolved by the General Council of the Choctaw Nation assembled, That the United States Government is hereby requested to make provisions for the emigration of said Choctaws from said States to the Choctaw Nation," etc.

The language is not that they are entitled to the rights and privileges of Choctaw citizenship in the States named, but "who are entitled to all the rights and privileges of citizenship in the Choctaw Nation," and the prayer is that because of the fact that they are denied the rights of citizenship in the States that the United States will remove them to a place—their own country—where the rights of Choctaw citizenship may be enjoyed by them.

I would also suggest that you look at the report of the Five Civilized Tribes Commission, at page 89, wherein the matter is set forth fully, carefully, and to the point. It will here be observed that the Federal commission and the Federal court both construed this article to mean that the Indians who did not remove west from Mississippi to the Indian Territory, there to take up their residence, were forever and unalterably barred.

Due notice was given to the Mississippi Choctaws, who have all these years steadfastly refused to go to Oklahoma to take up their residence there, that unless they did so their rights would be forfeited. Still the Choctaw Nation of Oklahoma, in a spirit of fairness and in strict compliance with the treaty of 1866, gave them due notice, not alone in Oklahoma, but all through Mississippi, Texas, Louisiana, Arkansas, Alabama, and wherever there was a possibility that they could have strayed or wandered.

Notice of the rights of the citizens was to be given wide publicity, and by article 13 of said treaty it is provided:

The notice required in the above article shall be given, not only in the Choctaw and Chickasaw Nations, but by publication in newspapers printed in the States of Mississippi and Tennessee, Louisiana, Texas, Arkansas, and Alabama, to the end that such Choctaws and Chickasaws as yet remain outside of the Choctaw and Chickasaw Nations may be informed and have opportunity to exercise the rights hereby given to resident Choctaws and Chickasaws: *Provided,* That before any such absent Choctaw or Chickasaw shall be permitted to select for himself or herself or others, as hereinafter provided, he or she shall satisfy the register of the land office of his or her intention, or the intention of the party for whom selection is to be made, to become bona fide resident in the said nation within five years from the time of selection; and should the said absentee fail to remove into said nation and occupy and commence an improvement on the land selected within the time aforesaid the said selection shall be canceled, and the land shall thereafter be discharged from all claim on account thereof.

It will be remembered that in 1830 all the Choctaws resided in Mississippi, and it will be remembered they traded 4,000,000 acres of their land in Mississippi for a strip of country then in Indian Territory, and on March 3, 1842, the President of the United States executed a deed or patent to the Choctaw Nation, and particularly did he make sure to incorporate in the deed the same limitation that was found in the treaty of 1830, which provided that in the event the Indians did not live upon the land and remain upon it the title should forfeit to the Government of the United States. This provision in the patent is as follows:

That the United States of America, in consideration of the premises, and in execution of the agreement and stipulation in the aforesaid treaty, have given and granted, and by these presents do give and grant unto the said Choctaw Nation the aforesaid "tract of country west of the Mississippi"; to have and to hold the same, with all the rights, privileges, immunities, and appurtenances of whatsoever nature thereunto belonging, as intended "to be conveyed" by the aforesaid article, "in fee simple to them and their descendants, to inure them, while they shall exist as a nation and live on it," liable to no transfer or alienations except to the United States or with their consent.

This constitutes a base or determinable fee, and it is inconsistent with the manner in which the title to this land was held that the Indians who renounced their Choctaw citizenship and refused to continue their identification with the nation and share the responsibilities and burdens of citizenship should be entitled to share in its benefits. No one prior to the closing of the rolls has ever objected to the absentee Choctaws reidentifying themselves with the nation and being readmitted to the benefits of citizenship; and, on the other hand, they have been requested and urged to return to the fold on every occasion.

If the Dawes Commission, created by Congress, had not held adversely to these nonresident Choctaws; if the Federal court, Judge Clayton presiding, had not held adversely to the enrollment of nonresident Mississippi Choctaws; if it were not historically true that citizenship in any tribe or in any nation, whether savage or civilized, always depends upon bona fide residence, the provision incorporated by the President of the United States in the patent which transferred the Indian Territory land to the Indians would make it no longer a question of doubt, but one of certainty that no Indian, whether he moved west in 1820 or in 1830 or any other time to take up land, he must of necessity reside upon it and continue to reside upon it; otherwise it was a defeasible estate that would revert to the Government.

To adopt the contention of the attorneys for the Mississippi Choctaws would be to hold that the Choctaw Indians who removed west and took up residence on the land and bore all the hardships incident to the frontier at that time and then moved away, would give up every vestige they had and allow the Mississippi Choctaws to have rights to the land, even though they never lived upon the land at all. Such a contention is so preposterous that no one will ever live to see the day when it will not be criticized.

The Dawes Commission held that residence on the land was essential before the Indians could be allotted, and surely no one will ever criticize the Federal court, which by the Congress of the United States was given power to pass upon the matter for holding as they did that no Mississippi Choctaw residing in Mississippi, who refused to move west and take up his residence with his brethren in the Indian Territory, could share in the estate. Any other conclusion would work a greater wrong and inflict a greater injustice upon the Oklahoma Choctaws than any just Congress, court, or citizen would care to sustain.

Again, let me present the eloquent words of Judge Clayton, who passed upon this identical fourteenth article of the treaty of 1830. In the case of Jack Amos et al. versus the Choctaw Nation, supra, the court further says:

I am disposed to the opinion, however, and will so hold that the descendants of the Mississippi Choctaws, by virtue of the fourteenth article of the treaty of 1830, are entitled to all of the rights of Choctaw citizenship, with all of the privileges and property rights incident thereto, provided they have renounced their allegiance to the sovereignty of Mississippi by moving into the Choctaw Nation in *good faith* to live upon their lands, renewing their allegiance to that nation, and putting themselves in an attitude whereby they will be able to share in the burdens of their government. The reason for this conclusion is, to my mind, made morally certain when it is remembered that ever since the treaty of 1830, now for the period of nearly 67 years, with the exception of the past two or three years, the Choctaw Nation, by its legislative enactments, and by its acts so long continued that by custom they have become crystallized into law, have universally admitted all who should remove to this country and rehabilitate them in all of the rights and privileges of citizenship enjoyed by themselves.

Mr. GARRETT of Texas. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. I have a very short time, but I will yield for a question.

Mr. GARRETT of Texas. I simply want to ask a question. Could the Mississippi Choctaws now move to Oklahoma and participate in these funds?

Mr. FERRIS. No; because Congress passed an act formally closing the rolls after they had been open for nearly 100 years. But we do not have to stop with the Dawes Commission, which is a Federal commission, or with the Federal court, upon which you must rely, and you can not say that there is Oklahoma influence there, but a solemn act of Congress was passed in 1906, which took effect March 4, 1907, which forever closed these rolls.

It said in substance and effect the Oklahoma Choctaws have undergone all of the annoyance, have undergone all of the outrages and grafts that can be heaped upon them in connection with their tribal rolls, and the rolls are closed. So if this amendment be adopted, which went on in the Senate without consideration in any committee, you would, first, overturn the Dawes Commission; you would, second, overturn the Federal court; and you would, third, overturn the Congress of the United States, which said on March 4, 1907, seven years ago, that these rolls were affirmatively and forever closed.

Can any statement of facts be more clear than the language of the Federal court in the Jack Amos case, above mentioned? Can anyone say that this Federal judge, who by the Congress of the United States was given final jurisdiction to act, would misconstrue, misstate, or misinterpret the law as it stands? Can anyone respectfully and properly go behind the decision of the Federal court and overturn Indian treaties, Indian history, Indian laws, and Indian customs for almost a hundred years? To adopt such a contention as is sought by the amendment to open the rolls in Oklahoma would work a greater injustice than for one citizen to leap upon his weaker brother and take away from him the property that rightfully, lawfully, and honestly belongs to the weaker brother.

I can not believe the Congress of the United States will put in on the floor of the House an amendment of such far-reaching character that has never even been considered by any committee of either the House or the Senate, and thus ruthlessly override, upset, and destroy all that has been done in almost a hundred years for a proud, honorable, peaceful people, who in the first instance were the owners of that once grand estate. To even think of doing such a thing is so preposterous that I can not believe it will be countenanced or done.

But if it were necessary to determine what the rights of the Mississippi Choctaws were under the fourteenth article of the treaty prior to April, 1906, certainly that is not true now, for by the act of April, 1906, Congress stepped in and solemnly closed the rolls, which took effect on March 4, 1907. So to adopt the position of the gentleman from Mississippi [Mr. HARRISON] and his colleagues, it would be necessary to disregard, repeal, and overthrow this act of Congress; it would be necessary to overturn two treaties between the United States and the Oklahoma Choctaws, which specifically provide that the Government will distribute the land and property belonging to the Choctaws among the members of the Choctaw Nation in Oklahoma and to those found to be entitled to enrollment by the Federal commission and the Federal court charged with that duty. For verification of this statement, see the Atoka agreement and supplemental agreement between the United States and the Oklahoma Choctaws, which is clear, forceful, and direct to the point.

It has not been kept by this Government. It deserves to be kept. Surely what has been done should not now be overturned.

Feeling that I have shown conclusively that, first, the Dawes Commission; second, the Federal court; third, Congress itself; and, fourth, two solemn treaties, have all held that the nonresident Mississippi Choctaws who have for almost a hundred years refused to come and take up residence in Oklahoma are not entitled to participate in the funds or property of the Oklahoma Choctaws, I shall not stop at that, but I shall call your attention to the CONGRESSIONAL RECORD of June 19, 1914, at page 11651, wherein a Senator of the United States, to wit, Senator JOHN SHARP WILLIAMS, who is leading this fight in the Senate in behalf of the adoption of this amendment, admits openly, clearly, and emphatically that legally the Choctaws in Mississippi have no rights to enrollment. I will quote his language verbatim directly. You will then observe that a Senator who was contending that the Mississippi Choctaws ought to be enrolled in Oklahoma himself agrees they have no legal right. His exact language is as follows:

> I am not contending here that the Mississippi Choctaws, in the face of all that legislation and in the face of these decisions, have any right here that is enforceable in a court of law, but I am trying to get the legislative branch of this Government to change that law which was enacted against them and construed against them.

Continuing, Senator JOHN SHARP WILLIAMS says:

> So far as the construction of the court was concerned, I hardly see how the Supreme Court could have come to any other conclusion. * * * I am not talking now, however—and I can not be thrown off the right scent—about what are their rights in court to-day. I am talking about what their rights ought to be. * * *

I say, can any Member of Congress, can any man out of Congress, can any tribunal anywhere under any conditions afford to ignore all law adjudicating the rights as between two bands of Indians, both of which are wards of the United States and both of which are dependent people? Can Congress to-day afford by an undigested amendment to do so much mischief, repeal so many treaties, so many decisions of courts and tribunals, which have spent years of painstaking efforts in arriving at conclusions about them? No; I can not believe Congress will reach any such preposterous conclusion as that, and I can not believe that this amendment will, in keeping with law, justice, and good morals, ever be agreed to by the Congress of the United States.

EQUITY OF THE CASE.

Having, as I believe, shown conclusively that the Mississippi Choctaws have no rights to enrollment or participation in the funds or property of the Oklahoma Choctaws under the law, I think I can show they have no right in equity to participate in the same for the following reasons:

1. For 94 years the remnant bands of Mississippi Choctaws residing in Mississippi have refused to obey the solemn treaties made between the Choctaws and the Federal Government by moving west and taking up their residence with their people.

2. There were 10,000,000 acres of land reserved in Mississippi for the purpose of allotting and proving for such of the Mississippi Choctaws as remained there. Only 143 families accepted allotments from this area, although the right of all who remained was open continuously and uninterruptedly from 1830 to 1842, a period of 12 years.

3. Of those who refused to take allotments in Mississippi and who refused to move west under the provisions of the treaties land scrip was given them under the act of August 23, 1842, which could be attached and cause their rights to be exercised in any one of four States, to wit, Mississippi, Louisiana, Alabama, or Tennessee. One-half of this scrip was delivered to them by the Indian agent acting for the Federal Government in Mississippi, the balance was to be given them when they removed to Oklahoma or what was then the Indian Territory. There has been some intimation that this scrip never actually reached them or came into the possession of the Mississippi Choctaws; but this intimation is wholly untrue, without foundation, and the files of the Indian Office will prove to anyone who will take the trouble to go there and look it up that the scrip did reach them. See also House Document No. 898, Sixty-second Congress, third session, wherein appears a complete list of the names of those to whom this scrip was actually delivered. The last half of the scrip was finally capitalized and delivered to the Mississippi Choctaws in money, amounting to the sum of $872,000. For justification of this statement see act of March 3, 1845, Fifth Statutes at Large, page 777, also the files in the Indian Office, which show conclusively that the pro rata share of the money was actually delivered to them, so that in justice, good morals, and in good conscience they were given rights superior to the Oklahoma Indians.

4. They should not participate in the funds or the property of the Oklahoma Choctaws after the long lapse of time, even though they have squandered, first, their allotments, and second, their scrip, and third, their money which was actually delivered to them by the Government of the United States. The Oklahoma Indians certainly are not responsible for the squandering of the funds of the Mississippi Choctaws, if they were squandered, and it is assumed they were.

5. The Mississippi Choctaws who for almost a hundred years have refused to come and take up residence with their brethren in Oklahoma have become an alien people to the Oklahoma Choctaws, and there is nothing in common between them.

6. The personnel of the Indians who participated in the treaty of 1820, 94 years ago, is extinct, all of them, of course, having died since that time.

7. The succeeding generation has ceased to have anything in common whatever with the Oklahoma Choctaws; the Mississippi Choctaws of to-day know nothing of the traits of the Oklahoma Choctaws, follow none of their customs, and but for the constant intermeddling of outside attorneys and runners, who go among the Mississippi Choctaws creating excitement among them, their happiness in Mississippi would be complete.

8. The Choctaws residing in Mississippi should not now be enrolled in Oklahoma, because the Oklahoma Choctaws did not make the rolls, construe the rolls, or close the rolls, and do not have any unallotted land remaining. In view of these things, the Oklahoma Choctaws are entitled to their peace after the above acts have transpired and these things done for them by the Federal Government.

9. The Choctaws in Oklahoma every day did their full duty while the matter was in their hands; every day they urged their Mississippi brethren to come and live among them; they even passed resolutions beseeching, for years and years prior to the closing of the rolls by Congress, the Mississippi Choctaws to

come and take up residence in Oklahoma, and appropriated money out of their own funds as an inducement to get the Mississippi Choctaws to come to Oklahoma before Congress finally closed the rolls.

10. The Oklahoma Choctaws never refused to adopt any Choctaw who came to take up residence with them during the time they had control of their matters for a period of 71 years. This is good faith on their part. Will Congress now override their own acts in closing the rolls, overthrow the solemn treaties they made with the Choctaws?

11. The Mississippi Choctaws should not be enrolled and permitted to participate in the property of the Oklahoma Choctaws, for the reason that the Federal Government can not afford to break two solemn treaties made with the Oklahoma Choctaws, thereby dissipating the funds that belong to the Oklahoma Indians. For corroboration of this see Atoka agreement and supplemental agreement between the United States and the Choctaw Nation.

12. It would be an injustice to enroll the Mississippi Choctaws who have never lived upon the land at all when the very patents issued by the United States to the Oklahoma Indians prescribed that the land must be resided upon and that removal from it would constitute a forfeiture of thei. rights.

13. The injustice of having the Federal Government deed to the Choctaw Nation certain lands and to administer their affairs for almost a hundred years and then take their property from them and give it to another people, who from years of absenting themselves are as alien to the tribe as another independent race. Such a procedure would amount to a wrong so great the like of which Congress never has in the past resorted to, and which it is hoped Congress will not now or at any time in the future resort to.

14. The Mississippi Choctaws should not now be enrolled with the Oklahoma Indians or be permitted to share in the funds of the Oklahoma Choctaws, for the reason that the Federal Government can not afford to break their own treaty with the Oklahoma Choctaws, to wit, first give the land to them and then take it away.

15. The Mississippi Choctaws should not be enrolled from the very facts, that must be patent to all of us, that the Indians who participated in the treaty of 1820 and the treaty of 1830, both of which were agreed to almost a hundred years ago, are all dead, and their descendants have intermingled with other tribes of Indians and other races to such an extent that there are few, if any, now remaining who have any considerable portion of Choctaw Indian blood coursing through their veins. In addition to this, the Choctaws who remained in Mississippi, by refusing to obey the treaty stipulations, have forfeited every vestige of any right or claim to share in the property of the Oklahoma Choctaws. To permit the Mississippi Choctaws to go to Oklahoma at this late day, there to share in the property or funds of the Oklahoma Choctaws, would be a procedure identical with the case of the two brothers, one of whom remained in the East on the farm and acquired nothing in the way of possessions, and the other who pushed his way into the West, endured the hardships of the frontier, and finally accumulated a fortune, after which the brother who had remained in the East sought to share in the fortune acquired by his brother in the West, who had pressed out and braved the hardships of the frontier.

MISSISSIPPI CHOCTAW AGITATION CAUSED BY UNPROFESSIONAL SHYSTER ATTORNEYS.

It must of necessity be the desire of every Member of this House to know what has caused this continual agitation for the enrollment of an alien, foreign people upon the Oklahoma Choctaw Indian rolls.

Mr. Chairman and gentlemen of the House, there is a reason for this agitation, and the House is entitled to know it. The Commissioner of Indian Affairs has likewise had a desire to know what caused this commotion. In order to get at the real truth, in order to get at the real cause, and in order to know what brought about this constant agitation, the Indian Office took occasion to detail one of its oldest and most competent inspectors, Maj. James McLaughlin, out into the field to make a thorough and complete investigation.

Maj. McLaughlin submitted his report of the investigation on June 29, 1914, approximately only a week ago. It is the result of a long, patient, and painstaking investigation. In this most interesting report he gives the reason in such a manner that no one will longer be in doubt about it. I shall present this report to this House in toto and then take occasion to comment upon it. It is worthy of reading, and every Member of this House ought to read it, so as to ascertain for himself what is actually going on among those defenseless people, and then judge for himself what ought to be done in the premises. The report is as follows:

WASHINGTON, D. C., *June 29, 1914.*

The SECRETARY OF THE INTERIOR.

SIR: Under departmental instructions of the 13th ultimo, I have the honor to report my investigation concerning the representations made and methods adopted by certain solicitors in securing contracts from individual Indians who claim the right to enrollment as members of the Choctaw-Chickasaw Tribe of Indians, and respectfully submit the following conclusions relative to same:

In my tour of investigation I visited Columbus, Ohio; St. Louis, Mo.; Muskogee, Poteau, Wilburton, and McAlester, Okla.; San Antonio and Houston, Tex.; Lake Charles, Baton Rouge, and New Orleans, La.; and Gulfport, Miss., inquiring into the matter and interrogated numerous persons who had knowledge of the representations made and methods adopted by the soliciting agents in obtaining contracts from the class of claimants referred to.

From my investigation I ascertained that during the past four years several persons have been engaged in soliciting contracts from Choctaw and Chickasaw Indians and freedmen of those tribes, and that one Alexander P. Powell, who claims to be a Choctaw Indian and a lineal descendant of one of the parties to the Dancing Rabbit Creek treaty of September 27, 1830, has been actively engaged in canvassing a large extent of country, chiefly in the States of Alabama, Mississippi, Louisiana, and Texas, in procuring the names of unenrolled persons who claim to possess Choctaw or Chickasaw Indian blood, and obtaining contracts from them to prosecute, on a contingent fee, their right to share in the distribution of the funds and property of the Choctaw Nation of Oklahoma; and while, as above stated, there were several persons engaged in procuring contracts of similar character from unenrolled Indians of these tribes, it appears from the record that said A. P. Powell obtained more contracts from the class of claimants referred to than all of the other solicitors combined, notwithstanding the fact that he did not solicit contracts from any of the freedmen.

I failed to meet this man Powell during my tour of the localities in which he has been operating very extensively the past four years, and therefore can not speak of him from personal knowledge, but have been told by many who know him that he shows a decided strain of Negro blood, is large of stature, prepossessing in appearance, shrewd and plausible, which, with his posing in the communities he visits in soliciting contracts as a very important person, has succeeded in arousing great enthusiasm among the people of the localities canvassed by him, and has thus procured contracts with little or no difficulty from all persons who believed they possessed or were led by Powell to believe they possessed any Choctaw or Chickasaw Indian blood.

From what I was told by reputable persons at Lake Charles and Baton Rouge, La., and Gulfport, Miss., it would appear that said Powell was interested chiefly in procuring a large number of contracts, regardless of the ancestry of the applicants, as Mr. Luke W. Conerly, of Gulfport, Miss., told me that to his personal knowledge Powell obtained contracts from several families, the ancestry of whom as supplied by Powell was absurdly erroneous. It is also alleged that Powell took contracts from any persons claiming to have Indian blood, and from many who had never claimed to possess Indian blood until told by Powell that they were descendants of Indians who were parties to the Dancing Rabbit Creek treaty of 1830 and therefore entitled to certain benefits under that treaty.

Mr. C. R. Cline, an attorney of Lake Charles, La., and Hon. Isaac C. Boyd, of Leesville, La., also an attorney, a member of the present Louisiana Assembly, and who claims to possess Choctaw Indian blood, both informed me that there are about 300 persons living in the neighborhood of Kinder, Allen Parish, La., who are of mixed descent, being of French, Spanish, Portuguese, and Negro blood, with a very few of them possibly possessing some Indian blood, and the name "Red Bone" was given those of them who were supposed to have any Indian blood; that prior to Powell's visit to Kinder soliciting contracts with Indians it was regarded a great insult to be called a "Red Bone," thus classing them as of Indian blood, but a number of them were advised by Powell that they were of Choctaw descent, as shown by a book which he possessed and by which he traced their ancestry, as eligible to enrollment, and it is alleged that he thus obtained contracts from all of them, and since Powell thus recognized those people, the name "Red Bone" is no longer objectionable, but, on the contrary, all are desirous of being thus classed, and to be now called a "Red Bone" is exceedingly pleasing to each and all of them, as they believe that the cognomen fixes their status as of Indian blood, and entitles them to share in the property of the Choctaw Nation of Oklahoma.

Hon. Isaac C. Boyd, of Leesville, Vernon Parish, La., above referred to, stated to me that in 1911 he was induced by one Mrs. Ella Taylor, of Leesville, La., to enter into contract for Mississippi Choctaw rights, said Mrs. Taylor representing herself an authorized agent of A. P. Powell and Luke W. Conerly, whose headquarters were then at Gulfport, Miss., engaged in obtaining contracts from Choctaw claimants, for the prosecution of their right to participate in the funds and property of the Choctaw Nation of Oklahoma; said Mrs. Taylor stating to him that each beneficiary would be entitled to receive 320 acres of land or double the value of it in money, also anywhere from $5,000 to $10,000 in cash from the Choctaw funds, but that in order to participate in this distribution claimants must enter into contracts without delay, as the time limit would soon expire, therefore promptness in executing contracts for same was absolutely necessary.

Mr. Boyd, who is of Choctaw blood, a lawyer by profession with quite a lucrative practice, and who is also a member of the State Assembly of Louisiana, feels chagrined in having fallen to the flattering presentation of the matter by Mrs. Taylor, resulting in his entering into a contract for himself and his sister and for which he paid Mrs. Taylor $7.50 for executing each of said contracts.

Mr. Boyd stated that Mrs. Taylor procured a great many similar contracts at Leesville, La., and surrounding country, and that he has little doubt but that she thus realized in the neighborhood of $3,000 from her charge of $7.50 to applicants for each contract obtained. Mr. Boyd further stated that after realizing he had been victimized in the sum of $15, through the enthusiasm aroused by a plausible talk, he, in order to have the solicitors prosecuted, if possible, made diligent inquiry of persons who had entered into similar contracts to ascertain if any of them had represented themselves as Government officials, and was unable to find any person to whom they represented themselves as being in any way connected with the Government or an official of the Choctaw Nation, but that the impression prevailed among the claimants that A. P. Powell and his assistants were fully empowered to

procure the contracts they were engaged in soliciting from Choctaw claimants.

Mr. Boyd still further stated that having talked a great deal against these solicitors, denouncing them as frauds and fakirs, that Powell never visited Leesville, La., to solicit contracts, but established himself for a short time at De Ridder, 21 miles distant, and sent notices to Leesville applicants to proceed to De Ridder for that purpose.

I made particular inquiry as to whether or not Powell or any of the other solicitors had been ever heard to represent themselves as Government officials or officials of the Choctaw Nation, but did not meet any person who stated that they had ever heard any of those solicitors make such a statement. On the contrary, many of the persons whom I interrogated with reference thereto stated that they had frequently heard Powell say that he was fighting the Government to have the rightful claims of the Choctaw and Chickasaw Indians allowed; but notwithstanding the fact that Powell when questioned regarding the matter invariably denied that he had any connection with the Government in the work he was engaged in, the impression prevailed, as expressed by Attorneys Cline and Boyd and Mr. Luke W. Conerly, especially among the more ignorant persons, that Powell represented some high authority in the premises, he being engaged in executing contracts with claimants, using printed blank forms therefor, and this impression prevailed as to the several other solicitors engaged in obtaining similar contracts.

When assigned to this investigation, the Indian Office furnished me, for my information, a voluminous file of correspondence with reference to this matter, which file embraced report of Special United States Indian Agent W. W. McConihe, dated May 2, 1911, with accompanying exhibits, from which record, together with what I ascertained in my investigation, the facts appear to be as follows:

1. The citizenship rolls of the Choctaw Nation, embracing those Indians entitled to share in the property of the tribe, was closed March 4, 1907 (act of Apr. 26, 1906; 34 Stat. L., 137, sec. 2).

2. That there were possibly some persons omitted from the citizenship rolls who, because of the limitations imposed by the law as to time, were unable to produce the proof of their right to participate in the funds of the Choctaw Nation under article 14 of the treaty of September 27, 1830.

3. The possibility that there were some Mississippi Choctaw Indians whose right to enrollment had not been recognized induced a firm of attorneys—Messrs. Crews & Cantwell, of St. Louis, Mo.—to undertake the securing of legislation that would permit the reopening of the rolls for the purpose of establishing the rights of those who had previously failed to establish their right or had failed to take advantage of the opportunity to do so.

4. Messrs. Crews & Cantwell employed Alexander P. Powell, who asserts that he is a Choctaw Indian, to procure the names of unenrolled Mississippi Choctaw Indians and produce evidence by tracing the ancestry to establish their right to enrollment and to obtain contracts from them for the prosecution of their claims.

5. Associated with Messrs. Crews & Cantwell was one S. L. Hurlbut, a banker, residing at El Campo, Tex., who financed the project in the beginning by paying Powell $150 per month salary and his expenses.

6. Powell, while employed by Crews & Cantwell, procured the names of about 4,200 persons, who claimed or were led to believe by Powell that they were entitled to participate in the funds of the Choctaw Nation of Oklahoma, and from each of whom he obtained a contract authorizing Crews & Cantwell to act as their attorneys in all legal proceedings in presenting to the Interior Department or any court such evidence as he or she might be able to produce in establishing a right to participate in the distribution of the fund and property of the Choctaw-Chickasaw Indians of Oklahoma, which contracts provided that Crews & Cantwell were to receive 30 per cent of all sums of money, lands, and property that might be received by reason of the right claimed. Powell did not make any charge to the claimants while operating under the above stated salary, until a short time previous to severing his connection with Crews & Cantwell, when he commenced charging the claimants $1.25 for each contract executed, and while engaged in this work in the employ of Crews & Cantwell it appears from the record that Powell received $2,971.02 from them, $900 of which was for salary and remainder for expenses incurred by him as shown by letter from Mr. S. L. Hurlbut's office, dated March 8, 1911, copy herewith Exhibit A.

7. Powell's connection with Crews & Cantwell appears to have terminated in March, 1911, and he then commenced soliciting contracts for William B. Matthews, at attorney of Washington, D. C., with office in the Evans Building, and the contracts procured by Powell in the name of Mr. Matthews are similar in every respect to those he obtained for Crews & Cantwell, except as to name of the attorney.

The Crews & Cantwell contracts contain the stipulation that their appointment as attorneys is joint, and that in the event of the death of either, the survivor shall succeed to all rights and benefits, and perform all the duties imposed by the contract upon the attorneys. This same stipulation is contained in the printed form of contract taken in the name of William B. Matthews [copy herewith], and the fact that it does so appear would indicate that Mr. Matthews had nothing to do with the drafting of the form, but that the wording of the Crews & Cantwell contract was probably adopted by A. P. Powell, simply substituting the name of William B. Matthews, as attorney, for that of Crews & Cantwell, and Powell thus continued procuring contracts from any and all persons whom he met, who believed, or were led to believe, that they possessed Choctaw or Chickasaw Indian blood, and from each of whom he collected $2.50 for his services in executing the papers.

8. After Powell discontinued securing contracts for Crews & Cantwell and started soliciting for Attorney William E. Matthews and charging applicants $2.50 for each set of papers executed, it is alleged he procured contracts from a number of persons residing in and around Kinder, Allen Parish, La., who did not claim to be of Choctaw descent, but were advised by Powell that he possessed a book which enabled him to trace the ancestry of every living person who possessed any Choctaw blood, and that he had traced those people entitled to enrollment as descendants of certain persons appearing as beneficiaries under the Choctaw treaty of 1830. As to the book referred to as possessed by Powell, which is said to have been produced in evidence by him very frequently, I was informed by Mr. Luke W. Comerly, of Gulfport, Miss., who was for some months associated with Powell, that he carried with him for reference in tracing the ancestry of applicants for enrollment a copy of volume 7, American State Papers, which contains the names of 19,554 Choctaw Indians who were parties to the Dancing Rabbit Creek treaty of 1830, as per roll made by F. W. Armstrong, special agent, under date of September, 1831, which volume was published in 1860.

10. Crews & Cantwell, as attorneys for a number of these claimants, with evidence as to some of the unenrolled Mississippi Choctaws to an equitable right to share in the funds of the Choctaw Nation of Oklahoma, have sought legislation to reopen the rolls to permit them to prosecute the claims of these persons with whom they have contract.

11. The financing of the project to secure reimbursement of Crews & Cantwell and S. L. Hurlbut for previous expenditures was effected by incorporating the "Texas-Oklahoma Investment Co.," chartered under the laws of the Territory of Arizona, November 14, 1911. The articles of incorporation provide for a capital stock of $100,000, or 1,000 shares of the par value of $100 each, the directors of the company as incorporated being S. L. Hurlbut, of El Campo, Tex.; H. Masterson and W. A. Smith, of Houston, Tex.; and T. B. Crews and H. J. Cantwell, of St. Louis, Mo.; and the principal stockholders are T. B. Crews and H. J. Cantwell, of St. Louis, Mo.; Clifford Greve and S. L. Hurlbut, of El Campo, Tex.; H. Masterson, L. Bryan & Co., J. J. Sweeney, and W. H. Gill, of Houston, Tex.; and J. H. Kempner, of Galveston, Tex.

Two hundred and fifty shares of the 1,000 shares of the stock of this company were sold at par value of $100 per share, thus realizing $25,000 in cash, with which Crews & Cantwell and S. L. Hurlbut were reimbursed for previous expenditures and a contingent fund created to meet future expenses as incurred.

12. Crews & Cantwell turned over to the Texas-Oklahoma Investment Co. the contracts procured for them by Alexander P. Powell, numbering about 4,200, and received in cash from the fund realized from the 250 shares of the stock sold reimbursement for their previous expenditures in connection with their Mississippi Choctaw contracts, and leaving the 750 unsold shares in the treasury as common property of the company.

In promoting the organization of the Texas-Oklahoma Investment Co. flattering figures of prospective returns to investors therein appear to have been sent out to prominent persons throughout the country, as evidenced by letter of Mr. C. B. Moling, of Houston, Tex., under date of June 12, 1911, to Hon. W. L. Dechant, of Middletown, Ohio, which reads as follows:

HOUSTON, TEX., *June 12, 1911.*

Hon. W. L. DECHANT,
Middletown, Ohio.

DEAR SIR: In 1820 the United States Government made a treaty with the Choctaw Indians, then living in Mississippi, whereby the Government bought 5,000,000 acres of the Indians, and in return gave to the Indians all the lands lying in the Indian Territory north of Red River up to the Canadian and east of the ninety-eighth meridian, and paid for moving as many of the Indians out to this land as desired to go.

The Choctaws still had 10,000,000 acres left back in Mississippi, and in 1830 the Government made another treaty with them whereby the Government purchased the remaining lands for $8,000,000. In this treaty *it was agreed that the remaining Indians were to be protected in the community property or the original lands in Indian Territory granted them by the treaty of 1820.*

The Government still holds approximately 3,450,000 acres of these original Territory lands, as well as several millions in cash, in trust for the Choctaws who have not as yet been allotted their share.

A reputable and responsible firm of attorneys, with offices in St. Louis and Washington, D. C., have secured contracts with 4,200 Choctaw Indians to secure them their allotment of lands and money upon a percentage basis. The contracts provide that the attorneys are to receive 30 per cent of all lands and money received. These 4,200 contracts are each signed by the Indian, two witnesses to his signature, and acknowledged before a notary public.

These contracts, providing for this contingent fee, have been recognized by the Government, and Congress passed a resolution making *all* such contracts a first lien upon the property of the Indian. This insures direct payment to us of our fee.

For financing the project, such as hunting up the Indians and securing the proof of each individual Indian to his right of participation and the attorneys for working the bill through Congress, one-half of the profits to go to the attorneys and the other half to those who financed it.

It is estimated that each Indian's share of the estate is worth $8,000. The attorneys' contract calls for 30 per cent of this, or $2,400, of which we are to get one-half, or $1,200.

We are organizing a syndicate to take over 1,000 of these contracts at $25 per contract. We will not accept subscription for less than 20 contracts, or $500. The estimated value of 20 contracts, if we win, will be approximately $24,000, or a profit of $23,500 upon each $500 investment.

The proofs of these claims for these 4,200 Indians have all been secured and have been presented to the congressional Committee on Indian Affairs and reported favorably. This committee consists of 19 Members of Congress.

At this next session of Congress the bill will be introduced and voted upon, and as there are several precedents identical to this proposition, wherein the other Choctaws secured their rights, we have every reason to believe that the bill will pass.

* * * * * * *

We are unable to go into all the details of this proposition in this letter to you, but I have spent several days investigating it, and conclude that the chances for defeat are no greater than in the ordinary course of business. I believe the estimated results herein will be obtained, or substantially so.

I expect to give the matter my attention and to look after the interest of those who come into the deal at my request, and to take a proper assignment of the contracts and place them in the hands of some local trust company or bank, with authority to make the collection and disburse the receipts to the subscribers in the amounts to which each subscriber would be entitled at same; it will be safer for the subscribers.

My charges will be about 20 per cent of whatever profits you may make on the deal: if none are made, you owe me nothing. I would like to have you take a flier in this, say, for $500 or $1,000, and to notify me of your intentions promptly. Should you happen to lose, I think you will agree with me that it was, at least, a good bet, as the prospective returns justify taking the chance.

Awaiting your prompt reply, either by letter or wire, I am,

Yours, very truly,

C. B. MOLING.

To the foregoing communication of Mr. Moling, Mr. Dechant replied as follows:

MIDDLETOWN, OHIO, *July 24, 1911.*

C. B. MOLING,
432 Mason Building, Houston, Tex.

MY DEAR MR. MOLING: Your letter of June 12 was received in my absence, hence delay in answering.

I have gone over same carefully and note what you say, and it would seem to me if Congress has taken the steps enumerated by you the proposition is a good one, and on further investigation I might be induced to come in, everything appearing in good shape.

Who is the firm of attorneys representing you and located at St. Louis and Washington, and what is the name of the member of the firms looking specially after the matter?

Can you refer me to the reports wherein the Government has recognized the contracts referred to providing for a contingent fee, etc., in these specific cases; also, can you further refer me to the congressional reports, where the Congress recognized such contracts and made them a valid first lien on the Indians' property?

What Congress passed this resolution, legalizing these contracts as liens, and is it the present Committee of Congress on Indian Affairs to whom the proofs of the 4,200 claims you refer to were presented and reported favorably?

What is the name of the attorney who represented the matter to the Indian Affairs Committee of Congress and secured the passage of the favorable resolution?

On receipt of a letter from you in reply to the above I will take the matter up more fully and advise you at once what I will do. Thanking you for bringing this matter to my attention.

I am, as ever, yours,

W. L. DECHANT.

To the inquiries contained in the foregoing letter of Judge Dechant Mr. Moling replied as follows:

HOUSTON, TEX., *July 28, 1911.*

Hon. W. L. DECHANT,
Middletown, Ohio.

MY DEAR JUDGE: I have your letter of the 24th in regard to further information regarding the Choctaw Indian contracts, etc.

I sent for Mr. S. L. Hurlbut, who owns the contracts, and gave him your letter and asked him to give me the information desired, and I herewith hand you his dictated letter, as also the brief he refers to with the clippings attached.

In regard to the brief and the clippings, he requests that you take care of them, as they are all he has here in Houston.

It might be a good idea for you to write to Mr. Cantwell in Washington, as he is thoroughly familiar with all the details, and then the information would come to you first handed.

I am not personally acquainted with Mr. Cantwell or his partner, Mr. Crews, in St. Louis, but from what I learned they are very capable men in their line of business and have worked other similar contracts through Congress; but I knew Mr. Hurlbut for several years; he is all right, and I consider him straight and reliable; my dealings with him have all been in the real estate line and all very satisfactory; he stands well in this community.

It might also be a good idea to get in touch with the chairman of the present Committee on Indian Affairs; he ought to know all about it.

As stated in my letter of June 12, I think it's a good bet, for the reason I believe the Government will carry out the terms of its treaty made with them in 1820 and 1830; if they do, then these contracts will be good.

Awaiting your further advices, I am,

Very truly, yours,

C. B. MOLING.

The presentation of the matter as above set forth by Mr. Moling to Judge Dechant for financing the project was so flattering as to justify the average speculator in taking a chance, and it would appear, from the sale of one-fourth of the stock of the Texas-Oklahoma Investment Co. at its par value, that no great difficulty was experienced in promoting and consummating this financing of the project.

About a year subsequent to the organization of the Texas-Oklahoma Investment Co. for financing the project of handling Mississippi-Choctaw Indian contracts taken in the name of Crews & Cantwell, Mr. Albert J. Lee, of Ardmore, Okla., a member of the law firm of Ballinger & Lee, claiming to represent a large number of persons who claim a right in the tribal property of the Choctaw and Chickasaw Indians in Oklahoma, on a contingent fee of from 12½ to 40 per cent, and which do not conflict with the claims handled and represented by the Texas-Oklahoma Investment Co., but are in a line with them, desired, as shown by certain correspondence relative thereto, to raise a fund of $16,000 to meet indebtedness incurred in the prosecution of their Indian claims and with which to continue the fight for their clients, and to show that persons engaged in handling the claims of nonenrolled Choctaw and Chickasaw Indians have succeeded in interesting many prominent persons in such claims, I submit copy of tabulated statement of said Albert J. Lee, dated October 17, 1912, setting forth the prospective profits that he calculates upon deriving from his handling of said claims, together with an indorsement of same by Mr. Harris Masterson, an attorney of Houston, Tex., who is a prominent financier and promoter of projects of this character, which statement of Attorney Lee and indorsement of Mr. Masterson read as follows:

OCTOBER 17, 1912.

Mr. HARRIS MASTERSON, *Houston, Tex.*

DEAR SIR: Mr. Webster Ballinger and I represent some 13,000 persons who claim a right in the tribal property of the Choctaw and Chickasaw Indians in Oklahoma. Of the above number of persons represented by us, there are some 3,738 who are conclusively, as shown by the Government records, entitled to share in the distribution of the tribal property. An individual share is estimated at $3,000 cash. We represent these people under contracts providing for a contingent fee of from 12½ to 40 per cent of the value of each share. I am attaching a statement showing the value of our fees. The statement also shows the amount of said fees we have already contracted for.

You will observe that my individual share of said fee will amount to $850,911, based upon the cases I consider certain; and that if we succeed in one-third of the cases that are uncertain, or rather if we succeed in enrolling 3,000 out of the 10,000 doubtful cases, my individual share of the fee would be $2,065,911.

I am in urgent need of funds with which to meet indebtedness incurred in the prosecution of these claims, and with which I may be enabled to continue the fight for our clients, and I want to raise $16,000, which I will agree to return with interest, and will assign the people furnishing the money 40 per cent of my individual share of the fee. Estimated upon the cases considered certain, this would return about $22 for every dollar subscribed, and upon the basis of one-third of the uncertain cases going through in addition to those that I consider certain, the estimated return would be about $120 for every dollar advanced.

The following pages will give you some idea of the nature and basis of the claims.

CHOCTAW AND CHICKASAW LANDS, AND OTHER PROPERTY.

In southeastern Oklahoma, in what was formerly the Choctaw and Chickasaw Nations, are nearly 3,000,000 acres of land, which the Federal Government will offer for sale from day to day from November 12 to December 23, this year. These lands are classed as follows: 900,000 acres agricultural, 445,000 acres agricultural surface, with deposits of coal and asphalt, 1,500,000 acres pine and hardwood timber.

In addition to the above lands the coal and asphalt deposits are shortly to be sold. The United States mine inspector has estimated that the coal is worth in royalties to the Choctaw and Chickasaw people at least $70,000,000. There is now on deposit to the credit of these two tribes something like $1,000,000, derived from the sale of town sites.

VALUE OF PROPERTY.

It is reasonable to assume that the Federal Government will be able to get for the coal deposits at least one-half of the amount that said deposits are estimated to be worth in royalties, which would be, in round numbers, $35,000,000.

Should the 3,000,000 acres of land bring an average price of $10 per acre, which is a very reasonable estimate considering the fact that there is standing timber on 1,500,000 acres thereof, $30,000,000 will be derived from this source.

There is no accurate estimate of the value of the asphalt deposits, but they are worth several hundred thousand dollars. Eliminating the value of the asphalt deposits, we have the following values:

On deposit	$10,000,000
Value of the coal	35,000,000
Value of the surface and timber	30,000,000
Total value of the property	66,000,000

OWNERS OF THE PROPERTY.

The above property belongs to the citizens of the Choctaw and Chickasaw Nations of Indians under a grant made by the Federal Government under the terms of the treaty of September 27, 1830. The grant conveyed to said Indians all the lands lying between the Canadian and Red Rivers, the Arkansas line, and the one hundredth parallel west. All of said land, however, with the exception of the 3,000,000 acres above referred to, has been parceled out to the individual Indians in allotments of 320 acres of average value land.

As the property belonged to the citizens of the tribes of whom the Federal Government was the guardian, it became the duty of the Federal Government, upon the dissolution of the tribal governments, to ascertain who were the citizens entitled to share in the distribution of the property. This the Federal Government undertook to do. The tribal governments agreed to such action upon condition that each citizen be allotted 320 acres of average value land and should then share in the proceeds derived from the sale of any lands remaining undisposed of after all allotments had been made. It was also agreed that certain town sites, coal deposits, asphalt deposits, and timberlands should be withheld from the allotment scheme.

Congress passed seven different acts, under which the citizenship of the two tribes should be determined and the distribution made. The acts were act of June 10, 1896; act of June 7, 1897; act of June 28, 1898; act of May 31, 1900; act of July 1, 1902; act of March 3, 1905; and the act of April 26, 1906. The latter act provided that the question of citizenship should be finally closed upon March 4, 1907, and since that date no person has been added to the rolls of those Indians entitled to share in the property. Assistant Attorney General J. W. Howell stated to the House Committee on Indian Affairs that the above-mentioned acts were "inheritently defective" and "administered so as to prevent a full realization of their purpose." (Hearing on H. R. 19279, 61st Cong., 2d sess., p. 265.)

WHY THE CLAIMANTS WHOM WE REPRESENT WERE OMITTED FROM THE ROLLS.

1. Sufficient time was not given to do the work. The Department of the Interior was forced to act pro forma upon the claims of more than 2,000 persons during the week preceding March 4, 1907.

2. The commission created by act of Congress was incompetent and composed of laymen who conceived the idea that it was their duty to oppose the applicants and restrict the number of persons entitled to share to the fewest possible. This commission suppressed records and failed to transmit the full case of applicants to the Secretary of the Interior, who had a supervisory authority and right of review. Upon charges filed against officers of this commission, two of them were forced to resign. (S. Doc. 357, 59th Cong., 2d sess.)

3. The tribal officials who had control of tribal funds sought at all times to restrict the number of persons enrolled, in order that the share of each would be greater.

4. The attorneys, Mansfield, McMurray & Cornish, employed under Government sanction to represent the tribes, for an extra consideration of $750,000 paid out of tribal funds, and which latter employment was unknown to the Government officials, succeeded in defeating the claims of nearly 4,000 persons who had been enrolled by judgments of the United States courts rendered in cases appealed from the action of the commission to the Five Civilized Tribes under the provisions of the act of June 10, 1896. This action was investigated by the committee of Congress, and, with respect to the persons enrolled by judgments of the United States courts, this committee said: "There was no way by which persons so enrolled—locally known as court citizens—could be eliminated lawfully from participation in the tribal estate."

