CONFIRMATIONS.

Executive nominations confirmed by the Senate July 29 (legislative day of July 27), 1914.

MINISTER.

Boaz W. Long to be envoy extraordinary and minister plenipotentiary to Salvador.

CONSUL GENERAL.

Julean H. Arnold to be consul general at Hankow, China.

COMMISSIONER OF IMMIGRATION.

Henry J. Skeffington to be commissioner of immigration at the port of Boston.

ASSISTANT CHIEF OF BUREAU OF FOREIGN AND DOMESTIC COMMERCE.

Edward A. Brand to be (First) Assistant Chief of Bureau of Foreign and Domestic Commerce in the Department of Commerce.

POSTMASTERS.

ILLINOIS.

Frank G. Pierski, La Salle.

PENNSYLVANIA.

Walter K. Ashton, Fairchance.
J. Thomas Butler, Coraopolis.
George N. Coryell, Darby.
Thomas P. Delaney, Castle Shannon.
Lewis Dilliner, Point Marion.
Charles L. Fox, Daisytown.
William H. Hartman, Bentleyville.
H. R. Hummel, Watsontown.
James W. Hutchinson, Springdale.
Edmond Jeffries, Monessen.
Joseph A. McLain, Fredericktown.
Joseph Rodgers, jr., Lansdale.
James P. Van Etten, Milford.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *July 29, 1914.*

The House met at 12 o'clock noon.

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

Our Father in heaven, incline Thine ear and hear our petition. Open Thou our spiritual eyes, that we may discern beneath the rough exterior in every human being the image of his Maker; that a profounder love, a broader charity may prevail in the hearts of all mankind; that the ties of fraternity may have a broader scope, a deeper significance; that the genius of the Christian religion may find its full fruition in every heart, and Thy kingdom come and Thy will be done in earth as it is in heaven, to the glory and honor of Thy holy name. Amen.

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

INDIAN APPROPRIATIONS.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent for the present consideration of the conference report on the Indian appropriation bill (H. R. 12579), which was printed in yesterday's proceedings of the House.

The SPEAKER. This is Calendar Wednesday, and the gentleman from Texas [Mr. STEPHENS] asks unanimous consent for the present consideration of the conference report on the Indian appropriation bill. Is there objection?

There was no objection.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent to dispense with the reading of the conference report, and that the statement be read in lieu of it.

The SPEAKER. The gentleman asks unanimous consent to dispense with the reading of the conference report, and to read the statement in lieu of it. Is there objection?

Mr. MANN. The report is short. I object.

The SPEAKER. The gentleman from Illinois objects. The Clerk will read the conference report.

The Clerk read the conference report.

CONFERENCE REPORT (NO. 1031).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12579) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 37.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$200,000."

Also, in lieu of the sum proposed in the amendment of the Senate numbered 98 as agreed to in conference, insert "$49,700"; and the Senate agree to the same.

Amendment numbered 139: That the House recede from its disagreement to the amendment of the Senate numbered 139, and agree to the same with an amendment as follows: In lieu of the matter proposed insert:

"That the Secretary of the Interior be, and he is hereby, authorized to make a per capita payment to the enrolled members of the Chickasaw and Cherokee tribes of Indians of Oklahoma entitled under existing law to share in the funds of their respective tribes, or to their lawful heirs, out of any moneys belonging to said tribes in the United States Treasury or deposited in any bank or held by any official under the jurisdiction of the Secretary of the Interior, said payment not to exceed, in the case of the Chickasaws, $100 per capita, and in the case of the Cherokees, not to exceed $15 per capita, and all said payments to be made under such rules and regulations as the Secretary of the Interior may prescribe: *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 further*, That the money paid to the enrolled members as provided herein, shall be exempt from any lien for attorneys' fees or other debt contracted prior to the passage of this act."

And the Senate agree to the same.

Amendment numbered 155: That the House recede from its disagreement to the amendment of the Senate numbered 155, and agree to the same with an amendment as follows: In lieu of the matter proposed insert:

"It appearing by the report of the Joint Congressional Commission created under section 23 of the Indian appropriation act approved June 30, 1913 (Senate Document No. 337, Sixty-third Congress, second session), that the Indians of the Yakima Reservation in the State of Washington, have been unjustly deprived of the portion of the natural flow of the Yakima River to which they are equitably entitled for the purposes of irrigation, having only been allowed 147 cubic feet per second, the Secretary of the Interior is hereby authorized and directed to furnish at the northern boundary of said Yakima Indian Reservation in perpetuity enough water, in addition to the 147 cubic feet per second heretofore allotted to said Indians, so that there shall be during the low water irrigation season at least 720 cubic feet per second of water available when needed for irrigation; this quantity being considered as equivalent to and in satisfaction of the rights of the Indians in the low water flow of Yakima River and adequate for the irrigation of 40 acres on each Indian allotment; the apportionment of this water to be made under the direction of the Secretary of the Interior, and there is hereby authorized to be appropriated the sum of $635,000 to pay for said water to be covered into the reclamation fund; the amount to be appropriated annually in installments upon estimates certified to Congress by the Secretary of the Treasury. One hundred thousand dollars is hereby appropriated to pay the first installment of the amount herein authorized to be expended, and the Secretary of the Interior is hereby directed to prepare and submit to Congress the most feasible and economical plan for the distribution of said water upon the lands of said Yakima Reservation, in connection with the present system and with a view to reimbursing the Government for any sum it may have expended or may expend for a complete irrigation system for said reservation."

And the Senate agree to the same.

JNO. H. STEPHENS,
C. D. CARTER,
CHAS. H. BURKE,
Managers on the part of the House.

HENRY F. ASHURST,
MOSES E. CLAPP,
Managers on the part of the Senate.

STATEMENT.

The Senate conferees have receded on amendment No. 37.

On the following amendments the House conferees receded with qualifying or substitute amendments:

No. 81: Decreases from $250,000 to $200,000 the amount appropriated for continuing the construction of the irrigation system on the Flathead Indian Reservation, in Montana. Also corrects an error in Senate amendment No. 98.

No. 139: Provides for a per capita payment of $15 to the enrolled members of the Cherokee Tribe of Indians and a $100 per capita payment for each enrolled Chickasaw Indian in the State of Oklahoma, and exempts such payments from liability for attorneys' fees and other debts contracted prior to the passage of this act. Also provides that the Secretary of the Interior may, in his discretion, withhold such payments from restricted Indians and use the same for their benefit.

No. 155: Provides a certain specified amount of water in perpetuity for irrigation purposes on the Yakima Indian Reservation, authorizes a certain sum for such purpose to be paid in annual installments, and appropriates $100,000 as the first installment.

JNO. H. STEPHENS,
C. D. CARTER,
CHAS. H. BURKE,
Managers on the part of the House.

Mr. MANN. Mr. Speaker, I reserve a point of order on the conference report.

Mr. STEPHENS of Texas. To what particular item does the gentleman refer? There are four or five items.

Mr. MANN. I have reserved a point of orde: to the conference report. I think it is subject to a point of order, but I do not know whether I shall insist upon it.

Mr. STEPHENS of Texas. Is there any particular item about which the gentleman desires information?

Mr. MANN. I want to ask in reference to two items, one in reference to the Choctaws and the other in reference to the Yakima reclamation plant.

Mr. STEPHENS of Texas. The Choctaw matter is amendment 139. The trouble over that amendment arose from the fact that the Mississippi Choctaws were involved. That has been entirely eliminated from the bill. We give the Cherokees $15 per capita and the Chickasaws $100 per capita, and omit the Choctaws, so there is no controversy in either House now as to amendment 139.

Mr. MANN. I was not aware that both Houses had agreed to that item, and as the House has twice rejected it, I would like to know about it.

Mr. STEPHENS of Texas. The conferees of the House and Senate have both agreed to this.

Mr. MANN. That is an entirely different proposition.

Mr. STEPHENS of Texas. The Senate adopted the conference report last evening, which is now before the House for final action.

Mr. MANN. It was stated on the floor, during the discussion of amendment 139, that the Choctaw fund in the Treasury and the Chickasaw fund in the Treasury were one—both one fund. Is that true?

Mr. STEPHENS of Texas. That is not correct. Originally the land belonged to all the Indians, that is, the two tribes were granted the land together by the United States; but afterwards they were separated, and a dividing line run between the two nations, and now the lands have been separated for 40 or 50 years.

Mr. MANN. As I understand the conference report, the question in reference to the disposition of the Choctaw fund remains in abeyance until further action by Congress.

Mr. STEPHENS of Texas. Yes; without being interfered with in any way by this bill. It remains in statu quo.

Mr. HARRISON. I want to say, with respect to the question asked by the gentleman from Illinois about the fund being a common fund between the Chickasaws and Choctaws, that I inquired of the Commissioner of Indian Affairs whether or not any complications would arise in the event the Chickasaws should receive their per capita payment out of this fund, and the commissioner informed me that it would not cause any complication, that it was merely a matter of bookkeeping and would be charged against the account of the Chickasaw Indians.

Mr. BURKE of South Dakota. Mr. Speaker, before that item is passed, I want to suggest that whatever may be paid to the Chickasaws will be charged to them and there will still be due them something like $1,500,000 to be paid at some future time after the payment that this authorizes. Consequently, if there should be any money paid out on account of claims that may be paid to Mississippi or other Choctaws the matter can still be adjusted.

I want to call attention to one provision in the amendment that has been incorporated in conference that was not in the Senate amendment, and that is the last proviso, which was put in after we struck out the so-called Williams amendment.

It is as follows:

Provided further, That the money paid to the enrolled members as provided herein shall be exempt from any liens for attorneys' fees or other debts contracted prior to the passage of this act.

I think the House will recognize that that is a wise provision, and that it will insure this money going to the Indians in the first instance, at least, even if it gets away from them very soon after they receive it.

Mr. MILLER. Mr. Speaker, will the gentleman yield for a question?

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

Mr. MILLER. From a statement made by the gentleman from Mississippi [Mr. HARRISON] just now, I understood that he had been advised by the Commissioner of Indian Affairs that it would make no legal difference in the status of the Indians and their property rights if the Chickasaws should at this time receive a payment of $100 per capita and the Choctaws not.

Mr. STEPHENS of Texas. I think the gentleman is correct in that statement.

Mr. MILLER. Was any further attempt made by the conferees to ascertain the legal effect of this action, other than to secure the opinion of the Commissioner of Indian Affairs?

Mr. STEPHENS of Texas. What information we received was from the department, and Mr. Meritt, Assistant Commissioner, was present.

Mr. MILLER. I will say to the gentleman that I have given some thought to the matter, as it has been up for consideration on several occasions, and I am far from being persuaded that the position taken by the Commissioner of Indian Affairs is correct, although it is likely that it shades a little that way. The fact is that every Chickasaw and every Choctaw is a joint owner of every blade of grass, every grain of sand, every rock, every bit of asphalt, every pound of coal, and every acre of land possessed by these two great tribes. That is in the law and in the agreement. They own it jointly—together. Now, at various times in distributing the proceeds we have roughly given one-fourth to the Chickasaws and three-fourths to the Choctaws, but that has not been exact justice. I think there is very grave danger in making a payment of $100 per capita to the Chickasaws now.

Mr. STEPHENS of Texas. Is the gentleman aware that they have in the Treasury about $265 per capita?

Mr. MILLER. I understand, and I understand that the courts might view that as liquidated assets, subject to be distributed; but this is a guardian administrating the affairs of people who own jointly. Now, have we any expression from the Choctaws that they are willing that this payment be made notwithstanding they are denied any payment? To my mind that is a very serious proposition. We do not want to create a claim running into the millions on the part of the Choctaws against the United States.

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

Mr. STEPHENS of Texas. It was their money, and we are acting under the treaty.

Mr. MILLER. That is true. It is not only the Chickasaws' money but the Choctaws'.

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

Mr. STEPHENS of Texas. Yes.

Mr. CAMPBELL. While it is true that the property is jointly owned by the Choctaws and the Chickasaws—that is, the coal, the asphalt, and the land—in the ratio of 3 to 1, roughly speaking, yet when money is received for land or coal, or anything else, it is placed in the Treasury to the credit of the Choctaws and to the credit of the Chickasaws, as their interest may appear.

Mr. MILLER. As their joint fund.

Mr. CAMPBELL. No; it is not placed in a joint fund. It is placed in separate funds.

Mr. MILLER. I beg the gentleman's pardon, but I understand it is placed in a joint fund.

Mr. STEPHENS of Texas. I will state to the gentleman from Minnesota that they are carried as separate items on the books.

Mr. CAMPBELL. The money is not deposited in a joint fund, but in separate funds.

Mr. STEPHENS of Texas. That is correct.

Mr. CAMPBELL. One-fourth of the proceeds arising from the sale of any property belonging to the Choctaws and Chickasaws is placed to the credit of the Chickasaws, and three-fourths to the credit of the Choctaws.

Mr. MILLER. Mr. Speaker, I will say that that is very doubtful bookkeeping, and may result in a very good-sized claim against the United States, and I do think it is serious whether we should out and out appropriate this money. It does not matter what kind of bookkeeping we follow, the fact remains that the Choctaws own a part of that fund in about the proportion of 3 to 1.

Mr. BURKE of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. STEPHENS of Texas. Yes.

Mr. BURKE of South Dakota. Will the gentleman permit me to ask the gentleman from Minnesota a question? Does the gentleman think that there would be any injustice to the Chickasaws if we authorized a per capita payment of $25 or $50 to the Choctaws? Would that not be charged to the Choctaws, and when a future payment was authorized, would we not take into consideration that they had received a per capita payment of $25 or $50, which the Chickasaws had not received, and we would therefore direct that the Chickasaws be paid an amount to equal what the Choctaws had received?

Mr. MILLER. Unquestionably that is the theory upon which this provision is drawn. There is no doubt about that.

Mr. BURKE of South Dakota. If there is still in the Treasury, after this $100 payment is made to the Chickasaws, a million and a half dollars in round numbers, does not the gentleman think, if there should be any injustice done to the Choctaws, there will be an opportunity of correcting it and equalizing the matter, so that the Chickasaws will bear any share that they ought to pay of claims that may be presented that ought to be paid out of the common fund?

Mr. MILLER. If after paying $100 apiece to the Chickasaws they still have a million and a half dollars, that may be a sufficient guaranty, a gold bond in our possession, upon which we can take a chance; but I think nevertheless it is an extremely dubious procedure, and if it were proposed to pay out all of the amount due the Chickasaws in this way, I think it would be a very critical thing.

Mr. STEPHENS of Texas. Is the gentleman aware that they have an immense amount of coal and oil and asphalt?

Mr. MILLER. Oh, yes; I understand that.

Mr. STEPHENS of Texas. And timberlands?

Mr. MILLER. That was worth a whole lot more before certain theories of government that now prevail existed.

Mr. HARRISON. Mr. Speaker, I want to say that it is to avoid that very complication that the gentleman from Minnesota has asserted might arise that prompted me to go to the Commissioner of Indian Affairs and ascertain from him his opinion. I talked with three of the attorneys in the office, and they told me, as did the commissioner, that they did not believe that this per capita payment to the Chickasaws would cause any difficulty. I want to say in that connection that while we made a fight in behalf of the Mississippi Choctaws against the distribution of this fund, until the Mississippi Choctaws could be taken care of, I do not believe it is a matter of right and justice to the Chickasaws or any other tribes that their per capita payment of distribution should be tied up pending the settlement of the question.

Mr. MILLER. Let us assume a hypothetical and perhaps extravagant case. Let us assume that 20,000 people should be added to the rolls of the Choctaws and the Chickasaws.

Mr. FERRIS. The gentleman need not assume that, for that will never happen.

Mr. MILLER. I say that it is an extravagant proposition. There are a good many times that many seeking to get on and have been for a number of years, but assuming that, then what position would the Government be in, having paid this out?

Mr. HARRISON. I think this amount that is paid to the Chickasaws will be charged up against them and in the final distribution it will be merely a matter of bookkeeping, to be charged back against them.

Mr. McGUIRE of Oklahoma. Mr. Speaker, will the gentleman from Texas yield?

Mr. STEPHENS of Texas. Yes.

Mr. McGUIRE of Oklahoma. Pursuing further the statement of the gentleman from Minnesota [Mr. MILLER], the hypothetical proposition, suppose that a large number of Mississippi Choctaws are placed on the rolls, the gentleman will concede that that immediately changes the ratio between the Choctaws as they now are in numbers and the Chickasaws?

Mr. HARRISON. Yes.

Mr. McGUIRE of Oklahoma. Suppose the Chickasaws have received practically their share at the ratio of three to one. A large number of Choctaws are put upon the roll and the ratio is changed, and we find that the Chickasaws then have received more than their proportion. To whom, then, would the Choctaws come for the residue belonging to them? It seems to me to the Government.

Mr. HARRISON. I think that probably there will be enough left for them. I have looked into that. I am under the impression that there will be enough left of the Chickasaws' part of the fund to take care of them.

Mr. MANN. Mr. Speaker, may I ask the gentleman from Mississippi a question?

Mr. STEPHENS of Texas. I yield to the gentleman from Mississippi for that purpose.

Mr. MANN. The gentleman from Minnesota just stated that the land, and so forth, belonged to the Chickasaws and Choctaws jointly. Does the gentleman from Mississippi understand that is jointly by tribes or jointly by individuals?

Mr. HARRISON. I think originally they were jointly by tribes, and I think now they are jointly by tribes, but——

Mr. MILLER. Let me say it is jointly by individuals, each individual.

Mr. HARRISON. I desire to say I am not thoroughly familiar with that phase of the question, and no doubt the gentleman from Minnesota is correct in that.

Mr. MILLER. It is jointly by individuals.

Mr. MANN. It is perfectly patent, if it is jointly by tribes, it does not make a particle of difference to the Choctaw Indians how much per capita distribution is made to the Chickasaws, or vice versa; but if they own this jointly as individuals, and you add a large number of new names to the rolls of the Choctaws, that then the distribution to the Chickasaws may result in a diminution of the fund for distribution to the Choctaws. That is perfectly patent.

Mr. HARRISON. I think that would be true if a large number should be put upon the rolls.

Mr. MANN. How many are seeking to get on the rolls?

Mr. HARRISON. I do not think at the outside there are over 2,000 that would be able to prove their claims.

Mr. MANN. The gentleman's opinion about that is very good; but how many are seeking to get on the rolls?

Mr. HARRISON. I do not know; there is quite a number seeking; a great many are seeking to get on the rolls without any warrant to do so.

Mr. MANN. I understood that a gentleman said a moment ago in the House that there were 100,000 seeking to get on the rolls.

Mr. HARRISON. I think that is grossly exaggerated.

Mr. MANN. In the opinion of some gentlemen there was no chance for the Mississippi Choctaws to get on the rolls, and it appears there might be now. How about the others seeking? Somebody must think they have a chance or they would not be seeking.

Mr. HARRISON. My opinion is there will be probably 2,000 that ought to be placed on the rolls, if the gentleman asks my opinion about it.

Mr. MANN. The gentleman gives his well-considered opinion, but he would not say he has made an investigation to know whether——

Mr. HARRISON. There are about 1,100 who have been identified by the Dawes Commission and who certainly ought to be on the rolls.

Mr. MANN. The gentleman says 1,100 in his locality.

Mr. HARRISON. In Mississippi.

Mr. MANN. How many does the gentleman know there are throughout the United States? It is a fact, is it not, that the Government is taking a chance on this, because if the distribution in the end is to be a per capita between the two tribes and not per capita for each tribe considered separately, if they paid too much to the Indians of one tribe, they in the end will be asked to make that up?

Mr. HARRISON. I think so, and I think the opinion of the department was based on that fact—that is, that they thought there would probably be no more placed upon the rolls than could be taken care of.

Mr. MILLER. May I inquire of the gentleman from Texas whether any showing has been made before the conferees indicating the urgency requiring this per capita payment to the Chickasaws at this time? Was there any failure of crops or any famine or anything of that kind?

Mr. STEPHENS of Texas. There was a representation made by the department that it is right that this money should be paid to these Indians. Not only that, but we are under treaty obligations to pay this money to these Indians. It is argued it is a very great injustice to these Indians to have this money in the United States Treasury that should have been paid them years ago, and that it should not be withheld from them now. As I stated before, there is $265 coming to each one of these

Indians, and we only propose a payment of $100, which leaves $165 per capita still due. And not only that, but the land, timber, oil, and asphaltum, which is estimated all the way from ten to fifty or sixty million dollars, belong to these Indians, and there can certainly be no chance in any way by which the United States could be mulcted in damages for paying out this $100. I now yield to the gentleman from Oklahoma [Mr. FERRIS].

Mr. FERRIS. Mr. Speaker, I would not consume the time of the House but for the fact I do not want the House during this debate to get in an avenue of a misapprehension of the facts. Sixteen years ago the Federal Government promised by two treaties—not one, but two—to distribute these funds that belong to these Indians among them and finally settle their affairs. Sixteen long years have these Indians waited for that to be done and have been refused. What do these five tribes ask? Aid from the Government? Not at all; but are asking Congress to give them their own money which belongs to them. It is their money. No one here or elsewhere asserts or dares to assert that it is not their money. They need their money now, not after they are all dead. Statehood has come; white people have come in and have purchased the surplus lands, and the Indians are forced to smaller reservation or allotments. They need this money, and it ought to be paid to them—at least to the competent ones, and to the incompetent ones it ought to be capitalized and used for their benefit by the department. This would shield them from graft or sharp dealing. The present Indian Commissioner is on the job, and he will secure justice in the handling of the funds. Practically all the Five Civilized Tribes are intelligent people who know what they are about, and it is a farce and a farcical performance to longer try to administer their affairs 2,000 miles away. I am not here criticizing the conferees. Now the question arises—and I want to say that the holding up of these moneys, and particularly the Choctaw money, at this time is in direct violation of the treaty stipulations between the United States and the Choctaw Indians, and that instead of the payment of it being made a claim arising by reason of the payment of their money, we had better fear a claim for the injury and damage that may result to the Indians by reason of Congress breaking a direct treaty stipulation in not paying it to them at all. This matter is getting tedious to the Indians, who thought this Government would do what it promised to do with a people wholly within its charge.

The gentleman from Mississippi [Mr. HARRISON] and his colleagues no doubt feel that they have some kind of an imaginary claim against these funds. But it has been adjudicated five or six times. I do not want to go into that argument, but this identical fourteenth article of the treaty of 1830 has been adjudicated in every forum that ever had authority to sit on it, and they have always rendered a verdict adverse to them. But 16 years have elapsed without doing what the Federal Government agreed to do, to wit, to settle with the Five Tribes, and I presume they will have to hold on a little longer without the Federal Government doing what they ought to do. They ought to give these Indians, who are practically white Indians, their money and let them alone, and cut them loose from the Federal Government and have nothing more to do with their affairs. They are full citizens, all voters, most of them competent. But I have neither the ability, influence, nor power to now make this House understand the situation sufficiently to do that. The conferees have probably done the best they could. The Mississippi Choctaw claim is not easily understood, and it would not be fair to force Congress to act hastily. When the matter is once understood I have no fears of the result. There can be but one verdict and that will be that the Oklahoma Indians are entitled to their peace.

Now, one word further. The Choctaws and Chickasaws have always maintained separate tribal governments, and they do to-day. They have their separate principal chiefs. Douglas H. Johnson is the governor, or principal chief, of the Chickasaws, and they have a Chickasaw legislature regularly elected and still holding office. The principal chief, or the governor, of the Choctaws is Victor H. Locke, and they have a Choctaw legislature. True, their property since 1837 has been held in common since the Chickasaws bought into the Choctaw Tribe. The Choctaws acquired their title in 1820 and 1830. The Chickasaws bought their interest in that estate in 1837. The Indian Office has kept the two funds separate. They put one-fourth to the credit of the Chickasaws and three-fourths to the Choctaws, due to the fact that the ratio of population was about one-fourth Chickasaws and three-fourth Choctaws of the aggregate population.

As was suggested by the gentleman from Mississippi [Mr. HARRISON] the Indian Office says there will be no difficulty in this payment to the Chickasaws. Personally I think they all ought to have been paid. I have no doubt the conferees think so. At this late period of the session we have not the time to properly debate this matter and thrash it out, and after conferring with some of the leaders of the House on both sides of the Chamber this course was agreed upon, with very much sorrow and reluctance on my part. I do not think the people ought to be longer held up by the claim which to my mind is totally spurious and without merit. And to my mind as long as there is a dollar left or as long as there is a pound of meat on the Indians' bones, there will be a lot of vultures trying to get on the roll, trying to rob the Indians under one guise or another. As long as it is worth from $3,000 to $5,000 to get on the roll, that long every dirty-faced hybrid will try to do so whether he is with or without Indian blood.

It is my earnest hope, and I am sure it is the hope of every Indian of my State, that this Mississippi Choctaw claim may soon be understood and disposed of, so that this Government can keep faith with the Choctaws and give them their money.

Mr. MANN. Mr. Speaker, I would like to ask the gentleman from Texas [Mr. STEPHENS] in reference to amendment No. 155—the Yakima irrigation project. I notice that the Senate amendment originally proposed an appropriation of $100,000 for one purpose in connection with that, and then another $100,000 for another purpose, making $200,000, while the conferees' report makes an authorization, to be paid from the Government Treasury, of $635,000.

Mr. STEPHENS of Texas. To be paid in annual payments hereafter by Congress. The gentleman is correct.

Mr. MANN. What is the theory of that? Why are we called upon to do that?

Mr. STEPHENS of Texas. That follows the report and suggestions made by the joint committee on the part of the two Houses to investigate this special matter during the first session of this Congress, and this follows the report. It makes it definite that the Indians are entitled to one-half of the natural flow of the river. They had only received 147 cubic feet per second, which was entirely too small an amount, and we design by this legislation to do justice to the Indians by giving them the amount of water that that commission has found should have been given to them. And, in addition to that, I will state that the reclamation engineers, headed by Mr. Newell, and the Indian engineers have arrived to these figures that we have adopted here. It is satisfactory to the House and satisfactory to the Senate and satisfactory to the Reclamation Service and the Indian Reclamation Service, and they have all agreed to this amendment.

Mr. MANN. Usually all of these people will agree to any proposition that takes money out of the Federal Treasury instead of their funds. As I understand, here is the Reclamation Service that has a reclamation fund, and the Indian Service has various Indian funds, and they both agree that the money shall be paid out of the Federal Treasury and not out of their funds. I think we ought to have more information on the subject than the gentleman has given us so far as to why we should stand the gaff.

Mr. STEPHENS of Texas. Is the gentleman aware that this commission spent more than 10 days upon this reservation and took a volume of testimony and made the following report to Congress:

[Senate Document No. 337; Sixty-third Congress, second session.]

IMPOUNDING WATERS AND INDIAN TUBERCULOSIS SANITARIUM.

Report presented by Mr. ROBINSON, of the joint congressional commission created under section 23 of the Indian appropriation act approved June 30, 1913, "For the purpose of investigating the necessity and feasibility of establishing, equipping, and maintaining a tuberculosis sanitarium in New Mexico for the treatment of tuberculous Indians, and to also investigate the necessity and feasibility of procuring impounded waters for the Yakima Indian Reservation or the construction of an irrigation system upon said reservation to impound the waters of the Yakima River, Wash., for the reclamation of the lands on said reservation, and for the use and benefit of the Indians on said reservation."

THE NECESSITY AND FEASIBILITY OF PROCURING IMPOUNDED WATERS FOR THE YAKIMA INDIAN RESERVATION OR THE CONSTRUCTION OF AN IRRIGATION SYSTEM UPON SAID RESERVATION, TO IMPOUND THE WATERS OF THE YAKIMA RIVER, WASH., FOR THE USE AND BENEFIT OF THE INDIANS OF SAID RESERVATION.

The second part of the task assigned this joint commission of Congress relates to a subject quite distinct and disconnected from any question of health or sanitation. It involves many disputed facts, complicated questions of law, and policies of far-reaching importance.

* * * * * * *

A brief historical statement of the subject will be of value and importance.

TREATY OF 1855 WITH YAKIMA AND ASSOCIATED INDIAN TRIBES.

In 1855 the United States made a treaty, ratified in 1859, with the Yakima and Associated Indian Tribes, in the State of Washington, by the terms whereof said Indians ceded a large area of lands to the United States, reserving to themselves what is known as the Yakima Indian Reservation, the same being definitely described.

Said reservation comprises about 1,092,819 acres, of which approximately 120,000 acres in the basin of the Yakima River are irrigable.

The exclusive right of taking fish in all the streams running through or bordering the reservation was expressly reserved by the treaty to the Indians.

At the time of this treaty irrigation was little known, and it does not appear that the subject of water rights bore any important relation to the treaty. It is certain that the value of water rights was not foreseen either by the Indians or the Government.

The controlling purpose of the treaty, however, was to make possible the permanent settlement of the Yakima Indians and their transformation into an agricultural people.

"The treaty was not a grant of rights to the Indians, but a grant of rights from them—a reservation of rights not granted." (U. S. *v.* Winans, 198 U. S., 381.)

Only a small area of the lands reserved by the Indians was susceptible of profitable cultivation without irrigation.

In the course of time much of the land on the Yakima Indian Reservation was found to be subject to irrigation. Some of these lands having been patented passed into the ownership of white men.

Above the Yakima Indian Reservation, on the Yakima River and the Ahtanum Creek, white men settled and diverted water for irrigation purposes. On the opposite side of the Yakima River from the said reservation is located the Sunnyside irrigation project, embracing 102,000 acres, irrigated from the Yakima River and now having under cultivation about 75,000 acres. This project began under the auspices of a corporation known as the Washington Irrigation Co., but was taken over by the Reclamation Service about 1906. The Reclamation Service has in contemplation three large units in addition to the Sunnyside, namely, the Kittitas, with an approximate area of 82,000 acres, the Benton, with an area of 90,000 acres, and the Tieton, embracing probably 35,000 acres. The latter project is located on the same side of the Yakima River as the Yakima Indian Reservation, while the Sunnyside, Benton, and Kittitas units are on the opposite side of said river. All of these units are embraced in the so-called Yakima Basin.

It is conceded that the natural flow of the Yakima River and its tributaries is not sufficient at low-water stages to irrigate all of the irrigable land within said basin. The shortage of water has led to a controversy extending over many years and causing the appointment of this commission to inquire into the facts and recommend an adjustment of the dispute.

While the history of irrigation on the Yakima Indian Reservation is involved in the obscurity unavoidably incident to the beginning and progress of such affairs, it appears reasonably certain that irrigation by the Indians on the reservation began about 1859. In 1865 approximately 1,200 acres on the reservation were under irrigation. About the time the United States took over the Sunnyside project irrigation work was commenced on the reservation by the Indian Service. This was in May, 1896. It was estimated by William Redman, engineer, in a report June 30, 1897, that by constructing more lateral ditches, 50,000 acres could be irrigated from the system then in existence.

In the meantime white settlers on the other side of the Yakima River from the reservation had made appropriation of water from the river under the laws of the State of Washington.

February 19, 1903, the then superintendent of the Yakima Reservation filed on 1,000 cubic feet per second of water for the use and benefit of said reservation. This was more than the entire low water of the river at a given point in the river adjacent to the reservation. Water users having appropriated almost the entire low-water flow of the Yakima River adversely to the reservation instituted in the State courts injunction suits against the water users on the reservation. While these suits were pending the then Secretary of the Interior, Mr. Hitchcock, undertook to compromise all disputed claims to water rights from the Yakima River. He awarded only 147 second-feet to the reservation and 650 second-feet to the adverse claimants. This allowance of only 147 second-feet was inadequate to meet the actual demands for water on the reservation at the time and totally failed to make provision for future needs. Great dissatisfaction resulted. It is not deemed practicable or profitable here to set forth in detail the history of this important controversy. It continued and gathered volume until development was embarrassed throughout the Yakima Basin.

Your commission visited the State of Washington, inspected the several units in the Yakima Basin, and especially the Wapato and Sunnyside units. Public notice was given that all parties interested in the subject matter would be heard. Hearings were had at the city of North Yakima and at Toppenish. Many witneseses and attorneys representing the various interests involved appeared before the commission and submitted their views in detail.

A part of this testimony has already been printed, and the remainder is herewith submitted.

After a careful consideration of the whole subject and the entire record, the following findings of fact and recommendations are submitted for such consideration and action as the Congresses may deem necessary and advisable.

1. That the allowance by the former Secretary of the Interior, Mr. Hitchcock, of 147 second-feet of water of the low-water flow of the Yakima River for the use and benefit of the irrigable lands on the Yakima Indian Reservation was when made and now is inadequate, inequitable, and unfair to said Indian reservation.

