

By Mr. HILLIARD: Petition of Board of County Commissioners of Adams County, Colo., urging the passage of Senate bill 709; to the Committee on the Judiciary.

Also, papers to accompany bill for relief of Robert F. Risley; to the Committee on Pensions.

By Mr. IGOE: Petition of Thomas Young, of St. Louis, protesting against House bill 743, for building for Department of Justice; to the Committee on Public Buildings and Grounds.

By Mr. JAMES: Petitions of Ed J. Butler and Jones Balsti, of Michigan, opposing censorship of motion-picture films; to the Committee on Education.

By Mr. KENNEDY of Rhode Island: Memorial of Chamber of Commerce of the United States favoring the establishment of a tariff commission; to the Committee on Ways and Means.

Also, memorial of Providence (R. I.) Chamber of Commerce, favoring tariff commission; to the Committee on Ways and Means.

Also, petition of Guerin Spinning Co., of Woonsocket, R. I., favoring House bill 702; to the Committee on Ways and Means.

By Mr. LAFEAN: Memorial of Lumberman's Exchange, of Philadelphia, and Pennsylvania Lumberman's Exchange, favoring passage of H. R. 9678, relative to compulsory pilotage; to the Committee on the Merchant Marine and Fisheries.

By Mr. LOUD: Petition of H. H. Green and 21 members of Geneva Grange, Midland County, Mich., against preparedness; to the Committee on Military Affairs.

By Mr. McARTHUR: Memorial of City Council of Portland, Oreg., relative to disposition of grant lands in Oregon; to the Committee on the Public Lands.

By Mr. McFADDEN: Memorial of Y. P. B. Honesdale, Sunday Schools of Warren Center, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. MOORE of Pennsylvania: Petitions of Otto Ott, John C. Miller, Sebastian Doegler, jr., and others, of Philadelphia, Pa., favoring embargo on arms, etc.; to the Committee on Foreign Affairs.

By Mr. MOTT: Petitions of 100 citizens of Watertown, 21 of Adams, 42 of Jefferson County, 24 citizens of Black River, N. Y., favoring tax on gasoline; to the Committee on Ways and Means.

By Mr. PLATT: Petition of Branch 22, National Civil Service Employees, of Newburgh, N. Y., relative to pension for Government workers; to the Committee on Reform in the Civil Service.

By Mr. RAKER: Memorial of Cannerymen's League of California, favoring the establishing of a merchant marine; to the Committee on the Merchant Marine and Fisheries.

By Mr. RANDALL: Memorial of Ministerial Union, of Los Angeles, Cal., against preparedness; to the Committee on Military Affairs.

By Mr. SELLS: Petition of 200 people of Tazewell, Tenn., favoring national prohibition; to the Committee on the Judiciary.

By Mr. SMITH of Idaho: Papers to accompany H. R. 10477, to increase the pension of Thomas Donohoe; to the Committee on Invalid Pensions.

Also, petition of the Woman's Relief Corps, of La Grande, Oreg., favoring the increase of widows' pension to \$20 per month; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 9646, granting a pension to Samuel W. Gilliard; to the Committee on Invalid Pensions.

By Mr. SNELL: Petition of the Lawrence Webster Co., of Malone, N. Y., favoring the passage of H. R. 702; to the Committee on Ways and Means.

Also, petition of George E. Britton and others, of Massena, N. Y., urging the passage of H. R. 702; to the Committee on Ways and Means.

By Mr. STINESS: Memorial of Chamber of Commerce of the United States, favoring a tariff commission; to the Committee on Ways and Means.

Also, memorial of Chamber of Commerce of Providence, R. I., favoring a tariff commission; to the Committee on Ways and Means.

By Mr. SIMS: Petition of sundry citizens of Tennessee, favoring prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, petitions of 200 people of McKenzie, 1,000 of Selmer, and 75 of Big Sandy, all in the State of Tennessee, favoring national prohibition; to the Committee on the Judiciary.

By Mr. TIMBERLAKE: Petition of Council No. 1183, Knights of Columbus, of Boulder, Colo., favoring October 12 for legal holiday in the District of Columbia; to the Committee on the District of Columbia.

SENATE.

TUESDAY, February 1, 1916.

(Continuation of legislative day of Monday, January 31, 1916.)

The Senate reassembled at 12 o'clock m., on the expiration of the recess.

The VICE PRESIDENT. The Senate resumes the consideration of the unfinished business, which is Senate bill 381.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 381) to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands.

The VICE PRESIDENT. The pending question is on the amendment offered by the Senator from Arkansas [Mr. CLARKE].

Mr. HITCHCOCK. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

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

Ashurst	Gronna	Martine, N. J.	Smith, S. C.
Bankhead	Harding	Myers	Smoot
Beckham	Hardwick	Nelson	Sterling
Brandeggee	Hitchcock	Norris	Stone
Bryan	Hollis	Overman	Sutherland
Catron	Husting	Page	Thompson
Chamberlain	James	Poinexter	Thompson
Chilton	Johnson, S. Dak.	Pomerene	Townsend
Clark, Wyo.	Jones	Ransdell	Vardaman
Clarke, Ark.	Kenyon	Reed	Wadsworth
Colt	La Follette	Robinson	Walsh
Cummins	Lane	Shafroth	Warren
Curtis	Lee, Md.	Sheppard	Weeks
Dillingham	Lippitt	Shields	Works
du Pont	McCumber	Simmons	
Fletcher	McLean	Smith, Ariz.	
Gallinger	Martin, Va.	Smith, Ga.	

Mr. MARTINE of New Jersey. I was requested to state that the senior Senator from New York [Mr. O'GORMAN] is absent from the city on official business.

Mr. STONE. I announce the illness of the Senator from Delaware [Mr. SAULSBURY] and his inability to be present. He is paired with the Senator from Rhode Island [Mr. COLT]. I will let this announcement stand for the day.

Mr. BRYAN. I was requested by the Senator from Minnesota [Mr. CLAPP] to announce his absence on business of the Senate.

Mr. MARTINE of New Jersey. I rise to announce the illness of the Senator from Indiana [Mr. KERN] and to state that he is paired with the Senator from South Dakota [Mr. STERLING].

Mr. CURTIS. I desire to announce the absence of the Senator from West Virginia [Mr. GOFF] on account of illness.

The VICE PRESIDENT. Sixty-five Senators have answered to the roll call. There is a quorum present. The pending amendment is the amendment of the Senator from Arkansas [Mr. CLARKE].

Mr. CUMMINS. Mr. President, I offer the following as a substitute for the amendment offered by the Senator from Arkansas.

The VICE PRESIDENT. It will be read.

The SECRETARY. Add a new section, as follows:

SEC. —. That the President of the United States is hereby authorized and directed to appoint, by and with the consent of the Senate, three commissioners to cooperate with the Philippine Legislature in preparing and submitting a constitution or plan of government for the people of the Philippine Islands as an independent nation. The constitution or plan shall be one best adapted to protect and preserve the rights and liberties of the people of the islands, and most likely to be efficient in maintaining law and order, and in promoting progress and prosperity.

Among other things, it shall provide for the complete possession and sovereignty on the part of the United States, in perpetuity, of such coaling stations and naval bases as may be prescribed by the President of the United States. The said constitution or plan of government shall be prepared by the Philippine Legislature and submitted to the said commissioners, and if approved by the said commissioners, or a majority of them, and adopted by the said legislature, it shall then be submitted to the qualified electors of the Philippine Islands for approval or rejection at an election to be appointed by the Philippine Legislature after not less than four months' notice.

If a majority of the electors voting at said election shall approve the said constitution or plan of government and thereby indicate their desire for complete separation from the United States, as well as their approval of the particular constitution or plan, the said Philippine Legislature shall proceed to the establishment of the government so authorized, and when it is ready to assume the full government of the islands, the President of the United States shall withdraw the military force of this country and all the representatives of this Government; and thereafter shall treat the government so established in the Philippine Islands as a separate and independent government; and the relation of the United States toward such government shall thereafter be the relation which is sustained toward all other foreign powers.

Mr. CUMMINS. Mr. President, it is with a great deal of reluctance that I enter upon any discussion of this very complicated although very interesting subject. It is vain for me to hope that I can aid Senators in reaching a conclusion upon it, for the debate has taken a wide range and, it seems to me, has disclosed every possible fact, material and immaterial.

I am speaking because I will be compelled to vote against the amendment offered by the Senator from Arkansas, and likewise I shall feel that it is my duty to vote against the preamble reported by the committee. It might be inferred from the votes that I shall so cast that I am opposed to complete separation from the Philippine Islands and the Philippine Government, and inasmuch as I sincerely believe that it is the duty of the United States to withdraw from those islands, assisting the people there to establish a government of their own, I must at least give to the Senate my reasons for opposing the amendment offered by the Senator from Arkansas and for believing that the time has come for the long-promised separation between the people of the archipelago and the people of the United States.

I listened with very great care and great interest to the observations made by the Senator from Arkansas. Generally speaking, his view is my view upon this subject, but the argument of the Senator from Arkansas is not embodied in the amendment which he has offered. The conclusions which he established and satisfactorily sustained are not found, as I look at it, in the amendment which he has submitted.

There has been a suggestion from time to time of partisanship in this question. So far as I am concerned I do not feel the burden of any political declaration with regard to the Philippine Islands, and I shall vote precisely as my judgment and my conscience lead me to vote, without respect to any declaration made by any political party.

But it is only fair to say that the amendment which I have proposed is not a fulfillment of the declaration of our friends upon the other side. As I view it, it is absolutely in harmony with the position which Republicans have heretofore assumed with respect to this very difficult subject. May I remark just here that in our last convention this was the statement made by the Republican organization:

The Philippine policy of the Republican Party has been and is inspired by the belief that our duty toward the Filipino people is a national obligation which should remain entirely free from partisan politics.

I am endeavoring as best I can to exemplify this command of the Republican Party, for I agree, and you must all agree, that this subject should be dealt with entirely independently of any political organization, for our duty calls into exercise the highest, the most unselfish faculties of the mind and the heart.

We are not going to settle, and we can not settle, this problem by reference to any partisan advantage. May I at the same time suggest that the platform of the Democratic Party upon this subject in its last convention was a declaration of "purpose to recognize the independence of the Philippine Islands as soon as a stable government can be established"; and, second, a guarantee of independence "until the neutralization of the islands can be secured by treaty with other powers."

I am wholly opposed to that view of the matter. I can not believe that it is wise to make a declaration of independence to be fulfilled at some day, some distant time, and under conditions which may never arise. I can not believe that it is wise for the Government of the United States to hold the Philippine Islands until the great powers of the world shall guarantee their neutralization, for, in my opinion, that means to hold them forever.

I am not suggesting what our friends upon the other side of the Chamber ought to do with respect to this platform. I am simply making clear, if I can, that the amendment which I have proposed does not follow the direction of any political platform, much less the declaration of the platform announced at Baltimore in 1912.

I am in favor, Mr. President, of the complete separation of this Government from the Philippine Islands, because I believe that the time has come, under the view which all Republicans, or nearly all Republicans, have taken in the past for the separation. I believe that the separation ought to take place without any declaration and subject to no conditions whatsoever. In view of that position I desire to say a few words upon the general subject.

Is it not true that substantially all the people of the United States, without respect to party, have believed that our occupation of the Philippine Islands was to be temporary? Is there a word in the literature of this subject from any source—I care not what may be its partisan tinge—is there a single suggestion from any source in the last 18 years that the United States should permanently occupy the Philippine Islands and govern the Philippine people as a dependency? There is not.

From McKinley, a man of the rarest wisdom, of the greatest foresight, of infinite comprehension almost of human needs and human rights, to the present moment, so far as I have observed, no citizen of the United States has ever suggested that our relation with the Philippine Islands, the relation established originally and still maintained, should be permanent.

Those who knew the great President of 1898 best know that he did not want to occupy the Philippine Islands at all. We all know how he struggled patiently and courageously against the tempest of passion which swept over the United States and which finally impelled him, against his better judgment, into the war of 1898. It is a part of the learning of the time, a part of the understanding of the time, that if he could have prevented it, after the brave and gallant Dewey had destroyed the Spanish fleet in Manila Bay, there would have been no landing of our soldiers and no occupation of those islands. I am not disparaging the admiral whose deeds are admired and whose courage is applauded all over the country; he did what he believed to be his duty; but I feel that I know if it had not been for a fortuitous circumstance that need not be related here, Dewey would have sailed away from Manila Bay after the destruction of the Spanish fleet, and there would have been no conquest of the Philippine Islands, no occupation by the United States.

I agree, however, that when we did occupy those islands there fell upon us a duty. We could not then depart; we could not abandon the Philippine Islands to the chaos that must necessarily have ensued. We did the best we could. I agree with every word that has been spoken here with regard to the character of our conduct toward the Philippines. It is without parallel in the history of the world. Our generosity, our liberality, our justice, our magnanimity, have no predecessor; possibly they will have no successor. We have accomplished almost a miracle amongst those people; but I assume we have accomplished it all with the end in view which the statesmen in 1898 and all the statesmen since have proclaimed, namely, that whenever we could leave those islands in honor and with safety to the people of the islands we would leave them. No other construction can be given to the statement of President McKinley quoted by my friend from Rhode Island [Mr. LIPPITT]. I agree with him that there was no explicit promise of independence, but the language used by McKinley at that time is incapable of misunderstanding and it can not be harmonized with the proposal permanently to incorporate the Philippine Islands into the United States, unless we are willing to extend to them all the privileges, all the rights, that are now enjoyed by the citizens of our several Commonwealths.

I am not frightened with respect to conquest. It is the history of the world, and I could not but agree in great measure with the remarks of the Senator from Ohio [Mr. HARDING] upon that subject. He cleared away some of the mist that has so long obscured it. The history of the world is the history of conquest. As I said, interrupting some Senator the other day, all the territory, or practically all the territory, now held by the United States it holds by the title of conquest. With the exception of the Hawaiian Islands, a Government which came into the United States upon its own application, and with the exception of Alaska, and possibly with another little exception which did not occur to me at that time, all our territory has been acquired by conquest, not technically, but in fact. As I suggested, France had no title to the great expanse of territory, the vast empire, which she conveyed to us. She had a mere paper title, possibly respected among nations, but which had little substance; and it was the genius and courage of the American people which finally reduced that magnificent domain to the possession of the United States and opened it to the hardy adventurers and settlers of our country.

But I beg to remind the Senator from Ohio and all others here that in our acquisition of territory and of people we never acquired one inch of soil prior to the war of 1898 that was not intended to become a part of the Union. Hawaii intends to become a State. If you take away that hope and belief from the hearts of the people of the Hawaiian Islands you will produce a condition of discontent that will destroy their growth and prosperity. Alaska intends to become a State of the Union, or a part of a State, and no loyal American dare question the ultimate outcome of our relations with Alaska. It was not until the Spanish-American War and our occupation of the Philippine Islands and Porto Rico that there was established between our country and any other the relation of parent Government and colony or dependency, a dependency that we did not intend should ever become a part and parcel of the Government of the United States. If those who are opposed to separation from the Philippine Islands are willing to avow their purpose to ultimately consolidate those islands with the United States completely and perfectly and give them not only the

right to govern themselves as citizens of a State, but give them the right to help govern you and me as citizens of the United States, then there is presented a basis which may logically be considered upon its merits; but that is not the purpose of any Senator here.

I know the time of separation is vague and uncertain in the minds of many Senators; I know that the conditions of separation are not agreed upon; but we all agree that we are not working toward the admission of the Philippine Islands as a State or as a number of States into the Union, and that, so long as our relation to them continues, so long the Congress of the United States, which those people do not help to elect, over which they have no influence whatsoever, is master of their destinies.

We all have confidence in our altruism. We all believe that there will never come a time, no matter how long we may continue to occupy the islands, when we will treat them unjustly; but still we are the masters. We can withdraw any moment every right and privilege which we have granted to them. The bill which is now before the Senate, if it were passed, granting them further privileges, enlarging their opportunity for local self-government, could be repealed in a moment, and we could declare that the islands shall be placed in the hands of a dictator without any rule of law to govern or control him. I am not suggesting that this will be done, but it can be done. It is in the power which one nation has over another; it is in the power which one individual has over another that is found all the evils of supremacy and servitude.

I refer for just a moment to some of the things that distinguished men of the party to which I belong and which is represented on this side of the Chamber have said. President McKinley phrased it beautifully when he declared:

The Philippines are ours, not to exploit, but to develop, to civilize, to educate, to train in the science of self-government.

Is there a man here who dares mar the memory of that great man with the suggestion that he intended that the United States should for all time control the Philippines as a colony or a dependency? I hope not, for the suggestion would assail not only the obvious meaning of his words but the purity and sincerity of his motives as well.

President Roosevelt said:

I trust that within a generation—

And this was spoken some years ago—

the time will arrive when the Philippines can decide for themselves whether it is well for them to become independent or to continue under the protection of a strong and disinterested power, able to guarantee to the islands order at home and protection from foreign invasion. But no one can prophesy the exact date when it will be wise to consider independence as a fixed and definite policy.

Wiser words were never spoken. No one could prophesy, and if the time has not now come no one can prophesy when it will come, and therefore there should be no declaration of purpose. If the hour has not arrived at which it is our duty to separate ourselves from the Philippine Islands, let us be silent with respect to the future.

President Taft said:

It necessarily involves in its ultimate conclusion as the steps toward self-government become greater and greater the ultimate independence of the islands; although, of course, if both the United States and the islands were to conclude after complete self-government were possible that it would be mutually beneficial to continue a governmental relation between them like that between England and Australia, there would be nothing inconsistent with the present policy in such a result.

I agree with every sentiment there expressed; for if the Philippine people desire to continue relations with the United States it is our bounden duty, no matter what the burden is, no matter what the danger may be, to continue that relation. There is just one obligation, in my opinion, that rests upon the American people that can never be lifted save by the consent of the Philippine people themselves. We conquered the country. We have brought them, in a sense, into the American Government; and so long as they desire our protection and our help, so long we are bound to give them that protection and that help, and we are held in honor to maintain that relation.

I need not read further from the statements and speeches and declarations of men distinguished in the country and in the party. I concede to the Senator from Rhode Island that there is no binding promise here. No one has ever had authority to speak for the American Government, but all people have had authority to speak in order to create a sentiment among the American people. All people have a right to declare their opinions in order to widen and deepen the prevalent belief among the people. From the very beginning these views with regard to the Philippines have been so general, they have been so universal, that although we are under no technical obligation to the inhabitants of the Philippine Islands, we have created in America a sentiment which nothing can destroy.

Mr. NORRIS. Mr. President—

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Nebraska?

Mr. CUMMINS. I yield.

Mr. NORRIS. Does the Senator maintain, even assuming for the sake of the question that either now or at some time in the future the Philippine people are as well qualified to govern themselves as we are, that we should permit them to decide, without taking into consideration the interests or the views of our own people, whether or not their relationship to us should be severed?

Mr. CUMMINS. That is precisely the thought I tried to express.

Mr. NORRIS. Then I should like to ask the Senator, if that be his view, why in the amendment that he proposes and that he is now discussing he provides that the President, in giving them independence if they so vote, shall retain on behalf of our Government sovereignty in perpetuity over such coaling stations and naval bases as he may think best? If we are going to let the Philippine people decide, without consulting the American people, whether they should be independent or not, why does it not follow that our retention of a naval base and a coaling station should likewise be submitted to the Philippine people?

Mr. CUMMINS. Mr. President, I do not attach nearly the importance to that subject that the Senator from Nebraska finds in it, but in the main I agree with him. The retention of a coaling station or a naval base does not involve government over anybody. It does not involve the subjection of any part of the Philippine people to the Government of the United States. I suppose the reason why that is in my amendment is because I followed what seemed to be an accepted form. I agree with the Senator from Nebraska; I see no benefit in either a naval base or a coaling station in the Philippine Islands, and if anyone moves to strike it out I may vote with him and strike it out of my amendment. But the Senator will notice that I have not made it obligatory on the President. It is within the discretion of the President to reserve these things or not, as he may think they are necessary or not for the welfare of the people of this country. I am entirely willing and frank to say, however, that I can see no reason for either a naval base or a coaling station.

Mr. NORRIS. The question was based, of course, on the theory that the Senator himself says he believes in; that is, that we should not turn the Philippines loose without the consent of the Philippine people. We should not turn them loose against their will. I suppose it would follow that we should not retain them against their will. In fact, that is what the Senator has provided, and I am in entire accord with him in the provision in that respect; but the coaling station and the naval base are to be retained under the sovereignty of the United States. They are a part of those islands; and if we ought to be moved by the decision of the Philippine people as to the islands, I do not see why the same logic would not apply to a part of the islands.

I should like to make a further suggestion to the Senator. I should be glad to move to strike out those words; but is it not true, in a parliamentary sense, that this amendment is already in the third degree, and that no amendment can be offered unless the Senator himself, who has full control over his amendment, modifies it?

Mr. CUMMINS. I am not sure whether it is in the third degree or not; but, at any rate, I have given no great thought or attention to the proposition to reserve coaling stations and naval bases. I am not much of a military man, and I do not know what the safety or welfare of our country requires in that respect. I will consider the suggestion just made by the Senator from Nebraska about striking them out. But, Mr. President, I think I have shown sufficiently—

Mr. NORRIS. If the Senator will permit me, before he leaves that point, I wish to call his attention to another suggestion. The Senator says that these words are not compulsory. As I read them, the only thing that is discretionary with the President is how much he shall retain; but it is compulsory under his amendment, as I read it, that he shall retain in perpetuity coaling stations and naval bases, and they are both in the plural.

Mr. CUMMINS. That was not my purpose, Mr. President.

Mr. NORRIS. I will read the words to the Senator and see if he does not agree with me.

Mr. CUMMINS. I am quite willing that that shall be made a part of the agreement between the Philippine people and ourselves. I do not follow the Senator from Nebraska, I think, to his conclusion, namely, that we have been a trespasser in the Philippine Islands. I think we have been rightfully in the Philippine Islands and that what we have done there has been done in the exercise of lawful authority.

Mr. NORRIS. Oh, the Senator can not construe anything I have said to mean that we are trespassers.

If the Senator will permit me further, this is the language:

Among other things, it shall provide—

"It" means the constitution, I think, that they shall adopt.

Among other things, it shall provide for the complete possession and sovereignty—

"It shall"—

on the part of the United States, in perpetuity, of such coaling stations and naval bases as may be prescribed by the President of the United States.

Mr. CUMMINS. I still suggest to the Senator from Nebraska that if the President of the United States does not prescribe any coaling stations or naval bases there will be none reserved.

Mr. NORRIS. But the constitution of the Philippine people which the Senator has provided shall be adopted must make that provision; and does the Senator think that if Congress should pass this law the President would not make a selection, no matter what he might think about it? Would it not be his duty to do it?

Mr. CUMMINS. I think not. I did not intend, anyhow, that it should be made his duty to do it unless he believed, as Commander in Chief of the Army and Navy, that such places were necessary for our military forces.

Mr. GALLINGER. Mr. President—

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

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

Mr. GALLINGER. Mr. President, I have noticed the willingness of the Senator from Iowa to have that provision of his amendment stricken out. If the amendment is to be agreed to, I hope it will not be stricken out. We are being told from the "seats of the mighty" at the present time that the air is surcharged with rumors of war and the possibility of war, and we have heard it repeated and reiterated over and over again, even in this Chamber, that there is a possibility of future war with the Empire of Japan. If that calamity should come, would it not be well for the United States to have a fortified base in the Philippine Islands where at least our ships that might be sent to that far-off land to fight a valiant foe, could coal and get supplies?

Mr. CUMMINS. Mr. President, that is just the question that I feel incompetent to answer. I do not know enough about military affairs to know whether a coaling station and a naval base in the Philippine Islands, after we have withdrawn from the islands, would be sources of strength or sources of weakness. I want them if they would be sources of strength. I do not want them if they would be sources of weakness, and I intended in my amendment to leave that discretion to the President of the United States.

Mr. GALLINGER. The wise nation that almost governs the world, situated on a little island, has not neglected to plant its outposts all over the world, so that in the event of war it might have the advantage of supplying its navy and its army with provisions and with coal and with every other accessory of war. It seems to me that if we are going to surrender the Philippine Islands—which I hope we will not do, because I think it is scuttling the ship at too early a date—if we are to do so, I hope we will be wise enough, at least, to provide against the contingencies of a war on the Pacific by retaining a sufficient portion of the islands to give us some advantage in a war of that character.

Mr. CUMMINS. I will answer that by saying that as a matter of pride I do not want anything there. As a matter of safety we may need these places, and I tried in my amendment to submit that question to one whose business it is to know whether we need them or not.

Mr. BORAH and Mr. NORRIS addressed the Chair.

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

Mr. CUMMINS. I do.

Mr. BORAH. I desire to ask the Senator from New Hampshire a question. The Senator says he thinks we are scuttling the ship too early. When does the Senator think—and I ask the question in the utmost sincerity—that we could in all probability release the islands, if at all?

Mr. GALLINGER. I do not know when we should release the islands, if we ever conclude to do it. Great Britain has not released Canada or Australia or her other possessions, and Canada to-day is furnishing a quarter of a million soldiers to help fight the battles of the mother country. We may need some native soldiers in the Philippine Islands in the future, if we retain them, to help us fight our battles. I do not know when the time will come. I believe it is a matter of very questionable statesmanship to think of doing it at the present time.

Mr. BORAH. Does not the Senator think that the alternative here is either to release them as soon as we can do so decently, or else to settle down to the proposition that they are ours to keep?

Mr. GALLINGER. No, Mr. President; not that. I am going to quote words that we hear uttered so often in this Chamber—that probably there are to be as wise men here after we are gone as we are, and the great questions of that time will probably be dealt with as wisely, as intelligently, and in as statesmanlike a manner as we can deal with them to-day. Why hurry? What is the haste? We are doing a magnificent work in the Philippine Islands—a work that has challenged the admiration of the peoples of the world. Why are we in haste to get out of the Philippine Islands and to leave them to possible internecine war, which, in my opinion, is sure to come if we yield our authority and take away from those people our sustaining and protecting hand? That is my view, and I am not in a hurry to get out.

Mr. BORAH. I simply wanted the view of the Senator as to when we probably would get out.

Mr. CUMMINS. I now yield to the Senator from Nebraska, if he desires to discuss this question.

Mr. NORRIS. I do not know that I ought to take up the time of the Senator from Iowa in referring to what the Senator from New Hampshire has said, but if we did not have the Philippine Islands then I should like to ask the Senator from Iowa or anyone else why we need a coaling station in Asia, unless we expect at some time in the future to go on a war of conquest. If we are going to arm only to defend ourselves, and we have nothing over there to defend, then I should like somebody to explain why it is that we need a naval base for our Navy, which ought to be at home.

Mr. CUMMINS. Mr. President, I am not able to answer the Senator from Nebraska, because I am unable to conceive a reason for these military strongholds. I admit, however, that my judgment in regard to that matter is not entitled to very great weight, for I am not a military man, and I have not studied the affairs of the world from that standpoint. Therefore it may be that those who have given it comprehensive study would be competent to say why we should have these military points in the Orient, and therefore it was my purpose to leave it in the discretion of the President.

Mr. STONE rose.

Mr. CUMMINS. I yield to the Senator from Missouri.

Mr. STONE. Mr. President, suppose we had never been authoritatively in the Philippine Islands, suppose the suggestion which has been made this morning by some Senator, and indeed has been often made, had been actually observed, and Admiral Dewey, after the Battle of Manila, had sailed away and we had never taken possession of the islands, would it not be advisable and really a wise thing at this time, treating with the Filipinos as a separate and independent people, to acquire a naval base and a coaling station in that part of the world for our uses?

Mr. President, if the Senator will permit me, we as a people have great interests in the Orient. All nations have an interest in the Orient entirely aside from the mere desire to acquire and exercise sovereignty over territory. Away back we have had great commercial interests in the Orient. I need not elaborate that; everyone will agree. We have heard a great deal about the open door in China. That is a very well accepted policy in this country and in other countries. It has in large measure been universally agreed to by the leading nations. Now and then circumstances arise that create some degree of alarm, greater or less. The Senator and the Senate recall that not many years ago we joined with other nations in sending an expeditionary force to the capital of China, and we are to-day exercising conjointly with other nations certain power and authority in keeping an open way from that capital to the sea. Is it possible for us here now, looking down through the years that are to come when we have all disappeared, to tell how important, how sudden and imperative our interests may become in that region of the world?

If happily, as I think, we should rehabilitate our merchant marine, whether by one process or another, so as to increase our interests on the Pacific and in the Far East, would it not be wise, if to-day we had no connection with the Philippines, to establish a naval base and a coaling station, not merely to furnish fuel power to our warships, but as a refuge and shelter to our merchant ships and as a means of supplying them with necessities?

Mr. CUMMINS. Mr. President, the Senator from Missouri has very ably and very clearly given his reasons for believing that we ought to have the coaling stations and the naval bases. I am still, however, unable to decide with respect to the wisdom

of doing it. It may be wise. I am not sure whether if we were offered a naval base on the coast of China it would be wise to accept it.

Mr. NORRIS. Mr. President—

Mr. CUMMINS. Or if offered a coaling station upon the coast of Japan I am not sure whether it would be wise to accept it, or one upon the coast of England or of France or of Germany. I do not know. I am rather old fashioned in my views. I remember the admonition of the Father of his Country and I like to avoid entangling alliances across the sea so far as it is possible to avoid them. I know we can not escape them as completely as they could have been escaped in those primitive days, but still we ought to have as little to do in a governmental way, in a sovereign way, with the powers on the Pacific or with the Continent of Europe as possible.

I yield to the Senator from Nebraska.

Mr. NORRIS. I wish to ask the Senator two questions. The first one is, if the argument of the Senator from Missouri, which the Senator from Iowa has very well said was perfectly plain and logical, is good, then does it not follow that we ought to make the same effort to get a naval base and coaling station in South America and stations to develop our trade in Europe and elsewhere?

Mr. STONE. We are endeavoring to do it.

Mr. NORRIS. If it be true that it is desirable to help our trade, how can the Senator account for the fact that we have such an enormous trade with other countries and other sections of the globe where we have no coaling stations and naval bases.

The other question which I will submit at the same time is this: What would the Senator from Iowa say if Japan, for instance, made arrangements with the Government of Mexico, as soon as they get one, to have a coaling station and a naval base in the Gulf of California?

Mr. GALLINGER. But, Mr. President, if Japan owned the Gulf of California and had jurisdiction over it, it would be a very different proposition from the existing one.

Mr. NORRIS. Exactly; but we propose to give up the Philippines, and then we will own nothing. It is an exact parallel when we do that. It is not proposed by anyone to give up whatever naval bases and coaling stations we have until we do recognize the independence and surrender our sovereignty of the Philippine Islands.

Mr. CUMMINS. Mr. President, it is impossible for me to perceive the relation between commerce and a naval base.

I have been very glad to hear the arguments on either side of this question, but I have carefully refrained from undertaking to decide for myself. I do not know; I only feel that if we get naval bases all over the world we shall have to distribute our Navy in such a way as that it will be very ineffective at any given point. I would rather, so far as possible, concentrate our Navy near our own shores; but I am willing to intrust that to the Commander in Chief of our Army and Navy, and such has been my purpose in the amendment now pending before the Senate.

I recapitulate for a moment because we have drifted far from the argument I was endeavoring to make. It seems to me that it has been very clearly shown, and everybody must feel, that it has not been the purpose of the American people to hold the Philippine Islands permanently. It has not been their purpose to admit the people of the Philippine Islands to full citizenship in the Government of the United States. If it has not been our purpose to hold them permanently, if it is not our purpose to give them admission to the Union, with all the rights and privileges of citizens of the Union, then we ask ourselves, shall we follow the course of Great Britain or other continental or Asiatic countries? I say no; I do not want within the territory of the United States one single foot that may not become a part of the United States in the fullest and completest sense. Whenever this country undertakes the colonization of the world, the conquest of the world, to gather in people or countries which are not to become a part of the United States, just so soon will we have entered upon the downward course that will lead ultimately and quickly, as I believe, to the destruction of free institutions in America.

Therefore, the only question with me is, has the time come; for I shudder when anyone suggests that we shall absorb the Malays and the Japanese and the Indians and the Chinese of the Philippine Archipelago as parts of the citizenship of the United States. No man, as it seems to me, dare propose it, for although I have the highest opinion of the qualifications and the character of the Filipino people in some regards, I do not want them to govern me, and I do not want them to vote in any election that concerns the welfare of the hundred million people who are within the present limits of our national territory.

We have great problems to solve here. We have entered upon a career that has more difficulties its way than any

government ever encountered in the whole history of the world. We need all the intelligent, patriotic, unselfish help that we can summon. Is the Senator from New Hampshire willing that the people of the Philippine Islands shall vote as to the domestic policy of the United States in dealing with our own affairs?

Mr. GALLINGER. Mr. President—

Mr. CUMMINS. I mean when he thinks they are qualified to vote at all?

Mr. GALLINGER. I am not prepared to answer that question offhand. I know that there are 28 different nationalities voting in the city of Manchester, N. H., at the present time.

Mr. CUMMINS. I am perfectly aware of that, and I am sure the Senator from New Hampshire does not want to intensify that problem.

Mr. GALLINGER. They are governing us just as much as the Philippine people would if they voted. We have left that open door, and they are coming in by the million a year from the slums of Europe.

Mr. CUMMINS. Not with my consent nor with the consent of the Senator from New Hampshire.

Mr. GALLINGER. Mr. President, this matter as to when the time will come for us to abandon the Philippine Islands reminds me of a little anecdote that I will repeat, if the Senator will permit me.

Mr. CUMMINS. Certainly.

Mr. GALLINGER. A good minister of the established church was debating with a minister of the Universalist church as to whether or not there was a personal devil. The Universalist minister said, "I do not believe there is a personal devil; if there is I should like to see him." "Well," said his clerical friend, "brother, can't you wait?" [Laughter.] Now, let us wait. I do not think there is great haste about this matter.

Mr. BORAH. Is the Senator from New Hampshire willing to follow out that logic in dealing with the Philippines?

Mr. GALLINGER. I am willing to wait.

Mr. BORAH. Knowing what it will be when you get into the hands of the devil?

Mr. GALLINGER. No; I do not know about that. I am willing to trust the man who succeeds me in this body, and one will in due time. I am willing to believe that he will have just as much wisdom as I have to deal with great questions like this.

Mr. CUMMINS. I can understand that; and it is a very logical and sensible position if one believes that the time has not come to act upon this matter.

Mr. GALLINGER. Well, that is my belief.

Mr. CUMMINS. However, at this time it is no impeachment or disparagement of the judgment or intelligence of those who come after us. We have a situation. We must confront it. I can say that there is no citizen of the United States of whom I have ever heard who is willing to assert that hereafter it should be the policy of the United States to train the Filipinos to the end that they may finally become citizens of the United States and entitled to their part in the government of our hundred million people.

Mr. GALLINGER. Mr. President, I will not argue that with the Senator. The Senator assumes that we are going to make States out of Alaska?

Mr. CUMMINS. I do.

Mr. GALLINGER. And out of Hawaii? It is a mere assumption on the part of anybody.

Mr. CUMMINS. It is verified by our whole past. Why did we make States out of the Southern States after the Civil War?

Mr. GALLINGER. Of course, that was the logical result. The Senator says that he is against holding any foot of territory that can not become an integral part of the United States. Now, what is the Senator going to do with the island of Guam? Is he going to make a State out of that?

Mr. CUMMINS. I have hunted a long time for the island of Guam. I believe I did find it once, but in reality I am not very familiar with it. But if Guam has people as well as territory in considerable number, everything that I am saying will apply to Guam as certainly everything I am saying applies to Porto Rico.

Mr. GALLINGER. Does Tutuila trouble the Senator?

Mr. CUMMINS. Oh, no; this—

Mr. GALLINGER. Then, again, I say I think we had better wait to solve these problems as they come along.

Mr. CUMMINS. But, Mr. President, those who come after the Senator from New Hampshire may shield themselves in the same way. It is a difficult problem to solve, a difficult question to answer, and they will say, "Let those who come after us settle these things." In the meanwhile the purpose of the people of the United States is challenged and repudiated. The

purpose of the people of this country is denied by the delay if now the time has come when we, with honor to ourselves and due regard to the people of those islands, can withdraw.

Mr. GALLINGER. Mr. President, I will ask the Senator, as he has quoted three or four great men as having suggested that we give independence to the Philippine Islands, can the Senator point to any declaration of the great party to which he belongs, as a party, or can the Senator point to any action that the American people have taken that would indicate that they are ready to scuttle the ship?

Mr. CUMMINS. Mr. President, I decline to accept the terminology of the Senator from New Hampshire.

Mr. GALLINGER. Well, I will substitute the phrase "abandon the Philippine Islands."

Mr. CUMMINS. It is easy enough to try to disparage a suggestion by calling it the "scuttling of the ship," because there is a certain dishonor and cowardice involved in those words.

Mr. GALLINGER. As I have said, I will withdraw that language and substitute the phrase "abandon the Philippine Islands." The Republican Party has made no such declaration in its great national platforms; they have never suggested it; the Democratic Party has suggested it and got defeated every time it went before the people on that issue.

Mr. CUMMINS. No; Mr. President. I think the Senator from New Hampshire could not have been here when I began my observations, for I quoted from the Republican platform upon that subject.

Mr. GALLINGER. I heard that.

Mr. CUMMINS. I quoted, or gave, the substance of the Democratic platform upon the subject, and I am certainly not in sympathy with the Democratic announcement. I quoted from McKinley, I quoted from Roosevelt, I quoted from Taft, and I could quote from a dozen other leading Republicans, declaring that it was not our purpose to permanently occupy the Philippine Islands, but that it was our purpose to do what we could for them; and whenever the time came when it could safely be done, to give them their independence. There has not been any other voice in the Republican Party; there has not been any other voice in the United States than that; and no man has dared to arise in this Chamber and assert any other purpose, so far as I have heard.

Mr. GALLINGER. Mr. President, if I have read President Taft's utterances correctly, he makes the suggestion that it may be a hundred years before the time will come of which the Senator from Iowa speaks.

Mr. CUMMINS. No, Mr. President; he did not; and I do not remember President Taft having spoken in that way. President Roosevelt, one of the wise men of his time, used the words "within a generation." Those words, however, were used years ago. President Taft said that the time would come, with our training and education, when, if the Filipinos desired it, they ought to have independence. Now, the whole inquiry is with respect to the time.

Mr. President, I believe that the Filipinos will reach their ultimate destiny, assuming it now to be a happy one, more quickly, more surely, if we now withdraw from the islands than if we retain the sovereignty over them for years to come.

Mr. CLARKE of Arkansas. Mr. President—

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Iowa yield to the Senator from Arkansas?

Mr. CUMMINS. I do.

Mr. CLARKE of Arkansas. If the Senator from Iowa will kindly permit me, I wish to call his attention, in connection with the matter which he is now discussing, to a joint resolution adopted by the Republican majority in the Senate a few days after the ratification of the Paris treaty, in which resolution the Republicans stated their position with reference to the future disposition of the Philippine Islands. The resolution reads:

Resolved, etc., That by the ratification of the treaty of peace with Spain it is not intended to incorporate the inhabitants of the Philippine Islands into citizenship of the United States, nor is it intended to permanently annex said islands as an integral part of the territory of the United States; but it is the intention of the United States to establish on said islands a government suitable to the wants and conditions of the inhabitants of said islands to prepare them for local self-government, and in due time to make such disposition of said islands as will best promote the interests of the citizens of the United States and the inhabitants of said islands.

That resolution was adopted in the Fifty-fifth Congress, third session, and is reported in the CONGRESSIONAL RECORD of that session, volume 32, at page 1847. It distinctly states that it never was the intention to hold the Philippine Islands permanently.

Mr. CUMMINS. I am very much obliged to the Senator from Arkansas. I did not know that we had taken that action so

definitely as he has shown. I have known, however, that it was the universal sentiment of the people.

Mr. LODGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Massachusetts?

Mr. CUMMINS. I yield.

Mr. LODGE. I remember that resolution very well, having been present at the time it was considered; but does the Senator from Iowa regard that resolution as being definite?

Mr. CUMMINS. Oh, there is nothing definite about it except in one thing; the universality of one idea can not be denied, namely, that we have not intended to incorporate the Philippine Islands as a part of the Government of the United States, but that at some time they were to be permitted to establish their own government and to control their own destinies. I can not impress that too often or too deeply upon the minds of Senators; and I again say that the only question is one of time.

I could add nothing to the analysis of this subject made a few days ago by the Senator from Idaho [Mr. BORAH]. It was so true that it was instinctively accepted by every Senator who heard it. There are differences between those people and ours that can never be eradicated and that no education can destroy; that will be accentuated rather than diminished as time goes on and as our efforts to train and control them are made. I believe this is the best time that will ever occur in the history of the Philippine Islands to withdraw from them. I believe that a withdrawal now will give them a better opportunity to achieve their victory over very difficult conditions, I agree, than though we were to withdraw 100 years hence or 50 years hence or 25 years hence.

Mr. GALLINGER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from New Hampshire?

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

Mr. GALLINGER. The Senator from Iowa has laid great stress upon the utterances of three ex-Presidents of the United States on this question, and there seems to be a little difference of opinion between the Senator and myself as to what ex-President Taft said about the time we should continue in the Philippines. I want to call the Senator's attention to a speech delivered by ex-President Taft before the Commonwealth Club, of California, in September, 1915, considerably less than one year ago.

Mr. CUMMINS. I only quoted what ex-President Taft said while he was in office.

Mr. GALLINGER. Well, he certainly said nothing when in office as to the date we should grant the Filipinos independence.

Mr. CUMMINS. No; not as fixing a definite time.

Mr. GALLINGER. On that point President Taft said in the address I have called attention to:

I am in favor of turning the islands over to their people when they are reasonably fitted for self-government.

There is the point that has been thrashed over here, as to what self-government means; and we shall not enter into that now, or, at least, I shall not. Ex-President Taft added:

But this will not be for two generations.

I believe a generation is 30 years, so that is 60 years.

Mr. CUMMINS. That was his opinion as a private citizen.

Mr. GALLINGER. I understood the Senator was quoting Mr. Taft—

Mr. CUMMINS. That was not President Taft's statement when he was burdened with the responsibility of office.

Mr. GALLINGER. He made no declaration on that point at all when he was President of the United States, as I understand.

Mr. CUMMINS. Mr. President, there is a path that every nation must walk toward complete and successful self-government, and it must walk that path alone, and any aid or any help that may be given to it by a superior power retards its progress rather than aids its advance.

What is the situation here? There are 7,000,000 people in the Philippine Islands who will be subject to the provisions of the bill that has been reported. I will assume, first, that one-fourth of them are men of more than 21 years of age. That makes about 1,750,000 men who, if they were citizens of this country, would be entitled to vote. Under the bill that is now reported, it is said—of course I am giving this only upon the authority of those familiar with the question—that 700,000 or 800,000 of these men will be qualified to vote; and if self-government is not now possible in a population of that kind, it will not be possible in the future, at least in that future of which we can take consideration.

I believe, Mr. President, while they may fall into disorder now and then, that while they may make many mistakes in the work they will attempt to do, they will succeed better now than after we have trained them for a quarter of a century more; for, after all, the underlying thing in every free and successful government is the spirit that demands liberty and self-government, and if that spirit is destroyed under the tutelage and control of the United States, then there will be no hope for a stable and separate government. But I have said all that I desire to say with regard to that phase of it. These considerations impel me to believe that the separation ought to be immediate and ought to be complete; and I now come very briefly to the reasons that make it impossible for me to vote for the amendment of the Senator from Arkansas and that have compelled me to offer the substitute which is now pending.

I can not vote for the amendment offered by the Senator from Arkansas, because it vests in the President of the United States a dangerous power. It gives him more power than we have ever given to one man; more than ever ought to be given to one man. It practically gives him the power, if he desires so to use it, to become dictator, without law and without restriction, of the Philippine Islands for a period of at least nine years. There is no guide given him with respect to the plan of government which is to be established in the islands before our withdrawal; there is no guide to his discretion with respect to his right to give a guaranty on the part of the United States for the independence of the islands during the five years that may ensue after the government is established.

I am opposed to it, secondly, because it does not give the Filipino people the right to vote upon the adoption of their government upon their separation from the United States. I believe it is craven for us to attempt to withdraw our sovereignty from the Philippine Islands until the people of the Philippine Islands express their desire that we shall withdraw.

Mr. CLARKE of Arkansas. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Arkansas?

Mr. CUMMINS. I yield.

Mr. CLARKE of Arkansas. I thought I might suggest to the Senator that he was mistaken somewhat in what he is now saying, or else I misunderstand the purport of this provision of the so-called Clarke amendment. In enumerating the powers the President may exercise in describing the duties which rest upon him, it says:

And he shall on behalf of the United States fully recognize the independence of the said Philippines as a separate and self-governing nation, and acknowledge the authority and control over the same of the government instituted by the people thereof.

Not by him, but by the people of the Philippine Islands.

Now, I will recall to the Senator's attention the provision of the resolution adopted by the Republican majority of the Senate the day after the treaty of Paris was ratified, in which they described the kind of government they desired to see set up in the islands before they acknowledged that the time had arrived when they might be turned loose. It says:

But it is the intention of the United States to establish on said island a government suitable to the wants and conditions of the inhabitants of said islands.

That is the kind of government that the Republican Party promised them, and that is the kind of government that this amendment leaves them to adopt.

Mr. CUMMINS. I know that, but upon this subject the Senator from Arkansas will remember that I began with an emancipation from the declarations of any political party. I do not intend that my vote upon this subject shall be influenced by the declaration of a political convention or the majority in the Senate at that time. I am glad the Senator from Arkansas corrected me with respect to the other matter, although I still think that I was substantially accurate in my statement. The President is given no authority, it is true, over the plan of government that shall be established, except that it must be one that will preserve the rights of the people of this country and possibly of other countries; but I am not so much concerned about that as I am in insisting that it must be a government that is adopted by a vote of the people of that country. I am not willing that a few men in the Philippines shall establish a government which shall be recognized by the President, and that we then shall withdraw. I think it is our bounden duty to see that the government which we leave there is one which, in our judgment, is calculated to be enduring, and that will protect not only our rights, but the rights of the Filipino people as well.

Let us see how it will work. The President, at the end of two years, we will say, recognizes the Filipino government, and if he does not secure a guaranty from any other country in

the world with regard to Philippine independence, he will enter into an agreement of guaranty for ourselves. He must then remain there with his Army and his Navy, or with such other force as will properly represent our power and accomplish our purpose, for five years during the pendency of the agreement of guaranty. That is not separation, in my opinion. I fear at least that our relation with the Philippine Islands will be very much more unsatisfactory at the end of that time than it is now.

Mr. CLARKE of Arkansas. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Arkansas?

Mr. CUMMINS. I do.

Mr. CLARKE of Arkansas. The fact that the United States Government was standing sponsor for the independent existence of the Philippines for five years would be a sufficient guaranty to protect them without the presence of an armed force, except for the purpose of keeping internal peace. We do not maintain an army in South America nor in Cuba, nor elsewhere, in order to maintain the guaranties that are implied by the existence of the Monroe doctrine.

Mr. CUMMINS. This is the provision, if I may read it, in the amendment of the Senator from Arkansas:

And pending the existence of such separate guaranty by the United States, the United States shall be entitled to retain and exercise such control and supervision in the said Philippines as may be necessary to enforce order therein and to avoid external complications.

All that is with the President.

Mr. CLARKE of Arkansas. That is exactly what we do in Cuba under the so-called Platt amendment.

Mr. CUMMINS. I am not responsible for the Platt amendment. I want to get out of the Philippines; I want to see a government established there, and then I want to bid that government Godspeed and sail away and have no more concern with the affairs of the Philippines thereafter than we have with any other country with which we have friendly relations.

Mr. CLARKE of Arkansas. I sympathize very completely with the purpose the Senator has stated, and if I thought I could secure the enactment of that statement into law, I should be very glad to do it. The fact is that it would represent my real opinions. But the difference between the Senator from Iowa and myself is that he wants to do something that is theoretically correct, whereas I am forced to accept the prospect of getting something that is practicable, something that is within reach, something that will get us started upon the road to a dismissal from the Philippine Islands—because I regard it as dismissing ourselves rather than dismissing the Philippine Islands. It is not a fact that the Philippine Islands will be helpless in the event that the United States shall withdraw its interference, because they will be remitted to every power that any independent government ever had to make new alliances, if, in fact, alliances are required to perpetuate the existence of that people as a separate government.

Mr. CUMMINS. I assure the Senator from Arkansas that I appreciate and believe I understand all the difficulties with which he has been surrounded. I can only wish for him better success in future efforts in opening the minds of his associates to the reasonable, defensible course to pursue. I can not believe that we ought to withdraw from the Philippines without a vote of the people of that country. I am not willing to accept the representation of one or two men sent from the Philippines that they desire separation. I can understand how their ambitions and their hopes for the future might very greatly influence their opinions. I want a vote of the 800,000 men who will be entitled under this bill to express their opinion upon public affairs; and if a majority of them vote for an independent government and for separation from the United States, then I want them to have their way. But, Mr. President, after the vote is taken, the suggestion that we ought to ask the Governments of the earth to guarantee the independence of the Philippines for a period of five years is to me unthinkable—I almost said absurd.

Why should any Government in the world join us in a guaranty of the independence of the Philippine Islands? Why? There is no reason; and if they were willing, I would not be willing to joint with them in a guaranty of that kind. Again, I summon the wisdom of the forefathers against these entangling alliances. But I have no fear, really, of entangling alliances, so far as this point is concerned, because there would be no common treaty. There are no great powers who would join us in this undertaking; and then we have given the President, in this proposed amendment, the power to execute the guaranty alone, on behalf of the United States. Why should we guarantee the independence of the Philippines for five years or for any period? If for five years, why not for a quarter of a

century? It belies and condemns the very spirit out of which the amendment grew.

The Senator from Arkansas perceives that. He understands that; and I am unable to see why men who believe that the time has come when the Philippine people should establish a government of their own also believe that for a period thereafter the United States, either alone or in conjunction with any other power, should guarantee the independence of the islands.

Suppose the government that is to be established should not desire a guaranty of that sort, with whom is the contract to be made? You can not have a contract of guaranty unless there are two parties, at least, to it. Suppose your independent government that is to be established does not desire supervision of that sort—the supervision that inevitably flows from the contract of guaranty—what then? You have accomplished nothing; and I predict that if the amendment proposed by the Senator from Arkansas instead of the real desire of the Senator from Arkansas is enacted into law, nine years will pass and we will not have gone from the Philippines. There will be no independent government there, and our relations will be more complicated, intricate, and difficult than they are now.

If you do not believe that an independent government, such as they desire, can be carried on in these islands with fair promise of success, then let us defer action until that time comes. I believe the time has come; and it seems to me that my Democratic friends forget the very basis of the argument they have been making when they insist that independence shall be accompanied with a guaranty and a supervision which amounts practically to sovereignty over the islands and over the government which they are seeking to establish.