These tribal attorneys succeeded, however, in eliminating from the citizenship rolls the persons placed thereon by judgment of the United States courts by lobbying through a provision of law which became part of the agreement entered into by the Government and the tribes contained in the act of July 1, 1902, with reference to the distribution of the property, by having created a special court to review the judgments of the United States courts, and a committee of Congress has reported upon the manner in which this court was created, as follows:

"After the agreement had been duly signed by the representatives of the two nations and by the representatives of the Government, and after it was transmitted to Congress for ratification and approval, sections 31, 32, and 33 were inserted at the request of McMurray, which sections are predicated on the assumption that the United States courts in the Indian Territory, acting under the act of June 10, 1896, had admitted persons to citizenship in the Choctaw and Chickasaw Nations without notice to both of said nations. It was contended by the nations that in such proceedings notice to each of said nations was indispensable, and they claimed and insisted that the proceedings in the United States courts in the Indian Territory, under the act of June 10, 1896, should have been confined to a review of the action of the Commission to the Five Civilized Tribes upon the record in each case and should not have extended to a trial de novo of the question of citizenship. These sections authorized the two nations jointly, or either of said nations acting separately and making the other a party defendant, by a bill in equity filed in the citizenship court, to bring a suit for the purpose of testing the validity of all such decisions of the United States courts. It further provided that 10 persons admitted to citizenship or enrollment

by the United States courts, with notice to but one of said nations, should be made defendants to a suit as representatives of the entire class of persons similarly situated. In other words, it authorized the bringing of a test suit, and provided that in the event said citizenship judgments or decisions were annulled or vacated, any party thereto, within 90 days thereafter, by a written application, might have his case transferred to the citizenship court by the court where the judgment was entered and that the citizenship court should have jurisdiction therein as if no judgment or decision had been rendered by the United States court. It was provided that the judgment of the citizenship court should be final.

This act provided that it should not be effective until submitted to and ratified by a vote of the two nations, but exception was made as to sections 31, 32, and 33, creating the citizenship court, but which became effective upon the passage and approval of the act.

Immediately following the passage of the act ratifying the agreement of 1902, the judges authorized to be appointed to constitute the citizenship court were appointed, as follows: Spencer Adams, of North Carolina; Henry S. Foote, of California; and Walter L. Weaver, of Ohio. Judge Foote appears to have been appointed upon the recommendation of Senator Stewart, who was then chairman of the Senate Committee on Indian Affairs, and Judge Adams, on the recommendation of Senator Pritchard, of North Carolina. Judge Foote was the brother-in-law of Senator Stewart. The law creating this court is without legislative parallel; the manner of its enactment was extraordinary, and the authority which it conferred upon the court it created is without precedent in American jurisprudence.

As soon as this court was created and organized, the firm of Mansfield, McMurray & Cornish proceeded to bring before it a very large number of claims of "court citizens," and they succeeded in eliminating from the rolls between 3,500 and 4,000 persons. They then claimed a fee of 9 per cent on a basis of $4,800 per person, as provided in the contingent-fee contract made in 1901, before referred to, which had not been approved in accordance with law. (H. Rept. No. 2273, 61st Cong., 2d sess.)

It was reported, and commonly accepted as a fact, that Judges Foote and Adams received a part of the fee paid Mansfield, McMurray & Cornish, and in the case of Adams *v.* Butler, in which case Adams sued ex-United States Senator Butler, of North Carolina, for libel, it was shown that Adams received $50,000 of the fee. While the committee was considering the evidence upon which the above report was made Judge Adams cut his throat with a razor. Judge Foote died shortly after the fee was paid Foote was a confirmed drunkard.

5. There are many other reasons impossible of explanation in this short statement.

CONGRESS NOW CONSIDERING CLAIMS.

Since the closing of the rolls those whose names appear thereon and the Representatives in Congress from Oklahoma have constantly pressed for legislation directing the Secretary of the Interior to finally wind up the affairs of the tribes and to distribute the funds to those enrolled. This Congress has refused to do, and at each session has considered the enactment of legislation that would place upon the rolls all meritorious cases. The hearings upon such proposed legislation has progressed to the point where it now seems certain that action will be taken at the coming session of Congress. The Secretary of the Interior, on February 12, 1910, recommended that Congress give him authority to add to the rolls two classes of persons who had been omitted. (App. hearing on H. R. 19279, 61st Cong., 2d sess.) And during the last session of Congress the Secretary advised Congress that there were several different classes of cases which should be reheard before the estates were finally wound up, and suggested that Congress give him authority to hear the cases and to add the names to the rolls of those persons found entitled to be placed thereon.

It is our purpose to continue the fight for our clients until definite action is taken by Congress. We have been strong enough at all times to prevent a final settlement and distribution of the property. The opposition now realizes that, in order to get their own shares of the property, they must consent to legislation giving our clients their rights. I have spent a great deal of money and have given all of my time since March 4, 1907, in the work of securing justice for our clients, and I shall continue to do so until some final action is taken by Congress.

ESTIMATED VALUE OF EACH CLAIMANT'S SHARE OF PROPERTY.

As the lands have all either been allotted or ordered to be sold, the persons added to the rolls will have to take their share of the estate in cash, and it has been tentatively agreed that each person so enrolled is to receive $3,000 in cash.

Yours, very truly,

ALBERT J. LEE.

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CLAIMS IN CHOCTAW AND CHICKASAW ESTATE.

Below is the list of the number of persons claiming a share of the Choctaw and Chickasaw tribal estates, represented by Ballinger & Lee, attorneys, and the basis of their employment.

The value of an individual share in the estate is estimated at $3,000 in cash.

Number of individual claimants: 3,738, more or less.

Of the above number 2,051 persons, more or less, are represented under written contracts and powers of attorney, for a contingent fee of 40 per cent of claims recovered; 487 are represented by agreement with other attorneys who hold contracts for 25 per cent of recovery, the share of Ballinger & Lee being 12½ per cent of the amount recovered. One thousand two hundred persons, more or less, are represented by Ballinger & Lee under 50 per cent contract, of which Ballinger & Lee's share will estimate $500 per person.

Lee's proposed sale of 40 per cent of his individual shares, or fee, is figured as follows:

Persons	2,051
Value of individual share	$3,000
Total value of shares of 2,051 persons	$6,153,000
Per cent basis of fee	40
Estimated fee	$2,461,200
Persons	487
Value of share	$3,000
Total value of shares of 487 persons	$1,461,000
Per cent basis of fee of Ballinger & Lee	12½
Total estimated fee of Ballinger & Lee for 487 persons	$183,023
Persons	1,200
Ballinger & Lee's fee per person	$500
Total estimated fee for 1,200 persons	$600,000
	$2,461,200
	$183,023
	$600,000
Total of Ballinger & Lee's fee	$3,244,223
Less estimated expense of collection	$150,000
	$3,094,223
Per cent with which assistance was contracted	45
Estimated cost of assistance	$1,392,400
Net fee	$3,094,223
Less cost of assistance	$1,392,400
Net fee to Ballinger & Lee	$1,701,823
Net fee to Lee (one-half)	$850,911
Per cent proposed assignment	40
Fee which will go to owners of the 40 per cent to be sold	$340,364

In addition to the above cases, we represent about 10,000 people whose records do not conclusively show that they are entitled to share in the distribution of the property, but if Congress permits proof to be made in these cases, I estimate that at least 3,000 of them will be good. Our fee in these cases is 40 per cent, and in the event of success in the 3,000 cases indicated, my individual fee would approximate $2,065,911. My proposed assignment includes all of these cases.

ALBERT J. LEE.

—

MASTERSON & MASTERSON, ATTORNEYS AT LAW,
Houston, Tex., October 17, 1912. (Received Apr. 20, 1914.)

To whom it may concern:

I have carefully read the statement of Albert J. Lee, of the law firm of Ballinger & Lee, in his letters of the 17th instant, relating to the claims of the Choctaw and Chickasaw Indians, represented by his firm, and from my own knowledge of the facts, the manner in which the estate of these Indians was administered by officers of the Federal Government, and the steps that are now being taken to protect the interests of the claimants, I know that Mr. Lee's statement is substantially correct. The claims represented by Mr. Lee are meritorious; however, he does not by half set forth the merits of the claims, nor does his statement fully cover the injustice that has been perpetrated upon the class of Indians whom he represents. It would be impossible for him to fully deal with the merits of these claims in a brief letter.

The records in these cases are so plain and so clearly disclose fraud and incompetent administration that I am firmly convinced that Congress will restore the claimants to their rights. I therefore believe that money advanced to Mr. Lee in aid of his cases will return a big profit within the next two years, and that such profits will not be less than a return of $20 for every dollar advanced him.

On the 7th day of this month I furnished $2,000 to Mr. Lee in order to afford him temporary relief in connection with the Indian claims represented by him, and in addition thereto I am subscribing $2,000 to the fund of $16,000 which he is now endeavoring to raise, notwithstanding the fact that I am largely interested in similar claims of the Choctaw Indian descendants.

Of my own knowledge—for I have investigated many of the claims of the clients of Mr. Lee before deciding to invest $4,000 in the enterprise—I know that the claims of the Indians so investigated, whom Messrs. Ballinger & Lee represent, are full of merit. I therefore consider the $2,000 already invested and subscription of $2,000 to be in the nature of a fine speculative investment. It is hoped, and I think reasonably certain, that the Choctaw claimants will be given relief during the coming session of Congress.

These claims do not conflict with the claims handled and represented by the Texas-Oklahoma Investment Co., but are in line with them.

Yours, very truly,

H. MASTERSON.

I visited Muskogee, Okla., where I conferred with Commissioner Wright and Supt. Kelsey with reference to persons soliciting contracts from the Indians of Oklahoma, and then proceeded to Poteau, Okla., where I met T. V. Sprinkel, an attorney of that town, whom I learned had been obtaining contracts from certain Indians, and upon interrogating him relative thereto, he stated with apparent frankness that he has been engaged at intervals the past three years in procuring contracts from Choctaw Indians who are interested in what is known as the Glenn-Tucker claim, and that he has not solicited contracts in any other Indian claim; that there are about 700 Choctaw families interested in said claim; and that he has procured contracts from 75 of the leading families interested, and only from those of them with whom he has been acquainted for many years past.

He stated that to meet the expenses incurred by him in executing the contracts and preparing the case he charges each family $10 who employ him, this being the total charge he makes to each family regardless of the number in the family, and that his contracts provide for payment to him of a 25 per cent contingent fee of whatever he may recover for them. He further stated that he has been engaged in this work since 1911, during which time he has made two trips to Washington, D. C., in the interests of his clients, and that up to the present time the total received by him from the 75 families with whom he has contracts amounts to only $129.

He also stated that Webster Ballinger, Walter S. Field, and W. W. Wright, attorneys of Washington, D. C., have a large number of similar contracts with Choctaw Indians.

While at Poteau I learned that a colored man named Robert L. Fortune, of Wilburton, Okla., had been soliciting contracts for Crews & Cantwell from Choctaw freedmen residing in the vicinity of Poteau, and I obtained from Mr. Felix Bird, a notary public of Poteau, one of the contracts, which said Fortune had left with the notary for acknowledgment when the freedman represented therein appeared to execute it, and after concluding my business at Poteau I proceeded to Wilburton, where I met said Robert L. Fortune and interrogated him with reference to the matter.

Said Robert L. Fortune resides in the town of Wilburton, Okla., and bears a good reputation in the community. He stated to me that he

is 48 years of age, and was for 16 years, terminating in 1906, a deputy United States marshal for the eastern district of Indian Territory, now a part of Oklahoma, and that about three years ago he was employed by a negro lawyer, named J. Milton Turner, to canvass certain localities in eastern Oklahoma and procure contracts from Choctaw freedmen for Crews & Cantwell, of St. Louis, Mo.; that said Turner employed two other colored men as subagents in this work, whose names were J. E. Eubanks and H. A. Guess, respectively, and that Turner, in directing the work, maintained an office first at McAlester, Okla., and subsequently at Fort Smith, Ark.; that he (Fortune) procured about 700 contracts for Crews & Cantwell from Choctaw freedmen, including minors, but took no contracts from minors except when executed by legal guardians; that he delivered all of the contracts thus procured by him to J. Milton Turner, who paid him $1.25 for each duly executed contract delivered, and that the contract provided for a 35 per cent contingent fee to Crews & Cantwell.

Said Robert L. Fortune stated that in no instance while engaged in this work did he represent himself as a Government official, but invariably as a subagent of J. Milton Turner, in procuring contracts for Crews & Cantwell, of St. Louis, Mo.; that H. A. Guess, another of Turner's subagents, who was a negro attorney, then residing at McAlester, Okla., was given a much larger and better territory to operate in than that assigned to him by Turner, in consequence of which, as stated by Fortune, Subagent Guess procured about double the number of contracts that he (Fortune) obtained, and which, with the contracts procured by J. E. Eubanks, another of Turner's subagents, a colored man, and said to be a lawyer, whose field of operation was in the southeastern part of Oklahoma and adjoining territory in Arkansas, and Fortune stated, as an estimate, that about 2,300 contracts were obtained for Crews & Cantwell from Choctaw freedmen by himself and the two other subagents operating under the direction of said J. Milton Turner.

On the 23d ultimo I called upon Mr. Harris Masterson, attorney at law, at his office in the Chronicle Building, Houston, Tex., and had a very pleasant interview with him relative to his connection with certain attorneys engaged in prosecuting Mississippi Choctaw Indian claims, and he was exceedingly courteous throughout our conference.

Mr. Masterson is a very affable gentleman, and stated quite freely his interest in the claims handled by Crews & Cantwell, in which he said he became interested by having the case presented and explained to him by Mr. S. L. Hurlbut, of El Campo, Tex., and that after investigating the matter he concluded to go in on it as a speculative investment, and that he took an active part in promoting the organization of the Texas-Oklahoma Investment Co. to finance the project.

The organization of said company and financing of the project is set forth on pages 12 and 13 of this report, based upon the statements of Mr. Masterson to me with reference thereto.

Mr. Masterson further stated that he also promoted the raising of a fund for Attorney Albert J. Lee, of Ardmore, Okla., to enable him to continue the prosecution of certain Choctaw-Chickasaw Indian claims that are being handled by Ballinger & Lee, which do not conflict with those handled by Crews & Cantwell.

Luke W. Conerly, of Gulfport, Miss., being frequently referred to in the communications contained in the file of papers furnished me by the Indian Office for use in my investigation, and his name appearing in the correspondence as an active solicitor in obtaining contracts from Mississippi Choctaws, therefore I proceeded to Gulfport, Miss., to meet him.

I reached Gulfport the afternoon of the 27th ultimo, and learning that Mr. Conerly lived out in the country about 3 miles from Gulfport, I got into telephone communication with him and he immediately came in to meet me at the Great Southern Hotel, where we were over three hours in conference, and he returned about 9 o'clock the following morning, accompanied by Henry Wilson and Carl Wilson, two prominent members of the Mississippi Choctaws, and remained until near noon discussing Choctaw matters generally and A. P. Powell particularly.

The said Luke W. Conerly is 73 years of age and a lawyer by profession, but has not practiced in the courts for several years past. He is quite intelligent, bears a good name in the community, and is well spoken of by those who know him. He claims to be a lineal descendant of one of the leading Choctaw families who participated in the Dancing Rabbit Creek treaty of 1830, and stated that he is now regarded by all the Choctaws living outside of Oklahoma as their captain and recognized leader; also that it was he who first interested Congressman HARRISON, of Mississippi, in Choctaw matters and got him to introduce the bill for reopening the Choctaw rolls; that he had interested United States Senators WILLIAMS and VARDAMAN, of Mississippi, in the Choctaw claim; also Congressman MORGAN of Louisiana, in whose district many Choctaws reside.

I had a very pleasant interview with Harry Wilson, president chief council, Society of Mississippi Choctaws, together with his son, Pearl L. Wilson, secretary of said council, both of whom reside in Gulfport, Miss., and they corroborated substantially the statements of Luke W. Conerly regarding Mississippi Choctaw matters.

Mr. Conerly stated that he assisted A. P. Powell in writing up contracts with Mississippi Choctaws in 1910, when Powell was working on a salary for Crews & Cantwell, and that again in March, 1911, he commenced assisting Powell in writing up contracts for W. B. Matthews, an attorney of Washington, D. C., and for whom Powell procured 2,258 contracts and had charged the claimants $2.50 each for executing. He further stated that he was in Washington, D. C., in February, 1912, and suggested to Mr. Cantwell, who was also in Washington, the advisability of Crews & Cantwell purchasing the Matthews contracts, as Mr. Matthews had never done anything toward furthering the Choctaw case before the committees of Congress or elsewhere, and that Mr. Cantwell was so favorably impressed with the proposition that he authorized him (Conerly) to call upon Attorney Matthews and endeavor to bring about a transfer of his contracts to Crews & Cantwell, which he (Conerly) proceeded to carry out, resulting in Mr. Matthews transferring the 2,258 contracts that were procured in his name to Crews & Cantwell for a cash consideration of $1,300, together with Mr. Matthews retaining a certain per cent interest in the contingent fee provided in the contracts, and that he (Conerly) supervised the legal transfer of said contracts from Matthews to Crews & Cantwell and carried them from Mr. Matthews's office in the Bond Building to Crews & Cantwell's office, then in the Munsey Building.

Mr. Conerly further stated that A. P. Powell in his deal with W. B. Matthews was to receive a certain per cent of the contingent fee provided in the contracts, and in order to eliminate Powell, and that he would have no further interest in these 2,258 contracts, Mr. Cantwell paid Powell $300 in cash; this payment to Powell, as stated by Mr. Conerly, was that he might thus be gotten rid of in a friendly way and with the understanding that he (Powell) was not to return to Mississippi to engage in soliciting contracts with Choctaw or Chickasaw claimants.

Mr. Conerly stated that he was then engaged by Crews & Cantwell to procure contracts for them, and that arrangements were subsequently made by which Powell assisted him for a time, and that during 1912 and early part of 1913 he (assisted by Powell) procured about 1,300 contracts for Crews & Cantwell and turned the same in to them; that Powell then commenced taking contracts in his own name, and his present whereabouts are unknown to Conerly.

Mr. Conerly still further stated that since March, 1913, he has been in the employ of Mr. T. B. Crews, of the firm of Crews & Cantwell, in procuring Choctaw contracts, and had on the 28th ultimo about 1,800 executed contracts all indexed and ready to turn in, thus approximating about 9,558 of this class of contracts controlled by Crews & Cantwell, apart from any they may have obtained through parties whom he (Conerly) has no knowledge. To the above-stated total may be added the 2,300 Freedmen contracts as estimated by Robert L. Fortune, of Wilburton, Okla., who was one of the solicitors obtaining contracts from freedmen for Crews & Cantwell.

Mr. Conerly stated to me that he had obtained contracts from Mississippi Choctaws residing in 15 different States and that there are now so many influential persons interested in this claim that he has great hope of the early enactment of legislation directing the reopening of the Choctaw and Chickasaw rolls.

With reference to the representations made and methods adopted by A. P. Powell in obtaining contracts from Mississippi Choctaw applicants, Mr. Conerly stated that he had been associated with Powell at intervals, from 1910 to the early part of 1913, in writing up contracts for Choctaw claimants, and that during all that period he had never heard Powell represent himself as a Government official; on the contrary, had often heard him tell applicants that he was in no way connected with the Government, but that the impression prevailed among the people in general that Powell represented some high authority in canvassing for and executing the contracts he was obtaining; that he never heard Powell state that he was a lawyer, but knows that the impression prevailed in general that he was an attorney.

Mr. Conerly stated that he has not met Powell during the past year and did not know where he is at the present time, but had heard that he is still engaged in soliciting contracts from Choctaw claimants, taking the contracts in his own name on a 20 per cent contingent fee and charging each applicant $2.50 for executing their papers, and he (Conerly) expressed the belief that Powell has realized several thousand dollars through the $2.50 fee invariably received by him from each of the many claimants from whom he obtained contracts since severing his connection with Crews & Cantwell in 1911.

Mr. Conerly remarked with reference to A. P. Powell that he regarded him as a shrewd individual who made a good impression upon persons meeting him casually, but that from having acquired a very thorough knowledge of Powell's characteristics, he (Conerly) would not wish to be associated with him in any business transaction.

As pertinent in the premises, I transmit herewith as "Exhibit B" copy of statement of said Luke W. Conerly, made under oath to Special Indian Agent W. W. McConihe at Jackson, Miss., on April 26, 1911; the original of which I submitted to Mr. Conerly at Gulfport, Miss., on the 28th ultimo and which he verified as true and a correct statement of matters therein referred to up to the time the said statement was made and sworn to by him.

There is also transmitted herewith as "Exhibit C" letter of Luke W. Conerly, of Gulfport, Miss., addressed to me under date of 17th instant, to which is attached a printed circular of Crews & Cantwell, dated February 16, 1912, accompanied by printed copy of an affidavit of A. P. Powell, dated November 6, 1911, which has reference to the discontinuance of A. P. Powell by Crews & Cantwell and the employment by them of said Mr. Conerly to continue the work of procuring contracts from Choctaw claimants who desired to be represented by Crews & Cantwell.

I also transmit, as "Exhibit D," copy of affidavit of said A. P. Powell, asknowledged at Jackson, Miss., by W. W. McConihe, special United States Indian agent, on April 27, 1911, wherein Powell states that he took about 4,000 applications and made no charge for them, after which he charged applicants $1.25 each; that he made this charge because the money that had been advanced by Crews, Cantwell & Hurlbut was exhausted; that he sent all these claims he was making a charge for to Crews & Cantwell; that he took about 100 applications at Monticello, Miss., for Crews & Cantwell and charged $2.50 each there; that he took a few names at Biloxi, Miss., and charged $1.25 for each applicant there, and that these claims were for Crews & Cantwell; that he also visited Meridian, Miss., and took about 88 applications there for Crews & Cantwell, but for which no charge was made; and that he had taken no applications for Crews & Cantwell after his association with Matthews (meaning Attorney W. B. Matthews, of Washington, D. C.).

From the foregoing statements of Powell in his said affidavit he doubtless took contracts for Crews & Cantwell from approximately 4,200 claimants, as stated on page 13 of this report, and also as shown on page 14 hereof, by copy of Mr. C. B. Moling's letter of June 12, 1911, to Hon. W. L. Dechant, of Middletown, Ohio, which, with the 2,258 contracts taken by Powell for W. B. Matthews and subsequently transferred to Crews & Cantwell, and as stated by Luke W. Conerly (assisted by Powell), 1,300 turned into Crews & Cantwell during 1912 and early part of 1913 (see p. 37 of this report), together with about 1,800 additional contracts which Mr. Conerly has recently procured and ready to turn in to Mr. Crews (see also p. 37 of this report), approximates 9,558 of this class of contracts on a 30 per cent contingent fee, controlled by Crews & Cantwell and their associates of the Texas-Oklahoma Investment Co., and which, with about 2,300 contracts obtained for Crews & Cantwell from freedmen on a 35 per cent contingent fee, as stated by Robert L. Fortune (see pp. 30–32 of this report), brings the number of claimants represented by them up to 11,858, approximately.

I transmit herewith five forms of blanks used in executing these contracts. "Exhibit E" being the form used by A. P. Powell in procuring contracts for Crews & Cantwell while working on a salary for them. "Exhibit F" was the form used by said Powell while procuring contracts for W. B. Matthews. "Exhibit G" is the form now being used by A. P. Powell in taking contracts in his own name. "Exhibit H" is the form used by Luke W. Conerly in writing up contracts for T. B. Crews. "Exhibit I" was the form used by the three subagents of J. Milton Turner in procuring contracts from Choctaw and Chickasaw freedmen for Crews & Cantwell, and "Exhibit J" contains copies of five notices circulated by A. P. Powell in soliciting contracts; also specially prepared press dispatches for distribution, with the evident object of thus arousing enthusiasm in the Mississippi Choctaw matter.

In conclusion I desire to state that from a careful perusal of the numerous letters of claimants from whom A. P. Powell had obtained contracts seeking information with reference thereto, as contained in the file of papers furnished me by the Indian Office for reference in this investigation, together with my having interrogated numerous persons as to the representations made to claimants by Powell and other solicitors, it appears that Powell did not represent himself as an official of the Government nor of the Choctaw Nation, and thus therefore avoided violating the statutes in that respect, notwithstanding which, as stated by many persons, the impression undoubtedly prevailed, especially among the more ignorant, that he was a lawyer and represented the Government in some manner in soliciting contracts from Choctaw claimants.

Many persons whom I interrogated regarding the matter asserted that Powell had invariably denied being in any way connected with the Government and was only endeavoring to get the rolls reopened, that the unenrolled Choctaws might receive their rightful shares, which, as stated by him, would be 320 acres of land and about $2,500 in cash to each claimant, less 30 per cent contingent fee to the attorneys.

I return herewith the file of papers furnished me by the Indian Office for reference in this investigation.

Very respectfully, your obedient servant.

JAMES MCLAUGHLIN, *Inspector.*

EXHIBIT A.

[S. L. Hurlbut, president; L. H. Beal, secretary. Alfalfa, corn, oats, cotton, rice, cane, and truck lands.]

GULF COAST LAND & INVESTMENT CO.,
STATE BANK BUILDING,
El Campo, Tex., March 8, 1911.

A. P. POWELL,
Bay St. Louis, Miss.

DEAR SIR: Your letter addressed to Mr. Hurlbut, under date of March 6, has just reached us, and as Mr. Hurlbut is away from the office at this time and as you seem to have a wrong idea of the amount that has been spent for contracts, or rather for the actual expense of taking contracts up to the present time, we think it advisable to supply you with the figures, as shown on our books, for the money already paid out for field work, for the actual expense of taking the contracts, not to say anything of that used by Crews & Cantwell, in getting ready for proving up.

Powell has received, to cover expenses, to date	$2,006.02
Powell has received salary for taking contracts	900.00
Nickols has received for helping in taking Oklahoma contracts	125.00
Turner has received for helping in taking Oklahoma contracts	165.00
Hurlbut has been to an expense in going to Oklahoma and taking contracts there	327.00
Or there has been a total spent on taking contracts of	3,523.02

So you will see that, instead of as you say, when you make the statement that you have used only $1,800 yourself you have really used $2,906.02, and this does not include the $65 given you by Cantwell while you were in Washington the last time. And you will see by this that Mr. Hurlbut was exactly right when he stated that about $7,000 has already been spent.

Mr. Hurlbut will no doubt answer the part of your letter where you refer to his paying you $122 when he returns to the office, and I think this matter will be fixed up between you and him in a satisfactory manner, as he wishes to do exactly what is right by you.

Yours, very truly,

L. S. HURLBUT.
Per L. H. BEAL.

EXHIBIT B.

STATEMENT OF MR. LUKE WARD CONERLY.

Mr. Luke Ward Conerly, of Gulfport, Miss., station "A," made the following statement to Special Agent McConihe at Jackson, Miss., April 26, 1911, under oath:

"I know A. P. Powell. He is engaged in writing up Choctaw claims in Mississippi. I am working with Mr. Powell now. Have been with him at Tylertown, Pike County, Bay St. Louis, and I am now engaged at McComb City, Pike County. I was not with him all the time at Bay St. Louis. I have been present when large numbers of persons appeared before Mr. Powell, and I never heard him say he was a Government official or agent, or make any statement that could lead others to think so.

"I met Powell about July and asked him what he was doing, and he said he was getting up claims for Mississippi Choctaws under the treaty of 1830. I understood that he had been before Congress with the claims. He said that Crews & Cantwell were getting up the claims to present to Congress, the courts, or the department. Powell said he was getting the claims for that firm. I do not know what he gets out of it. I have never heard Powell say that he was representing the Government, nor have I ever heard anyone say that they heard or was told by Powell that he was a United States official, or was representing the Government. At Bay St. Louis he was making no charges at first for his work. Powell required every applicant to show up his ancestry.

"At Bay St. Louis he ran out of blanks and had some more printed, and afterwards charged them $1.25, including notary fee. Powell sent me to Tylertown to work there getting up claims, and I made a charge of $2.50 for each application written up, and paid him $1 for blanks. I wrote up about 150 applications. The charge was to cover expenses. I represented to the people that they were entitled to put in claims against the Government under the provisions of the treaty of 1830, subject to such legislation by Congress as might be determined, and that they would have to enter into a contract if they wanted to put in a claim on a 30 per cent contingent fee, as shown by the contract with Crews & Cantwell, who were the lawyers having charge of the matter, who would present the claims to Congress. I have been at McComb City working up claims since March 21, and making a charge of $2.50 for each application. I pay Powell $1 for a set of blanks of two, and keep $1.25 and pay the notary 25 cents. I am taking all these applications in the name of William B. Matthews, of Washington, D. C. Last December 19 I closed at Tylertown and went to Bay St. Louis and brought him all the applications I had left. These were the last I wrote up for Crews & Cantwell. I wrote no more after that until about March 13, when I met him at Columbia, where he was writing up claims for W. B. Matthews. He gave me to understand that he no longer represented Crews & Cantwell, but gave me no reason for the change. He gave me 100 sets of blanks to take to McComb and open an office there. Our agreement was that I should write 25 claims and send them to him with the $25. I have sent him 50 contracts and $50. I was not at Jackson with Mr. Powell. I made $1.25 on each application at McComb. I tell the people this is for my expenses."

I certify that the above statement was made to me under oath.

W. W. MCCONIHE,
Special Indian Agent.

EXHIBIT C.

GULFPORT, MISS., *June 17, 1911.*

Maj. JAMES MCLAUGHLIN,
Inspector, Indian Office, Washington, D. C.

DEAR SIR: While you were in Gulfport I promised you I would send you a circular sent out by Crews & Cantwell from Washington in reference to A. P. Powell and also my employment by them in February, 1912. You will note that during the engagement of myself by Crews & Cantwell, in which Mr. Masterson was concerned, I was forbidden to charge even a notary fee against those who appeared before me.

Mr. Masterson refusing after the 1st of February, 1913, to furnish any more money to cover my expenses, I took contracts during that month for that firm at my own expense. After February, 1913, say, 1st of March, 1913, I entered into an agreement with Thomas B. Crews to take contracts in his name, he to cover my expenses, except I reserved the right under the Mississippi laws to charge my notary fee of 50 cents each against those able to pay, and I have made it a rule not to charge a widow or a woman dependent on her own resources for a support, nor a cripple, nor anyone else not able to pay the 50 cents notary fee.

Not being allowed any traveling money in 1912 by Crews & Cantwell and Mr. Masterson, in some instances, in order to save the expense of coming to Gulfport, where there were groups of claimants, they volunteered to cover my expenses to their neighborhoods and return. In no instance whatever have I made a charge against persons putting in claims through me; neither have I appointed any subagent, nor allowed anyone, if I could help it, to charge for making out proof and contracts for others where I furnished the blanks, but I can not say this was not done in some instances without my knowledge.

I have always been careful to explain the situation of our case before the Committee on Indian Affairs, as I was present at the opening of the case before the subcommittee, February, 1912, and understood the situation, and have tried to impress upon the minds of all that the rolls could not be opened; nor could the Secretary of the Interior do anything without the enactment of a law to authorize it; and especially have I urged people not to annoy the Interior Department, nor our lawyers and Congressmen, with letters—to be patient and wait.

So anxious have our people been to get their claims in and to secure their rights that they would willingly have paid me a cash fee for the work of getting up their ancestral records and proof and preparing their papers for their attorneys, and I could have reaped thousands of dollars in the last two years; but, instead, I have expended a thousand dollars of my own earnings going to them to do the work for them free of charge, besides money furnished me by my associates and employers, Crews & Cantwell. Knowing the hard contest before us in Congress on account of powerful opposition, I was opposed to the charge of a petty fee against the claimants when their attorneys were doing their work for a contingent fee subject to modification and approval of the Secretary. By a special arrangement with Mr. Cantwell and also with Thomas B. Crews I own a number of contracts in my own right, taken in the name of Crews & Cantwell, and I am trying, and have been all the time, to conform to my instructions from them as outlined in the circular inclosed sent out by them in February, 1912.

Yours, sincerely and truly, LUKE W. CONERLY.

OFFICE OF CREWS & CANTWELL, 420 MUNSEY BUILDING,
Washington, D. C., February 16, 1912.

To the Mississippi Choctaws:

We inclose herewith a copy of an affidavit made by A. P. Powell, which explains itself. The occasion for sending this affidavit to you and for the statement which follows arises by reason of the fact that all relations between A. P. Powell and the firm of Crews & Cantwell are now severed.

A short history of our relations with him may not be improper. In the month of May, 1910, Mr. Cantwell had some business before the Committee on Indian Affairs with relation to citizenship claims in the Choctaw-Chickasaw Tribe, and made an argument before the committee on that day. At the conclusion of his argument, Powell made to the committee a statement of his claim as a Mississippi Choctaw. (A copy of the statement of Mr. Powell made at that time is herewith inclosed for your information.) Mr. Cantwell had had no occasion to investigate the claims of the Mississippi Choctaws prior to that time, but upon a casual examination of the matter he became impressed with the idea that there was much more foundation for the claim of rights of the Mississippi Choctaws than had been stated by Mr. Powell before the committee, and upon a full investigation he became convinced that the claim of rights of the Mississippi Choctaws was well founded, and thereupon our firm employed Powell upon a salary to go to Mississippi and secure contracts for us and in our name as attorneys to represent the claimants. Powell gave us to understand at that time that the number of claimants would be about 2,000, and the money was provided for all the expense of taking that number of contracts. There were many more claimants than we were led to believe existed, and after nearly 3,000 contracts had been taken the money provided for that purpose became exhausted. Mr. Cantwell requested Powell, who was then in Washington, to return to Mississippi and stop the work of taking contracts until arrangements could be provided for funds to pay the expenses of taking more contracts, and Powell was paid his expenses to return to Mississippi. Powell at that itme suggested to Mr. Cantwell that the claimants would pay the expenses themselves, but as no bill had been introduced for the relief of the Mississippi Choctaws, and as it was uncertain at that time whether any legislation would be enacted, Mr. Cantwell felt that to charge claimants for making out the papers, or to permit them to pay the cost of doing so, might cause the enemies of the Mississippi Choctaws to designate the efforts to get them together as a scheme of graft for these fees, and our firm was not willing to have the cause injured by permitting any occasion for such charges. Powell then went to Mr. W. B. Matthews, a lawyer of Washington, D. C., and represented to Mr. Matthews that there were a large number of claimants in Mississippi who were willing to pay for writing up their contracts, provided they could get a lawyer to represent them.

Mr. Matthews consented to represent them in the event that Powell could secure the contracts, and quite a number of contracts were taken by Powell in the name of W. B. Matthews under this arrangement, the claimants paying a fee for writing the contracts. The firm of Crews & Cantwell had absolutely no connection with this whatever, and during all this period Powell was not in our employ and not in anywise connected with us. During all this time, however—that is, while Powell was taking contracts for Mr. Matthews—no contracts were taken for us or in our name, although we were doing all the work of preparing the law governing the case of the Mississippi Choctaws. Powell had up to this time still retained a contingent interest in the fee which might be eventually recovered by us, and desiring to eliminate him from all connection with our contracts, he was paid the sum of $2,400 in cash and he then relinquished all interest, contingent or otherwise, in the contracts which he had secured for us. This payment was in addition to the sum of $150 per month and his expenses, which had been fully paid him during the time he was taking contracts for us. Later—that is, within the last two months—Mr. Matthews, having then investigated the matter, became convinced that we were in a better position to present the case of the Mississippi Choctaws and to handle their interests than anyone else, transferred all the contracts which had been secured in his name to us and substituted our names as attorneys in accordance with the power given him by each individual contract.

From the beginning of this work we have been entirely willing to give Powell all the credit to which he may be entitled by reason of the fact that, without knowing upon what legal ground the rights of the Mississippi Choctaws depended, he remained in Washington, almost friendless and alone (up to the time that he met Mr. Cantwell), insisting that he, as a Mississippi Choctaw, had some rights which had been disregarded. We have always regarded Powell as the instrument of Providence in keeping alive the claim of at least one Mississippi Choctaw after the closing of the rolls in 1907 up to the time when the work was commenced at our expense in Mississippi. For his energy after his return to Mississippi in keeping up the interest of the people there in their rights (although he was paid therefor a much higher salary than he had ever earned before in his life), we have always been willing to concede him full credit and honor. Unfortunately, however, Powell now seems to have the impression that he is a lawyer, that he should direct this campaign, and he has been particularly restless and sensitive about the few mild criticisms which we have indulged in regarding certain misrepresentations which he had ignorantly made to the people in Mississippi.

Some two weeks ago we engaged Powell upon a salary to go back to Mississippi to assist Mr. Luke W. Conerly, of Gulfport, Miss., in taking such contracts as might still be obtainable from claimants, with the express provision that Powell and Conerly should be paid a salary and that no charge should be made the claimants. While we do not regard it as anything improper for the claimants to pay the expenses necessarily incident to making contracts for the protection of their rights, yet, having defrayed all the expenses of taking contracts for us before and desiring to prevent any reflection upon the agitation for those rights as being a means by which a petty profit might be made, we have steadily opposed the idea of taking any contracts except at our own expense.

A telegram has just been received from Powell in Mississippi saying that "Our deal is off." Owing to his peculiar impulsive disposition, we are led to fear that he may be indulging in some misrepresentation as to what is now being done in Washington, and that he contemplates some arrangement by which he may continue to charge claimants for taking their contracts as he had heretofore done with the Matthews contracts.

We desire to say to the claimants that a bill for their full and adequate relief has been introduced in the lower House by Mr. HARRISON, of Mississippi; that all the members of the Mississippi delegation and Mr. Wickliffe, of Louisiana, are enthusiastically supporting the bill; and that Congressman HARRISON and Mr. Cantwell are now engaged in making arguments before the Subcommittee on Indian Affairs in Congress, making a full presentation of the case, and that everything is being done that can be done for the relief of these claimants.

Mr. Luke W. Conerly, of Gulfport, Miss., who is himself a Mississippi Choctaw claimant, will return to Mississippi from Washington in a few days, and any of your friends or relatives who are not now represented by us who desire attorneys to represent them may procure blank contracts and blank memoranda of evidence from Mr. Conerly. All those who apply to him at Gulfport, Miss., will have the memorandum of their evidence filled and the contracts prepared and acknowledged without charge, and upon giving him the preliminary information by mail, the papers will be prepared by him and returned to you at your home in the event that you can not get to Gulfport. In case the papers are acknowledged at your own home, however, the claimant would be expected to pay the notary fee, which, in any event, would not be more than 50 cents.

We repeat we have never had any desire to take away from Powell the credit for whatever work he has done. He is in the habit of looking upon himself as the "father" of the Mississippi Choctaws. We have been reliably informed that Powell has heretofore represented throughout Mississippi that he was the attorney who presented this matter before Congress. In order to gratify his vanity we had inserted in the first contracts a recognition of Powell's services, but the copy of the statement and the only statement which Powell has ever made before any committee of Congress is herewith inclosed, from which each claimant can easily determine for himself that if the rights of the Mississippi Choctaws had depended upon Powell's efforts alone, they would not have gotten very far toward being recognized. The statement itself shows that Powell did nothing except call attention to his own claim, and a comparison of his statement with the voluminous brief of Mr. Cantwell shows how imperfectly even his own rights were stated. Whatever Mr. Powell may do can not affect the rights of the claimants. Their rights will be fully protected in any event, and this letter is sent you only for the purpose of thoroughly acquainting you with the situation in order to prevent the possibility of any wrong impression being created in regard to your claim.

CREWS & CANTWELL.

STATE OF MISSOURI, *City of St. Louis:*

A. P. Powell, upon his oath, deposes and says that in the month of May, 1910, at the city of Washington, D. C., he was employed by the firm of Crews & Cantwell to secure contracts for them for their employment as attorneys by persons claiming rights as Mississippi Choctaws under the treaty of 1830; that his instructions from Mr. Cantwell were to write the contract of no person who was not a bona fide claimant under said treaty, and to write contracts with no person except those who had record or evidence by tradition of their pedigree as a descendant of a person entitled to lands under the treaty of 1830; that he was paid a salary of $150 per month and all of his expenses, and had a contract for a contingent interest in the fees that might be recovered by Crews & Cantwell; that all of the expenses of securing about 3,800 contracts, including the acknowledgments, were paid by the firm of Crews & Cantwell, and that no charges were made by him against any of the claimants for any of his services in writing contracts for Crews & Cantwell; that after Crews & Cantwell stopped taking contracts the affiant was besieged by other persons who had had no opportunity up to that time to have their contracts written, and that affiant, upon his own responsibility, took contracts with about 300 persons, in the name of Crews & Cantwell, charging the applicants a fee of $1.50 for each contract; that after communicating to the firm of Crews & Cantwell the fact that these last 300 had been taken, for which this charge had been made, Mr. Cantwell first declared that, as they had made no charges for the other contracts, they did not want these contracts at all, but realizing that this would put the claimants in a bad position and that their rights might be neglected, the contracts were finally accepted by Crews & Cantwell; that Mr. Cantwell instructed this affiant to return the $1.50 charge made by this affiant, and that Crews & Cantwell then paid this affiant his expenses while taking these last-mentioned contracts; that over 3,800 contracts had been taken prior to that time, for which no charges had been made; that under no circumstances and at no time did Crews & Cantwell, or any one of them, authorize or request that any contracts be taken for which a charge should be made, and that the only contracts taken in their name for which charges were made were as above detailed and under the above circumstances, which was after Crews & Cantwell had notified this affiant that they did not wish to go further on taking contracts.

That at no time and under no circumstances did Crews & Cantwell, or any one of them, ever instruct this affiant to take the contract of any person who did not claim to be a lineal descendant of an Indian entitled to lands under the treaty of 1830.

Affiant further states that he has taken no contracts with full-blood negroes; that until within the last six weeks neither Crews nor Cantwell had any knowledge of the large number of persons with negro blood in Mississippi claiming such rights, although Mr. Cantwell had stated to this affiant that he did not regard the presence of negro blood as a sufficient bar to destroy the legal right of one who had undoubted Indian blood and is an undoubted descendant of an Indian claiming rights under the treaty of 1830, although Mr. Cantwell had stated to this affiant on several occasions that the fact that one had negro blood would make it very difficult to establish the heirship. This affiant states that out of over 4,000 contracts taken there are not more than 20 per cent who have any negro blood whatever.

Affiant further states that in consideration of the sum of $2,400 paid him in cash, he has relinquished and conveyed to Crews & Cantwell all his contingent right in the fees in the contracts above referred to, and hereby cancels said contract; and that this affiant has no further financial interest in the fees or the contracts made in the name of Crews & Cantwell.

Affiant further states that he has not heretofore assigned his right to a contingent interest in the fees aforesaid to anyone.

A. P. POWELL.

Subscribed and sworn to before me this 6th day of November, 1911. (My term expires June 3, 1913.)

[SEAL.] SARAH M. HAWLEY, *Notary Public.*

EXHIBIT D.

JACKSON, MISS., *April 27, 1911.*

Alex. P. Powell, being first duly sworn by Special United States Indian Agent W. W. McConihe, deposes and says as follows:

I reside at Homer, Okla. My present occupation is getting up claims among the Choctaw and Chickasaw Indians and their descendants who remained in Mississippi after the Dancing Rabbit Creek treaty of 1830. I was first employed by Crews & Cantwell, of St. Louis, Mo. I went before the Committee of Indian Affairs in Congress at Washington, April 2, 1910, and they gave me a hearing on the claims of these Indians. Mr. Harry J. Cantwell was present at the hearing, and after I got through my talk with the committee Cantwell came to me and asked me how much money I wanted to take the claims in Mississippi. I said it would take at least $5,000. Cantwell wired S. L. Hulbert, of El Campo, Tex., to come to Washington at once. Hulbert came to Washington and arranged with Cantwell, and Hulbert guaranteed to put up $5,000 for getting the work of the applications.

I first opened an office at 315 Farish Street, Jackson, Miss., and began to take applications. I put an advertisement in the paper at Jackson inviting all persons who were descendants of the Choctaw-Chickasaws under the treaty of 1830 to appear before me and make proof of their rights and descent. I took about 700 applications at Jackson and made no charges to the applicants therefor. I next went to Bay St. Louis and opened an office there near the railroad depot and put an advertisement in the Sea Coast Echo of that city, being the same as I put in the papers at other places. I took about 4,000 applications and made no charge for them. After the 4,000 were registered more applications came in and I charged them $1.25 each. I made this charge because the money that had been advanced by Crews, Cantwell, and Hulbert was exhausted, and they refused to put up any more money for taking applications. This charge by me was to cover expenses of continuing the work of getting applications. I sent all these claims that I was making a charge for to Crews & Cantwell. I went from Bay St. Louis to Washington to see Mr. Cantwell and tried to get Hulbert to put up more money, and Hulbert notified me at Jackson, Miss., that he had put up $7,000, and that we had to take proof of the same, and he was willing to put up the $7,000 for that purpose. He has not put it up yet.

We went to Columbia, Miss., and took about 100 applications there. The contracts that we wrote there were made in the name of William D. Matthews, of Washington, D. C. I have associated myself with Matthews for the reason that Crews & Cantwell said that they had enough claims and that Hulbert would not put up any more money for claims. My agreement was made with Matthews that he was to appear before the committee of Congress with me; and our contract with the applicants was for 20 per cent of all amounts recovered, and not for 30 per cent, as was printed in the contract, which is an error and which has been corrected in the written applications. I went to Monticello and took applications for Crews & Cantwell, and charged $2.50 each there. I took about 100 names there. I took a few names at Biloxi, and charged $1.25 for each applicant there. These claims were for Crews & Cantwell. I also visited Meridian and took about 88 applications there for Crews & Cantwell, but for which no charge was made. I have taken no applications for Crews & Cantwell since my association with Matthews.

I am working at Philadelphia, Miss., now and have taken about 100 applications for Matthews, and am charging $2.50, and the applicants are very willing to pay the amount. I am making this charge because Matthews has put up no money for me and my expenses, and I have to use the money to pay for my clerk hire, office rent, and other expenses in connection with the work of taking applications.

Mr. Luke Conerly is employed by me at McComb City, Miss., to get applications. He charges each applicant $2.50. I get a dollar out of this $2.50 for my expenses and the printing of blanks which I furnish him. I have paid expenses of Conerly out of this money when he was traveling, board bill, telegraphing, and other incidental expenses he has incurred.

No one is working for me in Oklahoma or Arkansas. I do not know J. Eubanks, and he is not associated with me in any way in the work I am doing.

I have never at any time, or to any person, said that I was a Government official in any respect. I have only represented that I am acting and representing my people before Congress, and I am getting up these claims for that purpose.

When at Jackson in June, 1910, I had a circular sent out, and meant to say that I was a representative of my tribe and obtaining applicants for their rights as Choctaws and Chickasaws, but by an error my clerk said that I was a practicing attorney before the committees of Congress. That was not my intention to have it so stated, and I am not responsible for the error.