2. From a consideration of the whole subject we believe that vested rights have accrued to water users other than those on said reservation and that the low-water flow of the Yakima River is insufficient to supply their needs and the requirements of said reservation. We therefore believe that the United States should provide, for the use and benefit of the irrigable portion of said reservation, free from storage cost and storage maintenance cost, sufficient water to equal the amount to which said reservation was equitably entitled when the finding of Secretary Hitchcock was made.

While it is difficult to determine what this amount should be, we are convinced that it should not be less than one-half of the natural flow of the Yakima River and should be sufficient to irrigate one-half of each allotment of irrigable land on said reservation. That this will cost approximately $500,000, and we recommend that an appropriation of said amount for this purpose be authorized, payable in five annual installments, as the needs of irrigation on said reservation may demand, and on estimates to be submitted, said $500,000 being the amount we believe necessary to purchase such free water in addition to the amount now available for the irrigable land on said reservation from the Reclamation Service as will be required for this purpose.

3. As to the portion of the irrigable allotments in excess of the area to be furnished water free, the allottees may be permitted, but should not be required, to sell the same or any portion thereof, under such terms and conditions as the Secretary of the Interior may prescribe. The cost of furnishing water for such area not to be furnished water free shall be apportioned equitably according to benefits.

4. As to all allottees on the said Yakima Indian Reservation, the equitable proportionate cost, both as to storage water in addition to such amount as shall be furnished free and as to the cost of maintenance and distribution of all water furnished for said irrigable lands on said reservation, shall be charged to the allottees, respectively, and payable from their proportionate individual shares of tribal funds when distributed.

5. In the event any allottee shall receive a patent in fee to an allotment of irrigable land before the amount so charged against him has been repaid to the United States, then such amount remaining unpaid shall become a first lien on his allotment, and the fact of such lien and the amount thereof shall be recited on the face of each patent in fee issued.

As to all grantees of allottees to whom patents have been issued, the cost which would be charged against the proportionate individual shares of allottees if the lands were not patented shall be fixed as a lien upon the lands so patented.

The repair and extension of the irrigation distribution system for the Yakima Indian Reservation and the maintenance of the same should be under the control of the Indian Service.

The expenses incurred by this commission are approximately $2,500. The exact amount can not at this time be stated, for the reason that a part of the bills for stenographic service have not yet been ascertained and audited.

Respectfully submitted.

Senator JOE T. ROBINSON, *Arkansas (chairman)*,
Senator CHAS. E. TOWNSEND, *Michigan*,
Representative JNO. H. STEPHENS, *Texas*,
Representative CHAS. H. BURKE, *South Dakota*,
Joint Commission of Congresses.

Attest:

ROSS WILLIAMS, *Arkansas*,
Special Clerk and Stenographer for the Commission.

DECEMBER 20, 1913.

Mr. MANN. I do not care if they spent 10 months on the reservation. I read the report of the commission hastily without understanding it, and without pretending to understand it. But that is no reflection on the report. I read it when it came in. However, that is not sufficient. Why do we pay these expenses for this irrigation project out of the Federal Treasury?

Mr. STEPHENS of Texas. For the reason that those Indians were in that country long before the country was ever settled, possibly for hundreds of years. They were entitled to one-half of the flow of this river. The whites had deprived them of one-half of the flow, and we thought it proper to give each Indian's 40-acre allotment, that had heretofore been made to him, water free in perpetuity. In order to do that and guard the safety of the Indians in the future we have agreed to give them this as a first installment for the purpose of building ditches and taking the water out of the river. It is of no benefit unless it is taken out of the river and put on the Indian lands, and it will require that much money to furnish the water to 40 acres for each Indian.

Mr. MANN. Let me see if I understand the situation. Here was your Indian reservation and the river, and the Indians were entitled to the use of the water for the purpose of irrigating their land; the Reclamation Service seizes the water for another purpose and uses it, or proposes to use it, for another reclamation project, or something of that sort; now we authorize irrigation works for the benefit of the Indians and advance the money, to be reimbursable out of the proceeds of the sale of their lands. Then we go along in this proposition and provide that they shall have more water than they are now using, and that they shall get that from the Reclamation Service. Then we say we will pay into the Reclamation Service, which I will not say has stolen the water, but has taken it for their purposes, and instead of charging the cost either to the Indians who got their lands irrigated, or to the whites who got their lands irrigated, we charge the cost to the Federal Treasury, and nobody is really to imburse it. Is that correct?

Mr. STEPHENS of Texas. I will yield to the gentleman from South Dakota [Mr. BURKE], who was a member of that commission and who has the figures before him as well as the report made by our committee.

Mr. MANN. Was not the gentleman from Texas a member of that commission?

Mr. STEPHENS of Texas. I was; but the gentleman from South Dakota has the papers before him, and he can give you the exact figures.

Mr. BURKE of South Dakota. Mr. Speaker, this is a very important matter, and I think some explanation ought to be made of it before the House adopts the amendment in the form it has been agreed to in conference. I am going to try, Mr. Speaker, to make a very brief and comprehensive statement of the matter, and then I shall be glad to answer any questions that may be propounded.

Mr. Speaker, an Indian reservation was set aside many years ago in the State of Washington for the occupancy and use of the Yakima Indians. In consideration therefor the Indians ceded to the United States a large area. This was by treaty

made with the United States in 1855 and ratified in 1859. In the treaty between the United States and the Indians it was declared that the purpose of the treaty was to encourage agriculture among the Indians.

As the country developed, white persons moved in and began appropriating water from the Yakima River, which bounds the Yakima Reservation, for irrigation purposes. One project, known as the Sunnyside project, is on the opposite side of the Yakima River from the Indian reservation, and a few years ago it was taken over by the Reclamation Service, and a complete system of irrigation was installed, and the project has since been operated under the Reclamation Service. Congress authorized the construction of an irrigation system for the benefit of the Yakima Indians upon the irrigable area of the Yakima Reservation, comprising 120,000 acres of land, all of which was allotted to individual Indians. This reclamation project was directed to be paid for from the proceeds received from the sale of surplus lands. It was wholly an Indian project and for the benefit only of the Indians. It developed that on account of prior appropriations there would not be sufficient water in the Yakima River to furnish in the low-water season a quantity necessary to irrigate the Indian lands. A conflict arose between the water users and other irrigation projects that became very bitter, and there was such a controversy that the matter was taken into the courts. The Prosser Falls Land & Power Co. and the Washington Irrigation Co. brought suits against the officials of the Yakima Indian Reservation and canals higher up on the river for alleged illegal division of water from the river At the request of the Reclamation Service action under these suits was suspended. Agreements were entered into by these litigants to dismiss the suits in case an agreement could be reached adjusting the questions involved. This resulted in negotiations between all the parties in interest, the Secretary of the Interior acting for and representing the Indians, and at the same time being the head of the department of which the Reclamation Service is a part. The whole question of the rights of the several parties was considered and adjudicated, and an apportionment was made on March 26, 1905, by which 650 second cubic feet was apportioned to the Sunnyside project, while only 147 second feet of the low-water flow of said river was apportioned to the Yakima Indian Reservation. This was inadequate to meet the actual demands for water on the reservation, at least it was not adequate for future needs, and much dissatisfaction resulted.

In order that you may understand the proposition so far as the project of the Sunnyside is concerned, I will say that it is immediately opposite the Yakima project, being upon the public domain, or what was the public domain before it was acquired by the settlers who are now there. There is about the same amount of land that is irrigable in the Sunnyside project as there is in the Indian project on the reservation. The apportionment of water as between the two projects was adjudicated by the Secretary of Interior by apportioning 650 second cubic feet to the Sunnyside and only 147 second cubic feet to the Indians; and that was based, as I understand, upon the question of prior appropriation, prior use, and because of prior use the Sunnyside project was entitled to 650 second cubic feet.

A few years ago an amendment was incorporated in the Indian appropriation bill in the Senate, authorizing an appropriation of $1,800,000 for the purpose of constructing a storage reservoir at the headwaters of the Yakima River for the purpose of supplying water sufficient for the needs upon the reservation to irrigate the irrigable area. The provision was eliminated in conference, and on subsequent occasions, when the same amendment was incorporated in the Indian appropriation bill it met a like fate. In the Indian appropriation act approved August 24, 1912, this matter having then been several times presented by the Senate in conference, a provision was adopted that became the law, authorizing and directing the Secretary of the Interior to investigate the conditions on the Yakima Indian Reservation with a view of determining the best, most practicable, and most feasible plan for providing the water for said reservation, and in response to that provision a very elaborate and comprehensive report was submitted to Congress on January 23, 1913, it being House Document No. 1299, Sixty-second Congress, third session. A recommendation was made for a storage system costing $1,800,000, and following the recommendations of the Secretary of the Interior a provision was again incorporated in the Indian appropriation bill providing an appropriation of $1,800,000 for the construction of the storage system proposed. In conference the provision was eliminated, and in its place a provision was agreed to which became section 23 of the Indian appropriation act approved June 30, 1913, by which a commission was created, consisting of two members of the Senate Committee on Indian Affairs and two Members of the House of Representatives, for the purpose of investigating the necessity and feasibility of procuring impounded water for the Yakima Indian Reservation, or the construction of an irrigation system upon said reservation, and so forth. The commission was appointed, visited the reservation, and made a report to Congress on December 20, 1913, being House Document No. 337, Sixty-third Congress, second session. This commission reported that the allowance by the Secretary of the Interior of 147 second feet of water of the low water flow of the Yakima River for the use and benefit of the Yakima Indian Reservation was when made, and now is, inadequate, inequitable, and unfair to said Indian reservation.

The commission also found that vested rights have accrued to water users other than those on said reservation and that the low-water flow of the Yakima River is insufficient to supply their needs and the requirements of said reservation, and that the United States should provide for the use and benefit of the irrigable portion of said reservation, free from storage cost and storage maintenance cost, sufficient water to equal the amount to which said Indian reservation was equitably entitled when the finding of the Secretary of the Interior was made. The commission stated that it was difficult to determine just what portion of the river the Indians were entitled to, but said that it ought to be sufficient to irrigate one-half of the irrigable area upon said reservation, and a finding was made that it would cost approximately $500,000 to purchase such free water in addition to the 147 second cubic feet already available from the Reclamation Service. This amount was arrived at from figures given by the Director of the Reclamation Service. Since the report of the commission was made the Director of the Reclamation Service stated that he was in error when he stated before the commission what it would cost to furnish such water, and there is no doubt but what he was mistaken, and that $500,000 would not be a sufficient amount to furnish the required quantity of water, and in order that it might be finally determined and to preclude a claim being made to a future Congress that the amount authorized to be appropriated was inadequate, we have authorized by the amendment agreed to in conference that there may be appropriated $635,000, which is the amount that the Director of the Reclamation Service says will be required to furnish the necessary quantity of water.

The amendment appropriates $100,000 of the amount, and provides that future appropriations shall be based upon estimates to be furnished by the Secretary of the Treasury as estimates are usually furnished for public works.

One of the purposes in putting this matter in the form in which we have is to keep it separate from the question of a reclamation project to provide storage and a distributing plant for the whole 120,000 acres, as contemplated by the Senate amendment, that would cost between $5,000,000 and $6,000,000, if it did not cost more than the department has estimated. The figures are something over $5,000,000; and, judging by the estimates that have been submitted in the past in connection with the construction of reclamation projects, I think it is quite safe to say that this might cost $6,000,000, or even more.

The Senate amendment contemplated making this a reclamation project the same as if the land were public domain and subject to homestead entry, or land in private ownership, and it contemplated making the Indian allotments bear the reclamation cost, except I may say it was not intended to make the land pay for the storage of water that it is claimed the Indians were deprived of and that they are entitled to.

It proposed creating a lien upon the Indian allotments for the reclamation cost, and the Senate amendment also provided that this lien should be foreclosed as a mortgage lien. Our theory is that it is not within the power of Congress to create a lien upon land which, by a declaration of law or by a treaty, possibly, is exempt from any lien for a period of 25 years, and it was the opinion of the commission unanimously that whatever was done the United States ought to pay whatever it is going to cost, because of the wrong that was done to these Indians in their having been deprived of the water that they were justly entitled to from the Yakima River, and appropriate it and pay it over to the Reclamation Service, so that when they get ready to go ahead with the reclamation project to irrigate the balance of the land, which will be the other one-half of the area, this amount will be credited to the fund, and the balance of the land will bear the expense of the construction and the distribution, and also the additional water that will be required.

Mr. BATHRICK. Mr. Speaker, will the gentleman yield there?

The SPEAKER. Does the gentleman from South Dakota yield to the gentleman from Ohio?

Mr. BURKE of South Dakota. Certainly.

Mr. BATHRICK. Up to the time the gentleman got to talking about $5,000,000 or $6,000,000 the gentleman's statement was remarkably clear; but I wish to understand whether the gentleman means that it will cost $5,000,000 or $6,000,000 to complete this storage project, or whether the $635,000 is all that it will cost?

Mr. BURKE of South Dakota. I want to say to the gentleman that the estimate of the cost for a storage system necessary to provide for water sufficient to irrigate this 120,000 acres would be $1,800,000. There is 120,000 acres of land, and it will cost $24 an acre for distributing the water upon the land in addition to the storage charge. This proposition does not contemplate either the construction of a storage reservoir or the construction of a distributing system. It is simply taking out of the Treasury of the United States a sum of money and paying it to the Reclamation Service to deliver to these Indians along the river the water that they have been unjustly deprived of; and the reason why there is no other recourse except to the Government is that there are other settlers all up and down that river that have now vested rights, and we can not say to them that they must come in and pay additional cost over what they have contracted to pay, which is all that ought to be expected of them. We could not enforce it if we tried to impose upon them the additional cost. The United States being at fault in not protecting the rights of the Indians in the matter of their water rights in that river, the United States has got to pay the bill.

What I was desirous of accomplishing—and I think that was what the commission desired—was to keep this matter separate from the question of a reclamation project, including the 120,000 acres, and provide for paying the amount require to put in the river the water the Indians had been deprived of and let some future Congress, acting through the committees that we have in both branches of Congress that have jurisdiction in relation to the irrigation of arid lands, work out some system by which all the lands may be irrigated.

Mr. KEATING. Will the gentleman yield?

Mr. BURKE of South Dakota. Certainly.

Mr. KEATING. The gentleman suggested that by expending $635,000 you will place the water in the river. How will the Indians use the water after you place it in the river?

Mr. BURKE of South Dakota. I will say to the gentleman that under the law opening the surplus lands of the Yakima Indian Reservation it is provided that there shall be constructed an irrigation plant, to be paid for by the Government and reimbursable from the proceeds from the sale of the lands of the Indians, and there has been constructed upon the Yakima Reservation what is to my notion one of the cheapest and most practicable reclamation projects, perhaps temporary in character, that we have anywhere in the country. We have a project there constructed under the Indian Bureau that has cost only about $250,000. There is a dam and there is a main canal and there are laterals, and about 32,000 acres of the Indian lands are irrigated at the present time. The Reclamation Service say that with sufficient water and at a slight expense the area that could be irrigable from the project now already constructed would probably be in the neighborhood of 80,000 acres, but the difficulty is that in July and August—and that was what the commission encountered when they were upon the reservation—the Indians can not get sufficient water for the lands that they now have under cultivation, because it has already been appropriated and taken from the river. The project is already there, sufficient for the present, I think, to irrigate one-half the irrigable area. What the Reclamation Service contemplates is just wiping off the slate this project that has been constructed by the Indian Service, and that, we think, is working fairly satisfactorily as an Indian proposition, discarding it as being of no account and starting anew and constructing an irrigation project, such as they do construct, that will cost from their own estimates not less than $5,100,000. We do not care to go into that.

Mr. KEATING. If the gentleman will bear with me just a moment, it seems to me the proposition contains two points. You propose to purchase water for the Indian reservation. Now, if you have a system with which you can distribute that water, I understand how you can put it to a beneficial use, but perhaps the Members of the House who are not from western States do not understand that the title to this water rests absolutely upon its beneficial use and that if you were to turn into the stream at this point a thousand cubic feet per second for the use of the Indians and the Indians did not have the distributing system to take care of the water after it was placed at their disposal any settler could seize that water and put it to a beneficial use, and it would at once become his property. So it is very essential, if we purchase this water for the Indians, that the Indians shall have a distributing system to take up the water immediately and put it on the land and be prepared to defend title to that water because they are putting it to a beneficial use, and that is the point I want the gentleman to make clear. If the Indians have not a distributing system, if they are not prepared to use the water and put it to a beneficial use, every western Member of the House knows that the Indians can not retain title to that water.

Mr. BURKE of South Dakota. I think the gentleman will understand the statement which I am about to make. The Reclamation Service now have a storage system. That is, they have the water in storage at the present time that they can furnish for this project. It amounts to this, that we propose to purchase from the Reclamation Service the amount of water that is necessary to supply one-half of the irrigable portion of the reservation. Of course, in the face of this legislation, the Reclamation Service will not attempt to make any other disposition of it, and we will appropriate this $635,000 in such amounts annually as may seem necessary to pay for the water that is being used.

Mr. KEATING. And when the water is delivered by the Reclamation Service, it is the purpose of the Government to have a distributing system prepared, is it?

Mr. BURKE of South Dakota. I may say to the gentleman that there is a distributing system there now, sufficient to irrigate one-half of the irrigable area of this project, if it is properly cleaned out, as the Secretary's report says, and with some slight extensions that would cost only a very small amount.

Mr. KEATING. One more point, if the gentleman will bear with me. That is as to the question of the liability of the Government. The gentleman says that the decision of the Secretary of the Interior which divided the water between the white farmers and the Indians was an unfair decision. Now, on what does the gentleman base that proposition? Before the gentleman answers that, if he will pardon me just a moment, did the Indians make any filings on the water at any time?

Mr. BURKE of South Dakota. I will say to the gentleman that in 1903 the agent for these Indians did make a filing for 1,000 second cubic feet. I think that is not disputed. I want to say to the gentleman—and I think I am in accord with his view of the law—that if you are going into a discussion of the right of the Indians to any portion of the Yakima River as against prior appropriators, we will get into a discussion here that will be long and complicated.

Mr. KEATING. I have no desire to do that.

Mr. BURKE of South Dakota. The gentleman is undoubtedly familiar with the decision of the Supreme Court in the Winters case.

The SPEAKER. The time of the gentleman has expired.

Mr. STEPHENS of Texas. I move the previous question.

Mr. MANN. Oh, no; there are two or three gentlemen on this side who want to be heard.

Mr. MONDELL. I should like to ask the gentleman a question.

The SPEAKER. The gentleman from Texas [Mr. STEPHENS] has four minutes left.

Mr. TAYLOR of Colorado. The understanding was that this matter was to take only two or three minutes. We did not agree to yield Calendar Wednesday.

Mr. MANN. Who had the understanding that it would take only two or three minutes?

Mr. TAYLOR of Colorado. The chairman of the Committee on Indian Affairs gave me that understanding.

Mr. STEPHENS of Texas. I did not suppose there would be any difficulty in putting this through.

Mr. TAYLOR of Colorado. We want to go on with the other bill. We do not want Calendar Wednesday taken up.

Mr. MONDELL. I do not know where the gentleman got the idea that an Indian conference report could be disposed of in two or three minutes. It never has been done.

Mr. TAYLOR of Colorado. That was the impression the gentleman gave me.

Mr. BURKE of South Dakota. Mr. Speaker, I do not desire to consume time, but this is an important matter; and it is important that the conference report be disposed of, because the appropriation bill ought to become a law by August 1.

Mr. TAYLOR of Colorado. But this is a privileged matter. It can be called up at any time, but we can not get any time except on Wednesday.

The SPEAKER. Yes; but the trouble is that the gentleman from Texas [Mr. STEPHENS] got unanimous consent after the Chair warned the House that this was Calendar Wednesday.

Mr. BURKE of South Dakota. We are in now.

Mr. TAYLOR of Colorado. I want to ask unanimous consent that to-morrow be considered as Calendar Wednesday, or else get the rest of to-day for the consideration of the regular order. This is a privileged matter, and we do not want to yield Calendar Wednesday.

Mr. MADDEN. You have already yielded.

Mr. STEPHENS of Texas. How much time does the gentleman want on that side?

Mr. MANN. I want 15 minutes and the gentleman from Washington wants 5 minutes, and the gentleman from Wyoming wants 15 minutes.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent that all debate close on this report in 30 minutes.

The SPEAKER. The gentleman from Texas asks unanimous consent that his time be extended 30 minutes. Is there objection?

Mr. MANN. Who is to have the time?

Mr. STEPHENS of Texas. I will yield the time to the gentleman.

Mr. MANN. I have indicated a desire on this side for 35 minutes.

Mr. STEPHENS of Texas. I will extend it 35 minutes. Mr. Speaker, I ask that the time be extended to 35 minutes.

The SPEAKER. The gentleman from Texas asks that the time be extended 35 minutes. Is there objection?

Mr. BURKE of South Dakota. Reserving the right to object, I do not intend to object. I have no desire to discuss the matter further. Of course I am for the amendment, and I thought that some gentleman might want to use the time in opposition.

Mr. STEPHENS of Texas. I ask that all debate close in 35 minutes, and at the end of that time the previous question be considered as ordered.

The SPEAKER. The gentleman from Texas asks that his time be extended 35 minutes, and at the end of that time the previous question shall be considered as ordered.

Mr. MANN. While I have reserved a point of order, I will not insist or object.

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

ENROLLED BILL SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 17041. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 4988. An act to provide for the disposal of certain lands in the Fort Berthold Indian Reservation, N. Dak.; and

H. R. 17824. An act making appropriations to supply deficiencies in appropriations for the fiscal year 1914 and for prior years, and for other purposes.

FEDERAL RESERVE BOARD (H. DOC. NO. 1134).

The SPEAKER laid before the House the following letter from the reserve bank organization committee, which was read, and, with the accompanying documents, was ordered printed and referred to the Committee on Banking and Currency.

The letter is as follows:

RESERVE BANK ORGANIZATION COMMITTEE,
Washington, D. C., June 24, 1914.

To the SPEAKER HOUSE OF REPRESENTATIVES.

SIR: The reserve bank organization committee has the honor to acknowledge the receipt of a copy of the resolution of the House of Representatives, dated April 15, 1914, which reads as follows:

"*Resolved*, That the organization committee of the Federal Reserve Board be, and it is hereby, directed to send to the House of Representatives the ballots, or a tabulated statement thereof, cast by the various national banks of the United States to determine their choice for reserve cities according to a request made to said banks by the organization committee of the Federal Reserve Board."

In compliance therewith there is herewith transmitted the information called for.

Respectfully,

W. G. MCADOO,
D. F. HOUSTON,
JNO. SKELTON WILLIAMS,
Reserve Bank Organization Committee.

INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I yield to the gentleman from Wyoming five minutes.

Mr. FERRIS. I want to ask the gentleman from South Dakota a question.

Mr. BURKE of South Dakota. The time is limited, and I do not care to discuss it further.

Mr. MONDELL. I must have 15 minutes if I am going to discuss the matter at all.

Mr. STEPHENS of Texas. I will yield to the gentleman from Wyoming 15 minutes.

Mr. MONDELL. Mr. Speaker, the conference report provides that the Secretary of the Interior is authorized and directed to deliver in perpetuity at the northern boundary of the Yakima Indian Reservation 720 cubic feet of water per second, and an authorization is made of $600,000 in pursuance of that provision. Of course gentlemen must understand that it is immaterial if that provision becomes a law whether we authorize $6 or $6,000,000 the Treasury must pay for the delivery of that much water, no matter how much it may cost to deliver it.

Aside from the question as to the wisdom of guaranteeing this flow of water, there is the objection to be made against the manner in which it is done—contrary to all previous rules or provisions or laws, as far as I recall them, relative to irrigation. If it is wise and it is the duty of the Government to pay enough to insure the delivery of the amount of water stated, what ought to be done is to make an arrangement under the law we have on the statute book known as the Warren Act, which provides for the purchase of water in perpetuity from the Reclamation Service. That is in harmony with general reclamation laws and regulations. This, it seems to me, with all due deference to gentlemen who have suggested it, is a very extraordinary provision, to bind the Secretary of the Interior in perpetuity to protect certain Indians in the delivery of a certain amount of water at a given point, no matter what may happen.

Mr. BURKE of South Dakota. Will the gentleman permit an inquiry?

Mr. MONDELL. Yes.

Mr. BURKE of South Dakota. If the Indians have been deprived of the water they were entitled to by the nonaction or negligence on the part of the Government, ought not the Government in perpetuity furnish the water that they have been unjustly deprived of?

Mr. MONDELL. I am inclined to agree with the gentleman that if, through the act of the Government as guardian of the Indians, the Indians have lost waters to which they were entitled, it is incumbent on the Government to make some provision with regard to it; but I do not think we should make it in this way, and I say that without any desire to criticize the gentlemen, because I realize that they have had a difficult situation to deal with. But it does not seem to me that the method they have adopted is the proper one. It lays an obligation on the Government for all time for this water. It differentiates this 720 cubic feet of water from any other irrigation waters that I have any knowledge of in the arid region.

Mr. KEATING. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. KEATING. In selling storage water, is it not a fact that you sell it by the acre-foot and not by the cubic foot, as provided in the bill?

Mr. MONDELL. That is quite frequently done, I will say to my friend from Colorado; but whichever way you do it, if the Government is under any obligation in the matter the obligation is to provide the Indians under the law a water right which they thereafter must protect. Some day these Indians are going to pass out from under the control of the Secretary of the Interior. Some day these lands will be occupied by American citizens of more or less Indian blood, but they will not differ greatly from the people of the surrounding territory, nor will their lands or region differ. Then we will have in that particular locality a water right guaranteed by the Federal Government. It seems to me if it is proper to provide for this water at public expense, it should have been done so as to provide for the purchase under the terms of the statute now on the statute books relating to such matters. This water right should be fixed on the same basis of other water rights in the arid region. I do not like a special and peculiar sort of a water right. It is possible the Secretary of the Interior can, under this authorization, sell and contract for rights so as to place them in the same position as other rights in the region. If he can, I hope he will. Of course, it may be suggested that the form of this right is not material or important. I think it is very important, because it sets up here a perpetual obligation on the Federal Government which will run through all time, after Indians have ceased to be regarded as Indians and when that part of the country is in no respect different as to its civilization, cultivation, and settlement from the balance of the country.

The gentleman from South Dakota [Mr. BURKE] has asserted that there is an obligation. I have not gone into the matter carefully. I assume that he is right. The obligation, I would say, can hardly be based on the action of the Secretary of the

Interior in assuming to divide these waters. What does the gentleman understand the act of the Secretary really was? Did the Secretary, representing the Government, say that in his opinion these Indians had title to 147 cubic feet of the flow of the stream, and that they were entitled to no more? Did he, representing them and acting for them, accept that as their part of the flow?

The Secretary of the Interior was at the same time the head of the Reclamation Service, and when he rendered that decision, if it were an inequitable decision under the rights existing, what he did was to give to the people who will eventually occupy the Yakima lands a gift which, as you have figured out, amounts to $650,000, and as much more as it may be necessary in perpetuity to establish and maintain those water rights. If the Secretary was right, if he was correct from a legal standpoint, in assuming that is all the water the Indians were entitled to, then the obligation, if there is any obligation, on the part of the Government is an obligation due to the fact that prior Secretaries and prior Indian Commissioners had not, on the part of the Indians, filed on sufficient water and held sufficient water rights. So there is, whichever way you look at it, something of an obligation.

Mr. BURKE of South Dakota. There had been a filing made of 1,000 second cubic feet by the Indian agent at one time.

Mr. MONDELL. What Secretary was this?

Mr. BURKE of South Dakota. This apportionment was made under Secretary Hitchcock. The gentleman will understand that at the time there was litigation.

Mr. MONDELL. As between the rights of the Indians and others?

Mr. BURKE of South Dakota. As to the rights of the Indians; an action was brought against the official in charge of the Indians for a diversion of the water by certain companies that claimed that they were not getting the amount of water they were entitled to.

Mr. MONDELL. What I want to emphasize is this: There is no earthly reason why any Indian on any irrigable lands in the West should lose his water rights, if there ever have been any water rights available. All it has ever required was action by the department in making the proper water-right applications and in pursuing them reasonably toward utilization in order to protect them.

Mr. BURKE of South Dakota. The gentleman makes his statement, I presume, by assuming that the decision of the Supreme Court in the Winters case is not a proper interpretation and construction of the law with relation to the rights of the Indians to waters in rivers that bound Indian reservations. Is that correct?

Mr. MONDELL. I will say that to me it is funny, not to characterize it otherwise, and I doubt if the Supreme Court would have said just what it did say under any other state of facts than those existing in that particular case, because I can not believe that any court anywhere, in a matter affecting an arid region, would finally say that there is a power existing anywhere that may stay development until the crack of doom because there is somebody too indolent or too indifferent to develop or allow development. That kind of theory is monstrous when you attempt to apply it to a country whose very life depends upon the useful application of water; it is contrary to the natural law of things. There can not be any power of that kind anywhere.

Mr. BURKE of South Dakota. Mr. Speaker, that is the opinion and statement of the gentleman which is in conflict with the decision of the Supreme Court of the United States.

Mr. MONDELL. I do not think it is altogether in conflict with the decision of the Supreme Court, but I have not the time or disposition to discuss that decision of the Supreme Court. What I want to emphasize is this. We have heard a good deal of discussion of late in respect to the necessity of fixing by law rights to water Indian lands, so that they never can, through lack of use, be lost.

The SPEAKER pro tempore (Mr. GARRETT of Texas). The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Speaker, I think a provision of that kind would be most unfortunate and unnecessary. It would, in the long run, bring great loss to the Indians and greatly retard development of the western country.

Mr. STEPHENS of Texas. Mr. Speaker, I yield five minutes to the gentleman from Washington [Mr. LA FOLLETTE].

Mr. LA FOLLETTE. Mr. Speaker, I have no desire to consume the time of the committee further than to say that I have lived in this particular country where this reservation is for the past 37 years, and I do know that this was the home of these Indians for many years prior to my going there, and probably for hundreds of years, and I do know that they did make use of all of that great valley of the Yakima. The Government made a treaty with them and put them on a reservation, and of course the rest of the valley was opened to the whites. At that time this was a great feeding ground for the Indians' stock. By and by it was fenced up and taken over by the whites, and they—the whites—began to procure water rights and utilities of that kind. During his entire life the poor Indian had lived in an environment that gave him no opportunity to know the necessity of acquiring water rights, and he never thought of or had knowledge that he should have to acquire the right to use the water which had been running by him since the beginning of time, and which he had done with as he pleased.

I maintain that if the Government through its agents committed wrongs against the Indians, and did not protect them, and that fact is brought to the attention of Congress, Congress should in some way try to make amends and take care of those wards of the Government.

The gentleman from Wyoming [Mr. MONDELL] says that the Government never has granted a water right in this way. I want to say that there has been no similar case under reclamation in the United States, and this would naturally be a precedent. There could not have been anything like it, because this is the only case of the kind that I have ever heard of. I think this is only a simple act of justice, that the United States Government should provide sufficient water there in perpetuity for the benefit of these Indians who have given up this great valley to the United States Government for the benefit of the white race.

And I beseech the membership of this House to do this act of justice. I have no desire to take up the time of the House, because I am as much interested in the reclamation extension bill as anybody, and in this same valley are two of these reclamation projects, but my sense of justice in this case to my district compels me to ask for time in order that I might beg that justice be done to these Indians, just as I would ask that justice be done to the white residents of that valley under like circumstances. Mr. Speaker, I will not take up any further time and will yield back any time I may not have used.

Mr. STEPHENS of Texas. May I ask the gentleman a question?

Mr. LA FOLLETTE. Certainly.

Mr. STEPHENS of Texas. Is the gentleman satisfied with the amendment that has been proposed and agreed to by the Senate?

Mr. LA FOLLETTE. I am willing to accept it, as I think that is the best we can do at this time. I might wish it even more liberal to these Indians, but I will offer no objection, as I am anxious that they should get much-needed relief.

The SPEAKER. The gentleman has consumed four minutes.

Mr. STEPHENS of Texas. I now yield to the gentleman from Illinois 15 minutes.