Mr. STONE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Missouri?

Mr. CUMMINS. I yield to the Senator from Missouri.

Mr. STONE. It seems to me that in considering this question we ought to draw a line of separation here, namely, whether we should enter into agreements with other powers respecting a guaranty in some form of the independence of the Philippines, or whether the United States, acting alone, should do that.

Mr. CUMMINS. Mr. President, I am very clear that we ought not to do either.

Mr. STONE. I understand that to be the Senator's view; but in my mind I draw a line between our national policy of asking other nations to join us in a movement of this character or, aside from that, undertaking to guarantee their independence on our own part.

Mr. CUMMINS. I think there is a very clear line of distinction between the two things.

Mr. STONE. Yes; the Senator, of course, sees that. Now, we might consider those two things as separate things. We might consider one distinct and separate proposition—whether we should seek to make agreements with other powers that in some form or another guaranteed the independence of the Philippines, whether the Congress should direct the President to endeavor to do that, or, on the other hand, considering that now as a separate proposition, we might consider putting into the law the declaration that the United States alone will guarantee that independence.

Mr. CUMMINS. The difference between the two things is perfectly manifest, and the reasons which may be urged for or against the two proposals are different.

Mr. STONE. I think entirely so.

Mr. CUMMINS. I think it would be very unwise for this Government to ask any other Government to join it in a guaranty of independence. It might not be so unwise to ask it, but it would be very unwise to accept it if it were given, for the Senator from Missouri, skilled as he is in diplomacy and in the relations of nations to each other, can easily see what trouble may follow a joint agreement of that sort.

Mr. STONE. Mr. President, if the Senator please, I turn my thought now to one of these suggestions—that of a mutual agreement or understanding between our Government and the other Governments, as distinct and separate from the other proposition of the United States alone guaranteeing the independence of the Philippines. As to the one to which I say my thought is now directed, I make this observation, which is in the nature of an inquiry as well as a suggestion:

Are there not two ways by which that might be approached?—the first that which is proposed in the amendment of the Senator from Arkansas, that we ask other nations to agree with us to maintain the independence of the Philippine Islands against outside force—I need not elaborate on that; every Senator understands what that means; and another suggestion that we ask the cooperation of other nations, an agreement with them that so far as they are concerned, individually and separately,

they will never infringe or intrude upon the independence of these islands; that they will respect the independence that we confer upon them.

I think the Senator a moment ago expressed the opinion that we would not be able to find other nations that would enter into any agreement of the one kind or the other.

Mr. CUMMINS. That is true.

Mr. STONE. Well, let us see. The United States is the sovereign over the Philippines. It is a great possession. It is in the Orient. The presence of the United States there, in the form in which that presence appears, I imagine is not altogether satisfying to some of the larger nations of the world. They would be very glad, I think—some of them, at least—if we withdrew from that region of the world; for it has been asserted elsewhere as well as upon the floor of the Senate that our presence there is, in a way, an attempt on our part to extend what we call the Monroe doctrine to the Orient.

If we get out of the Orient, and please other nations in so doing, does the Senator think that in consideration of our action—let us call it a generous action, if you please, the high and ennobling act upon our part of absolutely surrendering control over a great and valuable possession and conferring independence upon the people—they would not agree at least to say that they would respect the independence of the country which had been conferred by our own, let me say again, generous act? Does the Senator think that Japan, for example, or Great Britain or Germany, would not tell us, "If you do this magnificent thing, this almost unexampled thing, we will respect the thing you have done and we will not interfere with it," just as was done on one occasion with respect to the Hawaiian Islands?

Mr. CUMMINS. Mr. President, the view taken by the Senator from Missouri does very great credit to his confidence in the justice of the nations, but I am still skeptical about it. I do not believe, so far as one can see at this moment, that any nation will attempt to overthrow the independence of the government established in the Philippine Islands. I can not see any temptation, or serious temptation, which is presented to any nation that would lead it into a war of conquest, but a nation is usually unwilling to bind itself by an agreement that will circumscribe and limit its energies and its power unless there is some consideration for it, unless broadly or narrowly it has compensation for it.

I am very sure that the great powers of the world would not agree to defend the Philippines; that is to say, they would not agree to go to war with any other nation with which they might be entirely at peace and on the most amiable terms in order to defend the independence of the Philippines. I am not so sure that some nations might not agree to respect the independence of the Philippines, but that of course is not this amendment. That was the amendment proposed by the Senator from North Dakota [Mr. McCUMBER], which was voted upon adversely. I, however, would be very reluctant to see the United States become the guarantor in the event that other nations would not make the agreement proposed in the amendment. We never would get out of the Philippines. They will have their troubles. They are bound to have their troubles. Every nation in the world has its troubles.

Remember what happened in the United States. The Senator from Missouri will remember that after the War of the Revolution closed there were four, five, six years of chaos and disorder when the most enthusiastic and optimistic and earnest patriots believed that the war had been in vain. It was only by the overpowering greatness of one man that we finally emerged into the Constitution and Government that has been so stable and successful. If a country like ours had to meet these disorders and dissensions and revolts, what may be expected of the diverse population that now occupies those islands? Of course, there will be difficulties, of course there will be disorders, but happily they will not overturn the government that we hope to see established. But if the United States is there with its Army, with its power, to calm and quell, to overcome, the Philippine government will never be more than a mere technical and paper establishment, contributing little or nothing to the happiness of its people.

No, Mr. President, if the time has come to separate from the Philippines, and I believe that it has come, our duty is first to cooperate and collaborate with the Philippine Legislature in the formation of a plan of government and constitution; and when that plan or constitution receives the concurrence of the commissioners to be appointed by the United States and the Philippine Legislature as constituted in this bill, then it will be submitted to a vote of the men who under this bill are given the right to vote, and if the constitution or plan receives the approval of the people, then the government being established, we

shall bid them good-by and Godspeed, and thereafter deal with that government precisely as we deal with all other independent nationalities or Governments in the world. That is the amendment which I have proposed.

Mr. STONE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Missouri?

Mr. CUMMINS. I do.

Mr. STONE. I am under the belief that any further discussion of this subject is somewhat a waste of time; that considered from the point of view of discussion it is not likely to change or affect the opinions of Senators. It looks to me as if interest has been largely lost in the discussion. I think the Senator from Iowa appreciates that view. I am sorry it is true.

Mr. CUMMINS. I am like a noted man who was about to visit a friend to secure a drink. When asked by another what his emotions were, he said, "This friend has two brands of whisky; one very good and the other very bad. I always go there hoping for the best but expecting the worst." [Laughter.] Whenever I address my Democratic friends after they have either formally or informally, in caucus or conference, agreed upon a measure, I really have not that high-glowing hope of changing their minds that I had when I was younger. While hoping for the best, I really am expecting the worst.

Mr. STONE. I am rather sorry the Senator made his last remark. It was hardly justified by the circumstances.

Mr. CUMMINS. No? I have been told by many of the Senators upon your side of the Chamber that my amendment could not pass. I hope the Senator from Missouri will not take what I said seriously, however.

Mr. STONE. I usually take what the Senator says seriously. I am glad he assures us that in what he just said he was not serious. I think the consideration of this measure ought to be taken seriously.

Mr. CUMMINS. Oh, I am sure there never was a more important and serious one.

Mr. STONE. I do not think, Mr. President, that we are going to engage upon legislation likely to be of greater importance. When I said that I thought further discussion was in a large measure without value, I had no thought of the subject in any partisan aspect. The Senator from Iowa need only to look around him to convince him that the interest in the discussion lags as well upon that side as this, for if any Senator upon that side could bring his party colleagues to listen to a subject to which he has been devoting his attention, I should think it would be the Senator from Iowa.

Mr. CUMMINS. No, Mr. President, I hardly compliment myself so much as that. It is perfectly manifest, and I know it to be true, that a great many of my party associates do not look upon me as orthodox upon this question. I have tried to treat it, and I intend to treat it in the future, in a nonpartisan spirit. I have given my view upon the subject with absolute frankness, without regard—

Mr. STONE. Mr. President, I intended to say when I was on the floor a moment ago by the courtesy of the Senator that making an arrangement with foreign powers might depend, and I think would depend, upon the time when the attempt to make the arrangement was made. I agree with what some other Senators have said; indeed, I have so said myself—

Mr. WORKS. Mr. President—

The PRESIDING OFFICER. Does the Senator yield to the Senator from California?

Mr. STONE. In just a moment. I have said myself that if we postpone the effort to make an arrangement looking to the neutrality of the islands until after we have conferred independence upon them, there would be no reason that I can see why any other nation should care to enter into such arrangement; but if we made our recognition of the Philippines and our action looking to the conferring of independence upon them conditional upon or in some way dependent upon the agreement by which their independence would be guaranteed on the one hand, as provided for in the amendment of the Senator from Arkansas or respected and observed, upon the other hand, by these foreign powers, as I have suggested, I think we would have a better chance to come to some agreement with them.

I expect to vote for the amendment of the Senator from Arkansas, as I have already said, although I am not well satisfied with its provisions. I would be glad to have some changes in it, but I am going the full length of that amendment, if need be, to do the thing I am so profoundly anxious to do—to grant independence to the Philippines.

Mr. CUMMINS. Might I suggest to the Senator from Missouri that I have about finished?

Mr. STONE. But I wish to ask the Senator about his amendment.

Mr. CUMMINS. Oh, the Senator desires to ask a question.

Mr. STONE. Yes; I wish to ask the Senator some questions about the amendment he has offered. I think there is a very great deal of real merit in this amendment. I look upon it with some favor. I do not know what the Senate is going to do about it. The Senator said a moment ago that it had been passed around in some informal way that it was not to be agreed to. I know nothing about that.

Mr. CUMMINS. May I explain that? I desire to say that I have had quite as much encouragement for it upon the Senator's side of the Chamber as I have upon my own. I did not intend to confine my suggestion to one side. I still hope that it will pass.

Mr. STONE. The Senator does not speak as if he had a very intense hope.

Mr. CUMMINS. I have been doing my best. I have been standing here for two hours now.

Mr. STONE. I know; the Senator has made a great speech; but now the Senator informs us that he has very little hope. He is hoping rather against hope.

Mr. President, I should like to ask the Senator a question. His amendment provides that the President shall be authorized and directed to appoint, with the consent of the Senate, three commissioners who shall cooperate with the Philippine Legislature in preparing and submitting a constitution or plan of government for the people of the Philippine Islands. The three commissioners are to cooperate with the Legislature of the Philippine Islands. How does the Senator expect them to cooperate? Suppose the commissioners and the legislature disagree as to the constitution or plan of government, will it fall to the ground and will that be the end of it?

Mr. CUMMINS. It would happen then precisely as would happen under the amendment of the Senator from Arkansas, if the President did not accept the constitution or plan prepared.

Mr. STONE. I do not now care for a comparison between one amendment and another.

Mr. CUMMINS. That is true. The President appoints three commissioners to cooperate with the Philippine Legislature. The Philippine Legislature initiates the constitution and submits it to the three commissioners. If the commissioners, or a majority of them, within the limits and within the scope of the authority that is prescribed in the amendment approve it, then it is submitted to the Philippine people. If they do not approve of it, it is not submitted, and Congress would have to act again or the President would appoint three other commissioners.

Mr. STONE. Would it not be better, if this plan should be agreed to, to put a controlling power somewhere? For example, why not let the Legislature of the Philippines, representing the best intelligence of that people, line out their constitution and plan of government and submit that to the people of the islands? Whether or not, following that, the approval of the matter should be referred back to the Congress of the United States is another question; but if it is a constitution and government which the Legislature of the Philippines approve, and being submitted to the qualified voters of the islands is approved by them, what more have we to do with that?

Mr. CUMMINS. There would be no great objection to that plan. I preferred this one because I thought it would be more practical and believed that it would result in a constitution that would preserve their independence and maintain order and stable affairs in the islands. But I would have no great objection to the other plan.

Mr. STONE. That plan, it seems to me, would be really the only practical one; the other would put two forces in operation that would be independent and yet coordinate. One might desire a certain constitution and plan of government and the other be wholly opposed to that. It seems to me, if the Senator please, in going through this, if his idea should prevail, the people who are concerned, who are to live under the constitution and administer it, who are to live under the government and be subject to its sovereignty and laws, are the people who ought to make the form of government, and if it should be a government agreeable to them and which they preferred, why should we here, 7,000 miles away, undertake to interfere with that popular choice?

Mr. CUMMINS. Mr. President, may I say to the Senator from Missouri that I desire to close my argument and take my seat, because really I have already occupied the time of the Senate much too long.

Mr. STONE. I have no wish to detain the Senator.

Mr. CUMMINS. I wish to answer the question just proposed by the Senator from Missouri and then I hope that he will make any further criticism of my amendment the subject of his own remarks.

Mr. STONE. If the Senator will permit me, I will say that after that I shall not make any further remarks in his time.

Mr. CUMMINS. I wish to say to the Senator from Missouri that abstractly what he has just stated is true, and it would be true under my amendment. The people of the Philippine Islands have the right to determine what government they shall establish. But I think there is a duty on the part of the United States to see that the government of the Philippine Islands shall begin with due regard to the fundamental principles of organized society, and therefore these commissioners, I think, fairly representing the President who appoints them, and fairly representing the people of the United States, because the Senate is to confirm them, would exercise a wise and just discretion in approving or refusing to approve the proposed constitution. If they approve it, it is submitted and the people can either accept it or reject it, according to their desire.

Mr. President, I feel that I must apologize to all Senators for occupying so much time, although it is well known that I have used but a small part of it. I understand the difficulty of this subject. I thoroughly believe in the sincerity and honesty of purpose of all Senators, differing as they do with respect to it. I have no doubt that each of them will vote as his conscience tells him to vote, having just one thing in mind, namely, the welfare of the people of the Philippine Islands and the conscience of the men and women who make up the Republic of the United States.

I am praying, I am hoping that what is done here will be done to the credit and honor not only of the American name but for the welfare of the 7,000,000 of people we are now attempting to control and govern.

Mr. McCUMBER. Mr. President, before the Senator from Iowa takes his seat I wish to get his viewpoint as nearly correct as I possibly can. I have listened to his argument and I have also read over his amendment. I wish to ask the Senator if he contends or takes the position that if the Filipino people should desire us to remain and by their vote express a desire to remain a part of the United States, and if the people of the United States should be convinced that it was to our own interest to abandon Asiatic possessions, we should be in duty bound to retain them just as long as they desired to be under our protection?

Mr. CUMMINS. No; I have attempted to state my view of that matter heretofore. I do not attempt to bind, or would not suggest binding, the future. What I do say is that if the Filipino people at this time desire to maintain their relations with the Government of the United States, we can not abandon them.

Mr. McCUMBER. Suppose they would want to do it 10 years from now, or 20 years from now, would the Senator think that we should still allow them to govern the hundred million—

Mr. CUMMINS. I do not express an opinion on that. I do not assert it as a principle governing a long period of years. I only say that I believe the time has come when we in honor and with due regard to all our obligations can leave the Philippine Islands subject to one thing, namely, their desire to retain their relation to us. What the conditions may be years hence I am not able even to imagine. I do not assert, of course, that for all time to come the 100,000,000 people within the territory of the United States must be subordinated to the 7,000,000 people in the Philippine Islands. I only assert that we went there in 1898; that we conquered the Philippine Islands and imposed our government upon them; and that without their consent, in my judgment, the time has not come to separate ourselves from them.

Mr. McCUMBER. I thank the Senator, Mr. President. I think I understand his position quite well. If, however, in his own judgment, and that judgment is backed by the opinion of the American people, as he believes it is, that we should now sever our relations with the Philippine people, I can not understand why he could also take the position that that should be subject to the whim or to the belief of the Filipino people that they wish to remain with us for any length of time, either in perpetuity or for 10 years or for 20 years. It does seem to me that we are in a position where we ought to determine, from the standpoint of the United States, whether we ought to get out of the Philippines, and not leave it to the judgment of any people or of any other nation upon the face of the earth.

Mr. CLAPP. Mr. President, I could cheerfully support this amendment except for one thing. There could be no objection, perhaps, to appointing commissioners to cooperate by way of advice and consultation with the Philippine Legislature; but the amendment as it is now leaves it absolutely in the power of a majority of those three commissioners to indefinitely pre-

vent the independence of the Philippine people, for the constitution planned by the legislature will have to be approved by the commissioners or by a majority of them. It does seem to me that, with the guiding influence of the commissioners and the tutelage of 17 years, recognizing the difference in the character and makeup of their people and ours, if we are going to grant them independence, we ought, in the last analysis, to leave it absolutely in their power to determine what their constitution shall be, inasmuch as no constitution imposed by us would prevent them from afterwards making their constitution according to their own views. It simply leaves it in the power of two men, if they were captious, to indefinitely postpone their independence. Of course I recognize that the differences are very vital ones, but I want to ask the Senator if he would be willing to eliminate the provision which requires the approval of a majority of the commissioners?

Mr. CUMMINS. Mr. President, I recognize the general justice of the suggestion made by the Senator from Minnesota; but I am myself unwilling to abandon, if you please, the Philippines without some supervision over the character of the government that shall be there established. For instance, suppose the Filipino people wanted to establish a military dictatorship, not dependent upon the vote of the people at all, I would not be willing to withdraw the sovereignty of the United States in favor of a government of that kind, even though it might be said abstractly that it was the government the people of the islands wanted. I think we have just that obligation toward them, of exercising our judgment, not with respect to what would be best for us, but with respect to what would be best adapted for them before we leave them to care for themselves.

Mr. CLAPP. Mr. President, that might be if there were any way by which we, with our 125 years or more of experience in self-government, with reference to some great fundamental of free government, could permanently read into their constitution some such great fundamentals; but we could not do that. The moment they once became independent under any form of constitution they themselves could amend the constitution. We may force those people, just as we forced the people of Arizona, to accept a constitution that we knew they did not want and which they would not maintain, and which they modified the moment they got beyond the leading strings of Congress.

Mr. CUMMINS. I assume that the representatives of the United States would act with wisdom and with justice. Any other plan ought to be just in two lines, namely, commanding the President to-morrow to move out of the Philippines, before they have any government at all. Why do we wait there until there is any government?

Mr. CLAPP. Until there is some organized government—

Mr. CUMMINS. But why?

Mr. CLAPP. With which we can treat.

Mr. CUMMINS. Well, why?

Mr. CLAPP. We would want to treat with somebody.

Mr. CUMMINS. Yes; and therefore it seems to me that our full obligation will not be discharged unless in the formation of that government the fundamental principles of humanity and of modern affairs are recognized. Much as I am in favor of separation, I would not be in favor of withdrawing our power in favor of a dictator.

Mr. CLAPP. No; but the Senator does, so far as he as a Senator of the United States is concerned, absolutely and forever withdraw his authority when this proposed law is passed.

Mr. CUMMINS. Certainly; our obligation.

Mr. CLAPP. No; it is not our obligation then. It then is vested in three men, two of whom constitute a majority. They may dictate to those people the kind of constitution that they must start under, even though they are not favorable to it, even though they must practice duplicity in the apparent acquiescence in it, so as to get themselves into a status where they can then frame a government to suit themselves.

Mr. CUMMINS. Mr. President, I very much regret, of course, that my amendment does no commend itself to the Senator from Minnesota. I have drawn it in a way that I think will be best adapted to accomplish the result.

Mr. CLAPP. I will tell the Senator why I have my doubts as to the amendment. The Senator says we must not assume that anything of that kind will happen. The Senator was a member of this body, as I was, when a people about to become a part of the United States had overwhelmingly expressed themselves upon a great fundamental question; but they were forced to go back to the ratification of a constitution striking out that proposition, when everybody knew the moment they got away from our leading strings that in the adoption of a new constitution they would immediately reassert their views in that new constitution. We forced a great number of men about to become citizens of the United States to purchase the

right to be a part of this Union by the exercise of duplicity. They had to surrender temporarily, and without any intention of a permanent surrender, their convictions upon a great fundamental question.

I am not in favor of putting it in the power of three men to either indefinitely hold up the independence of the Philippines or to require those people to adopt something which they do not want and which they will not retain the moment they get free.

Mr. CUMMINS. Mr. President, in my opinion, it is the only practicable way, notwithstanding the unfortunate incident referred to by the Senator from Minnesota. I suppose the Senator would not be in favor of withdrawing all power on the part of Congress with regard to the admission of a State, and allow the State to be admitted no matter what sort of constitution it adopted.

Mr. CLAPP. Not at all, because the proposed State becomes an integral part of our own Government and our own Union.

Mr. CUMMINS. But the principle is just the same. We are dissolving our relations with that country instead of forming them, and it seems to me we ought to exercise some care in that dissolution. Otherwise we ought simply to pass a law that would require the President five months or two months hence to withdraw all our representatives and forces there, without regard to the question of whether a government had been established or not.

Mr. CLAPP. Oh, no; not at all. I think the idea of appointing three commissioners, with the experience of our public history behind us, to cooperate with them and advise, suggest, and counsel would be good; but the Senator forgets that the moment this amendment is adopted and becomes a law, that moment the Senator is as powerless to say what the constitution of those islands shall be as would be one of the employees of this body.

Mr. CUMMINS. No.

Mr. CLAPP. It is thrown entirely into the hands of three men, two of whom constitute a majority, and Congress has nothing left, the Senator has no more voice; and yet we leave the matter to two men.

Mr. GRONNA. Mr. President—

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

Mr. CLAPP. Unless the Senator from North Dakota desires to ask me a question, I am through.

Mr. GRONNA. I want to ask the Senator a question. The Senator from Minnesota is a member of the Committee on the Philippines. I want to ask him if there was presented to the committee any testimony indicating that more than about 10 per cent of the Philippine people were able to read and write?

Mr. CLAPP. Not quite 10 per cent of the entire population—men, women, and children—could do so; but over one-half of what would become the electorate under this bill can read and write.

Mr. GRONNA. Does the Senator think it will be possible to set up, even if the United States should attempt to set up, a form of government for a class of people who are unable to read or write or who are without any education whatever? Does the Senator believe that it would be possible for a people of that kind to maintain the kind of government that we should like to see them maintain?

Mr. CLAPP. I do not know whether they would maintain the kind of government we would like to see. We had to go to work after the adoption of our own Constitution and absolutely reverse the original Constitution in four great particulars, every one of them fundamental. We had to go through the greatest insurrection the world ever knew before we reached our present condition of unity and harmony as a people. We had to see the great cities of this country, from San Francisco to New York, locked in the embrace of mobs and terrorized by mobs. I do not know what the success of the Filipino people will be; but I believe that the Filipino people are perfectly competent to govern themselves under the form of government best suited and best adapted to their temperament and conditions.

Mr. GRONNA. Does not this bill indicate that we shall set up a republican form of government?

Mr. CLAPP. This bill indicates not our desire as to what they shall do, but authorizes and directs that there shall be a republican form of government. It does not leave it to the people. We prescribe the form of government in the bill.

Mr. GRONNA. There being only about 10 per cent of the people educated and fit to maintain a government, is it not reasonable to believe that the only kind of government that they could maintain would be an aristocracy or oligarchy; that it would be a government controlled absolutely by a few or by those best fitted to carry on a government?

Mr. CLAPP. Mr. President, it is not so very long ago that a former Member of this body in a public speech in the city of

Albany deplored the fact that the great State of New York, after one hundred and twenty odd years of experiment, had been governed by what was first so graphically described by the late Senator Dolliver, which he characterized as an "invisible government." Governments will always be in the hands of some one. There may not be a population where there is the equation of a high plane of what we call school education, but the sense of right, the sense of justice, the sense of protecting people and seeking to get away from wrong and injustice may find a lodgment in a man's heart and mind although he does not bear the right to attach the title or degree of doctor of laws to his name. It is not a question of book learning; it is a question of the character and intelligence generally of the people.

While we have made great progress, while we may well be proud of our history, we have seen that we have ulcers and cancerous spots in the body politic. It is insisted by some that the Filipinos before they undertake the experiment of self-government must demonstrate that they can have a government free from these cancers and these ulcers. Of course in the Philippine Islands, as in every State in this Union, as in the Nation at large, certain men will become leaders, and I would hope that they would be leaders by power and virtue of mentality, by the power and virtue of their intelligence. More than 10 per cent of the electorate are able to read and write. The Senator from North Dakota had reference to 10 per cent of the entire population.

It does seem to me, Mr. President, that when we decide to let the Philippine people go we should adopt some plan whereby, in the last analysis, either those people or this Congress should determine whether the law should be operative.

Mr. NORRIS. Mr. President—

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

Mr. CLAPP. I am through, unless the Senator desires to ask a question.

Mr. NORRIS. I want to submit a parliamentary inquiry to the Chair. It is this, Mr. President: Is the amendment of the Senator from Iowa now pending subject to amendment?

The PRESIDING OFFICER. The Chair so understands.

Mr. NORRIS. Then, Mr. President, I offer an amendment to the amendment. On page 1 strike out lines 11 and 12 and lines 1 and 2 on page 2.

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment.

The SECRETARY. On pages 1 and 2 it is proposed to strike out the following words:

Among other things, it shall provide for the complete possession and sovereignty on the part of the United States, in perpetuity, of such coaling stations and naval bases as may be prescribed by the President of the United States.

Mr. LODGE. Mr. President, this question has been very thoroughly discussed, and I do not care to detain the Senate more than a few moments by what I have to say; I desire to speak briefly merely in order to give my reasons for the votes which I shall cast.

I happened to be for many years chairman of the Committee on the Philippines and took a very great interest in all the legislation that was passed and everything that was done in regard to the islands when they first came into our hands. I had a large part in drafting the organic act, which, on the whole, I think has worked well as a constitution for those islands.

It seems to me—and I have always been of the opinion—that there are only two courses to be pursued in regard to the Philippine Islands. One is to abandon them entirely, give them their independence, and separate ourselves from them wholly; the other is to remain in control of the islands as we now are. The one situation of all others which I think we ought to avoid is to put ourselves in a position where we shall be responsible for those islands and yet have no power over them.

Of late the war in Europe has brought home very strongly, I think, to everyone's mind the military weakness involved in our possession of the Philippine Islands. A strong argument can be made in favor of complete abandonment and withdrawal from the islands based on the fact that they are a source of military weakness to the United States, and a strong argument in opposition can be made on the basis of our duty and obligation to those people to retain and administer the islands as we have been doing. One thing is certain, if we are to withdraw from those islands, the withdrawal ought to be complete. No mistake would be so great as a halfway measure.

The amendment of the Senator from Arkansas [Mr. CLARKE], it seems to me, as has been pointed out by the Senator from Iowa [Mr. CUMMINS], is defective in the fact that it does not do what it proposes to do. It puts us in the position of guaranteeing the safety of those islands for four years, and yet giv-

ing up our control. It also opens the door by the proviso, as I understand, to a return to our present situation. It does not, in fact, settle anything. If we are to go, we ought to go; and if we are to stay, we ought to stay and keep the power. Power without responsibility is bad; but responsibility without power is even worse.

Whether or not the Philippine people are fit for what we call self-government or for independence, they are certainly not in a condition where we can afford to put ourselves in such a relation to them that they can involve us in all sorts of difficulties and troubles, both with other nations and in the islands themselves, while we at the same time are deprived of all power to prevent it. In other words, if we are to go, let us go; and if we are to stay, let us stay with power in our hands so long as we are responsible. My own belief is that we have an obligation to those people which makes it a great dereliction of national duty to abandon them at this time; but if, as is argued here, they are so entirely fitted for self-government, then they are fit for the necessary accompaniment of self-government, which is complete independence.

What I most object to is our undertaking to give a guaranty to protect those islands and leave the people of those islands to do anything they please. The people of the Philippine Islands are nearly all Malays or of the Malay race. There are, of course, now considerable bodies of Spanish and Chinese mestizos there, but, broadly speaking, they are Malays.

The Spaniards divided the people of the Philippines, not on ethnical principles, but according to their religious beliefs. They called those who had accepted Christianity "Filipinos"; they called the wild tribes "infieles" or heathens, and they called the Mohammedans "Moros" or "Moors." Of course, they were not Moors; they were simply Mohammedan Malays of the same race as the rest; but they divided them in that way; and then there were the aborigines, a smaller number of people, known as the Negritos. Of the last there are not more than 25,000, so that they constitute a negligible element; but there is a very large element of the wild tribes, some 600,000 of them. There are 200,000 of them, according to the statistics, in the island of Luzon alone. Now, those people and the Moros will, under this bill, be left practically, if we remain responsible and exercise no power, to be dealt with by that portion of the Filipinos who have the actual legislative authority. I do not think we ought to leave those people, so long as we have any connection with the islands, in any such way. I do not think we ought to make ourselves responsible for what the Filipino legislature may see fit to do and not have the power to control their action. I do not myself think that the Filipinos are fitted for self-government according to our theory of what self-government is.

The English-speaking people have been, in round numbers, a thousand years working up to the stage of self-government which we possess and which some other people possess, and I am not sure that we have made such a very brilliant success of it that we can assert with confidence that another people, to whom all those ideas are new, can reach that same point in 20 years.

There is the view of my friend from Mississippi [Mr. WILLIAMS] that a people have the right to misgovern themselves in their own way. It may be misgovernment according to our ideas, but they have a right to misgovern themselves in their own way. I quite accede to that theory. I do not dispute it. I think we have a right to misgovern ourselves, and we occasionally do so very badly. But that is another proposition. As to the capacity of the Filipinos for self-government, and for independence—which ought to go with self-government—I have very grave doubts. But the one point I wish to reiterate and press home is this: It is one thing for them to have the right to govern or misgovern themselves in their own way, or the right to independence. It is quite another thing to make us responsible for the way they govern or misgovern themselves.

If we are going to take responsibility, we must have power. If we are going to be responsible for the people of those islands in their relations to each other, and still more in their relations to the rest of the world, we must have power there ourselves. We can not afford to put ourselves in the position of being responsible for any people and yet have no power to control what they do.

Putting aside the question whether we ought as a matter of national obligation still to remain in the islands, and taking it on the question of abandonment and withdrawal, my objection to the amendment of the Senator from Arkansas [Mr. CLARKE] as it stands is that it leaves us guaranteeing the islands in regard to all the rest of the world and with no sufficient control over their actions. In the course of four years they might easily embroil us and involve us in very serious trouble with other nations.

If we are to remain, then we still ought to exercise the power, out of deference to the different elements of the population in the Philippines, as well as in regard to their relations to other nations.

For these reasons I do not feel able to vote for the amendment proposed by the Senator from Arkansas, nor do I feel able to vote for the bill, for I think the bill simply weakens the control which we ought to have if we are to be responsible for the islands in any measure, and I see no object in weakening that control. Least of all do I believe in the preamble. I do not like preambles to statutes in any case. A statute ought sufficiently to declare its purposes, without having a "whereas" at the beginning, and the preamble to this bill is simply another vague promise as to the future, injurious, as all vague promises of that sort are.

As it appears to me, the best way is to leave the islands just as they are, and I shall vote in that sense. But if we are not to leave them as they are—if the plan is to go—then let us really go and leave them their independence, after having made proper provision, of course, for the protection of those Americans who have acquired property rights there and invested money there—the protection of our own people. After having made proper provision of that kind, let us go and leave them independent. Let us at least have the military and other benefits of complete abandonment. The people of those islands have not shown a degree of gratitude to us for all we have done—and I think we have done an immense deal for them—they have not shown any degree of gratitude which tends to soften my heart particularly if we decide to leave them; but do not let us take any half-way measures about it. Whatever we do, let it be decisive. If we are to continue as we are, let us continue as we are—responsible for their government and controlling their government—so far as necessary. If we are going to go, let us go and leave them independent to find their own way. If they really are what they are described to be by enthusiasts here, so admirably equipped for self-government, then they are able to be independent. But whatever we do, let us avoid getting into that worst of all positions of having a great and dangerous responsibility and no power to control the people for whom we are responsible.

The PRESIDING OFFICER (Mr. SMITH of South Carolina in the chair). The question is on the amendment proposed by the Senator from Nebraska [Mr. NORRIS] to the amendment of the Senator from Iowa [Mr. CUMMINS].

Mr. NORRIS. Mr. President, I have no desire to discuss this amendment. I have already discussed it. I simply wish to call the attention of the Senate to the fact that the effect of this amendment is to strike out of the amendment of the Senator from Iowa the provision requiring the President, when the islands are turned over, to retain a naval base, or naval bases, as they are described, and coaling stations; so that if the amendment prevails, and the islands are turned over to the Filipinos, we will retain neither a naval base nor a coaling station.

Mr. SUTHERLAND. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

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

Ashurst	Gore	McLean	Smith, Ariz.
Bankhead	Gronna	Martin, Va.	Smith, Ga.
Beckham	Harding	Martine, N. J.	Smith, S. C.
Borah	Hardwick	Myers	Smoot
Brandegee	Hitchcock	Nelson	Sterling
Bryan	Hollis	Norris	Stone
Catron	Husting	Oliver	Sutherland
Chamberlain	James	Overman	Swanson
Chilton	Johnson, Me.	Page	Thomas
Clapp	Johnson, S. Dak.	Phelan	Thompson
Clark, Wyo.	Jones	Pittman	Tillman
Clarke, Ark.	Kenyon	Poinexter	Townsend
Colt	Kern	Pomerene	Underwood
Cummins	La Follette	Ransdell	Vardaman
Curtis	Lane	Reed	Wadsworth
Dillingham	Lee, Md.	Robinson	Walsh
du Pont	Lewis	Shafroth	Warren
Fall	Lippitt	Sheppard	Williams
Fletcher	Lodge	Shields	
Gallinger	McCumber	Simmons	

Mr. CHILTON. My colleague [Mr. Goff] is detained from the Senate on account of illness.

Mr. KERN. I wish to announce the unavoidable absence of my colleague [Mr. SHIVELY]. He is paired with the junior Senator from Maine [Mr. BURLEIGH].

The VICE PRESIDENT. Seventy-eight Senators have answered to the roll call. There is a quorum present.

Mr. NORRIS. Mr. President, I ask for the yeas and nays on my amendment.

Mr. STERLING. Mr. President, before the yeas and nays are ordered, I hold in my hand a letter received last evening from the present head of the department of journalism of the

State University of South Dakota. This gentleman has spent two years in the Philippine Islands as a political reporter for one of the Manila papers. He is known as a very competent, able man, and a keen observer of men and affairs; and I should like to have this letter read.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

UNIVERSITY OF SOUTH DAKOTA,
Vermilion, January 29, 1916.

Senator THOMAS STERLING,
Washington, D. C.

MY DEAR SENATOR STERLING: I thought from the progress on the Philippine bill during the last session of Congress that the Philippine question was going to be settled with foresight. I thought so particularly after the war had shown us pretty conclusively that nations are moved by the nonmoral force of self-interest. It has been surprising to me, therefore, to find Senator HITCHCOCK proposing his four-year limit to United States sovereignty in the Philippines, and proposing it without much seeming opposition. From Senator BORAH's remarks there seems to be a general disposition to unload the Philippines before they get us into trouble, regardless of what happens to them. I was for two years (at the time when Gov. Gen. Harrison and his cohorts came into power) political reporter for the Manila Times and I am interested in the situation. At the risk of presuming on your time I wanted to ask you about the situation in Congress on the Philippine bill. I am planning on writing some articles in the State papers on the question. Does it seem to you that the islands are going by the board? I should like to know also how you and Senator JOHNSON stand on the question.

It seems to me that a proposition of neutralization of the Philippines by various powers is folly. We have seen how that has worked in the cases of Belgium and the Balkan States. And the trouble with it in the case of the Philippines is that it does not free us of responsibility, as some of the Congressmen seem to think. It leaves us with the same responsibility and at the same time makes us clear out and leave the Philippines free for all kinds of trouble making on the part of different factions inside and of such powers as Japan without. For even if the various powers do agree to guarantee the independence of the Philippines, the United States will have to be the real guardian of Philippine rights still, and then when any of the powers sees it to its interest to muss things up the United States will be morally bound to interfere or be eternally dishonored. Neutralization has not proved very efficient in Europe; it certainly will prove disastrous "east of Suez" where "there ain't no 10 commandments" and where international intrigue is rampant.

It seems to me that the fate of the open door of China is sufficient proof of what will happen in the Philippines if we leave them as a prey. Our open-door policy certainly had come to be considered a fundamental American foreign policy—freedom of opportunity in trade in China for all and the integrity of Chinese territory. Japan has violated that policy time out of hand, and smilingly tells the American people that she has not, relying upon their ignorance of foreign affairs to put it across. But the evidence is plentiful. Now, if we establish the independence of the Philippines, Japan will surely begin her game in the archipelago, violating in petty ways at first the neutralization agreement, trying us out to see how far we will go. Then it will be a case of backing down and turning them over to Japan, which seems to me dishonorable. We lose our only trade outpost. I shouldn't say that is the biggest argument, however. We have taken the Philippines as wards; we have embarked upon a wonderful experiment in government; we are in the Far East extending the principles of equality of opportunity. We have a real mission out there. That is what makes me wonder how Congressmen can go ahead to cut the thing short when it hasn't been given a fair trial and when there are a long train of serious consequences coming with independence.

I had not meant to go into the question when I started this letter to you. But I feel strongly in the matter and hope that Congress does not make the serious blunder of launching this little bamboo ship of state, which surely can not yet resist the buffeting of the high seas.

Yours, very truly,

ALFRED M. BRACE.

Mr. LODGE. Mr. President, I rise on a very small matter—a matter of wording. I wish to ask the Senator from Nebraska in charge of the bill [Mr. HITCHCOCK] if there is not an error in the wording on page 5, lines 9 and 10? The words "sectarian institutions" ought, it seems to me, to come after the words "sect, church, denomination," so as to read "sect, church, denomination, sectarian institution, or system of religion"; and the words "as such" are obviously intended to apply only to clergymen. I suggest that simply to make it read properly, that is all.

Mr. HITCHCOCK. That is, the Senator thinks the words "as such" should be stricken from line 10 and inserted in line 9?

Mr. LODGE. No; I think the words "sectarian institutions" ought to come above, with "church, denomination, or system of religion." The words "as such" evidently apply to the clergymen. You can hardly say "church, as such," or "sectarian institution, as such."

Mr. HITCHCOCK. That would require the insertion of the words "as such" after the word "dignitary," striking it out after the word "institution."

Mr. LODGE. I suggest, merely as the simplest way of getting at it, to strike out the words "or sectarian institution," in lines 9 and 10, and insert them after the word "denomination," in line 7.

Mr. HITCHCOCK. I will consider that. I suppose, at the present time, we have to dispose of the amendment.

Mr. LODGE. Certainly, if the Senator will simply bear it in mind.

The VICE PRESIDENT. The Senator from Nebraska [Mr. NORRIS] has called for the yeas and nays on his amendment to the amendment of the Senator from Iowa.

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

Mr. CHILTON (when his name was called). I have a general pair with the senior Senator from New Mexico [Mr. FALL]. I withhold my vote for the present.

Mr. COLT (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. SAULSBURY]. In his absence, I withhold my vote.

Mr. GALLINGER (when his name was called). I have a standing pair with the senior Senator from New York [Mr. O'GORMAN]. I transfer that pair to the senior Senator from Illinois [Mr. SHERMAN] and will vote. I vote "nay."

Mr. JAMES (when his name was called). I have a general pair with the junior Senator from Massachusetts [Mr. WEEKS]. In his absence I will withhold my vote.

Mr. JOHNSON of South Dakota (when his name was called). Mr. President, I have just come into the Chamber. I should like to ask what the question is.

The VICE PRESIDENT. The question is on the proposal of the Senator from Nebraska [Mr. NORRIS] to strike out lines 11 and 12 on page 1 of the amendment of the Senator from Iowa [Mr. CUMMINS].

Mr. JOHNSON of South Dakota. I vote "yea."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). I understand that the senior Senator from Michigan, who is absent, has a general pair with the junior Senator from Missouri [Mr. REED]. I desire to have this announcement stand on all votes for the day.

Mr. TILLMAN (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. GORE]. In his absence I withhold my vote.

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I transfer that pair to the junior Senator from Louisiana [Mr. BROUSSARD] and will vote. I vote "nay."

The roll call was concluded.

Mr. REED (after having voted in the negative). I voted inadvertently. I have a pair with the senior Senator from Michigan [Mr. SMITH]. I transfer that pair, however, to the junior Senator from New Jersey [Mr. HUGHES], and having made the transfer will allow my vote to stand.

Mr. JAMES. I transfer the general pair I have with the junior Senator from Massachusetts [Mr. WEEKS] to the senior Senator from Nevada [Mr. NEWLANDS] and will vote. I vote "nay."

Mr. CHILTON. I transfer my pair, heretofore announced, to the senior Senator from Texas [Mr. CULBERSON] and will vote. I vote "nay."

Mr. MARTINE of New Jersey. I have been requested to announce the absence of the senior Senator from New York [Mr. O'GORMAN] on official business.

Mr. JOHNSON of South Dakota (after having voted in the affirmative). I have a pair with the junior Senator from Idaho [Mr. BRADY]. I transfer that pair to the senior Senator from Tennessee [Mr. LEA] and will allow my vote to stand.

Mr. KERN. I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY] and to state that he is paired with the junior Senator from Maine [Mr. BURLEIGH]. This announcement may stand for the day.

Mr. OLIVER (after having voted in the negative). I observe that the senior Senator from Oregon [Mr. CHAMBERLAIN] has not voted. I therefore withdraw my vote, having a general pair with him.

Mr. DILLINGHAM (after having voted in the negative). I observe that the senior Senator from Maryland [Mr. SMITH] has not voted. I therefore withdraw my vote, having a pair with him.

The result was announced—yeas 14, nays 58, as follows:

YEAS—14.

Borah	Husting	Lane	Thomas
Clapp	Johnson, S. Dak.	McCumber	Vardaman
Gronna	Kenyon	Norris	
Hitchcock	La Follette	Smith, Ariz.	

NAYS—58.

Ashurst	du Pont	Kern	Overman
Bankhead	Fletcher	Lee, Md.	Page
Beckham	Gallinger	Lewis	Phelan
Brandegge	Gore	Lippitt	Pittman
Bryan	Harding	Lodge	Polindexter
Chilton	Hardwick	McLean	Pomerene
Clark, Wyo.	Hollis	Martin, Va.	Ransdell
Clarke, Ark.	James	Martine, N. J.	Reed
Cummins	Johnson, Me.	Myers	Robinson
Curtis	Jones	Nelson	Shafroth

Sheppard
Shields
Simmons
Smith, Ga.
Smith, S. C.

Smoot
Sterling
Stone
Sutherland
Swanson

Thompson
Townsend
Underwood
Wadsworth
Walsh

Warren
Williams
Works

NOT VOTING—24.

Brady
Broussard
Burleigh
Catron
Chamberlain
Colt

Culberson
Dillingham
Fall
Goff
Hughes
Lea, Tenn.

Newlands
O'Gorman
Oliver
Owen
Penrose
Saulsbury

Sherman
Shively
Smith, Md.
Smith, Mich.
Tillman
Weeks

So Mr. NORRIS's amendment to the amendment of Mr. CUMMINS was rejected.

The VICE PRESIDENT. The question recurs on the amendment of the Senator from Iowa [Mr. CUMMINS].

Mr. CUMMINS. To perfect the amendment which I have offered, I desire to insert in line 1, page 2, after the word "bases," the words "if any." I do this in order to make it perfectly clear that it is not compulsory upon the President to retain coaling stations or naval bases if he thinks the welfare of the country does not require it. I intend to leave it in his discretion.

I also ask to insert, after the word "them," in line 6, page 2, the words "or by the Congress of the United States." That is for this purpose: If the commissioners shall not approve the constitution or plan adopted by the Philippine Legislature, then Congress may approve it.

Mr. GALLINGER. I will ask that it be read as it would read if the amendment were modified.

The VICE PRESIDENT. The Secretary will read that paragraph of the amendment as modified.

The Secretary read as follows:

Among other things, it shall provide for the complete possession and sovereignty on the part of the United States, in perpetuity, of such coaling stations and naval bases, if any, as may be prescribed by the President of the United States. The said constitution or plan of government shall be prepared by the Philippine Legislature and submitted to the said commissioners, and if approved by the said commissioners, or a majority of them, or by the Congress of the United States, and adopted by the said legislature, it shall then be submitted to the qualified electors of the Philippine Islands for approval or rejection at an election to be appointed by the Philippine Legislature after not less than four months' notice.

Mr. CUMMINS. Upon the amendment I ask for the yeas and nays.

Mr. BRANDEGEE. Mr. President, before the question is taken whether the yeas and nays shall be ordered, I wish to say just one word about the pending amendment and a word about the bill. It will not take more than three minutes, I should think.

I am inclined to vote for the amendment of the Senator from Iowa as a substitute for the amendment of the Senator from Arkansas, because if the inhabitants of the Philippine Islands shall decide that they want to separate, it does get us out of the position in which we are at present. It does one thing or the other. I would not vote for the amendment of the Senator from Iowa as a separate proposition. I would not vote for the amendment if it was attached to the bill. I would not vote for the bill with the amendment upon it. I want it distinctly understood that in casting my vote for this amendment I do it as taking what I consider to be the lesser of the two evils.

Mr. President, in relation to the bill, I think if the preamble could be gotten rid of I should be inclined to vote for the bill; but the parliamentary situation, if I understand it correctly, is that the bill must be voted upon first, and, if the bill is passed, then the question comes upon the adoption of the preamble. I am perfectly certain if I contribute to the passage of the bill the preamble will then be put upon the bill in spite of any protest that I should make. Therefore I should be recorded in favor of a bill in which I did not believe, when it had the preamble attached to it.

I will state the reason why I am opposed to the preamble. I can not conceive that it will serve any useful purpose. I do not think the question of Philippine independence could have possibly been raised at a more inopportune time than the present. I think the world is in no condition for us to make a declaration about the Philippine Islands or their independence. I do not believe the Philippine people would be at present able to maintain an independent government if we gave it to them. I think such a mention of the question of independence as is involved in the preamble will be utilized by people having ulterior motives in the Philippine Islands, by demagogues and local politicians, to stir up all sorts of strife and trouble there and to excite all sorts of unjustifiable expectations on the part of the people of the Philippine Islands.

Mr. President, while I regret that we ever went to the Philippine Islands, I think the course of our public officials, of our Congress, and of the speeches of our public men throughout

those islands and this country do involve us in a pretty definite moral obligation not to abandon them, and especially not to abandon them for some of the reasons that have been urged upon this floor as justifying such abandonment. I think we should all feel very much ashamed—I know I would—if, after having voted for this bill, within a year or two we should see the Filipinos fall into a state of anarchy and the great work that I believe we have done in that country all torn to pieces. I think that in history we would not stand well. I do not think this great, powerful Nation would gain any glory in regard to those people, whom we have described repeatedly as our wards and for whom we have legislated as though we were their trustees, by deliberately abandoning them to their own devices at this time of their development. I am confident they would be unable to maintain any civilization one would recognize or characterize as a stable government. I think if they were let alone by the other powers of the world they would revert into an uncivilized form of government. Whether they did or not, I think they would soon be subjected to the influences of more powerful nations far removed from us. I agree entirely with the Senator from Massachusetts [Mr. LODGE] that whatever we do we should never withdraw power and control and guidance and then continue to assume responsibility.

I shall therefore vote against all the amendments that I am acquainted with which have been so far proposed to the bill, except the amendment of the Senator from Iowa as a substitute for the amendment of the Senator from Arkansas, and I shall vote against the bill and against the preamble.

Mr. GRONNA. Mr. President, I voted for the amendment proposed by the Senator from Nebraska [Mr. NORRIS] because I believe in the sentiment that if we let the Philippine Islands go we should assume no further responsibility. I can not vote for the substitute proposed by the Senator from Iowa [Mr. CUMMINS], for two reasons. In the first place, Mr. President, I believe that the Filipino people are unfit for self-government. In the hearings, which I have read to some extent, the fact is disclosed to me that the small percentage of 10 per cent of the Filipinos are able to read and write. We therefore can not hope that the people of those islands would be able to set up a form of government such as we would desire they should set up. The only kind of government they could have in the Philippine Islands, according to the testimony as I have read it, would be an aristocracy, a government by a few, an oligarchy.

It has been said during the debate on this floor that to a certain extent we have that form in this country, but that is a different proposition, Mr. President. The people of this country can read and write; the people of this country know what form of government they desire. It is not so with the Philippine people. What good would it do to leave it to the people of the Philippine Islands to say what kind of a government they want so long as they are unfit for self-government? I think a majority of them have no conception of what government is or what representative government means.

Another reason why I shall vote against this amendment is this: I believe it is unfair to the President of the United States to say that he shall decide whether or not we shall maintain a naval base or a coaling station in the islands. The Congress of the United States ought to be courageous enough and it ought to be willing to say whether or not we should maintain in the islands a coaling station for the United States.

I think, Mr. President, we have learned a lesson from the country south of us—Mexico. It might be said that those people are not fit for self-government. I do not believe they are fit for a government as a democracy.

Mr. President, I am one of those who have said very little about Mexico. I have refrained from speaking about the conditions in Mexico, because I believe the President of the United States is right in taking the position he has taken that we shall not interfere in the affairs or with the conditions of Mexico. For that reason I have remained silent.

But with reference to this bill, Mr. President, I feel that the people of the United States have an obligation to perform. We are morally responsible for the welfare of the Filipino people, and we can not say that those people are fit to govern themselves. If they are fit for self-government, let us give them their independence now. If they are not fit for it, it is our duty to hold the islands until such time as the Filipinos may be able to govern themselves.

Mr. POINDEXTER. Mr. President, I have a brief statement as to the cost of the Philippine Islands to this Government. There has been a good deal said about the cost. This memorandum was prepared by the Bureau of Insular Affairs.

The administration of the civil government in the Philippine Islands does not cost this Government a cent. It is entirely

self-supporting. The only cost this Government has ever been to in the Philippines, aside from the Army and Navy establishment, was one-half the upkeep of the Coast and Geodetic Survey work around the islands, which runs something over \$150,000 a year and has never been over \$200,000 a year.

There has also been an appropriation by this Government of \$3,000,000 for the relief of suffering on account of famine in the Philippine Islands. These are the only costs the Philippine Islands have been to the United States aside from the cost of the Army and Navy. The Senator from Iowa [Mr. CUMMINS] says, "How about the coast defenses?" They are a part of the Army and Navy establishment.

A good deal of reference has been made to the great expense in the past and the great number of lives that have been lost, as though if we granted independence to the Philippine Islands some of that cost would be recovered or some of the soldiers who have been sacrificed brought to life again. Of course, that all belongs to irrevocable history and can not be relevant in the decision of this question.

There is one other point, Mr. President, I should like to call attention to before the vote is taken. The Senator from Utah [Mr. SUTHERLAND] the other day called particular attention to the island of Mindanao and to the situation in which the so-called Moros in that island would find themselves upon the passage of this bill. He put into the Record some statements upon very good authority indicating that a state of civil war would exist and that a continuous and almost perpetual state of insurrection against the Filipino government by the inhabitants of the island of Mindanao would grow out of the passage of this bill. He is undoubtedly correct about that.