The contract forms used by me were worded and made up by Crews & Cantwell, and I am not responsible for anything in such wording.

I, Alec P. Powell, do solemnly swear that the foregoing statement was made voluntarily by me, and that it is true in every respect, to the best of my knowledge and belief.

ALEXANDER P. POWELL.

Sworn to and subscribed before me, this 27th day of April, 1911, at Jackson, Miss.

W. W. MCCONIHE,
Special United States Indian Agent.

FRANK B. LEMLY, *Jackson, Miss.*

EXHIBIT E.

MISSISSIPPI CHOCTAW CONTRACT.

This agreement, made this 5th day of September, 1910, by and between Louis Joseph Ryan, now residing at the town of Biloxi, in the county of Harrison, State of Mississippi, party of the first part, and Thomas B. Crews and Harry J. Cantwell, jointly, parties of the second part, witnesseth:

That, whereas the party of the first part is entitled, as a Mississippi Choctaw or as a descendant of a Mississippi Choctaw, under the laws of the United States, to certain rights in the distribution of the tribal property of the Choctaw-Chickasaw Indian Tribe in Oklahoma; and

Whereas the party of the first part has been heretofore denied enrollment or has had no opportunity to make application for proper enrollment in said rolls as a Mississippi Choctaw; and

Whereas it is necessary that the party of the first part shall secure the lawful professional services of attorneys for the purpose of presenting such evidence as the party of the first part may have of his status and right as a Mississippi Choctaw or a descendant of a Mississippi Choctaw, so entitled to the rights aforesaid, and for other necessary legal services in establishing and securing his rights in the premises; and

Whereas the party of the first part is without any means or funds to compensate such attorneys and counsel;

Now, therefore, the premises considered, the parties of the second part jointly agree:

First. To represent the party of the first part as attorneys and counsel in presenting to the Interior Department such lawful evidence as the party of the first part may collect to establish the facts of his pedigree and status, and such other facts as may be necessary to establish the right claimed.

Second. To represent as attorneys the party of the first part in all legal proceedings before any court, commission, or department of the Government of the United States or the State of Oklahoma, wherever and whenever such right may be properly and legally tried.

Third. To present before the committees of Congress proper legal argument in support of the right so claimed or in support of any measure tending to provide a remedy for the right so claimed.

Fourth. To furnish party of the first part necessary information for the purpose of enabling him to select to the best advantage any lands that he may be entitled to by reason of said right.

Fifth. To collect all sums of money, lands, and property that may properly be collected, selected, and received hereafter by reason of said right, and to faithfully pay over and account to said party of the first part for all such sums of money and property after deducting the compensation hereinafter provided for.

In consideration of the premises and the agreement of the parties of the second part as aforesaid, and of services heretofore rendered by them, the party of the first part contracts and agrees to pay and assign, transfer, and convey to the parties of the second part 30 per cent of all sums of money, lands, and property that may be received by reason of the right claimed, and hereby irrevocably appoints the parties of the second part his true and lawful attorneys in fact, to do any and all acts in his name, place, and stead as fully and completely as he might do in person in and about the subject matter of this agreement, and to execute such receipts, discharges, and releases as the party of the first part might lawfully do, hereby ratifying and confirming all that his said attorneys in fact and in law may do in the premises.

The party of the first part hereby revokes all powers of attorney, if any, heretofore made by him to any person or persons whomsoever, touching said rights or interests, and requests that the Interior Department of the United States recognize the parties of the second part as his exclusive agents and attorneys in the premises.

And it is hereby specifically agreed that the appointment herein of Thomas B. Crews and Harry J. Cantwell is joint, and that in the event of the death of either the survivor shall succeed to all rights and benefits of this agreement, and shall perform all of the duties hereunder.

It is further agreed that by reason of the legal services rendered prior to and at the signing of this agreement, in advising the party of the first part as to his legal rights, and in consideration of the services heretofore rendered by A. P. Powell before the committees of Congress in presenting the claims of the class of persons to which the party of the first part belongs, said parties of the second part having compensated said A. P. Powell therefor, and in further consideration of the absolute agreement herein of the parties of the second part to perform the services herein, that the powers herein granted are powers coupled with an interest; and it is agreed that the parties of the second part may jointly designate, substitute, and appoint, in writing, any competent attorney or attorneys at law to assist in the performance of the duties of the parties of the second part hereunder, and to clothe said person or persons with all the powers herein granted to the parties of the second part, the parties of the second part hereby guaranteeing the efficiency and integrity of any and all persons who may be thus appointed, it being distinctly understood that the compensation of such persons for such assistance shall not be paid by the party of the first part.

It is further understood and agreed that, in the event it becomes necessary under any law now existing or hereafter enacted, that this contract shall be approved by the Secretary of the Interior; then, in that event, the Secretary of the Interior may, in his discretion, modify the terms of this contract as to the compensation to be paid the parties of the second part, without invalidating this contract, and said contract as modified by said Secretary of the Interior shall be binding upon the parties hereto, provided always that the compensation fixed by the Secretary of the Interior shall in no event exceed the percentage above stated.

Executed in duplicate.

In witness whereof the parties hereto have hereunto set their hands the day and year first above written.

Signed and delivered in presence of:

———— ————.
———— ————.

State of ————, county of ————, ss.

Before me, ————, ————, a ————, ————, in and for said county and State, on this ———— day of ————, 191—, personally appeared ———— ———— and ———— ————, to me known to be the identical person who executed the within and foregoing instrument, and acknowledged to me that ———— executed the same as ———— free and voluntary act and deed for the uses and purposes therein set forth.

In witness whereof I have hereunto set my hand and official seal at said county the day and year last above written.

———— ————.
———— ————.

EXHIBIT J.

To whom it may concern:

This is to certify that I, Alexander P. Powell, a representative of the Choctaw Tribe of Indians now engaged in soliciting contracts with Mississippi Choctaws for services to be rendered in prosecuting their claim before the different branches of the Government, in order to secure for them a reopening of the rolls of those entitled to share in the tribal property belonging to the Choctaw Tribe in the State of Oklahoma, am acting in my individual capacity and for the benefit of myself and those associated with me in this effort to secure the right of said Indians in said property.

I further certify that I am in no manner employed or engaged by the United States Government to solicit any contract with said Indians or perform any duty in connection therein.

Respectfully,

ALEXANDER P. POWELL.

NOTICE TO INDIANS.

This is your last chance in connection with William B. Mathews, attorney at law, Evans Building, Washington, D. C. I am engaged in writing up claims of all Mississippi Choctaws and their descendants who remain in Mississippi after Dancing Rabbit Creek treaty with the United States Government in 1830.

I will remain here for a few days only; I will be glad to write up all beneficiaries; we intend to submit all claims to the Sixty-second Congress, which convenes in Washington, D. C., April 4, 1911. I am Indian and Spaniard, and my grandfather was a signer of the great treaty concluded September 27, 1830.

ALEXANDER P. POWELL.

PHILADELPHIA, MISS.

NOTICE TO INDIANS AND THEIR DESCENDANTS—IN CONNECTION WITH HON. HARRY PEYTON, ROOM 420 BOND BUILDING, WASHINGTON, D. C.

This is your last chance to secure benefits under the bill introduced by Hon. PAT HARRISON, of the sixth district of Mississippi, now pending before the Sixty-second Congress, for the relief of Mississippi Choctaws and their descendants who remained in Mississippi after the treaty of 1830.

I am an Indian and a Spaniard and my grandfather was a signer of the treaty of 1830.

I will be glad to write up all beneficiaries, and I have in my possession a record that will enable you to trace your ancestors back to 1780.

Those with negro blood need not apply.

I will be at ———— Miss., on the —— day of ————, 1912.

ALEXANDER P. POWELL,
No. 106 Fourth Avenue, Laurel, Miss.,
Office: Room 420 Bond Building, Washington, D. C.

(This paper was sent to Indian Office by Mrs. Viola Strickland, of Meridian, Miss., No. 1400 Tenth Avenue, under date of Sept. 16, 1912.)

THIS IS YOUR LAST CHANCE—NOTICE TO THE ONCE MIGHTY TRIBE OF RED MEN WHO ONCE OWNED THIS COUNTRY AND TO THEIR DESCENDANTS.

In connection with Hon. Harry Peyton, room 408, and Hon. Oliver A. Phelps, room 619, Bond Building, Washington, D. C., I am still engaged in writing up all Mississippi Choctaws and their descendants who remained in Mississippi after the Dancing Rabbit Creek treaty with the United States Government, concluded September 27, 1830.

The treaty of 1830, known as the treaty of "Perpetual friendship," provides that the Indian Territory shall go to the red man and his descendants "as long as water runs and grass grows"; the treaty furthermore provided that our descendants that did not see fit to go to the Territory then, at any time that they may take a notion to come on and join the tribe in the Territory, they shall share in this distribution as long "as water runs and grass grows." If your ancestors were born east of the Mississippi River, call on me; it is possible that some of them may have been at the treaty mentioned above.

I am an Indian and a Spaniard, and my grandfather, Nita, was a signer of the treaty of 1830.

I have in my possession a record of the old aboriginal that will permit you to trace your Indian ancestry back as far as 1780.

All Mississippi Choctaw cases are now pending before Committee on Indian Affairs, Sixty-third Congress, first session, waiting for report and decision. I will be glad to write up all beneficiaries.

Those with negro blood need not apply.

I will be at W. J. Nelson's, 802 Second Street, Lake Charles, La., on September 5.

ALEXANDER P. POWELL.

NOTICE TO MISSISSIPPI CHOCTAWS.

In connection with Harry J. Cantwell, Thomas L. Crews, and William B. Matthews, attorneys, of Washington, D. C., I am still engaged in writing up claims for the Choctaw-Chickasaw Indians and their descendants who remained in Mississippi after the Dancing Rabbit Creek treaty with the United States Government. I am a member of the Choctaw Tribe of Indians, and my grandfather was a signer of the great treaty made September 27, 1830. I will be glad to communicate with any beneficiary at my office in Bay St. Louis, Miss.

A. P. POWELL,
Seabrook Hotel, Bay St. Louis, Miss.

"INDIANS" LIVING IN OLD MISSISSIPPI.

"All Mississippi Choctaw Indians and their descendants are asked to meet at the county courthouse next Sunday afternoon at 2 o'clock. The object of the meeting is to further the rights contained in the treaty of 1830 between the United States and Choctaws. (Biloxi Herald.)"

To which is answered: Such a meeting as is scheduled as per the above would be "nuts" for some moving-picture company, provided such meeting is attended by all the people who have filed claims as descendants of the tribe of red men known as Choctaws. They are of all shades and color, running from the real Indian to the coal-black, thick-lipped, flat-nosed, kinky-headed negro, with a good sprinkling of whites, in whose veins no one but themselves ever suspected that a drop of Indian blood flowed. But anything goes in this day and generation when the thought of "easy money" presents itself. Uncle Sam's coffers will scarcely be opened for the motley crew, however just may be the claims of some of the pure-bred Choctaws. (Gulf Coast Progress.)

HOUSTON INVESTORS MAY GET MILLIONS FROM INDIAN CLAIM.

A Houston organization, in which more than $2,500,000 is at stake and the hereditary rights of the Choctaw Tribe of Mississippi is the merchandise, has received quite a boost in a telegram received by Judge Harris Masterson. Many Houstonians are interested in the enterprise. The telegram reads as follows:

"Subcommittee report of Friday last was unanimous and recommends admission of all full bloods, also all others who can prove descent from one who either received or should have received patent under fourteenth article, treaty of 1830. Meetings are executive and no arguments being heard."

To those who are not interested in the venture the telegram needs interpretation. It comes from Washington and has to do with a bill introduced by Mr. HARRISON, of Mississippi, in behalf of the admission to enrollment of the Mississippi Choctaw Indians and their descendants to participation in the money and lands belonging to the Choctaw Tribe.

Some time ago Judge Masterson was instrumental in forming an organization to urge the claim of the Choctaw Tribe in a participation of certain lands in the Territories and moneys in the United States Treasury. Many of these Indians were his clients. Going rather deeply into the matter, he banded over 4,000 of these claimants together and became their representative and legal advisor.

Money was needed to carry the enterprise through, and a company was formed. Between 50 and 60 men came into the company, and many of these are prominent Houstonians.

Judge Masterson says that the venture is one which promises tremendous returns for the amount invested by the stockholders, and that he is confident Congress will give assent to the recommendation of the subcommittee.

WOULD RESTORE CHOCTAW INDIAN PENSION BILLS.

[Associated Press.]

WASHINGTON, *December 13.*

The bill introduced in the House last session by Representative HARRISON, providing reopening of rolls of the Chickasaw-Choctaw Indian Tribes, came up for consideration in the House yesterday. A vote was not reached. In his speech in favor of the bill Mr. HARRISON said, in part:

"The Mississippi Choctaws have been woefully neglected and unmercifully treated. They acquired rights under the fourteenth article of the treaty of 1830 that the United States Government has never fairly and justly recognized. Every act of Congress passed with respect to the Mississippi Choctaws has violated the spirit and the letter of that article of the treaty.

"The Oklahoma Choctaws were permitted by act of Congress in 1881 to sue the United States Government, in which suit they recovered from the Government $8,000,000 for damages done to the Mississippi Choctaws in Mississippi. Scheming attorneys, representing the tribe, dictate agreements, suggest, lobby for, and have passed laws that not only make it impossible for the Mississippi Choctaws to be enrolled upon tribal rolls, but through their influence they have actually created courts to prevent or exclude the Mississippi Choctaws from being enrolled. One of the blackest spots in the history of the administration of the Choctaw Nation is the escapades practiced in the citizenship court.

"The Mississippi Choctaw is a part of that great Indian nation which never raised a tomahawk against an American citizen. Thousands of her warriors displayed their heroism under Jackson at New Orleans."

[Alexander P. Powell, representative Mississippi Choctaw Indians; office, room 408, Bond Building, Washington, D. C.; 331 Pine Street, Laurel, Miss.]

SHREVEPORT, LA., *October 28, 1913.*

Mr. COLUMBUS OVERMAN,
Dexter, Kans.

DEAR SIR: Yours of recent date to hand. Beg to advise that I have already written up a number of your relatives under their great-great-grandmother Delilah, who was an Indian woman, and if you wish to be written up, on receipt of $2.50, which I require for recording fee, etc., I will send you blanks to be filled out. I do not charge you any fee, but when I collect for you I get 20 per cent of collections.

I am also inclosing you a PAT HARRISON bill and other literature, and you can see for yourself how the case stands.

Yours, truly, ALEXANDER P. POWELL.

———— ————, *1913.*

Hon. ALEXANDER P. POWELL,
———— ————.

DEAR SIR: Being a Choctaw descendant and desiring to make application for compensation for the violation of my rights under the treaty of 1830 between the Choctaw Nation and the United States Government, and being unable to go to your office for that purpose, I do hereby request that you come at your earliest convenience to ————, my place of residence, for that purpose, and I agree to reimburse you the necessary expense of your trip to and from said place, provided the same shall not exceed the sum of $2.50.

———— ————.

Witness:
———— ————.

MEMORANDUM OF EVIDENCE.

In the matter of ———— ————, Mississippi Choctaws.
Full name, ———— ————.
Post-office address, ———— ————.
When and where were you born? ———— ————.
Is there any official record of your birth or baptism? If so, state where. ———— ————.
Father's name, ———— ————.
If living, state post-office address. ———— ————.
If dead, state date and place of his death. ———— ————.
Mother's maiden name. ———— ————.
If living, state post-office address. ———— ————.
If dead, state date and place of her death. ———— ————.
When and where were your parents married? ———— ————.
Is there any record of the marriage? If so, state where. ———— ————.
What was the name of your father's father? ———— ————.
When did he die, and where? ———— ————.
What was the name of your father's mother? ———— ————.
When and where did she die? ———— ————.
What was the name of your mother's father? ———— ————.
When and where did he die? ———— ————.
What was the name of your mother's mother? ———— ————.
When and where did she die? ———— ————.
What is the name of ancestors who received land or script under the treaty of 1830? ———— ————.
How can you prove your descent from him or her? ————.
Give name and address of all witnesses as to your descent from such ancestor, and refer to all church records which can give any information. ———— ——.
Did you ever go to Oklahoma to make application for enrollment on Choctaw rolls? ————.
Have you ever made settlement on any lands in Oklahoma? If so, describe same. ————.
Where were you denied enrollment? ————.
Have you any documents proving your pedigree? Where are they? If so, attach or submit them. ————.
Are any of your relatives now on the rolls of the Choctaw? ————.
Give names of friends and neighbors who can testify to any matter of interest regarding your pedigree.

NAME.	ADDRESS.

Are any of your relatives now on the rolls of the Choctaw-Chickasaw Tribe as a Mississippi Choctaw? If so, give names and address and number on roll. ————.
If you can, give a description of the land your ancestors received in Mississippi under the treaty of 1830. ————.
STATE OF MISSISSIPPI, ———— ————, *County of* ————.
———— ————, being duly sworn upon h— oath, deposes and says that the matters and things set forth in the foregoing statement are true, to the best of h— knowledge and belief.
Subscribed and sworn to before me, this —— day of ————, 191—.
———— ————, *Notary Public.*

I hold in my hand, Mr. Chairman, a document which shows that a firm of attorneys in St. Louis, known as Cantwell & Crews, employed three negroes, if you please, one named Robert Fortune, one by the name of Turner, a negro as black as your hat, out in St. Louis, and another negro down somewhere in Mississippi by the name of A. P. Powell, to go around with an alleged fictitious roll and make people believe that they were Indians, so that they could get on the rolls. These people explained to them in a casual and plausible way, "If you will sign up this contract, we will enroll you and we will go to Congress and you will get $8,000, less 40 per cent of attorney fees provided for." I can not read carefully in the few minutes allotted me the report of Maj. McLaughlin, one of the oldest Indian inspectors in the United States, but I have it here in my hand, and I state that in the history of this country no such graft was ever sought to be perpetrated on Congress. I know my good friend from Mississippi [Mr. HARRISON], who is referred to frequently all through this brief as being the man who introduced their bills, the man who helped them, does not sanction this irregular business; but whatever he may assert for himself, whatever I may assert in his behalf, the fact remains——

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

Mr. FERRIS. I hope the gentleman will not take up much time.

Mr. HARRISON. I will not. I was just going to say that that investigation was made at the instance of the Louisiana and Mississippi Congressmen, asking the department to make that investigation.

Mr. FERRIS. Yes; I understand who brought it about, but what it brought forth you did not ask for.

Mr. HARRISON. It is a state of fact; the statement is true.

Mr. FERRIS. Mr. Chairman, it will raise every hair on every head in this House if you will listen to this report. I often heard before I came to Congress that there lurked around these galleries and these halls crooked, scheeming, shyster attorneys who were trying to rob not only the Indians but Congress as well. I hold in my hand positive proof of that. Listen to this letter from one of the attorneys who expects to profit by this amendment. This letter shows what is going on:

OCTOBER 17, 1912.

Mr. HARRIS MASTERTON,
Houston, Tex.

DEAR SIR: Mr. Webster Ballinger and I represent some 13,000 persons who claim a right to the tribal property of the Choctaw and Chickasaw Indians in Oklahoma. Of the above number of persons represented by us there are some 3,738 who are conclusively, as shown by the Government records, entitled to share in the distribution of the tribal property. An individual share is estimated at $3,000 cash——

The CHAIRMAN. The time of the gentleman has expired.

Mr. FERRIS. Will the gentleman from South Dakota yield me five minutes more? I do not want to leave part of this letter unread and uncommented upon.

Mr. BURKE of South Dakota. I yield the gentleman five minutes additional.

Mr. FERRIS. Can I get a little more time from the gentleman from Minnesota? I feel this matter ought to be brought to the attention of the House.

Mr. MILLER. I yield the gentleman two minutes.

The CHAIRMAN. The gentleman is recognized for seven minutes additional.

Mr. FERRIS. I want the House to listen to this. Here is what you read about in story papers here in fact. Such a revelation can scarcely be fathomed or understood. Further quoting from Attorney Lee's letter:

We represent these people under contract providing for a contingent fee of from 12½ to 40 per cent.

Think of that—ranging from 12½ to 40 per cent. But just observe what else these thrifty, patriotic attorneys say in their letters of prospectus. Their hearts fairly bleed for the Choctaw. I continue to read:

From 12½ to 40 per cent of the value of each share. I am attaching a statement showing the value of our fees. The statement also shows the amount of said fees we have already contracted for. You will observe that my individual share of said fees will amount to $850,911, based upon the cases I consider certain, and that if we succeed in one-third of the cases that are uncertain, or rather if we succeed in enrolling 3,000 out of the 10,000 doubtful cases, my individual share of the fee would be $2,055,911.

Is this House going to sit here and put an amendment into this bill to override the Committee on Indian Affairs, an amendment that was put in on the floor of the Senate?

Mr. HARRISON. Will the gentleman there pause for an interruption?

Mr. FERRIS. I can not do so; the gentleman has 40 minutes of his own. This prospectus, which is a part of the Maj. McLaughlin report, says:

I am in urgent need of funds—

And this is only one of the group of attorneys representing them. I expect he is in need of funds, but if this Congress does its full duty he probably will still be in need of funds. How patriotically he is interested in the down-trodden Choctaw. I read:

I am in urgent need of funds with which to meet indebtedness incurred in the prosecution of these claims and with which I may be enabled to continue the fight for our clients.

My friends, these attorneys are going around buttonholing people and talking to them in the committee rooms with sobs in their voices for the Choctaws, all the time asserting that they are going to save and conserve the rights, and so forth, of these few Choctaws in Mississippi. What a eulogy my distinguished friend Mr. QUIN passed upon the Mississippi Choctaws, and yet they do not even allow the Choctaws in Mississippi to vote. This letter of these philanthropist attorneys who need money goes on to say:

And I want to raise $16,000.

Yes; money is nice to have. I presume he does need money. He also proceeds to get it by means fair or foul. I read further:

I want to raise $16,000, which I will agree to return with interest, and will assign the people furnishing the money 40 per cent of my individual share of the fee.

You gentlemen of the House have heard before you came here that there had been a lot of graft going on around this Capitol, but you did not believe it, and I did not believe it, and I can now scarcely believe my eyes; but this report from Maj. McLaughlin, of the Indian Service, only a few days old, is based on months of careful study. It is true. It portrays the facts. No one dares deny them. What will you do with them? It goes on:

Estimated upon the cases considered, certain this would return about $22 for every dollar subscribed, and upon the basis of one-third of the uncertain cases going through in addition to those that I consider certain, the estimated returns would be about $120 for every dollar advanced.

Is not that a nice propaganda to flaunt in the face of Congress? And if there were nothing else to convince us, that would be sufficient. Let me read the statement of the basis of estimated fees this one firm would get. This, of course, is only one set of them. Crews & Cantwell will get much more. I again read:

Lee's proposed sale of 40 per cent of his individual shares, or fee, is figured as follows:

Persons	2,051
Value of individual share	$3,000
Total value of shares of 2,051 persons	$6,153,000
Per cent basis of fee	40
Estimated fee	$2,461,200
Persons	487
Value of share	$3,000
Total value of shares of 487 persons	$1,461,000
Per cent basis of fee of Ballinger & Lee	12½
Total estimated fee of Ballinger & Lee for 487 persons	$183,023
Persons	1,200
Ballinger & Lee's fee per person	$500
Total estimated fee for 1,200 persons	$600,000
	$2,461,200
	$183,023
	$600,000
Total of Ballinger & Lee's fee	$3,244,223
Less estimated expense of collection	150,000
	$3,094,223
Per cent with which assistance was contracted	45
Estimated cost of assistance	$1,392,400
Net fee	$3,094,223
Less cost of assistance	$1,392,400
Net fee of Ballinger & Lee	$1,701,823
Net fee to Lee (one-half)	$850,911
Per cent proposed assignment	40
Fee which will go to owners of the 40 per cent to be sold	$340,364

Now, I very much dislike to call attention to these things; I dislike to say anything that will reflect upon any practicing attorney or anybody else. I would prefer to deal in eulogy with honest and good men who are engaged in the practice of law; but when Maj. McLaughlin, a man who has had many long years of efficient service in the Indian Department, brings to me a report such as this, I must read it, and when read I feel it my duty to present it. I wish these facts were not true. I am sorry to reveal them. I know the House dislikes to hear them or to know of them. However, can we sit and allow the funds of the Indian wards prostituted and devoured by a lot of scheming attorneys? It is time all this business is stopped. It has gone too far already. It is the duty of all of us to frown on this.

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

Mr. FERRIS. Yes.

Mr. MILLER. Is the gentleman not aware that he or I, either one of us, in a moment's time can write an amendment to any measure that will give relief to the Mississippi Choctaws and that will make all these big millions vanish?

Mr. FERRIS. I know they can not. That has been tried too often, with usual failure. You can not knock out or affect the right of a preexisting contract.

Mr. MILLER. I know they can; and I would be willing to take the contract.

Mr. FERRIS. The gentleman can do it in his own time. A contract entered into and acknowledged by two witnesses that is not of itself illegal can not be changed in this Congress or in any Congress that will follow. Rights under a preexisting contract can not be changed. And the gentleman may roll that around until he is tired. Now, listen. Let me present a little more of this report:

The total fee of Ballinger & Lee is $3,244,223, from which they deduct $150,000 as an estimate for expenses of collection.

Now, down below he figures out how much net fee Lee & Ballinger will get, which is $1,701,823. I want to know what Congress is doing, and I can not believe that any Member of

this House knows what this contract is. Let me read a little further. I want to show you a little more about this.

Down in Mississippi there is one of these negroes by the name of A. P. Powell——

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. MILLER. I will yield to the gentleman three minutes more.

Mr. FERRIS. I thank the gentleman very much. I am under great obligations to him. Down in Mississippi one of these negro agents that is going around gathering up contracts is one A. P. Powell, and I want to show you what he says when he gets his contract. He came to see me several years ago when he himself was trying to be enrolled, and he said, "I'se a Portuguese and Indian." I rubbed my hand over his hair, and he was as much of a burr-headed negro as any that work in these cloakrooms. Here again is McLaughlin's report:

He said that he failed to meet this man Powell, and therefore could not speak of his personal knowledge of him, but he said he had a decided strain of negro blood. I think the ex-chairman of the Indian Affairs Committee, Mr. BURKE, knows A. P. Powell, and knows whether he is an Indian or Portuguese or negro. The McLaughlin report also says he was large of stature and prepossessing in appearance—with which I do not agree. He also says in his report that he was shrewd and plausible, and that while in the communities he visited in soliciting contracts he posed as a very important person—you know these negro persons are very important persons if intrusted with a little power—and succeeded in arousing great enthusiasm among the people of the localities canvassed by him, and had thus procured contracts with little or no difficulty from all persons who believed they possessed, or were led by Powell to believe they possessed, any Choctaw or Chickasaw Indian blood.

Maj. McLaughlin, one of the oldest inspectors in the Indian Service, further says:

From what I was told by reputable persons at Lake Charles and Baton Rouge, La., and Gulfport, Miss., it would appear that said Powell was interested chiefly in procuring a large number of contracts, regardless of the ancestry of the applicants.

Listen to that. He picked up every dirty-faced mixed breed in the country that had even heard of an Indian, secured a contract from him, got fees out of him, and then began to try to get money out of our Oklahoma Indians for him. Here is our friend HARRISON, one of the most distinguished Members of this House, who finds himself mixed up with this band of juggling attorneys, who are trying to get $6,000,000 of fees out of an Indian tribe. This is but another case of old dog Tray.

The McLaughlin report says further:

It would appear that said Powell was interested chiefly in securing a large number of contracts, regardless of the ancestry of applicants, as Mr. Luke W. Conerly, of Gulfport, Miss., told me that to his personal knowledge Powell obtained contracts from several families, the ancestry of whom, as supplied by Powell, was absurdly erroneous.

Listen to that. Maj. McLaughlin says that Powell knows that these people that Powell contracted with were people whose ancestry was absurdly erroneous. Further quoting from the report:

It is also alleged that Powell took contracts from any persons claiming to have Indian blood, and from many who had never claimed to possess Indian blood until told by Powell that they were descendants of Indians who were parties to the Dancing Rabbit Creek treaty of 1830, and therefore entitled to certain benefits under that treaty.

Mr. C. R. Cline, an attorney of Lake Charles, La., and Hon. Isaac C. Boyd, of Leesville, La.——

The CHAIRMAN. The time of the gentleman has expired.

Mr. FERRIS. Will the gentleman give me sufficient time to finish this extract from the report?

Mr. CARTER. I yield to the gentleman one minute more.

Mr. FERRIS. The report says:

They both informed me that there are about 300 persons living in the neighborhood of Kinder, Allen Parish, La., who are of mixed descent, being of French, Spanish, Portuguese, and negro blood, with a very few of them possibly possessing some Indian blood, and the name "Red Bone"—

This negro, A. P. Powell, undoubtedly got a lot of Portuguese negroes, half-breeds, and dirty-faced whelps and hitched them together and told them that they belonged to the "Red Bone" Tribe and that he could get them so many thousand dollars out of Oklahoma if they would sign up, and so forth. The report further says:

The name "Red Bone" was given those of them who were supposed to have any Indian blood; that prior to Powell's visit to Kinder soliciting contracts with Indians it was regarded a great insult to be called a "Red Bone," thus classing them as of Indian blood; but a number of them were advised by Powell that they were of Choctaw descent, as shown by a book which he possessed, and by which he traced their ancestry, as eligible to enrollment, and it is alleged that he thus obtained contracts from all of them.

In the best of good humor, I do not know whether my good friend HARRISON has joined the "Red Bones" or not.

No, gentlemen, this whole matter is wrong in law, wrong in equity, wrong in good morals, wrong in fact. A lot of unprofessional attorneys, in their mad quest for riches which do not belong to them, have employed negro agents, negro runners, and people who are without responsibility, who act without regard for truth and justice, to go among the ignorant, defenseless people who have long ago squandered their patrimony and who, from long separation from the Indians, have developed into half-breeds—and in fact and truth many of them are not Indians at all—and get them to sign contracts they could not fathom or understand. It will be observed from the preceding report read into the RECORD that these designing attorneys were even able to capitalize their contracts and to raise large sums of money upon them. One firm was able to secure at least $25,000 and another $16,000 through the sale of stock based on these contracts, and the whole proceeding is founded on irregular transactions in an effort to secure rights for a people who are barred by treaties, acts of Congress, laches, court decisions, and so forth.

Before closing my remarks I want to again recur to this man Powell, who gathered up 4,200 of these contracts, and who, as an agent of these attorneys, is the cause of bringing about most of this abnormal activity. I want you to observe the following notices, which I shall read and which were printed in the different newspapers of the communities wherein these ignorant, dependable, mixed breeds lived, so that the House may know just what is going on. They are as follows:

NOTICE TO INDIANS.

This is your last chance in connection with William B. Matthews, attorney at law, Evans Building, Washington, D. C. I am engaged in writing up claims of all Mississippi Choctaws and their descendants who remained in Mississippi after Dancing Rabbit Creek treaty with the United States Government in 1830.

I will remain here for a few days only; I will be glad to write up all beneficiaries, we intend to submit all claims to the Sixty-second Congress, which convenes in Washington, D. C., April 4, 1911. I am Indian and Spaniard, and my grandfather was a signer of the great treaty concluded September 27, 1830.

ALEXANDER P. POWELL.

PHILADELPHIA, MISS.

—

NOTICE TO INDIANS AND THEIR DESCENDANTS—IN CONNECTION WITH HON. HARRY PEYTON, ROOM 420 BOND BUILDING, WASHINGTON, D. C.

This is your last chance to secure benefits under the bill introduced by Hon. PAT HARRISON, of the sixth district of Mississippi, now pending before the Sixty-second Congress, for the relief of Mississippi Choctaws and their descendants who remained in Mississippi after the treaty of 1830.

I am an Indian and a Spaniard, and my grandfather was a signer of the treaty of 1830.

I will be glad to write up all beneficiaries, and I have in my possession a record that will enable you to trace your ancestors back to 1780.

Those with negro blood need not apply.

I will be at ———, Miss., on the —— day of ———, 1912.

ALEXANDER P. POWELL,
No. 106 Fourth Avenue, Laurel, Miss.
Office: Room 420 Bond Building, Washington, D. C.

(This paper was sent to Indian Office by Mrs. Viola Strickland, of Meridian, Miss., No. 1400 Tenth Avenue, under date of September 16, 1912.)

—

THIS IS YOUR LAST CHANCE—NOTICE TO THE ONCE MIGHTY TRIBE OF RED MEN WHO ONCE OWNED THIS COUNTRY AND TO THEIR DESCENDANTS.

In connection with Hon. Harry Peyton, room 408, and Hon. Oliver A. Phelps, room 619 Bond Building, Washington, D. C., I am still engaged in writing up all Mississippi Choctaws and their descendants who remained in Mississippi after the Dancing Rabbit Creek treaty with the United States Government, concluded September 27, 1830.

The treaty of 1830, known as the treaty of "Perpetual friendship," provides that the Indian Territory shall go to the red man and his descendants "as long as water runs and grass grows"; the treaty furthermore provided that our descendants that did not see fit to go to the Territory then, at any time that they may take a notion to come on and join the tribe in the Territory, they shall share in this distribution as long "as water runs and grass grows." If your ancestors were born east of the Mississippi River, call on me; it is possible that some of them may have been at the treaty mentioned above.

I am an Indian and a Spaniard, and my grandfather, Nita, was a signer of the treaty of 1830.

I have in my possession a record of the old aboriginal that will permit you to trace your Indian ancestry back as far as 1780.

All Mississippi Choctaw cases are now pending before Committee on Indian Affairs, Sixty-third Congress, first session, waiting for report and decision. I will be glad to write up all beneficiaries.

Those with negro blood need not apply.

I will be at W. J. Nelson's, 802 Second Street, Lake Charles, La., on September 5.

ALEXANDER P. POWELL.

—

NOTICE TO MISSISSIPPI CHOCTAWS.

In connection with Harry J. Cantwell, Thos. L. Crews, and William B. Matthews, attorneys of Washington, D. C., I am still engaged in writing up claims for the Choctaw-Chickasaw Indians and their descendants who remained in Mississippi after the Dancing Rabbit Creek treaty with the United States Government. I am a member of the Choctaw Tribe of Indians and my grandfather was a signer of the great treaty made September 27, 1830. I will be glad to communicate with any beneficiary at my office in Bay St. Louis, Miss.

A. P. POWELL,
Seabrook Hotel, Bay St. Louis, Miss.

"INDIANS" LIVING IN OLD MISSISSIPPI.

"All Mississippi Choctaw Indians and their descendants are asked to meet at the county courthouse next Sunday afternoon at 2 o'clock. The object of the meeting is to further the rights contained in the treaty of 1830 between the United States and Choctaws. (Biloxi Herald.)"

To which is answered: Such a meeting as is scheduled as per the above would be "nuts" for some moving-picture company, provided such meeting is attended by all the people who have filed claims as descendants of the tribe of red men known as Choctaws. They are of all shades and color, running from the real Indian to the coal-black, thick-lipped, flat-nosed, kinky-headed negro, with a good sprinkling of whites in whose veins no one but themselves ever suspected that a drop of Indian blood flowed. But anything goes in this day and generation when the thought of "easy money" presents itself. Uncle Sam's coffers will scarcely be opened for the motley crew, however just may be the claims of some of the pure-bred Choctaws. (Gulf Coast Progress.)

HOUSTON INVESTORS MAY GET MILLIONS FROM INDIAN CLAIMS.

A Houston organization, in which more than $2,500,000 is at stake and the hereditary rights of the Choctaw Tribe of Mississippi is the merchandise, has received quite a boost in a telegram received by Judge Harris Masterson. Many Houstonians are interested in the enterprise. The telegram reads as follows:

"Subcommittee report of Friday last was unanimous and recommends admission of all full bloods; also all others who can prove descent from one who either received or should have received patent under fourteenth article treaty of 1830. Meetings are executive and no arguments being heard."

To those who are not interested in the venture the telegram needs interpretation. It comes from Washington and has to do with a bill introduced by Mr. HARRISON, of Mississippi, in behalf of the admission to enrollment of the Mississippi Choctaw Indians and their descendants to participation in the money and lands belonging to the Choctaw Tribe.

Some time ago Judge Masterson was instrumental in forming an organization to urge the claim of the Choctaw Tribe in a participation of certain lands in the territories and moneys in the United States Treasury. Many of these Indians were his clients. Going rather deeply into the matter, he banded over 4,000 of these claimants together and became their representative and legal advisor.

Money was needed to carry the enterprise through, and a company was formed. Between 50 and 60 men came into the company, and many of these are prominent Houstonians.

Judge Masterson says that the venture is one which promises tremendous returns for the amount invested by the stockholders, and that he is confident Congress will give assent to the recommendation of the subcommittee.

I think I do not say too much when I say this Alexander P. Powell ought to be apprehended by the Department of Justice for fraud upon these defenseless people. I am not at all sure but what the attorneys who employed J. Milton Turner, Robert Fortune, and A. P. Powell, all negroes, to go out and make these false and fraudulent representations ought to be investigated, looking to their disbarment from the practice of the profession in which they are engaged. I can not believe the law should be reduced to any such level, but I think any casual reader who will read the McLaughlin report and will study it and understand what is being done, and who will read of what practices are being carried on by these negro agents and these promoters, will feel the necessity that something should be done and that without much longer delay.

I want to at this point insert extracts from a letter dated at Houston, Tex., June 12, 1911, addressed to W. L. Dechant, Middletown, Ohio, and signed by C. B. Moling, a promoter, of Houston, Tex., who is trying to help these negro agents to dispose of these contracts, or rather to raise money upon them to further carry on and promote this gigantic scheme. After dealing with the matter historically, the letter read as follows:

A reputable and responsible firm of attorneys, with offices in St. Louis and Washington, D. C., have secured contracts with 4,200 Choctaw Indians to secure them their allotment of lands and money upon a percentage basis. The contracts provide that the attorneys are to receive 30 per cent of all lands and money received. These 4,200 contracts are one signed by the Indian, two witnesses to his signature, and acknowledged before a notary public.

Is not this a nice transaction to ask Congress to promote:

These contracts, providing for this contingent fee, have been recognized by the Government, and Congress passed a resolution making all such contracts a first lien upon the property of the Indian. This insures direct payment to us of our fee.

For financing the project, such as hunting up the Indians and securing the proof of each individual Indian to his right of participation and the attorneys for working the bill through Congress, one-half of the profits to go to the attorneys and the other half to those who financed it.

It is estimated that each Indian's share of the estate is worth $8,000. The attorneys' contract calls for 30 per cent of this, or $2,400, of which we are to get one-half, or $1,200.

We are organizing a syndicate to take over 1,000 of these contracts at $25 per contract. We will not accept subscription for less than 20 contracts, or $500. The estimated value of 20 contracts, if we win, will be approximately $24,000, or a profit of $23,500 upon each $500 investment.

The proofs of these claims for these 4,200 Indians has all been secured and has been presented to the congressional Committee on Indian Affairs and reported favorably. This committee consists of 19 Members of Congress.

At this next session of Congress the bill will be introduced and voted upon, and as there are several precedents identical to this proposition wherein the other Choctaws secured their rights, we have every reason to believe that the bill will pass.

What a flattering proposal this is? Is not this frenzied finance in all the term implies?

We are unable to go into all the details of this proposition in this letter to you, but I have spent several days investigating it, and concourse of business. I believe the estimated results herein will be clude that the chances for defeat are no greater than in the ordinary obtained, or substantially so.

I expect to give the matter my attention and to look after the interest of those who come into the deal at my request, and to take a proper assignment of the contracts and place them in the hands of some local trust company or bank with authority to make the collection and disburse the receipts to the subscribers in the amounts to which each subscriber would be entitled at same; it will be safer for the subscribers.

My charges will be about 20 per cent of whatever profits you may make on the deal; if none are made, you owe me nothing. I would like to have you take a flier in this, say, for $500 or $1,000, and to notify me of your intentions promptly. Should you happen to lose, I think you will agree with me that it was at least a good bet, as the prospective returns justify taking the chance.

Awaiting your prompt reply, either by letter or wire, I am,

Yours, very truly,

C. B. MOLING.

Mr. Chairman and gentlemen of this House, what is the equation here? We are asked to agree to an amendment and instruct the conferees to agree to an amendment which will turn the pages of Indian progress in Oklahoma back a hundred years. It would overrule the solemn judgment of the Indian Committees of both the House and Senate, both of which have steadfastly refused to open these rolls or to agree to any such unjust amendment. The adoption of this amendment would break two solemn treaties between the United States and the Oklahoma Indians, wherein the Government promised to give them their lands and to administer their affairs. It will overthrow and in effect repeal the act of April, 1906, which took effect on March 4, 1907, by which Congress closed the rolls; it will overthrow the judgment of the Dawes Commission, which was a commission of high-class lawyers who went West to investigate into and adjudicate these affairs; it will overthrow the decision of Judge Clayton, of the Federal court, who passed upon this matter in the Jack Amos et al. case. It would be an act of broken promises and blasted faith to the Oklahoma Choctaws; it would mean the rewarding of unfaithful, unscrupulous attorneys, who have sought to graft the Indians out of millions of dollars in attorney fees which they did not earn; it would bring reproach upon Congress and the Government; and, in short, it would work a greater wrong and greater mischief upon the Oklahoma Indians than any just man or body of men would hope to accomplish.

I ask that this item be refused and be sent to the conference, so that the committees having proper jurisdiction over it may properly deal with it.

I thank the gentlemen of the House for the attention and consideration I have received at their hands in this important matter.

Mr. HARRISON. Mr. Chairman, I yield seven minutes to the gentleman from Mississippi [Mr. SISSON].

Mr. SISSON. I thank the gentleman for seven minutes.

The treatment which the Choctaw Indian has received in Mississippi is no worse than the treatment which the Indian has generally received at the hands of the white man. But it is not the fault of the Indian that there has been an injustice forced upon him. It is the fault of the Congress of the United States, the guardian of the Indian. The diatribe that we have just listened to, by the gentleman from Oklahoma [Mr. FERRIS], is no more a reflection on the history of Congress than it would be now if Congress should pass this bill without safeguarding the funds.

Now, gentlemen, this denunciation does not answer the proposition that we assert here, that there are now 1,072 full-blood Indians in Mississippi in poverty and in ignorance.

Not only that, but the gentleman from Oklahoma says they are not permitted to vote in Mississippi. That may be true, but every Indian who applies to the registration board and can qualify under the terms of the law can vote. He must, under our constitution, either be able to read or write or to understand a clause of the constitution when it is read to him, and it is no insult to the Indian that he is in that condition and can not help himself. If Congress has left him there, and the Indian agents have imposed upon him, it is no answer to denounce this condition in my State. No Indian is denied, under the laws of the State of Mississippi, the right to vote, nor is any other man, by reason of race, color, or previous condition of servitude, denied the right to vote in my State. We did not even have, as some State constitutions do, the grandfather clause in our constitution, and the Supreme Court of the United States has twice declared that there is not a line

or a syllable in that constitution that violates one single provision either of the fourteenth amendment or the fifteenth amendment to the Federal Constitution.

All that talk about the treatment of an Indian is not a fact, except that his condition is the condition that Congress leaves him in; and if he can not vote it is because he has been neglected, when he ought not to have been neglected.

Now, the gentleman from Oklahoma speaks of this man Powell. I know nothing about Powell except that I have seen him once or twice. He looks very much like a negro to me. I have never talked to him a moment in my life. If what my friend from Oklahoma [Mr. FERRIS] says is true, these attorneys ought not to be permitted to receive anything from these Indians; and that contract that they have can be rendered void by a proviso or a law that this money shall be paid to the Indian direct, or the Commissioner of Indian Affairs can fix and determine the fees, as we have generally done in reference to all matters when men have asked for attorney's fees and the money comes out of the Treasury by act of Congress.

Mr. GOODWIN of Arkansas. Mr. Chairman, will the gentleman pardon me right there?

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from Arkansas?

Mr. SISSON. I do.

Mr. GOODWIN of Arkansas. I believe that the firm of Mansfield, McMurray & Cornish attempted to charge $1,200,000 for services rendered to the Indians in the State of Oklahoma. Is it not a fact that Secretary Hitchcock, Secretary of the Interior, reduced that amount to $750,000?

Mr. SISSON. I do not know about that; but if I had the time I would like to give a statement concerning the fees that certain Indians have received in Oklahoma who have since been honored with public office by the people of Oklahoma; and it would be interesting to set out the number of attorneys who have got to be enormously rich and live in Oklahoma and who now claim to be so patriotic.

The chief of these 1,072 Indians who want to be enrolled came to my office. I wish I had time to go into the details as to the whole history of the Choctaw question and then show fully the opportunities they have had to go to Oklahoma, so as to convince the House that they really had no opportunity. Heretofore the House stood, by an overwhelming vote, by the Mississippi Choctaws when this matter had been discussed here on portions of two days, with the Representatives from Oklahoma doing all on earth they could to prevent it. By an overwhelming majority this very Congress a few months ago stood with the Mississippi Choctaws and determined that they had rights and ought to have a hearing; and in the Senate this amendment was put on on the floor of the Senate because the Committee on Indians Affairs there, I presume, is largely dominated by the influence of the Oklahoma people.

I am not censuring my good friends from Oklahoma for doing what they can. I am not censuring them, because I presume it is not only to their political advantage, but also to their financial advantage, and to the advantage of people in Oklahoma. But inasmuch as my time is very brief, let me read to you from the record. They say these Indians ought to have gone to Oklahoma. That may be true; but under the Dancing Rabbit treaty they had the right to remain in Mississippi, and they lost no right under that treaty by remaining in Mississippi, except the right to that small annuity. That is the only right they lost by remaining in Mississippi under the solemn treaty made in 1832, known as the Dancing Rabbit treaty. They lost no rights under it, and I assert it is the sworn duty of every Congressman here, since we have taken over the Indians and made them our wards, as it is the duty of every guardian, to see to it that these wards of ours are not chiseled out of anything, not only by the people of Mississippi, not only by the Mississippi attorneys, not only by people who may be attorneys outside of the State, but also by the Oklahoma attorneys and the Oklahoma Congressmen who represent the Indians living there. We ought to stand by the terms of that solemn treaty which we made with the Choctaws when the old chief of the Choctaws came up here and declined under that treaty to compel the Indians to live beyond the limits of Mississippi, and the provision of that treaty which induced him to agree to it was that those of them who desired to remain in Mississippi should signify their willingness and desire to remain, and over 5,000 heads of families, according to my recollection, in a few weeks decided to remain in Mississippi.

