

By Mr. MURRAY: Petition of Society of Friends of Oklahoma, against preparedness; to the Committee on Military Affairs.

By Mr. OKEY: Memorial of Winthrop Council, No. 7, of New Britain, Conn., Sons and Daughters of Liberty, in favor of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of East Hartford Manufacturing Co., of Burnside, and 23 other business firms of the State of Connecticut, favoring House bill 702—the dyestuffs bill; to the Committee on Ways and Means.

By Mr. PAIGE of Massachusetts: Papers to accompany House bill 10727, for relief of Edgar W. Preble; to the Committee on Military Affairs.

By Mr. ROBERTS of Massachusetts: Papers to accompany House bill 10079, granting a pension to Charles H. Avery; to the Committee on Invalid Pensions.

Also, papers to accompany a bill (H. R. 10894) granting an increase of pension to Almira Cole; to the Committee on Invalid Pensions.

By Mr. ROWE: Petition of Chamber of Commerce of Sacramento, Cal., in favor of submitting the railway mail pay controversy to the Interstate Commerce Commission; to the Committee on the Post Office and Post Roads.

Also, memorial of St. Louis United Spanish War Veterans, in favor of preparedness; to the Committee on Military Affairs.

Also, petition of Pate & Robb, of New York, protesting against any curtailment of mail deliveries in New York City; to the Committee on the Post Office and Post Roads.

By Mr. SCHALL: Petitions of J. S. McCurdy and others, of Stacy; J. E. Lindstrom and others, of Ogilvie; Braham, Stampfield, Dalbo, and Fred Merchant and others, of Hopkins; St. Louis Park; John Nygren and others, of Cokato, all of Minnesota, favoring embargo on war munitions; to the Committee on Foreign Affairs.

By Mr. SNELL: Petition of T. B. Wiley, Bert Buckley, Charles Gonya, Charlie Lucia, A. S. Matott, David Newton, Sydney G. Potter, Delor Rock, and Henry Olin, of Chazy, N. Y., protesting against the preparedness plan; to the Committee on Ways and Means.

By Mr. SNYDER: Petition of Horrocks Desk Co., Herkimer, N. Y., favoring tax on dyestuffs; to the Committee on Ways and Means.

By Mr. STINESS: Memorial of Woman's Christian Temperance Union of Rhode Island, favoring the Keating child-labor bill; to the Committee on Labor.

Also, petition of Washington Council, Junior Order United American Mechanics, of Providence, R. I., favoring passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of First Division Railway Mail Association, favoring legislation in interest of Postal Service employees; to the Committee on the Post Office and Post Roads.

By Mr. WARD: Petition of William O. Schwarzwaelde, of Chichester, N. Y., favoring tax on dyestuffs; to the Committee on Ways and Means.

Also, petition of International Union of the United Brewery Workmen of America, local union No. 31, against national prohibition; to the Committee on the Judiciary.

HOUSE OF REPRESENTATIVES.

SATURDAY, February 5, 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 never far from any of us, we would draw near to Thee in faith and confidence, that we may be inspired by the contact to fulfill the duties devolving upon us this day faithfully, conscientiously, that Thy purposes may be fulfilled in us and redound therefore to the good of mankind. For Thine is the kingdom and the power and the glory forever. Amen.

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

EXTENSION OF REMARKS.

Mr. RAMSEYER. Mr. Speaker, I desire to ask unanimous consent to extend my remarks in the RECORD on the subject of preparedness.

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

There was no objection.

THE LATE REPRESENTATIVE GOULDEN.

Mr. BENNET. Mr. Speaker, I ask unanimous consent to print in the RECORD, in connection with the Goulden memorial exercises, a very brief letter from Mr. Goulden's predecessor, ex-Congressman Ayres.

The SPEAKER. The gentleman from New York asks unanimous consent to print in the RECORD a letter from Mr. Goulden's predecessor, ex-Congressman Ayres. Is there objection?

There was no objection.

The following is the letter referred to:

DEAR MR. BENNET: It is a privilege to be allowed to add a few words which can only too feebly express the regret we all have felt at the untimely removal from earthly scenes of activity of Hon. Joseph A. Goulden. His sudden death was a shock to the district, to the city, and to the State of New York.

He was indeed a most useful Representative, and in his death the twenty-third congressional district of New York City sustained an irreparable loss. He was enthusiastically faithful to his duties as a Representative in Congress. No project for the benefit of the Borough of The Bronx failed to receive his prompt sanction and his unwavering support.

His wide acquaintance, his unvarying cheerfulness, and his great ability made him not only personally popular but exceedingly useful to every project to which his attention was turned.

STEVEN B. AYRES.

To Hon. WILLIAM S. BENNET,
House of Representatives, Washington, D. C.

INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10385, the Indian appropriation bill. And pending that, I desire to ask the gentleman from Mississippi and the gentleman from Oklahoma whether we can agree upon a time for debate on the Mississippi Choctaw item.

Mr. HARRISON. Mr. Speaker, I am of the opinion that the whole thing will be stricken out, and that we will not need any time for argument beyond the point of order. I think at this time it would be premature to fix the time.

Mr. STEPHENS of Texas. I do not think it would be premature. I desire to limit the debate to 1 hour, 30 minutes on a side.

The SPEAKER. The gentleman from Texas asks unanimous consent that debate on the Mississippi Choctaw item be limited to one hour, one-half to the controlled by himself and one-half by the gentleman from Mississippi [Mr. HARRISON]. Is there objection?

Mr. HARRISON. I shall have no objection to that if we need the time.

The SPEAKER. If the committee does not need the time, it need not consume it. Is there objection?

Mr. MANN. I object.

The motion of Mr. STEPHENS of Texas was then 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 H. R. 10385, the Indian appropriation bill, and the Clerk will read.

The Clerk read as follows:

For carrying out the provisions of the Atoka agreement, adopted by Congress June 28, 1898 (30 Stat. L., p. 495), and the supplemental agreement adopted by Congress July 1, 1902 (32 Stat. L., p. 716), the Secretary of the Interior is hereby authorized to pay to the enrolled members of the Choctaw and Chickasaw Tribes of Indians of Oklahoma entitled under existing law to share in the funds of said tribes, or to their lawful heirs, out of any moneys belonging to said tribes in the United States Treasury or deposited in any bank or held by any official under the jurisdiction of the Secretary of the Interior, not to exceed \$300 per capita in the case of the Choctaws and \$200 per capita in the case of the Chickasaws, said payment to be made under such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That in cases where such enrolled members, or their heirs, are Indians who by reason of their degree of Indian blood belong to the restricted class, the Secretary of the Interior may, in his discretion, withhold such payments and use the same for the benefit of such restricted Indians: *Provided further*, That the money paid to the enrolled members as provided herein shall be exempt from any lien for attorneys' fees or other debt contracted prior to the passage of this act.

Mr. CARTER of Oklahoma. Mr. Chairman, I reserve a point of order.

Mr. HARRISON. I make the point of order.

Mr. CARTER of Oklahoma. I reserved it because I thought that perhaps the gentleman from Mississippi would make it. I want to reserve it in order that my friend from North Dakota may make a statement.

Mr. NORTON. Mr. Chairman, I trust that the point of order will not be made on the paragraph or any part of it. The provision in the last part of the paragraph which reads as follows—

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

is probably subject to a point of order. That matter was brought up in the committee, and I suggested that this provision be added to the paragraph. It is a provision to safeguard the funds of the Indians which are to be paid to them. It was maintained in the committee that the present provisions of law would provide a sufficient safeguard, and if that be so this, of course, would be surplusage and unnecessary. I think it should be the object of the House to safeguard in every way possible and make certain that these funds will not be liable to attorneys' fees or paid out for fictitious claims made against them.

Mr. HARRISON. Mr. Chairman, if the gentleman will allow me, I do not object to that provision in itself, and while it would make it clearly subject to a point of order, I think there are other provisions here to which the point of order ought to be sustained. I would say to the gentleman that in the event that this paragraph should be ruled out on a point of order and that the paragraph should then be perfected or cured, this latter provision should be inserted, and I would have no objection to it.

Mr. NORTON. I am pleased the gentleman takes that attitude, for I strongly feel that the provision should be left in the paragraph. The substance of the paragraph is the per capita payment to be made of the funds of the Choctaws and Chickasaws. It seems to me that every safeguard should be placed around it.

Mr. STEPHENS of Texas. I think that this is a necessary provision in the event that this money is paid out, because it ought not to be subjected to the enormous attorney fees that the Indians have contracted for.

Mr. NORTON. I do not know but that it is provided for by existing law, but I think it should be specifically safeguarded.

Mr. CARTER of Oklahoma. Since talking with the gentleman from North Dakota this morning, I have drawn a paragraph which I think comes within the rules of the House. I have changed the latter proviso to read:

Provided further, That no part of the sum appropriated by this paragraph shall be paid to attorneys.

I think that will protect the Indians and come within the rules of the House, because it is strictly a limitation.

Mr. NORTON. I would say to the gentleman that I think the provision as it stands now in the paragraph is better than that provision.

Mr. CARTER of Oklahoma. I agree with the gentleman that it is better, but I drafted this paragraph to get by the point of order.

Mr. NORTON. I do not think the point of order will be made to the provision I have proposed, as the gentleman from Mississippi says that he will make no objection to it.

Mr. CARTER of Oklahoma. The gentleman may not make the point of order against the proviso, but the gentleman from Mississippi makes a point of order against the entire paragraph on account of the proviso, and the point of order must be conceded if the proviso is not changed.

Mr. HARRISON. I want it understood that I do not object to that particular provision. There are matters in the paragraph that I think are subject to a point of order.

The CHAIRMAN. The point of order is sustained.

Mr. CARTER of Oklahoma. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Insert immediately after line 19, page 37:

"That the Secretary of the Interior be, and he is hereby, authorized to pay to the enrolled members of the Choctaw and Chickasaw Tribes of Indians of Oklahoma entitled under existing law to share in the funds of said tribes, or to their lawful heirs, out of any moneys belonging to said tribes in the United States Treasury, or deposited in any bank, or held by any official under the jurisdiction of the Secretary of the Interior, not to exceed \$300 per capita in the case of the Choctaws and \$200 per capita in the case of the Chickasaws, said payment to be made under such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That in cases where such enrolled members or their heirs are Indians who by reason of their degree of Indian blood belong to the restricted class, the Secretary of the Interior may, in his discretion, withhold such payments and use the same for the benefit of such restricted Indians: *Provided further*, That no part of the sum appropriated by this paragraph shall be paid to attorneys."

Mr. HARRISON. Mr. Chairman, on that I reserve the point of order.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to ask the gentleman from Oklahoma whether the amendment he offers is the same in language as the provision of the bill which went out down to the words "*Provided further*"? I understood from the reading that it is the same. Is the language the same down to the end of line 16, page 38?

Mr. CARTER of Oklahoma. It is just the same, with the provision for attorneys' fees stricken out, and the words "*Pro-*

vided further, That no part of the sum appropriated by this paragraph shall be paid to attorneys" added. It is the same as was carried in the bill last year and the year before.

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

The CHAIRMAN. Does the gentleman from Mississippi make the point of order?

Mr. HARRISON. Mr. Chairman, I think the amendment as now perfected changes very materially the provisions carried in the present bill. While I did not agree with the ruling of the Chair last year and the year before that it is in order, yet I feel that I must bow to the ruling of the Chair, and I withdraw the point of order and offer an amendment.

Mr. STEPHENS of Texas. Mr. Chairman, there is one amendment pending now.

Mr. HARRISON. I offer an amendment to the amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend the amendment after the word "attorneys" by inserting the following:

"Provided, however, That the provisions of this paragraph with respect to the Choctaw Tribe shall not be operative until the Court of Claims shall determine the rights of the Mississippi Choctaws who have been identified as Mississippi Choctaws by the Dawes Commission in its report of March 10, 1899, and commonly known as the McKinnon roll, and also all Mississippi Choctaws who have been identified as Mississippi Choctaws by the Dawes Commission from March 10, 1899, to March 4, 1907, whose names do not appear upon the final rolls of the Choctaw Tribe in Oklahoma."

Mr. CARTER of Oklahoma. Mr. Chairman, I reserve the point of order on the amendment.

Mr. CAMPBELL. Mr. Chairman, I suggest that the point of order be made.

Mr. CARTER of Oklahoma. Mr. Chairman, I make the point of order.

The CHAIRMAN. Does the gentleman from Mississippi desire to be heard on the point of order?

Mr. HARRISON. Yes. Mr. Chairman, this amendment that I have offered is merely a limitation upon the amendment offered by the gentleman from Oklahoma [Mr. CARTER]. Last year the chairman of the Committee of the Whole, the gentleman from Tennessee [Mr. BYRNS] passed on practically this amendment, and held it in order. The only difference between the amendment that was at that time offered and which was held, under a ruling of the Chair, to be in order, and the amendment now offered is that the amendment at that time read as follows:

Provided, however, That the provisions of this paragraph in respect to the Choctaw Tribe shall not be operative until the Congress shall determine the rights of the Mississippi Choctaws whose names do not appear upon the final rolls of the Choctaws in Oklahoma.

And the amendment now only withholds the payments until the Court of Claims shall do what was proposed in that amendment Congress should do, namely, determine the rights of the Mississippi Choctaws.

The Chair at that time, after listening to a long discussion of the question, ruled that the provision was simply a limitation upon the paragraph in the bill, and the Chair at that time based his reasoning largely on a decision that had been cited to the Chair of February 23, 1907. That decision is based on the following facts:

On February 23, 1907, the sundry civil appropriation bill was under consideration in Committee of the Whole House on the state of the Union, when the following amendment was offered to the paragraph providing appropriation for the National Homes for Disabled Volunteer Soldiers:

"Add the following:

"*And provided further*, That no part of this appropriation shall be apportioned to any National Home for Disabled Volunteers that contains a bar or canteen where intoxicating liquors are sold."

Mr. Richard Barthold, of Missouri, made the point of order that the amendment proposed legislation.

In the course of the debate Mr. JAMES R. MANN, of Illinois, argued:

"Here is a situation now proposed where Congress by law is creating soldiers' homes. It has by law provided for the government of soldiers' homes. At soldiers' homes it has vested the government in a board of managers in accordance with the provisions of the statute. It is true that Congress can refuse to appropriate, but, Mr. Chairman, it is also true that the Chair has frequently ruled that Congress can not, against a point of order, by a limitation change the organic law. Here is a provision—"

Argued Mr. MANN—

"that although Congress has created these soldiers' homes by an organic law, although it has provided for the government of the soldiers' homes by a board of managers, a proposition through the form of a limitation to take away the control of the board of managers and by affirmative legislation in the guise of a limitation to change the statute upon that subject. While limitations are usually favored by the Chair, properly, still it is true that the Chair might well rule, it seems to me, that a limitation in this guise, changing the law, giving the board of managers the discretion over the management of the homes, is positive affirmative legislation, as it undoubtedly would be construed by the Comptroller of the Treasury, and therefore subject to a point of order. It is perfectly manifest that an item of this kind in the bill is construed by the Comptroller of the Treasury as positive legislation, although it be in the form of a limitation."

After further debate the Chairman ruled:

The language used in the amendment offered by the gentleman from Kansas is as follows:

“And provided further, That no part of this appropriation shall be apportioned to any National Home for Disabled Volunteers that contains a bar or canteen wherein intoxicating liquors are sold.”

The Chairman said:

This very proposition was presented in regard to the State Soldiers’ Homes in 1904, and the Chair at that time overruled the point of order and held it in order as a limitation. If the Chair were only following the precedent, he would be constrained to overrule the point of order in this case. One year ago this whole question, as most of the Members will remember, was taken up and discussed thoroughly and elaborately, and at that time the gentleman from Kansas offered this proviso:

“That this appropriation shall be available only under the condition that no bar or canteen shall be maintained at said homes for the sale of beer, wine, or other intoxicating liquors.”

In legislation we look to the substance, and not to the form; and unless there is an affirmative attempt to restrict the administrative power or departmental function, it has always been held that a limitation in negative language is in order.

The present occupant of the chair went fully into the authorities and quoted a large number of decisions by Mr. Hemenway, of Indiana; Mr. Burton, of Ohio; Mr. Payne, of New York; and other eminent parliamentarians who had occupied this chair when questions of similar import had been raised, all sustaining the theory that limitations of this character are clearly in order.

The Chair does not care to go fully into this line of decisions again, because the Chair believes that the ruling at that time was acquiesced in and believed to be the proper ruling under the circumstances. Therefore the Chair overrules the point of order.”

The Chairman at that time, Mr. BYRNS, held, as will be seen in the RECORD of that date, that an amendment that is practically the same as this amendment was in order. The only difference between the amendment that is now proposed and the one that Chairman BYRNS held to be in order at that time is that this one provides that the per capita payments to the Oklahoma Choctaws shall not be made until the matter is determined by the Court of Claims. The other amendment imposed the limitation that the per capita payments should not be made until Congress determined the rights of the Mississippi Choctaws, and the only difference, therefore, in the limitation is, one provides that the Court of Claims shall determine it and the other that Congress shall determine it. In each instance there is no affirmative matter; in each instance there is merely a limitation on this distribution of the per capita payments; and I submit that under the ruling of the Chair last year in holding the other amendment to be a limitation when it gave full power to Congress to determine when the money was to be expended, clearly the Chair ought to rule that this amendment is in order.

Mr. MURRAY. Mr. Chairman, the principle on which the gentleman from Mississippi [Mr. HARRISON] claims that this is in order is that it is a “limitation upon expenditures.” If it were merely a limitation, he would be correct, but there is quite a distinction between a limitation on expenditure and negating any expenditure at all. This provides that when the Court of Claims passes upon the question it shall be paid. There is no provision of law by which the Court of Claims can pass upon the question. It has no jurisdiction to do so, and this amendment does not give that jurisdiction. If it were not given jurisdiction directly, the time would pass in which this payment could be made. I apprehend the Chair would not rule that a negative amendment would be in order; in other words, if the provision provides for a payment, it would not be in order to provide that the payment should “not” be made, because that would be the reverse. That is clear in general principles of parliamentary law and, as I understand, the practice of the House.

Now, there might be one formal amendment on the assumption that there shall not be any payment until the House provides for it, if the House would do so; but it is quite distinct to say until the Court of Claims, because the Court of Claims can not pass upon it, and, therefore, there could be no payment. For that reason I do not see how the Chair can hold this provision in order, even basing it upon a former decision.

Mr. CAMPBELL. Mr. Chairman, if this were a mere limitation upon the payment of money there is no question that it would be subject to the point of order, but it is not a limitation. This is an act of affirmative legislation that changes existing law. This amendment would change the law which fixes the rolls of the Choctaw and Chickasaw Tribes of Indians under which annuities and per capita payments have been made and under which they took their allotments in the Indian country. The Thirty-fourth Statutes, page 137, provides:

That after the approval of this act no person shall be enrolled as a citizen or a freedman of the Choctaw, Chickasaw, Creek, Cherokee, or Seminole Tribes of Indians in the Indian Territory, except as herein otherwise provided unless application for enrollment was made prior to December 1, 1905, and the records in charge of the Commissioner to the Five Civilized Tribes shall be conclusive evidence as to the fact of such application.

This law is changed by the proposed amendment when it proposes that the Court of Claims shall add to the rolls aside from the conditions which I have just read, authorizing the Court of Claims to ignore the provisions of the law that fixes the rolls in the possession of the Dawes Commission on the 1st day of December, 1905, as the rolls of the Choctaw and Chickasaw Tribes of Indians. That law has been standing now for years as the law that has governed all payments and all allotments made to the Choctaws and Chickasaws. The amendment proposes a further violation of law. A proviso in the same act I have just read reads:

That the rolls of the tribes affected by this act shall be fully completed on or before the 4th day of March, 1907, and the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after that date.

The rolls were closed on the 4th day of March by acts of Congress. This is a proposition that will open the rolls and is clearly a change of existing law. I do not think there can be any sort of question as to the amendment being subject to the point of order.

Mr. FERRIS. Mr. Chairman, I want to submit one or two suggestions only to the Chair. The Curtis Act creating the Dawes Commission created a board to determine this enrollment matter. On April 26, 1906, Congress passed an act formally and forever closing these rolls on March 4, 1907. That act has never been repealed; it is still the law. No one has sought to repeal it until this time. The amendment offered by the gentleman from Mississippi [Mr. HARRISON], traveling in the guise of a limitation, is in truth, in effect and reality, a repeal of that act. Why? Because it proposes a new trial and change of the law for all of these cases that have heretofore been adjudicated, fairly bringing it within the rule of changing existing law by an amendment on an appropriation bill. To call a thing by the name of a limitation, when in truth and in fact it is another thing, does not bring it within the rule of a limitation.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. FERRIS. I will.

Mr. STEPHENS of Texas. Is it not a fact that if this amendment passes it would reopen the rolls, subject to the jurisdiction of this court?

Mr. FERRIS. Precisely; and, if the Chair will bear with me further, in addition to that, in addition in effect to repealing a solemn act of Congress of April 26, 1906, it does more than that. It prescribes a new tribunal, that never had anything to do with these rolls. In addition to repealing that it creates a new tribunal to try these cases, which is clearly legislation. It is a repeal of the law, in the first instance; it is new legislation, in the second instance; and in neither instance is it in truth and in fact a limitation. I think the Chair would be entirely right, would be entirely authorized, and entirely justified to hold it to be the thing which it actually is, and I hope the Chair can agree with us on the proposition. It certainly does two things—repeals a solemn act of Congress that is still in full force and effect and establishes a new tribunal—either of which clearly subjects it to the point of order, and it ought to go out.

Mr. HASTINGS. Mr. Chairman, in addition to what has been already said, I desire to call the attention of the Chair to section 21 of the act of June 28, 1899, which provides as follows:

The rolls so made, when approved by the Secretary of the Interior, shall be final, and the persons whose names are found thereon, with their descendants hereafter born to them, with such persons as may intermarry according to tribal laws, shall alone constitute the parties which they represent.

Now, there is a provision also in the Indian appropriation bill approved March 3, 1901, which provides:

The rolls made by the Commission for the Five Civilized Tribes, when approved by the Secretary of the Interior, shall be final, and persons whose names are found thereon shall alone constitute the rolls which they represent.

In addition I desire to again invite the attention of the Chair to this provision of section 2 of the act of April 26, 1906, which closed the rolls on March 4, 1907, and clearly this amendment offered by the gentleman from Mississippi changes existing law. Let me repeat, Mr. Chairman, that if that sort of amendment could go on here and was not subject to the point of order and was in order the same sort of amendment could be placed after each clause in this appropriation bill.

Mr. HARRISON. Mr. Chairman, the gentlemen who have just preceded me have not discussed the point of order, but have argued, or attempted to argue, the merits of this controversy.

Now, the gentleman called the attention of the Chair to the act of 1898, known as the Curtis Act. I want to read to the

Chair one provision of the act of 1898 that the gentleman overlooked, and that was:

Provided, however, That nothing contained in this act shall be so construed as to militate against any of the rights or privileges which the Mississippi Choctaws may have under the laws or treaties of the United States.

Mr. FERRIS. Will the gentleman yield right there?

Mr. HARRISON. No; the gentleman has already spoken.

The CHAIRMAN. The Chair would like to ask the gentleman from Mississippi a question.

Mr. HARRISON. Yes.

The CHAIRMAN. If this amendment should be placed in this bill, and become a law, is it the gentleman's idea that then the Mississippi Choctaws have the right to go to the Court of Claims and argue their right to be enrolled and secure a part of this?

Mr. HARRISON. I do not think so, and that is the point I want to present. During the consideration of this paragraph the last time there was an amendment offered, and held in order, that provided this money should be withheld—this money that is proposed to be distributed among these Indians—until Congress should determine whether or not they are entitled to enrollment. That amendment did not give any affirmative action. That amendment only put a limitation on that distribution. It said this payment is withheld from being distributed until Congress shall determine whether or not the Mississippi Choctaws are entitled to enrollment. By the terms of that provision it did not set up affirmatively that Congress had to do anything for the Mississippi Choctaws. It did not say in that provision that there should be a law passed to open the rolls of the tribe and take care of the Mississippi Choctaws, but it only said this, that here you are proposing to distribute the funds of the Choctaw Nation among the Indians who are now in Oklahoma on the rolls of the tribe, and we want that withheld, not to do it now, because there is a controversy between the Indians of Mississippi and the Indians of Oklahoma, and to withhold this distribution until Congress shall determine whether or not the Mississippi Choctaws will have a right to enrollment. It was merely a limitation, and whenever Congress determines whether or not the Mississippi Choctaws were entitled to enrollment, then the per capita payments should be made under the provisions of the bill.

Now, here you have the same proposition, and there can not be any question as to that, because here the same argument is advanced against the amendment that was advanced last time to the other amendment. The gentleman from Oklahoma [Mr. CARTER] and all of these gentlemen argued then that the amendment included affirmative matter—the reopening of the roll—just as they now argue, but the Chair did not accept that contention. We argued that the amendment was merely a limitation. It did not state any affirmative matter, but was merely negative—a limitation pure and simple.

May I read to the Chair what the Chairman then said in ruling on that amendment?

There is nothing in the amendment seeking to force the Congress or compel the Congress to determine the rights of the Mississippi Choctaws. It simply provides that a per capita tax shall not be paid until the Congress shall have determined such rights.

The CHAIRMAN. Does this amendment of the gentleman now seek to change the status of the Mississippi Choctaws, or has their claim been adjudicated?

Mr. HARRISON. This amendment does not give the Court of Claims jurisdiction to try these cases, but it presents an opening so that Congress can during this session or next session pass a law that would send this whole question to the Court of Claims for adjudication.

And so, Mr. Chairman, I submit, as the provision last time, which was held in order, only limited this distribution until Congress should have determined these claims, that now they should be withheld until the Court of Claims shall determine these claims. And, I say, there is nothing in this provision that gives the Court of Claims authority to go ahead and try them. We have got to give that authority later. We have got to pass another bill on that that will be affirmative matter, and this amendment only seeks to withhold these funds until the Court of Claims does determine the rights in the premises. And I submit the Chair must overrule Chairman BYRNS, if he does not overrule the point of order here presented.

Mr. CARTER of Oklahoma. What the gentleman has said to-day might apply to the amendment he offered one or two years ago, but it certainly can not be said to apply to this amendment, for the very language of this amendment itself attempts to change existing law by referring these matters to the Court of Claims. What does it say?

It shall not be operative until the Court of Claims shall determine the rights of the Mississippi Choctaws—

And so forth.

If it is not a clear attempt to reopen a matter which is now res adjudicata and send this adjudicated claim to the Court of Claims, a new tribunal never before dealing with the case, then what is its purpose?

The gentleman's amendment not only seeks to change existing law but it seeks to overturn the decisions of our courts, the decisions of specially authorized commissions, and the decisions of Congress itself.

If adopted it would overturn the decision of Federal Judge Clayton in the Jack Amos case, in which it was held that the Mississippi Choctaws must make bona fide settlement in the Choctaw Nation before they could participate in the estate of the Indian Territory Choctaws, a case never reversed by any competent tribunal to this good day. It would overturn the decision of the Supreme Court of the United States in the case of the Cherokee Nation against Stephens, which decided a similar contention. It would overturn the decision of Federal Judge Townsend in the case of Ikard against Minter, in which it was held in effect that before a right could establish they must move on the land.

This amendment undertakes the repeal of the act of July 1, 1902, a solemn treaty between this Government and the Choctaws, which provides that the Oklahoma estate shall be divided between the members of the tribe enrolled under its provisions and no others. It undertakes the repeal of the act of April 26, 1906, which declared the Choctaw rolls should be closed on March 4, 1907, and no name should be added thereto after that date. It would overthrow 11 years of careful, painstaking work employed by the Dawes Commission in making the Choctaw rolls, reverse the decisions of no less than five Cabinet officers, and nullify the judgment of the House in the Sixty-third Congress as expressed by overwhelming majorities on three or four different occasions. This latter might not, of course, affect the parliamentary status, but the reversal of court decisions, decisions of the Dawes Commission, and repeal of the acts above referred to certainly would render this amendment obnoxious to the rules of the House.

Mr. FERRIS. Mr. Chairman, will the Chair allow me a moment to present a proposition of law?

The CHAIRMAN. Yes.

Mr. FERRIS. The gentleman from Mississippi [Mr. HARRISON] a moment ago called your attention to the provision in the act of 1898 which seemed to preserve the rights of the Mississippi Choctaws. If the Chair will hear me just one moment, I desire to submit that the act of April 26, 1906, says this:

Provided, That the rolls of the tribe affected by this act shall be fully completed on or before the 4th day of March, 1907, and the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after said date.

That is the act of 1906. The gentleman read the act of 1898. The later act, of course, supplants the act referred to by the gentleman from Mississippi. In addition to that, Mr. Chairman, the concluding paragraph of the act of April 26, 1906, was this, in section 29:

That all acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

I make these two points, Mr. Chairman: The provision referred to by the gentleman from Mississippi is, first, repealed by the act of 1906 in specific language, and, second, it is done in so many words—the words just presented. It specifically provides that the rolls are closed on March 4, 1907, and that thereafter no names shall be added. So that both by specific repeal and by actual language of part of section 2 of the act of April 26, 1906, it overrides and overturns the authority presented by the gentleman. So it is clearly a change of the existing law, and is not a limitation, and consequently not in order.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, to which the gentleman from Mississippi [Mr. HARRISON] proposes an amendment, which has been read at the Clerk's desk. The original amendment provides for the payment of so much per capita of the Indians of the Five Civilized Tribes, the Choctaws and Chickasaw Tribes of Indians in Oklahoma. The gentleman from Mississippi offers an amendment to this amendment, as follows:

Provided, however, That the provisions of this paragraph with respect to the Choctaw Tribe shall not be operative until the Court of Claims shall determine the rights of the Mississippi Choctaws, who have been identified as Mississippi Choctaws by the Dawes Commission in its report of March 10, 1899 and commonly known as the McKinnon roll, and also all Mississippi Choctaws who have been identified as Mississippi Choctaws by the Dawes Commission from March 10, 1899, to March 4, 1907, whose names do not appear upon the final rolls of the Choctaw Tribe in Oklahoma.

In last year's Indian appropriation bill there was a provision to the effect that—

The provisions of this paragraph, with respect to the Choctaw Tribe, shall not be operative until Congress shall determine the rights of the Mississippi Choctaws whose names do not appear on the official rolls of the Choctaws in Oklahoma.

As the Chair understands, these funds are held as trust funds by the Government, not paid out annually but only at such times as Congress shall determine to do so. The Chair is not here to pass upon the motives of the gentleman from Mississippi or what he may have in his mind when he offers this amendment. He only judges of the amendment itself as it appears.

This question was argued very fully, as the Chair remembers, in 1915, when the Indian appropriation bill of that year was under consideration. The gentleman from Tennessee [Mr. BYRNS] then occupied the chair—a very able man and a man who had served on the Indian Affairs Committee—and he decided that, in his judgment, this did not change existing law.

This does not at this time refer this matter to the Court of Claims. If it did, the Chair would sustain the point of order without any question. The Congress has the right, of course, to make an appropriation according to law, but before that appropriation shall be paid, Congress has the right to put any limitation that it may see fit on it. For instance, it could be provided that it should not be made until it was determined that the moon was made of green cheese; so that the Chair thinks that under these circumstances—and he quotes here from the Chairman of last year—the amendment is not open to the objection that it is new legislation or that it changes existing law.