Mr. MANN. Mr. Speaker, probably I shall not consume all of that time. I want to know whether I understand this situation correctly. As I understand it the Yakima Indians, on their reservation, have about 120,000 acres of irrigable land, which is subject to be irrigated with water from the Yakima River, and that they have more or less of an adequate irrigation system, but that under a decision of the Secretary of the Interior some years ago they were given in a decision the right to 147 cubic feet of water per second for irrigation purposes, that not being anything like one-half of the water which was available. I understand that just across the river is other land which is subject to be irrigated and upon which there were some private irrigation projects which have since been absorbed by the Government as a reclamation project under the Reclamation Service, and that the other side of the river was receiving four, five, or six times, whatever the amount was, I do not remember exactly, of water which the Indians were receiving on their side of the river, though, naturally, the lands on both sides of the river were equally available for irrigation. Now, we have discovered that the Secretary of the Interior made an unfair and inequitable division of the water, and that the Indians ought to have enough water to permit each Indian allotee on these 120 000 acres to irrigate 40 acres of land, which, as I understand, would amount to somewhere in the neighborhood of sixty, seventy, or eighty thousand acres of land to be irrigated, and that first the commission which was appointed and now the conferees of the committee propose to guarantee to these Indians in perpetuity 720 cubic feet of water per second, instead of 147 cubic feet of water which they are now receiving or to which they are entitled. But that there is not water enough in the river under natural conditions to furnish this amount of water. In other words, if there were to be a new division now and no one was in occupancy of the land on either side we probably would give the Indians half and reserve half to be used on the other side

of the river for the public lands, but the other side of the river having been settled upon and being now tilled by the people who went there under the original private reclamation project, now a public reclamation project which absorbed them, with a fixed charge agreed upon both as to construction and as to maintenance, that it would be unfair for us now to put any extra charge upon those people, and that it would be unfair for the Government, as it seems to me, to make those people who went there, not in contemplation of an injustice which had been done to the Indians, but with the understanding they would receive a certain amount of water at a certain rate, it would be unfair to try to cut off the amount of water which they are to receive or to increase the charge that is to be made against them for that water. We want to do justice to the Indians.

According to the report of the commission we have to provide additional water, and the way to provide additional water is by impounding the water in reservoirs, because the shortage of water is at the season of low water, and as I understand there is plenty of water if it is impounded and there is opportunity to impound it, and, as a matter of fact, a part of it has been already impounded. Now, the Reclamation Service, under a decision of the Secretary of the Interior, got a larger proportion of this water than it was fairly entitled to when that decision was made. The decision gave the Reclamation Service a much larger proportion of the water than it gave to the Indian reservation, although the two were occupying identically similar positions on opposite sides of the river, and each lot of land should have been entitled to half.

Mr. FERRIS. Will the gentleman yield?

Mr. MANN. I will.

Mr. FERRIS. How much irrigable land was on each side?

Mr. MANN. About 120 000 acres on each side.

Mr. FERRIS. Subject to irrigation?

Mr. MANN. Subject to irrigation. As we can not add to the charge against the white settlers on their side of the river so likewise we can not charge the Indians on their side of the river for the cost of impounding the water that we may furnish to them when if we had not taken it away from them they would have received it without that cost, and it seems to be perfectly sure in both cases. But it is an odd thing in the end in all of these claims that it is Uncle Sam who is to be touched. The reclamation project, as it were, robbed the Indians of the water. I say "robbed." There is nothing criminal about it. This is under a decision of the Secretary of the Interior who was at the head of both services. Now, what do we propose to do? We propose to take out of the General Treasury and pay into the reclamation fund the cost of restoring those conditions.

Mr. FERRIS. Will the gentleman yield there?

Mr. MANN. I will.

Mr. FERRIS. There are about 2,300 of these Indians.

Mr. MANN. I do not know how many.

Mr. FERRIS. I understand there are that number. Do they farm at all?

Mr. MANN. I understand they do.

Mr. FERRIS. It seems to me, under the gentleman's statement—and I have followed him very closely; I do not know anything about it—but it seems to hinge largely on whether or not the Indians will get the benefit of the money that is proposed to be appropriated, because if it is appropriated for a lot more white people it ought not to be done.

Mr. MANN. Undoubtedly the Indians will get the benefit of it. In other words, it is not possible to furnish water to the Indians to irrigate the 40-acre tract for each of the allottees without taking the water from the white settlers on the other side of the river, or else impounding the water so that they will have a greater supply than they would have under low-water conditions. But I can not understand why the reclamation fund should not have this appropriation charged to it. This is an appropriation here to take out of the General Treasury and turn into the reclamation fund a sum of money in order to restore conditions to what they were before the Reclamation Service robbed the Indians of their share of the water.

Mr. FERRIS. Where was the Indian Service, with their reclamation bureau, that they were not on the job to see to it that the Indians got their rights?

Mr. MANN. I expect that was before they got started very far. That was before anybody knew very much about the irrigation service at all.

Mr. STEPHENS of Texas. Before the irrigation service was completed.

Mr. MANN. Nobody knows much about the reclamation business now, and they have known less since the sad experience we have had since 1905.

Mr. FERRIS. Under the law, if the gentleman will yield, the question of water rights in the West is one of use, is it not?

Mr. MANN. I am not going to deal with that question. I do not agree with half of these gentlemen about the matter. I think the Government has the right to reserve the water, if it wants to do so, for the benefit of the Indians, just as much of a right, or a greater right, as to reserve the land if it wants to do so. Of course, I know these States out there operated by the white settlers are endeavoring to put up a different theory of law in order to rob the Indians of their water.

Mr. BURKE of South Dakota. Does the gentleman think there is really anything in the suggestion that this ought to come out of the reclamation fund? Does it not come out of the Treasury anyway, ultimately? For instance, I would just as soon the gentleman would pay me, if he owed me an obligation, out of his salary fund as out of the great fund that he may have from his private investment.

Mr. MANN. Unfortunately, I do not owe the gentleman from South Dakota any money, but if I did it would have to be paid out of my salary

Mr. MONDELL. Will the gentleman yield to me?

Mr. MANN. Yes.

Mr. MONDELL. The gentleman made a statement a moment ago that I wish he would modify a little, because I do not think he means it.

Mr. MANN. I have not time to stop to modify statements, because I am not through with them yet.

Mr. MONDELL. The gentleman said we took this position because we wanted to rob the Indians. Of course, the gentleman knows that is not our standpoint, but that what we want to do is to see these lands yield crops.

Mr. FERRIS. The gentleman does not object to a mild statement like that?

Mr. MANN. Here is an actual case where a commission of both Houses of Congress have decided in polite language that we did rob the Indians of their right to the water, and it is now proposed, instead of taking the cost of restoring the right to the Indians out of the reclamation fund which received the benefit of the water which was taken, that we shall take the cost out of the General Treasury and pay it into the reclamation fund. I do not see how anybody can defend the proposition. The reclamation fund has received the benefit of this extra water. Now, of course I do not think that the settlers on this reclamation project there now, with certain charges fixed, ought to have this extra cost put upon them, because very likely they never would have taken the land if they had been compelled to meet these high costs. But the reclamation fund, which we set aside, consisting of the proceeds of the sale and lease of the public lands, for reclamation purposes, having received the benefit of this water taken away from the Indians, and now having restored it by a reservoir, wants the General Treasury to pay back to the general reclamation fund this expense and to restore the conditions that were there before it mixed in with it.

Mr. FERRIS. Will the gentleman yield at that point?

Mr. MANN. Certainly.

Mr. FERRIS. If the gentleman's premises are right, this land got the extra water in that particular project, but I understand he finally proposes to charge it up to them. With what consistency can the gentleman say that some project in Colorado ought to pay for some project over in the State of Washington?

Mr. MANN. There would not be any consistency in that, and if the gentleman thinks for a moment it would not be charged to any project in Colorado——

Mr. FERRIS. Be charged to the whole fund.

Mr. MANN. If that comes out of the fund in the Treasury, it does not add to the cost of any project or is not charged to any project.

Mr. BURKE of South Dakota. Suppose this was to be paid out of the reclamation fund, and there is not any money in the reclamation fund, then what are you going to do? We want this water furnished to these Indians.

Mr. MANN. The gentleman says, "Suppose it should be paid out of the reclamation fund." And I suppose he means that there is no money in the reclamation fund; but there is money in the reclamation fund.

Mr. BURKE of South Dakota. Has not that fund been drawn from so that there will not be anything to spare from it in this generation?

Mr. MANN. Not at all. It is a question merely in these cases, in regard to the reclamation fund, whether we authorize the commencement of a lot of new projects that cost the Lord knows how much. We have got to finish the existing projects, although they cost a great deal more than was anticipated.

We have not only got to finish these projects, but we have got to finish them upon terms much more favorable to the settlers than was contemplated. That is carried in the irrigation bill now pending in the House. But upon what theory can anyone say, the money being in the Treasury, just a certain amount there, whether it is in the reclamation fund or otherwise—and it is only a matter of bookkeeping—upon what theory can gentlemen say that in order to reduce the total cost for all reclamation service, that when the reclamation fund has received the benefit of taking water which the Government has to restore, then we have got to pay for that out of the General Treasury, and, as a matter of bookkeeping, turn into the reclamation fund?

Mr STEPHENS of Texas. Will the gentleman permit me to answer that by saying it is a gratuity?

The SPEAKER. The gentleman's time has expired. All time has expired. The question is on agreeing to the conference report.

The conference report was agreed to.

On motion of Mr. STEPHENS of Texas, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

DISPOSITION OF USELESS PAPERS.

The SPEAKER laid before the House, from the Joint Select Committee on the Disposition of Useless Executive Papers, a report (No. 1042) on House Document No. 1006, relative to letter of Acting Secretary of the Treasury, which was ordered printed.

Mr. KEY of Ohio. Mr. Speaker, I ask unanimous consent to take from the Speaker's table four Senate pension bills of similar title granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, namely, the bill S. 4969, the bill S. 5278, the bill S. 5501, and the bill S. 5899, with House amendments thereto, and ask that the House insist upon its amendments and agree to the conference asked for by the Senate.

The SPEAKER. The Clerk will report the bills by title.

The Clerk read as follows:

S. 4969. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors;

S. 5278. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors;

S. 5501. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors; and

S. 5899. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

The SPEAKER. The gentleman from Ohio [Mr. KEY] asks unanimous consent to take from the Speaker's table the Senate bills just reported, to insist upon the House amendments thereto, and agree to the conference asked for. Is there objection?

There was no objection.

The SPEAKER. The Chair announces the following conferees on the part of the House: Mr. KEY of Ohio, Mr. KEATING, and Mr. SELLS.

LANDS AT HEADWATERS OF THE MISSISSIPPI RIVER.

Mr. FERRIS rose.

The SPEAKER. For what purpose does the gentleman from Oklahoma rise?

Mr. FERRIS. I rise for the purpose of calling up the conference report on the bill S. 1784.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to call up the conference report on the bill S. 1784. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, where is my friend from Colorado [Mr. TAYLOR]?

Mr. TAYLOR of Colorado. The gentleman from Oklahoma has agreed that if the consideration of his conference report shall take more than three minutes he will yield the floor.

The SPEAKER. The Clerk will read the conference report.

The Clerk read the conference report, as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1784) restoring to the public domain certain lands heretofore reserved for reservoir purposes at the headwaters of the Mississippi River and tributaries, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House and agree to the same.

SCOTT FERRIS,
JAMES M. GRAHAM,
Managers on the part of the House.

H. L. MYERS,
M. A. SMITH,
REED SMOOT,
Managers on the part of the Senate.

Mr. MANN. Reserving the right to object, Mr. Speaker, what is the effect of the bill?

Mr. FERRIS. It is a bill similar to one introduced by Mr. LINDBERGH. It is a Senate bill. The House put on an amendment, and the Senate refused to agree to the amendment, and the House asked for a conference, and the Senate receded from its disagreement to the House amendment. All that the House needs to do now is to occupy the same position it occupied before.

The SPEAKER. Is there objection to the present consideration of the conference report?

There was no objection.

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

The conference report was agreed to.

PAYMENT UNDER RECLAMATION PROJECTS.

Mr. TAYLOR of Colorado. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (S. 4628) extending the period of payment under reclamation projects, and for other purposes.

The SPEAKER. The gentleman from Colorado [Mr. TAYLOR] moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of Senate bill 4628. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The gentleman from Virginia [Mr. FLOOD] will take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill S. 4628, with Mr. FLOOD of Virginia in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill S. 4628, which the Clerk will report by title.

The Clerk read as follows:

S. 4628. An act extending the period of payment under reclamation projects, and for other purposes.

The Clerk proceeded with the reading of the bill for amendment, as follows:

INCREASE OF CHARGES.

SEC. 4. That no increase in the construction charges shall hereafter be made, after the same have been fixed by public notice, except by agreement between the Secretary of the Interior and a majority of the water-right applicants and entrymen to be affected by such increase, whereupon all water-right applicants and entrymen in the area proposed to be affected by the increased charge shall become subject thereto. Such increased charge shall be added to the construction charge and payment thereof distributed over the remaining unpaid installments of construction charges: *Provided*, That the Secretary of the Interior, in his discretion, may agree that such increased construction charge shall be paid in additional annual installments, each of which shall be at least equal to the amount of the largest installment as fixed for the project by the public notice theretofore issued. And such additional installments of the increased construction charge, as so agreed upon, shall become due and payable on December 1 of each year subsequent to the year when the final installment of the construction charge under such public notice is due and payable: *Provided further*, That all such increased construction charges shall be subject to the same conditions, penalties, and suit or action as provided in section 3 of this act.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I should like to ask the gentleman from Arizona what is the effect of this proposed legislation as compared with the existing law? If the Reclamation Service makes a mistake about what the cost is going to be, who is to pay that?

Mr. HAYDEN. If the public notice fixing the construction charge has been issued, any expenditure made thereafter will result in a direct loss to the reclamation fund, because the water users on the projects can only be required to pay the amount fixed in the public notice. But if it is necessary to expend additional money on the project, we provide that the water users shall be consulted about the matter. If a majority of them agree to the increased charge, all shall be bound by the new contract.

Mr. MANN. And if they do not agree to it?

Mr. HAYDEN. Then this bill provides that the expenditure shall not be made.

Mr. MANN. What is the time of giving public notice now?

Mr. HAYDEN. Section 4 of the reclamation act provides:

That upon the determination by the Secretary of the Interior that any irrigation project is practicable, he may cause to be let contracts for the construction of the same, * * * and thereupon he shall give public notice * * * of the charges which shall be made per acre upon the said entries, and upon lands in private ownership which may be irrigated by the waters of the said irrigation project.

In practice, however, the Secretary has not followed the letter of the law, but has delayed issuing the public notice until the work on projects is almost completed.

For instance, on the projects in Arizona no public notice has yet been issued, although the first contracts for their construction were made over 10 years ago. Anything that is expended is still chargeable to the water users.

Mr. MANN. There has been a great deal of complaint in reference to this increased cost. Now, has that increased cost come before or after public notice has been given on these projects?

Mr. TAYLOR of Colorado. Before.

Mr. HAYDEN. All expenditures on the Arizona project have been made prior to the issuance of the public notice.

Mr. MANN. The gentleman is not answering for the Arizona project alone.

Mr. HAYDEN. I understand that on one project in Wyoming where a public notice was issued some further expenditures were undertaken thereafter for drainage, under a special agreement that the increased charge would be paid. As a rule, but little expenditure has been made by the Reclamation Service after the public notice has been issued. I understand there are some cases, however, where there might be loss to the Government unless a new contract is made with the water users as provided in this section.

Mr. MANN. What is the necessity for making this provision?

Mr. HAYDEN. In order that all the water users shall be bound by the new contract. When the water user accepts the provision of his act he agrees that if a majority of the water users under his project request the Government to make an additional expenditure, and it is made, he will be bound to pay his share of the increased cost, although he may individually vote against the increase.

Mr. MANN. Are they not bound by it now?

Mr. HAYDEN. As the law stands at present there is a possibility of loss to the reclamation fund if the Government spends any money on a project after the public notice is issued, because the water users are not bound to return that money to the fund. We have tried to cure that defect in the law by this provision that no such expenditure shall be made unless the water users first agree to it. If they do agree, then they ought to pay.

Mr. MADDEN. It might amount to half of the total expenditure.

Mr. HAYDEN. Possibly; but this provision remedies that defect in the law.

Mr. MADDEN. This simply puts the water user in the position of being compelled to return the money which may be expended after the public notice is issued.

Mr. HAYDEN. If a majority of the water users agree to pay for additional construction on a project, then all are bound by that agreement.

Mr. FOSTER. Suppose a reclamation project is started, after public notice has been given that it will cost so much per acre, and then it is found that it will require more than that to finish it. Under this provision, how is that managed?

Mr. HAYDEN. The proposition is submitted to the water users by the Secretary of the Interior, who says that a certain expenditure must be made in order to complete the project. And he asks them, "Do you consent that this expenditure be made?" If a majority of them consent to it, the expenditure can be made, and they will all be charged with the cost of the work

Mr. FOSTER. Suppose they refuse to consent to it?

Mr. HAYDEN. Then the expenditure can not be made. This bill prohibits the Secretary of the Interior from spending additional money on a project unless a majority of the water users give their consent.

Mr. FOSTER. Then what becomes of the project?

Mr. HAYDEN. It will be an incomplete project. They have got to get along with what they already have.

Mr. FOSTER. Then they would be assessed to pay for the uncompleted project?

Mr. HAYDEN. Yes; the water users will pay for the work already done.

Mr. NORTON. I find that in the case of several of the projects which have already been undertaken the Reclamation Service has made preliminary surveys of near-by projects and has incurred very large expenses in making these surveys, and then in the construction of the approved projects has made gross mistakes of engineering and has incurred large and unnecessary and unjustifiable expenses in attempting to carry out certain theories and experiments pertaining to irrigation. Then at the time of the notice to the settlers of the cost of construction of the project all these expenses of preliminary surveys of near-by and abandoned projects and the useless and unjustifiable expenses occasioned by wild and impractical theories of officers and employees of the Reclamation Service are covered into the grand total purported cost of construction and imposed as a part of the construction charges upon the settlers on the project. This is preeminently unfair to these settlers, who ordinarily have so many other burdens and difficulties to contend with. Why has the committee seen fit not to provide in this bill any relief for the settlers from these unjust charges?

Mr. HAYDEN. We have not take up that question in this bill.

Mr. MONDELL. I move to strike out the last word.

As I understand the situation affected by the section which has just been read, it is this: There has been a great deal of difference of opinion as to the proper interpretation of section 4 of the original irrigation law. In the first place, there has been a question as to whether we contemplated the return to the fund of all the expenditure on a project or a return to the fund of the estimated cost of the project. The language of the section is:

The said charges shall be determined with a view to returning to the reclamation fund the estimated cost of construction and shall be apportioned equitably.

Now, it has been my view that after the Secretary of the Interior had given the public notice provided in the reclamation law and had fixed the charge per acre, that thereafter no additional charge could be made which the entryman was obliged to pay, even though the project might cost more than the amount fixed. But the fact is that in practice the service has in a number of cases where the public notice had been given increased the charges under the project. In the majority of these cases, however, that has been done where work undertaken was not contemplated, or the necessity for which could not be foreseen at the time the project was undertaken. In the case of the project in my State, which has been referred to, the additional expense was for drainage, an expense which could not well have been foreseen.

Now, section 5 of the so-called bond act, the act under which a loan was made to the reclamation fund at 3 per cent, they changed the law somewhat in regard to the issuance of notice by a provision that thereafter no entryman should be permitted to go on the land until the Secretary should have established the unit of entry and the water charge and the date when the water could be applied. That provision was to prevent, in the first place, the location of a large number of settlers on the land prior to the time when they could be supplied with water. But it was intended also to prohibit the Secretary from fixing charges until he had proceeded so far with the construction that he could accurately estimate the cost. Under these circumstances if an estimate was carefully made there would be little question of increased charges thereafter.

Now, this provision of section 5 of the bond act and the experience of the Secretary and the Reclamation Service has led them to be careful about fixing charges until the time had arrived when they could be certain as to the ultimate and final cost of the project. They have been so careful in that respect that on the great project in Arizona—the Salt River project—and on a number of other projects the final notice has not yet been issued.

Now, there has been this difficulty in connection with additional costs which were really necessary. I refer again to the Wyoming project where the drainage was necessary and essential. There were some tracts that did not need to be drained, but the project as a whole needed extensive draining. It has been the view of some that such an additional cost could not be legally placed upon all the settlers unless they agreed to it. On most of the projects the settlers have agreed to these increased costs. This section, if it becomes a law, will enable the Secretary when the necessity for additional expenditures becomes apparent, necessity for additional storage, additional supply, or for the drainage of the land after it has been irrigated—whenever these expenditures become necessary it will

be possible under the law to present the matter to the settlers and have them decide whether they will be content to take the project as it is, with possibly a slightly insufficient amount of water, or with insufficient drainage, whether they will bear these handicaps or remove them themselves, or by agreement under this section bring all the lands under the project subject to the additional cost necessitated by these improvements and these betterments.

Mr. MADDEN. Mr. Chairman, I move to strike out the last two words. It seems to me, Mr. Chairman, that if there is any doubt anywhere about the right of the Government to charge all the money expended on a project or projects, that it ought to be cleared up. There is no more reason on earth why the Government should spend money it receives from the sale of public land for irrigation projects without the right to charge it all to the project, than there is that a private individual in the United States should have the right to the payment of money out of the Public Treasury without any consideration. The question ought to be settled definitely, and the gentleman from Wyoming, I understood, said there was some doubt about whether in some cases even now the Government could charge moneys expended on irrigation projects to the projects or assess it against the land.

Mr. MONDELL. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. MONDELL. This paragraph is intended to remove any question in the future in regard to that matter, and the questions in the past have been, so far as I know, all cleared up.

Mr. MADDEN. The way to remove any doubt about it, in my mind, is to require in this bill that the Secretary of the Interior come before the Congress of the United States every year with the estimate of what it is going to cost to do the work for the current year and give the opportunity to Congress to learn in advance what projects are under way and what they are likely to cost, and what it is hoped to accomplish by the expenditure of the money.

Mr. SMITH of Idaho. If the gentleman will yield, I want to say that that is all set forth in the annual reports.

Mr. MADDEN. We do not have to pass upon the annual reports. We ought to pass on them in advance. The time has come when the Interior Department ought not to be permitted to spend money on projects for reclamation where it is absolutely impossible to obtain water. I understand that such expenditures have been made. I believe that all such extravagances could be avoided if the Congress, through one of its important committees had the right to pass upon the question in advance. It may be fairly assumed that the cost of the project is what is expended upon it, not what it is estimated it will cost; and to say that there is any doubt whether the proper charge should be the estimate of the cost or the cost itself is absurd. There ought to be but one conclusion on the question, and that is that every dollar expended should be charged to the project.

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

Mr. MADDEN. I have not the time to yield. As far as I am concerned, I hope the House will never adopt any measure which limits the charge to the estimated cost, for it does not matter how expert the man who makes the estimates may be conditions are likely to arise that he could not have foreseen, and I never yet saw an engineering project in which changes had not to be made before it was concluded; and it is fair to assume that projects of the kind sought to be made under the pending bill will have similar difficulties, which the engineers will be obliged to surmount. While nobody here has any disposition to impose any undue burdens upon the people who live upon these lands—and, on the contrary, I believe everybody here is anxious to alleviate all of their troubles, so far as it is consistent with right and justice—yet there should be, and I hope there will be before this bill is passed, a provision inserted in it to require the men in charge of the Reclamation Service to come annually before the Committee on Appropriations with a full statement of just what it is hoped to accomplish by the expenditure sought to be made in any given year.

The Clerk read as follows:

OPERATION AND MAINTENANCE.

SEC. 5. That in addition to the construction charge, every water-right applicant, entryman, or landowner under or upon a reclamation project shall also pay, whenever water service is available for the irrigation of his land, an operation and maintenance charge based upon the total cost of operation and maintenance of the project, or each separate unit thereof, and such charge shall be made for each acre-foot of water delivered; but each acre of irrigable land, whether irrigated or not, shall be charged with a minimum maintenance and operation charge based upon the charge for delivery of not less than 1 acre-foot of water: *Provided*, That, whenever any legally organized water users' association or irrigation district shall so request, the Secretary of the Interior is hereby authorized, in his discretion, to transfer to such water users' association or irrigation district the care, operation, and maintenance of all or any part of the project works, subject to such rules and regulations as he may prescribe. If the total amount of operation and maintenance charges and penalties collected for any one irrigation season on any project shall exceed the cost of operation and maintenance of the project during that irrigation season, the balance shall be applied to a reduction of the charge on the project for the next irrigation season, and any deficit incurred may likewise be added to the charge for the next irrigation season.

With the following committee amendments:

Page 5, line 11, strike out the word "maintenance" and insert the word "operation," and in the same line strike out the word "operation" and insert the word "maintenance."

The CHAIRMAN. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I suppose those committee amendments which we just adopted are very important. The Senate proposes that we charge the cost of "maintenance and operation" and the great committee of the House insists that we shall charge the cost of "operation and maintenance." Possibly the Senate went upon the theory of putting the two words according to their alphabetical order, with the first letter of the word, and I suppose the House committee just thought that they would reverse it?

Mr. TAYLOR of Colorado. No. I may say to the gentleman that throughout the bill the phrase "operation and maintenance" is referred to, and in that particular place the words were transposed and we made it uniform.

Mr. MANN. What is the present law with reference to this operation and maintenance and minimum charge which is put upon land which is not irrigated?

Mr. HAYDEN. Mr. Chairman, the original reclamation act made no provision for segregating the construction charge from the charges for operation and maintenance, but in this section we differentiate between these charges. The Supreme Court of the United States decided in the Sweigert case that the Reclamation Service could collect an operation and maintenance charge prior to issuing the public notice and that it was not necessary to pay operation and maintenance expenses out of the reclamation fund and then wait 10 or 20 years to have the money repaid. The court was able to make this decision on account of some Indian irrigation legislation, which the court construed as amendatory of the reclamation act.

Mr. MANN. What is the existing law with reference to the operation and maintenance charge?

Mr. HAYDEN. It is based on this Supreme Court decision that the Reclamation Service can charge for operation and maintenance and collect the amounts due annually. We follow this decision and make it clear in this bill by segregating the charge for construction from the charges for operation and maintenance.

Mr. MANN. What is the existing law with reference to the minimum charge where the water is not actually used?

Mr. HAYDEN. There is no law upon the subject. Under certain projects the water users have agreed that where water is available for the land a minimum charge shall be made for the use of the water that the United States is ready to serve the people with. There is no reason why a man should be permitted to speculate on his land by holding it out of cultivation and let people who are actually farming their land bear the entire cost of operation and maintenance.

Land seekers in new countries can be divided into two classes: Those who are interested chiefly in opportunities to speculate in land and those who sincerely desire to make homes on the land and engage in agriculture or stock raising as their principal means of livelihood.

I do not say that the speculator has no proper place in the existing scheme of things. Upon the contrary, I have great admiration for the man who will take a chance. This does not mean, however, that we should provide by law that such men shall always have the best seat in the car of prosperity. They can take care of themselves and need no paternalistic help from the Government. The man who honestly desires to make a home is the one who needs and should receive our assistance. The provision to which the gentleman refers is to strike at speculation in land.

Mr. MANN. I am trying to get at specific information as to whether there is any law on that subject at the present time. This proposes to put a charge on land which is not actually irrigated of 1 foot per acre.

Mr. HAYDEN. Yes.

Mr. MANN. What is the average amount of water used on these projects—how many feet per acre?

Mr. HAYDEN. In the southern projects about 4 acre-feet; farmers in Montana and Idaho could get along with 2½ or 3 acre-feet.

Mr. MANN. This would be from 20 per cent to 25 per cent.

Mr. HAYDEN. The minimum charge ought to be at least that high.

Mr. MANN. And if the man who pays this minimum charge desires to get water thereafter he is entitled to that water?

Mr. HAYDEN. Yes; up to the minimum amount he paid.

Mr. MANN. The gentleman from Colorado stated this morning that where a man did not use water under the law out there and somebody else did use it, the man who did not use it lost his right to it. Here is a project where, say, half the land is not irrigated, half the water is not used at the time. Does the land which pays for this 1 acre-foot of water thereby become entitled to such water as may be necessary whenever it wants it?

Mr. HAYDEN. No. The law in the West generally is that if land lies out of irrigation for five years it loses its water rights. The right lapses in that time.

Mr. MANN. Then the owner of the land pays for 1 acre-foot of water for five years, and not having received it, thereafter he is cut out?

Mr. HAYDEN. Yes; he would be, because the right to use the water depends upon its use on the land and not upon the payment of assessments. This provision is designed to prevent speculation. On some projects as much as 20 per cent of the land that the Government is ready to serve with water is not being cultivated, and the result is that the other four-fifths are required to carry the burden of the operation and maintenance for the sake of speculators. The Government is ready to deliver the water and there is no reason why these men should be allowed to hold their lands out of cultivation. We propose to assess a minimum charge against such land.

I am also informed that under certain projects where the country is not entirely arid and where wet years sometimes occur, that a part of the settlers will sometimes decide that they will not irrigate their lands, but will take the chances and dry farm them. The result is that the whole burden of operation and maintenance is placed upon a part of the landowners. These charges are like taxes and should be borne by all alike. It is as if a part of the citizens of this city would decide that they did not need police or fire protection this year and so would pay nothing toward the maintenance of the municipal government. This provision will make it possible to do justice in such a situation.

Mr. MANN. I believe usually, where we have water furnished in a city where the water mains are laid, they charge a certain amount against the property whether it is connected or not.

Mr. HAYDEN. The minimum operation and maintenance charge provided for in this bill is based on the same theory.

Mr. MANN. But in a city when a man does need the water he can get it.

Mr. HAYDEN. He could here.

Mr. MADDEN. He could not after five years.

Mr. MANN. I understood the gentleman to say he could not.

Mr. HAYDEN. If the land is withheld from cultivation and for speculation after five years it might lose the right to water.

Mr. MANN. There might be speculation and there might not be speculation. Now, the gentleman says the law—of course we are making law in reference to this. When we impound water I suppose we have some authority to do it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, I rise in opposition to the pro forma amendment offered by the gentleman from Illinois. The situation, as I understand it with regard to this matter of maintenance and operation, is this: The reclamation law contains no reference to operation and maintenance. When we first undertook these projects the practice was to include 10 years' operation and maintenance in the construction charge. In other words, to the estimated cost of construction was added the estimate of the maintenance charge for the period within which payments were to be made. That was not found practicable. The maintenance and operation charge was not always paid, as the construction charge was not always paid. Furthermore, the landowner who did not apply for a water right was not required to pay any operation and maintenance charge. The water ran past the land, and the owner was in the position, as the gentleman from Illinois illustrated, of the owner of a city lot who got the benefit from the building of a public main and was not required to pay anything if he did not use water.

Mr. MANN. He is required.

Mr. MONDELL. I know he is. I said the situation was the same as it would be if he were not. Now, it is to cure that general situation that we have this provision, and the effect of it is to compel the landowners who have not applied for water to pay at least the minimum charge for the water that runs past their land if they decline to use it.

Mr. MADDEN. Does it limit the right of the use of the water after a period of nonuse?

Mr. MONDELL. No; the situation in regard to that is this: The receiving of water under an operation and maintenance charge does not necessarily give to the owner of the land any right to the water in perpetuity. He acquires the right to water in perpetuity under an application for a water right and under a contract under which he agrees to pay for the water right over and above the yearly cost for maintenance.

Mr. MADDEN. Will the gentleman yield for another question right there?

Mr. MONDELL. In just a moment—and a man might be charged operation and maintenance charges who refuses to apply for a water right for a series of years without getting any right at all to the perpetual use of the water.

Mr. MADDEN. Is he prohibited by anything in this bill from making application to get a right to the use of the water?

Mr. MONDELL. No; on the contrary. Under a section which follows this we endeavor to persuade him to make his application for a water right by increasing his charges 5 per cent each year that he neglects to make his application. In other words, if he does not apply this year, if the water is ready for him, he will have to pay 5 per cent more in building charges when he applies next year, and each year he fails adds 5 per cent to the building charges he must ultimately pay.

Mr. MADDEN. So that he might be compelled to pay 200 per cent increased building charges?

Mr. MONDELL. His charges would grow every year, but the probability is under this provision for an increased building charge we will get these people who now are endeavoring to hold their land for speculation to apply for water rights. They must pay at least the minimum charge for water for an acre-foot, and under the section that follows we also add to their building charge unless they do apply for water rights. This really has no reference to the acquirement of a water right. It has no reference to the question of loss of water right by nonuser.

Mr. MADDEN. Is there anything anywhere that refers to the loss of a water right?

Mr. MONDELL. Oh, yes; the reclamation laws of all the States provide for that.

Mr. MADDEN. In our law; in the United States laws?

Mr. MONDELL. Section 8 of the reclamation law puts all these things, rights and loss of water rights, under the local laws which are in force in all the States.

Mr. MADDEN. So that is equivalent to a prohibition of the use of the water.

Mr. MONDELL. Oh, no. The gentleman understands that under the reclamation law the Secretary of the Interior applies for a water right for these lands under the State law, just as a private individual does, in accordance with the State statute. These people do not differ in their rights at all from their neighbors, who also use water. The only difference is that they are dealing with the Secretary of the Interior, where the others are dealing with private parties or cooperative associations.