Now, they speak of that land being sold down there cheap for the Indian wards. All that strengthens the case.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. SISSON. Mr. Chairman, will the gentleman from Minnesota [Mr. MILLER] yield me two minutes more?

Mr. MILLER. I yield to the gentleman two minutes more, Mr. Chairman.

The CHAIRMAN. The gentleman from Mississippi is recognized for two minutes.

Mr. SISSON. Ward and all that bunch of rascals have been visited on the Indians, but is there any reason why we should continue to visit injustice upon them? I have no interest, directly or indirectly, in the matter, because I do not believe half a dozen of these Indians live in my district. Some of them live in Alabama; some of them live in Louisiana; but most of them live in Mississippi, in the districts represented by friends and colleagues, Mr. HARRISON, Mr. WITHERSPOON, and Mr. QUIN.

Mr. FESS. How many are there, all told?

Mr. SISSON. There are 1,072, according to my recollection, full-blooded Indians, whose veins contain not one drop of anything except Indian blood. They are adjudged to have the right to property in Oklahoma. The agents appointed by the Government went down and allowed only six months to those poor Indians to get away. You might as well tell them that there were bags of gold waiting for them in the moon as to say that there was rich land waiting for them in Oklahoma. They could get there, and when there would not know what to do. The statement was made by the Indians, and was made here before this bill was up in the House before by the old chief of the Mississippi Choctaws, and some of the Indian boys have told me in my office that they were waiting and expecting the Government agents to come back for them when the time elapsed in which they could go to Oklahoma; and the $20,000 which, I believe, was appropriated for the purpose of identification and removal gave out and the Indians were waiting in vain for Uncle Sam, their guardian, to send them to Indian Territory. I refer to the 1,072 Indians who are full bloods.

I would like to show you what the Commissioner of Indian Affairs had to say about it. I put it into the RECORD at the time of the last debate.

The CHAIRMAN (Mr. UNDERWOOD). The time of the gentleman has expired.

Mr. HARRISON. I yield to the gentleman one minute more.

Mr. SISSON. In one minute I can not read what the Commissioner of Indian Affairs said; but the Commissioner of Indian Affairs, who made this investigation, reports that the Mississippi Choctaws were not given time to remove, and he says that it was utterly impossible for the Mississippi Choctaws to comply with that act within that time. He says it is perfectly true that they have not had a square deal in this matter. I take it that every Member of Congress will feel that the obligation rests on him, as one of the guardians of the Indian, to see that he gets a square deal.

I do not care what the acts of Congress may have been in the past. The thing rises above a mere act of Congress. If we have done a wrong, we can right the wrong by repealing the law. It is the duty of every Representative here to see to it, as one of the guardians of these unfortunate people, that they be given a fair and an honest opportunity, and it is our duty to see that they get what is their own. [Applause.]

Mr. STEPHENS of Texas. Will the gentleman from South Dakota yield some more of his time?

Mr. BURKE of South Dakota. I would rather the gentleman from Texas would use a little of his time; but if he is not ready to do so, I will yield 20 minutes to the gentleman from Kansas [Mr. CAMPBELL].

The CHAIRMAN. The gentleman from Kansas [Mr. CAMPBELL] is recognized for 20 minutes.

Mr. CAMPBELL. Mr. Chairman, my sympathies have always been with the Indians. In every matter that has arisen in the House since I have been a Member, touching the welfare of the Indian, I have always found myself naturally inclining toward him and his rights. I find myself in the same situation here to-day. But I must select between Indians to-day—between the rights of the Mississippi Choctaws and the rights of the Choctaws in Oklahoma. I am led to that conclusion because of the action taken by the Indians themselves.

Under the treaty of 1830 the Indians in Mississippi were to go west, to take up lands, to maintain their tribal organizations, and to become there an important part of the great West. They invited all the Choctaws in Mississippi to join them.

Article 14 of that treaty provided that Indians might remain in Mississippi, and that the head of every family remaining there could choose 640 acres of land, every child over 10 years of age 320 acres of land, and every child under 10 years of age 160 acres of land, making a very attractive proposition to the

Mississippi Choctaws who saw fit to remain in Mississippi. The others were to go west to the new Indian country. That same article provided that those who remained in Mississippi as Choctaws should lose no rights as Choctaws if they removed west, except the annuities. The gentleman from Mississippi [Mr. SISSON] is incorrect when he says they lose no rights at all. They must move west into the Indian Territory to have the rights of Mississippi Choctaws. It was held in the Jack Amos case and has been sustained by every commission, every committee of Congress, every court that has considered the matter—every decision of every commission, of every court, of every committee of Congress has always insisted that article 14 of the treaty of 1830 required that the Choctaws should, in order to have the rights of Choctaws in Oklahoma, go to Oklahoma and live there; that a Choctaw could not remain in Mississippi and have the rights of a Choctaw in the Indian country; a very natural and a very wise conclusion to be reached by the courts and by the committees of Congress and by the commissions that have investigated and decided upon the question.

Now, with whom shall we allow our sympathies to run? With the Mississippi Choctaws, who remained to accept the very attractive proposition made by the United States, and to have the large amount of land already referred to, or go with the Indians who went out across the swamps and rivers and through the forests on to the frontier? The trail by which the Choctaws who left Mississippi went into the Indian country is marked by the graves of 4,000 Choctaws. And yet the gentleman from Mississippi and other friends of the Mississippi Choctaws pour out their sympathies for those who remained in Mississippi with 640 acres of land for every adult, 320 acres of land for every child over 10 years of age, and 160 acres of land for every child under 10 years of age.

Mr. BOOHER. Mr. Chairman, I want to ask the gentleman a question.

Mr. CAMPBELL. Yes; if the gentleman will be brief.

Mr. BOOHER. Did those Indians who remained in Mississippi receive these allotments of 640 acres, 320 acres, and 160 acres?

Mr. CAMPBELL. The allotments were yielded to them. They had a right to receive them.

Mr. BOOHER. Was the land given to them?

Mr. CAMPBELL. Many of them received the land.

Mr. FERRIS. The first half of them did. Here is a list of all the names of those who did.

Mr. BOOHER. If they did not get it, the Government still owes it to them, does it not?

Mr. CAMPBELL. At least the Choctaws in Oklahoma do not owe them anything. That is what I am urging.

Mr. FERRIS. Here is a list of the names of those who did get land.

Mr. CAMPBELL. Therefore my sympathies in this case are with the Choctaw and his descendants who went into the Oklahoma country in the early thirties and remained there with his family and made that country the Indian country. Eighty years afterwards there can not be much sympathy or much equity for the Indian who remained in Mississippi, whose descendants now insist upon a division of the estate made by the Indians who went out upon the frontier years and years ago. It would be just as fair for a man to-day who was an original joint heir of an estate out on the frontier, in Kansas, if you please, next to Oklahoma, beside the Indian country, to have remained in Massachusetts until the prairies had been subdued and tamed, and the desert converted into productive fields, where great wealth is produced to-day, and then for the Massachusetts man to come along and say, "I want half of this, I want share and share alike with you, and I have a right to it, because I am of the same blood." There would be just as much right in that sort of claim as there is to-day in the claim of the Mississippi Choctaw to a share of the Choctaw estate in Oklahoma.

But what is the milk in the coconut? Why are we constantly hounded in Congress in behalf of the Mississippi Choctaws? Ever since I came to Congress I have been followed by attorneys for the Mississippi Choctaws urging their cause. The door was then open to them. From year to year they were given a little more time. They were finally given until the 4th day of March, 1907, in which to go west to comply with the conditions of article 14 of the treaty of 1830. The years passed on from 1830 until the 4th day of March, 1907, and still the Mississippi Choctaw remained in Mississippi and did not go into the Indian country to become a part of his old tribe, to participate with that tribe in the rights and benefits of a Choctaw in the Indian country, as Congress had given him the right to do, and as the Choctaws in Oklahoma had invited him to do out of the generosity of their hearts.

The trouble is that there are fabulous attorney's fees in this matter. I do not connect any gentleman who favors the Mississippi Choctaws upon this floor or upon the floor of any other body as being in any way concerned about the fees in this matter. All I insist upon is that the fees are so large that they make it a very attractive thing for attorneys, and these attorneys never cease their campaign for the enrollment of the Mississippi Choctaws so that they may participate in the distribution of the funds of the Choctaw Nation.

Mr. MILLER. Will the gentleman yield?

The CHAIRMAN (Mr. TOWNSEND). Does the gentleman from Kansas yield to the gentleman from Minnesota?

Mr. CAMPBELL. I will.

Mr. MILLER. Does the gentleman know of any Mississippi Choctaw who has been enrolled as a Choctaw who has not had to pay an attorney's fee?

Mr. CAMPBELL. I do not know.

Mr. MILLER. Will the gentleman advise the committee whether or not there is not now pending a case in court to determine the attorney's fees in the largest case they have ever had, and what the percentage claimed is?

Mr. CAMPBELL. I think a 50 per cent fee is claimed. But these Mississippi Choctaws are represented by attorneys whose fees run from 30 to 40 per cent. Now let me read you something about that. I have here, I think, the document.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. CAMPBELL. Yes.

Mr. STEPHENS of Texas. One firm of these attorneys has collected $21,000 at one time.

Mr. CAMPBELL. Now, here is the milk in the coconut. Let me read:

HOUSTON, TEX., *June 12, 1911.*

Hon. W. L. DECHANT,
Middletown, Ohio.

DEAR SIR: In 1820 the United States Government made a treaty with the Choctaw Indians, then living in Mississippi, whereby the Government bought 5,000,000 acres of the Indians, and in return gave to the Indians all the lands lying in the Indian Territory north of Red River up to the Canadian and east of the ninety-eighth meridian, and paid for moving as many of the Indians out to this land as desired to go.

The Choctaws still had 10,000,000 acres left back in Mississippi, and in 1830 the Government made another treaty with them whereby the Government purchased the remaining lands for $8,000,000. In this treaty it was agreed that the remaining Indians were to be protected in the community property or the original lands in Indian Territory granted them by the treaty of 1820.

The Government still holds approximately 3,450,000 acres of these original Territory lands, as well as several millions in cash, in trust for the Choctaws who have not as yet been allotted their share.

Now listen, you who are sympathetically inclined. Now we get down to the milk:

A reputable and responsible firm of attorneys, with offices in St. Louis and Washington, D. C., have secured contracts with 4,200 Choctaw Indians to secure them their allotment of lands and money upon a percentage basis. The contracts provide that the attorneys are to receive 30 per cent of all lands and money received.

Four thousand two hundred Indians. Where are the 1,070 Indians that the gentleman talked about?

Mr. HARRISON. Does the gentleman want to know where those 1,070 Indians are?

Mr. CAMPBELL. I am talking about the 4,200 Indians.

Mr. CLINE. Will the gentleman yield?

Mr. CAMPBELL. For a very brief question.

Mr. CLINE. Does the contract made for the collection of this money go to the real merits of the controversy as to whether they are entitled to anything?

Mr. CAMPBELL. If it were not for the attorneys' fees, you would not hear of these Mississippi Choctaws who have remained in Mississippi since 1830. The only way in which these claims are kept alive is by these large prospective attorneys' fees.

Mr. CLINE. Then there is no merit in the claim?

Mr. CAMPBELL. Absolutely no merit in thousands of them.

These 4,200 contracts are one signed by the Indian, two witnesses to his signature, and acknowledged before a notary public.

These contracts, providing for this contingent fee, have been recognized by the Government, and Congress passed a resolution making all such contracts a first lien upon the property of the Indian. This insures direct payment to us of our fee.

Do you see how this fellow's heart bleeds for the Mississippi Choctaws; how he is pleading for the enrollment of the Mississippi Choctaws so that they may participate in the distribution of the estate of the Choctaws of Oklahoma, who went west in the early days and made it possible that there should be an estate to divide?

For financing the project, such as hunting up the Indians and securing the proof of each individual Indian to his right of participation and the attorneys for working the bill through Congress, one half of the

profits to go to the attorneys and the other half to those who financed it.

It is estimated that each Indian's share of the estate is worth $8,000. The attorneys' contract calls for 30 per cent of this, or $2,400, of which we are to get one-half, or $1,200.

We are organizing a syndicate to take over 1,000 of these contracts at $25 per contract. We will not accept subscription for less than 20 contracts, or $500. The estimated value of 20 contracts, if we win, will be approximately $24,000, or a profit of $23,500 upon each $500 investment.

That sounds good for the poor Indians.

The proofs of these claims for these 4,200 Indians has all been secured and has been presented to the congressional Committee on Indian Affairs and reported favorably. This committee consists of 19 Members of Congress.

I have been a member of this committee for a number of years, and I know this graft has not been reported favorably.

At this next session of Congress the bill will be introduced and voted upon, and as there are several precedents identical to this proposition wherein the other Choctaws secured their rights, we have every reason to believe that the bill will pass.

Mr. FERRIS. Will the gentleman yield right there?

Mr. CAMPBELL. Yes.

Mr. FERRIS. Is it not a fact that on these representations they sold $25,000 of contracts and got the money?

Mr. CAMPBELL. Yes; I was going to say that. I will omit the next clause in the letter, but it states that one attorney made a fee of $6,000,000.

Mr. GARDNER. Why does the gentleman omit the next paragraph?

Mr. CAMPBELL. Then I will not omit it. I will read:

Senator OWEN has but 1,500 of these contracts with another batch of Choctaw Indians, yet he secured a fee of $6,000,000; he had a contract for one-half of what he secured, while ours is but 30 per cent. Other similar contracts have been made, and all of them have been passed by Congress; and as the Government is holding the lands and money belonging to this tribe and have no interest in it either way, we see no just reason why they should not act upon these claims favorably at the next session.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. CAMPBELL. Yes.

Mr. STEPHENS of Texas. Is it not a fact that that was shown not to be so?

Mr. CAMPBELL. Of course, as to amount it is not so, but that is on a par with a lot of other stuff in that prospectus that is not so.

Mr. GARDNER. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL. Yes.

Mr. GARDNER. The gentleman says it is not so. There is a great deal of truth in it, is there not?

Mr. CAMPBELL. Oh, yes; there is some truth in it. He did not get $6,000,000, however.

Mr. COX. How much did he get?

Mr. CAMPBELL. I do not know. He received a good fee.

Mr. FERRIS. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL. I can not yield further. The fact is, that upon the assumption that there was to be a distribution of a fabulous attorney's fee a corporation was organized under the laws of the State of Arizona, with a capital stock of $100,000, and stock was sold upon that prospectus to the amount of $25,000; and Crews & Cantrill, the attorneys, who have been prosecuting this claim for the enrollment of these alleged Mississippi Choctaws, have secured the $25,000. If they win, their fees will amount of $6,300,000.

The CHAIRMAN (Mr. PHELAN). The time of the gentleman from Kansas has expired.

Mr. STEPHENS of Texas. Mr. Chairman, I yield the gentleman four minutes more. In that time will he permit me to make the statement that Senator OWEN was the attorney for the Mississippi Choctaws, or for some band of them, before he ever came to Congress.

Mr. CAMPBELL. Oh, yes; it is only fair to Senator OWEN to say that his connection with this matter was as an attorney, before he became a Member of Congress.

Mr. FERRIS. And before Congress closed the rolls.

Mr. CAMPBELL. Yes; and before the rolls were closed.

Mr. ASWELL. Mr. Chairman, I notice the gentleman uses this crooked dealing on the part of attorneys as an argument against this bill. Is it not a fact that the same kind of work was done on the other side?

Mr. CAMPBELL. Oh, but the attorneys' fees on the other side were like 30 cents as compared with these fees.

Mr. ASWELL. Is it not a fact that there are attorneys here lobbying against this bill?

Mr. CAMPBELL. I do not know of any. I have not seen any. I have seen the attorney for the Choctaws. He is working against it, as he ought to. So with the attorney for the Chickasaws.

Mr. ASWELL. Is it not a fact that the attorneys for the tribes are here?

Mr. CAMPBELL. Oh, yes.

Mr. CARTER. On a stipulated salary?

Mr. CAMPBELL. On a stipulated salary of $5,000.

Mr. ASWELL. And they are lobbying?

Mr. CAMPBELL. No; I have not found them lobbying; but they are getting a salary of $5,000 for representing the tribes, as against this colossal fee of $6,350,000 to one firm of attorneys for taking away from the Choctaws a part of their property. About $7,000,000 or more will go to another firm of attorneys, if they win, as they say they will in writing to their friends, in trying to raise money to further prosecute these claims before the committees of Congress and in lobbying the bill through Congress.

Let me close by saying again that if there is sympathy to be extended for the Indian in this case, it should be extended to the Indian who took his life in his hands and went into the Indian country in the early thirties, as he agreed to do in a solemn treaty with the United States, who fought for the rights of the Indians on the frontier, fighting against the elements, against unfriendly Indians and unfriendly whites, preserving the integrity of his tribe, and made a great estate there which these Mississippi Choctaws, who remained in the State of Mississippi rather than go to Oklahoma, now want to divide.

Mr. FESS. Mr. Chairman, how long has this contention been before Congress?

Mr. CAMPBELL. Oh, it has been before Congress for years. In 1889 Congress passed a law giving these Indians the right to move to Oklahoma and enrolling with the tribe. The Mississippi Choctaw has slept upon his rights. He has had his day in court. He has had his right to go to Oklahoma. He has had his right to join his tribe. He has had his right to participate in the distribution of that estate. He has forfeited all these rights by refusing to go to the country where the Choctaw resided and where the estate was, although he now wants to participate in its distribution.

The CHAIRMAN. The time of the gentleman from Kansas has again expired.

Mr. MILLER. Mr. Chairman, how many minutes have I remaining?

The CHAIRMAN. Eight minutes.

Mr. MILLER. Mr. Chairman, I yield seven minutes of that to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Chairman, I will ask the Chair to advise me when I have used five minutes, as I desire to yield two minutes of my time to the gentleman from Oklahoma [Mr. CARTER].

Mr. CARTER. I thank the gentleman very much, but I will use that in my own time.

Mr. MADDEN. Very well. Mr. Chairman, I am not concerned so much about what disposition is made of the estate of the Choctaw Indians in Oklahoma, but there was a time when an award was made in favor of the Mississippi Indians, amounting to $3,000,000 net, which accumulated to about $8,000,000, not one dollar of which has ever been paid to the Mississippi Indians. There is no reason on earth why these Indians living in Mississippi should not receive the money which has been awarded to them as their right. Whether they ought to be permitted to participate in all of the rights of the Choctaw Indians in Oklahoma I am not prepared to say.

I wish I could enter upon the discussion of this question with a feeling that there was no graft in the settlement of the Indian questions. The attorney proposition as involved in the settlement of Indian questions stinks; it is rotten. I know no man, either Indian or white man, who is interested in this proposition; but I do know that the Indians in Mississippi have been wronged. They are entitled to be paid the award that was made in their favor.

Mr. POST. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. I have only five minutes. My interest in this question relates only to my desire to see that justice is done to them. The gentleman from Oklahoma [Mr. FERRIS] said that Judge Clayton had rendered an opinion in the Jack Amos case which forever settled the rights of the Mississippi Choctaws. But there have been other decisions rendered besides that. Judge Townsend rendered a decision in the same case directly contrary to the opinion rendered by Judge Clayton.

Mr. FERRIS. But Judge Townsend was a judge of the Chickasaw Indians and had nothing whatever to do with this.

Mr. MADDEN. He passed on the question, and I will read his opinion into the RECORD. I am going to ask unanimous consent, at the conclusion of my remarks, to insert in the RECORD exactly what Judge Townsend said.

Mr. FERRIS. Does the gentleman deny what I stated?

Mr. MADDEN. I do.

Mr. FERRIS. The gentleman is mistaken. He is touching on a matter that was not before him at all, because he never sat in a Choctaw case.

Mr. MADDEN. Well, Samuel Adams, Assistant Secretary of the Interior, whose name is signed to the paper which I hold in my hands, says to the contrary. He quotes what Judge Townsend says, and Judge Townsend said that the Mississippi Choctaws never lost any rights whether they lived in Mississippi or moved to Oklahoma. There was only $20,000 appropriated and placed at the disposal of the men who sought to remove the Mississippi Indians to Oklahoma, and $20,000 was inadequate for the purpose of removing all those Indians who wished to go from Mississippi to Oklahoma. There are nearly 1,100 full-blooded Indians in Mississippi now against whose nationality nobody raises a question of doubt. They would have moved to Oklahoma if facilities had been afforded them to enable them to move, but they were not given the facilities and they have not been afforded the opportunity except the invitation, and whether or not they have the right to participate in the division of all the money now to the credit of the Oklahoma Choctaws, they certainly have a right, an undoubted right, to the payment of $8,000,000, a verdict for which was rendered in their favor, and this question can not be settled justly until everybody agrees that this $8,000,000 be paid and until it is in fact paid. Now, I do not believe any Member of this House wishes to do an injustice to any man in the world, and I am sure that no man in the House wishes to do an injustice to these men of Indian blood living in the State of Mississippi.

The CHAIRMAN. The Chair will state to the gentleman that he has used five minutes.

Mr. MADDEN. I wish I could enter upon a discussion of this question with a feeling that there is no rottenness in the question of contracts by which the attorneys are accepting fabulous fees for exploiting the Indians. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting the opinion of Judge Townsend.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. MADDEN. The views of Judge Townsend are set forth in part as follows:

> In all these various treaties, solemnly entered into, there is not one line or one word to indicate that the Choctaws and Chickasaws who did not remove to the western country were not Choctaw or Chickasaw citizens and members of their respective tribes. On the other hand, in the treaty of 1830 between the Choctaws and the United States it is expressly provided that those who remained should "not lose the privilege of a Choctaw citizen," but if they ever remove "are not to be entitled to any portion of the Choctaw annuity."
>
> It has been said that they could not be put upon the roll as citizens and members of those tribes unless they lived upon the land within the Choctaw or Chickasaw Nations themselves when making the treaty of 1866 does not bear out the view; and if they were Choctaws and Chickasaws in 1866, what has occurred to change their relations to those tribes? I have heard of nothing whatever.
>
> It is said the land was held in common, and certainly some of the tenants in common in possession could hold the possession for all their cotenants in common. The bulk of the nation living in the territory ceded and maintaining the tribal government or nation certainly met every requirement of residence and was a compliance in all respects with the treaty stipulations of living on the land.
>
> I shall hold that nonresident Choctaws and Chickasaws who have properly filed their application and established their membership of the tribes shall be admitted to the roll as citizens.

Mr. FERRIS. Mr. Chairman, I make a similar request to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma to extend his remarks in the RECORD? [After a pause.] The Chair hears none.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to yield seven minutes to the gentleman from Oklahoma [Mr. MURRAY].

Mr. MURRAY of Oklahoma. Mr. Chairman, it is impossible in seven minutes to deal with the legal phase of this question. The gentleman who has just preceded me referred to an $8,000,000 transaction. The facts are that the Government of the United States received 10,000,000 acres of land to equalize the property of the Mississippi Choctaws, and the Government sold the land and kept $6,000,000 of that $8,000,000 of which the gentleman spoke. They sold some of the land for 2½ cents an acre, and charged the Indians 10 cents for selling it. Let the Government pay these Mississippi Choctaw Indians that $6,000,000 it kept. I submit to this House that if the Government of the United States is the guardian of the Mississippi Choctaws, and if the Choctaw Nation should receive certain funds and the Government should not distribute those funds, as provided by the treaty and the law, is there any equity by which the Choctaw Indians in the West who furnished it should be made to suffer for the wrong of its guardians? There is neither law nor equity nor even sympathy against the Choctaw Indians in Oklahoma.

Now, this treaty was made first in 1820, one year before brave Stephen F. Austin took his brave Missourians to Texas and settled it. In 1830, several years prior to the Texas revolution, the removal of these Indians was provided. At that time Arkansas and the entire West was a wilderness. The prairie tribes of the West swooped down upon the white settlements and upon the settlements of the Five Civilized Tribes and murdered them alike. They dreaded that trip, and then while realizing that it was wise to go west, if they could live there, a stipulation was made that those who remained should get certain lands which exceeded the allotments which the Indians of Oklahoma have. The trouble was that the Government did not throw restrictions around them and long ago the grafters in Mississippi got their land. The Indians got, in the West, 22,000,000 acres.

As a result of the Civil War the Federal Government took from those Indians nearly 11,000,000 acres, leaving only 11,000,000 for the Choctaws and Chickasaws in the West, while they left in Mississippi 10,000,000 acres for those who were left there. So they provided for them. The trouble was the Government did not take care of their property. Now, so far as sympathy goes, I say that neither law nor equity exists against the Indians of the West, because the Jack Amos case was decided by Judge Clayton and affirmed, and no decision of Judge Townsend or any other judge on this point was ever affirmed by the Supreme Court of the United States.

Mr. HARRISON. Will the gentleman yield?

Mr. MURRAY of Oklahoma. Now, as to sympathy. When these Indians in Mississippi undertook to go West and cross the uninhabited swamps of Arkansas into the wilderness, they marched. Four thousand of their dead were buried on the road. An account of that march is best told by Gen. Dale, the United States Army officer who undertook the first removal. Gen. Dale said that when they were about to leave their homes their better judgment had taught them they ought to go, but their nature revolted, and as ten to fifteen thousands of men, women, and children marched slowly each day toward the West the old Indians would steal out of camp every night to return to their former homes, to look once more upon those old cabins, to bid them good-bye. Gen. Dale said that that continued every night until they were more than 40 miles away from their former homes; that every night they would return to look once more upon those old cabins they called homes and the graves of their ancestors, once more to say good-bye. They were going into a wilderness surrounded by hostile prairie Indians whom they had to fight. Because at the invitation of the Government and out of their intuitive knowledge they have built a republic, established schools, and become strong, and because they have grown with their strength and ammassed a fortune, the Mississippi Choctaws, hampered by the Government, becoming poverty stricken, now come in and claim a part of their property.

Is it fair, is it right, since they, by their own efforts, have achieved such results? They opened their hands in 1896 to the Mississippi Choctaws and bade them come. Why did they not go? They did not have a thing in the world but a dog. They could have put out the fire and called the dog and have gone but for one thing, and that was that the peonage laws in Mississippi made them criminal if they went away and left a debt or a contract. They could not go. The result was they did not go. Why give them money now? Because even the land they had, and other moneys, long since have been taken. Why give them money now? They would not have it 12 months. It would be taken away from them. Our Indians wanted them to come west, and 1,634 went as a result of that offer, and they have land with restrictions on it, and neither a grafter in Oklahoma nor a grafter in Mississippi can take it away from them. The only aid possible is to buy them each a small home in Mississippi and put restrictions upon it. I say, gentlemen, it is unfair, because these Indians by their own efforts have a civilization to be admired, a civilization that has made them capable of self-government, and they have become an integral part of the State government of Oklahoma. Eleven of them sat in the constitutional convention of that State, and 10 in the first legislature, so great had been their advancement. But because they had amassed property, is that any reason, does judgment dictate, that they should give up what they have acquired after hardship, any more than the western homesteader who went West and settled his homestead should divide it now with the men of the East who refused to go?

Gentlemen, here is the only proposition: Will you pay out this money that the Indians ought to have and stop this Mississippi Choctaw cry, or will you tie it up and let it continue? The quicker you pay out this money the quicker this will stop. Your attorney fees will be over, because there will be nothing else to be enrolled for. We want to pay out the money. An

amendment was offered in the Senate that ties it up until some time indefinitely. That amendment gives the Mississippi Choctaws nothing. It only ties up the payment of that money with the hope that the lobbyists and grafters may yet convince Congress in some way to make a division of a property to which they are not entitled.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to ask the gentleman from Mississippi [Mr. HARRISON] to use some of his time.

Mr. HARRISON. There will be but one argument on this side.

Mr. STEPHENS of Texas. Our time will be used in one argument.

Mr. HARRISON. I understand the gentleman has the closing argument. I prefer to wait until there is just one argument to follow.

Mr. BURKE of South Dakota. I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, I think I do not agree with the gentleman from Oklahoma [Mr. MURRAY], who just addressed the House, that this money should be paid out at once, because if paid out at once all claims would cease. I do not feel at all certain but that the Mississippi Choctaws may have some claim for a share in the property of the Oklahoma Choctaws. But however that may be, for myself I am very much opposed to the proposition offered by the gentleman from Mississippi that the House concur in the Senate amendment. If this provision becomes a law in the shape that it is in this bill, there will be no Member of this House or of this Congress who will escape the obloquy of scandal. You can not provide in this way for the payment of a claim involving millions of dollars, where the attorneys' fees amount to many millions of dollars, and allow those attorneys' fees without scandal. There was a great hurrah in Congress some years ago because an attorney in one of these numerous Indian matters received a fee of $700,000 or $750,000. If it had been known at the time that such a fee was to be received, the legislation would not have been enacted by Congress. I heard the payment of that fee denounced on the floor of this House by many gentlemen, and I think I never heard anyone defend it, unless it was the gentleman from Oklahoma [Mr. MURRAY] since he came into the House. But that fee would be a mere bagatelle compared with the attorneys' and agents' fees hidden behind or under this amendment, and if this proposition becomes a law, if the Mississippi Choctaw Indians are entitled to a portion of this money, they are entitled to that portion of it without paying 30 per cent of it to some attorneys or agents who have gone around and obtained the contingent contracts.

The gentleman from Kansas [Mr. CAMPBELL] a moment ago read a part of a letter of a syndicate organized for the purpose of financing this enterprise in part, wherein it was stated that the possible and probable return for the expenditure or investment of $500 would be over $2,300.

Now, I am not in favor of any legislation which would permit the attorneys or the agents to rob either the Indians or the Government. If these people have a claim, I see no reason why in some way we should not legislate to ascertain the fact. But if this amendment be concurred in, that is beyond us. The claim has gone past our control. Or if we pay the money out that is now in the Treasury and distribute the property, that, then, will be beyond us. I think the Government ought to retain the money until we work out in some way a settlement of the question as to whether in the opinion of Congress the Mississippi Choctaws are entitled to any share in this; and if it is said they are, we ought to have it paid to them under terms where they will not be robbed by the attorneys who now hold contracts for contingent fees amounting, in all, all the way from $10,000,000 to $20,000,000.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. HARRISON. I yield four minutes to the gentleman from Mississippi [Mr. WITHERSPOON].

Mr. WITHERSPOON. Mr. Chairman, as I understand, this is a controversy with regard to the distribution of a fund in the hands of the Government as a trustee for the Choctaw Indians. That fund arises under section 2 of the treaty of 1830, called the Dancing Rabbit treaty. By that section the Government conveys to the Choctaw Indians a large body of lands, which are described, and that, in connection with conveyance of other lands, constitutes this fund.

Now, I want to call your attention to the fact that that was not a gift on the part of the Federal Government, but these Indians paid the Government for that fund. And you will find in the next section, which is section 3 of this treaty, that the Choctaw Indians—who all then lived in Mississippi—conveyed to the Federal Government all the lands they owned and possessed in that State. That conveyance was the price that the Indians paid for this fund, and every Indian——

Mr. POST. Will the gentleman yield?

Mr. WITHERSPOON. No; I am too busy to yield. I am not going to yield to anybody, inasmuch as I have but a few minutes.

Every Indian living in Mississippi was an owner of that land in Mississippi, and consequently when they conveyed it to the Federal Government every Indian in that State contributed to pay the price. And having paid for this fund, in equity and good conscience, every one of them and of their descendants is entitled to share in it. If you take a deed to a piece of land in your own name and you pay for that deed with my money, if the consideration of the deed comes from me, you may have a legal title, but I am the equitable and honest owner of the land; and if you go into any court of conscience and equity and submit the question to such a court, it will decide that your legal title amounts to nothing; that the man who pays the price is the real honest owner of it. I say that these Indians in Mississippi are part owners of this fund, because they paid the price for it, and it is nothing less than an outrage to take it from them.

But the question here is, Have they forfeited those rights because they did not move to Oklahoma? That is what the Federal Government wanted them to do, and they did not want to do it. The Government officials could not get the Indians to sign the treaty conveying all these Indian lands in Mississippi to the Federal Government; the Government officials could not get the Indians to pay the price for this fund until the Government put into the treaty a section that expressly provides that no Indian should forfeit any of his privileges or rights because he did not remove to Oklahoma. Read the last sentence of the fourteenth article, and you will find that it expressly declares that no Indian who decides to remain in Mississippi shall lose his rights as an Indian, as a member of the tribe, except one right, and that was the right of sharing in the annuities which were enumerated in the treaty and which have nothing to do with this question.

Now, we do not ask you to vote——

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. WITHERSPOON. Will my colleague give me two minutes more?

Mr. HARRISON. Mr. Chairman, I yield two minutes to the gentleman.

The CHAIRMAN. The gentleman from Mississippi [Mr. WITHERSPOON] is recognized for two minutes.

Mr. WITHERSPOON. We do not ask you to vote that the Mississippi Choctaws are entitled to share in this fund at all. You can not do it intelligently, because the facts can not be presented to you. Every speaker who has gotten up here has said that he has not the time to present this matter to the Congress. But there is a bill pending before the committee, which for some mysterious reason has been held back an unreasonable length of time, the object of which is to determine the question whether these Mississippi Choctaws have lost their rights by not removing to Oklahoma. That bill is still pending before the committee. The matter is under investigation, and all that we ask is that you shall not distribute the fund until that bill is reported to the House, when the facts can be fully discussed, where you can understand the whole thing, and where you can decide it according to justice and right.

The claim of the other side that this fund shall be distributed before the proper bill is presented to this House, with all the facts that will enable you to determine the thing justly and rightly, is a contention that the fund shall be distributed before the parties in interest have a chance to be heard, and that is the thing that we consider unjust. Why not wait until the bill can be reported to the House? This amendment that we are fighting over does not ask you to decide that the Mississippi Choctaws have the right to share in this fund, but only that no part of the fund shall be distributed until the rights of the Mississippi Choctaws are determined.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman from South Dakota use some time?

Mr. BURKE of South Dakota. Mr. Chairman, in the brief time that I have I shall not attempt to go into the merits of the claim of the Choctaw Indians in Mississippi. I am against the motion of the gentleman from Mississippi [Mr. HARRISON] to concur in the Senate amendment for the reasons assigned by the

gentleman from Illinois [Mr. MANN], among others, and, furthermore, because I am opposed to every part of the amendment.

I think our friends from Oklahoma who are opposing this amendment are only concerned in the provision which begins with line 23, on page 70, and ends with "the Choctaw Nation," in line 5, on page 71. That is the provision that provides that this fund shall not be distributed in Oklahoma to the Choctaw Indians "until such of said Mississippi Choctaws as shall be found entitled to enrollment have been placed upon the rolls of citizenship of the Choctaw Nation." If this provision was eliminated those from Oklahoma would, I am sure, favor the Senate amendment.

When this bill was considered in the House before amendment No. 139, down to the word "*Provided*," in line 23, was in the bill reported by the Committee on Indian Affairs; and in the House in Committee of the Whole, after a debate of one or two days, in which the merits of the proposition were fully discussed, the House by a vote of 118 to 49 struck it out, and it went out of the bill. It was put back in the bill by the Indian Committee of the Senate, and upon the floor of the Senate there was offered an amendment relating to the Mississippi Choctaws.

I take it that our friends who, as I said before, are opposed to this amendment, are not opposed to that portion of the amendment that was stricken out by this vote in the House when the Indian appropriation bill was under consideration. I hope that the amendment will be disagreed to, and then I hope that the conferees on the part of the House will voice the sentiment of the House in conference and endeavor to defeat the entire amendment, thereby carrying out the will of the House as expressed when the Indian appropriation bill was under consideration, when this part of the amendment, from line 6 to line 23, was stricken out by a decisive vote.

Mr. Chairman, it is admitted—and no man who is familiar with the affairs of the Five Civilized Tribes of Oklahoma will deny it—that there are a few people who have been wrongfully left off the rolls and that are clearly entitled to participate in the distribution of the estate. Many of them—and possibly all of them—are in Oklahoma. It may be that there is some merit in the claim of the Mississippi Choctaws, and I am inclined to think there is. I am not going to attempt in the brief time I have to say definitely whether there is merit in their claim or not. But it is true that there are a number that have been left off the rolls—not a very great many—that ought to be enrolled, and my position has been that until these persons are placed on the rolls that are admittedly entitled thereto this fund, or no part of it, ought to be distributed; first, because it is not fair and right to the Indians who have been left off the rolls, and, secondly, we ought to protect the Treasury of the United States against claims that will be filed the moment that this fund is distributed by the persons omitted from the rolls, and attorneys who are now engaged in the nefarious work of securing contracts from negroes and others who have perhaps no Indian blood whatever in their veins will concentrate their activities upon presenting claims to the Congress of the United States, involving, perhaps, millions of dollars that will have to be paid out of the Treasury. I hope the motion of the gentleman from Mississippi will not prevail.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to take a moment for the purpose of stating that I agree with the gentleman from South Dakota [Mr. BURKE], and hope that the amendment offered by the gentleman from Mississippi [Mr. HARRISON] will not prevail.

This amendment was put on in the Senate of the United States in this language:

Provided, That in cases where such enrolled members, or their heirs, are Indians who by reason of their degree of Indian blood belong to the restricted class, the Secretary of the Interior may, in his discretion, withhold such payments and use the same for the benefit of such restricted Indians: *Provided, however*, That the provisions of this act shall not be applicable to the members of the Choctaw Nation in Oklahoma until Congress shall have determined the rights of the Mississippi Choctaws whose names do not appear upon the approved rolls of the Choctaws in Oklahoma and until such of said Mississippi Choctaws as shall be found entitled to enrollment have been placed upon the rolls of citizenship of the Choctaw Nation.

Mr. Chairman, I do not think it is good legislation to permit the Senate to engraft an amendment of this vast importance upon this bill without consideration by their own committee and with scarcely any consideration on the floor of the Senate. I do not think it proper that we should approve it here without having it passed upon by the Indian Affairs Committee of the House, and passed upon on the floor of the House when it is in full session.

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

Mr. STEPHENS of Texas. Yes; I will yield to the gentleman.

Mr. MANN. The gentleman has stated his opposition to the last proviso of amendment 139. I desire to ask the gentleman whether he also opposes the balance of the amendment?

Mr. STEPHENS of Texas. That is the first part. That was rejected by the House, and I presume it will be brought back to the House again before any final action is taken by the conferees. I hope therefore that the amendment will not prevail.

Mr. ASWELL. Does not the gentleman think this provision is so simple, so plain, so self-evident, that it does not need any further discussion by the committee?

Mr. STEPHENS of Texas. I do not think so.

Mr. HARRISON. Has the gentleman from Texas only one speech left?

Mr. STEPHENS of Texas. That is all.

Mr. HARRISON. Will the Chairman state how much time remains?

The CHAIRMAN (Mr. UNDERWOOD). The gentleman from Mississippi [Mr. HARRISON] has 28 minutes.

Mr. MILLER. I yield my remaining time to the gentleman from Mississippi.

The CHAIRMAN. The gentleman from Texas has 12 minutes and the gentleman from Minnesota [Mr. MILLER] has 1 minute.

Mr. MILLER. I yield that 1 minute to the gentleman from Mississippi.

The CHAIRMAN. The gentleman from Mississippi [Mr. HARRISON] is recognized for 29 minutes.

Mr. HARRISON. Mr. Chairman, I trust that in the discussion of this matter I shall confine myself to the record and not to a misrepresentation of the facts, and that I shall not accuse men from Oklahoma, both attorneys and representatives of the people, of grafting either on the Mississippi Choctaw or on the Oklahoma Choctaw.

This is a simple proposition. There is nothing involved in it except one single question.

I have a bill before Congress the purpose of which is to reopen the rolls of the Choctaw Nation, which have been closed since March 4, 1907. In that bill there is a provision that in the event the rolls are reopened the attorneys who represent the claimants shall receive no fee except that fee which the Secretary of the Interior says is a reasonable one. I would not put my name to a bill which did not have that provision in it. Consequently all this talk about the attorneys' fees in this matter is merely for the purpose of beclouding the issue and trying to divert your minds from the real facts involved in the discussion. These gentlemen do it adroitly, because they know that the facts have stared them in the face all along, and that Congress is now beginning to open its eyes to the justice of the cause and to the injuries that have been committed against these poor unfortunate Indians in Mississippi. The eyes of Congress were not opened until in February, when the Indian Affairs Committee of the House brought in the Indian appropriation bill containing a provision to distribute $100 per capita among these Choctaw Indians who were on the rolls. You recall that for two days we discussed that proposition here in the House.

Gentlemen say that in the Senate there was little discussion of it. Three days they discussed this proposition in the Senate. And I desire to recall to your minds that after a discussion of this question before this House in February, a full discussion, when I offered an amendment similar to the Williams amendment that was adopted in the Senate, my amendment was ruled out on a point of order; and then, in order to secure a fair presentation of the case of the Mississippi Choctaws to this House I moved to strike that provision from the bill carrying this $100 per capita payment to those Indians who were on the rolls. You heard the discussion; and after the discussion this House by a vote first of 43 ayes and 17 noes voted to strike out that per capita payment. Then the point of no quorum was made. Not satisfied with that vote you brought the Members here, and then by a vote of 118 ayes to 49 noes the proposition was defeated. It went to the Senate. The Senate Indian appropriation bill contained this provision of a per capita payment of $100 each. Senator WILLIAMS offered the amendment which is now in the bill. It does not take any money out of the funds of the tribe. It does not take any money out of the Treasury of the United States, but it is a clear, simple, plain provision that reads:

Provided, however, That the provisions of this act shall not be applicable to the members of the Choctaw Nation in Oklahoma until Congress shall have determined the rights of the Mississippi Choctaws whose names do not appear upon the approved rolls of the Choctaws in Oklahoma and until such of said Mississippi Choctaws as shall be found entitled to enrollment have been placed upon the rolls of citizenship of the Choctaw Nation.

Sirs, is it asking too much at your hands when we say that the Mississippi Indian has rights, when we ask you to investigate the matter and say whether or not he has rights, and when

we say to you, pay out this money, but do not pay it out until these people shall have the privilege of appearing before Congress and presenting their cause?

And now the gentlemen who are opposing this motion attempt to becloud the issue, and I did not think my good friend the gentleman from Oklahoma [Mr. FERRIS] would try to run away from the real issue by talking about attorneys' fees. Ah, sirs, there is one fact that looms high in this discussion, and that is that if there is any set of men on God's green earth that ought to know how miserably the Indians have been treated it is the Oklahoma citizen and the Oklahoma Representatives, because your State has robbed them every time the opportunity presented itself. The blackest pages in the history of your State is the way you have treated the Indian. None of you rejoice in walking the streets of Washington or being seen on the corners in the cities of your State with McMurray, who helped to paint your record black, and who said and boasted that he wrote the act of 1902 that you erroneously say did something for the Mississippi Choctaws. Men high up in your State have received large attorneys' fees. If you say they have been robbed, I say that you have to bring the accusation not alone against those in Mississippi, but you must also include those high up in Oklahoma.

Mr. CARTER. The gentleman does not want to accuse anyone unjustly or make imputations that are unjust against anyone. Will he give us the names?

Mr. HARRISON. I do not; but I say to you that Senator OWEN for one once represented Indians in Oklahoma.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. HARRISON. No; I can not yield.

Mr. STEPHENS of Texas. It has been stated on the floor that he was not a Member of the Senate at that time.

Mr. HARRISON. If the gentleman will wait his time in patience I will show what Senator OWEN said a few months ago about the Mississippi Choctaws. I will quote his words, and if that will not convince you, you will not be convinced. If I did not know the high character of the gentleman from Oklahoma, Mr. CARTER, and other gentlemen from Oklahoma, I might say that they might be influenced in fighting to keep the Mississippi Choctaws from the rolls, because they themselves perchance are on the rolls of some of the Indian tribes. But I hold the gentleman in too high esteem for that. I do not believe he could be deterred from doing his duty. I do not believe the reason that he is fighting these unfortunate people is because he himself is on the rolls as one of the men who will share in a per capita payment. I will not go that far.

Now let me get to the vital points at issue. These Indians in Mississippi originally did not desire to go into Oklahoma; they would not consent to the treaty of 1830 until provision was written into the treaty known as the fourteenth article, that said in effect, "You Indians who prefer to stay by the burial places of your tribe, who had rather roam the hills that you are accustomed to roam, can do so, and by doing so you will not lose any rights as Choctaw citizens." A provision was placed in there that these people should not be compelled to move to Oklahoma, but now that is what you would force them to do.

The gentleman from Kansas may smile at me, but I want to say to him that he is on the subcommittee that is now considering the bill before his committee that I have introduced for the relief of these poor people. Ofttimes I have wished for him to be present, but he did not come. I want to say in this connection that in the Sixty-second Congress the subcommittee that considered my bill reported it out unanimously, and while I am expressing myself I desire to say that I do not believe it is just and fair to the Mississippi Choctaws that in appointing a subcommittee to consider this matter the chairman of that subcommittee should be no other than the man who has led the fight against the proposition, the gentleman from Oklahoma [Mr. CARTER].

Mr. CARTER. The gentleman agreed to it, did he not?

Mr. HARRISON. No; I did not. I tried my best to keep the gentleman off the committee, because I did not want him on it.

Mr. CARTER. The gentleman made up the committee himself.

Mr. HARRISON. If I had, I never would have taken the gentleman from Oklahoma.

Mr. CARTER. The gentleman placed me on one side, and on the other side the gentleman from Minnesota [Mr. MILLER], and he knows he did.

Mr. HARRISON. No; I did not; I am not that big a dunce. Now, the gentleman has said that the Jack Amos case in 1897 settled the rights of the Mississippi Choctaws, and they rely on that case, and the gentleman from Oklahoma [Mr. FERRIS] said that the Supreme Court had affirmed the case.