I have a statement here, which I am going to ask the Secretary to read. It is pretty brief. It was made by a Democratic investigator in the islands. I say Democratic because he is in sympathy with all the Democratic platform pledges in favor of independence for the islands—Mr. James H. Blount. He was an officer in the American Volunteers during the fighting there, and was afterwards for four years a judge in the Philippine Islands, so that he is certainly a disinterested and unprejudiced witness from a Democratic standpoint. He is also a competent one, on account of the length of time he resided in the islands. I have marked on page 224 the passage. I ask the Secretary to read it.

The VICE PRESIDENT. Is there any objection? The Chair hears none. The Secretary will read.

The Secretary read as follows:

While the great Mohammedan island of Mindanao, near Borneo, with its 36,000 square miles of area, requires that the Philippine Archipelago be described as stretching over more than 1,000 miles from north to south, still, inasmuch as Mindanao only contains about 500,000 people, all told, half of them semicivilized, the governmental problem it presents has no more to do with the main problem of whether, if ever, we are to grant independence to the 7,000,000 Christians of the other islands, than the questions that have to be passed on by our Commissioner of Indian Affairs has to do with the tariff. Mindanao's 36,000 square miles constitute nearly a third of the total area of the Philippine Archipelago, and more than that fraction of the 97,500 square miles of territory to a consideration of which our attention is reduced by the process of elimination above indicated. Turning over Mindanao to those crudely Mohammedan semicivilized Moros would indeed be "like granting self-government to an Apache reservation under some local chief," as Mr. Roosevelt, in the campaign of 1900, ignorantly declared it would be to grant self-government to Luzon under Aguinaldo. Furthermore, the Moros, so far as they can think, would prefer to owe allegiance to, and be entitled to recognition as subjects of, some great nation. Again, because the Filipinos have no moral right to control the Moros, and could not if they would, the latter being fierce fighters and bitterly opposed to the thought of possible ultimate domination by the Filipinos, the most uncompromising advocate of the consent of the governed principles has not a leg to stand on with regard to Mohammedan Mindanao. Hence, I affirm that, as to it, we have a distinct separate problem, which can not be solved in the lifetime of anybody now living. But it is a problem which need not in the least delay the advent of independence for the other fourteen-fifteenths of the inhabitants of the archipelago—all Christians living on islands north of Mindanao. It is true that there are some Christian Filipinos on Mindanao, but in policing the Moros our Government would, of course, protect them from the Moros. If they did not like our Government, they could move to such parts of the islands as we might permit to be incorporated in an ultimate Philippine republic. Inasmuch as the 300,000 or so Moros of the Mohammedan island of Mindanao and the adjacent islets called Jolo (the "Sulu Archipelago," so called, "reigned over" by the sultan of comic-opera fame) originally presented, as they will always present, a distinct and separate problem, and never did have anything more to do with the Philippine insurrection against us than their cousins and coreligionists over in near-by Borneo, the task which confronted Mr. Root in the fall of 1899, to wit, the suppression of the Philippine insurrection, meant practically the subjugation of one big island, Luzon, containing half the population and one-third of the total area of the archipelago and six neighboring small ones, the Visayan Islands.

Mr. CUMMINS. I ask for the yeas and nays on the amendment I have offered.

The yeas and nays were ordered.

Mr. REED. Mr. President, I wish to say a word about the proposed amendment which the Senator from Iowa [Mr. CUMMINS] proposes to his own amendment.

I agree with the Senator from North Dakota [Mr. McCUMBER] that Congress ought to determine the question as to whether we will retain coaling stations and fortresses in the Philippine Islands. That great question ought not to be left to the determination of any one man. We do not, I think, find any good reason for turning an important question of that kind over to the President of the United States. We can not, of course, know who will be President four or six years hence. Why turn over to the President, whoever he may be, however wise he may be, a problem of national and international importance? The question pertains to the defense of our country. It has an intimate relation with our commerce; it affects radically our foreign policy; it is a question that comes plainly within the purview of congressional duties.

We are growing in the habit, whenever a problem becomes difficult of escaping the burden of solution, by referring it to some board or to some officer of the Government, whereas the greater the difficulty the greater is the necessity for that common counsel which can only be obtained in Congress.

We have generally had wise men for Presidents. I make no intimation that they have not always been wise and patriotic; and yet they are not necessarily wiser than Congress or more patriotic than the Members of Congress. Indeed, I can pretty nearly demonstrate that they are not as wise as the collective wisdom of Congress by citing the important circumstance that there are about five or six Members of this body thoroughly convinced of the fact that they are proper stuff for the presidential office. I am inclined to admit that they are much better material than some that has been suggested from the outside.

We ought not to dodge this important question. I appeal to the Senate that it shall exercise its best judgment and that we shall treat this question as of the first magnitude.

I want to make an observation preliminary to what I am about to say. There has been so much said about our country never engaging in anything but a war of defense that some of us at least are taking the view that when we do engage in a war of defense we thereby bar ourselves from making any attack or doing anything except along our own shores or on our own soil. So it is here argued with great solemnity that as we are never to engage in any but a war of defense, there is no necessity for a coaling station or a fortress at any place far removed from our shores.

Sensors advancing that argument overlook the fact that a war of defense necessarily implies a war of offense. Once a war is started we can not pick our ground; we can not always select the place where we prefer to fight. When a war is started it is the duty very frequently as a matter of defense to become the attacking party. A nation waging war against us will not only seek to attack our coasts but it will perhaps first of all seek to destroy our war fleet. Surely it will at once try to sweep our commerce from the oceans of the world. Such a result, with its attendant irremediable damage and injury, is certain unless we are able to drive our enemy from the high seas.

It should not be forgotten, once we are at war, the enemy will not always be so accommodating as to make the fight in our waters. It may even be necessary to pursue them or to meet them thousands of miles from our coasts. Inability to do so may place us at a desperate disadvantage. We ought to consider these facts seriously before we abandon the coaling stations in the Philippines which we now control and which we can continue to control.

Let us take a single page from recent history. When we declared war against Spain, in our own defense and in defense of human rights, where was the first effective blow struck? Was it not in the waters of the Philippine Islands? It was necessary to strike there. It was due to the fact that a deadly blow was struck 7,000 miles from our shores that the War with Spain terminated as quickly as it did. It is, therefore, idle to talk about not needing a station in the Philippines because we are hereafter going to wage only defensive wars. It may be both necessary and desirable to fight a defensive war thousands of miles from our coasts. Indeed, I hope the enemy may never get any nearer.

When war is begun, I repeat, it becomes a war general. It must be fought wherever the enemy can be found. To illustrate by a case which I trust never can arise: If we had war with Great Britain to-morrow and wanted simply to defend ourselves, is it not entirely probable that one of our first acts would be to invade Canada, not because we wanted to make an aggressive war, but because an invasion of Canada might be the best way to defend ourselves? I do not want that illustration, Mr. President, to be taken as indicative of a fear that we are likely to have trouble with England. It seems to me, for the reasons stated, that before abandoning our fortresses and coaling sta-

tions in the Philippines we must take into account the relations of such advantages to our commerce, as well as their importance in time of war.

It might be, and it certainly has been, the opinion of many military experts that the possession of a coaling station protected by fortresses in the Far East will be of inestimable value to us in some hour of national peril. Let me cite an imaginary case to the Senator from Nebraska, who has so eloquently argued in favor of abandoning these fortresses. Let us suppose that a portion of the American fleet is in Chinese or Japanese waters; that war is suddenly declared; that our enemy has anticipated war, and has thrown a much larger fleet into those waters, so that our vessels can not escape and return to the United States, what a wonderful advantage it might be to us if our ships could run into a harbor under the guns of an American fort, and be preserved to this Nation for future use instead of being sent to the bottom of the ocean!

Mr. NORRIS. Mr. President—

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Nebraska?

Mr. REED. I do.

Mr. NORRIS. Will the Senator permit me to suggest, in the case which he has put, that this foreign fleet which is superior to ours, instead of going after our fleet, would take our naval base and our coaling station, unless we had expended as much money in their fortification as we would expend if we retained the islands themselves?

Mr. REED. Well, that is an assertion by the Senator. I know he makes it in good faith; the Senator always speaks in good faith; and yet I have no hesitation in saying that the Senator probably is very greatly mistaken. The fact is that ships are generally helpless in face of the fire from a first-class fortress.

Mr. NORRIS. Will the Senator explain, if the foreign fleet, as the Senator has put the question, is larger than our fleet, even though he does not admit that that foreign fleet could take the coaling station, why could not the foreign fleet capture our fleet and prevent it from getting into the harbor with safety?

Mr. REED. The Senator is asking a question that answers itself. It is entirely possible that I could not capture the Senator if I started after him now before he got over to his office and locked the door, and yet, if he had no office to retreat to I might capture him in the next block. [Laughter.]

Mr. NORRIS. Well, the Senator will not have to go as far as the office. I agree not to go there.

Mr. REED. The Senator must not take my illustration unpleasantly. He knows I am joking. I know I would not have to go so far as the Senator's seat to find him. He would no doubt meet me more than half way. I never yet saw a real disciple of universal peace who would not himself fight at the drop of a hat; and I know the Senator is in that class. The Senator's retort illustrates the general fact.

Mr. NORRIS. Will the Senator explain why this foreign fleet would not capture our fleet before it could get into the coaling station or the naval base?

Mr. REED. Well, I thought I had answered that with my illustration, which I hoped was so pertinent as to argue the case. It is easy enough to understand that our fleet might be warned by wireless or otherwise of the approach of a superior enemy fleet in ample time to run under the guns of a near-by fortress when it might be cut off and destroyed if compelled to undertake a voyage of thousands of miles to reach our home ports. Likewise it is easy to understand that we might have a fleet superior to that of the enemy and yet a fleet entirely helpless because it could not receive coal with which to move and fight.

Mr. NORRIS. Then let me ask the Senator this question: If that happened, how could our fleet ever get out to do any service? They would be in there, the other fleet would be outside, and our fleet would have to stay in.

Mr. REED. But can not the Senator see that the enemy fleet would not have to stay outside if our fleet was at the bottom of the ocean? If our fleet, however, was under the guns of a fort and the enemy's fleet had to stay outside and blockade it that much of the enemy's fleet would be useless for business in other territory.

Mr. NORRIS. And so would our fleet.

Mr. REED. Yes; but if our fleet had been sent to the bottom the enemy fleet would be free to go elsewhere. Why, there is no use arguing questions of that kind; they are too plain to require argument. If, for instance, the German fleet, which today lies under the guns of a German fortress, had been compelled to fight upon the high seas and were lying on the ocean's bottom England would be free; she could do as she pleased with her entire Navy instead of being obliged to use a large part of it to keep the German fleet in German ports.

Mr. NORRIS. Will the Senator from Missouri yield there?

Mr. REED. Yes; although I am taking more time than I expected to do and but for interruptions should have concluded.

Mr. NORRIS. If the Senator's illustration is good, then the place for our fleet, like the place for the German fleet, is in our own ports.

Mr. REED. Oh, pshaw!

Mr. NORRIS. If the Senator wants to go on a war of conquest, then I concede his argument is good. The German fleet was not over in some coaling station thousands of miles away from its base, but it was in its own waters, and is yet there.

Mr. REED. Well, it was not all in its own waters, for some of its vessels got under German guns—

Mr. NORRIS. There was only one place—

Mr. REED. One moment—and some of them did not, and those that did not went to the bottom of the ocean.

Mr. NORRIS. Will the Senator yield again?

Mr. REED. I will if it serves any purpose.

Mr. NORRIS. The only place in the world where the German Government had a naval station distant from its own ports was over in Asia, and it was completely defeated there, as we would probably be defeated if we had a station 8,000 miles away from our shores.

Mr. REED. Well, yes, the German Government lost its half-completed fortress, but it lost it only because a great military power attacked Germany at a time when Germany was already at grips with three other first-class nations. Under such conditions any Government may lose any fortress. Let it also be noted that it required the fleet and Army of Japan to subdue that single fortress; and if Germany had not had her hands tied very probably the eagle of Germany would still have been defiantly floating above the battlements of her distant fort. I can indefinitely multiply illustrations showing the advantage of a coaling station and a naval base. The imagination of man might almost exhaust itself in bringing forward particular conditions and still half the possible cases not be covered. What I do say is that it is utter foolishness to assume that a war of defense must be waged on our own soil or in our own waters. It frequently happens that the very best defense can be made at a distant point.

I give one illustration that may appeal to some Senators. Assume that we had a war with a naval power; assume that we had a great naval base in the East; and that under the guns of our forts there our vessels would be secure, it is probable that the presence of three or four vessels in eastern waters would enable us to so harass the commerce of an enemy that we would oblige it to use a large part of its fleet for the purpose of keeping penned up even a small unit of our war fleet. Besides, can we not take a lesson from the experience and wisdom of other nations. Let us not forget the fact that Great Britain, France, and Germany all are eagerly embracing every opportunity to establish coaling stations and naval bases in all the seas of the world. Are we so wise we can set up our opinions in opposition to those who make war a science and devote to its problems the best genius of their people. So it seems to me when we consider relinquishing this coaling station and naval base we should proceed with great care.

The Senator from Washington [Mr. POINDEXTER] gave some figures on the cost of the Philippines. I do not know that I understood him correctly. If I did, then I think he is in error. I sent to the Bureau of Insular Affairs for a statement as to the cost of the Philippines to this Government as nearly as it could be estimated. Here is the information furnished: Under the treaty with Spain we paid \$20,000,000; on March 3, 1901, we purchased additional islands for \$100,000; we expended for the relief of the inhabitants up to March 3, 1903, \$3,000,000; we expended in taking the census in 1903, \$351,925.50; the coast and geodetic survey cost \$1,947,379.82; and the total cost of the Army from 1903 to 1914, inclusive, was \$113,711,371.82, making a grand total from 1903 up to and including the fiscal year of 1914 of \$139,110,677.14. If we take the average cost per year and add that for the last year, we have a grand total of \$148,586,624.79—almost \$150,000,000.

Mr. SHAFROTH. Mr. President, may I suggest to the Senator that that does not include the cost from the beginning of the insurrection, but only includes the cost from 1903 to the present time.

Mr. REED. I was about to make that statement, but that additional cost I have not been able to obtain in a way that is satisfactory to me.

Mr. CLAPP. Mr. President, before the Senator leaves that subject, may I suggest that that does not take into account at all that indefinite sum, difficult to estimate, which it has cost the American people in the maintenance of the Army and Navy due to the fact that we had the Philippine Islands on our hands?

That is an indefinite amount about which we can only speculate, but which must be taken into account in the consideration of this matter.

Mr. REED. I think the Senator is correct. If we could get the actual amount in dollars and cents that we have expended because we took possession of the Philippine Islands, it probably would be more than double the figures I have named; but the figures I have given are definite, at least according to the officers of the Insular Bureau.

Mr. SHAFROTH. Mr. President, if the Senator will yield, I will state that there was a statement made by the War Department of the cost up to the 1st day of May, 1902; and it was certified that the amount up to that time was \$169,853,572, and that did not include any of the incidental expenses which were caused by the increase in the Army or the increase of the Navy, which evidently had to take place in order to effect the conquest of the Philippine Islands.

Mr. REED. Then, according to the Senator's idea and taking that estimate in connection with the figures I have just given, we have expended first and last, in excess of \$300,000,000. And even that vast sum does not include the expenses referred to a moment since by Senator CLAPP. Now, Mr. President, the question is this: Having expended over \$300,000,000 on account of the Philippine Islands, are we warranted in abandoning the islands, abandoning every fortification we have built, abandoning everything we have done, and retaining nothing whatever for ourselves? I am perfectly willing and ardently desire that this country shall sever its relations with the Philippine Islands at the earliest possible moment, but I am unwilling to surrender the advantage of a naval base and a coaling station in those islands.

It can not be claimed that by retaining them we shall treat the Philippine people unjustly, because the benefits we have conferred a hundred times over exceed the amount we would have had to pay the Philippine people for a coaling station if in 1898 they had possessed a government of their own competent to grant us the right to establish a coaling station. It seems to me, therefore, that we ought to keep a naval base and a coaling station, not only for the reasons I have given but for many others that I do not mention now, because I want to get through with my remarks.

The next question I want to consider for a moment is the claim that we are under some moral obligation to the Philippine people. If by a "moral obligation" it is meant that we are under any duty whatever to continue to occupy the Philippine Islands and expend large sums of money upon them, then I deny such obligation. The briefest kind of historical review demonstrates that fact. The Philippine people as a people never were a nation. They came under the flag of Spain over 300 years ago. They remained a dependency of Spain until we took possession in 1898. During all that period they had not cultivated such a national spirit as to be able to throw off the sovereignty of Spain. Shortly before we took possession they were engaged in a war of rebellion, which did not appear to be progressing very satisfactorily. We then substituted for Spanish rule American rule. That is the change which we effectuated. What man is there in the Senate who will say that by changing Spanish rule for American rule we did not confer a distinct benefit and blessing upon the Philippine people? What man is there here who will say that when the flag of the United States supplemented the banner of Spain the condition of the Philippine people was made worse? If it did not make the condition of the Philippine people worse, if it bettered their condition, then, instead of America owing them an obligation, they owe America a debt of gratitude.

What have we done since that time? We have expended this enormous sum of money; we have introduced improved schools; we have gradually enlarged the privileges of the people; we have done nothing but kindnesses to those people. We have improved their sanitary conditions; we have released them from the thralldom of many of their evil laws; we have built highways, including railroads. In all we have done we have been conferring benefits. Now, if we owe them an obligation it must be on the ridiculous theory that the granting of repeated benefits ripens into a right on the part of the beneficiary, so that he may justly demand as of right that which was originally a gratuity. Therefore I hold that we are under no obligation to the Philippine people to stay there a single day longer than is necessary to permit them to set up a government of their own. Of course, we should not abandon them and leave them without any opportunity to set up such a government.

If we owe the Filipino people nothing except a mere right to set up a government, the question then occurs, What do we owe ourselves? I think we do owe ourselves something. We went into this undertaking to civilize and Christianize and

teach and elevate a people. We had no business to undertake it in the first instance. It may be to the credit of the hearts, but it is very little to the credit of the brains of the men who undertook it. Is this Government to assume the task of going into every foreign land and establishing governments and schools for their people? Is it to undertake the business of teaching them civilization and religion and agriculture and science? Is that our business as a Government? If it is, the field is large; the task is eternal; and the raw material illimitable. We would very much better employ the money of our Government among the poor, the lowly, and the unfortunate of our own land. But since we did enter upon this quixotical scheme in the islands, since we have made these enormous expenditures, we owe it to ourselves, as we depart from that country, to take reasonable precautions to guarantee the preservation of such benefits as we have conferred. Therefore I think when we propose to leave at a fixed period we ought to see to it that those liberties we so often boast we have conferred upon ourselves, and which we claim we have in part conferred upon the Philippine people, and that those other blessings which we have sought at this enormous expense to confer upon them, shall be preserved to them so far as is possible.

So I think one of the things that ought to be guaranteed in any bill that we may pass is that the Philippine people shall be given a republican form of government. If you do not guarantee them at the inception a republican form of government, no man here can say that the Philippine people ever will have the opportunity to set up a popular government. If we march away from the islands without having made provision whereby the people of that country shall at least at the first have the opportunity of fairly voting upon the kind of government they desire, if we do not guarantee them that liberty of speech and liberty of debate and liberty of peaceable assemblage which is necessary to the expression of a popular choice, then no man here can say that they ever will have that opportunity unless they gain it at the point of the sword.

How do we know that the Philippine people will be permitted to set up a government that is representative of the Philippine people? How do we know that they ever will have the opportunity to express a choice or an opinion, unless before we go we see to it that they shall at least have one free election, and that they shall set up a government which leaves to the people the right of future choice?

And here I come to a criticism of the amendment offered by the Senator from Arkansas [Mr. CLARKE]. I do not know whether it was his purpose to omit any expression on the subject—as to that, he, of course, will speak for himself—but it is not found within his amendment anywhere that the government must be republican in form. A government that is not republican in form is essentially a government of a class or of an individual. If we go away from these islands, if we bind this country now to leave the islands at the end of a given period of time, without specifying that there shall be left there a republican form of government, then a few powerful men may arise, seize the reins of government, set themselves in authority, declare that they constitute the Philippine government, and forever crush and destroy the people of the islands. In such case all that we have taught them of liberty will be a thing that is dead and buried even at the moment we abandon the islands.

I agree that we can not guarantee these people the continuance of a republican form of government. I agree that no man can justly say that if we set up a republican form of government they will forever maintain it. I think there is much in the statement that that form of government which fits the Anglo-Saxon may not fit the brown races. But certainly this is true: Before we leave the Philippine Islands we ought to see to it that every man in the Philippine Islands, however humble, has an opportunity to vote as to the kind of government he wants in the islands. If we do not do that, if we make no provision in regard to that, if we go away from the islands without that, no man can say how soon a few powerful men will plant their feet upon the necks of the great body of the people of the Philippine Islands. Thus the effect of our occupancy may result in imposing upon millions of human beings a government more tyrannical than was that of Spain. So in the end our occupancy of the islands may bring a curse upon them.

Does not this great Nation that stands for liberty, that has expended from three to four hundred million dollars in the acquisition of these islands and in assistance to their inhabitants, owe it to itself that when it goes out it shall leave behind it a free government? That, sir, is not provided for in the Clarke amendment. Under that amendment a small part of the people might set up a government, a few powerful families might set up a government, a military autocrat might arise and, with

fire and sword, establish himself, and we would be obliged to yield possession of the islands to such a government.

Is that wise? Should not the amendment of the Senator from Arkansas, or any other amendments that may be adopted, contain the language that the government set up shall be republican in form? And should it not contain some guaranty that that government, republican in form, shall have been peacefully established?

It seems to me the question is not open to serious argument, and yet such is the amendment of the Senator from Arkansas. You find the defect is remedied in every other amendment, I think.

Mr. President, an amendment has been prepared by the Senator from Nebraska [Mr. HITCHCOCK] which will be offered, I think—I hope it will be offered—which, in my opinion, contains all there is of good in all of the amendments. It contains what there is of good, I think, in the amendment of the Senator from Arkansas. It contains, I think, what there is of good in the amendment of the Senator from Iowa [Mr. CUMMINS], and also what there was of good in the amendment of the Senator from North Dakota [Mr. McCUMBER]. It is drawn with some degree of care, and has the safeguards in it which I think ought to be in this bill if we propose to abandon the islands.

Now, I want to offer another observation with reference to the amendment of the Senator from Arkansas. The matter has already been discussed, and yet so many Senators have been absent that nearly everyone who gets on his feet has a new audience, and so I do not hesitate to refer to it again.

I am unalterably opposed to abandoning the Philippine Islands—drawing our governmental power from those islands, sailing away with our troops, abandoning all power to control the governmental policies of the islands, at the same time continuing our responsibility toward the islands; yet that is the proposition of the amendment of the Senator from Arkansas.

Mr. WILLIAMS. Mr. President, will the Senator from Missouri pardon a question?

Mr. REED. I will; yes.

Mr. WILLIAMS. I do not understand that that is involved in the amendment of the Senator from Arkansas, except for the limited period of four years. Am I correct about that?

Mr. REED. That is right.

Mr. WILLIAMS. Does not the Senator think that getting rid of our power and our responsibility after four years is a good deal better than leaving it indefinitely, never to be gotten rid of except by future affirmative action?

Mr. REED. Why, certainly it is better to end a responsibility in four years than it is never to end it; but I am talking about ending the responsibility at the same time our power ends.

Mr. WILLIAMS. In that connection, if the Senator will pardon another question, did we end our responsibility in Cuba at the same time that our power ended—except, of course, our physical power with a Navy and an Army which we could order there at any time? Did we reserve any physical power to enforce the Platt amendment, which now controls our relationship with Cuba?

Mr. REED. No; we did not. We withdrew our Army, we withdrew our Navy, and reserved certain rights in our treaties with Cuba; but the question as to Cuba and the question as to the Philippine Islands are just 7,500 miles apart, geographically and every other way. One of them is at our coast, the other is in the distant East. One of them is composed of one class of people, the other is composed of many classes of many peoples. One of them is in close touch with us, the other is distant. One affects our vital interests, the other does not. I think the two cases are in no respect parallel.

Mr. WILLIAMS. If the Senator will pardon me a moment further, of course geographically the two cases are in no respect parallel; but the principle of our relationship to the two peoples seems to me to be exactly similar. If it be wrong in the one case to withdraw power and leave a certain degree of responsibility—not a very large degree—and if it be true that we risked that, and that it has succeeded, then I ask the Senator if it does not seem to him that that is a sort of a reason tending to show that we may risk the same experiment once more?

Mr. REED. But, Mr. President, we are not making the same experiment. The two cases have so many points of difference that I do not want to spend much time pointing them out. I will mention one or two. Everybody knows that the United States never would tolerate the taking of Cuba by any foreign power. The Monroe doctrine itself would prohibit that. Everybody knows that Cuba lies at the gateway of our southeastern coast. It is, in fact, the military key to the Gulf of Mexico. Everybody knows that we have a direct and intimate and close

relationship with that island, and always will have. Besides, the guaranty as far as Cuba was concerned is quite different from that which is proposed with reference to the Philippine Islands.

I want to conclude what I have to say as to my objection to the proposition of the Senator from Arkansas. Here is the language. While it has been read many times, I want to read it into my remarks. After providing that the President shall endeavor to secure the cooperation of other nations in a guaranty of the independence of the Philippine Islands, it proceeds:

If any of the nations so invited to join the United States in such undertaking shall decline to do so, then the President shall include as parties to such convention or agreement such nations as may be willing to join therein and to assume such obligations; and if none are willing to so unite therein—

If none are willing—

then the President is authorized to give such guaranty on behalf of the United States alone for the period of five years from and after the expiration of said period of four years, or any extension thereof, and pending the existence of such separate guaranty by the United States, the United States shall be entitled to retain and exercise such control and supervision in the said Philippines as may be necessary to enforce order therein and to avoid external complications.

Mr. President, either these people are capable of self-government or they are not. We have been in the islands 16 years. At the end of the four-year period, when it is proposed to grant to the Philippines the right to set up a separate government, we will have been there 20 years. If at the end of that time the Philippine people are incapable of maintaining a government of their own, who will say that at the end of a further period of five years they shall be able to maintain a government of their own? And what greater right would there be on our part to abandon them to the tender mercies of all the nations of the world at the end of 25 years than there is at the end of 20 years, counting the time from the date we took possession? Why guarantee them for five years and then quit? If they are capable of self-government and of maintaining a nation, they will be just as capable at the end of the four-year period that we propose to have elapse as they will be at the end of nine years. If they are incapable of self-government now and are to be incapable of self-government at the end of a further four-year period, if they are incapable of maintaining themselves now and will be incapable of maintaining themselves four years hence, then why not nine years hence?

I submit that the right way to deal with the Philippine people is this: First, to get out of the islands honorably, fairly, and justly; second, to retain in the islands a coaling station and a naval base, and by retaining that we do not treat the Philippine people unjustly, for we have paid for it in an expenditure of nearly \$400,000,000; but I want to get those privileges by honest and fair agreement with the government that the Philippine people shall select; third, before leaving—

Mr. HITCHCOCK. Mr. President, will the Senator permit a suggestion?

Mr. REED. Certainly.

Mr. HITCHCOCK. I wanted to suggest to the Senator that under the standing order the Senate will adjourn automatically at 5 o'clock, and I should like to inquire whether he would be willing to yield for a motion concerning a recess, and then hold the floor until to-morrow?

Mr. REED. I am going to get through in five minutes.

Third, when we go out of the islands I want to know that the Philippine people have a government that represents the Philippine people, as sound a government as we can help them set up, and I want to know that it is a republican government in form. I am perfectly willing that our Government shall negotiate with other governments to gain for this new nation all international protection possible; but I am unalterably opposed to this Government undertaking to guarantee the independence and integrity of the Philippine people for one hour after we have relinquished our sovereignty over that soil.

Mr. CHILTON. Mr. President, I ask unanimous consent to offer a resolution which I send to the desk, and I ask like consent for its immediate consideration.

The VICE PRESIDENT. The Secretary will read the resolution.

The Secretary read the resolution (S. Res. 88), as follows:

Resolved, That the order fixing the time of the beginning and the adjournment of the daily sessions of the Senate made December 6, 1915, be, and the same is hereby, amended so as to read as follows:

"The daily sessions of the Senate, unless otherwise ordered, shall begin at 12 o'clock noon, and adjournment shall be not later than 6 o'clock p. m.: *Provided*, That at any time after 5 o'clock it shall be in order to move to proceed to the consideration of executive business, to take a recess, or to extend the session for that day, and any of said motions may be made while a Senator is addressing the Senate without forfeiting any rights of such Senator."

Mr. SMOOT. Mr. President, the proviso of the resolution just read certainly conflicts with the rules of this body.

Mr. CHILTON. There is no question about that. It conflicts with Rule VII, and if there is any objection it would have to go.

Mr. SMOOT. I have no objection to the first part of the resolution, but I certainly should object to having a part of it conflict with the rules of the Senate, for Senators know that a motion to go into executive session is in order at any time when any question is pending before the body.

Mr. STONE. Mr. President, I object to that part of the resolution which relates to executive sessions.

Mr. SMOOT. Certainly.

Mr. CHILTON. Mr. President—

SEVERAL SENATORS. Ask for a recess.

Mr. CHILTON. Mr. President, that is all right. I have the floor. I still insist that that language does not prevent any Senator at any other time from moving for an executive session. I ask that the resolution be referred to the proper committee.

The VICE PRESIDENT. The resolution will go to the Committee on Rules.

REPORT OF CAPITAL TRACTION CO. (H. DOC. NO. 639).

The VICE PRESIDENT laid before the Senate the annual report of the Capital Traction Co. for the year ended December 31, 1915, which was referred to the Committee on the District of Columbia and ordered to be printed.

REPORT OF WASHINGTON GAS LIGHT CO. (H. DOC. NO. 638).

The VICE PRESIDENT laid before the Senate the annual report of the Washington Gas Light Co. for the year ended December 31, 1915, which was referred to the Committee on the District of Columbia and ordered to be printed.

WASHINGTON RAILWAY & ELECTRIC CO. (S. DOC. NO. 272).

The VICE PRESIDENT laid before the Senate the annual report of the Washington Railway & Electric Co. for the year ended December 31, 1915, which was referred to the Committee on the District of Columbia and ordered to be printed.

POTOMAC ELECTRIC POWER CO. (S. DOC. NO. 269).

The VICE PRESIDENT laid before the Senate the annual report of the Potomac Electric Power Co. for the year ended December 31, 1915, which was referred to the Committee on the District of Columbia and ordered to be printed.

CHESAPEAKE & POTOMAC TELEPHONE CO. (S. DOC. NO. 244, PT. 2).

The VICE PRESIDENT laid before the Senate the annual report of the Chesapeake & Potomac Telephone Co. for the year ended December 31, 1915, which was referred to the Committee on the District of Columbia and ordered to be printed.

CITY & SUBURBAN RAILWAY CO. (S. DOC. NO. 273).

The VICE PRESIDENT laid before the Senate the annual report of the City & Suburban Railway Co. of Washington for the year ended December 31, 1915, which was referred to the Committee on the District of Columbia and ordered to be printed.

GEORGETOWN & TENNALLYTOWN RAILWAY CO. (S. DOC. NO. 271).

The VICE PRESIDENT laid before the Senate the annual report of the Georgetown & Tennallytown Railway Co. for the year ended December 31, 1915, which was referred to the Committee on the District of Columbia and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS (S. DOC. NO. 270).

The VICE PRESIDENT laid before the Senate a communication from the Chief Clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Louis H. Andrews, administrator of John Williams, deceased, v. United States, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House disagrees to the amendments of the Senate to the bill (H. R. 9416) making appropriations to supply further urgent deficiencies in appropriation for the fiscal year ending June 30, 1916, and prior years, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FITZGERALD, Mr. EAGAN, and Mr. CANNON managers at the conference on the part of the House.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 8235) to provide for the maintenance of the United States section of the International High Commission, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a resolution adopted at the twenty-fifth annual convention of the United Mine Workers of America, held at Indianapolis, Ind., urging Congress to designate The Star-Spangled Banner as the national anthem, which was referred to the Committee on the Judiciary.

Mr. PENROSE presented a petition of the Board of Trade of Philadelphia, Pa., praying for an investigation into the foreign and domestic commerce of the country, which was ordered to lie on the table.

He also presented a memorial of the Board of Trade of Philadelphia, Pa., remonstrating against the enactment of legislation to provide for appointment of clerks of United States courts by the President, which was referred to the Committee on the Judiciary.

He also presented a petition of the Board of Trade of Philadelphia, Pa., praying for the repeal of the so-called seaman's law, which was referred to the Committee on Commerce.

Mr. WILLIAMS presented a concurrent resolution of the Legislature of Mississippi, which was referred to the Committee on Pensions and ordered to be printed in the Record, as follows:

A concurrent resolution memorializing the Congress of the United States to pass the bill now pending before Congress, appropriating the cotton-fund tax, the fund from captured and abandoned and confiscated property from the Southern States, now in the United States Treasury, approximating \$100,000,000 to the pensioning of ex-Confederate soldiers, their widows and orphans.

Whereas in the creating of this Republic and the securing to its people their independence the South, in the name of Washington, Jefferson, Adams, and other distinguished patriots gave to this country a service that should be held in grateful remembrance by this Nation; and

Whereas in the Spanish-American War and in the arm of service as shown by our Navy and Army of defense to-day, the South loyally stands as a monument to her fidelity to this country; and

Whereas since the Civil War for 50 years the old Confederate soldiers and the southern people have paid tribute in taxation to aid in the pensioning of the Federal soldiers of the North and the negroes of the South who served in the Federal armies, this proportional taxation of the moneys appropriated by this Government since 1866 for Federal pensions, aggregating the enormous sum of \$4,614,000,000 as shown by the report of the Commissioner of Pensions for the fiscal year ending June 30, 1915; and

Whereas as there has remained in the United States Treasury for a number of years the sum approximating \$100,000,000 illegally collected from the people of the South; and

Whereas after passage of so many years it becomes impossible to secure the return of this money to the rightful owners; and

Whereas, recognizing it is the wish and desire of the people of the Southern States and their descendants that this fund now held by the United States Treasury be paid out for the pensioning of old ex-Confederate soldiers and their widows and orphans; and

Whereas, as a matter of justice and right, this appeal should not only receive the approval of the Government of the United States but the sympathy and support of every ex-Federal soldier of the North, to whom the ex-Confederate soldier and his descendants of the South for 50 years have given their aid and help to lessen the hardship of their declining years, then let a kindly hand be extended to the remaining old ex-Confederate soldiers of the South, that this fund may give some relief to lighten their burden before taps shall sound over their grave; and

Whereas the bill now before the Congress of the United States by JOHN M. TILLMAN, Member from the third Arkansas district, provides:

"Be it enacted, etc., That upon passage of this act there shall be paid to each soldier who served in the Confederate Army, and to each widow of any Confederate soldier, the sum of \$500, and that, in addition to this payment, such soldiers and such widows shall be paid quarterly the sum of \$30 per month each during the remainder of their lives.

"Sec. 2. That this act shall be administered by the United States Pension Office.

"Sec. 3. That to carry out this act the sum of \$100,000,000 be and the same is hereby appropriated.

"Sec. 4. That this act shall be in force from and after its passage."

Therefore be it now

Resolved by the Legislature of the State of Mississippi, That they respectfully invite the support and cooperation of all Southern and of all Northern States in securing the passage of this measure.

I, John Falkner, Jr., secretary of the Mississippi Senate, do hereby certify that the above and foregoing is a true and correct copy of the resolution passed by the Mississippi Legislature, 1916 session.

Witness my signature this 26th day of January, 1916.

JOHN FALKNER, JR.

Mr. WILLIAMS presented a memorial of sundry citizens of Forrest County, Miss., remonstrating against the imposition of excessive license fees on retail wagon men who are selling domestic and stock remedies, etc., which was referred to the Committee on Finance.

Mr. WADSWORTH presented a petition of sundry citizens of New York, praying for the enactment of legislation to pro-

hibit interstate commerce in the products of child labor, which was referred to the Committee on Interstate Commerce.

He also presented petitions of sundry citizens of New York, praying for an increase in armaments, which were referred to the Committee on Military Affairs.

He also presented petitions of the Woman's Christian Temperance Union of Saranac Lake and sundry citizens of Burdett, Clifton Springs, and Albany, all in the State of New York, praying for Federal censorship of motion pictures, which were referred to the Committee on Education and Labor.

Mr. TILLMAN presented a memorial of sundry citizens of Easley, S. C., remonstrating against an increase in the price of gasoline, which was referred to the Committee on Finance.

BILLS INTRODUCED.

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

By Mr. LEWIS:

A bill (S. 4093) to establish a naval academy of the United States on Lake Michigan, at the city of Chicago, State of Illinois; to the Committee on Naval Affairs.

By Mr. SHAFROTH:

A bill (S. 4094) to provide for a Government munitions plant and supply depot at or near Pueblo, Colo.; to the Committee on Military Affairs.

By Mr. CHILTON:

A bill (S. 4095) for the relief of the trustees of the Presbyterian Church at Keyser, W. Va.; and

A bill (S. 4096) for the relief of the trustees of the Methodist Episcopal Church at Keyser, formerly New Creek, W. Va.; to the Committee on Claims.

A bill (S. 4097) granting a pension to Margaret Huling; to the Committee on Pensions.

By Mr. WILLIAMS:

A bill (S. 4098) granting a pension to John E. Hall (with accompanying papers); to the Committee on Pensions.

By Mr. ROBINSON:

A bill (S. 4099) to authorize the Secretary of the Interior to issue a patent to certain lands of James Payne, his heirs and assigns; to the Committee on Public Lands.

By Mr. PENROSE:

(By request.) A bill (S. 4100) to appoint George W. Littlehales a professor in the corps of professors of mathematics in the Navy (with accompanying paper); to the Committee on Naval Affairs.

A bill (S. 4101) to correct the military record of Samuel Snyder; to the Committee on Military Affairs.

(By request.) A bill (S. 4102) for the relief of Maj. F. C. Boggs; to the Committee on Inter-oceanic Canals.

A bill (S. 4103) granting a pension to Annie R. North; to the Committee on Pensions.

THE JUDICIAL CODE.

Mr. TILLMAN submitted three amendments intended to be proposed by him to the bill (S. 1412) further to codify, revise, and amend the laws relating to the judiciary, which were referred to the Committee on the Judiciary and ordered to be printed.

URGENT DEFICIENCY APPROPRIATIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 9416) making appropriations to supply further urgent deficiencies in appropriation for the fiscal year ending June 30, 1916, and prior years, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MARTIN of Virginia. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. MARTIN of Virginia, Mr. BRYAN, and Mr. WARREN conferees on the part of the Senate.

RECESS.

Mr. CHILTON. I move that the Senate take a recess until to-morrow at 12 o'clock.

The motion was agreed to, and (at 4 o'clock and 55 minutes p. m. Tuesday, February 1, 1916) the Senate took a recess until to-morrow, Wednesday, February 2, 1916, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, February 1, 1916.

The House met at 12 o'clock noon.

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

O Thou, who art mighty to deliver, strong to uphold and sustain, deliver us, we pray Thee, from evil and sin and make us strong to pursue and do the right, that as instruments in Thy hands we may hasten the coming of Thy kingdom upon the earth in all its fullness and glory. In the spirit of the Lord Jesus Christ. Amen.

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

ORDER OF BUSINESS.

Mr. KELLEY rose.

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

Mr. KELLEY. To ask unanimous consent for the reading of a resolution which I send to the Clerk's desk.

Mr. FOSTER. Reserving the right to object, Mr. Speaker, what is it?

Mr. KELLEY. It is a resolution relating to the ships of the Navy?

Mr. FITZGERALD. What is it?

Mr. FOSTER. What kind of a resolution is it?

Mr. KELLEY. If the gentleman will let the Clerk read it, he will understand.

Mr. FITZGERALD. You can not have every resolution read here. What is it about?

Mr. KELLEY. The resolution, I will say to the gentleman from New York, recites the ships of the Navy that are now under construction.

Mr. FITZGERALD. Well, what does it propose to do?

Mr. KELLEY. And in view of the speeches made by the President of the United States in the Middle West, it calls upon the Secretary of the Navy to take up the question with contractors and shipyards to determine the earliest date practicable—

Mr. FITZGERALD. Let it go in through the basket.

Mr. FOSTER. I object, Mr. Speaker.

The SPEAKER. Is there objection?

Mr. FITZGERALD. I object.

EXTENSION OF REMARKS.

Mr. HUMPHREY of Washington rose.

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

Mr. HUMPHREY of Washington. To ask unanimous consent to extend my remarks in the RECORD by printing a copy of an interview I gave to newspapers on the question of preparedness.

The SPEAKER. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD by printing an interview which he gave out himself?

Mr. FOSTER. A newspaper interview?

The SPEAKER. Yes; a newspaper interview on the subject of preparedness.

Mr. FOSTER. How long is it?

Mr. NEELY. How deep is it? [Laughter.]

Mr. HUMPHREY of Washington. It is shorter than if it were delivered.

Mr. FOSTER. I am willing that it should go in.

The SPEAKER. Is there objection?

There was no objection.

ORDER OF BUSINESS.

Mr. KELLEY. Mr. Speaker, I ask unanimous consent to address the House for five minutes on the subject of the ships of the Navy.

Mr. FITZGERALD. Let us do some business first. The gentleman can get five minutes in committee on the bill that is pending.

Mr. KELLEY. It will not take any longer now than then.

The SPEAKER. The gentleman from Michigan [Mr. KELLEY] asks unanimous consent to address the House for five minutes on the subject of the ships of the Navy.

Mr. FOSTER. Mr. Speaker, I think the gentleman ought not to ask that now.

The SPEAKER. Is there objection?

Mr. FOSTER. I object.

The SPEAKER. The gentleman from Illinois objects.

URGENT DEFICIENCY BILL.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the urgent deficiency bill (H. R. 9416), disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from New York asks unanimous consent to take from the Speaker's table the urgent deficiency bill, disagree to the Senate amendments, and ask for a conference. Is there objection?

Mr. MANN. Reserving the right to object, I would like to have a few minutes on the proposition, if I may.

The SPEAKER. How much time does the gentleman want?

Mr. MANN. Ten or 15 minutes.

Mr. FITZGERALD. On these amendments?

Mr. MANN. On one of the amendments and incidental matters relative to them.

The SPEAKER. Is there objection to the request of the gentleman from New York to take the bill from the Speaker's table, disagree to the Senate amendments, and ask for a conference?

Mr. KELLEY. Reserving the right to object, Mr. Speaker, what does the gentleman from Illinois want to talk about?

Mr. FITZGERALD. About Senate amendments to the urgent deficiency bill.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks for 15 minutes. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, one of the Senate amendments to the urgent deficiency bill is for traveling expenses of the Civil Service Commission, \$6,000. I do not know what the merits of the amendment may be, though I have seen their estimates, and it may be entirely proper to allow the amount. I notice that for the present fiscal year—of course it is not affected by this deficiency estimate—one of the civil-service commissioners made a trip to California at an expense of \$535.17 for traveling expenses, and then another one of the commissioners made a trip to California at an expense of \$503.60. There are but three commissioners.

Mr. FITZGERALD. What happened to the other one? [Laughter.]

Mr. MANN. I should have supposed that possibly the other one was ill, or he would have visited the exposition out of the funds provided for traveling expenses. It may have been entirely proper that they should make this trip. I do not know. But the traveling expenses of the various officials of the Government in connection with the San Francisco Exposition are almost startling. But they do not stop at expositions, and these traveling expenses are not confined to any administration or to any party.

I think it quite appropriate to call attention to the fact that less than a year ago we made a deficiency appropriation of \$2,500,000 in regard to the foot-and-mouth disease, and I am sure it will be interesting to gentlemen, both on the Committee on Appropriations, which made that report, and to gentlemen on the Committee on Agriculture, which carried the annual appropriation in regard to the foot-and-mouth disease, to know how that fund has been expended for traveling expenses.

Here is an item:

Arthur G. Bell, to inspect the colts in the feeding experiments at the bureau experimental farm, \$42.45 traveling expenses.

Charged to the eradication of the foot-and-mouth disease.

I shall not give very many of the numerous items, although it may seem that I give quite a number. Here is one:

To inspect the cooperative carriage-horse breeding experiment being conducted at Fort Collins, Colo., and arrange the breeding schedule for the spring of 1915, \$139.90.

Charged to the eradication of the foot-and-mouth disease.

Here is another:

To inspect creameries in connection with the refrigeration, water, and power problems, \$174.58.

Charged to the eradication of the foot-and-mouth disease.

[Laughter.]

Here is another:

To deliver addresses on subjects relating to the dairy industry, and at Pawnee, to ascertain qualifications of an applicant for a position in the Bureau of Animal Industry.

Charged to the eradication of the foot-and-mouth disease.

Mr. GARNER. How much?

Mr. MANN. One hundred and forty-four dollars and thirty-eight cents. Here is another one:

To inspect financial records of local offices at New York and Boston.

Charged to the eradication of the foot-and-mouth disease.

Here is still another:

To investigate the cost of different operations of city milk plants at Philadelphia and New York.

Charged to the eradication of foot-and-mouth disease. [Laughter.]

And another one:

To inspect a renovated-butter factory at Frederick, Md.

Charged to the eradication of foot-and-mouth disease.

Also:

To inspect renovated-butter factories and creameries at various places, \$478.62.

Charged to the eradication of foot-and-mouth disease.

To confer with parties interested in cow-testing associations, etc.

Charged to the same appropriation.

To attend a meeting of the Southern Wisconsin Dairymen's Association, at Monroe, to deliver an address on the effect of skimmed milk on quality of Swiss cheese.

Charged to the eradication of foot-and-mouth disease. [Laughter.]

To consult with the State department of agriculture in reference to the establishment of cheese factories in the mountain districts of North Carolina.

Charged to the eradication of foot-and-mouth disease.

To investigate the cheese industry in the Western States, and the practicability of establishing cheese factories.

Charged to the eradication of foot-and-mouth disease.

To perform an operation on a Government stallion used in military horse breeding.

Charged to the eradication of foot-and-mouth disease. [Laughter.]

To collect samples of milk for bacteriological analysis.

Charged to the eradication of foot-and-mouth disease.

And they sent somebody from Washington to Chicago for that purpose, to collect some samples of milk.

Mr. GARNER. Will the gentleman from Illinois yield?

Mr. MANN. Certainly.

Mr. GARNER. How does the gentleman account for the fact that these vouchers got by the Auditor for the Agricultural Department?

Mr. MANN. I do not account for it.

To attend a meeting of the potato growers of Bangor, Me.

Charged to the eradication of foot-and-mouth disease.

To deliver addresses, and score and analyze the milk entered in competition at various places.

Charged to the eradication of the foot-and-mouth disease.

Mr. NORTON. Will the gentleman yield there?

Mr. MANN. I can not; I have not the time.

To inspect Karakule sheep.

Charged to the eradication of foot-and-mouth disease.

To organize cow-testing associations—

And so forth.

A large sum, charged to the eradication of foot-and-mouth disease.

To visit colleges regarding work on the cost of milk production.

Charged to the eradication of foot-and-mouth disease.

I read only a few of these items.

To assist in the cooperative community poultry breeding work being conducted in the vicinity of Winchester, Va., and New York City.

Charged to the eradication of foot-and-mouth disease.

To inspect the cooperative ostrich breeding work being done in Arizona and other points.

Charged to the eradication of foot-and-mouth disease.

To consult breeders concerning the turkey and guinea industries—

And so forth.

Two hundred and seventy-one dollars and eighty-one cents, charged to the eradication of foot-and-mouth disease.

To investigate creamery conditions in the Southern States.

Three hundred and seventy-seven dollars and twelve cents, charged to the eradication of foot-and-mouth disease.

To make a study of the preparation of wools for the market and work in connection with the sheep industry of the West; to study the market classes and grades of wool; to supervise the shearing of Government flocks at Laramie, Wyo.—

And so forth.

Four hundred and seventy-six dollars and thirty cents, charged to the eradication of foot-and-mouth disease.

To attend convention of National Canners' Association in the interest of condensed-milk investigation.

Charged to the eradication of foot-and-mouth disease.

To supervise the erection of the two story and basement brick and concrete building at the United States experimental station.

Charged to the eradication of foot-and-mouth disease.

I might go on with a number of these.

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

Mr. MANN. If I have time, in a moment.
To investigate the horse-breeding work being conducted at the Morgan horse farm.

Charged to the eradication of foot-and-mouth disease.
To supervise the horse and mule investigations being conducted at the United States experimental station.

Charged to the eradication of foot-and-mouth disease.
To give instructions to officials selected to inspect butter for the Navy Department.

Charged to the eradication of foot-and-mouth disease.
To select and purchase short-horned cows for proposed breeding work that is to be carried on in cooperation with the Kansas Agricultural College.

Charged to the eradication of foot-and-mouth disease.
I do not know who is to blame, or whether anybody is; but it does seem to me that where we are asked to make an emergency appropriation of a large sum of money for one purpose, it is a gross violation of the proprieties, if not of the law, to seize that fund immediately and send men from Washington, traveling all over the United States upon other matters entirely apart from the purpose for which the appropriation is made, and then charge the expense to that appropriation.

Now I yield to my colleague [Mr. FOSTER].
Mr. FOSTER. I fully agree with my colleague. I want to ask him, Does he know the total amount that has been expended in these ways which he has enumerated?

Mr. MANN. I do not. There are a great many of these items. This is a report of traveling expenses for the Department of Agriculture for the last fiscal year, which reached us in print yesterday. I was looking up another matter in it and found these items.

Mr. FOSTER. Could the gentleman put in his remarks the total amount that has been charged to this fund for these other purposes?

Mr. MANN. I could, but it is too much trouble; and I am not going to take either the time or the trouble. Any gentleman can get House Document 113 and read the statement of these traveling expenses. I have thought I would address the House some time upon a number of the others, but very likely I shall not get the opportunity.

I think it quite proper to call attention to this in connection with this item where we are asked to make a definite appropriation of \$8,000 to take care of our friends in the Civil Service Commission, who have been very free about expending money to take travel trips at the expense of the Government to the San Francisco Exposition. [Applause.]

Mr. FITZGERALD. Mr. Speaker, if I may be permitted, I will say that the Committee on Appropriations declined to recommend this item in the bill, which appears as a Senate amendment. We have committees on expenditures in the various departments of the Government, whose duty it is to examine and analyze these questions, and if improperly passed upon by the auditor to report whatever remedial legislation is necessary.

The SPEAKER. Is there objection to the request of the gentleman from New York to disagree to the Senate amendments and ask for a conference?