The Clerk read as follows:

PENALTIES.

SEC. 6. That all operation and maintenance charges shall become due and payable on the date fixed for each project by the Secretary of the Interior, and if such charge is paid on or before the date when due there shall be a discount of 5 per cent of such charge; but if such charge is unpaid on the first day of the third calendar month thereafter, a penalty of 1 per cent of the amount unpaid shall be added thereto, and thereafter an additional penalty of 1 per cent of the amount unpaid shall be added on the first day of each calendar month if such charge and penalties shall remain unpaid, and no water shall be delivered to the lands of any water-right applicant or entryman who shall be in arrears for more than one calendar year for the payment of any charge for operation and maintenance or any annual construction charge and penalties. If any water-right applicant or entryman shall be one year in default in the payment of any charge for operation and maintenance and penalties, or any part thereof, his water-right application, and if he be a homestead entryman his entry also, shall be subject to cancellation, and all payments made by him forfeited to the reclamation fund. In the discretion of the Secretary of the Interior suit or action may be brought for the amounts in default and penalties in like manner as provided in section 3 of this act.

Also the following committee amendment was read:

Page 6, line 18, strike out the word "default" and insert the word "arrears" in lieu thereof.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to strike out the last word. In fixing the operation and maintenance charges, which

I suppose are fixed annually, is the Secretary supposed to fix them at what they are or a good deal above what they are?

Mr. HAYDEN. I know what the gentleman is alluding to. In providing for a discount of 5 per cent we adopted the same plan as you find when you pay your gas or electric-light bill here in Washington. A great many public-service corporations adopt this scheme, with the idea that if a man can get a rebate he will pay a little bit more promptly than if he is charged a penalty for failure to pay on time.

Mr. MANN. And if there is an excess, that is credited the next year to the fund?

Mr. HAYDEN. Yes; and cared for in that way.

Mr. MONDELL. Or if there is a loss, it is added.

Mr. MANN. If there is a loss, it is added.

Mr. HAYDEN. It was believed that this plan would facilitate collections on the reclamation projects.

Mr. MANN. Now, what does this mean where it says that the water right or the entry shall be subject to cancellation? Does that mean it shall be canceled, or is that discretionary?

Mr. HAYDEN. That provision is in all of the public-land laws, and we repeat the language used in the original reclamation act when we say that the entry shall be subject to cancellation.

Mr. MANN. When you say that it "shall be subject to cancellation," it is directory to the department. It does not leave it discretionary with the department as to whether it shall exercise the power or not.

Mr. HAYDEN. An entry may be canceled if the entryman does not comply with the law. The law does not say "shall be canceled." If it did, the Secretary would have no option at all, but would be compelled to cancel the entry immediately.

Mr. MANN. Does the Secretary have discretionary authority as to whether it shall be canceled or not?

Mr. HAYDEN. Yes. The Secretary can give an entryman further time in which to comply with the law.

Mr. MANN. Suppose that he violated the law and somebody else wanted to enter the land, the other man has the right.

Mr. HAYDEN. Some Government inspector may think the law has been violated, or the man who is contesting the entry may think so, but if upon investigation it is found that the law has been complied with, the entryman has an opportunity to prove his good faith, and the entry will not be canceled.

Mr. MANN. But here is a proposition: A man could have gone upon this property and built a house upon it and barns upon it and reduced it to tillable condition and had everything in good order, and then died, and there would be no possible way of raising money to pay operating charges for more than a year's time; now, there could be no controversy as to whether money has been paid or not, as that is a matter of open books, and you say that if this charge is not paid within a year the entry shall be subject to cancellation and all payments made by him forfeited to the reclamation fund. Now, is there any exception for the case that I have stated?

Mr. HAYDEN. It seems to me that the Secretary would not immediately order the entry canceled on the day the time expired.

Mr. MANN. Very likely he would not. The question is whether somebody else has the right to make an entry; whether the man or his estate has forfeited its or their rights and somebody else can come in.

Mr. TAYLOR of Colorado. I may say that the Secretary of the Interior has those matters pending before him on every project now, all the time, and it was the opinion of the committee—of all of us who live adjacent to these projects—that it should be left to his discretion; and we thought it better and safer to give the Secretary of the Interior the power to forfeit and also the power to bring suit and obtain judgment for the amount, and he can hold that as against the property.

Mr. MANN. But I do not see where any discretion is lodged. It says that all payments made by him shall be forfeited to the reclamation fund.

Mr. TAYLOR of Colorado. In case the Secretary does declare it is a forfeiture and proceeds to wipe him out, then the man loses everything he put in.

Mr. KINKAID of Nebraska. Will the gentleman yield for a suggestion?

Mr. MANN. Certainly.

Mr. KINKAID of Nebraska. The last sentence in section 6 says:

> In the discretion of the Secretary of the Interior, suit or action may be brought for the amounts in default and penalties in like manner as provided in section 3 of this act.

Section 3 provides, in the proviso:

> That if the Secretary of the Interior shall so elect, he may cause suit or action to be brought for the recovery of the amount in default and penalties; but if suit or action be brought, the right to declare a cancellation and forfeiture shall be suspended pending such suit or action.

I call attention to this to show that it is recognized to be discretionary with the Secretary of the Interior throughout as to whether there is to be any cancellation or suit brought or not.

Mr. MANN. According to the statement of the gentleman from Nebraska, when the right to cancel arises the Secretary can bring a suit if he wants to do so. Pending that suit he need not forfeit, but unless he brings a suit he must forfeit?

Now, that seems like a ridiculously harsh proposition. There will be many cases arise where the Secretary ought not to be required to bring a suit or a forfeiture, and gentlemen from the Western States will be annoyed themselves and will come before Congress and insist upon our granting them special relief.

Mr. NORTON. Mr. Chairman, I insist that it would be very well to place in section 6 an amendment similar to that in section 3. In line 19, section 3, the proviso is made that on account of default the entry will not be subject to contest; that no entryman for homestead shall be subject to contest on account of such default.

Mr. MANN. I think some such provision ought to be put in. What does the gentleman from Colorado [Mr. TAYLOR] say to that?

Mr. TAYLOR of Colorado. We have no objection especially, but we do not think it is necessary. We have confidence in the Secretary of the Interior.

Mr. MANN. Very well. I will give the gentleman fair notice that if I should be in the House when these special bills come up I shall object to them.

Mr. TAYLOR of Colorado. We do not object to that amendment, but we do not look upon it as necessary.

Mr. MANN. We have this situation coming up all the time—a few distinguished gentlemen from those States where you have these public-land laws coming in constantly and wanting this legislation or that legislation which is inexorable in its terms, and the moment the terms become operative you want to be released from them, and when it is suggested that a proper provision be inserted in the first place you decline to agree to it.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. The phrase "subject to cancellation" has been in the land laws from time immemorial, and its character and effect are well understood. Rendering an entry subject to cancellation is necessarily not providing for its cancellation. It is simply putting in the discretion of the Secretary of the Interior the right to cancel.

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

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from North Dakota?

Mr. MONDELL. Yes; in just a moment. The only reason why under the homestead law—but not applying to the reclamation entries, because we have expressly so provided—the only reason why under the homestead law the provision, "subject to cancellation" is equivalent to cancellation under certain conditions arises from the right of contest under which an entry having been made subject to cancellation and an intervening adverse right having attached, it must be canceled if the contest is successful. But we have specifically provided that these entries can not be contested for failure to comply with the law, and therefore no intervening adverse right can attach and make absolute the liability to cancellation.

Mr. NORTON. Mr. Chairman, will the gentleman yield right there?

Mr. MONDELL. Yes.

Mr. NORTON. The gentleman says that we have provided that on account of these defaults no contest can be entered. Now, will the gentleman tell me, where has the provision been made that because of the defaults in payment in operating and maintenance charges no contests can be initiated?

Mr. MONDELL. Not in any place, because it is unnecessary.

Mr. NORTON. Why unnecessary?

Mr. MONDELL. Well, it was unnecessary, in my opinion, in section 3 because it has been continuously held that failure to comply with the provisions of the reclamation law does not give the right to contest. No contest has been allowed against any reclamation homestead for failure to comply with the provisions of the law.

Mr. NORTON. Does the gentleman maintain that that is the practice of the Interior Department?

Mr. MONDELL. Well, the law on the subject—and I want to call it to the attention of the gentleman from Illinois, because he is charging us with being severe to our settlers, which we are not, because we are trying to be fair and not severe. I want to call the gentleman's attention to the fact that this provision is the present law. We are not changing it. It has been

the law since the reclamation law was put on the statute book, and under this provision the Secretary of the Interior need never cancel an entry. It makes the entry subject to cancellation. There is no mandatory provision that it shall be canceled, and without a mandatory provision that it shall be canceled there is no way in which anyone can compel the Secretary to act.

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

The CHAIRMAN. Does the gentleman yield?

Mr. MONDELL. In a moment. This is just a continuation of the present law. It authorizes the Secretary of the Interior to cancel for failure to comply with the law by making the entry subject to cancellation. The operation of the law is this, that in a condition such as the gentleman from Illinois [Mr. MANN] has referred to, where death or dire misfortune makes it difficult for the entryman to comply with the law, the Secretary can give the entryman such time as he sees fit within which to make his payments, during which time, however, his entry is suspended, although he may have the use of it. In order to afford further relief in difficult cases, a provision was made under which suit might be brought. But it is not necessary to bring suit, because in the Secretary's discretion he can delay action upon the proposition of cancellation for any reasonable length of time.

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

Mr. MONDELL. I would like to have two minutes more, Mr. Chairman. I will yield to the gentleman from Pennsylvania then.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to proceed for two minutes more. Is there objection?

There was no objection.

Mr. HULINGS. Mr. Chairman, this discussion seems to be as to what the words in the text mean. Will the gentleman permit me to offer this suggestion, that the phraseology be changed in line 21 so as to read "may, in the discretion of the Secretary, be canceled; and if canceled, all payments made by him forfeited"? That makes it plain.

Mr. MONDELL. Well, as a matter of fact, Mr. Chairman, that language would not, in my opinion, in any way affect or change this legislation or change the provision we have. We have used the language that has been used since the beginning of the land laws relative to the cancellation of entries, rendering them subject to cancellation. Now, we have gone further in regard to certain classes of land, and we have required their cancellation and provided that they shall be subject to cancellation, and upon proof of certain facts shall be canceled. But we have not done that in this case.

We of the West are certainly anxious to give the entryman every chance and opportunity, and the bill is evidence of it. It is necessary, as everyone knows, to make an entry subject to cancellation if the law is not complied with; but the Secretary has full discretion to give the parties an opportunity to cure the default. There is one change I would like to have made, and that is to have a provision under which an entryman who has made considerable payments and loses out may get back a reasonable amount of what he has paid.

We have left that discretion with the Secretary, as we have under other laws as to cancellation. Now, it is true that under the general homestead law the right to initiate a contest may put in operation an adverse right, so that if the Secretary holds that the entry is subject to cancellation and an adverse right intervenes, then it must be canceled. But so long as you fail to give the right, or do not give the right, which you should not give, to contest, then under this provision the Secretary can take care of it, does take care of it, and only cancels cases where there is no reasonably satisfactory attempt made to comply with the law.

Mr. NORTON. Will the gentleman yield?

Mr. MONDELL. The gentleman asks why we do not put in this provision with regard to operation and maintenance penalties. They have nothing to do with the entry itself. That is a penalty on operation or maintenance charge. It does not go to the entry. It affects lands upon which no entries have ever been made. It affects the landowner who never applied for a water right. It affects the landowner whose title you could not take from him except under this suit that is provided here; so that there is not only no necessity for it, but it would not, I think, be logical to accept that sort of an amendment, though I do not object.

Mr. NORTON. Mr. Speaker, will the gentleman from Wyoming yield for a question?

Mr. MONDELL. Yes.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NORTON. I ask unanimous consent that the gentleman's time may be extended for one minute, so that he may reply to a question.

The CHAIRMAN. The gentleman from North Dakota asks unanimous consent that the time of the gentleman from Wyoming [Mr. MONDELL] be extended one minute. Is there objection?

There was no objection.

Mr. NORTON. How, if the gentleman knows, would anyone desiring to initiate a preference right to land the entry to which is in default, and that subject to cancellation, proceed if there is no right of contest?

Mr. MONDELL. There is no way to proceed.

Mr. NORTON. No way to initiate a preference right?

Mr. MONDELL. You must simply wait until the entry is clear.

Mr. NORTON. I think the gentleman is somewhat in error as to the present law and practice.

Mr. MONDELL. No; I am not. I will say to my friend I happen to know about this particular thing. There can be no preference right established until after the entry has been canceled and the land restored to entry.

The CHAIRMAN. If there be no objection the pro forma amendment will be considered as withdrawn.

Mr. NORTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from North Dakota offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 6, line 22, after the word "fund," insert the words "but no homestead entry shall be subject to contest because of such arrears."

The CHAIRMAN. The question is on the amendment.

Mr. TAYLOR of Colorado. I accept the amendment.

Mr. MONDELL. Mr. Chairman, I understand the desire of the gentleman from Colorado [Mr. TAYLOR] to have this bill passed and to expedite its passage, but I do not know that that should incline him to accept amendments that are without rhyme or reason and that simply confuse the statute.

Mr. TAYLOR of Colorado. It does not do any harm.

Mr. MONDELL. I think it always does harm to put into a statute something that will require interpretation, when there is no logical interpretation to be put upon it.

The CHAIRMAN. The question is on the amendment of the gentleman from North Dakota [Mr. NORTON].

Mr. MANN. Just a word. I should like to ask the gentleman from Wyoming [Mr. MONDELL] why he did not move to strike out that language in section 3? Because, of course, it leaves it open to future construction, and no one can tell how it will be construed.

Mr. MONDELL. Does the gentleman want an answer?

Mr. MANN. Certainly.

Mr. MONDELL. Because section 3 refers to entry. It is a provision with regard to entry, and, therefore, while I think it is entirely superfluous, it is entirely logical. This has no reference to entry.

Mr. NORTON. I differ with the gentleman.

Mr. MANN. I have the floor. Let me read the language and get it into the RECORD, and gentlemen can quarrel about it afterwards. Under the head of "Construction charge," in section 3, the one provision says:

And if he be a homestead entryman his entry also shall be subject to cancellation, and all payments made by him forfeited to the reclamation fund, but no homestead entry shall be subject to contest because of such default.

The other reads:

And if he be a homestead entryman his entry also shall be subject to cancellation, and all payments made by him forfeited to the reclamation fund.

If there ever were two things on earth on all fours and just alike, these two are.

Mr. TAYLOR of Colorado. Certainly.

Mr. MANN. My distinguished friend from Wyoming ought either to concede the propriety of this amendment or else ask unanimous consent to return to section 3 for the purpose of striking out the sentence there.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. I do not know that it is particularly material whether we do or do not adopt illogical amendments that will have no effect, but when the gentleman says this is a logical proposition, because when you are referring to an entry and to the payment on the entry and to the right under the entry you prohibit contests; therefore it is logical when you are legislating about a maintenance charge, which applies not only to entries but to land in private ownership, to lands that have not as yet applied for water, to adopt a similar amendment.

Mr. MANN. Will the gentleman from Wyoming yield?

Mr. MONDELL. Yes.

Mr. MANN. The gentleman would not contend that language in regard to a homestead entryman and his entry, and so forth, would apply to land in private ownership, or apply to the homesteader if he had obtained a patent for his land.

Mr. MONDELL. No; but the provision is a provision not with regard to homesteads but with regard to a maintenance charge. It has nothing to do with the other. Of course, we do not want anyone to have the right to contest under this section, but that right does not now exist.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Dakota [Mr. NORTON].

The amendment was agreed to.

The Clerk read as follows:

RECLAMATION REQUIREMENTS.

SEC. 8. That the Secretary of the Interior is hereby authorized to make rules and regulations governing the irrigation of the lands within any project, and may require the reclamation for agricultural purposes and the cultivation of one-fourth the irrigable area under each water-right application or entry within three full irrigation seasons after the filing of water-right application or entry, and the reclamation for agricultural purposes and the cultivation of one-half the irrigable area within five full irrigation seasons after the filing of the water-right application or entry, and shall provide for continued compliance with such requirements. Failure on the part of any water-right applicant or entryman to comply with such requirements shall render his application or entry subject to cancellation.

The Clerk read the following committee amendments:

On page 7, line 16, after the word "make," insert the word "general."

In line 17, after the word "the," insert the words "use of water in the."

Line 19, after the word 'of," strike out "one-fourth" and insert "one-half."

Page 7, line 12, strike out the word "one-half" and insert "three-fourths."

The committee amendments were agreed to.

The Clerk read as follows:

WATER SERVICE.

SEC. 11. That whenever water is available and it is impracticable to apportion operation and maintenance charges as provided in section 5 of this act, the Secretary of the Interior may, prior to giving public notice of the construction charge per acre upon land under any project, furnish water to any entryman or private landowner thereunder until such notice is given, making a reasonable charge therefor, and such charges shall be subject to the same penalties and to the provisions for cancellation and collection as herein provided for other operation and maintenance charges.

Mr. RAKER. Mr. Chairman, my understanding was that there should be an amendment to this section, on line 16, after the word "thereunder." It was taken up and thoroughly considered by the committee, and my recollection is that it was agreed to.

Mr. TAYLOR of Colorado. I will say on behalf of the committee that I do not recall any such agreement.

Mr. RAKER. The point is that no entryman or landholder holding more than 160 acres should have the water right for more than 160 acres. In other words, he should not be permitted to hold 500 acres or 1,000 acres of land, with the right to have it irrigated.

Mr. MANN. If the gentleman will yield, I think I can give him some information. In the House bill the language was inserted after the word "thereunder" "for not to exceed 160 acres."

Mr. RAKER. It was taken up and discussed in the committee, and my understanding was that it was agreed to.

Mr. MANN. It never was a committee amendment to the House bill.

Mr. HAYDEN. The gentleman may remember that after the Senate bill was referred to the House Committee on Irrigation of Arid Lands we had a hearing, at which Mr. Burgess, of El Paso, Tex., appeared before the committee and objected to that language. He contended that there were conditions prevailing in certain parts of the country, and particularly under the El Paso project, where it would work an injustice. We talked it over and agreed to leave that language out.

Mr. MONDELL. Will the gentleman yield?

Mr. HAYDEN. Yes.

Mr. MONDELL. My recollection is that after some discussion of that matter it was concluded on the part of some gentlemen who discussed the matter that these words in section 5 of the reclamation law still controlled:

No right to the use of water for land in private ownership shall be allowed for exceeding 160 acres to any one landowner.

Mr. RAKER. That would not control. I might be mistaken, but I know it was in the original House bill, and there are many reasons in my mind why it should be in this bill. The only objection that can be made against the Reclamation Service, and that is being corrected, is that large tracts of land are held by private individuals when they agreed to sell them. Now, we are disposing of the balance, and we now permit the individuals holding large tracts of land and direct the Secretary of the Interior to furnish them water for that land, not 160 acres, but it may be 500 or 1,000 acres.

Mr. TAYLOR of Colorado. We thought section 13 of the bill was sufficient to care for that matter and let it go at that.

Mr. RAKER. If the gentleman thinks that is already covered in the bill I shall offer no amendment.

The Clerk read as follows:

ADMISSION OF PRIVATE LANDOWNERS TO NEW PROJECTS.

SEC. 12. That before any contract is let or work begun for the construction of any reclamation project hereafter adopted the Secretary of the Interior shall require the owners of private lands thereunder to agree to dispose of all lands in excess of the area which he shall deem sufficient for the support of a family upon the land in question, upon such terms and at not to exceed such price as the Secretary of the Interior may designate; and if any landowner shall refuse to agree to the requirements fixed by the Secretary of the Interior, his land shall not be included within the project if adopted for construction.

Mr. MANN. Mr. Chairman, I do not know how it is printed in the Senate engrossed bill, but in this print in the words "Secretary of the Interior" the word "Interior" begins with a small "i," in line 18. I ask unanimous consent that the word be capitalized.

The CHAIRMAN. Without objection, it will be so ordered.

There was no objection.

The Clerk read as follows:

SEC. 13. That all entries under reclamation projects containing more than one farm unit shall be reduced in area and conformed to a single farm unit within two years after making proof of residence, improvement, and cultivation, or within two years after the issuance of a farm-unit plat for the project, if the same issues subsequent to the making of such proof: *Provided*, That such proof is made within four years from the date as announced by the Secretary of the Interior that water is available for delivery to the land. Any entryman failing within the period herein provided to dispose of the excess of his entry above one farm unit, in the manner provided by law, and to conform his entry to a single farm unit shall render his entry subject to cancellation as to the excess above one farm unit: *Provided*, That upon compliance with the provisions of law such entryman shall be entitled to receive a patent for that part of his entry which conforms to one farm unit as established for the project: *Provided further*, That no person shall hold by assignment more than one farm unit prior to final payment of all charges for all the land held by him subject to the reclamation law, except operation and maintenance charges not then due.

The following committee amendment was read:

Page 10, line 18, after the word "delivery" strike out the word "to" and insert the word "for."

The committee amendment was agreed to.

The Clerk read as follows:

SEC. 16. That the district court of the United States for the district where the lands or some portion of the lands included within any reclamation project are situated shall have jurisdiction of all suits brought by the United States or the Secretary of the Interior for the enforcement of the provisions of this act, and jurisdiction of all suits now pending or which may be hereafter instituted by any legally organized water users' association or irrigation district in behalf of the water users and settlers thereon for the enforcement of the provisions of this act and of the provisions of the reclamation law as referred to and defined in section 1 of this act.

The committee amendment was to strike out all of section 16.

Mr. BURKE of South Dakota. Mr. Chairman, I desire to discuss the proposed amendment, being opposed to the amendment of the committee, and would like to proceed for 20 minutes.

Mr. TAYLOR of Colorado. Could not the gentleman reduce that somewhat?

Mr. BURKE of South Dakota. I have consumed no time whatever since this bill has been under consideration. I stated when the general debate began that I would not consume any time, with the understanding that under the five-minute rule I might have some time to discuss this particular part of the bill.

Mr. MONDELL. Mr. Chairman, I think it is understood by those in charge of the bill that the gentleman from South Dakota was to have some time.

Mr. TAYLOR of Colorado. That is true.

Mr. BURKE of South Dakota. I might have taken this time by piecemeal on different sections by motions to strike out the last word and consumed much more time.

Mr. UNDERWOOD. Mr. Chairman, reserving the right to object, I have no desire to cut off reasonable time for debate, but I desire to offer an amendment to section 16, which I would like to have pending. I will ask that section 16 be disposed of, and then I will offer my amendment.

Mr. MANN. The gentleman wants to offer an amendment as a new section?

Mr. UNDERWOOD. Yes.

Mr. MANN. Why not offer it; he does not have to have it numbered?

Mr. UNDERWOOD. I would like to have section 16 stricken out first.

Mr. BURKE of South Dakota. But I want section 16 to remain in the bill. I am opposed to the committee amendment.

Mr. UNDERWOOD. Oh, very well.

Mr. BURKE of South Dakota. I will ask the gentleman from Alabama if it will inconvenience him if we dispose of this matter first?

Mr. UNDERWOOD. No; it will not; but I would like to try and get an early adjournment.

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent that he may proceed for 20 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BURKE of South Dakota. Mr. Chairman, before I begin I ask unanimous consent to extend my remarks in the RECORD, as I desire to elaborate somewhat on other portions of the bill in addition to discussing this particular section.

The CHAIRMAN (Mr. TOWNSEND). The gentleman from South Dakota asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BURKE of South Dakota. Mr. Chairman, before discussing the amendment of the committee to strike out section 16 of the Senate bill I want to talk for a few minutes on the bill as a whole.

The hearings disclose that on most of the reclamation projects the settlers, in their efforts to make the necessary improvements on the land and keep up their payments to the Government, have exhausted their resources and find themselves unable to continue the 10 per cent annual payments and continue their improvements without borrowing money, and it is difficult to obtain loans on the lands except at very high rates of interest—rates that are practically prohibitive.

The bill divides settlers on irrigation projects into two classes: First, those who are yet to come; those who are to file homestead entries and water-right applications upon those projects where there are Government lands and private lands which have not yet come under the provisions and conditions of the reclamation law. The second class comprises those who are already on the land either as homestead entrymen or as landowners whose lands are subject to the provisions of the reclamation law. It might appear that this bill was prompted in the interests of the settlers and water users that come within the second class affected by its provisions. Naturally we are more apt to be concerned for the interests of those directly involved rather than because of the interests of those who may come after. I think, however, that it can not be said that this bill was principally intended to affect and relieve those that have undertaken to acquire homes in the arid sections of the country and comply with the requirements of the homestead law and meet their payments required under the existing reclamation law.

I make this statement because I believe that more good will come to those who have not yet made homestead entries or water-right applications within any reclamation project than the benefit that will inure to those that have made entries. I also think that the effect of the passage of this bill will be to stimulate and encourage settlers to undertake acquiring homes under the reclamation law. Conditions will be more inviting, more reasonable, and more possible to comply with than the conditions in the law as it stands at present.

I happened to be a Member of the House and a member of the Committee on the Public Lands in the Fifty-sixth Congress when the subject of reclamation was first considered, and there were many hearings and numerous discussions before and in this committee at that time with relation to the enactment of some law that would mean the reclaiming of the arid lands throughout the West and provide homes for those who might be ambitious to acquire homes for themselves and thereby better their condition and also aid in developing the country by adding to its wealth. As is usual with those who are intensely and deeply interested in any subject, those who were urging the legislation were more or less optimistic in their views, and represented that in their opinion a law that would divide the cost of reclamation into 10 annual payments without interest could be complied with by the settler without incurring any hardship or embarrassment upon him.

It was not until the Fifty-seventh Congress that the reclamation law was enacted, and it has now been upon the statute books for about 12 years. While it has not worked out as satisfactorily from any standpoint as its friends and advocates predicted, it has accomplished a great deal and enough to justify the wisdom of its enactment. Everyone realizes that there has been a great advance in the cost of all kinds of building material during the past 13 years, and that labor has also greatly increased in cost, and this has resulted in materially increasing the cost of construction of reclamation projects over what they were originally estimated to cost, and, consequently, the cost to the water user or the settler has been considerably more than he expected or anticipated when he made his entry and water-right application.

The same is true as to maintenance. There may be cause for criticism of extravagances on the part of the service, but no more than might be expected where large sums of public moneys are being expended by a governmental bureau or department without the supervision of Congress; and I think one of the mistakes of the reclamation law was because annual apropriations were not required upon estimates submitted to Congress, as appropriations are usually made in connection with the Government in all its branches. I believe it would have been better for the service—I mean the Bureau of Reclamation—if it had been required to come to Congress for appropriations each year. In any event, it is better administration from every standpoint, and it would save the service from much criticism if a check could be had upon expenditures, as would be the case if Congress was called upon annually to make the appropriations.

To come back to the pending bill and its advantages over the law as it now exists, so far as the settler or water user is concerned, I want to say that the provision dividing the cost of reclamation into 20 annual installments is not only wise but, I believe, necessary, if the reclamation act is to work successfully and accomplish what its friends hope for. It can not be expected that when a person settles in a country with which he is not familiar, coming perhaps from a humid section to an arid region, that he can prosper from the beginning, even under the most favorable conditions. To expect one to do so where he goes upon land perhaps covered with sagebrush, that has to be first cleared and then leveled after it is put in cultivation, considering the great expense attached thereto, in addition to building a house and a barn and the other things essential to a farm, to be required to pay one-tenth of the reclamation cost of his land, including maintenance, each year, is certainly unreasonable, and an experienced, thinking man would hardly undertake it. The wonder is that so many of those who have gone upon the different reclamation projects of the country have survived, as so many of them have.

The proposed change in existing law that extends the time of payment to 20 years and requiring an initial payment at the time of making the application for entry of 5 per cent of the total cost is all right. The allowance of a period of 4 years before a further payment is required is not only reasonable but wise, in my opinion. I believe if a settler makes the initial payment of 5 per cent and survives the 4 years following that he can then meet his installments annually, the first five being 5 per cent and the next ten 7 per cent each. The hearings disclose the reason for requiring no payment for the first five years, except the initial payment, and as stated, it is to enable the newcomer to utilize the returns from the land in further improvements upon the land, instead of requiring him to exhaust his resources each year in payments to the Government, as has been the case heretofore, and further, because, it is rightly asserted, that the first five years are years of very meager return, because of the necessity of preparing the land for proper irrigation and to get the soil in a condition to make it productive, which requires a few years of cultivation and preparation to make it produce to its highest capacity.

I am not in sympathy with those who are declaring that there should be an interest charge in connection with the deferred payments under the reclamation act, or as proposed by the pending bill; to require the settler to pay interest would not only be an added hardship to the burdens that he already has to bear, but in effect it would destroy, I am afraid, the benefits sought to be acquired by the change in the law. This is not a proposition of the Government loaning money without interest, and those who endeavor to create the impression that it is are not only unfair, but, in my opinion, are seeking to defeat the legislation. The reclamation act provides that the proceeds received from the sale of public lands shall be used for the purpose of reclaiming the arid lands of the country, and the benefit to the country is sufficient to justify the use of the money without interest in the added wealth that it brings to the Nation, which is beneficial to all of the people and the Nation as a whole.

There were those when the original homestead act was first suggested, and when that beneficent law was enacted, who opposed it on the grounds that it was unconstitutional to give away the public domain, and yet where is there anywhere a person who will say that the homestead law was not a wise measure and that its enactment has not been justified ten thousandfold? Where would this country be to-day without the homestead law? What would there be throughout the great West had that law not been enacted? I suppose our theoretical conservation friends would say that it would have been better for our posterity had the Government been less generous

in the disposition of the public domain, and who assert that all of our natural resources should have been conserved and disposed of under restrictions that would have retarded the development of the country and made what has been accomplished throughout the West impossible.

Mr. Chairman, I rose to discuss this amendment that proposes to strike from the bill section 16, and having confidence, as I have, in the members of the committee that reported the bill, and having the utmost confidence in their conserving and protecting the rights and the interests of the water user, I am at a loss to understand why they have reported the amendment striking section 16 out of the bill. I am of the opinion that they were influenced in their action by yielding to the wishes of the Reclamation Service, who did not wish this provision to become a part of the law. I am going to discuss briefly why section 16 should not be stricken from the bill, and in doing so I want to speak particularly of conditions as they obtain within the Belle Fourche irrigation project in South Dakota, which presents ample justification for the Senate having made it a part of the measure.

At the time the construction of the Bellefourche project was under contemplation by the Secretary of the Interior there were approximately in private ownership something over 40,000 acres of the 100,000 acres of lands included in said project. The representatives of the Reclamation Service represented that before said project could be undertaken the owners of said private lands would have to cooperate with the department to the extent of incorporating and placing their lands in said project and agreeing to take water for the purpose of irrigating their lands from said project. The officials of the Reclamation Service represented to the private landowners that the entire cost of the construction of the completed works, including their maintenance and operation for a period of 10 years after completion, would not be to exceed the sum of $34 per acre, to be paid in 10 annual payments, at the rate of $3.40 per year. Sixty thousand acres of the lands included in the project were public and unappropriated, of an arid character, which the Reclamation Service was desirous of reclaiming; and in order to make the project feasible it was necessary that the private landowners should participate in the construction, operation, and maintenance of the project. Representations were made by representatives and agents of the Reclamation Service upon numerous occasions, and mass meetings were held by the private landowners for the purpose of considering the advisability of entering into an arrangement and aiding and participating in the construction and promotion of the project.

The private landowners were men with families, generally prosperous, engaged in stock raising, and were using their lands profitably, and it was with some hesitancy that they finally consented to enter into an arrangement to include their holdings in the reclamation project. Before doing so, and not being satisfied with the verbal representations and statements made by those representing the Reclamation Service, they required a written statement with reference to the proposed project, its cost, both for construction, operation, and maintenance, the time when it would be completed, and when they would be required to make their annual payments.

In response to this demand they were furnished with a circular entitled "The Bellefourche project, a part of the great Government scheme of irrigation, under an act of Congress approved June 17, 1902." This was signed by the Reclamation Service by Raymond F. Walter, engineer, he being in active charge of said proposed project. In the circular issued by Mr. Walter was the following question, propounded by the landowners:

> Q. How much will it cost to put water on 160 acres of land?—A. The cost will not exceed $3.40 per acre per year for 10 years, and may be as low as $2.25 per acre per year, if landowners subscribe for water to the full amount of their holdings and the water supply be sufficient. For 160 acres, therefore, the cost would be $544 per year at the maximum figure or $360 per year at the minimum figure.