The ruling of the Chair last year was as follows:

The CHAIRMAN. The gentleman from Mississippi [Mr. HARRISON] offers an amendment to add the following language to the paragraph: "Provided, however, That the provisions of this paragraph in respect to the Choctaw Tribe shall not be operative until Congress shall determine the rights of the Mississippi Choctaws whose names do not appear upon the final rolls of the Choctaws in Oklahoma."

The gentleman from Texas [Mr. STEPHENS] made the point of order that this amendment is not germane and is new legislation.

Mr. STEPHENS of Texas. And will repeal existing laws, Mr. Chairman.

The CHAIRMAN. And that it repeals existing laws. The purpose of the paragraph under consideration is to direct a per capita payment of a given sum to certain tribes of Indians, the payment to be made out of trust funds belonging to the Indians and within the control of the United States Government. It provides for an unconditional per capita payment. The fact that under existing law Congress has the right in an appropriation bill to make a per capita payment to the Indians does not, of course, carry with it the absolute requirement on the part of the Congress to make the appropriation.

In other words, it is entirely within the discretion of the Congress whether or not it will make the appropriation. It may make all or a part of the appropriation, or it may adopt a provision making the appropriation entirely nugatory, provided such provision is germane and does not change existing law. The amendment offered by the gentleman from Mississippi seeks to delay the payment of any per capita payment until Congress shall have determined the rights of the Mississippi Choctaws whose names do not now appear upon the final rolls of the Choctaws in Oklahoma. There is nothing in the amendment seeking to force the Congress or to compel the Congress to determine the rights of the Mississippi Choctaws. It simply provides that a per capita tax shall not be paid until the Congress shall have determined such rights. Now, it seems to the Chair that Congress, having the right to make the appropriation in any amount it deems proper, may also adopt a provision rendering the entire appropriation nugatory. The wisdom of such a course is for the committee and not the Chair to determine. The Chair does not think the amendment open to the objection of being new legislation or that it changes existing law. The Chair has not been furnished with any treaty or statute providing specifically for an annual per capita payment. If there was any such statute, the Chair apprehends that it would not be necessary to have the provision which has been reported as a part of the pending bill. The Chair is of opinion, however, that there is ample authority for Congress to make such annual payment in an appropriation bill if it sees fit to do so. On the other hand, Congress may withhold it, as has been done in the past. The Chair therefore does not think that the amendment changes existing law, nor does it propose new legislation. It is, in the opinion of the Chair, only a condition or limitation on the appropriation, the effect of which and the advisability of which the committee and not the Chair must determine.

The Chair thinks the amendment in order, and therefore overrules the point of order.

There is in volume 4 of Hinds' Precedents, page 636, paragraph 3942, this elucidation:

3942. While it is not in order to legislate as to qualifications of the recipients of an appropriation, the House may specify that no part of the appropriation shall go to recipients lacking certain qualifications. On January 30, 1901, the Agricultural appropriation bill was under consideration in Committee of the Whole House on the state of the Union, and the Clerk had read the paragraph relating to agricultural colleges, when Mr. Charles B. Landis, of Indiana, proposed this amendment:

"Provided, That no part of the appropriation shall be available for the agricultural college of Utah until the Secretary of Agriculture shall be satisfied, and shall so certify to the Secretary of the Treasury, that no trustee, officer, instructor, or employee of said college is engaged in the practice of polygamy or polygamous relations."

Some debate having taken place, and Mr. William H. King, of Utah, having suggested a point of order, the Chairman said:

"There are two reasons why the Chair would be inclined to overrule the point. In the first place, it comes rather late, and in the second place the amendment seems to be a limitation upon this appropriation."

The amendment having been agreed to, Mr. King offered the following amendment:

"And that no person shall be appointed a teacher or trustee in any of said colleges who has been engaged in any lynching, and until proof shall have been furnished, to the satisfaction of the Secretary of Agriculture, that such teacher or trustee has not been guilty of adultery or fornication."

Mr. Charles H. Grosvenor, of Ohio, made the point of order that the amendment was not in order.

The Chairman said:

"Let the Chair state to the gentleman that the ruling on the other amendment was that that was a limitation upon the appropriation—providing that no part of this appropriation shall be paid to the agricultural college, in general terms, until it was ascertained that no teacher or trustee was a polygamist. That is a general statement of that amendment. That was a limitation upon the appropriation. Then comes this independent proposition, involving legislation. * * *

The Chair sustains the point of order."

Thereupon Mr. King offered the following:

"Provided, That no part of this appropriation shall be available for the agricultural college of Indiana or any other State or Territory until the Secretary of Agriculture shall be satisfied, and shall so certify to the Secretary of the Treasury, that no trustee, officer, instructor, or employee of said college is engaged in the practice of polygamy or polygamous relations or is guilty of adultery or fornication."

Mr. Grosvenor made the point of order against the amendment.

The Chairman overruled the point of order and held that the amendment was in order.

The Chair thinks that this does not change existing law, but provides that these provisions of this appropriation, which clearly is an appropriation, shall not be carried out until this matter shall be referred to the Court of Claims, and thinks it is in order, and therefore overrules the point of order.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to ask the gentleman from Mississippi [Mr. HARRISON] whether we can agree beforehand on the time this matter shall be discussed. I fear there will be unnecessary discussion unless we limit the debate. Will 30 minutes on a side satisfy the gentleman?

Mr. HARRISON. I do not know who wants to speak on the proposition, but I should think 30 minutes on a side would do.

Mr. CARTER of Oklahoma. What does the gentleman from Kansas desire with reference to this?

Mr. CAMPBELL. What was the proposition?

Mr. STEPHENS of Texas. The proposition was that we have 30 minutes in favor of the payment and 30 minutes against it.

Mr. CAMPBELL. Do I understand that the proposition is to debate the amendment offered by the gentleman from Mississippi [Mr. HARRISON] and the item in the appropriation bill all as one item?

Mr. STEPHENS of Texas. All as one item.

Mr. CAMPBELL. And the time for debate is to be 30 minutes on a side?

Mr. STEPHENS of Texas. Thirty minutes on a side.

Mr. CAMPBELL. And that covers the entire proposition?

Mr. STEPHENS of Texas. That is correct.

Mr. CAMPBELL. The amendment of the gentleman from Oklahoma and the amendment to the amendment of the gentleman from Mississippi?

Mr. HARRISON. Unless someone else has some amendment to offer that I know nothing about.

Mr. CARTER of Oklahoma. Let us close the debate on the paragraph and all amendments thereto.

Mr. CAMPBELL. The probabilities are that we shall desire 40 or 45 minutes.

Mr. STEPHENS of Texas. Then I will change the request—that each side have 45 minutes.

Mr. CAMPBELL. On this paragraph and all amendments thereto?

Mr. STEPHENS of Texas. On this paragraph and all amendments thereto.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the debate on this paragraph and all amendments thereto be closed in 1 hour and 30 minutes—half the time to be controlled by the gentleman from Texas [Mr. STEPHENS] and one half by the gentleman from Kansas [Mr. CAMPBELL].

Mr. STEPHENS of Texas. The gentleman from Oklahoma [Mr. CARTER] to control half the time and the gentleman from Kansas half the time.

Mr. NORTON. May I inquire of the gentleman from Texas and the gentleman from Mississippi if I will have the opportunity of offering an amendment at the end of the paragraph to perfect that part of the paragraph?

Mr. HARRISON. That will be entirely satisfactory to me.

Mr. STEPHENS of Texas. What does the gentleman from Oklahoma say about that?

Mr. CARTER of Oklahoma. The agreement as to time does not cut off any amendment that may be proposed. It simply stops the debate.

Mr. NORTON. May I have five minutes to discuss that amendment?

Mr. CARTER of Oklahoma. Five minutes additional?

Mr. NORTON. That will be all right, if I may offer the amendment.

The CHAIRMAN. The gentleman from Kansas [Mr. CAMPBELL] and the gentleman from Mississippi to have control of the time.

Mr. CAMPBELL. I suggest that the hour and a half be divided, 45 minutes to the gentleman from Mississippi [Mr. HAR-

RISON] and 45 minutes to the gentleman from Oklahoma [Mr. CARTER].

Mr. STEPHENS of Texas. That is what I desire.

The CHAIRMAN. The request for unanimous consent, then, is that the debate be limited to 1 hour and 30 minutes, one half the time to be controlled by the gentleman from Oklahoma [Mr. CARTER] and the other half by the gentleman from Mississippi [Mr. HARRISON]. Is there objection?

Mr. STEPHENS of Texas. On the paragraph and all amendments thereto?

The CHAIRMAN. On the paragraph and all amendments thereto. Is there objection?

There was no objection.

Mr. HARRISON. Mr. Chairman, a parliamentary inquiry. The amendment that I have proposed being pending, has the proponent of the amendment the right to close the debate?

The CHAIRMAN. The first amendment is offered by the gentleman from Oklahoma.

Mr. HARRISON. And mine is an amendment to the amendment.

Mr. CARTER of Oklahoma. The gentleman in charge of the bill ought to have the right to close the debate.

The CHAIRMAN. The gentleman from Mississippi will recall that his amendment is an amendment to the amendment offered by the gentleman from Oklahoma [Mr. CARTER], who will have the right to close the debate.

Mr. HARRISON. Mr. Chairman, there has been and is now a great deal of confusion over the question that is now before the House, and we who come from Mississippi realize full well the solicitation that has been indulged in upon the part of the delegation from Oklahoma to the membership here to vote with them on this question. We do not in the least minimize the importance of this matter to the Oklahoma Representatives, because we realize full well that the Indians of Oklahoma vote and that this is a question of political as well as material significance. It is very important to them. But there is much confusion over the question.

It will be argued in the course of this discussion that courts, that commissions, that Congresses, that Secretaries of the Interior have passed upon this question and that the matter has been thrashed out and is settled. I say to you that the facts do not bear out that contention. I say to you that there has never been a court of respectable jurisdiction that has passed upon this question. The only court of any authority that has passed primarily upon the question of whether or not the Indians of Mississippi should remove to Oklahoma in order to be enrolled was a Territorial court in the Indian Territory of no higher authority than that which Federal district judges usually have. The Court of Claims, the Circuit Court of Appeals, and the Supreme Court of the United States have never passed upon the question at all, and so when gentlemen argue to you that the question has been determined judicially, I say to you that the record does not bear out the statement at all. It is true that the Dawes Commission at one time, in 1896, passed upon this proposition to the extent that they said that in order for a Mississippi Indian to be enrolled he must move to the Indian Territory; and after that, mind you, the same commission in a report to Congress said that they thought the question was so complicated, so intricate, so important that it ought to go to the Court of Claims to be thrashed out and there determined.

Now, all that we ask you to do in this matter—because it is a question that has been up here for four years—is to withhold the payment until the question has been passed upon by the Court of Claims. Every year this per capita payment comes up. You can understand why it comes. The gentlemen from Oklahoma know that when they make these per capita payments among the Indians of Oklahoma that it will be only a little while when the fund will be gone and there will be nothing left, and then if the Mississippi Choctaw is ever permitted to be enrolled he will and can obtain nothing. So this provision that is offered by the gentleman from Oklahoma [Mr. CARTER] proposes to pay out \$300 to each Indian now upon the rolls. All we are asking you to do is not to reopen the rolls, but to withhold that payment, withhold these payments until this matter can go to the Court of Claims and there be thrashed out and all the questions of law and equity decided.

Is that asking too much? Do not you think it is time for a court of respectable authority to pass upon it? That is all in the world we are asking you to do now. Withhold the payments, not make them now, so that this Congress can pass a bill sending the whole matter to the Court of Claims for adjudication.

In the Fifty-sixth Congress the Senate of the United States passed a bill sending it to the Court of Claims. It was reported out of the House Committee on Indian Affairs, but that bill did

not come upon the floor of the House. I say to you gentlemen with all candor, with all sincerity, the best way to settle this question—because it is intricate; it is complicated—is to send it to the Court of Claims and let them pass finally upon it.

Now, they will say, in the course of argument, that this is in the interest of attorneys and grafters; that it will help a lot of people who ought not to be placed upon the rolls. I want to say to you that there are a lot of people who would like to be benefited by it but will not be. There are about 1,200 full-blood Indians left in Mississippi. They are poor, they are needy, they have as much right to share in the funds in Oklahoma as have the Oklahoma Indians. These are the people that we want to take care of.

So in the argument used by the gentleman from Oklahoma do not be swept off your feet by the assertion that attorneys are going to reap the benefit of it. We can write a provision in the law that will safeguard it, just as the provision that the gentleman from North Dakota proposed a few moments ago to write into it. I ask you, I appeal to you, not to vote against us in this matter but to give it the most serious and careful consideration. Do not vote against it simply because some man from Oklahoma has asked you to, simply because you have received a letter from some one in Oklahoma. My God! Do not let us decide matters here by such methods, let us deal justly and fairly with the question. We are not asking you to do an unjust thing by withholding the funds until the Court of Claims can pass upon it, and I submit the amendment I have offered should be adopted. [Applause.]

Mr. KONOP. Mr. Chairman, I yield eight minutes to the gentleman from Virginia [Mr. SAUNDERS].

Mr. SAUNDERS. Mr. Chairman, I had an opportunity to become familiar with this question during my four years of service on the Committee on Indian Affairs. I think I am reasonably informed as to the law and the facts of this case.

It is necessary to go a long way back to find the origin of this controversy. Some time in the year 1830, the Choctaw Indians then living in Mississippi entered into an agreement with the United States to move to the Indian Territory, and there take up their residence under the conditions provided by the treaty. In the course of time, as we all know, the United States determined to break up the tribal governments. They approached the tribes with that end in view, and by a variety of arguments finally induced them to agree to the proposed plan. One inducement that was offered to the Choctaws in the Indian Territory to become consenting parties to the arrangement to abrogate the tribal government, was that a portion of the lands then held in common should be allotted in severality to the members of the tribe as ascertained by properly authenticated rolls. In addition it was provided that any fund that should belong to the tribes, or should arise from the sale of the unallotted lands of the Choctaw Indians, should be divided per capita among the Choctaws entitled thereto.

The Mississippi Choctaws never moved to the Indian Territory, but claim the right to participate in this division by virtue of the concluding sentence of what is known as the Dancing Rabbit treaty. This treaty was made in 1830. Permit me to call the attention of the committee to this sentence, because it presents a question of law which you are competent to pass on, and one which has been passed on a number of times. Its meaning seems to me to be clear beyond peradventure. This sentence is as follows:

Persons who claim under this article shall not lose the privilege of a Choctaw citizen, and if they have removed, are not to be entitled to any portion of the Choctaw annuity.

When the Choctaws moved to the Indian Territory, there was a considerable portion of the tribe refused to go. Provision was made that these Choctaws desired to become citizens of the State of Mississippi, after giving certain notices within a prescribed period of six months, they could do so, and would be allotted 640 acres of land in that State. A portion of the Choctaws remaining in Mississippi something like 300, received this allotment, while the remainder received scrip under circumstances that I will recite a little later.

Now what was the main intent and purpose of this agreement between the Choctaw Nation and the United States? It was in order for the white man's civilization to develop in Mississippi without the embarrassment and retarding influences of a large Indian settlement in that State. The inducements offered to the Choctaws to go to the Indian Territory, were intended to make the change of location attractive to the members of the entire tribe. The United States was interested in effecting a wholesale removal. It will be noted that every Indian who refused to take advantage of the Government proposition was, to that extent, opposing and thwarting the policy of the United States.

The Indians who went to the Indian Territory underwent all the troubles and vexations of a pioneer life in that country and lived there for a long time under conditions that history tells us, were in many instances, far from agreeable. These were the Indians who carried out and conformed to the policy of the United States, and in the result when the time arrived for the breaking up of the tribal arrangement, it would seem to be a remarkable contention that the people who remained and continued to live in Mississippi, and who either received 640 acres of land or scrip in that State, should have the same right to participation in the property of the tribe in the Indian Territory, as the Indians who went to that distant locality, established their government, and maintained their tribal rolls.

The Mississippi Choctaws could not be put on the tribal rolls of the Indians in Indian Territory, unless they removed to that country, took up their residence and conformed to the tribal requirements. However all the Mississippi Choctaws who went to the Indian Territory prior to the closing of the rolls, took up their residence with the tribe, and established their blood kinship were duly admitted into the tribe and enrolled. I wish to call the attention of the committee to one compelling fact, and that is that the Choctaw Indians in the Indian Territory, as the record shows, made every possible effort to induce their brethren in Mississippi to come across the Mississippi and live with them. They passed resolution after resolution to that effect. They invited them to come, they wanted them to come, and as I have stated all who did come, take up their residence with their blood brethren, were put upon the tribal rolls, and admitted to the same benefits in the division of the tribal property, as the descendants of those Indians who went out in 1830. There was a great deal of trouble, as I happen to know, and as every member of the Committee on Indian Affairs knows, with respect to the final make-up of the tribal rolls. There were many scandals in connection with the task, and difficulties that at times seemed to be almost insuperable. However after an infinity of trouble and controversy, the rolls were completed. About this time some of the Mississippi Choctaws who had never moved to the Indian Territory claimed that they had the right to participate in the allotment of the tribal property, and in the per capita distribution precisely upon the footing of the descendants of those who had gone to the Indian Territory and settled, and remained there. What is the foundation of this claim? They rest their claim on the concluding sentence of the section which I read, and which I will read again, because this is the very crux, the very storm center of this controversy. In this connection I desire to call attention to the fact that various tribunals have passed upon this contention. I read again the concluding sentence of the section:

Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity.

The Mississippi Choctaws claim that under this provision they could stay at home in Mississippi, and still have the same rights as the people who moved to the Indian Territory. In other words, to use a homely old illustration, they contend that they could run with the hare, and hold with the hounds. A Mississippi Choctaw presented this contention to the Dawes Commission which rejected it. An appeal was then taken to the district court of the United States. That court dismissed the appeal.

This is Jack Amos case. In that case the court held that a Choctaw who had remained in Mississippi, who had done homage to the Government of that State, and was a citizen of that State, was not entitled to participate in the per capita distribution of the proceeds of the sale of the unallotted lands, or to have an allotment made to him. That decision stands unversed to the present time.

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

Mr. CARTER of Oklahoma. Does the gentleman desire to have two minutes more?

Mr. SAUNDERS. There are other matters in this connection that I could not hope to present in a couple of minutes. If there is no more time available than two minutes I might as well stop at this point. There are quite a number of points that as yet, I have been unable to present.

Mr. CARTER of Oklahoma. I can yield the gentleman five minutes more.

Mr. SAUNDERS. Very well.

In addition to the adverse ruling of the Dawes Commission, and of the district court, in the Jack Amos case, rejecting the contention that a Mississippi Choctaw was entitled to participate in the distribution of the tribal property, while remaining a citizen of Mississippi, there was another case, known as the Ikard case. This was a decision by Judge Townsend who held

to the same effect as Judge Clayton. Then the Secretary of the Interior, Mr. Lane, was called upon to determine from the law and the records in the Department of the Interior whether there was any merit in the contention that the nonresident Mississippi Choctaws could participate in the distribution of the property of the Choctaw Tribe in the Indian Territory.

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

Mr. SAUNDERS. Certainly.

Mr. HASTINGS. With reference to the Ikard case, I desire to suggest that that went up to the court of appeals of the Indian Territory and was affirmed by the full bench in a decision written by Judge Guild.

Mr. SAUNDERS. I thank the gentleman for the interruption. On January 8, 1915, the Secretary of the Interior, in response to an inquiry from the chairman of the Indian Committee, made a written response which I shall now read in part to the members of the committee. Mr. Lane said:

In view of the facts as presented by me, I am of opinion that no legislation should be enacted for the reopening of the rolls of the Choctaw Nation for the benefit of the Mississippi Choctaws.

Now if the concluding sentence of the section to which I have referred, gives a clear right of participation to the Mississippi Choctaws then we ought to reopen the rolls and admit them, because they have been denied solely and exclusively upon the ground that the section cited gave them no right to live in Mississippi, and participate in the distribution of the tribal funds. That section is before you to-day, and will be fully discussed by other speakers. It is perfectly competent for any Member to determine, for me to determine, for this committee to determine the meaning of this section and ascertain whether it bears out the contention of the Mississippi Choctaws. All the judicial and other rulings have been against this contention. I desire to call the attention of this committee to one other fact. The Mississippi Choctaws were parties to the Dancing Rabbit treaty, but they were not parties to the treaty made by their brethren in the Indian Territory known as the Atoka agreement. Under the Dancing Rabbit treaty they were entitled to take, if they felt so disposed, 640 acres of land in Mississippi. The reason that most of them did not get their 640 acres was that they were misled by a drunken official of the United States Government. Only a comparatively small proportion of the Mississippi Choctaws received land. To show you that the Federal Government recognized that the failure of these people to get the land to which they were entitled, was due to the misconduct of a representative of the Federal Government they took this matter up later, and issued scrip to a large proportion of the Mississippi Choctaws, to compensate them for the lands which they had lost. Permit me to call attention to this, because I have the list here, showing the amount of scrip that was issued. This communication from the Secretary of the Interior gives the names, and the number of the Mississippi Choctaws to whom lands were allotted, and of the others who received scrip. I have made a rapid calculation of the names and I think there are something like 3,700 of these scrippers. These Indians were badly treated, but the authors of their wrongs are not their brethren in Oklahoma. It would be grossly unjust to compensate them out of the property of the Oklahoma tribe. If there is an obligation for compensation here, and I do not deny that one may exist, that obligation rests upon the Federal Government. It was their agent, not an agent of the Choctaws who is the fons et origo, of all this trouble.

The CHAIRMAN (Mr. RUSSELL of Missouri). The time of the gentleman has again expired.

Mr. SAUNDERS. There is a great deal more that might be said in this connection, but time forbids.

Mr. CARTER of Oklahoma. Will the gentleman from Mississippi use some of his time now?

Mr. HARRISON. I will yield three minutes to the gentleman from Mississippi [Mr. QUIN].

Mr. QUIN. Mr. Chairman, the gentleman from Virginia [Mr. SAUNDERS] admits that the United States Government recognized the fact that the Mississippi Choctaws have been unfairly dealt with. He admits that only a few of those Choctaws received what was coming to them under the Dancing Rabbit treaty. He further admits that a disreputable agent, an officer of the Federal Government, was the cause of these Mississippi Choctaw Indians not receiving what was due them. Then, if the Federal Government itself had an irresponsible agent who caused the ignorant and credulous Choctaw Indians of Mississippi to be imposed on in 1830, why is it not honest and right for the American Congress in 1916 to adopt this amendment offered by the gentleman from Mississippi [Mr. HARRISON], which allows it to go to the Court of Claims and be adjudicated by a reputable court of this Nation? Why can not this money be withheld from the Indians of Oklahoma from distribution until this Court of Claims shall pass on this fact and say

whether or not the rolls should be reopened and the Choctaw Indians and their descendants of the State of Mississippi come into their rights? I want to say to this House that these Indians were poor and ignorant. They did not understand the treaty. They did not understand what the gentleman from Virginia calls "scrip." A lot of land sharks in Oklahoma and elsewhere defrauded the Choctaw Indians out of everything that was intended to go to them. Only 143 Choctaw Indians received what was coming to them under the Dancing Rabbit treaty. Should this Congress now say that thousands of these Indians and their descendants should be barred from receiving what is due them when the American Government made a solemn treaty promising 640 acres of land to Indians who have not received a single dime? And yet the gentleman from Oklahoma, who represents the Indians of that section, seeks to deprive our citizenry of the State of Mississippi of what belongs to them under a solemn pledge of this great Government.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARRISON. I will yield the gentleman two minutes more.

Mr. QUIN. I thank the gentleman for giving me more time. In reference to the great case known as the Jack Amos case the gentleman from Oklahoma knows it is not a parallel case. He knows that it does not cover the provisions announced in the amendment offered here to-day, and in the name of honor how could any agent or Representative of the Government oppose a rehearing and fair adjudication of the real issue?

Mr. HASTINGS. Will the gentleman from Mississippi yield?

Mr. QUIN. I have not time to yield. I take all the little time I have to give to the poor Choctaws of Mississippi who have been robbed all these years. Now, the gentleman from Virginia states a wrong was committed by the American Government through its agent, and that great error and wrong and injustice is what this amendment proposes to correct. Was there ever a chancery court that would not let a palpable error, a great injustice, an irreparable wrong be corrected? Is it possible that this great Congress of America can not permit this to be corrected, will not permit its representatives to correct that which is admitted was a wrong to the great tribe of Indians in the State of Mississippi? Is it possible that this body will allow precedent and technicality to give more money to the rich Indians of Oklahoma by taking it out of the pockets of the poor Indians in Mississippi, who have not yet received one dime of what this Government owes to them? Mr. Chairman, the Choctaw Indians always stood with the white men of the South. They went out with old Andrew Jackson and waded through mud and blood up to their navels and fought for the American flag, and yet this Congress can not give them justice. [Applause.]

All of these millions of dollars in the Treasury awaiting for distribution among the Choctaw Indians of Oklahoma belongs to the Choctaws and their descendants in Mississippi just as much as to the Indians of Oklahoma. We know if you distribute this money per capita to the Oklahoma Choctaws the time will come when all of the money will be gone, and even if the Mississippi people are enrolled they could get nothing, on the plea that the money has all been distributed. Now is the time to protect us by adopting this amendment. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CARTER of Oklahoma. How does the time stand, Mr. Chairman?

The CHAIRMAN. The gentleman from Oklahoma has 32 minutes and the gentleman from Mississippi [Mr. HARRISON] has 34 minutes remaining.

Mr. CARTER of Oklahoma. Mr. Chairman, I yield five minutes to the gentleman from North Dakota [Mr. NORTON].

Mr. NORTON. Mr. Chairman, the gentleman from Mississippi [Mr. HARRISON] referred to the fact that the Indians in Oklahoma vote, and that this question was of considerable importance to the delegation from Oklahoma. Now, I can say in all candor that so far as I know, the Indians of Oklahoma do not vote in the State which I have the honor in part to represent, nor do the Indians from Mississippi vote there. I have made some careful study of this subject during the past few months—in fact, during the past two years. In my study of the question involved I approached the subject with a free and open mind. I have talked with the Members from Mississippi and with the Members from Oklahoma. I know the members of the delegation from Oklahoma and I also know the members of the delegation from Mississippi. I must admit, to be further candid, that my prejudice toward this question, if I have any at all, would be in favor of the contentions made for the Mississippi Choctaws. That prejudice, if any such existed, would arise out of my very high regard, respect, and personal

friendly feeling for the gentleman from Mississippi [Mr. HARRISON]. I have hoped in the beginning of the study of this question that I might discover some sound law and facts that would warrant me in arraigning myself upon the same side of the question as that taken by the gentleman from Mississippi [Mr. HARRISON].

A few days ago I asked the gentleman from Mississippi in the committee on what he based his claim. It is well understood that attorneys in making arguments for or against a proposition usually, when they have a poor case, keep as far away as possible from the law and the facts really governing the case. They make glittering general statements of facts and law so that it becomes necessary in order to get down to the real gist of the subject, to gradually cut away and illuminate the irrelevant facts and the unapplicable law. Then by this process of elimination there is usually found to stand out clear and distinct the one principal fact or condition on which the case hangs. I desired to get the ideas of the gentleman from Mississippi [Mr. HARRISON] as to what he really based his case on, and to accomplish this I asked him when he appeared a few days ago before the Committee on Indian Affairs this question:

"May I ask one question here? If your contention that the Mississippi Choctaws—the Choctaws of Mississippi who remained in Mississippi—have a right to the tribal property in Oklahoma is not sustained by the court, does your case fall?"

The gentleman answered the question squarely in these words: "Absolutely. I think it ought to be decided in some way." And my further question to the gentleman from Mississippi [Mr. HARRISON] was, "Your case entirely falls then?" And Mr. HARRISON's reply was, "That is my idea about it. There has never been a court, in my opinion, of competent authority which has passed upon this question. The highest authority which has passed upon it was Judge Clayton in the Territorial district court, a judge whose duties are about the same as those of a Federal judge."

And that is my idea from the study I have given the case; that the only claim the Mississippi Choctaws can have to this fund is the claim under the treaty of 1830. Section 3 of that treaty provides for the removal of the Mississippi Choctaws as a condition precedent to their obtaining the land in Oklahoma. Section 14 of the treaty provides certain grants and payments to the Choctaws who remained in Mississippi.

When the deed to the Oklahoma land was given to the Choctaw Nation by the Federal Government on March 3, 1842, it provided that if the Indians removed from the land the property would revert to the United States.

This deed, in part, ran in the following terms:

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

In all the treaties from the Dancing Rabbit treaty of 1830, in all early legislation bearing on the question, it was strongly emphasized that a Mississippi Choctaw must remove to and reside in the Oklahoma country in order to be entitled to have a share in the lands and other property of the Choctaw Nation there.

From 1830 to 1892 the free, open, and unrestricted privilege was allowed any Mississippi Choctaw to remove to Oklahoma and to take up his residence there and to then have a full and equal share in the lands and other property of the Choctaw Nation in Oklahoma. Every court that has passed directly upon this matter, four different Secretaries of the Interior, several Commissioners of Indian Affairs, the majority membership of several different Committees on Indian Affairs, in fact, as far as I have read or have heard, every judicial authority, every departmental authority, and every committee that has considered the question has found and has held that under the treaty of 1830 it is made a condition precedent for any Mississippi Choctaw to have any right or claim to a share in the tribal property of the Choctaw Nation in Oklahoma he must first remove to and reside in Oklahoma.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NORTON. I realize that I probably shall not be able to secure any more time, although I should like to continue for a little longer as I have in mind a few particular thoughts on this subject which I should like to state to the committee.

Mr. CARTER of Oklahoma. I would like to have the gentleman have more time, but we are limited to time, as you know.

Mr. HARRISON. Mr. Chairman, I yield three minutes to the gentleman from Mississippi [Mr. VENABLE].

Mr. VENABLE. Mr. Chairman, I have recently come from a campaign in the fifth district of Mississippi, where a very large number of these Mississippi Choctaws live, and so I am thoroughly cognizant of their pitiable condition, the absolute want and privation in which they live and move and have their being.

Now, as I understand the proposition, it is to hold up the distribution of the tribal funds until such time as the Court of Claims shall adjudicate upon the question as to whether or not the Mississippi Choctaws in Mississippi are entitled to share in the distribution. It is rather a novel propostion to me that where there is any serious dispute as to a legal right and a vested legal right under a treaty, that gentlemen should refuse to have this legal right adjudicated upon.

I have heard the argument advanced that the reasons why they want it done, or one reason, was because that this matter has been in abeyance for a number of years and that the adjudication of the rights of the Mississippi Choctaws would take some further time. In other words, the argument when reduced to its last analysis is this, that possibly it may be thought an injustice will be done to the Mississippi Choctaws and a liability fixed upon the National Government by the distribution of these funds at this time; yet, since it will take some time for the adjudication, it is better to work an injustice and fix a liability upon the National Government than to take the time necessary for the adjudication of the rights of these people. As I understand it, under the Dancing Rabbit treaty a provision was inserted, the Indians refusing to remove until that was inserted, providing that they could stay in Mississippi under certain conditions, and providing that they should be given an allotment to certain lands in the State, and that was followed by this proviso:

Persons who come under this article shall not lose the privileges of a Choctaw citizen. But if they ever remove they are not entitled to any portion of the Choctaw annuity.

The CHAIRMAN. The time of the gentleman has expired.

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

Mr. VENABLE. If I understand it, a rule of construction that is well settled is that the mention of one thing is the exclusion of others. This article specifically provides that the persons who claim under this article shall not lose the privileges of a Choctaw citizen. Now, what would be the necessity and what would be the use of that provision, if, as a matter of fact, they did not remove they would lose the privileges of a Choctaw citizen?