Mr. FERRIS. No; the gentleman is wrong. I do not want the gentleman to misquote me.

Mr. HARRISON. Well, I will yield, if the gentleman wants to correct himself.

Mr. FERRIS. No; I want to correct the gentleman from Mississippi.

Mr. HARRISON. I decline to yield for that purpose.

Now, gentlemen, here are the facts about it. In 1896 the Dawes Commission was appointed by an act of Congress to go to Oklahoma and make a roll in Oklahoma of the tribes in that State.

There was a fellow named Jack Amos, together with others, who applied to this commission to be placed on the rolls. This commission said "You have to remove to Oklahoma if you want enrollment;" "You can not stay in Mississippi and be enrolled." From that decision an appeal was taken to all three branches of the Territorial courts of Oklahoma—one presided over by Judge Stringer, one by Judge Clayton, and the other by Judge Townsend. Clayton and Stringer held that this commission was right, that under the law they had no authority to enroll anyone outside of the State.

Mr. CARTER. What case is the gentleman talking about?

Mr. HARRISON. The Jack Amos case. I can not see why gentlemen should try to misrepresent the facts, for I have the cases here.

Mr. CARTER. Will the gentleman give me a citation of that case. I never heard of that before.

Mr. HARRISON. It is the Jack Amos case, which went up to Judge Clayton. I have all the citations here and I will insert them in my speech.

Mr. CARTER. Mr. Chairman, I would like to know the citation. Surely the gentleman can give that.

Mr. HARRISON. I will give the citation. It was decided in the spring of 1897. It is found on page 475 of the Decisions of United States Courts in Indian Territory on Citizenship Cases, and so forth. It went to the Supreme Court on an appeal from Judge Clayton's decision. Judge Townsend held differently from Judge Clayton, holding that the Mississippi Choctaw did not have to move to Oklahoma, and also that he was entitled to share in the estate of the Choctaw Nation. These cases went to the Supreme Court and was known as the Stevens case against the Cherokee Nation (174 U. S., 415), which embraced all these Mississippi Choctaw enrolled cases, and the Supreme Court expressly said that they did not go into the merits of the controversy, but only settled the constitutional question of the right of the appeal from the Dower Commission decision to the Territorial courts.

Mr. CARTER. What I want the gentleman to give me is the citation of the case that Judge Townsend tried.

Mr. HARRISON. This Jack Amos case?

Mr. CARTER. Oh, no; Judge Clayton tried that.

Mr. HARRISON. But here is the case right here. It is known as the Choctaw and Chickasaw Nation case, and is found in the decisions of the United States Supreme Court in volume 174, at page 415.

Mr. CARTER. That is not the Jack Amos case?

Mr. HARRISON. Oh, the gentlemen are not yet satisfied as to the correctness of it, when it is there. Not only that, but Judge Clayton in the Jack Amos case based his ruling on the case known as the Eastern Cherokee *v.* The Cherokee Nation (117 U. S., 288). Three years ago, at the instance of an able attorney from the gentleman's own State, Senator OWEN, in the case which conformed in Two hundred and second United States, page 101, styled Eastern Cherokees against Cherokee Nation, held that these Eastern Cherokees in North Carolina had the right to recover over $1,000,000 for injuries done to them under the treaties by the United States Government. Oh, the gentleman can smile, but if he would read and study more, he would know more about the question. I recommend these decisions to the gentlemen and hope they will read them. That is what they held three years ago. There is now pending for attorneys' fees claimed to be due to Senator OWEN, of the gentleman's State, for services rendered to the Mississippi Choctaws, a case known as Winton et al. against Jack Amos et al., in the Court of Claims. I desire to read to you from a brief which was filed by Mr. OWEN in that case. I now quote to you what Mr. OWEN, who probably knows more about this question than any man in the United States, says about it, and this is a brief that he filed one year ago for a fee he claimed was owing to him and his associates.

Mr. BURKE of South Dakota. Owing to whom?

Mr. HARRISON. Senator OWEN. Understand, though, gentlemen, I am not now discounting the services or criticizing him in this matter. I hold him in high esteem, and the services he rendered were the services of an attorney. Here is what he

says about the McLennon roll of March 10, 1899. First, I want to say to you that if Judge Clayton, in 1897, was right in holding that the Mississippi Choctaws did not have any rights, why did Congress in 1898 pass the Curtis Act, authorizing the Dawes Commission to go into Mississippi and make a roll of the Mississippi Choctaws? They went there, and 1,923 Mississippi Choctaws were identified and placed upon that roll. It is known as the roll of March 10, 1899, and I want to read to you what Senator OWEN says about it.

He says:

The report declares that the Mississippi Choctaws were poor, ignorant, and helpless. This report in behalf of the full-blood Mississippi Choctaws, signed and submitted by the Dawes Commission, was disapproved eight years later by Mr. Secretary Hitchcock, on March 4, 1907, without notice or without warrant. Against this treatment of the Mississippi Choctaws the petitioner, OWEN, from time to time vigorously protested, but in vain. It was obvious that although this report showed that at least twenty-five hundred full-blood Mississippi Choctaws, fourteenth-article claimants, were entitled to identification, they were poor, ignorant, and helpless, and the fact is also demonstrated that the Dawes Commission, which was expressly charged by law to identify these helpless, ignorant people, never did discharge their full duty in the premises.

He goes on further to say that this report was pigeonholed and disapproved eight years afterwards, thereby striking from the roll hundreds of acknowledged full-blood Mississippi Choctaws.

Ah, there is a roll with eleven hundred Mississippi Choctaws on it, and they have proven their rights, and it still remains in the Secretary of the Interior's office unapproved; and yet you would keep those poor people who have been identified from the rolls, and you would disburse and distribute this money among the people who live in Oklahoma, without allowing these unfortunates to share in the distribution. I will tell you what explains the secret about this proposition. They know that if they can distribute this money now in piecemeal there will not be anything left after a while in the event the Mississippi Choctaws ever get on the rolls. Here is a letter written by the gentleman from Oklahoma [Mr. CARTER] to one of his constituents about this per capita payment. It says:

WASHINGTON, *January 16, 1914.*

B. M. MCDANIEL, *Durant, Okla.*

MY DEAR SIR: On January 3, 1914, I proposed to the Indian appropriation bill an amendment for a per capita payment of $100 to the Choctaws and Chickasaws, which was adopted by the subcommittee and which we may be able to increase to $200 if handled properly.

You doubtless know that the only legislation necessary for a winding up of tribal affairs is a provision for a per capita distribution of our funds. This amendment is the first step on the last lap of a final settlement, and we expect to try to provide for these payments every year, so that all the funds may be distributed just as they are collected. Points of order, petitions, and every other possible opposition will be urged against this amendment, and the sentiment of our people should be made known.

You can assist materially by writing a letter to several members of the Indian Committee, whose names appear at the head of this letter, stating the long delay that has taken place in the settlement of our affairs, the necessity for bringing same to a close at the earliest possible date, and the dire need of these per capita payments.

I gave up my Christmas trip to Oklahoma because I wanted to be on hand at the proper time to get this matter started off right. Now, won't you take time to persuade your Indian friends to express their sentiments to different members of the committee? You are interested; get busy and help us.

Very truly, yours, C. D. CARTER.

There is the secret of this whole thing. They want to distribute the money, and if a poor Mississippi Choctaw ever can be permitted to come before Congress and prove his claim there will not be anything left for him to get. I tell you not to let the question of attorneys' fees get you from the real issue in this case.

If we admit that we can not write into the law the fact that no attorney shall gobble up these funds that these poor Indians are entitled to, then, indeed, we confess that we can not perform the duties that our people expect us to do. For one, I am in favor of making the limitation strong on these Indian attorneys. I went through my district last year, and I condemned the practice of this man, named in the McLaughlin report, publicly from the stump. I reported it to the Indian Office. My friend [Mr. CARTER] did also, and the gentleman from Louisiana [Mr. ASWELL] also did that, and so did others. Sirs, do not take away from the Indians in Mississippi the rights that they are entitled to, because some shystering attorneys are trying to make money out of them. Let us fix the law so that the attorneys can not get the money. If you vote for a concurrence in this Senate amendment, the attorneys will not get a cent. It only says that the money will not be distributed at all until the Mississippi Choctaw shall have the right to come here and present his case. Are we asking too much of you? Let me recall to your minds that in 1831 this nation in the West filed a suit and recovered $3,000,000 net, for injuries done to the Mississippi Choctaws. Those $3,000,000 went absolutely and wholly into the funds of the Oklahoma Choctaws. It goes to them now. I ask you as honest men, I ask you as patriots, is it right that these moneys that these Oklahomans recovered for injuries done to the Mississippi Choctaws should be so distributed that the Mississippi Choctaws shall not be permitted to share in them?

Simple justice and right is all we ask in this matter. If you will take this brief of Senator OWEN and read it from top to bottom, you will see how he says the Mississippi Choctaws have been treated, and in every instance he says they have been treated very, very badly. Let me cite you an instance. In 1901, after the 1,923 Indians in Mississippi had been identified upon this roll, and which has never formed a part of the tribal roll, Mr. OWEN says that he advised his constituents through his coattorney not to go to the Dawes Commission again. He advised them to stay away. Let me read you what he says about it:

I do not recall writing any letter to an individual Mississippi Choctaw and do not think I did so, but I did write to Charles F. Winton and advised him that in my opinion the roll made by the Dawes Commission, dated March 10, 1899, had been made by an unauthorized tribunal, not subject to review by the Secretary of the Interior; that the decision in favor of the individuals on that roll by a tribunal duly authorized by Congress was a finality and constituted a favorable judgment in behalf of the individual Mississippi Choctaws who had been so enrolled; that they would put themselves in jeopardy if they voluntarily reappeared before the Dawes Commission for a reconsideration of their claim.

The roll to which I have referred—of March 10, 1899—which I regarded then, and which I regard now, as a finality in favor of the persons in whose behalf it was rendered.

There is what Senator OWEN says, and in speaking about this act of July 1, 1902, the act that McMurray, of Oklahoma, boasted that he wrote, the same man that got $1,000,000 attorney's fees for taking off the roll many Mississippi Choctaws, and who helped to create the citizenship court for the purpose of taking 4,000 Choctaw Indians from the rolls, and he succeeded.

The CHAIRMAN. The Chair desires to notify the gentleman that he has consumed 25 minutes.

Mr. HARRISON. Let me read now what Mr. OWEN said about the act of July 1, 1902, the last act on this proposition. He says, speaking of the conditions of the Mississippi Choctaws:

These four conditions operated to bar and defeat probably a thousand Mississippi Choctaws, which I thought was grossly unjust and which I thought deprived them of a vested legal right. I therefore objected to these conditions and prayed for a liberal provision. The Choctaw authorities, acting through their attorneys and supported by the Interior Department, were sufficiently strong to force these provisions through the committees and through Congress over my earnest protest heretofore set up by the printed memorials I have submitted in Exhibit 1 of my deposition (p. 2560).

That is the way Senator OWEN says the Mississippi Choctaws have been treated, and he said that, not before he was elected to the Senate, either, but only one or two years ago, when he wrote this brief in the secrets of his counsel chamber and gave his deposition in the court. Be not deceived, sirs, you gentlemen from Oklahoma, as to the sentiment of your people in regard to these people in Mississippi who have been kept from the rolls. Mr. OWEN, who stands high in the estimation of your people and all the people, fought for their rights for a long time. His course was approved, and when you take a different course, then I say to you, watch out, do not take this money from the Mississippi Choctaws. In conclusion, simple justice is all we have asked for them. If we concur in this amendment, that settles the proposition. If we disagree and send it to conference, there my wily friend from Oklahoma [Mr. CARTER] is one of the conferees and there my good friend from Texas [Mr. STEPHENS] is one of the others, both fighting our contention. Will you send it to conference or will you ratify what the Senate said by a majority of 13? Will you ratify what this House said not three months ago by a vote of 118 to 49? Gentlemen, I submit it to you. Be not deceived by this attorney business. There is in this act, following this amendment, a provision that bars these attorneys from robbing these Indians. If this fails, we can write into the law, when we get that far, a provision that will deprive these oily attorneys of getting these fees. If we can not do that, we ought not to be here as representatives of the American people. [Loud applause.] Mr. Chairman, I withhold the balance of my time.

Mr. STEPHENS of Texas. Mr. Chairman, I yield the balance of my time to the gentleman from Oklahoma [Mr. CARTER].

The CHAIRMAN. The gentleman from Oklahoma is recognized for 12 minutes.

Mr. CARTER. Mr. Chairman, in newspaper parlance the statement of the gentleman from Mississippi [Mr. HARRISON] might very appropriately be placed under the heading of news items as "important if true."

He told you a great deal about what Senator OWEN said. Let us see what Senator OWEN did say in this brief of which the gentleman speaks:

I was the attorney of the Mississippi Choctaws who were enrolled by the Choctaw-Chickasaw agreement of 1902. I represented them from 1896 to 1906, and devoted my time to their interests for 10 years.

Senator OWEN says he was attorney for the Mississippi Choctaws from 1896 to 1906. He took his seat in the Senate in January, 1908. There was certainly nothing unethical in his representing the Mississippi Choctaws at that time under any kind of proper contract. But the Senator further says:

No Choctaw in Mississippi or elsewhere, not on the approved rolls of March 4, 1907, has any legal or equitable right to enrollment or to any further hearing.

Why did not the gentleman from Mississippi read that for the information of the committee, if he wanted to be fair and only ask for justice?

You have already been informed of the legal and equitable adjudication of the status of the Mississippi Choctaws as determined in the case of Jack Amos; that the case was sent to the Dawes Commission for adjudication under the treaty of 1830; that the case was decided adversely to the Mississippi Choctaws by the Dawes Commission, and that a like decision was rendered by the Federal courts.

In my limited time I am only going to ask you gentlemen to listen to the reading of the closing paragraph in the opinion of Federal Judge Clayton on this Mississippi Choctaw case, entitled Jack Amos and others against the Choctaw Nation:

To permit men with perchance but a strain of Choctaw blood in their veins, who, 65 years ago, broke away from their kindred and their nation, and during that time, or the most of it, have been exercising the rights of citizenship and doing homage to the sovereignty of another nation, who have borne none of the burdens of this nation, and have become strangers to the people, to reach forth their hands from their distant and alien home and lay hold of a part of the public domain, the common property of the people, and appropriate to their own use, would be unjust and unequitable.

The gentleman from Mississippi told you that Judge Townsend had also rendered a decision in the Mississippi Choctaw case. Judge Townsend did render many decisions in citizenship cases, but, as I remember, he dealt exclusively with what were called "court citizenship cases," and not Mississippi Choctaw cases. At any rate the gentleman from Mississippi was unable to cite his decision. Judge Townsend did not preside over the Choctaw Nation district. The limits of his district were confined to the Chickasaw Nation, and no part of the Choctaw Nation was included therein.

Judge Townsend lived in my home town, which was his principal court town. He was my neighbor during all the time that he presided over the Federal court there, and I was naturally more or less familiar with his decisions, but if he ever attempted any adjudication of a Mississippi Choctaw case it is beyond my memory.

What are the fundamental equities in this contention between the Indians in Oklahoma and the Indians in Mississippi? Some of the Mississippi Choctaws received lands in Mississippi, while others were given scrip for one-half the value of their lands and money for the other half, but the Western Choctaws received neither scrip, money, nor lands in Mississippi, but did get in lieu of these emoluments a reservation in the West. I hold in my hand a House document, No. 898, Sixty-first Congress, second session, containing an official letter from the Secretary of the Interior which gives the names of Mississippi Choctaws who were entitled to and did receive this scrip, and the gentleman must certainly have been familiar with these records. Why did he not call your attention to them if he only desires justice? After being forced to surrender the western half of this reservation to white settlers and other Indians, at the urgent demand of the white man's Government the Choctaws in the Indian Territory agreed to surrender to you their tribal government, the supervision of their funds, the supervision of their schools, the making of their tribal rolls, and take an allotment of part of their land in severalty. But they did not do this, mind you, until the white man's Government had made a solemn promise under two treaties that the residue of the lands would be sold and the proceeds thereof and all other funds divided per capita among them.

Now, what does the gentleman from Mississippi [Mr. HARRISON] propose to do? He says there are some indigent, helpless Indians in Mississippi; and even granting that to be true, are the Oklahoma Indians responsible for their destitute circumstances? Not in the least. The white people of Mississippi, who deprived them of their lands, are responsible for this deplorable condition. But our friend from Mississippi [Mr. HARRISON] has found some other Indians in Oklahoma who have left a small share of their former estate, so he brings forth his socialist plan to take away from those who have in Oklahoma and give to those who have not in Mississippi, the law in the case and decisions of his own courts to the contrary notwithstanding.

Our friend from Mississippi [Mr. HARRISON] told you he brought about this investigation. If he did, he should have some proof of that fact, but he did not present any. I have worked pretty hard getting this investigation brought about. I have gone over all papers thoroughly and made many calls upon bureau and department heads, but have never heard of the gentleman from Mississippi having anything to do with it before.

Let us see what story the inspector's report tells of the gentleman's activity in connection with bringing about this investigation.

Mr. ASWELL. Will the gentleman yield for a short statement?

Mr. CARTER. No; I have not the time. I have only 12 minutes.

Mr. HARRISON. I will yield a minute of my time for the gentleman to answer the question.

Mr. CARTER. I did not know the gentleman had any time.

The CHAIRMAN. The gentleman has one minute remaining.

Mr. CARTER. Then I ask that the gentleman use his minute before I proceed.

Mr. HARRISON. I was not going to use it, but I will yield it to the gentleman from Louisiana [Mr. ASWELL].

Mr. ASWELL. I want to ask the gentleman if he knows that the gentleman from Mississippi [Mr. HARRISON], the gentleman from Louisiana [Mr. LAZARO], and I started this investigation and publicity over a year ago?

Mr. CARTER. No.

Mr. ASWELL. And this crooked work of the attorney you mention was presented to the Post Office Department, to the Department of Justice, and to the Commissioner of Indian Affairs by myself, and not only that, but it was denounced in the public press, first, by the gentleman from Mississippi [Mr. HARRISON] and then by myself, and then by another Member from Louisiana [Mr. LAZARO]. And that case was presented all over the southern country over a year ago by myself, the gentleman from Mississippi, and another gentleman from Louisiana.

Mr. CARTER. Mr. Chairman, the gentleman from Louisiana knows just about as much about this investigation as he does about the Mississippi Choctaw question. If he had read this report he would know that this investigation started in the latter part of 1910, and that Inspector W. W. McConihe made a report on the matter under date of May 2, 1911. I presented this matter to the department, in 1910, and I have been urging the department ever since that time to get busy on it. About last August the files in my office had become so congested with reports of this fraud, one of them coming from no less a personage than the governor of one of the largest States in the Middle West, another from a former Representative from Louisiana, one of the ablest men that ever represented that State in this House, and from other important and reputable personages. I again took the matter up with the Indian Bureau, and at the request of Oklahoma's two Senators and myself other inspectors were put on the job. You will observe, my friend, that this investigation has been going on for about four years, at least for two years before you came to Congress. But let's see what the report discloses:

Our friend from Mississippi says he brought about this investigation. On page 25 of these hearings, which is a part of the inspector's report, is found the following statement:

The said Luke W. Conerly is 73 years of age and a lawyer by profession, but has not practiced in the courts for several years past.

Further on, also, that—

It was he [Conerly] who first interested Congressman HARRISON of Mississippi in Choctaw matters and got him to introduce the bill for reopening the Choctaw rolls.

Who was Luke W. Conerly? According to his own statement, he is one of the men who has been associated with such negro grafters as Powell in looking up these claimants and taking contracts for this proposition.

Now, when our friend from Mississippi [Mr. HARRISON] addressed this House on February 20 last he attempted to give us some information concerning some old contracts that had been disposed of 10 or 12 years ago and about which he seemed to know very little. It seems to me the gentleman might have much more appropriately given us at that time some information concerning these real live contracts.

Let us see what else this little record shows: The gentlemen behind these contracts seem to have had a very active press bureau, as is evidenced by some of their dope, collected by Inspector McLaughlin. I find the following on page 39 of this document, and I notice it has printed at the top "Associated Press" in parentheses.

While I realize that the Associated Press is not in any wise responsible for this, we all know the advantage of having the public believe such a substantial organization is responsible for news items. What does this press bureau say?

WOULD RESTORE CHOCTAW INDIAN PENSION BILLS.

[Associated Press.]

WASHINGTON, *December 13.*

The bill introduced in the House last session by Representative HARRISON, providing reopening of rolls of the Chickasaw-Choctaw Indian Tribes, came up for consideration in the House yesterday. A vote was not reached. In his speech in favor of the bill, Mr. HARRISON said in part:

"The Mississippi Choctaws have been woefully neglected and unmercifully treated"—

And so forth.

Again, we find on page 37 one of the notices sent out by this man Powell over his own signature, part of which reads as follows:

NOTICE TO INDIANS AND THEIR DESCENDANTS—IN CONNECTION WITH HON. HARRY PEYTON, ROOM 420 BOND BUILDING, WASHINGTON, D. C.

This is your last chance to secure benefits under the bill introduced by Hon. PAT HARRISON, of the sixth district of Mississippi, now pending before the Sixty-second Congress, for the relief of Mississippi Choctaws and their descendants who remained in Mississippi after the treaty of 1830.

I am an Indian and a Spaniard and my grandfather was a signer of the treaty of 1830.

I will be glad to write up all beneficiaries, and I have in my possession a record that will enable you to trace your ancestors back to 1780.

Those with negro blood need not apply.

I will be at ——— Miss., on the —— day of ———, 1912.

ALEXANDER P. POWELL,
No. 106 Fourth Avenue, Laurel, Miss.
Office: Room 420, Bond Building, Washington, D. C.

(This paper was sent to Indian Office by Mrs. Viola Strickland, of Meridian, Miss., No. 1400 Tenth Avenue, under date of September 16, 1912.)

Here is still another:

[Alexander P. Powell, representative Mississippi Choctaw Indians; office, room 408, Bond Building, Washington, D. C.; 331 Pine Street, Laurel, Miss.]

SHREVEPORT, LA., *October 28, 1913.*

MR. COLUMBUS OVERMAN, *Dexter, Kans.*

DEAR SIR: Yours of recent date to hand. Beg to advise that I have already written up a number of your relatives under their great-great-grandmother Delilah, who was an Indian woman, and if you wish to be written up, on receipt of $2.50, which I require for recording fee, etc., I will send you blanks to be filled out. I do not charge you any fee, but when I collect for you I get 20 per cent of collections.

I am also inclosing you a Pat Harrison bill and other literature, and you can see for yourself how the case stands.

Yours, truly,

ALEXANDER P. POWELL.

And so on all through this document.

Who is Alexander P. Powell? He is a negro—one of the most active agents in procuring these contracts. He is one of the men described by the gentleman from Oklahoma [Mr. FERRIS], as I remember, as a burr-headed negro, a scheming, grafting, shyster attorney.

In conclusion, Mr. Chairman, permit me to say I agree that the Missisippi Choctaw has been mistreated. This Government made a serious mistake when it sent this arrogant, drunken agent, Ward, down to Mississippi, and his actions were a disgrace to the Government he represented; but it can not be denied such action was an advantage to the settlers living in Mississippi, because it enabled them to get the land to which the Choctaws were entitled. And in that the Mississippi Choctaw was woefully mistreated by the people of Mississippi, for had it not been for the collusion of these early settlers of Mississippi with this agent, Ward, the Choctaws would still own valuable land in that State. But whatever may have been the sad fate of the Mississippi Choctaw, his mistreatment can not honestly and justly be brought to the door of his fellow tribesmen in Oklahoma, for they have ever stood with open arms, ready and willing to welcome him into full citizenship of their tribe and all its emoluments whenever he would come among them and agree to be one of them.

Once the Choctaw Nation owned a vast area of valuable land in the State of Mississippi, but he has been deprived of it by his shrewder white neighbors, worthy ancestors, perhaps, of these gentlemen who are now attempting to complete their debauchery upon those who left the State and went to Oklahoma. And now a Choctaw in many instances has come to be a penniless vagabond, a homeless wanderer, a stranger, as it were, around his own fireside.

But why theorize? Why temporize? Why even sympathize? This is just another example of the white man's "benevolent assimilation" steam roller.

The proposition of the gentleman from Mississippi presents the same old story of broken faith, repudiated promises, robbery, and debauchery of the aborigines, the same old story that caused a great woman of your own race to write a book denominating the first 100 years of this great Government as a "century of dishonor," and now these gentlemen would have you perpetuate this dishonor.

The once powerful Choctaw Tribe, erstwhile monarch of all it surveyed, was the white man's friend. The white man's history tells us that the Choctaw was the friend and ally of the paleface during all the early wars on this continent, even joining issue with the white man against other tribes of his own race, and that "the Choctaw never raised the tomahawk against the Great White Father at Washington, nor his children," though oftentimes urged so to do by other tribes of his red brethren, and as often scorned by them for his refusal.

That part of the great Choctaw Tribe—this ally of the white man against his own kith and kin—which remained in Mississippi has in the name of your Christian civilization been deprived of every vestige of his former home and property, and why? In order that the white man in Mississippi might have a home and the progress of the great State of Mississippi be not retarded.

Those comprising that more aggressive and virile band of Choctaws who moved west and set up their own government under your solemn pledge that they should be free from further intrusion by the white man "so long as grass grows and water runs" have been forced and browbeaten into accepting a reservation of only a small part of their former holdings and coerced into ceding the residue of their lands for homes for others.

And now, for no further reason than that they have absorbed from your race sufficient thrift and frugality to retain a small modicum of their former vast estate, you ask them to discharge your obligations. You call upon them to make amends for the rotten acts of an arrogant, drunken agent of your own race, of your own choice, of your own selection, and because, forsooth, they have acquired from you sufficient temerity to refuse and assume to assert their rights under your own laws, under your own court decisions, they are now to be branded as selfish, stingy misers, sordid and avaricious, because they will not surrender their last small pittance in atonement for your miserable misdeeds. And worst of all, Mr. Chairman, is the lamentable fact that such a selfish and ungenerous sentiment as this finds lodgment in the usually clear and liberal minds of those who have risen to the high rank of this the greatest legislative body in the world. [Applause.]

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. CARTER. I thank you.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Mississippi [Mr. HARRISON] to recede and concur in the Senate amendment numbered 139.

Mr. HARRISON. The Chair says "recede and concur."

The CHAIRMAN. The Chair understood the gentleman's motion was to recede and concur.

Mr. HARRISON. No, Mr. Chairman; it is simply to concur.

The CHAIRMAN. The gentleman is correct. The bill has not yet gone to conference. It is the motion to concur. The question before the House is the motion of the gentleman from Mississippi [Mr. HARRISON] to concur in Senate amendment 139.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. HARRISON. I ask for a division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 46, noes 66.

Mr. HARRISON. I ask for tellers, Mr. Chairman.

The CHAIRMAN. The gentleman from Mississippi [Mr. HARRISON] asks for tellers.

Tellers were ordered; and the Chairman appointed Mr. STEPHENS of Texas and Mr. HARRISON to act as tellers.

The committee again divided; and the tellers reported—ayes 56, noes 71.

So the motion was rejected.

The CHAIRMAN. The question now recurs on the motion of the gentleman from Texas [Mr. STEPHENS] to disagree to the Senate amendment numbered 139.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. HARRISON. Mr. Chairman, what was the motion? I understood that it was to disagree and send the bill to conference.

The CHAIRMAN. It is not in order for the committee to send the bill to conference. The question is on agreeing to the motion of the gentleman from Texas [Mr. STEPHENS].

The motion was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

Mr. MANN. What is the matter with amendment numbered 1?

The CHAIRMAN. The gentleman from Illinois is correct. This amendment was considered out of its place. The Clerk will report amendment numbered 1.

The Clerk read as follows:

Senate amendment numbered 1, on page 2: Strike out all of lines 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14.

The CHAIRMAN. The first amendment is to strke out a portion of the Senate bill, and the second amendment is to insert a substitute therefor.

Mr. STEPHENS of Texas. Mr. Chairman, I move that we nonconcur in this amendment.

The CHAIRMAN. Does the gentleman desire that the committee vote on both amendments at the same time?

Mr. STEPHENS of Texas. I desire that the committee vote on them both at the same time.

The CHAIRMAN. The gentleman from Texas [Mr. STEPHENS] asks unanimous consent that the House nonconcur in amendments numbered 1 and 2 at the same time, as the one is to strike out and the other is to insert. Is there objection?

There was no objection.

Mr. MANN. Amendment numbered 2 has not been reported. So far as I am concerned, I am perfectly willing to disagree to them.

Mr. STEPHENS of Texas. I ask unanimous consent that we disagree to the amendments 1 and 2.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to disagree to amendments numbered 1 and 2. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report Senate amendment numbered 3.

The Clerk read as follows:

Senate amendment numbered 3: Page 5, line 10, after the word "prescribe," insert:

"And annually thereafter the Secretary of the Interior shall transmit to Congress a cost account in detail of all moneys, from whatever source derived, expended on each such irrigation project for the preceding fiscal year, including a résumé of previous expenditures, which shall show the number of Indians on the reservation"——

Mr. STEPHENS of Texas. Mr. Chairman, I ask unanimous consent that this amendment be disagreed to, without further reading.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that this amendment be disagreed to without further reading. Is there objection?

Mr. MANN. I object to that.

The CHAIRMAN. The Clerk will conclude the reading.

The Clerk read as follows:

where the land is irrigated, irrigable area under ditch, irrigable area under project (approximate), irrigable area cultivated by Indians, irrigable area cultivated by lessees, amount expended on construction to June 30 of the preceding fiscal year, amount necessary to complete, and cost per acre when completed (estimated); value of land when irrigated, and such other detailed information as may be requisite for a thorough understanding of the conditions on each system or project.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. STEPHENS of Texas. Yes; I yield to the gentleman.

Mr. MANN. Is the language of this amendment substantially the same as the language in the bill when it was reported to the House?

Mr. STEPHENS of Texas. I understand it is. We want to nonconcur for the purpose of making that examination.

Mr. MANN. For the purpose of making what examination?

Mr. STEPHENS of Texas. To see whether or not it corresponds with the law at the present time.

Mr. MANN. Why should we not concur in this amendment? Is not this proper?

Mr. STEPHENS of Texas. Mr. Chairman, I yield to the gentleman from South Dakota [Mr. BURKE].

Mr. BURKE of South Dakota. Mr. Chairman, I will say to the gentleman from Illinois [Mr. MANN] that I am in accord with the amendment. There is something in the existing law now—I think it was carried in the appropriation act of 1910 or 1911—that requires most of this information to be furnished; and I think it would be much better to disagree to the amendment in order that the conference may have an opportunity of examining it and possibly perfecting it.

Mr. MANN. This bill came over to the House some time ago with Senate amendments. It was sent to the Committee on Indian Affairs. I think it is the duty of the Committee on Indian Affairs to be prepared to give the House information about amendments of this sort.

Mr. STEPHENS of Texas. Is the gentleman aware of the fact that further information has gone to the Senate committee than was possessed by our committee?

Mr. MANN. I am aware of this, that the gentleman from Texas and his committee have had plenty of time, since the amendment was agreed to in the Senate, to know about it, and a great deal more time than they will have while this bill is in conference. Now, why should not our friends on the committee, when this bill was referred to the committee, come in here and give the House some information about the Senate amendment instead of having everything legislated secretly—in secret conference?

Mr. STEPHENS of Texas. Is the gentleman aware of the fact that this bill passed the House in February, and that it has been in the Senate for several months? They investigated it very thoroughly, and they added this amendment, which to some extent changed existing law. We did not have the opportunity to compare the two laws as we desired. On the face of it, this amendment appears to be a good one; but still I would not be satisfied to pass it without a chance to investigate it.

Mr. MANN. I am aware that this bill passed the Senate two weeks ago and has been before the House for two weeks, during which time the gentleman from Texas has had opportunity to examine this and other amendments. I am also aware of the fact that when the bill goes to conference he will not use two weeks' time to examine the amendments, but the conferees will dispose of this amendment in conference in three seconds. That is what they will do. Now, instead of adopting the old method, where the Senate has added as many amendments as it has to this Indian bill, why should not the gentleman take the House into his confidence?

Mr. STEPHENS of Texas. I will state to the gentleman that this does not carry any increased appropriation. It is only declaratory of what the law is now, as I understand it.

Mr. MANN. Then why should we not agree to it?

Mr. STEPHENS of Texas. They have some reasons, unknown to us, why they wanted it in here, and we want to consult with them.

Mr. MANN. Oh, well——

Mr. STEPHENS of Texas. We want to get the benefit of the information which has been furnished to them by the department since the bill passed the House.

Mr. MANN. If the Committee on Indian Affairs, to which this bill has been referred, come before the House on these Senate amendments, 168 in number, and plead ignorance on each one of them, as I apprehend the committee are going to do, I think it is a shame to the House and to the committee itself. They have had more time to investigate these amendments than they will have in conference, and there are more of them to investigate the amendments. The Committee on Indian Affairs took this bill, and without ever reading the amendments, without any consideration of the amendments at all, said, "We will disagree to all of them," when that is not the intention of the committee in the end. What they want to do is to send the bill to conference, where in secret conference they will determine what they will put in the bill and what they will leave out, and not take the House into their confidence.

Now, here is a simple proposition. The gentleman from Texas knows as well now as he will two weeks from now whether he is going to agree to it. Why not tell the House now whether he is in favor of it?

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

Mr. MANN. Yes; I will yield to the gentleman.

Mr. BURKE of South Dakota. The thing which the gentleman from Illinois [Mr. MANN] is condemning is the practice of the House upon every appropriation bill after it comes back from the Senate. If it is now going to be the policy of the House on this bill to concur in every amendment that may appear to the House to be desirable legislation, it seems to me it is going to leave the conferees in a position where they can not hope to get as good a compromise as they can get otherwise, if some of the amendments that we can yield on are left to us, in order that we may have something to offer to the other body when we get into conference. If you are going to concur in every amendment which appears to be meritorious, and then leave in conference only the amendments that the Senate has put in that the House does not seem inclined to agree to, we certainly shall be handicapped; and I will say to the House that we will not bring back as good a conference report and as good a compromise as we will if we are left to go to the Senate with all of these amendments of the Senate disagreed to.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. MANN. Mr. Chairman, just a word. The gentleman from South Dakota [Mr. BURKE] is mistaken, in my opinion. This bill is not in the same position that ordinary appropriation bills have been in in the past. It is customary to disagree

to all Senate amendments and ask for a conference. That action was not taken in this case. This bill was not taken from the Speaker's table and all the Senate amendments disagreed to and the bill sent to conference. On the contrary, it was sent to the committee. The committee reported it back. It is now being considered in Committee of the Whole House on the state of the Union, a very unusual thing with Senate amendments to appropriation bills. Why has that course been pursued? Because for years every old claim agent in Washington and everywhere else who could manage in some way to get hold of an Indian claim put in his time trying to get an amendment put on the Indian bill in the Senate; and sometimes, for lack of full information on the part of Senators, the claim agent succeeded. This year there are more Senate amendments of doubtful character upon the Indian bill than there have ever been before, I think, in my experience in the House. Now, the gentlemen who will be on the conference committee will tell the gentlemen here that they know nothing about these amendments. When are they going to learn about them? They have had two weeks since the bill came over from the Senate. Undoubtedly they followed the Senate amendments as they were considered in the Senate. When the bill gets to conference it will not be before the conferees two weeks. They will probably dispose of these amendments in 24 hours, or less than that, if you consider the time actually involved while the conferees are sitting. I do not ask the House to agree to some of these amendments, although the House might be favorable to them. I think we are entitled to know whether the committee knows anything about them before we send them to conference.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. STEPHENS of Texas. Not being a mind reader, I can not tell what influenced the Senate or the Senate conferees.

Mr. MANN. No; but I, being a mind reader, do know.

Mr. STEPHENS of Texas. The gentleman has supernatural powers then.

Mr. MANN. It does not require any supernatural powers. All it requires is an ordinary knowledge of ordinary men's minds.

Mr. STEPHENS of Texas. Then what does the gentleman, with his supernatural powers, say about this?

Mr. MANN. I think something very similar to this amendment was in the bill when it was presented to the House. It went out. The gentleman then was strongly in favor of it. Now he is opposed to it, and in neither case has he been willing to give his reasons.

Mr. STEPHENS of Texas. Then the gentleman is not willing to submit this to a conference between the two Houses?

Mr. MANN. As far as this particular amendment is concerned, I do not care one way or the other whether it goes to conference or not. There are a lot of amendments in here, and unless the gentleman will give us some information in reference to some of them and let us know something about what he thinks of the amendments, I will tell the gentleman that this bill will not go to conference to-day.

Mr. STEPHENS of Texas. I will state to the gentleman that I do not think we ought to concur in this without further investigation with the Senate.

Mr. MANN. I suppose that is what the gentleman is prepared to state about every amendment. That is all he has stated about this. He says, "I do not know about this amendment. I do not think we ought to agree to it. I think we ought to send it to conference, where, when it gets into conference, and I get in a back room with a Senator, I will say whether it goes in the bill or not."

Mr. STEPHENS of Texas. Does the gentleman say——

Mr. MANN. I am not accusing the gentleman of anything improper at all.

Mr. STEPHENS of Texas. Does the gentleman believe conferences ought to be held in the open?

Mr. MANN. I think it would be a wise thing if they could be. I do not think it will be done right away.

Mr. STEPHENS of Texas. Mr. Chairman, I ask for a vote on this amendment.

The CHAIRMAN. The gentleman from Texas [Mr. STEPHENS] moves to disagree to Senate amendment numbered 3.

The motion was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 6, line 6, strike out the figures "$260,000" and insert the figures "$310,000," and the following language:

"*Provided*, That not to exceed $100,000 of the amount herein appropriated may be expended in the erection, equipment, and maintenance of camp and pavilion hospitals for the use of afflicted Indians, and especially for the treatment of Indians afflicted with tuberculosis and trachoma. No hospital shall be constructed at a cost to exceed $12,500. Said sum to be immediately available and to remain available until expended. Said hospitals to be constructed in the open market under the supervision of the Commissioner of Indian Affairs."

Mr. STEPHENS of Texas. Mr. Chairman, I move that the House disagree to the Senate amendment.

Mr. MILLER. Mr. Chairman, I desire to make one or two observations on this amendment, as I understand this is the only opportunity Members of the House will have to present their views. To my mind the appropriation for this paragraph is one of the most important contained in the bill. The purpose is to relieve the physical distress of many of the Indians of the United States. The Indians throughout the country are suffering from two distinct diseases—tuberculosis and trachoma—both infectious, communicable diseases. It is the purpose of the department and the purpose of Congress that an adequate sum shall be provided in this bill with which to carry on the warfare against these two malignant diseases in order that the health of the Indians may be enormously improved.

I do not know just what plans the Interior Department may have for carrying on this warfare against the diseases, but it appears, however, that it is desired to erect certain hospitals. There can be no criticism of that purpose. Unquestionably some hospitals will need to be erected. At most, Mr. Chairman, these hospitals are for a transient purpose. It is expected that the occasion for them will, as the work progresses, disappear. I think we all unite in the hope that that event will occur soon.

The bill as it passed the House provided that not to exceed $15,000 shall be appropriated for the erection of any one hospital. At the time it was before the committee I was of the opinion that $15,000 was a very small sum, and it seems to me wholly inadvisable for the department to erect a lot of lean-tos all through the United States to carry on this work.

Mr. FOSTER. Will the gentleman yield?

Mr. MILLER. Yes.

Mr. FOSTER. Does the gentleman think that for the treatment of the Indians we ought to have one big hospital?

Mr. MILLER. I do not.

Mr. FOSTER. I thought the gentleman was finding fault with the appropriation of $15,000—that it was not sufficient for the erection of a hospital.

Mr. MILLER. I do; but I do not take the position indicated by the gentleman's question.

Mr. FOSTER. I simply did not understand the gentleman.

Mr. MILLER. I do not believe any kind of a hospital can be erected for $12,500 that will be of any value. I think it ought to be restored to the old sum of $15,000.

Mr. FOSTER. I think in that the gentleman is mistaken. This character of a hospital for the treatment of tuberculosis and trachoma is not like the ordinary hospitals.

Mr. MILLER. The gentleman will understand that there is no duty on the Secretary of the Interior to expend $15,000 or $5,000 if the hospital does not need it. But this says that no hospital can be erected on an expenditure of over $12,500.

Mr. FOSTER. The Secretary of the Interior would erect a number of these hospitals convenient for the Indians. Unless you are going to erect a large hospital, which would cost a large sum and be expensive for maintenance, you would naturally want these small hospitals, which would be inexpensive.

Mr. MILLER. I agree with the gentleman that we want a number of small hospitals for this work, but I think the limitation that no hospital shall be contracted for to cost more than $12,500 is too small a sum, and that $15,000 should be restored.

Mr. MANN. Mr. Chairman, I move to amend the Senate amendment by striking out in next to the last line of the amendment the words "in the open market."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend the amendment, in line 14, by striking out the words "in the open market."

Mr. MANN. Mr. Chairman, I shall move to concur in the Senate amendment. This amendment increases the amount appropriated to relieve distress among the Indians and for the treatment of the diseases from $260,000 to $310,000, and provides that $100,000 of it may be used in the construction of hospitals for the use of Indians afflicted with tuberculosis and trachoma. It limits the amount that may be expended on any one hospital to $12,500, and provides that the hospital shall be constructed in the open market, under the supervision of the Commissioner of Indian Affairs. I take it the words "in the open market" mean without making contracts or receiving bids. I do not think we ought to provide that the hospitals shall be constructed without receiving bids. Therefore I have moved the amendment, and whether that prevails or not, I shall move to concur in the Senate amendment giving the Indians the hospitals and increasing the total appropriation $50,000 and diverting $100,000

of the total appropriation toward the building of the hospitals for tuberculosis and the treatment of tuberculosis and trachoma.

Mr. STEPHENS of Texas. I agree with the gentleman, that the term "in the open market" is not a definite term, and for that reason I asked to disagree to the Senate amendment No. 4.

Mr. BURKE of South Dakota. Mr. Chairman, I desire to be heard on the amendment offered by the gentleman from Illinois. The amendment offered by the gentleman from Illinois demonstrates, it seems to me and to the House, that these amendments ought all to be disagreed to and considered in conference, because before making the motion to concur the gentleman wishes to perfect this amendment; and if he is going to perfect it by striking out the words "in the open market," it ought to be perfected in other particulars. I call attention to the language "Commissioner of Indian Affairs." It is a very unusual way to provide for the expenditure of money appropriated to be expended for the benefit of the Indians. It is always provided that the Secretary of the Interior shall expend the money and I think everyone will admit that if we are to expend money for the erection of hospitals for tuberculosis and other diseases, it ought to be expended under the direction of the Secretary of the Interior, the same as other appropriations are expended.

Then there is in this language the words "such sum to be immediately available." This is unnecessary for any purpose, because when this bill becomes a law the appropriations will become immediately available. That language was put in there because it was supposed the bill would become a law before the end of the fiscal year, and it was for the purpose of making the money available so that it might be used immediately.

As to the question of $12,500 as a limitation that may be expended for the construction of one hospital, I will say to the House that I was a member of a commission that was appointed in this Congress to visit the different Indian reservations for the purpose of making some investigation of conditions with reference to trachoma and tuberculosis, and when this bill was considered in the Indian Committee of the House we considered very carefully the question of limitations, and it was the opinion that there are reservations where $12,500 would not provide such a hospital as there ought to be and that $15,000 was the smallest amount that should be named in the limitation. I think, with the gentleman from Illinois, Dr. FOSTER, that many hospitals can be built for $12,500, some for $7,000, and perhaps some for less, because they will be merely camps; but in the Northwest there are places where it will be necessary to expend more than $12,500 to get anything like such a hospital as we ought to have to meet the requirements upon some of the reservations.

There is that question to be considered, and then there is the question of increasing the appropriation, and this bill is filled with increases, and it would seem to me that the proper procedure for the House is to disagree to this amendment and let the conferees deal with it in conference, where they can perfect it better than we can perfect it here in the Committee of the Whole.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois.

The question was taken, and the amendment was rejected.

Mr. MANN. Mr. Chairman, I now move to concur in the Senate amendment.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois to concur in the Senate amendment.

Mr. MANN. Mr. Chairman, the gentleman from South Dakota [Mr. BURKE], who will be one of the conferees, naturally and properly does that which all gentlemen do in the House in reference to matters of this sort where they will be conferees. They want the whole matter to go to conference. I would not have any very great respect for one of the conferees on these appropriation bills who did not wish to have the whole thing go to conference. But, after all, the assumption that three conferees named on the part of the House to consider these numerous Senate amendments know more about the amendments than the entire body of the House is a pure assumption. The experience of many years in the House has taught me that they do not. If they knew anything at all about the amendments, they might give that information to the House now; and the assumption that when the conferees go over these 168 amendments they sit down with the distinguished Senators who are conferees and spend two or three hours discussing each amendment and perfecting it is also a pure matter of assumption. The average time spent on these amendments by the conferees will not be 10 minutes to an amendment. They will not know about it; they are not in as good a shape to perfect an amendment as we are. The gentleman from South Dakota suggests several needed amendments to this amendment. Let us make them. The committee has just refused to make one which ought to be made. If this committee and this House wants to go on record that it is opposed to building hospitals for the Indians having tuberculosis, let them go on record to that effect. They will have the opportunity if they want to embrace it. They have the opportunity now. I am in favor of giving these hospitals and making this appropriation, an increase of $50,000, for the purpose of building hospitals for the benefit of the Indians who have tuberculosis and trachoma, both of which diseases are spreading rapidly among the Indians, with a great number of fatalities.

Mr. FERRIS. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. FERRIS. During the last administration President Taft sent what, to my mind, was a very strong and forceful special message to Congress urging it to do something about this very matter.

Mr. MANN. We have had it urged for years; but when our distinguished conferees go over to the Senate they will trade something off for this. What do they care about this?