It is claimed that the statements and representations contained in this circular were also ratified and approved by C. J. Blanchard, who was at the time statistician of the Reclamation Service and who at that time—1904—it is said, made a house-to-house canvass, interviewing private landowners upon said proposed project and trying to induce them to enter into the same, and discussing the details at length as to the cost of construction, operation, and maintenance, and the great advantage they would derive by participating in the project.

The private landowners were required to incorporate, and a company was organized with a capital stock of $3,400,000, divided into 100,000 shares, with a par value of $34 each, that being the outside estimated cost of the construction and of the operation and maintenance for 10 years of the said project, the estimates having been made by the Reclamation Service in accordance with the act of June 17, 1902. While $34 per acre was the outside estimated cost, it was represented by the representatives of the Reclamation Service that the cost of construction, including cost of operating and maintenance, for a period of 10 years, would probably not exceed $22.50 per acre. It was further represented that the project would be completed within two or three years after the commencement thereof—about the year 1907. Payments were not to begin until the project was completed. It has not yet been completed, but in 1907 an assessment for 1908 of $3.40 per acre was levied against about 12,000 acres of land under said project, and assessments were levied for subsequent years on the 12,000 acres and other lands within the units that were said to be completed.

The water users complain that the outside estimate of cost of the project has been exceeded in an amount of about $78,000 as to the operation and maintenance charge, and that this amount should not be so charged. Notwithstanding the protest of the water users and an alleged violation of the representations made by the Reclamation Service, an assessment was levied for the year 1911 of $3.60 an acre. That because the water users refused to pay this charge they were notified by the Reclamation Service on July 1, 1913, that unless they paid the charge water for irrigating purposes would be shut off on July 21. This was a critical time, as the shutting off of the water at that particular season would mean the destruction of crops, and it was a serious situation. The water users, believing that they were being wronged, caused to be instituted a proceeding for the issuance of a temporary injunction restraining the officials of the Reclamation Service from cutting off the water and enjoining them from collecting any charge until the final completion of the project. This action was instituted in the State court, and upon the motion and application of the defendants, who were officials or agents of the Reclamation Service, it was transferred to the United States district court for the district of South Dakota.

The amendment proposed by the committee to the bill of the Senate is to strike out section 16, which proposes to give to the courts jurisdiction to determine just such questions as are involved in this litigation. The only excuse, the only explanation that I can imagine why the committee consented to report this amendment is because one of the representatives of the Reclamation Service appeared before the committee and urged it to do so. He was summoned from Denver. The Reclamation Service spares no expense when any legislation is proposed affecting the service, and will bring its representatives from any part of the United States in order to prevent legislation that the service does not desire to have enacted. The water users are not so well situated. They were unable to send representatives here, and if I read correctly what the representative of the service stated to the committee, he endeavored to give the committee the impression that there is sufficient remedy under the law as it now exists, and that the legislation is not necessary to give the courts jurisdiction.

When this suit at Bellefourche was commenced and was transferred to the United States court a demurrer was filed on the part of the Government, the United States district attorney representing the Reclamation Service; and he plead want of jurisdiction and stated that the courts had no jurisdiction; and I quote from the brief that has been filed by the attorneys for the United States for the purpose of showing their position when presenting their contention to the court. I read from the brief, as follows:

> That the corporation plaintiff is not the proper plaintiff to claim or to receive the interlocutory injunctive relief granted by the lower court.
>
> That the judiciary can not interfere by injunction with the exercise of proper governmental functions of a coordinate branch of the Government of the United States, to wit, the executive branch thereof, as to the acts of the officers of the executive branch not uniawful nor ministerial, but requiring the exercise of judgment and discretion on the part of its officers. Defendants assert that the matters complained of in the amended bill are within the exclusive control of the executive department of the Government, free from the control of the courts.
>
> That this action is a suit against the United States to compel specific performance of this contract by enjoining the breach thereof.
>
> That the United States district court was without jurisdiction to give the interlocutory relief appealed from.

We find them, when they get into court, stating that the courts have no jurisdiction, maintaining that this function ought to be in the executive or administrative department of the Government. What does that mean? It means that the representatives of the Reclamation Service go out into the country, as they did in connection with this reclamation project at Bellefourche, when they induced people who owned half the land they wanted to consent that they might begin construction of a reclamation project there; and they induced them to relinquish their riparian rights to the water of the Bellefourche River and surrender their lands and agree that they would re-

duce their holdings to not more than 160 acres each, that being the farm unit in that project.

Mr. RAKER. Mr. Chairman, will the gentleman yield there?

Mr. BURKE of South Dakota. For a brief question.

Mr. RAKER. Have all these private owners reduced their holdings to 160 acres?

Mr. BURKE of South Dakota. I believe that they have two years within which to do that after the project is completed.

Mr. RAKER. They have not done it up to the present time?

Mr. BURKE of South Dakota. So far as I know, I do not think they have.

Mr. RAKER. Is it the gentleman's contention, now, the reason he wants this legislation, on the ground that the Government officials misrepresented to these people what should be taken, and, therefore, they are going into court to be relieved from this?

Mr. BURKE of South Dakota. I want these water users to have the right to go into court and have their rights adjudicated. They claim that expenses are being charged to this project that ought not to be charged. Some of the charges may be the extravagances that the gentleman from Illinois and some others have referred to in connection with reclamation projects generally. They have increased the annual maintenance cost per acre over and above what they assured and contracted the rate would be, and when the water users refuse to pay these excessive charges and go into court, they say that the courts have no jurisdiction, and it is for the Reclamation Service to determine whether or not they are violating their own contract.

Mr. RAKER. Some contention was made as to the charge of maintenance and operation in the same suit. Is it not a fact that all of these people had the opportunity to have that question fairly and squarely settled, and it was decided by the Supreme Court that they must pay their proportion of the cost of operation and maintenance?

Mr. BURKE of South Dakota. I will say to the gentleman that it was not so decided. This case has not yet reached the Supreme Court.

Mr. RAKER. Not this case, but all of the other cases.

Mr. BURKE of South Dakota. One case went to the Supreme Court involving the question of what the Reclamation Service might do in view of the law which apparently gives them latitude to do most anything they want to do. I believe it was the case of Baker *v.* Swigart. It is my contention that the Government of the United States, through the Bureau of Reclamation, ought to be required to live up to its contract just the same as the water users are required to live up to their contract, and when there are questions involving their property rights such questions ought to be determined by a judicial tribunal, and not by the department that makes the contract on the part of the Government. For the purpose of showing what the Belle Fourche water users complained of that caused them to go into court, I want to read an extract from the affidavit made by one O. E. Farnham that was filed in the court. It reads as follows:

> Threatening to cancel all water-right applications of the stockholders and members unless the demand for the payment of all operation and maintenance charges, together with all penalties, are paid, and that the amount demanded was unjust and illegal and was an attempt on the part of the representatives of the Government to coerce the water users into paying charges, if not illegal, that might very properly be questioned; that other measures of duress were resorted to, including the shutting off of the water supply, forfeiting all payments previously made (when the rights were attached to lands owned absolutely in private ownership), canceling homestead entries, and adding penalties of from 1 cent per acre to 5 cents per acre per month.

It would certainly seem that there is enough in that affidavit to demonstrate the wisdom of the Senate putting section 16 in the bill, and again I want to say I can not understand why the committee proposed striking it out, unless they were more desirous of pleasing the Reclamation Service than they were the water users, whose rights ought to govern in a matter so vital to their interests.

Mr. POST. Will the gentleman yield?

Mr. BURKE of South Dakota. Yes.

Mr. POST. Has the court passed on the merits of the demurrer?

Mr. BURKE of South Dakota. I will say to the gentleman from Ohio that the judge of the United States district court of South Dakota overruled the demurrer. The case is now on appeal before the circuit court of appeals at St. Louis and the attorneys for the Government are there contending that the district court did not have jurisdiction. This bill proposes to fix the jurisdiction and settle it beyond all question, and it seems to me we ought to do that.

Mr. POST. As a lawyer does the gentleman think there is merit in the demurrer filed?

Mr. BURKE of South Dakota. I will say to the gentleman that I am inclined to think, in view of the decision of the Supreme Court referred to by the gentleman from California, that there may be something in the demurrer. The Belle-f urche water users raised the question of vested rights, and in the brief filed by the Government commenting upon this question the attorneys say:

> The homesteader has no vested rights against the Government. His position is one of grace and not of right.
>
> Private landholders are permitted "bounty of a generous Government" for the reclamation primarily, at the public expense of their private land.

I presume very few homesteaders now upon some reclamation project would appreciate the sentiment if told their position is one of grace, and private landowners would hardly submit that they are enjoying the "bounty of a generous Government."

It would seem to me, Mr. Chairman, that in this case the people who owned 50,000 acres, or about one-half of the land that was subsequently included in the Bellefourche project, who were enjoying the use of it, had the rights of water appropriated from the river and who surrendered all of their rights, that they have rights that ought not to be disregarded or disposed of by the Reclamation Service, with whom they made their contract.

The whole trouble with the Reclamation Service, in my opinion, is that there is too much jurisdiction and too much power in the service itself. There ought to be some tribunal that could be appealed to finally when they feel that they are being wronged and deprived of their vested rights. As I have already stated, I think Congress made a mistake in providing in the law that the proceeds from the sale of the public domain should be available for expenditure by the Reclamation Service without annual estimates and appropriations being made. Had the law required this Congress could have kept fully informed on what was being done in the way of construction of projects, and kept a check on the expenditures. It would not have done any harm for Congress to have known what was going on, and the fund would not have been exhausted, as it was, and it would not have been necessary to issue bonds for the purpose of replenishing the fund.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURKE of South Dakota. Just a moment, Mr. Chairman. I do hope that if this committee does not see fit to disagree to the recommendation of the committee striking out section 16 that the bill will go to conference and that the conferees will see to it that the section will remain in the bill, or one that will give the courts jurisdiction in cases such as the one that is now pending affecting the Belle Fourche water users. [Applause.]

Mr. RAKER. Mr. Chairman, so that the committee might know the exact facts the record shows that there are 100,000 acres of land in private ownership; when it was started only 44,000 acres were in public ownership, so that the contention of misrepresenting and deceiving the owners of privately owned lands must be very weak, indeed. I am for the committee amendment, which strikes out section 16 of the Senate bill. But the question now is that there is a suit pending, and the parties are desiring to have special legislation in regard to that particular suit. This amendment was not considered by the committee of the Senate; it was simply placed in on the floor of the Senate after practically but little discussion, and it practically changes the policy of the Government in relation to these matters. The case I spoke of a moment ago is the case of Sweigert against Baker, wherein there was a contention that the homesteader and this privately owned land must not pay for the upkeep and the maintenance and operation of the ditches. They then contended as now that there would be no opportunity for a hearing, and this case was taken to the Supreme Court of the United States, and after an elaborate argument and reargument the Supreme Court finally decided that the homesteader and water user must pay for operation and maintenance, and it was provided for under the reclamation law, that therefore they should pay for operation and maintenance of these projects, and the Government should not be responsible for many hundred thousand dollars—even running into the millions—for the purpose of operating and maintaining these reservoirs, ditches, and works for the privately owned land and the entrymen, and that has been one contention and one reason why some of our eastern friends think that the people in the West were trying to get out of paying the actual cost and all expense back to the Government. But a few men are always ready to reject and avoid legitimate or certain expenses——

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

Mr. RAKER. Just after I conclude this sentence I will yield. But they agreed to pay back the cost of constructing the dams

and reservoirs but they did insist, most of them, against the proposition of paying for the maintenance and operation pending the absolute completion, before the works are turned over to them by the Government. Now, here comes this special legislation which intends to change the law governing litigation in the United States courts by a special act. I yield to the gentleman from South Dakota.

Mr. BURKE of South Dakota. I want to ask the gentleman if he will state to this committee that he is not in favor of giving the courts jurisdiction in regard to this law?

Mr. RAKER. I want to answer——

Mr. BURKE of South Dakota. I would like the gentleman to answer the question.

Mr. RAKER. I will answer the question by saying that until it is determined that the present statutes are not sufficient to give every man an opportunity to obtain redress in court I would not be in favor of amending the bill by putting on special legislation in regard to conferring special jurisdiction upon the courts, and giving one particular case a standing in court where some attorney may have some doubt upon the matter.

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

Mr. RAKER. I yield.

Mr. BURKE of South Dakota. I will say to the gentleman it is not a question of amending the bill; it is a question of striking out of the bill the provision that was in it when it passed the Senate.

Mr. RAKER. Oh, no; that is not the status of it. It was put on in the Senate without any discussion by the Senate committee. Along in the last moments of its consideration, the fervid presentation of it in a few moments by the Senator from the State in which this project was located caused it to be placed upon the bill. This provision has not been considered by the Senate Committee on the Judiciary or the House Committee on the Judiciary; but you ask to put it on a special bill conferring jurisdiction or taking away jurisdiction from the Federal courts in relation to a particular subject without such due and orderly consideration as is given to legislation on a question that is so vital as this.

Mr. BURKE of South Dakota. Will the gentleman permit another suggestion?

Mr. RAKER. I yield.

Mr. BURKE of South Dakota. It occurs to me it is rather unusual for a gentleman on the floor of the House to criticize and question a provision in a bill that comes from another body and then state it has not had consideration.

Mr. RAKER. Well, I have a right to read the RECORD, and from the RECORD it shows that the matter was not on the bill as the committee reported it, but it was placed on the bill after it was in the Senate. And I call the gentleman's attention particularly to the fact that practically all of the western Representatives, both Senators and Members of the House, appeared repeatedly for counsel at the Secretary of the Interior's office, with all the assistants that were needed, and this bill was thrashed out, this subject was brought before the committee, and my recollection is that in the discussion down there it received a vote or two by those present.

The CHAIRMAN. The time of the gentleman from California [Mr. RAKER] has expired.

Mr. RAKER. Mr. Chairman, I ask unanimous consent for two minutes more.

The CHAIRMAN. The gentleman from California asks unanimous consent for two minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. RAKER. Now, Mr. Chairman, that being the case, and it being special legislation, so extended in its character, so special in its character——

Mr. FALCONER. Will the gentleman yield?

Mr. RAKER (continuing). With the reasons that are presented against it, it ought not to pass. The Secretary of the Interior has gone over the matter, as well as the attorney for the Reclamation Service, Judge King—and no one can question his ability and learning, and he is anxious to help these reclamation projects—and he believes it would be injurious to the Government and to the reclamation projects. And as to this particular case—let us dwell on that—he thinks we should not overturn the legislation now on the statute books in regard to the jurisdiction of the court for one special project.

Now I yield to the gentleman from Washington [Mr. FALCONER].

Mr. FALCONER. Why does the gentleman from California call it special legislation?

Mr. RAKER. Simply because, so far as my information goes, I have found only one project and one suit involved, and that is the one in relation to the Belle Fourche project.

Mr. FALCONER. As I understand section 16, it simply provides taking away the hearings and the proceedings from the department here and having them in the particular State or district of the State where these projects exist. That is the gist of section 16. What is the objection to that proposition?

Mr. RAKER. We are not so sure about that. But even if that were true, there are, including Texas, some 18 land States. Now, the district courts might decide upon these things differently, and the result would be that eventually some one would take a case to the Supreme Court for adjudication. Why do we want that condition? Now, as to the statement made by my friend in regard to the representations. There has not been a contract shown, and is it possible we are now going to open up the field and provide by legislation the means by which an imaginary grievance can be aired in the courts? And you can say that the representations of Smith and Brown and Jones, who claim to represent the Department of the Interior and the Reclamation Service, are binding upon the Government, and that you are going to force them into court after 8 or 10 years of service. Full hearing has been had on all these matters by the Secretary of the Interior. In this particular case 100,000 acres of public land are in this project and only 40,000 in the public domain. How many homesteads have been filed? Who has been deceived?

Mr. FALCONER. Will the gentleman yield?

Mr. RAKER. Not now. It is not a question of going into court. It is a question of trying to divide the money out of the money they have expended, and the decision in this case of Swigert against Baker was one of the most righteous decisions ever rendered in behalf of this Government or in behalf of the reclamation project, that these men who went on there, doing what they were doing, ought not at this late day to say, "We are not responsible for what the Secretary of the Interior did or what the Director of the Reclamation Service did; we want our money back, and do not want to pay it," because Jones or Brown or some other irresponsible man, who could not bind the Secretary of the Interior or the Reclamation Service, might in his enthusiasm have made some statement that 90 per cent of the landowners on those tracts wanted them to make.

The Department of the Interior is of the opinion that this is not wise legislation upon this bill. Secretary LANE, in a note of March 27, 1914, to Hon. M. R. SMITH, chairman House Committee on Irrigation, states that—

Personally I see no reason for the adoption of the amendment.

He also transmits a memorandum from Judge Will R. King, who states that the proposed amendment is objectionable in the following particulars:

1. It will produce great confusion, as the United States district and appellate courts may have decisions wholly inconsistent, which must govern within their several jurisdictions until the Supreme Court has decided the specific question.

2. Any water users' association or irrigation district may bring suit and delay the application of necessary rules and regulations. In many such cases the Secretary must either refuse to furnish water or furnish it without payment for an indefinite period.

3. It confers no right on the United States that it does not now enjoy. The water users and water users' association have now the same rights of suit as other persons dealing with the department under the public-land laws

Many of the reclamation projects are interstate in character, the storage reservoir being in one State and the irrigated lands partly in the same and partly in another State. The proposed section 16, in the opinion of many familiar with this subject, will enable any legally organized water users' association or irrigation district, even though not directly connected with Government works, to greatly hamper the delivery of water and may produce far-reaching complications with added expense.

On this point I submit the following:

First. The plan proposed will produce an increased amount of litigation and involve the Department of the Interior and the Department of Justice in considerable expense. It will enable the water users' associations or irrigation districts, whether connected with Government work or not, if so inclined, to hold up indefinitely the disposition of large areas of public land. This jurisdiction is conferred in the case of "any legally authorized association or irrigation district," these being titles frequently used by private enterprise.

Second. A promoter might organize a water users' association of his own, having no connection whatever with any Government project, and take advantage of this amendment to precipitate litigation in regard to water rights, rights of way through proposed reclamation reservoirs, irrigable Government lands, and so forth, and delay the Government work for years by injunction pendente lite and other embarrassments incidental to litigation. The speculator might take advantage of it to delay the Secretary in an enforcement of the provisions of

the law in regard to residence and cultivation, and thus be enabled to continue his holding for a greater profit at the expense of the incoming settler.

Third. The amendment is not consonant with or in keeping with the United States judicial code or court decisions, but is a radical departure, hedged about with no restrictions. It gives the United States court jurisdiction of causes arising in the future between individual water users and the association and others.

Fourth. It confers no rights on the United States that it does not now enjoy.

Fifth. The water users now have a method of enforcing the law. Under the code and equity rules one or more settlers may sue on behalf of all concerned who are similarly situated; water users' associations represent all water users thereunder, and costs are apportioned against all; a few may wish to sue or be in a position to benefit by the suit, yet the association would be under obligations to bring these suits, however small or personal in their character.

Sixth. It permits any such organization, legally constituted under State law, to bring suit against the United States officials regarding water rights; makes many legal complications, and will entail large expense without compensating benefits.

Seventh. In the enforcement of the homestead laws under projects the general and the local land offices will be forced to follow decisions of United States courts in the various States which may be different in the various jurisdictions, and this department would thus be burdened with enforcing different constructions in different States.

Eighth. The amendment will greatly complicate the disposition of Government business and interfere with its dispatch. It is entirely foreign to the general purpose of the bill to which it is attached, and it will prevent the exercise by the Secretary of such discretion as the bill specifically vests in him.

Ninth. When it is realized that the reclamation projects are located in 17 different States, and some in 2 States, it will be appreciated that the resultant effect of the several district courts being called upon independently to interpret and pass upon contracts and regulations affecting the authority of the Secretary of the Interior, it is not reasonable to anticipate that there would be an agreement of decisions in the various courts. A regulation intended to be uniform for all projects could thus be held to be legal and proper on one project and invalid as to another; or, to have one effect on one project and another effect on another project, thus resulting in the engendering of animosities and rivalries as between the water users of the various projects, and confusion and conflict in the administration. Such conflict of decisions would necessarily compel delay until said decisions had been reconciled by the appellate courts on appeal, probably necessitating in some cases a decision of the United States Supreme Court. Such loss as would be so occasioned would fall upon the water users.

Tenth. It would seem inadvisable to legislate specially relative to jurisdiction of the United States courts in purported behalf of one class of citizens.

Eleventh. It is difficult to understand wherein section 16, if enacted, will aid the water users under any Government project. It would open the way for private corporations, contractors, and others, to embarrass the work of the Government, organizing under the name of a water-users' association or irrigation district, and through litigation professing to represent certain settlers or water users, add to the burden of the real water users.

Twelfth. It is easy to foresee the effect, if the several district courts independently interpret and pass upon contracts and regulations affecting the actions of the Secretary of the Interior, and it is distinctly inadvisable.

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

Mr. RAKER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

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

There was no objection.

Mr. MONDELL. Mr. Chairman——

Mr. DONOVAN. Mr. Chairman, I think debate has been exhausted. The gentleman from Wyoming [Mr. MONDELL] has been on the floor about a dozen times.

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that debate on this amendment close in five minutes.

Mr. FALCONER. Can I have one minute?

Mr. UNDERWOOD. Make it six minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the debate on this amendment close in six minutes. Is there objection? [After a pause.] The Chair hears none. The gentleman from Wyoming [Mr. MONDELL] is recognized for five minutes.

Mr. MONDELL. Mr. Chairman, it is true, as the gentleman from California has stated, that in the conferences had in the office of the Secretary of the Interior by western Members in connection with this bill, and in the consideration of the bill in the committee, a provision for appeal from the decisions of the Secretary of the Interior was discussed, and it was concluded it would not be practicable on this bill to provide for such an appeal.

That decision did not, however, reflect the views of all the gentlemen who participated in those discussions relative to the propriety and righteousness of such a provision, and I shall vote with the gentleman from South Dakota [Mr. BURKE] against striking out this section, because I believe, and have long believed, that there is not a citizen under the flag who is not entitled to his day in court. I do not like the form of this provision placed in the bill in the Senate. If I were to draft a provision, it would be quite different. And yet this reaches the point.

Several years ago I introduced a bill which was reported unanimously by the Committee on the Public Lands providing for appeals from final decisions of the Secretary of the Interior in all cases relating to the land laws. I regret it did not become a law. It is not simply a question of the case of the constituents of our friend from South Dakota. This amendment involves the very much larger question as to whether these people and all others who are affected in their property and in their rights by decisions of the Secretary of the Interior shall finally have an opportunity to take their cases and their causes and their claims before a court. We all understand that it is not humanly possible for the Secretary's office under any possible organization to be entirely free from bias or prejudice in cases where the Secretary's office is the inquisitor, the prosecutor, the judge, and the jury. That is the situation in all land cases.

While this refers only to the reclamation entries and entrymen, a general provision covering all claimants before the Interior Department would be still better. I do not believe that it would be greatly confusing. I do not apprehend that the courts would hold that entrymen must not pay for proper expenditures on projects. No such outcome of these cases would be anticipated by me. But there are many questions arising on these projects between entrymen and claimants and the service in regard to which the entryman should have an opportunity to place his case before a court. We give all other American citizens whose rights are challenged, whose property is involved, an opportunity to present their case before a court, there to be calmly and judicially decided, and I know of no reason why it should not be done in cases of this kind.

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

Mr. FALCONER. Mr. Chairman, I have had a number of communications from my State concerning section 16, and they all favor the section as it was put in by the Senate.

Objection has been made to it on the ground that if the section were adopted it would complicate matters, particularly where a project was interstate, or extend into one or more different States. But certainly there ought to be no objection to section 16 if it were amended to apply to projects all of which were within one State.

I want to ask the chairman of the committee if, in his opinion, there would be any objection to an amendment providing that section 16 should apply to these projects within a State?

Mr. TAYLOR of Colorado. Personally I would not say that I would object, but I have no authority on behalf of the committee to make any concessions. The committee considered it and had a full hearing of the reclamation people, and they felt it was entirely unnecessary. They felt that it was a special section put in there by the Senator from South Dakota to meet one particular case, and that it would have a tendency to complicate matters. It was held to be unnecessary, and it was suggested that if any such legislation was necessary we ought to take it up in a more systematic way than we have done. But personally I am not especially afraid of it.

Mr. FALCONER. Mr. Chairman, I never have been able to understand why a man in the State of Washington, 3,000 miles to the west, should be obliged to carry his case to the Capital of the Nation, when there are United States district courts in that State. It is a burden that breaks the spirit of bona fide homesteaders—the costs are terrific.

Only to-day, sir, a constituent of mine came into my office, and in the course of conversation it developed that this is his third trip during the past two years. His sole business is in

the endeavor to get title to a homestead on which he and his wife had lived, actual residence, for over five years.

He has his attorneys in the West and has also employed attorneys here at a good, substantial conditional fee. This is characteristic of land matters. While the question involved in section 16 is somewhat different from cases above referred to, yet, Mr. Chairman, when we consider the penalties of sections 3 and 6 as applying to defaulters, defaulting sometimes, no doubt, through conditions that can not be helped, it occurs to me that in view of the severity of these penalties, even going to the extent of a deficiency judgment, that a locator should have the advantage of the local United States courts. However, Mr. Chairman, I have had the matter up with the department, and I ask unanimous consent to insert certain correspondence from Director Newell and Secretary Lane.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

The matter referred to is as follows:

DEPARTMENT OF THE INTERIOR,
UNITED STATES RECLAMATION SERVICE,
Washington, D. C., July 27, 1914.

Hon. J. A. FALCONER,
House of Representatives.

MY DEAR MR. FALCONER: Your letter of July 23 has been received regarding Senate bill 4628, in which you state that you hope there well be no opposition from this department to having section 16 restored to the bill.

The matter is one to which I have personally given little attention, as it is largely a legal proposition and one to which I understand the department is already opposed. Secretary Lane, in a note of March 27, 1914, to Hon. M. R. SMITH, chairman House Committee on Irrigation, states that, "Personally I see no reason for the adoption of the amendment." He also transmits a memorandum from Judge Will R. King, who states that the proposed amendment is objectionable in the following particulars:

"1. It will produce great confusion, as the United States district and appellate courts may have decisions wholly inconsistent which must govern within their several jurisdictions until the Supreme Court has decided the specific question.

"2. Any water users' association or irrigation district may bring suit and delay the application of necessary rules and regulations. In many such cases the Secretary must either refuse to furnish water or furnish it without payment for an indefinite period.

"3. It confers no right on the United States that it does not now enjoy. The water users and water users' association have now the same rights of suit as other persons dealing with the department under the public-land laws."

Many of the reclamation projects are interstate in character, the storage reservoir being in one State and the irrigated lands partly in the same and partly in another State. The proposed section 16, in the opinion of the legal men, will enable any "legally organized" water users' association or irrigation district, even though not directly connected with Government works, to greatly hamper the delivery of water, and may produce far-reaching complications with added expense.

On this point the accompanying memoranda have been prepared.

Cordially, yours,

F. H. NEWELL, *Director.*

MEMORANDA ON PROPOSED SECTION 16 OF S. 4628.

1. The plan proposed will produce an increased amount of litigation and involve the Department of the Interior and the Department of Justice in considerable expense. It will enable the water users' associations or irrigation districts, whether connected with Government work or not, if so inclined, to hold up indefinitely the disposition of large areas of public land. This jurisdiction is conferred in the case of "any legally authorized association or irrigation district," these being titles frequently used by private enterprise.

2. A promoter might organize a water users' association of his own, having no connection whatever with any Government project, and take advantage of this amendment to precipitate litigation in regard to water rights, rights of way through proposed reclamation reservoirs, irrigable Government lands, etc., and delay the Government work for years by injunction pendente lite, and other embarrassments incidental to litigation. The speculator might take advantage of it to delay the Secretary in an enforcement of the provisions of the law in regard to residence and cultivation, and thus be enabled to continue his holding for a greater profit at the expense of the incoming settler.

3. The amendment is not consonant with or in keeping with the United States judicial code or court decisions, but is a radical departure hedged about with no restrictions. It gives the United States court jurisdiction of causes arising in the future between individual water users and the association and others.

4. It confers no rights on the United States that it does not now enjoy.

5. The water users now have a method of enforcing the law. Under the code and equity rules one or more settlers may sue on behalf of all concerned who are similarly situated. Water users' associations represent all water users thereunder, and costs are apportioned against all. A few may wish to sue, or be in a position to benefit by the suit, yet the association would be under obligations to bring these suits, however small or personal in their character.

6. It permits any such organization, legally constituted under State law, to bring suit against the United States officials regarding water rights, makes many legal complications, and will entail large expense without compensating benefits.

7. In the enforcement of the homestead laws under projects, the general and the local land offices will be forced to follow decisions of United States courts in the various States which may be different in the various jurisdictions, and this department would thus be burdened with enforcing different constructions in different States.

8. The amendment will greatly complicate the disposition of Government business, and interfere with its dispatch. It is entirely foreign to the general purpose of the bill to which it is attached, and it will prevent the exercise by the Secretary of such discretion as the bill specifically vests in him.

9. When it is realized that the reclamation projects are located in 17 different States, and some in 2 States, it will be appreciated that the resultant effect of the several district courts being called upon independently to interpret and pass upon contracts and regulations affecting the authority of the Secretary of the Interior, it is not reasonable to anticipate that there would be an agreement of decisions in the various courts. A regulation intended to be uniform for all projects could thus be held to be legal and proper on one project, and invalid as to another; or, to have one effect on one project and another effect on another project, thus resulting in the engendering of animosities and rivalries as between the water users of the various projects, and confusion and conflict in the administration. Such conflict of decisions would necessarily compel delay until said decisions had been reconciled by the appellate courts on appeal, probably necessitating in some cases a decision of the United States Supreme Court. Such loss as would be so occasioned would fall upon the water users.

10. Further, it would seem inadvisable to legislate specially relative to jurisdiction of the United States courts in purported behalf of one class of citizens.

11. It is difficult to understand wherein section 16, if enacted, will aid the water users under any Government project. It would open the way for private corporations, contractors, and others to embarrass the work of the Government, organizing under the name of a water users' association, or irrigation district, and through litigation, professing to represent certain settlers or water users, add to the burden of the real water user.

12. It is easy to foresee the effect if the several district courts independently interpret and pass upon contracts and regulations affecting the actions of the Secretary of the Interior, and it is distinctly inadvisable.

Mr. BURKE of South Dakota. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BURKE of South Dakota. The amendment is to strike out section 16?

The CHAIRMAN. That is the amendment.

Mr. BURKE of South Dakota. Those who wish to strike it out will vote "aye" and those opposed will vote "no."

The CHAIRMAN. Yes. The question is on agreeing to the amendment to strike out section 16.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. BURKE of South Dakota. A division, Mr. Chairman.

The committee divided; and there were—ayes 26, noes 20.

So the amendment was agreed to.

Mr. UNDERWOOD. Mr. Chairman, I move to insert in the bill a new section No. 16. Section 16 has been stricken out, and I move to insert as section 16 the amendment that I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Alabama [Mr. UNDERWOOD] offers an amendment for the purpose of inserting a new section 16. The Clerk will report the amendment.

The Clerk read as follows:

Insert as a new section the following:

"SEC. 16. That from and after July 1, 1915, expenditures shall not be made for carrying out the purposes of the reclamation law except out of appropriations made annually by Congress therefor, and the Secretary of the Interior shall, for the fiscal year 1916 and annually thereafter, in the regular Book of Estimates submit to Congress estimates of the amount of money necessary to be expended for carrying out any or all of the purposes authorized by the reclamation law, including the extension and completion of existing projects and units thereof and the construction of new projects. The annual appropriations made hereunder by Congress for such purposes shall be paid out of the reclamation fund provided for by the reclamation law."

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

Mr. UNDERWOOD. Mr. Chairman, I desire to say just a word to explain my amendment. Under the existing law the reclamation fund amounts, I am informed, to something like $80,000,000. There is in the law an annual appropriation that allows the Interior Department to expend this money as they see proper on such projects as they determine to expend it on.

I do not wish to criticize the bureau that has had this matter in charge. I have no doubt it is composed of good engineers, capable men, to plan and execute the projects. But they are natural enthusiasts in behalf of their work; otherwise they probably would not be good men for their places. They naturally want to expand as far as they can, and, more than that, there is of necessity a great deal of pressure that will come on them from political sources to expand the projects as far as possible.

Now, I think that under these circumstances the bureau has overreached itself and will continue to do so in the future. More than that, I think the bureau has at times entered upon projects that were unwise, and has expended more money on projects than conditions authorized or warranted. I do not believe it is wise for us to continue practically in the hands of one bureau—although I believe the Secretary of the Interior has the signing of the orders, but it is the bureau chief that directs the matter—the control of $80,000,000 to-day, a sum that in a few years will amount to $100,000,000.