Is not this a fair construction of that language that it means exactly what it says; that they retained, though they stayed in Mississippi, all the privileges of a Choctaw citizen, one of which was a right to share in the tribal funds?

Now, is that construction changed by the last sentence, "But if they ever remove, they are not entitled to any portion of the Choctaw annuity"? The Choctaw annuity is a separate and distinct fund, as I understand it, from these tribal funds that are sought to be distributed at this time. If they intended under this treaty to provide that the Choctaw Indian, if he did not remove, could not share in the distribution of the tribal funds and had no part or parcel or interest in those funds, why should the United States Government in this treaty specifically specify annuities?

Mr. NORTON. Mr. Chairman, will the gentleman yield for a brief question?

The CHAIRMAN (Mr. RUSSELL of Missouri). Does the gentleman yield?

Mr. VENABLE. I have but a very few minutes, and I regret I can not.

The CHAIRMAN. The gentleman declines to yield.

Mr. VENABLE. In other words, if there was an evident intention—the mention of one thing being an exclusion of the other—if it was intended that they should forfeit all their rights, why mention specifically the annuity? Is it not a fair inference and a just inference and a righteous construction that when you say that if they ever afterwards removed they should not share in the annuity, you meant that they had an interest in the tribal funds which would not be lost even if they did not remove? In other words, a failure to remove then would only forfeit their interest in the annuity, and not in the special funds.

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

Mr. CARTER of Oklahoma. Mr. Chairman, I yield two minutes to the gentleman from Oklahoma [Mr. MORGAN].

The CHAIRMAN. The gentleman from Oklahoma [Mr. MORGAN] is recognized for two minutes.

Mr. MORGAN of Oklahoma. Mr. Chairman and members of the committee, I can not, of course, in this brief allotment of time enter into any argument upon this proposition. There are no Choctaw and Chickasaw Indians within my congressional district, so that from a personal or political viewpoint I am not so deeply interested as are my colleagues from Oklahoma on the other side. I have, however, during the last Congress and during this Congress heard the discussions upon this subject. I must say that, so far as the distribution of these funds are concerned, the Mississippi Choctaws do not present either a legal claim or a claim founded upon right and justice.

I am interested in the State of Oklahoma and her people, and I feel that the time has come when the Congress of the United States should distribute these funds in accordance with the laws and treaties made with the Indians. The Republican Party is largely responsible for these treaties and for this work that has been going on in changing the Indian form of government to statehood. It has been largely our legislation. We have appointed these commissions; we have treated with these Indians; and while I believe that this great Government in these difficult and dangerous times ought to stand by our treaties with the nations of the world, I also believe that we should hold sacred the treaties that we have made with the Indians of the United States. To delay this matter, to postpone it, or to tie it up for further court decisions means only that we are not doing justice to these Indians, not doing justice to the State of Oklahoma, and not keeping the sacred treaties that we have made with the Choctaw and Chickasaw Indians of Oklahoma. [Applause.]

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

Mr. CARTER of Oklahoma. Mr. Chairman, I yield to the gentleman from Oklahoma [Mr. THOMPSON].

The CHAIRMAN. The gentleman from Oklahoma [Mr. THOMPSON] is recognized.

CHOCTAW AND CHICKASAW PAYMENT.

Mr. THOMPSON. Mr. Chairman, accepting the remarks of the gentleman from Mississippi [Mr. VENABLE] at their full value, I would answer by saying that, according to the report of the Indian Commissioner, there is \$31,503,954.95 in money and property of the Choctaws and Chickasaws to be divided among those people, or \$9,354,463.72 in money and \$22,549,491.23 in property. So after making this payment you see there will be \$24,503,533.94 in money and property left with which to pay these Mississippi Choctaws, if they are entitled to anything.

Mr. Chairman, the provision of the Indian appropriation bill reported by the committee having been stricken from the bill, the provision offered by the gentleman from Oklahoma [Mr. CARTER] to be inserted immediately after line 19, page 37, is as follows:

That the Secretary of the Interior be, and he is hereby authorized to pay to the enrolled members of the Choctaw and Chickasaw Tribes of Indians of Oklahoma entitled under existing law to share in the funds of said tribes, or to their lawful heirs, out of any moneys belonging to said tribes in the United States Treasury, or deposited in any bank or held by any official under the jurisdiction of the Secretary of the Interior, not to exceed \$300 per capita in the case of the Choctaws and \$200 per capita in case of the Chickasaws, said payment to be made under such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That in cases where such enrolled members or their heirs are Indians who, by reason of their degree of Indian blood belonging to the restricted class, the Secretary of the Interior may, in his discretion, withhold such payments and use the same for the benefit of such restricted Indians: *Provided further*, That no part of the sum appropriated by this paragraph shall be paid to attorneys: *Provided further*, That the money paid to the enrolled members as provided herein shall be exempt from any lien for attorneys' fees or other debt contracted prior to the passage of this act: *Provided further*, That the Secretary of the Interior is hereby authorized to use not to exceed \$8,000 out of the Choctaw and Chickasaw tribal funds for the expenses and the compensation of all necessary employees for the distribution of the said per capita payment.

This is the provision that the members of the Oklahoma delegation desire incorporated in this bill. The amendment to this provision offered by the gentleman from Mississippi [Mr. HARRISON] reads as follows:

Amend, after the word "attorneys" by inserting the following: "Provided, however, That the provisions of this paragraph with respect to the Choctaw Tribe shall not be operative until the Court of Claims shall determine the rights of the Mississippi Choctaws who have been identified as Mississippi Choctaws by the Dawes Commission in its report of March 10, 1899, commonly known as the McKennan rolls, and also the Mississippi Choctaws who have been identified as Mississippi Choctaws by the Dawes Commission from March 10, 1899, to March 4, 1907, whose names do not appear on the final rolls of the Choctaw Tribe in Oklahoma."

This is no new contest. Ever since the fund accumulated in the hands of the Secretary of the Interior from the sale of Choctaw and Chickasaw lands and other tribal property has grown into a sufficient sum so that large lawyer fees could be paid out of it, a lot of unscrupulous lawyers have been busy trying to get a part of it for the Choctaws who remained in Mississippi and

refused to move with the tribe in 1830 to the Indian Territory. These lawyers inaugurated the fight and carried on the fight until about 1911, at which time it had become agitated to such an extent in Mississippi, and the chance for securing a large fund to be distributed among the Mississippi Choctaws had become so bright, that public sentiment brought pressure to bear on the Mississippi Members in Congress, and since that time the fight has been continued by the Mississippi delegation. This is not intended as a reflection on the Mississippi delegation in Congress. They are perhaps doing no more than the delegation from any other State would do if there were a chance of securing the distribution of two and one-half million dollars to a part of the citizenship of their State. This is not a contest to enroll the Choctaws in Mississippi. The whole purpose of this fight is to take out of funds in the hands of the United States belonging to the Choctaws and Chickasaws in Oklahoma about two and one-half million dollars and pay it in money to the Choctaws in Mississippi. It is not an effort to open the rolls and permit the claimants who live in Oklahoma to come in and try their cases. This fight is not intended for their benefit.

Now, let us see if in law or good conscience the Choctaws in Mississippi, who voluntarily separated themselves from the Choctaw Tribe and have lived separate from that tribe for nearly 100 years, are entitled to participate with the membership of that tribe who left Mississippi, braved all the perils of an unknown wilderness, endured all the hardships of frontier settlers, and built up the civilization of the Choctaw and Chickasaw Nations to where it was prepared to become, and did become, a part of the splendid citizenship of Oklahoma.

REVIEW OF TREATIES.

In this connection a brief review of the treaties entered into between the Choctaws and the United States would not be out of place. The Choctaw and Chickasaw Indians have always been the friends of the white man. From the time Columbus discovered America until they were removed to the Choctaw and Chickasaw Nations in Oklahoma, beginning in 1831, the membership of these two tribes acted as the advance guard of white civilization, interposing itself between the white frontier settlements and the warlike tribes that lived farther West. In 1820 the Choctaws owned and lived on about 15,000,000 acres of land in Mississippi. The white man wanted these lands. The United States, under pressure from the white man, prevailed upon the Choctaws to enter into a treaty whereby they conveyed to the United States about 4,000,000 acres of their land in Mississippi for 22,000,000 acres, which constitutes at the present time a large portion of the State of Oklahoma, but which was at that time a wild, unsettled land, except that it was occasionally occupied and hunted over by the fierce and warlike tribes that made their homes in this far western country. The 22,000,000 acres comprised not only the Choctaw and Chickasaw Nations as known to Oklahomans, but it also comprised all that part of the present State of Oklahoma west of the counties of Grady, Stephens, and Jefferson and south of the Canadian River.

Under the provisions of this treaty the Choctaws retained 11,000,000 acres in Mississippi, and it was also provided that the heads of families residing on the 4,000,000 acres ceded to the United States should have the right to select 1 square mile of land, including their then residence. In 1825 the United States prevailed upon the Choctaws to enter into another treaty, by the provisions of which the United States acquired the additional 11,000,000 acres of land belonging to the Choctaws in Mississippi. It does not appear that the United States gave the Choctaws any consideration for this additional land, but the Choctaws did not remove to their reservation in Oklahoma. They continued to reside in Mississippi. In 1830 the United States prevailed upon the Choctaws to enter into still another agreement—commonly known as the Dancing Rabbit treaty. It was provided in this treaty that the Choctaws should be removed from their homes in Mississippi to the reservation in Oklahoma, but all those who did not choose to move were permitted to remain, and by informing the Indian agent of their intention, each head of a family was to receive 640 acres of land, each child residing with the family over 10 years of age was to receive 320 acres of land, and each child under 10 years of age was to receive 160 acres of land. There were about 19,000 members of the Choctaw Tribe at that time. Approximately 15,000 of them moved to their new homes in the West and 4,000 remained in Mississippi.

It seems that the United States had an agent in Mississippi at that time by the name of Ward, a drunken and irresponsible party, and though these 4,000 Choctaws who remained notified him of their intentions, he failed to keep a record of the number so notifying him with the exception of 143. It seems that

the record of these 143 was kept by cutting notches in a stick and other equally crude methods. So the final result was that only 143 heads of families out of the 4,000 Indians who remained in Mississippi secured the land provided for them in the treaty. Every fair-thinking man will agree that a great outrage was perpetrated on those Choctaws who remained in Mississippi and were not permitted to receive a patent to their land as provided in the treaty of 1830. But who is to blame for that? Certainly not the Choctaws who went West. The United States was to blame because it had as its agent an incompetent and drunken man. The outrage was so apparent that Congress passed an act immediately—I believe it was in 1842—giving those Choctaws in Mississippi, who did not get their land, scrip which authorized them to take land in three or four adjoining States. One of the conditions of the grant of scrip was that before it could be used the Indians must move to the Choctaw Nation in the West. Three thousand eight hundred and eighty-five Indians received scrip under this act. The weak point in connection with this act was that it did not make the scrip nontransferable, and a lot of enterprising grafters, as usual, got hold of the Indians, took them to the Choctaw Nation West where they received their scrip and immediately took back to Mississippi such as wanted to return and purchased practically all of the scrip. So the Indians were cheated again. Certainly, the Oklahoma Choctaws ought not to have their moneys taken from them because the Mississippi Choctaws did not get their land and were chiseled out of their scrip.

In 1855 the United States leased from the Choctaws 11,000,000 acres of land lying south of the Canadian River and west of the ninety-eighth meridian—the western boundary of the old Chickasaw Nation—for the purpose of locating thereon the Kiowas and affiliated bands; \$80,000 was paid for this lease. In 1866 the United States entered into another treaty with the Choctaws and Chickasaws, agreeing to pay them \$300,000 additional for an absolute title to this leased district, but reserved the \$300,000 and agreed to use it to remove the Choctaw and Chickasaw freedmen. As usual, the United States failed to comply with the provisions of this treaty, left the freedmen in the Choctaw and Chickasaw Nations, and finally compelled the tribes to allot each of them 40 acres of land.

The United States, in all of the treaties with the Choctaws and Chickasaws, agreed to protect them from the encroachment of noncitizens, but this provision also it failed to keep and white noncitizens continued to move into the Choctaw and Chickasaw Nations until 1896, when there were, perhaps, 10 noncitizens to 1 Indian living in the two nations. These noncitizens were without any kind of government, had no schools except such as they maintained by voluntary contributions. This condition brought about such agitation that in 1893 the United States created what is known as the Dawes Commission for the purposes expressed in the act, which provides:

But said commissioners shall, however, have power to negotiate any and all such agreements as, in view of all the circumstances affecting the subject, shall be found requisite and suitable to such an arrangement of the rights and interest and affairs of such nations, tribes, bands, or Indians, or any of them, to enable the ultimate creation of a territory of the United States with a view to the admission of the same as a State in the Union.

The commission went to the Indian Territory and began its negotiations. A controversy arose as to who were members of the tribes. Some persons residing in and others outside of the Territory claimed to be citizens and their claim was denied by the tribes, so in 1896 Congress provided:

That said commission is further authorized and directed to proceed at once to hear and determine the application of all persons who may apply to them for citizenship in any of said nations, and after such hearing they shall determine the right of such applicant to be so admitted and enrolled: *Provided, however,* That such application shall be made to such commissioners within three months after the passage of this act. The said commission shall decide all such applications within 90 days after the same shall be made.

The United States thereby took from the tribes the right to make their own rolls of citizenship and assumed the right to make the rolls for them. The roll was made, first, by the Dawes Commission and subsequently, on appeals from the commission, by the United States courts located in the Indian Territory. By act of May 31, 1900, specific provision was made for the enrollment of the Mississippi Choctaws. It was there enacted:

Provided, That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States commission and by the Secretary of the Interior as Choctaws entitled to allotment.

Congress again, by the act of July 1, 1902, section 41, provided for the enrollment of the Mississippi Choctaws. From

1830 to 1896—a period of 66 years—the Mississippi Choctaws had a right, under article 14 of the treaty of 1830, to remove from Mississippi to the Choctaw Nation, and something like 3,400 did remove and take up their residence in the Choctaw Nation. All who removed were allotted land in the Choctaw Nation. The Choctaw Tribe in Oklahoma did not in any way attempt to prevent their removal. On the contrary it did everything it could to get them to come West and reunite with the tribe. It admitted everyone who did move West and appropriated money out of the tribal treasury to assist some in moving West.

CARE EXERCISED TO PROTECT MISSISSIPPI CHOCTAWS.

From 1896, when the Government of the United States took away from the Choctaw Nation the right to make its own roll of citizens and assumed that duty, until March 4, 1907, when the rolls were finally closed, two acts were passed, as I have shown, providing for the identification and enrollment of the Mississippi Choctaws and their removal to the Choctaw Nation, and the United States appropriated many thousands of dollars and sent many agents to Mississippi to hunt up, identify, and remove the Choctaws still there to the Choctaw Nation. During this period 1,600 moved West, 420 of them at the expense of the United States, and every one of them received an allotment the same as native Choctaws and Chickasaws. Now, after all these opportunities extended them to voluntarily remove West, and all these efforts on the part of the Choctaw Nation and the United States to induce them to remove West, 1,252 yet remain in Mississippi.

THIS NOT AN EFFORT TO SECURE LAND FOR MISSISSIPPI CHOCTAWS.

If the lands of the Choctaws were not all allotted and if it were possible to remove these Mississippi Choctaws to the Choctaw Nation and allot them land, we would not be bothered with this contest. It is not an effort to secure land for them; it is an effort to take money that belongs to the Choctaws in Oklahoma and pay it to the Choctaws in Mississippi; an effort to turn them over a large sum of money in order that they may be grafted out of it again.

PROMISE BY UNITED STATES TO PAY TRIBAL FUNDS TO INDIANS.

In order to induce the Choctaws to abolish their governments, which were established immediately on their removal from Mississippi in 1830, to surrender their system of holding land in common and each individual Indian to take a certain amount in severalty, the United States, in various acts of Congress relating to these tribes and treaties made with them, promised and agreed that all funds and royalties arising by reason of the sale of unallotted lands and from timber and mineral rights should be paid out and distributed among the members of the tribe. It was provided in the act of June 28, 1898—

That whenever the members of the Choctaw and Chickasaw Tribes shall be required to pay taxes for the support of schools, then the fund arising from such royalties shall be disposed of for the equal benefit of their members (freedmen excepted) in such manner as the tribes may direct.

And, again, in the same act—

It is further agreed that all of the funds invested in lieu of investment, treaty funds, or otherwise, now held by the United States in trust for the Choctaw and Chickasaw Tribes, shall be capitalized within one year after the tribal governments shall cease, so far as the same may legally be done and be appropriated and paid, by some officer of the United States appointed for the purpose to the Choctaws and Chickasaws (freedmen excepted), per capita, to aid and assist them in improving their homes and lands.

And a like provision was carried in section 17 of the act of April 26, 1906.

FINAL CLOSING OF THE ROLLS.

Congress also provided in these various acts and treaties for the final closing of the rolls of these tribes. In the act of March 3, 1901, it was provided:

The rolls made by the Commission to the Five Civilized Tribes, when approved by the Secretary of the Interior, shall be final, and the persons whose names are found thereon shall alone constitute the several tribes which they represent; and the Secretary of the Interior is authorized and directed to fix a time by agreement with said tribes or either of them for closing said rolls, but upon failure or refusal of said tribes or any of them to agree thereto, then the Secretary of the Interior shall fix a time for closing said rolls, after which no name shall be added thereto.

And, again, in the act of July 1, 1902, it was provided:

Sec. 28. The names of all persons living on the date of the final ratification of this agreement entitled to be enrolled as provided in section 27 hereof shall be placed upon the rolls made by said commission, and no child born thereafter to a citizen or freedman and no person intermarried thereafter to a citizen shall be entitled to enrollment or to participate in the distribution of the tribal property of the Choctaws and Chickasaws.

And, finally, Congress enacted that the rolls should be closed on March 4, 1907, and required the Secretary of the Interior to print the roll in a permanent record book and deposit one copy

in the office of the recorder in each of the recording districts of the Indian Territory for inspection, and constituted the same evidence of citizenship in the tribes.

THE RIGHTS OF THE MISSISSIPPI CHOCTAWS.

I have called attention to these various treaty stipulations and acts to disclose the care and patience with which these rolls have been made and the efforts, both on the part of the Choctaw Nation and the United States, to have the Mississippi Choctaws reunite with their tribe and participate in the distribution of tribal property. Article 14 of the treaty of 1830, by virtue of which whatever right, legal, equitable, or otherwise, the Mississippi Choctaw claim is urged, reads as follows:

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

It is under the last clause of this article of the treaty that their rights are urged. The clause reads:

Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity.

It is perfectly apparent that in order to participate in the distribution of the Choctaw tribal property under the provisions of this article of the treaty, the Mississippi Choctaws would have to remove to the Choctaw Nation and take up their residence with the tribe. Any other construction would be an outrage on common sense. To permit those Choctaws who remained in Mississippi and separated themselves from their tribal brethren to share equally with those Choctaws who left their homes, the graves of their ancestors, and civilization itself and moved west, surrounded by tribes of hostile Indians, and there built up a new civilization, would be nothing less than an outrage. It might as well be contended that if all the Choctaws had remained in Mississippi they would have been entitled to lands in the West. Such a construction would be in direct conflict with the provisions of article 2 of that treaty, which provides:

The United States, under a grant specially to be made by the President of the United States, shall cause to be conveyed to the Choctaw Nation a tract of country west of the Mississippi River in fee simple to them and their descendants, to inure to them while they shall exist as a nation and lie on it.

And this same provision was carried into the patent executed by the President to the Choctaw people. They were required to live on the land. It can not be contended—and I do not understand that it is contended—that the Choctaws in Mississippi, under the provisions of that treaty and of the patent, have a right to participate in the allotment of the Choctaw lands. But the claim is made that they are Choctaw Indians. This is not denied; that they have been evicted out of their property back in Mississippi, and this is not denied; that they are poverty stricken, and this again is not denied. But these contentions do not constitute a just claim for a part of the proceeds of the Choctaw tribal property in the West which they had no part in acquiring and which would have been forfeited had all the Choctaws acted as they did.

CONDITIONS ON WHICH CHOCTAW INDIANS COULD PARTICIPATE IN DISTRIBUTION OF TRIBAL FUNDS.

In order to participate in the distribution of tribal property two conditions must be found to exist; First, the person so entitled must be a member of the tribe by blood, marriage, or adoption, and his name must appear on the tribal roll; second, he must reside with the tribe on its reservation.

It has always been agreed that an Indian, like a citizen of any other country or nation, could expatriate himself and lose his tribal status by abandoning the tribe, removing from the reservation, taking up his residence and becoming a citizen of some other State or country. If the facts in any case ever disclosed that such a situation existed, it certainly is disclosed in the case of the Mississippi Choctaws.

FUNDS SUFFICIENT LEFT TO PROTECT MISSISSIPPI CHOCTAWS AFTER MAKING THIS PAYMENT.

There are approximately 20,000 Choctaws and 7,000 Chickasaws who will receive a per capita payment under the provisions of this bill, and it will require about \$6,000,000 to pay the Choctaws and \$1,400,000 to pay the Chickasaws, approximately \$7,500,000 to make the payment provided for. There were a few more than 300 Indians—Choctaws and Chickasaws—enrolled by the Sixty-third Congress, after all of the lands of the two

tribes had been allotted. In lieu of the allotments that the acknowledged members received and which were estimated to be of the average value of \$1,041 each, provision was made that those so enrolled should receive, in lieu of the allotment, money in double this amount, or \$2,082 each. If it should be finally decided that \$2,082 each should be paid to the 1,252 Choctaws in Mississippi, the amount required to make the payment would be \$2,606,564.

In order to present this matter to the Committee on Indian Affairs, when this provision was under consideration by that committee, I called personally on the Commissioner of Indian Affairs and asked him to give me a detailed and itemized statement of the funds held by the United States to the credit of these two tribes jointly and severally, together with the estimated value of such property held by them, not yet disposed of. Under date of January 19, 1916, the Assistant Commissioner of Indian Affairs, Mr. Meritt, submitted a letter, accompanied by a detailed statement giving the moneys on hand and the estimated value of the property yet to be disposed of. His letter to me and the statement accompanying the letter are as follows:

MY DEAR MR. THOMPSON: In compliance with your informal request concerning the tribal lands and funds of the Choctaw and Chickasaw Nations, there are transmitted herewith a statement showing the tribal funds in the United States Treasury and in banks in Oklahoma to the credit of the Choctaw and Chickasaw Nations, and a statement showing the estimated value of the unsold Choctaw and Chickasaw tribal land and other tribal properties.

It appears from said statements that the total funds to the credit of the Chickasaw Nation is \$1,922,110.48 and that the total funds to the credit of the Choctaw Nation is \$7,432,353.24, making the aggregate fund of the Choctaw and Chickasaw Nations \$9,354,463.72.

It appears from the report of the Superintendent for the Five Civilized Tribes that the deferred payments on the Choctaw and Chickasaw tribal lands heretofore sold approximate \$6,000,000.

The total estimated value of the unsold land and other property of said nation approximates \$16,149,491.23. Thus the total funds and other property of the Choctaw and Chickasaw Nations approximate \$31,503,954.95.

Very truly yours,

E. B. MERITT,
Assistant Commissioner.

Funds of Choctaw Nation.

(Dec. 15, 1915.)

| | |
|--|--------------|
| Fulfilling treaties with Choctaws, Oklahoma | \$42,080.00 |
| Interest on Choctaw general fund | 3.76 |
| Choctaw orphan fund | 39,710.69 |
| Interest on Choctaw orphan fund | 7,942.16 |
| Choctaw school fund | 49,472.70 |
| Interest of Choctaw school fund | 9,894.56 |
| Choctaw 3 per cent fund | 241,949.13 |
| Interest of Choctaw 3 per cent fund | 40,545.51 |
| Interest on Choctaw moneys on deposit in banks | 311,376.88 |
| Judgment, Court of Claims, Choctaw and Chickasaw Nations | 86.08 |
| Indian moneys, proceeds of labor: | |
| Choctaw cattle tax | 1,006.42 |
| Choctaw right of way | 6,521.18 |
| Choctaw royalties, grazing, etc. | 436,928.72 |
| Choctaw stone and timber | 38,967.85 |
| Choctaw town lots | 41,322.95 |
| Choctaw unallotted lands, etc. | 2,092,811.52 |
| Balance in Treasury | 3,360,620.11 |
| In Oklahoma banks | 4,071,733.13 |
| Grand total | 7,432,353.24 |

Funds of Chickasaw Nation.

| | |
|--|--------------|
| Chickasaw national fund | \$152,629.56 |
| Interest of Chickasaw national fund | 11,691.98 |
| Interest on Chickasaw moneys on deposit in banks | 104,722.41 |
| Indian moneys, proceeds of labor: | |
| Chickasaw right of way | 11,747.61 |
| Chickasaw royalties, grazing, etc. | 133,723.42 |
| Chickasaw stone and timber | 12,668.53 |
| Chickasaw town lots | 10,593.84 |
| Chickasaw unallotted lands, etc. | 340,694.16 |
| Balance in Treasury | 776,471.51 |
| In Oklahoma banks | 1,143,638.97 |
| Grand total | 1,922,110.48 |

Estimated value of Choctaw and Chickasaw tribal land and other tribal property.

| | |
|---|----------------|
| 215,203 acres segregated coal and asphalt land, estimated value of surface of 215,203 acres | \$1,847,604.09 |
| Estimated value of coal deposits and asphalt deposits in 431,080 acres segregated area | 12,319,000.00 |
| 823,521.84 acres tribal timberland, estimated value of land and timber | 1,806,887.14 |
| 25,600 acres other surplus unallotted tribal land | 75,000.00 |
| Unsold town lots | 51,000.00 |
| Other tribal property | 50,000.00 |

| | |
|--|---------------|
| Total estimate of unsold property | 16,149,491.23 |
| Deferred payments on Choctaw and Chickasaw land heretofore sold, approximately | 6,000,000.00 |
| Total funds and other property of Choctaw and Chickasaw Nations, approximately | 31,503,954.95 |

After deducting the \$7,500,000 necessary to make the per capita payment provided for in this bill there will yet remain in the hands of the United States moneys and property to the amount of \$24,003,954.95 out of which the \$2,606,564 gratuity could be paid to the Choctaws in Mississippi if this or any sub-

sequent Congress ever sees fit to perpetrate on the Choctaws and Chickasaws of Oklahoma such an outrage.

Mr. Chairman, while it is admitted that Congress has the power to take this amount of money from the Oklahoma Choctaws and give it to the Choctaws in Mississippi, it is submitted that it has no right to do so, and if it is done it will be another blot on the treatment of a helpless and dependent people by the Government such as it has not been guilty of toward any other race or people. Might never makes right, and I have an abiding faith that in the end justice will triumph.

Mr. Chairman, I submit in conclusion that a great injustice is being done the Choctaws and Chickasaws by withholding this payment. Oklahoma is a new State. Its people are made up largely of the pioneer class—poor, but brave and honest. For this reason money is scarce and the bank deposits are small. Being a new State, and just beginning its marvelous development, and the demand for money being keen, interest rates are high; so high, in fact, that if they were mentioned, the Members of this House from the North and East would be startled. It is not fair; it is not just; it is not right to hold \$7,500,000 of Choctaw money and \$2,000,000 of Chickasaw money in the Treasury of the United States and pay the Indians from 2 to 4 per cent interest on it, while these same Indians are compelled to borrow money at a rate of interest from five to ten times those rates. Congress can not perform a greater act to a needy, helpless, and dependent people than by providing for this per capita payment.

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

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. CARTER of Oklahoma. Mr. Chairman, may I ask the gentleman from Mississippi [Mr. HARRISON] how many speeches remain to be made on his side?

Mr. HARRISON. Three speeches on our side. One of our speakers, the gentleman from Minnesota [Mr. MILLER], has gone out, but will return soon.

Mr. CARTER of Oklahoma. I would like the gentleman to dispose of one of his speeches, since we have the close anyway.

Mr. STEPHENS of Texas. Mr. Chairman, if there is no further debate, let us have a vote.

Mr. CARTER of Oklahoma. Does the gentleman from Mississippi not desire to debate it any further?

Mr. HARRISON. No; I ask the gentleman to use some of his time.

The CHAIRMAN. If there is no further discussion, the question will be put.

Mr. CARTER of Oklahoma. How does the time stand, Mr. Chairman?

The CHAIRMAN. The gentleman from Oklahoma has 25 minutes, and the gentleman from Mississippi has 29 minutes.

Mr. CARTER of Oklahoma. I think the gentleman from Mississippi, in view of the fact that he is going to have three more speeches, should use some of his time now. He has more time than we have, and we have the closing.

Mr. QUIN. Mr. Chairman, I make the point of no quorum.

The CHAIRMAN. The gentleman from Mississippi [Mr. QUIN] makes the point of no quorum. The Chair will count.

Mr. CARTER of Oklahoma. Mr. Chairman, I hope the gentleman will withdraw that point.

The CHAIRMAN (after counting). One hundred and seven Members are present—a quorum. If there is no further discussion upon this amendment—

Mr. STEPHENS of Texas. In that case, Mr. Chairman, I ask for a vote on the question.

Mr. HARRISON. Mr. Chairman, the gentleman from Virginia [Mr. SAUNDERS] a few moments ago, in presenting this matter, said that the Indians in Mississippi had received each 640 acres of land and that they had received scrip.

Mr. SAUNDERS. No; will the gentleman pardon me? I said some of them had received land, and those that had not received land had received scrip.

Mr. HARRISON. That statement very clearly illustrates the misinformation that gentlemen who oppose my amendment have on this question. The facts about that matter are these: When the treaty of 1830 was signed, containing the fourteenth article, giving the Mississippi Indians the right to remain in Mississippi and take up these allotments, the Government sent a man by the name of Ward down there supposedly for the purpose of allowing those who desired to avail themselves of the fourteenth article to do so; but, mind you, only 143 of them received patents to this land, whereas the facts show, and all the gentlemen who have investigated this matter will concede it to be true, because the facts are uncontradicted on the proposition, that there were

hundreds of them who went to Ward and tried to make application for allotment under article 14 of the treaty who failed to do so. Why, sirs, the facts show that Ward would get drunk, would keep no records, was a disreputable individual, destroyed what applications he did take, and at times even made shaving paper out of the applications. His actions were inexcusable and cost hundreds of Mississippi Choctaws their allotments under this article. No; the gentleman is wrong; only 143 actually received their patents.

Mr. NORTON rose.

Mr. HARRISON. I can not yield to the gentleman. I am sorry I have not the time. Talking about the scrip, that scrip was issued on this condition, that one half of it was to be given to the Mississippi Indian in Mississippi before he left for the Indian Territory and the other half to be delivered to him when he got to the Territory. Therefore the Indians who did receive any scrip went to Oklahoma and are now a part of the tribe there. Consequently none of the Indians in Mississippi have received the scrip, unless it were some wandering fellow who came back because the attorneys of the tribe drove him back; and later on I will show this committee where and how they did drive them back.

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

The CHAIRMAN. The gentleman used 2 minutes of his 29. Mr. CARTER of Oklahoma. How does the time stand now, Mr. Chairman?

The CHAIRMAN. The gentleman from Mississippi has 27 minutes and the gentleman from Oklahoma 25 minutes.

Mr. CARTER of Oklahoma. The gentleman from Mississippi still has more time than we have. Will the gentleman use some more of his time?

Mr. HARRISON. There is no one in the Hall at this moment to whom I can yield.

The CHAIRMAN. If no further debate is desired, the question is on the amendment.