There was no objection.
The SPEAKER appointed as conferees on the part of the House Mr. FITZGERALD, Mr. EGAN, and Mr. CANNON.

INDIAN APPROPRIATION BILL.

Mr. TAYLOR of Arkansas. Mr. Speaker, I ask unanimous consent for the consideration of the following joint resolution which I send to the Clerk's desk.

Mr. STEPHENS of Texas. Mr. Speaker, I shall be forced to object. 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 H. R. 10385, the Indian appropriation bill.

The motion was agreed to.
Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. FOSTER 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 which the Clerk will report.

The Clerk read as follows:
A bill (H. R. 10385) 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, 1917.

The CHAIRMAN. The Clerk will read the bill.
The Clerk read as follows:

For the survey, resurvey, classification, and allotment of lands in severalty under the provisions of the act of February 8, 1887 (24

Stat. L., 388), entitled "An act to provide for the allotment of lands in severalty to Indians," and under any other act or acts providing for the survey or allotment of Indian lands, \$100,000, to be repaid proportionally out of any Indian moneys held in trust or otherwise by the United States and available by law for such reimbursable purposes and to remain available until expended: *Provided*, That no part of said sum shall be used for the survey, resurvey, classification, or allotment of any land in severalty on the public domain to any Indian, whether of the Navajo or other tribes, within the State of New Mexico and the State of Arizona who was not residing upon the public domain prior to June 30, 1914.

Mr. HARRISON. Mr. Chairman, I reserve a point of order on this paragraph. I want to ask the chairman of the committee a question. I noticed in the last appropriation bill under this paragraph there was unexpended \$92,897, and there was expended last year under this paragraph \$146,344. May I ask the chairman of the committee this question: Why is it necessary to appropriate this year more than was appropriated and expended last year?

Mr. STEPHENS of Texas. If the gentleman will examine the bill, he will see that the appropriation for this year is only \$125,000.

Mr. HARRISON. The gentleman's bill appropriates this year but \$100,000.

Mr. STEPHENS of Texas. That is correct.

Mr. HARRISON. I do not think the gentleman understood my question. There was expended last year \$146,344, and unexpended \$92,897. Now, the committee appropriates in this bill \$100,000 and the unexpended balance, which would be about \$192,000. Why should you want to appropriate \$192,000 this year when you only expended last year \$146,000, practically \$50,000 more appropriated this year than was expended last year?

Mr. CARTER of Oklahoma. The department recommended \$125,000, but the appropriation is cut to \$100,000, to be reimbursed out of the funds of the Indians.

Mr. HARRISON. Mr. Chairman, it strikes me that they are appropriating in this item at least \$50,000 more than they expended last year. I would like to ask the gentleman if the department thinks that it will need more money this year than last year?

Mr. CARTER of Oklahoma. I think it does.

Mr. STEPHENS of Texas. If the gentleman will look at the first page of the report, he will see that the committee has appropriated \$817,000 less than the estimate.

Mr. HARRISON. That strikes me as a potent reason why the appropriation should not be as much this year as it was last year. If the appropriations are \$850,000 less than the estimates, I think the gentleman's statement reinforces what I said.

Mr. STEPHENS of Texas. What is the gentleman driving at?

Mr. HARRISON. Mr. Chairman, I withdraw the reservation of the point of order and offer this amendment.

The Clerk read as follows:
Amend, in line 11, page 2, by striking out "\$100,000" and inserting "\$50,000."

Mr. HARRISON. Mr. Chairman, in support of the amendment I want to say that I think the statement of the chairman of the committee is quite enough to sustain the adoption of the amendment. The last appropriation bill carried for this item \$125,000. This bill carries \$100,000 and the unexpended balance. There was unexpended last year \$92,897.18. There was expended last year under this paragraph \$146,344.39. In other words, there is to be appropriated under this paragraph \$192,897.88, when the department only expended last year, under this paragraph, \$146,344.34.

Now, in view of the fact, and in view of the further fact that the chairman of the committee states that the estimates for last year were \$856,000 more than they are for this year, and the work of reclassifying and reallothing, and those things that come under the provisions of this paragraph, are constantly decreasing and the work diminishes, it strikes me that \$50,000, together with the unexpended balance, is ample enough to appropriate in the bill. Here is an opportunity to save at least \$50,000, according to the statement of the chairman of the committee and the hearings. I submit that the amendment ought to be adopted.

Mr. STEPHENS of Texas. Mr. Chairman, of the expenditures under this item we find that \$79,410.26 was made by the General Land Office, which is chargeable to this fund for this reason. The General Land Office, in making surveys on public domains, also surveys Indian reservations, and under agreement between the two different departments, both of which are under Secretary Lane, the expenditures between the two departments are regulated in this way. Therefore we have \$79,000 here used by the Land Department and not by the Indian Department. We have cut the appropriation as close as

we can by reducing the amount. The gentleman misunderstood my statement. I said that we had reduced the estimate \$800,000 for this year—that is, up to June, 1917. We have cut this bill \$800,000 below the estimate, and I am sure that the committee gave every item of the bill very close and careful consideration, because there were many new Members on the committee who desired to know all about every possible item.

We had before us, as the hearings will show, the Secretary of the Interior and his assistants and such other persons as he desired to go before us for explanation of these items, and I assured the gentleman that this item especially was given very close consideration. We have cut it as close as we dare do it for the efficiency of the service. Another matter is this: They state that there are many contracts let out at the present time through the department for certain work done that is necessary to allot this land among the Indians, and that these men have contracts with the Government that have to be met between this time and the end of the contract term, and it is necessary to have a small balance for that purpose.

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

Mr. STEPHENS of Texas. Yes.

Mr. HARRISON. I understood the gentleman to say that out of this fund \$79,000 was spent by the Land Office. Is that true?

Mr. STEPHENS of Texas. That is correct.

Mr. HARRISON. Then there was \$79,000 expended out of this fund that should not have been expended out of it?

Mr. STEPHENS of Texas. It should have been expended, because of an agreement in the department, as I have already stated, between those two different bureaus under the Secretary of the Interior. The Land Department, having these surveyors in the field, can much better make these surveys for the purpose of allotting these lands to the Indians. Many of these lands have not been surveyed.

Mr. HARRISON. Mr. Chairman, will the gentleman yield further?

Mr. STEPHENS of Texas. And let me explain further, for the gentleman seems not to be able to understand. This was set apart on the public domain by Executive order of the President as an Indian reservation, and it became necessary to extend the public-land surveys over these reservations and in doing that the Public Land Department, the Land Commissioner and his department, have extended these surveys. Therefore it should not be charged to their department, but it is charged to the Indian Service in order to have a proper system of keeping the books. I hope the gentleman understands it now.

Mr. HARRISON. I do not exactly understand, because the gentleman has not explained the proposition that I stated, that last year there was \$146,000—and I do not think the gentleman is catching what I am asking him now—expended under this item. This year you propose to expend \$100,000 and the unexpended balance which was \$92,000, which makes \$192,000 for this year.

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

Mr. HARRISON. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for one minute more.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that the time of the gentleman from Texas may be extended for one minute. Is there objection?

Mr. STEPHENS of Texas. Mr. Chairman, I object. I do not want the time, and it is apparent what the gentleman is after.

Mr. CARTER of Oklahoma. Mr. Chairman, I simply want to call the attention of the gentleman to the fact that these unexpended balances do not represent what the department has actually on hand at this time. These estimates were made prior to the 1st of December, and a great deal of this money which had been contracted for had not been disbursed, and therefore was carried in the balance at that time. A large portion of these amounts has already been contracted for and is perhaps by this time expended. This is a work that really is doing something for the Indians. It is allotting their lands, classifying them, putting the Indian upon reservations, and should, if properly administered, eventually work out the transformation of the Indian to self-sustaining citizenship. It is one item which I think should not be reduced below the amount carried in the bill. We reduce it \$125,000 lower than was estimated for.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. CARTER of Oklahoma. Yes.

Mr. COOPER of Wisconsin. The gentleman speaks of the allotment of Indian lands. What is there in the law in the way of restrictions upon alienation by these allottees?

Mr. CARTER of Oklahoma. All of the lands when allotted are restricted.

Mr. COOPER of Wisconsin. To what extent?

Mr. CARTER of Oklahoma. They are restricted from sale. Sales of the lands can not be made unless passed upon by the Secretary of the Interior.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman permit me to answer the question?

Mr. CARTER of Oklahoma. Yes.

Mr. JOHNSON of Washington. In the Qui-nai-elts Indian Reservation, in southwestern Washington, an enormous reservation, a few allotments have been made, and the result is that these Indians are timber rich and starvation poor. They have their allotment and the timber on it, but they can not sell it.

Mr. HUMPHREY of Washington. And they can not eat it.

Mr. JOHNSON of Washington. And they can not eat it, and are dependent on this Government for little supplies handed out from Government stations. Yet these Indians may be worth, in timber, from \$100,000 to \$200,000, and this whole fund could be used in attempting to survey that Qui-nai-elts Reservation and not make a dent in it.

Mr. CARTER of Oklahoma. Mr. Chairman, I am inclined to believe that the gentleman from Washington is correct. When the gentleman from North Dakota [Mr. NORON] questioned Mr. Meritt he insisted that this fund ought not to be decreased. I read from the hearing, at page 12:

Mr. NORON. As a matter of fact, you could get along with \$75,000, could you not?

Mr. MERITT. No, sir; because we will need at least \$75,000 for survey work, and if we had only an appropriation of that amount we would not have any money for allotment work.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield further?

Mr. CARTER of Oklahoma. Yes.

Mr. COOPER of Wisconsin. To return to the question I asked a moment ago, has it not been the experience where Indian lands are allotted in severalty and in fee that white men have speedily gotten hold of the land and, in some instances, at ridiculously low prices?

Mr. CARTER of Oklahoma. We have had some very notable examples of that.

Mr. COOPER of Wisconsin. Much of this argument, not all of it, but some of the argument in favor of the allotment of Indian lands for the alleged purpose of having the Indian develop himself and become a business man is primarily for the purpose of enabling the white man to get hold of the Indian's land at a small figure and to work an outrageous fraud.

Mr. CARTER of Oklahoma. In reply to the gentleman, I will say that all lands of the Indians, when they are allotted, have restrictions placed upon the alienation, and most generally have restrictions placed upon the leasing of the land for agricultural, grazing, and all other purposes. These restrictions now can only be removed by the Secretary of the Interior upon application made by the allottee under the present law.

Mr. COOPER of Wisconsin. Is that true in respect to every allottee?

Mr. CARTER of Oklahoma. That is true with respect to every allottee that is being allotted now.

Mr. COOPER of Wisconsin. But it was not true in the past?

Mr. CARTER of Oklahoma. No. It has not always been true in the past, and this Congress has often removed restrictions from Indians after their lands had been allotted. Years ago the Government sometimes allotted Indian land without any restrictions at all, but that policy has been abandoned.

Mr. COOPER of Wisconsin. But those restrictions were removed upon the plea that it was necessary to remove them in order that the Indians might benefit themselves.

Mr. CARTER of Oklahoma. Undoubtedly.

Mr. COOPER of Wisconsin. And the white men took advantage of the situation and got the land.

Mr. CARTER of Oklahoma. The gentleman is correct as to some cases.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from Mississippi.

The question was taken and the amendment was rejected.

The Clerk read as follows:

For the construction, repair, and maintenance of ditches, reservoirs, and dams, purchase and use of irrigation tools and appliances, water rights, ditches, lands necessary for canals, pipe lines, and reservoirs for Indian reservations and allotments, and for drainage and protection of irrigable lands from damage by floods, or loss of water rights, including expenses of necessary surveys and investigations to determine the feasibility and estimated cost of new projects and power and reservoir sites on Indian reservations in accordance with the provisions of section 13 of the act of June 25, 1910, \$235,000, reimbursable as provided in the act of August 1, 1914, and to remain avail-

able until expended: *Provided*, That no part of this appropriation shall be expended on any irrigation system or reclamation project for which specific appropriation is made in this act or for which public funds are or may be available under any other act of Congress; for pay of one chief inspector of irrigation, who shall be a skilled irrigation engineer, \$4,000; one assistant inspector of irrigation, who shall be a skilled irrigation engineer, \$2,500; for travelling and incidental expenses of two inspectors of irrigation, including sleeping-car fare and a per diem of \$3 in lieu of subsistence when actually employed on duty in the field and away from designated headquarters, \$3,200; in all, \$244,700: *Provided also*, That not to exceed seven superintendents of irrigation, six of whom shall be skilled irrigation engineers and one competent to pass upon water rights, and one field-accountant, may be employed.

Mr. MANN. Mr. Chairman, I reserve the point of order on the paragraph. I notice that it is proposed that this appropriation shall be available until expended. That is not the way we passed it last year in the House. What is the necessity of making this appropriation available until expended in paying for current expenses?

Mr. STEPHENS of Texas. Mr. Chairman, I will say this to the gentleman: They are letting contracts for the completion of certain items and there are 80 irrigation items or projects in the United States under this department. It is very often that they have new projects originated, but anything beyond \$30,000 must come to Congress for approval before any item can draw money from the Public Treasury. Now, when these items are approved by Congress, then the department lets the contract for the completion of that separate item, but it is necessary that they have some leeway in order to make it reimbursable when they carry out the project.

Mr. MANN. Of course if a contract should be let the current fiscal year under this item the item is available to pay any amount due on the contract for two years after the fiscal year. I do not think that is the purpose of it.

Mr. STEPHENS of Texas. That was the purpose given by the department.

Mr. MANN. Every department likes to pile up appropriations which may remain available until they are expended, and as a rule, no one here knows how much they are. We make these appropriations annually.

Mr. HAYDEN. Mr. Chairman, I desire to say to the gentleman that the department has another reason why this appropriation should remain available until expended. It is urged that there ought to be a considerable balance on hand to take care of emergencies. Very often irrigation projects are injured or destroyed by unexpected floods. For example, a dam may be washed out and it may be necessary to repair it immediately. The gentleman will notice we have made a cut of \$100,000 in this amount on account of the large unexpended balance that has accumulated in the past years.

Mr. MANN. I notice that last year the item as it passed the House was \$250,000. The item in this bill is \$230,000, which is very far from being a cut of \$100,000.

Mr. HAYDEN. The amount actually appropriated last year was \$345,700.

Mr. MANN. There was no amount appropriated last year at all except by resolution that extended the appropriation of the previous year.

Mr. HAYDEN. The law two years ago carried that amount, then, so that the Indian Bureau has accumulated a considerable unexpended balance. We therefore thought that we were justified in making this cut.

Mr. MANN. That they have accumulated a considerable unexpended balance is the very reason why we ought not to make an expenditure for current expenses available until expended. Annual appropriations ought to be made annual, it seems to me, unless there is some special reason. I understand if they are appropriating for a specific project it may be perfectly proper and quite desirable to make that appropriation available until expended, because that is not an annual item; but the same reasoning that has been given by the gentleman so far would apply to every appropriation which we make in every department of the Government.

Mr. HAYDEN. Well, all departments of the Government are not liable to have the work they are doing destroyed by floods. That is the reason why it is urged that this money should be made available until expended.

Mr. MANN. Every department of the Government that has any public works is liable to have them destroyed by floods, by storms. The Lighthouse Service, the Life-Saving Service, the Forest Service, all of those departments of the Government are quite on all fours in that respect.

Mr. HAYDEN. And many of them have appropriations available until expended.

Mr. MANN. And not one of them has; they have annual appropriations. I make the point of order, Mr. Chairman, against

the words, page 3, line 8, "and to remain available until expended."

The CHAIRMAN. The point of order is sustained.

Mr. STEPHENS of Texas. We concede the point of order.

Mr. MANN. The word "chief" ought to be spelled correctly in line 13, page 3. It should be "chief."

Mr. STEPHENS of Texas. I have no objection to that.

The Clerk read as follows:

For the suppression of the traffic in intoxicating liquors among Indians, \$150,000.

Mr. CHIPERFIELD. Mr. Chairman, I desire to offer an amendment.

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

The Clerk read as follows:

Page 3, end of line 25, insert "*Provided*, That no private residence or office within the Indian country outside of Indian reservations, or any baggage or personal effects checked or consigned to any point within the Indian country, outside of Indian reservations, shall be searched by any of the officers for whom appropriation is made in this act, except by authority of a search warrant issued by some competent court or commissioner based on an affidavit that there is probable cause to believe that intoxicating liquors will be there found: *Provided further*, That when the situation is such that the benefit of such search will be lost unless the same is forthwith made, then in such event, if there be a probable cause to believe that intoxicating liquors are there present, such search may be made without said warrant, based upon such probable cause, but any officer making such search without a warrant as aforesaid, shall be liable to the person aggrieved to respond for damages in an appropriate action, in either State or Federal court, if there be not probable cause for making such search."

Mr. STEPHENS of Texas. Mr. Chairman, I reserve a point of order on that, if the gentleman from Illinois desires to make a statement.

Mr. CHIPERFIELD. Yes; I desire to be heard on the amendment, briefly.

Mr. Chairman, as I stated to the gentleman who spoke to the question that I discussed yesterday, it was no part of my purpose or desire in any way to interfere with the proper protection of those who are the wards of the Nation.

Having that object in view I have offered this amendment.

The distinguished chairman of the Committee on Indian Affairs raises the question of a point of order upon this amendment, and at the conclusion of the remarks which I desire to make I shall in all probability concede the correctness of his position.

It is my desire, if possible, to offer such an amendment to this bill as will to no degree limit or affect the fullest measure of protection that the wards of the Nation should receive, but at the same time I do not want the thin pretext and the thinner guise of protection to the Indian to result in the infliction of a positive wrong upon the inhabitants who reside within this country, who are not of Indian blood and who it was not contemplated should be within the provisions of the treaty.

Here, gentlemen, is the very anomalous situation that arises from the treaty of 1855: Certain territory was ceded to the United States, and by treaty with the Indians it was provided that the laws then existing for the protection of the Indian from the liquor traffic should be extended to this territory.

But at that time the Indians were scattered through the length and breadth of what is practically one-half of the State of Minnesota. Now, they are nearly all withdrawn from that territory.

There are many places where you could travel 50 to 75, or perhaps even 100, miles without encountering a single Indian. These Indian agents, of whom I made complaint here, say, as they travel up and down this country, by reason of the laws of the United States and this treaty, they have the right not only to regulate the morals, manners, and the habits of the white citizens, but also to invade the privacy of homes and personal effects, which is now guaranteed by the Constitution of the United States, and it is with this last phase only that I am concerned.

I care nothing about the liquor traffic in this section of the country. And I want to say that my entire record as it has been made elsewhere will sustain the statement that I make to you now. There is nothing in my life or nothing in my record, so far as its public aspect is concerned, that would indicate that I am a friend of the traffic in intoxicating liquor.

In the case of *Johnson v. Gearlds* (234 Ill., p. 422) it was stated that it was true that by terms of the treaty of 1855 this country was protected from intoxicating liquor, but the court also said that it was quite apparent—I do not quote the exact language—that the need for the protection of this treaty had passed and it had become a question upon which Congress should act.

President Taft in his message to Congress, I think the last one, called the attention of Congress to this subject, and he there said that it was now very apparent that the treaty had become obsolete and that the need for it no longer existed. I care nothing whether the need for this treaty exists so far as the sale of intoxicating liquor is concerned, but I do care whether or not the rights of the citizens of the United States are to be invaded by the search which I mentioned yesterday and which I will not here repeat.

Gentlemen of the committee, it is time a halt was put upon invasion of the private rights of the citizen. Even the Post Office Department recognizes the rights of no man to the privacy of the mail, and the question of where the law ceases and strong arm of seizure commences has been questioned during the last two years. I do not charge it as the fault of one administration or another. There is no partisanship in it. But the rights of the individual should be protected under the Constitution of the United States from inflictions of this irritating kind by any administration.

And that is the only reason why I have offered this amendment. If the gentleman insists upon the point of order, in all probability it will be held as good, and it will require me then to introduce an amendment that will go further than I desired to go in the amendment now offered, which I have thought would cover the situation, of which I think I make proper complaint.

Mr. STEPHENS of Texas. Mr. Chairman, I insist on the point of order.

The CHAIRMAN. There is no question but that this changes existing law and is a limitation on an appropriation bill, and therefore the Chair sustains the point of order.

Mr. CHIPERFIELD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 3, at the end of line 25, by inserting the following: "Provided, That no part of the above appropriation shall be used for the purpose of searching any private residence or office outside of an Indian reservation or for searching any baggage or personal effects consigned to any point outside of an Indian reservation."

Mr. STEPHENS of Texas. Mr. Chairman, I make the point of order against that amendment also, unless the gentleman desires to speak to it.

Mr. CHIPERFIELD. I merely wanted to address myself to the point of order.

The CHAIRMAN. Does the gentleman from Texas [Mr. STEPHENS] reserve a point of order or make it?

Mr. CHIPERFIELD. You can make the point of order if you please.

Mr. STEPHENS of Texas. I make the point of order, then, Mr. Chairman.

Mr. CHIPERFIELD. Mr. Chairman, I do not desire to take any time, because I am frank to say, with my limited experience in this House, that I feel that my views would be of no particular interest and of no great weight to either the Chair or the membership, and for that reason I will refrain from saying more than that this is a limitation upon the appropriation and I think is very clearly within the rules of this House.

From the limited investigation which I have had an opportunity to make, it is amply sustained by a wealth of authority that holds the right does exist to offer an amendment limiting the use of the appropriation.

The CHAIRMAN. Does the gentleman from Texas [Mr. STEPHENS] make the point of order?

Mr. STEPHENS of Texas. Yes; I make the point of order.

The CHAIRMAN. The Chair thinks it is purely a limitation on the appropriation and therefore overrules the point of order.

Mr. STEPHENS of Texas. I call for a vote, then.

Mr. CHIPERFIELD. Mr. Chairman, I simply desire to say that this amendment is directed to the accomplishment of one purpose, and that is to provide that no private residence or office and no personal baggage or effects consigned to any point outside of an Indian reservation shall be subject to search.

Now, the law provides stringent penalties for the purpose of protecting the Indian against the sale of intoxicating liquors. If I recall correctly—and I would thank any gentleman to correct me if I do not state it correctly—the law at the present time provides in regard to the sale of liquor to the Indians that the penalty therefor shall not be less than 60 days in jail nor less than a fine of \$200. I think the extent of the punishment depends on the state of mind of the judge before whom the case would come.

Mr. Chairman, there should be—and it occurs to me that there could be—no diversity of opinion among the Members of this House; there should be a limitation on the right of the

officers for whom this House makes an appropriation to carry on, in a vindictive and most annoying and oftentimes a highly insulting manner, the invasion of the rights of men and women who have occasion to go in and reside within the boundaries of what is called the Indian country.

There is no greater travesty in the use of the English language that the mind can imagine than to say that this great northern part of Minnesota and the other country that has been ceded by the various Indian tribes and now is devoted to the useful pursuit of agriculture and trade and commerce is still "Indian country," and that throughout the length and breadth of that country the will of the Indian officer for whom this House makes an appropriation shall be the controlling law.

I protest against it now, as I did yesterday, and say that, in my judgment, it is not within the spirit of our institutions.

I sincerely trust that the House will adopt this amendment, and, while continuing protection to the Indians, they will say that those who are unfortunate enough to be of white blood shall also be protected in the enjoyment of their rights. [Applause.]

Mr. STEPHENS of Texas. Mr. Chairman, I hope the amendment will not be adopted, because it would seriously interfere with the Indian Department in preserving the Indians from the curse of liquor.

I now yield to the gentleman from Arkansas [Mr. TILLMAN] the rest of my five minutes.

The CHAIRMAN. The gentleman from Arkansas will be recognized in his own right.

Mr. TILLMAN. Mr. Chairman, the amendment reads as follows:

Provided, That no part of the above appropriation shall be used for the purpose of searching any private residence or office outside of an Indian reservation or for searching any personal effects consigned to any point outside of an Indian reservation.

That would destroy the present law, enacted to protect the Indians from the illegal traffic in intoxicants. If a liquor dealer chooses to set up a saloon or a tiger on the outside of a reservation 10 feet from the border, or if he should set up his tiger a short distance from where there are Indians, the officers of the law would have no right to go into his baggage or his office or his place of business without invoking slow-moving legal machinery, which is often wholly ineffective.

People who do not want to violate the law need have no fear from the appropriation of this money to suppress the traffic or introduction of whisky among Indians. The object of this appropriation is to protect the Indians and not to encourage white men in violating law. The Bureau of Indian Affairs is opposed to the amendment. Its experience teaches it that it is necessary to have this appropriation, and that it is necessary to cover the entire country, and not Indian reservations alone. They are limited in number and extent of territory. If this amendment is adopted, you will have no law worthy the name or sufficiently potent to protect the Indians. The Indian is fond of whisky. He will go wherever he can to get it, and he will leave his reservation to make a purchase of liquor. The favorite method of introducing whisky into Oklahoma Indian reservations and elsewhere is to carry it inside of grips and trunks. They sometimes use coffins in which to convey it to the Indians. Various unique methods are adopted for the purpose.

Now, the outrageous incidents mentioned by the gentleman from Illinois to-day and yesterday are very rare, and aside from that the man invested with the right to make seizures in behalf of the Government is usually an honest man and can be trusted to enforce these protective laws without unnecessary harshness. If this amendment is adopted, it will be done against the advice of the Indian Bureau, which bureau is making an honest effort to enforce the liquor law for the benefit of the Indians.

There was one gentleman only who appeared before the committee favoring the extension of the wet territory in Minnesota. That gentleman represented a brewery, as stated. We have not yet heard from the other side. There ought to be no backward step taken in the business of putting down the traffic that has not only injured the Indian but the white man as well. Liquor never yet made a man better or permanently happier. It has done an infinite amount of harm. I take it for granted that a majority of the Members of this House are opposed to the enlargement of wet territory; in fact, favor a constitutional amendment to prohibit the sale and manufacture of intoxicants.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAYDEN. Mr. Chairman, the amendment offered by the gentleman from Illinois attempts to amend a section of the Revised Statutes which has been upon the statute books since

March 15, 1864. This is the law at present relating to the right of search and seizure:

That if any superintendent of Indian affairs, Indian agent, or subagent—

Mr. CHIPERFIELD. Will the gentleman kindly give us the number of the section?

Mr. HAYDEN. It is section 2140 of the Revised Statutes:

If any superintendent of Indian affairs, Indian agent, or subagent, or commanding officer of a military post, has reason to suspect or is informed that any white person or Indian is about to introduce or has introduced any spirituous liquor or wine into the Indian country in violation of law, such superintendent, agent, subagent, or commanding officer may cause the boats, stores, packages, wagons, sleds, and places of deposit of such person to be searched; and if any such liquor is found therein, the same, together with the boats, teams, wagons, and sleds used in conveying the same, and also the goods, packages, and peltries of such person, shall be seized and delivered to the proper officer, and shall be proceeded against by libel in the proper court and forfeited, one half to the informer and the other half to the use of the United States; and, if such person be a trader, his license shall be revoked and his bond put in suit. It shall, moreover, be the duty of any person in the service of the United States, or of any Indian, to take and destroy any ardent spirits or wine found in the Indian country, except such as may be introduced therein by the War Department. In all cases arising under this and the preceding section Indians shall be competent witnesses.

That is the law under which we have been operating all these years. It has worked well. It seems to me to-day is not the time in which well-established law should be amended. I agree with the gentleman that it is possible for some officer of the law to act in an arbitrary manner, but that is no reason why the law itself should be repealed, as he seeks to do by his amendment. I am sure this House will not go back on the policy which Congress has pursued all these years in our effort to prevent the Indians of the United States from obtaining liquor, which is the curse of their race.

Mr. NORTON. Mr. Chairman, it is well that the committee should know the effect of this amendment if it is adopted. The proposed amendment provides that no part of the appropriation shall be used for the purpose of searching any private residence or office outside of an Indian reservation, or for searching any baggage or personal effects consigned to any point outside of an Indian reservation.

Indian country and Indian reservations are two very distinct terms. An Indian reservation has well-defined limits. For illustration, in the northern part of Minnesota most of the region is known as "Indian country." It is recognized in law as "Indian country," but only a small part of it is included in Indian reservations. If this amendment is adopted, this money can be used only for enforcing the law on Indian reservations. Its adoption, as the gentleman from Arizona so clearly stated, will mean, in effect, a repeal of existing law. If this amendment is adopted, it means that an agent of the Indian Bureau may not obtain even a warrant to make search outside of an Indian reservation for evidence of violations of laws against traffic in alcoholic liquors among the Indians, and use any part of this item of appropriation for payment of his salary or expenses in making search under the warrant. Now, it has been left to Congress to repeal, if in its wisdom and judgment it deems such repeal proper, the provisions of the treaty of 1855, providing that no intoxicating liquors shall be sold or brought into the "Indian country" in Minnesota. The repeal of the provision against the sale and use of intoxicating liquors in that section of Minnesota covered by treaties made with the Indians subsequent to 1855 was left to the discretion of the President of the United States. As is well known, a President of the United States has exercised that discretion placed in him, and by Executive order has set aside the provision of the treaty relating to the sale and use of alcoholic liquors. If Congress desires to use the authority vested in it by the treaty of 1855 and repeal these provisions of that treaty, it seems to me it should do that by direct legislation rather than indirectly by an amendment of this character.

Mr. LENROOT. Mr. Chairman, I am very much interested—

Mr. STEPHENS of Texas. Mr. Chairman, I should like to limit the debate. How much time does the gentleman want?

Mr. LENROOT. Five minutes.

Mr. STEPHENS of Texas. Does any other gentleman desire time?

Mr. EMERSON. I should like five minutes.

Mr. HARRISON. I may want five minutes.

Mr. CARTER of Oklahoma. I should like five minutes.

Mr. MANN. I should like five minutes on the paragraph.

Mr. STEPHENS of Texas. I ask unanimous consent that at the end of 25 minutes debate on this paragraph and amendments thereto may be closed.

The CHAIRMAN. The gentleman from Texas [Mr. STEPHENS] asks unanimous consent that at the end of 25 minutes

debate on this paragraph and amendments thereto be closed. Is there objection?

There was no objection.

Mr. LENROOT. Mr. Chairman, I am very much interested in this proposed amendment, because I have four Indian reservations in my congressional district; and although the condition does not prevail there that the gentleman from Illinois [Mr. CHIPERFIELD] has detailed with reference to Minnesota, yet the adoption of this amendment would most seriously affect the enforcement of the liquor laws in the district which I have the honor to represent.

Mr. MURRAY. And all the others, would it not?

Mr. LENROOT. And all the others. Now, the effect of the gentleman's amendment will be to largely nullify the laws of the United States with reference to the introduction of liquor, not only into the Indian country but Indian reservations themselves, and the laws with relation to the sale and possession of liquor by Indians, who are wards of the Government. To illustrate, supposing an Indian off the reservation has liquor in his house and is selling it to other Indians. If you adopt this amendment, there is no way of searching that house belonging to an Indian, who is a ward of the Government, for the purpose of getting evidence to enforce the law.

Mr. CHIPERFIELD. Will the gentleman from Wisconsin yield for a question?

Mr. LENROOT. Yes.

Mr. CHIPERFIELD. Would not all the penalties against the sale of intoxicating liquors, which are severe, still be applicable and in force?

Mr. LENROOT. Yes; but I want to say that you may write penalties with reference to any subject upon which this Congress may choose to legislate, but if you deprive the officers of the law of the opportunity of getting the evidence upon which to prosecute, your penalties are dead letters, every one of them.

The gentleman realizes that very well. Now, I do not question the specific instances that the gentleman stated yesterday with reference to the abuses which exist, but this is not the way to reach abuses of this kind. It is not proper to reach a few abuses of the law by nullifying the law.

With reference to the general nature of the abuses complained of by the gentleman, I want to say that last summer I was all through this territory which the gentleman speaks of, in every one of the larger towns in that territory, engaged in a lecture tour. I never had my baggage interrupted or examined, never met an Indian officer, and I did not hear during the week or two that I was in the Indian country of a single instance suggested by the gentleman, nor did I hear any complaints on the part of anyone except those who were engaged, or wanted to be engaged, directly in the liquor traffic. I therefore hope that the amendment will not be adopted.

Mr. MANN. Mr. Chairman, I do not wish to address myself to the subject of the amendment, but I would like to make an inquiry about the appropriation. I do not recall now just when this item was first inserted in the Indian appropriation bill, but a few years ago the appropriation was \$50,000. Then we increased it to \$75,000, then to \$100,000, and the bill of last year carried \$125,000, and now this bill carries \$150,000. May I inquire of the gentleman what is the reason for this increase; is it because it is so much harder now to prevent liquor being sent into the Indian country than it used to be?

Mr. STEPHENS of Texas. I understand that it is. A great many of the Indian reservations have been opened up in Oklahoma, and in those reservations whites are intermingled. A person who is on Indian land alternates with the whites.

Mr. MANN. There have been no Indian reservations opened up in recent years.

Mr. STEPHENS of Texas. It is much harder for various reasons to prevent the liquor traffic now than it has been in the past.

Mr. MANN. When you were making appropriations for \$50,000 the situation was identical with what it now is, as far as that is concerned.

Mr. STEPHENS of Texas. I want to state to the gentleman that we examined into this matter very closely. Of course, we can not tell how wisely an appropriation is expended, because we are not on the ground. It does seem to me that we are expending quite a lot of money for this purpose.

Mr. MANN. I am willing to expend all that is absolutely necessary, but I would like to have an idea whether this is to be increased each year by \$50,000, and I would like to know somewhere near when the limit is to be reached, when we are likely to reach the summit of appropriation for this purpose. We would suppose that as the Indian territory was opened up and they were given better rights of citizenship in the State, and the State having become a prohibition State—we would suppose

that the cost to the Government of enforcing the law against the introduction of liquor into Indian territory would be less; but, on the contrary, it seems to be steadily and rapidly increasing.

Mr. STEPHENS of Texas. I want to say to the gentleman that in New York they have recently extended the jurisdiction of the Government over some Indians that we did not have jurisdiction over heretofore, and we have to protect them, and also Indians in Florida and North Carolina.

Mr. MANN. I know that the Indian Office has for years been trying to find some excuse for spending money on the Seminoles, who do not need it. They will be a great deal better off if the Government lets them alone. Are we now engaged in trying to enforce the law as to the Seminole Indians in Florida and the Everglades?

Mr. STEPHENS of Texas. If the Government has supervision over them it must try and prevent the introduction of liquor.

Mr. MANN. It seems that the more we civilize the Indians the more it costs to support them; the more we give them land so that they can work, the more money we have to spend to feed them; the more we give them opportunities, the more we have to spend to clothe them; the more opportunity we give them to raise crops and own stock, the more money we have to spend to house them. It is a peculiar situation, to say the least.

Mr. HARRISON. Mr. Chairman, I am surprised at the gentleman from Illinois that he should inquire of the gentleman from Texas to defend the increase in this item. Last year in the Indian appropriation bill the item appeared at \$75,000. We offered an amendment raising it to \$125,000. The gentleman from Texas was defending his bill and argued against the amendment, and in the course of his remarks, when asked why the committee had reduced the appropriation from \$200,000 to \$150,000, said:

For the reason that nearly all the Indians, I presume 75 per cent of them, are in States now that have State prohibition, and it is the duty of the State courts and the State sheriffs and the State constables and the entire constabulary force of every State to prevent the sale of these intoxicants; and you will find in every State where these Indians are living that the officers of the county and State are doing their best to protect the Indians from the sale of these intoxicating liquors.

And not only that, but let me state to the gentleman further that the Federal courts have jurisdiction, and the Federal courts have their marshals and deputy marshals all over the United States, and they are seeking out these bootleggers and they are sending them by swarms to the various United States penitentiaries; and the State officers are doing the very same thing.

He most eloquently argued against that increase, notwithstanding the fact the Commissioner of Indian Affairs had recommended an appropriation of \$200,000 for this work. It is gratifying to those of us who last year made a fight to suppress this outrageous traffic in the sale of liquors to the Indians, to see this committee, among whom are the gentleman from Texas and the gentleman from Oklahoma, who last year so vigorously and persistently and insistently opposed an increase in this item to \$125,000 now bringing into this House a provision carrying \$150,000 appropriation, increasing it \$50,000 over what it was last year and \$25,000 over the action of the House last year. We congratulate the gentlemen on their change of front.

Mr. EMERSON. Mr. Chairman and gentlemen of the committee, I am opposed to this amendment on general principles. In the first place, I do not believe that all of the officers of the Government are so discourteous as my friend from Illinois [Mr. CHIPERFIELD] would have us believe they are. I am too poor to travel very much, but I have been through Canada some and in my approach to the Canadian line and in my return to the American line I have found the officials not only of this Government but of the Canadian Government very courteous in their treatment of people who were traveling upon the trains, and I do not think he should let any personal inconvenience interfere with the greater authority and power of the Government to enforce such laws as it makes. What would be the use of having law if the Government could not enforce it? When an officer attempts to arrest a man, whether it be for murder or for intoxication, he apparently is transgressing his individual rights, yet it is for the good of the greater number that the rights of the individual are suppressed. That is the difference between law and license. License is where there is no restraint placed upon the individual, and law is where the individual gives up a part of his individual rights for the good of the many. That is civilized government. I say to you now that if you are going to appropriate this money to suppress the liquor traffic among the Indians, there should be no restraint placed upon it in any such form as this amendment proposes.

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

Mr. EMERSON. Yes.

Mr. CHIPERFIELD. Does the gentleman think that the right to search and seize should be exercised at a point 50 miles from any Indian reservation where there is not an Indian residing or coming?

Mr. EMERSON. Mr. Chairman, I am not familiar with the Indian situation. There are no Indians in my district—that is, red Indians; there are a great many white ones—but I think the Government should not be restrained or restricted in its right to search inside the reservation or outside the reservation for people who may be engaged, as I was led to believe by the statement of the chairman of the committee and other gentlemen, in practices that take place in or about the reservation.

Mr. CHIPERFIELD. Why should not the same practice prevail in your own State, allowing the cellar of the gentleman's house or his friends to be searched for intoxicating liquors?

Mr. EMERSON. It is.

Mr. CHIPERFIELD. On complaint.

Mr. EMERSON. Without complaint or warrant.

Mr. CHIPERFIELD. Oh, no.

Mr. EMERSON. Does the gentleman mean to say that if an officer suspects a crime is committed in some house—a murder or a theft—that he would not have the right to enter it without getting a warrant? I should say not.

Mr. CHIPERFIELD. But the gentleman confuses the heinous crime of murder with that of keeping a pint of beer in one's cellar.

Mr. EMERSON. A crime is a crime, whether stealing a lump of coal or murder. There should be no difference in the enforcement of the law, whether against a poor man or a rich man.

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

Mr. EMERSON. Yes.

Mr. MEEKER. Does the gentleman maintain that it is a crime to keep a quart of beer in one's house?

Mr. EMERSON. Personally I do not drink myself, but if my friend wants to have a quart of beer in his house he may do so.

Mr. MEEKER. It is not a crime per se?

Mr. EMERSON. No; that is true; but that is not the point. If some one would attempt to take it into an Indian reservation in a casket or a coffin or a suit case or a trunk, I think the officers of the Government should have the right of search, and even the right to enter a compartment of some gentleman who is traveling on the train. Personally I have never been able to afford to ride in a compartment, for I have considered myself fortunate to get even an upper berth.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to call the attention of the House to section 21 of the act of March 30, 1902, and I will state to the House that this was the origin of the protection of the Indians afforded by the General Government from the sale of these intoxicating drinks:

Be it further enacted, That the President of the United States be authorized to take such measures from time to time as to him may appear expedient to prevent or restrain the vending or distributing of spirituous liquors among all or any of the said Indian tribes, anything herein contained to the contrary thereof notwithstanding.

From that time up to the present time this Government has protected its wards, and I hope nothing will occur at this time to interfere with that law.

Mr. CARTER of Oklahoma. Mr. Chairman, I am very much obliged to my friend from Mississippi [Mr. HARRISON] for paying me the compliment he did, but really it is not justified, because I feel that a part of this money may not be used as intended. I am somewhat in sympathy with the gentleman from Minnesota respecting conditions in his country. I am as good a prohibitionist as there is on the floor of this House. I have advocated prohibition from one end of Oklahoma to the other and have voted for prohibition both at home and on the floor of this House, but I do not believe money appropriated for suppression of liquor traffic among Indians in an Indian appropriation bill is intended to be used to enforce the liquor law in countries where there are no Indians. The statement was made to the committee that there were no Indians in a part of the country where this money has been used, and that statement was not sufficiently controverted to make me believe otherwise.

Mr. CHIPERFIELD. Mr. Chairman, I will ask the gentleman to repeat what he said.

Mr. CARTER of Oklahoma. The statement was made before the Committee on Indian Affairs that there were no Indians in a certain portion of Minnesota from which whisky was excluded, and my further statement was that that was not sufficiently controverted to convince me to the contrary.

Mr. STEPHENS of Texas. Will the gentleman yield at that point?

Mr. CARTER of Oklahoma. I will.

Mr. STEPHENS of Texas. Is it not a fact that this amendment, if adopted, would affect every Indian reservation?

Mr. CARTER of Oklahoma. Most certainly it will, and this amendment should be rejected; but there is no necessity for increasing the amount. In addition to the amount used here supplemental of this \$150,000 there are various other funds from which the enforcement of the liquor traffic can be drawn. For instance, the Indian police, \$200,000. Any part of that sum can be used, and a great deal of it is used, for the suppression of the liquor traffic. Then we have the Indian inspectors, \$30,000. A good deal of that can be used for the suppression of the liquor traffic. More than that, every superintendent, every employee of the Indian Bureau is authorized by the laws to suppress the liquor traffic. The committee felt that an ample amount was allowed by the House last year, but, yielding to the will of the House when this amount was raised to \$125,000, and yielding to the sentiment in another body with which we knew we would have to deal, we felt that it would be futile to attempt to curtail expenses and economize upon this proposition, because if we put it at \$75,000 or \$100,000 the chances were it would be raised to \$200,000 or \$225,000 before getting into law, so we discussed with the Commissioner of Indian Affairs the proposition as to whether a raise would be asked for in this amount if we would put it at \$150,000, and he said the bureau would not insist upon a raise if the committee would agree to the \$150,000.

Mr. MILLER of Minnesota. Mr. Chairman.

The CHAIRMAN. The Chair desires to state that only three minutes of time remain.

Mr. MILLER of Minnesota. Mr. Chairman, I desire more than three minutes of time; was the time fixed by unanimous consent?

The CHAIRMAN. The time was fixed by unanimous consent. Debate was limited and three minutes still remain.

Mr. MILLER of Minnesota. But, Mr. Chairman, I tried to get recognition several times, but was unable to do so.

The CHAIRMAN. Members of the committee were recognized.

Mr. MILLER of Minnesota. Mr. Chairman, I ask unanimous consent that I may have five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota? [After a pause.] The Chair hears none.

Mr. MILLER of Minnesota. Mr. Chairman, inasmuch as this item now before the committee concerns more particularly the northern part of Minnesota perhaps than any other portion of the United States, and inasmuch as I have personal knowledge of conditions existing there, I feel justified in requesting five minutes in which to address the committee.

When I became a member of the Committee on Indian Affairs seven years ago the amount appropriated for this purpose was \$40,000. We increased it from year to year until it had reached the sum of \$100,000 last year, and now it is proposed by the committee to appropriate \$150,000. I have always been among those who were ardently in support of any movement or law or appropriation designed to keep liquor from the Indians. It is our bounden duty to take every precaution and every possible step in that direction. Now, I think this committee ought to be aware of the exact facts when it votes on this proposition. In the northern part of our State is a most peculiar and anomalous situation. A treaty was made with the Indians in 1855, when that territory was a wilderness, which said that liquor should be kept from that territory until Congress ordered otherwise. That treaty was forgotten for half a century. It was resurrected a short time ago. It was resurrected and used for the purpose in some places of keeping liquor from the Indians. So far, well and good. It had my support, and always will have it, in that direction. It has also been used for the purpose of enforcing prohibition in purely white territory. Everybody knows that a big part of the territory covered by the treaty of 1855 is not more Indian than the city of Washington. I see more Indians in the city of Washington each winter than four-fifths of the people residing in that territory ever see in their whole lives. That law still stands until it is changed by Congress.

I believe the amount appropriated, if that law is to be the law of Congress and the Nation, should be ample and sufficient to make prohibition absolute within the entire limits of the area, and I so told the committee when they were considering this bill. One hundred and fifty thousand dollars, Mr. Chairman, will never do it. The amount asked by the Commissioner of Indian Affairs, \$200,000, is probably not too great. If it is the opinion of the Congress that we should enforce prohibition in white territory as well as Indian in the northern part of that State, then appropriate every dollar that is needed for that purpose. I do not want to see bootlegging; I do not want to

see illicit traffic in liquor; I do not want to see blind pigs and blind stills and other methods, or any means of getting liquor either to the Indians or to the whites. As I understand the amendment offered by the gentleman from Illinois, it is to restrict the expenditure of this fund to those regions where the Indian question is distinctively involved. If it is so restricted the amount appropriated is ample, perhaps excessive. The wisdom of that course you can decide for yourselves. And I want to say to you, gentlemen, and I want to say to you as one who knows the facts, that a good part of the appropriation here contained will be used and must be used in the enforcement of prohibition among the whites. Now, if you want it, vote for it; if you do not, vote the other way.

The CHAIRMAN. The time of the gentleman has expired; all time has expired.

Mr. CHIPERFIELD. Mr. Chairman, I think I am within my limits in stating that I have a mutual understanding with the chairman of the Committee on Indian Affairs for the purpose of not offering other amendments which are prepared and in the interest of saving time, and therefore I would like to ask the committee for the privilege of five minutes to speak to the pending amendment.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to address the House for five minutes. Is there objection?

Mr. STEPHENS of Texas. The gentleman is correct; I think it will save time.

The CHAIRMAN. Is there objection?

Mr. CARTER of Oklahoma. Mr. Chairman, reserving the right to object, the gentleman is not going to speak for an increase or a decrease of this amount?

Mr. CHIPERFIELD. I desire to speak to the pending amendment which I have offered.

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

Mr. CHIPERFIELD. Mr. Chairman, I desire to say that I will not unduly consume the time of the committee, but ask leave to insert in my remarks as an extension thereof an opinion by the Supreme Court of the United States in the case of Johnson against Gearlds, Two hundred and thirty-fourth United States Reports, on page 422, and also to include in that extension of my remarks, as throwing light on this question from a historical standpoint, that portion of the message of President Taft which relates to the situation in this so-called "Indian territory."

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

Mr. CHIPERFIELD. That being out of the way, I can make the balance of my remarks extremely brief. The gentleman on the Indian Affairs Committee who spoke in opposition to the amendment, it seems to me, inferentially at least, sounded the keynote of his objection when he asked the Members of this House if they desire to extend the wet territory of the United States. Now, I sympathize with his view upon the liquor question, and I say to you in all sincerity that it is not so very different from my own. Because of the fact that the first amendment which I offered, but which was not so broad as the present amendment, was ruled out of order, it becomes necessary, if I am to present the question to this House, to present an amendment perhaps somewhat broader than was the original scope of the previous amendment, and that is the reason why this amendment was not limited solely to prevent unlawful searches, as the first amendment was limited.

Now, the gentleman has said that we take as illustrations extreme cases, and my friend from Wisconsin [Mr. LENROOT] points out very pertinently and very cogently, and, I have an idea, somewhat convincingly, as the basis for his objection to the amendment that while he was traveling in this country during the last summer delivering his very instructive and, I will venture to say, wonderfully entertaining lecture he was not troubled with any search of his baggage.

I congratulate him on his very happy experience and the fact that whatever his baggage contained was undisturbed and reserved for his own use. [Laughter.]

The gentleman points to what he calls an extreme case, and it was also adverted to by the gentlemen upon our own side, who, opposing the amendment, said that I had no right to permit a personal experience to affect an entire situation.

I have had in the complaint which I have made no personal experience that was unpleasant.

But I do resent most bitterly and most deeply the indignities that were offered to a young girl who was a guest in my home, and you all share with me in the same feeling without question. I have no doubt whatever about that.

But advantage is sought to be taken of the fact that one of the cases I mentioned is an extreme case, as the gentleman says; and as the foundation for the argument which he so ably presented he points to the fact that there may be a house within 10 feet of an Indian reservation and that house could not be searched.

Surely, now, the illustration used by him is not an extreme case, is it? It is used for the purpose of making the same kind of argument of which the gentleman complains.

If there is a house within 10 feet of an Indian reservation, it occurs to me that under the Constitution of the United States and its guaranties, which are too often lost sight of in this House, the courts of the United States and the States are open for the process that will give the officers, in the name of the law and using the majesty of the law as the foundation for their action, the right to go into such house and make such search as the law authorizes them to make instead of making them arbitrarily.

I care nothing about the house 10 feet from the reservation, but I do care about the house that is 50 miles from the Indian reservation, where, because of an Indian treaty and under changed conditions which now exist, rights are to be invaded and search and seizure is to be made in defiance of the Constitution of the United States. I am interested not only in protecting the home against liquor but also in protecting it against unlawful invasion and improper violation of its privacy. I want to say—and that there is no subterfuge in what I am saying—and, using the language of the street, if ever a remark was made "on the level" the remark I am about to make is.

I have no interest, directly or indirectly, in the liquor traffic. I have no more tender regard for it than have any of the gentlemen who are opposed to the amendment.

There is no double meaning in my statement, and my course in this House will prove the correctness of what I state to you.

But I am opposed in this day, when the rights of the citizens are being constantly violated, not only by one but all the departments of the Government, to further taking the rights of the citizen away from him.

And whenever occasion offers, no matter what the result will be, no matter whether I am sustained by a single vote in this House or not, I will raise my voice against the further violation of the constitutional right of the citizen. [Applause.]

Opinion of Johnson against Gearlds (234 U. S. Repts., 422):
JOHNSON v. GEARLDS.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF MINNESOTA.

[No. 802. Argued May 1, 1914. Decided June 8, 1914.]

Where complainant's entire case rests on the construction of treaties with Indians in regard to reservations and on the claim that certain of such treaties have been repealed by the subsequent admission of the Territory within which the reservations are situated, this court has jurisdiction of a direct appeal from the district court under section 238, Judicial Code.

The provision in article 7 of the treaty with the Minnesota Chippewa Indians of 1855 that the laws of Congress prohibiting the manufacture and introduction of liquor in Indian country shall be in force within the entire boundaries of the country ceded by that treaty to the United States until otherwise provided by Congress, relates to the outer boundaries and includes all the reservations that lie within.

It is within the constitutional power of Congress to prohibit the manufacture, introduction, or sale of intoxicants upon Indian lands, including not only land reserved for their special occupancy, but also lands outside of the reservations to which they may naturally resort, and this prohibition may extend even with respect to lands lying within the bounds of States.