Mr. STEPHENS of Texas. Mr. Chairman, I desire to state that we have already adopted in the bill that passed the House I think a sufficient amount of money to provide for all of these hospitals for trachoma, tuberculosis, and smallpox, and other infectious diseases, and also to correct any sanitary defects in the Indian homes, and so forth. The Senate has only changed the language, and in that change of language they have not certainly read or understood the entire provision of the amendment. They provide, in lines 14 and 15, that these hospitals shall be constructed under the supervision of the Commissioner of Indian Affairs; and on the same page, in lines 24 and 25, they provide for hospitals for the use of such Indians as the Secretary of the Interior may designate. Therefore, they have changed the law, and have in the same section one provision putting it under the Secretary of the Interior and another putting it under the Commissioner of Indian Affairs.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. STEPHENS of Texas. Yes.

Mr. BUTLER. Is the gentleman in favor of hospitals for the Indians?

Mr. STEPHENS of Texas. Yes.

Mr. BUTLER. Will the gentleman endeavor in conference to agree to some provision that will give hospitals to the Indians?

Mr. STEPHENS of Texas. We will; and we will endeavor to harmonize the amendments.

Mr. CARTER. If the gentleman from Texas will permit, I will say to the gentleman from Pennsylvania that the bill as passed by the House carries $50,000 for hospitals, the cost of none of which is to exceed $15,000.

Mr. BUTLER. I hope that the conferees will agree to the amendment for $310,000.

Mr. CARTER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas has the floor.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. PAGE of North Carolina having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 279. Joint resolution 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.

INDIAN APPROPRIATION BILL.

The committee resumed its session.

Mr. STEPHENS of Texas. Mr. Chairman, I yield three minutes to the gentleman from Oklahoma [Mr. CARTER].

Mr. CARTER. Mr. Chairman, we found in our trip last fall that the building of a big hospital will be utterly impractical and impossible for the accommodation of Indians. You can not get the Indian to go very far away from his home to a hospital. Consequently you have to build on his reservation, and a great many of the reservations are small and sparsely settled. In some instances it is impossible to get the Indian to move from one reservation to an adjoining reservation. You always have trouble in getting a full-blood Indian in any kind of a hospital at all. Consequently it is very necessary we have small hospitals and have more of them; hence the limitation placed in this item.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. CARTER. Yes.

Mr. GREEN of Iowa. Is there any need of large hospitals for treating these particular diseases?

Mr. CARTER. As I said, we found that it would not be best to construct large central hospitals.

Mr. GREEN of Iowa. I misunderstood the gentleman; he stated it correctly.

Mr. CARTER. In our investigation last fall we found the doctor on the reservation, the superintendent, the Indians, and everyone else unanimous in their opinion that the Indian would not leave the reservation and go to a distant hospital, and you would probably have some difficulty in getting him into a hospital even on the reservation. It does not come about from the objection of the fellow who is sick alone, but it comes about from the objection of his relatives, his parents, or his children.

The Indian is very fond of his relatives, and when he is sick his relatives seek to keep him with them. You will find a great deal of difficulty if you attempt to take the Indians off into distant hospitals. The best idea is to build small hospitals on Indian reservations, and these ought not to cost very much money. They ought to be constructed very cheaply; especially those for tuberculosis ought to be open-air hospitals. The gentleman from Illinois [Mr. MANN] and I had some discussion about this matter when this item passed the House. The gentleman put some remarks in the RECORD which I thought were very pertinent to the subject, and, as usual, the gentleman knew just what he was talking about. I believe it was my friend from Oklahoma [Mr. FERRIS] who said if he wanted to know how large a crop of Kafir corn he raised on his farm last year, just how high it grew and the exact yield, he would not send back to Oklahoma to get the report, but he would only go to the gentleman from Illinois and, if it was obtainable, he would have it.

Mr. FERRIS. Will the gentleman yield?

Mr. CARTER. Certainly.

Mr. FERRIS. I want to ask my friend: In lines 11 and 12, which is a limitation on the bill, would that be workable in all cases?

Mr. CARTER. The gentleman means page 6?

Mr. FERRIS. On page 6, lines 11 and 12, and the question is this: Some of the agencies only have a small band of Indians, while another agency might have a large band, and I wondered if $12,500 was sufficient to construct a hospital large enough for the largest band of Indians?

Mr. CARTER. I think that might be placed at $15,000, and there might not be objection to going as high as $20,000.

Mr. FERRIS. Why does not the gentleman from Illinois—the sentiment seems almost unanimous—let it go to conference, and let the conference committee see if this is workable?

Mr. MANN. Does the gentleman think they know any more about it? The House passed it at $15,000 and the Senate puts it at $12,500.

Mr. FERRIS. I will try to answer the gentleman. The gentleman knows a lump-sum appropriation like this finally gets down to the Indian Office, where they work out the details, and I have no doubt the conferees might bring in the Commissioner of Indian Affairs and counsel with him as regards the workability in reference to placing these hospitals on the reservations.

Mr. MANN. The gentleman knows the people who will work out the details will be those who have to do with the construction of the hospital. We build eight hospitals the next fiscal year which this would authorize, and there are plenty of places we could put those.

In a few years we will have a great many more than eight. We can tell after we build the first one really what ought to be done and what it will cost. And all they tell us in advance will be, in the main, hot air.

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

Mr. CARTER. Yes; I yield.

Mr. BURKE of South Dakota. We did have under construction a number of hospitals, one on the Kiowa and Comanche Reservation in Oklahoma.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. BURKE of South Dakota. Mr. Chairman, I ask to be recognized. We have one or more hospitals under erection, or already constructed, on the White Earth Reservation in Minnesota. One has been constructed for the Kiowas and Comanches in Oklahoma. We are constructing now several on the Sioux reservations in South Dakota, out of Indian funds. We also have one at Lapwai, in Idaho, and one at Phoenix, Ariz. I think there is a provision in this bill that provides for repealing the act that authorized the sale of the agency property of the Fort Spokane Reservation in Washington for the purpose of making that a hospital, and I think also there are items in the bill that contemplate hospitals in connection with some of the nonreservation Indian schools. We are making great progress with reference to preparing to deal with trachoma and tuberculosis, and when the gentleman says that we are opposed to appropriations for this purpose he certainly is unfair, because it is not in accord with the record that the committee has made in dealing with this subject.

Mr. FERRIS. Will the gentleman yield?

Mr. BURKE of South Dakota. I will.

Mr. FERRIS. I want to ask the gentleman from South Dakota if he thought it worth while to incorporate an amendment in this provision which would provide that when Indians have plenty of money they pay for their own hospitals? The gentleman knows some places where that would not apply and some where it would.

Mr. BURKE of South Dakota. I do not think it is the intention to build these hospitals on reservations where there are tribal moneys available that may be used for the construction of hospitals.

Mr. FERRIS. There is nothing in the act to preclude that.

Mr. BURKE of South Dakota. The money of the Sioux of South Dakota, under the agreement of 1889, received as proceeds from the sale of their surplus lands, goes into the Treasury and is expended for their support and civilization, and we are building at the present time some hospitals upon some of the Sioux reservations. And for the benefit of the gentleman from Illinois [Mr. FOSTER] I will state that on the Cheyenne Reservation, in my State, I think they are planning to build a hospital that is going to cost nearly $25,000, and that is because a hospital costing less than that would not be sufficient for the needs of that reservation, and it would be poor economy to establish more than one hospital upon that reservation, because the expense of upkeep and equipment and the physicians that would be necessary would cause the expense of maintenance and operation to be greater.

Mr. FOSTER. Usually in treating this class of cases it is better to have fewer in number associated together than a large number. And hospitals can be built in such a way as that they can be added to at any time it becomes necessary without changing any of the plans.

Mr. BURKE of South Dakota. I will say to the gentleman I think the best equipped hospital we saw while on our trip West was at Phoenix, Ariz. The hospital proper was comparatively a small building, constructed in a way that it was open on all sides. As I recall, there was no hall. It was built so that there were porches on the side, and screened, so that practically the patients were in the open air. And then in connection with this hospital they have built little cottages which cost only $100, I think, where the patients with tuberculosis are kept; as a rule, only one patient in a cottage.

As to trachoma, that is not so important and does not require so much of a hospital as does tuberculosis. Patients only need to be isolated for a period of a few days, so they say, although they ought to be kept from coming in contact with those not afflicted for a reasonable time. The important thing about trachoma, after the first few days, is to have the patients where they can receive proper attention daily until such time as they have recovered; and therefore, unless they are put into hospitals, they do not get anywhere with suppressing the disease. If the Indians are left to treat themselves, they will not do what they must do to be cured.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEPHENS of Texas. Mr. Chairman, I move to disagree to the Senate amendment.

Mr. CARTER. The gentleman from Illinois [Mr. MANN] has a preferential motion.

The CHAIRMAN. The parliamentary situation is, that the gentleman from Texas [Mr. STEPHENS] moved to disagree, but the gentleman from Illinois moved to concur in the Senate amendment.

Mr. BURKE of South Dakota. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. BURKE of South Dakota. If the motion of the gentleman from Illinois fails, is that equivalent to a motion to disagree?

The CHAIRMAN. It is. The question is on concurring in the Senate amendment numbered 4.

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. MANN. I ask for a division, Mr. Chairman.

The committee divided; and there were—ayes 19, noes 19.

So the motion was rejected.

The Clerk read as follows:

On page 6, line 15, insert the word "further."

Mr. STEPHENS of Texas. Mr. Chairman, I move to agree to that. There is one provision here above that we have just read, and this is verbal. I think we should agree to that.

Mr. MANN. The gentleman does not want to agree to that. That ought not to go in there unless the previous amendment is agreed to.

Mr. STEPHENS of Texas. Mr. Chairman, I move to disagree to the Senate amendment.

The CHAIRMAN. The gentleman from Texas moves to disagree to the Senate amendment.

The motion was agreed to.

The CHAIRMAN. The Clerk will read the next amendment.

The Clerk read as follows:

Page 6, line 17, strike out the word "thirteen" and insert the word "eleven."

Mr. STEPHENS of Texas. I move, Mr. Chairman, that we agree to that amendment.

The CHAIRMAN. The gentleman from Texas moves to concur in the Senate amendment numbered 6.

The motion was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 7: Page 7, after the word "designate," strike out the remainder of line 1 down to and including the word "equipment" and the colon in line 6.

Mr. STEPHENS of Texas. Mr. Chairman, that is part of the first amendment that we have been considering. I move that we disagree to that also.

The CHAIRMAN. The gentleman from Texas moves that we disagree to Senate amendment numbered 7.

The motion was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 7, line 9, strike out all after the word "herein" down to and including the word "examination" and the colon.

Mr. MANN. Mr. Chairman, I ask to have reported the language that was stricken out.

The CHAIRMAN. The Clerk will report the language that is stricken out.

The Clerk read as follows:

Provided further, That the Secretary of the Interior may, in his discretion, employ physicians regularly licensed to practice to aid in carrying out the provisions of this paragraph without requiring such employed physicians to pass any civil-service examination.

Mr. STEPHENS of Texas. Mr. Chairman, I move that the House disagree to the amendment of the Senate.

The CHAIRMAN. The gentleman from Texas moves that the House disagree to Senate amendment numbered 8.

Mr. MILLER. Mr. Chairman——

Mr. STEPHENS of Texas. Mr. Chairman, I yield to the gentleman from Minnesota [Mr. MILLER].

Mr. MILLER. Mr. Chairman, I sincerely trust that this will be disagreed to—the amendment striking out the paragraph read—and that the conferees will insist upon its retention in the bill when it finally becomes a law.

Unless this feature is retained, to my mind the $310,000 appropriated in the paragraph might just about as well be taken down and thrown into the Potomac River. On one or two other occasions I made the same observation, and I desire to renew it here with emphasis.

The purpose of this exceptional expenditure of $310,000 is to fight malignant infectious diseases now ravaging among and destroying the Indians of the United States. It is not to build up a corps of governmental employees. It is not to create new jobs for additional employees who may want positions, but it is to bring the best-trained science of American genius to combat the terrible ravages of these named diseases.

Now, as the Secretary of the Interior is compelled, as he will be unless this paragraph becomes a part of the law, to spend this $310,000 by hiring civil-service employees, he is restricted to the class of employees who pass the examination and enter the service. You will never get a trained scientific physician or a recognized leading physician respecting these diseases to pass a civil-service examination. You will never get one to devote any of his time to this work. The Secretary of the Interior would be obliged to select from the men who pass the examination. Who are they? We are not a bit in doubt. We have had years of experience. Men interested in Indian affairs have traveled over the United States and brought in reports most voluminous. The men who are created physicians to enter the Indian Service by passing a civil-service examination, nearly all of them, belong to one or two classes—either the young man without experience, who has never even treated a sore eye or a sore nose or a sore thumb, fresh from college, who has the ability to pass the examination, or else some more elderly physician who has made a failure of his practice and is anxious to get a $1,000 job.

Now, we are never going to produce the results we hope for in making this extraordinary appropriation if we are to employ men of those two classes. I understand the only source that any objection comes from to this paragraph is the Civil Service Commission. Now, I have no objection to their entering a protest. I suppose very likely it is their province and their duty to try to preserve to themselves all the powers they can and to keep the service of the United States pretty largely within their own hands. But we must not lose sight of the fact that this is an extraordinary appropriation, and the hands of the Secretary of the Interior ought not to be tied by any of the rules or restrictions that will tie his hands unless this paragraph is adopted. I want to see him go out and secure the best talent that has been developed among the splendid physicians of the United States to do this humanitarian work among the Indians.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSTER. Mr. Chairman, I move to strike out the last word. I have no desire to occupy more than a minute. My opinion about this provision of the bill is not only that it ought not to be agreed to, and that they should not be under the civil service, but there ought to be a provision that these men should be under the Public Health Service, and that these men should be assigned from that service to the Indian Service, so that they might be properly selected by a trained physician from a department of the Government that is now under thorough organization, and they then would have the proper supervision of a trained branch of the public service. But you can not build it up in the Indian Office, and you can never get a successful service in this way. The Indian Office does not give its time to this and ought not to be expected to do so. It ought to be turned over to the Health Service to be carried on in that way.

Mr. MANN. Will my colleague yield to a question?

Mr. FOSTER. Yes.

Mr. MANN. Is it not a fact that in making examinations through the Civil Service Commission for places of this sort the Civil Service Commission calls on the Public Health Service for aid?

Mr. FOSTER. I think they do; but still there is, outside of the civil-service examination, a knowledge that is not gained by that examination as to the qualifications of a physician to do that particular kind of work.

Mr. MANN. The examination may not mean merely a written mental examination. Here, for instance, we have just had a provision in reference to the valuation of railroads, and the President issued an order covering those places under the civil-service law. Of course many people thought that ought not to be done. I think it was the opinion of the Interstate Commerce Commission that it ought not to be done.

I suppose the President and everybody would concede that it is possible to select better men than you get through the Civil Service Commission; yet I have no doubt that, as a matter of fact, they will get better men in that way than they would have gotten in the other way, and that is more expert than this is.

Mr. FOSTER. If you are going to select physicians to take charge of these small hospitals over the country, I think there ought to be the greatest latitude given to the Public Health Service to select the proper class for that particular work, and you can not possibly get it under a civil-service examination.

Mr. MILLER. Will the gentleman yield for a suggestion?

Mr. FOSTER. Yes.

Mr. MILLER. Is the gentleman aware of the maximum sum that can be paid by the Interior Department for service of this kind?

Mr. FOSTER. I am not aware of the amount, but I know it is small.

Mr. MILLER. It is extremely small; infinitely less than can be paid under the Public Health Service. For that reason you can not get good men.

Mr. FOSTER. But, in my judgment, you can get better men through the Public Health Service for this work than the Commissioner of Indian Affairs can get, regardless of who he is; it is not against him that such is the case. The present gentleman who holds that place is a very competent official, but is not versed in medicine.

Mr. MILLER. I think the whole sum should be expended by the Public Health Service. There is no question about that in my mind.

Mr. WOODRUFF. I think the suggestion of the gentleman is very good, indeed, and I would like to ask him if he thinks it would be possible to get competent men for this service for the money that is paid?

Mr. FOSTER. You can not get men specially trained for this work, and yet there are a good many young physicians who have graduated from medical colleges and served as internes in hospitals who are willing to go out and take these positions.

They are bright, good young men who get the experience they want in that sort of work, and they are willing to do it though the pay is small. They are good physicians and conscientious men.

Mr. WOODRUFF. And they go for the purpose of experience only, and get the experience at the expense of the Indians.

Mr. FOSTER. Oh, no; that is not the fact. There are many young men who graduate in medicine who are poor, and it enables them to get some practice, and get money to start on possibly, for a year or two, but you can not hold those men for a great length of time as they could not afford to stay permanently for the salary. It is impossible to do it.

Mr. WOODRUFF. You can not hold the competent men.

Mr. FOSTER. Because the good men are not going to stay there a great length of time for the pay they get. A superintendent would probably be paid more.

Mr. WOODRUFF. You can not hold the competent men.

Mr. FOSTER. You can hold competent men for a while, but you can not expect to hold them for any length of time. I do not desire to be understood that these young men are not competent. Physicians do not usually make a great deal of money in practice, but it would be difficult to keep men on small salaries all their lives.

The CHAIRMAN. The Chair will call attention of gentlemen to the fact that, under the order of the House, at 5 o'clock the House will stand in recess until 8 o'clock.

Mr. STEPHENS of Texas. I would like to have a vote on this question, Mr. Chairman.

The CHAIRMAN. The question is on the motion of the gentleman from Texas to disagree to Senate amendment numbered 8.

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

Mr. STEPHENS of Texas. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. UNDERWOOD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12579, the Indian appropriation bill, and had come to no resolution thereon.

SPEAKER PRO TEMPORE FOR TO-NIGHT.

The SPEAKER. The Chair will designate the gentleman from North Carolina [Mr. PAGE] to preside as Speaker pro tempore this evening.

SIXTH INTERNATIONAL DENTAL CONGRESS.

Mr. BRUMBAUGH. Mr. Speaker, I ask unanimous consent for the present consideration of Senate joint resolution 105, authorizing the President to accept an invitation to participate in the Sixth International Dental Congress.

The Clerk reported the joint resolution, as follows:

Senate joint resolution 105.

Resolved, etc., That the President be, and is hereby, authorized to accept an invitation extended by the Government of Great Britain to that of the United States to be represented by delegates in the Sixth International Dental Congress, to be held at London, August 3 to 8, 1914, and is authorized to appoint 15 delegates to such congress: *Provided*, That no appropriation shall be granted at any time for expenses of delegates or for other expenses incurred in connection with said congress.

The SPEAKER. Is there objection?

Mr. DONOVAN. I object.

CHANGE OF REFERENCE.

The SPEAKER. By mistake, House resolution 559, authorizing the Interstate Commerce Commission to examine the affairs of the Wabash, Pittsburgh & Terminal Railway Co. with a view to ascertaining the facts, was referred to the Committee on Rules, when as a matter of fact it should go to the Committee on Interstate and Foreign Commerce. Without objection, the reference will be changed.

There was no objection.

SIXTH INTERNATIONAL DENTAL CONGRESS.

Mr. BRUMBAUGH. Mr. Speaker, I renew my request for the consideration of Senate joint resolution 105, authorizing the President to accept an invitation to participate in the Sixth International Dental Congress.

The SPEAKER. Does the gentleman from Connecticut withdraw his objection?

Mr. BRUMBAUGH. He has withdrawn from the Hall in order that I might offer it again.

Mr. MANN. The gentleman from Ohio renews his request.

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

There was no objection.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

The SPEAKER. The hour of 5 o'clock having arrived, under the previous order the House will stand in recess until 8 o'clock this evening.

RECESS.

Accordingly, at 5 o'clock p. m., the House was in recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, at 8 o'clock p. m. the House was called to order by the Speaker pro tempore [Mr. PAGE of North Carolina.]

The SPEAKER pro tempore. Under a special order, the session of the House this evening is for the consideration of bills on the Private Calendar, beginning with Calendar No. 242.

Mr. POU. Mr. Speaker, I desire to make the same suggestion to-night that I did on the last evening when we were in session for the consideration of bills on this calendar, and that is if any gentleman has it in mind to object to a bill whether or no, it would save a good deal of time if he would interpose his objection immediately after the reading of the title of the bill, for that would save the reading of the entire bill.

The SPEAKER pro tempore. The Clerk will report the first bill.

ROBERT T. LEGGE.

The first business in order on the Private Calendar was the bill (H. R. 1513) for the relief of Robert T. Legge.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of $250 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropropriated, and the Secretary of the Treasury is hereby directed to pay Robert T. Legge, a citizen of McCloud, Shasta County, in the State of California, compensation for professional operation performed on John Moran, who was injured while an employee of the United States Forest Service.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

Mr. RAKER. Mr. Speaker, I do not like to take up the time of the House, but I will ask the gentleman to withhold his objection for a moment.

Mr. MANN. I will be very glad to reserve the objection, if I may.

Mr. RAKER. Mr. Speaker, I desire to call the attention of the House to this bill. It is to pay $250 for services performed by Dr. Legge for a laborer, John Moran, who was in the Forest Service. Dr. Legge took him under his care and provided him with a home, provided him with all of the necessary hospital treatment, and also gave him medical care and attention. He was put on his feet. He was cured, whereas otherwise he would probably have been a cripple for life. The department recommends the passage of the bill. The charge is a very modest one. The man was in the actual service of the Government. Many claims of this kind have been paid. The affidavits show the conditions surrounding the accident and the time that Mr. Moran suffered from his injury. It seems to me that the claim ought to be allowed. Knowing the conditions of that country so well and the splendid work that Dr. Legge is doing, I think it ought to be paid. Just as an example, the doctor asked the Government here a few months ago to be relieved of all other duties in order that he might take care of patients at this hospital. This man's affidavit says that he might have been crippled for life, and possibly not have come out of it at all, if it had not been for the doctor's prompt assistance. He sent out his automobile and brought in the man at his own expense and actually saved his life.

While the matter is of small amount, it is of some concern to the gentleman from California to see that his constituents receive proper care and consideration. I wonder if the gentleman from Illinois [Mr. MANN] could not see his way clear to let the bill pass to-night? I have not urged many of these matters. I trust the gentleman will permit the passage of the bill.

Mr. POU. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. The regular order is the objection of the gentleman from Illinois.

P. J. CARLIN CONSTRUCTION CO.

The next business in order on the Private Calendar was the bill (H. R. 11772) for the relief of the P. J. Carlin Construction Co.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

SAMSON DAVIS.

The next business in order on the Private Calendar was the bill (H. R. 16713) for the relief of Samson Davis.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws Samson Davis shall hereafter be held and considered to have been in the military service of the United States as a private of Company A, Ninth Regiment United States Infantry, from the 21st day of June, 1899, to the 29th day of August, 1902, and to have been discharged honorably as such on the latter date.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

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

LOUIS EDER.

The next business in order on the Private Calendar was the bill (S. 4714) to authorize Louis Eder to enter lands under the homestead laws.

The Clerk read the bill, as follows:

Be it enacted, etc., That Louis Eder, of Laramie County, Wyo., be, and he is hereby, authorized to enter, and secure title to the same under the homestead laws of the United States, 160 acres of unappropriated public lands in lieu of the north half of north half of section 28, township 14 north, range 70 west, of sixth principal meridian, relinquished by him to the Government for inclusion in the withdrawal of lands for the protection of the water supply of a military post, and no charge shall be made for making the entry of record to cover the tract selected: *Provided*, That the requirements of the laws respecting settlement, residence, improvements, etc., are complied with on the new claim, credit being allowed for the time spent on the relinquished claim.

With the following committee amendment:

Page 1, line 6, after the word "of," insert the words "surveyed unreserved and."

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

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

JOSEPH ROBICHEAU.

The next business in order on the Private Calendar was the bill (H. R. 1062) granting a patent to Joseph Robicheau.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to issue a patent to Joseph Robicheau to the following land: Northwest quarter of the southeast quarter and south half of the southeast quarter section 27, and the northwest quarter of the northeast quarter section 34, township 47 north, range 3 east, Boise meridian, Coeur d'Alene (Idaho) land district.

With the following committee amendment:

After the word "district," in line 9, insert the following:

"*Provided*, That nothing herein contained shall be held to interfere with or defeat any sale heretofore made by the Forest Service or timber upon the land herein granted and the purchaser or purchasers of such timber shall have the right to cut and remove from the land all timber or lumber purchased, within two years from the approval of this act."

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would ask the gentleman in charge of the bill if it would be perfectly satisfactory to add to the committee amendment the following:

And the said Joseph Robicheau shall have no claim to the timber so sold or the proceeds thereof.

Mr. FRENCH. I have no objection to that. That is the intention, and if it would make it clear I would be very glad to have the gentleman offer that amendment.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

Mr. MANN. Mr. Speaker, I move to amend the amendment by striking out the word "or," after the word "service," and inserting the word "of."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, after the word "service," strike out the word "or" and insert the word "of."

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

The amendment was agreed to.

Mr. MANN. I offer the following amendment, which I send to the desk.

The Clerk read as follows:

At the end of the committee amendment, after the word "act," strike out the period and insert a comma and the following words: "and the said Joseph Robicheau shall have no claim to the timber so sold or the proceeds thereof."

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

The amendment to the amendment was agreed to.

The SPEAKER pro tempore. The question now is on agreeing to the committee amendment as amended.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question now is on the engrossment and third reading of the bill as amended.

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

THOMAS F. HOWELL.

The next business in order on the Private Calendar was the bill (H. R. 1516) for the relief of Thomas F. Howell.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to reinstate the homestead entry numbered 3944 of Thomas F. Howell, and thereupon to issue a patent to said Thomas F. Howell for the land embraced in his homestead entry numbered 3944, Redding, Cal., for the southeast quarter of northeast quarter of section 6, south half of northwest quarter and southwest quarter of northeast quarter of section 5, township 28 north, range 5 east, Mount Diablo meridian, upon submission of proof of residence upon and improvement and cultivation of said land as required by the homestead laws: *Provided*, That such final proof be submitted at any time within four years after the approval of this act.

The committee amendment was read, as follows:

On page 1, line 6, strike out the word "thereupon."

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I think there is some doubt about this—considerable, in my mind. The bill says—

That the Secretary of the Interior is hereby authorized and directed to reinstate.

Would it not be perfectly satisfactory to leave it to the Secretary of the Interior and authorize him to reinstate?

Mr. RAKER. Absolutely; yes, sir; I am perfectly willing to strike out the words "and directed."

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. RAKER. Mr. Speaker, I move to amend the bill by striking out, in lines 3 and 4, page 1, the words "and directed."

The SPEAKER pro tempore. The question first is on the committee amendment.

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

The SPEAKER pro tempore. The question recurs on the amendment offered by the gentleman from California, which the Clerk will report.

The Clerk read as follows:

Page 1, lines 3 and 4, strike out the words "and directed."

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

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

FRANK PAYNE SELBY.

The next business in order on the Private Calendar was the bill (H. R. 6879) for the relief of Frank Payne Selby.

The Clerk read the title of the bill.

Mr. MANN. Mr. Speaker, I object.

CLEVELAND PRESS, OF CLEVELAND, OHIO.

The next business in order on the Private Calendar was the bill (H. R. 12484) to pay the Cleveland Press, of Cleveland, Ohio, $200 for a horse shot because of injuries sustained on a defective platform scale in the post office at Cleveland, Ohio.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Cleveland Press, of Cleveland, Ohio, the sum of $200, which amount is hereby appropriated in full payment for a horse that was shot because of injuries sustained on a defective platform scale in the post office at Cleveland, Ohio.

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

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

JOHN B. KEATING.

The next business in order on the Private Calendar was the bill (H. R. 4952) to refund to John B. Keating customs tax erroneously and illegally collected at Portland, Me., on cargo of coal March 11, 1903.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to refund and pay, out of any money in the Treasury not otherwise appropriated, the sum of $318.80 for import taxes erroneously and illegally collected from him, and paid by him under protest, on a cargo of coal and patent fuel entered at the port of Portland, Me., on or about March 11, 1903.

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

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

THOMAS W. H. WHITE.

The next business in order on the Private Calendar was the bill (H. R. 16795) to reimburse the owners of the schooner *Thomas W. H. White.*

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the owners of the schooner *Thomas W. H. White,* out of any money in the Treasury not otherwise appropriated, the sum of $260.02 for reimbursement for losses incurred when the lighthouse tender *Lilac* swung against the schooner *Thomas W. H. White.*

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

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

CHARLES H. RAYFIELD, ALIAS CHARLES H. CZARNOWSKY.

The next business in order on the Private Calendar was the bill (H. R. 13123) for the relief of Charles H. Rayfield, alias Charles H. Czarnowsky.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension laws, Charles H. Rayfield, alias Charles H. Czarnowsky, shall hereafter be held and considered to have been in the military service of the United States as drummer of Company B, Fifth Regiment New York Volunteer Heavy Artillery, from the 12th day of August, 1863, to the 20th day of April, 1864, and to have been discharged honorably as such on the latter date: *Provided, however,* That this act shall not confer upon him any right to pay, annuities, pensions, or other emoluments which might otherwise accrue to him from such service.

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

Mr. MANN. Mr. Speaker, I do not know whether the gentleman from New York is here, but this bill apparently is a bill to give a right to a pension. It says that in the administration of the pension laws this man shall be held and considered to have been in the military service, but the proviso says—

that this act shall not confer upon him any rights to pay, annuities, pensions, or other emoluments which might otherwise accrue to him from such service.

I doubt very much whether he could get a pension under that language.

Mr. KAHN. Mr. Speaker, as I recall the case the gentleman does not desire a pension. The first part of the bill which gives a pensionable status is the form that has been adopted by the Committee on Military Affairs.

Mr. MANN. I understand that.

Mr. KAHN. And it is the usual form. This man was less than 10 years of age when he was mustered into the Army as a drummer boy, and after having served some months his father took him away, with the consent of the officers, to a military school in Pennsylvania where the boy did service.

He was, of course, altogether too young to know anything about desertion; he has grown to man's estate and wants his record changed so that it will not appear that he deserted. He desires no pension whatever.

Mr. MANN. It seems queer to say, though, that he shall be considered to have been discharged but shall not draw a pension.

Mr. KAHN. It is simply following the form to correct the charge of desertion standing against him on the records of the War Department.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

WILLIAM H. MILLER.

The next business in order on the Private Calendar was the bill (H. R. 16431) to validate the homestead entry of William H. Miller.

The bill was read, as follows:

Be it enacted, etc., That the homestead entry of William H. Miller, No. 010224, made October 28, 1909, for the northwest quarter of section 29, township 20 north, range 49 west of the sixth principal meridian, in the State of Nebraska, be, and the same is hereby, validated.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

The question was on the engrossment and third reading of the bill.

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

RITTENHOUSE MOORE.

The next business in order on the Private Calendar was the bill (H. R. 6196) for the relief of Rittenhouse Moore.

The bill, with committee amendments thereto, was read in full.

The SPEAKER pro tempore. Is there objection to the consideration of the bill.

Mr. MANN. I object.

UNITED STATES DRAINAGE AND IRRIGATION CO.

The next business in order on the Private Calendar was the bill (H. R. 16033) for the relief of the United States Drainage and Irrigation Co.

The bill, with a committee amendment thereto, was read in full.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. CULLOP. Mr. Speaker, reserving the right to object, I would like to have from the author of this bill, or the chairman of the committee, some explanation.

Mr. POU. I will say to the gentleman from Indiana that in the absence of the gentleman from Pennsylvania [Mr. EDMONDS], who reported the bill, I will quote from the letter of Secretary Garrison. He says:

Since, however, the work was necessary, since it would have cost much more had actual conditions been known, and since, had the contractor defaulted, such portion as he would have left undone would have completed at increased cost, and since the contractor persisted to the completion, with no hope of obtaining relief from the large loss except as an equitable claim, the claim in the amount designated in the bill is regarded as meritorious, and favorable action is recommended.

Mr. CULLOP. I would like to ask the gentleman if this company had taken a contract to do that work, or is this an allowance outside of the contract price?

Mr. POU. I will say to the gentleman that I think the claim of this company is that this was for work which was not contemplated by their contract.

Mr. CULLOP. Well, was there not a contract let to this company for the doing of this work in the first instance? They entered upon the discharge of their duties, and after they had prosecuted the work for some time they found that it would not be a profitable undertaking, and then this sum has been asked as an additional amount under that contract?

Mr. POU. I would not answer that in the affirmative. There is quite a lengthy report here, and all the matters are fully explained in the report of the committee. My understanding is that these people insist that this was of a nature extra work which was not covered by their contract. We referred the matter to the Secretary of War, and when he said he thought that the claim was meritorious and ought to be paid, we felt justified in following such recommendation.

Mr. CULLOP. Well, Mr. Speaker, is not this the fact about this bill, namely, that this company took this contract to do the work specified, and when they found it was a greater undertaking than they had calculated they came back with this claim for the overplus?

Mr. POU. Since the gentleman has been propounding these inquiries my memory has become somewhat refreshed. In the letter from the War Department I find this:

The claim, as appears from the papers, is for reimbursement of cost of removing large quantities of stone from the line of piles which the contract required to be driven. It was not known to either party to the contract that stone in quantity to seriously interfere with the driving of piles would be encountered.

Now, I will say to my friend, if he will pardon me just a minute, that the contract was predicated upon the idea that these piles would be driven down into a mud bottom. It was not believed by either the War Department or by the contractor that there was any stone to interfere with the driving of them.

Mr. CULLOP. It was their misfortune in making the contract.

Now, I desire to call the attention of the gentleman to paragraph 3 in the letter of the Secretary. It says:

The work was in no proper sense extra work ordered by the contracting officer, as the contract required the contractor to furnish all plant, appliances, material, and labor, and reinforce the jetty at the rate of $9.87 per lineal foot, and furnish and place filling stone at the rate of $4 per ton. The contracting officer could not have relieved the contractor of his undertaking when it was found to be more difficult than expected, nor was there any way by which the contractor could be paid except as stipulated in the contract.

Therefore, Mr. Speaker, I object. Let him stand by his contract.

The SPEAKER pro tempore. The gentleman from Indiana [Mr. CULLOP] objects. The Clerk will report the next bill.

ESTATE OF ROBERT B. PEARCE.

The next business in order on the Private Calendar was the bill (H. R. 13167) for the relief of the legal representatives of the estate of Robert B. Pearce.

The Clerk read the bill, as follows:

Be it enacted, etc., That there be, and hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $149.50 to pay the legal representatives of Robert B. Pearce, late of Sevier County, Ark., for amount due for carrying the mail from Fulton, Ark., to Rocky Comfort, in said State, in the year 1861.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

SPARROW GRAVELY TOBACCO CO.

The next business in order on the Private Calendar was the bill (H. R. 13965) to refund to the Sparrow Gravely Tobacco Co. the sum of $173.52, with penalty and interest, the same having been erroneously paid by them to the Government of the United States.

The Clerk read the bill, as follows:

Whereas heretofore, to wit, in the month of June, 1908, a tax of $173.52 was assessed against the Sparrow Gravely Tobacco Co. by the Commissioner of Internal Revenue in the western district of Virginia, the same being for a deficiency in the account of the said company for the year 1907; and

Whereas this assessment was by reason of the fact that the said company had erroneously omitted to include in their inventory for January 1, 1908, one bin of plug tobacco in process; and

Whereas this omission was an honest error on the part of the said company, which the Internal Revenue Department did not allow them to correct by means of an amended inventory; and

Whereas as the result of this error on the part of the said company, and the refusal of the department to allow the same to be corrected, the said company has been compelled to pay to the Government the above assessment, with penalty and interest, which said amount was in excess of what was actually due from the said company to the Government: Now, therefore

Be it enacted, etc., That the said sum of $176.99 is hereby directed to be refunded to the said Sparrow Gravely Tobacco Co. from the Treasury of the United States.

With a committee amendment.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the committee amendment.

The Clerk read as follows:

Strike out the four preambles in said bill, and strike out all of said bill except the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay out of any money in the Treasury not otherwise appropriated, to the Sparrow Gravely Tobacco Co. the sum of $176.99, which said amount was paid by said company to the Government in excess of what was actually due."

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

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

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

The title was amended so as to read: "A bill to refund to the Sparrow Gravely Tobacco Co. the sum of $176.99, the same having been erroneously paid by them to the Government of the United States."

Mr. MANN. What was done with the "whereases"?

The SPEAKER pro tempore. They were taken out by the committee amendment.

Mr. POU. They were all stricken out.

DRENZY A. JONES AND JOHN G. HOPPER.

The next business in order on the Private Calendar was the bill (H. R. 2703) for the relief of Drenzy A. Jones and John G. Hopper, joint contractors, for surveying Yosemite Park boundary.

The Clerk read the bill, as follows:

Be it enacted, etc., That there be paid to Drenzy A. Jones and John G. Hopper, joint contractors, out of any money in the Treasury not otherwise appropriated, the sum of $4,840.80, for the survey and resurveys of the Yosemite Park boundary under contract 184, California, the boundaries of the park having been changed, rendering the survey unnecessary.

With a committee amendment, as follows:

In line 5 strike out the figures "$4,840.80" and insert in lieu thereof the figures "$2,649.48," and add the following words: "which is in full of all claims and demands against the United States."

The SPEAKER pro tempore. Is there objection?

Mr. CULLOP. Reserving the right to object, Mr. Speaker, I would like to ask the chairman of the committee some questions in regard to this bill and get some explanation of it. I find in the report a letter addressed to the distinguished chairman of the committee, from which I read the following extract:

Yet the Government should not for that reason increase their compensation in order to reimburse them for loss sustained, as they were expected to ascertain for themselves prior to bidding the nature of the land to be surveyed.

Now, as I understand this bill, it is a bill for additional services, is it not?

Mr. POU. No, sir; it is not.

Mr. KAHN. Mr. Speaker, will the gentleman yield to me?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. CULLOP. Certainly.

Mr. KAHN. This is not for additional services. The amounts asked for additional services were stricken out entirely. This is for the survey that was made of the Yosemite National Park.

If the gentleman is familiar with that area, he will know that it is an exceedingly difficult one to survey. It is a rough, mountainous country, steep and precipitous in many places, and requires rather careful attention and work.

Mr. CULLOP. Did not the Government pay them the price it agreed to?

Mr. KAHN. No; they have never been paid the contract price except nine hundred and some odd dollars on account.

Mr. POU. Nine hundred and twenty-one dollars.

Mr. KAHN. Yes; $921 on account. After they made the survey some errors were found by the Government inspector; they subsequently went into the park to correct those errors, but the United States troops, having had no notice of the fact that they were going into the park for the purpose of making the correction, arrested them.

Now, the gentleman must understand that you can only work in the Yosemite National Park during a few months in the year, and upon the arrest of these men they were delayed for another year in performing the work of correcting the errors. In the meantime the boundaries of the park had been changed, and the department held that there was really no need to correct the errors because of the change.

Mr. HOWARD. The boundaries went beyond?

Mr. KAHN. Yes. The boundaries went beyond the part that was surveyed. But these men were never paid for this work.

Mr. CULLOP. Yes; but the gentleman will observe from the letter of the Assistant Secretary, Mr. A. A. Jones, that those gentlemen made a bid for this work.

Mr. KAHN. Yes.

Mr. CULLOP. Now, have they not been paid the amount of their bid?

Mr. KAHN. No, indeed. Their amount was something like $4,000 or $5,000 for the work. Then, when they went forward again and did additional work they put in additional claims. But those additional claims were disallowed. This is for the original work which was done and for which they have never been paid.

Mr. CULLOP. The additional work was made necessary because of a mistake these men made?

Mr. KAHN. Yes; but the department never allowed that claim, and that has been stricken out entirely. They are not getting anything for that.

Mr. CULLOP. The gentleman will not, I assume, contend for a moment that they ought to be allowed anything because of their mistake.

Mr. KAHN. They are not being allowed anything. This bill does not allow them for those mistakes.

Mr. CULLOP. I want to call the gentleman's attention to this language, and I assume the first assistant secretary of the department understood what he was saying when he said this:

However, the Commissioner of the General Land Office informs me that while it is probably true that the contractors were not aware when they made their bid for these surveys of the exceptionally difficult character of the work, yet the Government should not for that reason increase their compensation in order to reimburse them for loss sustained, as they were expected to ascertain for themselves, prior to bidding, the nature of the land to be surveyed.

Mr. KAHN. Very true; but if the gentleman will allow me——

Mr. DUPRÉ. Is not that probably one of the reasons why the committee have brought in an amendment reducing the amount of the original bill from $4,000 to $2,000?

Mr. POU. That is exactly the reason.

Mr. CULLOP. That is just what I want to know, what this $2,000 is for.

Mr. POU. If the gentleman will pardon me just one minute, the amount originally submitted was $3,570.48. Now they have received on that $921. When these men, Jones and Hopper, came before the committee they asked for nearly $5,000. To be exact, they asked for $4,840.80. The committee took the amount for which they had originally agreed to do the work, $3,570.48, and deducted therefrom $921, which left the amount of $2,649. The committee refused to pay them one single penny for any extra work.

Mr. CULLOP. Why did they not get their money from the department for the work they did? The department made the contract with them and had the money appropriated. Why did they not go there and get paid for their services according to their contract?

Mr. POU. If the work had been done promptly under the contract, they would have gotten their pay; but the Government stopped them. These men were arrested.

Mr. CULLOP. Then this is not the proper way for them to get paid. They can go to the Committee on Appropriations, and through the deficiency bill they can get their pay.

Mr. KAHN. Oh, no.

Mr. CULLOP. If the department has not the money to pay for this work, if the appropriation has reverted, they can get it through that channel and not through this, which seems to me the better way.

Mr. KAHN. Will the gentleman yield?

Mr. CULLOP. Certainly.

Mr. KAHN. That is exactly what the Committee on Appropriations will not do. They insist that this is a claim against the Government and not a deficiency, and they have repeatedly refused to put items of this character on a deficiency bill. Several years ago the deficiency bill almost failed of passage because the House conferees refused to concur in claims of various character that had been inserted by the Senate, the House having held that claims ought not to be put into a deficiency bill. These sums which are appropriated for surveys lapse back into the Treasury after two or three years, and then if a survey has not been completed to the satisfaction of the surveyor general of the State in which the survey has been made the money lapses back into the Treasury.

Mr. CULLOP. Then, I understand from the gentleman that these men took a contract to complete a piece of work within a specified time and failed to keep their contract.

Mr. KAHN. They performed their contract as far as the Government would let them.

Mr. POU. The Government would not allow them to complete it. Soldiers arrested them. They were there trying to finish the job, but there appears to have been some misunderstanding about it, and they were put under arrest and not permitted to finish the job.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, as there is a controversy about the amount, and the committee have reduced the amount, will an amendment be satisfactory to add after the amount in the bill, the words "which sum shall be accepted by said persons as full settlement for all claims against the United States growing out of said contract for surveys, or on account of the arrest of said persons, or either of them, by any officials of the United States"?

Mr. KAHN. I have no objection to that amendment.

Mr. MANN. We do not want a bill coming in later for any other claim.

Mr. POU. The committee has no objection.

Mr. CULLOP. I would like to ask another question. Did the Government make use of this work or simply refuse to accept it?

Mr. KAHN. It used a part of it until the boundaries of the park were changed.

Mr. POU. After the Government decided to change the boundaries of the park, the survey was of little value.

Mr. MANN. Here is a part of the report on this proposition.

Mr. CULLOP. On what page?

Mr. MANN. On page 2, about the middle of the page. It says:

In the meantime Congress established other boundaries of the park, of which surveys were made by the Geological Survey, rendering the surveys by Jones and Hopper unnecessary and useless except so far as beneficial in the reestablishment of the lines of the public-land surveys.

As I understand the report, the department has stated that it was worth this amount of money for that reason.

Mr. CULLOP. I see another provision in the report, where it says:

During the eight years that have elapsed since that time the deputies have made repeated attempts to correct errors found by examiners at very great expense, and while the errors have not all been corrected, it is evidently almost impossible to make these corrections after the lapse of eight years without making an almost new survey; and as the survey is of practically no benefit to the Government by reason of the act of Congress changing the boundary lines, it is considered equitable and fair that these deputies should be paid balance due them upon the survey made if the same did not contain errors. Such sum is almost equaled by the expenses the deputies have been put to in endeavoring to meet the objections of the examiners.

It seems this work was imperfect all along the line.

Mr. MANN. The trouble with the work was that they changed the lines.

Mr. CULLOP. Who changed the lines?

Mr. KAHN. Congress.

Mr. POU. These men were there at all times trying to get an opportunity to finish the job.

Mr. CULLOP. I see that the committee recommends the payment of $2,649.

Mr. POU. Yes; that is the amount the Government contracted to pay for the work, less the amount they have already paid. It allows nothing for any extra work.

Mr. CULLOP. And this bill is to pay them the balance?

Mr. POU. Yes.

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

The committee amendment was agreed to.

Mr. MANN. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

After the word "unnecessary," in line 9, add the following: "Which sum shall be accepted by said persons as full settlement of all claims against the United States growing out of said contract or service, or on account of the arrest of said persons, or either of them, by any officials of the United States."

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

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

THEODORE BAGGE.

The next business in order on the Private Calendar was the bill (H. R. 16163) for the relief of Theodore Bagge.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Theodore Bagge the sum of $1,000, out of money in the Treasury not otherwise appropriated, for injury sustained on the 24th day of April, in the year 1907, while employed by the United States Government on the U. S. dredge *Ajax*.

The following committee amendment was read:

In line 5 strike out the figures "$1,000" and insert in lieu thereof the figures "$221.91."

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The committee amendment was agreed to.

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

GEORGE H. HAMMOND.

The next business in order on the Private Calendar was the bill (H. R. 13108) for the relief of George H. Hammond.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to George H. Hammond, of Dekalb County, Ga., for injuries received in the performance of his duties under the postmaster and in the post-office building in the city of Atlanta, Ga., the sum of $5,000.

The following committee amendment was read:

In line 9 strike out the figures "$5,000" and insert "$1,200."