Mr. CARTER of Oklahoma. Mr. Chairman, of course if the gentleman from Mississippi does not care to proceed any further at this time I am ready to take a vote.

Mr. HARRISON. I yield five minutes to the gentleman from Minnesota [Mr. MILLER], who I see has just come into the Hall.

Mr. MILLER of Minnesota. Mr. Chairman, unfortunately I have been temporarily absent from the Chamber during the discussion which has just occurred, and therefore am not advised as to what has already been stated. Therefore I am somewhat in danger of making a possible repetition of arguments that have been presented already.

The subject of the Mississippi Choctaws is one to which, as the Members of the House know, I have given a good deal of study and personal attention during a period of three or four years. It is one of the largest and most important Indian questions that exists in the country. To my mind it is one that should no longer be postponed to some future day, or put off to some indefinite time, but should be seized hold of by Congress and disposed of for all time.

After the discussions and debates that have occurred in this Chamber during the last three consecutive years, I think there can exist in no man's mind the slightest doubt but that the Indians known and described as the Mississippi Choctaws suffered a very serious and great injustice at the hands of the United States Government on account of the action of the duly accredited agent of the United States Government. The wrongs that were then committed have never yet been repaired.

I do not share the feeling expressed by some who discussed this matter before the committee when I was a member of it, that great blame rests upon the Choctaws now resident in Oklahoma. They have some obligations in connection with this matter, which obligations they have always hitherto recognized, even to the extent of inviting their brethren remaining in Mississippi and unprovided for to journey to the Eden-like land of what is now Oklahoma, and share with them the property in that region which became theirs. Many of them did not go because they could not go. Some of the provisions in bills that I have no doubt have been cited here already contemplate that the Indians in Mississippi shall journey over to Oklahoma, become members of the tribe in Oklahoma and share in the property of the whole tribe there; but no provision was made for their migration over, excepting on one occasion, when the sum of \$20,000 was appropriated, which was totally insignificant for the purpose. That, however, was not the fault of the Choctaws in Oklahoma. I do not think that I have ever yet formulated into words the exact conclusion which I myself have reached on this question. I have hesitated about expressing it, because of the natural feeling that I am far from certain and convinced that I am right, although I feel in my own mind that I am right.

The main wrong was committed by the United States Government. The wrong when committed should be righted by the wrongdoer. After going over the records of all the years I can not in my own mind find where the Choctaws in Oklahoma have been responsible for the wrong excepting in one instance, and that instance was when an action was brought in the name of the Choctaws resident in Oklahoma against the Government of the United States, and a recovery had for the wrongs that were admittedly done to the Choctaws in Mississippi, and the money that was recovered was paid, not to the Choctaws in Mississippi but to the Choctaws in Oklahoma. It is not, perhaps, quite fair to say that it was paid and went to the tribe of Choctaws in Oklahoma. As a matter of fact, a court was established, which court picked out the beneficiaries to receive the amount appropriated to pay the judgment, and as anybody can ascertain who looks at the record, there probably was a miscarriage of a large part of the fund.

Mr. NORTON. Will the gentleman yield?

Mr. MILLER of Minnesota. I have only a moment.

Mr. NORTON. Was any of that money paid to the Mississippi Choctaws?

Mr. MILLER of Minnesota. Some of it was paid to Mississippi Choctaws then in Oklahoma, but, as far as I could get information from the Indian Office, or from any other source, none of it was paid to an Indian resident in Mississippi.

I am not in favor of opening up the rolls of the Five Civilized Tribes. Some people have thought that I have been in favor of that because of the report which I wrote and which was adopted by the subcommittee. I do not think any member of that subcommittee that joined me in the report was in favor of opening up the rolls of the Five Civilized Tribes. We simply recognized that a wrong had been done these Indians, and that it ought to be righted. The main wrongdoer is the United States Government. As partial wrongdoers, the Choctaws of Oklahoma ought to assume their part of the burden and make it good.

Not all those who claim to be Mississippi Choctaws are such, and those who are not Mississippi Choctaws should not enjoy any of the benefits of any remedial legislation. There are something like 22,000 to 28,000 who claim that they have a right to share in any beneficial legislation that may be enacted. I do not believe there are any such number as that. In fact, I doubt if there is a number greater than 2,000. It may be less than that. I know there is a roll in the Indian Office to-day, that was prepared under the direction of the Dawes Commission, to ascertain who were the full-blood Mississippi Choctaws entitled to share as such in any distribution of property or wealth that may be made, and the number on that roll is about 1,900.

So I have believed, and I firmly now believe, that this Congress at this session or some other session should make up its mind to dispose of the Mississippi Choctaw matter once and for all. They thought they had disposed of it in 1858 when they authorized the suit to which I have already called attention, but by reason of the lack of familiarity, I am willing to say on the part of Congress, with conditions in the Southwest—because at that time conditions were little known in the Indian country—there was a substantial miscarriage of justice. Therefore it seems to me that we should ascertain who are full-blood Mississippi Choctaws who were defrauded out of their rights guaranteed to them under the treaty of 1830.

Mr. NORTON. Will the gentleman yield?

Mr. MILLER of Minnesota. I will.

Mr. NORTON. Does the gentleman take this position—that the full-blood Choctaws who resided in Mississippi who have failed to remove to Oklahoma are, under the treaties, entitled to a share equal with the Choctaws in Oklahoma in the property and funds of the Oklahoma Choctaws?

Mr. MILLER of Minnesota. I do not believe any such thing. There are some who maintain that, but I do not. I do not think the gentleman from Mississippi [Mr. HARRISON] for a moment suggests that the Choctaw Indians in Mississippi are entitled to all the rights that have been given to the Choctaws in Oklahoma to share equally in their property. If he did, he would have to have them all allotted, and some other things.

Mr. NORTON. That is the position I think the gentleman from Mississippi takes.

Mr. MILLER of Minnesota. I did not know that he took that position, but I would not join him in that. There are Indians in Mississippi, some in Louisiana, some in Texas belonging to the original parent band of Choctaws who elected under the treaty of 1830 to remain where their ancestors had always lived, a. election which was given to them by the terms of the treaty; and without that election the treaty never would have been made. They elected to remain, but by the treatment they received at the hands of the Government agents they were prevented from securing lands guaranteed by the treaty. Therefore,

that being the basis of wrong, I think Congress should take proper steps to right it, and I do not think it would run into any large sum of money.

Mr. CARTER of Oklahoma. Mr. Chairman, we will use the balance of the time on this side in one speech.

Mr. HARRISON. Mr. Chairman, I yield to the gentleman from Illinois [Mr. MANN] such time as he may want.

Mr. MANN. Mr. Chairman, I shall vote for the amendment offered by the gentleman from Mississippi [Mr. HARRISON], although I do not think that it offers an ideal solution of the problem. He can not offer an ideal solution of the problem under the rules of the House at this time, but has offered an amendment which is a limitation on the appropriation made, because that is the only amendment he can offer.

What is the situation? We have a large fund in the Treasury belonging to these Choctaw Indians. They have considerable property in addition, which sooner or later will be sold. The Oklahoma Indians claim all of the money and the property, and the Choctaw Indians of Mississippi claim that they are entitled to participate in the funds. There are a great many old claims floating around this House based upon old Indian treaties, and every little while we pay out a large sum of money upon one of these old claims. Usually we pay it out of the General Treasury because there are no funds left over which the dispute arises.

What will we do here? What we ought to do, as it seems to me, is to pay the Oklahoma Choctaws the amount of money they are now asking for, and at the same time refer the claims of the Mississippi Choctaws to the Court of Claims. Then if the Court of Claims should find that the Mississippi Choctaws were entitled to a portion of the fund which the Oklahoma Choctaws claim, which still remains, or a part of it in the Treasury, together with other property, the Mississippi Choctaws in the end would receive their share out of the funds of the Indians. But if we refuse to refer these claims to the Court of Claims, in the end this is what will happen: It is perfectly plain to an old legislator. As soon as the Oklahoma Choctaws have received all the funds which the Government has belonging to the Indians, both sides will then join in a demand to right the wrong which my friend from Minnesota just referred to and to pay the claims to the Mississippi Choctaws out of the General Treasury, because there will be no Indian money left out of which it could be paid.

If it were a private individual in a case like this he would file a bill of interpleader, saying he had the money claimed by two sets of people, and he would let them settle up in the court to which it belonged. But the gentleman from Oklahoma now refuses at this time to agree to the proposition to let the claim of the Mississippi Choctaws be passed upon by the courts. Personally, with what little information I have absorbed upon this subject through a series of years that it has been up, I do not think the claims of the Mississippi Choctaws are good. [Applause.] I think the Court of Claims will find against them, but I am quite certain that after the money is all gone it never will be referred to the Court of Claims, but we will then be told how dreadfully these Indians have been treated by the General Government and how we should recompense them out of the General Treasury.

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

Mr. MANN. Yes.

Mr. NORTON. Does the gentleman know of any bill that has been introduced by any of the delegation from Mississippi to submit this matter to the Court of Claims?

Mr. MANN. Mr. Chairman, I can not see that that is a pertinent question, with all due respect to the gentleman from North Dakota. I can not see what difference that makes. We are acting upon this subject now. The gentleman has not introduced a bill, although he is on the Committee on Indian Affairs, and I do not criticize him for that; but the only way we will ever get a solution of this proposition in the interest of the people of the United States, as distinguished from the Indians who are in dispute, is to force this into the Court of Claims, and the only thing we can do now which tends to bring that about is to agree to the Harrison amendment.

If this committee or this House will agree to the Harrison amendment, you can be sure that when this bill becomes a law it will provide two things: First, for the payment of the money they are now asking for to the Oklahoma Choctaws; and, second, a reference of the Mississippi Choctaw's claim to the Court of Claims, where it can easily be determined before they expect to get the balance of the money. That is the sensible thing to do. I do not know whether Congress or the House, in view of the frailty of us all, and the very active lobbying that has been going on on this claim both inside and outside of the

halls of this House, can be influenced by anything that can be said here, or that anything that can be said will have any very great weight, but it seems to me that we ought to guard to some extent the Treasury of the United States, and before we have paid out all of the money determine whether the Mississippi Choctaws have a just claim. In my judgment the court will find that they have no claim, and if we can get a decision of the Court of Claims to that effect we will never have to pay their claim. If we do not get such a decision, in the end we will pay it out of the money belonging to our own constituents. [Applause.]

Mr. CARTER of Oklahoma. Mr. Chairman, does the gentleman from Kansas [Mr. CAMPBELL] desire to use some time?

Mr. CAMPBELL. I understand the gentleman from Oklahoma [Mr. CARTER] to state that there would be only one speech more and that would be made by the gentleman from Oklahoma [Mr. FERRIS].

Mr. CARTER of Oklahoma. I did say that there would be only one, but the gentleman from Mississippi [Mr. HARRISON] suggested that I get the gentleman from Kansas to use five minutes.

Mr. CAMPBELL. If it is agreeable to the gentleman from Mississippi—

Mr. CARTER of Oklahoma. I do not want to do that, because I expect it would not be quite agreeable to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, I have no objection, although I do not like to have gentlemen say that there will be but one speech, with no intention of keeping the agreement.

Mr. CAMPBELL. Mr. Chairman, there will be only one speech, so far as I am concerned. I have spoken upon this subject so many times for so many years that I can easily refrain from discussing the matter at this time in violation of any agreement made on the floor.

Mr. CARTER of Oklahoma. I will say to the gentleman from Illinois that the suggestion was made by the gentleman from Mississippi [Mr. HARRISON], and that was why I made it. There will be only one speech upon our side, Mr. Chairman.

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

Mr. HARRISON. Mr. Chairman, I did not expect to say anything more on this question, as I thought the gentleman from Illinois [Mr. MANN] might utilize the balance of the time. I agree with him thoroughly that if this money is now distributed among the Indians of Oklahoma, in the course of time the Government of the United States will have to respond to the Indians of Mississippi. In the closing argument that will be delivered by the gentleman from Oklahoma [Mr. FERRIS] in this discussion—and I have heard the speech so often that I know practically what he is going to say—I hope gentlemen of the committee will not be influenced by any picture which he may draw, to the prejudice of the Mississippi Choctaws, of some six negro convicts in Oklahoma who were used as witnesses in order to get some claimant upon the rolls of the tribe. I heard him make that argument before the Committee on Indian Affairs, and I think it is the argument of an amateurish lawyer before an ignorant jury. I know that you gentlemen of good judgment and sound reason will not allow such an argument as that to influence you if he should so far forget himself as to make it. If he does make it, remember that they live in Oklahoma, they are used by Oklahoma attorneys, and in behalf of Oklahoma claimants. It is not all of the claimants who are claiming rights for enrollment in the Choctaw Nation whom we desire to see enrolled. There are thousands of them who have no right to enrollment, but there are hundreds of full-blooded Choctaw Indians, of the same blood and kith and kin as the Choctaw Indians of Oklahoma, who to-day roam the wilds of Mississippi, fishing in the waters of the Tallahalla or hunting in the forests of the Okahay, who ought to be taken care of by this Congress.

In 1898, after the decision in the Jack Amos case, which was rendered by Judge Clayton, a little territorial judge in Indian Territory, and after the decision of the Dawes Commission that gentlemen have talked about had been rendered—both of them in 1896 and 1897—the Congress of the United States passed a law requesting the Dawes Commission to look into the status of these Mississippi Choctaw claimants and report back to Congress immediately. The Dawes Commission, notwithstanding the decision they had formally rendered, as well as the Clayton decision, among other things, said in their report:

It seems to the commission that the importance of correct decision of this question both as to the Mississippi Choctaws and the Choctaw Nation justifies a provision for a judicial decision in a case provided for that purpose. They therefore suggest that in proper form jurisdiction may be given the Court of Claims to pass judicially upon this ques-

tion in a suit brought for that purpose by either of the interested parties.

And acting on this report in part, Congress passed the Curtis Act of June 28, 1898, directing the Dawes Commission to go to Mississippi and identify the Mississippi Choctaws. There was another provision incorporated in this act, saying that no provisions of this act shall in any way affect the rights of the Mississippi Choctaw. Acting under the provisions of this law, Mr. McKinnon, one of the commissioners, went to Mississippi and identified about 2,500 Mississippi Choctaws. This roll excluded about 1,100 Mississippi Choctaws whose names are not now on the final rolls of the tribe.

They thought that they were there. They had as much right to be there as any Oklahoma Choctaw Indian. But they are not there. There has been no reason advanced why they should not be there. They are of the same kith and kin as these Indians in the district of my friend. They can not show any reason why they should not be enrolled. "Ah, but," they say, "they ought to have moved to Oklahoma and they have failed to do it." Let me tell you what the facts are in this matter. It is borne out in the brief that was presented by Senator OWEN when he was attorney for these Indians. He said that these full-blooded Choctaws of Mississippi went to Oklahoma; that in many instances the attorneys representing the tribe procured injunctions against them and prevented them from taking up their allotments. They could not stay out there under the circumstances and had to return to Mississippi, where they had friends, and for doing that my friend there, the gentleman from Oklahoma [Mr. MORGAN], knows that these attorneys, McMurray, Mansfield, and Cornish, under the contract they had with the Choctaw Nation, received a fee of \$750,000, which was a fee based upon contingencies and the condition that the more they kept off the rolls the higher the fee was to be. That is the way they treated these poor Choctaws from Mississippi.

These gentlemen say that under the treaty they had to go West, but when they did go West they were met by some sharp attorney of the nation, who used all the weapons of the law to prevent them from being enrolled. And again, sirs, in 1903, after the McMurray Act of Congress was passed that restricted the rights of the Mississippi Choctaws, that limited their rights, while ostensibly being passed for their benefit, Congress said, "Well, we are going to try to get these Indians over to Oklahoma," and a provision was written into the law appropriating \$20,000 to take these Mississippi Choctaws that had been identified over to Oklahoma. Do you know how much that \$20,000 would do? Why, we appropriate hundreds of thousands of dollars in this very bill for carrying Indian children to the schools and back. That \$20,000 only carried 263 of them from Mississippi to Oklahoma, and in doing it there was a deficit created of \$1,000. That was the only money that Congress appropriated to carry these poor Indians over into Oklahoma. And, mind you, under the restricted law passed in 1902 that my friend will talk about, that restricts their rights, there were only 17 days' notice given to these Indians. Why, Mr. Chairman, they live in five counties, miles and miles apart; they live in huts and in valleys and in woodlands; they are far separated from one another; they can not read nor write; they are ignorant, and notices to them meant nothing. But it was impossible within the time of the notices—from July 27, the day they were posted, to August 14, when they were to be in Oklahoma—to get ready and depart. Then, too, the \$20,000 could not have carried any more than did go, as \$1,000 deficit was created in carrying the 263. Gentlemen, I submit to you that the Congress of the United States has never been fair with these Indians. The laws which have been passed by Congress have restricted their rights.

If under the treaties and laws they should have moved to Oklahoma, I submit to you that the Government of the United States has not appropriated the money to pay their transportation expenses, and I submit to you that the Choctaw Nation, through its attorneys, has neither dealt fairly, justly, or honestly with them. They got them there and then kept them, by injunctions and otherwise, from the rolls. These Mississippi Choctaws are good people. They are Indians. Do not be misled by men saying that they are half-breeds and negroes and all that. Why, I presume that upon the rolls of the Choctaw Tribe to-day they have men without a drop of Indian blood who will get their per capita payment if this provision should become a law. The people you ought to take care of, whom we ought to legislate in behalf of, are these full-blood Choctaw Indians, who have just as much right to enrollment as the Choctaws who left Mississippi and went to Oklahoma. And, mind you, too—I have only a minute of time remaining; I must be brief—in 1881 the Choctaws in Oklahoma sued the Government of the United States for wrongs committed against the Mississippi Choctaws

back in Mississippi; and do you know that the Indians in the State of my friend [Mr. FERRIS] got a judgment of \$8,000,000 against the Government of the United States for wrongs committed not against them but against the Indians of Mississippi, and there were \$3,000,000, after all expenses were paid, which was distributed among the members of the Choctaw Tribe in Oklahoma? None of it went to the Indians in Mississippi, and I submit to you that they have never received anything from the Government, and it is time that something should be done for them. I appeal to you to help them. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CARTER of Oklahoma. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman from Oklahoma has 25 minutes remaining.

Mr. CARTER of Oklahoma. Mr. Chairman, I yield 25 minutes to the gentleman from Oklahoma [Mr. FERRIS].

Mr. FERRIS. Mr. Chairman and gentlemen of the committee, I apologize to you gentlemen to-day because Oklahoma has consumed so much of the time of House this year, last year, and the year before; but I must in fairness to myself, I must in fairness to my State, I must in fairness to almost half of all the Indians in the Republic who live in my State, say that this row is not of our choosing. The gentleman from Mississippi [Mr. HARRISON], able, genial, courageous, and warm-hearted, tells you one thing and tells you what he thinks you ought to do. The Oklahoma Representatives, with all the earnestness that we have, tell you that you should do another thing. Under such a state of facts, why would it not be the decent thing to do to see what the Federal court, to see what the Dawes Commission, to see what the Secretary of the Interior, to see what the Committee on Indian Affairs, headed by the chairman, JOHN STEPHENS, say, who really know something about it, who are really nonpartisan, who are really not affected in any way, and I shall proceed to tell you what they hold. If the Mississippi Choctaw Indians have any right, it is under the fourteenth article of the Dancing Rabbit treaty. There is an agreed statement of facts, as far as that one proposition is concerned.

Mr. CAMPBELL. May I interrupt the gentleman?

Mr. FERRIS. Certainly.

Mr. CAMPBELL. May I call the attention of the gentleman from Oklahoma to the fact that this is a unanimous report from the Committee on Indian Affairs?

Mr. FERRIS. It is. That is very true, and after a long hearing. And it was the opinion of the Indian Committee last year, and the year before, and the year before that, and each year for nine consecutive years.

Mr. HARRISON. Will the gentleman yield?

Mr. FERRIS. I will.

Mr. HARRISON. May I ask if in the Sixty-second Congress, a committee composed of Mr. MILLER, Judge RUSSELL, and Mr. SMITH of New York, disinterested persons, did not unanimously report in favor of the Mississippi Choctaws?

Mr. FERRIS. They did not. That was only a subcommittee, and the report referred to was turned down flatly by the full committee. So there can be no question about that.

Let me leave one word with you on the historical phase of the question. You are entitled to know it all. In 1820, 18,000 Choctaw Indians lived in Mississippi. All but 4,000 of them, under a treaty, moved west to Oklahoma, pursuant to a treaty stipulation, and did what the Government wanted them to do. Four thousand of them remained in Mississippi to receive, what? To receive what article 14 proceeded to give them, and that was 640 acres for every head of a family, 320 acres for every child over 10 years of age, and 160 acres for every child under 10 years of age. I open the book, gentlemen of the committee, and I show you the names, in Indian, of every one of the 4,000 that received their land or the land scrip that Congress gave them. They received it. There was no mythology about it. They received it, and if you get part No. 4 of the hearings before the Indian Committee for this year you will find that the Indian Office states that they got it; that they received it; and there is no question about it. Where did the Government err?

The Government allowed these fourteenth-article claimants who remained, at the end of five years, to have their restrictions removed, and they proceeded to sell and dissipate their lands, and are now "broke" Indians. The Oklahoma Choctaws are not to blame for this, and never were to blame. Of the 4,000 that remained, 143 families, embodying about 400 or 500 people, got the full amount of land under the 640-acre provision in the fourteenth article of the treaty of 1830. There are the names of those who got land scrip in lieu of land. Their names are all in the hearings. These names are from Indian Office files.

They are all available or I would insert them in the RECORD at length.

From 1830 to 1842 all but 700 journeyed to Oklahoma. Each and every one of them were promptly adopted and became full-fledged Oklahoma Choctaws. This thing happened 98 years ago. For 60 years—from 1830 to 1893—every Mississippi Choctaw was welcome to come to Oklahoma, and by removing to Oklahoma and enrolling became an Oklahoma Choctaw and received his full quota of the land and money in Oklahoma, notwithstanding he had already received his patrimony in Mississippi. The Oklahoma tribes passed resolutions beckoning them to come, and Congress appropriated \$20,000 to bring them, from Mississippi to Oklahoma. Still they would not come—at least 700 of them would not. Then, what happened? I hope the committee will follow me. It means a great deal to my State; it means more to the Indians; it means Congress ought to do full justice to a people that they have been operating on themselves for nearly a hundred years. What did they do? They passed the Curtis Act, creating the Dawes Commission. The President appointed three eminent lawyers to go down there and do what? To make these tribal rolls. A Member of the House, the Hon. HENDERSON M. JACOWAY, of Arkansas, was the secretary of this Dawes Commission. From 1893 to 1907, a period of 14 years, these rolls were in the hands of the Government, and they were beckoning and trying to get the Mississippi Choctaw Indians to come there and enter on the Oklahoma rolls. They would not come; they did not come; and they will not come to-day. They are still in Mississippi.

What happened? In 1842 President Tyler issued a patent to these Indians. I have that provision here. Let me read it. These people have held a patent to their lands since 1842, a period of more than 70 years. They have held a patent from the Government of the United States, the Oklahoma Choctaws have, for three-quarters of a century, and still by an amendment offered by the gentleman from Mississippi [Mr. HARRISON], that has the approval of no one but himself, bears the approval of no committee, of no Indian Commissioner, of no Secretary of the Interior, asks this House to do what? To do the revolutionary thing of turning the hands of Indian history back 100 years. Let us see what the patent says. Here is a clause in the patent issued in 1842 by President Tyler to these identical Oklahoma Choctaws:

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

Mr. THOMPSON of Oklahoma. Will the gentleman permit just a question? I want to ask the gentleman if the Choctaws who went west had remained in Mississippi, like the Mississippi Choctaws, would there be any land out there for anybody?

Mr. FERRIS. Surely not; and, more than that, if they had moved away even after they established residence on the land they would have lost their title.

Still, in the face of all this, my able, genial, and delightful friend from Mississippi [Mr. HARRISON] would have you do for the people who disobeyed the treaty something he would not do for those who obeyed the treaty.

Mr. HARRISON. Will the gentleman yield?

Mr. FERRIS. I can not yield. The gentleman has had four or five speeches, and I have only a short time.

He would have the people who do not live on the land to-day, who do not propose to ever live there, take this property away by a revolutionary and undigested amendment, indorsed by no one, bearing the favorable consideration of no department or committee. How many can there be who are willing to work so much mischief and do so much injury to our Oklahoma wards, whose only crime was to do always what the Government desired.

But let me proceed a little further. I told you a few minutes ago that when a controversy comes in before this House busy Members can not run down all the details. The proponents of this claim contend that these people ought to be enrolled, but I beg of you to agree with us that neither in law, equity, or morals they should not be, and are not, entitled to be enrolled. The Federal court, Justice Clayton sitting, acted upon this identical question, and I present to you the decision of the court in the Jack Amos case. I have the decision right here, reported in One hundred and ninetieth United States, page 873.

But let me first give you the facts, as I will not have time to read the whole case. Jack Amos in 1896, before these rolls were closed, and 96 others, full-blood Choctaws, then residing in Mississippi, came before the Dawes Commission and said—

what? They said that under the fourteenth article of the Dancing Rabbit treaty they were entitled to participate and be enrolled and still remain in Mississippi. They there contend exactly what the gentleman from Mississippi now contends. Their contention is identical. Now hear what the court says; hear what Judge Clayton, a Federal judge in the Federal court, appointed by the President, and not under local influence, not a Territorial court, says.

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

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

Mr. FERRIS. Yes.

Mr. MANN. What does the gentleman mean by a "Federal court"?

Mr. FERRIS. A regularly constituted Federal court, which by Congress was given final jurisdiction to pass upon these rolls.

Mr. SAUNDERS. Mr. Chairman, if the gentleman will permit me, I wish to say that, as showing that he occupied that relationship to the Federal Government, an appeal was taken from his decision to the Supreme Court of the United States.

Mr. FERRIS. Precisely. Now let me read to you what the court says. I read:

I am disposed to the opinion, however, and will so hold, that the descendants of the Mississippi Choctaws, by virtue of the fourteenth article of the treaty of 1830, are entitled to all of the rights of Choctaw citizenship, with all of the privileges and property rights incident thereto, provided they have renounced their allegiance to the sovereignty of Mississippi by moving into the Choctaw Nation in good faith to live upon their lands, renewing their allegiance to that nation, and putting themselves in an attitude whereby they will be able to share in the burdens of their government. The reason for this conclusion is, to my mind, made morally certain when it is remembered that ever since the treaty of 1830, now for the period of nearly 67 years, with the exception of the past 2 or 3 years, the Choctaw Nation, by its legislative enactments, and by its acts so long continued that by custom they have become crystallized into law, have universally admitted all who should remove to this country and rehabilitate them in all of the rights and privileges of citizenship enjoyed by themselves.

Now let me read the concluding paragraph. Let me read to you what he finds. Remember that this is the Federal court talking. This is not the gentleman from Mississippi. This is not the opinion of any Member of Congress from Oklahoma. This will not be a misleading statement; it will be a safe authority to follow.

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

Mr. FERRIS. Yes.

Mr. MANN. Was this Judge Clayton a United States district judge or a Territorial district judge?

Mr. FERRIS. He was a United States district judge, appointed by the President for Indian Territory. He was also given final jurisdiction of these cases.

Mr. MANN. Appointed for life?

Mr. STEPHENS of Texas. He was appointed by the President and confirmed by the Senate.

Mr. MANN. I am sure the gentleman is in error.

Mr. DAVENPORT. Mr. Chairman, if my colleague will yield to me for a moment, I will answer the gentleman's question.

Mr. FERRIS. Yes. I can not understand what difference it was whether for four years or for life he was a Federal judge, and he did decide this case.

Mr. DAVENPORT. Judge Clayton was appointed for four years. We had only an Indian Territory. We had only a Federal court. We had no State or district court.

Mr. MANN. I want to call the attention of the gentleman from Oklahoma to the fact that this was before Oklahoma was admitted to statehood, and consequently it must have been a Territorial court. That judge was not a United States Federal district judge.

Mr. FERRIS. Congress gave him final jurisdiction. He was appointed by the President of the United States. He, of course, was assigned to a Territory, but that did not make him a Territorial court at all. Let me read what he helds. I hope the House will hear this. It is important enough. He says:

To permit men with, perchance, but a strain of Choctaw blood in their veins who 65 years ago broke away from their kindred and their nation and during that time, or the most of it, have been exercising the rights of citizenship and doing homage to the sovereignty of another nation, who have borne none of the burdens of this nation, and have become strangers to the people, to reach forth their hands from their distant and alien home and lay hold of a part of the public domain, the common property of the people, and appropriate it to their own use would be unjust and inequitable.

Now, listen. I read:

It is, therefore, the opinion of the court that absent Mississippi Choctaws are not entitled to be enrolled as citizens of the Choctaw Nation.

The action of the Dawes Commission is therefore affirmed, and a decree will be entered for the Choctaw Nation.

Mr. WOOD of Indiana. Mr. Chairman, will the gentleman yield there for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. FERRIS. Yes.

Mr. WOOD of Indiana. The gentleman says that decision was appealed from?

Mr. FERRIS. Yes. From that decision Jack Amos and his fellow Choctaws in Mississippi appealed to the Supreme Court. You will find it in One hundred and ninetieth United States. It was dismissed by the appellants and became a final judgment.

Mr. HARRISON. The gentleman does not intend to say that the Supreme Court settled the merits of the case?

Mr. FERRIS. I do not yield to the gentleman from Mississippi, Mr. Chairman. He makes too many speeches and interrupts without permission too frequently. The Supreme Court was interrupted in its duty by the appellants dismissing their own case, which shows they, at least, were willing to abide the decision of the lower court.

Mr. DAVENPORT. It did settle the principle that Congress by legislation gave Judge Clayton of that court the right to pass upon it. It settled the contention that Congress had that right.

Mr. FERRIS. Mr. Chairman, it would take hours to present this case adequately, and I am trying my best to present it in 25 minutes.

Mr. BUTLER. Mr. Chairman, will the gentleman yield for a moment?

Mr. FERRIS. Yes.

Mr. BUTLER. The gentleman can probably shorten his speech a little bit by the answer which he can give to the question I will propound.

Mr. FERRIS. Certainly; I yield.

Mr. BUTLER. The question I wish to ask the gentleman is this: Has anything happened to change the minds of men on this question?

Mr. FERRIS. Yes; two things. The Secretary of the Interior has again reported that these rolls should not be opened, and the Committee on Indian Affairs has made a unanimous report that they should not be opened; and there is no minority report, and there is no minority vote. [Applause.] If there ever was a case of res judicata by courts, by cabinets, by commissioners, by Congress, it is this one. Still it comes here. Still the gentleman from Mississippi will every year put on this vaudeville and take up the time of the House. After 60 years they asked that these rolls remain open to all that would come to Oklahoma. Fourteen years the Congress of the United States held these rolls open and they came not. Congress said to the Oklahoma Choctaws, "We will enroll your people if you will move here," but they refused to move. It has been tried in the courts, it has been tried before the Dawes Commission, it has been tried before three Secretaries of the Interior. President Taft wrote an open letter on this proposition, saying that these rolls should never be reopened. President Roosevelt, President Wilson, Secretary Fisher, Secretary Ballinger, Secretary Garfield, Secretary Lane, and four Indian Commissioners have all refused to agree with the contention of the gentleman. This Congress has voted upon it five or six times. Still the gentleman from Mississippi [Mr. HARRISON] injects it in here again. Might we not in good humor, but in earnestness, ask when will this fiasco end?