Article 7 of the Chippewa treaty of 1855 was not repealed directly or by implication by the subsequent act of Congress admitting Minnesota into the Union, nor was that article repealed by the effect of the subsequent treaties with the same bands of Chippewas of 1865 and 1867, but the intent of treaties of 1855, 1865, and 1867, as construed together, was that the acts of Congress relating to the introduction and sale of liquor in Indian country should continue in force within the entire boundaries of the country in question until otherwise provided by Congress.

Article 7 of the Chippewa treaty of 1855 has not been superseded by any of the provisions of the Nelson Act of 1889, or the cessions made by the Indians to the United States pursuant thereto, nor has that article been superseded by reason of any change in the character of the territory affected by the treaty and the status of the Indians therein.

The abrogation of an article in an Indian treaty prohibiting the sale of liquor within territory specified therein until Congress otherwise provides is, in the absence of any considerable number of Indians remaining in that territory, a question primarily for Congress and not for the courts.

The fact that there has been a recent communication and recommendation from the President to Congress on a particular subject and Congress has not acted thereon is evidence that the problem is not so entirely obvious of solution that the courts can declare it to be beyond the range of legislative discretion.

Article 7 of the Chippewa treaty of 1855 having provided for the prohibition against sale of liquor within the entire territory ceded by that treaty until Congress should otherwise provide, held that notwithstanding the subsequent admission of Minnesota to the Union, and the later treaties with the Chippewas of 1865 and 1867 and the changed condition of the country and the status of the Indians, Congress not having otherwise provided, the prohibition is still in force throughout that entire territory, including the city of Bemidji, in which there

are but few Indians and in the vicinity of which there is a large area of territory unrestricted by the prohibitions of article 7.

One hundred and eighty-third Federal Reports, page 611, reversed.

This is a direct appeal from a final decree of the district court, rendered April 20, 1912, granting to appellees (who were complainants below, and will be so designated) a permanent injunction against appellants (defendants below) in accordance with the prayer of the amended bill of complaint. It appears that complainants are several residents and citizens of the city of Bemidji, Beltrami County, Minn., and at the time of the filing of the bill were, and for a considerable time had been, engaged in business there as saloon keepers, selling at retail spirituous, vinous, and malt liquors at their respective places of business in that city, each of them having paid to the Federal and State governments, respectively, the necessary tax and license fees, and having a receipt from the Federal Government and a liquor license issued under the authority of the State of Minnesota by the municipal council and officials of the city. The bill alleged that each of the complainants had refrained from selling or disposing of any liquor to Indians or individuals of Indian blood and had complied with the Federal and State laws in this and in other respects; that each of them had built up and established a profitable and lucrative trade, and that the jurisdictional amount was involved. It averred that defendants, being citizens of other States, and acting in conjunction as special officers under the Interior Department of the United States Government, were threatening to enforce within the city of Bemidji the provisions of sections 2139 and 2140 of the Revised Statutes of the United States and amendments thereto, and on December 9, 1910, had ordered complainants and other licensed saloon keepers in Bemidji to close their saloons and cease sales of liquor and ship away their stock, threatening that otherwise they would destroy the stocks of liquor in the possession of complainants, on the ground that under article 7 of a treaty made on the 22d day of February, 1855, between the United States and certain bands of Chippewa Indians, certain territory mentioned in the treaty, including what is now the city of Bemidji, was subject to the laws of the United States respecting the sale of liquors in the Indian country.

To the bill as originally filed defendants interposed a demurrer, which was overruled, and a temporary injunction was granted. (183 Fed. Rep., 611.) Thereafter the cause was brought to final hearing upon an amended bill and a reamended answer, and the court, adhering to its former conclusion, rendered a final decree, as already mentioned.

The pertinent historical facts, as deduced from the averments of the amended pleadings, are as follows: On and prior to February 22, 1855, certain bands of the Chippewa Tribe of Indians, known as the Mississippi Bands and the Pillager and Lake Winnibigoshish Bands, were in possession of the greater portion of the lands north of parallel 46, within the boundaries of the then Territory of Minnesota. Their country constituted a wilderness, almost wholly uninhabited by civilized people. On the date mentioned, these bands entered into a treaty with the United States, which was approved by the Senate and proclaimed by the President shortly thereafter (10 Stat., 1165). By its first article the Indians ceded and conveyed to the United States "all their right, title, and interest in, and to, the lands now owned and claimed by them, in the Territory of Minnesota, and included within the following boundaries": [Here follows a particular description, by natural boundaries, of a tract of country said to contain about 21,000 square miles.] By the same article the Indians further relinquished and conveyed to the United States any and all right, title, and interest, of whatsoever nature, that they then had in and to any other lands in the Territory of Minnesota or elsewhere. This article mentions no exception or reservation from the lands ceded or granted. By article 2 there was "reserved and set apart, a sufficient quantity of land for the permanent homes of the said Indians; the lands so reserved and set apart to be in separate tracts, as follows." The separate tracts were then briefly described or indicated. For the Mississippi Bands seven reservations were set apart, which came to be known as the Mille Lac, Rabbit Lake, Gull Lake, Pokagomon Lake, Sandy Lake, and Rice Lake Reservations; and besides these, a section of land was reserved for one of the Indian chiefs. For the Pillager and Lake Winnibigoshish Bands, three reservations were set apart, known from their respective locations as the Leech Lake, Lake Winnibigoshish, and Cass Lake Reservations.

The seventh article of the treaty is as follows: "ARTICLE 7. The laws which have been or may be enacted by Congress, regulating trade and intercourse with the Indian tribes, to continue and be in force within and upon the several reservations provided for herein; and those portions of said laws which prohibit the introduction, manufacture, use of, and traffic in, ardent spirits, wines, or other liquors, in the Indian country, shall continue and be in force, within the entire boundaries of the country herein ceded to the United States, until otherwise provided by Congress."

By act of February 26, 1857 (11 Stat., 166; ch. 60), the inhabitants of a portion of the Territory, including the lands ceded by the Chippewas as above, were authorized to form a State government and come into the Union on an equal footing with the original States. The act contained no condition with reference to the treaty of 1855 or the rights of the Indians to any lands within the boundaries of the State. A State constitution was formed, by which Indians were given the right to vote under certain circumstances, and persons residing on Indian lands were declared entitled to enjoy the rights and privileges of citizens as though they lived in any other portion of the State, and to be subject to taxation. This constitution having been ratified and adopted by the people, Congress, by act of May 11, 1858 (11 Stat., 285; ch. 31), admitted the State "on an equal footing with the original States in all respects whatever." And by section 3 it was enacted that all the laws of the United States, not locally inapplicable, should have the same force and effect within that State as in other States of the Union.

Another treaty was made between the Mississippi, Pillager, and Lake Winnibigoshish Bands of Chippewas and the United States under date May 7, 1864, which was ratified and proclaimed in the following year and is known as the treaty of 1865 (13 Stat., 693). It took the place of a treaty of March 11, 1863 (12 Stat., 1249). By its first section the Gull Lake, Mille Lac, Sandy Lake, Rabbit Lake, Pokagomon Lake, and Rice Lake Reservations, as described in the treaty of 1855, were ceded to the United States, with an exception not now pertinent; and in consideration of this cession the United States agreed to set apart for the future home of the Chippewas of the Mississippi a considerable tract of land—part of the great tract ceded in 1855—embraced within designated boundaries, expressly excepting, however, the reservations made in the treaty of 1855 for the Pillager and Lake Winnibigoshish Bands, which were included within the boundaries mentioned. The lands thus set apart for the Chippewas of the Mississippi contained all the territory now within the limits of the city of Bemidji and the lands adjacent to it for a distance of several miles in all directions.

By a treaty made between the United States and the Chippewas of the Mississippi, dated March 19, 1867, ratified and proclaimed in the same year (16 Stat., 719), these bands ceded to the United States the greater portion, estimated at 2,000,000 acres, of the lands secured to them by the treaty of 1865, and in consideration of this cession the United States set apart for the use of the same Indians a tract, to be located in a square form as nearly as possible, with lines corresponding to the Government surveys, the reservation to include White Earth Lake and Rice Lake, and to contain 36 townships. This reservation came to be known as the White Earth Reservation. It lies within the exterior boundaries of the cession of 1855.

The territory ceded to the United States by the treaty of 1867 contains what is now the city of Bemidji and the country about it for miles in every direction.

By an act of January 14, 1889, known as the Nelson Act (25 Stat., 642; ch. 24), the President was authorized to designate commissioners to negotiate with all the different bands of Chippewa Indians in Minnesota for the complete cession and relinquishment of their title and interest in all their reservations, except the White Earth and Red Lake Reservations, and in so much of these two reservations as in the judgment of the commission was not required to make and fill the allotments required by this and existing acts. The act provided that a census should be taken, and that after the cession and relinquishment had been approved all the Chippewa Indians in the State, except those on the Red Lake Reservation, should be removed to the White Earth Reservation, and lands should then be allotted to the Indians in severalty, in conformity with the act of February 8, 1887 (24 Stat., 388; ch. 119), and the surplus lands disposed of by sale and the proceeds placed in the Treasury of the United States to the credit of all the Chippewa Indians in the State of Minnesota as a permanent fund, to bear interest, payable annually, for 50 years, and at the end of that period the fund to be divided and paid to all of said Chippewas and their issue then living in cash. By the first section of this act the acceptance and approval of the cession and relinquishment of the lands by the President of the United States was to be deemed full and ample proof of the assent of the Indians, and to operate as a complete extinguishment of the Indian title without further act or ceremony. Commissioners were appointed accordingly, and agreements were entered into between them and the several bands of Chippewas by which the Indians accepted and ratified the provisions of the act and ceded to the United States all their right, title, and interest in their reservations, excepting portions of the White Earth and Red Lake Reservations, and these cessions were approved by the President on the 4th day of March, 1890.

Since the making of the treaty of 1855 the country then ceded to the United States, with the exception of the portions set apart as Indian reservations, has been largely developed, gradually at first, but with great rapidity during recent years, and all the land has become populated by white people and opened up to settlement and organized as political subdivisions of the State, and in the larger portion of the territory industries have been established and commercial interests have grown up, so as to materially change the situation that existed at the time of the making of the treaty. According to the census of 1910, the counties affected by that treaty show a total white population of 382,191. Bemidji is the county seat of Beltrami County and is a municipal corporation, organized under the laws of the State as a city, containing within its corporate limits about 7,000 inhabitants, and, in connection with adjacent municipalities, constituting a population of about 9,000 people. The city is reached by five lines of railroads, three of which have transcontinental connections. The country surrounding it is highly developed, and there are no Indian habitations within 20 miles in any direction from the city.

The original Red Lake Indian Reservation lay immediately north of the great tract covered by the cession of 1855 and was not subject to the treaty of that year. Pursuant to the Nelson Act of January 14, 1889, a considerable portion of this reservation was relinquished to the United States, and has been opened up to settlement, with the result that there is now a strip of territory about 15 miles in width lying a few miles north of Bemidji, which is admittedly exempt from the provisions of any treaty or law relative to the introduction of intoxicating liquors in the Indian country; and in that strip the sale of intoxicating liquors is actually conducted without interference on the part of the Government of the United States.

Mr. Assistant Attorney General Wallace for appellants:

This court has jurisdiction under section 238, Judicial Code, because the construction or validity of article 7 of the treaty of 1855 is drawn in question; the construction or application of the Constitution is involved; the construction of treaties of 1865 and 1867 is drawn in question. (*United States v. Wright*, 229 U. S., 226.) "Validity" involves existence of treaty. The Minnesota enabling act did not expressly repeal article 7.

The question of implied repeal depends on the relative potency of State police power and the Federal interstate-commerce power. The court below erred in holding that the State police power was dominant.

Article 7 of the treaty was in force in 1910.

It was not repealed by the Minnesota enabling act.

Webb Case (225 U. S., 663) and Wright Case (229 U. S., 226) control this case.

The *Perrin*, *Dick*, and *Whisky* Cases are like the case at bar, except that Congress acted here before, and there after, statehood.

If Congress still had power after statehood, implied repeal by enabling act is not possible.

A reservation of power in enabling act is not necessary.

Congress could not reserve a power it might not enjoy without reservation.

The State has no police power over Indian commerce.

The *McBratney* and *Draper* Cases are distinguished in the *Donnelly* Case, and *Ward v. Race Horse* (163 U. S., 504) is distinguished.

The *Friedman* Case was overruled by the Circuit Court of Appeals (180 Fed. Rep., 1006).

Article 7 was not repealed by treaties of 1865 or 1867, and there has been no express repeal.

It was not necessary to repeat prohibition in 1865 or 1867, because article 7 in the 1855 treaty covered and protected the whole area.

The need for protection of article 7 was as great in 1865 and 1867 as in 1855.

The rule that reconveyance to a grantor cancels existing covenant is not applicable in this case, because there has been no such reconveyance in fact and because that rule does not apply to treaties.

Article 7 had not become a purely arbitrary regulation in 1910.

Three classes of Indians are concerned—full-blood White Earth and all Leech Lake allottees holding prior to act of May 9, 1906. These may be citizens, but can not alienate lands.

All of the above are holding allotments only since the act of 1906. These are not citizens and can not alienate.

Mixed-blood White Earth allottees are citizens of the United States and of the State.

All save class 3 are still in wardship (without regard to other reasons), because the trust period has not expired.

The wardship of mixed-blood White Earth allottees depends on whether they are still regarded as a dependent people by the executive and legislative branches of the Government.

The pleadings do not show that this protection is purely arbitrary as applied to tract A.

The open 15-mile strip never was protected by treaty.

There is present need of 10,000 Indians for this protection, and there is inadequacy of State laws to keep the liquor out.

In support of these contentions, see *Altman & Co. v. United States* (224 U. S., 583); *The Cherokee Tobacco* (11 Wall., 616); *Champion Lumber Co. v. Fisher* (227 U. S., 445, 451); *Cornell v. Green* (163 U. S., 75); *Couture v. United States* (207 U. S., 581); *Coyle v. Oklahoma* (221 U. S., 559); *Dick v. United States* (208 U. S., 340); *Donnelly v. United States* (228 U. S., 243); *Draper v. United States* (164 U. S., 240, 247); *Ex parte Webb* (225 U. S., 663); *Foster v. Neilson* (2 Pet., 314); *Friedman v. United States Express Co.* (180 Fed. Rep., 1006); *Georgia Railroad, etc., Co. v. Walker* (87 Georgia, 204); *Green v. Edwards* (15 Tex. Civ. App., 382); *Holder v. Aultman* (169 U. S., 81); *Hallowell v. United States* (221 U. S., 312); *Jones v. Walker* (2 Paine, 288); *Loeb v. Township* (179 U. S., 472); *Matter of Heff* (197 U. S., 488); *Matter of Rickert* (188 U. S., 432); *McKay v. Kalyton* (204 U. S., 458, 466); *Mosier v. United States* (198 Fed. Rep., 54); *Muse v. Arlington Hotel Co.* (168 U. S., 435); *People's Bank v. Gibson* (161 Fed. Rep., 286, 291); *Perrin v. United States* (232 U. S., 478); *Petit v. Walshe* (194 U. S., 216); *Pollard v. Hagan* (3 How., 212); *Silverman v. Loomis* (104 Ill., 142); *Tiger v. Western Investment Co.* (221 U. S., 286); *United States v. Celestine* (215 U. S., 287); *United States v. Holliday* (3 Wall., 407); *United States v. McBratney* (104 U. S., 621); *United States v. Pelican* (232 U. S., 442); *United States v. Sandoval* (231 U. S., 28); *United States v. Sutton* (215 U. S., 291); *United States v. Wright* (229 U. S., 226); *United States v. 43 Gallons of Whisky* (93 U. S., 188); *United States Express Co. v. Friedman* (191 Fed. Rep., 678); *Ward v. Race Horse* (163 U. S., 504); *Wilson v. Shaw* (204 U. S., 24, 33).

Mr. Charles P. Spooner, with whom Mr. Marshall A. Spooner, Mr. John C. Spooner, Mr. Fred W. Zollman, and Mr. Joseph P. Cotton, were on the brief for appellees:

This court has not jurisdiction of this appeal under section 238, Judicial Code, because the construction or validity of article 7 of the treaty of 1855 is not drawn in question; the construction or application of the Constitution is not involved; the construction of the treaties of 1865 and 1867 is not drawn in question.

Article 7 of the treaty of 1855 was repealed by the Minnesota enabling act; it was also repealed by the treaties of 1865 and 1867; and it had expired in 1910 because of the act of January 14, 1889, and the change in the character of territory and the status of Indians.

In support of these contentions, see *Bates v. Clark*, 95 U. S., 204; *Balt. & Poto. R. R. Co. v. Hopkins*, 130 U. S., 210; *Champion Lumber Co. v. Fisher*, 227 U. S., 455; *Clough v. Curtis*, 134 U. S., 361; *Hamilton v. Rathbone*, 175 U. S., 414; *Linford v. Ellison*, 155 U. S., 38; *Matter of Heff*, 197 U. S., 488; *McLean v. Railroad Co.*, 203 U. S., 38; *Miller v. Cornwell R. R. Co.*, 168 U. S., 131; *New Orleans v. Water Works Co.*, 142 U. S., 79; *Snow v. United States*, 118 U. S., 346; *Swearingen v. St. Louis*, 185 U. S., 38; *Tiger v. Western Invest. Co.*, 221 U. S., 286; *United States v. Celestine*, 215 U. S., 278, 290; *United States v. Dick*, 208 U. S., 340; *United States v. Fisher*, 2 Cranch, 358; *United States v. Forty Gallons of Whisky*, 93 U. S., 188; *United States v. Lynch*, 137 U. S., 280; *United States v. Perrin*, 232 U. S., 478; *United States v. Sandoval*, 231 U. S., 28; *United States v. Wright*, 229 U. S., 226; *Wiggin v. Connolly*, 163 U. S., 56.

Mr. Justice Pitney, after making the foregoing statement, delivered the opinion of the court.

This direct appeal is taken under section 238, Judicial Code (act of Mar. 3, 1911, c. 231, 36 Stat., 1087, 1157), which allows such an appeal (inter alia) "in any case that involves the construction or application of the Constitution of the United States; in any case in which the constitutionality of any law of the United States, or the validity or construction of any treaty made under its authority is drawn in question." Our jurisdiction is invoked upon three grounds: (a) That the construction or validity of article 7 of the treaty of 1855 is drawn in question; (b) that the construction or application of the Constitution is involved; (c) that the construction of the treaties of 1865 and 1867 is drawn in question. There is a motion to dismiss, based upon the ground that none of these contentions is well founded. We think the motion must be denied. The court below, in overruling the demurrer, based its decision upon the ground that the treaty of 1855 was necessarily repealed by the admission of the State of Minnesota into the Union upon an equal footing with the original States. This decision was based upon the bill as originally framed, but the amendments made no change affecting this ground of decision; and it is evident from the record that in granting the final decree the court adhered to the view expressed in overruling the demurrer. It is insisted by appellants, with some force, that this view was based upon grounds that involved the construction or application of the Constitution of the United States; and that for this reason the direct appeal lies. We find it unnecessary to consider the point, since it seems to us that the entire case for complainants rests at bottom upon grounds that involve the construction of the three treaties referred to, especially that of 1855.

The bill, either in its original or its amended form, did not expressly assert as a ground for relief that the treaty of 1855 had been repealed, in whole or in part, by the admission of the State. On the contrary, relief was prayed upon the ground that the second clause of article 7 (that which related to the liquor traffic and was to remain in force until otherwise provided by Congress) applied only to the ceded territory and not to the reservations set apart within that territory; that by the treaty of 1865 those reservations were ceded to the United States, and ceased to be Indian country in any sense; and that by the subsequent cession in the treaty of 1867 the reservation of 1865 in turn was vested in the United States, and therefore ceased to be Indian country; and, finally, that article 7 of the treaty of 1855 had expired at the time of the acts complained of in the bill (1910) by virtue of the provisions of the act of January 14, 1889, and the cessions made to the United States by the Chippewas of Minnesota pursuant to that act, and because of the changes wrought by time in the character of the territory included in the treaty of 1855 and the status of the Indians therein. These grounds of relief are reiterated in the amended bill, and the averments of the amended answer are cal-

culated to meet them. And the principal force of the arguments on both sides is addressed to the construction of the several treaties referred to. For this reason, if for no other, the direct appeal is well taken.

Upon the merits, we may well begin with the disputed portion of the treaty of 1855:

"ARTICLE 7. The laws which have been or may be enacted by Congress, regulating trade and intercourse with the Indian tribes, to continue to be in force within and upon the several reservations provided for herein; and those portions of said laws which prohibit the introduction, manufacture, use of, and traffic in, ardent spirits, wines, or other liquors, in the Indian country, shall continue and be in force, within the entire boundaries of the country herein ceded to the United States, until otherwise provided by Congress."

The reference to previous laws clearly points to the act of June 30, 1834, entitled "An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers" (c. 161, 4 Stat., 729), and kindred acts. The act of 1834 was a revision of previous enactments, and contains many provisions for the regulation of trade and intercourse. Its twentieth and twenty-first sections (4 Stat., 732) prohibit the introduction or manufacture of, or traffic in, spirituous liquor or wine within the Indian country. From them, sections 2139, 2140, and 2141, Revised Statutes, were derived.

By the first section of the act of 1834, the term "Indian country" was defined, for the purposes of that act, as meaning land to which the Indian title had not been extinguished. At the making of the treaty, therefore, the restriction respecting the liquor traffic was in force within the ceded area, because until then the Indian title had not been extinguished. It was the evident purpose of article 7 to continue the restriction in force in the ceded territory, notwithstanding the extinguishment of the Indian title. Such stipulations were not unusual. A contemporaneous treaty with the Winnebagoes contained a similar one (10 Stat., 1172, 1174, article 8). And it has been uniformly recognized that such stipulations amount in effect to an amendment of the statute, so as to make the restriction effective throughout the ceded territory. *United States v. Forty-three Gallons of Whisky* (93 U. S., 188, 196); *Bates v. Clark* (95 U. S., 204, 208).

The fundamental contention that underlies the entire argument for complainants is that the first part of article 7 had for its object that the laws of Congress, present and future, regulating trade and intercourse with the Indian tribes, were to continue and be in force within the reservations created by the treaty; while the latter portion of the article had for its object to keep in force in the ceded country—which, it is said, excludes the reservations—those portions of the laws that prohibited the introduction, manufacture, use of, and traffic in ardent spirits, etc., in the Indian country until otherwise provided by Congress; the particular insistence being that the latter clause applies merely to the so-called ceded territory, and not to the lands included within the reservations.

With this construction of the treaty we can not agree. We think it rests upon a misconception of the fair import of the terms employed in article 7, whether considered alone or together with the context, and fails to give due effect to the reason and spirit of the stipulation.

It seems to us that in the qualifying clause—"within the entire boundaries of the country herein ceded to the United States"—the words "entire boundaries" are equivalent to "outer boundaries," and therefore include the reservations that lie within. This agrees with the context; for, if we turn back to see what is "herein ceded," we find, that by the terms of article 1 the cession is of all the right, title, and interest of the Indians in the lands owned and claimed by them included within designated boundaries—this being the great tract in question—and then, in a separate clause, a relinquishment and conveyance of all right, title, and interest of the Indians in any other lands in the Territory of Minnesota or elsewhere.

There is here no suggestion that the reservations are excepted out of the cession. On the contrary, article 1 in terms vests the Indian title in the United States as to all the described lands, including the reservations mentioned in article 2. The latter article reserves a number of comparatively small and isolated tracts "for the permanent homes of the said Indians." Of these, all are within the outer boundaries of the cession excepting the Mille Lac Reservation, which lies outside. Reading the two articles together, it is evident that the framers of the treaty intended that the reservations themselves should become the property of the United States, subject only to a trust for the occupancy of the Indians. This is placed beyond controversy when we observe that by the latter part of article 2 it was provided that the President of the United States might cause the reservations or portions thereof to be surveyed; assign a reasonable quantity, not exceeding 80 acres in any case, to each head of a family or single person over 21 years of age for his or their separate use; issue patents for the tracts so assigned, which tracts were to be exempt from taxation, levy, sale, or forfeiture, and not to be aliened or leased for a longer period than two years at one time, unless otherwise provided by the legislature of the State with the assent of Congress; not to be sold or aliened in fee for a period of five years after the date of patent, and not then without the assent of the President; and that prior to the issue of the patents the President might make rules and regulations respecting the disposition of the lands in case of the death of the allottee, etc.

The subdivision of the reservations, allotments to individual Indians, and the ultimate alienation of allotments, being thus in view at the making of the treaty, it is unreasonable to give such a construction to the stipulation contained in the second portion of article 7 as would defeat its object, by removing the restriction from scattered parcels of land whenever it should come to pass that the Indian title therein was extinguished. The restriction would be of little force unless it covered the entire ceded area en bloc, so that no change in the situation of the reservations by way of extinguishing the residue of Indian title or otherwise should operate to limit its effect. And so, upon the whole, we deem it manifest that the second clause of article 7 dealt with the entire ceded country, including the reservations, as country proper to be subjected to the laws relating to the introduction, etc., of liquor into the Indian country until otherwise provided by Congress. It was evidently contemplated that the bands of Indians, while making their permanent homes within the reservations, would be at liberty to roam and to hunt throughout the entire country as before. The purpose was to guard them from all temptation to use intoxicating liquors.

That it is within the constitutional power of Congress to prohibit the manufacture, introduction, or sale of intoxicants upon Indian lands, including not only lands reserved for their special occupancy, but also lands outside of the reservations to which they may naturally resort;

and that this may be done even with respect to lands lying within the bounds of a State, are propositions so thoroughly established and upon grounds so recently discussed that we need merely cite the cases. *Perrin v. United States* (232 U. S., 478, 483); *United States v. Forty-three Gallons of Whisky* (93 U. S., 188, 195, 197); *Dick v. United States* (208 U. S., 340).

And we can not agree with the district court that article 7 of the treaty of 1855 was repealed by the Minnesota enabling act or by the admission of that State into the Union upon equal terms with the other States. Neither the enabling act nor the act of admission contains any reference to the treaty, although the latter was so recent that it can hardly have been overlooked. The court seems to have considered that the continued existence of article 7, so far as it prohibited the introduction, manufacture, and sale of liquors within the ceded country outside of the reservations, was inconsistent with the "equal-footing" clause of the enabling and admitting acts. That there is no such inconsistency results very plainly, as we think, from the reasoning and authority of the cases above cited. The court deemed that *United States v. Forty-three Gallons of Whisky*, supra, and *Dick v. United States*, supra, were distinguishable upon the ground that in each of those cases the treaty under consideration was made after the State had been admitted into the Union. But if the making of such a treaty after the admission of the State is not inconsistent with the "equal footing" of that State with the others—as, of course, it is not—it seems to us to result that there is nothing in the effect of "equal-footing" clauses to operate as an implied repeal of such a treaty when previously established.

In *Ex parte Webb* (225 U. S., 663) we had to deal with the effect of the Oklahoma enabling act (June 16, 1906, c. 3335, 34 Stat., 267) upon a previous statute (act of Mar. 1, 1895, c. 145, sec. 8, 28 Stat., 603, 697), which prohibited, inter alia, the "carrying into said [Indian] Territory any of such liquors or drinks," in view of the fact that the enabling act itself required that the constitution of the new State should prohibit the manufacture, sale, or otherwise furnishing of intoxicating liquors within that part of the State formerly known as the Indian Territory; and we held that in view of the existing treaties between the United States and the Five Civilized Tribes and because the enabling act and the constitution established thereunder dealt only with the prohibition of the liquor traffic within the bounds of the new State, the act of 1895 remained in force so far as pertained to the carrying of liquor from without the new State into that part of it which was the Indian Territory.

In *United States v. Wright* (229 U. S., 226) we held that the prohibition against the introduction of intoxicating liquors into the Indian country found in section 2139, Revised Statutes, as amended by the acts of July 23, 1892 (c. 234, 27 Stat., 260), and January 30, 1897 (c. 109, 29 Stat., 506), was not repealed, with respect to intrastate transactions, by the Oklahoma enabling act, in spite of the provision respecting internal prohibition contained therein as already mentioned.

Upon the whole, we have no difficulty in concluding that article 7 of the treaty of February 22, 1855, was not repealed by the admission of Minnesota into the Union.

We come, therefore, to the principal contention of complainants and appellees, which is that the article was repealed by the effect of the treaties of 1865 and 1867. The argument in support of this contention may be outlined as follows: That by the earliest of the three treaties the several bands of Indians ceded to the United States the great tract of approximately 21,000 square miles, but excepted from that cession the several reservations created for the Mississippi bands and for the Pillager and Lake Winnibigoshish bands; that when the treaty of 1865 was made the Mississippi bands were the owners of their reservations within the exterior limits of the cession of 1855, which reservations were not covered by the second portion of article 7, but were subject to all of the laws of the United States regulating commerce and intercourse with the Indian tribes, simply because of being Indian country in fact; that by the treaty of 1865 the Mississippi bands ceded outright to the United States these reservations, and in return the United States ceded to them the tract of territory already mentioned (including Bemidji and the country surrounding it), excepting those portions included within the reservations of the Pillager and Lake Winnibigoshish bands; and that when, in 1867, in return for the White Earth Reservation, the Mississippi Chippewas re-ceded to the United States the greater portion of the tract set apart for them in 1865, they ceded the same title and the same right and power over the lands that the three original tribes would have had; that is to say, they ceded them free and clear of article 7 of the treaty of 1855.

It will at once be observed that the argument rests at bottom upon the erroneous construction to which we have already called attention, viz, that the second portion of article 7 did not apply to the reservations that were within the exterior limits of the ceded territory. We repeat that, in our opinion, the restriction applied to all the territory that was included within the terms of the cession; as much to those portions set apart for reservations as to the surrounding territory. There was nothing in the treaty of 1865, therefore, to make the receded reservations unrestricted territory, nor was there anything in the treaty of 1867 to remove the restriction from the territory then receded. Reading the series of treaties together, it is plain enough, we think, that the contracting parties in all that was done were resting upon the plain language of the second part of article 7, which declared that the laws relating to the introduction, etc., of liquor in the Indian country should continue in force within the entire boundaries of the country in question until otherwise provided by Congress.

Finally, it is contended that article 7 of the treaty of 1855 had been superseded at the time of the acts complained of in the bill (1910) by virtue of the provisions of the Nelson Act of January 14, 1889 (c. 24, 25 Stat., 642), and the cessions made to the United States by the Indians pursuant to that act, and by reason of the change in the character of the territory included in the treaty of 1855 and the status of the Indians therein.

As already pointed out, this act provided that commissioners to be appointed by the President should negotiate with the different bands of Chippewas in the State of Minnesota for the complete cession and relinquishment of their title and interest in all their reservations in the State, except so much of the White Earth and Red Lake Reservations as was not required for allotments, and that acceptance and approval of such cession and relinquishment by the President should be deemed full and ample proof of the cession and should operate as a complete extinguishment of the Indian title without other or further act or ceremony.

From the averments of the amended bill and answer it is not easy to gather a precise statement of the present situation of the Indian lands and of the Indians themselves, so far as it affects the question before us. Some reference is made to the situation at the Red Lake

Reservation, but since it is not clear that the restriction contained in the treaty of 1855 was intended for the protection of the Indians within that reservation we prefer to confine our attention to the situation as it existed in 1910 within the boundaries of the great tract that was the subject of the cession of 1855. Within those bounds there would seem to be remaining only fragments of the White Earth and Leech Lake Reservations; both reservations being in process of allotment under the acts of February 8, 1887 (24 Stat., 388; ch. 119), and of January 14, 1889 (25 Stat., 642; ch. 24), and amendatory acts.

Of the lands that have been allotted a considerable portion are still held in fee by the United States and are nonalienable by the allottees until the expiration of the trust period. Upon the White Earth Reservation, and also at Leech Lake, the Government maintains an Indian agency and superintendent as well as Indian schools. At the White Earth Agency 5,600 Indians are carried upon the annuity rolls; at Leech Lake, 1,750 Indians. The majority of these reside upon lands embraced within the original reservation, and they are the same Indians, or descendants of the same, that were parties to the treaties of 1855, 1865, and 1867. In consequence of their elevation to the plane of citizenship by the operation of the allotment acts, tribal relations have for most purposes ceased to exist, but are recognized for the purpose of the distribution of annuities under the Nelson Act. And it is admitted that for purposes of business, pleasure, hunting, travel, and other diversions these Indians traverse parts of the region comprised in the cession of 1855 outside of the reservations, and thus visit the towns, villages, and cities in the Territory, including Bemidji. On the other hand, it is admitted that their visits to Bemidji are infrequent, and that there are no Indian habitations within a range of 20 miles in any direction from that city. And, as pointed out in the prefatory statement, the diminished Red Lake Reservation is admittedly surrounded by a strip of land, approximately 15 miles in width, which never was subject to the treaty of 1855, and upon which saloons are maintained in close proximity to that reservation. This strip extends along the northerly boundary of the cession of 1855, which is perhaps 10 or 12 miles north of Bemidji.

The argument for treating the restriction of 1855 as no longer in force rests not upon any denial of the fact that there are some thousands of Indians at the White Earth and Leech Lake Agencies who are still more or less under the guardianship of the Government, and for whose protection the liquor restriction ought to be maintained, but rather upon the fact that these Indians are surrounded by territory in which liquor is lawfully obtainable. In support of this it is said that the former Mississippi reservations ceded to the United States in 1865 are unrestricted territory; that so much of the Leech Lake and Lake Winnibigoshish Reservations as were conveyed to the United States in 1890 are such territory; that every allotment from either of these reservations as to which the trust period has expired is such territory; and that lands sold to white men in the reservations is such territory. It will be observed, again, that each of these contentions rests upon the fundamental error that the reservations mentioned in the treaty of 1855 are not within the liquor restriction of article 7.

In view of the interpretation we have placed upon that article, it seems to us that the contention as to changed conditions must be based not upon the supposed fact that the tract covered by the cession of 1855 "is already dotted with wet territory," but rather upon the question whether the restriction—entered into more than half a century ago, when the country was a wilderness—ought to be treated as still in force, in view of the small number of Indians entitled to protection as compared with the large population of whites who now form the great majority of the inhabitants, and in view of the high state of civilization and development of the territory in question.

In *Perrin v. United States* (232 U. S., 478, 486) we had to deal with a somewhat similar question. That was a review of a conviction for unlawfully selling intoxicating liquors upon ceded lands formerly included in the Yankton Sioux Indian Reservation in the State of South Dakota. The reservation was created in 1858, and originally embraced 400,000 acres. A considerable part of it was allotted in severalty to members of the tribe under the act of 1887, the allotments being in small tracts scattered through the reservation. By an agreement ratified and confirmed by Congress August 15, 1894 (28 Stat., 286, 314, 318; ch. 290), the tribe ceded and relinquished to the United States all the unallotted lands, and by article 17 of the agreement it was stipulated:

"No intoxicating liquors nor other intoxicants shall ever be sold or given away upon any of the lands by this agreement ceded and sold to the United States, nor upon any other lands within or comprising the reservations of the Yankton Sioux or Dakota Indians as described in the treaty between the said Indians and the United States, dated April 19, 1858, and as afterwards surveyed and set off to the said Indians. The penalty for the violation of this provision shall be such as Congress may prescribe in the act ratifying this agreement." In the ratifying act a penalty was prescribed. The ceded lands were opened to disposition under the homestead and town-site laws and passed largely into private ownership, and the place at which the intoxicating liquors were sold was within the defendant's own premises in a town located upon a part of the ceded lands held in private ownership by the inhabitants, none of whom was an Indian. After overruling the contention that the restriction was invalid because the power to regulate the sale of intoxicating liquors upon all ceded lands rested exclusively in the State (citing *United States v. Forty-three Gallons of Whisky*, 93 U. S., 188; and *Dick v. United States*, 208 U. S., 340), the opinion dealt with the further contention that the power of Congress was necessarily limited to what was reasonably essential to the protection of Indians occupying the unceded lands, and that this limitation was transcended by the provision in question because it embraced territory greatly in excess of what the situation required, and because its operation was not confined to a designated period reasonable in duration, but apparently was intended to be perpetual. As to this the court said (p. 486):

"As the power is incident only to the presence of the Indians and their status as wards of the Government, it must be conceded that it does not go beyond what is reasonably essential to their protection, and that, to be effective, its exercise must not be purely arbitrary but founded upon some reasonable basis. Thus a prohibition like that now before us, if covering an entire State when there were only a few Indian wards in a single county, undoubtedly would be condemned as arbitrary. And a prohibition valid in the beginning doubtless would become inoperative when in regular course the Indians affected were completely emancipated from Federal guardianship and control. A different view in either case would involve an unjustifiable encroachment upon a power obviously residing in the State. On the other hand, it must also be conceded that, in determining what is reasonably

essential to the protection of the Indians, Congress is invested with a wide discretion, and its action, unless purely arbitrary, must be accepted and given full effect by the courts."

Although the circumstances of the present case are different, and we are here dealing with a question of obsolescence rather than of original invalidity, the language just quoted indicates the point of view from which the question should be approached. But we must not forget that the question is one, primarily, for the consideration of the law-making body; nor are we in danger of doing so, since by the very terms of the stipulation now under consideration the prohibition of the liquor traffic was to continue "until otherwise provided by Congress." We do not mean to say that if it appeared that no considerable number of Indians remained wards of the Government within the territory in question, the courts would not be justified in declaring that since the constitutional warrant for the restriction no longer existed the restriction must expire with it. But where the question confessedly turns not upon a total, nor even upon an approximately complete, emancipation of the Indians from the Federal guardianship, but upon their unimportance as compared with the interests of the population at large, we think the question is legislative rather than judicial.

Indeed, it has only recently been under consideration by Congress. On February 17, 1911 (S. Doc. No. 824, 61st Cong., 3d sess., vol. 85), the President, in a special message called attention to the situation in Minnesota resulting from the operation of the old Indian treaties under present conditions; and with respect to the area ceded by the Chippewa in 1855, he stated: "The records of the Indian Bureau show that there are within said area, under the jurisdiction of the superintendents of the White Earth and Leech Lake Reservations, 7,196 Indians, who can be amply protected by limiting the territory as to which said treaty provisions shall remain in force and effect to the area within and contiguous to said reservations, particularly described as follows: . . . I therefore recommend that Congress modify the article of said treaty quoted above so as to exclude from the operations of its provisions all of the territory ceded by said treaty to the United States except that immediately above described."

That Congress has not yet acted upon this recommendation is evidence that the problem is not so entirely obvious of solution that it can be judicially declared to be beyond the range of legislative discretion.

Since it must be admitted that complainants have no ground of relief against defendants if the restriction remains in force at Bemidji, as we hold that it does, it follows that the decree of the district court should be reversed and the cause remanded with directions to dismiss the bill.

Decree reversed.

Mr. Justice McKenna and Mr. Justice Lurton dissent upon grounds expressed in the opinion of the district court, reported in 183 Federal Reporter, 611.

Message of President Taft:

To the Senate and House of Representatives:

Half a century ago treaties were entered into with Indian tribes occupying a portion of the present State of Minnesota, in all of which were contained provisions prohibiting the introduction, manufacture, use, and traffic in intoxicants in the country which was the subject of the treaties. In the years which have elapsed since making these treaties conditions have largely changed, the Indian population has been reduced, large white settlements have been made, and great cities like St. Paul and Minneapolis have come to occupy a portion of what, at the date of the treaties, was denominated Indian country.

Notwithstanding these facts, this territory still remains subject to the regulations respecting the traffic in liquors originally imposed for the protection of the Indians. Such an anomalous condition of affairs should no longer continue, and the regulation of traffic in liquors in those areas now almost exclusively occupied by white people should be left to them. In those instances where the treaties authorize the President to repeal or modify the provisions, I have exercised that right. Some of the treaties, however, provide that the provisions referred to shall continue and be in force until otherwise provided by Congress.

By the treaty of February 27, 1855 (10 Stat., 1172), with the Winnebago Tribe of Indians that tribe ceded to the United States a tract of land granted to them by the treaty made October 13, 1846, within the Territory—now the State—of Minnesota, lying north of St. Peters River and west of the Mississippi River, estimated to contain about 897,000 acres, and in part consideration of the cession the United States agreed to grant to the said Indians as their permanent home a certain tract to be selected as therein provided. The treaty contained the following provision:

"ART. 8. The laws which have been or may be enacted by Congress regulating trade and intercourse with the Indian tribes shall continue and be in force within the country herein provided to be selected as the future permanent home of the Winnebago Indians; and those portions of said laws which prohibit the introduction, manufacture, use of, and traffic in ardent spirits in the Indian country shall continue and be in force within the country herein ceded to the United States until otherwise provided by Congress."

As there are but few, if any, Indians residing within said area, and the Indian Office reports that there is no occasion for the continuance in force and effect of the treaty provision above referred to, I recommend that legislation be enacted declaring the treaty provision above quoted to be of no further force or effect.

By the treaty of September 30, 1854 (10 Stat., 1109), made with the Chippewa Indians of Lake Superior and the Mississippi, ceding to the United States a large area, comprising the extreme northeastern portion of the State of Minnesota, it was provided:

"ART. 7. No spirituous liquors shall be made, sold, or used on any of the lands herein set apart for the residence of the Indians, and the sale of the same shall be prohibited in the territory hereby ceded until otherwise ordered by the President."

No legislation has ever been enacted pursuant to this stipulation, and for this reason the same has remained entirely ineffective.

According to the latest Indian census reports, there are within the area ceded by this treaty about 1,253 Indians, most of whom are located within the portion of said territory hereinafter described, whose welfare requires effective laws restricting traffic in liquor in their neighborhood.

I therefore recommend that appropriate legislation be enacted, extending the laws of the United States prohibiting the introduction and sale of spirituous liquors in the Indian country throughout that portion of the territory ceded by said treaty, particularly described as follows:

"Beginning at a point where the line between townships 45 and 46 north intersects the line between ranges 15 and 16 west of the fourth

principal meridian; thence north along said line to the northeast corner of township 53 north, range 16 west; thence west along the line between townships 53 and 54 north to the point where it intersects the western boundary established by said treaty of September 30, 1854; thence following the said treaty line in a southwesterly direction to the point where it intersects the line between townships 45 and 46 north; thence due east along said line to the point of beginning, and all that portion of the State of Minnesota which lies east of the fourth principal meridian."

By the treaty of February 22, 1855 (18 Stat., 1165), with the Mississippi bands of Chippewa Indians, an area extending almost entirely across the northern part of the State of Minnesota and from its northerly boundary practically to its center was ceded to the United States, the provision thereof concerning intoxicating liquor being as follows:

"ART. 7. The laws which have been or may be enacted by Congress, regulating trade and intercourse with the Indian tribes, to continue and be in force within and upon the several reservations provided for herein; and those portions of said laws which prohibit the introduction, manufacture, use of, and traffic in ardent spirits, wines, or other liquors in the Indian country shall continue and be in force within the entire boundaries of the country herein ceded to the United States until otherwise provided by Congress."

The records of the Indian Bureau show that there are within said area, under the jurisdiction of the superintendents of the White Earth and Leech Lake Reservations, 7,196 Indians, who can be amply protected by limiting the territory as to which said treaty provisions shall remain in force and effect to the area within and contiguous to said reservations, particularly described as follows:

"Beginning at the mouth of the Wild Rice River; thence in a northeasterly direction along the line established by said treaty of February 22, 1855, to the point where it intersects the line between townships 32 and 33 west of the fifth principal meridian; thence south along said line to the northeast corner of township 146 north, range 33 west of the fifth principal meridian; thence east along said line to the northeast corner of township 146 north, range 25 west of the fifth principal meridian; thence north along the third guide meridian to the northwest corner or fractional township 58 north, range 27 west of the fourth principal meridian; thence east to the northeast corner of said township; thence south along the line between ranges 26 and 27 west of the fourth principal meridian to the southeast corner of township 53 north, range 27 west of the fourth principal meridian; thence west to the southwest corner of said township; thence south along the third guide meridian to the point where it crosses the Mississippi River; thence down the said river to the mouth of Crow Wing River; thence in a westerly direction, following the southern boundary of said treaty to the point where it intersects the line between townships 35 and 36 west of the fifth principal meridian; thence north along said line to the northeast corner of township 136 north, range 36 west; thence west along the line between townships 136 and 137 north to the point where it intersects the boundary line established by said treaty; thence along said boundary to the point of beginning."

I therefore recommend that Congress modify the article of said treaty quoted above so as to exclude from the operations of its provisions all of the territory ceded by said treaty to the United States, except that immediately above described.

WM. H. TAFT.

THE WHITE HOUSE, February 17, 1911.

Mr. STEPHENS of Texas. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. CHIPERFIELD].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. MILLER of Minnesota. Mr. Chairman, I desire to offer an amendment to the paragraph. I move to strike out the figures "\$150,000" and insert in lieu thereof "\$200,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 23, strike out the figures "\$150,000" and insert in lieu thereof "\$200,000."

Mr. MILLER of Minnesota. Mr. Chairman, I do this because, as I understand it, that is the estimate submitted by the Commissioner of Indian Affairs.

The CHAIRMAN. The Chair would like to inquire if the debate is not closed on the paragraph?

Mr. STEPHENS of Texas. It is.

The CHAIRMAN. Then, there can be no debate. The question is on the amendment offered by the gentleman from Minnesota.

Mr. MILLER of Minnesota. Mr. Chairman, I would like to ask unanimous consent to proceed for five minutes.

Mr. CARTER of Oklahoma. Mr. Chairman, I ask unanimous consent for five minutes.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman from Minnesota [Mr. MILLER] and the gentleman from Oklahoma [Mr. CARTER] may each have five minutes.

Mr. CARTER of Oklahoma. And that thereafter the debate be closed on this paragraph.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the gentleman from Minnesota [Mr. MILLER] and the gentleman from Oklahoma [Mr. CARTER] each have five minutes on this amendment. Is there objection. [After a pause.] The Chair hears none.

Mr. MANN. May we have the amendment again reported?

The CHAIRMAN. The Clerk will again report the amendment.

The Clerk read as follows:

Page 3, line 25, strike out "\$150,000" and insert in lieu thereof "\$200,000."

Mr. MILLER of Minnesota. Mr. Chairman, I offer this in the utmost hope that it will be adopted by the committee. By a recent vote you have decided that the provision of the law as it stands shall be carried out, and by adopting this amendment you will provide that the provision shall be carried out effectively. I know of my own knowledge that the amount asked for by the commissioner, namely, \$200,000, is not too much, and I doubt if it is sufficient to pay the expenses of enforcing what the court has decided is the law in the territory in Minnesota affected. It is an empire in extent. Do not think for a minute that it is with the active cooperation of all the white people in the district. Many of them are assisting, many others of them are opposing, and so when I say it will not be enforced with the cooperation of the whites I mean not with the cooperation of all whites, a part favoring one way and a part favoring the other—the liquor question again. There is only one way to do it effectively, and that is to keep liquor out of the territory. There must be an agent watching every train. There must be agents in practically every community. This means not 10 agents, not 20 agents, but probably 50 or 100 employed in this specific work. Now, give the Indian Office money enough to handle it and handle it effectively, because unless it is effectively handled prohibition will not be enforced throughout the territory and liquor may get to some Indians, there being some Indians in some parts of the territory. If there is looseness in the enforcement of the law, and there will be unless Federal enforcement be complete, as the white communities can not be expected to enforce this or any other liquor law under the circumstances, there will be liquor going in there. It is to be noted that the claim by the Federal authorities that the Federal and not the State laws apply results in there being no enforcement of the State laws controlling the liquor traffic and the burden falls in its entirety upon the Federal authorities. So I say give the Commissioner of Indian Affairs ample funds to protect the Indian where he may be and also ample funds to enforce prohibition among the whites in the purely white territory.

There is one further reason why I ask that the appropriation be increased. There are some places in the State, quite a number of places in the State, not within the territory affected by the treaty of fifty-five, where liquor at this hour is being sold to Indians. I have repeatedly complained to the Indian Office of certain places where a large number of Indians are located and where they are getting liquor every day and night and living in debauchery, and up to the present hour they have been paralytic in the degree of protection they have extended to those Indians.

Now, let us give them some money, so that they can never urge as a reason for their inactivity the fact that they do not have funds sufficient to do the work. There are some places in the State, where Indians are getting liquor, not protected or controlled by the treaty provisions. Give the Indian Office plenty of money to enforce the provision within the treaty territory and outside, too, and let us make it as tight as a drum from one end to the other. As gentlemen who are members of the Committee on Indian Affairs well know, Minnesota is not the only spot on the map. There are some other places in the United States where the Indians need protection, and I think the sum of \$200,000 is not too great to cover the items I have mentioned, because you are now to protect the Indians and also to enforce prohibition in a large area purely white, and contrary to the laws the white people themselves have enacted for their government.

Mr. CARTER of Oklahoma. Mr. Chairman, I simply want to repeat what I said a few moments ago, to the effect that the Commissioner of Indian Affairs thought this amount was ample and sufficient for the protection of the Indians against the liquor traffic, and I want to call the attention of the gentleman from Minnesota [Mr. MILLER] to the fact that not \$200,000 but only \$150,000 was estimated for, and that only \$150,000 was asked for by the Bureau of Indian Affairs.

Mr. MILLER of Minnesota. If the gentleman will permit, I may have been misinformed. The gentleman knows.

Mr. CARTER of Oklahoma. I have the estimate here. The estimate sets out \$150,000, and the Commissioner of Indian Affairs assured us that would be amply sufficient. With \$100,000 last year they had 96 persons engaged in the suppression of the liquor traffic over the different States. As I have already stated, we have \$200,000 for Indian police, making \$350,000 which is used for the suppression of the liquor traffic, and we have \$30,000 for inspectors. In addition, I repeat, as the gentleman from Minnesota well knows, every Indian superintendent and every employee of the bureau is fully authorized

to exert himself and to use his services in the suppression of the liquor traffic.

I am in full sympathy with the suppression of the liquor traffic among the Indians. It has been the Indian's worst enemy. It is the Indian's curse. I suppose they are more addicted to drinking liquor than any other class of people on the face of the earth. When I say that I mean drinking liquor intemperately. They ought to be closely supervised. Their territory should be closely supervised with reference to the sale of liquor among them. But that is no reason why we should undertake, through the Indian bill, to suppress the liquor traffic in a country where there are not Indians.

Mr. MILLER of Minnesota. Mr. Chairman, will the gentleman yield there?

Mr. CARTER of Oklahoma. Yes; I yield.

Mr. MILLER of Minnesota. Assuming that it would require at least \$100,000, as I think it will, to protect the territory entirely from liquor—the territory occupied by whites purely and alone in Minnesota—does not the gentleman think that at least \$100,000 ought to be appropriated?

Mr. CARTER of Oklahoma. The gentleman from Minnesota knows that I do not think that should be done. If there are Indians in Minnesota they should be protected against the liquor traffic, I have no hesitation in my mind at all about that, and if there are Indians in Oklahoma they ought to be protected against the liquor traffic.