Mr. MADDEN. Two hundred million dollars on these projects.

Mr. UNDERWOOD. At any rate, $100,000,000 at least. Now, this amendment simply does this: It does not destroy the integrity of the irrigation fund. It keeps it set apart as a separate fund, as it is to-day. It does not authorize its use for any other purpose, except for the irrigation purposes fixed under the law and in this bill; but it provides that instead of the annual appropriation law, which is repealed under the provisions of this amendment, the Secretary of the Interior shall submit to the Congress every year his estimates as to where this $80,000,000, or whatever the reclamation fund amounts to, shall be used, and then the Congress shall determine on what projects to use it. I think that is the proper place to lodge this authority and the place to use it.

Mr. FRENCH. Does the gentleman think the Congress could determine wisely upon the particular projects to be undertaken by the Government? Is not that a matter that ought to be left with the bureau which has charge of the work now?

Mr. UNDERWOOD. If we conform to the gentleman's ideas, we ought to stop passing river and harbor bills and send down $50,000,000 every year to the engineers of the United States Army. If we conform to the gentleman's ideas, we ought to stop making specific appropriations for the Navy and send down a lump sum to the Secretary of the Navy to use as he sees fit. I do not know of any other place in the Government where a large sum is being left to the discretion of a bureau chief.

Now, to come right down to the question, I do not think for a moment that the Congress would act on this matter without being advised by the head of the bureau as to his judgment and opinion about the matter. The amendment I send to the Clerk's desk requires that the Interior Department, which in this case means the bureau chief, shall submit estimates as to where this money had best be expended, and I have no doubt that those estimates will largely govern the decision of Congress, but not necessarily so; and the only thing is that you gentlemen from the West, who control this $80,000,000, may be fighting over a small hog barrel of your own, and the balance of us sitting on a jury to determine where it shall go; but the disposition of the fund will be in responsible hands, in the Congress of the United States, in the place where it ought to be.

Mr. FRENCH. Mr. Chairman, the very illustration used by the gentleman from Alabama in referring to the work of the Government in the improvement of our rivers and harbors, it seems to me, is a very pertinent suggestion that the policy which has been followed by the Government in the reclamation work of the past is better than that followed by the Government in connection with the improvement of rivers and harbors. No one can deny the fact that a very large sum of money appropriated by the Congress from year to year for the improvement of rivers and harbors is wasted, not on account of any weakness in the department that has to do with the expenditure of that money, but because of the fact that we do not have clearly defined a long distance ahead a system in the prosecution of which the money can be and should be expended. It seems to me we are going to have a weakness in that same connection if we attempt to make annual authorizations for the expenditure of money in the Reclamation Service.

Many river and harbor improvements will cost twice as much as they ought, twice as much as they would have cost if we had looked ahead and anticipated the work that should have been done on a particular river or harbor for a period of 8 or 10 years, and had then authorized the completion of that work and made an appropriation or authorization sufficient for it. And so it is with these projects. If the Reclamation Service must come to Congress every year to know whether or not every man who is at work with a grader grading a ditch, and every man who is at work with a shovel in the development of some particular part of an irrigation system must lay down his tools at the end of the fiscal year, and not know whether the work shall be continued, the western people who are interested in this subject will, in my opinion, be called upon to pay larger sums of money for the reclamation of their land than under the policy which we have been following in the past.

Now, Mr. Chairman, while possibly mistakes have been made, and necessarily, on account of the new character of the work which we have carried on, yet, at the same time under that policy, we have been able to look ahead over a period of several years, and, as I see it, do far better than under the policy that is suggested, in anticipating the expenses necessary on each and all of the projects, and, therefore, more wisely expend the money.

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

Mr. FRENCH. I am glad to yield.

Mr. GORDON. How do you get around the provision of the Constitution which says that no money of the United States shall be spent except upon appropriations made annually by Congress?

Mr. MANN. There is no such provision in the Constitution.

Mr. GORDON. I supposed there was.

Mr. MANN. The gentleman has inserted the word "annually." That is not in the Constitution.

Mr. UNDERWOOD. That is only in relation to war expenses.

Mr. GORDON. I accept the amendment; but no money can be spent lawfully except what has been appropriated by Congress.

Mr. FRENCH. That is true; but, of course, in this law as it now is there is complete authority vested in the department to handle this money. My point is that the system that we have been following, and that I think ought to be followed in the future, enables the department the better to anticipate the moneys that it will have to expend and the places where it ought to be expended, and so bring down to the very minimum the cost of reclamation work on the various projects.

Mr. UNDERWOOD. Mr. Chairman, I should like to see if I can get debate closed on this amendment. I should like to get it closed up this afternoon. I suggest that the amendment be voted on in 30 minutes, one-half of the time to be controlled by the gentleman from Colorado [Mr. TAYLOR], who is opposed to it, and one-half by the gentleman from Illinois [Mr. MADDEN], who is in favor of it.

The CHAIRMAN. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that debate on this amendment close in 30 minutes, half of it to be controlled by the gentleman from Colorado [Mr. TAYLOR] and half by the gentleman from Illinois [Mr. MADDEN]. Is there objection?

Mr. BRYAN. Mr. Chairman, reserving the right to object, I should like some time on this.

Mr. UNDERWOOD. I do not expect that everybody will get five minutes, but they can get leave to extend.

Mr. BRYAN. I feel that this is a matter of great importance, and I have views upon it, and I want to get five minutes if possible.

Mr. UNDERWOOD. I suggest that the debate on this amendment close in 40 minutes.

Mr. BRYAN. Probably I can get in within that time, if the committee will yield. I certainly am opposed to this amendment.

The CHAIRMAN. The Chair will ask the gentleman from Alabama who is to control the time in favor of the amendment?

Mr. UNDERWOOD. The gentleman from Illinois [Mr. MADDEN]. I do not care to control it, because I have made my speech.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the time for debate on this amendment shall be limited to 40 minutes, 20 minutes to be controlled by the gentleman from Colorado [Mr. TAYLOR] and 20 minutes by the gentleman from Illinois [Mr. MADDEN]. Is there objection?

There was no objection.

Mr. MADDEN. Mr. Chairman, I yield five minutes to my colleague [Mr. MANN].

Mr. MANN. Mr. Chairman, I think this amendment should be agreed to. It will not place the appropriations for the Reclamation Service in the same position as other appropriations are, because the appropriations will still be payable out of the reclamation funds, which funds can not be used for any other purpose. This amendment is not subject to the criticism which will be leveled against it, which criticism will be that Congress may not make the appropriations, and that they will have to fight all the time for the appropriations.

This amendment does not change the law that the funds coming in from the sale of public lands, and so forth, are covered into the Treasury as a reclamation fund, and it can be used for no other purpose than for the Reclamation Service. All this amendment does, in effect, is to require the Reclamation Service to make this estimate in advance for the money it needs for various projects, make these public as they are submitted to Congress, then appear before the Appropriations Committee and give the reasons why they need the money for particular projects and submit to the action of Congress in making the appropriations.

There is no other service in the Government now that enjoys to any extent these permanent appropriations. Since the gentleman from Alabama and I have been Members of the House Congress has repealed nearly all the laws that made permanent appropriations, such as the law that provided for the collection of customs, which used to be a permanent appropriation; such as the law providing for the permanent appropriation for the Immigration Service, and various other permanent appropriations.

Now, what is the possible objection to giving Congress control over it? The gentleman from Idaho [Mr. FRENCH] compares

tl.is with the river and harbor service, and says that no one will deny that in many places the river and harbor expenditures have been twice what they ought to be. Well, that is wild talk. The gentleman from Idaho is not informed as to the river and harbor projects anywhere in the United States. No such correct statement can be made. It is possible that we provide authorization for river and harbor improvement sometimes which might wait or which may not be profitable.

Mr. FRENCH. Will the gentleman yield?

Mr. MANN. No; I have not the time. I think the gentleman made an incorrect statement, but I did not interrupt him because I knew he had not much time. There has never been any such extravagant expenditure, any such useless expenditure, any such wild expenditure, in the river and harbo. service as there has been in the Reclamation Service. Projects have been commenced which gentlemen admit by this bill are not profitable enough to pay interest. Projects have been commenced where the Government owned only a little land, and it was for the benefit of private owners of land. Take the Yakima case up here this morning, where in order to let the Government purchase—for that is what it was—the rights of private corporations they got the Secretary of the Interior—and that meant the Reclamation Service—to attempt to defraud the Indians and give them an excuse for paying the price for private enterprises.

Now, all these things ought to run the scrutiny of Congress. It should have the figures of the estimates; the estimates should be submitted in the open to the public, permitting criticism of these estimates in the House and in the Senate. There will not be much criticism of them, because when they are submitted in this way they will be carefully prepared, which they have not been in the past. The fund will not be lost gentlemen. The fund is there. It could not be used for any other purpose without a change of the law. But the fund, being there, will come under the scrutiny of the department, of the Secretary, above the chief of the service, and of the Congress, and it will lead to a far wiser use of the money than has been the rule in the past. [Applause.]

Mr. TAYLOR of Colorado. Mr. Chairman, I yield four minutes to the gentleman from Arizona [Mr. HAYDEN].

Mr. HAYDEN. Mr. Chairman, if this amendment is to be adopted, I am frank to say that its language is in good form, but it seems to me that the burden of proof is on those who are proposing to make the change. They ought to be able to demonstrate that there would be a saving in annual appropriations by Congress.

I seriously doubt that if the various expenditures made by the Reclamation Service during the past 12 years had been scrutinized by the Committee on Appropriations any saving would have been made. That committee would have done as all other committees do, taken the word of the department officials, and the appropriations would have been made that they asked for.

I know that Congress does not conduct its business in an efficient manner. If any corporation had a board of directors as inefficient as Congress it would become bankrupt in a year.

The gentleman from Illinois [Mr. MANN] says that the expenditures made by the Reclamation Service have been extravagant, wild, and useless.

The gentleman has made a most serious charge. In the heat of debate one may indulge in loose talk, but this is a case where the burden of proof is on him, and he should be able to demonstrate to the House that he knows what he is talking about. I want him to prove that there has been greater waste, greater extravagance, and less efficiency in the work done by the Reclamation Service than in similar Government work done under annual estimates and appropriations.

The Reclamation Service claims that there has been no greater number of errors and mistakes of judgment in their work than in similar enterprises by private contractors. We would expect this service to make such a claim and we can take it with a grain of salt, but I would rather believe this claim to be true than to imagine that they have been more extravagant in their expenditures than those who disburse the funds of the Government on rivers and harbors or on public buildings.

The cost of Government work is notoriously high. It is not necessary for me to stop here to prove this statement. Every Member of this House can recall instances that have come to his knowledge. We excuse this state of affairs by saying that the Government builds more substantial structures than the ordinary individual or corporation, and this excuse covers a multitude of sins.

I would like to read some testimony as to the work of the Reclamation Service by Mr. T. H. Corey, for many years one of the engineers of the Southern Pacific Railway system, who made this statement in the printed proceedings of the American Society of Civil Engineers in March, 1913:

> Nevertheless, based on a fairly complete knowledge of only the Salt River, Yuma, and Orland projects of the service, and the observation and study of data examined during eight years with the Harriman lines in California, Arizona, and Mexico—six years as a maintenance and operation official, with unusual opportunities to observe—the writer is convinced that in these three projects at least the Reclamation Service gets more actual work for a dollar than do the Harriman lines.

The unit costs of various types of work are given in the annual reports of the Reclamation Service. In the last printed report for the year ending June 30, 1913, on page 311, are given prices paid for moving earth. These range from less than 10 cents per yard under favorable conditions up to 20 cents per yard or over where the excavation is more difficult.

The yardage cost of moving earth is almost identical with that paid by the large transcontinental railroads who are building new lines of road in the same country.

For the next largest item of construction, loose rock or indurated material, the prices paid range from 17 cents per yard up to 50 cents, these prices being also practically identical and sometimes a little less than those paid by railroad companies.

I have a statement here which I shall put into the RECORD relative to the cost per million cubic feet of masonry construction in the United States, which shows that on the average the cost is $406, and the cost per million feet for work done by the Reclamation Service is $61.

Cost of American storage reservoirs.

[James D. Schuyler, in Engineer and Contractor, vol. 38, p. 258.]

Name and location.	Character.	Cost.	Cost per million cubic feet.
Asokan Reservoir, New York	Masonry and earth	$12,669,775	$792
Wachusett Dam, Massachusetts	Masonry	2,270,116	269
Ariscohos Dam, Maine	Masonry and earth	1,000,000	125
New Croton Dam, New York	Masonry	7,631,000	173
Buena Vista Lake, California	Earth	150,000	21
Laranie River Dam, Wyoming	do	117,200	23
Indian River, N. Y	Masonry and earth	83,555	19
Croton, N. Y	do	4,150,573	972
Lake McMillan, Pecos River, N. Mex.	Rock fill and earth	180,000	47
Bear Valley Dam, Cal	Masonry	68,000	39
Windsor, Colo	Earth	75,000	75
Sweetwater, Cal	Masonry	264,500	269
Titicus, N. Y	Masonry and earth	933,065	972
Bowman, Cal	Rock-fill crib	151,521	164
Eureka Lake, Cal	Rock fill	35,000	53
Sodom, N. Y	Masonry and earth	366,990	565
English, Cal	Rock-fill crib	155,000	230
San Leandro, Cal	Earth	900,000	1,550
Bog Brook, N. Y	do	510,430	927
Larimer and Weld, Colo	do	89,782	179
Cuyamaca, Cal	do	54,400	111
Hemet, Cal	Masonry	150,000	326
Canistear, N. J	Earth	341,000	1,060
Cache la Poudre, Colo	do	110,266	447
Round Hill, Pa	Masonry and earth	240,548	1,367
Glenwilde, N. Y	Earth	47,360	296
Escondido, Cal	Rock fill	100,059	658
Cedar Grove Reservoir, N. J	Earth	660,000	7,020
Tyler, Tex	Hydraulic fill	1,140	15
Faucherie, Cal	Rock fill	8,000	136
La Mesa, Cal	Hydraulic fill	17,000	298
Yuba, Cal	do	38,000	745
Peblar River, Va	Masonry	103,708	2,115
Wigwam, Conn	do	150,000	3,333
Saguache, Colo	Earth	30,000	732
Monument, Colo	do	33,121	849
Seligman, Ariz	Masonry	150,000	4,835
Walnut Canyon, Ariz	do	55,000	2,620
Apishapa, Colo	Earth	14,772	739
Williams, Ariz	Masonry	52,838	3,522
Boss Lake, Colo	Earth	14,654	1,628
Ash Fork, Ariz	Steel	45,776	9,155
Hardscrabble, Colo	Earth	9,997	1,999
Average		784,096	406

Cost of 12 reservoirs completed by United States Reclamation Service.

Name.	Cost.	Cost per million cubic feet.
Roosevelt	$3,809,323.60	$68
Clear Lake	136,120.44	7
East Park	276,617.77	139
Deer Flat	918,359.03	122
Lake Walcott	577,128.05	88
Hondo	154,844.67	89
Cold Springs	442,889.00	203
Bellefourche	1,253,183.64	141
Bumping Lake	440,077.15	298
Pathfinder	1,775,713.61	40
Shoshone	1,194,763.50	60
Snake River storage	464,982.88	28
Total	11,444,003.34	[1]61

[1] Average.

I am not here to deny that there has been unjustifiable waste on the reclamation projects, but I am confident that the waste has been no greater than on similar enterprises undertaken by the Government.

We have the best check on this work in the farmers themselves—better than any Appropriations Committee. They have protested against extravagant expenditures on every project, but nobody listened to them at first. The Appropriations Committee would have dismissed them as a lot of kickers. Now we have a Secretary of the Interior who has listened, and I know that he will never approve of anything but the strictest economy and the highest efficiency on work done by the Reclamation Service.

There is no virtue in this amendment. It surely will mean delay, because Congress will not always be prompt in making the appropriations. In this very Congress we have been compelled to pass continuing resolutions because four great appropriation bills were not passed before the end of the fiscal year. Is this such a model of congressional efficiency that we can point to it with pride?

Let us look for a moment at the practical operation of this proposed change. An estimate will be sent to the Appropriations Committee, consisting of 21 estimable gentlemen, only 1 or 2 of whom have the slightest knowledge of irrigation; and later a bill will be reported to this House, consisting of 435 Members, of which 400 have never seen an irrigated acre.

It then becomes the duty of every Member from the arid West to see that his district is properly cared for in the bill. Eastern Members complain that their patience is wearied by the discussion of public-land bills, but just wait until the annual reclamation bill comes along. Then we will give you some field days of oratory on a subject in which you are even less interested.

It takes no great prophet to foretell what will happen when the bill goes to the Senate. I warn you here and now that the adoption of this amendment is but the inception of another pork barrel, and that before this scheme has been in operation five years you will see raids made on the Treasury for no other reason than that those who speak for the West in another body will be determined to get their share.

We had better let well enough alone. Now we have a fund that is limited by the receipts from the sale of public lands. This fund is apportioned by the Secretary of the Interior according to the feasibility of the projects. The only mistake ever made was in the authorization of too many projects, but under the original reclamation act the Secretary was required to distribute the funds among the States. It was soon realized that this was a mistaken policy, and in 1910 section 9 of the reclamation act was repealed. Since that time no project without merit has been authorized.

Will anyone deny that it is not better to let a department be responsible for the work and say where the money should be spent rather than leave this vital matter to the decision of Members of the House and Senate whose political lives depend on their ability to bring home the bacon to their districts and States.

The adoption of this amendment will lead to nothing but logrolling. Political pull and not merit will determine the projects to be constructed. Just as we now complain because money is wasted on shallow creeks and harbors without commerce, so will scandal come because expensive irrigation works are built where they can not be profitably used. The cry in river and harbor improvement is for a "policy, not a project," but the river and harbor bill still enumerates projects by the score, and the only policy in it is that each State shall get its share.

It has been seriously proposed that all of our river and harbor work be turned over to a commission with authority to expend a lump sum each year to the best advantage. I, for one, believe this to be a proper solution of this vexed problem. Certainly such a plan would relieve Congress of a vast amount of worry. Such a commisison would stand between the Congressman and his desire to get something for his district whether the improvement was legitimate or not. Certainly such a plan could work no worse than the present system.

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

Mr. HAYDEN. I can not yield at this time. Let me repeat that I am not here to defend any reckless expenditures heretofore made by the Reclamation Service. I admit that money has been wasted by this service on the various projects, as on all other Government work, but the question is whether, by bringing these appropriations to Congress, we will save any money. I can not see from what I have observed in my brief experience in this House that any economy will come from this change.

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TAYLOR of Colorado. Mr. Chairman, I yield four minutes to the gentleman from Washington [Mr. BRYAN].

Mr. BRYAN. Mr. Chairman, my judgment may not be as good as that of some of the other Members of this House. Of course, it is not; but I do believe that if you pass this amendment you will cripple the Reclamation Service and deprive it of its greatest efficiency by requiring the officers of that service to come here and take up with the various committees and with the Members of this House the proposition of expending this money that is in this revolving fund—take up with men who do not know anything about the Reclamation Service, take up with a large body of men who are not acquainted with any of the problems and who will not study them, the question of how this money shall be spent. When you require that, it seems to me that you are going to decrease the efficiency of this service. We now have long sessions of Congress, and it has been suggested that we are not able to study these details, that we have not the time. If we add this reclamation appropriation bill, which it will amount to, to the details of Congress, we will have that much more to do, which we have not the time to perform. We have out there in those districts these various projects, and they have been successful. I did not ask for a release from the payment of interest, because of the charge that unusual estimates had been made, and lay the blame for that on the Reclamation Service. I do not believe they are to blame. Every time a project has been established those who naturally depend upon the service came and asked for an additional dam or for an improvement, and the price of labor and supplies went up, and of course the expenses increased, but the Reclamation Service stands as a monument to the efficiency of the Interior Department in the West, and a great success has been made. In one case, for instance, they are operating a coal mine; they are mining their own coal, and they are connecting it with a Government railroad out there; and they are doing things that if you were to come here to get permission of Congress to have done you never would get done.

Congress could not come to the point of considering the proposition, and when you submit that to the Committee on Appropriations and have that committee parcel out the money in the midst of a lot of other appropriations it will be found that men will have to use their patronage and ability to get something for each particular enterprise—something for their constituency. I hope that will not be done. I hope this work that has been carried on so efficiently in the past will be continued as it is and that Congress will not adopt this amendment. How embarrassing it will be for Members to fight the entire bill and to filibuster on it because their home project is not included. By compromises you will let in unworthy projects. The bill will be amended on the floor and in the Senate and in conference. No business enterprise could succeed if administered in that way, and this is a business enterprise.

In passing our Federal reserve bank bill we especially called attention to the fact that important matters were left in the hands of the department and were not placed in the hands of Congress because we did not want Congress to logroll on the locating of the banks and all of those things that would be pulled from place to place on account of politics. We gave to the President the right to expend $35,000,000 in Alaska on the Government railroad and left with him the matter of locating it, because we felt that it could be done better in that way by delegating that authority, and the time has come when Congress has got to delegate some of this authority, when we have to depend on some of the departments, and this Reclamation Service, where the money is to be paid back and is not to be appropriated in the pork-barrel methods that have obtained always in the river and harbor appropriations, is exactly the department where we ought to extend rather than withdraw the delegation of authority and the right to proceed without asking Congress every step that is to be taken. Take water-power permits in the West, for instance. If we required the Secretary of the Interior to come here every time a water power was to be established out there we would never get through, and we would never be able to adjourn. I think we ought not to abandon the policy that we have been following. The passage of this amendment will strike a death blow to efficiency in the Reclamation Service. The whole proposition would have gone by the board long ago if we had been compelled to come to Congress at every step. We ought not to mix up these executive details with legislation.

Mr. MADDEN. Mr. Chairman, I yield five minutes to the gentleman from Washington [Mr. LA FOLLETTE].

Mr. LA FOLLETTE. Mr. Chairman, I have in my district three or four of these reclamation projects, and up to this time I have not attempted to take one minute of the time of the committee, for I have been so anxious to have this measure get through in order that the people out there could get the relief to which they are entitled. As to this particular amendment, I am not going to attempt to discuss it, for I have not given it that thought which I would consider necessary in order to be able to discuss it intelligently, but at first blush I would be in favor of the amendment.

As I said, I have no idea of discussing this amendment. I want to touch on one or two things that have been brought out here, and that is that the people in favor of this bill and some of those who are against it have probably not been as considerate in their remarks as they should have been. There has been a great deal of abuse of the Reclamation Service, and there has been a great deal of abuse of the settlers who have gone on these projects. I was considerably impressed by the remarks of the gentleman from Kentucky [Mr. SHERLEY] and the gentleman from Illinois [Mr. MADDEN], when they spoke of the lack of business methods that there were in connection with these projects, in not charging interest on the investment against these settlers, and the inconsistency of the settlers and their representatives in protesting against such a charge. I could not help but think, as I heard them, that if either one of those gentlemen had been placed in similar circumstances, had gone on the projects, and had a certain estimate given for cost, and that cost had exceeded from 50 to, in some cases, 300 per cent more than the estimate, they would think that there was a considerable lack of business methods somewhere else than on the part of the water users.

Mr. Chairman, these water users had no word in the expenditure of this money they have to return. They were forced, if they went in at all, to sign up their lands and trust all to the ability, integrity, and judgment of the employees of the Reclamation Service, and I maintain that under a condition of that character they were entitled to a fair and reasonably accurate estimate of cost, and where those estimates fell short of the actual cost from 50 to 300 per cent they should not be held to the same business code and subject to the same ethics they should have been had they been equal participants in the contract with representation when the advisability of expenditures under the contract were under consideration, with rights of protest, and so forth. Now, I am not throwing any rocks at the Reclamation Service, but I do want to say that the settlers should have every consideration in this case, because they were in most every case misled. This was an entirely new proposition in the United States. The engineers made their estimates no doubt honestly, but each project was of a different nature practically. They could not judge one by the other, and they had no precedents to go by; they thought that they made allowances for all contingencies, but, as I said before, they exceeded their estimates from 50 to 300 per cent, and I think the settlers on these projects who in good faith are attempting to carry out their part of the contract deserve not only consideration at the hands of Congress, but every assistance that can be given them consistently, because the burden on them has been made exceedingly heavy. As I said before, I do not desire to take up the time of the committee. I am more than anxious that this bill pass and become a law, and I believe that it will become a law. I yield back any time I may have remaining.

The CHAIRMAN. The gentleman yields back the balance of his time.

Mr. TAYLOR of Colorado. I yield four minutes to the gentleman from Wyoming.

Mr. MONDELL. Mr. Chairman, this is an exceedingly important amendment. It proposes to make of the reclamation fund a new congressional pork barrel. We are to have one more pork-barrel scramble per annum in Congress if this becomes a law. I think gentlemen are not happy when they refer to the appropriations under the river and harbor bill as a sample of the blessings of pork-barrel legislation. It is true that a majority of the projects appropriated for under the river and harbor bill are proper, and yet it is also true that not only are some of these projects of a character that smell to heaven but that honest men and well-intentioned men who have good projects are obliged to defend those miserable projects that are not justified, because they secure their projects by reason of the fact these other projects are in the bill. There is no justification whatever in making a grab bag and pork barrel out of these expenditures, unless it lie in the fact that the service has been unwise in taking up projects. I am as well satisfied as I ever was in my life that if we take the 27 primary projects of the Reclamation Service, you will find that the service has made fewer mistakes in regard to them than Congress [applause], subject to the pulling and hauling, would have made in the same class of work. Out of 27 projects there are 3 projects which are somewhat questionable. One in Kansas, a pumping project, on which we have spent a lot of money; and yet if Congress had been legislating on this subject, we would have not one but half a dozen of these projects along the twilight zone between aridity and humidity, because that is where Members of Congress come from that have demand upon them for irrigation. We have tried one project of that kind up to the present time, and it is not successful; but it is essential that that should be tried by placing a pumping project in that region for irrigation, and we still hope that there may be something saved out of the Garden City project. There is the Hondo project, which has not been entirely successful. We would have had a dozen Hondos if that matter had been up to Congress.

Take the Missouri River project. Does anybody believe Congress would not be wise to try at least one river-pumping project? Why, we would have had 20 instead of 1 if Congress had been passing upon it. Taking these projects as they stand, we have not been compelled to make an effort to secure them. The projects have been taken up in the judgment of the service without regard to what our views were. We prefer to have it that way rather than to have to come here every session of Congress and attempt to secure new projects which we believe are all right, but which may be unjustifiable, or to secure appropriations larger than necessary for projects already under way. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. I want to yield to my colleague [Mr. MCKENZIE] one minute. He desires to ask the gentleman from Wyoming a question.

Mr. MCKENZIE. I desire to ask the gentleman from Wyoming a question. He says this will be a "pork-barrel" proposition. I want to ask him whether the Reclamation Service will not have the right to initiate projects, and Congress will not have the right, even if this amendment is adopted?

Mr. MONDELL. Oh, yes; the Reclamation Service will recommend this as the Chief of Engineers now recommends river and harbor works, but that does not prevent all of the evils of river and harbor expenditure.

Mr. MCKENZIE. It protects it, though.

Mr. MONDELL. It protects it.

Mr. TAYLOR of Colorado. Mr. Chairman, I yield to the gentleman from Nebraska [Mr. KINKAID].

Mr. KINKAID of Nebraska. Mr. Chairman, I am opposed to the amendment. In my judgment, its adoption would prove obstructive to the operation of the law and very demoralizing to the development of projects. I hardly think any Member will gainsay that the effect in many cases would be to necessitate the suspension of work upon existing projects while awaiting the determination of the Congress as to whether any moneys would be permitted for the completion of projects at the commencement of a new fiscal year. What would be authorized to be expended by one Congress would not constitute a safe criterion for what should be expected of the succeeding Congress or a third or fourth Congress thereafter. We are well aware that the membership of the Congress, or rather of the House, changes more or less every two years, and sometimes the change is very great, while a policy once inaugurated by a bureau or department with so large a percentage of the officials and employees holding their positions under the civil-service law is apt to be continued when under the exclusive administration of such bureau or department, at any rate until experience has shown how improvements may be made.

Mr. Chairman, our legislative experience ought to sufficiently admonish us that such a system as the amendment provides would be conducive of a scramble and competition by the membership, each for his share, and more than his share if he could prevail upon the committee, of available moneys to be expended in his district. It is evident that interested localities would be kept in suspense while awaiting the determination, first of the Committee on Appropriations, and thereafter the vote of the Congress upon the committee recommendations.

Mr. Chairman, it is clear there is no legal necessity for action by the Congress as the amendment provides, because the reclamation act is self-operating, to the extent that no further legislation is needed to authorize the expenditure of reclamation funds. In this respect the law is similar to statutes of various States devoting moneys derivable from a certain source, say for the granting of licenses for the sale of intoxicating liquors, to the public-school fund. No legislation is required

to authorize the disposition of such school moneys, but the proper administrative officers proceed under the statutes to use and utilize the moneys as the statutes rovide. But I am not permitted time to here express my views at length, and I wish to reiterate that, in my judgment, the effect of the amendment, duly enacted, would prove obstructive and demoralizing to the operation of the law. I hope that it will be voted down.

Mr. JOHNSON of Washington. When the Reclamation Service was originally inaugurated it might have carried a scheme of congressional regulation as now proposed, but now is not the time to decide upon such a plan of handling the money which shall be paid in If the resolution proposed by Mr. UNDERWOOD prevails the estimates of the Chief of the Reclamation Service will go to the great Committee on Appropriations, a committee which has been and will be for years to come made up largely of Members from east of the Missouri River. The irrigation projects will be subjected to much pull-hauling, and the detailed appropriations will be made by a subcommittee which will get much of its information from a chief clerk. In no time the various projects will be treated in the up-and-down way that the national parks are now treated. In fact, the Secretary of the Interior is endeavoring to provide a special board to devise and estimate these park appropriations and prevent what now happens. Under the proposed amendment the West will find new and unimportant irrigation projects bobbing up and receiving support and appropriations.

Mr. TAYLOR of Colorado. Mr. Chairman, I yield to the gentleman from Nevada [Mr. ROBERTS].

Mr. ROBERTS of Nevada. Mr. Chairman, I believe in leaving these questions to the people who have charge of the irrigation projects and who understand them, and who have for a considerable length of time studied the irrigation of arid lands in the Western States. They know what they are about, notwithstanding the fact that they have made mistakes. There have been many mistakes in other lines of work for wh'ch we have made large appropriations without even offering apologies. I am opposed to this question of "You tickle me and I'll tickle you." It will at once become a question not of appropriating for meritorious projects, but for the particular district which has the largest representation and the district which has the best "logrollers" in Congress. That is what I think will be the result of the amendment which has just been offered. I believe that Mr. Lane, Mr. Newell, and the engineers who have the irrigation projects in charge, are doing a great work, a work that will last long after them, and I do not believe that this body will vote in favor of the amendment. I hope you will vote it down and continue as before, and by the light of experience carry into fruition the hopes of those who first saw the wonderful possibilities of irrigation and extend and broaden the work rather than to hamper and hinder it. We do not want this great proposition converted into a game of "chuck-a-luck."

Mr. TAYLOR of Colorado. Mr. Chairman, how much time have I left?

The CHAIRMAN. Seven minutes.

Mr. TAYLOR of Colorado. I yield to the gentleman from Oregon [Mr. SINNOTT].

Mr. SINNOTT. Mr. Chairman, I am particularly opposed to this amendment at this time, especially during the incumbency of Secretary Lane. I believe that it will interfere and trammel him in the equitable administration of the Reclamation Service which he has inaugurated.

Secretary Lane has made a study of reclamation projects such as no other Secretary has heretofore made. He spent several weeks last summer in interviewing the settlers on the various projects. After that consultation was held he spent a month or two in the West investigating each and every project in the various States, and I believe that he is possessed of knowledge of reclamation projects such as no other Secretary has heretofore possessed I believe that this amendment will only result in interfering with the wise policy of an equitable distribution of reclamation funds which he has inaugurated. That it will further jeopardize the rights of such States as Oregon, which have been most unjustly discriminated against in the allotment of reclamation funds.

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

Mr. TAYLOR of Colorado. Mr. Chairman, I yield four minutes to the gentleman from California [Mr. RAKER].

Mr. RAKER. Mr. Chairman, for 12 years the reclamation projects have been in operation, have expended something over $80,000,000, have been an absolute success, and at no time and under no circumstances has there been the slightest suspicion against the administration or against the work. That is a record of which this country ought to be proud. The projects, generally speaking, have been in splendid shape. The director has heretofore handled the matter under the present administration, and I want to call my friend's attention to the fact that the Secretary of the Interior is the final arbiter; he has secured five men who deal with every subject that comes before the Reclamation Service, every expenditure, every contract, and the decision as to what shall be done goes to these five men, and they must act before anything can be done. No complaints are made. The service is a success.