Again I apologize to the House for consuming so much time on Oklahoma matters, but this is distinctly not of our choosing. Our State was made the assembling point for all the Indians in the Republic. They were most all brought there together. These Oklahoma Indians are entitled to their peace. They are entitled to their own money that Congress and the Atoka agreement agreed to give them. Article 14 of the Atoka agreement said, We will pay you for your surplus land within a year after we collect it. The Curtis Act said, section 19, We will pay you your money as soon as we collect it, or within a year after it is collected. Last summer I went to a Blue and Gray reunion right over in the midst of these people, and I saw a once proud people, the Oklahoma Choctaws, reduced to chain harness and rags as they drove in to attend that reunion, and this while the Federal Government holds on to their millions and refuses to give them their own money. They have their allotments, but they have little or nothing in the way of houses. They have no teams to work with, they have no implements to work with. Still the gentleman from Mississippi [Mr. HARRISON] comes in with his so-called limitation, and proposes to limit this payment until all the negroes and mixed breeds can have their case tried by the Court of Claims. Such a course is unjust. It is unfair. It will teach a proud people to hate their Government for broken and blasted faith.

How much time have I, Mr. Chairman?

The CHAIRMAN (Mr. FOSTER). The gentleman has five minutes.

Mr. FERRIS. There is a reason for all this noise, and a good one. Sometimes we can observe the reason for unreason-

able requests, but how fortunate are we to-day. I hold in my hand the printed copy of the hearings before the Indian Committee for the House for this year. Here is the picture of Nelson Durant, a full-blood negro who has had service in the Oklahoma penitentiary, whose lapel number is 803. I exhibit to you the picture of another negro, Ben Grayson.

Mr. BUTLER. What is his number?

Mr. FERRIS. His lapel number is 1739 in the Oklahoma penitentiary. I hold in my hand the picture on another full-blood negro whose lapel number is 6087, and still another whose lapel number is 6069 in the Oklahoma penitentiary; still another one whose lapel number is 6422. In 45 of these enrollment cases where the evidence was taken in Muskogee this summer, that negro, Alec Nail, appeared 33 times as a witness to swear people onto the rolls who are no more Indians than I am an Indian. Another one, Webster Burton, appeared 20 times. W. M. James, 5 times. Let me read what the Government inspector says about this, on page 59 of the hearings in his report. I will show you a little later what is going on down in Mississippi as well as in Oklahoma. I will show you why there are so many people who want these rolls opened. Listen to this inspector:

I find that the affidavits filed in support of practically all of these Choctaw cases were made by the professional negro witnesses, Webster Burton, Alec Nail, and William James. These negroes followed no other occupation for months, and were in constant attendance in the Muskogee office of Mr. Ballinger, prepared at all times to make their thumb marks upon and swear to every affidavit prepared and put before them by Mr. Ballinger's associates in this office. These witnesses were paid from 50 cents to \$2.50 each by every applicant for whom they made an affidavit, and exacted a promise of additional consideration from many. I obtained exhaustive statements from each of these negro witnesses, and I attach complete copies of such testimony.

The affidavits of these witnesses as they appear attached to the applications filed by Mr. Ballinger are relied upon to prove that the applicant is of Choctaw blood, purporting to show clearly the ancestry from which this blood was derived, identifying, by roll number, many alleged blood relatives who were enrolled as Choctaws by blood, and going into detail as to why such applicant had failed of enrollment by the Dawes Commission. With not one exception, every affidavit filed by Mr. Ballinger in support of the petitions of these so-called Choctaws by blood, purporting to have been executed by these witnesses, is false in its entirety. These negroes testify, in the first place, that they had not known one of the applicants before they met such applicant in Mr. Ballinger's office at the time they made the affidavits.

This is Mr. William L. Bowie, an inspector of the Indian Office, who is making this statement. He has no local interest, is doing his duty, is doing a great service. These cases are—made by the professional negro witnesses, Webster Burton, Alec Nail, and William James et al.

Alec Nail appeared in 33 out of 45 cases. William James was another convict. Let me just dissect this Government report and show what is going on down there:

These negroes followed no other occupation for months, and were in constant attendance in the Muskogee office of Mr. Ballinger, prepared at all times to make their thumb marks upon and swear to every affidavit prepared and put before them by Mr. Ballinger's associates in this office.

They can not read a word.

These witnesses were paid from 50 cents to \$2.50 each by every applicant for whom they made an affidavit, and exacted a promise of additional consideration from many. I obtained exhaustive statements from each of these negro witnesses, and I attach complete copies of such testimony.

It is all in here.

The affidavits of these witnesses, as they appear attached to the applications filed by Mr. Ballinger, are relied upon to prove that the applicant is of Choctaw blood, purporting to show clearly the ancestry from which this blood was derived, identifying, by roll number, many alleged blood relatives who were enrolled as Choctaws by blood—

What would they do in the Court of Claims with four ex-convicts appearing to swear men's property away for 50 cents? Listen to this:

and going into details as to why such applicant had failed of enrollment by the Dawes Commission.

Let us see what the reply is. Here is Mr. Bowie, continuing:

With not one exception, every affidavit filed by Mr. Ballinger in support of the petitions of these so-called Choctaws by blood, purporting to have been executed by witnesses, is false in its entirety.

They impeach themselves in the first question in every instance.

These negroes testify, in the first place, that they had not known one of the applicants before they met such applicant in Mr. Ballinger's office at the time they made the affidavits.

I wish I could read the rest of it or I wish the House could read what we heard before the Indian Committee.

Mr. CARTER of Oklahoma. Does the gentleman know what will be the fees of this firm of which Mr. Ballinger is a member?

Mr. FERRIS. I have the statement right here. It is approximately over \$4,000,000. I will print a statement of their fee so the House can know what a diabolical scheme this is. This whole matter ought to be presented to the Federal grand jury, and the Indian Office ought to do it.

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

Mr. BUTLER. Four million dollars!

Mr. FERRIS. It is estimated at that. I said I would tell you what was going on in Oklahoma. If I had the time I would tell you what was going on in Mississippi.

Mr. MORGAN of Oklahoma. Some gentlemen are asking who Mr. Ballinger is.

Mr. FERRIS. Mr. Ballinger is a lawyer here in Washington, who went down to Oklahoma and picked up two fellows who practice law along the same lines that he does, and they are constantly at this task. They work at it in season and out. They are the ones who back-fire Congressmen and who put on this program. Another firm goes down to Mississippi and employs three negroes, one of whom has since gone to the penitentiary, to do the same thing in Mississippi. Let me exonerate the gentleman from Mississippi [Mr. HARRISON] before my time is gone. I know he does not stand for this; but if he keeps on pulling in the same direction much longer, he will be like the Irishman who yoked himself up with a calf, and when the calf began to run away somebody asked him where he was going, and he said darned if he knew, but they could ask the calf; and if this warm-hearted, faithful, brilliant Representative from Mississippi does not stop traveling in the same direction with these perjured negroes, who will perjure themselves for \$2,50, somebody will ask him where he is going, and he will not be able to answer the question. This proceeding has gone on long enough. It is the duty of the House to stamp it out once and for all. The vote should be so decisive that we will not be troubled with this claim every year. I thank the House for their attention.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from Mississippi to the amendment offered by the gentleman from Oklahoma [Mr. CARTER].

The question was taken; and on a division (demanded by Mr. HARRISON) there were 37 ayes and 117 noes.

So the amendment to the amendment was lost.

Mr. HARRISON. Mr. Chairman, I want to offer another amendment to the amendment. I move to strike out the figures "300" and insert the figures "200."

The CHAIRMAN. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

Amend the amendment by striking out the figures "300" and inserting the figures "200."

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

The question was taken, and the amendment to the amendment was lost.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Oklahoma [Mr. CARTER].

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

Mr. HASTINGS. Mr. Chairman, I ask unanimous consent to offer this amendment at the end of the paragraph.

The Clerk read as follows:

Add at the end of the amendment just adopted:

"Provided further, That the Secretary of the Interior is hereby authorized to use not to exceed \$8,000 out of the Chickasaw and Choctaw tribal fund for the expenses and compensation of all United States employees for the distribution of the said per capita payments."

Mr. STEPHENS of Texas. I reserve a point of order to that.

Mr. MADDEN. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Illinois objects.

Mr. HASTINGS. Will not the gentleman reserve it so that I can make a statement in regard to it?

Mr. MADDEN. The gentleman from Oklahoma asked unanimous consent, and I objected.

The CHAIRMAN. There is no more debate on the proposition.

Mr. HASTINGS. Mr. Chairman, I offer it as a separate paragraph.

Mr. MADDEN. The gentleman asked unanimous consent, and I entered my objection.

Mr. MANN. The gentleman from Oklahoma did not have to ask unanimous consent.

Mr. MADDEN. But he did. Then, Mr. Chairman, I will make a point of order against the amendment.

The CHAIRMAN. The Chair is ready to rule on this amendment. The Chair thinks that it is entirely new legislation, and sustains the point of order.

Mr. NORTON. Mr. Chairman, I move to strike out the last proviso of the amendment that was adopted and add the following.

The CHAIRMAN. The committee has already adopted that, and it is not in order to strike it out.

Mr. NORTON. That was the understanding, that we should perfect this by adopting this proviso. I ask unanimous consent that I may offer this proviso.

Mr. MANN. It is still in order to add something.

The CHAIRMAN. The Chair understood the gentleman's first offer was to strike something out of a provision that had already been adopted.

Mr. NORTON. Mr. Chairman, I move to add this provision to the amendment already adopted.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Add to the amendment the following:

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

Mr. STEPHENS of Texas. I think that amendment should be adopted, for it is for the protection of the Indians.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Dakota.

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

The Clerk, proceeding with the reading of the bill, read as follows:

For salaries and expenses of such attorneys and other employees as the Secretary of the Interior may, in his discretion, deem necessary in probate matters affecting allottees or their heirs in the Five Civilized Tribes and in the several tribes of the Quapaw Agency, and for the costs and other necessary expenses incident to suits instituted or conducted by such attorneys, \$5,000.

Mr. HASTINGS. Now, Mr. Chairman, I ask unanimous consent to return to the last paragraph and reoffer my amendment. I have explained it to the gentleman from Illinois [Mr. MADDEN] who made the objection, and I think he sees clearly that it ought to be adopted.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to return to the previous paragraph for the purpose of offering an amendment, which the Clerk will report.

The Clerk read as follows:

Add to the last paragraph the following:

"Provided further, That the Secretary is hereby authorized to use not to exceed \$8,000 out of the Chickasaw and Choctaw tribal fund for the expense and compensation of all United States employees for the distribution of the said per capita payment."

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

Mr. STEPHENS of Texas. I object. But let me ask the gentleman from Oklahoma, does it come out of the tribal fund?

Mr. HAYDEN. It comes out of the tribal fund.

Mr. STEPHENS of Texas. Then I do not object.

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

The CHAIRMAN. All debate on this paragraph has been closed.

Mr. KONOP. I ask unanimous consent that I may ask the gentleman a question.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to ask the gentleman from Oklahoma a question. Is there objection?

There was no objection.

Mr. KONOP. I would like to ask whether or not there are not Government agents down there that could distribute the money without further expense?

Mr. HASTINGS. I think that is true, but this is likely to run through 8 or 10 months, and there would only be a few persons placed upon this job, whereas if a part of their own fund is used to help distribute this money more quickly, because they need it badly, and need it now, they would be glad to have part of their fund so used. Then a great number of clerks could be placed on this so that the distribution could be made much more speedily and expeditiously.

Mr. HARRISON. What has been the practice heretofore when per capita payments are made relative to the distribution?

Mr. CARTER of Oklahoma. Mr. Chairman, if the gentleman from Oklahoma [Mr. HASTINGS] will permit me to answer that, I will say that it has been done both ways. Up until about 1908 the expenses for per capita payments were taken out of the tribal funds, and then the Comptroller of the Currency ruled that that could not be done. Since that time the expenses have been met from the Federal Treasury, as they will be met in this case, and there is not a particle of doubt that some new men will be put upon the work to do this, and it will take extra expense.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired. Is there objection to the request of the gentleman from Oklahoma [Mr. HASTINGS]?

There was no objection.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Oklahoma [Mr. HASTINGS].

The amendment was agreed to.

The Clerk read as follows:

For the support, continuation, and maintenance of the Cherokee Orphan Training School, near Tahlequah, Okla., for the orphan Indian children of the Five Civilized Tribes belonging to the restricted class, to be conducted as an industrial school under the direction of the Secretary of the Interior, including repairs and improvements, \$40,000: Provided, That the unexpended balance of \$7,500 appropriated by the act of August 1, 1914, is hereby reappropriated for the purchase of additional land not to exceed 60 acres.

Mr. MANN. Mr. Chairman, I reserve the point of order. In the great confusion in the Hall a moment ago I did not ask a question about the preceding paragraph, which I would like to ask at this time. Is this \$85,000 which we appropriate for salaries and expenses of attorneys in connection with probate matters reimbursable to the Government?

Mr. HASTINGS. No; the \$85,000 is not reimbursable to the Government.

Mr. MANN. Do I understand, then, that we have just voted to pay out about \$7,000,000 to a portion of these Indians and that they have large sums of money left to their credit in the Treasury, besides a very large amount of land, but that when we do anything for them we have to pay it out of the General Treasury?

Mr. CARTER of Oklahoma. Mr. Chairman, if my colleague will permit me to answer that, I will say that under the agreements of 1898 and 1902 it is provided that certain tribal funds shall be used for some purposes and for no others. Those two agreements provide that the tribes shall pay for their schools, providing the amount does not exceed the amount used in the year previous—

Mr. MANN. But the gentleman and I are talking about different matters. I am talking about the matter in respect to the probate attorneys.

Mr. CARTER of Oklahoma. No; my remarks are applicable. We are trying to comply with the agreements with the Choctaws and Chickasaws and other of the Five Civilized Tribes in making up this bill, so far as Oklahoma is concerned. The agreement provides that all that money except the money used for schools shall be distributed per capita among the Indians. That was an agreement made between the United States and the Indians, was adopted by the Congress, and was approved by the vote of the Choctaw and Chickasaw people.

Mr. MANN. Does that agreement require the Government of the United States to pay for probate proceedings out of the General Treasury?

Mr. CARTER of Oklahoma. No.

Mr. MANN. Is there any reason why we should pay it out of the Federal Treasury when it is for the Indians and not reimbursable? I understand that we do a lot of probate work down there, but that some of it is reimbursed to the Government when the estates are settled?

Mr. CARTER of Oklahoma. That is true.

Mr. MANN. Is that true of this \$85,000?

Mr. CARTER of Oklahoma. It is not.

Mr. MANN. Ought it not to be true?

Mr. CARTER of Oklahoma. I think it might be reimbursed from the estate that is settled, and I am glad the gentleman called attention to that. I think a provision might be inserted to that effect, because that is the same way we deal with every other tribe, except the Five Civilized Tribes, under the Burke Act.

Mr. MANN. It seems to me that if we do that work—and it is probably done more cheaply by our agent than by any one else—it is proper that the estates should pay the money for it.

Mr. HASTINGS. There are some of the estates that have nothing out of which to reimburse.

Mr. MANN. Then they would not reimburse.

Mr. CARTER of Oklahoma. If there is an estate to be settled by the court, there would probably be something with which to reimburse the cost.

Mr. MANN. I do not object to the item.

Mr. CARTER of Oklahoma. The Burke Act provides that from ten to twenty dollars, if I remember it correctly, shall be taken out of the settlements of each probate matter, out of the funds after the settlement has been made, for the settlement of the matter by the United States Government; but the Burke Act does not apply to the Five Civilized Tribes.

Mr. MANN. Ten or fifteen dollars, or something of that sort.

Mr. CARTER of Oklahoma. I think that ought to be done.

Mr. MANN. In reference to this matter which is under consideration, the orphan training school at Tahlequah, that is to be made into an industrial school?

Mr. HASTINGS. I will say to the gentleman that that is the purpose of it. Congress two years ago appropriated \$8,000 for the purpose of buying an additional 80 acres of land. Out of that \$8,000, \$500 was used. Twenty acres of land were purchased. There is a tract of land consisting of 20 acres which it is desired to use the remainder of this money unexpended of the appropriation of two years ago to purchase.

Mr. MANN. How much land have the Cherokees left down there?

Mr. HASTINGS. None. Every foot of it has been distributed.

Mr. MANN. I thought they had some coal and oil lands?

Mr. HASTINGS. None whatever.

Mr. MANN. The moment they get all of the land away by allotment or sale then they come to the General Treasury and want us to buy more land for them. Is not that rather going it some?

Mr. HASTINGS. This is for the orphan children of the restricted members of the Five Civilized Tribes.

Mr. MANN. Oh, it is for the orphan children. They all get their allotment.

Mr. HASTINGS. The Cherokee Nation gave the Government this property of \$50,000 for \$5,000 a year ago.

Mr. MANN. Possibly so, and yet they want us to pay \$40,000 besides \$7,500, that is \$47,500, out of the Treasury for their benefit right here. I do not see we are the gainers.

Mr. HASTINGS. I will say the gentleman from Illinois must appreciate that no better appropriations have been made than to protect the orphan children of the restricted class of Indians.

Mr. MANN. Oh, that is very true, and no better appropriation can be made of the Indians' property than to do it. What we do is, and that is my complaint usually here, we go ahead and give the Indians all of their property and all of their money, and just as soon as that is done we say that we have to support them out of the General Treasury. Of course, there will always be Indian orphans as long as there are Indian people, and there will be white orphans as long as there are white people; but when we give them their money in large sums, then, as soon as they have it, we turn around and pay out of the General Treasury and do everything which they ought to do themselves.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HASTINGS. Mr. Chairman, I am going to say in reply to the gentleman from Illinois I do not desire to consume the time of the committee, but Congress took up this policy a number of years ago in reference to the Indians, and, unfortunately for me, or maybe fortunately for Congress, I was not in Congress, and I did not have anything to do with that policy of Congress; but Congress has provided, however, for the distribution of all the Cherokee funds and for the allotment of all their lands, and their lands have been allotted and their funds have been distributed just as the gentleman from Illinois has stated.

The CHAIRMAN. Does the gentleman from Illinois make the point of order?

Mr. MANN. Well, I think I ought to make the point of order, but I will not.

Mr. STEPHENS of Texas. Mr. Chairman, I hope the gentleman will withdraw his point of order.

Mr. MANN. If the gentleman talks about it, I will make the point of order; but I withdraw the point of order.

The Clerk read as follows:

The sum of \$275,000, to be expended in the discretion of the Secretary of the Interior, under rules and regulations to be prescribed by him, in aid of the common schools in the Cherokee, Creek, Choctaw, Chickasaw, Seminole, and Osage Nations and the Quapaw Agency in Oklahoma, during the fiscal year ending June 30, 1917: *Provided*, That this appropriation shall not be subject to the limitation in section 1 of this act limiting the expenditure of money to educate children of less than one-fourth Indian blood.

Mr. MANN. Mr. Chairman, I make the point of order.

Mr. HASTINGS. I wish the gentleman from Illinois would be kind enough to reserve the point of order.

Mr. MANN. Mr. Chairman, I will reserve the point of order.

Mr. CARTER of Oklahoma. How much time is desired on this, Mr. Chairman?

Mr. HASTINGS. I do not want over five minutes.

The CHAIRMAN. The gentleman from Oklahoma.

Mr. HASTINGS. Mr. Chairman, there is this kind of condition which exists in eastern Oklahoma. There were 19,500,000 acres, in round numbers, of Indian lands. As Congress has heard to-day, these lands by various treaties were allotted. Under the Atoka agreement with the Choctaws in 1897 all of their lands were made nontaxable. Under the agreement with the Creek Indians their homesteads were nontaxable for 21 years. The homesteads of the Seminole Indians are made nontaxable in perpetuity. The homestead allotments to the Cherokee Indians were made nontaxable as long as held by the original allottee. Now, Congress, recognizing that that would be an injustice to the new State, as early as the appropriation bill of 1907, appropriated \$300,000 in aid of the schools in a provision in language similar to this provision. The same sort of provision was carried in the Indian appropriation bill of 1908. Then Congress, by the act of May 27, 1908, attempted to remove restrictions upon certain Indian lands and attempted to make those lands taxable. Suits to test the constitutionality of the act of 1908 were brought in the courts. The courts of the State of Oklahoma sustained the constitutionality of the act of Congress approved May 27, 1908, making these lands taxable. Appeals were taken to the Supreme Court of the United States, and in the leading case of Choate against Trapp, May 13, reported in Two hundred and twenty-fourth United States Reports, page 665, the Supreme Court of the United States held that the provision of the act of Congress making these lands taxable was unconstitutional. Now, what is the result? Since that time, by the act of 1912, Congress appropriated \$300,000 to aid the public schools in Oklahoma in lieu of these nontaxable lands. By a provision of the act of 1913 Congress appropriated \$300,000. By a provision of the act of 1914 Congress appropriated \$275,000, and the resolution of last year continued that in the appropriation of this year. Now, Mr. Chairman and gentlemen of the committee, there are something like 2,200 or 2,300 of these public schools throughout eastern Oklahoma aided out of this appropriation, and the Indian Department has a school supervisor and other officers and clerical force who are working in harmony with the State superintendent and county superintendent of schools, and these Indian children—

The CHAIRMAN. The time of the gentleman has expired.

Mr. HASTINGS. Mr. Chairman, I ask for one minute more.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma? [After a pause.] The Chair hears none.

Mr. HASTINGS. These Indian children are being specially looked after and are placed in these schools. If this appropriation is not made, a great many of these schools can not run more than two or three months in the year, by reason of the fact that there is so much restricted land in a great many of the school districts; and that is the reason why, Mr. Chairman and gentlemen of the committee, that I appeal in behalf of the restricted Indian children of eastern Oklahoma, who are receiving the direct benefit of what, I admit, is a gratuity from the Congress of the United States, to the gentleman to withdraw his point of order and allow the House to have a vote upon this amendment.

Mr. CALLAWAY. Mr. Chairman, what is the allowance that has just been given by the House for a per capita to the Indians?

Mr. HASTINGS. Let me say to the gentleman from Texas that that applies exclusively to the Chickasaw and Choctaw Tribes. It does not apply to the Cherokees, it does not apply to the Seminoles, nor does it apply to the Creeks. It is a distribution of a part of their own funds to the amount which the gentleman has heard.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. CALLAWAY. I will take five minutes of my own time. Have the Cherokees, Seminoles, and Creeks had all their allotments and allowances heretofore?

Mr. HASTINGS. I am not so familiar with the Creeks and the Seminoles. The Cherokees are now having distributed among them \$3.30 each, which the Indian Office says is the last penny that is due them. Their last foot of land has been allotted and last fractional piece of land sold, so that they have not a foot of tribal land and not a penny of tribal money. And it is my information that when the existing law is carried out with the Creeks, they will not have any, and perhaps do not have enough to equalize their allotments under existing law.

Mr. CALLAWAY. The Creeks, Choctaws, and Seminoles do not come within this allowance?

Mr. HASTINGS. No, sir.

Mr. CALLAWAY. They have had all their allowances and allotments heretofore?

Mr. HASTINGS. The provision for the distribution of this money per capita made to-day does not apply to the Creeks, Cherokees, or Seminoles.

Mr. CALLAWAY. The Creeks, Cherokees, and Seminoles have heretofore had their allotments and allowances, and the Government does not now hold anything that belongs to them?

Mr. HASTINGS. I have answered you particularly in reference to the Cherokees. It is my information when the funds in the hands of the Government are used, and when the obligations of the Government are met with reference to the Creeks and the Seminoles, the Government will have no funds belonging to them. I would not like to say that the Government has no funds belonging to them. For instance, it has certain money with which to equalize allotments. I think that money belongs, instead of to the tribe, to the individuals of the tribe. It is like a man who has a sum of money and owes some debts. After his debts are paid he perhaps will have none. And that is what I think is true with reference to these tribes.

Mr. STEPHENS of Texas. Is it not a fact that they have not enough money on hand with which to equalize?

Mr. HASTINGS. That is my idea. They have not enough money with which to equalize. I refer to the Creeks.

Mr. CALLAWAY. Does your State make provision in its common-school system to take care of their schools, or does their exemption from taxation exempt them from the benefits of the public-school system?

Mr. HASTINGS. No; they are not exempt from the benefits of it. The State goes as far as it can. It taxes what land it can tax, and taxes all the property it can tax, and Congress by the act of 1908 said that a lot of this land should be taxed, and the State supreme court upheld the act of Congress, but when it came up to the Supreme Court of the United States that court said that this act of Congress making these Indian lands taxable was, in violation of the treaties and agreements made with the several tribes, unconstitutional, and since that time, of course, we have not attempted to tax those lands.

Mr. CALLAWAY. But they get the same privileges and benefits under your public-school law that any other children of Oklahoma get?

Mr. HASTINGS. Well, the way in which they are doing it now is that a part of this money is used to aid the common schools, to supplement the school district funds and give them about eight months out of the year. For instance, none of the appropriation goes to an incorporated city or town—not a penny. It goes to the rural schools exclusively, and in some school districts the land is practically all nontaxable. Where there would be little or no school funds at all, a part of the school fund is apportioned in order to enable the district to have a school for a reasonable length of time.

Mr. CALLAWAY. Do you mean to say that under your law, where there is a range of territory and land all exempt from taxation in that territory, the State does not provide any public schools at all?

Mr. HASTINGS. We do not have exactly that kind of a case. There is hardly any school district in Oklahoma but has a little taxable land; some of them have a good deal and some have but little. Now, there is no extra provision made by the State of Oklahoma for those particular districts.

Mr. CALLAWAY. Are your schools in the respective districts dependent on the taxable localities for their support?

Mr. HASTINGS. Largely. There are some State taxes which go to them.

Mr. CALLAWAY. But the schools depend on the local tax of that community?

Mr. HASTINGS. Largely. They have a State school fund, but that is a small matter.

The CHAIRMAN. The time of the gentleman from Texas [Mr. CALLAWAY] has expired.

Mr. THOMPSON of Oklahoma. Mr. Chairman, I would like to say in further response to the gentleman from Texas [Mr. CALLAWAY] and in further amplification of the statement of my colleague from Oklahoma [Mr. HASTINGS] that we have a number of districts in the State where there are a large number of Indian pupils and a large number of white pupils attending the schools. Now, all of this Indian land is nontaxable and the land that has been alienated and sold to the noncitizen is taxable. But the property of the noncitizens subject to taxation in that State is not sufficient to carry on the schools, as provided under the constitution and laws of that State, for six months in the year, and in order to do that it is necessary to have this additional appropriation. For instance, in my own county of Garvin, in the western part of the old Chickasaw Nation, and one of the counties that is least occupied by Indians, we have some 30 districts that have not a sufficient amount of taxable property to carry on the schools for six months. This money is used to aid those schools and to carry them on for the constitutional period required in the State.

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

Mr. THOMPSON. I do.

Mr. CALLAWAY. How much was appropriated for this purpose a year ago?

Mr. HASTINGS. Two hundred and seventy-five thousand dollars.

Mr. CALLAWAY. How long has this appropriation been running?

Mr. HASTINGS. Since 1907.

Mr. CALLAWAY. What is the reason for it?

Mr. HASTINGS. It is in lieu of making the lands nontaxable. Congress has done that since 1907, except in one year, and that was pending a decision of the case in the Supreme Court of the United States.

Mr. CALLAWAY. If the Government is exempting them from taxes, does the gentleman think it should also give them \$275,000 a year to school them?

Mr. THOMPSON. Mr. Chairman, I believe I have the floor. We submit that we ought to have an amount in addition to this, because this land is made nontaxable by an act of Congress and by a treaty with the Indians. We are simply asking this to help out the schools. The burden of taxation is placed upon the lands that are taxable and on the personal property, which belongs largely to the noncitizen element in our country. We are not asking anything unreasonable in this bill, and we are taking care of that in this bill.

Mr. CALLAWAY. I agree with the gentleman that they all ought to be required to pay taxes, State and county and municipal alike; but I do not agree with the gentleman in his idea that since the Government has benefited the Indians by exempting them from taxation, it ought also to benefit them in maintaining their schools on that account.

Mr. THOMPSON. If the gentleman were familiar with the various treaties made by the United States with the Choctaws, whereby they ceded to the Government their right to hold their lands in severalty, when they formerly held them in common, and surrendered their government and council to the government of the white man, I am satisfied he would not hold that opinion. When that treaty was made that was one of the inducements offered to the Indians—that the property of the Indians should not be taxable for 25 years.

Mr. CALLAWAY. Not taxable by the localities?

Mr. THOMPSON. Not taxable at all.

Mr. CALLAWAY. I can understand how the Congress could exempt the territory from taxation by the Government itself, but I do not understand how it could exempt them from local taxation.

Mr. THOMPSON. That was in accordance with the provisions of the treaty.

Mr. STEPHENS of Texas. This appropriation has been carried for about 10 years. I recall that I offered the first amendment that secured the first appropriation.

Mr. MANN. The gentleman from Oklahoma [Mr. HASTINGS] said this had been done since 1907. I do not think his recollection is very good, unless my own is extremely poor, because I think we have carried it only three or four years, when we passed the act making the Indian lands taxable.

Mr. DAVENPORT. That was on May 27, 1908.

Mr. MANN. We passed the law in 1908, making it taxable, did we not?

Mr. HASTINGS. Yes.

Mr. MANN. Well, that act went before the Supreme Court of the United States, and we did not begin to make an appropriation until that case had gone through the Supreme Court of the United States, so that the gentlemen, both of them, are in error about this. I think they are in error also about some other things.

Mr. HASTINGS. I have the provision here.

Mr. MANN. It would not make any difference. I have made a point of order on it several times before.

Mr. CARTER of Oklahoma. Mr. Chairman, if the gentleman will yield to me, I will say that I have no idea on earth that I can persuade him not to withdraw the point of order on this, but—

Mr. MANN. I am trying to get some information; that is all.

Mr. CARTER of Oklahoma. I have argued with him often before on this same proposition, and on only one occasion he did not insist on his point of order. On that occasion I won my point without arguing.

Mr. MANN. Then the gentleman should not argue too much now. [Laughter.] Let me ask the gentleman how much did we pay the State of Oklahoma when she was admitted to the Union because of the fact that a lot of the land there was nontaxable?

Mr. CARTER of Oklahoma. When the State of Oklahoma was organized, Congress very generously endowed the new Commonwealth with \$5,000,000 in lieu of sections 16 and 36, which could not be given because all the land on Indian Territory side belonged to the Indians.

Mr. MORGAN of Oklahoma. It was in lieu of public land used for Indian purposes.

Mr. MANN. It was for school purposes. You were paid \$5,000,000 because the Indian lands were not taxable. Now, how much do we carry in this bill which could be used for the payment of tuition of Indian pupils in those schools in addition to this item?

Mr. CARTER of Oklahoma. Does the gentleman mean the Five Civilized Tribes?

Mr. MANN. I mean exactly what I said. How much do we carry in this bill now, outside of this item, which could be used for the payment of tuition for Indian pupils in those schools? Oh, well, if the gentleman does not know—

Mr. CARTER of Oklahoma. None of it has been used in the past.

Mr. MANN. We appropriate \$1,550,000 which can be used for that purpose.

Mr. CARTER of Oklahoma. Not one dollar of that is to be used in the Five Civilized Tribes, I will say to the gentleman.

Mr. MANN. It has never been used, because it has never been available for that purpose. For the first time we have inserted a provision in the bill making it available for the payment of tuition of children in white schools—\$1,550,000—and the amount of the item has been much increased. There are three items in the bill, each designed for Oklahoma schools. Of course I appreciate the difficulties there. I grant you that there is quite a difficult situation down there in Oklahoma. Yet the situation there is not so different from what it has been elsewhere throughout the United States. When these original treaties were made, everybody knew in the end what would be the result.