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

Mr. CARTER of Oklahoma. Yes; I yield.

Mr. MANN. If we have a treaty under which it is the duty of the United States to forbid the introduction of liquor into that territory up there, does not the gentleman think we ought to obey that and forbid the introduction?

Mr. CARTER of Oklahoma. If we had a treaty with Indians?

Mr. MANN. We have a treaty, so they say.

Mr. CARTER of Oklahoma. I think we ought to do it if there are Indians there needing protection.

Mr. MANN. If there is an Indian treaty, does not the gentleman think we are obligated by that treaty—whether there are Indians or not—to enforce it? The treaty is still in force, is it not?

Mr. CARTER of Oklahoma. The treaty is still in force, but it was made for the suppression of the liquor traffic among the Indians.

Mr. MANN. The treaty is still in force, they say. Congress has the right to repeal it, and will not. Congress is free to repeal it, but refuses to do that. Under those circumstances, does not the gentleman think it is our duty to enforce the provisions of the treaty?

Mr. CARTER of Oklahoma. The executive department also has that right. That is not left alone to Congress. The executive department has repealed this same treaty with regard to certain sections of Minnesota.

Mr. MANN. Repealed another treaty; not this same treaty.

Mr. CARTER of Oklahoma. Perhaps the gentleman is correct about that.

Mr. MANN. This has to be acted upon by Congress, and as we refuse to repeal it and as it is still the law of the land, is it not our duty to enforce it?

Mr. CARTER of Oklahoma. Well, the gentleman asks a hypothetical question I think.

Mr. MANN. No. It is a practical question. It is right here before us.

Mr. CARTER of Oklahoma. The treaty is not before us for repeal.

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

Mr. CARTER of Oklahoma. Yes.

Mr. MEEKER. Can the gentleman give the House any idea as to whether the increased appropriation that has been granted has been accompanied by a decrease of drunkenness among the Indians?

Mr. CARTER of Oklahoma. No; I regret I can not give any information on that line.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota [Mr. MILLER].

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

Mr. MANN. Let us have a division, Mr. Chairman. Let us see who are in favor of temperance. The Democrats are all opposed to it, as usual.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 25, noes 29.

Mr. MANN. I ask for tellers.

Tellers were ordered, and the Chairman appointed Mr. MILLER and Mr. CARTER of Oklahoma.

The committee again divided; and the tellers reported—ayes 32, noes 42.

Accordingly the amendment was rejected.

The Clerk read as follows:

For the relief and care of destitute Indians not otherwise provided for, and for the prevention and treatment of tuberculosis, trachoma, smallpox, and other contagious and infectious diseases, including transportation of patients to and from hospitals and sanatoria, \$350,000: *Provided*, That not to exceed \$90,000 of said amount may be expended in the construction and equipment of new hospitals at a unit cost of not exceeding \$15,000: *Provided further*, That this appropriation may be used also for general medical and surgical treatment of Indians, including the maintenance and operation of general hospitals, where no other funds are applicable or available for that purpose: *Provided further*, That hereafter physicians regularly employed in the Indian Service may, in the discretion of the Secretary of the Interior, be allowed in addition to annual leave educational leave not to exceed 15 days per calendar year, such leave to be cumulative for two years, for postgraduate work: *And provided further*, That out of the appropriation of \$350,000 herein authorized, there shall be available for the maintenance of the sanatoria and hospitals hereinafter named, and for incidental and all other expenses for their proper conduct and management, including pay of employees, repairs, equipment, and improvements, not to exceed the following amounts: Blackfeet hospital, Montana, \$10,000; Carson hospital, Nevada, \$10,000; Cheyenne and Arapaho hospital, Oklahoma, \$10,000; Choctaw and Chickasaw hospital, Oklahoma, \$20,000; Fort Lapwai sanatorium, Idaho, \$40,000; Laguna sanatorium, New Mexico, \$17,000; Mesalero hospital, New Mexico, \$10,000; Navajo sanatorium, New Mexico, \$10,000; Pima hospital, Arizona, \$10,000; Phoenix sanatorium, Arizona, \$40,000; Spokane hospital, Washington, \$10,000; Sac and Fox sanatorium, Iowa, \$25,000; Turtle Mountain hospital, North Dakota, \$10,000; Winnebago hospital, Nebraska, \$15,000; Crow Creek hospital, South Dakota, \$8,000; Hoopa Valley hospital, California, \$8,000; Jicarilla hospital, New Mexico, \$8,000; Truxton Canyon camp hospital, Arizona, \$8,000; Indian Oasis hospital, Arizona, \$8,000.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. I should like to ask the gentleman from Oklahoma in charge of the bill first with reference to these new hospitals at a unit cost of \$15,000. Here is a provision for \$90,000, which may be expended for hospitals at a unit cost not exceeding \$15,000. As we have that unit cost in existing law, does the Indian Office, which habitually disregards the act of Congress, pay any attention to this provision of the law?

Mr. CARTER of Oklahoma. The gentleman doubtless recalls that we had a similar limitation in the last act passed, and several hospitals were erected under its provisions. Perhaps I anticipate other queries of the gentleman when I say that a request was made for an additional allowance of \$2,000 each for several of these hospitals already authorized, which request, as the bill disclosed, received adverse action by the committee. It has done that much good anyway, and will certainly do no harm if it remains in the bill.

Mr. MANN. I do not think that limitation will do any damage, but will it do any good? Do the Indian Office pay any attention to it? Or is it their habit to go ahead and provide for a hospital which they know will cost more than \$15,000, notwithstanding the provision of the law, with the intention of then coming before the House, or, more likely, before the distinguished body at the other end of the Capitol, where all things slip through easily, and get an increase in the authorization of cost.

Mr. CARTER of Oklahoma. It would not surprise me at all to see another legislative body authorize a deficiency appropriation of \$2,000 additional for these hospitals that have already been built; but if this House will stand by the committee, I think we will try to prevent any appropriation exceeding the authorization already made.

Mr. MANN. Of course we all know perfectly well that the conferees of the House will yield and will authorize the additional amount, because the Indian Office, using an expression which I wish I could use in the House but can not, because it would not be parliamentary, will say, "We pay no attention to the law or the House; we are going to build a hospital at such cost as we please, and, having started it and spent \$15,000 on it, if it is not finished, you must give us the money to finish it," and you will do it.

Now, I should like to ask about another matter. Why do you put in here a provision that all of these funds may be used for the maintenance and operation of general hospitals where no other funds are applicable or available for that purpose? Does not the committee know, or does not the Indian Office know, whether there are any funds available? Can you not tell at the beginning of the fiscal year whether funds are available for the maintenance of other hospitals, and if so, specify what this money may be appropriated for? That is the loosest language I have seen in an appropriation bill for many years.

Mr. CARTER of Oklahoma. In what line is that language found?

Mr. MANN. On page 4, in lines 11 and 12, at the bottom of the second proviso.

Mr. CARTER of Oklahoma. That likely comes about on account of a change made in the arrangement of the language of the bill. The original draft of the bill submitted to the committee carried \$300,000 for "relief and distress, and so forth," authorizing the expenditure of \$90,000 for constructing hospitals. Four other hospitals were provided specifically in other parts of the bill. Our committee thought it would be better to bring all these items, specific and general, together under one head so that we might find the sum total at a glance. In doing this we perhaps neglected to strike out this language "where no other funds are applicable or available."

Mr. MANN. I can give the gentleman the reason why that item was inserted. They go ahead and ask for the maintenance of hospitals at certain places. We give it. That is inserted here. Then they want to have some money that nobody knows anything about to spend for general medical and surgical treatment of Indians, as they call it, to pay somebody some money. They want to hide it. They are afraid to come out in the open and say what they want, and so they sneak in a provision which will probably stay in the bill, giving them authority to use this money, if they do not use it on these specific hospitals. The committee knows nothing about it. Probably nobody in the Indian Office knows about it except the man who prepared it. The head of the Indian Office, I suppose, can not use it to advertise himself, but he will find some way to use it.

Mr. CARTER of Oklahoma. I think that language was left in by mistake of the committee. If the gentleman will indulge me just a moment, I will explain to him again what was done with this item. I do not think he quite caught what I said.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. MANN] has expired.

Mr. MANN. I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Illinois asks that his time be extended for five minutes. Is there objection?

There was no objection.

Mr. CARTER of Oklahoma. When we came to this one item we found a recommendation of \$300,000 for relieving distress, and so forth, including the building of hospitals. Then we found other items, for four different hospitals, aggregating \$100,000. The four different hospitals were brought under this paragraph in order that the House might know exactly, as nearly as possible, what is being done.

Mr. MURRAY. The items were scattered through the bill.

Mr. CARTER of Oklahoma. The items were scattered through the bill, and I think this language that the gentleman mentions was left in the bill by an error of the committee. So far as I am individually concerned, I have no objection to the language going out. For the information of the House I will place in the RECORD some data from the Indian Bureau:

HOSPITALS ERECTED OR UNDER CONSTRUCTION DURING FISCAL YEARS 1914 AND 1915.

HOSPITALS FROM "RELIEVING DISTRESS AND PREVENTION, ETC., OF DISEASE AMONG INDIANS, 1915."

Blackfeet, Mont., 6 miles from agency, frame, completed; approximate cost, \$14,466.66. (One of six hospitals under contract with W. D. Lovell.)

Carson, Nev., 1,500 feet from school, frame, completed; approximate cost, \$14,466.66. (One of six hospitals under contract with W. D. Lovell.)

Cheyenne and Arapaho, Okla., at agency; approximate cost, \$14,466.66. (Under contract, but not under construction.) Frame.

Mescalero, N. Mex., at agency, frame, completed; approximate cost, \$14,466.66.

Pima, Ariz., at agency, frame, completed; approximate cost, \$14,466.66.

Turtle Mountain, N. Dak., at agency, frame, completed; approximate cost, \$14,466.66.

Navajo, Ariz., at agency, frame, completed; approximate cost, \$14,466.66.

HOSPITALS FROM "RELIEVING DISTRESS AND PREVENTION, ETC., OF DISEASE AMONG INDIANS, 1914."

Albuquerque Pueblo, Laguna, N. Mex., frame, completed; approximate cost, \$12,990.

HOSPITAL CONSTRUCTION CONTEMPLATED, FISCAL YEAR 1916, OUT OF "RELIEVING DISTRESS AND PREVENTION, ETC., OF DISEASE AMONG INDIANS."

Hoopa Valley, Cal.

Jicarilla, N. Mex.

Indian Oasis, Ariz.

Colorado River, Ariz.

Crow Creek, S. Dak.

HOSPITALS FROM "INDIAN SCHOOL AND AGENCY BUILDINGS."

Fort Peck, Mont., at school, brick, completed; approximate cost, \$9,864.

Moqui, Ariz., at school, stone, completed; approximate cost, \$15,000. (Open-market construction.)

Navajo, Ariz., at Tohatchi school, completed, frame; approximate cost \$5,431.18. (Open-market construction.)

San Juan, N. Mex., at agency, frame, uncompleted; approximate cost, \$9,543.67. (Open-market construction.)

Spokane, Wash., at old Fort Spokane (remodeling), frame; approximate cost, \$5,367. Completed.

Winnebago, Nebr., at agency, brick (remodeling); approximate cost, \$8,692. (Open market construction.) Completed.

HOSPITALS FROM OTHER APPROPRIATIONS.

Canton Asylum, South Dakota, at asylum, brick, completed; approximate cost, \$31,149; from "Support Canton Asylum."

Cherokee, N. C., at school, frame, uncompleted; approximate cost, \$3,030; from "Indian school, Cherokee, N. C., repairs and improvements, 1915." (Open-market construction.)

Fort Totten, N. Dak., at school, frame, completed; approximate cost, \$3,500; from "Indian school, Fort Totten, N. Dak., buildings." (Open-market construction.)

Genoa, Nebr., at school (addition), completed; approximate cost, \$3,957; from "Indian school, Genoa, Nebr., repairs and improvements, 1915." (Open-market construction.)

Wahpeton, N. Dak., at school, brick, completed; approximate cost, \$17,960; from "Indian school, Wahpeton, N. Dak., buildings."

HOSPITALS FROM TRIBAL FUNDS.

Cheyenne River, S. Dak., at agency, brick, completed; approximate cost, \$34,700.

Choctaw Sanatorium, Oklahoma, 4 miles from Tallhina, Okla., frame, uncompleted; approximate cost, \$48,954.

Fond du Lac, Minn., 1 1/2 miles from agency, frame, uncompleted; approximate cost, \$24,537.75.

Kiowa, Okla., one-third mile from agency, brick; approximate cost, \$37,280. Completed.

Leech Lake, Minn., at agency (remodeling), frame; approximate cost, \$3,500. Uncompleted. (Open-market construction.)

Pine Ridge, S. Dak., at school, brick, completed; approximate cost, \$8,000.

Red Lake, Minn., at agency, frame, completed; approximate cost, \$20,105.

Rosebud, S. Dak., one-half mile from agency, brick; approximate cost, \$33,200.

Standing Rock, N. Dak., one-half mile from agency boarding school, frame; approximate cost, \$26,000. Completed.

HEALTH ITEMS INCLUDED IN INDIAN APPROPRIATION BILL FOR FISCAL YEAR 1917.

"Relieving distress and prevention, etc., of disease among Indians"

Support Canton Asylum	\$300,000
Choctaw and Chickasaw Hospital	45,000
Support of Fort Lapwai	20,000
Support of Sac and Fox	40,000
Support of Winnebago	25,000
	15,000

445,000

This does not include support of Red Lake and Fond du Lac hospitals, which, I understand, are to be supported from Chippewa in Minnesota funds; or if not from tribal funds, from "Relieving distress."

Mr. MANN. Then I ask in reference to this further proviso, proposing to give leave to the physicians in addition to their annual leave. How much annual leave do they now get—30 days?

Mr. CARTER of Oklahoma. I think it is 30 days. The gentleman knows more about that than I do, I think.

Mr. MANN. Government employees here in the District get 30 days' annual leave and then 30 days extra for sick leave, but that does not apply to employees outside. We generally give them 15 or 30 days. What is the specific special reason for giving these physicians extra time at Government expense?

Mr. CARTER of Oklahoma. My recollection is that the commissioner explained that that was necessary in order for them to attend medical lectures.

Mr. MANN. I have no doubt that many of them need to attend medical lectures in order to learn something about the science of medicine. I have not found any lack of facilities for these people to go off at the Government expense. Under this provision one of these physicians in Oklahoma or Arizona will be ordered under his leave to go to New York City, traveling expenses paid by the Government, salary paid by the Government, to learn something which may be very valuable. I fear that this is such a marked departure that it will lead to leave being granted to everyone in the Government service, because there is no place in the Government service where men are so wise that they can not learn something by studying somewhere else.

Mr. CARTER of Oklahoma. If I thought that this would lead to the general practice of extending leave in this way, I would oppose it. This was a special case of physicians who wanted to attend postgraduate lectures once per annum, and we thought it might be advantageous so to do. I want to say that if there are any of these physicians in Oklahoma, it is more than I know. I am sure there are none of them with the Choctaws and Chickasaws.

Mr. MANN. Oh, I am not charging the gentleman with any personal interest; I know that he does what he thinks is right. I am satisfied of that. But if you extend the privileges to one class and do not extend them to another class, it is difficult to differentiate. For instance, we wanted to make some recognition of Gen. Goethals and Gen. Gorgas in reference to the Panama Canal. When it was proposed to do that we met with opposition from the War Department unless we included the other officers of the Army and Navy who were appointed in connection with the Panama Canal. That legislation finally went through, embracing a large class of Army and naval officers, and now we are asked, because we tried to give recognition to Gen. Goethals and Gen. Gorgas, and did give them recognition,

with all the Army and Navy officers—we are asked to give special recognition to 30,000 civilians connected with the Panama Canal. When we do that we will be asked to extend it to all other civilians in the Government service. Of course we can draw the line, but we seldom do after it is once started. Mr. Chairman, I will make a point of order on that provision.

Mr. CARTER of Oklahoma. Perhaps the gentleman has read what the Commissioner of Indian Affairs said about it.

Mr. MANN. Yes; I do not take the commissioner too seriously. I make the point of order, Mr. Chairman, against the provision, line 12, page 4, down to the proviso commencing in line 17, page 4.

Mr. CARTER of Oklahoma. The point of order will have to be conceded.

The CHAIRMAN. The gentleman from Illinois makes a point of order on the provision in the proviso beginning in line 12 and ending in line 17. The Chair sustains the point of order.

Mr. HARRISON. Mr. Chairman, I reserve a point of order to the remainder of the paragraph. I see last year there was carried an appropriation of \$300,000. There was expended last year \$228,706. There was an unexpended balance of \$71,233. I understood the gentleman from Oklahoma to say that there was \$100,000—new items—transferred from another part of the bill to this paragraph.

Mr. CARTER of Oklahoma. No; the estimates, to begin with, were \$400,000. There was eliminated from it \$50,000 and the items which appeared later in the bill brought under this paragraph.

Mr. HARRISON. As a matter of fact, there is an increase of \$50,000 over the appropriation of last year.

Mr. CARTER of Oklahoma. No; last year about the same number of hospitals were provided for at about the same price. Year before last there were \$50,000 appropriated for one hospital.

Mr. HARRISON. I understand that last year there was appropriated \$300,000. This year you appropriate \$350,000.

Mr. CARTER of Oklahoma. The gentleman is speaking of a joint resolution passed last year, and not the appropriation bill.

Mr. HARRISON. I mean the appropriation bill two years ago.

Mr. CARTER of Oklahoma. Two years ago we had appropriated \$150,000 and then \$100,000 for a specific hospital, which run the item up to more than it is this year.

Mr. HARRISON. Has the department been permitted heretofore to erect hospitals without being designated in the bill where they were to be located and the amount each would cost?

Mr. CARTER of Oklahoma. In some cases yes, in others no.

Mr. HARRISON. At the places named on pages 4 and 5, where hospitals are to be erected—

Mr. CARTER of Oklahoma. Those are merely for maintenance.

Mr. HARRISON. The provision that "not exceeding \$90,000 of said amount may be expended in the construction and equipment of new hospitals at a unit cost not exceeding \$15,000" is the only provision in here that would give them a right to construct new hospitals altogether?

Mr. CARTER of Oklahoma. We may have one or two provided for from tribal funds. No; I am just informed that these were stricken out.

Mr. HARRISON. The committee appropriates in that item \$15,000 to be expended in the erection of five hospitals, and yet at the bottom of the page in some places \$40,000 are allowed for maintenance.

Mr. CARTER of Oklahoma. That is perfectly true, perfectly proper and necessary. Some of these hospitals originally cost more than others and are larger than others, while it might be possible for some to use more for maintenance than construction, and vice versa.

Mr. HARRISON. In view of the statement of the gentleman from Illinois [Mr. MANN] read this morning to the House respecting the expenditure of money appropriated for the foot-and-mouth disease for so many unauthorized things, may I ask the gentleman how much of this appropriation last year of \$300,000 was expended for the relief and care of destitute Indians?

Mr. CARTER of Oklahoma. I think that is shown in the hearings, though I am not able to turn to it at once.

Mr. HARRISON. I think that it is very important in this connection that we should know how much was expended for the relief and care of destitute Indians, as well as for the suppression and treatment of tuberculosis, trachoma, and smallpox. When we appropriate \$350,000 and give authority to the commissioner to expend it in any way he sees fit, we are liable

to have more such cases as that reported by the gentleman from Illinois this morning.

Mr. CARTER of Oklahoma. The committee went over the justifications carefully, but it has been some time since then. and, as this committee knows, this bill was reported and taken up by the House before the Committee on Indian Affairs thought it would be brought in. Some of us perhaps have not had time to mark out the provisions about which questions might be asked. I think the gentleman will find that fully set out in the hearings, beginning on page 41.

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

Mr. HARRISON. Mr. Chairman, I ask unanimous consent that I may be permitted to proceed for three minutes, in order to get this information.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. HARRISON. Mr. Chairman, I looked through these hearings, and I would say to the gentleman that I found no statement in there from Mr. Meritt or otherwise that showed how much money was expended under these different headings.

Mr. CARTER of Oklahoma. I think the gentleman will find it there if he looks carefully. I remember Mr. Meritt did make the statement about it, and I am sure that it was taken down.

Mr. NORTON. Mr. Chairman, will the gentleman yield to me for a moment.

Mr. CARTER of Oklahoma. Those things run throughout the bill quite a good deal.

Mr. HARRISON. I yield to the gentleman from North Dakota.

Mr. NORTON. Mr. Chairman, I will say to the gentleman that I presented a statement for the Record yesterday, giving in detail an account of the expenditures of the Bureau of Indian Affairs for the fiscal year ending June 30, 1915. When that statement is printed in the Record, as it will be to-morrow, it will give the gentleman the information that he now asks. The reason the statement and my remarks were not printed in the Record to-day is that the Printing Office was unable to have set up last night in time for to-day's Record the tables of figures and other data contained in the statement.

Mr. HARRISON. May I ask the gentleman if the committee, of which he is a very valuable member, had any statement before it as to just how much was expended of this total appropriation of \$300,000 last year for the relief and care of destitute Indians, and then how much was expended for the prevention and treatment of tuberculosis, trachoma, smallpox, and other contagious and infectious diseases?

Mr. NORTON. I will say to the gentleman that the committee had no such statements before it and no such statements were made to the committee by the Indian Bureau.

Mr. HARRISON. How could we get that information, may I ask the gentleman?

Mr. NORTON. That information could be obtained, I presume, by application to the Indian Bureau. I judge that it would take some little time for the Indian Bureau to present that to the gentleman.

Mr. HARRISON. Does not the gentleman think, in view of the statement this morning of the gentleman from Illinois [Mr. MANN], that it would be well to have a report from them upon that proposition?

Mr. NORTON. I quite agree with the gentleman from Mississippi, and the Record of to-morrow I think will show that somewhat in detail. I believe that from the Record to-morrow the gentleman will be able to secure, in part, at least, the information he desires.

Mr. HARRISON. May I ask the chairman of the committee a question in this connection? I notice there is appropriated \$20,000 for a Choctaw and Chickasaw hospital in Oklahoma. May I inquire if this money is to come out of the funds of the tribe or out of the Government of the United States?

Mr. STEPHENS of Texas. It is a gratuity.

Mr. HARRISON. Does not the gentleman think that a tribe as rich as the Choctaw ought to pay for their own hospitals?

Mr. STEPHENS of Texas. I think not. While they have some money, yet a great many of them are aged, and decrepit, and blind, and not in a condition to yield up funds necessary, and those are the Indians that will have to go to the hospitals.

The CHAIRMAN. The time of the gentleman from Mississippi has again expired. Does the gentleman make the point of order?

Mr. HARRISON. I withdraw the point of order.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For support of Indian day and industrial schools not otherwise provided for, for other educational and industrial purposes in connection therewith, and for tuition of Indian children in public schools, \$1,550,000: *Provided*, That not to exceed \$40,000 of this amount may be used for the support and education of deaf and dumb and blind Indian children: *Provided further*, That no part of this appropriation, or any other appropriation provided for herein except appropriations made pursuant to treaties, shall be used to educate children of less than one-fourth Indian blood whose parents are citizens of the United States and of the State wherein they live and where there are adequate free school facilities provided and the facilities of the Indian schools are needed for pupils of more than one-fourth Indian blood: *And provided further*, That no part of this appropriation shall be used for the support of Indian day and industrial schools where specific appropriation is made.

Mr. HARRISON. Mr. Chairman, I desire to offer an amendment to that paragraph.

Mr. MANN. Mr. Chairman, I reserve the point of order on the paragraph.

Mr. STEPHENS of Texas. What is the point of order?

Mr. MANN. The point of order is that it makes an appropriation not authorized by law. I see this paragraph carries an item for tuition of Indian children in public schools, amount not named, included in the item of \$1,550,000, which, I believe, is an increase of \$110,000 over what the paragraph carried last year. Also, on page 39, there is carried a specific appropriation of \$275,000 to aid the common schools in Oklahoma, and on page 41 there is another item carried for aid in the schools. Can the gentleman tell us how much it is expected under this bill, if passed in this shape, there would be expended for the aid of Indians in the common or public schools—not the Indian schools?

Mr. CARTER of Oklahoma. The gentleman means in the public schools?

Mr. MANN. The gentleman from Oklahoma, who has been very much interested in this subject for years, I should think would be able to know how much he expects to extract from the Treasury at this specific time without much thought.

Mr. CARTER of Oklahoma. Well, last year there was spent from this appropriation \$7,526.69.

Mr. MANN. There is no such item as this in last year's bills.

Mr. CARTER of Oklahoma. Well, two years ago.

Mr. MANN. They had no such authority.

Mr. CARTER of Oklahoma. Speaking of last year, I mean during the year ended June 30, 1915.

Mr. MANN. Well, there was no such authority then.

Mr. CARTER of Oklahoma. Yes.

Mr. MANN. Containing this item?

Mr. CARTER of Oklahoma. I think so. I notice in the justification that the commissioner sets out for such expense, tuition of pupils in public schools, \$7,526.69.

Mr. MANN. And you increase the amount of appropriation over the bill of last year \$110,000?

Mr. CARTER of Oklahoma. Yes; I think so.

Mr. MANN. And then propose to provide \$275,000 in addition to the common schools, which theoretically may be said to be in part for the payment of—

Mr. CARTER of Oklahoma. It is provided for, I am just informed, in the old law. This provision under the old law was the same as it is now.

Mr. MANN. Why was it left out of the bill last year?

Mr. CARTER of Oklahoma. Well, last year we passed a joint resolution continuing the appropriation.

Mr. MANN. I am speaking of the bill as it passed the House. We passed the Indian bill last year in the House, and it passed the Senate.

Mr. CARTER of Oklahoma. It was stricken out on a point of order, if I remember correctly.

Mr. MANN. This is a very good example. Mr. Chairman, I make the point of order against the language, page 5, lines 16 and 17, "and for tuition of Indian children in public schools."

Mr. STEPHENS of Texas. Will the gentleman reserve the point of order?

Mr. MANN. Certainly.

Mr. DILL. Mr. Chairman, in this connection I want to say to the gentleman from Illinois that there are a great many school districts, particularly in the Northwest, where the Indians live on untaxed land. Their children go to the public schools. The people who support these public schools have their land taxed and the tax is increased because of the Indian children whose parents pay no tax whatever but who go to these schools. That is particularly true of the Northwest, and I speak of the Northwest because I am familiar with that part of the country. It is thought wise that the education of these Indian children should be paid for, at least in part, by the Government, since the lands upon which their parents live are not taxed, and that demand has been made upon the Indian Department very often. That is the purpose for which

the increased appropriation was asked in this bill. It seems only justice that those Indian children who are being sent to white schools and the lands of whose parents are not being taxed, that from the Indian Department, or from some department of the Government, somewhere, should come the money to help support those schools. That is the cause of this appropriation being put in here with the language to which the gentleman objects.

Mr. MANN. There is a good deal in what the gentleman says. Most people who send their children to school do not pay any taxes in the way of a school tax. I pay a large amount of school tax every year and I have no children to send to the schools; I pay it very willingly, but the moment we start in, after giving land to people who go and settle upon it and they get the benefit of that land, to pay tuition for all the Indian children who may go to those schools we have entered upon a large contract. We have already got a considerable contract to feed, clothe, and house the Indians, buy farms for them if they do not happen to have them, as we do in a number of cases. Now, if we start in to say that in addition to maintaining a very large number of very expensive Indian schools we are going, besides that, to maintain the white schools for all the people in those localities, we have got quite a job on our hands.

Mr. CARTER of Oklahoma. Will the gentleman yield?

Mr. MANN. Certainly.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. It is not my time; my time has not expired.

Mr. CARTER of Oklahoma. Mr. Chairman, my attention has been just called to the bill which passed the House last year, and on page 6, beginning line 4 to line 6, this same item is contained, and it is not in italics, so I take it it was carried in the former bill.

Mr. MANN. Page 6? Where in the bill as it passed the House last year?

Mr. CARTER of Oklahoma. Page 6 of the bill as it passed the Senate.

Mr. MANN. Oh; I have this item in the bill as it passed the House last year, but it is not in the bill—

Mr. CARTER of Oklahoma. This is the bill as it passed the Senate. As the gentleman knows, Senate amendments are always printed in italics.

Mr. MANN. And numbered.

Mr. CARTER of Oklahoma. And I find this provision here is not numbered and is not printed in italics.

Mr. MANN. It is not in this item. I do not think that is very important. That was a provision for the appropriation of \$50,000; this item carries an appropriation for \$1,550,000.

Mr. CARTER of Oklahoma. In the House it carried \$1,440,000 with this proviso.

Mr. MANN. Yes.

Mr. CARTER of Oklahoma. And carried in that paragraph.

Mr. MANN. Not more than \$50,000.

Mr. CARTER of Oklahoma. Yes.

Mr. DILL. Mr. Chairman, if I may be permitted for a moment to speak in regard to what the gentleman from Illinois was saying about supporting the white schools, I would remind the gentleman that the children who are taken care of in these white schools are children who live away from the reservation and who must either be transported several miles in many cases to Indian schools or Indian schools must be built in their own neighborhood. Now, it seems to be wise to send these children to the white schools, and, as their parents live on allotments in a country that has been opened to settlement and whose allotments are not taxed, the community is compelled to bear the burden not only of educating its own children but the children of Indian parents who own land not taxed. The contracts of the Indian Department that have been made in those communities provide for pay at 15 cents per day for these Indian children in white schools, which is far less than the actual expense to the community of those schools. And if this point of order is to be sustained against the bill—that is, the point of order which would make it impossible to pay tuition—then I think an amendment ought to be introduced somewhere to carry out the contracts already made by the Indian Department in paying the bills for the coming year.

Mr. CARTER of Oklahoma. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] makes the point of order against the language.

Mr. CARTER of Oklahoma. The gentleman, I think, will withdraw the point of order.

Mr. MANN. The gentleman is willing, as I understand, to strike this out and insert an amendment which will be a limitation.

The CHAIRMAN. Does the gentleman from Illinois [Mr. MANN] make the point of order?

Mr. MANN. I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. CARTER of Oklahoma. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Amend, on page 5, by inserting in line 17, after "\$1,550,000," the following: "Provided further"—

Mr. MANN. Better insert it after the word "children," in line 20.

Mr. CARTER of Oklahoma. Yes. That is better, I think. After the word "children," in line 20.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Insert, after the word "children," in line 20, the following: "Provided further, That not more than \$100,000 of the amount herein appropriated may be expended for the tuition of Indian children enrolled in the public schools."

Mr. HARRISON. Mr. Chairman, I reserve a point of order on that.

Mr. MANN. Does not the gentleman think that the amount is a little large?

Mr. HARRISON. Very large. There was only \$50,000 granted last year.

Mr. CARTER of Oklahoma. There was \$50,000 granted last year, but every year they are trying to get these children as fast as they become capable to go into white schools, as that is the best place to educate them.

Mr. MANN. I agree with that.

Mr. CARTER of Oklahoma. And as they become more civilized, more come into the white schools, and it takes more money to educate them in the white man's school. How much do you want to make it?

Mr. STEPHENS of Texas. Will \$75,000 be satisfactory?

Mr. CARTER of Oklahoma. The gentleman from Texas [Mr. STEPHENS] suggests he thinks we might compromise on \$75,000.

The CHAIRMAN. The gentleman from Mississippi [Mr. HARRISON] makes the point of order.

Mr. HARRISON. I reserve the point of order.

I want to say in this connection that in the hearings before the committee Mr. Meritt stated he hoped there would not be a limitation placed upon this expenditure. He said:

Yes, sir; and under the appropriation of \$1,550,000 we can care for the education of those Indians in public schools, and we would suggest that there be no limitation on the amount to be used, because we are gradually working the children into the public schools, and it is possible we may need more than \$20,000; and we will also take care of the education of the Papago Indians out of this appropriation.

So it was suggested by some of the committee that \$20,000 would probably be enough, and objection was raised to that amount. Now, in the appropriation bill carried last year the limitation was \$50,000. It strikes me that \$75,000 is too much.

Mr. MANN. I do not think a great abuse could come up from an appropriation of \$75,000. The danger has been, and always is, that in these things where you give the whole sum of money which may be utilized for a certain purpose no one knows what one of the bureaus of the Government will undertake to do.

Mr. STEPHENS of Texas. Will the gentleman let me suggest that the Papago Indians have not been supplied with schools before. Those Indians are nomadic. They travel over the country, and it is hard to get them confined to a settlement and get them to go to school. The department has tried in every way they can to get them to do so.

Mr. Meritt says:

We would suggest that there be no limitation on the amount to be used, because we are gradually working the children into the public schools, and it is possible that we may need more than \$20,000; and we will also take care of the education of the Papago Indians out of this appropriation.

Mr. DILL. Mr. Chairman, I am certain that there is a continued increase in the demand for money for the purpose of paying tuition of Indian children in the public schools, and I believe that \$75,000 is the proper amount.

The CHAIRMAN. Does the gentleman from Mississippi [Mr. HARRISON] make the point of order?

Mr. HARRISON. I withdraw the point of order.

Mr. CARTER of Oklahoma. Mr. Chairman, I ask unanimous consent that my amendment may be amended to read "seventy-five thousand" instead of "one hundred thousand."

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that his amendment may be modified by changing it from "one hundred thousand" to "seventy-five thousand." Is there objection? [After a pause.] The Chair hears none.

The question is on the amendment offered by the gentleman from Oklahoma [Mr. CARTER].

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

Mr. HARRISON. Mr. Chairman, I have an amendment which I desire to offer.

The CHAIRMAN. The gentleman from Mississippi offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, line 33, page 5, by striking out "one-quarter" and inserting "one-half."

Also, in line 2, page 6, by striking out "one-quarter" and inserting "one-half."

Mr. HARRISON. Mr. Chairman, up to a few years ago evidently there was a great abuse of the privileges of this paragraph. In other words, children with one-eighth Indian blood or less would go to these schools and would be educated by the Federal Government under the provisions of this paragraph, and in the wisdom of the Congress a limitation was put upon this expenditure. That limitation reads as follows:

That no part of this appropriation, or any other appropriation provided for herein, except appropriations made pursuant to treaties, shall be used to educate children of less than one-fourth Indian blood, whose parents are citizens of the United States and of the State wherein they live.

When Mr. Meritt was before the committee he was asked about this proposition, and he stated:

You recall, Mr. Chairman, that you incorporated that legislation in the Indian bill two or three years ago, and it has been very helpful in getting out of these nonreservation schools children of less than one-fourth blood who ought to be educated in the schools in the immediate vicinity where they live, and it has been also helpful in enabling us to provide education for the more worthy Indians and children who are Indians in fact.

Now, it strikes me, Mr. Chairman and gentlemen of the committee, that if it was helpful in putting a limitation of one-fourth Indian blood upon the children going to these schools, we ought to go further and limit it to one-half, because white children ought not to be permitted to go to those nonreservation schools. If this provision is in the interest of the Indian children, to educate them, and so on, then we ought to make it more so. I submit that my amendment would do that; and if that is the purpose of the committee, it ought to be adopted.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Mississippi [Mr. HARRISON].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For construction, lease, purchase, repair, and improvement of school and agency buildings, including the purchase of necessary lands, and the installation, repair, and improvement of heating, lighting, power, and water systems in connection therewith, \$400,000: *Provided*, That hereafter the Secretary of the Interior is authorized to allow employees in the Indian Service, who are furnished quarters, necessary heat and light for such quarters without charge, such heat and light to be paid for out of the fund chargeable with the cost of heating and lighting other buildings at the same place: *Provided further*, That the amount so expended for agency purposes shall not be included in the maximum amounts for compensation of employees prescribed by section 1, act of August 24, 1912.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Illinois reserves a point of order on the paragraph.

Mr. STEPHENS of Texas. What is the objection?

Mr. MANN. Every portion of the paragraph is subject to a point of order. I would like to get a little information. What is the necessity of including in this \$400,000 item the right to use any portion of it or all of it for the purchase of lands?

Mr. STEPHENS of Texas. It is this way: Some nonreservation schools have changed from the ordinary educational schools for Indians to educational schools by farming and stock raising, and so forth, and it is necessary to have more land than the original school was located upon, probably 5 or 10 acres. If it becomes necessary to change it to an industrial school, it is necessary to have something to farm upon. That is the reason given by the department.

Mr. MANN. They are able to furnish that information to the committee, are they not; where they need land?

Mr. STEPHENS of Texas. They have done so in many instances. The gentleman will find it in the report.

Mr. MANN. Where they need it, it is perfectly proper to have an item for the purchase of land, as was done in some other items in this bill.

Mr. STEPHENS of Texas. I think they ought to be educated more along industrial lines than on educational lines.

Mr. MANN. That has nothing to do with the making of the appropriation.

Mr. STEPHENS of Texas. It has something to do with the purchase of land.

Mr. MANN. Yes; it is all right to purchase land where needed, without giving them blanket authority to go out and purchase land. There is not a single place in the Government where that blanket authority is given. It ought not to be given here. The Indian Office is quite capable of informing the committee and the Congress, both in its estimates and its testimony, as to whether and where they need to purchase land. They can ask for an appropriation for that purpose.

Mr. STEPHENS of Texas. I will state to the gentleman that this question was asked and the answer was given:

The CHAIRMAN. Is it not a fact that you did not have the right before to include the purchase of necessary lands? What do you mean by that?

Mr. MERITT. The law read "sites," but we wanted to make it perfectly plain that we had authority to purchase lands for school purposes.

The CHAIRMAN. The word "sites" was not strong enough to include the purchase of necessary lands?

Mr. MERITT. It might not include enough land for a garden or for a little farm in connection with maintaining the day schools.

Mr. MANN. It says "a little farm." It may be a thousand acres or a little farm. They may want to go and buy home-stands and anything they please under the authority granted. They have no right to such an authority.

Mr. STEPHENS of Texas. This says "necessary lands" for necessary school purposes.

Mr. MANN. Oh, I know; but they are the judges of that.

Mr. STEPHENS of Texas. If we permitted them to buy land at all, what amendment would the gentleman suggest?

Mr. MANN. I suggest that they inform Congress and the committee where they want to buy land and ask for an appropriation for that purpose.

Mr. STEPHENS of Texas. The gentleman will see from the reading here that this applies to the reservation schools and the setting apart of land for that purpose, and not for schools other than those on the reservation.

Mr. MANN. Certainly. They do not need to buy land on the reservations. The gentleman is mistaken about that.

Mr. STEPHENS of Texas. They will need to buy land in many instances. Where the land is allotted to the Indians, the Indians will not give up their allotment for the purpose of putting a school upon it, and no one else will. Many of these lands have been allotted to the Indians.

Mr. MANN. They can furnish the information to Congress.

I notice, Mr. Chairman, in this paragraph it is proposed to make a permanent law of the provision that we have carried sometimes, giving to the employees of the Indian Service light and heat, in addition to quarters furnished them, free of charge. It may be a proper thing to give them that. I suppose next they will want gasoline and wood and coal, like the Army and Navy officers in Washington do, frequently at less than the ordinary cost. It seems to me it is sufficient to carry that annually, so that there may be some control over the abuse of it.

Mr. STEPHENS of Texas. I am willing for the word "hereafter" to be stricken out, if the gentleman so desires.

Mr. MANN. Mr. Chairman, I make a point of order against the language in lines 7 and 8, page 6, "including the purchase of necessary lands," and also against the word "hereafter," in line 10.

Mr. STEPHENS of Texas. I admit that the gentleman is correct.

The CHAIRMAN. The gentleman from Illinois makes a point of order.

Mr. HARRISON. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Mississippi reserves a point of order.

Mr. HARRISON. Mr. Chairman, I merely do so for the purpose of asking the gentleman from Texas a question. This provision, beginning on line 16 and concluding on line 20, says:

The amount so expended for agency purposes shall not be included in the maximum amounts for compensation of employees prescribed by section 1, act of August 24, 1912.

What is meant by that, I will ask the gentleman? I was just wondering what is meant by the wording of the paragraph in lines 16 to 20, inclusive.

Mr. STEPHENS of Texas. On what page?

Mr. HARRISON. On page 6.

Mr. STEPHENS of Texas. I read:

That the amount so expended for agency purposes shall not be included in the maximum amounts for compensation of employees prescribed by section 1—

And so forth. You will find that on page 49.

Mr. MANN. I think the gentleman will find that means that they can not include in the maximum compensation the cost of light, heat, and quarters that are furnished.

Mr. HARRISON. Is it proper for it to be in this particular place?

Mr. STEPHENS of Texas. I think so. This is exactly the language of the department.

Mr. HARRISON. That would not make it so, would it?

Mr. STEPHENS of Texas. It is a matter of regulation. That was the way that they desired it.

Mr. HARRISON. I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn. The gentleman from California [Mr. KETTNER] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert at the end of line 20, on page 6, the following:

"Provided, That of this amount there may be expended for construction of a sewer system and purchase of necessary easements therefor for the Pala Indian Reservation, Cal., \$4,000."

Mr. STEPHENS of Texas. I reserve a point of order for the purpose of allowing the gentleman from California to explain his amendment, if he desires to do so.

Mr. KETTNER. Mr. Chairman, I had this proposition up with the Indian Office, and, after considering the same, I received the following letter from Assistant Commissioner Meritt:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 24, 1916.

Hon. WILLIAM KETTNER,
House of Representatives.

MY DEAR MR. KETTNER: Referring further to the matter of a sewer system in the Pala Indian Reservation, Cal., I am informed that 75 per cent of the proposed sewer line would be on allotted Indian lands and the remainder of the system would be across Government lands. Under the circumstances and because a legal question might arise as to the applicability of the general appropriation, "Indian school and agency buildings, 1917," for an improvement of this character, I would suggest that the safe course would be to have the Indian appropriation bill contain a specific item authorizing the use of funds for this definite purpose.

Very truly, yours,

E. B. MERITT,
Assistant Commissioner.

Mr. STEPHENS of Texas. As I understand it, then, three-fourths of this sewer line would be on Indian land?

Mr. KETTNER. Three-fourths of the line, according to Assistant Commissioner Meritt's letter.

Mr. STEPHENS of Texas. And one-fourth on the public domain?

Mr. KETTNER. And one-fourth on the public domain.

Mr. STEPHENS of Texas. And the object of this is to get authority to build it through the public domain?

Mr. KETTNER. Yes.

Mr. STEPHENS of Texas. I have no objection to it, Mr. Chairman.

The CHAIRMAN. The gentleman withdraws his point of order. The question is on the amendment of the gentleman from California.

The amendment was agreed to.

The Clerk read as follows:

For collection and transportation of pupils to and from Indian and public schools, and for placing school pupils, with the consent of their parents, under the care and control of white families qualified to give them moral, industrial, and educational training, \$72,000: *Provided*, That not exceeding \$5,000 of this sum may be used for obtaining remunerative employment for Indian youths and, when necessary, for payment of transportation and other expenses to their places of employment. The provisions of this section shall also apply to native Indian pupils of school age under 21 years of age brought from Alaska.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Illinois reserves a point of order on the paragraph.

Mr. MANN. I can see the purpose of the committee and the department in reference to the education of children from Alaska, but as a matter of interest I would like to inquire whether the Eskimo children are Indians?

Mr. STEPHENS of Texas. I think not. That has been quite a mooted question for many years, but I am of the opinion that the Aleuts would come under the provision. They are the only Indians that I know of in Alaska who receive education by the United States. It is doubtful whether the Eskimos have any standing that would admit them to the schools of the United States, but I think the Aleuts would come under this classification.

Mr. MANN. It is not intended by inserting the word "Indians" to call the Eskimos Indians.

Mr. STEPHENS of Texas. I think not.

Mr. MANN. I withdraw the point of order.

Mr. HARRISON. I renew the point of order.

Mr. CARTER of Oklahoma. Mr. Chairman, for the information of the gentleman from Illinois I will say that in a law pro-

hibiting the sale of liquor to Indians in Alaska, passed some years ago, it was provided:

That the term "Indians" in this act shall be construed as including the aboriginal races inhabiting Alaska when annexed to the United States, and their descendants of whole or half blood.

So that the word "Indian" in Alaska includes anyone who is a descendant of the aboriginal races inhabiting Alaska.

Mr. MANN. That was a definition for the purposes of that act.

Mr. CARTER of Oklahoma. For the purposes of that act.

Mr. MANN. They might have said that for the purposes of that act it should include natives of Asia or Europe.

Mr. CARTER of Oklahoma. That is the only definition of an Indian in Alaska that is found in the statutes.

Mr. STEPHENS of Texas. But I understand from the department that they have let in the Aleuts only, under any definition we have had of the word "Indian."

Mr. HARRISON. May I ask the gentleman in connection with this item—

For collection and transportation of pupils to and from Indian and public schools—

How much money is expended in collecting them and transporting them to and from these schools?

Mr. STEPHENS of Texas. For the transportation of Indians the amount requested was \$75,000, and the analysis of expenditures found on page 53 shows, traveling expenses, \$67,205.

Mr. HARRISON. Does not that include the traveling expenses of the employees of the department also?

Mr. STEPHENS of Texas. I suppose it does. I think always, when they send Indian pupils to and from nonreservation schools, some one attends them.

Mr. HARRISON. Suppose they should send one pupil from a reservation in California to the Carlisle School?

Mr. STEPHENS of Texas. They very often do that.

Mr. HARRISON. In that event, sending one pupil, would they send some employee of the department all the way with that pupil?

Mr. STEPHENS of Texas. I think not. I think pupils are gathered together from a group of States, and then they cross the continent together.

Mr. HARRISON. They do not always supply some employee to attend them, then?

Mr. STEPHENS of Texas. That is a matter of regulation that the department must control—the department controlling the education of the children.

Mr. HARRISON. How many Indians are there who are furnished transportation to Carlisle or to the Sherman School?

Mr. STEPHENS of Texas. I think in the Carlisle School they have something like a thousand pupils, and I think seven or eight hundred in the Sherman School; but the Sherman School is much nearer the Indians than the Carlisle School.

Mr. HARRISON. Then they supply transportation for a thousand pupils to the Carlisle School and 700 to the Sherman School?

Mr. STEPHENS of Texas. No.

Mr. HARRISON. I understood the gentleman to say that.

Mr. STEPHENS of Texas. There are that many in the school. I do not know how many are supplied with transportation.

Mr. HARRISON. I asked the gentleman if he knew how much was expended.

Mr. STEPHENS of Texas. The amount for traveling expenses is stated at \$67,205.11. They do not state how many pupils or their names.

Mr. HARRISON. I think it would be very easy for them to state that. In view of the use of money for traveling expenses by the Department of Agriculture called to our attention this morning, it is well for us to know how this money is being expended and whether it is doing any good; and if it is not doing any good, we ought to stop making the appropriation. I think, really, that is very valuable information, but I understand the gentleman to say that he has not it.

Mr. STEPHENS of Texas. No; I have not.

Mr. HARRISON. Mr. Chairman, I withdraw the point of order.

The Clerk, proceeding with the reading of the bill, read as follows:

All moneys appropriated herein for school purposes among the Indians may be expended, without restriction as to per capita expenditure, for the annual support and education of any one pupil in any school.

Mr. HARRISON. Mr. Chairman, I make the point of order on that that it is a change of existing law.

Mr. STEPHENS of Texas. That is correct; I concede the point of order.

The CHAIRMAN. The point of order is sustained. The Clerk read as follows:

For the purposes of preserving living and growing timber on Indian reservations and allotments, and to educate Indians in the proper care of forests; for the employment of suitable persons as matrons to teach Indian women and girls housekeeping and other household duties, for necessary traveling expenses of such matrons, and for furnishing necessary equipments and supplies and renting quarters for them where necessary; for the conducting of experiments on Indian school or agency farms designed to test the possibilities of soil and climate in the cultivation of trees, grains, vegetables, cotton, and fruits, and for the employment of practical farmers and stockmen, in addition to the agency and school farmers now employed; for necessary traveling expenses of such farmers and stockmen and for furnishing necessary equipment and supplies for them; and for superintending and directing farming and stock raising among Indians, \$425,000: *Provided*, That the foregoing shall not, as to timber, apply to the Menominee Indian Reservation in Wisconsin: *Provided further*, That not to exceed \$25,000 of the amount herein appropriated may be used to conduct experiments on Indian school or agency farms to test the possibilities of soil and climate in the cultivation of trees, cotton, grains, vegetables, and fruits: *Provided, also*, That the amounts paid to matrons, foresters, farmers, and stockmen herein provided for shall not be included within the limitation on salaries and compensation of employees contained in the act of August 24, 1912.

Mr. HARRISON. Mr. Chairman, I reserve a point of order. May I ask the gentleman from Texas how much is paid to these matrons, and how many are there?

Mr. STEPHENS of Texas. It is given in the hearings. There are 60 in number.

For the employment of suitable persons as matrons to teach Indian women and girls housekeeping and other household duties, and for furnishing necessary equipment and supplies, and renting quarters for them where necessary.

All field matrons (60 in number) receiving \$600 and over per annum devote their entire time to the work. Fifteen matrons, paid \$300 each per annum, are employed for half their time. However, this practice does not obtain the best results, and it is now the policy to reduce the number of half-time matrons as rapidly as practicable. The number now in the service on this basis (15) represents a reduction of 4 from the preceding year.

Mr. HARRISON. Do you propose by this bill to increase the pay of the matrons?

Mr. STEPHENS of Texas. No.

Mr. HARRISON. What is this last proviso for?

Mr. STEPHENS of Texas. Some of the matrons work half time and get \$300 now, and the department is to change so that they will work full time and get \$600.

Mr. HARRISON. If the law is changed, it will pay them more money than they are now receiving.

Mr. STEPHENS of Texas. That is what is stated in the hearings.

Mr. HARRISON. If the last proviso should be adopted, there would then be no limitation as to the salary placed upon it.

Mr. STEPHENS of Texas. That would be a matter for the construction of the department.

Mr. HARRISON. How many farmers are employed under this paragraph?

Mr. STEPHENS of Texas. Two hundred and ten, I think.

Mr. HARRISON. How much is their salary?

Mr. STEPHENS of Texas. The statement of the department is that there are 210 farmers. It further says:

The number of farmers now employed is entirely too small to adequately cover the territory involved in the 643,843 acres of cultivated land (averaging 2,420 acres to each Government farmer) or to give each Indian farming that close personal attention so necessary to successful results. In addition, there are 11,962 able-bodied male adult Indians not now engaged in farming, with 6,948,768 acres of uncultivated agricultural land on the different reservations. Many of these Indians are, of course, engaged in other industrial activities, but by far the greater number of them should be farming, and it is the task of the Indian Service farmers to increase the number of Indians farming and the total cultivated acreage to the greatest possible extent, as well as to see that proper and remunerative methods are used. In view of these facts, it is felt that the additional amount asked for is absolutely essential to the effective prosecution of the important work assigned to this particular branch of the service.

Mr. HARRISON. Are they under the civil service?

Mr. STEPHENS of Texas. Yes.

Mr. HARRISON. And are the matrons under civil service, too?