Now, as to the cheapness of the work, I will say to the gentleman who is opposed to it that the material is cheaper than that used by any other organization in the United States to-day, railroad corporation or otherwise, for these projects. It has been one-third cheaper than any irrigation project under the Carey Act, or any project carried on by a private individual. Look at the record, and it is from 25 to 30 per cent cheaper all along the line. It is a monument to the integrity, to the ability, to the worth and economy of this department, because they have been in shape where they could make their contracts running from one to three years, and depending entirely upon the receipt of the money, and would not have to wait until the year expired and be compelled to say, "We will have to wait, inasmuch as we do not know what our appropriation will be next year." They are familiar with the subject.

And another thing I feel ought to be considered, generally speaking. The Committee on Appropriations is practically unfamiliar with this question. It may seem strange, and some Member might think it funny, but look at the last five years and he will find that the West on these projects has had to take absolutely the word of the Reclamation Service. Some one raised an objection here three years ago, and asked how the funds were being expended.

The President of the United States appointed a board of engineers. That board of engineers went over every reclamation project and investigated the estimates, investigated the work, the amount of money expended, the work to be done, and reported that this Government had not lost a dollar, that the work had been efficient, and yet the expenses had been less than in any other character or kind of work not only in the United States but in every foreign country where they have been dealing in reclamation work. Now, after 12 years of successful operation, why should we turn around and place this money into the fund that should go to the Committee on Appropriations, which, as the record of the House shows, has not had a man on it, except one in this Congress, from the public-land States? And where will they get the information? From the Department of the Interior, of course. The law is all right as it now stands. I am opposed to this amendment. There is no real reason for this change, as I now see it. Figures and statistics are sometimes used unfairly and are very misleading.

The man not fully informed concerning irrigation can use the statistics of it in a way which misleads and leads to delay or injury to the development of the country. The chief fallacies arise from lack of knowledge as to what an irrigation project really is.

An irrigation project is a living, going organism which, like a city, is in one sense never finished. Every year sees changes, some of which may be radical in their nature. Conceived and planned by men of vision, to be built in an undeveloped country of unproved capabilities, away from lines of transportation, without full knowledge of the markets which may be created or even of the kind of crops which will ultimately be developed, the men who originate these must necessarily have optimism tempered by experience.. Even with the spirit of prophecy they can not foresee all the developments which may take place. After the work is well under way there may be far-reaching changes, such as those due to the building of new lines of railroad, which necessarily modify the whole plan, bringing, as they do, new areas within reach of market or removing from cultivation other areas for use as railroad rights of way, for town building, or for other industrial purposes.

In one sense, at no time is the project ever finished. Each year sees new opportunities, new extensions, new restrictions, due to changing conditions of crops, of seepage of the land, of building of drains, or providing additional water supply. It is necessary, of course, in the case of works being built by the Government to arbitrarily assume some point when the project will be finished so far as the Government is concerned, but on many of the projects this point has not yet arrived, because the country has not yet developed to the degree where it can be safely said that the project is finished and that it is not wise to spend further money upon it.

A consideration of the above shows why it is that the comparisons of the estimated cost, made 10 or 12 years ago, with

present estimates are wholly unfair and unprofitable. Take, for example, the Salt River project in Arizona. Originally conceived as a small storage reservoir, this plan was later enlarged, and during construction the dam built higher. This was done at the request of the people in the valley who were confident that they could utilize the extra water.

Later extraordinary floods swept away the heads of their principal canals. They importuned the Secretary of the Interior to put in a new heading to save the country from ruin. This he did. When this was done the next request was that he complete and extend the distribution system to the lands.

Originally it was the idea that water would be provided by storage, and that the water users would go to the reservoir, 50 or 100 miles away, and take the water out in canals built by themselves, and in distributing systems to the lands. Later this was found not to be practical, and the Secretary of the Interior was requested to use the reclamation fund for this purpose. This was done.

At a later date it was found that, with the great strides in electrical development, hydroelectric power could be developed at the reservoir and brought to the valley for pumping and for industrial purposes. It was shown that here was an opportunity for notably reducing the acreage cost of the work as well as for extending the area to be irrigated. Accordingly the hydroelectric plant was built.

Now we have the figures of the original conception, namely, for a small dam, brought into comparison with those of the extension works approaching completion. Of course, there is no fair comparison possible other than to show that the original plans have been so materially modified that they are not recognizable in the present work.

The same thing may be said of each of the projects in succession. It is not necessary to go into details, but a man familiar with the conditions can see why it is that the original estimate based on certain assumptions has been greatly exceeded, namely, because the labor and materials have cost more than they did at the time the plans were prepared, but more largely because these plans have been materially modified and many additional structures built which were not originally contemplated.

In the same way the attempt to compare acreages of land anticipated and actually irrigated can not be fairly made unless knowledge is had regarding these elementary facts. In the first instance, large areas of land were found to be capable of irrigation, and it was stated that in a tract of, say, 100,000 acres there would be ample land for irrigation. Later, as the works were developed and built, some of these lands were found to be less valuable than others and were eliminated. Again, it was found that, with the building of railroads and towns and bringing in new lines of transportation, lands which were at first excluded could be taken in. It was found that some of the crops required less water than others, and that the water supply could be carried to other areas, or the reverse. Thus it happens that these early figures, made in anticipation of results, can not be compared fairly with those which have been made later.

The whole conclusion, however, is not that the early estimates were wrong, but that, with larger and more complete knowledge gained year by year, they have been greatly modified. Whatever the cost per acre may now be, the lands are fairly worth it, and are better capable of paying the larger charges per acre than were the original estimates which contemplated the owners of the land going to a distant reservoir or distant main-line canal and providing the distribution system.

I insert the following table to show the exact conditions of each and all the projects on December 31, 1913:

Balance sheet showing financial conditions on Dec. 31, 1913.

	Project accounts.				
	Debit.				
	Cost of project.[1]		Inventory of stock on hand.	Accounts receivable.	
	Building.	Operation and maintenance.		Miscellaneous.	Water-right charges.
PROJECTS.					
Arizona, Salt River	$11,323,387.05		$202,966.41	$91,790.49	
Arizona-California, Yuma	6,285,333.17	$173,724.72	298,350.65	2,795.41	$149,558.85
California, Orland	621,915.35		13,922.21		
Colorado:					
Grand Valley	758,601.52		63,082.20	19.00	
Uncompahgre	5,403,606.69		94,400.92		
Idaho:					
Boise	8,656,760.67		367,502.41	52,299.37	
Minidoka	4,532,481.31	975,750.36	109,319.11	149,024.24	173,965.21
Kansas, Garden City	378,638.92		6,080.58		
Montana:					
Huntley	961,806.86	340,021.59	25,144.05	14.38	112,065.58
Milk River	2,228,324.27		190,006.18	8,156.15	
Sun River	1,112,919.93	61,867.86	147,423.00	524.77	57,087.41
Montana-North Dakota, Lower Yellowstone	2,784,032.70	424,435.90	34,498.12	14.28	172,182.23
Nebraska-Wyoming, North Platte	6,097,206.90	282,559.75	128,510.27	9.80	527,258.07
Nevada, Truckee-Carson	5,219,781.95	294,569.46	147,557.45	1,113.99	130,512.16
New Mexico:					
Carlsbad	856,932.78	110,160.73	16,599.17	2.62	92,753.15
Hondo	366,195.12		394.00	687.43	
New Mexico-Texas:					
Rio Grande	1,889,030.59		325,239.61	169.02	
Rio Grande Dam appropriation	1,000,000.00				
North Dakota, North Dakota pumping	696,061.79	252,250.29	13,331.20		109,243.77
Oregon, Umatilla	1,433,710.27	169,873.10	36,702.51		113,655.72
Oregon-California, Klamath	2,383,542.11	146,890.21	38,900.74	416.50	79,517.75
South Dakota, Bellefourche	3,162,049.71	211,064.14	47,732.88		187,326.57
Utah, Strawberry Valley	2,302,474.12		83,553.91	1,496.32	
Washington:					
Okanogan	663,423.87	56,949.03	9,185.86	1,437.00	52,387.70
Yakima	6,479,970.52	577,350.46	220,863.98	91,919.22	427,817.42
Wyoming Shoshone	3,713,171.03	415,459.70	88,712.09	7,009.83	146,271.87
Preliminary investigations	80,488.73				
Secondary projects	694,571.46		6,636.54		
Town-site development	17,038.31				
General expenses			57,113.15	97.36	
Jackson Lake enlargement			64,600.00	[2]179,589.15	
Montana:					
Blackfeet Indian	7,071.78		45,500.00	43,400.00	
Flathead Indian	22,238.48		106,413.02	61,862.82	
Fort Peck Indian			31,320.39	34,407.01	
	82,132,767.96	4,492,927.30	3,021,562.61	309,077.86	2,531,603.46

[1] To get net cost, deduct "Revenues" and "O. and M. collections" on credit side.

[2] Advance receipts.

Balance sheet showing financial conditions on Dec. 31, 1913—Continued.

	Project accounts.							Treasurer United States.	
	Credit.							Debit.	Credit.
	Accounts payable.	Revenues.		Water-right repayment accounts.			Net investment of the United States.	Reclamation fund, appropriations, and repayments of water-right charges.	Investment and cash balance.
		Power and light.	Water rentals.	Uncollected.	Collected.				
					Building.	Operation and maintenance.			
REVENUES.									
Public lands, fiscal years 1901 to 1914								$80,505,627.30	
Town-site lots, fiscal years 1907 to 1914								249,173.38	
Special reclamation fund—reimbursable								1,000,000.00	
Appropriation, Rio Grande Dam								1,000,000.00	
PROJECTS.									
Arizona, Salt River	$76,544.50	$370,873.39	$1,098,144.69		$100,000.00		$9,972,581.37	100,000.00	
Arizona-California, Yuma	31,731.07		190,040.00	$149,558.85	142,006.16	$41,417.67	6,355,009.05	142,006.16	
California, Orland	11,702.47		33,887.60				590,247.49		
Colorado:									
Grand Valley	73,708.29						747,904.43		
Uncompahgre	45,235.97		180,814.57				5,271,957.07		
Idaho:									
Boise	166,451.37		185,863.45				8,724,247.63		
Minidoka	45,729.13	31,008.41	264,048.16	173,965.21	520,911.64	191,311.32	4,713,566.36	326,483.90	
Kansas, Garden City	3,702.25						381,017.25		
Montana:									
Huntley	21,437.62		48.00	112,065.58	233,173.46	62,896.12	1,009,431.68	233,173.46	
Milk River	104,642.82		5,746.97				2,316,096.81		
Sun River	20,423.67		349.25	57,087.41	86,916.11	27,033.53	1,158,013.00	86,916.11	
Montana-North Dakota, Lower Yellowstone	38,207.96		12.50	172,182.23	33,524.07	35,544.23	3,135,692.24	33,524.07	
Nebraska-Wyoming, North Platte	44,736.16		17,028.20	527,258.07	200,459.88	203,363.98	6,042,698.50	188,130.40	
Nevada, Truckee-Carson	76,223.68	5,313.71	4,853.46	130,512.16	229,774.49	107,616.52	5,239,240.99	218,179.63	
New Mexico:									
Carlsbad	6,589.93		12,060.03	62,753.15	106,555.95	95,293.55	763,195.84	106,555.95	
Hondo	88.35		6,352.68				360,835.52		
New Mexico-Texas:									
Rio Grande	51,036.08	1,375.18	82,551.24				2,039,476.72		
Rio Grande dam appropriation							1,000,000.00		
North Dakota, North Dakota pumping	493.91	16,755.70	196.75	109,243.77	6,019.63	12,562.90	925,614.39	6,019.63	
Oregon, Umatilla	8,261.50		3,026.40	113,655.72	181,641.94	52,241.37	1,395,114.67	181,641.94	
Oregon-California, Klamath	12,581.53		28,727.51	79,517.75	267,490.32	91,015.68	2,109,934.52	260,785.25	
South Dakota, Belle Fourche	84,291.93		726.64	187,326.57	104,075.01	80,446.56	3,145,306.59	104,075.01	
Utah, Strawberry Valley	35,461.61	17,184.60	250.00				2,334,628.14		
Washington:									
Okanogan	6,159.45		53,601.00	52,387.70	23,951.70	34,566.87	612,716.74	23,951.70	
Yakima	62,859.40	2,164.20	53,736.14	427,817.42	725,914.17	460,236.40	6,065,193.87	717,773.34	
Wyoming, Shoshone	25,760.47		200.87	146,271.87	200,618.63	72,525.42	3,925,247.23	200,618.63	
Preliminary investigations							80,488.73		
Secondary projects	1,595.02						699,612.98		
Town-site development							17,038.31		
General expenses	8,175.69						49,034.82		
Jackson Lake enlargement	16,400.00						[1]131,389.15		
Montana:									
Blackfeet Indian	7,500.00						88,471.78		
Flathead Indian	14,908.78						175,605.54		
Fort Peck Indian	2,014.68						63,712.72		
Total investment, all projects									$84,367,388.04
Balance with Treasurer United States, reclamation fund									337,824.34
Balance with special fiscal agents, reclamation fund									979,432.43
	1,174,745.29	444,675.19	2,222,266.11	2,531,603.46	[2]3,163,033.16	1,574,072.12	81,437,543.86	85,684,644.86	85,684,644.83

[1] Credit balance.

[2] $323,188.98 of total paid-in certificates.

The following statement is most important as showing area of irrigable lands under the projects, net investment to December 31, 1913, and approved expenditures for the calendar year 1914:

Statement showing by projects the area of irrigable lands, investment, Dec. 31, 1913, and proposed expenditures during calendar year 1914.

Projects.	Area of irrigable lands under project.			Net investment to Dec. 31, 1913.	Approved expenditures for calendar year 1914.[1]
	Total.	Public.	Private.		
	Acres.	*Acres.*	*Acres.*		
Salt River	218,600	20,074	198,526	$9,972,581.37	$909,846.17
Yuma	131,000	74,000	57,000	6,355,009.05	831,126.25
Orland	20,000	4	19,996	590,247.49	255,700.18
Grand Valley	53,000	30,070	22,930	747,904.43	1,873,184.18
Uncompahgre Valley	140,000	34,000	106,000	5,271,957.07	750,861.30
Boise	207,000	67,711	139,289	8,724,247.63	3,600,057.35
Minidoka	118,725	96,725	22,000	4,713,566.36	476,874.30
Garden City	10,667		10,667	381,017.25	1,000.00
Huntley	32,405	29,213	3,192	1,009,431.68	281,000.50
Milk River	219,557	72,000	147,557	2,316,096.81	2,236,713.76
Sun River	106,346	74,974	31,372	1,158,013.00	1,712,337.27
Lower Yellowstone	60,116	17,913	42,203	3,135,692.24	103,800.00
North Platte	129,270	83,358	45,912	6,042,698.50	733,875.70

Statement showing by projects the area of irrigable lands, investment, Dec. 31, 1913, and proposed expenditures during calendar year 1914—Continued.

Projects.	Area of irrigable lands under project			Net investment to Dec. 31, 1913.	Approved expenditures for calendar year 1914.[1]
	Total.	Public.	Private		
	Acres.	*Acres.*	*Acres.*		
Truckee-Carson	206,000	140,451	65,549	$5,239,240.99	$807,706.17
Carlsbad	20,277		20,277	763,195.84	149,100.21
Hondo	10,000	240	9,760	360,835.52	110,001.11
Rio Grande	155,000	13,039	141,961	3,039,476.72	3,683,192.17
North Dakota, pumping	12,239	982	10,357	925,614.39	70,000.00
Umatilla	55,500	22,336	33,164	1,395,114.67	572,000.00
Klamath	70,700	32,000	38,700	2,109,934.52	175,219.62
Belle Fourche	100,000	44,631	55,369	3,145,306.59	163,039.07
Strawberry Valley	60,000		60,000	2,334,628.14	686,641.41
Okanogan	10,071	1,234	8,837	612,716.74	149,000.37
Yakima, storage				1,270,772.47	608,657.61
Sunnyside	102,824	2,565	100,259	1,874,906.66	658,085.38
Tieton	34,537	2,175	32,362	2,852,514.62	113,997.79
Shoshone	104,122	155,469	8,653	3,925,247.26	593,399.20
Total	2,447,966	1,015,064	1,432,902	80,327,968.01	22,306,417.07

[1] Includes $5,054,000, unexpended amount of loan authorized June 25, 1910.

I submit the following statement and tables on the question of cost, and so forth, as printed in Engineering and Contracting of date of June 4, 1913:

COST OF IRRIGATION WORKS PER ACRE OF LAND SUPPLIED WITH WATER.

The cost of irrigation works per acre of land irrigated has been tabulated by the United States Reclamation Service for some 140 projects, of which 87 are Carey Act projects, 39 are private projects, and 14 are projects of the service. The data are given in Tables I, II, and III, and from the text accompanying them we take the following:

Under the present conditions of construction the cost per acre of water rights, or of water for irrigation in the arid region, is far higher than is usually appreciated. During earlier decades, before any considerable number of large irrigation canals had been built, it was a relatively simple and inexpensive matter for farmers to join together and build small canals that could be enlarged as the demand for water increased. All such easily available opportunities, however, have been utilized, and development has proceeded to a point where on most of the recent irrigation systems it has been necessary to provide storage, thus adding materially to the cost.

There has also been a notable increase in the cost of labor and of materials used in construction. This condition has been pointed out in various hearings before Congress, notably in the series before the Ways and Means Committee of the House of Representatives at the time of the granting of the $20,000,000 loan. It is there shown, notably in a statement submitted by Representative MONDELL, that one of the arguments for increase of the reclamation fund was in the fact that common labor had advanced from the time of the preparation of the plans for works in 1903 and 1904 from 20 to 50 per cent, and that the efficiency of such labor had fallen off in greater proportion. Costs were also affected by the increased price of materials and equipment.

The figures in Tables I, II, and III, obtained from printed reports of State engineers and public data, show that on over 90 modern irrigation systems being built by private or corporate capital the cost per acre averages nearly $53. This cost does not include the annual cost for operation and maintenance.

The cost to the settler is increased by the fact that payment is made on most of these projects in installments bearing interest at 6 per cent or even more. The total payments made for such a water right with simple interest at 6 per cent would be about $70.50 per acre on the basis of 10 equal annual installments of the principal as compared to $53 without interest.

For comparison with the cost of the foregoing private and Carey Act projects, there is given in table 3 a partial list of the projects being built under the terms of the reclamation act, showing the total acreages in them and the charges for water rights for completed portions of such projects, as far as these have been fixed by public announcement of the Secretary of the Interior. These figures are seen to average a little over $41 per acre.

It is interesting to note that the average cost of water from the Government works is about $12 per acre less than from the recent private works of comparable size. The real difference is still greater, because of the fact that deferred payments on Government works do not draw interest.

This difference is further accentuated by the greater probability of the water users under the Government projects receiving an adequate water supply, as this matter has been given more careful consideration and deficiency guarded against with greater care than in the private investments. In fact, it is known that in a few cases at least there is not water enough for the entire area of land included in these projects. Also, on the Government works provision in many cases has been made for drainage such as has not been provided by the private works, and the water is, as a rule, brought nearer to the land to be irrigated, still further reducing the cost to the water user.

Summing up all of these advantages—lower first cost, absence of interest, more dependable water supply, and more complete works—it would appear to be fair to state that water from the Government projects is obtained at one-half to two-thirds the cost of that from private works here listed, including those built under the terms of the Carey Act.

TABLE I.—*Cost of private irrigation projects.*

Name of project or company.	Acreage in project.	Cost or water-right charge per acre.
COLORADO.		
Amity Canal	80,000	[1] $100
Beaver Land & Irrigation Co	20,000	[1] 175
Catlin Canal	25,000	100
Colorado Cooperative Co	5,200	60
Denver Reservoir & Irrigation Co	200,000	45
East Palisade irrigation district	645	63
MONTANA.		
Fort Lyon Canal	70,000	[2] 100
Grand Valley Canal	40,000	[3] 60
Greeley Poudre Irrigation Co	125,000	45
Mesa County irrigation project	2,568	73
Orchard Mesa irrigation district	9,122	119
Otero irrigation district	20,000	40
Palisade irrigation district	6,000	41
Paradox Valley Irrigation Co	30,000	45
Pueblo-Rocky Ford Irrigation Co	100,000	[4] 150
Redlands Irrigation & Power Co	5,000	[5] 100
Routt County Development Co	39,000	45
South Palisade Heights irrigation district	700	127
Conrad Land & Water Co		40
Great Falls Land & Irrigation Co	36,000	50

[1] Estimated at from $75 to $150 per acre. Includes land.
[2] Estimated at $75 to $150 per acre.
[3] Per miner's inch.
[4] Includes land.
[5] Estimated at from $65 to $150 per acre.

TABLE I.—*Cost of private irrigation projects*—Continued.

Name of project or company.	Acreage in project.	Cost or water-right charge per acre.
NEBRASKA.		
Belmont Canal & Irrigation District	20,000	[1] $35
Tri-State Canal	60,000	42
NEW MEXICO.		
French Land & Irrigation Co	40,000	50
OREGON.		
Bonanza project	20,000	39
Eagle Valley	21,700	80
Turnish	6,000	[2] 60
Paradise	100,000	60
Willamette Valley	20,000	50
SOUTH DAKOTA.		
Red Water Irrigation Association	4,000	40
UTAH.		
Provo Reservoir	12,000	80
Utah Lake Pumping	8,000	[3] 40
WASHINGTON.		
Cascade Canal Co	10,000	50
Congdon Canal Co	4,200	121
Kennewick Canal	14,000	163
Lower Yakima Irrigation Co	12,500	129
Selah Moxie	7,000	86
Selah Valley Development Co	10,000	150
Union Gap Irrigation Co	5,000	135
Washington Irrigation Co	50,000	46

[1] For river rights only. Purchase of Pathfinder Reservoir water will increase this to $35.
[2] Estimated at from $50 to $70 per acre.
[3] Estimated at from $40 to $50 per acre.

TABLE II.—*Cost of Carey Act projects.*

	Acreage.	Cost.
Colorado Land & Water Supply Co	16,278	$45
Two Butte Irrigation & Reservoir Co	22,000	35
Valley Investment Co	24,000	60
COLORADO.		
Great Northern Irrigation & Power Co	2,121	55
Colorado Realty & Security Co	45,875	45
Toltec Canal Co	14,853	40
IDAHO.		
American Falls Canal & Power Co	57,242	40
Big Lost River Irrigation Co	78,242	40
Birch Creek Irrigation Co	20,000	50
Blackfoot North Side Irrigation Co	22,280	.....
Black Canyon Irrigation district	98,492	72
Blaine County Irrigation Co	14,720	40
Boise City Carey Act project	151,000	.....
Bruenau Irrigation Co	40,000	60
Emmett Irrigation district	5,800	50
Grandview Extension Irrigation Co	1,000	65
Grassmere Irrigation Co	47,500	65
Hansen, C. V., Mackay project	3,456	40
Hegsted, Victor, project	3,140	40
High Line Pumping Co. (Ltd.)	3,860	45
Houston Ditch Co. (Ltd.)	1,884	35
Idagon Irrigation Co. (Ltd.)	9,000	60
Idaho Irrigation Co. (Ltd.)	130,000	50
Keating Carey Land Co	15,597	30
Kings Hill Extension Irrigation Co	9,655	65
Kings Hill Irrigation & Power Co	13,359	65
Lemhi Irrigation Co	3,500	50
Little Lost River Land & Irrigation Co	20,000	30
Marysville Canal & Improvement Co. (Ltd.)	6,134	20
Owsley Carey Land & Irrigation Co	8,600	35
Owyhee Land & Irrigation Co	29,535	55
Owyhee Irrigation Co. (Ltd.)	3,236	45
Pahsimeral project	6,000	30
Portneuf-Marsh Valley Irrigation Co	11,914	35
Pratt Irrigation Co. (Ltd.)	4,674	40
Snake River Irrigation Co. (Ltd.)	6,500	50
Thousands Springs Land & Irrigation Co	6,300	30
Twin Falls Land & Water Co	244,000	25
Twin Falls-North Side Land & Water Co	207,144	45
Twin Falls-Oakley Land & Water Co	45,000	65
Twin Falls-Raft River Irrigation Co	99,668	50
Twin Falls-Salmon River Land & Water Co	127,707	40
West End-Twin Falls Irrigation Co	46,000	50
MONTANA.		
Billings Land & Irrigation Co	27,000	[1] 40
Big Timber project	17,194	60
Valier project	115,100	40

[1] Estimated at from $50 to $60 per acre.

TABLE II.—*Cost of Carey Act projects*—Continued.

	Acreage.	Cost.
OREGON.		
Central Oregon Irrigation Co	139,204	$40
Do	74,198	60
Columbia Southern Co	27,000	50
Deschutes Land Co	31,082	36
Deschutes Reclamation & Irrigation Co	1,280	.....
Desert Land Board	27,000	
Portland Irrigation Co	12,000	46
Powder Land & Irrigation Co	65,000	100
UTAH.		
Mosida Pumping Plant	8,000	[1]150
WYOMING.		
Big Horn County Irrigation Co	20,411	50
Boulder Canal	6,120	30
Burch Canal	35,887	50
Carbon County Land & Irrigation Co	7,793	30
Cody & Salsbury Canal	77,199	.....
Cody Canal	26,429	50
East Fork Irrigation Co	4,901	30
Eden Land & Irrigation Co	95,658	30
Elk Canal	2,724	30
Fisher Ditch	320	10
Green River Land & Irrigation Co	75,257	35
Hammitt Canal	6,295	60
Hanover Canal	10,682	50
Hawk Springs project	12,238	50
Hubbard Canal	38,604	40
James Lake Irrigation Co	14,554	35
La Prele Ditch & Reservoir Co	18,558	50
Lovell Irrigation Co	11,320	25
McDonald Canal	15,159	50
Medicine Wheel Canal Co	22,385	30
North Laramie Canal Co	4,133	50
North Platte Canal & Colonization Co	14,424	30
Big Horn Basin Development Co	204,650	50
Paint Rock Canal	53,162	50
Platte Valley Canal	18,171	30
Rock Creek Irrigation Co	11,696	45
Sahara Ditch Co	7,920	50
Sidon Canal and extensions	20,559	30
Tinsleep-Bonanza Canal	16,486	40
Uinta County Irrigation Co	26,000	35
Wheatland Industrial Co	33,115	45
Wyoming Land & Irrigation Co	4,526	50

[1] Estimated at from $50 to $60 per acre.

TABLE III.—*Reclamation Service projects.*

State.	Project.	Approximate acreage.	Cost per acre.	
			From—	To—
Arizona-California	Yuma	131,000	$55	$66
Idaho	Minidoka	118,700	22	30
Montana	Sun River	216,346	30	36
Montana-North Dakota	Lower Yellowstone	60,116	45	.....
Nebraska	North Platte	129,270	45	55
Nevada	Truckee-Carson	206,000	22	30
New Mexico	Carlsbad	20,277	32	45
Oregon	Umatilla	25,000	60	70
Do	Klamath	72,000	30	.....
South Dakota	Belle Fourche	100,000	30	35
Washington	Okanogan	9,900	65	.....
Do	Sunnyside	102,824	52	.....
Do	Tieton	34,613	93	.....
Wyoming	Shoshone	164,122	45	50

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. Mr. Chairman, I yield one minute to the gentleman from Washington [Mr. FALCONER].

Mr. FALCONER. Mr. Chairman, I hesitate somewhat in opposing the amendment offered by the gentleman from Alabama [Mr. UNDERWOOD], because that gentleman has been friendly to this measure and, I think, understands thoroughly the problems confronting the men in the West as well as in the new South who are trying to develop the country. But I want to say, Mr. Chairman, if we pass this amendment, which limits the action of the reclamation board and handicaps effective service, I believe we can tack at the top of this reclamation bill the words "red tape," which is altogether too much in evidence in governmental matters. Red tape strikes terror and disappointment and discouragement to the heart of every man who contemplates qualifying under these reclamation projects.

Mr. Chairman, the average Congressman knows little or nothing about the details of reclamation work, nor does he have the time to become expert. Congressional knowledge is insufficient and congressional interference will result in uncertainty. Expert control by Secretary Lane and Director Newell spells success.

Four hundred and thirty-five men have been here for 500 days trying to enact legislation, and if there is any one feature of it that has been exploited over the country as working to the disadvantage of the country it is that recent legislation has been done in an unfinished and unscientific way.

Gentlemen speak of river and harbor improvements; the details of this line of work differ greatly from those of river and harbor improvements. The gentleman from Alabama [Mr. UNDERWOOD] or any other man knows that river and harbor improvements have to do with the rivers and harbors of the United States. On the other hand, these projects have to do with the private property of a thousand different men under each project, and little disappointing features come up from time to time and from day to day that change the conditions and tend to embarrass those that are at the head of the Reclamation Service.

Now, sir, I believe that the Secretary of the Interior and the officials of the Reclamation Service thoroughly understand the situation. I think they are better qualified to carry on this work than are Members of Congress. They are specialists in their particular line. They have expert workmen, and I would sooner at any time take the judgment of an expert on this question than run the risk of partial consideration and hurried attention by 435 Congressmen.

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

Mr. FALCONER. Mr. Chairman, will the gentleman from Illinois give me another minute?

Mr. MADDEN. I have not the time.

Mr. FALCONER. I ask unanimous consent, Mr. Chairman, to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Washington [Mr. FALCONER] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MADDEN. Mr. Chairman, I yield two minutes to my colleague, Mr. FOSTER.

The CHAIRMAN. The gentleman from Illinois [Mr. FOSTER] is recognized for two minutes.

Mr. FOSTER. Mr. Chairman, I am very much in favor of the amendment offered by the gentleman from Alabama [Mr. UNDERWOOD]. It seems to me that one of the best arguments that could be made for an amendment of this kind is the fact that we have just listened to the appeals made by gentlemen advocating this bill before the committee, when it is admitted that even under the system that they now have, which they now say is so good, they have expended much more money than has been necessary, until finally the homesteaders on the projects have gotten in such a condition that they are unable to pay interest, and their representatives are here asking an extension of time for 10 years on these reclamation projects.

Now, I do not believe that Congress is so inefficient; I do not believe that Members would consider lightly these reclamation projects. They are important projects, and I do not think they would consider them in such a way as to do harm to the Reclamation Service. I believe that the Congress of the United States wants to encourage the making of more homes in the West, and one way to do that is through the successful execution of these irrigation projects. Anyone who has seen that country, where but a few years ago there was nothing but sagebrush and sand, and to-day see the beautiful farms that have been developed there, can not help but believe that a great work is being done in that section.

But the representatives of those people come now and ask for 10 years' additional time in which the homesteaders may pay for the expense of the projects. They ask that the Government shall give this money 10 years longer without interest, and the plea in justification of it is made that it has cost so much more per acre than was estimated for originally, and that these people are now unable to pay for it. They come forward and say that because you want to change the system and let Congress appropriate and require that estimates be submitted each year you are doing an injustice to these homesteaders. It seems to me there is an inconsistency somewhere in the argument of our friends from the West. No man is more interested in the success of the Reclamation Service than I am, but in my judgment Congress should know each year just what is being done.

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

Mr. TAYLOR of Colorado. Mr. Chairman, how much time is left on each side?

The CHAIRMAN. The gentleman from Colorado has two minutes, and the gentleman from Illinois [Mr. MADDEN] has eight minutes.

Mr. MADDEN. Mr. Chairman, I am going to use all my time.

Mr. TAYLOR of Colorado. Mr. Chairman, I have yielded to various Members all the time I have except two minutes. I only desire at this time to say that I look upon this amendment as ill advised and unnecessary, and if it is adopted by Congress, I believe that it will be looked upon hereafter as a mistake.

The trouble is going to be that if this amendment is adopted it will simply force all the Western States into a pork-barrel scramble for this money, and from this good hour on the water users and the Representatives from those States where the irrigation projects are being constructed will organize a systematic plan of operations to get as much money as possible for each one of these projects; and a State like Texas—a great big State, which furnishes not a dollar to this fund and which has a large and strong delegation in Congress—will have a great advantage over the other Western States. The State of California, for example, will have an advantage over each of the other Western States by reason of its large delegation in Congress.

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

The CHAIRMAN. Does the gentleman from Colorado yield to the gentleman from Illinois?

Mr. TAYLOR of Colorado. I can not yield a part of only two minutes.

Mr. MADDEN. I will yield to the gentleman a couple of minutes.

Mr. TAYLOR of Colorado. Very well. What is the gentleman's question?

Mr. MANN. The gentleman says that this amendment will lead to a pork barrel.