Here is this very valuable land in Oklahoma which people have obtained, much of it, and at very low prices, and some of it, I fear, at prices above what it was worth when it was purchased, and—

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield there?

Mr. MANN. I will when I get through my statement.

Mr. STEPHENS of Texas. I want to give the gentleman the exact figures he asked for.

Mr. MANN. I have given the gentleman the exact figures. I doubt if he can give them to me. I have read the item from the bill—\$1,550,000. If the gentleman admits that those are the exact figures, all right. If not, he is mistaken.

Mr. STEPHENS of Texas. The figures I propose to give the gentleman are from House Document 121—

Mr. MANN. Oh, that has nothing to do with this bill. House Document 121 is not legislation.

Mr. STEPHENS of Texas. The Sixty-fourth Congress has something to do with this bill.

Mr. MANN. The Sixty-fourth Congress has had nothing to do with it, except as it is up before it now. No House document has anything to do with it. We carry in this bill for the first time—

And for tuition of Indian children in public schools, \$1,550,000.

Mr. STEPHENS of Texas. Not one cent goes to the Civilized Tribes.

Mr. MANN. I am reading from the bill. That money is not all for this purpose.

Mr. STEPHENS of Texas. If the gentleman will wait a moment, I will explain this matter.

Mr. MANN. If the gentleman will give me an opportunity, I will explain it, or I will yield and let him do it.

Mr. STEPHENS of Texas. I will give you all day, if you want it.

Mr. MANN. No; I am glad to let the gentleman explain it.

Mr. CARTER of Oklahoma. Mr. Chairman, I know the gentleman from Illinois [Mr. MANN] wants to be perfectly fair about this matter. Not one dollar of this \$1,550,000 is spent among the Five Civilized Tribes.

Mr. MANN. Not one dollar of it is appropriated yet.

Mr. CARTER of Oklahoma. Not one dollar of the amount of the appropriation carried in this item last year was spent for the Five Civilized Tribes.

Mr. MANN. Certainly; and this language was not in the bill:

And for tuition of Indian children in public schools.

It could not be utilized, nor was the amount the same that it is in this bill.

Mr. CARTER of Oklahoma. I will say to the gentleman that I have no hope that any of this money will be spent among the Five Civilized Tribes. The Federal Government has never spent any money for education among the Five Civilized Tribes, except this \$275,000 last year and the appropriation of, I believe, \$35,000 for the Cherokee Orphan Training School.

Mr. HASTINGS. Mr. Chairman, the gentleman from Illinois [Mr. MANN], in my judgment, is more often correct about details than any other man I ever saw: but I want to invite his attention to the Indian appropriation act of 1907, which I hold in my hand, and which does carry a provision in it for \$300,000.

I call the gentleman's attention to the Indian appropriation act of 1908, which I hold in my hand, and which does carry an appropriation of \$300,000.

I also call the gentleman's attention to the Indian appropriation act of 1912, and I will say that it does carry an appropriation of \$300,000.

The appropriation act of 1913 carries an appropriation of \$300,000.

For 1914 it was cut down to \$275,000. The resolution of last year continued that, so this year it is \$275,000. So I am correct in saying that the appropriation of 1907 was \$300,000; the appropriation of 1908 was \$300,000; the appropriation of 1913 was \$300,000; and the appropriations for 1914 and 1915 were \$275,000 each.

But I find that Congress began, even before that time, and appropriated in the Indian appropriation bill of 1906, long before statehood, \$150,000 in aid of the public schools of the then Indian Territory.

Mr. MANN. Why, certainly; before statehood we did it, but we have not done it for 10 years, not even on the gentleman's own statement.

Mr. HASTINGS. The appropriations which I have read to the gentlemen since 1907 are all within 10 years, and the appropriation has been made in varying amounts every year except 1911, and that was while the tax case referred to was pending in the Supreme Court. The case of Choate versus Trapp was decided in the Supreme Court of the United States on the 13th day of May, 1912, and immediately thereafter the Indian appropriation bill of that year carried this appropriation of \$300,000 again. It did not carry it in 1911, because we were taxing the lands down there during that year, and that was pending a decision of this matter by the Supreme Court of the United States. Those are really the facts.

Mr. MANN. Mr. Chairman, I make the point of order.

Mr. STEPHENS of Texas. The point of order is well taken, Mr. Chairman.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

That the Secretary of the Interior be, and he is hereby authorized to use not exceeding \$25,000 of the proceeds of sales of unallotted lands and other tribal property belonging to any of the Five Civilized Tribes for payment of salaries of employees and other expenses of advertising and sale in connection with the further sales of such tribal lands and property, including the advertising and sale of the land within the segregated coal and asphalt area of the Choctaw and Chickasaw Nations, or of the surface thereof as provided for in the act of Congress approved February 19, 1912 (37 Stat. L., 67), and of the improvements thereon, which is hereby expressly authorized, and for other work necessary to a final settlement of the affairs of the Five Civilized Tribes: *Provided*, That not to exceed \$10,000 of such amount may be used in connection with the collection of rents of unallotted lands and tribal buildings: *Provided further*, That during the fiscal year ending June 30, 1917, no moneys shall be

expended from tribal funds belonging to the Five Civilized Tribes without specific appropriation by Congress, except as follows: Equalization of allotments, per capita and other payments authorized by law to individual members of the respective tribes, tribal and other Indian schools for the current fiscal year under existing law, salaries and contingent expenses of governors, chiefs, assistant chiefs, secretaries, interpreters, and mining trustees of the tribes for the current fiscal year at salaries at the rate heretofore paid, and attorneys for said tribes employed under contract approved by the President, under existing law, for the current fiscal year: *Provided further*, That the Secretary of the Interior is hereby authorized to pay the cost of maintenance during the current fiscal year of the tribal and other schools and to continue during the ensuing fiscal year the tribal and other schools among the Choctaw, Chickasaw, Creek, and Seminole Tribes from the tribal funds of those nations, within his discretion and under such rules and regulations as he may prescribe.

Mr. HARRISON. Mr. Chairman, I reserve a point of order on this paragraph. May I ask the chairman of the committee, is this in the exact language of former appropriation bills, except the last proviso?

Mr. CARTER of Oklahoma. I think it is the same language, with the exception of the last proviso.

Mr. HARRISON. Is the gentleman practically sure of that?

Mr. CARTER of Oklahoma. I have not compared it word for word, but I am reasonably sure it is practically similar.

Mr. MANN. There is a provision in there that is legislation, and is new.

Mr. CARTER of Oklahoma. Yes; the last proviso?

Mr. MANN. No; language which expressly authorizes the sale of the land and improvements. The language is, on page 40, line 8—

which is hereby expressly authorized.

I take it that is an express authorization of the sale. The grammar is not very good, but I think that is what it refers to.

Mr. CARTER of Oklahoma. As I indicated, I had not compared the paragraph word for word with last year's bill, and it is barely possible that there is some slight change in the verbiage.

Mr. MANN. It was not in the bill last year. Whether it was in the law two years ago, I am not sure.

Mr. CARTER of Oklahoma. I am looking now to see if it was in the law two years ago.

Mr. MANN. And there is a difference in the language as to the rate paid to clerks, and so forth. I suppose it means the same thing. While the gentleman from Mississippi is looking up the matter, may I ask about the expenditure of funds for the maintenance of the tribal schools, how much money is expended for that purpose, and what limitation there is on it, and what control Congress has over the subject?

Mr. CARTER of Oklahoma. The only limitation is that they shall not expend any more than was expended in the year ending June 30, 1905.

Mr. MANN. And that provision is not in the last proviso.

Mr. CARTER of Oklahoma. No; the act of April 26, 1906, which transferred the schools from the tribal to the Federal authorities, set out that there should not be used in any fiscal year thereafter more than had been used in the fiscal year preceding. That is in section 10, act of April 26, 1906.

Mr. MANN. Those are salaries and contingent expenses, and so forth, but that does not govern the last proviso.

Mr. CARTER of Oklahoma. The question I understood the gentleman to ask was, How much was authorized to be used for the school?

Mr. MANN. Yes; how much has been used for the school.

Mr. CARTER of Oklahoma. I do not know what the authorization is, because I do not know how much was used in the year ending June 30, 1905.

Mr. MANN. You carry an item in this bill in reference to certain employees, that they shall not be paid salaries in excess of those for the last fiscal year, the rate heretofore paid.

Mr. CARTER of Oklahoma. No, no; I had no reference to the limitation contained in this paragraph. What I called attention to was section 10 of the act of April 26, 1906, which reads as follows:

SEC. 10. That the Secretary of the Interior is hereby authorized and directed to assume control and direction of the schools in the Choctaw, Chickasaw, Cherokee, Creek, and Seminole Tribes, with the lands and all school property pertaining thereto, March 5, 1906, and to conduct such schools under rules and regulations to be prescribed by him, retaining tribal educational officers, subject to dismissal by the Secretary of the Interior, and the present system so far as practicable, until such time as a public-school system shall have been established under Territorial or State government, and proper provision made thereunder for the education of the Indian children of said tribes, and he is hereby authorized and directed to set aside a sufficient amount of any funds, invested or otherwise, in the Treasury of the United States, belonging to said tribes, including the royalties on coal and asphalt in the Choctaw and Chickasaw Nations, to defray all the necessary expenses of said schools, using, however, only such portion of said funds of each tribe as may be requisite for the schools of that tribe, not exceeding in any one year for the respective tribes the amount expended for the scholastic year ending June 30, 1905.

Mr. MANN. Has that law expired?
Mr. CARTER of Oklahoma. No.

Mr. MANN. Does not that give the Secretary authority to use the tribal funds?

Mr. CARTER of Oklahoma. The comptroller, under a ruling which seemed to me to be erroneous, decided that the Secretary did not have authority to use these funds for these schools unless specific appropriation was made by Congress.

Mr. MANN. So the purpose here is to let him use the tribal funds to take care of white schools down there.

Mr. CARTER of Oklahoma. No; but to let him use the funds for paying the Indians who attend tribal and contract boarding schools.

Mr. MANN. That does not say so here. It says tribal and other schools. You want the money to help support the white schools. I suppose you prefer to get it out of the General Treasury rather than the Indian treasury, but you want some money to support the white schools.

Mr. CARTER of Oklahoma. The gentleman is mistaken.

Mr. MANN. Why, we just struck out an item on a point of order where it was admitted that the money was wanted for that purpose.

Mr. CARTER of Oklahoma. If the gentleman from Illinois will permit me—I know he wants to be fair—

Mr. MANN. That goes without saying.

Mr. CARTER of Oklahoma. The \$275,000 which has just been stricken from the bill on a point of order was to be used for the Indian children in white schools. To that extent it was in support of the white schools and no more, and I am very sorry it went out. It was not to be used for the education of white children. This amount is to be used for Indians going to tribal and contract schools which are operated almost exclusively for the Indians.

Mr. MANN. The gentleman satisfies me, but it was the gentleman from Mississippi [Mr. HARRISON] who reserved a point of order.

Mr. HARRISON. Mr. Chairman, the reason that I make the point of order is because I think there is new legislation in the provision. The language, in lines 8, 9, and 10, "which is hereby expressly authorized, and for other work necessary to a final settlement of the affairs of the Five Civilized Tribes," is, I think, new legislation. The wording of that clause or provision might give authority to the Secretary after selling these lands to pay out the money as it came in and wind up the affairs of the Five Civilized Tribes without further legislation.

Mr. MANN. I think this does not authorize the expenditure of any money.

Mr. HARRISON. It authorizes the sale of the land and for other work necessary for final settlement.

Mr. MANN. Yes; but the appropriation is only \$35,000. Last year it was \$40,000. All of that money is to be paid into the Treasury except \$35,000, and there could not be paid out by the Secretary any more than that sum.

Mr. HARRISON. I think the language suggested in lines 8, 9, and 10 is new legislation, and I make the point of order to that part of the provision.

Mr. MANN. There is no doubt but that it is subject to a point of order, but I think the gentleman may not understand what the purpose of this is, and I may not either. There is some land down there that ought to be sold. We have been carrying a provision of this kind authorizing the sale of this land. I take it that some question has arisen by reason, perhaps, of the want of express authority. But the Secretary does not spend the money.

Mr. HARRISON. What I object to are the words "for other work necessary to a final settlement of the Five Civilized Tribes."

Mr. MANN. But that is all within the \$35,000 appropriation.

Mr. CARTER of Oklahoma. That was in the bill of last year.

Mr. MANN. The bill of last year did not become a law, but it was in the bill as it passed the House.

Mr. STEPHENS of Texas. And it is not law at the present time.

Mr. HARRISON. Do I understand the gentleman from Illinois to say that he thinks the unallotted lands can be sold under this provision, and that there is nothing in this provision that would give the Secretary the right to do any other work that might be necessary toward a final settlement of the affairs of the Five Civilized Tribes?

Mr. MANN. They could not spend any more than the \$35,000.

Mr. HARRISON. No; but if that should be sufficient to sell all of the unallotted land and get into the Treasury, say, five or ten million dollars, then might there not be some danger under that wording of giving him the right to distribute the money?

Mr. MANN. Oh, no; he can not pay a dollar out without an authorization, and that is not an authorization.

Mr. HARRISON. That has been my idea about the law, and that is why I do not want any provision incorporated in the bill that will change existing law.

Mr. MANN. This does not change existing law. This is only an appropriation and it is not an authorization.

Mr. HARRISON. Mr. Chairman, in view of what the gentleman from Illinois [Mr. MANN] says, I withdraw the point of order. All I desire to do is to play safe against the Secretary being authorized to make any per capita payment without express authorization.

The Clerk read as follows:

For the salaries and expenses of not to exceed six oil and gas inspectors, under the direction of the Secretary of the Interior, to supervise oil and gas mining operations on allotted lands leased by members of the Five Civilized Tribes from which restrictions have not been removed, and to conduct investigations with a view to the prevention of waste, \$15,000.

Mr. MANN. Mr. Chairman, I reserve the point of order on the paragraph. I would like to get information on two points: First, these oil lands being very profitable to the owners, why should we pay for their inspection out of the Federal Treasury? Second, why should we create a new mining bureau in the Indian Service when we have the statement of the Director of Mines now that they know a good deal about the subject of oil?

Mr. STEPHENS of Texas. Mr. Chairman, I do not think this creates a new bureau. As I understand it, those six inspectors are there now.

Mr. MANN. I think that to conduct investigations with a view to the prevention of waste would be the creation of another bureau of mines in the Indian Service. That is one of the duties of the present Bureau of Mines in the Interior Department at the present time.

Mr. STEPHENS of Texas. It was not so represented to us in the statements made before the committee by Mr. Meritt, who represented the department.

Mr. KONOP. Mr. Chairman, these inspectors are acting both under the Bureau of Indian Affairs and under the Bureau of Mines.

Mr. MANN. Why does the Indian Committee bring them in there and have them paid out of the Federal Treasury? If the Indian Committee provided that they be in the Bureau of Mines, to be paid out of the Indian money, where it ought to come from, I would have no objection to it.

Mr. STEPHENS of Texas. I would not have any objection to that.

Mr. MANN. These oil and gas wells down there are of immense value and it is perfectly proper undoubtedly for the Government to have somebody there to advise and inspect, but with the enormous profits coming from them, why should we take the money from the rest of the people and expend it for their benefit, and they get all of the profit they make out of the wells?

Mr. HASTINGS. Mr. Chairman, let me say to the gentleman that this is to supervise the lands of restricted Indians that have been leased. Under the law a restricted Indian can not make a lease of his oil lands without the approval of the Secretary of the Interior. That has always been the law. It would be difficult to charge that up to any one particular lease, because there are a number of counties, 6 or 8 or 10, in which there is a great amount of oil development, and I do not have any idea how many of those Indians have oil lands. It would be difficult for me to estimate. It would be very difficult to say that an hour or two of some man's salary for to-day shall be charged up to this particular Indian and an hour or two of the man's salary next week charged up to some other particular Indian. It seems to me that is entirely impracticable, and it could not be reimbursed out of any particular Indian's royalty that is coming in. The purpose of this is to see that the Indian gets all that is coming to him. The purpose of it is to see that there is no waste committed on the land, that the oil is properly run, that the oil is not stolen, and things of that kind. In other words, it is to protect the interest of the Indian. As I suggested a moment ago, by early legislation these leases were made only with the consent of the Secretary of the Interior. He has supervision over the making of them and the approval of them, and he has supervision over the royalties that come in and their disbursement. It would be exceptionally difficult to say what part you are going to take out of one and what part of the expense out of another. It would be impracticable in my judgment.

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

Mr. STEPHENS of Texas. Mr. Chairman, I move to strike out the last word for the purpose of giving the information that the gentleman from Illinois desires. I read from page 353 of the hearings. Mr. Meritt is speaking:

You will observe, Mr. Chairman, we are broadening the scope of this work so as to include other reservations outside of the Five Civilized Tribes but in the State of Oklahoma. Oil has been discovered on other reservations besides the lands of the Five Civilized Tribes. This appropriation has been very helpful in conserving the gas supply. There was a very large amount of gas going to waste. It has also resulted in improving the operations of the oil men.

Mr. CARTER. Who are these inspectors, Mr. Meritt?

Mr. MERITT. They are civil-service employees, Mr. Carter, and one of the requirements was that they should have had practical experience in oil and gas operations.

Mr. CARTER. What are their names?

Mr. MERITT. The following list gives the information requested.

| | Salary. |
|---------------------|---------|
| Carl H. Beal | \$2,180 |
| William F. McMurray | 3,000 |
| Harry D. Aggers | 2,500 |
| George W. McPherson | 2,500 |
| John C. Fowler | 2,500 |
| Louis W. Courtney | 2,500 |

Mr. CARTER. What are they paid?

Mr. MERITT. About \$2,500 a year.

Mr. CARTER. And their expenses?

Mr. MERITT. Yes, sir.

The CHAIRMAN. Do they put in all of their time on this work?

Mr. MERITT. Yes, sir.

The CHAIRMAN. They are regular Government employees?

Mr. MERITT. Yes, sir. They are operating under the directions of the Bureau of Indian Affairs and the Bureau of Mines and under the general direction of the Secretary of the Interior.

I think that answers the gentleman's question.

Mr. MANN. If they are paid a salary of \$2,500 and expenses, besides, the \$15,000 is not sufficient to take care of six of them.

Mr. KONOP. We cut that amount down because there was an unexpended balance of \$11,826 from last year.

Mr. MANN. There was no appropriation last year for this purpose, was there?

Mr. KONOP. Oh, yes. The last bill carried \$25,000, and we cut that down to \$15,000.

Mr. MANN. These oil wells, as I understand it, are very valuable and the royalties are quite large, and, I suppose, are paid very promptly. They are no smaller to-day probably than they were yesterday, and it looks as though they would not be any less to-morrow than they are to-day. Now, why should we pay for this out of the General Treasury? Why should not this work be done by the Bureau of Mines?

Mr. KONOP. Well, I catch the point of the gentleman. I think the reason for that is the Secretary of the Interior has charge over this. He has charge of the approval of these leases. The whole matter goes through the Indian Bureau, and having it all in the same department is probably the reason for it; I do not know.

Mr. DAVENPORT. Mr. Chairman, I can answer the question of the gentleman, I think, so far as our section of the State is concerned. The Interior Department was unable, so much being restricted land and leased subject to the approval of the Interior Department, to draw any distinction as to just what part they could apply to the work done on each allotment, so as to apportion the money to those owning the respective leases, and the operators were permitting much oil to flow from the wells and waste. There were also the gas wells, where gas was going to waste, and the representatives of the Government there requested that some one be designated to look after this waste and to prevent the same.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DAVENPORT. I will take the floor in my own right. It was represented by those who had knowledge of the facts that it could not be done without making it general and look after the entire part of the lands which were restricted in Oklahoma.

Mr. MANN. I want to say to my friend from Oklahoma that if we save the money for the Indians, then we must do so at our expense, not at theirs. It is a great saving, no doubt, to have this waste prevented, and yet, if we make them \$1,000 at a cost of \$10, we must pay the \$10 ourselves and not take it out of them.

Mr. HASTINGS. If the gentleman will permit, Congress has supervision over their property without their consent. They do not want Congress to have any supervision.

Mr. MANN. The gentleman is mistaken about that.

Mr. DAVENPORT. There is a saving in two ways. One is the prevention of waste and to prevent an injury that might be done to the adjoining properties, because if the oil is permitted to flow down the streams it destroys what few fish are in them, and often they have a great many fires. It is true it was a saving to the party who had a right to a royalty from the produc-

tion, but the Government had assumed that responsibility in looking after that for the restricted Indian.

Mr. MANN. The Government has to send people down and teach them how to operate the oil wells, how to handle them and prevent waste, and to save enormous quantities of oil and gas, which means an enormous amount of money for the benefit of the Indians. Every time you do something for the benefit of the Indians we must put our hands in our own pockets and pull out the money and pay the expense.

Mr. DAVENPORT. But when we started in we voluntarily agreed to assume to do that.

Mr. MANN. Oh, not at all; the gentleman is mistaken. We did not agree to do anything of the kind.

Mr. DAVENPORT. In every treaty and in every restriction placed upon the Indian, when we sought to distribute to him his property, we said that we would allot it for him, and as long as it was restricted we would administer the property for him free of costs to the restricted Indian.

Mr. MANN. We did not say we would do this.

Mr. DAVENPORT. We will not permit him to make a lease without the approval of the Government.

Mr. MANN. We will not permit you gentlemen down in Oklahoma to get all of it away from right away, because we know you will get it sooner or later, but not at the moment.

Mr. DAVENPORT. We congratulate the gentleman upon that, because a great many of the gentleman's constituents from Illinois and all over the country generally, all of them are coming down there seeking the same thing, to accomplish the same result.

Mr. MANN. We sent some of our best men, not to mention others, down there to help you to get it away from the Indians, and we know that they are pretty smooth at the business, and that is the reason I am somewhat suspicious.

Mr. DAVENPORT. I am glad the gentleman made the confession he has, that some of his constituents and others went to Oklahoma to assist in getting the property from the Indian. Many good men come to Oklahoma to better their condition and have done so.

Mr. STEPHENS of Texas. Does the gentleman withdraw his point of order?

Mr. MANN. I will; but we did not get anywhere.

Mr. CALLAWAY. Mr. Chairman, I will make the point of order.

Mr. STEPHENS of Texas. It is too late.

The CHAIRMAN. The gentleman from Texas makes the point of order. The point of order is sustained.

Mr. STEPHENS of Texas. Mr. Chairman, is it not too late after the former point of order was withdrawn?

The CHAIRMAN. No; the gentleman had the right to renew the point of order.

The Clerk read as follows:

That no farming or grazing lease executed by a member or members of the Five Civilized Tribes for a longer period than one year or with stipulations for a renewal thereof covering lands from which restrictions upon alienation have not been removed shall be valid unless approved by the superintendent for the Five Civilized Tribes in the State of Oklahoma, under such rules and regulations as he may prescribe: Provided, That all such leases shall be either approved or disapproved by the said superintendent within 30 days after said leases shall have been completed and filed with the officer.

Mr. CALLAWAY. Mr. Chairman, I will reserve a point of order on that paragraph.

Mr. STEPHENS of Texas. Mr. Chairman, it is evident it is subject to the point of order; it is new legislation.

Mr. STAFFORD. Mr. Chairman, will the gentleman explain the reason for the change of law? I understand there is no provision of law now restricting leases on—

The CHAIRMAN. The gentleman from Texas made the point of order.

Mr. CARTER of Oklahoma. Mr. Chairman, the gentleman from Texas reserved the point of order.

The CHAIRMAN. The Chair understood the gentleman from Texas to make the point of order and then he got up and left the Chamber.

Mr. CARTER of Oklahoma. No; he reserved the point of order.

Mr. STEPHENS of Texas. That is true; the gentleman reserved the point of order.

The CHAIRMAN. That is all right; the point of order is reserved.

Mr. CARTER of Oklahoma. The gentleman from Arkansas was asking me a question and my attention was diverted at the time.

Mr. STAFFORD. As I understand, there is some provision of law protecting the rights of the Indians on restricted lands

so far as leased lands are concerned for grazing purposes. Does this amplify the power of the Secretary? If it does, I am in favor of it; but if it restricts the power I am opposed to it.

Mr. CARTER of Oklahoma. The present law provides that the restricted homestead allotments in the Five Civilized Tribes may not be leased without the consent of the Secretary of the Interior, but that all surplus allotments may be leased for five years without the consent of the Secretary of the Interior. This item, as the gentleman will notice, provides that no restricted land shall be subject to lease unless approved by the Superintendent for the Five Civilized Tribes, which is an official of the Secretary of the Interior in Oklahoma.

Mr. STAFFORD. Then, the purpose of the provision is to further protect the Indian?

Mr. CARTER of Oklahoma. The paragraph clearly prevents the leasing of the restricted surplus for longer than one year without the approval of the Superintendent for the Five Civilized Tribes, a condition which does not now exist. Furthermore it gives the same official in Oklahoma full authority to finally approve leases on the restricted homestead, which can not now be done without the red tape of having the applications come all the way to Washington for final action which sometimes requires several months.

Mr. STAFFORD. For my part, I am in favor of the provision.

Mr. DAVENPORT. I would like to ask the gentleman if this is intended to change that law so that every time you make an agricultural lease with an Indian for a longer period than 12 months you will wait the process of approval that it goes through?

Mr. CARTER of Oklahoma. No. This changes the law in that respect. There are two propositions here. One is to restrict the surplus allotment, and the other is to place that authority with the superintendent of the Five Civilized Tribes in Oklahoma.

Mr. DAVENPORT. The point I want to get at is, if it is intended now that they can not lease for agricultural or grazing purposes for a longer period than 12 months unless it is approved by the Secretary of the Interior?

Mr. CARTER of Oklahoma. Unless it is approved by the superintendent of the Five Civilized Tribes—the local office in Oklahoma.

Mr. DAVENPORT. Mr. Chairman, I make a point of order on it, but I withhold it.

Mr. NORTON. Will the gentleman withhold it?

Mr. DAVENPORT. I withhold it.

Mr. NORTON. The purpose of this provision is this: At the present time, without the permission of the Secretary of the Interior or the Superintendent for the Five Civilized Tribes, a lease can be made by any Indian of his surplus allotted lands for a period of five years.

It has been the practice of the people in Oklahoma to secure five-year leases on the surface rights of some of this land, and after the lease had run about a year they would take another five-year lease, always holding the Indian surplus lands under lease for about five years. Then, if the Indian should desire to sell his land, this five-year lease would be found to be outstanding against it and would tend to depreciate the selling price of the land, and would depreciate it.

The purpose of this paragraph is to put an end to that kind of practice. I recall that in Minneapolis a man who owned a great amount of very valuable real estate, and who was somewhat of an eccentric character, gave leases on his property for 25 years. Then he was approached by some scheming speculators, who urged him to give to them leases on all his property for a term of a thousand years at such rental as he might name. He, business man as he was, fell for the scheme. In giving this thousand-year lease he usually remarked facetiously: "Gentlemen, when this lease expires come around and I shall be glad to renew it." He died a few years ago. After his death it was found that those outstanding thousand-year leases on his property which he had given to scheming speculators for nothing it was practically impossible to sell that property until the leases had been canceled. And, as you may well understand, it cost a great deal of money to secure their cancellation.

Mr. STEPHENS of Texas. The reason I think this amendment would be beneficial to the Indians is simply this: They have a good many farming lands, and they have to rent the land in order to get anything from it. A great many men come in from Kansas and Missouri and rent the land. They go to the Indians and find the land and make a trade with them. Heretofore it took 60 or 90 days to get the lease recognized, and, therefore, not wishing to wait, would then pass on to Texas, and that State has benefited by it. I think they should stop in Oklahoma and that there should be an office there where this one-year

rental contract could be approved. Benefit would result to the Indian and also to the people who are searching for some work to do and are leasing lands.

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

Mr. CALLAWAY. I make the point of order.

The Clerk read as follows:

SEC. 3. That when such lands are surveyed and platted they shall be appraised and sold, except land reserved for water-power sites as provided in section 2 of this act, under the provisions of the Revised Statutes covering the sale of town sites located on the public domain. That the proceeds derived from the sale of any lands hereunder, after reimbursing the United States for the expense incurred in carrying out the provisions of this act, in the discretion of the Secretary of the Interior, shall be deposited in the Treasury to the credit of said Indians.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph just read. We ought to have some explanation of the purpose to be attained by the change of law as indicated by the provision in the bill. I tried to obtain some information from the hearings, but they seem to be rather obscure, and not only obscure, but rather vapid.

Mr. KONOP. I will say to my colleague from Wisconsin that I was looking at the hearings and I see nothing in the hearings upon the proposition except a justification from the assistant commissioner.

Mr. STAFFORD. That "justification" is no justification at all. I would like to have some explanation of this. The hearings do not disclose one word in justification of this change of law.

Mr. KONOP. I think the gentleman from Oregon appeared before the committee on this item.

Mr. CARTER of Oklahoma. I thought it went out of the bill.

Mr. STEPHENS of Texas. It is subject to a point of order.

Mr. KONOP. The gentleman from Oregon [Mr. HAWLEY] appeared before the committee about some item. I do not know whether it was this or not.

Mr. STAFFORD. The gentleman is temporarily out of the Chamber. I do not want to take any unfair advantage of him. I ask unanimous consent, Mr. Chairman, to have the item passed over without prejudice.

The CHAIRMAN. The gentleman from Wisconsin [Mr. STAFFORD] asks unanimous consent that the item may be passed over without prejudice. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For the construction of two bridges on the Umatilla Indian Reservation, in Oregon, suitable for wagon and other purposes, across the Umatilla River, at a limited cost of \$28,500, the first at or near Thorn Hollow Station, the second at or near Mission Station, the sum of \$19,000 is hereby appropriated to be expended under the direction of the Secretary of the Interior, and to be reimbursable from any funds now or hereafter placed in the Treasury to the credit of said Indians: *Provided*, That no part of the money herein appropriated shall be expended until the Secretary of the Interior shall have obtained from the proper authorities of the State of Oregon, or from the county of Umatilla, at least one-third of the cost of said bridges, and that the proper authorities of the said State of Oregon or the said county of Umatilla shall assume full responsibility for, and will at all times maintain and repair, said bridges and construct and maintain the approaches thereto: *Provided further*, That any and all expenses above the amount herein named in connection with the building and maintenance of said bridges shall be borne by the said State of Oregon or the said county of Umatilla.

Mr. SINNOTT. Mr. Chairman, I desire to offer an amendment to that paragraph.

The CHAIRMAN. The gentleman from Oregon [Mr. SINNOTT] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 44, line 25, strike out "\$28,500" and insert in lieu thereof "\$28,000," and on page 45, line 1, strike out "\$19,000" and insert in lieu thereof "\$18,866."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Oregon.

The amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I wish the gentleman from Oregon would explain his item a little bit further. It is a somewhat novel proposition.

Mr. SINNOTT. Mr. Chairman, I introduced a bill providing for the construction of the bridges referred to, and my bill did not have the reimbursable feature which this paragraph has.

Mr. MANN. Of course the gentleman knows that he could not get this through without the reimbursable feature.

Mr. SINNOTT. Yes; I understand. The bill was referred to the department, and the Secretary of the Interior and the Indian Bureau approved the bill and recommended its passage to the committee. The committee inserted the provision of my bill in this appropriation bill, with the change of the reimbursable feature.

Now, in justification of the matter, I would state that the two bridge sites are on the Umatilla Indian Reservation, Oreg.