Mr. STEPHENS of Texas. Yes.

Mr. HARRISON. How many stockmen are employed under the provisions of this paragraph?

Mr. STEPHENS of Texas. The gentleman will find that in the hearings, on page 64.

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

Mr. HARRISON. I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Mississippi asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. HARRISON. How much do these farmers get?

Mr. STEPHENS of Texas. All the way from \$300 to \$1,200. Some are on larger reservations than others. They do not all get the same salary, of course.

Mr. HARRISON. How much was appropriated last year?

Mr. STEPHENS of Texas. It is stated on page 65 of the hearings that the total amount of salaries paid the farmers was \$47,840.

Mr. MANN. This item is the same as in the bill of last year. I want to say to the gentleman from Mississippi that this last proviso is essential to the paragraph. The paragraph is good for nothing without it.

Mr. HARRISON. Why does the gentleman from Illinois say that?

Mr. MANN. You can not get these employees, which never were intended to be included in the limitation, at the salary fixed in the limitation. The original limitation, in the main, was for employees embraced in schools where, as a rule, they are provided with quarters, light, and heat, and in many cases subsistence. That very frequently does not apply to these people, both as to matrons and farmers and stockmen. In many cases it is quite essential to get good farmers and good stockmen, and you can not bring those people within this limitation and do the work at all. I looked this matter up at one time very carefully.

Mr. HARRISON. Does the gentleman think it would give the commissioner or the Secretary full discretion as to how much he should pay these various employees if the law should be changed?

Mr. MANN. This limitation has been carried for years. I think it gives the Secretary full authority to pay large salaries, but I think, as a matter of fact, he does not pay large salaries except in employing first-class men, where you have to pay a reasonable salary. I think in the main all of the salaries are too small. It is very much the same class of work, or in many cases, as the work of the agricultural extension work in the South has been. It is not the same, but very much along that line.

Mr. HARRISON. That is what I thought.

Mr. MANN. And I think the salaries paid are probably about the same. That is my recollection of it. I know I looked it up a few years ago.

Mr. HARRISON. Mr. Chairman, in view of what the gentleman from Illinois says and not the justification of the committee I withdraw the point of order.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For the purchase of goods and supplies for the Indian Service, including inspection, pay of necessary employees, and all other expenses connected therewith, including advertising, storage, and transportation of Indian goods and supplies, \$300,000: *Provided*, That no part of the sum hereby appropriated shall be used for the maintenance of or to exceed three permanent warehouses in the Indian Service: *Provided further*, That section 3709, Revised Statutes, in so far as that section requires that advertisement be made, shall apply only to those purchases and contracts for supplies or services, except personal services, for the Indian field service which exceed in amount the sum of \$50 each, and section 23 of the act of June 25, 1910 (36 Stats. L., 861), is hereby amended accordingly.

Mr. HARRISON. Mr. Chairman, I reserve the point of order on the paragraph. I want to ask the gentleman from Oklahoma or the gentleman from Texas or some of the committeemen why this new proviso is placed in the bill at the bottom of page 8?

Mr. CARTER of Oklahoma. The gentleman is drawing attention to the item that excludes amounts under \$50 from being advertised? Is that what the gentleman is asking about?

Mr. HARRISON. Yes.

Mr. CARTER of Oklahoma. I think that is apparent on the face of it. It would be an endless amount of trouble to advertise for any purchase under \$50. If a man wanted to buy or sell a cow he would have to advertise, and if he wanted to trade a cow he would have to advertise.

Mr. HARRISON. Heretofore there has been no limitation, but everything has had to be advertised.

Mr. CARTER of Oklahoma. I think that is true.

Mr. HARRISON. For any amount they would have to advertise?

Mr. CARTER of Oklahoma. Yes.

Mr. MURRAY. I will state that where the amount is less than \$50 when you advertise the cost of the article is very much increased ordinarily.

Mr. HARRISON. Formerly there were five of these permanent warehouses.

Mr. CARTER of Oklahoma. Yes.

Mr. HARRISON. When were these warehouses first established?

Mr. STEPHENS of Texas. A great many years ago, but I do not remember exactly.

Mr. CARTER of Oklahoma. I do not remember exactly.

Mr. HARRISON. Can the gentleman give me the year?

Mr. CARTER of Oklahoma. It is a number of years ago. I thought I could find it in the estimates, but I do not see it here. I do not think I have that information.

Mr. MANN. Mr. Chairman, a few years ago I reported to Congress and had passed a bill reorganizing the Lighthouse Service, and among other provisions inserted in that bill was an authority to make purchases without advertising, where the purchase was under a certain amount, an essential provision, especially in the Lighthouse Service, making for both economy and efficiency. Since that time every department of the Government has been trying to get authority to do away with the necessity for advertising for small purchases. I think we have had or will have a provision authorizing certain officials in the Army, possibly, to purchase up to the extent of \$500. If you want to buy a file for immediate use to sharpen a hoe, it is rather inconvenient to have to advertise for it. I do not say that is necessary now, but there are many purchases where delay and cost of advertising is expensive many more times than the cost of the article itself. In the Lighthouse Service we require an annual report to be made of every article that is purchased without advertising.

The CHAIRMAN. Does the gentleman make the point of order?

Mr. HARRISON. Mr. Chairman, I withdraw the point of order.

Mr. MANN. Mr. Chairman, I move to strike out the language "is hereby amended accordingly" in line 4, on page 9.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 9, line 4, strike out the words "is hereby amended accordingly."

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

Mr. MANN. Mr. Chairman, as a matter of fact, it is not amended.

Mr. STEPHENS of Texas. I have no objection to that.

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

The amendment was agreed to.

Mr. STEPHENS of Texas. And change the comma to a period at the end of line 3.

Mr. MANN. The Clerk will attend to that.

Mr. HARRISON. Mr. Chairman, I desire to offer an amendment on page 8, line 20, by striking out the word "three" and inserting the word "one."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 8, line 20, strike out the word "three" and insert the word "one."

Mr. STEPHENS of Texas. Mr. Chairman, I hope that amendment will not be adopted. This matter has caused a great deal of trouble in Congress from time to time, and we have agreed upon this policy and I hope it will not be disturbed.

Mr. HARRISON. Mr. Chairman, one of the gentlemen on the committee just said that the committee was with me, and now I find that the committee is not with me, so that I do not know just where I am. I find in the hearings in respect to this matter that there were formerly five of these warehouses carried throughout the country—one at Chicago, one in St. Louis, one at San Francisco, one at New York, and one at Omaha. Some years ago two of these warehouses were abolished—the one in New York and the one in Omaha. There are now three—one at Chicago, one at St. Louis, and one at San Francisco. Mr. Merritt before the committee had the following to say about this paragraph to a question propounded to him by the chairman:

Are you able to estimate the amount of savings effected by abolishing those two places?

Speaking of New York and San Francisco, he said he thought there would be a saving of at least \$10,000. All through the hearing, with reference to the warehouses, it will be seen that most of these supplies are purchased and stored at Chicago or at St. Louis. I believe it is shown that at Chicago the weight of supplies shipped from the warehouse during the fiscal year 1915 was 31,000,000 pounds and in St. Louis 34,000,000 pounds, and that of those amounts there was handled in the warehouse in Chicago 3,768,000 pounds and in the warehouse at St. Louis 1,163,000 pounds, while at San Francisco there was much less handled. So that we are maintaining a warehouse at a cost of approximately \$20,000, as I believe the hearings show, when the Indian Office purchased only three or four million dollars' worth of goods last year for the Indians, and practically all of these goods went through the warehouse either at Chicago or St. Louis. The reason why the warehouses at New York and San Francisco

were abolished was in the interest of economy. They were costing too much money to maintain, as the Indians were not close to those places, and it seems to me if the reason was good there that the reason is just as good now to abolish two more of these places, and especially at San Francisco, because there are hardly any goods stored there. Now, if the committee, for which I have such a high regard, really wants to economize in that item, they can abolish two of these warehouses.

Mr. CARTER of Oklahoma. Mr. Chairman, I think it is only necessary to call the attention of the committee to the fact that this amount was overdrawn \$33,000 last year, and Mr. Meritt says:

You will notice we have been overdrawing this fund for a number of years. It has been almost impossible to keep the amount down to a certain sum because of the difference in freight charges, and it is exceedingly difficult to estimate the exact amount that will be used; but we think that with the abolition of these two warehouses and the procuring of this legislation enabling us to buy locally, we will be able to bring the appropriation within the \$300,000.

Mr. NORTON. And the total amount expended on account of Indian warehouses was \$333,094.70? That will be smaller by about \$10,000 for the next fiscal year?

Mr. MERITT. We think we can make a saving of at least \$10,000 by the abolition of the two warehouses mentioned.

Mr. LOBECK. Mr. Chairman, I find a statement made here in the hearings of expense at the Omaha warehouse during the past year. That expense was incurred before the Omaha warehouse was abolished. Subsequently the Indian Department used a warehouse belonging to the War Department there called the Government corral to store merchandise for transshipment, and no charge was made therefor, so that this charge made in these hearings is not fair toward the Omaha warehouse. The charge made here is up to the time the warehouse was abolished. The question of whether you can buy goods cheaper at one point or city than another is a question for argument. It has been shown conclusively that with or without the Government rates merchandise could be shipped to Indian points or final destination cheaper from Omaha or Kansas City than from any point in the Union. The commissioner's department has never been able to successfully contradict the freight-rate showing made to it.

Mr. HARRISON. If the gentleman will permit, the object of the amendment I have offered does not affect Omaha.

Mr. LOBECK. I was not asking for Omaha, because that has been decided against us.

Mr. HARRISON. I thought possibly the gentleman—

Mr. LOBECK. But I want to say that the Indian Bureau used the Government warehouse in Omaha for the distribution of merchandise to Indian destinations all throughout the summer, without costing the Indian Department a cent, except for what help it had there. There is no rent. The rent shown in this hearing was rent up to the time when under the last law the Omaha warehouse was abolished, when Mr. Jordan, in charge of the office and warehouse at Omaha, was transferred to San Francisco last May, and the charge for rent, \$399, which shows in this hearing, was up to that time.

The Omaha warehouse during its existence had a record for handling the merchandise assembled there for transshipment to Indian schools and agencies which will compare favorably with any Indian warehouse in the country for efficiency in service and cost of maintenance, and there has been no showing made that cost of supplies was less at any other city or warehouse. The Omaha merchant meets all competition with pleasure.

Mr. NORTON. Mr. Chairman, it seems—and it has been for years—a difficult matter to sever these warehouses from the Indian bill. I believe the record will show that an effort was made several years ago to reduce the number of warehouses. In the Indian appropriation bill for the fiscal year ending June 30, 1915, it was provided that only three warehouses should be paid for, but that provision was not complied with. In the hearings on the bill now before the committee the Assistant Commissioner of the Indian Bureau, Mr. Meritt, stated that he thought it might be economy to have but one warehouse. Still the warehouses have been such a prized part of the Bureau of Indian Affairs in the past that he felt just at this time the department did not care to separate from all but one of them, and wished to continue during the next year with at least three warehouses. The hearings will show that one of the chief purposes of these warehouses has been to have places where sample goods might be brought and displayed and where the buyers for the Government might make selections and purchases. It occurs to me that for the reason that conditions in the wholesale trade have greatly changed during the past few years and that we have larger wholesale houses throughout the country to-day than in the past, and that most of our wholesale houses have large display rooms, the necessity of having a

Government warehouse does not exist to-day as it did in years gone by. I am rather inclined to favor the amendment; in fact, I do favor and shall vote for the amendment proposed, to authorize but one warehouse. The Bureau of Indian Affairs has shown no particular necessity for more than one.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi.

The question was taken.

Mr. HARRISON. Mr. Chairman, I ask for a division. I want to see who are in favor of economy.

The committee divided; and there were—ayes 20, noes 12.

So the amendment was agreed to.

Mr. MANN. Mr. Chairman, I ask unanimous consent to vacate the vote by which line 4, on page 9, was stricken out of the bill.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to vacate the vote whereby the amendment was adopted striking out all of line 4, page 9. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. And I ask unanimous consent to withdraw the amendment.

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

The Clerk read as follows:

For expenses of the Board of Indian Commissioners, \$10,000.

Mr. TRIBBLE. Mr. Chairman, I make the point of order on lines 16 and 17.

Mr. HARRISON. Will the gentleman reserve his point of order?

Mr. TRIBBLE. I reserve the point of order; and I would like to ask the chairman of the committee a question.

The CHAIRMAN. The gentleman from Georgia reserves the point of order.

Mr. STEPHENS of Texas. What is the question?

Mr. TRIBBLE. Mr. Chairman, I see in the evidence here that the witnesses testifying in the hearing—

Mr. STEPHENS of Texas. To what page does the gentleman refer?

Mr. TRIBBLE. Page 9. This is a provision for \$10,000 for the expenses of a Board of Indian Commissioners. It is admitted in the hearing here by witnesses testifying, which indicates that there is no authorization for this appropriation. In fact, it is stated here in sections 2039 and 2072 that this board of commissioners is created without any salary. Is it not a fact—

Mr. STEPHENS of Texas. The law itself states that they serve without salary, and it is only for traveling expenses and other expenses of the board of commissioners, including a secretary that they are obliged to employ.

Mr. TRIBBLE. Where is the authorization for including the expenses?

Mr. STEPHENS of Texas. It runs back originally to 1868, if I remember.

Mr. HAYDEN. If the gentleman will permit me, I will read him the law. Section 2039 of the Revised Statutes provides:

There shall be a Board of Indian Commissioners, composed of not more than 10 persons, appointed by the President solely from men eminent for intelligence and philanthropy, and who shall serve without pecuniary compensation.

Section 2040 provides:

The board of commissioners mentioned in the preceding section shall have power to appoint one of their own number as secretary, who shall be entitled to such reasonable compensation as the board may designate, payable from any moneys appropriated for the expenses of the board.

Mr. TRIBBLE. Now, the gentleman does not mean to claim that this \$10,000 goes to the secretary?

Mr. HAYDEN. His salary can be paid out of this amount under authority of law.

Mr. TRIBBLE. Do not the hearings here specify the items this money was paid out for last year?

Mr. CARTER of Oklahoma. They do not specify what it is to be paid out for this year.

Mr. TRIBBLE. Well the gentleman does not deny it is to be used for the same illegal purposes as heretofore?

Mr. CARTER of Oklahoma. I neither deny it or affirm it.

Mr. HAYDEN. The secretary is entitled to be paid out of money appropriated for the expenses of the board.

Mr. TRIBBLE. This sets forth that it is to pay the expenses of a board of commissioners, \$10,000. There is nothing said about a secretary.

Mr. HAYDEN. But the law says that the secretary shall be entitled to such reasonable compensation as the board may designate, payable from any money appropriated for the expenses of the board. Now, we appropriate money for the expenses of the board, and under the authority of law the board

has the right to hire a secretary and pay him a salary. It is perfectly clear.

Mr. TRIBBLE. It may be clear to the gentleman, but it is not clear to me. It is shown in the hearings that last year nearly \$9,000 went out for salaries, and the hearings show here that this board of commissioners has been traveling around over the country on junketing trips to San Francisco and elsewhere, and the commissioner held up the sum that one received and required it to be paid back into the Treasury, and here the gentleman proposes to defend it.

Mr. MANN. Mr. Chairman, I do not think the item is subject to a point of order. The law specifically provides for the appointment of a board of Indian commissioners and provides for a lot of duties which they may or shall perform. All of the law was not read by the distinguished gentleman from Arizona [Mr. HAYDEN], though doubtless he could add, if he took the time, that the law specifically contemplates that these Indian commissioners shall travel throughout the country, that they shall go to Indian reservations, that they shall pay attention to the opening of bids for the purchase of supplies, that they shall know how the Government is treating the Indians, and what are the necessities of the Indians, in order that they may recommend to Congress and to the administration what ought to be done. If we are entitled to make the appropriation for their expenses, the law provides for that. As a matter of fact, the Board of Indian Commissioners, composed of gentlemen who, I think, are wholly disinterested, have rendered great service to the Government and to the Indians in times past, and doubtless will in the future. I think if my friend from Georgia [Mr. TRIBBLE] would make an investigation as to the various reports which this board has made in the past he would modify his views very materially as to its value. I question whether there is any money expended by the Government in connection with the Indian Service which is of more value, both to the Government and to the Indians, than the money expended for the Board of Indian Commissioners. [Applause.]

The CHAIRMAN. The gentleman from Georgia [Mr. TRIBBLE] makes the point of order to the paragraph on lines 16 and 17. The section as quoted by the gentleman from Arizona [Mr. HAYDEN], the Chair thinks, wholly covers the authorization of law for this appropriation, and therefore overrules the point of order.

The Clerk will read.

The Clerk read as follows:

For pay of judges of Indian courts where tribal relations now exist, \$8,000.

Mr. HARRISON. Mr. Chairman, I move to strike out the last word of the item:

For pay of judges of Indian courts where tribal relations now exist, \$8,000.

May I inquire of the committee how many of these judges there are?

Mr. STEPHENS of Texas. We have the statement right here somewhere. It says:

Several years ago there was appropriated for the pay of Indian judges, \$12,000. This was reduced to \$10,000, and then again to \$8,000, and restrictions added that these courts are to be maintained only where tribal relations existed.

This has been the law for a number of years.

Mr. HARRISON. May I ask what is the salary of these judges?

Mr. STEPHENS of Texas. Eighty-four dollars a year. That is a munificent sum to give a judge.

Mr. HARRISON. Yes; that is a very poor sum. How many days out of the month do they work?

Mr. STEPHENS of Texas. They have cases to try just as other magistrates would have, and they have had that to do from time immemorial, and the Indians would consider they had been greatly injured if we should take these judges away from them. It was for the purpose of having sanitary conditions surrounding their camps and places of residence. They are elected by the Indians. It is an Indian court.

Mr. HARRISON. How many of these are in Oklahoma?

Mr. CARTER of Oklahoma. None.

Mr. STEPHENS of Texas. The tribal relations have been dissolved there.

Mr. HARRISON. Where are the most of these Indian judges located?

Mr. STEPHENS of Texas. In the Dakotas and in Montana, I think. They are on reservations where the land has not been divided among the Indians.

Mr. HERNANDEZ. Permit me to state that they have the Indian courts in the Indian villages in New Mexico to the extent of about 8 or 10. They have a government of their own, similar to a municipal government in the city.

The CHAIRMAN. The time of the gentleman from Mississippi [Mr. HARRISON] has expired.

Mr. HARRISON. I ask that the gentleman have two minutes, just in order to ask him a question.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that the gentleman from New Mexico [Mr. HERNANDEZ] may have two minutes. Is there objection?

There was no objection.

Mr. HARRISON. What is the character of these men who act as judges out there?

Mr. HERNANDEZ. They are just like the other Indians.

Mr. HARRISON. Just like an ordinary justice?

Mr. HERNANDEZ. Not as much, I suppose, but a man of fair understanding usually. One of the chiefs acts as judge.

Mr. HARRISON. Are they appointed by the Commissioner of Indian Affairs, or by whom?

Mr. HERNANDEZ. Usually by the superintendent.

Mr. HARRISON. Does the superintendent in making these appointments go on the recommendation of the tribe?

Mr. HERNANDEZ. Yes; they usually elect a man.

Mr. CARTER of Oklahoma. I will call the gentleman's attention to the hearings on page 96. It says they are usually selected by the tribal council or the superintendent.

Mr. HERNANDEZ. They are a sort of mayor.

Mr. HARRISON. The gentleman is not in favor of striking out this item, I presume?

Mr. HERNANDEZ. I do not care anything about it. We have very little to do with those courts.

Mr. HARRISON. Mr. Chairman, I withdraw my point of order.

The CHAIRMAN. The gentleman from Mississippi withdraws his point of order. The Clerk will read.

The Clerk read as follows:

For pay of six Indian Service inspectors, exclusive of one chief inspector, at salaries not to exceed \$2,500 per annum and actual traveling expenses, and \$3 per diem in lieu of subsistence when actually employed on duty in the field, \$30,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. MANN. How is the chief inspector of the Indian Service inspectors paid? Out of what fund is he paid? I see this provision is "For pay of six Indian Service inspectors, exclusive of one chief inspector." Where is the provision in law for the chief inspector, and how does he get his money?

Mr. STEPHENS of Texas. What page of the bill is the gentleman referring to?

Mr. MANN. Page 10, line 12.

Mr. STEPHENS of Texas. The salaries are stated there. They are \$2,500 per annum and \$3 per day in lieu of subsistence, and so forth.

Mr. CARTER of Oklahoma. My recollection is, Mr. Chairman, that the chief inspector is carried on the legislative bill, although I would not be positive about it.

Mr. MANN. Why would you put in here "exclusive of one chief inspector," then?

Mr. CARTER of Oklahoma. This amount, I presume, is only to be paid to the assistant inspectors.

Mr. MANN. Plainly, if the chief inspector is carried in the legislative bill, that language does not belong here. You make provision here for the pay of six Indian Service inspectors at a salary of \$2,500 each. That covers the six inspectors. It would not make any difference if we provided for 6,000 somewhere else. What I want to know is whether that provides for six and the chief inspector?

Mr. CARTER of Oklahoma. I do not think it provides for the chief inspector. I think he is provided for outside of this bill.

Mr. MANN. Of course, I take it that language like this is sent to the committee by the department. The committee itself is not to be criticized because it brings in sometimes very crude language that no one can tell the meaning of, except the man who wrote it, and he can only tell what he intended it to mean. That language can not mean anything within the comprehension of anybody here, I think, "exclusive of one chief inspector."

Mr. KONOP. Mr. Chairman, on page 102 of the justifications it is stated that these five officers are required to supplement the special force of supervisors. From that I would conclude that the chief is included. You will find that on page 102 of the hearings, where they speak of five inspectors.

Mr. MANN. The language heretofore has been "For pay for six inspectors." Now, you say, "exclusive of one chief inspector." I want to know whether that is intended to add a man or whether it is thrown in with the intention of adding nothing.

Mr. KONOP. The commissioner, on page 102 of the justifications, speaks of five officers. That is all I know about this.

Mr. MANN. After the very careful consideration which the committee evidently gave to this subject I will withdraw my inquiry.

Mr. NORTON. That language is the same as the existing law.

Mr. STEPHENS of Texas. I will state that there are seven names given here on page 9 of the hearings. I presume that includes the chief inspector.

Mr. KONOP. In the bill of last year the language of the House did not include that provision, but the Senate inserted the words "including one chief inspector."

Mr. MANN. Well, I bow in deference to the Senate for once. [Laughter.]

The CHAIRMAN. The gentleman from Illinois withdraws his pro forma amendment. The Clerk will read.

The Clerk read as follows:

For the purpose of determining the heirs of deceased Indian allottees having any right, title, or interest in any trust or restricted property, under regulations prescribed by the Secretary of the Interior, \$90,000: *Provided*, That the Secretary of the Interior is hereby authorized to use not to exceed \$20,000 for the employment of additional clerks in the Indian Office in connection with the work of determining the heirs of deceased Indians, and examining their wills, out of the \$90,000 appropriated herein: *Provided further*, That the provisions of this paragraph shall not apply to the Osage Indians nor to the Five Civilized Tribes of Indians in Oklahoma: *And provided further*, That hereafter upon a determination of the heir to any trust or restricted Indian property or after approval by the Secretary of any will covering such trust or restricted property, there shall be paid by such heirs, or by the beneficiaries under such will, or from the estate of the decedent, or from the proceeds of sale of the allotment, or from any trust funds belonging to the estate of the decedent, the sum of \$15, which amount shall be accounted for and paid into the Treasury of the United States, and a report shall be made annually to Congress by the Secretary of the Interior, on or before the first Monday of December, of all moneys collected and deposited as herein provided: *Provided further*, That if the Secretary of the Interior shall find that any inherited trust allotment or allotments are capable of partition to the advantage of the heirs, he may cause such lands to be partitioned among them, patents in fee to be issued to the competent heirs for their shares, and trusts patents to be issued to the incompetent heirs for the lands respectively or jointly set apart to them, the trust period to terminate in accordance with the terms of the original patent.

Mr. HARRISON. Mr. Chairman, I make a point of order on the last paragraph.

The CHAIRMAN. The gentleman from Mississippi makes the point of order on the paragraph.

Mr. HARRISON. There is no doubt that a change of existing law is made here in several instances.

The CHAIRMAN. Does the gentleman from Texas [Mr. STEPHENS] desire to be heard on the point of order?

Mr. STEPHENS of Texas. No.

Mr. MANN. Mr. Chairman, would the gentleman from Mississippi reserve his point of order for a moment?

Mr. HARRISON. Yes.

Mr. MANN. Does the gentleman remember the reason for this?

Mr. HARRISON. They broadened the statute and changed the law.

Mr. MANN. Yes.

Mr. HARRISON. As stated by Mr. Meritt, it is intended to give the Secretary of the Interior and the Indian Commissioner a broader discretion in these allotment and trust-fund cases.

Mr. MANN. The gentleman will recall that a few years ago there was a good deal of discussion in reference to the frauds that had been practiced upon Indian minors and Indian estates by certain people in Oklahoma, including some judges and attorneys. There has been some legislation in Oklahoma since that time, designed to remedy or prevent those frauds—not entirely satisfactory to many people who wish to preserve the rights of the Indians.

This plan was adopted of permitting the Indian Department to protect the rights of the minors down there in these estates. I will say candidly to the gentleman from Mississippi that I am sure he was on the other side of the question, in favor of this proposition, when it came up, because we were endeavoring to prevent the natural tendency, to say the least, of white people in a new territory where there were many Indians to get away all they can from the Indians, and then some in addition.

Mr. HARRISON. I notice in reading it that this does not apply to the Five Civilized Tribes.

Mr. CARTER of Oklahoma. Nor to the Osage Indians.

Mr. HARRISON. Mr. Chairman, in view of that, I will withdraw my point of order.

The CHAIRMAN. The gentleman from Mississippi withdraws his point of order. The Clerk will read.

The Clerk read as follows:

That not to exceed \$200,000 of applicable appropriations made herein for the Bureau of Indian Affairs shall be available for the maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles for the use of superintendents, farmers, physi-

cians, field matrons, allotting, irrigation, and other employees in the Indian field service: *Provided*, That not to exceed \$15,000 may be used in the purchase of horse-drawn passenger-carrying vehicles, and not to exceed \$30,000 for the purchase of motor-propelled passenger-carrying vehicles, and that such vehicles shall be used only for official service.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. MANN. The bill last year carried the item of \$200,000 for the maintenance and repair and operation of automobiles, and so forth, and I see the bill carries the same amount this year. Are the gentlemen on the committee entirely satisfied that this amount is sufficient, in view of the extraordinary increase in the cost of gasoline and tires, and so forth? If \$200,000 was required for the current year in the estimation of the committee a year ago, how are you going to get along with \$200,000 for next year? If the committee are able to give information to the House and to the country at large, telling how an automobile can be operated during the next year as cheaply as during the past year, the committee will confer untold benefits upon a very large number of people.

Mr. CARTER of Oklahoma. I do not understand the gentleman's question.

Mr. MANN. I do not own an automobile, but I think we ought to know about that.

Mr. CARTER of Oklahoma. Not owning an automobile myself, I am not able to give the gentleman any information.

Mr. MANN. Oh, no; but the gentleman is a moving spirit upon the great Committee on Indian Affairs, and besides that he represents a region that produces a very large proportion of the oil for which we have to pay fancy prices after it has been properly refined. Now, if in the estimation of the committee it took \$200,000 a year ago, when gasoline was selling at 9 or 10 cents a gallon out there in the West, and when automobile tires were not very high, how are you going to get along with the maintenance and operation of the same number of automobiles next year, with gasoline running, the gentleman from Oregon says, out in his country as high as 60 cents or perhaps \$2 a gallon by this time, and certainly above 20 cents the country over; and with automobile tires just having gone up 10 to 20 per cent and liable to go up again, what are you going to do?

Mr. CARTER of Oklahoma. One reason why we did not increase this amount was that the department did not ask for any more.

Mr. MANN. When the department made its estimate, it did not know what the necessary amount would be. Did the committee give any consideration or did the gentleman from Oklahoma, representing the great Oklahoma oil fields, give any consideration to the question as to how we ought to go about it to keep the price of gasoline down to reasonable limits?

Mr. CARTER of Oklahoma. I suppose some of my constituents would not be very much interested in keeping the price of gasoline down. [Laughter.]

Mr. MANN. I suspected that that would be the gentleman's very natural answer.

Mr. KONOP. The usual way in such cases is to have a committee of Congress investigate, and then the price goes down.

Mr. MANN. If an automobile could be operated with gas of a certain kind, instead of gas produced from gasoline, then it would be sufficient to have an investigating committee; because, goodness knows, there would be plenty of gas of that kind then. [Laughter.]

Mr. STEPHENS of Texas. Does the gentleman mean the preparedness gas that is being produced over the country so much now?

Mr. MANN. No; I am not referring to the President of the United States, though it is quite evident that the gentleman from Texas is.

Mr. STEPHENS of Texas. No; I am not.

Mr. MANN. I have some respect for the President. I do not refer to him as a mere gas-producing machine. I see that the gentleman from Texas does.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. FERRIS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 9416) making appropriations to supply further urgent deficiencies in appropriations for the fiscal year ending June 30, 1916, and prior years, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and

had appointed Mr. MARTIN of Virginia, Mr. BRYAN, and Mr. WARREN as the conferees on the part of the Senate.

The message also announced that the President had, on January 28, 1916, approved and signed bill of the following title:

S. 1773. An act to authorize the construction of a bridge across the Tug Fork of the Big Sandy River at or near Warfield, Ky., and Kermit, W. Va.

INDIAN APPROPRIATION BILL.

The committee resumed its session.

The CHAIRMAN. The Chair understands that the gentleman from Texas withdraws the pro forma amendment. The Clerk will read.

The Clerk read as follows:

That so much of section 4 of the act of May 11, 1880 (21 Stats. L., 132), as prohibits granting permission in writing or otherwise to any Indian or Indians on any Indian reservation to go into the State of Texas, under any pretext whatever, be, and the same is hereby, repealed.

Mr. MANN. Mr. Chairman, I reserve a point of order upon the paragraph. I appeal to the gentleman from Texas [Mr. STEPHENS], who is opposed to the President, to tell us why any Indian should want to go into the State of Texas.

Mr. STEPHENS of Texas. Very few of them have gone there. We have in that State only the original tribe of Alabama Indians, and I understand that there are only about 200 of them. I hope that the Government will never get them under supervision and control. I have opposed that all the way through, and I hope we will never have an Indian agency in the State or have a Texas Indian under the supervision and control of the United States Government.

The gentleman from Illinois refers to the paragraph which has just been read, which proposes to repeal section 4 of the act of May 11, 1880, which prohibits reservation Indians from going into the State of Texas.

Immediately after the Civil War the Secretary of War had control of these Indians. They were known as blanket or wild Indians. They were the Comanches, Kiowas, and other wild tribes west of the ninety-eighth meridian.

Mr. MANN. That was in 1880.

Mr. STEPHENS of Texas. Those Indians were on the warpath, and about once a month, during moonlight nights, we would have a raid from them. They were required by the War Department not to cross the Red River. That was under a provision of law which permitted officers of the Army to set bounds for those Indians. But this is an old law, which has now become useless. I will state that I lived within 10 miles of the Comanche and Kiowa Reservation. Geronimo's band of Apache Indians, who were for many years prisoners on a military reservation, have been to our town frequently to trade. They were, however, under the supervision and control of another Indian named Quanah Parker.

Mr. MANN. If Geronimo was lured into the gentleman's town at some time, was that the cause of the outbreak? [Laughter.]

Mr. STEPHENS of Texas. As I am trying to explain, this law has become useless, and for that reason the department has asked that it be repealed.

Mr. MANN. I do not quite understand what the gentleman means when he says the law is useless. If the law is useless, there is no object in repealing it. Does it keep the Indians out of Texas?

Mr. STEPHENS of Texas. It does not.

Mr. MANN. Why, no! No Indian wants to go there. [Laughter.]

Mr. STEPHENS of Texas. Possibly not; and in the past we felt that we were honored by their not coming there as much as they wished to, because when they used to come there we chased them back.

Mr. MANN. If we could segregate all these peace Indians in Texas who are afraid to fight, possibly it would be a good thing to pass a law to keep them in Texas. [Laughter.]

Mr. STEPHENS of Texas. At the time this law was passed the Indians were on the warpath, and when they came to our side of the river we chased them back. In fact, the first time I ever crossed the Red River I was with the Texas Rangers. We crossed the river, at the risk of being put in the Kansas penitentiary if we had been caught; but we took our chances on that, and were not captured.

Mr. MANN. While I have the greatest respect for Texas and her citizens, yet I think probably, judging by some of the people from Texas whom I have seen, it would not hurt the State very much to have some of these blanket Indians go down there; so I withdraw the point of order.

Mr. STEPHENS of Texas. That is the reason why we want the law repealed.

Mr. HARRISON. Mr. Chairman, I move to strike out the last word. Last year when this appropriation bill was up I

offered this paragraph as an amendment on the floor and asked that it be adopted. I made the same appeal at that time that my good friend from Texas makes to-day. He had it in his power at that time to make the point of order, and he made it to this item. Not only did I appeal to him in the interests of Texas, but other men did, not to make the point of order because he knew as he knows now that it was subject to a point of order. If it was not for the good graces of my friend from Illinois in withdrawing the point of order, saying it is a dead letter, he could make it and it would be sustained by the Chair. Now, I want to congratulate my friend from Texas on his change of front on this particular proposition. Evidently it was the argument used last time which created in his breast a conviction that caused him to sway the gentleman from Oklahoma, Mr. MURRAY, and the gentleman from Oklahoma, Mr. CARTER, to have this incorporated in this bill and to ask of the committee at this time to incorporate it.

Mr. MANN. Will the gentleman yield?

Mr. HARRISON. Certainly.

Mr. MANN. The gentleman from Mississippi is some younger in the House than I am.

Mr. HARRISON. A good deal younger.

Mr. MANN. It will be of some consolation to him, I think, if I say that my observation and experience is that you never get anything really soaked into the Committee on Indian Affairs short of a year. [Laughter.] The argument that you make to-day may appeal to them a year from now. [Laughter.]

The Clerk read as follows:

That section 2 of the act approved March 2, 1907 (34 Stat. L., p. 1221), entitled "An act providing for the allotment and distribution of Indian tribal funds," be, and the same is hereby, amended so as to read as follows:

"That the pro rata share of any Indian who is mentally or physically incapable of managing his or her own affairs may be withdrawn from the Treasury in the discretion of the Secretary of the Interior and expended for the benefit of such Indian under such rules, regulations, and conditions as the said Secretary may prescribe."

Mr. HARRISON. Mr. Chairman, I make a point of order on that paragraph.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

That the lands, buildings, fixtures, and all property rights granted to the State of Colorado for educational purposes by section 5 of the act of Congress approved April 4, 1910 (36 Stat. L., p. 273), may, in lieu of the use designated in said grant, be utilized by said State for the care of the insane, as an agricultural experiment station, or for such other public purposes as may be authorized by the legislature of the State: *Provided*, That Indians shall always be admitted to such institutions free of charge and upon an equality with white persons.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. The gentleman will have to make a pretty good explanation to get by the point of order.

Mr. TAYLOR of Colorado. Mr. Chairman, I will try to explain this matter, I hope to the satisfaction of the gentleman from Illinois. The act of Congress granting the Teller Indian School, at Grand Junction, to the State of Colorado was passed April 4, 1910. At that time the school had become practically abandoned. The Interior Department and Indian Bureau and the Indian Affairs Committee of the House had decided to discontinue nonreservation Indian schools; so they were not using it much for Indians at that time. The Government agents in charge of the property had allowed the full amount of the Government water rights from the canal above the land to run on to this land practically all of the time, both when it was needed and when it was not needed, so that the land had become seeped; it was so full of alkali that the land had become almost worthless in that form. It would not grow anything. It even affected the foundations of the brick building. The irrigation above the land and the lack of proper drainage also affected the land injuriously. The Government intended, as I say, to abandon this school under a general policy of withdrawing the Indian children from the nonreservation schools and placing them in reservation schools. So there was a provision put in the Indian appropriation bill of April 4, 1910, at my request and with the approval of the Interior Department, ceding the property to the State of Colorado, to be used for educational purposes.

At that time I and the Senators and other Representatives from Colorado expected that the State would convert this property into a State normal school, or at least establish a branch agricultural experiment station there, but afterwards the funds of the State were in such a condition that they could not build a normal school. We have five State educational institutions in our State already. I may say that Colorado has practically all the State institutions of every kind that the rich, Eastern States have, with only about 10 per cent of the revenue to support them. As a matter of fact, the State has not during the past five years had the money, nor has it had the pupils, to

warrant another educational institution at this place. It would have required a large amount of money to repair and rehabilitate these buildings. On May 31, 1911, the governor of Colorado accepted the grant in compliance with that act (36 Stat. L., 273), but the State has not yet complied with that grant, and the last legislature memorialized Congress to modify and enlarge the grant whereby the institution is given to the State for educational purposes so as to vest the title in the State and provide that the property may be used for such purposes as the General Assembly of Colorado may provide. So I introduced a bill, H. R. 19, on the first day of this session to carry out the wish of my State as expressed by the last legislature; and the language of this paragraph is practically the same as my bill. Although my bill does not contain the provision concerning the care of insane Indians, however, I may say that the legislature had in view the using of these buildings for a branch insane asylum, and we also may want to use some of the land for an agricultural experiment station, if it can be made suitable. The State wants to try to reclaim that steep land and drain it so as to make it productive and valuable.

I submitted my bill to Gov. Carlson, of Colorado, and asked him to write me an official statement as to why the State had not complied with the former grant of Congress and why we want this modification of that grant. The governor has written me a very frank and clear statement of the situation and the objects of the State in regard to this property. I will insert his letter to me in the Record, as follows:

THE STATE OF COLORADO,
EXECUTIVE CHAMBER,
Denver, January 20, 1916.

Hon. EDWARD T. TAYLOR,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN TAYLOR: We are greatly interested in the bill introduced by you having for its object the amendment to the act of Congress granting the property known as the Grand Junction Indian School to Colorado, so as to permit the State to use the property for other purposes than as an educational institution.

It has been suggested to me that some objection might be made on the ground that this school was built by the Government to afford educational opportunities to the Indians of Colorado, and that it would be an injustice to these wards of the Government if its character were changed. This objection, if it should be made, is absolutely without justification. It is probable that at the time the school was built there were some Indians within close proximity, but at the present time the only Indians that I know of on the western slope of Colorado are on the Ute Reservation, which is in the very extreme southwest corner of the State, and I believe another reservation some distance south of this. Altogether there are not a thousand Indians in the entire State, and in my many visits to Mesa and adjoining counties I do not remember ever having seen one. As a matter of fact, the United States Government had practically abandoned the school before it was transferred to Colorado. I do not believe it possible to induce any practicable number of Indians to come several hundred miles from their reservations and attend this school, no matter how attractive the curriculum might be made. It would certainly be a most uneconomical procedure, even if willing Indians were found.

You may be asked why Colorado has not fully complied with the previous grant. The answer is found in the fact that the buildings were simply unfit for use, on account of the seepage of water into them from grounds which were badly in need of systematic drainage. Shortly after the transfer of this property to the State \$5,000 was spent for extension teaching in the district and for keeping the property in repair. A very careful drainage survey was made of the land, records were kept of the level of the ground water, and from the results of all of these a plan was worked out for the drainage of the ground. This plan was submitted to the nineteenth general assembly, which on account of the chaotic condition of the finances of the State at that time was unable to make the necessary appropriation.

There is a strong demand that these buildings be used as an insane asylum for the western slope of Colorado. I presume you will point out to the committee and to Congress the great expense of transporting insane patients from the western slope to the State asylum at Pueblo, and so I will not dwell upon this feature. At the present time there are 16 counties on the western slope unable to place their insane in a State institution.

Last year the expense to the different counties of the State in maintaining their insane in private institutions was \$92,701.38. I have not available the proportion of this borne by the western slope, but from the large number of western-slope counties represented in the total amount you will see it must have amounted to considerable.

The twentieth general assembly made an appropriation of \$5,000 to take up the drainage of the property. The lands have been included in the drainage district and surveys are being made of this district by the United States Reclamation Service. Actual work on drainage will be begun just as soon as the main drainage channels have been located by the surveys. When once drained the property will again be serviceable for school purposes. The buildings have suffered through nonuse, but can be put in serviceable shape at very reasonable cost, excepting in the case of very old buildings, where cost of repairs will prove excessive.

It will be a pleasure to me to furnish you on demand any further facts desired, and you may use this letter before the committee having the bill in charge if you so desire.

Very truly, yours,

GEORGE A. CARLSON, Governor.

Mr. MANN. How much land is there?

Mr. TAYLOR of Colorado. One hundred and seventy acres.

Mr. MANN. Does the gentleman think that they could get an insane asylum and an agricultural experiment station on 170 acres of land?

Mr. TAYLOR of Colorado. Well, I can not speak with absolute certainty as to just what the Colorado Legislature will do.

But I know we expect to make the best use of the property that we can.

Mr. MANN. You are just fishing, taking the land for what it may be worth.

Mr. TAYLOR of Colorado. The land is not worth anything now; but we are going to try the best we can to utilize this property and put it to some beneficial public use. It is no use to either the Government or the State the way it is now.

Mr. MANN. The gentleman does not know whether they will use it for an insane asylum or an agricultural college, or a place to herd sheep.

Mr. TAYLOR of Colorado. We will have to spend considerable money on it before we can use it for anything.

Mr. MANN. How can the gentleman tell? There is no limitation here. First, you ask for it for a normal school, and I remember the gentleman's very persuasive speech. I can remember the eloquent remarks he made on the subject on how necessary it was to educate the youth of the land to provide teachers, and therefore we ought to give them the place for a normal school. Now, they want it for an insane asylum and an agricultural experiment station, or anything else that the legislature happens to think of.

Mr. TAYLOR of Colorado. Mr. Sells, the Commissioner of Indian Affairs, has sent Mr. Kneal, an Indian agent, over there just a few days ago and he made an exhaustive examination of this property as it is to-day, and he reports that the Government does not want this property at all for any purpose, and that it is of no use under the sun for an Indian school or anything else, and that it will cost the State of Colorado \$50,000 in money before she can do anything with it. It is a deplorable situation that property upon which the Government has spent nearly \$700,000 should have been allowed to run down until it is, in its present condition, comparatively worthless. The State is not getting a very big bargain in taking the property for nothing.

Mr. MANN. It is never very difficult to get one department officer to say, if the Government has got something of value that it does not want to use, that it ought to give it away.

Mr. TAYLOR of Colorado. Will the gentleman listen and permit me to read the memorial of the Colorado Legislature on this subject?

Mr. MANN. Yes; but I do not pay much attention to memorials of legislatures or a memorial of Congress.

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

Mr. MANN. I ask that the gentleman from Colorado be given five minutes more.

The CHAIRMAN. The gentleman asks that the time of the gentleman from Colorado be extended five minutes. Is there objection?

There was no objection.

Mr. TAYLOR of Colorado. The memorial of our legislature to which I refer is as follows:

Senate concurrent resolution 5 (by Senator Kluge), that the grant of the Grand Junction School heretofore made to the State of Colorado by the United States for educational purposes be enlarged so as to include charitable and other purposes.

Whereas by section 5 of chapter 140, approved April 4, 1910, the Sixty-first Congress of the United States of America did grant to the State of Colorado the property known as the Grand Junction School, including the lands, buildings, and fixtures pertaining to said school, provided that said lands and buildings should be held and maintained by the State of Colorado as an institution of learning, and that Indian pupils should at all times be admitted to such school free of charge of tuition and on terms of equality with white pupils; and

Whereas the governor of the State of Colorado did duly file an acceptance of said grant with the Secretary of the Interior in accordance with the terms and conditions of said grant, and the said school has been under the control of the State of Colorado since said acceptance; and

Whereas the State of Colorado has now five separate institutions of learning that are in active operation in different parts of the State, and the needs of which, financially, are constantly increasing; and Whereas the State of Colorado has only one asylum for the insane, being the insane asylum located at Pueblo, Colo., and said asylum is now greatly overcrowded, and there is not room for the insane patients of the State; and

Whereas costs and charges for transporting patients from that part of Colorado west of the Continental Divide to the said insane asylum are excessive and constitute an undue burden upon the people of the western slope of Colorado; and

Whereas the said Grand Junction Indian School is centrally located on the said western slope, so as to accommodate patients from that portion of the State: Now, therefore, be it

Resolved by the senate of the twentieth general assembly and the house of representatives thereof concurring, That the Congress of the United States be, and it is hereby, requested to enlarge the grant heretofore made by it to the State of Colorado, of said the Grand Junction School so as to vest the title thereto in the State of Colorado, and to provide that the same may be used for such purposes as the General Assembly of Colorado may provide; be it further

Resolved, That duly certified copies of this resolution be forwarded to the Speaker of the House of Representatives of the United States and to the President of the Senate of the United States and to the Secre-

tary of the Interior, and that this resolution be entered of record of the twentieth general assembly; and be it further

Resolved, That copies of this resolution be forwarded to the Representatives of Colorado in the Congress of the United States.

Approved April 9, 1915, 11.50 a. m.

MOSES E. LEWIS,
President of the Senate.
PHILIP B. STEWART,
Speaker of the House.
GEORGE A. CARLSON,
Governor of the State of Colorado.

(Indorsed:) Filed in the office of the secretary of state of the State of Colorado, on the 9th day of April, A. D. 1915, at 2.35 o'clock p. m. Recorded in book —, page —.

JOHN E. RAMER,
Secretary of State.
By GEORGE M. WILLIAMS, Deputy.

Mr. MANN. Mr. Chairman, the gentleman knows that if it were in order for a Member of the House here to rise and offer a memorial, we would probably pass 50 of them a day upon every conceivable subject of which the human mind could take cognizance, and not any of us would know what they were about. That is the way with the legislatures.

Mr. TAYLOR of Colorado. But the Legislature of Colorado has not memorialized Congress without knowing all about this matter.

Mr. MANN. Oh, the Legislature of Colorado has sent more memorials to Congress about more things about which it knows nothing than any other legislature of the country, at this session of Congress, occupying page after page of the Record. Of course, this was something they had an interest in. Usually they have memorialized Congress in respect to some matter that is none of their business.

Mr. TAYLOR of Colorado. It seems to be true that the Western States memorialize Congress more than the other States do. But I have not observed that Colorado exercises that right any more than others. The legislatures have a right, in fact a duty, to express to Congress the sentiment of their States, and we should give those memorials due consideration. At the present time Colorado has an insane asylum in the city of Pueblo. That insane asylum has for years been overcrowded. There are several hundred insane patients scattered around over the State of Colorado in private institutions and in jails or one place and another, and the State wants to take these buildings and repair them and use them as a branch insane asylum to properly care for these unfortunates.

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

Mr. TAYLOR of Colorado. Yes.

Mr. MANN. I can say one thing here that might be applicable—perhaps they would better have the insane asylum conduct these agricultural experiments. [Laughter.]

Mr. TAYLOR of Colorado. I do not know about that; but the same provision is contained in this bill that is in the present law, allowing the insane Indians to go there upon the same terms as the white, if the Government wants to put them there. We are not trying to escape any obligations, if there are any, to the Indians. I am not sure but what the Indians would have more use for the property as an insane asylum than they have as an educational institution, because of its being a non-reservation school.

Mr. MANN. I hope the gentleman would not say that that would apply to Colorado generally?

Mr. TAYLOR of Colorado. No; that would not apply to Colorado by any means. We will beneficially use this property if Congress will give us the permission. But, of course, we can not spend \$50,000 on the property unless Congress modifies the grant and authorizes us to make this change. I presented this matter very fully to the Committee on Indian Affairs, and to the Secretary of the Interior, and the Commissioner of Indian Affairs, and obtained the approval of all of them, and I hope that the gentleman will not insist upon the point of order and let us adopt this paragraph of the bill.

Mr. MANN. Mr. Chairman, once again I am overpersuaded by the eloquence of the gentleman from Colorado just as I was the last time when he wanted this property for another purpose, and I shall withdraw the point of order.

The Clerk read as follows:

ARIZONA AND NEW MEXICO.

SEC. 2. For support and civilization of Indians in Arizona and New Mexico, including pay of employees, \$330,000.

Mr. HARRISON. Mr. Chairman, I reserve the point of order. I want to ask the gentleman from Arizona [Mr. HAYDEN] a question. Three hundred and thirty thousand dollars are appropriated in this item for the support and civilization of Indians in Arizona. How many Indians are there in Arizona?

Mr. HAYDEN. About 42,000.

Mr. HARRISON. How many in New Mexico?

Mr. HAYDEN. I think there are 20,000 or 21,000.

Mr. HARRISON. I notice in the hearings before the Committee on Indian Affairs that the Commissioner of Indian Affairs recommended to the committee a provision of law to enable the Secretary of the Interior to investigate the condition of the Indians living in Mississippi and report to Congress on the first Monday of December as to their need for additional land and school facilities, and that \$1,000 was proposed to be appropriated for that purpose, to be immediately available. He offered his justification for that, and the chairman asked him the question, "About how many Indians are there in Mississippi," to which he replied that there are 1,235 living in that State. The question I want to propound to the gentleman, because this Arizona and New Mexico item for \$330,000 is clearly subject to a point of order, as well as many other items under headings of other States for support and civilization of Indians, including, I notice, under the Oklahoma heading items for similar gratuities. May I ask the gentleman—and I respect him highly, both on account of his ability and congeniality—does he not think that the committee is a little unfair to the Indians of Mississippi when the Commissioner of Indian Affairs recommends to them a provision that carries \$1,000 not for the support and civilization of the Mississippi Indians but merely to investigate their condition, that the committee should turn it down, brush it aside, and go on and write into the bill \$330,000 for the Arizona and New Mexico Indians, not for their investigation but for their support and civilization, as well as carrying similar provisions for other States that are represented on the House Indian Committee?

Mr. HAYDEN. Mr. Chairman, I will state to the gentleman that I was under the impression that the recommendation of the department relative to the thousand dollars for the Indians in Mississippi had been adopted by the committee, and I should be very glad to vote for such an amendment if the gentleman would offer it on the floor.

Mr. STEPHENS of Texas. I will state to the gentleman that it was subject to a point of order, and some gentleman on the committee made the point of order and the Chair sustained it.

Mr. HARRISON. Oh, the gentleman can not get out of it on the question of a point of order.

Mr. STEPHENS of Texas. It was new legislation.