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, I would like to ask the chairman of the Committee on Claims a question in reference to this bill. I notice that there is no report from the Postmaster General on the bill, but on several other bills there are reports from the Postmaster General, in which he reports against the payment of any of these claims for injuries in the Post Office Department on the ground that they are opposed to special legislation, and that it ought to be covered by a general law.

I do not know that I agree with the Postmaster General about that. We passed a general law recently. I do not quite see how we could pass a general law which would relate to cases existing before the law was passed. But what is the policy of the committee in reference to these matters? Has the matter ever been taken up by the Post Office Department outside of the reports they make?

Mr. POU. Not so far as I know. The Committee on Claims has not established any definite policy, but has been hoping that there will be some legislation which will relieve the committee of consideration of these numerous claims.

Mr. MANN. I take it that there is not likely to be legislation by general law in reference to claims already existing. Now, I ask, what will be the policy of Congress?

I had one of these cases, and introduced a bill last summer and asked to have it referred to the Post Office Department. The department reported unfavorably upon it upon the ground that there should be a general law. Since that time we have passed a general law as to cases which would arise after the law was passed, but the law did not apply to cases already existing. I thereupon wrote to the Postmaster General calling his attention to that fact, asking if the department still main-

tained its position that it would not favor any of these claims for personal injuries occurring before the general law was passed, whether it proposed to maintain its position that there ought to be a general law passed covering cases already in existence. Assistant Postmaster General Roper, whom we all know and hold in high esteem, informed me that that was the policy of the department; that the department thought there ought to be no special legislation, and I quit.

Mr. POU. Mr. Speaker, I will say to the gentleman that if the case he refers to is a case where a man was injured and would probably receive a year's pay or two years' pay under existing law, if he sees fit to reintroduce his bill——

Mr. MANN. Oh, I have had a bill pending before the committee for a year. I am not making any complaint about that. What I wanted to do was to get the Post Office Department to make a report upon the case. They will not make any investigation of the case, because they say they are not in favor of bills of that kind.

Mr. POU. As near as I can define any line of policy that the committee has adopted, it might be expressed in this way: We have not allowed the statute of limitations to stand in the way of compensating certain people who were injured before this law went into effect.

If under any given state of facts a man would be entitled to one year's pay or two years' pay under the law as it exists, the committee usually has reported a bill allowing about that amount. In the multiplicity of bills that confront us we have not been able to work out a policy, and I do not think a consistent policy could be easily worked out under the circumstances.

Mr. HOWARD. Mr. Speaker, if the gentleman from Illinois will permit me, I will say this: That before I introduced this bill I went down to the Post Office Department and saw Mr. Roper myself, and at that time I told Mr. Roper of the violent injury that this old man had received. I asked him what effect the introduction of this bill would have upon his status as an employee, whether it was against the policy of the department to allow post-office employees to seek congressional aid for personal injuries, and after I had explained the circumstances of the injury and the extent of it and told him of the long service of this gentleman he not only told me that it would not affect his status so far as he was an employee, but he added that he would be glad to see the bill introduced.

Mr. MANN. Very likely; but I notice there is not a report from the department.

Mr. HOWARD. I do not think the Post Office Department is responsible for that. I think the distinguished chairman of the Committee on Claims would probably state that the committee did not ask the Post Office Department for any report upon this bill.

Mr. MANN. If the committee did not, the reason was because they had a lot of reports from the Post Office Department upon similar bills, saying that it was opposed to their passage, and I have such a letter from Mr. Roper myself, and there are on this calendar here to-night bills with similar reports from the Post Office Department.

Mr. POU. Mr. Speaker, I will say to the gentleman from Georgia that a letter was addressed to the Post Office Department asking what that department had to say about this bill; but before the answer was received, in the haste to get these bills on the calendar, the report was made out, and the letter was not incorporated in the report.

Mr. MANN. Has the gentleman the letter there?

Mr. POU. The Post Office Department reported, as I understand, that they had no information on this subject.

Mr. MANN. Did not the Post Office Department make a report that they thought there ought not to be any special bills passed? I would like to know whether they make flesh of one and fowl of another.

Mr. POU. I would not undertake to quote what was in the letter unless I had the letter before me; but in all of these cases an inquiry was addressed to the department, and it was in this case. Exactly what the reply was I would not undertake to say.

Mr. MANN. I will read the reply later on.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I shall not object to the consideration of the bill, but I shall ask for a division to see whether the Post Office Department has any friends on the floor in the position which they take.

The question was taken, and the committee amendment was agreed to.

The bill as amended was ordered to be read a third time; was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken——

Mr. MANN. Mr. Speaker, I ask for a division.

The House divided, and there were—ayes 51, noes 0.

So the bill was passed.

COLONIAL REALTY CO.

The next business in order on the Private Calendar was the bill (H. R. 13569) providing for the refund to the Colonial Realty Co. certain corporation tax paid in excess.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Colonial Realty Co., of the city of Philadelphia, State of Pennsylvania, the sum of $409.03, being the amount of excess corporation tax paid by said company.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, I notice that the Secretary of the Treasury reports on this bill—

Many claims of this character have been and are being rejected in this office under the provisions of this statute.

That being the case—and I accept, of course, as we all do the statement of the Secretary of the Treasury—why should we single out this particular case for a special bill when the Secretary states that large numbers are rejected just like it?

Mr. POU. Well, I will say to the gentleman from Illinois that the matter was discussed in the committee and a majority of the committee thought it was not good policy for the Government to keep money that did not belong to it simply because of a technicality.

Mr. MANN. Well, if that be the case, then that committee or some other committee ought to report a general law on the subject.

Mr. POU. Well, perhaps that might be true.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

EXTENSION OF REMARKS.

Mr. CARTER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, on what subject?

Mr. CARTER. On the subject of the Mississippi Choctaws, something that has never been discussed in the House.

Mr. MANN. There is some question whether it is proper for the House to do that under the order. I would not make any objection except for that.

Mr. CARTER. I did not know anything about the order.

Mr. MANN. It is a special order only for the consideration of bills on the Private Calendar.

Mr. CARTER. Well, I suppose that would not exclude unanimous consent, if a fellow could get it. [Laughter.]

Mr. MANN. Well, I expect that is true.

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

ESTATE OF THOMAS F. SWAFFORD.

The next business in order on the Private Calendar was the bill (H. R. 2978) for the relief of the estate of Thomas F. Swafford, deceased, late of the State of Louisiana, for carrying United States mail on route No. 8263, in the State of Louisiana, during the period from January 1, 1861, to May 31, 1861.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury of the United States not otherwise appropriated, to the estate or succession of Thomas F. Swafford, deceased, late of the State of Louisiana, the sum of $1,021.43, shown to be due him for services rendered in carrying United States mail on route No. 8263, in the State of Louisiana, during the period from January 1, 1861, to May 31, 1861, as certified by the Treasury Department to be due in a report published as Senate Document No. 92, Fifty-seventh Congress, second session.

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

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

FRANCIS TOMLINSON.

The next business in order on the Private Calendar was the bill (H. R. 3586) granting an honorable discharge to Francis Tomlinson.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and directed to remove from the rolls and records in the office of The Adjutant General of the United States Army the charge of desertion now standing against Francis Tomlinson, late of Troop L,

First Regiment United States Cavalry, and grant him an honorable discharge.

The committee amendment was read, as follows:

Strike out all of the bill except the enacting clause and in lieu thereof insert the following:

"That in the administration of the pension laws Francis Tomlinson, late of Troop L, First Regiment United States Cavalry, shall hereafter be held and considered to have been in the military service of the United States from the 12th day of October, 1861, until December 29, 1865, and honorably discharged from such service on December 29, 1865: *Provided*, That he shall not receive any back pay, pension, or allowances by reason of the passage of this act."

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

The committee amendment was agreed to.

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

The title was amended so as to read: "A bill for the relief of Francis Tomlinson."

CHARLES B. GASKILL.

The next business in order on the Private Calendar was the bill (H. R. 13329) to place the name of Charles B. Gaskill on the unlimited retired list of the Army.

The bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. FOSTER. Mr. Speaker, reserving the right to object——

Mr. MANN. Mr. Speaker, I object.

JAMES GRADY.

The next business in order on the Private Calendar was the bill (H. R. 13470) to remove the charge of desertion from the record of James Grady.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion standing against James Grady, late of Company G, Third Regiment United States Infantry, and grant him an honorable discharge.

The committee amendment was read, as follows:

Strike out all of the bill except the enacting clause and insert in lieu thereof the following:

"That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, James Grady, who served as a private in Company G, Third Regiment United States Infantry, shall be held and considered as having been mustered in as a member of said company on October 8, 1860, and honorably discharged therefrom on October 28, 1864: *Provided*, That no back pay, pension, or other emoluments shall accrue prior to or by reason of the passage of this act."

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

The committee amendment was agreed to.

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

The title was amended to read: "A bill for the relief of James Grady."

LIEUT. COL. JOHN P. FINLEY.

The next business in order on the Private Calendar was the bill (H. R. 14128) granting permission to Lieut. Col. John P. Finley to accept and wear a decoration presented by the Sultan of Turkey.

The bill was read in full.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. I object.

GEORGE H. GRACE.

The next business in order on the Private Calendar was the bill (H. R. 1352) for the relief of George H. Grace.

The bill, with committee amendments, was read in full.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. I object.

CATHERINE GRACE.

The next business in order on the Private Calendar was the bill (H. R. 13761) for the relief of Catherine Grace.

The bill was read in full.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. I object.

MARY MACON HOWARD.

The next business in order on the Private Calendar was the bill (H. R. 7078) for the relief of Mary Macon Howard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Mary Macon Howard, out of funds in the Treasury not otherwise appropriated, the sum of $25,000, as compensation to her for the loss of her husband, John Simpson Howard Howard, who, on the 10th day of February, 1913, while in the discharge of his official duties as a mounted inspector of the United States custom service in Presidio County, Tex., was assassinated by Mexican bandits.

Also, the following committee amendment was read:

In line 6, strike out the figures "$25,000" and insert in lieu thereof the figures "$1,095."

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. The question is on agreeing to the committee amendment.

The amendment was agreed to.

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

NELS A. NELSON.

The next business in order on the Private Calendar was the bill (H. R. 3088) for the relief of Nels A. Nelson.

The bill, with a committee amendment, was read in full.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects, and the Clerk will report the next bill.

ARTHUR BROSE.

The next business in order on the Private Calendar was the bill (H. R. 14931) for the relief of Arthur Brose.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Arthur Brose, of Bemidji, Minn., out of any money in the Treasury not otherwise appropriated, the sum of $1,291.13 on account of injuries received while in the discharge of his duties as mail carrier in the post office at Bemidji, Minn., on the 9th day of July, 1912.

Also the following committee amendment was read:

Line 6, strike out the figures "$1,291.13" and insert the figures "$866.58."

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

The question is on agreeing to the committee amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

Mr. MANN. Mr. Speaker, this bill is another one of the bills for injuries to employees in the Post Office Department, on all fours with the bill of the gentleman from Georgia [Mr. HOWARD]. Evidently the Postmaster General and his First Assistant do not entirely agree, according to the recent interpretation. Under date of April 30, of this year, which is not so very long ago, the Postmaster General states in reference to this bill:

The opinion of the department, as expressed in its letter of January 13, 1913, regarding the consideration of bills such as H. R. 14931, is unchanged, and I do not feel warranted in recommending favorably in the case of Mr. Brose.

The letter of January 13, 1913, to which that reference is made, says:

It is the opinion of the department that favorable consideration should not be given to private bills for the relief of letter carriers injured in the line of duty, but that relief should be afforded to such persons under a fixed provision of law, and to this end it was recommended in the department's annual report for 1911, page 25, that the following be enacted into law:

And they recommend a provision which we have enacted into law, and then, after it is enacted into law, they still state we ought not to give favorable consideration to cases which existed before the general law was passed and to which the general law does not apply.

Mr. HOWARD. Will the gentleman permit a question?

Mr. MANN. Certainly.

Mr. HOWARD. Does not the gentleman think that sort of position of the department is illogical, because we can not pass retroactive law here to cover these cases that occurred prior to the passage of the general law, and this is the only way these people can get relief?

Mr. MANN. Far be it from me to say that an opinion of so distinguished a gentleman as the Postmaster General is nonsensical.

Mr. HOWARD. Will the gentleman allow me to assume the responsibility?

Mr. MANN. The gentleman would be wiser if he did not do it, possibly. However, not having any postmasters at stake, it does not make any difference to me whether I make the statement or not.

Mr. HOWARD. Neither have I.

Mr. MANN. Or maybe the gentleman is not successful; I do not know. I think the position is illogical. I can see no more reason why the Post Office Department employees should not receive consideration than why other employees should not. But the House having expressed its opinion upon this subject a few moments ago, I expect to have it express it on this, so as to cinch the proposition.

Mr. POU. Mr. Speaker, I think there is a misunderstanding as to the position of the Postmaster General. My own view is that the Postmaster General merely wished to emphasize his own opinion that there ought to be a general law covering cases which should occur in the future. I do not understand the Postmaster General to oppose compensating these people who have been injured in the past.

Mr. MANN. What does the gentleman understand by this language:

It is the opinion of the department that favorable consideration should not be given to private bills for the relief of letter carriers injured in line of duty.

That was under date of January 13, 1913. Then, under date of April 30, 1914, the Postmaster General says:

The opinion of the department, as expressed in its letter of January 13, 1913, regarding the consideration of bills such as H. R. 14931, is unchanged, and I do not feel warranted in recommending favorably in the case of Mr. Brose.

That is the case now before the House. If that is not plain English, I have never read it.

Mr. POU. I may be wrong about it, and the gentleman may be right in his view; but in my judgment the Postmaster General intends to express the opinion in a general way that favorable consideration should not be given to private bills for the relief of letter carriers, having in mind the general policy. As I understand it, the view of the Postmaster General is that these cases should be taken care of by general law that would refer to all future cases.

I may be wrong in my construction of the Postmaster General's letter, but, as I understand it, the Postmaster General has expressed himself as being opposed to the policy of dealing with injury cases by special bills. But I do not believe that the Postmaster General intends to oppose the compensating of any of these people who were injured in the past, although a strict construction of his letter might lead to that conclusion.

Mr. MANN. The Postmaster General expressed this opinion after the general provision had been enacted into law. Of course the general law did not refer to all cases, and I do not know of any way of safely passing a general law which covers all cases in the past.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

The SPEAKER pro tempore. The question is, Shall the bill pass?

Mr. MANN. Mr. Speaker, I ask for a division.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] asks for a division.

The House divided; and there were—ayes 32, noes 0.

So the bill was passed.

The SPEAKER pro tempore. The Clerk will report the next bill.

WILLIAM S. EAMES AND THOMAS C. YOUNG.

The next business in order on the Private Calendar was the bill (H. R. 6654) for the relief of William S. Eames and Thomas C. Young.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to William S. Eames and Thomas C. Young, composing the firm of Eames & Young, architects, of St. Louis, Mo., who were architects of the United States, appointed by the Secretary of the Treasury under act of Congress approved February 20, 1893, to draw the plans and specifications for the United States customhouse at San Francisco, Cal., and to supervise the construction of said building, and who rendered the services incident to that employment, the sum of $21,244.86, which sum is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the reimbursement of said William S. Eames and Thomas C. Young for preparing extra plans and specifications for a power plant, and for money paid by them in salaries and office expenses and for personal services during the construction of said building, the same being an extraordinary expense occasioned by the earthquake and fire in San Francisco, Cal., in April, 1906, in that the earthquake and the additional work made necessary by it made necessary a much more protracted employment of said superintendents and office force and greater personal effort than would have been necessary if the work had proceeded to completion under normal conditions and without the intervention of the earthquake.

With the following committee amendments:

Amend, page 2, line 1, by striking out the figures "$21,244.86" and inserting in lieu thereof the figures "$2,544.86."

Amend, page 2, line 4, by inserting after the word "for" the words "actual expenses incurred by them in."

Amend, page 2, lines 6 to 16, inclusive, by striking out the words "and for money paid by them in salaries and office expenses and for personal services during the construction of said building, the same being an extraordinary expense occasioned by the earthquake and fire in San Francisco, Cal., in April, 1906, in that the earthquake and the additional work made necessary by it made necessary a much more protracted employment of said superintendents and office force and greater personal effort than would have been necessary if the work had proceeded to completion under normal conditions and without the intervention of the earthquake," and inserting in lieu thereof the words "for said building."

The SPEAKER pro tempore. Is there objection?

Mr. CULLOP. I will reserve the right to object. I would like to ask the chairman of the committee to explain how this bill was incurred against the Government. What right have these claimants to claim a payment here?

Mr. POU. I have no information about the matter except that contained in the letter of Assistant Secretary Newton.

Mr. MANN. Will the gentleman from Indiana allow me to ask the gentleman from North Carolina one question?

Mr. CULLOP. Certainly.

Mr. MANN. The committee having recommended an amendment lowering the amount from $21,244.86 to $2,544.86, would the committee now be willing further to amend that and make it $1,005?

Mr. POU. I would like to confer with the gentleman who introduced the bill.

Mr. MANN. I shall object unless that amendment is made.

Mr. CULLOP. I want to call attention to this one paragraph——

Mr. HOWARD. I want to state to the gentleman that, knowing something about the charging proclivities of the firm of Eames & Young, especially as applicable to the Atlanta penitentiary, I expect to object to this bill, and that will put an end to the discussion.

Mr. CULLOP. I reserved that right, and I am going to let them charge on. I object now, so that this can not go any further here.

The SPEAKER pro tempore. The gentleman from Indiana objects. The Clerk will report the next bill.

DAVIS SMITH.

The next business in order on the Private Calendar was the bill (H. R. 16205) for the relief of Davis Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to issue a patent to Davis Smith, of Wewela, Tripp County, S. Dak., for the northeast quarter of section No. 10 in township 95 north of range 76 west of the fifth principal meridian, South Dakota, regardless of the fact that said Davis Smith had commuted a former entry under the provisions of an act entitled "An act relating to the public lands of the United States," approved June 15, 1880 (21 Stats., 237): *Provided*, That said Davis Smith make satisfactory proof of his compliance with the homestead law and pay the price per acre provided in the law under which he made homestead entry for the land described herein.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

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

WILLIAM A. WALLACE.

The next business in order on the Private Calendar was the bill (H. R. 12229) for the relief of William A. Wallace.

The bill was read, as follows:

Be it enacted, etc., That in the administration of the pension laws William A. Wallace shall be hereafter held and considered to have been mustered into the service of the United States as a private in Company E, Thirteenth Regiment New York Volunteer Militia, on April 23, 1861: *Provided*, That no pension shall accrue prior to the passage of this act.

With the following committee amendment:

Strike out the above language and insert the following:

"That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers William A. Wallace, who was a private in Company E, Thirteenth Regiment New York Volunteer Militia, shall hereafter be held and considered to have been mustered into service of the United States as a private of said company and regiment on the 23d day of April, 1861."

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

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

The SPEAKER pro tempore. If there be no objection, the title will be amended as recommended by the committee.

Mr. MANN. Mr. Speaker, I object. The committee have proposed to amend the title so as to read "A bill for the relief of the widow of William A. Wallace." The widow is not pensioned anywhere in the bill; and while possibly Mr. Wallace may have gone beyond and there may be a widow, the title of the bill should remain as it is.

The SPEAKER pro tempore. The gentleman from Illinois objects. The title will remain as it is.

Mr. KAHN. The purpose of the bill is to give the widow a pensionable status.

The SPEAKER pro tempore. The Clerk will report the next bill.

ANNA MILLER.

The next business in order on the Private Calendar was the bill (H. R. 15557) for the relief of Anna Miller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Anna Miller, of Glencoe, Wyo., the sum of $130, as full reimbursement for sums paid by her for carrying the United States mail between the railroad station and the post office at Glencoe, Wyo., from December 20, 1907, to January 6, 1908.

With the following committee amendments:

In line 6 strike out the figures "$130" and insert in lieu thereof the figures "$116."

In line 10 strike out the word "seven" and insert in lieu thereof the word "six."

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The committee amendments were agreed to.

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

FRANK P. SAMMONS.

The next business in order on the Private Calendar was the bill (H. R. 16578) for the relief of Frank P. Sammons.

The bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects. The Clerk will report the next bill.

WILLIAM E. CAMPBELL.

The next business in order on the Private Calendar was the bill (H. R. 11062) for the relief of William E. Campbell.

The bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER pro tempore. The gentleman from Illinois objects. The Clerk will report the next bill.

GEORGE W. SOULE.

The next business in order on the Private Calendar was the bill (H. R. 10693) for the relief of the legal representatives of George W. Soule.

The Clerk read the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

MARY CORNICK.

The next business in order on the Private Calendar was the bill (H. R. 10460) for the relief of Mary Cornick.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay Mary Cornick, widow of Peter Cornick, out of any money in the Treasury not otherwise appropriated, the sum of $5,000, said Peter Cornick having been killed on the 2d day of December, A. D. 1901, while employed in the steam-engineering department at the navy yard at Norfolk, Va., through no negligence on his part, in the line of his duty.

The following committee amendments were read:

In line 6, strike out the figures "$5,000" and insert in lieu thereof the figures "$642.40."

In line 11, after the word "duty," strike out the period and insert a semicolon, and add the following:

"*Provided*, That no agent, attorney, firm of attorneys, or any persons engaged heretofore or hereafter in preparing, presenting, or prosecuting this claim shall directly or indirectly receive or retain for such service in preparing, presenting, or prosecuting such claim, or for any act whatsoever in connection with this claim, any fee or compensation whatsoever."

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The committee amendments were agreed to.

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

CLARENCE L. GEORGE.

The next business in order on the Private Calendar was the bill (H. R. 14679) for the relief of Clarence L. George.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to Clarence L. George, late a first-class private, Company H, of the Signal Corps of the Army, the sum of $379.20.

The following committee amendments were read:

In line 3, after the word "hereby," add the words "authorized and."

In line 4, after the word "pay," add the words "out of any money in the Treasury not otherwise appropriated."

In line 6, strike out the figures "$379.20" and insert in lieu thereof the figures "$296.03."

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The committee amendments were agreed to.

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

GEORGE W. TRAHEY.

The next business in order on the Private Calendar was the bill (H. R. 8554) for the relief of George W. Trahey.

The Clerk read the bill, as follows:

Be it enacted, etc., That there be paid to George W. Trahey, of Bremerton, Wash., out of any money in the Treasury not otherwise appropriated, the sum of $10,000 for damages suffered by him on account of an injury received by him while performing his duties as master shipwright at the navy yard, Puget Sound, on May 8, 1912, said injury resulting from gunshot wounds inflicted upon him by one John N. Haley, an employee of said yard, who at the time of such shooting was insane.

The following committee amendment was read:

In line 5 strike out the figures "$10,000," and insert in lieu thereof the figures "$762."

The SPEAKER pro tempore. Is there objection?

Mr. FOSTER. Reserving the right to object, Mr. Speaker, I would like to have a little explanation of the bill. Is the gentleman from Washington [Mr. HUMPHREY] here?

Mr. MANN. He is not here, and I suppose that is all the gentleman wants to know?

Mr. FOSTER. I noticed that it was his bill, and I wondered if he could not explain the bill to us.

Mr. POU. I will say to my friend from Illinois that this man was shot by a man who afterwards turned out to be insane. The fact that the insane man was acting in a peculiar way had been called to the attention of the superior officers of this man Trahey, and the committee thought that a crazy man ought to have been shut up. He shot not only this man, but, I think, one or two others. I think he killed one man.

Mr. FOSTER. This man Haley was regularly employed by the Government at the time?

Mr. POU. He was.

Mr. FOSTER. Were the other men that he shot employees of the Government?

Mr. POU. I think there were two that were injured, and I think that both were employed by the Government.

The SPEAKER pro tempore. Is there objection?

Mr. DIFENDERFER. I object.

Mr. BRYAN. Mr. Speaker, I can state the facts about this case if the gentleman from Pennsylvania would like to know them.

Mr. DIFENDERFER. Mr. Speaker, I will withhold my objection.

Mr. BRYAN. I have been asked by the gentleman from Pennsylvania [Mr. DIFENDERFER] if I know about the facts of the case, and I do not want an objection made on account of my failing to state the facts. The report sets forth the truth about the matter. I was on my way to my office in the town of Bremerton at the hour this accident occurred on the morning of May 8, 1912. This man Haley, who later turned out to be an insane man, walked into the yard just after the 8-o'clock whistle blew, and approaching from behind this man, George W. Trahey, who was one of the yard bosses, fired two shots into his shoulder and neck, and when Trahey fell he got over him and fired another shot. It was an awful, cruel, and heartless crime. Great sympathy was accorded to Trahey and his family. He was taken to the hospital. One of the bullets is still in him. After a very hard struggle for life he recovered and went back to work. There is no doubt that he suffered very much and went through a terrible ordeal, and if he is to be compensated, this is a very small compensation. He is not a man of means, and no doubt the sum would be a great help to him and his family.

Mr. POU. The amount recommended by the committee represents exactly the amount of his pay for lost time.

Mr. BRYAN. This is a case that for many special reasons belongs to my colleague, Mr. HUMPHREY, to take care of. He is not here to-night. It is now nearly 10 o'clock. I am not responsible for it, but I have no objection to the bill. I know all the facts at first hand, and will gladly answer any questions.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. DIFENDERFER. Mr. Speaker, I object.

DANIEL J. RYAN.

The next business in order on the Private Calendar was the bill (H. R. 4001) for the relief of Daniel J. Ryan.

The Clerk read the bill, as follows:

Be it enacted, etc., That Daniel J. Ryan be, and he hereby is, relieved from any penalty, forfeiture, or claim for liquidated damages under his certain contract with the United States of America, dated on or

about the 13th day of July, 1908, for the erection and completion of an ordnance barracks at the Sandy Hook Proving Grounds, N. J.

SEC. 2. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to the said Daniel J. Ryan the sum of $1,504.78, the full amount due him under said contract without deduction of any penalty, forfeiture, or claim for liquidated damages or otherwise.

The Clerk read the following committee amendments:

On page 1, line 13, strike out the figures "$1,504.78" and insert in lieu thereof the figures "$770."

On page 2, lines 1 and 2, strike out the words "without deduction of any penalty, forfeiture, or claim."

In line 3, page 2, strike out the words "or otherwise."

On page 2, in line 1, after the word "contract," strike out the comma and insert a period.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The question is on the committee amendments.

Mr. MANN. Mr. Speaker, I would like to have the last committee amendment submitted separately.

The SPEAKER pro tempore. The question is on the first two committee amendments.

The question was taken, and the amendments were agreed to.

Mr. MANN. Mr. Speaker, I wish now to be heard on the last committee amendment. I will direct the attention of the gentleman from North Carolina to the form of the bill as proposed to be amended. It reads:

The sum of $770, the full amount due him under said contract for liquidated damages.

The concluding words of the bill as originally introduced, "or otherwise," are stricken out. I think that ought to be changed so that the bill as amended will read:

Seven hundred and seventy dollars in full for the amount due him under such contract for liquidated damages or otherwise.

He has been paid everything except this amount, and we want it in full.

Mr. POU. Mr. Speaker, I have no objection to the amendment, and I think it ought to be agreed to.

The SPEAKER pro tempore. The question is on the amendment of the gentleman from Illinois, which the Clerk will report.

Mr. MANN. Mr. Speaker, I suggest that we first vote down the committee amendment.

The SPEAKER pro tempore. The question is on the last committee amendment.

The question was taken, and the committee amendment was rejected.

Mr. MANN. Mr. Speaker, I move to strike out the word "full," in line 2, page 2, and insert, after the figures "$770," the words "in full for," so that it will read "in full for the amount due him," and so forth.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 2, after the figures "$770," insert the words "in full for."

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

The amendment was agreed to.

Mr. MANN. Mr. Speaker, I now move to strike out the word "full" before the word "amount."

The Clerk read as follows:

Page 2, line 2, strike out the word "full" before the word "amount."

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

The amendment was agreed to.

Mr. MANN. Mr. Speaker, I desire now to have stricken out the word "an," in line 7, page 1; and in making the motion, I will ask some of the military gentlemen who are present if it is proper to say "an ordnance barracks." Would it not be just "ordnance barracks"?

Mr. KAHN. "An" would refer to one set of barracks.

Mr. MANN. Mr. Speaker, I move to strike out the word "an."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 7, strike out the word "an" at the end of the line.

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

The amendment was agreed to.

The SPEAKER pro tempore. The question now is on the engrossment and third reading of the bill as amended.

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

LOTTIE RAPP.

The next business in order on the Private Calendar was the bill (H. R. 3430) for the relief of Lottie Rapp.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of $5,000 be, and the same is hereby, appropriated for the relief of Lottie Rapp, because of the death of her husband, August R. Rapp, on the 1st day of October, A. D. 1910, caused by injuries received by him on September 30, 1910, while employed by the United States Government at Battle Mountain Sanitarium, South Dakota, while operating an electric bread mixer, in which he was caught and crushed.

With the following committee amendments:

Page 1, line 3, strike out the figures "$5,000" and insert in lieu thereof the figures "$720."

Page 1, line 11, after the word "crushed," insert:

"*Provided*, That no agent, attorney, firm of attorneys, or any persons engaged heretofore or hereafter in preparing, presenting, or prosecuting this claim shall directly or indirectly receive or retain for such service in preparing, presenting, or prosecuting such claim, or for any act whatsoever in connection with this claim, any fee or compensation whatsoever."

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

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

HEIRS OF BENJAMIN S. ROBERTS.

The next business in order on the Private Calendar was the bill (H. R. 16524) for the relief of the heirs of Benjamin S. Roberts.

Mr. POU. Mr. Speaker, I ask unanimous consent that the resolution which the committee agreed upon, referring this matter to the Court of Claims, be considered in lieu of the bill.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent that the resolution referred to be considered in lieu of the bill. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, the gentleman from North Carolina is watchful, as usual, and catches one of a number of errors which have been made in bills on this calendar. Here is a bill appropriating $100,000. It never has been reported to the House favorably, and yet we have copies of a bill in our hands on the floor, and the Clerk has a copy printed June 9, 1914, "Committed to the Committee of the Whole House and ordered to be printed," as though it had been reported favorably. It never was reported favorably, and if the gentleman from North Carolina had not been watching, or if some one else had not been watching, the bill might have been passed through here appropriating $100,000. There are a half dozen such bills on the calendar. I shall object to the consideration of the bill.

The SPEAKER pro tempore. The gentleman from Illinois objects, and the Clerk will report the next bill.

JOE T. WHITE.

The next business in order on the Private Calendar was the bill (H. R. 11199) for the relief of Joe T. White.

The Clerk read the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

R. U. DELAPENHA & CO.

The next business in order on the Private Calendar was the bill (H. R. 13161) providing for the refund of certain additional duties collected on pineapples.

The bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

D. DALE CONDIT.

The next business in order on the Private Calendar was the bill (H. R. 11719) to reimburse D. Dale Condit, of the United States Geological Survey, of Washington, D. C., for moneys expended in the payment of a damage claim.

The bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

MYRON A. BROWNLEE.

The next business in order on the Private Calendar was the bill (H. R. 7639) for the relief of Myron A. Brownlee.

Mr. POU. Mr. Speaker, I ask unanimous consent that the resolution reported by the committee referring this matter to the Court of Claims be considered instead of the bill.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent that the resolution be considered in lieu of the bill. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, no such bill has been reported to the House and the bill could not be considered. Although the bill shows on its face that it has been reported to the House, it never has been reported to the House, and the report so shows.

Now, I do not object to considering the resolution if the gentleman desires to do that, but not in lieu of the bill as though the bill had any standing, because it has none.

Mr. POU. It is for that reason I asked unanimous consent to have the resolution take the place of the bill, which is erroneously on the calendar.

Mr. MANN. If the gentleman wants to have the resolution considered, very well; but not in place of the bill, because the bill has no standing whatever.

Mr. POU. The Committee on Claims has never reported the bill favorably. It is simply by error on the calendar. I do not know how it got there.

Mr. MANN. I can explain to the gentleman how it happened. The error came from the supposition of the clerk of the committee that the printing clerk up here reads the reports and extracts from the reports the recommendations that the committee has made. That is not the duty of the printing clerk at all. It is the duty of the clerk of the committee, or whoever presents these reports, to present the resolution in connection with them in addition to the report, so that the printing clerk reports the resolution as having been introduced and favorably reported to the House. That is the only way it can be done. Merely filing a report with this bill and recommending the passage of the resolution is not a sufficient report, and it is unfair to endeavor to put upon the employees of the House the labor of going through the reports and extracting information from the reports.

Mr. POU. I think it is only just to the clerk of the Committee on Claims to say that he did the exact thing the gentleman has stated; he took this resolution and himself went to the Printing Office, as I understand it.

Mr. MANN. Well, he does not make a proper report. I hold the report in my hand.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent for the consideration of the resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 563.

Resolved, That the bill (H. R. 7639) for the relief of Myron A. Brownlee, with the accompanying papers, be, and the same is hereby, referred to the Court of Claims for the finding of facts and conclusions of law.

The SPEAKER pro tempore. The question is on the passage of the resolution.

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

WILLIAM E. HORTON.

The next business in order on the Private Calendar was the bill (H. R. 3954) for the relief of William E. Horton.

Mr. POU. Mr. Speaker, before the next bill in order, Calendar No. 291, be taken up, I ask unanimous consent that the resolution reported by the committee be considered in place of the bill, which is erroneously on the calendar.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent that the resolution be considered in connection with Calendar No. 291 in place of H. R. 3954, which is erroneously on the calendar.

Mr. MANN. Mr. Speaker, will the gentleman ask unanimous consent for the reading of the resolution with the right to object——

Mr. POU. I will do that.

The SPEAKER pro tempore. Does the gentleman from North Carolina amend his request?

Mr. POU. I do.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent that the resolution be read for consideration. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Resolved, That the bill (H. R. 3954) for the relief of William E. Horton, with the accompanying papers, be, and the same is hereby, referred to the Court of Claims for the finding of facts and conclusions of law.

The SPEAKER pro tempore. Is there objection to the consideration of the resolution?

Mr. MANN. Reserving the right to object, here is a bill to pay a man $100 for a horse which was lost in the Army during the War with Spain. Now, it really does not occur to me that he will make anything if he gets the resolution through. It will cost him more than $100 to prosecute his claim in the Court of Claims and get his proof. What is the object in referring a bill of that kind to the Court of Claims? It seems to me that the War Department or somebody ought to be able to furnish the information without sending a man to court on a hundred-dollar claim against the Government.

Mr. STEPHENS of Mississippi. I will say, if the gentleman will permit an interruption, that this was sent to the Court of Claims at the request of the gentleman from Kentucky [Mr. SHERLEY], who is a good lawyer and a Member of experience here. He made that request. I think the gentleman from Illinois is right in saying that the expense will be heavy, but we are following the request of the gentleman from Kentucky.

Mr. MANN. I do not think it ought to be done. I have no doubt that in a case of that sort it is not a difficult matter to make proof which would satisfy the committee without requiring a man to go and hire a lawyer and submit his proof and then take his testimony to the Court of Claims on a hundred-dollar claim. I can not say that the right would be an asset; I think the right to go to the Court of Claims on a claim like this would be a liability instead of an asset.

Mr. STEPHENS of Mississippi. I think the gentleman is correct.

Mr. MANN. I am going to object, because I think the committee can take care of it at some other time in some other way.

GUY C. PIERCE.

The next business in order on the Private Calendar was the bill (H. R. 14699) to carry out the findings of the Court of Claims in the case of Guy C. Pierce.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Guy C. Pierce, of Kilbourn, in the State of Wisconsin, the sum of $511.55, in accordance with the findings of the Court of Claims reported in Senate Document No. 269, Sixty-third Congress, second session, said sum to be accepted and receipted for in full of said claim against the Government.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. Reserving the right to object, here is a bill that says it is to pay money out of the Treasury "in accordance with the findings of the Court of Claims, reported in Senate Document No. 269, Sixty-third Congress, second session." That document refers to this claim, and winds up with this "conclusion":

Upon the foregoing findings of fact the court concludes, on the authority of the case of Sweet *v.* United States, that the claim herein is neither a legal nor an equitable one against the United States, they having received no benefit therefrom, and any payment thereof rests in the bounty of Congress.

I think there have been recently hundreds of findings just like this upon cases similar to it which relate to travel pay, I believe, where the court has found that there is no claim against the Government; that the Government has received no benefit; and then the bill is reported favorably in here.

Mr. COX. Have any of them been enacted into law?

Mr. MANN. Not yet; but if this goes through it will form a precedent for all the others.

Mr. COX. I think the gentleman ought to object to it, then.

Mr. CULLOP. The finding of the Court of Claims, as I understand it from the reading, is that the Government does not owe anything.

Mr. MANN. That is right. It says it does not owe anything, either legally or equitably.

Mr. CULLOP. Then there is no reason why it should be passed here and made a gratuity, I should think.

Mr. MANN. I agree with the gentleman. Still, I thought the gentleman from Wisconsin [Mr. BURKE] would throw some light on it.

Mr. BURKE of Wisconsin. Will the gentleman from Illinois permit me a minute?

Mr. MANN. Certainly.

Mr. BURKE of Wisconsin. It appears from the findings of fact that Maj. Pierce resigned from the Army about the 6th of October, 1865, after having requested through military channels that he be discharged. He went home before his resignation was accepted, and thereafter, on the 17th of March, 1866, he was by the order of the commanding officer dropped from the service for desertion; but on the 30th of July of that year that order was modified so as to give him an honorable discharge. It appears that he went home from where his regiment was stationed, down on the Rio Grande, in Texas, to Kilbourn, Wis.—the number of miles being given—and he received no travel pay or travel subsistence at that time nor at any other time. When the order was modified and he was placed in the

position of being honorably discharged, I take it that he then became entitled to receive from the Government his back travel pay and subsistence which the Government would have had to pay if his resignation had been accepted at the time he resigned. But the subsequent order of July 30, 1866, ratified, or was an acceptance of, the resignation nunc pro tunc—now as of then. So that left him in the position of one whose resignation had been accepted before he left the Army, and he would be under such circumstances, under the law in such cases, entitled to travel pay and travel subsistence.

Now, I myself was struck by the peculiar language of the Court of Claims, wherein it says:

The claim herein is neither a legal nor an equitable one against the United States.

I can easily understand it is not a legal claim, simply because the statute of limitations has run against it, but I can not myself explain why the word "equitable" is used there. By virtue of the modified order he was placed in the position of one who was honorably discharged, and as such was entitled to his travel pay and travel subsistence. I notice that this language is quite similar to that in many similar bills that have heretofore, if I am not greatly mistaken, been allowed by this House.

Mr. MANN. I think the gentleman is greatly mistaken.

Mr. BURKE of Wisconsin. I may be. I do not venture to say otherwise.

Mr. MANN. A great number of these claims have recently been reported upon by the Court of Claims with this finding in cases affecting travel pay. In this case the court finds that this man's discharge was for his own convenience, and the Government was not liable for the travel pay. There are hundreds of these cases. I look over great numbers of them every few days coming from the Court of Claims in which this same finding is made in cases similar to this. You can not allow one without allowing all the others. Now, when we refer a case to the Court of Claims and they find that there is neither a legal nor an equitable claim it seems to me that that ought to be enough.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] objects. The Clerk will report the next one.

DAMAGE TO ROADS, CAMP MEADE, PA.

The next business in order on the Private Calendar was the bill (H. R. 13338) authorizing payments for damage to township roads by the United States troops while camped at Camp Meade during the War with Spain.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the supervisors of Lower Swatara Township, Dauphin County, Pa., the sum of $1,100 for damage to township roads by United States troops while encamped at Camp Meade during the War with Spain.

The SPEAKER pro tempore. Is there objection?

Mr. FOSTER. Reserving the right to object, Mr. Speaker, I would like to know whether this community asked for this camp in the Spanish-American War. Did this community ask for the location of these headquarters there during the Spanish-American War?

Mr. KREIDER. Did the community ask for it?

Mr. FOSTER. Did the community ask for the location of the camp at that place?

Mr. KREIDER. No. The Government rented the farm of Mr. Young and went there without invitation from anybody.

Mr. FOSTER. They rented a farm?

Mr. KREIDER. Yes; they rented the farm.

Mr. FOSTER. What kind of roads are they?

Mr. KREIDER. They are ordinary dirt roads. Those that were damaged largely were dirt roads, extending about 7 miles.

Mr. CULLOP. How were they damaged?

Mr. KREIDER. They were torn up by the heavy hauling by the Government teams, and so forth; heavy artillery moving over the roads.

Mr. CULLOP. Now, they had rented a farm, were occupying it, and had all the privileges and rights of the road, the same as any other citizen that was living there, in order to get to the farm and get away from it. Now, upon what hypothesis can the gentleman claim any liability for injury to the roads under those circumstances?

Mr. KREIDER. It was simply because these roads were not made or prepared by the townships in the county for such use as the Government put them to.

Mr. CULLOP. They were public roads, were they not?

Mr. KREIDER. Yes, sir.

Mr. CULLOP. The public road was meant for any public use. Any person anywhere had the right to use the road, and if there was much hauling or use of it, that was one of the burdens that the public had to bear. One man may use a road a great deal more than another man and yet pay no more tax than the man who used the road but little. Yet that does not create any liability against the man who uses the road much.

Mr. KREIDER. That is probably true; but this was such an extraordinary circumstance, that the entire Second Army Corps of the United States Army should be located at that particular place; and if you will read the report of the Chief Quartermaster, Guy Howard, you will notice that he says in the closing paragraph:

This claim is considered just and reasonable, and I recommend its speedy adjustment.

Now, the only reason why the War Department or the Quartermaster's Department did not pay the claim is because they have no money especially appropriated for this purpose.

Mr. CULLOP. But I will say to the gentleman from Pennsylvania that every year Congress makes an appropriation for the support of the Army, to pay its obligations, to pay any liabilities that may be incurred by it, and yet in 16 years no such item as this was carried in any Army appropriation bill. Now, why should it come in here?

Mr. MANN. If the gentleman from Indiana will yield, or permit, I will say that the Army can not pay for damages anywhere. I think we have appropriated for every encampment that has been held for special damages.

Mr. CULLOP. For encampments?

Mr. MANN. Yes; and in this case the quartermaster of the Second Corps himself recommended at once to the Quartermaster General that this claim ought to be paid. It was their own suggestion, because through the heavy teaming they had ruined the road.

Mr. CULLOP. Yes; but the gentleman from Illinois well knows that there was a road dedicated to the public——

Mr. MANN. Oh, there is no question about any legal liability. There is no legal liability.

Mr. CULLOP. If anybody violated the statute governing the use of the roads, it was the duty of the Commonwealth of Pennsylvania to invoke that statute. Now, the Government is a part of the public. The Army had a right to go over the road.

Mr. MANN. There was no violation of the statute. Of course, the Army had a right to use the road; there is no doubt about that.

Mr. CULLOP. Now, because the teaming was made more laborious, or there was a greater service than usual or than was expected, damages are claimed. But the road was created for every reasonable and necessary service that the public might use it for.

Mr. BURNETT. May I suggest to the gentleman, was not that an extraordinary use of this road, in a manner never contemplated by those who constructed the road, and would not an equitable claim arise from that?

Mr. CULLOP. I will say to the gentleman from Alabama that I do not think so. I think when the road was dedicated to the public use it was dedicated for such purposes as the public or the Government might see fit to use it for.

Mr. BURNETT. Ordinarily, but not extraordinarily.

Mr. CULLOP. They had to take into consideration the fact that armies might move, that heavy service might be required.

Mr. MANN. If the gentleman from Indiana will permit, I think the gentleman is entirely right about the legal use of the road; but here was a case where the Army used the road and ruined it, and themselves proposed that they appropriate the amount carried here—$1,100—which would not put the road back in entire repair. Now, of course, there is no question about the right to use the road, and there is no legal liability.

Mr. CULLOP. I can not see, Mr. Speaker, how you could ruin a common dirt road. That seems to me to be out of the question.

Mr. MANN. I have seen many of them ruined, and where people paid for them, too.

Mr. CULLOP. Yes; but these roads were fixed for that purpose. They expected heavy hauling on them, or had a right to expect it, and this road was dedicated to the public.

Mr. MANN. They expected farmers' wagons would use the road.

Mr. METZ. What stand does the gentleman take as to assessable improvements alongside of Government property, where the Government gets the benefit of the improvement and will not pay the assessment?

Mr. CULLOP. In what respect?

Mr. METZ. There is a case of that kind at Fort Hamilton. The city of New York has assessment claims against the Government and can not collect them. Who shall pay these assessments? Are the neighbors around there expected to pay for the improvements? They have paid their own assessments. Why should not the Government pay its share? It gets the benefit.

Mr. CULLOP. That is not a parallel case.

Mr. METZ. Absolutely. The people paid for that road.

Mr. CULLOP. I differ with the gentleman on that proposition. Here was a road dedicated to the public use. The Government had a right to use it. It was the duty of the people there to take into consideration the fact that perhaps the armed forces of the Government might travel over it. It was in existence. Now, because the Government moved its troops up there into that locality, that brought a great deal of trade there. There is no doubt about that. They bought supplies.

Mr. METZ. Does not the Government make contracts for its supplies outside?

Mr. CULLOP. Yes. But I beg the gentleman's pardon; I mean to say that the men in the Army spend money.

Mr. METZ. In the saloons, possibly, in the neighborhood.

Mr. CULLOP. Oh, no; they spend it otherwise.

Mr. METZ. Not that I am aware.

Mr. CULLOP. Well, they do, and usually it is a very desirable thing to have an Army post near a town. I notice that every city that has an Army post makes a great fight in Congress to have it retained because of the profits which come from the presence of the soldiers.

Mr. FOSTER. Mr. Speaker, I shall have to object to the consideration of the bill.

Mr. KREIDER. Will the gentleman reserve his objection for a moment?

Mr. FOSTER. I think we ought to go ahead.

Mr. KREIDER. Just a moment.

Mr. FOSTER. Certainly.