This Indian reservation contains the very cream of the wheat lands of Oregon. They raise from 45 to 60 bushels of wheat per acre upon this reservation. The wheat raised in the vicinity of these bridge sites is hauled to the market at the stations of Mission and Thorn Hollow. These two stations are across the Umatilla River from where the wheat is raised. At the station of Mission there is hauled 150,000 bushels of grain every year. At the other station there is hauled to market some 250,000 bushels of grain every year. The Umatilla River has to be crossed at these stations. There is no bridge at either station.

Mr. STEPHENS of Texas. It is a deep, swift stream.

Mr. SINNOTT. Yes. The river is a swift stream and a changeable stream. The grain has to be hauled over a river bed from 250 to 300 feet in width, which changes yearly and is full of boulders. The Indians and the white renters every year put up temporary structures at these points. The floods come and wash away the structures. During a part of the year it is impossible to haul any grain to market.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield there?

Mr. SINNOTT. Yes.

Mr. STEPHENS of Texas. I understand the Indians desire this, and the amount is reimbursable from their funds?

Mr. SINNOTT. Yes. The amount is reimbursable, and the item has the approval of the Indian Bureau. There are now Indian funds to the amount of \$150,000, but those funds belong to minors on the reservation. The department is averse to using the funds of the minors. In addition to that there are some 72,000 acres of tribal land unallotted.

Mr. STEPHENS of Texas. What is the value of those lands?

Mr. SINNOTT. Those lands are conservatively worth \$500,000.

Mr. MANN. Mr. Chairman, I move to amend, page 44, line 24, by striking out the word "limited" and inserting in lieu thereof the words "limit of."

Mr. STEPHENS of Texas. That only corrects the language, as I understand it. I have no objection to it.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Page 44, line 24, strike out the word "limited" and insert the words "limit of."

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

The amendment was agreed to.

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. This reads, in line 11, page 45, in reference to the county and State, "and will at all times maintain and repair said bridges." Should not that read "and agree to maintain," and so forth?

Mr. KONOP. I think that would be better language. We do not know whether they will or not.

Mr. MANN. It is impossible to wait for the construction of the bridges to see whether they will at all times repair and improve them.

Mr. KONOP. I think that change should be made.

Mr. MANN. I move, Mr. Chairman, to amend, on page 45, line 11, by striking out the word "will" and inserting the word "agree" and to insert the word "to" before the word "maintain."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Page 45, line 11, strike out the word "will" and insert in lieu thereof the word "agree," and after the word "time" insert the word "to."

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

The amendment was agreed to.

The Clerk read as follows:

PENNSYLVANIA.

SEC. 20. For support and education of Indian pupils at the Indian school at Carlisle, Pa., including pay of superintendent, \$132,000; for general repairs and improvements, \$20,000; in all, \$152,000.

Mr. STEPHENS of Nebraska. Mr. Chairman, I desire to offer an amendment.

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

The Clerk read as follows:

Amendment offered by Mr. STEPHENS of Nebraska:
Page 45, line 20, after the word "superintendent," strike out "\$132,000" and insert in lieu thereof "\$119,550."

Mr. STEPHENS of Texas. Mr. Chairman, I hope the amendment will not be adopted. This is one of our best schools, and the amount per capita is lower than \$167, as I remember.

Mr. STAFFORD. The gentleman from Nebraska [Mr. STEPHENS] wishes to explain his amendment. There may be some reason advanced by him that will convince the chairman of the committee.

Mr. STEPHENS of Nebraska. If the gentleman will permit, I desire to call the attention of the committee to the fact that this bill carries an appropriation of \$240 per capita for support and superintendent's salary for the 550 pupils that should be appropriated for in this bill. There are 513 pupils in attendance, and in my amendment I have allowed an appropriation of \$167 per capita for 700 pupils. Now, if we should allow an appropriation for 550 pupils at \$167 per capita, we would have approximately the exact basis upon which all these large schools are appropriated for in this bill. My amendment, instead of reducing the amount of this appropriation to what it ought to be, is still \$25,000 above what is appropriated for these other schools.

Mr. CARTER of Oklahoma. Will the gentleman yield?

Mr. STEPHENS of Nebraska. I yield to the gentleman from Oklahoma.

Mr. CARTER of Oklahoma. Has the gentleman ever been at the Carlisle School?

Mr. STEPHENS of Nebraska. I have not.

Mr. CARTER of Oklahoma. Does the gentleman know anything about how that school is conducted?

Mr. STEPHENS of Nebraska. I suppose it is an industrial school, of the same character as the other schools.

Mr. CARTER of Oklahoma. Does the gentleman know anything about the outing system that is practiced at the Carlisle School?

Mr. STEPHENS of Nebraska. Yes; I do.

Mr. CARTER of Oklahoma. For the gentleman's benefit I will say that the enrollment of the Carlisle School is 911.

Mr. STEPHENS of Nebraska. Yes; but more than 300 of them are out on farms, and not costing the school anything except for their clothes and supervision.

Mr. CARTER of Oklahoma. It costs money to supply them with clothes. It costs money to send them out and to bring them back. They are sent out to private families. The girls are given an opportunity to learn to do housework, to learn to cook, to learn to keep house, to learn to launder, and to learn the other things necessary for a housewife to do, opportunities which the children do not have in any other school, so far as I know. The boys are sent out to shops, to get actual experience in different kinds of shopwork. All of this costs money. All of this means expense. There are 911 pupils enrolled at Carlisle; only 513 in actual attendance, but that means in actual attendance at the school in pursuance of their literary studies. That does not mean, as has been the practice sometimes in the past, that those 513 children are out in private families learning to do housework or out in factories learning shopwork, but it means 513 children who are actually in the school every day, having their expenses paid. The gentleman must remember that the expenses of the others who are out in families and in shops are still going on and must be paid, so that the figures as to the actual attendance, set out at 513, is not a fair test when compared with other schools which do not have to carry a portion of the expenses of pupils not in actual attendance at the school.

Mr. STEPHENS of Nebraska. The gentleman's statement is entirely correct, but it does not dispute the claim I make here that this school should not be appropriated for at the rate of \$240 per capita, when other schools—the gentleman's school at Chilocco, and the school at Haskell, and at Sherman Institute, and other schools just as large as this school at Carlisle, and having a greater attendance than the school at Carlisle—are appropriated for at the rate of \$167 per capita. The 341 pupils out in the country, working for farmers for their board and for what they can learn, are not costing the school at Carlisle anything except their transportation and clothing; and I want to submit to the committee whether or not it is reasonable that we should pay \$100 per capita more for the education of the children at Carlisle than we pay for the education of the children at Haskell, a larger school, and at Chilocco, and at Sherman Institute, all as large or larger schools than the Carlisle School? Is it reasonable that we should carry Indian pupils across the continent, from 1,000 to 2,000 miles, at an expense of \$10,000 annually for traveling expenses, for the sake of educating them in a school costing \$101 per capita more than other schools of like character are costing this Government?

Mr. TILLMAN. I will ask the gentleman if it is not true that Carlisle is the ranking school for Indians in the country,

and that it costs more to employ an instructor to teach higher mathematics, or to teach Greek or Latin, than it does to teach the lower branches or the high-school branches?

Mr. STEPHENS of Nebraska. If it is true, as the gentleman says, that they are teaching Greek and Latin at Carlisle, it is the biggest argument you can produce for the reduction of this appropriation. The idea of giving a Greek and Latin education to an Indian at Carlisle is absurd and ridiculous.

Mr. TILLMAN. Waiving that for the time being, is it not also true that it costs more to employ instructors in engineering—

Mr. STEPHENS of Nebraska. It does not employ such instructors.

Mr. TILLMAN. And in the higher branches?

Mr. STEPHENS of Nebraska. There are no higher branches taught there. I will call the gentleman's attention to a statement that was made to me this morning by the commissioner himself in answer to the question I submitted to him asking why it should cost more at Carlisle. He said, "They do more work." Why do they do more work? Do they teach a higher class of studies? Is their curriculum more extended? If it is, it is a criticism against the department and against any committee who advocate that a school should teach that class of stuff to an Indian, who needs the rudiments, needs to know how to feed and clothe himself, and not to secure an ornamental education.

Mr. TILLMAN. I will say to the gentleman from Nebraska—

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEPHENS of Nebraska. I ask unanimous consent that my time may be extended five minutes.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. TILLMAN. My information is that they confer the degree of A. B. and that they employ a high class of faculty there for teaching. They teach advanced scientific studies, and as a matter of course—

Mr. STEPHENS of Nebraska. But they ought not—

Mr. TILLMAN. I do not want to get into any controversy with the gentleman as to what they ought to teach there.

Mr. STEPHENS of Nebraska. But I am stating what they ought not to do, and we ought not to appropriate \$101 per capita more to support that school than we do for the good practical schools in the Indian country.

Mr. FESS. Will the gentleman yield?

Mr. STEPHENS of Nebraska. Yes.

Mr. FESS. I have been to the school at Carlisle, and it is really an unusual plant. The course is quite extended, way beyond anything like the high school. As a school grows in equipment, in spite of all we can do, the cost increases.

Mr. STEPHENS of Nebraska. I should say it did.

Mr. FESS. In other words, the highly endowed universities cost the student per capita very much more than it costs in a small institution like the one of which I am president, where the equipment is not nearly so great. I do not believe it is fair to say that a school of the type of the Carlisle could be run on as cheap a per capita basis as a school less in equipment.

Mr. STEPHENS of Nebraska. It could not, and I will say that the school at Carlisle has absolutely no excuse for existence; it can not be justified by a single fact. Here we are transporting pupils from right under the shadow of Haskell Institute, a great school, and the Sherman Institute, and other large, well-equipped Indian schools that are giving the Indians the sort of education they ought to have, in the environment in which they must live. If this is true it is proof in itself that that school has no excuse for its existence.

There are now in attendance there 2 pupils from Arizona, under the shadow of the Phoenix school; 6 from California; 2 from Idaho; 4 from Kansas; 30 from Michigan; 40 from Minnesota—good schools in both States—18 from Montana; 23 from Nebraska; 1 from Nevada; 33 from New Mexico; 89 from New York, the only legitimate territory the school has got; 59 from North Carolina; 7 from North Dakota; 184 from Oklahoma, right under the shadow of the Chilocco School; 92 from South Dakota; 88 from Wisconsin; and 9 from Wyoming, all transported at a \$10,000 expense to the United States Government. This \$10,000 is apparently appropriated for transportation of pupils for the purpose of paying \$101 per capita more for their education than it would cost in schools near their homes.

Mr. FESS. Is there not a reason why the students from the West and South go to the great institutions like Yale and Harvard?

Mr. STEPHENS of Nebraska. Oh, you are talking about whites and not about the Indians, who do not need that kind of an education. These Indians need a rudimentary education, to know how to clothe and feed themselves, and not the sort of education you get at Yale and Harvard.

Mr. KONOP. Will the gentleman yield?

Mr. STEPHENS of Nebraska. Yes.

Mr. KONOP. If you have an Indian who wants to pursue a high course of study, I say let him have it.

Mr. STEPHENS of Nebraska. I say let him pay for it. The Government should give him only a practical education.

Mr. KONOP. They want to go to the Carlisle institution and get this high-class education, and then go back among their own people; and they will be an influence toward a higher education.

Mr. STEPHENS of Nebraska. Oh, I have seen students come back from Carlisle and be repudiated by their own people. They have had a sort of education that unfit them to live among their own people and the environment where they grew up. I tell you that the school has no justification whatever.

Mr. KONOP. There are 88, the gentleman says, from Wisconsin. They go to this school, and you will see them come back from Carlisle and teach in other schools. You will find Indian lawyers, Indian doctors, who were educated at Carlisle. I am willing to educate the Indian just as far as he wants to go.

Mr. STEPHENS of Nebraska. Well, give him the education, but give it to him in his own neighborhood.

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

Mr. STEPHENS of Nebraska. I ask for five minutes more.

The CHAIRMAN. The gentleman from Nebraska asks for five minutes more. Is there objection? The Chair hears none.

Mr. STEPHENS of Texas. Mr. Chairman, I ask that all debate on this item close in 20 minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that all debate on the paragraph and amendments thereto close in 20 minutes. Is there objection?

There was no objection.

Mr. HOWARD. Will the gentleman from Nebraska yield?

Mr. STEPHENS of Nebraska. I will yield to the gentleman from Georgia.

Mr. HOWARD. I would like to call the attention of the gentleman from Nebraska to the fact that I have heard recently in another body the Filipino bill debated, allowing certain privileges to the Filipinos. I have heard the District bill debated as to the privileges that the negroes get in the District of Columbia. I have heard here for three or four days debated the Indian bill, and my observation is that it is a pretty poor thing in this country to be a white man. I do not think the white folks are getting what is due them in comparison to what the Negroes, the Filipinos, and the Indians are getting. [Laughter.]

Mr. STEPHENS of Nebraska. I thank the gentleman for his observation. I want to call attention to a comparison of the per capita cost for salaries and wages at Carlisle and show that it is \$101 more than the per capita cost in other schools of similar size.

Mr. CARTER of Oklahoma. Since the gentleman looks directly at me, will he yield?

Mr. STEPHENS of Nebraska. In a moment—almost twice as much as some of the schools. Now, the per capita cost of subsistence, an important factor, is \$48 at Carlisle, while it is \$32 at the Sherman Institute, and runs along from \$32 to \$39 and \$40 at the other eight large schools. Forty-eight dollars at Carlisle. I am trying to show that this school is most extravagant in every way, and that this reduction in the appropriation, which I have proposed in an amendment is justifiable. The per capita cost of fuel, I want you to particularly notice. At Carlisle it is \$25, while up at Fort Totten, where it is 20 degrees below zero three months in the year, approximately the per capita cost is \$15. Fifteen dollars as against \$25. At Genoa and other schools in the same latitude the per capita cost runs from \$10 to \$13 as against \$25 at this school. Coming to the matter of equipment, the per capita cost of equipment and supplies is \$20.80 at Carlisle and an average of \$10 at all of the other similar-sized schools. No one can justify that. Do you know what I find in that item of equipment? I find that there is an item of \$11,000 for paper and other supplies for their printing press. Can you justify that?

Mr. KONOP. Why, they get out a paper up at that institution, and a good one.

Mr. STEPHENS of Nebraska. Yes; and I find another item of \$26,000 for athletics. Can you justify that?

Mr. KONOP. Yes; because I think athletics is a good thing.

Mr. STEPHENS of Nebraska. And then they expend \$37,000 from the products of the school that they sell or consume. I want to tell you that when you come to justify these things you will not find the facts, and that you will have to admit that this appropriation should be cut to the figures I have suggested; and even when that is done this school has \$25,000 more than any other school of like size and character. I submit also that the statement made in regard to the curriculum of that school and the quality of education there is an error. That school gives practically no better education than is given at Haskell, at Genoa, and the Sherman Institute. It should not give any better, either. I object to this school being favored of all others.

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

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. COLLIER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House was requested:

S. 381. An act 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.

INDIAN APPROPRIATION BILL.

The committee resumed its session.

Mr. KREIDER. Mr. Chairman, the gentleman from Nebraska [Mr. STEPHENS] has made a very fine speech, but the facts are that the essential features of the school and the expenses necessary to the successful conduct of the school have not been touched upon by the gentleman from Nebraska [Mr. STEPHENS]. The facts are that this school stands perhaps head and shoulders above any other Indian school in the United States to-day, and I do not say that in a disparaging way to any other school. But it stands higher because the pupils from that school receive a practical training. They are not only taught to read and write but are taught agriculture, carpentering, blacksmithing, and so forth; in short, are educated and trained in such a manner that they are qualified to go out, and do go out, a credit to themselves and the school. A majority of them perhaps do not go back to the reservation and stay there, but prefer to engage in useful occupations, some in business, others in various lines of manufacturing activities. Many of them enter the professions. There are teachers and doctors and lawyers. Some of our best citizens and business men to-day are Indians graduated at the Carlisle School. This school above all others brings the Indian into actual contact in daily life with the civilized people of the United States. I do not say this only because this school is located in my district, but it is a fact that to civilize an Indian you must take him out of his environment, off of the Indian reservations, and he must see something of civilized life and must come in daily contact with it. The Indian boy must come into actual contact with the tradesman if he is to become a mechanic; with the practical farmer if he is to become an agriculturist, one that is up to date, who makes a profit out of farming.

The girls must come in contact with women who know how to do housework. They must be taught how to cook and how to take care of the home, to be neat, tidy, and clean, and they can learn that in no better environment than in eastern Pennsylvania, than which there is no section of the United States superior. [Applause.] There are perhaps a few dollars more expense attached to bringing an Indian into Carlisle, but the question is, What do we get for the money that we spend? Are we not getting a hundred cents on the dollar? I have looked over the wage scale, and I do not see anyone overpaid, and I do not see any necessity for cutting down the wages of anyone. If there is any waste or mismanagement it should be stopped. The management should be held strictly accountable for every dollar expended, but I submit to you that in order to ascertain whether there is a possibility of effecting a saving it is not a proper procedure to cut down the appropriation and thereby destroy the efficiency of the school. The men who are responsible for the conduct of the schools, the men who manage the finances of the school, must be held strictly accountable and see to it that every dollar is expended fairly, honestly, and economically, and for the best interest of the students.

Mr. STEPHENS of Nebraska. Will the gentleman yield?

Mr. KREIDER. Not just at this moment. The management must see to it that there is no waste and that every dollar that is appropriated by the Congress in this bill is used to good advantage. There seems to be a disposition to criticize this school

because it costs a few dollars more per student than it does in some of the schools located close to and on the reservations. It costs something to bring the boys and girls from the West to Carlisle, and there is not only the item of transportation, but there is another item of expense which is charged to the Indian school at Carlisle which the gentleman has entirely overlooked, that is the expense of looking after these boys and girls who are sent out under contract, or let out, whatever the term used may be.

Mr. STEPHENS of Nebraska. Farmed out.

Mr. KREIDER. They have some one, and he must be paid, who is constantly going around seeing to it that these girls have proper homes, that they are instructed in the domestic arts, that they are properly clothed and fed, and receive decent, humane treatment. It is the same with the boys; they all require looking after; the management must keep in touch with them, and of course it costs a little money. The boys and girls who have come under my observation were well educated; they were taught to act and behave like ladies and gentlemen fit to mingle with the people in any community, and while this costs money and the Carlisle School is charged with the expense, I insist that it is a very proper expense, and brings a tremendous return upon the investment.

Mr. STEPHENS of Texas. I will say to the gentleman that it is called the "outing system," and the report is that 346 pupils were under the outing system, and those have not been counted in the attendance. It seems the amount based on the enrollment is \$157 per capita, while based on the average attendance it is \$275; and then there are 346 pupils in the outing system.

Mr. KREIDER. The gentleman from Nebraska has, I think, unconsciously paid the school the very highest possible compliment when he said that boys and girls from Carlisle do not mix as well with their people when they return home from Carlisle as they do when they return from other schools. Very true. In Carlisle we sow the seeds of civilization into their minds and hearts, showing them by actual example a better way, and as this seed grows its influences are seen in their every act and conduct; in fact, their very lives are changed; they have different ideals, and of course are not willing to go back to Indian customs, habits, and practices; they have become civilized, and now they desire to be useful and honored citizens, and they engage in agriculture, in arts and sciences, in the professions, and many stand at the very top of their chosen profession or calling to-day, a living monument to the Indian School at Carlisle, Pa.

Mr. FESS. Mr. Chairman, I think that the purpose of the amendment of the Member from Nebraska was expressed when he said that there was no need whatever of this school. If I understand why the school ought to be discontinued, from his standpoint, it is because there is no need of work being done there; and if that be the purpose, then the amendment is simply to cripple the institution beyond what it is now able to do, and I do not think that that amendment ought to be offered in that way for the purpose of discontinuing.

Mr. STEPHENS of Nebraska. Will the gentleman yield?

Mr. FESS. Yes.

Mr. STEPHENS of Nebraska. It is not the purpose of crippling the work that is being done at that school now, but simply for the purpose of reducing the amount to something like a reasonable basis. The school is now getting, under my amendment, \$25,000 more than it is entitled to have according to the pro rata apportionment that is given to all the other schools of this size.

Mr. FESS. I would say, if it is the gentleman's purpose to reduce it to the same basis of cost of the other schools, the gentleman ought not to agree to \$25,000 more than the other schools get.

Mr. STEPHENS of Nebraska. I hope to accomplish something. I hope to make my amendment do a great deal if I can get it through.

Mr. FESS. Now, Mr. Chairman, I think that it would be an unwise thing to do anything that would cripple this institution, which I have visited more than once and which I think is doing a wonderful work. I admit that a school in the East is, as a rule, more expensive than a school in the Middle West or in the far West. There seems to be a different standard of expenditure, of cost. As we ascend the scale in education the cost increases. That is why the Carlisle School is more expensive than schools of less rank. I do not think that that means that it is useless or extravagant, but there is a greater expenditure, and I know this is true, that as you increase in the equipment, in the plant, the expenditure is bound to be more than where you have not made the improvement; and that

being the case, it is not a useless expenditure. It is an inevitable expenditure and in most cases a most justifiable one, and I do not believe that we ought to do anything to reduce the efficiency of this work nor ought we to limit the increase in the equipment or in the course of study. I do not think there is any reason whatever why an Indian wanting to be educated should be throttled in his aspirations and ambitions to go on and take an increased course so that he might go back to his people and the school that is near where he came from and do work in advance of what he possibly could have done had he not had this advance training. I think it is fundamentally wrong to take that position.

Mr. STEPHENS of Nebraska. The gentleman would not yield to me?

Mr. FESS. Yes; I will yield to the gentleman.

Mr. STEPHENS of Nebraska. The gentleman is an educator. He knows what it means to educate a child out of the environment in which he must live. It is well known to a man who has lived in an Indian country that the taking of boys and girls from Indian reservations to other schools outside of that environment and educating them is impracticable in the results obtained, because when they come back they do not fit into the scheme. I know a great many discredited students of Carlisle in the West, because they are out of harmony with their people, out of tune with them. They are taken when they are 15 or 16 years old to Carlisle, and after several years taken back to a raw reservation to live.

Mr. KREIDER. Is it the gentleman's idea, or his objection to the Carlisle School, that when a student goes there he comes back changed, showing the evidence of his education? Is it his desire to send a boy or girl to school and have them returned showing that no change has been effected?

Mr. KONOP. Mr. Chairman, this is a higher institution of learning, and every person knows that it necessarily costs more to educate Indians in a higher institution than in a lower institution of learning. As to the point the gentleman talks about, to the effect that the Indian does not fit into this environment, I wish to state to the committee that we are appropriating hundreds of thousands of dollars for the purpose of educating and civilizing the Indians. If we want to civilize him, we want to take him from the Indian-reservation environment and put him among white people, and civilize him by having him associate with the white people. That is the only way we can civilize the Indian. It is a well-known fact that where an Indian is educated away from the reservation, and goes back to the Indian reservation, if he stays with the Indians again for any length of time he usually takes up with Indian customs and goes back to the old life. So, I say, the only way by which you can文明 an Indian and make him like a white man is to make him associate among white men, no matter in what part of the country—the West, or anywhere else.

Mr. FESS. It is not true, as a rule, is it, that when they come to Carlisle and are educated in that atmosphere they go back and are useless? That is not the rule?

Mr. KONOP. That is not the rule. Mr. Rogers, one of the Chippewa Indians, of Minnesota, is a prosecuting attorney in a county in Minnesota, where there are only 600 Indians who vote and over 3,000 white people who vote. He is a man of intelligence, a good lawyer, and capable of holding such a position intrusted to him by white men. He was educated at Carlisle. We have an attorney in the State of Wisconsin, Mr. Denison Wheelock, who was educated at the Carlisle School, who is practicing law and competing with white lawyers, and is a very capable man.

If we want to文明 the Indian, I believe the way to do so is to take him and place him among the white people, and in that way educate him industrially, intellectually, and every other way. I think the Carlisle School is a higher institution of learning, and every dollar that this committee has provided is necessary to run it in a proper and efficient manner.

Mr. STEPHENS of Texas. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska [Mr. STEPHENS].

The question was taken, and the amendment was rejected.

Mr. STEPHENS of Texas. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; 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.

RESIGNATION FROM COMMITTEE.

The SPEAKER laid before the House the following communication:

Hon. CHAMP CLARK,

Speaker of the House of Representatives of the United States.

SIR: I hereby tender my resignation as a member of the Committee on Invalid Pensions.

Respectfully yours,

W. R. OGLESBY.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

MEXICO AND NATIONAL DEFENSE.

Mr. DAVIS of Texas. Mr. Speaker, I ask unanimous consent that I be allowed to extend my remarks in the RECORD touching the Mexican war problem and national defense.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD on the subject of the Mexican situation and the national defense. Is there objection? [After a pause.] The Chair hears none.

RELIEF IN FLOODED DISTRICTS.

Mr. FITZGERALD. Mr. Speaker, a number of Members of the House have been very much interested in the passage of a joint resolution extending relief to persons in what is described as the "flood area" as the result of the rise in the Mississippi River. A few days ago the Chief of Engineers sent telegrams to all of the United States district engineers along the river requesting reports upon the situation in their respective districts. I have copies of five telegrams, dated, two of them, on the 3d of February, one on the 4th, and two on the 5th. They are from the Army engineers at Memphis, New Orleans, and Vicksburg, and they not only show there is no necessity for any action at this time, but they express the hope that it be made clear that there is no possibility that free rations will be provided by Congress, in order that they may effectually control the situation. So long as hope is held out that there will be free rations, or so long as appropriations are made providing rations for the people in the flooded district, they can not get the labor under favorable conditions, and it completely demoralizes the labor situation.

I ask that these telegrams be printed in the RECORD, with this statement, so that Members will understand the situation as ascertained from responsible official sources.

Mr. CARAWAY. Reserving the right to object, Mr. Speaker, I want to ask the gentleman a question. Do they not deal altogether with the situation of the levee?

Mr. FITZGERALD. They refer to the situation regarding the levees, of course.

Mr. CARAWAY. Of course, the engineers say they have sufficient money to care for the levee. They do not deal at all with the question of distress?

Mr. FITZGERALD. They deal with the question of distress. They say there are ample provisions to take care of persons in distress. They notified different parties that Government boats will be sent wherever there is any danger, and one representative planter has asked that no favorable recommendation be made for the furnishing of free rations, as they are amply able to take care of the situation. The telegrams show that there is no need for Government aid in that respect any more than there is need for Government aid in regard to the maintenance of the levee. A number of telegrams have been sent to various Members of the House from different persons in various parts of the affected area, and this request is made so as to put at the disposal of Members representing the districts affected accurate official information as to the real conditions.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent to extend his remarks in the RECORD by printing certain telegrams from certain Government engineers. Is there objection?

There was no objection.

Following are the telegrams referred to:

To the CHIEF OF ENGINEERS,
War Department.

Have every hope and reason to believe that the flood will pass these districts without levee break, except at the extreme lower end of the White River district, in the vicinity of Laconia Circle, which will almost certainly be flooded. The Government levee at Hickman protecting the Reelfoot district is in prime condition, without the slightest indication of prospective trouble. This levee is due not more than an additional foot to 18 inches of water, to resist which the system is generally above this morning's stage from 4 to 6 feet. A small private levee at Hickman, entirely divorced from Federal responsibility or supervision, broke several days ago, with the result of flooding a few acres of the low portion of the town, as well as the yards and plant of the Mengel Box Co. This break bears no relation to the Government levee

MEMPHIS, TENN., February 3, 1916.

in rear. Unless something untoward occurs, the assumption is reasonable that these districts will escape overflow, except in vicinity of Laconia Circle.

MARKHAM, *Engineers.*

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CHIEF OF ENGINEERS,
War Department, Washington, D. C.

Reference to conditions at Hickman, the flooded area is a small sector between the Government levee and the Hickman Hills of about one hundred-odd acres area. Of this amount, less than one-third involves small scattered town property and factory houses at the base of the Hickman Hills. The balance is farm land, mill sites, storage yards, etc. About 200 cottages, mainly one storied, have been vacated, the occupants being cared for by their friends in other portions of the town or in a tent camp established on the hills. Those requiring assistance, including 100 or more refugees from the backwater country across the river, total between six and seven hundred. Red Cross has representative on the ground, as has also the State of Kentucky, which has provided tents. Provisions are at hand in ample amount and can be readily augmented. The situation is, of course, distressing to those immediately involved, but is purely local and is in no sense or degree acute. No suffering of any kind exists, nor at present is there any possibility of such. The problem is of such relatively small magnitude as to be squarely and exclusively a responsibility for the community and the State, by which it should be readily handled. Assuming your desire for an expression of opinion, I see no possible occasion for intervention by the Federal Government at this time.

MARKHAM, *Engineers.*

NEW ORLEANS, LA., February 4, 1916.

CHIEF OF ENGINEERS,
United States Army, Washington:

Senator RANSDALE and Representative MARTIN request telegraphic information of levee situation below New Orleans. Wired them information telegraphed to your office, situation as follows: Am giving high-water protection as far as Socola Canal, 50 miles right bank, and Nestor Canal, 55 miles, left bank below New Orleans. Prospects are that levees will hold as far as protected; available balances approximately \$10,000 for each bank, but too small to justify extension of protection; possible to protect further on right bank at heavy expense, but would require more funds. Levees below Socola Canal are deficient in grade and section and are exposed to wave action. Prospects of holding these levees depend largely upon winds on left bank; only sea marsh and oyster industry affected by crevasses now flowing; conditions are due to September storm and subsequent rises.

CAPLES, *Engineers.*

VICKSBURG, MISS., February 5, 1916.

CONGWAR, Washington, D. C.:

Levees being subjected to severe test but no point specially endangered yet. Excellent chance of holding line if white population will put up proper fight. Can give employment and subsistence to all persons in flooded parts of Arkansas. Have already offered such assistance and am extending further offers. At present am having to pay fancy prices for labor to hold commission levees on Arkansas River. Arkansas authorities advised by my assistant several days ago that Government boats would proceed to any point where life was in danger. It would materially help situation if all hope of free rations were squelched.

SLATTERY.

MEMPHIS, TENN., February 5, 1916.

CHIEF OF ENGINEERS,
War Department, Washington, D. C.:

Cairo crested last night at 53 $\frac{1}{2}$ and shows fall this morning of one-tenth. Upper Mississippi and entire Ohio falling except at Paducah, which should be at a stand to-day. Cairo gauge should continue to fall. Weather conditions throughout drainage basins suggest no probability of any resumption of rainfall in a number of days. Reports from levees throughout these districts are uniformly most favorable and suggest no probability of levee breaks or overflow. Lower White River district is, of course, covered with back water. As to this backwater situation, relief measures are understood to be in progress and to be satisfactorily effective. I am in receipt of the following telegram from planter of standing in White River district, which is indicative of the sentiment of substantial representatives of the community: "The representative farmers of this county are unalterably opposed to any plan providing free rations or tents for refugees at Helena, as all are capable of taking care of themselves or their tenants. Government aid only serves to demoralize labor now working on levees, and makes it difficult to handle the labor after water goes down. Our chief interests is in holding the levees and not in selling supplies to the Government. Kindly oppose any such plan if presented for your recommendation."

MARKHAM, *Engineers.*

Mr. CARAWAY. Mr. Speaker, I want to ask unanimous consent to extend my remarks in the Record by printing a telegram from the governor of the State of Arkansas, dealing with the situation.