Mr. HARRISON. For the reason that there was just incorporated into this bill a provision that repealed a law passed in 1880, I think it was, that prohibited the Indians from Oklahoma going into the gentleman's State of Texas, and that was incorporated in this bill when the gentleman knew it was subject to a point of order, because he had made a point of order to a similar amendment that I offered last year. It matters not now whether it is subject to a point of order or not. This provision carrying the appropriation of \$330,000 for the Arizona and New Mexico Indians is subject to a point of order, and I want to say to the chairman of the committee as well as to this committee that, knowing the condition of the Indians in my State, knowing that by this bill they get no relief, I am not going to be as unfair, I am not going to be as unjust as the Committee on Indian Affairs has been in this matter—when the Commissioner of Indian Affairs has recommended to the committee the incorporation of a thousand-dollar provision merely to investigate the conditions down there, which recommendation has been turned down by the committee.

I say I am not going to be as unfair as the gentleman is, because I have it within my power to make the point of order—for it will be sustained, because it is conceded not to be authorized by law—and wipe out this \$330,000 for these Indians in Arizona and New Mexico. I think too much of the Indians of this country and have their welfare too much at heart. I am going to be fair and more just than the committee, and will therefore withdraw the point of order.

Mr. CARTER of Oklahoma. Does the gentleman expect—

Mr. HARRISON. If the gentleman wants me to make it, I will do so.

Mr. CARTER of Oklahoma. Mr. Chairman, I move to strike out the last word.

Mr. HARRISON. Mr. Chairman, I still reserve the point of order.

Mr. CARTER of Oklahoma. Mr. Chairman, does the gentleman want to insist on the amendment for the \$1,000 for the Indians in Mississippi? If he does, I will tell him that I think the committee really struck that out in order that the gentleman might offer the amendment and make a speech. That, I think, is about all the committee had in mind when it was stricken out.

Mr. HARRISON. The gentleman is very courteous and gracious. I know he does not like for me to speak that much. He can not offer that as an excuse. The gentleman knows

the facts bear down too heavily upon him and his committee for that, and the gentleman knows there is an explanation due this House for their action in turning down a little recommendation for the needy, poor Mississippi Indians, under the circumstances, and he can not brush it aside in that manner.

Mr. CARTER of Oklahoma. There is no attempt to brush anything aside, and if the gentleman will permit me to say, without violating the rules of the House, something had happened in the committee. I will say to the gentleman that I protested against that item going out of the bill, and I insisted it should remain. It was thrown out over my protest.

Mr. HARRISON. I thank the gentleman.

Mr. NORTON. Will the gentleman from Mississippi answer a question?

Mr. HARRISON. I will.

Mr. NORTON. How long have the Indians in Mississippi been without Government aid?

Mr. HARRISON. Always; they have never received any Government aid.

Mr. NORTON. Never have been self-supporting?

Mr. HARRISON. Why, they have supported themselves only by hunting, fishing, what people would give them, and by working at times in the fields. They have not been as fortunate as the Indians in the gentleman's State in receiving support from the Government.

Mr. NORTON. They have been self-supporting?

Mr. HARRISON. Always.

Mr. NORTON. For many years?

Mr. HARRISON. Yes.

Mr. NORTON. Does the gentleman think the Government at this time should pursue a policy of hunting up these Indians, who have been self-supporting for a hundred years, and offer to them Federal aid?

Mr. HARRISON. There is no man in this House who knows my views in reference to these poor Indians better than the gentleman from North Dakota, because I have spoken before his committee for hours and hours, giving him the views I entertain in reference to this matter. I am not of the opinion that the Government of the United States at this time should appropriate money for the Indians in Mississippi, and the gentleman knows the reason why I am not in favor of that. I believe they are entitled to share in the funds of the Choctaw Tribe, and I have not favored up to now even a bill introduced by the gentleman from Oklahoma [Mr. MURRAY], that would give the Mississippi Choctaws land to be paid for out of the Treasury of the United States, for the reason that I know the Representative from Oklahoma would have the Government pay them and would not have their own tribe pay them. Now, if the gentleman will permit me to further answer the question—

Mr. NORTON. Certainly.

Mr. HARRISON. It is in order that the Treasury of the United States be protected that I am making the fight I am, because other gentlemen have seen that it is a question of time if all the funds of the Choctaw Tribe are dissipated then they are bound to come to the Government of the United States for aid.

Mr. NORTON. Then the gentleman does not purpose to have the Government extend any Federal aid to the Indians in Mississippi in reference to this \$1,000 appropriation which the gentleman asks for—

Mr. HARRISON. I did not ask for it; the Commissioner of Indian Affairs asked for it; and let me say to the gentleman that the Commissioner of Indian Affairs—and I dislike to say it very much—but it looks to me that he is partial in this matter. The gentleman will recall last year when this fight was made on the floor of the House, there came a report into this House, just before the vote was taken, which was signed by the Secretary of the Interior, Mr. Lane, and the gentleman knows, and this House knows, that when those reports are made they are made by some clerk in the office and not by the Secretary or the Commissioner of Indian Affairs. Let me say further to the gentleman: I asked the Commissioner of Indian Affairs to let the Mississippi delegation be heard, or some of us, in support of our contention about this matter before any report was made to your committee, and I have not, up to this good day, received any word from the Commissioner of Indian Affairs to come up and he would let us be heard in the matter, and it strikes me very much like there is some partiality about the proposition.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NORTON. Mr. Chairman, I ask unanimous consent for five minutes more to say a word.

The CHAIRMAN. The gentleman from North Dakota asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to limit debate on this paragraph to five minutes.

Mr. HARRISON. Mr. Chairman, I shall object to that, because the gentleman may be so gratuitous in his remarks I might want to say something in reply, and I would ask that it be made 10 minutes.

The CHAIRMAN. The Chair will state that debate has been limited; debate has been already exhausted. Is there objection to the gentleman having five minutes? [After a pause.] The Chair hears none.

Mr. NORTON. Mr. Chairman, I have always been very much interested during my short service here in Congress in what the gentleman from Mississippi has had to say in presenting the purported claims of the Choctaws in Mississippi for a part of the lands and funds of the Choctaws in Oklahoma. From the forceful and able manner in which the gentleman from Mississippi has presented his subject as I have frequently heard it presented by him I have been forced to believe and am now fully convinced that if the Choctaws in Mississippi had even the smallest peg on which to hang any just and reasonable claim to a right to share in either the funds or the lands and other property of Oklahoma Choctaws that claim would have been long since recognized and conceded by the Congress.

It would have been granted by this Congress long before this time. There is no man that I have heard in this House who has shown himself more able to present a poor claim more favorably than the gentleman from Mississippi [Mr. HARRISON].

I do not believe that this House should concur in a recommendation of anybody, not excepting the Commissioner of Indian Affairs, for an appropriation to seek out in some State a few Indians that the United States may make appropriations to aid, particularly Indians who for 50 years or more have been self-supporting and who have made their own livelihood without any aid from State or Federal Government. That is exactly the kind of policy that the Government should to-day be trying to escape rather than to enter upon. While I did not make a point of order against the proposed appropriation of \$1,000 to investigate the conditions among the Indians of Mississippi, if the matter had come to a vote in the committee I certainly should have voted against it.

The CHAIRMAN. Does the gentleman from Mississippi make the point of order?

Mr. HARRISON. I withdraw the point of order.

The CHAIRMAN. The gentleman withdraws the point of order, and the Clerk will read.

The Clerk read as follows:

For continuing the work of constructing the irrigation system for the irrigation of the lands of the Pima Indians in the vicinity of Sacaton, on the Gila River Indian Reservation, within the limit of cost fixed by the act of March 3, 1905, \$10,000; and for maintenance and operation of the pumping plants and canal systems, \$10,000; in all, \$20,000, reimbursable as provided in section 2 of the act of August 24, 1912 (37 Stat. L., p. 522), and to remain available until expended.

Mr. MONDELL. Mr. Chairman, I wish to ask the gentleman from Arizona [Mr. HAYDEN] whether these expenditures are to be made on and about the pumping plant that was built by the Reclamation Service?

Mr. HAYDEN. Yes, sir.

Mr. MONDELL. This is the very extensive plant that the service built and that we paid for?

Mr. HAYDEN. Yes.

Mr. MONDELL. Reimbursing the Reclamation Service for it. My recollection is that for a long time the Indians refused to use any of this water?

Mr. HAYDEN. That is true.

Mr. MONDELL. Insisting that the water carried a good deal of alkali and that it injured their land?

Mr. HAYDEN. Of late years the Indians have been growing Egyptian cotton and other crops very successfully with this water, and the prejudice they had against it has largely disappeared. I think credit is due in a large measure to the very efficient superintendent they now have on that reservation in inducing these Indians to use this water.

Mr. MONDELL. They are now actually using this water, are they?

Mr. HAYDEN. Yes, indeed.

Mr. MONDELL. The plant was supposed to be complete. The Reclamation Service built a very complete and very expensive plant and dug the canals and laterals, and left the work in what was supposed to be a very perfect and very complete condition.

Mr. HAYDEN. I never heard that. I always understood that the main canal was constructed and a number of pumping plants installed, but that the smaller laterals for carrying the water to the land have not been built until of late.

Mr. MONDELL. I noticed the item is supposed to be reimbursable. As a matter of fact, it is probably true, is it not, that these particular Indians will not be able to reimburse the Government for this expenditure?

Mr. HAYDEN. I do not think it would be possible for the Pima Indians to reimburse the Government in the near future. They are very industrious Indians, and have progressed as fast as they can, considering the hardships under which they have labored. It is not to be expected they can repay any money right away.

Mr. MONDELL. Taking into consideration the suggestion of what we will do in irrigating further lands on this reservation, and the fact that some of the lands have not any value until irrigated, there is not much hope that they will reimburse the Government for this expense?

Mr. HAYDEN. Not in the near future; that is certain.

Mr. MANN. Mr. Chairman, I would like to understand a little more about this reimbursable proposition, which I have been trying to have put in bills for years. Is not this expense in a way a charge upon the Indian land there?

Mr. HAYDEN. It is.

Mr. MANN. Well, if the Indians continue to own the land and use it, taking care of it themselves, the funds will probably not be reimbursable as long as that continues, but if the Indians should endeavor or propose to dispose of the land, especially to white settlers, would it not necessarily be the case that out of the proceeds of a sale the Government would be reimbursed for its original expense?

Mr. HAYDEN. The gentleman correctly quotes the terms of the act mentioned in the bill, referring to reimbursement.

Mr. MANN. I am quite willing, as long as they support themselves, to make this provision, but it does seem to me that in these irrigation schemes the time ought to come when the Indians can maintain the plants. It is not a very encouraging feature for the gentleman to say, "we will spend a million or half a million or two millions or \$100,000 constructing an irrigation system for Indians, in order that they may earn money and have a livelihood, and be better off than they were before," and then, after having devoted that much money for that purpose, continue to spend the money to operate the plant year after year—a permanent annual expense against the Government, which can only be made on the theory that the original expenditure was a gross waste of money. Conceding that these Indians at this plant are doing a good work, is there not a time coming when they will be able to make enough, over and above other expenses of their own, to maintain the operation of the plant?

Mr. HAYDEN. In reply to the question of the gentleman from Illinois, I will say that I was on this reservation last summer and I asked that very question of the superintendent in charge. He said that he was very anxious to see the time come when the Indians would pay for the maintenance of the project, that he thought it would be a good thing for them to have a sense of responsibility, that they might know that it costs money to pump water, and that they ought to be careful in the use of the plant.

The gentleman should understand that originally the Indians refused to have anything to do with this pumping plant, so that it was necessary to make an appropriation to get the water pumped and used. Now that they are using it, I do not believe that after a few years there will be any reason why the Indians should not pay the charges for maintenance.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

For the construction and repair of necessary channels and laterals for the utilization of water in connection with the pumping plant for irrigation purposes on the Colorado River Indian Reservation, Ariz., as provided in the act of April 4, 1910 (36 Stat. L., 273), for the purpose of securing an appropriation of water for the irrigation of approximately 150,000 acres of land and for maintaining and operating the pumping plant, \$15,000, reimbursable as provided in said act, and to remain available until expended: *Provided*, That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be prepared plans and specifications showing the approximate cost of the construction of the necessary irrigation works for the reclamation of all of the irrigable lands on the Colorado River Indian Reservation in Arizona and California, which plans and specifications, together with a report upon the feasibility of irrigating the lands within said reservation, shall be submitted to Congress on the first Monday in December, 1916, or as soon thereafter as may be practicable. In said report the said secretary shall recommend a method for the disposal of the surplus and unallotted lands within said reservation and a plan for the repayment of the cost of the necessary irrigation work. For the purpose of carrying out the provisions of this proviso there is hereby appropriated the sum of \$5,000, or so much thereof as may be necessary.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Illinois reserves a point of order on the paragraph.

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

The CHAIRMAN. A point of order is pending.

Mr. MONDELL. The point of order is withheld, I understand.

Mr. MANN. Yes.

The CHAIRMAN. The gentleman from Wyoming moves to strike out the last word. The gentleman is recognized.

Mr. MONDELL. Mr. Chairman, I notice the proviso in this paragraph proposes an investigation, the preparation of plans, estimates of cost of construction of necessary work for the reclamation of all the irrigable lands on the Colorado River Indian Reservation, in Arizona and California, and so forth. I would like to ask the gentleman from Arizona [Mr. HAYDEN] if it is not true that the question of the irrigation of these lands has heretofore been pretty carefully considered, and it is probable that the situation is such that no successful project could be carried out for the irrigation of all the lands of this reservation unless there should be built some very large storage works on the headwaters of the Colorado?

Mr. HAYDEN. On the contrary, I will say there has never been any consideration given by the Indian Department to any sort of plan for the irrigation of that land.

Mr. MONDELL. Not by the Indian Bureau, possibly, but the matter has been investigated by the irrigation service, has it not?

Mr. HAYDEN. There has been no plan or investigation made relative to the land on this irrigation project. When I first came here the Delegate from Arizona, my predecessor, had a bill pending to open up these lands, and he could not get a report on it from the department. I introduced a similar bill, and on that I could not get a report from the department. Then I introduced another bill, and on that I could not get a report from the department; so I took up the matter with the Committee on Indian Affairs, and offered this amendment, which was adopted by the committee, to try to get the department to say what it would do.

There are 100,000 acres of the finest land on this continent in the Colorado River Indian reservation. It is lying idle, and no use is made of it. Other people, not only in the United States but in Mexico, are making appropriations of the waters of the Colorado. Unless something is done, the Indians will lose their rights to the use of this water. I wanted to get somewhere, and for that reason I offered this amendment. The committee was willing to allow a small appropriation in order to get a report from the Department of the Interior as to what should be done. I have not been able to get any information from the department whatsoever as to any plan for the irrigation of those lands.

Mr. MONDELL. I was under the impression that the Indian Bureau has made some investigation touching these particular lands. I know the Reclamation Service has made some investigation of the general situation. As a matter of fact, the Reclamation Service has for some years past been studying the general situation on the Colorado River.

Mr. HAYDEN. That was a favorite idea of the late director, Mr. Newell.

Mr. MONDELL. I think it is a very wise idea. The State which I have the honor to represent here has been contributing for a couple of years past to a joint investigation of the situation on the Green, one of the large tributaries of the Colorado River, with a view to working out some plan for the utilization of the waters of the Green and the Grand, the two principal tributaries, and the main river.

I think the item a very excellent one. I hope there will be no objection to it. I was under the impression that the Indian Bureau had made an investigation, independent of the work that has been done by the Reclamation Service, in regard to the general question of the irrigation of the lands of the Colorado River Reservation.

The CHAIRMAN. The pro forma amendment is withdrawn.

Mr. MANN. Mr. Chairman, I make a point of order against the proviso beginning with line 19, on page 15, and ending with line 10, on page 16.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

To enable the Secretary of the Interior to carry into effect the provisions of the sixth article of the treaty of June 1, 1868, between the United States and the Navajo Nation or Tribe of Indians, proclaimed August 12, 1868, whereby the United States agrees to provide school facilities for the children of the Navajo Tribe of Indians, \$100,000: *Provided*, That the said Secretary may expend said funds, in his discretion, in establishing or enlarging day or industrial schools.

Mr. MANN. Mr. Chairman, I reserve the point of order on the paragraph. How much is the current appropriation for this purpose?

Mr. HAYDEN. One hundred thousand dollars.

Mr. MANN. The gentleman is sure about that, of course?

Mr. HAYDEN. Yes; the last Indian appropriation act carried an item in the same language appropriating \$100,000 for this purpose, and the continuing resolution carried on that appropriation.

Mr. MANN. Was it carried in the bill last year?

Mr. STEPHENS of Texas. It is explained at page 168 of the hearings, about the middle of the page.

Mr. HAYDEN. It was carried in the bill last year.

Mr. STEPHENS of Texas. About the middle of page 168 of the hearings it says:

The \$100,000 appropriation for 1915 was used for increasing school facilities for Navajo children on the following reservations: Navajo, Western Navajo, Pueblo Bonito, and San Juan.

Mr. BORLAND. How many Navajo children are there?

Mr. HAYDEN. This is one of the largest tribes in Arizona. There are about 25,000 Navajos.

Mr. BORLAND. How many children are there among them?

Mr. HAYDEN. About 5,000. They are very poorly provided with schools.

Mr. MANN. How is this money expended?

Mr. BORLAND. How can they expend \$100,000 a year?

Mr. HAYDEN. The money is expended for certain schools on the Navajo Reservation. In the last year the Indian Service spent money for the construction of a school building at the Chin Lee Boarding School, with a capacity for 200 pupils, \$20,000; for repair of the old dining hall at the Fort Defiance Boarding School, \$4,000; for an addition to the dormitory at the Western Navajo School, costing \$25,000; for two dormitories at Toadlena, in the San Juan jurisdiction, costing \$18,000, and so on.

Mr. MANN. This is used, then, as a method of getting money to construct buildings which would not be authorized otherwise? Do I understand the gentleman to mean that?

Mr. HAYDEN. The analysis of the expenditures, given on page 168 of the hearings, shows:

Traveling expenses	\$23.65
Transportation of supplies	1,144.01
Printing, binding, and advertising	145.33
Subsistence supplies	22.26
Dry goods, clothing, etc.	18.33
Equipment, material, etc.	185.50
Construction	45,610.25
Repairs (to plant)	6,591.31
Total	53,700.64

Mr. MANN. Here is an item for education. The whole item being \$100,000, \$45,000 is spent for buildings and \$10,000 or something like that for repairs. Is there any item in the expenditure at all which shows that any of it was used for educational purposes?

Mr. HAYDEN. This money is used to construct schools that the Indian Service is building on the Navajo Reservation. The Navajos had no schools or other educational facilities until this expenditure was begun by Congress in accordance with the treaty.

Mr. MANN. I understand it is to provide school buildings. That is legitimate; but is any of it used for education?

Mr. STEPHENS of Texas. If the gentleman will read at the bottom of page 168 and the top of page 169, he will find it is there stated that there are between 25,000 and 30,000 Navajo Indians, and it is estimated that there are 5,000 Navajo Indian children without school facilities. The Government is under treaty to provide the Navajos with school facilities, and we have within the last three years begun to carry out that treaty provision, which has been on the statute books since 1868.

Mr. MANN. I am trying to find out whether a cent of the \$100,000 that we appropriated was used for the purpose of education, and thereupon my distinguished friend from Texas reads a provision of the treaty stating that we are under obligation to do this. Do we do it?

Mr. STEPHENS of Texas. I was giving the gentleman the analysis of the expenditure.

Mr. MANN. But not for educational purposes.

Mr. STEPHENS of Texas. I understand that all of it is for educational purposes.

Mr. MANN. Of course, in one sense erecting a school building is making provision for education, but it is not for educational purposes. Do I understand that any of this money was paid for teachers to teach the children?

Mr. HAYDEN. I read from page 168 of the hearings:

The total expenditures of this appropriation plus the outstanding obligations amount to \$99,034.97, leaving of the \$100,000 an unused balance of \$965.03. These expenditures have added a capacity of 260 pupils, making the present capacity of the Navajo schools 1,500 pupils in a country where it is estimated there are yet 5,000 children eligible for school for whom facilities have not yet been provided.

Mr. NORTON. Mr. Chairman, if I understand, the gentleman from Illinois wishes to know whether any part of this \$100,000 was used for salaries for teachers. I should say no; that it appears that the greater part of it was apportioned for the construction of new school buildings. The department apparently secured the money for paying the salaries and expenses of teachers out of some other fund.

Mr. MANN. I have no doubt that we already make an appropriation under the provisions and in accordance with the treaty for the education of these children; but the Indian Office comes in with this item and the committee reports it as though we were making an original appropriation for carrying out the treaty which we have been carrying out for years, regardless of this appropriation.

Mr. STEPHENS of Texas. If the gentleman will turn to Document 121, Sixty-second Congress, page 2, he will find a complete statement of the whole matter. The whole amount expended is \$164,569.80.

Mr. MANN. Is that paid out of this item?

Mr. STEPHENS of Texas. No.

Mr. MANN. Then I can not see the pertinency of the gentleman's statement.

Mr. STEPHENS of Texas. But it gives the salaries and wages of the teachers that the gentleman was inquiring about.

Mr. MANN. Mr. Chairman, I will withdraw the point of order, although I have not secured the information.

The Clerk read as follows:

For continuing the development of a water supply for the Navajo Indians on the Navajo Reservation, \$25,000, to be immediately available and to remain available until expended, reimbursable out of any funds of said Indians now or hereafter available.

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order on the paragraph. Why is this made immediately available?

Mr. HAYDEN. Because it is in line with the request of the department in all irrigation items. They claim they ought to have it immediately available to take care of contingencies like a flood from the breaking of a dam and things of that kind. They need the money at once.

Mr. FITZGERALD. How much money has been appropriated for this purpose?

Mr. HAYDEN. The appropriation of the last Congress was \$25,000, and they spent \$23,500. They have an unexpended balance of \$1,077 on hand.

Mr. FITZGERALD. Is that the total balance?

Mr. HAYDEN. Yes.

Mr. FITZGERALD. I withdraw the point of order.

Mr. STEPHENS of Texas. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee determined to rise; and the Speaker having resumed the chair, Mr. FOSTER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10385, the Indian appropriation bill, and had come to no resolution thereon.

WILLIAM M'KINLEY.

Mr. COLEMAN. Mr. Speaker, I ask unanimous consent to print in the RECORD an address by the gentleman from Ohio [Mr. Fess] at the McKinley memorial banquet in Pittsburgh on Wednesday last.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to print in the RECORD an address by Dr. Fess at the McKinley memorial banquet in Pittsburgh. Is there objection?

There was no objection.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, 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 bill:

H. R. 8235. An act to provide for the maintenance of the United States section of the International High Commission.

ADJOURNMENT.

Mr. STEPHENS of Texas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 57 minutes p. m.) the House adjourned until to-morrow, Wednesday, February 2, 1916, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Navy, giving reasons why the data requested in House resolution 103 should not be made public (H. Doc. No. 636); to the Committee on Naval Affairs and ordered to be printed.

2. A letter from the Secretary of the Navy, recommending the consideration of an emergency appropriation for the purpose of dredging Buttermilk Channel, leading to the Brooklyn Navy Yard (H. Doc. No. 637); to the Committee on Rivers and Harbors and ordered to be printed.

3. A letter from the president of the Washington Gas Light Co., transmitting detailed statement of the business of the Washington Gas Light Co., with a list of its stockholders, for the year ending November 31, 1915 (H. Doc. No. 638); to the Committee on the District of Columbia and ordered to be printed.

4. A letter from the president of the East Washington Heights Traction Railroad Co., transmitting report of the East Washington Heights Traction Railroad Co. for the year ending December 31, 1915 (S. Doc. 267); to the Committee on the District of Columbia and ordered to be printed.

5. A letter from the president of the Capital Traction Co., transmitting report of the Capital Traction Co. for the year ending December 31, 1915 (H. Doc. No. 639); to the Committee on the District of Columbia and ordered to be printed.

6. A letter from the president of Georgetown Gas Light Co., transmitting annual statement of the Georgetown Gas Light Co., of Washington, D. C., for the year 1915 (S. Doc. No. 266); to the Committee on the District of Columbia and ordered to be printed.

7. A letter from the treasurer of the Washington-Virginia Railway Co., transmitting report of the Washington-Virginia Railway Co. for the year ending December 31, 1915 (H. Doc. No. 640); to the Committee on the District of Columbia and ordered to be printed.

8. A letter from the president of the Chesapeake & Potomac Telephone Co., transmitting a report of the Chesapeake & Potomac Telephone Co. to the Congress of the United States for the year 1915, to be substituted for the report submitted on January 10 (S. Doc. No. 244); to the Committee on the District of Columbia and ordered to be printed.

9. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Manchester Harbor, Mass., with a view to straightening the channel by the removal of Bow Bell Ledge (H. Doc. No. 641); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

10. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Belle River, Mich. (H. Doc. No. 642); to the Committee on Rivers and Harbors and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. RUBENY, from the Committee on Agriculture, to which was referred the bill (H. R. 10405) for securing the uniform grading of grain, preventing deception in transactions in grain, and regulating traffic therein, and for other purposes, reported the same without amendment, accompanied by a report (No. 107), 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. MILLER of Delaware, from the Committee on Claims, to which was referred the bill (H. R. 5096) for the relief of Nabor and Victoria Leon, reported the same without amendment, accompanied by a report (No. 105), which said bill and report were referred to the Private Calendar.

Mr. DIES, from the Committee on Claims, to which was referred the bill (H. R. 2536) for the relief of Joseph A. Buckholdt, reported the same with amendment, accompanied by a report (No. 106), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 3895) for the relief of F. W. Schultz, reported the same without amendment, accompanied by a report (No. 108), which said bill and report were referred to the Private Calendar.

Mr. YOUNG of North Dakota, from the Committee on Claims, to which was referred the bill (H. R. 2184) providing for the refund of certain additional duties collected on pineapples, reported the same without amendment, accompanied by a report (No. 109), which said bill and report were referred to the Private Calendar.

Mr. MILLER of Delaware, from the Committee on Claims, to which was referred the bill (H. R. 5079) for the relief of certain civilian employees of the Engineer Department at Large, United States Army, reported the same without amendment, accompanied by a report (No. 110), which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

Mr. MILLER of Delaware, from the Committee on Claims, to which was referred the bill (H. R. 8145) for the relief of Elvira D. Gregg, reported the same adversely, accompanied by a report (No. 103), which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill (H. R. 6733) to carry out the findings of the Court of Claims in the case of Eleazer L. Sarsons, reported the same adversely, accompanied by a report (No. 104), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 5818) granting a pension to Jacob Schwagler; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 1367) granting a pension to Florence B. Eckert; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5748) granting an increase of pension to Walter S. Hall, alias Walter McLaughlin; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5749) granting a pension to William Long; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7136) granting a pension to R. B. Honeycutt; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6664) granting an increase of pension to Howard G. Cleveland; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. TILLMAN: A bill (H. R. 10571) to create the national board of rural industrial schools for mountain children, and for other purposes; to the Committee on Education.

By Mr. JOHNSON of Washington: A bill (H. R. 10572) to advance to the State of Washington the sum of \$100,000 for the construction of a road within and adjacent to the Columbia National Forest; to the Committee on Agriculture.

By Mr. BAILEY: A bill (H. R. 10573) to amend subdivision 2 of section 2 of the act entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913; to the Committee on Ways and Means.

By Mr. McARTHUR: A bill (H. R. 10574) to authorize the construction of a wagon road from Government Camp, in Clackamas County, Oreg., to a point in Upper Hood River Valley, Hood River County, Oreg., with certain branch or lateral roads, all situate in the Oregon National Forest, in the State of Oregon, and to provide an appropriation therefor; to the Committee on Agriculture.

By Mr. SMITH of Idaho: A bill (H. R. 10575) making an appropriation for the equipment of the United States sheep experiment station; to the Committee on Agriculture.

By Mr. CLARK of Florida: A bill (H. R. 10576) to regulate the Rural Mail Service and fixing compensation of rural mail carriers in the second congressional district of Florida; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 10577) authorizing the establishment of a plant at or near Ocala, Fla., for the manufacture of munitions and implements of war; to the Committee on Military Affairs.

Also, a bill (H. R. 10578) to establish an aviation school and station at or near Fernandina, Fla.; to the Committee on Military Affairs.

By Mr. GUERNSEY: A bill (H. R. 10579) to provide for enlarging the United States building at Houlton, Me.; to the Committee on Public Buildings and Grounds.

By Mr. TIMBERLAKE: A bill (H. R. 10580) for the reduction of the rate of postage chargeable on first-class mail matter for local delivery; to the Committee on the Post Office and Post Roads.

By Mr. CLARK of Missouri (by request): A bill (H. R. 10581) to provide for payment of yearly special tax by manufacturers of wine, and for other purposes; to the Committee on Ways and Means.

By Mr. SULLOWAY: A bill (H. R. 10582) to amend section 2 of an act to increase the pensions of widows, etc., approved April 19, 1908; to the Committee on Invalid Pensions.

By Mr. WASON: A bill (H. R. 10583) to provide revenue for the Government by increasing the duty on granite, freestone, etc., imported into the United States; to the Committee on Ways and Means.

By Mr. CLINE: A bill (H. R. 10584) to pension widows and minor children of officers and enlisted men who served in the War with Spain, Philippine insurrection, or in China; to the Committee on Pensions.

By Mr. RAINEY: A bill (H. R. 10585) to create a United States tariff commission, to define its powers and duties, and for other purposes; to the Committee on Ways and Means.

By Mr. McCLINTIC: A bill (H. R. 10586) restoring homestead rights to certain individuals; to the Committee on the Public Lands.

By Mr. STEPHENS of California: A bill (H. R. 10587) authorizing the Secretary of the Navy to investigate, examine, and report upon sites along the entire coast of California for the establishment of a third navy yard and naval station, to prepare for adequately defending the Pacific coast; to the Committee on Naval Affairs.

By Mr. KIESS of Pennsylvania: A bill (H. R. 10588) to amend the acts of May 11, 1912, and March 4, 1913, granting pensions; to the Committee on Invalid Pensions.

By Mr. ABERCROMBIE: A bill (H. R. 10589) making an appropriation for the investigation and promotion of rural education, industrial training, and the elimination of adult illiteracy; to the Committee on Appropriations.

By Mr. BARKLEY: A bill (H. R. 10590) making an appropriation for the relief of flood sufferers in the Mississippi and Ohio Valleys; to the Committee on Appropriations.

By Mr. BYRNES of South Carolina: Resolution (H. Res. 121) requesting the Secretary of Labor to furnish information as to accidents at factories manufacturing munitions; to the Committee on Labor.

By Mr. CLARK of Missouri: Resolution (H. Res. 122) to amend the standing rules of the House of Representatives; to the Committee on Rules.

By Mr. BORLAND: Resolution (H. Res. 123) directing the Federal Trade Commission to make investigation relative to certain packing companies; to the Committee on the Judiciary.

By Mr. DOOLITTLE: Resolution (H. Res. 124) providing for the appointment of a select committee to investigate certain matters relating to the meat-packing industry; to the Committee on Rules.

By Mr. HULL of Tennessee: Joint resolution (H. J. Res. 129) to enable the Department of Agriculture, through the Bureau of Statistics and Animal Industry and any other bureau, to gather and distribute information relative to live-stock conditions; to the Committee on Agriculture.

By Mr. RUSSELL of Missouri: Joint resolution (H. J. Res. 130) making appropriations for the relief of sufferers from floods in the Mississippi Valley; to the Committee on Appropriations.

By Mr. VENABLE: Memorial from the Legislature of the State of Mississippi, urging Congress to pass the bill pending providing that the cotton-fund tax, etc., be applied to the pensioning of ex-Confederate soldiers, their widows, and orphans; to the Committee on Pensions.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 10591) for the relief of George T. Ayers; to the Committee on Claims.

By Mr. AYRES: A bill (H. R. 10592) granting a pension to Harriet J. Brown; to the Committee on Invalid Pensions.

By Mr. BARKLEY: A bill (H. R. 10593) for the relief of the estate of John R. Martin; to the Committee on War Claims.

By Mr. BROWN of West Virginia: A bill (H. R. 10594) granting an increase of pension to S. M. Martin; to the Committee on Invalid Pensions.

By Mr. BRUMBAUGH: A bill (H. R. 10595) granting a pension to Frank Watzek; to the Committee on Pensions.

Also, a bill (H. R. 10596) granting a pension to Albert N. Oakleaf; to the Committee on Pensions.

By Mr. BURKE: A bill (H. R. 10597) granting an increase of pension to Samuel Billings; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10598) granting a pension to Henrietta L. Eggert; to the Committee on Invalid Pensions.

By Mr. CANTRILL: A bill (H. R. 10599) granting a pension to Edward N. Cooke; to the Committee on Pensions.

By Mr. CARTER of Massachusetts: A bill (H. R. 10600) granting an increase of pension to Joseph C. Cloyes; to the Committee on Invalid Pensions.

By Mr. DILLON: A bill (H. R. 10601) granting an increase of pension to James Olin; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 10602) for the relief of the heirs of Sarah P. Nix; to the Committee on War Claims.

By Mr. FITZGERALD: A bill (H. R. 10603) for the relief of Lieut. Commander Jerome E. Morse, United States Navy, retired; to the Committee on Naval Affairs.

By Mr. FOCHT: A bill (H. R. 10604) granting an increase of pension to John H. Condon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10605) granting an increase of pension to Peter Beichler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10606) granting an increase of pension to William A. Ellis; to the Committee on Pensions.

Also, a bill (H. R. 10607) granting an increase of pension to William J. Shirley; to the Committee on Pensions.

Also, a bill (H. R. 10608) granting a pension to Margaret J. Longacre; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10609) granting a pension to Della A. Daubenspeck; to the Committee on Pensions.

By Mr. GALLAGHER: A bill (H. R. 10610) granting an increase of pension to J. B. Armstrong; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10611) granting a pension to Owen B. Vaughn; to the Committee on Invalid Pensions.

By Mr. GILLETT: A bill (H. R. 10612) granting an increase of pension to Nelson W. Haskell; to the Committee on Invalid Pensions.

By Mr. GUERNSEY: A bill (H. R. 10613) granting a pension to Florence W. Ball; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10614) granting an increase of pension to Leonard H. Washburn; to the Committee on Invalid Pensions.

By Mr. HEATON: A bill (H. R. 10615) to appoint George W. Littlehales a professor in the corps of professors of mathematics in the Navy; to the Committee on Naval Affairs.

By Mr. HOLLINGSWORTH: A bill (H. R. 10616) granting an increase of pension to Samuel Gooding; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 10617) granting a pension to Thomas Harlan; to the Committee on Invalid Pensions.

By Mr. KIESS of Pennsylvania: A bill (H. R. 10618) for the relief of Cyrus J. Wilsey; to the Committee on Military Affairs.

By Mr. LAFEAN: A bill (H. R. 10619) granting an increase of pension to Edward Craft; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 10620) granting an increase of pension to U. S. Hall; to the Committee on Pensions.

By Mr. LLOYD: A bill (H. R. 10621) granting an increase of pension to Sitha J. Sholly; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10622) for the relief of the heirs of Robert Harris; to the Committee on War Claims.

By Mr. MOORE of Pennsylvania: A bill (H. R. 10623) to correct the military record of Christopher P. Rhodes; to the Committee on Military Affairs.

By Mr. MUDD: A bill (H. R. 10624) to appropriate a sum of money to pay Rhoda Menz, W. W. Christmas, and James M. Christmas, heirs of Myra Clarke Gaines, for certain lands in Louisiana; to the Committee on Claims.

By Mr. OAKLEY: A bill (H. R. 10625) for the relief of John G. Barnard; to the Committee on Military Affairs.

By Mr. OLIVER: A bill (H. R. 10626) for the relief of the estate of Green T. Hill, deceased; to the Committee on Claims.

By Mr. OVERMYER: A bill (H. R. 10627) granting an increase of pension to William A. Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10628) granting an increase of pension to William R. Hefflefer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10629) granting an increase of pension to Alfred Lilley; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 10630) granting an increase of pension to Eliza Ellard; to the Committee on Invalid Pensions.

By Mr. STEELE of Iowa: A bill (H. R. 10631) granting a pension to Josephine F. O'Meara; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10632) granting an increase of pension to Edward E. Crady; to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: A bill (H. R. 10633) granting an increase of pension to Oakaley Randall; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 10634) granting a pension to Charles L. McClure; to the Committee on Pensions.

Also, a bill (H. R. 10635) granting a pension to Margaret Kelly; to the Committee on Pensions.

By Mr. TAGUE: A bill (H. R. 10636) granting a pension to Lawrence Small; to the Committee on Pensions.

Also, a bill (H. R. 10637) granting a pension to Granville Haselton; to the Committee on Pensions.

Also, a bill (H. R. 10638) granting a pension to Joshua Marland; to the Committee on Pensions.

Also, a bill (H. R. 10639) granting a pension to Cyrus H. Brown; to the Committee on Pensions.

Also, a bill (H. R. 10640) granting a pension to Mary E. McGinn; to the Committee on Pensions.

By Mr. TAVENNER: A bill (H. R. 10641) for the relief of Fred Henderson; to the Committee on Claims.

Also, a bill (H. R. 10642) for the relief of Louis Jones; to the Committee on Claims.

Also, a bill (H. R. 10643) for the relief of Theodore Bagge; to the Committee on Claims.

By Mr. THOMPSON: A bill (H. R. 10644) to satisfy the findings of the Court of Claims in the claim of Bettie L. Pankey, J. W. Longacre, and T. D. Longacre, heirs of William I. Longacre, deceased; to the Committee on Claims.

By Mr. VARE: A bill (H. R. 10645) granting a pension to Elizabeth R. Foster; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of King County (Wash.) Democratic Club, urging the improvement of the Puget Sound Navy Yard; to the Committee on Naval Affairs.

Also, memorial of Sons of American Revolution of New York, urging preparedness; to the Committee on Military Affairs.

Also, memorial of United Mine Workers of America, urging adoption of the Star-Spangled Banner as the national song; to the Committee on the Judiciary.

By Mr. BAILEY: Petitions of business men of Tyrone and Ashville, Pa., favoring bill to tax mail-order houses; to the Committee on Ways and Means.

By Mr. BRUCKNER: Petition of Chamber of Commerce of Sacramento, Cal., relative to railway mail pay; to the Committee on the Post Office and Post Roads.

Also, petition of George H. Gay, of New York, against increased tax on beer, etc.; to the Committee on Ways and Means.

Also, petition of United Spanish War Veterans of St. Louis, Mo., favoring preparedness; to the Committee on Military Affairs.

By Mr. BURKE: Memorial of national commander in chief of United Spanish War Veterans of the United States, favoring preparedness; to the Committee on Military Affairs.

Also, memorial of Travelers' Protective Association of America, favoring passage of the Stephens-Ayres bill; to the Committee on Interstate and Foreign Commerce.

By Mr. CRAMTON: Petition of Lutheran St. Paul's Church, of Filion, Huron County, and other citizens of Michigan, in favor of an embargo; to the Committee on Foreign Affairs.

Also, petition of Sumners Linen Co., of Port Huron, and Richmond Woolen Mills, of Richmond, Mich., in support of House bill 702; to the Committee on Ways and Means.

Also, memorial of 19 members of Almont Grange, 33 members of Grove Grange, 20 members of Ray Grange, 15 members of Custer Grange, and 28 members of Bark Shanty Grange, of Michigan, against increase of appropriations for national defense; to the Committee on Appropriations.

Also, petition of Methodist Episcopal congregation of 100 people, for national prohibition; to the Committee on the Judiciary.

By Mr. DALE of New York: Petition of Sharp & Dohme, favoring bill to pay the Choctaw and Chickasaw Indians of Oklahoma

proceeds from the sales of their land holdings in Oklahoma; to the Committee on Indian Affairs.

By Mr. DILLON: Petition of Commercial Club of Huron, against tax on gasoline; to the Committee on Ways and Means.

By Mr. DRUKKER: Memorial of Chamber of Commerce of Paterson, N. J., relative to railway mail pay; to the Committee on the Post Office and Post Roads.

Also, petition of Tynam Throwing Co., favoring tax on dyestuffs; to the Committee on Ways and Means.

By Mr. EAGAN: Petition of National Indian War Veterans, Denver, Colo., favoring passage of House bill 655, relative to pensions; to the Committee on Pensions.

Also, petition of R. S. Taylor, of Fort Wayne, Ind., against woman suffrage; to the Committee on the Judiciary.

By Mr. ELSTON: Memorial of San Francisco Labor Council, relative to tuberculosis aid, etc.; to the Committee on Agriculture.

Also, memorial of Cannery League of California, favoring House bill 651, relative to act to regulate commerce; to the Committee on Interstate and Foreign Commerce.

Also, memorial of San Francisco Labor Council, relative to printing reports of Commission on Industrial Relations; to the Committee on Printing.

By Mr. FULLER: Petition of Abbott Laboratories, of Chicago, Ill., favoring tax on dyestuffs; to the Committee on Ways and Means.

Also, petition of citizens of La Salle, Ill., favoring tax on mail-order houses; to the Committee on Ways and Means.

By Mr. FLYNN: Petition of National Indian War Veterans, favoring passage of House bill 655, relative to pensions; to the Committee on Pensions.

Also, petition of Hamilton Council, No. 35, of Brooklyn, N. Y., Sons and Daughters of Liberty, favoring the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Sharp & Dohme, New York City, relative to pay Indians in Oklahoma for holdings in land; to the Committee on Indian Affairs.

By Mr. GARNER: Petition of American Society of the New Order of Ages and Grand Army of the Prince of Peace, against preparedness; to the Committee on Military Affairs.

By Mr. HINDS: Memorial of Society of Friends, of East Parsonfield, Me., against preparedness; to the Committee on Military Affairs.

Also, memorial of Society of Friends, of East Parsonfield, Me., against use of the Quaker name on articles of trade; to the Committee on the Judiciary.

Also, memorial of Penobscot and Piscataquis Rural Letter Carriers' Association, of Dover, Me., relative to improving the conditions of the Rural Delivery Service; to the Committee on the Post Office and Post Roads.

Also, memorial of Portland (Me.) Socialist Local, favoring Government ownership of coal mines and sale, etc., of coal; to the Committee on Interstate and Foreign Commerce.

By Mr. HOLLINGSWORTH: Memorial of United Mine Workers of America, Columbus, and Monthly Meeting of Friends, of Damascus, Ohio, against preparedness; to the Committee on Military Affairs.

Also, memorial of Bridgeport (Ohio) Liquor Co., against increase of liquor taxes; to the Committee on Ways and Means.

Also, memorial of Bellaire Bottle Co., against bill to make District of Columbia dry; to the Committee on the District of Columbia.

By Mr. JAMES: Petitions of officers of Lega Cittadina di Mutuo Soccorso Nol, of Laurium; Giuseppe Garibaldi Celibi, of Calumet; and Club Alpino, of Calumet, Mich., against the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. KENNEDY of Rhode Island: Petition of Mossberg Wrench Co., of Central Falls, R. I., against legislation to restrict efficiency methods in Government arsenals, navy yards, etc.; to the Committee on Naval Affairs.

By Mr. MAPES: Petition signed by Sidney F. Burch and 29 others, of Cedar Springs, Kent County, Mich., protesting against any plan of military or naval expansion providing for a larger expenditure annually, except in case of actual war, than has been appropriated and used for that purpose in recent years; to the Committee on Appropriations.

By Mr. MOORE of Pennsylvania: Memorial of Vessel Owners and Captains' Association of Philadelphia, favoring purchase of the Chesapeake & Delaware Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. MILLER of Delaware: Petition of sundry citizens of Wilmington, Del., favoring tax on dyestuffs; to the Committee on Ways and Means.

Also, memorial of the Vessel Owners and Captains' Association of Philadelphia, relative to the Chesapeake & Delaware Canal; to the Committee on Railways and Canals.

By Mr. NOLAN: Resolutions of the Cannery League of California, favoring improvement of inland waterways; to the Committee on Rivers and Harbors.

Also, resolutions of the Cannery League of California, favoring the establishment of an adequate American merchant marine; to the Committee on the Merchant Marine and Fisheries.

Also, memorial and resolutions of the Los Angeles (Cal.) Chamber of Commerce, urging national and Pacific coast defense; to the Committee on Military Affairs.

Also, resolutions of the Association of Pacific Fisheries, favoring increased appropriations for the Bureau of Fisheries for work on the Pacific coast; to the Committee on the Merchant Marine and Fisheries.

Also, resolutions of the Chamber of Commerce, Oakland, Cal., favoring increased appropriations for the work of the Coast and Geodetic Survey on the Pacific Coast; to the Committee on Naval Affairs.

Also, resolutions of the Society Sons of the American Revolution, in the State of California, in favor of a system of military training of boys in public schools; to the Committee on Military Affairs.

By Mr. SCULLY: Petition of V. H. King, of Belmar, N. J., favoring the Stephens-Ayres bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Workmen's Circle Branch No. 429, relative to congress of neutral nations; to the Committee on Foreign Affairs.

Also, memorial of Spanish-American War Veterans, favoring preparedness; to the Committee on Military Affairs.

By Mr. SMITH of Michigan: Petition of Baptist Church and Womens' Christian Temperance Union, of Kalamazoo, Mich., favoring national prohibition; to the Committee on the Judiciary.

Also, protest of William A. Coombs Milling Co., of Coldwater, Mich., against Rainey bill (H. R. 9409); to the Committee on Ways and Means.

Also, petition from secretary Kalamazoo Trades and Labor Council, Kalamazoo, Mich., favoring increased pay for janitors in District of Columbia public schools; to the Committee on the District of Columbia.

Also, petition of Eaton Rapids Woolen Mill, Eaton Rapids; and Henderson-Ames Co., Kalamazoo, Mich., favoring House bill 702, a bill for the Government to manufacture dyestuffs; to the Committee on Ways and Means.

Also, papers to accompany House bill 9648, in case of George Knapp; to the Committee on Invalid Pensions.

By Mr. SNELL: Petition of Clara Parrott, Ethel Parrott, Raymond Brown, Raymond Lapiere, Warren North, George Labombard, Belle Wells, Tom Brothers, Perlle Duprey, John Duprey, George Newton, Wallace Brown, Father Victor, and Joseph L. Hughes, all of Chazy, N. Y., protesting against the increasing of the Army and Navy; to the Committee on Military Affairs.

By Mr. STEENERS: Petition of L. O. Johnson and 103 others, of Mahanomen, Minn., favoring an embargo on arms; to the Committee on Foreign Affairs.

Also, petition of Olaf Holdahl and 31 others, of Roseau; George A. Johnson and 135 others, of Grygla, Minn., against preparedness; to the Committee on Military Affairs.

Also, petitions of Charles Ross and 15 others, and Brown Duckstad and 12 others, all of Fertile, Minn., against tax on gasoline, etc.; to the Committee on Ways and Means.

By Mr. TILSON: Petition of German-American Alliance of New Haven, Conn., favoring bill to prevent interference with American commerce by Great Britain; to the Committee on Foreign Affairs.

SENATE.

WEDNESDAY, February 2, 1916.

(Continuation of legislative day of Monday, January 31, 1916.)

The Senate reassembled at 12 o'clock m., on the expiration of the recess.

The VICE PRESIDENT. The Senate resumes the consideration of the unfinished business, Senate bill 381.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 381) to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands.

Mr. HITCHCOCK. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

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

Ashurst	Husting	Norris	Smoot
Bankhead	James	O'Gorman	Sterling
Beckham	Johnson, Me.	Oliver	Stone
Brandeggee	Johnson, S. Dak.	Overman	Sutherland
Bryan	Jones	Page	Swanson
Catron	Kenyon	Phelan	Thomas
Chamberlain	Kern	Pittman	Thompson
Chilton	La Follette	Poindexter	Tillman
Clapp	Lane	Pomerene	Townsend
Clarke, Ark.	Lea, Tenn.	Robinson	Vardaman
Cummins	Lewis	Saulsbury	Wadsworth
Curtis	Lippitt	Shafer	Warren
Dillingham	Lodge	Sheppard	Weeks
Fletcher	Martin, Va.	Simmons	Williams
Gallinger	Martine, N. J.	Smith, Ga.	Works
Hitchcock	Nelson	Smith, Mich.	
Hollis	Newlands	Smith, S. C.	

Mr. KERN. I wish to announce the unavoidable absence of my colleague [Mr. SHIVELY]. He is paired with the Senator from Maine [Mr. BURLEIGH]. This announcement may stand for the day.

Mr. CHILTON. My colleague [Mr. GOFF] is detained from the Senate on account of illness. He is paired with the Senator from South Carolina [Mr. TILLMAN].

The VICE PRESIDENT. Sixty-six Senators have answered to the roll call. There is a quorum present. The pending question is on the amendment of the Senator from Iowa [Mr. CUMMINS] as a substitute for the amendment of the Senator from Arkansas [Mr. CLARKE]. The Senator from Iowa has requested the yeas and nays upon his amendment. Is the request for the yeas and nays seconded?

The yeas and nays were ordered.

The VICE PRESIDENT. The Secretary will call the roll.

Mr. SUTHERLAND. Mr. President, my attention was diverted. What is the roll being called on?

The VICE PRESIDENT. On the amendment offered by the Senator from Iowa [Mr. CUMMINS].

Mr. SUTHERLAND. I wish to say just a word before the vote is taken.

I intend to vote for this amendment, because I prefer it to the Clarke amendment. As an original proposition or as a proposition standing by itself I am not in favor of the amendment; and if it should be carried, I would feel impelled to vote against it upon the final vote.

Mr. BRANDEGEE. Mr. President, I wish to make a parliamentary inquiry in order that I may vote intelligently. Does the Senator from Iowa offer his amendment as a substitute for the Clarke amendment or to the bill?

The VICE PRESIDENT. As a substitute for the Clarke amendment.

Mr. CUMMINS. As a substitute for the Clarke amendment.

Mr. BRANDEGEE. That is as I understood it when I made my remarks on yesterday.

Mr. SMOOT. Mr. President, just one word by way of explanation.

I shall vote for the Cummins amendment, not that I am in favor of the provisions of the amendment but because I think it is far better than the Clarke amendment. I should like to vote for the bill as originally reported without the preamble, and no amendment to it. I should like to vote against the preamble and all amendments to the bill, and if I have a chance to do so I shall so vote, but otherwise my vote will be cast against the bill, because I do not believe this is a proper time for the Government of the United States to discuss the question as to when the Filipinos shall receive their independence, as all admit they are not so prepared to-day.

Mr. GALLINGER. Mr. President, I shall vote against the amendment without explanation.

The VICE PRESIDENT. The Secretary will call the roll on agreeing to the amendment of the Senator from Iowa [Mr. CUMMINS].

The Secretary proceeded to call the roll.

Mr. CATRON (when his name was called). I am paired with the Senator from Oklahoma [Mr. OWEN]. I transfer that pair to the Senator from Illinois [Mr. SHERMAN] and vote "nay."

Mr. CHILTON (when his name was called). I have a pair with the Senator from New Mexico [Mr. FALL]. In his absence I shall not vote.

Mr. HARDING (when his name was called). I have a pair with the junior Senator from Alabama [Mr. UNDERWOOD]. I do not see him in the Chamber and therefore withhold my vote.