Mr. TAYLOR of Colorado. Yes; so far as we of the arid States are concerned. It will lead to a pork-barrel scramble among us, each logrolling to get all he can.

Mr. MANN. Is not this the fact: That the amount of money in the reclamation fund is so much, and no more can be appropriated? How, then, does that make a pork barrel?

Mr. TAYLOR of Colorado. It will compel an unseemly scramble among us to determine to what States that money will go and which will get the most.

Mr. MANN. A pork barrel is where they all combine, not where they determine among themselves how a fixed sum of money shall be applied.

Mr. TAYLOR of Colorado. There will be a free-for-all scramble, a perpetual strife among us, to get that money.

Mr. MANN. That will probably lead to a careful examination of the merits of each project.

Mr. TAYLOR of Colorado. I think it will lead to logrolling and scheming, and the projects in those States which have the larger delegations will, I fear, get the larger amounts. I fear that merit may not always control the division of that fund.

Mr. MANN It will not lead to a scramble when there is no more money

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

Mr. MADDEN. Mr. Chairman, did the Chair count the minute I yielded to the gentleman from Colorado?

The CHAIRMAN. The Chair did not.

Mr. TAYLOR of Colorado. I want to say in conclusion, Mr. Chairman, that the Committee on Appropriations will have its time taken up with listening to delegations both of Congressmen and people from all of these projects and every Western State, whereas this matter ought to be and can be in a more systematic way determined by the reclamation engineers and officials, as it has been heretofore. I admit that in former years considerable money has been wasted, but at the present time the Reclamation Service is in a splendid condition, and I feel it is more or less of a reflection on the service for Congress at this time to take this action in this hasty manner. If the reclamation law needs amending in this respect it should be in a separate bill. I feel that this amendment ought not to go into this bill. I hope it will be voted down.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] is entitled to seven minutes.

Mr. MADDEN. Mr. Chairman, we have already expended $375,000,000 on the Panama Canal. Every dollar of that sum had to be estimated for every year. If we had not had supervision by the Committee on Appropriations there is not any doubt in the world but that we would have spent twice as much as we have expended on the construction of the Panama Canal.

Nobody can say that the Committee on Appropriations of this House is a pork-barrel committee. There is no committee in this House or in any other House that is so diligent in the discharge of its duty as is the Committee on Appropriations of the House. It is always anxious to conserve the expenditures of the public money. There is no man anywhere in the executive branch of this Government too big to be called before that committee. Every man, either in business or in public life, who knows that he has somebody watching him and to whom he is obliged to report, will perform his duty with more economy and better dispatch and with more system than he will if he is allowed to go untrammeled and do as he pleases. And so it is no reflection on the Department of the Interior for its officials to be called before the Committee on Appropriations of the House.

As to the pork-barrel scramble referred to by my friend from Wyoming [Mr. MONDELL] and by other gentlemen on the floor in opposition to this amendment, I want to say that there are only about 30 men representing the States in which the land is being reclaimed and upon which this money is being expended.

The other 405 Members of the House are only indirectly interested in the reclamation. They are interested in seeing that the money is properly expended and where it ought to be expended.

Mr. RAKER. Will the gentleman yield?

Mr. MADDEN. I decline to yield. And we, if we are here, or whoever may be here, will act as a jury to see that no reclamation projects are entered upon except those which are meritorious; and if you gentlemen in the arid regions want to enter upon a logrolling proposition in order to get a pork-barrel scheme into your reclamation project, all right, enter upon it, but we will see that you do not do it successfully. We are here as an American jury to prevent your packing the pork barrel with pork. There never was a more meritorious amendment than the one now pending.

It simply provides that the money received from the sale of public lands shall be expended for the reclamation of other public lands after estimates have been made as to what lands are necessary to be reclaimed and the amount of money necessary to be expended upon them; and to say that the Congress of the United States, whose Members come from every section of the Union, are, 405 of them, to be subject to the control of these 30 men, and that no Member is to have anything to say about the reclamation of the arid lands, except the 30 men coming from the arid region, is unfair. It is unjust and unfair for them to say or even to suppose the rest of us are going to be unfair and discriminating, except in so far as discriminating means that we are going to see that the public funds are expended economically and wisely. I will venture to say that if we had had jurisdiction over the expenditure of this money from the beginning of these reclamation projects, several million dollars—I do not know how much, but more than $1,000,000—would not have been expended on projects where it has been discovered that there is no water and never will be any. The Committee on Appropriations will be able to ascertain by communications from the Secretary of the Interior or the Chief of the Bureau of Reclamation what the conditions are. This committee has jurisdiction over the expenditure in every department of the Government, and I have yet to hear anyone say that it has ever acted unwisely or extravagantly, or that it has entered into any combination for the improper expenditure of public money; but every statement made about that committee has been to the effect, no matter what the politics of the committee may have been, that if anything it was rather more parsimonious than it ought to be; and I would infinitely prefer to have the charge made against me that I was more parsimonious in the expenditure of public money than that I was extravagantly reckless in its expenditure. And I think that is where we have to draw the line now. We have already reached the point where we must conserve the expenditure of the public moneys received from the sale of the public lands and to see that no dollar of that money is expended by any single individual; because, as I said in the beginning of my remarks, no matter how patriotic or able a public official or private individual may be, if he knows that he is compelled to report to somebody else what he is doing, he will be thinking the whole year round just how he can economize, and how he can expend the money to get the best results, so that when he appears before the body that has the right to interrogate him, he will be able to make a report that will stand the light of the sun, instead of being subject to criticism for undue extravagance in the expenditure of public money. We are about to expend $200,000,000 for the reclamation of public lands in the irrigation region; and to say that the people of the United States ought not to know in advance how this money is to be expended is to say that they are not to be trusted.

I hope the amendment will prevail. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The question is on the amendment offered by the gentleman from Alabama [Mr. UNDERWOOD].

Mr. SMITH of Idaho. Mr. Chairman, let the amendment be reported again.

The Clerk again reported the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama [Mr. UNDERWOOD], just reported.

The question was taken; and, on a division (demanded by Mr. BRYAN), there were 40 ayes and 21 noes.

The CHAIRMAN. On this vote the ayes are 40 and the noes are 21, and the amendment is agreed to.

Mr. BRYAN. Mr. Chairman, I make the point of order that there is no quorum present.

Mr. UNDERWOOD. I make the point of order, Mr. Chairman, that that comes too late to affect the vote.

The CHAIRMAN. The Chair thinks that the point of order made by the gentleman from Washington is too late.

Mr. MANN. Oh, Mr. Chairman, the gentleman from Washington made the point of no quorum as soon as the Chair announced the result; and while it is true there may be a form to be used, that is the practice that has been followed.

Mr. UNDERWOOD. Mr. Chairman, rather than have any question about it, I withdraw the point of order.

The CHAIRMAN. The gentleman from Washington makes the point of order that no quorum is present. The Chair will count.

Mr. BRYAN. Mr. Chairman, all the friends of reclamation around me insist that I shall withdraw my point of no quorum, although I think it is a mistake——

Mr. MANN. I ask for the regular order.

Mr. BRYAN. I am going to withdraw the point of order.

The CHAIRMAN. The gentleman from Washington withdraws his point of no quorum.

Mr. SINNOTT. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend by adding the following section:

"SEC. 17. That it is hereby declared to be the duty of the Secretary of the Interior in carrying out the provisions of the reclamation law, so far as the same may be practicable, and subject to the existence of feasible irrigation projects, to expend the major portion of the funds arising from the sale of public lands within each State contributing thereto for the benefit of arid and semiarid lands within the limits of such State: *Provided*, That the Secretary may temporarily use such portion of said funds for the benefit of arid or semiarid lands in any particular State contributing thereto as he may deem advisable, but when so used the excess shall be restored to the fund as soon as practicable, to the end that ultimately, and in any event within each 20-year period after the passage of this act, the expenditures for the benefit of the said States shall be equalized according to the proportions and subject to the conditions as to practicability and feasibility aforesaid: *Provided*, That this section shall not affect any existing established project."

Mr. SINNOTT. Mr. Chairman, I offered this same amendment in the committee when this bill was being considered in the committee some months ago, after its passage through the Senate. I then reserved the right to offer it on the floor of the House. In explanation of this amendment I desire to state that its object is to restore the old repealed section 9 of the original reclamation act as far as it can be done consistently with the proposed 20 years' extension period for payments by settlers. Section 9 of the reclamation act passed in 1902 contemplated that within each 10-year period after its passage there should be an equitable and equal expenditure of the reclamation funds in the States contributing to this fund. Section 9 was repealed June 25, 1910. This repeal and its effect on my State has been a matter of the most bitter debate and controversy in the State of Oregon, and ever since its passage has been a vital issue in every senatorial and congressional election there. The people of Oregon feel keenly the discrimination practiced against them since section 9 of the reclamation act was repealed. The report of the Reclamation Service for the fiscal year ending June 30, 1913, shows Oregon second in the list of contributors to the reclamation fund. It contributed the sum of $10,317,387.18. Up to that time Oregon stood tenth in the list of allottees of reclamation funds, having been allotted but $4,334,218.77; of this amount $1,277,132.61 were repaid, leaving a net investment of $3,057,086.16.

Secretary Lane, at the urgent solicitation of the Oregon delegation in both Houses, has recognized this unjust discrimination made against the State of Oregon and in a great measure has endeavored to mete out justice to us. Since this last report of the Reclamation Service, of April 30, 1913, there have been allotted to various States up to April 30, 1914, by Secretary Lane, $10,307,396.73. Out of this sum Oregon has been allotted $1,294,724.08.

Mr. MANN. Will the gentleman yield?

Mr. SINNOTT. Yes.

Mr. MANN. What State has turned in the most money?

Mr. SINNOTT. North Dakota has turned in the most money. The amendment which I have offered will give equal justice to North Dakota, Oklahoma, and the other States that have been discriminated against.

The Twelfth Annual Report of the Reclamation Service, for the fiscal year ending June 30, 1913, on page 296, shows the following contributions to the reclamation fund by the various States:

1. North Dakota	$11,821,801.07
2. Oregon	10,317,387.80
3. Montana	8,335,000.00
4. South Dakota	6,753,352.65
5. Colorado	6,483,000.00
6. Washington	6,386,566.63
7. Oklahoma	5,765,000.00
8. California	5,184,693.44
9. Idaho	4,940,585.11
10. Wyoming	4,287,140.75
11. New Mexico	3,856,000.00
12. Utah	1,728,093.61
13. Nebraska	1,635,149.31
14. Arizona	1,111,412.37
15. Kansas	951,993.44
16. Nevada	519,633.85

The same report, on page 296, shows the allotment of said fund by States to be as follows:

Order of allotment.	Amount.	Order of contribution.
1. Arizona	$16,003,004.15	14
2. Idaho	15,783,336.92	9
3. Montana	8,825,663.40	3
4. Washington	8,329,607.38	6
5. Colorado	8,130,357.00	5
6. Wyoming	7,377,417.38	10
7. Nevada	6,218,503.63	16
8. Nebraska	6,012,377.01	13
9. New Mexico	4,493,343.12	11
10. Oregon	4,334,218.77	2
11. Utah	3,453,877.02	12
12. South Dakota	3,388,000.00	4
13. California	2,595,962.24	8
14. North Dakota	2,273,351.01	1
15. Texas	2,103,200.00	.....
16. Kansas	419,000.00	15
17. Oklahoma	71,933.26	7

It will thus be seen from the report ending June 30, 1913, that while Oregon contributed $10,317,387.80 to the reclamation fund, up to that date Oregon was only allotted $4,334,218.77.

I have been furnished by the Reclamation Service with a statement showing the changes in the allotments since the report of June 30, 1913, which shows:

Allotments from reclamation fund and bond loan, by States, to Apr. 30, 1914.

State.	Allotments to June 30, 1913.	Changes since June 30, 1913.		Total allotments to Apr. 30, 1914.
		Increases.	Decreases.	
Arizona	$16,003,004.15	$1,601,011.11	.....	$17,608,015.26
California	7,595,962.24	449,036.71	.....	8,045,038.95
Colorado	8,130,357.00	945,331.75	.....	9,075,688.75
Idaho	15,785,396.92	2,173,488.00	.....	17,958,884.92
Kansas	419,000.00	.....	.....	419,000.00
Montana	8,825,663.40	2,470,125.00	.....	11,295,788.40
Nebraska	6,012,377.01	.....	$410,000.00	5,602,377.01
Nevada	6,218,503.63	71,973.00	.....	6,290,476.63
New Mexico [1]	4,493,343.12	201,065.91	.....	4,694,409.03
North Dakota	2,273,351.01	4,703.13	.....	2,278,054.14
Oklahoma	71,933.26	100,284.00	.....	172,217.26
Oregon	4,334,218.77	1,294,724.08	.....	5,628,942.85
South Dakota	3,388,000.00	178,534.04	.....	3,566,534.04
Texas [1]	2,103,200.00	.....	19,742.00	2,083,458.00
Utah	3,459,877.02	.....	.....	3,459,877.02
Washington	8,329,607.98	792,785.11	.....	9,122,393.09
Wyoming	7,377,417.38	482.00	.....	7,377,899.38
Preliminary investigations	81,000.00	.....	80,488.73	511.27
Secondary projects	129,787.11	19,782.89	.....	149,570.00
Town-site development	23,000.00	.....	23,000.00	.....
General accounts	392,790.00	.....	.....	392,790.00
Total	100,445,790.00	10,307,396.73	533,230.73	110,219,956.00

[1] Does not include $1,000,000 appropriated for Rio Grande Dam (34 Stat., 1357), $600,000 which has been allotted to New Mexico and $400,000 to Texas.

The April, 1914, number of the Reclamation Record, a magazine published under the auspices of the Reclamation Service, gives in round numbers the receipts or contributions and allot-

ments by States to the reclamation fund, also the percentages of contributions allotted to each State. It shows:

Expenditures and receipts by States.

State.	Total allotment.	Total receipts.	Per cent.
Arizona	$17,525,000	$1,300,000	1,348
California	3,026,000	5,777,000	52
Colorado	9,076,000	7,090,000	128
Idaho	17,155,000	5,488,000	327
Kansas	419,000	988,000	42
Montana	11,294,000	10,025,000	113
Nebraska	5,593,000	1,815,000	308
Nevada	6,291,000	590,000	1,067
New Mexico	4,695,000	4,261,000	110
North Dakota	2,278,000	12,071,000	19
Oklahoma	173,000	5,828,000	3
Oregon	5,629,000	10,656,000	53
South Dakota	3,564,000	7,192,000	50
Texas	2,084,000	.....	.....
Utah	3,460,000	2,083,000	166
Washington	9,123,000	6,665,000	137
Wyoming	7,377,000	4,643,000	159

I have rearranged these last figures to show the order in which each State has received and contributed reclamation funds.

Order of allotment.	Amount.	Order of contribution.
1. Idaho	$17,955,000	9
2. Arizona	17,525,000	14
3. Montana	11,294,000	3
4. Washington	9,123,000	6
5. Colorado	9,076,000	5
6. Wyoming	7,377,000	10
7. Nevada	6,291,000	16
8. Oregon	5,629,000	2
9. Nebraska	5,593,000	13
10. New Mexico	4,695,000	11
11. South Dakota	3,564,000	4
12. Utah	3,460,000	12
13. California	3,026,000	8
14. North Dakota	2,278,000	1
15. Texas	2,084,000	0
16. Kansas	419,000	15
17. Oklahoma	173,000	7

Order of contribution.	Amount.	Order of allotment.
1. North Dakota	$12,071,000	14
2. Oregon	10,656,000	8
3. Montana	10,025,000	3
4. South Dakota	7,192,000	11
5. Colorado	7,090,000	5
6. Washington	6,665,000	4
7. Oklahoma	5,828,000	17
8. California	5,777,000	13
9. Idaho	5,488,000	1
10. Wyoming	4,643,000	6
11. New Mexico	4,261,000	10
12. Utah	2,083,000	12
13. Nebraska	1,815,000	9
14. Arizona	1,300,000	2
15. Kansas	988,000	16
16. Nevada	590,000	7
17. Texas	.....	15

Mr. Chairman, in the State of Oregon there are some 17,000,000 acres of public lands, and 13,000,000 acres additional in the forest reserves. Upon the forest reserves there stand nearly 140,000,000,000 feet of timber, worth from $2.50 to $3 a thousand feet. We expect that the proceeds of these great resources within the boundaries of our State will ultimately reach and swell the reclamation fund. We feel, as was originally contemplated by the reclamation act, that we should have the right to demand, as a matter of law, our share of our magnificent resources pouring into the reclamation fund; that we should not be dependent solely on the bounty or benevolence of any Secretary of the Interior for our share of the reclamation funds. My amendment will place all States on an equal footing without favoritism. Oregon has streams possessing over 3,000,000 water horsepower. In such a State it is idle to contend that there are no feasible irrigation projects. There are innumerable projects capable of development in my district, in Crook County, in the Deschutes Basin, on the John Day River, in Malheur County, in Baker County, and other counties of eastern Oregon.

To develop these projects we feel that we are entitled to know that we will receive our share of the reclamation funds by virtue of statutory law and not at the pleasure of some official occupying the office of Secretary of Interior 10 or 15 years hence.

The people of my State are not envious of the liberal, free-handed manner in which these funds have been allotted to some of the other States, but we are certainly jealous of what we consider to be our rights, and feel that our rights will be assured to us only by the passage of this amendment.

Mr. Chairman, I ask for three minutes more.

The CHAIRMAN. The gentleman from Oregon asks that his time be extended three minutes. Is there objection?

Mr. TAYLOR of Colorado. Mr. Chairman, I would like to agree on a limit of debate. Can not we agree on 10 minutes?

Mr. MORGAN of Oklahoma. I want five minutes.

Mr. TAYLOR of Colorado. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 10 minutes.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent that debate on this amendment close in 10 minutes. Is there objection?

There was no objection.

Mr. MORGAN of Oklahoma. Mr. Chairman, I wish to express my approval of the amendment that has been offered by the gentleman from Oregon [Mr. SINNOTT]. I can see no harm that will come from restoring section 9 of the original reclamation act to the present law. As a matter of good faith, the section never should have been repealed. Now, since we are remodeling the reclamation act, and extending the time for 20 years, instead of 10 years, in which the settlers shall pay the cost of construction of a project, this would be the proper time for this House to restore section 9 or the principle upon which it is based.

In the Sixty-second Congress when this proposition came up to repeal section 9, the bill was pending before the Committee on Ways and Means. I appeared before that committee and urged that the bond bill be so amended as to leave that section in the law. The committee believed the provisions of the section had led to abuses. When the bond bill came before the House I tried to amend the bill by striking out section 6, which repealed section 9. My amendment did not prevail, so section 9 was repealed. The repeal of section 9 was a mistake. It appeared much like an act of bad faith on the part of the Government.

As I said the other day at the beginning of the discussion of this bill, when the reclamation act was passed, there was an understanding between the Representatives from the 16 States and Territories of the West as to what this bill should contain, as to what principle should control in the distribution of this fund, and it was distinctly stated in the report and in the discussion that it was the design of section 9 to guarantee that the benefits arising from this great new policy the National Government was about to undertake should be, so far as possible, distributed equitably among the States from which that fund came. Oklahoma has contributed $6,000,000, or practically that amount, to that fund. So far no irrigation project has been undertaken in the State. If this section is reenacted it does not mean that this fund must go to Oklahoma, because the fund can only be used there on condition that a practicable and feasible project can be found and approved by the Department of the Interior. We have just passed an amendment to the pending bill requiring the reclamation fund to be appropriated by Congress before it can be used. We are thus putting an additional restraint and safeguard on this fund. We do not ask any of this fund to be expended uselessly in our State; we only ask that section 9 be restored as an act of good faith. It seems to me Representatives from those States wherein the bulk of this fund has been expended should show their magnanimity by voting for this proposed amendment.

Mr. HAYDEN. Mr. Chairman, on behalf of the committee I will state that we are opposed to the amendment offered by the gentleman from Oregon [Mr. SINNOTT], proposing to reenact section 9 of the original reclamation law, which requires the expenditure of the money in the States in which the funds originated. Section 9 was repealed in 1910 as a part of a bill creating certificates of indebtedness against the reclamation fund. Extensive hearings were had before the Committee on Ways and Means, and in a report made after those hearings this statement was made by Mr. PAYNE:

> The part of the act referred to which required that moneys should be expended in the several States in fair proportion to the amount contributed by each State to the fund led to an insistent demand by representatives from the various States and Territories affected for the expenditure within their borders of their just pro rata share.
>
> In yielding to this demand the department was led to undertake the simultaneous construction of works involving cost far beyond the current receipts of the fund.

For this reason section 9 was repealed.

Mr. MORGAN of Oklahoma. Will the gentleman yield?

Mr. HAYDEN. I can not yield when I have but two minutes. Section 9 led to the beginning of work on some 32 projects, and the money in the reclamation fund has not been large

enough to carry all of these projects promptly to completion. If we restore this abandoned section to the law, we will return to the same bad system and create a demand for a large number of new projects. We believe it is better to complete projects that have now been initiated and then to take up new projects one at a time as we have the money in the reclamation fund. I hope the amendment will be defeated and I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon.

The question was taken, and the Chairman announced that the noes seemed to have it.

On a division (demanded by Mr. MORGAN of Oklahoma) there were—ayes 8, noes 40.

So the amendment was rejected.

Mr. SINNOTT. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on this amendment.

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

Mr. TAYLOR of Colorado. Mr. Chairman, I move that the committee do now rise and report the bill as amended to the House with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FLOOD of Virginia, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 4628) extending the period of payment under reclamation projects, and for other purposes, and had directed him to report the bill with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. TAYLOR of Colorado. Mr. Speaker, I move the previous question on the amendments and bill to final passage.

The question was taken, and the previous question was ordered.

Mr. UNDERWOOD. Mr. Speaker, I desire to ask, the previous question having been ordered, if this bill will be the unfinished business to-morrow morning?

The SPEAKER. It will be the first thing after the reading of the Journal.

Mr. MANN. I am not sure——

The SPEAKER. The Chair is.

Mr. MANN. The Speaker ruled the other way.

The SPEAKER. No; the Speaker ruled the way the Speaker is ruling now; he has just looked it up.

Mr. MANN. I know the Speaker did rule the other way.

The SPEAKER. To be fair with the gentleman, there was some dispute about that question of the Speaker ruling that way once, but the Chair knows he ruled the other way last week, and he thinks the last ruling is the better practice.

Mr. UNDERWOOD. I understand the gentleman from Illinois desires to make a motion to recommit and probably would desire a roll call, and I prefer to get a quorum here to-morrow morning.

Mr. MANN. Let us dispose of the amendments.

Mr. RAKER. I want a separate vote on the last amendment; not to-night, though.

The SPEAKER. Is it desired to vote on the amendments now? Is a separate vote demanded on any amendment?

Mr. BRYAN. Mr. Speaker, I demand a separate vote on the Underwood amendment.

The SPEAKER. The gentleman from Washington desires a separate vote on the Underwood amendment, which the Clerk will report.

Mr. MANN. No; let us dispose of the other amendments first.

The SPEAKER. That is right. Is a separate vote demanded on any other amendment; if not, the Chair will put them in gross.

The question was taken, and the other amendments were agreed to.

The SPEAKER. The Clerk will report the Underwood amendment.

The Underwood amendment was again reported.

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

The question was taken, and the Speaker announced the ayes seemed to have it.

Mr. BRYAN. Mr. Speaker, a division; I am against the amendment.

The SPEAKER. The gentleman had a chance to vote against it.

Mr. BRYAN. I asked for a division.

The SPEAKER. That is a different thing; the gentleman from Washington demands a division.

The House divided; and there were—ayes 40, noes 24.

Mr. BRYAN. Mr. Speaker, I make the point of no quorum; and pending that, I want to make a parliamentary inquiry.

Mr. MANN. The gentleman can not do that.

The SPEAKER. The gentleman from Washington raises the point that there is no quorum present. The Chair will count.

The Speaker proceeded to count.

During the counting,

Mr. TAYLOR of Colorado. Mr. Speaker, I move that the House do now adjourn.

Mr. BRYAN. Pending that, Mr. Speaker, I wish to make a parliamentary inquiry.

Mr. MANN. The gentleman can not do that now.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 15110. An act authorizing the Secretary of the Treasury to accept conveyance of title to certain land between the post-office site and Madison Street, in the city of Thomasville, Ga.;

H. R. 8688. An act for the relief of Lucien P. Rogers; and

H. R. 17041. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes.

ADJOURNMENT.

The SPEAKER. The gentleman from Colorado moves that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 25 minutes p. m.) the House adjourned until Thursday, July 30, 1914, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. OLDFIELD, from the Committee on Patents, to which was referred the bill (H. R. 18031) amending sections 476, 477, and 440 of the Revised Statutes of the United States, reported the same without amendment, accompanied by a report (No. 1041), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. McKELLAR, from the Committee on Military Affairs, to which was referred the bill (S. 725) to correct the military record of Aaron S. Winner, reported the same without amendment, accompanied by a report (No. 1032), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 2715) to amend the military record of John P. Fitzgerald, reported the same without amendment, accompanied by a report (No. 1033), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 4023) for the relief of Waldo H. Coffman, reported the same without amendment, accompanied by a report (No. 1034), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 5753) to correct the military record of John Minahan, alias John Bagley, reported the same with amendment, accompanied by a report (No. 1035), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 6652) to remove the charge of desertion from the military record of Luke O'Brien, reported the same with amendment, accompanied by a report (No. 1037), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 12566) for the relief of John C. Shea, reported the same without amendment, accompanied by a report (No. 1038), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 14711) for the relief of Miles A. Hughes, reported the same with amendment, accompanied by a report (No. 1039), which said bill and report were referred to the Private Calendar.

Mr. HULINGS, from the Committee on Military Affairs, to which was referred the bill (H. R. 6421) for the relief of Thomas M. Jones, reported the same with amendment, accompanied by a report (No. 1036), which said bill and report were referred to the Private Calendar.

Mr. GREENE of Vermont, from the Committee on Military Affairs, to which was referred the bill (H. R. 17464) for the relief of Fred Graff, reported the same without amendment, accompanied by a report (No. 1040), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WINGO: A bill (H. R. 18132) authorizing the Secretary of War to donate to the city of Van Buren, Ark., two cannon or fieldpieces; to the Committee on Military Affairs.

By Mr. FOWLER: A bill (H. R. 18133) to amend section 413 of the Postal Laws and Regulations of 1913, being a part of the act approved August 24, 1912, entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes"; to the Committee on the Post Office and Post Roads.

By Mr. SELLS: A bill (H. R. 18134) authorizing and permitting John R. Sanders, his successors and assigns, to build and maintain a dam and water-power development in and across Holston River, in Hawkins County, State of Tennessee; to the Committee on Interstate and Foreign Commerce.

By Mr. KEATING: A bill (H. R. 18135) for the establishment of a farm-loan bureau in the United States Treasury, to reduce the rate of interest of farm mortgages, and to encourage agriculture and the ownership of farm homes, and for other purposes; to the Committee on Banking and Currency.

By Mr. BUCHANAN of Illinois: A bill (H. R. 18136) to regulate the wages of all mechanics and laborers employed in or under certain departments of the Government; to the Committee on Labor.

By Mr. MOON: Joint resolution (H. J. Res. 309) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DOOLITTLE: A bill (H. R. 18137) granting an increase of pension to Katharine A. Ringhiser; to the Committee on Invalid Pensions.

By Mr. GILMORE: A bill (H. R. 18138) granting a pension to Delia M. Mullarkey; to the Committee on Pensions.

By Mr. MANN: A bill (H. R. 18139) granting an increase of pension to Elma A. Dockstader; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 18140) for the relief of the heirs of John E. Stewart, deceased; to the Committee on War Claims.

By Mr. TAVENNER: A bill (H. R. 18141) for the relief of Harry C. Twomey; to the Committee on Military Affairs.

By Mr. VOLLMER: A bill (H. R. 18142) for the relief of the heirs of Jacob Thomas; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petitions signed by certain citizens of Connecticut urging the passage of the Hobson prohibition amendment; to the Committee on Rules.

Also (by request) resolution signed by pastors of certain churches at Oakland, Cal., and East Liverpool, Ohio, protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

By Mr. BELL of California: Petition of 53 citizens of Los Angeles and 42 people of Yorba Linda and Second United Presbyterian Church of Los Angeles, Cal., favoring national prohibition; to the Committee on Rules.

Also, memorial of Los Angeles Chamber of Commerce, urging passage of water-power legislation at this session of Congress; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Nelson A. Miles Camp, No. 10, Spanish War Veterans, of California, asking that the frigate *Independence* be brought to San Francisco for use in connection with the Panama-Pacific Exposition; to the Committee on Naval Affairs.

By Mr. BRUCKNER: Petition of Railway Age Gagette, New York City, relative to replacing of wooden passenger cars by steel ones; to the Committee on Interstate and Foreign Commerce.

Also, petition of Woman's Christian Temperance Union of the State of New York, favoring national prohibition; to the Committee on Rules.

Also, petition of Daggett & Ramsdell, of New York City, favoring passage of the Ransdell-Humphreys river-regulation bill; to the Committee on Rivers and Harbors.

Also, petitions of I. F. Moritz, the O. J. Gude Co., and I. Greenberg, all of New York City, protesting against national prohibition; to the Committee on Rules.

Also, petition of William Barthman, of New York City, favoring passage of the Owen-Goeke bill, relative to fraud in gold-filled watchcases; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Cotton Belt Lodge, No. 204, Brotherhood of Locomotive Firemen and Engineers, relative to equipping all engines on railroads with electric headlights; to the Committee on Interstate and Foreign Commerce.

Also, petition of Bricklayers' Benevolent and Protective Union, No. 1, of Brooklyn, N. Y., favoring approval of amendment to the Sherman law in relation to trade-unions; to the Committee on the Judiciary.

Also, resolution of masters, mates, and pilots of the Pacific, favoring amendment to H. R. 16346; to the Committee on the Merchant Marine and Fisheries.

By Mr. BURKE of South Dakota: Petition of business men of Pierre, S. Dak., favoring the passage of H. R. 5308, relative to taxing mail-order houses; to the Committee on Ways and Means.

By Mr. CURRY: Petitions of 17 residents of California, in favor of prohibition; to the Committee on Rules.

Also, petition of Miss Mary T. Hawley, of Lodi, Cal., in favor of equal suffrage; to the Committee on the Judiciary.

Also, petition of the congregation of the Seventh-day Adventist Church of Lodi, Cal., in favor of prohibition; to the Committee on Rules.

Also, petition of R. Rose, of Sanitarium, Cal., in favor of prohibition; to the Committee on Rules.

Also, petition of the Woman's Christian Temperance Union of northern and central California, representing more than 5,000 women, in favor of prohibition; to the Committee on Rules.

By Mr. HOWELL: Petition of sundry citizens of Ogden, Utah, favoring national prohibition; to the Committee on Rules.

By Mr. KENNEDY of Iowa: Petition of sundry citizens of Keokuk, Iowa, protesting against national prohibition; to the Committee on Rules.

By Mr. J. R. KNOWLAND: Petitions of 20 citizens of the State of California, favoring national prohibition; to the Committee on Rules.

Also, petitions from the Southern California Conference of the Free Methodist Church, and the Melrose Methodist Episcopal Church, of Oakland, Cal., favoring national prohibition; to the Committee on Rules.

Also, petition of the Colonel John B. Wyman Circle, No. 22, Ladies of the Grand Army of the Republic, of Oakland, Cal., protesting against any change in the national flag; to the Committee on the Judiciary.

By Mr. PROUTY: Petitions of the Woman's Christian Temperance Union of East Peru, 150 people of Milo, and citizens of Indianola and Altoona, Iowa, favoring national prohibition; to the Committee on Rules.

Also, petition of citizens of Perry, Iowa, favoring Poindexter resolution to adjust the polar contention; to the Committee on Naval Affairs.

By Mr. RAKER. Resolution in re water-power legislation, adopted by the Los Angeles Chamber of Commerce at its regular meeting, July 8, 1914, relative to water-power legislation at this session of Congress; to the Committee on Interstate and Foreign Commerce.

Also, resolution by the Department Veteran Army of the Philippines, at the thirteenth annual convention, held at Baguio, P. I., relative to civil-service conditions in Philippine Islands; to the Committee on Reform in the Civil Service.

By Mr. THOMAS: Petition of Ernest E. Green, of Edmonson County, Kentucky, protesting against national prohibition; to the Committee on Rules.

By Mr. THOMSON of Illinois: Petition of members of Millburn Church, of Millburn, Ill., favoring national prohibition; to the Committee on Rules.

By Mr. WALLIN: Petition of Methodist Episcopal Churches of Mayfield and Cranberry Creek, N. Y., favoring national prohibition; to the Committee on Rules.