The SPEAKER. The gentleman from Arkansas [Mr. CARAWAY] asks unanimous consent to extend his remarks in the Record by printing a telegram from the governor of Arkansas respecting the flood situation. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. STEPHENS of Texas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 2 minutes p. m.) the House adjourned until Monday, February 7, 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 Treasury, transmitting a supplemental estimate for the increase of an appropriation under "Expenses of Public Health Service" over the amount originally estimated therefor on page 821 of the Book of Estimates for 1917 (H. Doc. No. 658); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of communication from the Secretary of State, submitting an estimate of reappropriation in the sum of \$2,000 for the expenses of two officers of the United States Public Health Service to represent the United States in the Sixth International Sanitary Conference of American States, held at the city of Montevideo, Uruguay, in December, 1914 (H. Doc. No. 659); to the Committee on Foreign Affairs and ordered to be printed.

3. A letter from the Commissioner of Patents, transmitting report of business of the Patent Office for the year ended December 31, 1915 (H. Doc. No. 660); to the Committee on Patents and ordered to be printed.

4. A letter from the president of the Commissioners of the District of Columbia, transmitting report of consulting engineer upon the collection and disposal of garbage and other city waste originating in the District of Columbia for the fiscal year ended June 30, 1915 (H. Doc. No. 661); to the Committee on the District of Columbia and ordered to be printed.

5. A letter from the Secretary of Labor, transmitting list of useless papers in the Department of Labor (H. Doc. No. 662); to the Committee on Disposition of Useless Executive Papers and ordered to be printed.

6. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Ogdensburg Harbor, N. Y. (H. Doc. No. 663); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

7. A letter from the Secretary of the Treasury, transmitting amended estimate of appropriation "General expenses of public buildings," as carried in the Book of Estimates, 1917, page 533 (H. Doc. No. 664); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. MCKENZIE, from the Committee on Military Affairs, to which was referred the bill (H. R. 9547) authorizing the acceptance by the United States Government from the Kenesaw Memorial Association of Illinois of a proposed gift of land on the Kenesaw battle field, in the State of Georgia, reported the same with amendment, accompanied by a report (No. 123), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, to which was referred the bill (H. R. 28) to amend an act entitled "An act granting to the city of Durango, in the State of Colorado, certain lands therein described for water reservoirs," approved March 1, 1907, reported the same without amendment, accompanied by a report (No. 125); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (H. R. 9691) authorizing leave of absence to homestead settlers upon unsurveyed lands, reported the same with amendment, accompanied by a report (No. 126), 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,

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 7862) for the relief of New England Coal & Coke Co., owner of the American barges *Emilie* and *Cassie*, and Brussgaard, Klosturud Dampsksifteselskab, owner of the Norwegian steamship *Hesperos*, reported the same with amendment, accompanied by a report (No. 124), which said bill and report were referred to the Private Calendar.

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. 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; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 10063) to satisfy the findings of the Court of Claims in the claim of Annie M. Bradshaw, Beulah B. Dingle, Clara Belle Bergeron, and George William Bradshaw, heirs of William H. Bradshaw, deceased; Committee on Claims discharged, and referred to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BAILEY: A bill (H. R. 10917) to authorize the acceptance and administration of savings by the Postal Savings Bank Service of the Post Office Department for crescent life annuities; to the Committee on the Post Office and Post Roads.

By Mr. KELLEY: A bill (H. R. 10918) authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls; to the Committee on Military Affairs.

By Mr. ASHBROOK: A bill (H. R. 10919) to amend an act entitled "An act to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late Civil War, the War with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late Civil War," approved April 19, 1908; to the Committee on Invalid Pensions.

By Mr. BUCHANAN of Texas: A bill (H. R. 10920) to remodel the old post-office building at Austin, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. STOUT: A bill (H. R. 10921) authorizing leave of absence to homestead settlers upon unsurveyed lands; to the Committee on the Public Lands.

By Mr. MORGAN of Louisiana: A bill (H. R. 10922) authorizing the purchase of a site and the erection of a public building thereon at Covington, La.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10923) authorizing the purchase of a site and the erection of a public building thereon at Plaquemine, La.; to the Committee on Public Buildings and Grounds.

By Mr. GILLETT: A bill (H. R. 10924) to prohibit exportation of rum and other intoxicants to Africa, and for other purposes; to the Committee on Alcoholic Liquor Traffic.

By Mr. GOODWIN of Arkansas: A bill (H. R. 10925) authorizing Ashley County, Ark., to construct a bridge across Bayou Bartholomew; to the Committee on Interstate and Foreign Commerce.

By Mr. VINSON: A bill (H. R. 10926) to amend an act approved June 8, 1906, entitled "An act to amend section 1 of an act entitled 'An act relating to the Metropolitan police of the District of Columbia,'" approved February 28, 1901"; to the Committee on the District of Columbia.

By Mr. LANGLEY: A bill (H. R. 10927) to amend an act entitled "An act to increase the pensions of widows, minor children, etc., of deceased soldiers and sailors of the late Civil War, the War with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late Civil War," approved April 19, 1908; to the Committee on Invalid Pensions.

By Mr. WATKINS: A bill (H. R. 10928) appropriating \$100,000 for the use of the United States Public Health Service in encouraging rural sanitation, with special reference to the prevention and suppression of pellagra and typhoid fever; to the Committee on Appropriations.

By Mr. KELLEY: Resolution (H. Res. 126) directing the Secretary of the Navy to ascertain and report to the House certain information relative to time and cost of completing naval vessels now authorized or in course of construction; to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALMON: A bill (H. R. 10929) for the relief of John Scott; to the Committee on Claims.

Also, a bill (H. R. 10930) granting a pension to Moses A. Coleman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10931) for the relief of Blair & Blake; to the Committee on Claims.

By Mr. BARCHFIELD: A bill (H. R. 10932) granting an increase of pension to Frederick B. Lewis; to the Committee on Invalid Pensions.

By Mr. BLACK: A bill (H. R. 10933) for the relief of the estate of Paul A. Swink; to the Committee on Claims.

By Mr. BUCHANAN of Illinois: A bill (H. R. 10934) granting a pension to Edwin L. Barker; to the Committee on Pensions.

By Mr. COLEMAN: A bill (H. R. 10935) granting an increase of pension to Walter S. Hood; to the Committee on Pensions.

By Mr. CONNELLY: A bill (H. R. 10936) granting an increase of pension to George W. Jacobs; to the Committee on Invalid Pensions.

By Mr. CRAMTON: A bill (H. R. 10937) granting a pension to Guy W. Johnson; to the Committee on Invalid Pensions.

By Mr. DUPRÉ: A bill (H. R. 10938) for the relief of the Citizens' Homestead Association, of New Orleans, La.; to the Committee on Claims.

By Mr. ESTOPINAL: A bill (H. R. 10939) granting an honorable discharge to John Proctor, alias John Neal; to the Committee on Military Affairs.

By Mr. FLOOD: A bill (H. R. 10940) for the relief of Anastasios Argyros; to the Committee on Foreign Affairs.

Also, a bill (H. R. 10941) for the relief of Arete, Aiketerini, and Christos Nicolaos Gikas, children of Nicolaos D. Gikas, deceased; to the Committee on Foreign Affairs.

By Mr. FREEMAN: A bill (H. R. 10942) granting an increase of pension to Etta J. Knowlton; to the Committee on Invalid Pensions.

By Mr. GALLAGHER: A bill (H. R. 10943) granting a pension to Edward E. Clapp; to the Committee on Invalid Pensions.

By Mr. GOODWIN of Arkansas: A bill (H. R. 10944) authorizing the Secretary of the Interior to enroll Mrs. L. F. Burke as a Choctaw Indian; to the Committee on Indian Affairs.

By Mr. GUERNSEY: A bill (H. R. 10945) granting an increase of pension to Howard Grant; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10946) granting a pension to Alphonsine Babin; to the Committee on Pensions.

By Mr. HAYES: A bill (H. R. 10947) for the relief of William Richard Hogg; to the Committee on Military Affairs.

By Mr. HELM: A bill (H. R. 10948) for the relief of John P. Miller; to the Committee on Claims.

By Mr. JOHNSON of Washington: A bill (H. R. 10949) granting an increase of pension to Carlos E. Scales; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 10950) granting a pension to Dana A. Smalley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10951) granting a pension to Willmina Porste; to the Committee on Pensions.

Also, a bill (H. R. 10952) granting an increase of pension to James L. P. Estle; to the Committee on Invalid Pensions.

By Mr. KETTNER: A bill (H. R. 10953) granting an increase of pension to George J. Richards; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10954) granting an increase of pension to Frederick Flescher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10955) granting an increase of pension to James G. Doane; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 10956) granting an increase of pension to Thomas W. Elliott; to the Committee on Invalid Pensions.

By Mr. LESHER: A bill (H. R. 10957) to correct the military record of James C. Connelly; to the Committee on Military Affairs.

By Mr. LITTLEPAGE: A bill (H. R. 10958) granting a pension to Gus Born; to the Committee on Pensions.

By Mr. MCANDREWS: A bill (H. R. 10959) granting a pension to Mary Wallace; to the Committee on Pensions.

By Mr. MANN: A bill (H. R. 10960) granting an increase of pension to Henry C. Hoffman; to the Committee on Invalid Pensions.

By Mr. MONDELL: A bill (H. R. 10961) granting a pension to Frank Bradley; to the Committee on Invalid Pensions.

By Mr. MOON: A bill (H. R. 10962) granting a pension to Louisa Wilson; to the Committee on Pensions.

By Mr. OAKLEY: A bill (H. R. 10963) granting an increase of pension to Fannie Davis; to the Committee on Invalid Pensions.

By Mr. PETERS: A bill (H. R. 10964) granting an increase of pension to John W. Bigelow; to the Committee on Invalid Pensions.

By Mr. PORTER: A bill (H. R. 10965) granting an increase of pension to Albert McHenry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10966) granting an increase of pension to James W. Maloy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10967) granting a pension to Elizabeth Weisenburn; to the Committee on Invalid Pensions.

By Mr. RAMSEYER: A bill (H. R. 10968) granting an increase of pension to Avery T. Lawrence; to the Committee on Invalid Pensions.

By Mr. SANFORD: A bill (H. R. 10969) granting an increase of pension to Richard Blackburn; to the Committee on Invalid Pensions.

By Mr. SLOAN: A bill (H. R. 10970) granting an increase of pension to Esther Phoebus; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10971) granting a pension to Edward Waldo; to the Committee on Pensions.

Also, a bill (H. R. 10972) granting an increase of pension to Thomas Armstrong; to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 10973) to correct the military record of Israel Boyer; to the Committee on Military Affairs.

By Mr. SPARKMAN: A bill (H. R. 10974) granting a pension to Marvin E. Brandon; to the Committee on Pensions.

By Mr. STEELE of Iowa: A bill (H. R. 10975) granting an increase of pension to George W. Alt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10976) granting an increase of pension to Elias C. Decker; to the Committee on Invalid Pensions.

By Mr. STEPHENS of California: A bill (H. R. 10977) granting a pension to Ora May Larkin; to the Committee on Pensions.

Also, a bill (H. R. 10978) granting an increase of pension to Otway C. Chase; to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 10979) granting an increase of pension to Silas H. Avery; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10980) granting an increase of pension to Ellen J. McIntire; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10981) granting an increase of pension to Minnie N. Emerson; to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: A bill (H. R. 10982) for the relief of the estates of Aaron Van Camp and Virginius P. Chapin; to the Committee on Claims.

By Mr. THOMAS S. WILLIAMS: A bill (H. R. 10983) granting an increase of pension to Harve Huff; to the Committee on Pensions.

By Mr. WOODS of Iowa: A bill (H. R. 10984) granting an increase of pension to Hermund Gudmandson; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARCHFIELD: Petition of Hartje Paper Manufacturing Co., of Pittsburgh, Pa., favoring tax on dyestuffs; to the Committee on Ways and Means.

Also, petition of Rev. A. P. Mihm and 50 citizens, of Allegheny County, Pa., favoring embargo on arms; to the Committee on Foreign Affairs.

Also, papers to accompany House bill for relief of Frederick B. Lewis; to the Committee on Invalid Pensions.

By Mr. BAILEY: Petitions of C. Liebegott, Jerry W. Leedom, L. McMaster, L. W. Delozier, and Howard Mauk, all of Duncansville, Pa., for a tax on mail-order houses; to the Committee on Ways and Means.

Also, petitions of Slokers & Little, T. C. Fulton & Co., J. C. Eichelberger, J. H. Benner, and J. F. Emgeart & Son, all of Sutton, Pa., for a tax on mail-order houses; to the Committee on Ways and Means.

By Mr. BURNETT: Memorial of Thomas Jefferson Council, No. 12, Junior Order United American Mechanics, and Golden Rule Council, No. 10, Daughters of America, favoring legislation for restriction of foreign immigration; to the Committee on Immigration and Naturalization.

Also, memorial of Lincoln Council, No. 20, Independent Sons and Daughters of Liberty, in favor of the Burnett bill; to the Committee on Immigration and Naturalization.

Also, memorial of United Spanish War Veterans, of St. Louis, Mo., for preparedness; to the Committee on Military Affairs.

Also, memorial of Columbia Council, No. 11, of Hartland, Vt., in favor of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, memorial of Revere Council, No. 102, Sons and Daughters of Liberty, of Brooklyn, N. Y., in favor of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. CARY: Petitions of Kenneth W. Jacobs Co. and Milwaukee-Western Fuel Co., of Milwaukee; Coopers' Union, No. 35; Manitowoc Central Labor Council; and Retail Liquor Dealers of Kenosha, all in the State of Wisconsin, protesting against the passage of Senate bill 1082; to the Committee on Ways and Means.

By Mr. CASEY: Petition of 1,050 people of Luzerne and 486 of Wilkes-Barre, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. COOPER of Ohio: Petition of sundry citizens of Youngstown, Ohio, protesting against tax on tooth paste in the emergency war-tax bill; to the Committee on Ways and Means.

By Mr. CURRY: Petitions by the Allied Business Men's Association of San Joaquin County; the El Dorado Brewing Co., of Stockton; F. J. Ruhstaller, of Sacramento; and the Importers & Wholesale Liquor Merchants' Association of San Francisco, all in the State of California, opposing prohibition in the District of Columbia; to the Committee on the Judiciary.

By Mr. DALE of New York: Memorial of Chamber of Commerce of the State of New York, relative to appropriation for training ship *Newport*; to the Committee on the Merchant Marine and Fisheries.

Also, petition of George W. H. Andrews, of Brooklyn, N. Y., favoring passage of House bill 9814, relative to sale of Oregon and California railway lands; to the Committee on the Public Lands.

Also, petitions of sundry citizens of Brooklyn, N. Y., against tax on tooth paste; to the Committee on Ways and Means.

Also, memorial of Chamber of Commerce of the State of New York, relative to reducing to budget form the appropriations, etc.; to the Committee on Appropriations.

Also, petition of Salts' Textile Co., favoring tax on dyestuffs; to the Committee on Ways and Means.

By Mr. DALE of Vermont: Petitions of N. D. Phelps Co. and others, of Barre; F. R. Graham and others, of White River Junction; Dwinnell Hardware Co. and others, of Montpelier; H. D. Allen and others, of Wilmington; C. W. & C. S. Seaver and others, of North Troy; H. P. Silsby and others, of Lyndonville; H. T. Seaver and others, of Barton; F. C. Lamb and others, of Waterbury; C. S. Dole and others, of Danville; G. H. Pillsbury and others, of Groton; Whipple, French & Co. and others, of Orleans; S. E. Clark and others, of Wells River; George E. Welch & Son and others, of Bellows Falls; C. A. Leland & Son and others, of Springfield; Robbins & Cowles and others, of Brattleboro; C. F. Mann & Co. and others, of Ludlow; F. C. Locke and others, of Chester; Cook & Wells and others, of Proctorsville; B. W. Abbott and others, of Fairlee; A. E. Hale and others, of Bradford; W. W. Hartwell and others, of Northfield; Ordway, Holmes & Co. and others, of Chelsea; J. O. Belknap Sons and others, of South Royalton; J. H. Lamson & Sons and others, of Randolph; James A. Graham and others, of Bethel; E. A. Spear and others, of Woodstock; La Fountain Woolson Co. and others, of Windsor; Campbell, Greeley & Co. and others, of Rochester; J. F. McLam and others, of South Ryegate; True & Blanchard Co. and others, of Newport; C. F. Davis and others, of Hardwick; the Peck Co. and others, of St. Johnsbury, all in the State of Vermont, urging legislation to compel concern's selling goods by mail to contribute to the development of the local community; to the Committee on Ways and Means.

By Mr. DUNN: Petition of Vogt Manufacturing & Coach Lace Co., of Rochester, N. Y., in favor of House bill 702, the dyestuff bill; to the Committee on Ways and Means.

By Mr. FLYNN: Memorial of Chamber of Commerce of State of New York, relative to budget form for entire scheme of appropriations; to the Committee on Appropriations.

Also, memorial of Chamber of Commerce of State of New York, relative to training ship *Newport*; to the Committee on the Merchant Marine and Fisheries.

By Mr. FULLER: Petition of the Travelers' Protective Association of America, favoring the Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of James S. Hinchman Camp, Sons of Veterans, of Somerset, Pa., favoring House bill 463, to increase pensions of Civil War widows; to the Committee on Invalid Pensions.

By Mr. GARDNER: Petition of Helburn Leather Co., of Salem, Mass., in favor of House bill 702, the dyestuff bill; to the Committee on Ways and Means.

Also, petition of 128 residents of Salem, Beverly, Danvers, Gloucester, Haverhill, Amesbury, West Newbury, South Grove-

land, and Merrimac, Mass., protesting against the tax on tooth paste; to the Committee on Ways and Means.

By Mr. GREENE of Massachusetts: Memorial against that provision of the so-called emergency war-tax bill which imposes a tax on tooth paste; to the Committee on Ways and Means.

By Mr. GILLETT: Petition of many residents of the second congressional district of Massachusetts for the removal of tax on tooth paste by the so-called war revenue act; to the Committee on Ways and Means.

By Mr. HAYES: Petition of Burbank district people and Woman's Christian Temperance Union of San Jose, Cal., favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of sundry citizens of California, favoring embargo on arms, etc.; to the Committee on Foreign Affairs.

Also, petition of Canners' League of California, favoring House bill 651, to regulate commerce; to the Committee on Interstate and Foreign Commerce.

Also, petition of Woman's Christian Temperance Union, Pacific Grove, Cal., relative to censorship of moving pictures; to the Committee on Education.

Also, petitions of Mrs. Clara Lajannette, of Gilroy, and Charles E. Cox, of San Jose, Cal., against preparedness; to the Committee on Military Affairs.

Also, petition of San Francisco Labor Council, favoring the Federal bill relative to payment to hospitals; to the Committee on Interstate and Foreign Commerce.

Also, petition of San Francisco Labor Council, relative to publication of reports of Industrial Relations Commission; to the Committee on Printing.

By Mr. HILLIARD: Memorial of Associated Chambers of Commerce of the Pacific Coast, urging the appropriation of money for the completion of the Alaskan railroad; to the Committee on Appropriations.

Also, memorial of executive committee of the Colorado Board of Agriculture, favoring the extension of roads and trails in or near Estes Park, Colo.; to the Committee on Roads.

Also, petition of Ralph E. Finnicum, of Denver, Colo., urging the passage of the Smith-Hughes motion-picture censorship bill; to the Committee on Education.

Also, memorial of Associated Chambers of Commerce of the Pacific Coast, favoring an appropriation to improve the equipment of the Coast and Geodetic Survey; to the Committee on Appropriations.

By Mr. IGOE: Petition of 78 druggists and doctors of St. Louis, Mo., protesting against war tax on tooth paste; to the Committee on Ways and Means.

Also, petition of St. Louis Health Department, by Assistant Health Commissioner Dr. G. A. Jordan, favoring bill for a national leprosarium or Government hospital; to the Committee on Interstate and Foreign Commerce.

Also, petition of Mrs. John Trigg Moss, regent of Cornelia Green Chapter, Daughters of the American Revolution, of St. Louis, Mo., on behalf of herself and 34 other members, favoring preparedness; to the Committee on Military Affairs.

Also, petition of Hon. Howard A. Gass, State superintendent of education of Missouri, favoring House bill 57, to eliminate illiteracy; to the Committee on Education.

By Mr. JAMES: Petition of Legione Giuseppe Garibaldi, of Laurium, Mich., against passage of the immigration bill; to the Committee on Immigration and Naturalization.

By Mr. JOHNSON of Washington: Memorial of Highway Board of the State of Washington, favoring House bill 3715, relative to State highways; to the Committee on the Public Lands.

By Mr. KETTNER: Resolution of Alameda County Medical Association, asking adequate provision for medical officers in any reorganization of Army; to the Committee on Military Affairs.

Also, resolution of Berkeley Chamber of Commerce, advocating investigation to ascertain whether railroads are receiving adequate compensation for carrying mails; to the Committee on the Post Office and Post Roads.

Also, resolution of Chamber of Commerce of Oakland, Cal., asking proper remedial legislation for oil industry of California; to the Committee on the Public Lands.

Also, resolution of Woman's Christian Temperance Union of California, favoring interstate gambling law, etc.; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Petition of Local Union No. 114, International Union of United Brewery Workers, of Providence, R. I., protesting against national prohibition legislation; to the Committee on the Judiciary.

Also, petition of Sheim-Williams Co., of Boston, Mass., in favor of House bill 702, the dyestuff bill; to the Committee on Ways and Means.

By Mr. KELLEY: Petition of A. B. Robertson and 38 other citizens of Lansing and Jackson, Mich., against revenue tax on dental preparations; to the Committee on Ways and Means.

By Mr. KING: Petition of Mr. L. L. Anderson, president of class 8, Presbyterian Church of Canton, Ill., and other members of said class and voters of the fifteenth congressional district, urging an adequate national defense; to the Committee on Military Affairs.

By Mr. LIEB: Petition of Eva K. Froelich, member of the city public library board of Evansville, Ind., protesting against provision in House bill 4715 which would prevent libraries from getting good books at reasonable rates; to the Committee on Interstate and Foreign Commerce.

Also, petition of Globe-Bosse-World Furniture Co.; the Evansville Furniture Co., by E. W. Ploeger, secretary; the Buehner Chair Co.; and the American Pharmacal Co., by J. H. Rohsberger, secretary, all of Evansville, Ind., favoring House bill 702, the dyestuff bill; to the Committee on Ways and Means.

By Mr. MAPES: Petition signed by William Loving and 14 others, protesting against the adoption by Congress of 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. McFADDEN: Petition of American Chair Manufacturing Co., Hallstead, Pa., favoring tax on dyestuff; to the Committee on Ways and Means.

By Mr. MOON: Papers to accompany bill (H. R. 10962) for the relief of Louise Wilson; to the Committee on Pensions.

By Mr. MOORE of Pennsylvania: Memorial of National Association of Drug Clerks, favoring Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Pennsylvania State Federation of Labor, against repeal of seamen's law; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Drueding Bros. Co., of Philadelphia, Pa., favoring tax on dyestuffs; to the Committee on Ways and Means.

Also, petitions of Harry Little and others, of Philadelphia, Pa., against war tax on tooth paste; to the Committee on Ways and Means.

Also, petition of Philadelphia Branch of the National German-American Alliance, favoring passage of bills to amend the naturalization laws; to the Committee on Immigration and Naturalization.

By Mr. NORTH: Memorial of Joseph A. Blakeley Camp, No. 71, United Spanish War Veterans, of Indiana, Pa., urging the passage of the Key bill; to the Committee on Pensions.

By Mr. PAIGE of Massachusetts: Petition of Brown Bur Co., of Gardner, Mass., favoring tax on dyestuffs; to the Committee on Ways and Means.

Also, petition of Guy P. Howe and 39 others, of Athol, Mass., protesting against any revenue tax on tooth paste; to the Committee on Ways and Means.

By Mr. SCULLY: Letter favoring resolution ordering embargo on war material from L. Lisam, Albert G. Peterson, Julius Roth, Karl Carlson, Charles Nordstram, and A. A. Greib, all of Elberon, in the State of New Jersey, and Alfred J. Mason, favoring Stevens-Ayers bill; to the Committee on Foreign Affairs.

By Mr. SMITH of Michigan: Protest of George Russell and 26 other citizens of Athens, Mich., against military or naval expansion; to the Committee on Military Affairs.

Also, protest of D. Messenger and 10 other citizens of Olivet, 28 citizens of Montgomery, and 1 citizen of Vicksburg, all in the State of Michigan, against military or naval expansion providing for larger expenditure annually, except in case of actual war, than sum appropriated in recent years; to the Committee on Military Affairs.

Also, protest of Charles H. Palmer, Alamo, Mich., against any extensive preparations for war; to the Committee on Military Affairs.

Also, petition of Jackson County Ministerial Association, of Jackson, Mich., favoring Federal retirement law; to the Committee on Labor.

Also, protest of Pomona Grange, of Hillsdale County, Mich., against any extensive program of preparation for war; to the Committee on Military Affairs.

Also, protest of the Organized Liquor Dealers, of Detroit, Mich., against Senate bill 1082; to the Committee on the Judiciary.

By Mr. STEELE of Pennsylvania: Petition of F. G. Semple, South Bethlehem, Pa., favoring tax on dyestuffs; to the Committee on Ways and Means.

By Mr. STINESS: Petition of Edward F. McElroy, of Providence, R. I., favoring the bill granting indefinite leave of absence to superannuated postal employees; to the Committee on the Post Office and Post Roads.

Also, memorial of the Woman's Christian Temperance Union of Rhode Island, favoring the bill to create a Federal motion-picture commission; to the Committee on Education.

Also, petition of Narragansett Bay Oyster Co., of Providence, R. I., favoring an appropriation for the scientific propagation of oysters; to the Committee on Appropriations.

Also, petition of Sherwin-Williams Co., of Boston, Mass., favoring House bill 702—the dyestuffs bill; to the Committee on Ways and Means.

Also, memorial of Rhode Island Equal Suffrage Association, favoring the child-labor bill; to the Committee on Labor.

By Mr. SULLOWAY: Memorial of Glory Council, Sons and Daughters of Liberty, of Center Barnstead, N. H., favoring passage of the immigration bill; to the Committee on Immigration and Naturalization.

By Mr. TAYLOR: Petition of W. M. Crook and other citizens of Lincoln County, Ark., in favor of House bill 478; to the Committee on War Claims.

By Mr. TEMPLE: Petition of citizens of New Castle, Pa., favoring abolishing polygamy in United States; to the Committee on the Judiciary.

Also, petition of Louis Zelt, Jr., and 43 members of Local Union No. 315, Washington, Pa., against national prohibition; to the Committee on the Judiciary.

Also, petitions of citizens of Charleroi, Pa., against prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, papers to accompany House bill 10903, granting a pension to Anna Pleasa Spencer; to the Committee on Invalid Pensions.

By Mr. VARE: Petition of citizens of Philadelphia, Pa., favoring tax on dyestuffs; to the Committee on Ways and Means.

SENATE.

MONDAY, February 7, 1916.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

We come before Thee, Almighty God, to ask for Thy highest and best gift, the gift of the spirit of Thy Son. With Thy holy spirit within us our darkness is turned to light, our sorrow is turned to joy; death is but the entering into life. We seek Thy spirit, which is grace in our hearts, that we may perform the duties of life with Thy spirit and walk as heroes and conquerors through all the difficulties of the life that Thou hast given to us. Guide us this day with Thy spirit's grace and power. For Christ's sake. Amen.

The Journal of the proceedings of the legislative day of Thursday, February 3, 1916, was read and approved.

FRIGATE "CONSTITUTION" (S. DOC. NO. 314).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of January 25, 1916, certain information relative to the present condition of the frigate *Constitution* and the amount of money estimated to put it in a condition of good repair, which was referred to the Committee on Appropriations and ordered to be printed.

DISPOSITION OF USELESS PAPERS.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of Labor, transmitting a list of documents and files and papers useless to the Department of Labor and which have no historical value. The communication will be referred to the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments, and the Chair appoints the Senator from Washington [Mr. JONES] and the Senator from New Jersey [Mr. MARTINE] the committee on the part of the Senate. The Secretary will notify the House of Representatives of the appointment thereof.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of the Interior, transmitting a list of documents and files and papers useless to the Department of the Interior and which have no historical value. The communication will be referred to the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments, and the Chair appoints the Senator from Wash-

ington [Mr. JONES] and the Senator from New Jersey [Mr. MARTINE] the committee on the part of the Senate. The Secretary will notify the House of Representatives of the appointment thereof.

ANNUAL REPORT OF COMMISSIONER OF PATENTS (H. DOC. NO. 660).

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

CLAIM OF FRANCIS HART (S. DOC. NO. 315).

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 and conclusion filed by the court in the cause of Francis Hart, administrator of the estate of John Hart, deceased, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

PRODUCTS OF CHILD LABOR.

H. R. 8234. An act to prevent interstate commerce in the products of child labor, and for other purposes, was read twice by its title.

The VICE PRESIDENT. The Chair is of opinion that this bill should be referred to the Committee on Interstate Commerce, but has been informed that there is a desire to make a motion to refer it to another committee.

Mr. LA FOLLETTE. I move that the bill be referred to the Committee on Interstate Commerce.

The VICE PRESIDENT. The bill will be referred to the Committee on Interstate Commerce.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the First Independent Odesser Sick Benefit Association, of New York City, N. Y., praying for the passage of the joint resolution to convene a congress of neutral nations to offer mediation to the belligerent nations of Europe, which was referred to the Committee on Foreign Relations.

Mr. LODGE. I present resolutions adopted at a mass meeting of citizens of Massachusetts held in Boston, January 30, 1916, in favor of preparedness and in opposition to the embargo on munitions of war. I ask that the resolutions be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the resolutions were referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

BOSTON, MASS., February 7, 1916.

HON. HENRY C. LODGE,
United States Senate, Washington, D. C.

DEAR SIR: At a meeting called at Tremont Temple, Sunday January 30, 1916, to consider "The duty of Americans in the war," the following resolutions were adopted, with a vote of 2,300 to 3:

"Resolved, That we, American citizens, spared from the horrors of war by conditions which we can not attribute to our own virtue, deem it incumbent upon us to make public declaration of those principles of faith and purpose which sustain the cause of civilization.

"Resolved, That we pledge to the President our support and service in any action that the fearless protection of our national interests may require, or that our rightful place among nations may demand.

"Resolved, That while we approve the firm and open action by our Government aiming to preserve the rights of neutrals, we deplore any appearance of valuing commercial interests as highly as human lives; and especially do we repudiate the suggestion that any monetary payment can compensate for the murder of noncombatants at sea.

"Resolved, That a national neutrality does not forbid us, either as individuals or as a Nation, to express our condemnation of any warfare that outrages international treaties or violates the territory of nations which seek only to maintain their independence and to protect their homes.

"Resolved, That we protest against every effort, whether among the people or in the Government, to restrict or suppress the export of munitions of war to any belligerent, since such restriction or suppression of commerce must, under the conditions which the war has developed, constitute an evident, if not an avowed, act of national partisanship.

"Resolved, That we are inflexibly opposed to any policy which may represent that we dare not protest against wrongs which we condemn, or that we hesitate, at the risk of life, to defend our flag, and those who have the right to its protection, or to take our just part in the enforcement of those principles of humanity without which there can be no peace or justice."

RICHARD C. CABOT,
Chairman.
HENRY COPELEY GREENE,
Secretary.

Mr. LODGE presented petitions of the Woman's Christian Temperance Unions of Lawrence, Bolton, and Blackstone, all in the State of Massachusetts, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Massachusetts State Board of Trade, praying for the establishment of a permanent, non-partisan tariff commission, which was referred to the Committee on Finance.

He also presented a petition of the Political Equality Association, of Cambridge, Mass., praying for the adoption of an amend-