Mr. KREIDER. Mr. Speaker, I want to say to the gentleman that I believe he fails to understand the situation. This is a farming community, and our roads in the State of Pennsylvania are built and maintained by local communities, or townships. This local community had no voice in the Government bringing the troops to that particular point, and yet when they came there they did this manifest damage. I believe there can be no question in the mind of anyone that the damage was done. It is certified to by half a dozen reputable men, and the quartermaster admits the damage and recommends an adjustment, and payment. It would certainly be unjust to ask this local community to bear this expense that has come upon them. They were absolutely helpless and had no voice in the matter at all. I hope the gentleman from Illinois will withdraw his objection. If I did not believe it was a just claim I certainly would not have introduced the bill.

Mr. FOSTER. I think the Government ought to have some rights in the matter of travel over the road. I do not doubt that the roads were damaged to some extent, but this is not an individual who suffers all the damage alone. Every community ought to bear its just burden in such matters. I think in this case where the township has suffered some damage they ought not to come to the Federal Government with a small claim of this kind, and I object.

T. A. ROSEBERRY.

The next business in order on the Private Calendar was the bill (H. R. 1528) for the relief of T. A. Roseberry.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed, upon payment to the Government of the United States the full sum of $1.25 per acre having first been made, to issue patent to T. A. Roseberry and his heirs for the land embraced in his timber-claim entry No. 147, being the west half of the northeast quarter, and the northeast quarter of the northwest quarter, section 20, township 39 north, range 9 east, Mount Diablo base and meridian, in the Susanville land district, in Modoc County, Cal.

The SPEAKER pro tempore. Is there objection?

There was no objection.

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

DAVID L. BRAINARD.

The next business in order on the Private Calendar was the bill (H. R. 15705) providing for the retirement of Col. David L. Brainard, Quartermaster Corps, United States Army.

The Clerk read the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

GEORGE M. VAN LEUVEN.

The next business in order on the Private Calendar was the bill (H. R. 10765) granting a patent to George N. Van Leuven for the northeast quarter of section 18, township 17 north, range 19 east, Black Hills meridian, South Dakota.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be authorized and directed to issue to George N. Van Leuven patent for the northeast quarter of section 18, township 17 north, range 19 east, Black Hills meridian, South Dakota, notwithstanding that his homestead entry therefor was invalid upon the ground that he had exhausted his homestead right through purchase of 160 acres of land under the provisions of section 2 of the act of June 15, 1880 (21st vol. Stat. L., p. 237): *Provided*, That he shall first have shown compliance with the provisions of the homestead law and shall have made the required payments.

The following committee amendments were read:

First. Amend by inserting in the caption and in line 4, page 1, the initial "M" instead of "N."

Second. Add the proviso: "*Provided further*, That there exists no valid adverse claim for said tract."

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The committee amendments were agreed to.

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

The title was amended.

WILLIAM L. WALLIS.

The next business in order on the Private Calendar was the bill (H. R. 17045) for the relief of William L. Wallis.

The Clerk read the bill, as follows:

Be it enacted etc., That the Secretary of the Interior is hereby authorized to issue a patent to William L. Wallis, of Ardmore, Fall River County, S. Dak., for the west one-half of the southeast quarter and the east one-half of the southwest quarter of section numbered 35, in township 11 south, of range 2 east, of the Black Hills meridian, South Dakota, regardless of the fact that said William L. Wallis had commuted a former entry under the provisions of an act entitled "An act relating to the public lands of the United States," approved June 15, 1880 (21 Stat., p. 237): *Provided*, That said William L. Wallis make satisfactory proof of his compliance with the homestead law and pay the price per acre provided in the law under which he made homestead entry for the land described herein.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

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

MAY STANLEY.

The next business in order on the Private Calendar was the bill (S. 1644) for the relief of May Stanley, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, the sum of $5,000 to May Stanley, widow of Will H. Stanley, late superintendent of the Soboba 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 Selso Serrano, Indian policeman, $500, or so much thereof as may be necessary.

The following committee amendments were read:

First. Amend the title by striking out "and for other purposes."

Second. In line 5 strike out the figures "$5,000" and insert in lieu thereof the figures "$2,000."

Third. In line 8, after the word "duty," strike out the semicolon and place a period; after the period strike out all of said bill down to and including line 13.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The question is on the committee amendments.

The question was taken; and on a division (demanded by Mr. MANN) there were 30 ayes and 1 no.

So the committee amendments were agreed to.

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

DAVID MOWEN.

The next business in order on the Private Calendar was the bill (H. R. 15414) for the relief of David Mowen.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers David Mowen, who was a private in Company C, One hundred and second Regiment Pennsylvania Volunteer Infantry, shall hereafter be held and considered to have been mustered into the military service of the United States as a private of said company and regiment on the 18th day of March, 1865.

The SPEAKER pro tempore. Is there objection?

There was no objection.

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

ERNEST C. STAHL.

The next business in order on the Private Calendar was the bill (S. 3488) for the relief of Ernest C. Stahl.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the laws relating to pensions and to the National Home for Disabled Volunteer Soldiers, or any branch thereof, Ernest C. Stahl shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a lieutenant serving in the Colored Infantry of the United States at Alexandria, Va., on the 12th day of January, 1866: *Provided*, That no back pay, bounty, or pension shall become due or available by virtue of the passage of this act.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

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

REFERRING CERTAIN CLAIMS TO COURT OF CLAIMS.

The next business in order on the Private Calendar was House resolution 532, referring certain claims to the Court of Claims for finding of facts and conclusions of law under section 151 of the act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary."

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, this would probably take some little time. The Committee on War Claims, I think, will soon get a day in the House. It has another resolution of the same sort.

Mr. UNDERWOOD. Mr. Speaker, I will say in reference to this resolution that it is merely to refer these matters to the Court of Claims. It is a very harmless resolution.

Mr. MANN. I will say to the gentleman that there are some of these claims for destruction of property by military forces which we have not referred. One of them is for a claim something over 100 years old, I believe, which I think it is not necessary to refer to the Court of Claims. The Committee on War Claims has another resolution that covers a larger number of cases than this does, which is on the calendar, and they get the next Friday that is set apart for consideration of bills on the Private Calendar. Undoubtedly we will reach that before long, and we can then take up the war-claims resolution, and I think nobody has any objection to the passage of the resolution with a few amendments. There is no rush about this at the present time, and I object.

GEORGE W. CRAFT.

The next business in order on the Private Calendar was the bill (H. R. 17103) for the relief of the heirs of George W. Craft.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, the report in this case seems to give no information. Does anybody know anything about it?

The SPEAKER pro tempore. Is there objection?

Mr. CULLOP. Mr. Speaker, I object.

GRAND LODGE OF MASONS, ARKANSAS.

The next business in order on the Private Calendar was the bill (S. 3863) granting lands to the Grand Lodge, Ancient Free and Accepted Masons, grand jurisdiction of Arkansas.

The Clerk read the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

F. W. THEODORE SCHROETER.

The next business in order on the Private Calendar was the bill (H. R. 9701) for the relief of F. W. Theodore Schroeter.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to F. W. Theodore Schroeter, out of any funds in the Treasury not otherwise appropriated, the sum of $1,397.66, to compensate him for injuries received while in the employ of the Government of the United States on the Panama Canal September 28, 1907.

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

The question is on the engrossment and third reading of the bill.

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

GASTON R. POITEVIN.

The next business in order on the Private Calendar was the bill (H. R. 4629) to reimburse Gaston R. Poitevin for property lost by him while assistant light keeper at East Pascagoula River (Miss.) Light Station, as recommended by the Lighthouse Board.

The Clerk read the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

JOHN A. GAULEY.

The next business in order on the Private Calendar was the bill (H. R. 11157) for the relief of John A. Gauley.

The Clerk read the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

N. FERRO.

The next business in order on the Private Calendar was the bill (H. R. 4628) for the relief of N. Ferro.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to N. Ferro, Italian consular agent, of Gulfport, Miss., the sum of $872.96, to reimburse the Italian bark *Fenice* for expense incurred in repairing damages caused by collision with the United States barge *No. 15*.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

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

REFUNDING MONEYS ILLEGALLY COLLECTED IN UTAH.

The next business in order on the Private Calendar was the bill (S. 1213) to provide for the refunding of certain moneys illegally assessed and collected in the district of Utah.

The Clerk read the bill.

The SPEAKER pro tempore. Is there objection?

Mr. DIFENDERFER. I object.

JOHN W. CUPP.

The next business in order on the Private Calendar was the bill (S. 201) an act for the relief of John W. Cupp.

The Clerk read the title of the bill.

Mr. MANN. Mr. Speaker, I object.

HEIRS OF WALDO M. POTTER.

The next business in order on the Private Calendar was the bill (H. R. 9622) for the relief of the heirs of Waldo M. Potter, deceased.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money not otherwise appropriated, to Franklin Potter, Carrie Potter Yerxa, Kittie Potter Borland, and Grace Potter Burdick, heirs of Waldo M. Potter, deceased, of Casselton, N. Dak., $412, as a reimbursement for expenses incurred and paid by said Waldo M. Potter while register of the United States land office at Fargo, N. Dak., for the rent of the rooms used exclusively for land-office purposes.

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

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

MARY VAN DEVENTER.

The next business in order on the Private Calendar was the bill (H. R. 6653) for the relief of Mary Van Deventer.

The Clerk read the title of the bill.

Mr. MANN. Mr. Speaker, I object.

Mr. FRENCH. Mr. Speaker, will the gentleman withhold his objection?

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

Mr. FRENCH. Mr. Speaker, this bill seeks merely to give status in the Court of Claims to this particular claim, which if certain evidence could have been filed at a certain time, it would have been proper for the court to consider it under the laws, and apparently through no fault of the claimant and through a misapprehension of the time within which evidence could be submitted, the matter was allowed to go beyond the period within which evidence could have been submitted according to the statements that have been furnished to the committee.

Mr. MANN. Mr. Speaker, the Court of Claims has had before it many so-called Indian depredation cases. They have hung along for years. Some time ago the court entered an order that evidence should be made within a certain time, and this last summer I think it was they dismissed a great number of those cases because they were not prosecuted.

All litigation must come to an end sometime. Now they are trying to get this bill through as a precedent. If this goes through, the claim agents will properly say, "You have waived this in one case, you must do so in all the other cases," and we will have every one of those claimants before Congress wanting to go again before the Court of Claims. They had their opportunity before the Court of Claims. They did not avail themselves of the opportunity, and I do not think the claimants have a right, after they had full opportunity before the court and

will not be diligent in the prosecution of their cases, to annoy Congress by asking for the right to go before the Court of Claims again. If there was only one case, I would not say a word, but there are a great many of them.

Mr. FRENCH. Mr. Speaker, I do not think there is any question but that there ought to be a time fixed beyond which there could not be any further presentation of a case before the court; but here is a case that was dismissed by the court for want of prosecution in 1908, with the understanding that the case could be revived when evidence was submitted. Now, for several years the case was pending, you might say, in that situation, and finally, about three years after that, the court announced that evidence in this case and several others needed to be submitted within a certain time. Now, the attorney attempted to obtain the evidence, and tried diligently to obtain the evidence, but he was unable to reach Grangeville, Idaho, where the witnesses in this particular case were living, within the time required, and failed to obtain the evidence within the time fixed by the court, and as a result the case was dismissed.

Mr MANN. The gentleman means he did not obtain the evidence, and he should have obtained the evidence before. There were 3,000 of these cases dismissed by the Court of Claims. I am not willing Congress should be annoyed by having 3,000, or anything like it, propositions coming before it to go back to the Court of Claims. They were willfully negligent, all of these people were. The order was not entered until long after they ought to have gotten all the proof, but they pottered along, and the Court of Claims finally entered an order dismissing them and giving the right to have the cases reinstated if they would apply within a certain time.

They go ahead and pay no attention to it, and then they come before Congress and want a third chance. There never was much justice in any of these claims, to begin with.

Mr. FRENCH. In this particular case there is so much justice in it that the Commissioner of Indian Affairs originally reported favorably in the case, and, more than that, there was so much justice in it that after the court issued its final order dismissing the case the Attorney General's department permitted the taking of depositions under the rules of the court, with the understanding that the evidence should not be submitted to the Court of Claims, and that that evidence had since been taken, just as though the case were pending before the court, although the evidence has never been submitted to the court itself. It is now on file with the Attorney General's department. I hope in this particular case the gentleman will not feel that he must object.

Mr. MANN. I have no doubt the attorney selected one of the best cases on which to get the precedent made.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. I object.

SCHWARZCHILD & SULZBERGER CO.

The next business in order on the Private Calendar was the bill (H. R. 16425) for the relief of Schwarzchild & Sulzberger Co.

The bill was read.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. CULLOP. I object, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Indiana [Mr. CULLOP] objects, and the Clerk will report the next bill.

AMY M. SORSBY.

The next business in order on the Private Calendar was the bill (H. R. 6895) for the relief of Amy M. Sorsby.

Mr. FOSTER. Mr. Speaker, I object.

ELLA O. RICHARDSON.

The next business in order on the Private Calendar was the bill (S. 388) for the relief of Ella O. Richardson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue patent to Ella O. Richardson for the east half of the southwest quarter of section 36, township 19 north, range 10 east of the Louisiana meridian, in the State of Louisiana, containing 68.09 acres, upon payment to the United States of the sum of $1.25 per acre: *Provided*, That purchase be made within one year from the date of the approval of this act.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. The question is on the third reading of the Senate bill.

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

HEIRS OF W. F. NICHOLS.

The next business in order on the Private Calendar was the bill (H. R. 4266) granting patent to certain lands to the legal heirs of W. F. Nichols.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent conveying title to the east half northeast quarter section 11, township 10 south, range 29 west, Arkansas, to the legal heirs of W. F. Nichols, upon the payment of $1.25 an acre therefor.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. Mr. Speaker, reserving the right to object, as this bill is apparently to make good a tax title, may I ask the gentleman from Arkansas [Mr. WINGO] who is in possession of the property, and if he knows what has become of the heirs of James Wilson, who at one time was in possession and claimed to be the owner before the tax title was issued?

Mr. WINGO. The heirs of W. F. Nichols are in possession of the property. The heirs of Wilson do not claim the land, as a matter of fact. They abandoned the land, and it was sold for the taxes under the overdue-tax laws of the State, back in 1882. Now, ever since that date those people who bought it in at that time——

Mr. MANN. The State bought it in at that time.

Mr. WINGO. I say the State, then, under its donation laws, granted it to a man named Dellenger.

Mr. MANN. That was in 1893.

Mr. WINGO. In other words, the heirs of Nichols and those under whom they have claimed have been in possession of this land for 21 years.

Mr. MANN. Of course, ordinarily we do not consider a tax title——

Mr. WINGO. Under the laws of our State the title is absolutely good if the title has ever passed from the Government. We have a statute in our State whereby if you pay taxes on land of this character for seven years uninterruptedly under the claim of title, that is a statute bar, and that is the actual possession. This is part of a tract——

Mr. MANN. I did not understand that these people are in actual possession.

Mr. WINGO. They are. But, as I say, originally it was wild land, but even under that they were in possession under the law. Constructive possession of that kind for that length of time is equal to actual possession.

Mr. MANN. I do not think that paying taxes under a tax title for seven years is worth very much under any of those statutes, and there is a statute of that sort in nearly every State. I have set aside many tax titles of that kind. If these people are in actual possession of the property, very well.

Mr. WINGO. There is no question about it. This is a part of the place that belonged to W. F. Nichols, who is not now living. It is mainly pasture land, and it is not very valuable, but it is in actual possession, being a part of the tract of which no one ever thought there was any question about the title until a few years ago.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

The question is on the engrossment and third reading of the bill.

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

JUDD M'KELVEY.

The next business in order on the Private Calendar was the bill (S. 2903) for the relief of Judd McKelvey.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent to Judd McKelvey for lots 5, 6, 7, and 8, and the northwest quarter of the northeast quarter, the northeast quarter of the northwest quarter, the southeast quarter of the southwest quarter, and the southwest quarter of the southeast quarter of section 18, in township 4 south, range 44 east, Montana meridian, as shown by the plat of survey of said township approved December 16, 1908, after the said McKelvey has, by deed properly executed and recorded, reconveyed to the United States lot 4 and the northwest quarter of the northeast quarter, the east half of the northwest quarter, the east half of the southwest quarter, and the southwest quarter of the southeast quarter of said section as shown by the plat of the survey of said township approved July 25, 1887.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

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

JAMES GUNNING.

The next business in order on the Private Calendar was the bill (S. 3817) authorizing the issuance of a patent to James Gunning for lot 2, section 32, township 29 north, range 39 east, Montana.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to issue patent to James Gunning for lot 2, section 32, township 29 north, range 39 east, Montana: *Provided*, That no adverse right had accrued to said tract prior to February 1, 1914.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

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

F. W. SCHULTZ.

The next business in order on the Private Calendar was the bill (H. R. 15513) for the relief of F. W. Schultz.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to cause the account of F. W. Schultz, postmaster at Junius, State of South Dakota, to be credited with the sum of $244.90, and that he cause said credit to be certified to the Auditor of the Treasury for the Post Office Department, being on account of loss by robbery of said post office on the 17th of October, 1909, it appearing that said loss was without fault or negligence on the part of said F. W. Schultz, postmaster.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, I notice there are a number of bills on this calendar constituting claims for loss by robbery of post offices where the postmasters negligently failed to comply with the regulations. In this case, the man had a safe, put the money in the safe, turned the combination for "day lock," so that he would not have to go through the manipulations of really working the combination again, and the burglar understood that as well as anybody else, and got in. I used to be a postmaster myself, and while——

Mr. FOSTER. First class or fourth class? [Laughter.]

Mr. MANN. Deputy fourth. [Laughter.] While I did not approve of all the regulations, I did assume that if I carried money around loosely, or left it around loosely, the Government would not be responsible for it.

Now, there are between 50,000 and 100,000 of these postmasters, and they know what the regulations are; and here is a regulation which expressly stated that the common practice of turning on safes by what is called a "day lock" or "day combination" affords no protection from experienced burglars, and in case of loss resulting therefrom no credit would be allowed. That is what this postmaster did.

Mr. DILLON. Mr. Speaker, I want to say to the gentleman that is the statement that the inspector made, but that is contradicted by two affidavits of the assistant postmaster.

Mr. MANN. I will read from the affidavit of the postmaster, as I recall, Mr. Caldwell. He is the assistant postmaster, and he is the one who did the business. He says:

I locked the iron safe in which the postage-stamp stock was kept; that I turned the combination once, causing the safe to be locked by one combination, the said safe having four combinations.

Now, that is turning it for what they call a "day lock."

Mr. DILLON. That comes from the report of the inspector.

Mr. MANN. This is an affidavit made by the assistant postmaster. At least, that is what this report says in this case.

Mr. DILLON. That is an error.

Mr. MANN. I am not responsible for errors in the report.

Mr. DILLON. If the gentleman will read the affidavits made by Mr. Caldwell, two of them, he will find that he directly disputes that proposition.

Mr. MANN. I was reading the affidavit that he did make.

Mr. DILLON. That is not the affidavit.

Mr. MANN. That is what the report says.

Mr. DILLON. Where are you reading from? You are reading from a letter. Now read the affidavit.

Mr. MANN. I am reading from a letter from the Postmaster General, in which he says:

In an affidavit dated October 22, 1909 (five days after the burglary), Mr. Caldwell made the following statement.

Mr. DILLON. That is a statement he made to the inspector. Now, if you will read the affidavit of Mr. Caldwell, on page 3 of the report, you will find that he directly disputes that proposition and says he never made that statement to the inspector. It is the inspector's mistake, and not his. Mr. Burleson does not quote him correctly.

Mr. MANN. Of course I am not responsible for that. It was on that ground that the Postmaster General did not allow the claim. If this safe was locked, the Post Office Department are authorized and warranted to pay the claim; and if it was not locked, they would not be authorized to pay the claim.

Mr. DILLON. I know Mr. Caldwell, and I know him to be a gentleman who is accurate in all his statements, and he makes two affidavits that that statement is not true.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. What time is it, Mr. Speaker?

The SPEAKER pro tempore. Eleven o'clock, by the clock in front of the Chair. Is there objection——

Mr. MANN. I think under the order of the House——

Mr. POU. Mr. Speaker, under the regular order there should be a motion to adjourn, and therefore I move that the House adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 1 minute p. m.) the House adjourned until Wednesday, July 8, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Empire Harbor, Mich. (H. Doc. No. 1111); to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Columbia River, Wash., from and through Rickey and Grand Rapids to the international boundary line, with a view to open river navigation (H. Doc. No. 1112); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

3. A letter from the Secretary of the Treasury, transmitting copy of communication of the acting president of the Board of Commissioners of the District of Columbia submitting an estimate of appropriation for the payment of a judgment in favor of George H. Lillibridge (H. Doc. No. 1113); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. CLARK of Florida, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 12665) to increase the limit of cost of public building at La Junta, Colo., reported the same without amendment, accompanied by a report (No. 927), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GRAY, from the Committee on Naval Affairs, to which was referred the bill (H. R. 13677) authorizing and directing the Secretary of the Navy, in his discretion, to deliver to the Northwestern Military and Naval Academy, situated on Lake Geneva, Wis., one discarded anchor of a United States cruiser or battleship, reported the same without amendment, accompanied by a report (No. 925), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. BUTLER, from the Committee on Naval Affairs, to which was referred the bill (H. R. 7194) for the relief of Acting Asst. Surg. Elwin Carlton Taylor, United States Navy, reported the same with an amendment, accompanied by a report (No. 924), which said bill and report were referred to the Private Calendar.

Mr. HENSLEY, from the Committee on Naval Affairs, to which was referred the bill (H. R. 16424) for the relief of Lloyd C. Stark, reported the same with an amendment, accompanied by a report (No. 926), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on War Claims was discharged from the consideration of the bill (H. R. 17734) for the relief of John A. Kress, and the same was referred to the Committee on Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. TAYLOR of Alabama: A bill (H. R. 17761) to quiet title to northeast quarter of northwest quarter, section 20, township 8 north, range 2 west, in Washington County, Ala.; to the Committee on the Public Lands.

By Mr. LENROOT: A bill (H. R. 17762) to amend an act approved February 20, 1908, entitled "An act to authorize the Interstate Transfer Railway Co. to construct a bridge across the St. Louis River, between the States of Wisconsin and Minnesota"; to the Committee on Interstate and Foreign Commerce.

By Mr. CARR: A bill (H. R. 17763) to provide for the acquirement of about 26 acres of land adjoining the Frankford Arsenal, Philadelphia, including the right of way owned in fee simple by the railroad crossing this land, etc.; to the Committee on Appropriations.

By Mr. WEBB: A bill (H. R. 17764) to provide for sale of portion of post-office site in Gastonia, N. C.; to the Committee on Public Buildings and Grounds.

By Mr. SHERLEY: A bill (H. R. 17765) to regulate details of majors in the Ordnance Department; to the Committee on Military Affairs.

By Mr. STOUT: A bill (H. R. 17779) for the purchase of a site and the erection thereon of a public building at Glasgow, Mont.; to the Committee on Public Buildings and Grounds.

By Mr. BLACKMON: Joint resolution (H. J. Res. 296) appropriating $15,445 for the relief of the sufferers from the hail and wind storm in Cleburne County, Ala., July 20, 1913; to the Committee on Appropriations.

By Mr. DALE: Memorial of the House of Delegates of the State of Virginia, requesting Congress to use all legitimate means to acquire Monticello, the home of Thomas Jefferson, to be held in trust for all the people of the Nation; to the Committee on the Library.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 17766) granting an increase of pension to Victoria Goepfert; to the Committee on Invalid Pensions.

By Mr. BAKER: A bill (H. R. 17767) granting a pension to Rose Morgan; to the Committee on Pensions.

By Mr BELL of Georgia: A bill (H. R. 17768) to carry into effect the findings of the Court of Claims in the claim of O. H. P. Wayne; to the Committee on War Claims.

By Mr. BROUSSARD: A bill (H. R. 17769) granting a pension to Alice Thompson; to the Committee on Invalid Pensions.

By Mr. BROWN of New York: A bill (H. R. 17770) granting a pension to Mary E. Kures; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17771) granting an increase of pension to Burr Parsons; to the Committee on Invalid Pensions.

By Mr. DONOHOE: A bill (H. R. 17772) granting a pension to William J. Boyce; to the Committee on Invalid Pensions.

By Mr. GARD: A bill (H. R. 17773) granting a pension to James R. Phillips; to the Committee on Pensions.

By Mr. MORGAN of Oklahoma: A bill (H. R. 17774) granting an increase of pension to Ruben L. Crosno; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17775) granting an increase of pension to Matilda A. Hammond; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17776) granting an increase of pension to Christian H. Rice; to the Committee on Invalid Pensions.

By Mr. REED: A bill (H. R. 17777) granting an increase of pension to George Hamlet; to the Committee on Pensions.

By Mr. SMITH of New York: A bill (H. R. 17778) granting an increase of pension to Roderick O'Connor; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolution of mass meeting held at Salem, Ohio, urging that the Mondell resolution granting woman suffrage be submitted to a vote; to the Committee on the Judiciary.

Also (by request), petition signed by Rev. Berton L. Wiley, chairman, of Berwick, Iowa, urging Congress to submit the Hobson prohibition amendment; to the Committee on Rules.

Also (by request), petition signed by E. G. Phillips and J. H. Fox, of East Bloomfield, N. Y., urging the passage of the Hobson prohibition amendment; to the Committee on Rules.

Also (by request), petition signed by V. B. Turnburke, chairman, and T. A. Richardson, secretary, of mass meeting at Granville Avenue Methodist Episcopal Church, Chicago, urging Congress to submit the Hobson prohibition amendment; to the Committee on Rules.

By Mr. AINEY: Petitions of citizens of Rummerfield, Susquehanna, Gravity, Factoryville, Carley Brook, Springfield Township, West Lenox Baptist Church, Woman's Christian Temperance Union of West Lenox, and Woman's Christian Temperance Union of Warren Center, all in the State of Pennsylvania, favoring national prohibition; to the Committee on Rules.

By Mr. ASHBROOK: Petition of the Newark (Ohio) Local No. 412 of the Bartenders International League, protesting against the enactment of national prohibition; to the Committee on Rules.

Also, petition of the Morrow County (Ohio) Woman's Christian Temperance Union; Farley Wesleyan Sunday School, Marengo, Ohio; Roscoe J. Beard and other citizens of Orrville, Ohio; Alum Creek Friends' Sabbath School, Cardington, Ohio; John W. Jordan and other citizens of Howard, Ohio; H. A. Rossin and 12 other citizens of Coshocton, Ohio; Rev. Harvey E. Orwick and 24 other citizens of Uhrichsville, Ohio; the Christian Endeavor Society of the Presbyterian Churches at Jersey, Ashland, and Mansfield, Ohio, favoring the enactment of the Hobson national prohibition amendment; to the Committee on Rules.

By Mr. BAKER: Petition of citizens of Atlantic City, N. J., protesting against national prohibition; to the Committee on Rules.

Also, petition of citizens of Delanes and Medford, N. J., favoring national prohibition; to the Committee on Rules.

Also, petition of Mary W. Lippincott, Helen Lippincott, and others of Riverton, N. J., favoring woman suffrage; to the Committee on the Judiciary.

By Mr. BEAKES: Resolutions of mass meeting of citizens of Parma; members of First Church of Christ, Adrian; members of South Side Methodist Protestant Mission Sunday School, Adrian; members of Young People's Society of Christian Endeavor of First Methodist Protestant Church, Adrian; West Adrian Congregational Christian Endeavor Society; Marston Avenue Presbyterian Church, Detroit; H. W. Potter, Weston; First Methodist-Episcopal Church, Adrian; Epworth League of the Methodist-Episcopal Church, Adrian; members of First Methodist Protestant Church, Adrian, all in the State of Michigan, in favor of national prohibition; to the Committee on Rules.

By Mr. BROWNING: Petition of Epworth League of Evan, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. BUCHANAN of Illinois: Petitions of 1 citizen of Lockport, 5 citizens of Forest Park, 2 citizens of Oak Park, 2 citizens of LaGrange, 14 citizens of Mount Morris, and 102 citizens of Chicago, all in the State of Illinois, favoring passage of House joint resolution 282; to the Committee on Naval Affairs.

Also, petitions of 106 citizens of Chicago, Ill., protesting against the passage of the Hobson resolution; to the Committee on Rules.

Also, petitions of 56 citizens of Chicago, Ill., against national prohibition; to the Committee on Rules.

Also, petitions of 41 citizens of Chicago, Ill., in favor of national prohibition; to the Committee on Rules

By Mr. BYRNES of South Carolina: Petition of Catherine Tully Kenny, Mary Penn Thompson, and others, of Nashville, Tenn., favoring woman suffrage; to the Committee on the Judiciary.

By Mr. CARY: Petition of the board of directors of the Western Society of Engineers, protesting against passage of House bill 13457, relative to surveys, etc., of United States Geological Survey; to the Committee on Expenditures in the Interior Department.

By Mr. CLARK of Florida: Petition of Council No. 27, Junior Order United American Mechanics, of Kissimmee, Fla., opposing increase of naval chaplains under certain conditions; to the Committee on Naval Affairs.

By Mr. COOPER: Petition of members of the Congregational Church, Woman's Christian Temperance Union, and Christian Endeavor Society, respectively, of Williams Bay, Wis., favoring nation-wide prohibition; to the Committee on Rules.

By Mr. DERSHEM: Petition of 122 citizens of Franklin, Pa., in favor of national prohibition; to the Committee on Rules.

Also, petition of 18 citizens of Mifflintown, Pa., in favor of national prohibition; to the Committee on Rules.

Also, petition of the Union Christian Endeavor Society of Troxelville, Pa., in favor of national prohibition; to the Committee on Rules.

Also, petition of the Church Council of the Evangelical Lutheran Church of Waynesboro, Pa., representing 1,250 members, in favor of national prohibition; to the Committee on Rules.

Also, petition of 337 citizens of Waynesboro, Pa., in favor of national prohibition; to the Committee on Rules.

By Mr. DONOHOE: Petition of 1,500 Christian Endeavorers and 500 intermediate Christian Endeavorers of Northeast Branch of Philadelphia Christian Endeavor Union, favoring national prohibition; to the Committee on Rules.

By Mr. DRUKKER: Petition of members and friends of Trinity Methodist Church, Passaic, N. J., favoring national prohibition; to the Committee on Rules.

By Mr. EAGAN: Petition of 161 citizens of Hudson County, eleventh congressional district of New Jersey, protesting against national prohibition; to the Committee on Rules.

By Mr. ESCH: Petition of congregation of First Presbyterian Church, La Crosse, Wis., favoring national prohibition; to the Committee on Rules.

By Mr. GARDNER: Resolution from the Young People's Society of Christian Endeavor, of Wenham, Mass., favoring the passage of the prohibition amendment now before Congress; to the Committee on Rules.

By Mr. GILL: Petition of Joseph H. Wilsmann and others, of St. Louis, Mo., protesting against national prohibition; to the Committee on Rules.

By Mr. GILLETT: Resolutions adopted by the Presbyterian Church of Boswell, Ind.; Chicago Church Foundation, of Chicago, Ill.; United Presbyterian Church of Jamestown, Ohio; Linwood Presbyterian Church, of Kansas City, Mo.; Memorial Presbyterian Church, of Philadelphia, Pa.; First Presbyterian Church of Rutherford, N. J.; and the Sixth Presbyterian Church of Washington, D. C., favoring the adoption of the pending resolution proposing an amendment to the Constitution of the United States to prohibit polygamy; to the Committee on the Judiciary.

Also, petition of Eliza R. Whiting, Mabel F. Merry, and others, of Springfield; Mrs. Buchanan, M. L. Brooke, and others, of Holyoke; Anne Austin, Thomas Haggerty, and others, of Westfield, Mass., favoring woman suffrage; to the Committee on the Judiciary.

Also, petition of Olivet Congregational Church, of Hampden, Mass., favoring national prohibition; to the Committee on Rules.

By Mr. GOEKE: Petition of the Christian Endeavor Society of the First Christian Church of Lima, Ohio, in favor of national prohibition; to the Committee on Rules.

By Mr. GOOD: Petitions of 159 and more citizens of Cedar Rapids, 47 citizens of Mount Vernon, 35 citizens of Kenwood Park, and the Woman's Christian Temperance Union of West Branch, Iowa, favoring national prohibition; to the Committee on Rules.

Also, petitions of business men of Lowden, Ely, Solon, and Mechanicsville, Iowa, favoring the passage of House bill 5308, relative to taxing mail-order business; to the Committee on Ways and Means.

By Mr. GREGG: Petitions of sundry citizens of Chambers and Galveston Counties, Tex., protesting against national prohibition; to the Committee on Rules.

Also, petition of Minnie Fisher Cunningham, Edith L. Warriner, and others, of Galveston, Tex., favoring woman suffrage; to the Committee on the Judiciary.

Also, petitions of sundry citizens of Galveston County and Texas City, Tex., favoring national prohibition; to the Committee on Rules.

By Mr. GRIEST: Petitions of members of the Church of God, Landisville, Pa.; the United Evangelical Church of Terre Hill, Pa.; the Lambert Y. C. T. U. of Lancaster County, Pa.; the Lambert Y. C. T. U. of Peach Bottom, Lancaster County, Pa.; Rev. C. B. Johnston, pastor, and E. W. Garber, secretary, for the Methodist Episcopal Church of Mount Joy, Pa.; Rev. James E. Keene, pastor, and others, for the Senior Society of the Young People's Society of Christian Endeavor, of Lititz, Pa.; D. O. Armstrong, for citizens of Rawlinsville, Pa.; Samuel Alexander, for the Mount Joy Methodist Episcopal Sunday School, of Mount Joy, Pa.; Rev. H. B. Yoder, of Lancaster, Pa.; and Anna M. Boyer, R. D. No. 3, of New Holland, Pa., favoring a national prohibition constitutional amendment; and from A. S. Weachter, of Rothsville, Pa.; Wayne E. Hackman, R. D. No. 5, of Lititz, Pa.; and William Hellinger and C. C. Kafroth, of Rothsville, Pa., against the adoption of prohibition measures such as House joint resolution 168; to the Committee on Rules.

By Mr. HAMILTON of Michigan: Petitions of Katharine A. Herriman, Estelle Downing, and others of South Haven, Mich.; Mrs. Kate M. Redner, Jennie R. Lyle, and others of Cass County, Mich.; May E. Rix, Nellie M. Walton, and others of St. Joseph County, Mich., urging Federal legislation for woman suffrage; to the Committee on the Judiciary.

Also, petitions of 100 citizens of Bravo, 170 citizens of Dowagiac, 39 citizens of Fennville, 80 citizens of Hopkins, 45 citizens of Plainville, and 125 citizens of Pullman, all in the State of Michigan, in favor of national prohibition; to the Committee on Rules.

Also, petition of citizens of White Pigeon, Mich., in favor of national prohibition; to the Committee on Rules.

Also, petition of Charles M. Sterling and 12 other citizens of Van Buren County, Mich., in favor of national prohibition; to the Committee on Rules.

By Mr. KELLEY of Michigan: Petition of 308 citizens, principally of Michigan, favoring Senate joint resolution 144 and House joint resolution 282, asking for an investigation of the North Pole controversy; to the Committee on Naval Affairs.

Also, petition of Arthur E. Lay and 25 other citizens of Parma, Mich., in favor of the Hobson prohibition amendment; to the Committee on Rules.

Also, petition of George Thompson and 26 other citizens, of Parma, Mich., favoring Hobson prohibition amendment; to the Committee on Rules.

By Mr. KENNEDY of Connecticut: Petition of the Bartenders' Union of Derby, Conn., against national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Goshen, Conn., and Christian Endeavor Society of Riverton, Conn., favoring national prohibition; to the Committee on Rules.

By Mr. KINDEL: Petitions of 13 citizens of Denver, Colo., against national prohibition; to the Committee on Rules.

Also, petitions of sundry citizens of Blackhawk, Gilpin County, Allison, and Grand Junction; 6 congregations of the Methodist Episcopal Church of Keota; and of the Sloate Memorial Methodist Episcopal Church, of Denver, all in the State of Colorado, in favor of national prohibition; to the Committee on Rules.

By Mr. LEE of Pennsylvania: Petition of board of directors of the Western Society of Engineers, protesting against the passage of House bill 13457; to the Committee on Expenditures in the Interior Department.

Also, memorial of Chamber of Commerce of Pittsburgh, Pa., favoring postponement of legislation affecting business; to the Committee on the Judiciary.

By Mr. LEWIS of Maryland: Petition of members of the Methodist Protestant Church of Buckeystown, Md., praying the passage of House joint resolution 168, to prohibit the sale of intoxicating liquors; to the Committee on Rules.

Also, petition of the Christian Endeavor Society of Zion Lutheran Church, of Middletown, Md., representing 60 people, for the passage of House joint resolution 168, to prohibit the sale of intoxicating liquors; to the Committee on Rules.

Also, petition of the members of Singgold Christian Endeavor Society, praying the passage of House joint resolution 168, to prohibit the sale of intoxicating liquors; to the Committee on Rules.

Also, resolutions by Rev. Frank A. Killmon, representing a mass meeting of 1,500 members and attendants of Grace Methodist Episcopal Church, of Cumberland, Md., praying the passage of the Hobson prohibitory amendment; to the Committee on Rules.

Also, petition of members of the Buckeystown (Md.) Methodist Protestant Church, praying the passage of House joint resolution 168, to prohibit the sale of intoxicating liquors; to the Committee on Rules.

By Mr. LONERGAN: Petition of Bushy Hill Christian Endeavor Society, of Simsbury, Conn., favoring the adoption of the Hobson bill; to the Committee on Rules.

Also, petition of Mr. M. L. Baldwin, in behalf of the Young People's Society of Christian Endeavor of Griswoldville, Conn., favoring the adoption of the Hobson bill; to the Committee on Rules.

Also, petition of Rev. Winfield S. Manship, of the Methodist Episcopal Church of West Suffield, Conn., favoring the adoption of the Hobson bill; to the Committee on Rules.

By Mr. MACDONALD: Petition of citizens of Waucedah, Mich., in support of House bill 11879; to the Committee on Banking and Currency.

Also, resolution of Wetmore Grange, No. 1408, of Wetmore, Mich., in support of Government ownership of telephone and telegraph systems; to the Committee on the Post Office and Post Roads.

Also, petition of residents of Iron County, Mich., in opposition to legislation providing that mail clerks shall not work on Sunday; to the Committee on the Post Office and Post Roads.

Also, resolution adopted by the Pomona Grange, No. 66, of Sault Ste. Marie, Mich., in support of Government ownership

and operation of telephone and telegraph systems; to the Committee on the Post Office and Post Roads.

Also, resolution adopted by the City Council of Grand Rapids, Mich., in support of legislation to pension aged and disabled civil-service employees; to the Committee on Reform in the Civil Service.

By Mr. MAGUIRE of Nebraska: Petitions of citizens of Nebraska, against national prohibition; to the Committee on Rules.

By Mr. MERRITT: Petition of citizens of Saranac Lake, Burke, North and West Bangor, N. Y., and sundry citizens of the State of New York, favoring national prohibition; to the Committee on Rules.

Also, petitions of John M. Reed and others, of St. Lawrence County, N. Y., protesting against national prohibition; to the Committee on Rules.

By Mr. NELSON: Petition of sundry citizens of North Clayton, Wis., favoring national prohibition; to the Committee on Rules.

By Mr. O'LEARY: Petition of citizens of second congressional district of New York, favoring national prohibition; to the Committee on Rules.

Also, petition of Claflin, Thayer & Co., of New York City, protesting against the Clayton antitrust bill; to the Committee on the Judiciary.

Also, memorial of General Post Office Letter Carriers' Mutual Benefit Association, of New York City, protesting against section 6 of House bill 12928; to the Committee on the Post Office and Post Roads.

By Mr. PAIGE of Massachusetts: Papers to accompany H. R. 17755, granting a pension to William P. La Croix; to the Committee on Pensions.

Also, papers to accompany H. R. 17756, granting a pension to George P. Clark; to the Committee on Invalid Pensions.

By Mr. PATTEN of New York: Petition of citizens of New York City, favoring national prohibition; to the Committee on Rules.

By Mr. PAYNE: Petitions of sundry citizens of the thirty-sixth congressional district of New York, favoring national prohibition; to the Committee on Rules.

By Mr. RAKER: Petition of Thomas Halls, of California, protesting against national prohibition; to the Committee on Rules.

By Mr. REILLY of Connecticut: Petition of the Brandford (Conn.) Baptist Church, favoring national prohibition; to the Committee on Rules.

By Mr. ROBERTS of Massachusetts: Papers to accompany H. R. 17604, granting a pension to Francis Prendergast; to the Committee on Pensions.

Also, papers to accompany H. R. 17605, granting an increase of pension to Henry D. Moulton; to the Committee on Invalid Pensions.

Also, petition of 55 citizens of Somerville, and Robinson Methodist Episcopal Church, of Malden, Mass., favoring national prohibition; to the Committee on Rules.

By Mr. SCULLY: Telegrams in favor of Hobson amendment: Manasquan Methodist Protestant Sunday School; 80 members of the Epworth League, Point Pleasant; 200 members Point Pleasant Methodist Church; the Grace Methodist Church, Red Bank; the Central Baptist Church, Atlantic Highlands; the Woman's Christian Temperance Union, Manasquan; 150 members of New Monmouth Baptist Church; the Bay Head Methodist Episcopal Church, 60 members; First Methodist Church, Red Bank; the Twilight Members, Ocean Grove Camp Meeting; 1,000 members of St. Luke's Methodist Episcopal Church, Long Branch; St. Luke's Sunday School, Mrs. M. Newman in charge, Long Branch; 195 members New Monmouth Baptist Church; 100 members First Reformed Church, Red Bank; the Christian Endeavor Society, Perth Amboy; W. G. Eisle Bible Class, Long Branch; 140 members First Presbyterian Church, Point Pleasant; 35 members Christian Endeavor Society, First Presbyterian Church of Point Pleasant; 125 members Sunday School First Presbyterian Church of Point Pleasant, 400 members First Methodist Episcopal Church, Bradley Beach; 1,100 members St. Luke's Methodist Episcopal Church, Asbury Park; the First Methodist Episcopal Church of Manasquan; First Methodist Episcopal Church, Atlantic Highlands; Grace Methodist Episcopal Church, Red Bank, all in the State of New Jersey; to the Committee on Rules.

Also, petition of United States Civil Service Retirement Association, relative to retirement of superannuated Government employees; to the Committee on Reform in the Civil Service.

Also, petition of Flax Dressers, Local No. 694, affiliated with American Federation of Labor, Paterson, N. J., relative to taking 3-cent duty off the dressed line of hackled flax; to the Committee on Ways and Means.

Also, petition of New Brunswick (N. J.) Political Study Club, favoring woman suffrage; to the Committee on the Judiciary.

By Mr. SMITH of Idaho: Petition of L. S. Golden and 5 other citizens of Caldwell, Idaho, protesting against enactment of resolution to amend the Constitution so as to prohibit the sale, manufacture, or importation of intoxicating liquors; to the Committee on Rules.

By Mr. STEDMAN: Petition of sundry citizens and congregation of the North Main Street Methodist Protestant Church, High Point, N. C., favoring national prohibition; to the Committee on Rules.

By Mr. STEVENS of Minnesota: Memorial of congregation of the Swedish Methodist Episcopal Church, Stillwater, Minn., favoring national prohibition; to the Committee on Rules.

SENATE.

WEDNESDAY, *July 8, 1914.*

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

Rev. J. L. Kibler, D. D., offered the following prayer:

O Lord, our Lord, how excellent is Thy name in all the earth. Thy glory is set above the heavens and Thy kingdom ruleth over all. We humble ourselves, therefore, unto Thy mighty hand. We bow in Thy presence and fall at Thy feet. We acknowledge our dependence upon Thee and look to Thee for Thy guiding hand. Leave us not to ourselves. Inspire us with lofty aims and worthy ambitions. Give us a clear conception of Thy will and supply us with grace for the accomplishment of Thy purposes and for meeting all demands upon us this day. We ask in Christ's name. Amen.

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

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills and joint resolution:

S. 388. An act for the relief of Ella O. Richardson;

S. 2903. An act for the relief of Judd McKelvey;

S. 3488. An act for the relief of Ernest C. Stahl;

S. 3817. An act authorizing the issuance of a patent to James Gunning for lot 2, section 32, township 29 north, range 39 east, Montana; and

S. J. Res. 105. Joint resolution authorizing the President to accept an invitation to participate in the Sixth International Dental Congress.

The message also announced that the House had passed the bill (S. 1644) for the relief of May Stanley, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 4714) to authorize Louis Eder to enter lands under the homestead laws, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 1062. An act granting a patent to Joseph Robicheau;

H. R. 1516. An act for the relief of Thomas F. Howell;

H. R. 1528. An act for the relief of T. A. Roseberry;

H. R. 1698. An act to amend an act entitled "An act to provide for an enlarged homestead," and acts amendatory thereof and supplemental thereto;

H. R. 2703. An act for the relief of Drenzy A. Jones and John G. Hopper, joint contractors, for surveying Yosemite Park boundary;

H. R. 2978. An act for the relief of the estate of Thomas F. Swafford, deceased, late of the State of Louisiana, for carrying United States mail on Route No. 8263, in the State of Louisiana, during the period from January 1, 1861, to May 31, 1861;

H. R. 3430. An act for the relief of Lottie Rapp;

H. R. 3586. An act for the relief of Francis Tomlinson;

H. R. 4001. An act for the relief of Daniel J. Ryan;

H. R. 4266. An act granting patent to certain lands to the legal heirs of W. F. Nichols;

H. R. 4628. An act for the relief of N. Ferro;

H. R. 4952. An act to refund to John B. Keating customs tax erroneously and illegally collected at Portland, Me., on cargo of coal March 11, 1903;

H. R. 7078. An act for the relief of Mary Macon Howard;

H. R. 9701. An act for the relief of F. W. Theodore Schroeter;

H. R. 10460. An act for the relief of Mary Cornick;